SENATE—*Monday, July 26, 1982*

(Legislative day of Monday, July 12, 1982)

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

PRAYER

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

Let us pray.

May we have a moment of silence as we remember the Meese family on this sad day in their lives.

Holy, holy, holy, Lord God Almighty, which was, and is, and is to come.—Revelation 4: 8

Worthy art Thou, our Lord and God, to receive glory and honor and power, for Thou didst create all things, and by Thy will they existed and were created.—Revelation 4: 11.

Gracious God and Father, the Founders of our Republic understood this fundamental truth and upon it based their conviction of human equality, human rights, and a government whose purpose was to secure these rights and whose authority was derived from the people. Grant us to see, O God that as we undermine this foundation of our Government, we, sooner or later, jeopardize the superstructure which was built upon it. As we forsake the root of our national uniqueness, we forfeit the fruit.

Help us to comprehend, dear God, that this is one explanation for the futility of out best human efforts today. We are struggling to preserve the benefits of a belief which we no longer hold to be true. We have smashed the foundation and are striving to prevent the superstructure from collapsing.

Forgive the secularism, the antisupernaturalism which we have exchanged for faith in a Creator God which motivated our Founding Fathers. Restore unto us their beliefs that we may recover the riches of the legacy they transmitted to us before it is too late. We pray this in the name of Him who is the Light of the world. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

THE JOURNAL

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

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

SCOTT MEESE

Mr. TOWER. Mr. President, it is my sad duty to inform the Senate of the death of Scott Meese, an employee of the Senate Republican Policy Committee.

All of us know his parents of course, and to them we extend our deepest sympathies.

Scott was only 19 and about to enter his sophomore year at Princeton. He had interned in Senator LAXALT's office last summer and was one of the early applicants for this year's intern program at the Policy Committee.

He was put in charge of the seminar program which the committee sponsors for college students in Republican offices, and because of his hard work, it was a most successful endeavor.

But more than anything else, we will remember Scott for the delightful person he was. He was a hard-working, dedicated, bright young man with a superb sense of humor. Many of you have met Scott and will understand how deeply affected those of us who worked with Scott are at the news of this tragedy.

Mr. BAKER. Mr. President, I join with my colleague, Senator TOWER, in expressing my deepest sympathies to the family and friends of Scott Meese.

Scott was a bright and personable young man, at the beginning of a promising adulthood and a limitless future. Those who came to know him in the course of his work at the Policy Committee, came to respect and admire him.

His tragic death at the age of 19 is a tragedy for us all, and I am sure that I speak for the entire Senate, when I say that he will truly be missed.

Mr. LAXALT. Mr. President, last Friday, Scott Meese, the son of Ed and Ursula Meese, was killed in a car accident. Scott was 19. He had just finished his freshman year at Princeton and was working as a summer intern for the Republican Policy Committee. Last summer, Scott worked for me as an intern on my Judiciary Committee staff. All of us who knew Scott deeply mourn his passing and share Ed and Ursula's grief.

This past weekend has been filled with grief for all who knew Scott. And, I suspect we shall grieve for some time to come. Today I should like to remember Scott less somberly, in a way more suited to his personality, to his exuberance. I should like to honor Scott by remembering him as we knew him.

Mr. President, Scott Meese was a great kid, a terrific young man. That really says it all—all the fun, the intelligence, the integrity, the wit, and the energy of Scott Meese.

Scott was comfortable among people of all types and ages. His quick wit and outgoing manner livened up any conversation. His lively personality attracted people; you just liked being around Scott. He would be the target of jokes, and would give it back to the jokester in spades. He was the type of guy you always included, always invited to join a group doing whatever. You could always count on Scott to add something special.

Mr. President, at work Scott Meese was as enthusiastic an intern as I have ever had. The work given to interns is rarely glamorous, but Scott accepted even the most tedious tasks with good cheer. Once when he had to copy almost a whole book, he joked about "slaving over a hot Xerox machine," but he did the job. He was always ready to participate in less work-related activities, playing on our softball team, beating individual staffers in tennis, becoming friends with almost everyone—in short, generally making our lives more fun while enjoying himself.

For those who did not know Scott well, his affability was apparent, but also was his relative maturity. Being the son of a man in high public office put very unique strains on Scott, strains with which a person his age rarely has to deal. Yet, whether at college or working here on the Hill, Scott dealt with those pressures with a grace striking for a person so young.

Mr. President, I know Ed and Ursula Meese were close to Scott, and they were rightly proud of him. He brought joy to their lives as he did to the lives of all his friends. We will miss Scott sorely, but remembering him—savoring those good times with him—must always lift our sadness. We can regret that he did not have the opportunity to fulfill all of his promise for the future, but we cannot really be sad for Scott. Scott took advantage of the time God gave him and lived his life fully, indeed to a degree not shared by many people who live much longer. I hope we all do as well.

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

To Ed and Ursula Meese, we send our most profound condolences to be sure. But we also have to add a wink and a smile for the happiness we all shared with Scott. He was a wonderful young man, a great credit to his parents. God willing, I look forward to seeing him again.

THE DAY IS DONE

Mr. BAKER. Mr. President, I ask unanimous consent that this week's poem, "The Day Is Done," by Phoebe Cary, be printed in the RECORD.

THE DAY IS DONE

The day is done, and darkness
From the wing of night is loosed,
As a feather is wafted downward,
From a chicken going to roost.

I see the lights of the baker,
Gleam through the rain and mist,
And a feeling of sadness comes o'er me,
That I cannot well resist.

A feeling of sadness and longing
That is not like being sick,
And resembles sorrow only
As a brickbat resembles a brick.

Come, get for me some supper,—
A good and regular meal—
That shall soothe this restless feeling,
And banish the pain I feel.

Not from the pastry bakers,
Not from the shops for cake;
I wouldn't give a farthing
For all that they can make.

For, like the soup at dinner,
Such things would but suggest
Some dishes more substantial,
And to-night I want the best.

Go to some honest butcher,
Whose beef is fresh and nice,
As any they have in the city
And get a liberal slice.

Such things through days of labor,
And nights devoid of ease,
For sad and desperate feelings,
Are wonderful remedies.

They have an astonishing power
To aid and reinforce,
And come like the "finally, brethren,"
That follows a long discourse.

Then get me a tender sirloin
From off the bench or hook,
And lend to its sterling goodness
The science of the cook.

And the night shall be filled with comfort,
And the cares with which it begun
Shall fold up their blankets like Indians,
And silently cut and run.

SENATE SCHEDULE

Mr. BAKER. Mr. President, I take this opportunity to advise Members that I have consulted with the minority leader and apprised him of the schedule as I see it for the balance of the session before the Labor Day recess.

I had previously indicated to him that it is my feeling that if we could complete action on the balanced budget amendment, which is now pending, and four other items—specifically, the second reconciliation bill which is due to be available, I believe, on Thursday of this week; the urgent supplemental appropriations bill relating to pay and allowances, which is not here but which is anticipated to be received by the Senate soon from the House of Representatives; the immigration reform bill, which is on the calendar and which we have attempted to schedule once or twice before; and the second debt limit, which will include the debate on matters such as abortion and perhaps prayer in public schools—if we complete action on those—four items in addition to the balanced budget amendment, it will be my intention to ask the Senate to recess on August 20 instead of the 27th of August, which would make our break for the Labor Day period coincide with that of the House of Representatives.

In order to meet that schedule, however, Mr. President, it is necessary, in my judgment, to notify the Senate that we may be in session late on any weekday, not just on Thursdays, as is regularly the case. Therefore, I advise the minority leader and other Senators that, from this day forward, they should not be surprised if it is necessary to have a late evening beyond the usual 6 or 6:30 recess or adjournment hour in order to give us a fair shot at completing action on these several measures.

I must also say, Mr. President, there is some possibility of a Saturday session during that period if we get in a bind and if we have to have that extra time in order to transact the business that I have just described. I assure Members that it is not my intention to regularly schedule Saturday sessions, but rather, to do so only in the event that it is absolutely necessary in order to accomplish this agenda of legislation and other matters which may come before the Senate that require immediate and urgent attention.

To repeat, Mr. President, I have advised the minority leader and I state now for all Senators that, in addition to the balanced budget amendment which is now pending, if we can finish the second reconciliation bill, the new urgent supplemental appropriations bill which we expect to receive shortly, the immigration reform bill, and the debt limit, it will be my intention to ask the Senate to recess on August 20 instead of August 27.

If we do not complete those items, we shall have to take all or such parts of the following week as may be necessary in order to do so.

Mr. ROBERT C. BYRD. Mr. President, will the majority leader yield?

Mr. BAKER. Yes, I yield.

Mr. ROBERT C. BYRD. Mr. President, this seems to me to be a very reasonable schedule. I ask the majority leader when he anticipates the action on the debt limit bill. I doubt he is in a position to answer that at this time.

Mr. BAKER. Mr. President, I expect the debt limit bill will be reported by the Committee on Finance within the next few days. I anticipate, however, that we probably must do reconciliation and the supplemental before we do debt limit, since they are both very urgent in nature. I would not be surprised to see us do immigration before the debt limit as well. So it may be that debt limit will be the last several days before we go out, which I hope will be on August 20.

Mr. ROBERT C. BYRD. Mr. President, I hope the Senate can attain the schedule set out by the majority leader. It is my understanding that the other body will go out also around the 20th of August. I hope this body can complete its work in time to go out at the same time the other body goes out for the Labor Day recess.

I appreciate the courtesy the distinguished majority leader has shown to all Members in stating at this early date his intentions with respect to the program. I think it gives us all an opportunity to schedule our own personal matters accordingly. I hope that, while we may not be in agreement on every facet of the subject matter of the legislation that comes up, we can work together in facilitating the overall program that the majority leader has laid out.

Mr. BAKER. Mr. President, I am most grateful to the minority leader. I look forward to that, as he always does cooperate in matters of schedule. I am reasonably optimistic that we can do these things and complete action on them by August 20.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

Mr. ROBERT C. BYRD. Mr. President, I yield to Mr. PROXMIRE 3 minutes from my time.

Mr. PROXMIRE. Mr. President, I thank the Democratic leader.

LET US DO ALL WE CAN TO STOP THE SPREAD OF NUCLEAR ARMS

Mr. PROXMIRE. Mr. President, on July 19, the Christian Science Monitor carried an article by Prof. Richard Wilson, the chairman of the physics department at Harvard University urging our government to pursue a consistent policy of resisting the terrible threat of nuclear proliferation, Wilson concludes that we should consider the possibility of selling nuclear reactors only to those nations that have signed the nonproliferation treaty of 1978 or agree to full scope safeguards in their countries. He suggests that to those countries which have signed the treaty, nuclear materi-

als may be sold for civilian purposes in the spirit of the nonproliferation treaty, but sold for a purpose, to wit, to discourage them from acquiring facilities which could be used secretly for bomb-making.

As more nations acquire the ability to conduct nuclear war the prospects of our children or grandchildren living out their lives diminish. This Government has no more important, no more vital responsibility than to do all we can to stop the spread of the capacity to make nuclear war.

Mr. President, I ask unanimous consent that the article entitled "Nuclear Sales to China?" be printed at this point in the RECORD.

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

[From the Christian Science Monitor, July 19, 1982]

NUCLEAR SALES TO CHINA?

(By Richard Wilson)

The report that the United States is considering the sale of nuclear reactors to China raises once again the question of consistency in the U.S. policy of attempting to prevent proliferation of nuclear weapons.

At first glance, the proposal will not add to the number of nuclear weapons in the world, nor to the number of nations possessing them. The sale of reactors, and any nuclear fuel, would be accompanied by guarantees that such reactors and fuel would not be used for making bombs.

This is a believable guarantee, because China has demonstrated that it has other reactors, and other uranium which will make bomb-grade fissionable material much more easily. But, as we follow the logic carefully, there are traps down this road.

Four years ago the U.S. Congress was in considerable turmoil about selling nuclear fuel to supply the Tarapur reactors in India. India made the same guarantees as China and is happy to repeat them and in addition allow limited international inspection to be sure that the guarantees are kept. Again, the guarantees are believable. India has indeed exploded a nuclear device, but has not used fuel from Tarapur for that purpose. India has four heavy-water reactors, two at Rajastan (one supplied by Canada) and two more nearly complete at Kalapakkum, which have on-line fuel changing facilities and are better suited for the "short burn" necessary to produce bomb-grade plutonium.

Yet the Non-Proliferation Treaty (NPT) of 1978 forces us to break our agreement with India to provide fuel for Tarapur. Three distinct reasons have been advanced for breaking the agreement. First, we are upset that the India of Gandhi and Nehru exploded a nuclear device and is no longer a symbol of peace; second, we are upset that India hoodwinked Canada and, while obeying the letter of an agreement not to use Canadian fuel for bombmaking, broke the spirit by substituting its own fuel in the Canadian-supplied Rajastan I reactor; and third, we want to send signals to Pakistan that we disapprove of India's bombmaking.

We are willing to use civilian nuclear power and a country's need for energy to exert pressure on that country to desist from its military programs. This pressure can be exerted until a country has a well-developed manufacturing capability of its own for nuclear power plants.

The same principle is likely to arise in Israel. At the time of President Mitterrand's visit in March, it was announced that the Guy Mollet committee set up in the 1960s on nuclear cooperation between India and France, was being reactivated, and that one of the topics for discussion is the sale of nuclear reactors to Israel. Presumably, American reactor manufacturers will want to be allowed to compete for this business. Yet Israel has not signed the NPT, has rejected all international inspection, and probably has atomic bombs waiting to be assembled. Even if China agrees to inspection of the particular reactors, the situation is not the same as for India—in India we broke an agreement and in China and Israel there are no agreements to break.

It is, unfortunately, cheaper to make a bomb than to make a large nuclear power reactor. Suppose, therefore, we agree to sell reactors freely to all countries that have made bombs and make trouble for other, less-developed countries. Do we not invite others who merely want reactors to make bombs first? Is it more sensible to sell reactors to a country, such as South Africa or Israel, which has not signed NPT and only accepted limited inspection, and to worry (as the American public worried in June 1981) about selling reactors to a country, such as Iraq, which has accepted all inspections the international community requested?

These are important questions, and other political considerations must clearly be involved. But in general, these political considerations should be used to extend our caution rather than to relax it.

Priority should be given to supporting international treaties such as NPT. The sale of one or two reactors to China, or to Israel, will not bail out the US nuclear reactor industry; nor will it solve, by itself, the energy problems of these countries.

In the absence of such overriding political considerations, US policy should try to be consistent; one consistent possibility is to sell nuclear reactors and nuclear fuel only to nations that have signed NPT or agree to full-scope safeguards on all nuclear facilities in their countries. To those countries which have signed NPT nuclear materials may be sold for civilian purposes in the spirit of NPT to encourage their economies but to discourage them from acquiring facilities which could be used secretly for bombmaking.

WISCONSIN'S FORT McCOY WINS NATIONAL ENERGY CONSERVATION AWARD

Mr. PROXMIRE. Mr. President, one of the newest and most important categories by which military organizations are evaluated is the Energy Conservation Award. This award gives recognition for the soundness of a unit's overall energy program as well as the overall energy conservation achievements of the unit.

The Secretary of the Army has just announced that Fort McCoy, Wis., has received the Army Energy Conservation Award for fiscal year 1981 in the Reserves category. Futhermore, Mr. President, the winners of all services' Reserve awards were judged on a Defense Department-wide basis. Fort McCoy also won that honor.

The Wisconsin National Guard also demonstrated its prowess in the energy conservation area. They were not able to give Wisconsin a clean sweep in Army energy conservation honors among nonactive duty elements. But they were selected as first runnerup for this competition for Guard units.

Wisconsin has a long history of civic responsibility and that includes the full participation of the military units within our State borders. We are particularly proud of the contribution of the National Guard and Reserves in Wisconsin and this award for energy conservation is just another in a long list of reasons why.

DISMAL U.S. RECORD IN RATIFYING U.N. HUMAN RIGHTS TREATIES

Mr. PROXMIRE. Mr. President, the protection of human rights on an international level has been clearly mandated by the U.N. Charter. Articles 55 and 56 of this charter require a U.N. member to promote human rights and to take joint affirmative action on human rights issues. Furthermore, article 1 states that one of the principles of the U.N. is to "encourage respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion." Despite the U.N. Charter's efforts to protect individual human rights and the U.S. endorsement of that charter, our record in participating in U.N. international human rights agreements is appalling.

Traditionally, the Congress and the Executive have emphasized the obligations of the United States to protect and promote human rights through the establishment of international agreements. And our domestic system of government has vigorously protected the fundamental rights of its citizens better than that of any other country. Despite this rhetoric and our domestic efforts to protect individual rights, the United States has only ratified a small number of international human rights agreements. The United States has ratified five U.N. human rights treaties and five OAS treaties, none of which is considered a major international human rights treaties. The United States has not ratified over 30 human rights treaties in which it was invited to participate. The Genocide Convention is among those treaties that the United States has not ratified.

I ask unanimous consent that a table listing international human rights conventions and U.S. action on their ratification be printed in the RECORD.

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

(See exhibit 1.)

Mr. PROXMIRE. The table was compiled by the Congressional Research Service and illustrates that, while we would like to think of ourselves as human rights advocates, our record shows that we have not translated our thoughts into action. We proclaim our Nation as a leader in the international human rights field, yet we have not signed half of the U.N. international human rights treaties and agreements that we have been asked to sign. Particularly tragic is the fact that we have not signed the Genocide Convention which would simply make it a crime to destroy in whole or in a part a national, ethnical, racial, or religious group. It is necessary, Mr. President, if the United States is to maintain any credibility in the world with respect to human rights, that we seriously consider the Genocide Convention along with other human rights treaties, and in the near future, give our advice and consent for ratification.

EXHIBIT 1

The following table lists international human rights conventions and U.S. action on their ratification:

Convention	U.S. action
United Nations conventions:	
International Covenant on Economic, Social and Cultural Rights.	Signed, submitted to Senate.
International Covenant on Civil and Political Rights	Do.
Optional Protocol to the International Covenant on Civil and Political Rights.	None.
International Convention on the Elimination of All Forms of Racial Discrimination.	Signed, submitted to Senate.
International Convention on Suppression and Punishment of the Crime of Apartheid.	None.
Convention on the Prevention and Punishment of Genocide.	Signed, pending before the Senate.
Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity.	None.
Slavery Convention (League of Nations)	Acceded.
Protocol Amending the Slavery Convention Signed at Geneva on 25 September 1926.	Ratified.
Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.	Acceded.
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.	None.
Convention on the Nationality of Married Women	Do.
Convention on the Reduction of Statelessness	Do.
Convention Relating to the Status of Stateless Persons.	Do.
Convention Relating to the Status of Refugees	Do.
Protocol Relating to the Status of Refugees	Acceded.
Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages.	Signed, but not submitted to Senate.
Convention on the International Right of Correction	None.
Convention on the Political Rights of Women	Acceded.
Convention on the Elimination of All Forms of Discrimination Against Women.	Signed, submitted to Senate.
International labor organization conventions:	
Convention Concerning Freedom of Association and Protection of the Right to Organize.	Pending in U.S. Senate.
Convention Concerning Abolition of Forced Labor	Do.
Convention Concerning Employment Policy	Do.
Right to Organize and Collective Bargaining Convention.	None.
Equal Remuneration Convention	Do.
Discrimination (Employment and Occupation) Convention.	Do.
United Nations Educational, Scientific and Cultural Organization (UNESCO) conventions:	
Convention against Discrimination in Education	Do.
Protocol Instituting a Conciliation and Good Offices Commission to be Responsible for Seeking a Settlement of any Dispute which May Arise between States Parties to the Convention against Discrimination in Education.	Do.
Inter-American conventions:	
Convention Establishing the Status of Naturalized Citizens Who Again Take up their Residence in the Country of their Origin.	Ratified.
Convention between the American Republics Regarding the Status of Aliens in their Respective Territories.	Ratified with the exception of articles 3 and 4.
Convention on the Nationality of Women	Ratified.
Convention on Extradition	Ratified, subject to reservations.
Inter-American Convention on the Granting of Political Rights to Women.	None.
Convention on Asylum	None.
Convention Relative to the Rights of Aliens	Do.
Convention on Nationality	Do.
Convention on Political Asylum	Do.
Inter-American Convention on the Granting of Civil Rights to Women.	Do.
Convention on Diplomatic Asylum	Do.
Convention on Territorial Asylum	Do.
American Convention on Human Rights	Signed, submitted to Senate.

Mr. PROXMIRE. Mr. President, once again I thank the distinguished Democratic leader.

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

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

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

The legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF SENATOR HEINZ

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

Mr. TOWER. Mr. President, I yield the remainder of my time under the standing order to the Senator from Pennsylvania.

Mr. HEINZ. Mr. President, I thank my friend from Texas for yielding his time to me for this colloquy, the subject of which is the American steel industry.

S. 2770-S. 2771—TO PROVIDE IMPORT RELIEF FOR THE SPECIALTY STEEL INDUSTRY

THE AMERICAN STEEL INDUSTRY

Mr. HEINZ. Mr. President, I might say at the outset that the colloquy that I and other members of the Steel Caucus will be participating in this morning and during the course of the day, comes at a most propitious time. We all read that the administration late last week rejected the offer made by the European Community to settle the steel cases, and had told Europeans to come back with a substantially improved offer.

It is highly likely that some kind of an offer will be forthcoming between now and August 24, the date on which the investigation of the duty petitions filed many months ago becomes a concluded investigation, and at which time countervailing duties will be assessed in full on all items on which injury has been found. Indeed, this is a very long and significant list.

So, Mr. President, it is an extremely timely occasion that my colleagues and I rise to address the Senate on this issue. It is also timely, Mr. President, because the American steel industry is in the midst of its most serious crisis in the postwar era.

Capacity utilization is currently hovering around 40 percent. Over 115,000 steelworkers are laid off with an additional 26,000 on short weeks. Imports have been steadily increasing to the point where they now account for over 40 percent of the U.S. market. By any standard of measurement, this is an industry in real difficulty.

Yet, at the same time, the steel industry is fundamental to the American economy. It supplies virtually every sector, from automobiles, construction, railroads, shipbuilding, aerospace, defense, oil and gas, agriculture, industrial machinery and equipment, the appliances, utensils and beverage containers. The fortunes of this industry—good or ill—will have a major impact on the rest of the economy.

Obviously, the steel industry's problems are many, not the least of which is the current state of the economy which has recently depressed steel demand. Current projections are for 1982 shipments to be below 80 million tons, compared to a 1981 level of 87 million tons, and a 1979 peak of 100 million tons. The extreme depression in construction and automobiles—both sectors responsive to high interest rates—has been a most important factor.

Equally clearly, given the multiple problems, there are multiple remedies. One such, the so-called steel stretchout legislation, was enacted last year. It enables companies to extend the compliance deadline in the Clean Air Act under certain conditions to give them more time to invest in and install the needed pollution control equipment.

Similarly, last year the Congress passed major tax legislation that should assist significantly in aiding capital formation in the industry.

But the purpose a number of us have in speaking today, Mr. President, is to discuss trade; for it is the major component of the current crisis and may prove to be the factor most difficult to control, inasmuch as it is not totally a domestic issue.

Trade is also not a new problem. Steel import restraints have been proposed in one form or another since the 1960's. The trigger price mechanism was in effect from 1978 to 1980 and then again in 1981. Although these programs achieved some short-term results, mostly in terms of improving price levels, none of them provided long-term solutions to the growing problems of global overcapacity and

the failure of noncompetitive steel industries to adjust.

The latter problem has become more and more a factor in the difficulties of the past several years. While we have continued to practice the ethic of the free market system, the Europeans, quite plainly, have not. Subsidies and dumping have increased as European governments attempt to stay in power and forestall social unrest and unemployment by maintaining steel jobs and production at any cost. Hence the tremendous Government subsidies.

In the beginning those were social policy decisions any government is entitled to make for itself. However, it has become apparent in the past few years that maintaining steel production through subsidies require substantial exporting in order to unload the excess supply. The chief victim of that export has been the United States, meaning that the European steel process has been at our expense. And that, Mr. President, is unacceptable.

It is all well and good for European Community governments to say their steel industry is in bad shape—which it is; or to argue they need time for adjustment—which they do. But their adjustment plans have consistently been behind schedule thanks to foot-dragging be member nation governments, while exports here have increased. I have no intention of explaining to the steelworker in Pittsburgh or Youngstown or Gary or East Chicago that has to give up his job in order to help his Belgian, French, or Italian colleague keep his. My responsibility, the responsibility of the Senate, the resonsibility of the administration, is to our own people—to take those actions which will be good for them both in the long term and in the short term.

That responsibility does not preclude compromise, and it does not preclude a recognition that steel is a global industry where multilateral solutions may be necessary and appropriate. In fact, I think there is much to be said for an international steel agreement which would include limits on financing new capacity in third countries, guidelines on adjustment, and, if necessary, global import restraints. But progress in that direction must begin with a recognition of where the problems are and whose responsibility it is to begin fixing them. And, as I said in this Chamber last Thursday, the responsibility in this case—both legal and economic—is clear.

European steel subsidies violate both U.S. law and international agreements which the European Community member nations have signed. We went through 5 years of negotiations to produce those agreements. On our part we made significant, substantive, concessions, like the abolition of the American selling price, the wine-gallon-proof-gallon system, and the acceptance of an injury test in subsidy cases. What we seem to have received in return was a lot of promises. Promises to adhere to the discipline of the codes that had been negotiated. Promises to reduce or eliminate subsidies, dumping, and other unfair trade practices. Promises to open up Government procurement.

We accepted all those promises, Mr. President, because they contained the hope of greater discipline over unfair trade practices and the hope of more markets for American products. And we accepted them because we believe in a free market system that functions according to prescribed rules that all parties adhere to. Promoting those rules has been the essence of our trade policy ever since, and I for one believe that should continue to be our policy.

But I must say, Mr. President, that in the intervening years since 1979 when we finished negotiating the Tokyo round and enacted the Trade Agreements Act of that year, I have heard a lot from the people in this country injured by the concessions we made in the Tokyo round and very little from anyone who has gained by those agreements. And now, the system we sought to establish at that time faces its most serious test. Simply put, the European Community and its member states do not want to accept the responsibilities they agreed to undertake in 1979. They do not want the rules enforced. They do not want to make the hard economic decisions about their own steel industry that the market requires them to make.

They would rather export their unemployment to the United States. They are screaming very loud about our efforts to hold them not only to their word, but to the letter and spirit of international law. Mr. President, despite the screams, despite the alleged serious consequences to trade relations, this is a test we must meet, because both our own industry and the international trading system, one based on the concept of free and fair trade, are at stake.

I need say no more about the desperate situation in our steel industry. Those of us with steel facilities in our State see it every time we return home. Not to defend our own industry, particularly when it is consistent with our own law and with our international obligations to do so, is to turn an already serious situation into a major disaster. It is also to abandon the people who elected us.

There is an issue here beyond the survival of the American steel industry, Mr. President. That is the survival of a fair and equitable trading system based on mutually acceptable rules of the game. Some people in this country bemoan the revival of the days of the Smoot-Hawley tariff or a return to the "begger-thy-neighbor" policies of years ago every time anyone in Congress starts to talk about imports being a problem.

Mr. President, no one, including me—most specifically me—wants to return to that era of depression, but to avoid it, we must understand the reason for it. That reason, in my judgment, was the failure at that time to develop an international trading system based on free market principles, based on the theory of comparative advantage, based on universally accepted rules for participation in that system.

Mr. President, this country was a great leader during and after World War II. In 1943, our leaders of the free world went to Bretton Woods, N.H., and at Bretton Woods, we developed a system with exactly those goals in mind that I just mentioned. At Bretton Woods, we developed that system and we have maintained it ever since, at least up to now. Now we face problems more intractable, a world more complex, and power more diffused than ever before. The old solutions seem to be losing their attractiveness in favor of even older solutions, a return to the mercantilist policies of the past.

Mr. President, that is what is at stake in this controversy. Not just our steel industry, and not just the European steel industry, important though they both are. It is the survival of a free world trading system that is the issue, because it cannot survive unless nations are willing to accept their responsibilities and end their subsidies.

That is precisely what our administration has sought to accomplish thus far, and it is precisely what it should continue to do. I am sure that the other 45 members of the Senate Steel Caucus join me in applauding the efforts of Secretary of Commerce Baldrige and Under Secretary Olmer to enforce the law. They are not being too tough. They are fairly and vigorously enforcing the laws we wrote tin 1979, laws which are entirely consistent with the GATT and the various codes negotiated during the Tokyo Round—most specifically, the subsidies code and the antidumping code. Beyond that, they have been more than open in their desire to reach a fair and equitable settlement of this matter with the Europeans, one which meets the requirements of our laws. I know we all want them to continue on this same course. I particularly note the Secretary's decision last Thursday, as I stated at the outset, to reject the latest European offer, which was, I understand, a proposal by the four worst offenders to reduce their imports 10 percent below last year's levels, and a promise by the other producers not to fill that gap. Given the 30-percent increase in imports from the European

Community during that period, it is easy to see that the offer did not even begin to meet the standards of fully eliminating the injury suffered and being better for the domestic industry than a continuation of the investigation—standards, I might add, Mr. President, which we painstakingly, after weeks and months of negotiation with then USTC Bob Strauss, wrote into the law in 1979. I was deeply involved in the drafting of that section among others. I remember well how the then administration wanted carte blanche to settle almost any case almost any way they wanted. I opposed that kind of settlement authority.

Indeed, I must say I was skeptical about any kind of settlement authority, but I ultimately agreed to one which is narrowly circumscribed in the law today, one which contains a number of guarantees that the domestic industry will have its injury fully offset. I do believe the Department of Commerce is to be commended for thus far fully adhering to the letter and spirit of the law in that respect.

Parenthetically, Mr. President, I note that there is one area of the law where I believe the Department has erred. This is its refusal to make a judgment on the presense of critical circumstances prior to its preliminary findings of dumping or subsidy. The law is quite clear on this point. The legislative history, I think is particularly obvious. But the Department has apparently chosen to interpret it differently, wrongly; I think, because of that, injuriously to the steel industry. But overall, the record is good thus far.

Despite this overall good record thus far, recent news reports have caused some concern to me and other members of the Steel Caucus. These reports indicate that the Europeans think Secretary Baldrige may be "too tough," and they are reportedly increasing pressure on the administration to settle these cases on terms unfavorable and unacceptable to the domestic industry. Thus far, that has not happened, but it is worth noting at this point how committed those of us in the caucus are to an equitable, acceptable solution and how important it is that our Government maintain the strong stand in support of the MTN agreements that it has thus far taken.

Mr. President, I state this not only to send a message to the European Community, but also to make it clear to others in our own Government that we in Congress hold very strong views on this matter. We in Congress wrote this law. We in Congress made it tough on purpose—precisely to prevent the kind of devastating unfair trade practices and actions that we are experiencing right now in steel.

Today it is steel, tomorrow, it may be some other product, it may be some other set of States, it may be some other industries.

I say, Mr. President, that it is terribly important that the law continue to work now against those kinds of unfair trade actions.

So far the law is working to stop that action. It is absolutely essential that we let it continue to work and not seek some expedient end to the matter that might make for short-term peace at the bargaining table but will produce long-term chaos in the international trading system.

At the same time, Mr. President, the Caucus in holding open the possibility that additional legislative action might be necessary. The House Steel Caucus has already introduced comprehensive quota legislation, covering both carbon and specialty steel products. I am not proposing that at this point. The domestic industry has chosen to take its chances with existing law, since the offending practices are so clearly in violation of it. Should that law not be vigorously enforced, however, the industry, and the Congress, retain the option of producing a legislative remedy that will succeed where the administration might choose to fail.

The area of specialty steel, however, is something of a different matter. The pending trade cases which have produced the frantic negotiations in recent days do not generally include specialty products. This is not to say that industry is not experiencing the same problem. They are. Indeed, a section 301 petition has been filed covering a broad range of specialty products against four major European producers and one other country. In addition, the specialty industry has filed a number of antidumping and countervailing duty cases against various producers on several different products. Those cases are also making their way through the administrative process, and the industry has won each of the rounds that have been fought thus far.

Nonetheless, I remain concerned that, even with the successful conclusion of these cases, the specialty steel industry will not receive the full measure of relief to which it is entitled by law. Unfair trade practice cases are expensive to file and to pursue. This is a small industry, compared to the carbon steel industry, and it has been difficult for them to marshall the resources necessary to seek redress in all the cases where it is warranted. They cannot afford to hire hundreds of lawyers as some of the big steel companies can. They cannot afford to hire the batteries of Washington lobbyists and consultants to expedite the handling down here that some of the big steel companies can. These specialty steel companies are smaller companies. I might add that there is for them the danger that a negotiated settlement in carbon steel might not also include specialty steel products, thereby creating some incentive on the part of the Europeans to shift production in the direction of those product categories not covered by any agreement. Finally, the critical importance of specialty steel to our defense and aerospace industries makes it absolutely essential we retain a viable domestic industry fully equipped to meet our national security needs.

For those reasons, Mr. President, I am today introducing two bills intended to provide full protection from unfair imports of specialty steel. The first is straightforward quota legislation. It directs the President to establish quotas in each of six major specialty steel categories—plate, bar, rod, sheet and strip, alloy tool steel, and pipe and tube—based on the market penetration of imports during the 1978–80 period. In my judgment this is the most recent representative period prior to a renewed onslaught of subsidized imports, and as observers will note, even so, the levels of U.S. market share allocated to imports are quite high in a number of the product categories—nearly 36 percent for rod and 44.5 percent for pipe and tube, for example. In addition to these aggragate levels, the President is given authority to allocate market share among the various foreign suppliers. The bill makes no attempt to make that judgment on a country by country basis. This is a matter better left to the Executive. Finally, the bill calls for updating the quotas every 6 months based on actual sales over the same period the preceding year.

The second bill approaches the same problem through the use of the expertise of the International Trade Commission. The bill states that Congress finds the specialty steel industry has been injured by imports according to the same criteria provided in the so-called escape clause mechanism—sections 201–203 of the Trade Act of 1974, which, incidentally, is the act under which the industry received relief in 1976. In other words, section 1 of the bill substitutes the judgment of Congress for that of the ITC with respect to a finding of injury. Section 2 of the bill then directs the Commission to develop an appropriate remedy pursuant to section 201(d)(1)(A) of the Trade Act of 1974. Generally speaking such remedy would be a quota or a tariff. Following the presentation of the Commission's remedy to the President, the President is directed to implement it without change. The main difference between this bill and the first bill is that the second one substitutes the judgment of the Commission for that of Congress in determining the extent of relief that is appropriate in this

case. The Commission has ample experience in such task and is well acquainted with this particular industry through past investigations under a number of different provisions of the law.

It is my hope, Mr. President, that one or the other of these bills will be enacted into law soon in order to stem the tide of unfairly traded imports into this country. At a later point, should circumstances warrant, I will be prepared to introduce broader legislation covering other parts of the steel industry as well. For the time being, however, I plan to pursue these proposals for specialty steel as well as encourage the efforts of all caucus members in supporting the strong position the administration has taken thus far in steel matters and in urging them to continue to hold firm against this attack on the GATT system.

Mr. President, I ask unanimous consent that the text of both bills be printed at this point in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 2770

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE

This Act may be cited as the "Specialty Steel Fair Trade Act of 1982."

SEC. 2. ESTABLISHMENT OF QUANTITATIVE LIMITATIONS

(a) Effective fifteen days following the date of enactment of this Act, quantitative limitations on imports of stainless steel and alloy tool steel are established. These limitations are to be calculated as detailed in subsections (b), (c), (d) and (e) of this section.

(b) On the first day of October each year beginning October 1, 1982, the Secretary of Commerce will announce quantitative limitations for the six months commencing on the first day of January of the following year. On the first day of April each year, the Secretary of Commerce will announce quantitative limitations for the six months commencing on the first day of July of that year.

(c) For the period of time between the date of enactment and January 1, 1983, the Secretary shall, within 15 days following the date of enactment, announce quantitative limitations determined by taking the applicable product lines under subparagraph (e) of imports of the applicable product lines under subparagraph (e) for the first six months of 1982 and multiplying that number by the number obtained by dividing the number of months remaining in 1982 by six.

(d) The quantitative limitations for each six months period announced by the Secretary of Commerce shall be determined by taking the percentage indicated in subsection (e) of total apparent domestic consumption of each product category for the six month period beginning one year earlier than the date the new limitation takes effect.

(e) The following percentages shall be used to calculate quantitative limitations:

Product and applicable import percentage share of domestic markets:

	TSUS item numbers
Sheet and strip (7.7 percent)	607.7610
	607.9010
	607.9020
	608.2600
	608.2900
	608.4300
	608.5700
Plate (6.5 percent)	607.7605
	607.9005
Bar (18.5 percent)	606.9005
	606.9010
Rod (35.9 percent)	607.2600
	607.4300
Alloy tool steel (26.5 percent)	606.9300
	606.9400
	606.9505
	606.9510
	606.9520
	606.9525
	606.9535
	606.9540
	607.2800
	607.3405
	607.3420
	607.4600
	607.5405
	607.5420
	607.7205
	607.7220
	607.8805
	608.3405
	608.3420
	608.4905
	608.4920
	608.6405
	608.6420
	609.4520
	609.4550
Pipe and tubing (44.5 percent)	610.3705
	610.3175
	610.3745
	610.3765
	610.5130
	610.5210
	610.5215
	610.5235

SEC. 3. ALLOCATION OF QUANTITATIVE LIMITATIONS

The President may, after consultation with all nations having an interest in supplying stainless steel or alloy tool steel products to the United States, negotiate multilateral or bilateral agreements establishing for periods beginning on or after the date of enactment of this Act, quantitative limitations on United States imports of such products from such countries, within the total quantitative limitations set forth in section (1).

SEC. 4. ADMINISTRATION OF QUANTITATIVE LIMITATIONS

(a) Import limitations established under this Act shall be administered by the Secretary of Commerce. The Secretary may issue such regulations as may be necessary or appropriate to carry out the purposes of this section.

(b) Whenever the Secretary of Commerce determines it to be necessary to avoid disruption of regional markets, he shall provide by regulation that the proportionate share of total imports and imports in any category from any nation entering through any port of entry in or near such regional markets shall not exceed the proportionate share of such imports entering through such port during the preceding three calendar years. The Secretary shall conduct the review required to make such a determination at least annually.

(c) Six months before the expiration of five years after the date of the enactment of this Act, the Secretary of Commerce shall submit a report to the Congress as to the effects of the imports limitations established under this Act on (1) the economic soundness of the specialty steel industry and the employment opportunities in such industry, (2) the general economy, (3) the U.S. balance of payments, and (4) the national security, together with his recommendations as to whether such import limitations should be continued, modified, or revoked. Before making such report, the Secretary shall conduct a hearing at which all interested parties shall have an opportunity to be heard.

SEC. 5. TERMINATION

The provisions of this Act shall continue in effect until Congress acts on the recommendation of the Secretary of Commerce to modify or revoke the import limitations, as set out in section (3)(c). In no event shall the import limitations established in section (a) terminate in less than five years from the date of enactment of this Act.

S. 2771

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. The Congress determines, in lieu of the International Trade Commission, that imports of specialty steel products listed in Schedule I are being imported into the United States in such increased quantities as to be a substantial cause of injury to the domestic industry producing articles like or directly competitive with the imported articles, consistent with section 201(b)(1) of the Trade Act of 1974.

SEC. 2. (a) The International Trade Commission shall report the finding in section 1 to the President along with the Commission's recommendation for import relief pursuant to section 201(d)(1)(A) of the Trade Act of 1974.

(b) The President shall promptly implement the recommendation of the International Trade Commission without change and without regard to the procedures of section 202 of the Trade Act of 1974.

Schedule I

Product:	*TSUS item numbers*
Sheet and strip	607.7610
	607.9010
	607.9020
	603.2600
	608.2900
	608.4300
	608.5700
Plate	607.7605
	607.9005
Bar	606.9005
	606.9010
Rod	607.2600
	607.4300
Alloy tool steel	606.9300
	606.9400
	606.9505
	606.9510
	606.9520
	606.9525
	606.9535
	606.9540
	607.2800
	607.3405
	607.3420
	607.4600
	607.5405
	607.5420

	TSUS item
	607.7205
	607.7220
	607.8805
	608.3405
	608.3420
	608.4905
	608.4920
	608.6405
	608.6420
	609.4520
	609.4550
Pipe and tubing	610.3705
	610.3175
	610.3745
	610.3765
	610.5130
	610.5210
	610.5215
	610.5235

THE AMERICAN STEEL INDUSTRY SUFFERS SERIOUS INJURY THROUGH FOREIGN IMPORTS AND WEAKENED ECONOMY

Mr. RANDOLPH. Mr. President, a few weeks ago, speaking from my desk, I told Members of the U.S. Senate, and through correspondence which followed and such media comment as took place, that there were more employees working today in just one, just one, fast-food company—McDonald's—than were working at that time in all the steel plants of the United States of America; some 400,000 in McDonald's and a much lesser number now in steel. Steel workers who have lost their jobs now number 110,000.

I did not do that as a gesture or a play on words. I was attempting, and hopefully in a proper manner, to give to the American people the distressing picture of the steel industry in the United States of America.

Earlier today, the present chairman of our Senate steel caucus, Senator HEINZ, addressed our Members on the conditions, the tragic economic conditions, which exist in the steel industry of this country.

Again, I join with concerned colleagues who are vitally interested in steel issues. I urge our administration to maintain a strong position in support of, first of all, our domestic steel industry, so vital to our overall economy, and to reject any settlement of the steel trade cases which will further bring injury to American steel companies and American steelworkers.

Mr. President, I stress anew that the tragedy in the steel industry continues to worsen. I wish from that time, when I spoke several weeks ago, until now, that there had been an improvement, but the tragic condition worsens.

And regretfully, I must say, apparently our economy worsens on a broad spectrum.

Last year, the steel plants of America were operating at 70 percent of capacity. Earlier this year, in April, they were operating at 50 percent of capacity.

What is the operating capacity of the domestic steel industry as I speak today? A shocking 40 percent. Steel production this year, we believe will be the lowest since 21 years ago, in 1961.

What is the seriousness of this plight of which I speak, of heavy and heavier unemployment in the steel industry? Mr. President, one-third of domestic steelworkers are unemployed. The unemployment rate continues to stagnate at 9.5 percent nationally. This dire distress is a problem for us to grapple with now.

This figure is even higher in steel States, such as West Virginia, where the unemployment stood in May of this year at 10.9 percent. We cannot continue to allow unfairly priced steel imports from across the seas to force our workers into the unemployment lines in greater numbers and thus cause the steel companies to suffer even heavier financial losses.

Subsidized steel imports, I emphasize, must not be permitted to destroy the American steel industry. We recognize that this industry is critical to the national strength of our Nation and basic to the productive well-being of our economic system and the consuming public in this country.

I earnestly hope administration officials will be encouraged by my comments and the comments of Senator HEINZ in this Chamber today. The administration concern, and I do not minimize it, is a concern that is present. But more and more, the administration and the Nation must stand firmly behind our American steelworkers—American steelworkers not now employed. The number of workers unemployed and American steel companies suffering financially cuts too deeply.

I trust that all segments within the U.S. Government and also at State levels, when possible, will resist efforts to solve the problems with subsidized steel imports in a negative manner. Such ill-advised action would be unacceptable to domestic steelmakers and further injure American steelworkers and their families.

Mr. President, our people as a whole, not just steel producers and steelworkers, are faced with a crushing, terrible economic crisis. This problem, to be solved hopefully sooner rather than later, calls for a crusade of every official, every person or group of concerned citizens, who provide a constructive proposal or program or project, an effort to be helpful.

No partisan effort is in order. We must work together, work together perhaps as we have not realized that we must work together, on a policy issue of this kind; and work in cooperation, with diverse viewpoints of course. We must secure a commitment and do it now, now, now. We must turn this industry upward.

It is for us now to recognize that the undergirders on which the economic structure of America stands are being ripped apart. We need a shoring up as well as a stronger base to keep this house of American industry intact.

● Mr. HUDDLESTON. Mr. President, I have joined a number of my colleagues in sending a letter to Commerce Secretary Baldrige encouraging him to pursue a hard line against subsidized steel imports.

The steel industry has been one of the hardest hit sectors of our economy in the current recession. Downturns in the automobile, building, and equipment industries have severely depressed the demand for steel. Add to that the unfair labor practices of some Europeans, long known by the industry and finally documented by the Commerce Department in June, and it is small wonder that the steel industry has fallen into a dangerous depression.

The U.S. steel industry today is operating at barely 40 percent of capacity compared to 81.4 percent just 1 year ago. Over 110,000 workers are currently laid off, sending ripple effects through related industries and depressing entire communities. Our industrial base, vital to our national defense and economy, is jeopardized. We clearly have reached a critical juncture, and without fair but unyielding action, we could be facing a major disaster.

The Commerce Department determined in June that steelmakers in some European countries are receiving government subsidies amounting to as much as 40 percent of their production costs. It is not "protectionist" to take action against such patently unfair practices. In fact, to fail to do so would compromise the principles of free trade which are central to the international trade agreement both we and the Europeans signed.

We must send a strong message to our trading partners that the United States expects fair trade in our markets and the vigorous enforcement of our trade laws, and I urge the Secretary of Commerce to hold to that course.●

RECOGNITION OF SENATOR NUNN

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

Mr. PRYOR. Mr. President, with the permission of the Chair, I yield my place and time to the distinguished Senator from Georgia, and then after he has finished his special order and his remarks, I should like to be recognized.

The PRESIDING OFFICER. Without objection, the Senator from Georgia is recognized.

Mr. NUNN. Mr. President, I thank my colleague from Arkansas. I will take just a few minutes.

THE CRIME CONTROL ACT OF 1982, TITLE IV—HABEAS CORPUS REFORM

Mr. NUNN. Mr. President, Senator CHILES and I continue to speak daily on the pressing need for reform of habeas corpus proceedings in our criminal justice system. Our courts are overburdened and overtaxed with needless and repetitive habeas corpus petitions. Despite that fact, the Senate persists in failing to act to alleviate the problem. Senator CHILES and I have offered one clear and effective legislative remedy: the proposals for habeas corpus reform in S. 2543 which today remain untouched on the Senate Calendar.

As I mentioned last week, Senator CHILES and I are not alone in calls for congressional attention to this problem. The public, as well as Federal judges themselves, have become more and more willing to vocalize their frustrations with the needless delay and uncertainty which current habeas corpus laws produce within our criminal justice system. Again this morning, I call the Senate's attention to relevant and pertinent comments from a member of the Federal judiciary.

Those comments stem from the case of Willie Lee Darden, yet another criminal offender whose ultimate punishment was postponed via a delayed petition for a writ of habeas corpus.

On September 8, 1973, Darden robbed Carl's Furniture Store in Lakeland, Fla. In doing so, he victimized Mr. and Mrs. Carl Turman, the store's owners, as well as Phillip Arnold, a 16-year-old neighbor who came to the aid of the Turmans. Darden fatally shot Mr. Turman between the eyes in his wife's presence. He then shot the Arnold boy three times, leaving permanent injuries, including a bullet lodged in his neck at the time of Darden's trial. Finally, he sexually accosted Mrs. Turman prior to leaving the scene of his crimes.

The State of Florida subsequently charged Darden with first degree murder, robbery, and assault with intent to commit murder. At Darden's trial in January 1974 the State produced both Mrs. Turman and Phillip Arnold as eyewitnesses against him, in addition to substantial and credible circumstantial evidence. The jury convicted him of the charged crimes and he was subsequently sentenced to death.

Darden's direct appeal of that conviction was denied by the Florida Supreme Court in 1976. The following year the Supreme Court of the United States denied his petition for a writ of certiorari in the case. For the next 2 years, Darden pursued clemency requests within the State system. In May 1979, the Governor issued a death warrant based on Darden's 1974 conviction. Only after that warrant was signed, some 6 years after Carl Turman's murder, did Darden file a petition for a writ of habeas corpus in Federal court. Darden's petition required the Federal court to fully examine and review again trial issues decided and affirmed in the State system many years before. In May 1981, nearly 8 years after Darden's criminal acts, the Federal district court found his claims to be "unfounded" and denied his petition for a writ of habeas corpus.

In issuing his opinion, Federal District Judge William Terrell Hodges took care to include an "epilogue" which should be of special interest to this Congress in considering legislation to amend the statutes governing habeas corpus proceedings. Judge Hodges pointed out that cases like Darden's serve "* * * to fuel a growing public frustration concerning the administration of criminal justice" which in turn results in "an overall loss of confidence on the part of the public in its court system." On the problem of delay and needless relitigation of issues, the judge noted that, as current law does not require Federal courts to defer to earlier State court determinations, "Of necessity, the habeas corpus proceeding is always a rehashing of constitutional issues already decided in State courts."

Of particular relevance to the Senate's consideration of habeas corpus reform is that part of the opinion which specifically suggests that shortcomings in habeas corpus relief are statutory in nature, and not mandated by consitutional tenets. As such, Judge Hodges clearly emphasized that the solutions to these problems must come from Congress, rather than the courts themselves. He states:

> While there is great clamor for statutory redress of our present law concerning habeas corpus relief, all involved should remember . . . that the existing law is itself of statutory origin. It was not created, and cannot be amended, by the courts. Given the statute it would be a gross violation of law of a judge's oath of office if he should arbitrarily decline to entertain a proper petition filed under it; and to the extent there is widespread belief that the federal courts have somehow 'bootstrapped' their own authority to indiscriminately meddle in state court criminal prosecutions . . . unjustified and unnecessary damage is being done to the very system of judicial administration in which all of us are so vitally interested. Those who wish to debate the need for change should focus their attention and the brunt of their remarks upon the statute, and the Congress, not the Courts.

The "need for change" to which Judge Hodges refers has reached the point where reform can no longer be responsibly delayed by this Congress. As the Darden opinion so clearly points out, change must come from this Congress and from the legislation which we must enact. S. 2543 would affirmatively require deference to full and fair State determinations of factual issues as well as enact a 3-year statute of limitations on habeas corpus proceedings. I suggest that the Senate, by passage of those provisions, can act responsibly and fairly to fully restore public confidence and respect for our criminal justice system.

ORDER OF BUSINESS

Mr. NUNN. Mr. President, I yield to the Senator from Arkansas. I thank him for his consideration. I appreciate his courtesy.

If I can be recognized under my special order, I will yield all that time to the Senator from Arkansas, if he needs that time.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I appreciate the Senator from Georgia yielding me that time. I do not think I will require it, but I will hold it in reserve.

OPERATIONAL TESTING OF WEAPONS

Mr. PRYOR. Mr. President, last fall, Russell Murray II, former Assistant Secretary of Defense, testified in a Senate hearing that during the early Pacific patrols of World War II, U.S. submarine crews discovered a dangerous problem with their torpedoes when they encountered enemy ships near Pearl Harbor.

The torpedos, fired with deadeye accuracy, hit their targets with an ominous thud. Shell after shell failed to explode. When officers complained of the problem, no one believed them until the crew of the *Tinosa* came home with their bone-chilling account. They told of eight dud torpedoes fired straight into the hull of a Japanese merchant ship. None of the eight exploded.

Long-delayed operational tests of the weapon—tests designed to simulate wartime conditions as closely as possible—finally were conducted. Twenty months after the start of the war, the testers found a problem in the torpedo firing pin that was corrected easily.

In the meantime, we had missed countless opportunities for attack and left our own men exposed and vulnerable to assault once they had telegraphed their presence by pounding dud torpedoes into the hulls of enemy ships.

For some time, I have been concerned about the dependability of weapons the Department of Defense is providing to American servicemen. We all have heard the horror stories of the M-16 rifle, the disturbing reports of failures in the M-1 tank, and the criticisms about the performance of the Maverick missile system, the Bradley armored tank, the AH-64 helicopter and many other costly weapons systems.

On May 13, in the early hours of the morning during debate of the defense authorization bill, I introduced an amendment which I believe would take the first step in guaranteeing better quality control and safety in the weapons issued to American troops. The late hour prevented a full discussion of this important legislation, and I withdrew it. This was done on the basis of an understanding expressed by the chairman of the Armed Services Committee, floor manager of the bill—who, by the way, I see in the Chamber at this time—that the matter would be fully considered in hearings by the Governmental Affairs Committee.

On Thursday of this week, I will introduce legislation to address this problem and I invite the support of my colleagues.

The need for independent operational testing has been well-documented. Defense experts have been telling us for more than a decade operational that testing—the process designed to evaluate a weapon's performance in real life-and-death situations—has been the most sadly neglected activity in the weapons procurement process.

I am pleased that this issue is receiving increased attention. The cover story of this week's National Journal by Michael R. Gordon entitled "Billion-Dollar Failures May Slip Through Pentagon Weapons Testing Net" presents a thorough, careful analysis of this issue. I commend it to all my colleagues and ask unanimous consent that it be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. PRYOR. Mr. President, in the continuing quest for more and better weapons, the services have downplayed the importance of operational testing. Many in the Defense Establishment, particularly the contractors and weapons promoters, have argued that operational testing slows down the acquisition cycle and unnecessarily delays delivery of the most advanced weapons to our troops. This argument was advanced in 1977 by the Defense Science Board task force, and it is well worth noting that three-quarters of the members of that Board were representatives of the technical community—companies whose products would be subject to independent testing.

More objective sources have painted a different picture.

A blue ribbon panel appointed by President Nixon issued an exhaustive study in 1970 which concluded that operational testing conducted by the services was not effectively identifying faulty weapons and halting production in time for life-saving improvements to be made.

The panel concluded that operational testing lacked objectivity, and received little guidance or encouragement from the upper levels of the Pentagon. The study said that data gathered through tests rarely was distributed to key decisionmakers who could use test scores to evaluate a weapon's worthiness.

The General Accounting Office has warned us time and time again that the services are falling short in their responsibility to test and weed out ineffective weapons.

The GAO has criticized the services for doctoring test scores, "babying" their exotic weapons through the testing process and using overly qualified personnel to conduct tests which are intended to serve as an indicator of how well a weapon will perform in the hands of the average soldier.

Finally, the GAO has criticized DOD for withholding key information from Congress about operational test results—data which could be used to make better informed decisions about funding for multibillion dollar weapons projects.

The weapons procurement process has been fraught with the most blatant conflicts of interest. Because operational testing is tied so closely to the Pentagon's research and development arm, we have a situation where the developers and promoters of weapons also play a direct role in passing judgment on their performance.

In other words, we are in the same situation in testing our weapons systems today as we would be if we were asking students to grade their own final exam papers.

Predictably, the Pentagon and the military-industrial complex have vigorously fought any attempts made over the years to change the operational testing structure. Such attempts have been viewed as a threat to the bureaucrats and corporate officials who have staked their professional reputations on pushing new weapons into production.

After President Nixon's blue ribbon report was issued, DOD made a transparently half-hearted effort to comply with recommendations that testing be handled by an independent office with civilian leadership.

But, the "civilians" appointed to the job were in most instances retired generals who had been out of their Pentagon jobs only a matter of weeks. The office's funding and authority was questioned at every turn. Finally, the independent testing office was reorganized and placed under the control of the Defense Department's research and development branch. So, we have the same song, but only now the second verse.

Mr. President, I believe it is time to renew our efforts to guarantee more objective and thorough weapons testing.

I am now developing legislation which I will introduce on Thursday of this week which would create a separate and distinct operational testing office. This office would report directly to the Secretary of Defense on adequacy of tests conducted by the services for new weapons systems. It also would evaluate whether test results confirm that the new hardware is effective and ready for combat use.

An independent operational testing office is neither a new nor radical concept. An overwhelming body of evidence tells us that such an office would drastically improve the weapons acquisition process.

It also is not an attack on this country's commitment to a stronger national defense, a commitment to which we will devote $1.6 trillion from our Federal budget during the next 5 years.

It is simply a demand for better quality control and objectivity. We cannot afford to pour precious resources into sophisticated weapons which fail our men on the battlefield.

There is no place in any war for weapons which do not work.

Mr. President, I also ask unanimous consent to have printed in the RECORD an article by Morton Mintz in yesterday's Washington Post entitled "Fiasco in Weaponsland," which gives a detailed discussion of the problems with the Maverick missile.

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

(See exhibit 2.)

Mr. PRYOR. Mr. President, the General Accounting Office recently released, at my request, an unclassified version of a report on the Maverick missile which raises questions about its effectiveness and demonstrates clearly the value of realistic operational testing. These documents, the GAO report, and the Post article should have the attention of all our colleagues at this time.

EXHIBIT 1

[From the National Journal, July 24, 1982]

BILLION-DOLLAR "FAILURES" MAY SLIP THROUGH PENTAGON WEAPONS TESTING NET

(By Michael R. Gordon)

Early in World War II, a U.S. submarine came upon the Tonan Maru, a Japanese merchant ship. The submarine fired eight torpedoes, all of which struck their target. None exploded.

The problem, said Russell Murray II, assistant Defense secretary for program analysis and evaluation in the Carter Administration, lay in the torpedo's firing pin, which had worked well in engineering tests but had not been fully tested at sea.

The Japanese, Murray told the Senate Governmental Affairs Committee last fall, did things differently. They "subjected their topedoes to proper operational testing before the war—live shots at sea against real hulls," a procedure that paid off at Pearl Harbor.

Some 40 years after this incident, there is still plenty of controversy over how the Pentagon tests its weapons. Only the names of the weapons have changed; they now include the billion-dollar Aegis guided-missile

cruiser, which is intended to protect naval battle groups against attack from planes and sea-skimming missiles, and the Pershing II missile, a nuclear weapon that the United States seeks to deploy in West Germany. And the list goes on: the Army's Patriot anti-aircraft missile, the Air Force's tank-killing Maverick missile and its advanced medium-range air-to-air missile (AMRAAM).

At the heart of the controversy, critics charge is a Pentagon bureaucracy so enamored of its new weapons that it often cannot fairly judge their real-life capabilities. And the military decision makers, they say, are heavily influenced by the defense industry that produces its weapons.

"The conflict of interest just stares you in the face," Murray said in an interview. "None of the reforms implemented by [deputy Defense secretary Fran C.] Carlucci get at the biggest problem of them all: the need to have an independent office to do operational tests."

That sort of criticism comes from Congress as well. "What we are doing is having the military-industrial complex test the weapons it develops," complained Sen. David Pryor, D-Ark. "That's like having a student grade his own final exams."

In an effort to transform the Pentagon's testing procedures, Pryor has asked the General Accounting Office (GAO) to conduct a series of studies on weapons testing and is prodding the Governmental Affairs Committee, on which he sits, to hold hearings on the issue later this summer. Pryor is also working on legislation that would create an independent weapons testing office in place of the current testing directorate in the Pentagon's research and engineering office, which has the primary responsibility for weapons development.

Added to the conflict-of-interest issue are such problems as the cost of testing sophisticated weapons and the inherent difficulties of simulating battle conditions in an age when military technology is changing rapidly. Vice Adm. Robert R. Monroe, director of the Navy's research, development, test and evaluation office, said that because of these kinds of problems, the Pentagon runs a risk that "billion-dollar systems" could be "totally ineffective."

Few other Pentagon officials are willing to criticize the testing process for the record, although many commented on the condition that their names be withheld. But defenders of the current system are highly vocal.

Some defense contractors and Pentagon research and engineering officials contend that testing is competently executed and that a new testing office would only lengthen the time it takes to get badly needed systems to the field. As things stand now, they say, the acquisition cycle is already too long.

Other defenders of the current system speak in harsher terms. "I think independent testing is pure goddamn balderdash and a waste of money," said Rear Adm. Wayne E. Meyer, project manager of the Aegis system. "I've never seen independent testing make a better product."

CONFLICTING APPROACHES

Putting the testing controversy in perspective requires some background into how the United States and the Soviet Union develop their weapons. As some experts tell it, the superpowers have different approaches to weapons design and production.

As a general rule, the Soviet method is said to be more evolutionary than that of the United States, which puts a greater premium on achieving significant technological advances.

The Soviets have made "a conscious decision to stay further below the leading edge of technology in what they field," said Leonard Sullivan, a defense consultant, former assistant Defense secretary for program analysis and evaluation and former principal deputy director for defense research and engineering. This reflects their concern that systems on the frontiers of technology might be too difficult to maintain and too complicated for Soviet troops to operate, he said.

As some see it, the U.S. emphasis on state-of-the-art weapons technology puts a premium on thorough testing. But many testing controversies have sprung up over the years.

One problem, in the view of critics, is the reporting of test results. The Maverick anti-tank missile is case in point. In the 1960s, the Air Force developed a Maverick that used a television camera to pick out targets. In the 1970s, the Air Force made a major effort to develop a version of the missile that would create images from the targets' thermal energy. In was intended to overcome problems in identifying targets that plagued the old Maverick and to give pilots the ability to fire in bad weather and at night.

As the system is explained by the GAO, the new version of the Maverick shows a target on a special video display. The pilot can "lock" the missile onto the target and launch it. This capability is called "launch and leave" because, as the GAO describes it, "the pilot can presumably turn away after launching the missile and leave the area with evasive maneuvers while the missile should stay locked onto, and eventually kill, the target that the pilot selected."

It worked well in theory, but the test results were not encouraging. Anthony R. Battista, a House Armed Services Committee staff member and an engineer by training, noted in an interview that actual test results were distorted.

In one case, he said, the Air Force contended that the Maverick could lock onto its targets at greater ranges than seemed possible from his viewing of Air Force films. Battista said he insisted on flying in the planes used in the Maverick test and confirmed that the Air Force claims were exaggerated.

Murray says he had a similar experience. While the Air Force reported that the Maverick program was proceeding without major problems, Murray says, he saw Air Force films that showed that the pilots experienced great difficulty in locking onto their targets. The films convinced Murray that an independent testing office was needed.

Critics of Pentagon testing are also concerned about the way service officials score maintenance tests. In essence, testers record each maintenance failure, however small. But later, at special scoring conferences, service officials discount minor maintenance failures that, in their view, would not seriously interfere with performance in actual combat.

Dina Rasor, who heads the Project on Military Procurement, a public-interest group, said that in one test of the M-1 tank at Fort Knox, Ky., "a group of senior officers and civilians from various commands threw out all but 171 of the 1,007 maintenance actions." That gave the tank a "chargeable" maintenance failure rate—the distance it runs before it breaks down—of 93.97 miles, Rasor wrote in Reason magazine. "It just happens that the goal the Army set for itself for this point in the tank development was 90 miles between failures," she noted.

A similar pattern can be seen in the testing of the Army's advanced attack helicopter, the AH-64. In a May 1982 report, the GAO noted that Army tests showed that the helicopter could fly an average of 17.9 hours between mission failures, which was close to the Army's objective of 17 hours. But this figure, the GAO said, reflected only failures that caused "actual aborts" and that were related to certain hardware problems. If failures resulting from crew and maintenance errors and unknown causes were considered, the GAO said, "operational mission reliability" would drop to an average of 3.5 hours between failures.

The GAO has generally said that the latter measure, which includes failures from a variety of causes, is a better indication of how the system would perform in combat. But some Pentagon officials say their scoring procedures are needed to compensate for the zealousness of the Army's testing procedures, which often identify minor maintenance problems, and to distinguish major deficiencies from less important ones.

Another set of problems stems from what critics call "success-oriented" tests. Battista, who also believes there is a need for an independent testing office, cited early tests of the Phalanx, a ship defense system that employs a rapid-fire 20-millimeter weapon to attack close targets, as a case in point. Early tests of the Phalanx, Battista said, used "soft" target drones that were easy to destroy. At the direction of his committee, he says, the Navy later used more durable, and therefore more realistic, drones.

Yet another example of success-oriented testing cited by Battista are the tests of the airborne warning and control system (AWACS) plane. In 1975 testimony, the Air Force contended that recent tests had shown that AWACS planes could survive a "moderate" scale of attack. But military officials conceded under questioning that they did not employ the type of tactics in the test that would likely be used by the enemy. Specifically, they admitted, the tests did not show what would happen if the enemy tried to use electronic countermeasures—called "jamming"—on planes sent out to protect the AWACS plane.

Battista said that the Air Force's test spurred congressional skepticism about the real capabilities of the aircraft and undermined support for what he considers a valuable program.

Yet another problem with testing stems from the use of conractor personnel, according to some defense experts. In a recent article, Army Capt. Bruce E. Arlinghaus, an instructor at the U.S. Military Academy, observed that precision guided munitions systems that are to be tested "often come with corporate representatives who 'look after' and initially teach people how to use them. These 'tech reps' know the system, can keep it working and can teach and train people how to use it better. If the system is adopted, very few in the military will be able to match their knowledge, maintenance ability or standards of training."

Contractor representatives were also present at a 1976 test of the Army TOW (tube-launched, optically tracked and wire-guided) anti-tank missile. The test was specifically designed to assess a new laser sight for the missile that allowed it to be fired at night. "To do the test, we selected the best gunners," a participant said, adding that the gunners had to have special security clearance and were given 60 days of special training.

The system performed well. But the test raised questions as to whether the Army could achieve the same level of performance without substantially increasing the training it provides gunners.

Nuclear weapons systems have been subject to some key testing limitations. In some cases, the terrain at test ranges has constrained efforts to make tests more realistic. The GAO has noted, for example, that much of the terrain at the White Sands (N.M.) test range and other western test ranges bears little resemblance to Soviet territory. Yet these ranges are used to test strategic cruise missiles.

The Air Force long ago gave up efforts to fire Minuteman missiles out of operational silos. An Air Force spokeswoman cited cost concerns because the silos are damaged in firings. But experts also note that three out of four efforts during the 1960s to fire missiles out of working silos failed when the missiles did not get out of their silos.

Other testing problems are apparently matters of economics. Neither Congress nor the services have generously financed programs for drones and other targets. Project managers often have to pay for them out of their weapons development budgets, and some complain that this practice handicaps realistic testing.

Adm. Monroe added that jamming is a key testing weakness because it is difficult both to simulate Soviet efforts to disrupt American weapons and to replicate Soviet missiles and radar systems to determine whether U.S. jamming efforts would work.

"It's almost impossible to get good electronic warfare representation of enemy radars and enemy missiles," he said. "In trying to get inside enemy circuitry, we're just in our infancy."

PERSISTENT QUESTIONS

Whether these sorts of testing problems represent the exceptions in a procurement system that churns out billions of dollars of equipment each year or reflect deep institutional problems is the key question.

The way the Pentagon's testing system works now, each service assesses whether weapons meet their design specifications, an evaluation that is called "developmental testing." In addition, the services have separate agencies that assess how well the systems perform in simulated combat conditions, a procedure that is called "operational testing."

These tests are generally carried out in several stages. As an official in the office of the Defense Secretary explained it, the first step in developmental testing is to define the concept of the weapons system and subject it to engineering tests. A complete prototype is usually then tested.

While developmental testing proceeds, operational testing, which is supposed to be important to the Pentagon's decision to order full-scale or limited production, begins. But this stage of the testing process is done too late to influence the initial development decision, which is made by the Defense System Acquisition Review Council, a committee of service officials and assistant Defense secretaries that is headed by Richard D. DeLauer, a former executive vice president of TRW Inc. and now Defense undersecretary for research and engineering and the Pentagon's chief acquisition executive.

In Monroe's judgment, the testing problem is aggravated by pressure from defense contactors, project managers and other Pentagon officials to push ahead with new programs.

To meet tight shipbuilding schedules and comply with the bureaucratic need to prepare budgets years in advance, Monroe said, decisions to buy "long lead time" components and to go ahead with full production are made while research and development is still going on. "We're starting to buy something and I don't know what the hell it is," he said.

The Pentagon's emphasis on concurrent testing and production of weapons is "terrible," he said. "We can't build good hardware that way."

Some of Carlucci's management initiatives, Monroe said, are making matters worse for testers. One of Carlucci's initiatives, for example, is to leave the final "milestone" production decisions up to the services instead of the Defense System Acquisition Review Council.

Monroe hailed some of Carlucci's reforms, however. One, to provide more hardware "test pieces," has helped the weapons testers, he says.

There is also controversy over what sort of monitoring is done by the office of the Defense Secretary.

In 1970, the Defense Department convened a "blue ribbon" panel of academics, contractors and business and labor leaders to review several defense issues, including testing.

The panel's recommendations led to the creation of independent operational testing agencies in each of the services. In addition, the panel called for a separate testing and evaluation directorate within the office of the Defense Secretary to monitor the service agencies. It was established and placed for administrative purposes within the Pentagon office of research and engineering, a move that has been a continual source of internal dispute.

The testing office's mandate specified that it was to report directly to the Secretary or deputy secretary. But despite this independent access, some argue that the research and engineering office has acquired too much influence over the directorate.

A veteran Pentagon official who is familiar with the office says that Alfred Starbird, the Army lieutenant general who was the first director of the testing office, was the most independent and showed no reluctance to bypass the head of the research and engineering office to bring his opinions to the deputy secretary. Since then, the directorate's clout and independence have gradually diminished, he said.

Monroe said that since the testing office is "organizationally tied into the hierarchy" of the research and engineering office, its independence is diminished. If research and engineering takes a firm position on a test policy issue, he said. "It's tough for [the directorate] to march off in a different direction."

Concern over the testing office's independence—or lack thereof—surfaced during the Carter Administration transition in 1976. An early proposal to restructure the Pentagon would have created the position of undersecretary for evaluation to oversee program analysis and evaluation, the testing office and the department's comptroller.

That never happened, but soon after Harold Brown took over as Defense Secretary, plans were hatched to transfer operational testing to the office of program analysis and evaluation, where it would be directed by Murray and Thomas P. Christie, now deputy director of the office of program analysis and evaluation for general purpose forces.

The ensuing power struggle over control of the testing office underscores the intensity of opposition to an independent test office among defense contractors and the rest of the research and development community.

As Murray tells it, the proposed transfer ran into trouble almost immediately. It was resisted by the Defense Science Board, an advisory body whose members include representatives of such defense contractors as TRW and Martin Marietta Corp., and by William J. Perry, the new undersecretary for research and engineering.

Perry and Murray clearly had two very different approaches to weapons development. In an interview, Perry said the transfer would have hurt his drive to reduce the time it takes to develop weapons systems. "We were taking 10 or 12 years," he said. "I wanted to get that down to five or six years."

In Perry's view, this meant that the Pentagon would have to conduct developmental and operational testing in tandem, with production beginning for some weapons systems while important testing on them was still going on.

Some of Perry's argument was endorsed by Pentagon testers. One said that shifting operational testing to the program analysis and evaluation office was not a good political move because the office has an adversary relationship with the services. And Monroe charged that the analysis and evaluation office had strong views about which weapons the Pentagon ought to develop and might have sought to use test data to "bomb out" some systems.

Murray, on the other hand, argued at the time that developmental and operational testing needed to be kept separate in order to provide checks and balances on the procurement process. As he put it in his later testimony to the Governmental Affairs Committee, shortcutting operations tests "may get hardware into the field sooner, but not working hardware." Murray complained that the Pentagon bureaucracy too often "has inflicted half-developed systems on our forces in the field and given high technology a reputation it may not deserve."

The dispute between Murray and Perry was fought out in several forums. After Brown approved the transfer, the Defense Science Board convened a study panel on acquisition questions headed by DeLauer, who became Perry's successor. The panel criticized the move and complained that extensive testing had already unduly lengthened the time it took to produce weapons.

Murray replied that there was little evidence that testing was responsible for the delay in getting weapons to the field, a view buttressed by a 1980 Rand Corp. study on weapons system acquisition that was prepared for Perry and the Air Force and that concentrated on aircraft. Although the study cites "some slight evidence" of longer intervals between "first flight testing" and "operational delivery," it said that "statistical support for such a trend is very weak and is certainly inadequate by itself to justify any change in policy."

Brown went ahead with the transfer of operational testing authority to Murray's office, but gave it an additional staff of only eight. When Murray requested a much larger staff, he was offered three more positions. Several months later, operational testing reverted to Perry's control.

CONSTRAINED INFLUENCE

Just how well the testing office functions now is a matter of contention. It is headed by Isham W. Linder, a retired admiral who was appointed by Perry and is described as capable, honest and dedicated by Murray.

Though the testing directorate is housed within the research and engineering office, its charter provides for the independent reporting of test results to the Defense System Acquisition Review Council and to the Defense Secretary. The testing office is also charged with approving service test plans.

Critics inside and outside the Pentagon maintain that the office's influence is constrained. A former test official who has worked under Linder said that test evaluations prepared by the office staff are sometimes "chopped" before they reach the Defense Secretary. "It's a difficult situation," the former official said. "You're not really going to send something up that [research and engineering] doesn't like." Perry said that when he was in office, he controlled the testing office's appointments, its budget and the scope of some of its plans.

A defense official familiar with the testing office said that Linder is not aggressive in disputes between his office and the services over access to service test data. The practice of having undersecretaries for research and engineering select the head of the testing office, he said, ensures that the director of the office will not be "a strong guy."

He also noted that Linder's position as a deputy to DeLauer limits his influence. "This building functions on symbols like that," he said. In general, he said, the testing office is dependent on DeLauer to push some of its initiatives, such as its recommendation that the services buy more realistic devices to simulate enemy threats.

Murray says Linder is in an impossible position. "He's underneath the engineering community, in particular an undersecretary who has opposed independent testing with all of his might," he said. DeLauer was not available for comment.

Other officials complain of the widespread assignment of the uniformed military to the testing directorate as a potential, if not actual, conflict of interest. They note that the former head of air and land warfare test programs in the office became the project manager for the Patriot missile.

Currently, the office includes officials who have worked on the M-1 tank program, among other systems. The current deputy director for tactical air and land warfare systems in the test office, Eugene Fox, is an active Army brigadier general.

The concern of service loyalists for advancement, critics say, may affect test evaluations. "Some military staff people don't like to alienate their parent services that they have to go back to for advancement," said a Pentagon official.

Another criticism is that the office is stretched far too thin to monitor the Pentagon's weapons programs effectively. It has an official staff of about 30, but according to one official, only 14 are directly involved in evaluating tests for all tactical and strategic weapons systems. The office has only three officials to oversee Army tests, a significant number in light of the Army's modernization program to field a slew of new systems.

Beyond that, officials say, the testing office is under pressure because of the tendency to mix developmental and operational testing to shorten the acquisition cycle. Carlucci's philosophy of "controlled decentralization," which grants the services more authority adds to the pressure.

In general, argued a Pentagon official, the users of new weapons systems do not have a sufficient part in the weapons development process. While the commanders of troops in the field have an important role in establishing weapons requirements, he said, they have little influence over the sort of systems that are eventually produced. To grant the commanders more of a voice in weapons development, he said, "would require the Pentagon to create something like an undersecretary for forces."

Linder and some other testing officials take issue with these criticisms. Linder asserts that his independence is not compromised by the current arrangement and says he reports test results directly to Defense Secretary Caspar W. Weinberger and "around DeLauer." He said he had never been subjected to pressure from DeLauer or Perry.

He also denies that the testing office is understaffed. While the extensive use of military officals, he said, is "something to watch carefully," he said that they provide valuable expertise.

"Service guys have a strong sense of loyalty for whomever they work, said an official in the testing office. "We work for the Defense Secretary."

Asked about the office's impact, a Pentagon official replied that it "caused project managers to make changes . . . about 50 percent of the time." As an example, he pointed to the Army's AH-64 attack helicopter. "They were going to full production and the fire control system wasn't operating." he said. The testing office, he said, forced the Army to test the weapon some more.

The office, officals say, also pressured the Army to conduct more tests on the reliability of the engine in the M-1. It alerted Carlucci to the need for more tests, an official says, and as a result, Carlucci added to his list of 32 management reforms one that urges the services to develop more prototypes so that weapons testing can begin sooner.

But much of the office's purported influence is hard to assess. Linder says he submitted a critical evaluation of the Maverick missile a month before *The Washington Post* printed a series of damaging articles about the system. But an Air Force official credits the publicity from the *Post's* article—not Linder's report—with the Defense System Acquisition Review Council's subsequent decision to hold off on a large-scale purchase of the missiles.

To Monroe, the independence of Linder's office is not a key issue because he maintains that service test agencies are effective. A totally independent test office, in his opinion, would only create management problems for the Defense Secretary because the Pentagon leadership needs an acquisition executive like DeLauer to resolve many of the testing issues.

But he added that the system works against thorough testing and evaluation. "For every voice that says, 'Don't proceed, fix it first,'" he said, "there are nine that say, 'Move ahead and we'll fix the problems later.'"

AEGIS: A HIGH-PRIORITY NAVAL DEFENSE PROJECT, BUT WILL IT WORK WHEN THE CHIPS ARE DOWN?

Rear Adm. Wayne E. Meyer has posted a sign in his Crystal City (Va.) office that nicely sums up his management philosophy. Rule No. 1, the sign proclaims, is that the project manager is always right. Rule No. 2, it adds, is that Rule No. 1 must always be obeyed.

As the project manager for the Aegis air defense cruiser for the past 12 years, Meyer has earned a reputation as one of the most successful managers in the military. By sheer force of personality and a lot of smarts, it is commonly said, he has made the Aegis program a reality.

But despite Meyer's drive, critics say, the Aegis is a classic case in which an assumed need to move ahead with the development of a system has restricted the system's testing program. As a result, they say, there is considerable uncertainty about what the system can really do.

The Aegis is a high-priority Navy project that has drawn increased attention since the Falkland Islands conflict revealed the threat that sea-skimming missiles such as the French-built Exocet pose to surface ships, including aircraft carriers. Navy Secretary John Lehman has called the Aegis the "key to survival of the battle group." The system is described by its contractors, RCA Missile and Surface Radar and the Ingalls shipbuilding division of Litton Industries Inc., as the "shield of the fleet."

In essence, the Aegis is a combination of highly sophisticated radars, missiles and other weapons that are deployed on specially designed cruisers. A Defense Department report puts the cost of an individual Aegis-equipped ship at more than $1 billion, and the Navy would like to buy 17 of them through fiscal 1987. The first Aegis air defense cruiser, the *Ticonderoga*, has already undergone sea trials.

As described by RCA, the ship's radar would be able to detect hundreds of aircraft and missiles, maintaining "continuous surveillance of the skies from the wavetops to the stratosphere." Unlike conventional radars, which use a rotating radar antenna, the Aegis antenna is four sided. Each side contains more than 4,000 small radars that send out hundreds of pencil-thin radar beams.

Upon tracking a potential target, the Aegis system would use another signal to determine if the plane or missile is "friend or foe," an RCA spokesman said. If the latter, the Aegis would attempt to shoot it down; surface-to-air missiles would be fired and radar information gathered by the Aegis computer would be used to direct Standard missiles toward the target with midcourse commands.

Then, in a process called "illumination," a separate radar, using a conventional radar dish, would bounce radar signals off the target so that the missile could home in on the reflected radar energy. The Aegis, Meyer said, could have 18 missile salvos in the air at one time.

That's not all the Aegis system is supposed to do. It also has a computerized weapons control system to direct anti-aircraft fire from its Phalanx air defense system, the cruiser's five-inch deck guns, its rocket-launched torpedoes and its depth charges.

The Aegis also includes an operational test and readiness system, a computerized diagnostic system that is designed to pinpoint maintenance problems in the complex array of computers and radars.

RCA notes in its press releases that the system's "effectiveness has been proved" in "rigorous" tests. But some critics complain that the test results have been less than reassuring. A study for the Defense Systems Managment College by Booz Allen and Hamilton Inc. that was based in part on internal Pentagon documents noted that in

1978, the Defense Secretary's office "approved production of the system in spite of substantial evidence of inadequate (test and evaluation) data." Both the department's testing office and its office of program analysis and evaluation, the report observed, felt that "there was insufficient evidence that Aegis would function effectively in a high-threat environment."

As the critics tell it, the testing limitations were many. For one, a complete prototype was never put to sea and tested. A proposal to this effect was advanced by the Center for Naval Analysis, a research organization financed by the Defense Department.

What sea tests were conducted, on the ship *Norton Sound*, involved only one face of the Aegis radar system. Other missing elements, the Booz Allen report noted, were parts of the command and control system and the operational readiness test system.

Another limitation of the tests, in the view of a naval expert familiar with the Aegis testing program, concerned the drone aircraft and missiles used as targets. The drones, a Pentagon expert on aerial targets said, were "not anything like" some Soviet cruise missiles in terms of "low-fast threat."

Thomas S. Amlie, former technical director of the Naval Weapons Center at China Lake, Calif., said the drones also bore faint resemblance to an Exocet-type threat. According to a Navy chart on the *Norton Sound* test, the drones and missiles used in "low-altitude" test firings have considerably larger length, body diameter and wing span than Janes' 1981 "All the World's Weapons Systems" attributes to Exocets. Nor can they fly as low as Exocets, which fly lower than 10 feet above the water.

The Booz Allen report said that there were only seven firings of the Standard-2 missile during the operational tests, which were conducted in 1977. Other test data show that the targets in these tests were not lower than 200 feet.

The number of simultaneous targets that were fired at was also limited. Meyer said that during the *Norton Sound* tests, the Aegis never had to face more than two missiles at once. In the two instances that it faced two missiles, he said, the targets were destroyed. But in 1983, he said, the *Ticonderoga* will face six simultaneous targets in a test.

There is likewise controversy over another part of the Aegis test program, which took place on land near Moorestown, N.J., where the Navy built a test center complete with a simulated ship deck near the RCA Missile and Surface Radar offices.

The Navy built two of the Aegis' four radar faces there and has tested them by tracking air traffic in the Northeast air corridor. Contractor literature stresses that Navy fighters also tested the system under "combat conditions." F-14s and A-4s were flown near the test site, as were other planes with special jamming equipment. But there were some constraints. The land-based system was not tested against extremely low-flying threats because the Navy was enjoined from directing high-powered radar beams very low to the ground. Operational test data show that the Aegis had some tracking problems when planes practiced a maneuver called "weaving tracks," in which they frequently crossed paths.

Most of the combat tests used simulated targets programmed into the Aegis detection system and simulated missile firings. And testing the system was limited, data show, because the Navy was changing the system so much that testers found it hard to assess its effectiveness. The test data also indicate that the Aegis computers showed a rate of small maintenance failures that was five times greater than the goal.

Beyond that, in the view of a naval expert close to the testing, the land-based test exercise had an air of artificiality. "Just think about the fact that you have a land-based system across the freeway from the manufacturer of the product," the expert said, "That's very different from an air-sea environment."

Meyer and Robert R. Monroe, director of the Navy's research, development, test and evaluation office, take vehement exception to most of these criticisms. Regarding the *Norton Sound* exercise. Meyer said that to test a full prototype of the system would have been a waste of money. Even though only one of the four radar faces was tested, he said, that was sufficient because the Aegis radar is "a collection of repeatable systems."

He added that many of the drones used actually "overrepresented" much of the Soviet threat. Acknowledging that the latest sea-skimming Soviet SS-22 missile is "going to be tough," he said defense always lags behind offense.

Meyer said that cost was one reason that tests were not made with Exocet missiles. "I don't see anyone offering to buy me some Exocets," he said. Even acquiring the necessary drones for test firing, he said, was costly because the services have not given strong support to their drone programs and many drones were acquired "out of our budget."

Monroe and Meyer offer different explanations of the tests against low-flying missiles. Monroe said that at the time the tests were made, most cruise missiles could not fly much below 200 feet. But Meyer said that extensive low-flying tests were conducted during the developmental phase, including a successful one against a missile flying at lower than 50 feet.

Meyer said the Aegis's main mission is to defend against "saturation attacks" and attacks from low-flying missiles. But Monroe contended that the Aegis system is not "optimized" to deal with sea-skimming missiles. The Phalanx air defense system, a 20-millimeter gun that fires at incoming missiles, will remain the Navy's key defense against sea-skimming missiles, he said.

On the land-based testing. Meyer said the Aegis was recently tested successfully against planes making weaving tracks. He acknowledged that problems with the diagnostic testing system have hampered efforts to assess its effectiveness but said improvements are being made. He confirmed test data on maintenance failures but said the number of "interrupts" has declined greatly during trials on the *Ticonderoga*.

Monroe insisted that many of the criticisms were misplaced. "We probably got better results for the taxpayer by making wiser compromises on comprehensiveness, and without it being that much of a gamble. We did about as much testing as you can . . . and still make any progress."

A former tester disagreed: "Like a lot of tests, the Aegis tests were not designed to overly tax the system or show the user what you can or can't do with it. It will be a big improvement over what we've got now. But there will be a lot of uncertainty about what its capabilities are."

PUTTING THE PERSHING II MISSILE TO THE TEST

The Pershing II is not just another missile. Along with the gound-lanched cruise missile, it is part of NATO's planned deployment of new intermediate-range weapons. If deployed as scheduled next year, it would be the first U.S. missile in 20 years with sufficient range to strike Soviet territory from Europe.

According to NATO's "extended deterrence" doctrine, the Pershing would couple U.S. and European strategic interests by increasing the likelihood that any nuclear war in Europe would escalate into a U.S.-Soviet intercontinental exchange. To the European anti-nuclear movement, the Pershing II stands as a dangerously provocative weapon that would allow the United States to fight a limited nuclear war in Europe and invite a Soviet preemptive strike in a time of crisis.

Some experts on missile testing, on the other hand, question whether all this sound and fury signifies much of anything. Simply put, they wonder if the missile will work.

Questions about the utility of past Pershing missile tests are sensitive for the State and Defense Departments. In February, the General Accounting Office (GAO) produced a report that criticized some Pershing tests for being too success-oriented. (In another report, the GAO held that tests of the air-launched cruise missile have not been "operationally realistic.") (See NJ, 7/3/82, p. 1188.)

The Pershing report was presented in classified form to the Senate and House Armed Services and Appropriations Committees. But the State and Defense Departments expressed concern to the GAO about the suggestion of problems with the Pershing II; consequently, the report was not made public.

The tests discussed in the GAO report occurred in 1978, when the Army fired five modified Pershing I missiles over the White Sands (N.M.) test range as part of its advanced development test of the Pershing II's new guidance system. Unclassified portions of the secret GAO study note that the tests were somewhat limited in scope. The Pershing review was directed by Hyman Baras, director of the GAO's land warfare audits office.

The Pershing II contains a new terminal guidance system developed by Martin Marietta Corp. that, in essence, attempts to home in on its target by matching radar returns from terrain with a programmed "reference scene" of the target area. Much of the missile's accuracy will depend on the ability of the Defense Mapping Agency to craft accurate reference scenes from satellite photographs of Soviet target areas. But in the five advanced development tests, the Army took a shortcut.

As the GAO reported, "Target scenes were made by attaching a radar to an aircraft and flying it over the target area to determine the actual radar returns. The actual returns were then used to construct the target reference scenes for the missile's correlator." This, it suggested, provided the Army with more accurate reference scenes than could be developed for actual Soviet targets.

The GAO faulted the Army on another count. It noted that for three of the five firings, the Army "altered the target area by emplacing aluminum reflectors in a precise geometrical pattern to ensure that the area had a distinctive radar signature." The Army, the GAO reported, said the reflectors were needed because terrain of the test range lacked the distinguishable features of the Soviet Union. But the GAO concluded that "while some alteration of the target area may have been warranted, the high radar reflection provided by having the alu-

minum around the target. . . enhanced success in achieving correlation."

Even with these aids, the performance of the five test firings was less than impressive. According to David G. Harris, a spokesman for the Army Missile Command, one missile failed in the booster phase. Another went off course because of a radar malfunction, and a third went off the track because of computer problems. A fourth missile hit relatively close to the defined target area. Only one of the missiles landed within the target zone, which was marked by reflectors.

Harris confirmed the GAO's account of the tests but said they were still judged by the Army to be successful because they proved "the concept" of the missile. Harris also said that the missile correlator, which matches the stored reference scenes with the radar returns from the target area, worked well even when the missiles went off course. The tests were so successful, he said, that the Army dispensed with a scheduled sixth firing.

Harris's argument was supported by a former Armed Services Committee staffer. "It's not unusual to give yourself very favorable conditions in the early developmental phase to see if the concept will work," he said.

But some defense officials who monitored the tests were concerned. "The Army has done a good job, but they're working with a very sketchy test program," said one.

The GAO report also took issue with the "captive flight tests," in which the Army attached the missile guidance system to airplanes and flew over different terrain to test the correlator. The GAO wrote: "According to the Army, the captive flight tests to be held before the production decision will be equivalent to about 4,000 missile firings. In our view, they do not adequately demonstrate the system's accuracy. The captive tests only test the correlator's performance and not the performance of other components that affect missile accuracy."

Whatever one makes of these disputes, the Army is pushing ahead with the Pershing to meet its 1983 deployment deadline. Late last month, it signed a contract with Martin Marietta to begin production on a limited number of missiles even though no missiles had been flight-tested. The decision to go ahead with full-scale production, which will be made by the Defense System Acquisition Review Council, has been put off until November.

The future test program has also been shortened. Originally, the Army planned 28 missile firings, half of them "developmental" tests by the contractor and half "operational tests" supervised by the Army's Operational Test and Evaluation Agency and conducted by actual soldiers.

The developmental and operational testing stages have been combined and the number of test flights has been cut back to 18. Harris denied that the reduction reflects the Army's push to meet the 1983 deadline. Rather, he said, the merging of the operational and developmental tests is simply a more efficient way to test the missile.

Two of the 18 test missiles will be fired over the Atlantic. They are primarily intended to test the missile's propulsion system and will do little to test homing ability. The remaining 16 will be fired at targets at White Sands from within the missile test site or at long range from a launch site in Idaho. Harris said some of the reference scenes in the tests will also use data from airplanes. But most will have reference scenes produced by using the same procedures that are being employed to craft scenes of Soviet targets.

AMRAAM: "AN EXPENSIVE BIRD" OF LIMITED USE?

The Air Force is bullish about AMRAAM, the advanced medium-range air-to-air missile that it is developing in conjunction with the Navy.

As described by its enthusiasts, AMRAAM will be a formidable weapon. A key feature of the new radar-guided missile is its "fire and forget capability," which the Air Force's current radar-guided missile, the Sparrow, lacks.

To fire a Sparrow, a fighter pilot must use a plane's radar to "lock on" to a target. While the pilot is guiding the missile to the target, the plane's radar is unable to scan for other enemy planes.

Air Force officials say that simulated dogfights carried out at Nellis Air Force Base in Nevada showed that Air Force planes equipped with Sparrows were vulnerable to enemy attack while they were guiding the missiles to their targets. AMRAAM is designed to eliminate this vulnerability because each missile will contain its own radar.

Another key feature of the AMRAAM system is its "multi-shot" capability. As conceived, pilots would be able to shoot several AMRAAM missiles simultaneously at different enemy targets.

Much of the controversy is over tests the Pentagon has not done. In 1978, Russell Murray II, then assistance Defense secretary for program analysis and evaluation, and his deputy, Thomas P. Christie, pushed for some early "conceptual" tests that would include a mock air battle at Nellis.

To Murray, the rationale for the tests was clear. Tests of other air-to-air missiles had shown important limitations that were not foreseen by weapons designers. A series of tests in 1977 of follow-ons to the Claw and the Agile missiles at Nellis is one example. These heat-seeking missiles were designed to enable pilots to direct missile "seekers" at targets while their planes pointed away from enemy aircraft.

But the tests showed that the pilots had difficulty using this procedure in simulated dogfights. "The idea was that you would get this fantastic capability. But if you can't use it, how do you get an increase in capability?" asked John Boyd, a retired Air Force colonel and defense consultant who reviewed the test results.

With these tests in mind, Murray proposed a similar set of tests for AMRAAM to determine whether pilots could manage the multi-shot mechanism and how well the missile could perform in the face of enemy electronic jamming. The latter was an important consideration because much of the rationale for a long-range missile would be undermined if jamming forced pilots to maneuver relatively close to their targets before firing the missile.

Other parts of the tests would have shown whether AMRAAM should be deployed with an ordinary radar or a new "track-while-scan" radar.

Other reasons to conduct the tests were to see how the problem of distinguishing friendly from enemy aircraft would affect actual use of the missile and to determine the ranges at which the missile could be best used.

To run the tests, Murray said, planes would be outfitted with "seekers" that simulated the radar homing capabilities of the missile. The planes would then engage in mock battles while aircraft instrumentation would relay important performance data to computers below.

This testing plan didn't go far before it ran into trouble. For one thing, the Air Force opposed the tests because they would have forced it to expand its test range to deal with the missile's long range. That, it argued, would have cost money and delayed the program. A Pentagon official said that the program would not have been delayed had the Air Force immediately gone to work extending the test range, but as the dispute over how to test wore on, the argument became a self-fulfilling prophecy.

In addition, William J. Perry, then Defense undersecretary for research and engineering, opposed the plan. "It was an honest technical disagreement," Perry said in an interview. Perry supported the use of McDonnell Douglas Corp. flight simulators as a testing procedure. He said Murray's proposed test would have been artifical and "not better" than using simulators. But the Air Force initially opposed even this sort of test, according to Isham W. Linder, head of the Pentagon's testing directorate. Eventually, Perry Linder and the Air Force decided to rely on the simulators.

But that didn't end the controversy. In 1979, Murray sent two memos to Perry that pointed out that an estimate by an independent Pentagon cost analysis group put the cost of AMRAAM at 50 per cent more than that of the Sparrow. "The Sparrow is already so expensive that we are not able to afford more than two missile loads per F-15," he wrote.

Given the high cost of AMRAAM—the services initially projected $3.5 billion, but some experts predict more than $10 billion—Murray said he would withdraw his support for the program unless the Air Force agreed to real-life tests at Nellis. Now, Murray predicts that AMRAAM will turn out to be "an expensive bird with limited utility."

Some of his concerns may have been underscored by the results of recent simulator tests. The results were presented to Richard D. DeLauer, undersecretary for research and engineering, in the form of briefings by the Air Force and the Institute for Defense Analyses.

In essence, the briefings showed that planes armed with AMRAAMs often moved within visual range of their targets, negating one of the missiles' advantages and cutting down on its multi-shot capability, sources said.

Linder said the pilots tended not to use the beyond-visual-range capability because the test involved a "limited" combat scenario. He said that the simulation showed that the missile's high acceleration and independent ability to home in on targets were important attributes.

But he acknowledged that the test would have little impact on the basic engineering design of the missile. The test, he said, "has more to do with confirming the requirements" for the missile than with challenging them.

"Murray was too late," said Linder. "He wanted to start from the beginning. The sort of tests he wanted should be lined up for AMRAAM II."

EXHIBIT 2

FIASCO IN WEAPONSLAND

(By Morton Mintz)

Early next month a panel of Pentagon officials will make one of those multibillion-dollar decisions that help keep the Ameri-

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can defense budget in the fiscal stratosphere. In all likelihood, the panel will make the most expensive choice, and the evidence is compelling that it will be the wrong choice as well.

The weapon is the Maverick, a so-called "smart" weapon which contains its own elaborate guidance system. It is intended to be used by Air Force Fighters to destroy Warsaw Pact tanks in any future Soviet invasion of western Europe. The Air Force wants to order 61,000 Mavericks at a cost currently estimated at $5 billion.

Maverick is the embodiment of the pervasive, relentless passion in the Pentagon for highly complex, costly "solutions" to problems for which advanced but simpler and less expensive alternatives are available. In this case the alternative is a remarkable cannon of proven reliability as a tank killer.

In the view of many critics of Pentagon purchasing policies, the available cannon is a fine weapon, while the Maverick is a turkey. These experts argue that unless the Maverick can be proven to be a reliable improvement on the existing weapon, the Pentagon should not buy it.

The Pentagon likes the cannon, and is buying it in large quantities. But it also wants the Maverick—even at a cost of $5 billion or more.

The Air Force wants the Pentagon panel meeting next month to authorize "limited pilot production" of 200 second-generation Mavericks, a foot in the door that the Air Force hopes will lock in the ultimate purchase of 61,000 missiles. Alton V. Keel, assistant secretary of the Air Force for research, development and logistics, assured the House Armed Services Committee last March, "This missile will work and we can produce it."

Such arguments didn't impress committee staff expert Anthony R. Battista, who has studied Maverick test videotapes, interviewed test pilots, and flown in the rear seat of a test aircraft. "What justification have you to keep this program alive?" he asked. "It is five years now and we are getting the same arguments in favor of keeping it alive now as we did then. . . ." The Maverick, he told Keel, "would probably get more pilots killed than they would kill targets."

The General Accounting Office wants the panel to hold off, saying that five years of operational testing of the new Maverick have failed to show that it "can be used effectively by U.S. military personnel in combat." The missile did poorly even under "very favorable test conditions," such as alerting pilots to "what to look for," the GAO stressed in a report released July 2.

Ten days later, a reporter learned, two Mavericks, the last of 10 tested since February, flunked an operational test in Utah. The previous eight were found to have a less than 30 percent probability of working properly after being airborne for 14 hours, though they were supposed to be 85 percent reliable. After repairs, however, six of the eight missiles reportedly destroyed their targets, while two more failed. The Air Force declined to comment on either the GAO report or the recent testing.

Still, the odds are strong that the Pentagon panel—which rarely kills any weapons program that has advanced as far as Maverick has—will approve the first purchase of missiles.

The chairman of the panel, Under Secretary of Defense Richard D. DeLauer, is already on record as a staunch supporter of Maverick. "I've looked at the test data so far," he said in an interview early this year. "I've looked at the design. One of the guys who designed it sat in that chair. I have high confidence in his technical ability and his honesty to me." He was speaking of one of his predecessors as director of Pentagon research and engineering, Malcolm R. (Mal) Currie, vice president for missiles of Hughes Aircraft Co., Maverick's manufacturer.

"He and I went over the whole goddamn design," DeLauer said. "And, you know, we talked what the hell is the problem, how can we get [a component] to work a little better, what the production problems are. You know, we sat there as a couple of engineers. That's my goddamn life."

Moreover, the Pentagon claims that there is no alternative to the new Maverick. If the DeLauer panel turns it down, "I frankly don't know where we'd turn," Maj. Gen. James H. Marshall, the Air Force Chief of development and production, said in a December interview. "There's no other solution hanging on the horizon to go grab."

Yet even as he spoke, Air Force A10 squadrons were armed and poised for combat with the most lethal tank-killer available to tactical aircraft anywhere in the world. The weapon is a simple, inexpensive cannon—the first in 30 years that the Air Force has developed for airplanes.

The gun uses a radically new 30-millimeter shell with a unique incendiary penetrator. Nearly twice as heavy as lead, and moving at a speed of 3,240 feet a second, it cuts easily through side or rear armor. The heat generated in tearing through thick steel makes the penetrator burn fiercely, and bits and pieces scatter around the tank compartment, igniting fires and exploding ammunition. The rate of fire—from seven barrels—is 4,200 rounds per minute. Usually, a strafing burst of a mere 30 rounds or so kills a tank.

In operational tests at Nellis Air Force Base, Nev., in 1975 and 1976, "passes" by A10s against the sides or rears of 10 Soviet T62 main battle tanks gutted and destroyed six and totally immobilized the other four. The 60 percent kill rate was four times higher than had been predicted by computer studies during development of the gun, called the GAU8/A.

Cheerleaders for the new cannon are found even among advocates of the missile. "I'll never downgrade it," says Maverick's program requirements manager, Maj. Grant G. (Nick) Nicolai. A top jet pilot, he has logged more than 1,000 hours in the A10, which carries two missiles under each wing and the GAU8/A gun in its nose. For tank-killing at short-range, he says, the gun is "excellent . . . the best thing in the world for it's purpose."

However, Nicolai and other advocates of the Maverick think "its purpose" is too limited. They want another tank killer that can be used from much greater distances; they want a tank killer that is a missile, not a gun. As Maj. Nicolai put it, he thinks a pilot would want to have both weapons. "As a fighter pilot," he said, "I don't want to get my ass shot down. I want to live to come back to drink beer at the bar."

Others disagree, Col. John M. Verdi, a retired Marine Corps aviation weapons expert, led one of the first Marine fighter squadrons in Vietnam combat. For him, the choice between Maverick and the gun is no choice at all.

"If the question is, which would you rather take in against the target at interest, I would unhesitatingly say, 'guns,'" said Verdi, who holds the Legion of Merit and 30 air medals. "I wouldn't want that other sonofabitch," he told a reporter from his home in Santa Ana, Calif. "You have to have a gun on a plane that's going to fight somebody. Anything else is absurd."

The Air Force pays about $20 each for the 30mm armor-piercing rounds, which are made of "depleted" uraninum of very low radioactivity. A 30-round burst costs $600—less than one-hundredth the estimated cost of a single advanced Maverick.

The Air Force has been buying the "DU" rounds, which were independently developed and produced by Aerojet Ordnance Co. and Honeywell Corp., for about seven years. Now large amounts of the ammunition are "prepositioned," mainly in Europe, for possible use in battle. By the end of 1983, the Air Force expects to have an adequate war reserve of tens of millions of rounds.

Not for many years after that, if ever, could there be enough of the new Mavericks. It would take a decade after 1984, when full production may begin, for Hughes Aircraft, and possibly a second manufacturer, to build the desired 61,000, and the Air Force does not so much as claim that this number would constitute an adequate war reserve.

One crucial advantage of the cannon is logistics, and it has been powerfully documented by Col. Robert G. Dilger, a retired fighter pilot who managed the GAU8/A gun and DU ammo programs for the Air Force.

For a squadron of 16 functioning A10s, he said in a May 1980 talk to the American Defense Preparedness Association, a six-man ammunition ground crew is needed to reload the GAU8/A guns, each with 1,174 rounds; a 70-man crew is needed to reload Mavericks, four on each airplane. He also figured that the supplies airlifted in by a single C130 enable the squadron to make 520 firing passes with the gun, but only 60 with Mavericks.

To reload a single aircraft, the gun crew needs a half hour, sometimes as little as 15 minutes, compared with about 75 minutes needed by the Maverick crew, Dilger said. For each pass against a tank, the approximate ground time needed for the gun is two minutes; for the missile, 18 minutes. The more time an aircraft spends on the ground, the fewer the combat sorties it can fly.

A former Pentagon specialist in air warfare says he would forget Maverick and substitute under each wing of the A10 a four-barrel gun enclosed in a pod, the GEPOD 30, so as to enhance the aircraft's anti-tank capability while increasing its ability to take out air defenses. The pod and the GAU8/A fire the same armor-piercing ammunition. Both guns were developed by the General Electric Co. working with the Air Force.

Notably, James P. Wade, Jr., Under Secretary DeLauer's principal deputy, acclaims the 30mm pod. In a letter to the GAO, he pointed out that it evolved "from existing, proven hardware," that it has the "capability to kill multiple vehicles in a single pass," that its accuracy permits it to be used "in close proximity to friendly troops," and that it can be carried on numerous tactical aircraft in addition to the A10—the F4, F5, F15, F16 and A7.

The Tactical Air Force "does not have one single weapon which has the flexibility to attack many different types of targets," including tanks, armored personnel carriers, supply depots and bunkers, Wade wrote. The 30mm pod "provides a practical near term solution" because it "has the flexibility and lethality against this wide spectrum of targets and has demonstrated kill potential against enemy armor arrays."

Yet the Air Force refused for three straight years to fund the GEPOD 30, until Congress forced the money on it for fiscal 1980. This was but one of many signs that the enduring Air Force romance is not with the cannon, but with successive generations of Maverick missiles.

"I know they [Air Force leaders] don't like the gun," says Thomas S. Hahn, a member of the House Armed Services Committee staff from 1975 to 1980. "Missilery is what people are all enthused about." And missilery is what Congress has been going along with, despite staff skepticism.

"They hated guns, because guns are far too simple and are likely to compete with glamorous high technology," says a former Pentagon weapons analyst. "The Maverick backers were saying the gun [generically] is obsolete, even though we haven't begun to scratch the available new gun technology."

The romance with Maverick originated in the early 1960s, when President Kennedy revived sagging interest in conventional tactical weapons by abandoning the policy of massive retaliation for "a wider choice than humiliation or all-out nuclear action." The Air Force found itself with no effective way to attack small armored targets. Its thin-skinned jet aircraft, built for the entirely different mission of dropping bombs, were catastrophically vulnerable to defensive automatic weapons fire. Its 20mm Vulcan cannon, excellent for aerial combat, pelted a tank as ineffectually as raindrops pelt a window.

This situation spawned a fervent wish for a "stand-off" air-to-ground weapon, meaning one that would be fired, in theory, from outside the lethal envelope of air defenses. In July 1964 the wish became the father to an Air Force "operational requirement" for what would become the original Maverick, a day-time-only, television-guided missile that works on contrasts between a target and its lighter or darker immediate surroundings.

The Air Force "tested" the TV Maverick in ideally stark conditions in the sunswept Nevada and New Mexico deserts, firing it at dark tanks squatting on white sand. Despite warnings from critics that the missile would not work against normally camouflaged targets, the Air Force spent about $500 million to buy 20,000 Mavericks and sent some into combat in Southeast Asia. There, green enemy tanks melded into green vegetation, making the missiles nearly useless, according to Gen. John W. Vogt, who commanded U.S. air forces in the region.

Meanwhile, the Air Force stockpiled TV Mavericks as its primary antitank weapon in Europe, where the environment is green, wet and overcast much of the time. In 1975, Vogt, who had become commander of U.S. air forces in Europe, ordered the first realistic operational test, and the missile failed dismally.

This did not catch the Air Force flatfooted: it had prepared for just such a contingency by starting to develop the second-generation, heat-seeking Maverick, which uses infrared rays to sense thermal contrasts between an object and its warmer or cooler close surroundings. Its glory is that darkness does not affect it, so it can "see" 24 hours a day.

But the new Maverick has two main weaknesses. First, on the tiny cockpit screen, the images of many objects, such as sun-warmed rocks and burning bushes, can resemble the images of tanks. Second, it can be defeated by simple humidity; by thermal clutter, such as hot shell holes and flaming battlefield wreckage, and by enemy countermeasures, such as tank-gun firings. For the Maverick, says Battista, the House Armed Services staffer, all of this makes for a "world down there [that] is very, very cruel."

The Air Force objection to the cannon is twofold: It can be used only in daylight, and then only with excessive danger, because the aircraft cannot stand off a great distance from the target.

"The argument against the gun as the primary antiarmor weapon is that the pilot can't get in close enough to use it before getting shot," says Col. Verdi. The error in that is that standoff only buys the first [wrong] shot; then you have to close [in on] the enemy."

Some analysts go as far as to assert that the missile has no real utility at all in combat—even in daytime—and one of them says that this is shown by a fundamental paradox:

To spot a camouflaged object shrouded in battlefield haze and make sure it's a tank, an enemy tank, a pilot must see it with his eyes. At "eyeball" range—no more than 3,000 feet—he can't fire the missile, because it needs more distance to overcome the perturbations of launch so that its guidance system can take over. But at the much greater stand-off ranges at which the missile could home accurately, he can't spot the target out of the cockpit, and he can't be certain that the object outlined on his five-inch-square cockpit screen is the enemy tank.

A simple operational test would have revealed the dilemma even before the first TV Maverick was bought, says C. E. Myers Jr., a former Pentagon director of air warfare.

By persevering in its overriding commitment to Maverick, the Air Force has created a situation full of seeming anomalies:

It developed and has acclaimed the GAU8/A gun and the unique ammunition, but embraces only Mavericks—even the TV version it stopped buying in 1978.

As a primary argument for the new Maverick, the Air Force and the Pentagon have emphasized for many years that its infrared sensor works as well in darkness as in daylight, giving it night and adverse-weather capability. But they have yet to spend any money on adapting an infrared viewer as a nighttime gunsight. The Fairchild Republic Co., with its own money did such an adaptation, and it says, the experiment showed the cannon to be as accurate in darkness as in daylight.

Summing up the arguments: the rigorously tested gun is much safer to use than Maverick. It is cheap and classically simple, and its shells go where they are aimed. The questionably tested new Maverick is unreliably workable in combat. It is highly dangerous to use, costly and complex. It frequently fails to go where it is aimed, because its infrared guidance can be deceived and defeated. And the logistics strongly favor the gun.

Mr. PRYOR. Mr. President, I do not have any need for any additional time which might be allocated to me.

I yield the floor.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order there will now be a period for the transaction of routine morning business for not to extend beyond the hour of 1 p.m. with statements therein limited to 5 minutes each.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

(The remarks of Mr. RANDOLPH at this point are printed earlier in today's RECORD.)

ORDER OF BUSINESS

Mr. BAKER. Mr. President, what is the business pending before the Senate?

The PRESIDING OFFICER. We are presently in morning business under the previous order, which will extend to 1 p.m., at which point the Senate will resume consideration of Senate Joint Resolution 58.

Mr. BAKER. Mr. President, I anticipate that debate will occur on Senate Joint Resolution 58, the constitutional amendment for a balanced budget. I would not expect today to be a late day. There are a number of intervening circumstances that require a great number of Senators to be absent from the Hill today, including the funeral of a family member of a prominent administration official.

ORDERS FOR TUESDAY

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

Mr. BAKER. Mr. President, I indicated earlier that there are a number of people necessarily absent from the Hill today for a number of purposes. While we shall go on the balanced budget amendment at 1 o'clock, it seems clear to me that we are not going to get very far with it today. That also suggests to me that we ought to come in early tomorrow.

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

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

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS AND FOR CONSIDERATION OF SENATE JOINT RESOLUTION 58 TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that, after recognition of the two leaders under the standing order tomorrow, there be a brief period for the transaction of routine morning business to extend not past the hour of 10 a.m. and that, at 10 a.m., the Senate resume consideration of Senate Joint Resolution 58.

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

ORDER FOR RECESS TOMORROW FROM 12 NOON UNTIL 2 P.M.

Mr. BAKER. Mr. President, tomorrow is Tuesday. It is the day for the usual caucuses on both sides of the aisle. The caucuses are of a quasi-official nature and are the meetings of all Senators on both sides which facilitate the action of the Senate, the formulation of the issues, and are thus important to the official functions of this group. Therefore, in order to accommodate those requirements, I ask unanimous consent that, at 12 noon tomorrow, the Senate stand in recess until the hour of 2 p.m.

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

ORDER FOR SENATORS TO SPEAK FOR 3 MINUTES DURING ROUTINE MORNING BUSINESS TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that Senators may speak during the period for the transaction of routine morning business tomorrow for not to exceed 3 minutes each.

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

(The following proceedings occurred later:)

EL SALVADOR RESOLUTION

Mr. BAKER. Mr. President, earlier today, the Senate gave its consent that we would convene at 9:30 a.m. tomorrow and go back on the resolution on the balanced budget at 10 a.m. Since that time, it has been called to my attention that we have a matter on which there is a deadline. I am speaking of the El Salvador resolution, House Joint Resolution 494, Calendar No. 713, that must be dealt with. In view of that, since that cannot be done today and since Wednesday is the deadline for dealing with this matter, I ask unanimous consent that the order to turn to consideration of Senate Joint Resolution 58 be vitiated.

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

Mr. BAKER. Mr. President, it is my intention tomorrow to ask the Senate to go to the El Salvador resolution, House Joint Resolution 494, after the opening business is transacted, including the recognition of the two leaders and the transaction of routine morning business. It is not anticipated that resolution will take very long. Immediately thereafter, we shall be on the constitutional amendment resolution once more.

Mr. ROBERT C. BYRD. Mr. President, is the distinguished majority leader willing at this time to order that resolution in time for tomorrow morning?

Mr. BAKER. As far as I am concerned, I am willing to do that. It is my intention to do that, but I have not cleared through my process the matter of a unanimous-consent request to that end.

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

(Conclusion of later proceedings.)

EXTENSION OF TIME TO FILE REPORT ON RECONCILIATION BILL UNTIL 6 P.M. TODAY

Mr. BAKER. Mr. President, I ask unanimous consent that the Budget Committee may have until 6 p.m. today in which to file their report to accompany the reconciliation bill.

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

THE EXECUTIVE CALENDAR

Mr. BAKER. Mr. President, I am advised by the staff on this side that our Executive Calendar has certain items that are cleared for action by unanimous consent. I inquire of the minority leader if he is in a position to consider all or any part of those items. I am referring to those items under National Institute of Building Sciences on page 4 of the calendar, through the balance of that page, including the item under New Reports, the single item on page 5 under National Advisory Council on Women's Educational Programs, and nominations placed on the Secretary's desk in the Public Health Service on page 6.

Mr. ROBERT C. BYRD. Mr. President, the Senators on this side of the aisle are ready to proceed with the aforementioned nominations.

Mr. BAKER. I thank the minority leader.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, in view of that, I ask unanimous consent that the Senate now go into executive session for the purpose of considering the nominations just identified.

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

Mr. BAKER. Mr. President, I ask that the nominations so identified be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

NATIONAL INSTITUTE OF BUILDING SCIENCES

The following-named persons to be members of the Board of Directors of the National Institute of Building Sciences:

Charles A. Doolittle, Jr., of Kansas, for a term of 3 years.

Van Norden Logan, of California, for a term of 3 years.

EXECUTIVE OFFICE OF THE PRESIDENT

Nancy A. Maloley, of the District of Columbia, to be a member of the Council on Environmental Quality.

NATIONAL ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

Eleanor Thomas Elliott, of New York, to be a member of the National Advisory Council on Women's Educational Programs for a term expiring May 8, 1985.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE PUBLIC HEALTH SERVICE

Public Health Service nominations beginning Robert E. Dawson, to be assistant surgeon, and ending Arvo J. Oopik, to be senior assistant surgeon, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 24, 1982.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nominees were confirmed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to these nominations.

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

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to these nomination.

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

CREDIT FOR FINANCE CKMIITTEE RECONCILIATION BILH IS SHARED BY MANY

Mr. DOLE. Mr. President, In the early hours of last Friday morning, as we closed off our consideration of the Finance Committee reconciliation bill, I did not have an adequate opportunity to express my appreciation to all those who made this legislation possible. I should like to take the opportunity to do so now.

No legislation as detailed and complex as H.R. 4961 can be put together without a thorough, coordinated staff effort over a period of time. In the case of our reconciliation bill, the staff began work on the particular provisions early this year, in many cases even before the President's budget was released in February. The Finance Committee staff put in many extra hours over the past several months to help shape a bill that would be balanced, fair, and responsive to the concerns of Members of the Senate. Similarly, the Joint Committee on Taxation provided invaluable technical assistance and advice in helping us sort through various options, cost them out, and see that they made good tax policy sense. Their efforts should be greatly appreciated by every Member of Congress.

On the spending side, considerable help was provided by the Congressional Budget Office staff and by the staff of the Congressional Research Service. Everyone knows that making specific

program changes in such complicated programs as medicare, medicaid, and AFDC requires great care, and this professional staff support was invaluable in preparing the actual legislation.

Mr. President, the support of the Senate's legislative counsel is always important, and it was particularly important in the case of this wide-ranging bill. In particular, I thank Jim Fransen and Mike Geary for their work on the tax provisions, and Bruce Kelly for drafting the spending provisions. Their kind of professionalism does a great deal to make the legislative process run smoothly.

The Reagan administration, of course, also made a major contribution to the success of this legislation, from the President on down. The Treasury Department staff, led by Buck Chapoton and Dave Glickman, gave very strong support to our efforts on the tax side. Without their help, it would have been much more difficult to work out that problems Members raised with various aspects of the legislation, and to explain the significance of this major tax reform legislation. Treasury Secretary Don Regan, of course, again showed his outstanding leadership in helping to advance this bill. The Department of Health and Human Services and the Department of Labor also aided our effort in many ways in connection with program changes on the spending side.

Mr. President, a major legislative effort such as this makes us realize just how important the cooperation, dedication, and courage of our colleagues is to making the legislative process meaningful. This is particularly true, this year, in the case of the members of the Finance Committee. The Republican members of our committee, and their staffs, cooperated in an outstanding way to make some very tough decisions about the budget in an election year. This is a major achievement when you consider that six of our Republicans are running for reelection this year. This has been a long and difficult process, and I want all our Republicans—BOB PACKWOOD, BILL ROTH, JACK DANFORTH, JOHN CHAFEE, JOHN HEINZ, MALCOLM WALLOP, DAVE DURENBERGER, BILL ARMSTRONG, STEVE SYMMS, and CHUCK GRASSLEY—to know how deeply I appreciate their contribution.

It cannot be denied that, in some ways, this legislation has been the subject of more partisan debate than we might have hoped. Still, it would not have been possible without bipartisan cooperation in a number of areas, and I do want to thank the distinguished ranking minority member of the Finance Committee, RUSSELL LONG, for his invaluable help, even if we found in some cases that we had to agree to disagree. This process has been a learning experience for many of us, and I hope any disagreements will not interfere with the long and valued tradition of bipartisan action in the Finance Committee.

Mr. President, I know that this bill has been a difficult matter for many in the business community. Our goal, of course, has been to help the business climate by cutting the deficit and bringing interest rates down to restore confidence: Things we all know must be done. But the actions we have to take to accomplish these things are not easy, and the support we have had from the business community has been gratifying. I would especially like to thank the National Association of Manufacturers and the American Business Conference for their help, and I must mention also the support of Paul Thayer, chairman of the board of LTV and chairman of the chamber of commerce. Many other trade and business associations also cooperated in this effort, and many did much more than that: We owe them our thanks.

Finally, Mr. President, I must say that the prompt passage of this bill is a remarkable tribute to the Senate leadership. Without the tireless and dedicated efforts of HOWARD BAKER, we would not have come this far. I know that every Member agrees that the majority leader has been fair and judicious at all times in his dealings on this legislation, but I must add my personal note of thanks for a job exceptionally well done. Thanks to Senator BAKER, we have avoided the kind of acrimony and ill-will that might have accompanied such controversial legislation. The distinguished minority leader, Senator ROBERT C. BYRD, also deserves a vote of thanks for his cooperation on this bill, even though we seem to have a gentleman's disagreement about some of its contents. Senator BYRD has once again demonstrated that, even in partisan debate, he values fairness and honest dealing, and we all appreciate that.

Many others deserve credit: Senator DOMENICI and the members of the Budget Committee for their leadership in the reconciliation battle, and every Member who voted for this bill and for its key provisions. Without bipartisanship, this effort might well have collapsed: My thanks go to one and all who helped.

The President of the United States certainly went the extra mile with respect to this legislation. I am not certain how many phone calls the President may have made and how many visits he may have had with Members of the Senate, but it was an outstanding effort on the part of the President. I know that he appreciates the efforts of all those in the Senate and all those I may have mentioned in getting this bill through the Senate and to the House.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

CHARITIES CAN BENEFIT FROM ARTIST'S WORKS

Mr. KASTEN. Mr. President, over the past few months, we have asked private organizations and charities to fill the gap left because of cutbacks in Government spending. One of the most effective methods charities have to raise money is to auction art works which have been donated by famous artists. Unfortunately, there is not the necessary incentive in the present Tax Code to encourage this fundraising.

Although collectors of creative works are allowed to deduct any of their gifts at full market value, artists may only deduct the cost of materials when making a charitable donation. Not only is this inadequate compensation to artists for their contributions, but it highly discourages them from donating their works to charity auctions and public and private institutions in the first place.

The present tax provisions are unreasonable and counterproductive. The changes proposed by S. 2225, the Artist's Tax Equity and Donation Act of 1982, would cost little, yet provide great benefits.

I understand this provision could not be included in the reconciliation tax bill; however, I hope the Senate will move quickly to enact this important tax reform. I strongly support this act and believe that there must be a revision in the tax law to insure and promote America's literary, musical, and artistic heritage while encouraging the creators of these works to donate their works of art for the benefit of the community.

Mr. President, on July 3 an excellent article on this issue, written by Dr. Daniel J. Boorstin, the Librarian of Congress, was printed in the Washington Post. I commend this article to the attention of my colleagues, and I ask unanimous consent that it be printed in the RECORD.

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

[From the Washington Post, July 3, 1982]

TO THE TUNE OF A FEW MILLION DOLLARS

(By Daniel J. Boorstin)

When a New York judge recently decided that the manuscripts of Igor Stravinsky should be sold to the University of California at Los Angeles for $1.5 million (as his widow wished) and not to the University of

Texas for $2 million (as his children preferred), he argued that the national interest and the cause of scholarship would be better served in that way. His heirs lost half a million dollars.

If there is a national interest in such matters sufficient to prevent sale of manuscripts to the highest bidder, there is a greater national interest in bringing together a great author's or composer's manuscripts for study in one institution where the creator wanted them to remain. Americans should be reminded that legislation in 1969 deprived creators of their right to claim the value of such donations as tax deductions when they gave their manuscripts to research libraries of universities.

The Stravinsky case is a classic demonstration of the social costs of the present tax policy. In the disposition of the Stravinsky archives, there were other losers: the Library of Congress and the people of the United States.

The Library of Congress acquired its first Stravinsky manuscripts in 1928, as the result of a commission by Elizabeth Sprague Coolidge. Stravinsky's ballet, Apollon-Musagete, received its premiere in the Coolidge Auditorium, which had been constructed at the library with Coolidge's generosity just three years earlier. As was customary, the manuscripts of the commissioned work was added to the collections of the library's music division. In 1940, the library purchased for $1,000 another work by Stravinsky, his Symphony in C.

In 1962, Stravinsky began to donate manuscripts to the library on a systematic basis: two manuscripts in that year, two more the next, nine additional manuscripts, in 1964, four in 1965, and so on through the 1960s. By 1969, the great composer, then in his late 80s, initiated discussions with the chief of the library's music division, Harold Spivacke, concerning the disposition of the entire body of his works, and there can be little doubt that, but for the enactment of the tax reform of 1969, the complete archive would have been placed in the national library.

Instead, the greatest portion of the papers is now divided between Los Angeles and Washington, and scholars must travel coast to coast to compare preliminary sketches with finished projects. Photocopying accomplishes little because Stravinsky used many inks in drafting his intricate masterpieces.

The President's task force on the arts and humanities, of which I was a member, recommended a revision in the tax law to restore the incentive to artists, composers and writers that existed before 1969. Legislation before the Senate—S2225—would accomplish this. These benefits would ensue: libraries and museums would acquire creative works without cost; artists, composers and writers would choose the institutions where their works in progress would be displayed and studied. The record of American civilization would be preserved and enriched by discouraging the dispersion of manuscripts for commerical reasons and by encouraging the prompt deposit of these works by their creators in institutions competent to preserve them.

Inflation and shrinking assistance by city, state and federal appropriations reduce the resources of libraries and museums. The $1.5 million committed by UCLA to the Stravinsky papers will not be available for other necessary university purposes.

We thrive on our heritage. Restoration of the tax incentive for gifts of literary, musical and artistic works to cultural institutions will benefit all Americans, present and future.

MARQUETTE UNIVERSITY HIGH SCHOOL SETS UNPRECEDENTED RECORDS IN FORENSIC COMPETITION

Mr. KASTEN. Mr. President, I would like to congratulate the coaching staff and members of the 1981-82 forensics team at Marquette University High School. This team shattered the standing records previously held in forensic competition in the United States. Marquette, annually a top-notch competitor, startled the opposing teams by winning a total of 134 rounds of competition.

I wish to cite this achievement, and also to commend these fine young men for an outstanding performance in speaking and debating, by asking unanimous consent that my July 20 letter to the team and a press release written by coach Edmund J. Fish be printed in the RECORD.

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

U.S. SENATE,

Hon. ROBERT W. KASTEN, Jr.,
Washington, D.C., July 20, 1982.

DEAR MUHS DEBATERS: It is with great pleasure that I congratulate you on your victory in the recent National Forensics League tournament.

The superior performance shown by all members of the team reflects the hard work and long hours of research that must have preceded tournament competition. You should all be proud to know that by working together with a fine coaching staff you were able to achieve individual excellence and set new team records.

Again, congratulations on your sweepstakes victory!

Best regards,

Robert W. Kasten, Jr.

MARQUETTE HIGH FORENSICS TEAM SETS NEW NATIONAL RECORDS

In the National Forensics League Tournament recently held in San Francisco Calif. Marquette High School won its unprecedented 8th Grand National Sweepstakes title in record breaking fashion.

In winning their eighth title, Marquette shattered the old total of 86 cumulative rounds of speaking or debating by 48 rounds, accumulating at the end of the week a record 134 total rounds of competition. The Marquette squad, comprised of state or district champions, qualified a national record 12 contestants for the National Tournament. In addition, the team's performance enabled Marquette High to become the only school to ever win for a third time the Tau Kappa Alpha trophy which is annually awarded to the school accumulating the most rounds of national competition. In doing this, Marquette won the trophy by the largest total ever. Director of Forensics for Marquette, Mr. James M. Copeland became the first coach to surpass 1000 rounds of national competition. And coaches Ron Krikac, Edmund Fish, and James Copeland won coach of the year honors.

The winning Marquette team was comprised of:

Seniors—Paul Choi (8th place in Boys Extemp.). Dough Binzak (5th in Boys Extemp). Michael Hughes (tied for 8th in Boys Extemp). Christoper Roe (State Debate Champion). Richard Schmidt (State Debate Champion). Philip Jennings Jr., (State Original Oratory Champion), Michael Uy (State Dramatic Interp. Champion).

Juniors—Christopher Conrad (11th in Humorous Interp.). Kieth Joung (District Lincold Douglas Debate Champion). Robert Kroll (District Original Oratory Champion).

Sophomores—Anthony Scaduto (2nd in Original Oratory). Andrew Turner (State Humorous Interp. Champion).

Other Wisconsin winners included:

Lisa Backus of Pius IX H.S. (5th in Girls extemp).

Karla Slasser of Durand H.S. (2nd in Lincoln Douglas Debate).

Catherine Coy of Eau Claire Memorial H.S. (8th in Original Oratory).

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

THE PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

BALANCED BUDGET—TAX LIMITATION CONSTITUTIONAL AMENDMENT

THE PRESIDING OFFICER. Under the previous order the Senate will resume consideration of Senate Joint Resolution 58, which the clerk will state by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 58) proposing an amendment to the Constitution altering Federal fiscal decisionmaking procedures.

The Senate resumed consideration of the joint resolution (S.J. Res. 58).

AMENDMENT NO. 1933

Mr. THURMOND. Mr. President, if any Member of the Senate wishes to speak on this constitutional amendment to balance the budget, it is a good time for them to do so. We have ample opportunity to hear from the various Senators. If they have amendments, we would like for them to put those amendments before the Senate if they have not already been put before the Senate.

I believe Senator FORD's amendment is before the Senate now.

Mr. FORD. The Senator from South Carolina is correct. My amendment to the constitutional amendment is the pending business.

Mr. THURMOND. What I was hoping was that we could have debate

on these different amendments and maybe vote on all of them tomorrow without delay, if that would suit the Senator from Kentucky.

Mr. FORD. Well, the Senator from Kentucky is not prepared to accept that proposal now. We might be able to work out something that would be acceptable for voting beginning at 2 o'clock tomorrow.

Mr. THURMOND. We want to go forward. The majority leader has a lot of legislation pending, and we would want to cooperate with him all we can and get through this amendment as soon as possible.

Mr. FORD. I assure the Senator from South Carolina I would like to do the same thing, and I understand the problems under which the majority labors. But I have an amendment I think is of vital importance to this country. I am not sure how we are going to have a balanced budget when the present administration cannot balance the budget.

They want to mandate that Congress do it. However, I think it is equally important, if not more so, that the President submit to Congress a balanced budget. That way both the President and Congress will be on the same working wavelength. We are not on that wavelength now that we are facing a budget that has over a $180 billion deficit. Congress was only able to cut it less than half. If we are going to get to a balanced budget, we will need better cooperation here in this Chamber and from the President. I want to see to it that the American people get the balanced budget of the Federal Government that I believe they desire.

Mr. THURMOND. Well, of course, I have previously called to the attention of the Senator to page 2 of this constitutional amendment section 1 where the wording is:

> The Congress and the President shall insure that actual outlays do not exceed the outlays set forth in such statement.

We think that puts the responsibility on the President, too, and we think that means if you want to make legislative history that he will submit a balanced budget unless there is some vital reason why he should not, in which event then he may ask for three-fourths of the Members of both parties to aquiesce in the situation.

Mr. FORD. Well, the Senator says that it implies that. It only means the President will have to sign a budget. It does not mean he has to submit a budget that is balanced. There is no language in the proposed consitutional amendment that says that he must. He has all of the workers, he has the budget examiners who are now working on the budget for 1983-84.

He has the office of OMB; he has every Cabinet Secretary. He has hundreds and hundreds of people out there working to develop his budget that he will submit next year. We do not have that. Also, we work from his budget, not ours. We work from the budget he submits, and the first budget we see is the one he submits. If that is not a balanced budget, then we start out behind. I do not think that is the proper posture for Congress to be in.

Mr. THURMOND. Of course, we have the congressional budget now, too, and Congress has an obligation, in fact it is mainly their obligation. The President can only recommend. The President just has two powers: One is to recommend and the other is to veto, and the President recommends, but Congress has the responsibility to authorize appropriations, Congress has the responsibility to make appropriations, and we feel that the wording in here would be sufficient to take care of that regardless of who the President is.

By the time this amendment is passed, we do not know whether we will have a Republican or a Democratic President. Then it provides they have 7 years to pass it, and if they take several years to do it—of course, I think President Reagan will be elected if he runs again but, at the same time, this 7-year period—then it does not take effect until 2 years after it has been ratified by three-fourths of the States. We feel that gives ample time for the situation.

Mr. FORD. Well, I think the distinguished Senator from South Carolina left out one power of the President. He forgot the power of persuasion, and the power of persuasion is something that your President is given a great deal of credit for. He may have only two powers, as the Senator says, but he also has the power of persuasion because he is the President of the United States. When he takes a Senator or Congressman to the Oval Office, he lobbies them pretty good. I have been one who has been there, and I understand what he can do and how he operates. So if he does not propose a balanced budget, we are placed in an untenable position.

Mr. THURMOND. Well, the power of persuasion, is not an official—in other words, that is not an official function of his. It is not an official duty that he has.

Mr. FORD. It is just as official as the other powers he has because——

Mr. THURMOND. Was he able to persuade the Senator from Kentucky when he took him to the Oval Office?

Mr. FORD. No; he was not.

Mr. THURMOND. It does not always work.

Mr. FORD. He called me into the Oval Office to get me to approve the AWACS sale. I did not like it, I did not like it and he did not like it very much when I voted against the sale.

Another President, when I voted against him, patted me on the back and wrote me a personal letter to say that it was a good thing.

Mr. THURMOND. It depends on the issues involved.

Mr. FORD. There is not much difference in the issues.

Mr. THURMOND. I am in agreement with the Senator on the Panama Canal. We should not have acted on that treaty.

Mr. FORD. Is the Senator saying that when I vote against a Democrat I am right but when I vote against a Republican I am wrong?

Mr. THURMOND. Not necessarily. It depends on the particular issue. I have voted against Republicans and Democrats.

Mr. FORD. I have not noticed the Senator doing so in the past year and a half.

Mr. THURMOND. I have served as a Democrat, as a Republican, as an Independent candidate I got elected, and also as a write-in I got elected. I tried all parties, so I belong to all the people in every way. It really does not bother me which party is in so long as they stand for the right thing. Of course, today there is no question about the soundest party sitting in this House here today is the Republican Party because we have more conservative people here. In fact, I have always thought the Senator ought to be sitting on this side of the aisle himself.

Mr. FORD. Well, Senator, I have tried awfully hard to find some goodness in the hearts of those who say I ought to be on the other side, and that goodness does not seem to be out to embrace and say "Come with us." I am only seeking a little amendment here. However, the Senator says I am on the wrong track. If I am on the wrong track on this point, the Senator will not buy me on anything else.

Mr. THURMOND. Not necessarily. You come up with a real good idea and we will grab it quickly. [Laughter.]

Is there any other Senator here today who wants to speak or can we get any other Senator here who wants to debate this matter? We will be glad to have debate on it so that tomorrow we can begin to vote as soon as we can. Maybe they do not care to debate any more on this.

Mr. FORD. I say to the Senator from South Carolina that if this amendment, or one similar, is not in the constitutional amendment, you are going to lose some Senators that would like to vote for it. Right now you do not have enough votes to pass it.

I would say to the Senator from South Carolina that if this amendment, or one similar to it, is in the constitutional amendment to balance the budget, it has a much better opportunity of passing than in its present form.

Now, the Senator has already told me today that he is going to accept the so-called Domenici and Chiles amendments. At least one of those amendments deals with the relationship of the President and the Congress. If he is going to accept them, I cannot understand why he would not accept my amendment. I cannot understand why my amendment, which requires the President to submit a balanced budget, is not just as important as the other amendments which deal with the relationship of the President and the Congress.

Mr. THURMOND. We think the Domenici amendment will improve the situation, but we feel we have taken care of the point the able Senator from Kentucky has raised.

Mr. FORD. Well, the Senator keeps saying it is implied, but he does not know whether the President will or will not submit a balanced budget. He cannot stand here and tell me that it is going to be a fact. The distinguished Senator from Utah is on the floor now and he said the other day he could not guarantee it.

All I want is cooperation. And the best way I know to get it is to include it in the amendment, not leave it out. You can argue anyway you want to, but it just does not make political sense or legal sense to leave it out.

Mr. THURMOND. Suppose the President felt he had to submit a balanced budget and it might be unbalanced. But how could he submit an unbalanced budget, because he would then have to depend on the Congress, three-fifths of both bodies, voting for it? I think you have to give him some flexibility.

For instance, he may submit a budget that is not balanced but he would say that because this is such a vital matter that goes to the national security of the Nation or goes to the distinct welfare of the Nation and, therefore, he feels that both bodies ought to adopt this matter by a three-fifths vote of the House and three-fifths vote of the Senate.

Mr. FORD. Well, let me ask the Senator this: He says he is not going to accept any amendments.

Mr. THURMOND. I did not say we are not going to accept any amendments.

Mr. FORD. That was what you originally intended.

Mr. THURMOND. We will consider any amendments that are offered, but we hope it will not be necessary.

Mr. FORD. The administration has submitted and suggested an amendment to take out "in case of war" and add "in case of national security." Is the Senator going to accept that amendment?

Mr. THURMOND. We have made no decision on that.

Mr. FORD. The administration does not like the constitutional amendment. They want to change it.

Mr. THURMOND. We will give consideration, of course, to any amendments that are offered, but we just felt the amendment offered by the able Senator from Kentucky is not acceptable in this matter now.

Mr. FORD. Mr. President, I am willing to debate any Senator who wants to oppose my amendment. I think that the Congress will be in a much better position to balance the budget. My amendment and the proposed constitutional amendment are integral parts, in my opinion. They have a common objective that makes both ends of Pennsylvania Avenue start out from the same spot to insure the Federal Government does not continue to allow high deficits.

My distinguished friend from South Carolina says it may be 9 years before this amendment takes effect and there may be a Democratic President in office. Right now, I am not worried about whether we have a Democrat or a Republican. I am more worried about whether we have a balanced Federal budget or not.

The deficits that we are seeing today are causing the high interest rates. The President could submit any kind of budget he wants to under this constitutional amendment, whether it is a $50 billion deficit or a $250 billion deficit. Then it is ours to balance or, by a three-fifths vote of each House, we could approve an unbalanced budget.

Well, this is one Senator that does not even vote to increase the debt ceiling. I have seen a lot of changes in the feelings in this Chamber concerning the legislation to raise the debt ceiling. I have been one on the Democratic side who has opposed a Democratic President and voted against increasing the debt ceiling. But I noticed those on the other side who, time after time voted against the debt ceiling under a Democrat, are now under a Republican vote to increase the debt ceiling. One of the largest items in our future budget will be the interest we are paying on the debt this country owes.

You are trying to put a smokescreen over the largest deficit in the history of this Nation by saying you want a constitutional amendment for a balanced budget. It is not washing with the American people. They want a balanced budget, but they want both sides to be a part of it. That is all I am attempting to do.

You could say you do not think it is a good one, but you go out to the coffee clubs and ask those coffee clubs, as I did last week, what they think about the President submitting a balanced budget. They will tell you he ought to submit one because that would basically assure the Congress would pass one.

The President has his David Stockmans, his Secretary Regans, he has all of these people to come up here and cajole Congress. He has a White House full of lobbyists who come up here and stand outside that door and tell us how to vote. The budget at the White House went up 31 percent so they could have more employees to lobby us to get their budgets through.

Now we come down to the bottom line and it is whether you want a balanced budget or if you are trying to fool the American people. If you are trying to fool the American people, then vote my amendment down. If you are not trying to fool the American people and really, truly and honestly want a balanced budget, you will take my amendment. And when these people see that the Congress has finally balanced the budget and we are back on the right track, they can say it is because both ends of Pennsylvania Avenue are on the same wavelength. The President introduced a balanced budget, the Congress passed one, and that is in the best interest of the future of this great country of ours, particularly our children and our children's children.

Mr. President, I yield the floor.

Mr. THURMOND. Mr. President, I ask unanimous consent to have printed in the RECORD an article from the New York Times, dated July 16, 1982, by Senator ORRIN G. HATCH, entitled, "Budget Rule: Yes—Politicians Need It."

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

[From the New York Times, July 16, 1982]

BUDGET RULE: YES—POLITICIANS NEED IT

(By Orrin G. Hatch)

WASHINGTON.—The Senate this week began considering a balanced-budget amendment to the Constitution. With bipartisan support from more than 60 Senate cosponsors and more than 220 House co-sponsors, there is a realistic possibility that Congress may offer this amendment to the states for ratification as the 27th Amendment to the Constitution.

The most frequent criticism of the proposed amendment has been that it would "write economic policy into the Constitution." As Prof. Laurence Tribe of the Harvard Law School has observed, "The Constitution embodies fundamental law and should not be made the instrument of specific social or economic policies."

While I reject the implication that economic affairs are somehow foreign to the Constitution, I am nevertheless sympathetic to this criticism. I do not believe the Constitution ought to be amended to reflect economic theories that may happen to gain the support of ephemeral political majorities.

This criticism, however, badly misconceives the immediate amendment. Its primary objectives is not to write into the Constitution any permanent economic policy but rather to establish as an element of our national fiscal process a fundamental element of democratic government—account-

ability by elected representatives to the citizenry.

Such accountability is largely absent now because members of Congress do not have to vote to raise revenues in order to approve increased spending. They need not cast politically difficult votes to raise revenues commensurately but may simply resort to more deficit spending or do nothing and allow inflation in combination with our progressive tax system to produce automatically a greater share of the national wealth for the public sector.

In either case, Congress is free to respond to the concentrated political pressures of prospending groups with politically advantageous prospending votes without having to cast politically disadvantageous votes for higher taxes or reduced spending for other prospending interests. In other words, the virtually unlimited access by Congress to deficit spending and the regular availability of greater revenue through so-called tax-bracket creep operate to create a pronounced bias toward higher public spending.

Thus, year after year, public spending inexorably increases, whatever the genuine will of the people. The political advantages of prospending votes are direct and immediate to members of Congress, while the disadvantages of such votes—in the form of higher future inflation or unemployment or interest rates—are indirect and deferred. Indeed, there may be no disadvantages at all if those who are the victims of these economic ills are not sufficiently sophisticated to appreciate the causal relationship between the earlier spending and their present symptoms.

The proposed amendment would help overcome this institutional spending bias and establish a more equal competition in the fiscal process between organized and informed tax-spending interests and diffuse and ill-informed tax-paying interests. It would democratize the budget process by making it a more honest and open process. Congress would continue to be free to increase public spending but only in the event that it was equally prepared, as a condition, to vote for the necessary higher taxes or to go on record for a higher deficit. Tax increases would have to be voted explicitly rather than being implicitly imposed through deficit spending and inflation.

The proposed amendment merely says to Congress, in effect; "If you want to spend, let us, the people, know how such spending is going to be financed. If you want to tax, do so in an honest and aboveboard manner." So long as there is little more than a random relationship between decisions to spend and decisions to finance spending, our fiscal process will continue to be dishonest, with members of Congress perpetually able to avoid accountability for their spending and taxing decisions, perpetually able to escape public identification for their policies and perpetually able to reap the immediate political benefits of their actions while postponing indefinitely the political costs. Only a constitutional amendment can permanently right this process.

Mr. HATCH. Mr. President, I have listened with a great deal of interest to the comments my friend from Kentucky has made.

I believe that we have already expressed the case against his proposed amendment. I personally share the concerns of the Senator that the President not be exempted from the responsibilities of enforcing the provisions of this amendment. He raises an important issue. I believe, however, that the present amendment adequately deals with his concerns, while avoiding the weaknesses of his amendment. Let me summarize these points once more very briefly:

First, the amendment is superfluous in that its requirements are largely implicit in Senate Joint Resolution 58 already. If Congress is under a general responsibility—as it is—to balance its budget, then the President will effectively be under a similar obligation. In other words, the President's authority, in this regard, is largely limited to his informal responsibilities under law—not under the Constitution—to submit proposed budgets. To the extent that he submits something other than a balanced budget to Congress, after enactment of the amendment, he either has the burden of persuading three-fifths of Congress that it is necessary, or else risks losing all influence in the budget process. Whatever obligation is directly imposed upon Congress by this amendment will also be indirectly imposed upon the President by virtue of his role in the budget process.

Second, the amendment is harmful in that it would impose upon the Executive an absolute obligation to submit a balanced Federal budget, under all circumstances, without exception. This is totally inconsistent with the flexible obligation imposed upon the Congress to prepare a balanced budget unless three-fifths of the Members of each House of Congress conclude that a budget in deficit is warranted. In other words, while the present amendment provides flexibility to Congress with respect to the balanced budget mandate, the amendment from the Senator from Kentucky would impose a rigid and inflexible obligation with respect to the Executive. This obligation is inconsistent and unreasonable, and can only have the effect of requiring the Executive to submit a balanced budget under circumstances when he does not believe that such a budget is desirable or achievable.

Third, the amendment opens up questions that none of us can answer with certainty by imposing—for the first time—a direct, constitutional obligation upon the President of the United States to submit a budget. Presently, this obligation is derived solely from statute, not from the Constitution. The implication of this for the balance of power between the executive and the legislative is unclear. The present language in Senate Joint Resolution 58 does not upset the present separation of powers balance.

Finally, the amendment opens up the possibility for mischief in the event that a President who is at odds with the executive decides not to submit a budget until shortly prior to the outset of a fiscal year. In that event, Congress might have an unreasonably short period of time within which to prepare a budget in order to satisfy their own constitutional obligations under the proposed amendment. The amendment of the Senator from Kentucky would delay congressional passage of its budget until after receiving the budget required by section 1 of this article. This amendment opens up the possibility of unnecessary adversary relationships between the executive and the legislative that could work to the detriment of the budget process.

In conclusion, Mr. President, I emphasize that the objectives of the amendment of the Senator from Kentucky are desirable ones, and are shared by the managers of this bill. It is simply our conclusion that these objectives would be better incorporated in simple legislation than in the body of the proposed amendment. I strongly urge the rejection of the pending amendment.

Mr. President, I might point out that there will be implementing legislation required by this amendment and I think that we can place in that legislation what the distinguished Senator from Kentucky desires. That would be far more preferable than treating this constitutional amendment as though it were a statute designed to accommodate every desire of every Member of the Congress. The time is short, and if we want a balanced budget amendment it seems to me we have to take Senate Joint Resolution 58 and resolve many of these issues in good faith in the subsequent implementing legislation. I would suggest we do that.

Rather than cluttering up the present amendment, which some feel is already long enough, we can readily resolve them through implementing legislation. I will be the first to assist the distinguished Senator from Kentucky in helping to get his language into that legislation. There is little reason, however, to place it into this amendment.

I yield the floor.

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

Mr. FORD. Will the Senator withhold?

Mr. THURMOND. Mr. President, I am glad to withhold.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, it seems that there is such a clamor to oppose my amendment which requires the President to submit a balanced budget. I think my colleagues will recall, and if they do not recall I would like to say to them, that I am not alone in my call for the President of the United States to submit a balanced budget to Congress. Many of my colleagues in this body, and I would like to specifically mention the distinguished Sena-

tor from Utah, have even voted to require the President to submit a balanced budget.

In the last Congress, the Senator from Utah, the Senator from South Carolina, the Senator from Virginia, the Senator from Alabama, and myself all voted to require the President to submit a balanced budget to Congress. It was the distinguished Senator from Oregon (Mr. PACKWOOD) who proposed that amendment requiring the President to submit a balanced budget. At that time, the proponents of the Packwood amendment argued that it would be very useful in arriving at a balanced budget to know which programs the President would cut to attain it. They argued that this would give Congress an additional alternative to the balanced budget offered by the Senate and offered by the House.

Now that the shoe is on a different foot, we find that they are not only speaking differently but they are voting differently.

It would be my thought, Mr. President, that we should have some consistency concerning the balanced budget. Where last year we voted to require the President to send a balanced budget to the Congress, this year we do not want to do it. I do not understand that. It may be because the majority has changed. That may have more than a significant part to play in it. But it just does not make sense to me where on one hand you are for it and on the other hand you are against it. If it is good enough for Congress to balance the Federal budget, it certainly is good for the President. If we do not have his leadership. regardless of who he or she might be in the long-term future of this country, then we are going to have a very difficult time finding those who are willing to vote for additional taxes to balance the budget.

I was amazed and a little bit amused Friday morning at about 4:45 when there was a lot of wailing and gnashing of teeth in this Chamber by certain Members who were being requested to vote for additional taxes.

Almost $100 billion in new taxes over the next 3 years. The pressure was on us. There was no pressure on the President to submit a package to Congress for new taxes. It is all right to submit a plan for cutting taxes, but not for raising additional revenues. Let us see that the pressure is the same at the Oval Office and here, in the Capitol Building.

Mr. President, I understand that we are going to lay this aside or recess until tomorrow. I am perfectly willing to do that.

Mr. BAKER. Mr. President, will the Senator yield to me?

Mr. FORD. I yield to the distinguished majority leader.

Mr. BAKER. Mr. President, I thank the distinguished Senator from Kentucky. He is right. I think it would be unwise to proceed very far with this matter today. It is important. The pending question, the Ford amendment, is one that deserves the consideration of every Senator. To tell the truth, we are far down on attendance this afternoon that I think all of us would be better served if we put this over until tomorrow.

Does the Senator from Virginia wish me to yield?

STATUS OF CONSIDERATION OF SENATE JOINT RESOLUTION 58

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield for a question?

Mr. BAKER. Yes.

Mr. HARRY F. BYRD, JR. What is the majority leader's plan with regard to this constitutional amendment resolution? We have been on it for 2 weeks. We have had very few votes on it. It has been set aside one or two times.

Mr. BAKER. Mr. President, let me tell the distinguished Senator I have had one or two conversations with the minority leader today on this subject. I expect us to be on this resolution all of this week. I hope very much to be able to finish it, perhaps even finish it on Thursday instead of Friday. As I have indicated to the minority leader and have previously stated on the floor, we shall be on this measure tkmkrrow, Wednesdax, and Thursday, and perhaps Friday.

Mr. HARRY F. BYRD, JR. Mr. President, in other words, it has priority?

Mr. BAKER. Mr. President, it does indeed, I shall do everything I can to see that it passes. I support the measure, and I think the time has come to deal with it.

Mr. HARRY F. BYRD, JR. I thank the distinguished majority leader.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I understand one Senator is on his way to the floor to speak, but not on this measure. If there is no other Senator seeking recognition on the pending business, I ask unanimous consent that there now be a brief period for the transaction of routine morning business to extend not past the hour of 2 p.m., in which Senators may speak.

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

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT OF THE NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS AND THE NATIONAL HOUSING PARTNERSHIP — MESSAGE FROM THE PRESIDENT—PM 157

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

I herewith transmit the Thirteenth Annual Report of the Independent National Corporation for Housing Partnerships and the National Housing Partnership, as required by Section 908(a) of the Housing and Urban Development Act of 1968.

RONALD REAGAN.

THE WHITE HOUSE, *July 26, 1982.*

ANNUAL REPORT OF THE ARMS CONTROL AND DISARMAMENT AGENCY—MESSAGE FROM THE PRESIDENT—PM 158

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I am pleased to transmit to you the 1981 Annual Report of the U.S. Arms Control and Disarmament Agency. I believe that this report, the first submitted by my administration and the 21st submitted since the creation of the Agency, marks a real coming of age and maturity in our approach to arms control and disarmament.

In 1981, we began the first in a series of negotiations with the Soviet Union to reduce the threat of nuclear war. The Intermediate-Range Nuclear Force (INF) talks, begun by Ambassador Paul H. Nitze's team in November, are a model for future negotiations with the Soviet Union.

It is our intention to deal with the most potentially destructive and politically destabilizing weapons first. In the INF talks, begun in Geneva, we are seeking to have the Soviet Union dismantle its intermediate-range nuclear weapons in exchange for our

pledge not to deploy Pershing II and Cruise missiles as requested by the North Atlantic Treaty Organization in December 1979.

Subsequently, in the period to be included in next year's annual report, we have undertaken major new initiatives in the Strategic Arms Reductions Talks (START), and in seeking reductions in conventional arsenals in the negotiations on Mutual and Balanced Force Reductions (MBFR). These and other important arms control initiatives of my administration are reviewed in my address of June 17, 1982, to the United Nations' Special Session on Disarmament, provided for your further information in an annex to the attached annual report.

Rather than seeking upper limits in arms control treaties, we seek to bring about real arms control through negotiated reductions. We are dedicated to reducing the threat of nuclear war by gradually reducing nuclear arsenals so that only those weapons which can reasonably guarantee mutual deterrence remain.

I am firmly convinced that the road we are following is both rational and realistic. We have analyzed the Soviet approach to military strategy and the threat posed by Soviet forces. We have concluded that arms control must play a vital role in the conduct of our foreign policy and as a complement to our policy of deterrence.

We are committed to deterrence. We shall stand by our Allies and friends, and we shall consult with them regularly as we go about the business of reestablishing our conventional and nuclear deterrent forces. Deterrence has worked in Europe for more than 35 years.

As you read through this 1981 Annual Report, I hope you will find, as I did, that the measured and considered approach to arms control, made possible by an exhaustive review and analysis, has, for the first time, resulted in a well considered program to reverse the trends of the past and bring about lasting peace.

We intend to pursue arms control and disarmament through agreements that are understandable, verifiable, and equitable. I am certain that I shall be able to call your attention to similar progress in future annual reports.

RONALD REAGAN.

THE WHITE HOUSE, *July 26, 1982.*

MESSAGES FROM THE HOUSE

At 11:36 a.m., a message from the House of Representatives, delivered by Mr. Gregory, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 2706. An act to amend title 28, United States Code, to modify the bar membership requirements for United States magistrates.

The message also announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 2317. An act to recognize the organization known as the National Federation of Music Clubs.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 4441) to amend title 17 of the United States Code with respect to the fees of the Copyright Office, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. KASTENMEIER, Mr. BROOKS, Mrs. SCHROEDER, Mr. FRANK, Mr. RAILSBACK, Mr. BUTLER, and Mr. SAWYER as managers of the conference on the part of the House.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5228. An act to amend title 18 of the United States Code to implement the Convention on the Physical Protection of Nuclear Material, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 278. Concurrent resolution expressing the sense of the Congress that funding for community service employment programs for senior citizens for fiscal year 1983 and subsequent fiscal years should be provided at levels sufficient to maintain or increase the number of employment positions provided under such programs; and

H. Con. Res. 310. Concurrent resolution expressing the sense of Congress that the President should consider and undertake certain efforts to help promote a settlement of the Cyprus conflict.

At 1:25 p.m., a message from the House of Representatives, delivered by Mr. Gregory, announced that the House disagrees to the amendments of the Senate to the following bill:

H.R. 2160. An act to amend the Potato Research and Promotion Act.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2329. An act conferring jurisdiction on certain courts of the United States to hear and render judgment in connection with certain claims of the Cherokee Nation of Oklahoma; and

H.R. 6663. An act to delay the effective date of proposed amendments to rule 4 of the Federal Rules of Civil Procedure.

HOUSE BILLS REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 2329. An act conferring jurisdiction on certain courts of the United States to hear and render judgment in connection with certain claims of the Cherokee Nation of Oklahoma; to the Committee on the Judiciary.

H.R. 5228. An act to amend title 18 of the United States Code to implement the Convention on the Physical Protection of Nuclear Material, and for other purposes; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTIONS REFERRED

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 278. Concurrent resolution expressing the sense of the Congress that funding for community service employment programs for senior citizens for fiscal year 1983 and subsequent fiscal years should be provided at levels sufficient to maintain or increase the number of employment positions provided under such programs; to the Committee on Labor and Human Resources.

H. Con. Res. 310. Concurrent resolution expressing the sense of Congress that the President should consider and undertake certain efforts to help promote a settlement of the Cyprus conflict; to the Committee on Foreign Relations.

HOUSE BILL HELD AT DESK

The following bill was ordered held at the desk until the close of business on Tuesday, July 27, 1982, by unanimous consent:

H.R. 6663. An act to delay the effective date of proposed amendments to rule 4 of the Federal Rules of Civil Procedure.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-1066. A petition from a citizen of San Francisco, Calif., urging the U.S. Senate to support Senate bill 6 to return America's currency to the gold standard; to the Committee on Banking, Housing, and Urban Affairs.

POM-1067. A resolution adopted by the City Council of Baltimore, Md., urging Congress to reject the cuts in domestic spending which are proposed in the President's 1982-83 budget; to the Committee on the Budget.

POM-1068. A joint resolution adopted by the legislature of the State of California; to the Committee on Environment and Public Works:

ASSEMBLY JOINT RESOLUTION No. 64

"Whereas, the growth of water hyacinth in the Sacramento-San Joaquin Delta and the Suisun Marsh has recently occurred at an unprecedented level; and

"Whereas, the resulting accumulations of water hyacinth obstruct navigation, impair other recreational uses of waterways, and have the potential for damaging manmade facilities in the delta and the marsh; and

"Whereas, the public interest requires that both state and federal agencies cooperate in undertaking an aggressive program for the effective control of water hyacinth; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully requests the United States Army Corps of Engineers to cooperate with the

state and local agencies in California in undertaking an aggressive program for the effective control of water hyacinth in the Sacramento-San Joaquin Delta and the Suisun Marsh; and be it further

Resolved, that the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the United States Army Corps of Engineers, to the Speaker of the House of Representatives, and to each Senate and Representative from California in the Congress of the United States."

POM-1069. A joint resolution adopted by the legislature of the State of California; to the Committee on Environment and Public Works:

"Whereas, the deposition of acid chemical compounds in rain, snow, fog, and dry particles has been recorded in many parts of California, including environmentally sensitive regions such as the Sierra Nevada Mountains; and

"Whereas, the acid deposition problem in California is substantially different in nature from the acid deposition problem experienced in the Eastern United States; and

"Whereas, California continues to experience levels of air pollution which are adverse to public health and agriculture, and as a result there is a continuing need for improved scientific knowledge of the causes and effects of air pollution, and of advanced technologies to reduce harmful emission; and

"Whereas, the Congress has recognized the significance of the problem of acid deposition by enacting the Acid Precipitation Act of 1980, which established the Federal Interagency Task Force on Acid Precipitation and mandated the preparation of a National Acid Precipitation Assessment Plan to identify the causes, sources, and effects of acid precipitation; and

"Whereas, since 1981, the level of federal support for independent scientific research related to the causes, effects, and control of air pollution and acid deposition has been significantly reduced, and drastic cuts in research spending are proposed, by the federal administration for the 1983 fiscal year; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, that the Legislature of the State of California hereby memorializes the President of the United States and the Congress of the United States to provide for a detailed study and evaluation of the problem of acid deposition in the Western United States in the development and implementation of the National Acid Precipitation Assessment Plan; and be it further

Resolved, that the Legislature memorializes the President of the United States, the Congress, and the Environmental Protection Agency to reverse the policy of reduced federal support for independent scientific research into the causes, effects, and control of air pollution and acid deposition; and be it further

Resolved, that the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Administrator of the Environmental Protection Agency and to each Senator and Representative from California in the Congress of the United States."

POM-1070. A joint resolution adopted by the Legislature of the State of California; to the Committee on Environment and Public Works:

ASSEMBLY JOINT RESOLUTION No. 88

"Whereas, the United States District Court for the District of Columbia has held that the Environmental Protection Agency (EPA) must issue regulations covering dams as a point source category under Section 402 of the Clean Water Act (Public Law 92-500); and

"Whereas, in the case of National Wildlife Federation vs. Gorsuch issued on January 29, 1982, United States District Court Judge Joyce Hens Green ruled that certain water quality conditions associated with dams and reservoirs should be dealth with as a "discharge" of pollutants prohibited by Section 301 of Public Law 92-500; and

"Whereas, Judge Green has rejected EPA's long-held position that the National Pollutant Discharge Elimination System (NPDES) does not apply to releases from reservoirs and the Court has held that the EPA has violated a nondiscretionary duty in failing to regulate dams with NPDES permits; now therefore, be it

"Resolved, by the Assembly and Senate of the State of California, jointly, that Public Law 92-500 be amended to eliminate the application of National Pollutant Discharge Elimination System permits to releases from reservoirs; and, be it further

Resolved, that the Chief Clerk of the Assembly is directed to forward ckpies of this resolution to the President and Vice President of the United States, to the Administrator of the Environmental Protection Agency, to the Speaker of the United States House of Representatives, to the Chairman of the Senate Committee on Energy and Natural Resources, to the Chairman of the House Committee on Transportation and Public Works, and to each Senator and Representative from California in the Congress of the United States."

POM-1071. A joint resolution adopted by the Legislature of the State of California; to the Committee on Finance:

"ASSEMBLY JOINT RESOLUTION No. 106.

"Whereas, It is important that consumers be assured of buying only sweet, ripe table grapes, and this assurance is provided with respect to domestic grapes by the application of state and federal quality standards; and

"Whereas, The federal quality standards do not apply to imported table grapes, and there is no assurance that these grapes meet the same sweetness and quality requirements that domestic grapes must meet; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to enact appropriate legislation to require that imported table grapes comply with the same federal requirements applicable to domestic table grapes regarding grade, size, quality, and maturity; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator tnd Representative from California in the Congress of the United States."

POM-1072. A joint resolution adopted by the Legislature of the State of California; to the Committee on Finance:

"ASSEMBLY JOINT RESOLUTION No. 55

"Whereas, The United States Congress has currently under its consideration a number of legislative proposals which provide for the creation of enterprise zones; and

"Whereas, The California Legislature is also considering legislation which may result in the creation of some form of enterprise zones; and

"Whereas, It is deemed to be desirable that any legislation approved by the California Legislature with respect to enterprise zones should, to the extent feasible, be consistent with and complementary to the federal program; and

"Whereas, The proposed enterprise zone legislation currently before the Congress sets forth certain criteria and conditions required for the designation of enterprise zones such as population decline, chronic abandonment of housing or commercial buildings, and substantial tax arrearage in an area; and

"Whereas, There exists in certain regions of the country, areas of severe economic distress which are often characterized by conditions other than those described above; and

"Whereas, Certain of these characteristics which are prevalent in California and other western and southern states should be considered by the Congress as appropriate criteria or conditions for the designation of enterprise zones, such as a high refugee or immigrant population, economic dislocation as a result of boomtown phenomena associated with resource development projects, and areas substantially impacted by closure of major employers; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorialize the President and the Congress of the United States to consider conditions of economic distress which exist in the western region of the United States when determining the criteria which will be used in designating an area a federal enterprise zone; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives and to each Senator and Representative from California in the Congress of the United States."

POM-1073. A joint resolution adopted by the Legislature of the State of Alabama; to the Committee on Finance:

"RESOLUTION

"Whereas, H.R. 5868 and S. 2376, introduced respectively in the United States House of Representatives and the U.S. Senate, are companion bills designed to initiate the most significant change in our Federal Tax System since the first Income Tax Law was adopted almost seven decades ago; and

"Whereas, the aforementioned bills call upon the Treasury Department to conduct a study detailing the economic and administrative consequences of adopting a flat rate Gross Income Tax System; and

"Whereas, preliminary studies by a prominent Washington economist indicate that the GIT rates would not exceed 7½ percent for any class of taxpayers, a far cry from the tremendous burden now heaped upon the shoulders of the American taxpayer; and

"Whereas, the legislation also would serve to drastically reduce or eliminate the complicated tax paperwork now required of indi-

viduals, business and government as well; and

"Whereas, following completion of the Treasury Department's study, a comprehensive bill to change from our present net income tax system to the new GIT system would be introduced in the 98th Congress (1982-83) to provide for a fair and simple income tax system for all Americans; now therefore,

"Be it resolved by the Legislature of Alabama, both houses thereof concurring, That we strongly urge the Alabama Congressional Delegation and the entire Congress to support legislation for the Gross Income Tax System and direct that copies of this resolution be dispatched to each member of the Alabama Delegation, and to the presiding officers of each House of Congress, with a further request that this resolution be placed in the Congressional Record evidencing Alabama's support of a fair and equitable system of taxation."

POM-1074. A joint resolution adopted by the city council of the city of Plainfield, N.J. urging Congress to initiate and enter into a mutual nuclear weapons freeze with the Soviet Union; to the Committee on Foreign Relations.

POM-1075. A resolution adopted by the city council of the city of Parama, Ohio, urging Congress to establish a permanent, international nuclear weapons ban; to the Committee on Foreign Relations.

POM-1076. A resolution adopted by the Penn Central Conference of the United Church of Christ urging the United States and the Soviet Union to stop the nuclear arms race; to the Committee on Foreign Relations.

POM-1077. A resolution adopted by the Penn Central Conference of the United Church of Christ supporting the efforts leading to nuclear freeze between all nations with nuclear weapons or nuclear weapon capability; to the Committee on Foreign Relations.

POM-1078. A resolution adopted by the Penn Central Conference of the Church of Christ urging the United States and the Union of Soviet Socialist Republics to freeze the production and deployment of nuclear weapons as an initial step toward nuclear disarmament; to the Committee on Foreign Relations.

POM-1079. A resolution adopted by the Jewish War Veterans, U.S.A., Department of New York, supporting the decision of the State of Israel in its determination and resolve to remove the constant threat to the lives of the population living in northern Israel; to the Committee on Foreign Relations.

POM-1080. A resolution adopted by the Associated Students of Western Washington University, Bellingham, Wash., urging Congress to pass laws redistricting the existing telephone companies' boundaries to correspond to State borders; to the Committee on the Judiciary.

POM-1081. A resolution adopted by the Associated Students of Western Washington University, Bellingham, Wash., urging Congress to adopt any and all laws and/or regulations necessary to prevent the further deaths of any handicapped children such as "infant Doe" who died of starvation in Bloomington, Ind., on April 15, 1982; to the Committee on the Judiciary.

POM-1082. A resolution adopted by the Associated Students of Western Washington University, Bellingham, Wash., urging Congress to pass the Human Life Amendment presently under consideration; to the Committee on the Judiciary.

POM-1083. A resolution adopted by the Associated Students of Western Washington University, Bellingham, Wash., urging Congress to adopt a constitutional amendment that will make an automobile, or any method of personal transportation, an extension of one's personal residence; to the Committee on the Judiciary.

POM-1084. A resolution adopted by the Associated Students of Western Washington University, Bellingham, Wash., urging Congress to reevaluate rules and regulations concerning foreign immigrations; to the Committee on the Judiciary.

POM-1085. A joint resolution adopted by the Legislature of the State of California; to the Committee on the Judiciary:

"ASSEMBLY JOINT RESOLUTION No. 68

"Whereas, The current regulations of the United States Parole Commission and the Bureau of Federal Prisons prohibit the notification of local law enforcement agencies of the presence of prisoners and parolees in the community except under prescribed circumstances; and

"Whereas, Adequate identification and information relating to federal prerelease prisoners and parolees residing in or temporarily domiciled in the state is not being released to the local law enforcement agencies and this effectively impedes the efforts of such agencies to protect the public; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact legislation giving the United States Parole Commission and the Bureau of Federal Prisons the authority to release all relevant information concerning persons under their respective jurisdictions who are or may be residing or temporarily domiciled while on parole, or who are or may be housed in a halfway house, residential community treatment center, or other prerelease facility, or who are or may be released from an institution on a furlough or other form of release prior to parole or discharge, in the State of California, and who have been convicted of a federal crime which could have been prosecuted as a felony under the penal provisions of this state, to local law enforcement agencies; and be it further

"Resolved, That the Legislature of the State of California respectfully requests the United States Parole Commission and the Bureau of Federal Prisons to promulgate the necessary regulations as soon as possible to facilitate the speedy ongoing exchange of relevant information between the commission and the bureau and affected local law enforcement agencies regarding federal prerelease prisoners and parolees who are or will be housed or paroled in their local communities and who have been convicted of a federal crime which could have been prosecuted as a felony under the penal provisions of this state.

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the United States Parole Commission, the Bureau of Federal Prisons, and to the United States Department of Justice."

POM-1086. A joint resolution adopted by the Legislature of the State of California; to the Committee on Labor and Human Resources:

"ASSEMBLY JOINT RESOLUTION No. 94

"Whereas, The number of elderly Americans has been growing rapidly as evidenced by a daily net increase of 1,600 persons over the age of 65 in the United States; and

"Whereas, By the year 2030, older Americans are expected to comprise nearly 20 percent of this nation's total population, up dramatically from the current figure of 11.3 percent; and

"Whereas, Currently 1.5 million Americans, including 5 percent of persons over age 65, are confined to nursing homes or similar institutions, and this number is expected to grow to approximately 2 million people by the year 2000 unless present policies toward long-term care are reversed; and

"Whereas, In 1979 alone, nursing home care expenditures amounted to $17.8 billion in the United States, with 56.7 percent paid by the federal government; and

"Whereas, The need for long-term care is rapidly escalating and federal and state governments' ability to raise the revenues necessary to provide such care is limited, requiring a thorough reevaluation of programs that finance long-term care to avoid the prospects of a costly buildup of nursing home facilities; and

"Whereas, One alternative to institutionalization is increased use of home health care services; and

"Whereas, Movement in this direction has been retarded by federal Medicaid and Medicare policies that create financial incentives which favor care for the chronically ill elderly in nursing homes; and

"Whereas, Medicare's home health care coverage is aimed primarily at serving the elderly with acute care needs and, as a result, it largely excludes those who require extended care, with particularly restrictive requirements that recipients be homebound and services be performed by skilled professionals; and

"Whereas, Legislation in the form of S. 234 (Hatch, R-Utah) has been introduced in Congress to encourage establishment of home health programs, to provide expanded coverage of home health services under Medicare and Medicaid, and to encourage individuals to provide for the care of elderly dependents in the home, thereby deemphasizing premature and unnecessary institutionalization; and

"Whereas, S. 234 would amend the Public Health Service Act to provide grants to public and nonprofit private entities and loans to proprietary home health entities for the specific purpose of meeting the initial costs of establishing and operating home health programs, and for the training of professional and paraprofessional home health personnel; and

"Whereas, S. 234 would broaden eligibility standards for those needing home health care under Medicare to include skilled nursing care, the services of a homemaker home health aide on a part-time or intermittent basis, or physical, speech, occupational, or respiratory therapy; and

"Whereas, S. 234 requests the United States Department of Health and Human Services to assemble and study all available information on alternative reimbursement mechanisms for home health agencies in order to determine the most cost-effective and efficient ways of providing home health services; and

"Whereas, S. 234 provides a major incentive for development of home health care in the form of a five hundred dollar ($500) income tax credit available to individuals who support a dependent person in their home who would otherwise require institutionalization if adequate care at the home were unavailable; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, Respectfully memorializes the President and the Congress of the United States to enact the Community Home Health Services Act of 1981 in order to encourage the establishment of home health programs, to expand the coverage of home health services for the elderly and disabled under Medicare and Medicaid programs, and to encourage individuals to provide care for qualified dependents in the home; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Chairman of the Senate Labor and Human Resources Committee, to the Chairman of the House Energy and Labor Committee—Subcommittee on Health, and to each Senator and Representative from California in the Congress of the United States."

POM-1087. A resolution adopted by the Austin, Tex., Independent School District urging the Department of Education to authorize the continuation of schoolwide projects in schools of very high concentrations of ECIA chapter I eligible students; to the Committee on Labor and Human Resources.

POM-1088. A resolution adopted by the Associated Students of Western Washington University, Bellingham, Wash., urging Congress to pass laws insuring that nationwide election results will not be broadcast until all polls are closed so as not to affect voting patterns in most Western States; to the Committee on Rules and Administration.

POM-1089. A resolution adopted by the General Synod of the Reformed Church in America opposing the redistribution of our national resources to increased military spending at the expense of spending for social programs that meet essential human needs; ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. 2774. A bill to provide for reconciliation pursuant to section 2 of the first concurrent resolution on the budget for fiscal year 1983 (S. Con. Res. 92, 97th Congress) (Rept. No. 97-504.)

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary:

Patrick E. Higginbotham, of Texas, to be U.S. circuit judge for the fifth circuit;

E. Grady Jolly, of Mississippi, to be U.S. circuit judge for the fifth circuit;

Richard A. Gadbois, Jr., of California, to be U.S. district judge for the Central District of California;

James O. Golden, of Virginia, to be U.S. marshal for the District of Columbia for the term of 4 years;

Julio Gonzales, of California, to be U.S. marshal for the Central District of California for the term of 4 years; and

Eugene V. Marzullo, of Pennsylvania, to be U.S. marshal for the Western District of Pennsylvania, for the term of 4 years.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HEINZ:

S. 2770. A bill to provide import relief for the specialty steel industry; to the Committee on Finance.

S. 2771. A bill to provide import relief for the specialty steel industry; to the Committee on Finance.

By Mr. GORTON (for himself, Mr. RUDMAN, Mr. DANFORTH, and Mr. STAFFORD):

S. 2772. A bill to assist in the fair and effective enforcement of the antitrust laws; to the Committee on the Judiciary.

By Mr. HAYAKAWA:

S. 2773. A bill to amend the Export Administration Act of 1979; to the Committee on Finance.

By Mr. DOMENICI:

S. 2774. An original bill to provide for reconciliation pursuant to section 2 of the first concurrent resolution on the budget for fiscal year 1983 (S. Con. Res. 92, 97th Congress); from the Committee on the Budget; placed on the calendar.

By Mr. DENTON (by request):

S. 2775. A bill to amend the Low-Income Home Energy Assistance Act of 1981 to include emergency assistance generally, to remove certain burdensome and unnecessary Federal administrative requirements on State programs, and for other purposes; referred to the Committee on Labor and Human Resource.

By Mr. RIEGLE (for himself, Mr. KENNEDY and Mr. METZENBAUM):

S. 2776. A bill to provide that disability benefits under title II of the Social Security Act may not be terminated without evidence of medical improvement, to limit the number of periodic reviews, and to provide that benefits continue to be paid through a determination by an administrative judge; to the Committee on Finance.

By Mr. ROBERT C. BYRD:

S. 2777. A bill to amend title 5, United States Code, to designate May 30 as Memorial Day; to the Committee on the Judiciary.

By Mr. MOYNIHAN:

S.J. Res. 217. Joint resolution authorizing the Secretary of the Interior to construct a National Law Enforcement Heroes Memorial; to the Committee on Rules and Administration.

By Mr. ROBERT C. BYRD:

S.J. Res. 218. Joint resolution to authorize and request the President to designate the week of August 29, 1982, through September 4, 1982, as "National Railroad Week" and September 4, 1982, as "National Railroad Day"; to the Committee on the Judiciary.

By Mr. ROBERT C. BYRD (by request):

S.J. Res. 219. Joint resolution to designate the second Sunday of each September as "National Pet Memorial Day"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HEINZ:

S. 2770. A bill to provide import relief for the speciality steel industry; to the Committee on Finance.

S. 2771. A bill to provide import relief for the speciality steel industry; to the Committee on Finance.

(The remarks of Mr. HEINZ on this legislation appear earlier in today's RECORD.)

By Mr. GORTON (for himself, Mr. RUDMAN, Mr. DANFORTH, and Mr. STAFFORD):

S. 2772. A bill to assist in the fair and effective enforcement of the antitrust laws; to the Committee on the Judiciary

ENFORCEMENT OF ANTITRUST LAWS

● Mr. GORTON. Mr. President, today I am introducing, on behalf of myself and Senators RUDMAN, DANFORTH, and STAFFORD, legislation which would partially overturn, in a carefully confined manner, a 1977 Supreme Court ruling which has caused severe economic consequences to the States and their citizens. The case is Illinois Brick Co. against Illinois, 431 U.S. 720 (1977), in which the Court held that those who deal directly with an antitrust violator—direct purchasers—are entitled to sue that violator to recover damages for price fixing.

The States and their citizens normally are not direct purchasers—they purchase goods through independent retailers and other intermediaries. Frequently, these intermediaries pass on to the ultimate consumers the higher prices caused by illegal price fixing by the intermediaries' suppliers. Not only have the intermediaries not injured in such case, but they are reluctant to bring suit because they are dependent on a good relationship with their suppliers for future business success.

The States and their citizens, who pay the higher prices to intermediaries for the goods, are the true injured parties; but the Illinois Brick decision unfairly precludes these victims of this particularly blatant and costly form of antitrust violation from any means of redress. This has seriously eroded the fair and effective enforcement of the Nation's antitrust laws. Especially in these difficult economic times, it is essential that States be given the effective ability to fight price fixing which substantially increases the cost of goods to their citizens—as taxpayers and as consumers.

The Illinois Brick Court did recognize that the decision might conflict with the intent of the Federal antitrust statutes. It, therefore, invited the Congress, if it disagreed with the result in the case, to provide "clear directions * * * to the contrary." S. 1874 in the 95th Congress and S. 300 in the 96th were the Senate Judiciary Com-

mittee's responses to the Court's invitation. Although placed on the calendar, neither bill was considered on the floor of the Senate.

The bill we are today proposing also responds to the Supreme Court's invitation, but unlike the previous expansive and controversial proposals, it would take a more limited approach. It would overturn Illinois Brick (in part), but would limit prosecution on behalf of indirect purchasers to the U.S. Attorney General and the State attorneys general. The attorneys general would be able to prosecute on behalf of the States, and on behalf of the citizens of their States—parens patriae. In this manner, our proposal would permit indirect purchasers their day in court, but, by limiting prosecution to a set group of law enforcement officers, it would dispel any fear that reversing Illinois Brick might open the floodgates of private litigation and class actions.

This bill also would insure that defendants would not suffer multiple liability arising out of actions by both direct and indirect purchasers. Defendants would be allowed to prove as a partial or complete defense that the purchaser passed on additional costs in higher prices to subsequent purchasers. This would permit apportionment of any damage award to victims according to their actual losses. The proposal further would provide for attorneys' fees to defendants in the case of bad faith or vexatious prosecution. It would apply prospectively only. The bill, in fact, is identical in substance to amendment No. 1893, which the same Senators have proposed to S. 995, the Antitrust Equal Enforcement Act.

I believe this legislation is a responsible, carefully confined approach to the problem of restoring to our Federal and State governments the opportunity to initiate suit to recover dollars illegally appropriated from their taxpayers and citizens by price fixers and bid riggers. Both equity and current economic conditions demand that we not further delay taking this limited, but much-needed and overdue, step.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of our proposed legislation and a copy of a recent resolution of the National Association of Attorneys General strongly supporting this proposal.

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

S. 2772

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Clayton Act is amended by inserting after section 4H, the following:

"INDIRECT ACTIONS

"SEC. 4I. (a) In any action under section 4 of the Clayton Act, the fact that a State or any political subdivision thereof, and in any action under section 4A of the Clayton Act, the fact that the United States, has not purchased goods or services directly from a defendant shall not bar or otherwise limit recovery; and in any action under section 4C of the Clayton Act to secure monetary relief for injury sustained by natural persons to their property by reason of having purchased goods or services with respect to which there was an agreement by the defendant to fix prices in violation of section 1 of the Sherman Act, the fact that a natural person has not purchased goods or services directly from a defendant shall not bar or otherwise limit recovery.

"(b) In any action under section 4 of the Clayton Act, the defendant shall be entitled to prove as a partial or complete defense to a damage claim, in order to avoid duplicative liability to it, that the plaintiff has passed on to others, who are themselves entitled to recover under sections 4, 4A, or 4C of this Act, some or all of what otherwise would constitute plaintiff's damage.

SEC. 2. The amendments made by this Act shall not apply to any injury sustained prior to the date of the enactment of this Act.

SEC. 3. Section 4 of the Clayton Act (15 U.S.C. 15) is amended by adding at the end thereof the following: "The court may, in its discretion, award a reasonable attorney's fee to a prevailing defendant upon finding that the plaintiff has acted in bad faith, vexatiously, wantonly, or for oppressive reasons.".

SEC. 3. Section 1407(h) of title 28, United States Code, is amended by striking out "section 4C of".

RESOLUTION: ILLINOIS BRICK

Whereas, proposed legislation pending in the United States Congress that would have the effect of overruling the United States Supreme Court decision in *Illinois Brick Company* v. *Illinois,* 431 U.S. 720 (1977), is vitally important to the treasuries of state, federal, and local governments; the pocketbooks of all taxpayers and citizens; and the integrity of the free enterprise economy of this nation; Now therefore, be it

Resolved, that the National Association of Attorneys General:

1. Reaffirms its strong support for federal legislation to reverse the effects of *Illinois Brick* v. *Illinois,* 431 U.S. 720 (1977), so that state Attorneys General may pursue fully price fixing and bid rigging cases under the Sherman Act; and

2. Commends United States Senators Slade Gorton, Warren Rudman, John Danforth, and Robert Stafford for their efforts to bring such legislation to the floor of the Senate for consideration by the entire Senate; and

3. Authorizes the General Counsel of this Association to transmit these views to the Administration, the Congress and other interested individuals.●

By Mr. HAYAKAWA:

S. 2773. A bill to amend the Export Administration Act of 1979; to the Committee on Finance.

OIL EXPORT LEGISLATION

Mr. HAYAKAWA. Mr. President, today I am introducting legislation which could help the United States improve its relations with Mexico and Japan. Discussions with the Departments of Defense, Energy and Commerce have convinced me that my proposal to give the President the authority to export Alaskan oil to Japan in exchange for a similar amount of oil from Mexico makes sense. Although oil from Mexico is not the solution to our energy problems, it will help us reduce our dependence on Organization of Petroleum Exporting Countries (OPEC).

When the Congress debated this subject in 1979, many of my colleagues argued that because the Jones Act requires that products shipped from one American port to another must be carried in American-flagships, the Maritime Administration would suffer an undue hardship if we shipped oil to Japan in foreign-flag ships. Addressing this concern, my bill requires that Amercian-flag ships be used to transport the oil.

Presently about one-third of the approximately 1.6 million barrels of oil per day produced in Alaska is shipped through the Panama Canal to the Gulf of Mexico and Eastern States, at a cost of approximately $5 per barrel compared to $3 per barrel to ship oil from the Port of Valdez to the Far East. Not only would my proposal reduce the present transportation costs but it would also alleviate some of the problems which the President's eibargo of technology to the Soviets has placed on our allies, the Japanese.

Last month, the President prohibited the American firm, Schlumberger Ltd., from exporting its logging equipment to a consortium of Japanese companies for completion of the Sakhalin project. Under the Sakhalin project, the Japanese agreed 7 years ago to provide the necessary technology for exploring a Soviet gas field in the Sea of Okhotsk in exchange for 3 million metric tons of gas for 20 years from the Soviet Union. Although the Sakhalin project is almost complete, the Japanese desperately need American technology. The President banned the sale of this technology because the Sakhalin project is in the Soviet Union's Sea of Okhotsk. Meanwhile the Japanese have already spent $160 million and are not too pleased with the effects of our embargo. The Japanese are 88 percent dependent on imports to meet their primary energy needs. Japan needs a stable source of oil. We could supply them with some of this oil. If the President determined that oil exports were not in the national interest, he or she would have the authority to abandon our contract with Japan.

Mr. President, many people may wonder how I can even contemplate this subject at a time when we are so desperately trying to reduce our dependence on foreign countries for oil. Simply put, the United States would not lose any oil if my proposal were enacted. In exchange for the oil that we exported to Japan, we would receive the same amount of oil from Mexico, which has expressed an inter-

est in this proposal. Every barrel of imports from Mexico is a barrel less of imports from the Eastern hemisphere; both our national security and our balance of payment positions are thereby improved. At a time when our relations with Latin America are deteriorating, this proposed action speaks louder than words simply calling for improved ties between Mexico and the United States. Revenues which Mexico received from trade with the United States could be used to support revitalization and development projects in which our neighbor to the south has expressed an interest. As a key country in Latin America, Mexico could set an example to its neighboring countries in Central America, thereby encouraging them to develop their oil resources for export. Our new ties with Mexico could demonstrate that we are truly interested in improving our trade relations with Latin America.

Let me remind my colleagues that there is a glut of Alaskan oil on the west coast primarily because most of California's refineries cannot handle the heavy high-sulfur Alaskan crude. Consequently, we ship oil through the Panama Canal to the East and Gulf States which are capable of refining the heavy crude. Not only is the process costly but it is also cumbersome. Under the present plan, oil goes from Alaska's Port of Valdez on a large tanker to the Panama Canal. Since the tanker cannot fit through the canal, the oil is removed and placed on smaller vessels headed for the Gulf and Eastern States. The Panama pipeline scheduled to operate this winter will partially alleviate the complicated process.

However, Japan's refineries are also capable of handling the Alaskan crude. While Alaskan oil exports will not substantially reduce the amount of oil presently going through Panama, they will encourage production of Alaskan oil. Presently about 85 percent of Alaska's oil is produced in the Prudoe Bay. By 1986, the Kuparuk Field's present production of 50,000 barrels per day of oil is expected to increase by 250,000 barrels per day, Why not ship some of this oil to Japan? While we will not reduce our present oil supply because we will swap oil exported for oil imported, we shall reduce the trade deficit between Japan and the United States. At the same time we would strengthen our ties with Mexico and Japan. The United States would not lose one drop of oil. In fact, we could obtain a sweeter grade crude from Mexico. In addition, we would save approximately $2 per barrel in transportation expense, and generate higher Federal tax revenues.

Mr. President, I encourage my colleagues to join me in supporting this legislation. I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 2773

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (d)(3) of section 7 of the Export Administration Act of 1979 (50 U.S.C. App. 2406), is amended to read as follows:

"(3)(A) Notwithstanding any other provision of this section or of any other law, including subsection (u) of section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), the President is authorized, subject to the provisions of subparagraph (B), to enter into a bilateral interntional oil supply agreement, with any country pursuant to the International Emergency Oil Sharing Plan of the International Energy Agency, pursuant to which the United States would export to such country crude oil from whatever source in exchange for an equal amount of crude oil from supplies owned or otherwise controlled by that country.

"(B) The President shall have no authority to enter into a bilateral agreement pursuant to subparagraph (A), unless he has first determined and published expressed findings to the effect that the exporting of such crude oil from the United States to such country (i) will result through convenience or increased efficiency of transportation in lower prices for consumers of petroleum products in the United States, and (ii) will be helpful to the United States in connection with its balance of payments.

"(C) In no case shall the President enter into any bilateral agreement pursuant to this paragraph unless such agreement contains provisions sufficient—

"(i) to assure that all oil exported pursuant to such agreement shall be shipped in United States-flagships, if such ships are available; and

"(ii) to enable the President to terminate or suspend any such agreement if the President determines that crude oil supplies of the United States are interrupted, threatened, or diminished, or such termination or suspension is otherwise essential to the national interests of the United States.".

By Mr. DENTON (by request):

S. 2775. A bill to amend the Low-Income Home Energy Assistance Act of 1981 to include emergency assistance generally, to remove certain burdensome and unnecessary Federal administrative requirements on State programs, and for other purposes; to the Committee on Labor and Human Resources.

THE LOW-INCOME HOME ENERGY ASSISTANCE ACT

● Mr. DENTON. Mr. President, I am introducing today, at the administration's request, a bill that amends the Low-Income Home Energy Assistance Act to allow program funds to be used to provide emergency assistance to low-income families, and to remove certain restrictions found in the current statute. The title of the block grant would be changed to the low-income home energy and emergency assistance block grant, and funding would be authorized at a level of $1.3 billion for both fiscal years 1983 and 1984.

The bill is particularly important in light of recent action taken by the Finance Committee to repeal the program for emergency assistance for needy families with children. Under this program, which was part of AFDC, States could provide emergency financial assistance to families with dependent children who faced such crises as eviction, illness, loss of employment, desertion, severe accident, natural disaster or wage garnishment.

With repeal of the emergency assistance program by the Finance Committee, there is no Federal program that contains authorizing language permitting financial assistance to victims of crises such as those mentioned above. This bill provides the necessary authorizing language and allows State officials, if they so choose, to provide emergency financial assistance services to any low-income households, not just those with dependent children.

In addition, the bill removes many unnecessary Federal requirements contained in the current low-income home energy assistance block grant statute. Although the block grant approved last year removed many of the most cumbersome requirements, this bill goes further and removes restrictions that were found, during the block grant's initial year of operation, to be ineffectual or duplicative.

The new bill simplifies the application process, requiring only that a State submit a report on the intended use of the block grant funds. The report need cover no more than the goals and objectives of the program, the activities to be funded to accomplish the goals, the types of households that will be served, the areas within the State where the program will be operated, and a description of the criteria and administrative methods for disbursing block grant funds.

The bill also simplifies State auditing requirements, removes the 15 percent ceiling on the amount of funds a State may spend for weatherization, gives State officials greater flexibility in choosing local agencies to carry out portions of the program and eliminates language specifying how States make payments to energy suppliers. The result of this streamlining will be increased State flexibility in the use of Federal block grant money.

This proposal is wholly consistent with the administration's goal of giving the States maximum discretion in the use of Federal money. Local officials are in the best position to determine who in their jurisdictions are most in need, and to determine how the funds can best be used to help these people. No highly detailed Federal program can hope to address the widely varying needs of 50 disparate populations. A far better approach is to give funds to the States with as few strings attached as possible, and to

allow them to formulate a program that meets their individual needs. This bill is a further step toward that goal. It returns substantial decisionmaking responsibility to the States, and allows them to use their funds to address a wider spectrum of problems than could be dealt with under current law.

I commend the administration for proposing this legislation, which will allow people who are victims of emergency circumstances often beyond their control to remain eligible for much needed assistance, and which broadens substantially the range of services that can be provided under this program.

As chairman of the Aging, Family and Human Services Subcommittee, which has jurisdiction over the low-income home energy assistance block grant, I can assure the Senate that the subcommittee will consider this proposal carefully and thoroughly.●

By Mr. RIEGLE (for himself, Mr. KENNEDY, and Mr. METZENBAUM):

S. 2776. A bill to provide that disability benefits under title II of the Social Security Act may not be terminated without evidence of medical improvement, to limit the number of periodic reviews, and to provide that benefits continue to be paid through a determination by an administrative law judge; to the Committee on Finance.

EMERGENCY SOCIAL SECURITY DISABILITY AMENDMENTS OF 1982

● Mr. RIEGLE. Mr. President, today I am introducing legislation designed to address the unnecessary and unintended suffering and hardship experienced by hundreds of thousands of social security disability insurance (SSDI) beneficiaries. As a result of the Social Security Disability Amendments of 1980, all nonpermanent disability cases must be reviewed at least once every 3 years and all permanent cases every 7 years. These reviews, called continuing disability investigations (CDI's), have resulted in hundreds of thousands of disabled persons facing the abrupt termination of their disability benefits only to have benefits reinstated after many months of reconsiderations and appeals. The bill I am introducing today for myself, the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Ohio (Mr. METZENBAUM) addresses the unanticipated problems created by the disability reviews.

Mr. President, the problems created by the CDI's has generated a great deal of anxiety and indignation among individuals concerned with the welfare of disabled Americans. The purpose of the 1980 amendments was to assure that individuals who were no longer disabled were removed from the disability rolls thereby helping to provide adequate funds for individuals truly in need of assistance. The rapid expansion of the social security disability insurance program during the 1970's together with the projected shortfalls in the disability insurance trust fund, led to the enactment of the review requirement. The 1980 amendments were never intended as a means of reopening hundreds of thousands of disability cases but rather were designed to improve the administration of the program and to remove individuals from the disability rolls who had medically recovered or who had returned to substantial employment.

Mr. President, what has happened instead is that the implementation of the 1980 amendments, which the administration voluntarily launched 9 months earlier than required by law, has resulted in the severe hardship of hundreds of thousands of disability beneficiaries who are forced to go without benefits for many months, and who must demonstrate at several different levels within the appeals process, that their disabilities continue and that they remain legally eligible for benefits. This would not be so troublesome if the majority of individuals who were forced to go through this process were individuals who were no longer disabled and, therefore, no longer eligible for benefits. However, this is not the case. About two-thirds of the terminations of current beneficiaries by the administration were reinstated after appeal.

Current data indicates that of all beneficiaries who are reviewed about 50 percent are initially terminated from the rolls. Of those 50 percent who appeal the decision, about 67 percent are later proven eligible for disability benefits in front of an administrative law judge. All of those individuals who are later shown to be eilgible must find alternative funds for basic sustenance, perhaps by selling their homes or other essential possessions, during the sometimes lengthy appeals process. Some beneficiaries have had to wait 6 to 12 months to get a hearing. Even though individuals who prove the continued existence of their disability will receive retroactive payments covering the period when their benefits were terminated, their previous financial status is often irretrievable. In addition, many of these beneficaries will lose up to 25 percent of their wrongfully terminated benefits in attorney's fees.

Mr. President, this is a situation that has not gone unnoticed by the Congress. The Subcommittee on Social Security of the Committee on Ways and Means first held hearings at which I testified in March of this year. The Select Committee on Aging in the House also held several days of hearings on this unfortunate and unnecessary situation. In the Senate, the Subcommittee on General Oversight and Government Management of the Committee on Governmental Affairs, under the leadership of Senators LEVIN and COHEN, held an indepth hearing on CDI's receiving testimony from aggrieved beneficiaries as well as from the Social Security Administration.

Numerous bills have been introduced that either attempt to enact comprehensive modifications in the review process or provide a series of short-term emergejcy measures designed to mollify some of the more onerous consequences of current practice until a more comprehensive and long-term response can be devised. A comprehensive approach—H.R. 6181—introduced by Representatives PICKLE and ARCHER in the House was ordered reported by the Committee on Ways and Means but pulled back after a controversy developed over certain key provisions. Although there appears to be a broad base of support for action on this matter in the Congress, as the history surrounding H.R. 6181 indicates, successful enactment of legislation remains in jeopardy until we can achieve a consensus on a single course of action. The bill I am introducing today is designed to provide that needed consensus.

The legislation which I am introducing today was developed by a broad-based coalition of groups concerned with the needs of disabled Americans. The proposal contains selected provisions taken from several other bills necessary to halt the wrongful termination of hundreds of thousands of disability beneficiaries until Congress is able to develop a more comprehensive solution. While all of the provisions contained in the bill I am introducing today are in other pieces of legislation, no single bill contains only these three essential provisions necessary for alleviating the needless suffering of disabled persons.

Section 1 of the bill requires evidence of medical improvement or instances of a clearly erroneous initial decision for purposes of terminating benefits. Section 2 of the bill slows down the number of disability reviews made at the discretion of the Secretary by limiting the number of reviews of current beneficiaries to the total number of new beneficiaries within the preceding calendar year. The review requirement for all new beneficiaries would be limited to an initial review after 3 years with all additional reviews at the discretion of the Secretary. Section 3 of the bill provides for continued benefits until a final determination has been made by an administrative law judge subject to the overpayment provisions in determinations not in favor of the beneficiary.

Mr. President, it is my hope that all of us who are deeply concerned about the needless suffering of innocent Americans can agree on the carefully balanced approach developed by this coalition of disability groups. It is ab-

solutely essential that we continue to strengthen and develop the bipartisan support that has emerged in response to this national tragedy.

Mr. President, I ask unanimous consent that immediately following the conclusion of my remarks there be printed the following material: A copy of a letter I received on July 23, 1982, signed by Jay B. Cutler, on behalf of the national organizations and disability groups that participated in the development of S. 2776, and the full text of S. 2776.

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

AMERICAN PSYCHIATRIC ASSOCIATION,
Washington, D.C., July 23, 1982.

Hon. DONALD RIEGLE, Jr.,
Dirksen Senate Office Building,
U.S. Senate, Washington, D.C.

DEAR SENATOR RIEGLE: On behalf of the undersigned national organizations and their membership, representing disability groups as well as medical and other professional organizations, I wanted to express our deep appreciation for your leadership in efforts to ameliorate the tragic situation now confronting disabled individuals under the Social Security Disability Insurance Program.

As you are aware, we are extremely concerned that the Senate act promptly to protect those individuals whose benefits are being unjustly terminated due to the Social Security Administration's continuing disability investigations. We believe that the following three legislative provisions are critical to that effort:

(1) There must be evidence of medical improvement or that the original decision granting benefits was clearly erroneous before SSA may terminate disability benefits;

(2) The Continuing Disability Investigation (CDI) process be slowed down to assure that the reviews are being accomplished fairly and accurately;

(3) Benefits should be continued through the Administrative Law Judge level.

Draft language for each of these three provisions is attached.

Thank you for your continued concern, and we look forward to working further with you and your staff as we seek a mutual solution to this critical problem.

Sincerely,

JAY B. CUTLER,
Special Counsel and Director, Division of Government Relations, American Psychiatric Association.

On behalf of:
American Association of Psychiatric Services for Children.
American Foundation for the Blind.
American Mental Health Counselors Association.
American Occupational Therapy Association.
Association for the Advancement of Psychology.
Association of Psychiatric Outpatient Centers.
Association of Retarded Citizens of America.
Epilepsy Foundation of America.
Family Services Association of America.
National Alliance for the Mentally Ill.
National Association of State Mental Health Program Directors.
National Council of Community Mental Health Centers.
National Mental Health Association.
National Multiple Sclerosis Society.
National Society for Children and Adults with Autism.
Paralyzed Veterans of America.
United Cerebral Palsy Association.

S. 2776

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1) section 223(d) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"(7)(A) Except as provided in subparagraph (B), in order for a benefit under this section, or a child's, widow's, or widower's benefit based upon disability, to be terminated on the grounds that the physical or mental impairment or impairments on the basis of which such benefit was payable have ceased, did not exist, or are no longer disabling, the Secretary must determine and document that, based upon current medical evidence and such individual's medical history, there has been a medical improvement in the case of the individual's impairment or impairments of such a degree that such individual is no longer disabled under the criteria for evaluation of disability in effect at the time of such prior determination, or that the prior determination that such individual was under a disability was clearly erroneous under the criteria for evaluation of disability in effect at the time of such prior determination.

"(B) Subparagraph (A) shall not apply in the case of a termination of benefits based upon a finding made in accordance with paragraph (4) that services performed or earnings derived from services demonstrate an individual's ability to engage in substantial gainful activity.".

(2) The amendment made by paragraph (1) shall apply with respect to determinations (that individuals are not entitled to benefits) made on or after the date of the enactment of this Act.

(b)(1) Section 221 (i) of the Social Security Act is amended to read as follows: "(i) In any case where an individual is determined to be under a disability, such determination shall be reviewed by the applicable State agency or the Secretary (as may be appropriate), for purposes of continuing eligibility, within three years after the date of the determination; except that where a finding has been made that the disability is permanent, such review (if any) may be conducted at such time as the Secretary determines to be appropriate. Where the review of a determination under the preceding sentence results in a finding that the individual continues to be under a disability, any subsequent review of the same determination shall be at the discretion of the State agency or Secretary (as the case may be); and at the completion of any review under the preceding sentence which results in such a finding the State agency or Secretary shall determine whether any such subsequent review appears to be appropriate and, if so, when it is likely to be conducted. In notifying any individual that he or she is entitled to benefits based on disability at the time of the initial determination of such disability, or that he or she continues to be entitled to such benefits as a result of a finding made upon a review under this subsection, the Secretary shall include a notice of whether a review or subsequent review under this section will be scheduled and, if so, the expected date of that review.".

(2)(A) The amendment made by paragraph (1) shall apply only with respect to reviews of disability determinations made in the case of individuals whose initial month of entitlement to benefits (based on the determination involved) is a month after September 1982.

(B) In the case of individuals whose initial month of entitlement to benefits based on disability was a month before October 1982, reviews of disability determinations for purposes of continuing eligibility shall (notwithstanding the provisions of section 221(i) of the Social Security Act as in effect prior to the amendment made by paragraph (1)) be made at the discretion of the Secretary but shall be limited in any calendar year to a number of cases which, when added to the number of cases (other than those involving disabilities found to be permanent) that are reviewed for the first time in such year under section 221(i) of the Social Security Act, does not exceed the total number of cases in which entitlement to disability insurance benefits under section 223 of such Act began in the preceding calendar year.

(c)(1) Section 223 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"CONTINUATION OF BENEFITS DURING APPEALS PROCESS

"(g)(1) IN ANY CASE WHERE—

"(A) an individual is a recipient of disability insurance benefits, or a child's, widow's, or widower's insurance benefits based on disability; and

"(B) the physical or mental impairment or impairments on the basis of which such benefits are payable are found to have ceased, not to have existed, or to no longer be disabling, and as a consequence such individual is determined not to be entitled to such benefits,

such individual may elect (in such manner and form and within such time as the Secretary shall by regulation prescribe) to continue to have payment of such benefits and the payment of any other benefits under this Act based on such individual's wages and self-employment income (including benefits under title XVIII of this Act) continued until such time as the determination to terminate such benefits is affirmed by a final determination of the Secretary after a hearing pursuant to section 221(d), or if such individual does not request a hearing, until the time for requesting such a hearing has expired.

"(2)(A) Any benefits paid under this title by reason of paragraph (1) shall be considered overpayments if the decision after a hearing affirms that such individual is not entitled to such benefits, or if such individual fails to request a hearing.

"(B) Any benefits paid under this Act (including benefits under title XVIII), other than under this title, by reason of paragraph (1) shall not be considered overpayments solely on the grounds that entitlement to benefits under this title would have ceased but for the provisions of this subsection.".

(2) The amendment made by paragraph (1) shall apply with respect to determinations (that individuals are not entitled to benefits) made on or after the date of the enactment of this Act.●

● Mr. KENNEDY. Mr. President, I am pleased to join with Senator RIEGLE in introducing emergency legislation to correct the hardship that has been unintentionally inflicted on thousands of Americans receiving benefits under

the social security disability insurance program.

I have heard from men and women all across this country who have written out of desperation and fear that their disability checks will stop and they will be left with nothing. These individuals worked hard, often holding down two jobs, to provide for their families until they were forced to quite their jobs because of illness or injury. All would prefer to work but their physical condition makes it impossible. Their disability checks are often the only income coming in for their families. Now the Government, in the name of eliminating fraud and abuse, is unjustly terminating the benefits of these deserving Americans.

I would like to share some of their stories.

Mrs. Carol O'Connell Wood wrote me about her husband, Arthur who is so disabled he cannot write. He has suffered from a number of disabilities for approximately 18 years and has been receiving social security benefits since 1976, after undergoing surgery for a brain tumor a year earlier. He was notified last Februray 22 by the Social Security Administration that he was able to work, even though he had just been hospitalized on two separate occasions for major seizures related to his illness.

The Social Security Administration decided Mr. Woods fate based on the recommendation of a physician who spent less than half an hour with Mr. Woods. No tests were ordered, no specialists were called in.

In Mrs. Woods words—

My husband's disabilities have not gone away or improved. They have gotten worse—he gave 4 years of his life to defend this country and subsequently worked for the next 28 years—sometimes two jobs at a time—until he became totally unable to work. He has paid into the system and supported it for a long time. He should not have to be subjected to this kind of shabby treatment at a time in his life when he cannot handle it physically or mentally. It is a sad reflection on the people involved and on the administration now in office.

Clint Woodcock from Gulfport, Miss. also asked his wife to write me because he is paralyzed as a result of an accident he suffered in 1977. He has also been reevaluated by the Social Security Administration. If his benefits are cut off as Mr. Woods were, he and his family would lose their only means of support until they can complete the lengthy appeals process. Chances are he would win his case, but in the meantime he could lose everything he and his family still have.

Sandra Green from Foreman, Ark., also wrote about the plight facing her and her husband Donald who worked as a first-class carpenter until 4 years ago when he first developed rheumatoid arthritis. Donald Green is just 40 years old; is totally disabled, and was trying to support a wife and two daughters on his disability check until last November when social security cut him off. I would like Mrs. Green's letter to be printed in full along with the report filed by Donald Green's personal physician. Her words eloquently tell the story.

Mr. President, I ask unanimous consent to print the letter and report in the RECORD at this point.

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

DEAR MR. KENNEDY:

I am writing this letter in behalf of my husband, who was cut off of his Social Security Disability in Nov. 1981. I have been frantic trying to think of someone who really cares about the less fortunate in this country. I have been keeping up with the news and from what I can see, you are fighting Mr. Reagan's cold indifference proposals concerning the poor and sick more than anyone else so I am writing you. I don't know if you can help, but right now I am grasping at straws.

I know there are a lot of freeloaders drawing Social Security, I agree that those people should be cut off, but in my part of the country the one's that are able to work are still drawing their checks, and the one's that are really disabled have been cut off.

My husband has rheumatoid arthritis, he is 40 years old, he came down with this 4 years ago, until then he was a first class carpenter working for Brura & Root Const. Co. He had an excellent work record, did his job, showed up for work everyday, and was not lazy. Even after he came down with arthritis he still tried to work but could not, his doctor advised him to file for Social Security Disability because he would probably never be able to work again, so he did.

In Sept. of 1981 he was told to report to Dr. Larry Messer in Texarkana, Texas for a reevaluation examination which he did. Dr. Messer didn't tell him anything about his condition, he did a very poor examination, he mostly asked him about his condition. Evidently his diagnosis was that Donald was able to work. I know he is not, his doctor knows it, so does everyone that knows him. Mr. Kennedy, we haven't got a check in three months, this is all we have to live on, we have two girls 14 & 7 who have to be provided for. Donald is facing a grim future, he is in constant pain all the time, he can't work, no one would hire him if he tried, and believe me if he was able to work, he would make a lot more than he draws on Social Security. Here he is in the prime of his life, in pain all the time, and no money to care for his family.

Most of the people in this area were sent to Dr. Messer, I know a man personally that went to him and Dr. Messer told him right then that he would continue drawing his Social Security, and this man works every day he can as long as he can get paid in cash, he makes twice as much money as he draws on Social Security. Just this morning, I met a lady in the Social Security office who was there to file an appeal on her disability, she had been cut off and she went to the same doctor as Donald.

This lady was in tears and trembling like a leaf, she was a widow, lives by herself, no family at all and was unable to work and had been cut off her Social Security. Mr. Kennedy it was heartbreaking, she has had two operations on her spine, and could barely walk, I was so caught up with her sorrow and trying to cheer her up for a while. I forgot about my own misery. People in this area are not being judged by their medical records alone. I am sending a statement from Donald's doctor so you can judge for yourself and not just take my word for it.

I filed an appeal on Dec. 1, 1981, we hadn't heard a word up 'til now, I went to the Social Security office this morning to see what the hold up was, I was told that Donald's files were in Baltimore now and we should be hearing something in a few weeks.

Mr. Kennedy if there is any way at all you can help us it would be greatly appreciated. My husband is so desperate he says now that he is just a burden to his family. He can't take care of them and we would be better off if he were dead, at least the children would draw his Social Security then. I promised him that he would get it back; he needs it, and he's entitled to it. He worked for it and if it's the last thing I do I intend to see that he gets it back. We have to have it to live on, it's all we have.

Mr. Kennedy I've never begged for anything in my life, but I am begging you to help us. Since Mr. Reagan has become president everything has been turned upside down. I heard him speak about the economic help he was going to give to the countries in the Caribbean Basin. If we have the money to get other countries up on their feet, why do we take away from the poor and sick in our own country. I believe charity begins at home. I say this, Mr. Reagan had better do his worse in the next three years because he will never be elected by the people of this country again.

He has forgotten the people that put him there. I didn't, I am straight Democrat, so is my entire family. I hope you run again in the next election, you will win by a landslide. I'm telling you what I hear. I live with the kind of people that are suffering now; I know how they feel; there are people lined up at the food stamp office that I have talked to when I get my food stamps. They say they are ashamed to admit it but they voted for Ronald Reagan but they would never do it again. They say when Mr. Carter was President they did have a job.

I'm sorry I've written such a long letter but once I got started I couldn't stop. I want someone to know what's happening to people like us. I will give you my husband's name and S.S. No. in case there is something you may be able to do—Donald R. Green, [redacted].

Sincerely,

MRS. DONALD R. GREEN.

DRS. SHORT, TOWNSEND, BROWN, BAILES & JONES,
Texarkana, Tex., November 23, 1981.

Re Donald Green, A/N 80332091.

To whom it may concern:

Donald Green was reevaluated today because of severe rheumatoid arthritis. His disease is active in his neck, elbows, ankles and both hands. His motion range of his neck is 40 percent of expected normal range. He has swelling of the matacarpo-phalanges of joints of both hands. Both ankles are swelled, making fist only with great difficulty, grasp is poor quality. RA test positive on this date, Sed Rate 65. Impression: he is totally disabled for any type of work.

Sincerely,

HAROLD H. SHORT, M.D.

Mr. President, the legislation Senator RIEGLE and I are introducing is de-

signed to meet the crisis facing these and hundreds of thousands of other deserving Americans. Our bill, which has the support of 18 national organizations who serve the handicapped and disabled, includes 3 essential provisions. It would require that:

First, there be evidence of medical improvement or that disability benefits were granted in error before benefits are terminated.

Second, the disability reviews conducted by the Social Security Administration be slowed down to insure that adequate time and attention is devoted to the review process.

Third, no claimant's disability benefits be terminated until the appeals process is completed and an administrative law judge decides against the beneficiary.

This legislation does not address all of the problems facing the social security disability system. it is an emergency measure. I hope my colleagues on both sides of the aisle will give it careful consideration. In the name of fairness and equity and compassion we must act now.●

By Mr. ROBERT C. BYRD:

S. 2777. A bill to amend title 5, United States Code, to designate May 30 as Memorial Day; to the Committee on the Judiciary.

MEMORIAL DAY BILL

Mr. ROBERT C. BYRD. Mr. President, today I am introducing legislation to remove Memorial Day from the "Monday holiday law," and to restore the holiday to May 30.

Sadly, the 3-day weekend we have come to enjoy at the end of May has tended to obscure the intent of the holiday. The sentiment of the day has been lost in the waves of the beaches, on the greens of the golf courses, in the shops on the malls, or in other leisurely pursuits.

Honoring the dead has been a practice of many civilizations since time immemorial. The Druids, Greeks, and Romans decorated the graves of their loved ones with garlands of flowers. Today, Asians, Orientals, and Europeans of all races and nationalities perform ancient rituals in honoring the dead.

In America, the Civil War brought national recognition to the custom of decorating the graves of our fallen soldiers. Women, mourning the losses of their loved ones in the conflict, began the practice of placing flowers on the graves of the soldiers, Confederate and Federal alike. Services and ceremonies followed, and days were set aside for the special tribute.

Memorial Day was designated by the Congress to pay tribute to those who lost their lives in service to this Nation. The first Memorial Day, 100 years ago, honored those who fell in the War Between the States. Since that time well over 640,000 service men and women have lost their lives in battle. On Memorial Day our Nation pays tribute to all of those who have laid down their lives for our country.

Many States and towns, in the South and in the North, lay claim to the origin of Memorial Day. Altogether, their fervor encouraged the Commander in Chief of the Grand Army of the Republic, an organization of Union veterans, to set an official date for the observance. On May 5, 1868, Gen. John A. Logan issued an order to the local posts of the Grand Army whereby May 30, 1968, was to be observed:

* * * for the purposes of strewing with flowers or otherwise decorating the graves of the Comrades who died in defense of their country during the late rebellion and whose bodies lie in almost every city, village, or hamlet churchyard in the land. It is the purpose of the Commander-in-Chief to inaugurate this observance with the hope that it will be kept from year to year while a survivor of the war remains to honor the memory of the departed * * *.

My bill asks, in effect, that Memorial Day be allowed to stand alone, to return the attention of the Nation to the meaning of the holiday. Let us, as a people, remember, on that day, that others have died for our country that we may live in peace.

I urge my colleagues to cosponsor this measure.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at this point.

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

S. 2777

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6103(a) of title 5, United States Code, is amended by striking out the item relating to Memorial Day and inserting in lieu thereof the following:

"Memorial Day, May 30.".

By Mr. MOYNIHAN:

S.J. Res. 217. Joint resolution authorizing the Secretary of the Interior to construct a National Law Enforcement Heroes Memorial; to the Committee on Rules and Administration.

NATIONAL LAW ENFORCEMENT HEROES MEMORIAL

Mr. MOYNIHAN. Mr. President, today I am introducing legislation that would authorize the construction of a national monument in honor of all police officers killed in the line of duty.

Such a memorial is long overdue. In the past we have paid tribute to the many individuals who have lost their lives in war. And with good reason I propose we honor the many men and women who have sacrificed their lives in the war against crime.

This legislation, which is identical to a bill introduced in the House of Representatives by Congressman BIAGGI, himself a much decorated former police officer, would authorize the National Law Enforcement Heroes Memorial to be built on Federal grounds near the FBI building here in Washington. The memorial would be funded solely by private contributions. No Federal expenditures would be required.

An advisory panel, composed primarily of active or retired police officers, would be appointed to develop recommendations on the precise location and design for the monument. The Secretary of the Interior would be in charge of constructing the memorial once plans have been completed and adequate funds raised.

In the past decade nearly 1,200 police officers were killed in the line of duty. While this memorial would serve as a special tribute to this supreme sacrifice, it would also serve as a constant reminder of our need to better protect those who continue to protect us. I urge my colleagues to support this legislation. These heroes must not be forgotten.

By Mr. ROBERT C. BYRD:

S.J. Res. 218. Joint resolution to authorize and request the President to designate the week of August 29, 1982, through September 4, 1982, as "National Railroad Week" and September 4, 1982, as "National Railroad Day"; to the Committee on the Judiciary.

RAILROADS: PAST, PRESENT, AND FUTURE

Mr. ROBERT C. BYRD. Mr. President, today I am introducing a joint resolution to designate the week of August 30 through September 4 as "National Railroad Week" and September 4 as "National Railroad Day."

We Americans have long owed it to ourselves to set aside a time:

To recognize an industry which has done so much to build our Nation.

To recall its place in our history and in our folklore.

To acknowledge its vital role today.

And to examine its important prospects in our national future.

To a remarkable degree, our country owes its greatness and its strength to our railroads.

Reflect that only a century and a half ago we were a pastoral, small republic. Our people traveled, when they traveled at all, over dirt roads, on foot, by horseback or by carriage or wagon. We moved our goods by oxcart, canal barge or riverboat. Our young industries were restricted to the waterways and ports of the Eastern seaboard. The railroads changed all this.

They started small, led by backyard inventors and a few visionary entrepreneurs. A short coal-carrying line operated briefly in 1829, in Pennsylvania. In 1830, the single-horsepower Tom Thumb raced a rail car drawn by a single horse in a demonstration in

Maryland. A few months later successful, if primitive, service started on a 137-mile track laid in South Carolina.

These were the beginnings. They spawned 90 years of explosive growth. Within only 5 years 200 rail lines were being built or planned, more than a thousand miles of track had been laid, and the U.S. mail had been carried by rail for the first time, Andrew Jackson had become our first President to ride a train, and when the Baltimore Ohio Railroad Co. ran its tracks over the mountains to Wheeling and the Ohio River, the West was opened to development (1828–50).

There followed one of the most dramatic movements of people commerce and agriculture in world history. Vast reaches of virtually uninhabited land were occupied by settlers, cities sprang up and were linked by rail, factories, smelters and packing plants grew up at new industrial centers. Track reached the Mississippi and Missouri Rivers, and on May 10, 1869, at a Gold Spike ceremony at Promonotory in the Utah Territory the rails of the West were joined with those of the East to form the first continuous link of the Atlantic and Pacific coasts. By early in this century, in the space of a single lifetime, rail lines interlaced the Nation coast to coast. The railroads not only had hauled us swiftly and literally into the "Industrial Age," they also had brought in and helped to settle millions of the immigrants who changed and invigorated the diverse society which has become America. And, in the course of it, created a legend which forms an indelible part of our national heritage.

Railroad passenger stations—they are being restored in some cities—gave us a new form of architecture. The names of railroad builders, men of vision and robber barons alike, look large in our financial history. Stories of the fabulous private cars in which these and other rich traveled in the style of Eastern potentates, punctuate the annals of high society.

The railroads gave us Casey Jones, John Henry, Diamond Jim Brady. They gave us Westinghouse, Pullman, Chessie and Phoebe Snow—household names without number—as well as famous trains, the "Twentieth Century and Overland Limiteds," and the "Super Chief," to name only three.

In war times, railroads have played essential roles. The North's preponderance of rail lines to move troops and supplies helped to decide the outcome of the Civil War. In World War I virtually all troops and material moved across the Nation by rail, and in World War II, despite developing airlines and highway transportation, 90 percent of military shipments and 97 percent of troop movements within the country went by rail. In 1944, a record year, passenger travel by train reached 95.6 billion passenger miles. Even today, our military men put heavy reliance on the railroads in their planning for the contingencies of war.

At the peak, in 1916, railroad lines in the United States totaled 254,000 miles. The figure today is 185,000. Railroads in recent years have lost some of their glamour. No longer does nearly every American boy want to grow up to become a locomotive engineer. No longer do trains move every kind of freight—airplanes and motor vehicles have made large inroads on this as on passenger travel.

And yet, the railroads continue to be vital to the Nation. They haul commuters to and from work in the hundreds of thousands. Although we have fallen far behind Europe and Japan, our longhaul and overnight passenger trains—those that are left—remain popular. And, tonnages are greater than they have ever been in freight transport—the essential movement of bulky, heavy or specialized materials which make up the sinews of our economy, of finished products of all descriptions—often packed in truck trailers and moved piggy-back from city to city, or in containers and moved from port to port.

Our railroads are constantly evolving. Railroad planners are engaged heavily in research to meet the needs of the future. Perhaps the most significant challenge lies in the fact that trains can haul people and cargo using less energy than other forms of transport, with less air pollution. One senses a feeling of vitality in the industry, and a resolve to continue to grow and change to meet our needs as the 21st century approaches. Our railroads no longer monopolize the Nation's transportation, but they are now and will continue to be its backbone.

This year the citizens of the city of Grafton, W. Va., are planning the First Annual West Virginia Railroad Heritage Festival to celebrate the role the railroad played in the city, the State, and the Nation.

It is meet and right that West Virginia should honor the railroad; it was the first to benefit from interstate rail service. In the future, West Virginia stands to gain even more as coal is hauled from its hills in increasing quantities to the valley and ports for delivery nationally and abroad.

By introducing legislation to commemorate the railroads, I hope that railroad companies, railroad men and all of our people, will take note of the dates, join in a national tribute to the Iron Horse as it was in years gone by, and toast the Railroad Age to come.

Mr. President, I ask unanimous consent that the joint resolution be printed at this point in the RECORD.

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

S.J. RES. 218

Whereas railroads were vital to American territorial expansion and industrial development in the nineteenth century;

Whereas railroads have contributed a rich and colorful culture to America in the form of art, literature, song, and architecture;

Whereas railroads have provided Americans with unexcelled luxury in travel;

Whereas historically, railroads have been the leaders in American freight and passenger traffic;

Whereas railroads are destined to lead the Nation in sophisticated, rapid freight and passenger transportation in the future; and

Whereas the important role of railroads in the development and future of the Nation deserves to be recognized: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the week of August 29, 1982, through September 4, 1982, as "National Railroad Week" and September 4, 1982, as "National Railroad Day" and calling upon all Government agencies and the people of the United States to observe the week and day with appropriate programs, ceremonies, and activities.

ADDITIONAL COSPONSORS

S. 1782

At the request of Mr. WEICKER, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1782, a bill to amend section 305 of the Federal Property and Administrative Services Act of 1949 pertaining to contract progress payments made by agencies of the Federal Government, providing for the elimination of retainage in certain instances, and for other purposes.

S. 1939

At the request of Mr. GOLDWATER, the name of the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 1939, a bill to amend the Public Health Service Act to establish a National Institute on Arthritis and Musculoskeletal Diseases.

S. 2027

At the request of Mr. ROBERT C. BYRD, the name of the Senator from North Dakota (Mr. ANDREWS) was added as a cosponsor of S. 2027, a bill to provide for an accelerated study of the causes and effects of acid precipitation, to provide for an examination of certain acid precursor control technologies, and for other purposes.

S. 2167

At the request of Mr. SPECTER, the name of the Senator from Alabama (Mr. HEFLIN) was added as a cosponsor of S. 2167, a bill to amend the Unfair Competition Act of 1979 and Clayton Act to provide for further relief in the event of unfair foreign competition.

S. 2723

At the request of Mr. RIEGLE, the name of the Senator from Pennsylvania (Mr. HEINZ) was added as a cosponsor of S. 2723, a bill to expand the

supply of strategic skills in critical occupations in which there is a shortage of workers by providing retraining for experienced displaced workers from funds available for certain defense procurement.

SENATE JOINT RESOLUTION 205

At the request of Mr. EAST, the name of the Senator from New Mexico (Mr. SCHMITT) was added as a cosponsor of Senate Joint Resolution 205, joint resolution to designate September 1982 as "National Sewing Month."

SENATE JOINT RESOLUTION 207

At the request of Mr. DOLE, the names of the Senator from Texas (Mr. BENTSEN), the Senator from Arkansas (Mr. BUMPERS), and the Senator from New Mexico (Mr. SCHMITT) were added as cosponsors of Senate Joint Resolution 207, joint resolution to authorize and request the President to designate the week of August 1, 1982, through August 7, 1982 as "National Purple Heart Week."

SENATE CONCURRENT RESOLUTION 61

At the request of Mr. MATTINGLY, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of Senate Concurrent Resolution 61, concurrent resolution to direct the Commissioner of Social Security and the Secretary of Health and Human Resources to conduct a study on steps which might be taken to correct the Social Security benefit disparity known as the notch problems.

SENATE CONCURRENT RESOLUTION 113

At the request of Mr. SYMMS, the name of the Senator from New Mexico (Mr. SCHMITT) was added as a cosponsor of Senate Concurrent Resolution 113, concurrent resolution recognizing and saluting the Benevolent and Protective Order of the Elks for its leadership in voluntarism in the United States.

AMENDMENT NO. 1956

At the request of Mr. KENNEDY, the name of the Senator from Massachusetts (Mr. TSONGAS) was added as a cosponsor of amendment No. 1956 intended to be proposed to S. 2222, a bill to revise and reform the Immigration and Nationality Act, and for other purposes.

AMENDMENTS SUBMITTED FOR PRINTING

IMMIGRATION REFORM AND CONTROL ACT

AMENDMENT NOS. 1997 THROUGH 1999

(Ordered to be printed and to lie on the table.)

Mr. KENNEDY submitted three amendments intended to be proposed by him to the bill (S. 2222) to revise and reform the Immigration and Nationality Act, and for other purposes.

● Mr. KENNEDY. Mr. President, last week I submitted a series of amendments to S. 2222, the Immigration Reform and Control Act of 1982. Regrettably, there were technical errors in two of the amendments as drafted—amendments Nos. 1950 and 1952.

I am therefore resubmitting the corrected language as new amendments, and ask unanimous consent that their texts be printed at this point in the RECORD.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

AMENTMENT No. 1997

On page 121, line 25, strike out "three hundred and fifty thousand" and insert in lieu thereof "two hundred and fifty thousand".

On page 122, beginning on line 1 with "(i)", strike out all through "residence," on line 5.

On page 122, line 6, strike out "(ii)" and insert in lieu thereof "(i)".

On page 122, line 8, strike out "such".

On page 122, line 9, strike out "(iii)" and insert in lieu thereof "(ii)".

On page 122, line 11, strike out "(iv)" and insert in lieu thereof "(iii)".

On page 124, lines 12 and 13, strike out "immediate relatives specified in section 201(b),".

On page 124, line 15, strike out "such".

On page 130, lines 19 and 20, strike out "immediate relatives specified in section 201(b),".

AMENDMENT No. 1998

Beginning on page 126 with line 22, strike out all through line 6 on page 127 insert in lieu thereof the following:

"(4) Unmarried brothers and sisters of citizens and previous fifth preference.—

"(A) Qualified immigrants who are the unmarried brothers or sisters of citizens of the United States, if such citizens are at least twenty-one years of age, and

"(B) Qualified immigrants who (i) as of the date of enactment of the Immigration Reform and Control Act of 1982 had received approval of a petition made on their behalf for preference status by reason of the relationship described in paragraph (5) of section 203(a) of this Act as in effect on the day before such date, and (ii) continue to qualify under the terms of this Act as in effect on the day before such date,

shall be allocated visas in a number not to exceed 10 per centum of such numerical limitation, plus any visas not required for the classes specified in paragraphs (1) through (3).

Mr. KENNEDY. Mr. President, in addition, I am offering another amendment to restore judicial review to aliens who may be deported on the grounds of exclusion under section 212(a) of the Immigration and Nationality Act.

As everyone who follows immigration law knows, section 212(a) as now written, is hopelessly vague and out of date. In fact,the Select Commission on Immigration and Refugee Policy voted to throw it out and completely rewrite it—which is the intention, I know, of the Subcommittee on Immigration and Refugee Policy.

However, until that is accomplished, I believe there must be some recourse to judicial review for persons caught in the vague and arbitrary exclusion provisions of existing law.

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

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

AMENDMENT No. 1999

On page 104, line 7, insert "or (C)" after "subparagraph (B)".

On page 104, between lines 15 afd 16, insert the following:

"(C) Any alien held in custody pursuant to an order of deportation on the grounds of exclusion under section 212(a) may obtain judicial review thereof by habeas corpus proceedings.●

AMENDMENT NO. 2000

(Ordered to be printed and to lie on the table.)

Mr. BAKER (for Mr. PRESSLER) submitted the following amendment intended to be proposed by him to the bill (S. 2222) supra.

● Mr. PRESSLER. Mr. President, today I am submitting an amendment to S. 2222, the Immigration Reform and Control Act of 1982. Section 213 of this bill contains a provision which would authorize the implementation of a limited, nonimmigrant visa waiver system. The goal of such a system is to facilitate international travel by waiving the visa requirement for foreign travelers to the United States from "low risk" countries.

However, in my opinion, the visa waiver system currently provided in S. 2222 is much too narrow to accomplish the goal of effectively facilitating foreign travel to the United States. My amendment would broaden the applicability of the visa waiver program so that it would cover most of our traditional political allies, trading partners, and sources of tourism revenue, which amounted to $12 billion in foreign trade receipts in 1881.

Under my amendment, the visa requirement would be waived for those nations having a traditionally low visa application refusal rate—under 2.5 percent annually. In addition, the plan specifies numerous safeguards to insure that there is no increase in the number of undesirable aliens entering the country. The program, designed by the State of Department, is both balanced and workable.

The problem with the plan currently in S. 2222 is that its terms are so restrictive that it wold apply to only approximately half a dozen countries. Under my amendment, approximately 28 nations would be covered, inlcuding many of our major allies and trading partners.

The long-standing need for a visa waiver system has been well-documented. The system is outmoded and its burdensome aspects far outweigh any possible benefits. However, in the last few years the need has become

more pressing due to the sharp increase in foreign visitors coming to the United States. Our embassies, whose staffs are already overtaxed, face increasing backlogs of visa applications and the situation shows no sign of improving any time soon.

The United States is one of the very few nations which still requires foreign travelers to carry a visa in addition to a passport. This means, for instance, that we are forcing British, French, and other Western Euopean travelers to obtain clearance from the American Embassy in their country before they can travel to the United States. The time consuming and cumbersome application process is not only an annoyance, but also discourages travel and therefore reduces our foreign trade income from tourism. For instance, would someone from Western Europe go to the trouble of waiting up to 12 weeks to obtain a visa for discretionary travel to the United States when they could travel virtually anywhere else in the world simply on a valid passport? Commonsense tells us that we are losing thousands of potential visitors every year.

This suspicion was confirmed during hearings I chaired last September on the visa waiver issue. As chairman of the Business, Trade and Tourism Subcommittee, I heard testimony from a variety of administration and industry witnesses. Estimates documented in this testimony indicated that the visa waiver program contained in my amendment would generate several hundred million dollars in additional trade revenue annually. If we can reduce the scope of this obstacle to travel, we will increase travel and tourism-related business, create jobs and increase tax revenues.

Because of the many benefits I have outlined, the visa waiver program contained in my amendment has attracted substantial support througout Government and industry. Some of the groups which have endorsed the plan include: Department of State, Department of Justice, Department of Commerce, Office of Management and Budget, Air Transport Association, Travel Industry Association, American Hotel and Motel Association, American Express, American Society of Travel Agents, National Tour Brokers Association, and National Council of State Travel Directors.

Let me again emphasize the economic importance of this subject as part of a unified congressional effort to improve the U.S. balance of payments. For instance, my home State of South Dakota had nearly 5 million tourists this past year to visit Mount Rushmore, the Black Hills, and other South Dakota communities, and to hunt, fish, and participate in many types of recreational activities. That is eight times the population of our State. Obviously, the economic impact of the travel and tourism industry on a national and international basis is enormous.

Increasingly, foreign tourists are coming to the United States to visit destinations and engage in activities which are uniquely American. This country faces stiff competition for the international tourist dollar. We must compete vigorously if we are going to attract a major share of the international travel market. An important first step in this direction is the elimination of a useless and burdensome requirement imposed on nations which have demonstrated no security threat to the United States.

Tourism is a vitally important part of U.S. trade in international markets. This industry created one-third of all new jobs in 1980. In fact, the tourism industry is now the second largest retail industry in the Nation, having surpassed the automobile industry. This expanding segment of our economy is not asking for a Government handout. It is simply trying to do business in the face of arbitrary and meaningless Government regulations. My amendment would modify one of the more onerous of these obstacles and would encourage the continued growth of a strong component of the U.S. economy.

Mr. President, I encourage my colleagues to support this amendment to S. 2222. I ask unanimous consent that the amendment be printed in the RECORD immediately following my remarks.

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

Strike all of section 213 of the committee amendment beginning on page 147, line 21 and ending on page 154, line 14 and substitute the following:

VISA WAIVER FOR CERTAIN VISITORS

SEC. 213. (a) Section 212(d) (8 U.S.C. 1183(d)) is amended by adding at the end thereof the following new paragraph:

"(12)(A) The requirement of paragraph 26(B) of subsection (a) may be waived by the Attorney General and the Secretary of State, acting jointly, in the case of an alien who—

"(i) is applying for admission as a nonimmigrant visitor for business or pleasure for a period not exceeding ninety days:

"(ii) is a national of a country which extends, or is prepared to extend, reciprocal privileges to citizens and nationals of the United States;

"(iii) before such admission completes such immigration forms as the Attorney General shall by regulation prescribe;

"(iv) has a round-trip, nonrefundable, nontransferable, transportation ticket issued by a person who has entered into an agreement with the Attorney General guaranteeing transport of the alien out of the United States at the end of the alien's visit; and

"(v) has been determined not to represent a threat to the welfare, safety, or security of the United States.

"(B)(i) For the period beginning on the effective date of this paragraph and ending on the last day of the first fiscal year which begins after the effective date of this paragraph, a country shall be considered to be within the purview of subparagraph (A)(ii) of this paragraph only if, in the last two full fiscal years preceding the effective date of this paragraph, such country had an average nonimmigrant visa refusal rate, as determined by the Secretary of State, of less than 2 per centum (and no higher than 2.5 per centum in any one of those two years). For the purposes of this subparagraph, the term "average nonimmigrant visa refusal rate" means the number of nonimmigrant visas refused under section 212(a) and 214(b) for applicants of the nationality of such country at consular offices in said country as a percentage of the total number of such visa applications actually filed.

"(ii) For each fiscal year following the period specified in subparagraph (B)(i), a country considered to be within the purview of subparagraph (A)(ii) during such period shall not be considered to remain within the purview of subparagraph (A)(ii) unless, in the two fiscal years immediately preceding such fiscal year, it had either an average rate of exclusion and withdrawal of application for admission or an average rate of violation of nonimmigrant status, as determined in either case by the Attorney General which exceeded 1 per centum of the persons admitted to the United States in waiver of visa cases under this paragraph (or which exceeded 1.5 per centum of such persons in any one of those two years): *Provided*, That in determining the rate of violation of nonimmigrant status the Attorney General shall exclude from consideration those persons who remained for more than ninety days in the United States for reasons beyond their control or for trivial overstays (less than fifteen days), if there was no intention to remain permanently in the United States. Determinations required by this subparagraph shall be made as soon as practicable after the end of each fiscal year.

"(iii) If, at the end of any fiscal year following the period specified in subparagraph (B)(i), a country not previously considered within the purview of subparagraph (A)(ii) shall have a nonimmigrant visa refusal rate, as determined in the manner provided for in subparagraph (B)(i), of less than 2 per centum, such country shall be considered to be within the purview of subparagraph (A)(ii) for the next following fiscal year and shall thereafter be treated in the manner specified in subparagraph (B)(ii).

"(iv) If, at the end of any fiscal year following the period specified in (B)(i), a country previously considered within the purview of subparagraph (A)(ii) but which lost that status under the provisions of subparagraph (B)(ii) but which again shall have nonimmigrant visa refusal rate, as determined in the manner provided for is subparagraph (B)(i), of less than 2 per centum, such country shall be considered to be within the purview of subparagraph (A)(ii) for the next following fiscal year and shall thereafter be treated in the manner specified in subparagraph (B)(ii).

"(C) Notwithstanding the provisions of subparagraphs (A) and (B) of this paragraph, no alien shall be admitted without a visa pursuant to this paragraph if he has previously been so admitted and failed to comply with the conditions of his previous admission.

"(D) Notwithstanding any of the other provisions of this paragraph the Attorney General and the Secretary of State, acting jointly, may, for whatever reason, including

the national security, refrain from waiving the visa requirement in respect of nationals of any country which may qualify therefor under this paragraph or may, at any time, rescind any waiver previously granted under this paragraph.".

(b) Section 214(a) (8 U.S.C. 1184(a)) is amended by changing the period at the end thereof to a colon and by adding thereto the following: *"Provided,* That no alien admitted to the United States without a visa pursuant to section 212(d)(12), shall be authorized to remain in the United States as a nonimmigrant alien for a period exceeding ninety days from the date of this admission.".

(c) Section 245(c) (8 U.S.C. 1255(c)) is amended to read as follows:

"(c) The provisions of this section shall not be applicable to (1) an alien crewman; (2) an alien (other than an immediate relative as defined in section 210(b)) who hereafter continued in or accepts unauthorized employment prior to filing an application for adjustment of status; (3) an alien admitted in transit without visa under section 212(d)(4)(C); or (4) an alien admitted as a temporary visitor for business or pleasure without a visa under section 212(d)(12).".

(d) Section 248 (8 U.S.C. 1258) is amended by inserting after the word "except" the following: "an alien admitted as a temporary visitor for business or pleasure under section 212(d)(12).".

(e) Title II is amended by adding immediately following the heading "CHAPTER 8—GENERAL PENALTY PROVISIONS" a new section above which will be set forth a heading reading: "FAILURE TO COMPLY WITH CONTRACT GUARANTEES", and which shall read as follows:

"SEC. 270. (a) Every person transporting nonimmigrant aliens pursuant to section 212(d)(12) shall enter into a contract with the Attorney General guaranteeing that (1) such person shall issue aliens covered by that section round-trip, nonrefundable, nontransferable, transportation tickets; (2) such person shall not refund the cost of the return part of the ticket; (3) such person shall not cancel the return part of the ticket; and (4) such person shall be responsible for insuring transportation of such alien back to the country to which the return trip ticket was issued.

"(b) If it appears to the satisfaction of the Attorney General that such person has defaulted on any of the guarantees in paragraph (a) such person shall pay to the collector of customs for the customs district in which the port of arrival is located the sum of $1,000 for each and every default.

"(c) As used in this section the term 'person' includes, but is not limited to, the owner, master, agent, commanding officer, charterer, or consignee of any vessel or aircraft.".

(f) The table of contents for chapter 8 of title II is amended by inserting immediately after the chapter heading the following new item: "Sec. 270. Failure to comply with contract guarantees.".

On page 120 of the Committee amendment strike lines 9 through 24.

On page 147 of the Committee amendment strike lines 7 through 14 and 18 through 20.

On page 147, line 15 of the Committee amendment strike "(c)(1)" and substitute "(b)".

On page 153 of the Committee amendment strike all of the matter beginning on line 24 and ending on page 154, line 4.

On page 154, line 5 of the Committee amendment strike "(c)" and substitute "(b)".

On page 154 of the Committee amendment strike lines 8 through 14.

On page 165 of the Committee amendment, strike lines 8 through 22.

On page 165, line 23 of the Committee amendment, strike "(e)" and substitute "(d)".●

NOTICES OF HEARINGS

COMMITTEE ON THE BUDGET

Mr. DOMENICI. Mr. President, the Senate Committee on the Budget will hold hearings next week on the administration's midyear economic review. All hearings will be held in 6202 Dirksen Senate Office Building starting at 9:30 a.m.

The hearings and subjects are as follows:

Tuesday, July 27:

Dr. Alice Rivlin, Director, Congressional Budget Office, on the CBO mid-year report.

Wednesday, July 28:

The Honorable Paul Volcker, Chairman, Board of Governors of the Federal Reserve System on Federal Reserve policy.

Thursday, July 29:

Mr. David Stockman, Director, Office of Management and Budget on the Administration's mid-year Review of the economy.

Tuesday, August 3:

The Honorable Donald Regan, Secretary, Department of the Treasury on the Administration's mid-year Review of the economy.

For further information, contact Nancy Moore of the Budget Committee staff at 224-4129.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE OF COLLECTION AND FOREIGN OPERATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Collection and Foreign Operations, of the Select Committee on Intelligence, be authorized to meet during the session of the Senate on Monday, July 26, at 10 a.m., to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON RURAL DEVELOPMENT, OVERSIGHT, AND INVESTIGATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Rural Development, Oversight, and Investigations, of the Agriculture Committee, be authorized to meet during the session of the Senate at 2 p.m. on Tuesday, July 27, to hold a hearing to consider rural development policy.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 27, at 11 a.m., to receive a secret briefing from the Honorable John H. Holdridge on U.S. relations with China and Taiwan.

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

Mr. BAKER. Mr. President, I ask uaninmous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 27, at 2 p.m., to hold a hearing to consider S. 1853, Radio Broadcasting to Cuba, Incorporated.

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

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations, of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Tuesday, July 27, at 10 a.m., to hold an oversight hearing on the management of the Department of Energy Research and Development facility.

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

ADDITIONAL STATEMENTS

THE REGISTRY OF INTERPRETERS FOR THE DEAF

● Mr. WEICKER. Mr. President, the Registry Of Interpreters For The Deaf will be holding its National Convention in the capital of my home State, Hartford, Conn. on July 24. The 5,000 members of this professional association of interpreters for the deaf from across the country deserve not only the recognition and support of the Senate but also Americans for their outstanding efforts in bridging the communication gap between the deaf and hearing worlds. Whether in the school, work place or place of worship, sign language interpreters do an invaluable service for this country and its nearly 14 million hearing impaired citizens. As a direct result of their diligent work in translating the spoken word to sign, in fact, deaf and other hearing impaired Americans have been able to enter the mainstream of our society.

In recognition of their continuing contribution in providing such access to the hearing impaired, my distinguished colleague from my home State of Connecticut, Senator DODD, introduced, Senate Joint Resolution 211 calling on the President to designate July 27, 1982 as "National Recognition Day For The Registry Of Interpreters For The Deaf." As a cosponsor of the resolution, I would like to take this opportunity to urge my colleagues to support this measure. Founded in 1964 to improve the quality of interpretative services to the deaf nationwide, the Registry has a solid and impressive record of service to this particular

special needs community. The agenda for this year's national convention demonstrates well the breadth and depth of this organization's commitment to enabling deaf persons to participate in every facet of American life. Workshops will be held on a wide range of issues and concerns from improving interpreting services in the public schools to the ethical dimensions of interpreting in mental health settings.

It is particularly fitting that this year's convention of the Registry should be held in Connecticut. The American School For The Deaf, the first institution of its kind to be established in the Nation, was founded in Hartford, Conn. in the early 19th century and remains a vital part of the community to this day. The Connecticut State Commission On The Deaf And Hearing Impaired, one of a number of State agencies serving the special needs of Connecticut's disabled citizens, also has been in the forefront in expanding advocacy and interpreting services in response to several State legislative initiatives.

Mr. President, The Registry Of Interpreters For The Deaf have contributed significantly to Connecticut's achievements on behalf of its hearing disabled citizens. These Connecticut activities add luster to this organization's distinguished 18-year record of assuring the highest standards for interpreters who make accurate communication possible between deaf persons and hearing persons. I congratulate The Registry Of Interpreters For The Deaf on their fine achievements as advocates for the disabled and wish them a pleasant and productive convention.●

IMMIGRANTS AND REFUGEES

● Mr. KENNEDY. Mr. President, the Senate may soon be considering S. 2222, the Immigration Reform and Control Act—legislation that will have a major impact upon our country's treatment and admission of immigrants and refugees.

Following the recommendation of the Select Commission on Immigration and Refugee Policy—and reflecting the findings of every administration's task force on immigration policies, including President Ford's, President Carter's, and President Reagan—the bill sponsored by our distinguished colleague from Wyoming (Mr. SIMPSON), treats the admission of immigrants and refugees separately.

This is a wise public policy and I strongly endorse this approach toward setting immigration limits. We should treat immigrants and refugees differently, because they are different—for a variety of important reasons.

This important point, Mr. President, has been forcefully made in a recent letter I have received from Roger Winter, Director of the United States Committee for Refugees. He thoughtfully reviews the reasons why we have historically treated refugees and immigrants differently, and why we should continue to do so.

I would like to share the complete text of his letter with my colleagues, and I ask that it be printed at this point in the RECORD.

The letter follows:

UNITED STATES COMMITTEE
FOR REFUGEES,
New York, N.Y. July 20, 1982.

DEAR SENATOR KENNEDY: When the Simpson/Mazzoli bill (S. 2222) to reform U.S. immigration policy reaches the floor of the Senate this month, it is expected that an amendment with major negative implications for international refugee protection will be offered by Senator Walter D. Huddleston of Kentucky. The anticipated amendment would include refugees who may be resettled in the U.S. along with all other immigrants to the U.S. under a single numerical limitation.

Traditionally immigrant and refugee admissions procedures have been separated because their underlying bases have been recognized as distinct. The concept of a single ceiling is seductively simple, but its implications hold serious threats. The combined approach to admissions has been considered and rejected by the Select Commission on Immigration and Refugee Policy and all other responsible authorities who have studied the matter in recent years.

This letter does not concern any particular level of refugee admissions, but rather the way the U.S. makes its decisions regarding admissions. The U.S Committee for Refugees, with its programs historically focused on international refugee concerns, feels that the impact of the Huddleston amendment will so affect U.S. refugee resettlement policy that the protection of refugees overseas is threatened.

Of course, resettlement has clear immigration impact which must be acknowledged directly and dealt with constructively. But the purposes, implications, and international outcomes of the two admissions processes are completely distinct. Whereas general immigration largely relates to family reunion, the rescue and resettlement of refugees is a human rights effort. Its base is ideological, seeking to uphold certain humanitarian principles and valuing the right of individuals to be free from persecution based on particular inherited or chosen distinctions.

Refugee resettlement has been kept separate from other immigration processes because of this intimate relationship with foreign policy and humanitarian concerns.

When the Refugee Act of 1980 was enacted, Congress chose to include what USCR believes is a sound procedure for determining the number of refugees to be admitted to the U.S. each year. To the extent there have been problems regarding refugee admissions in the 27 months since the "consultation" procedure was enacted, they are not attributable to the letter or intent of the law.

Senator Huddleston seeks to change the existing refugee admissions notwithstanding the fact that refugee admissions ceilings and actual admissions themselves have declined steadily since 1980. We believe his interest is to limit total admissions. There are serious questions about this objective; but even if the end were justified, the proposed approach is not. If a single numerical ceiling for immigrant and refugee admissions becomes law, USCR feels there would be four major unacceptable results:

1. Enactment would significantly limit the flexibility needed by the President to respond promptly to foreign policy matters in which refugees are a factor.

2. This restricted ability ceiling would be devisive domestically. Limited and undifferentiated numbers would pit those seeking to respond to refugee needs against nationality groups and those seeking to reunify families. Congress must be responsive to both groups, but through separate processes.

4. USCR believes enactment of a single numerical ceiling would send a chilling message to the world. The important principles of refugee protection are under assault in many areas. In some cases the actions and inaction of our government have directly contributed to this troubling phenomenon. Enactment now of such a restrictive amendment would further compromise the remaining moral leverage the U.S. has with the rest of the world in matters of refugee protection. In specific situations, such as that of Cambodians in Thailand, first asylum is so fragile that this enactment could cause the provision of haven there to be lost.

As citizens we all daily face the task of responding to many issues. So, of course, do members of Congress. With respect to the particular issue of a single numerical limitation on refugee and immigrant admissions, we believe many members of the Senate do not have a clear understanding of the potential results as set forth in this letter. You may wish to consider contacting them promptly to share your own thoughts.

Sincerely,

ROGER P. WINTER,
Director.●

S. 881—SMALL BUSINESS INNOVATION RESEARCH

● Mr. SCHMITT. Mr. President, I would like to congratulate my colleagues, Senators RUDMAN and WEICKER, for the outstanding leadership which they have shown in securing passage of S. 881, the small business innovation research bill. As the original cosponsors of this legislation, these Senators correctly recognized the exceptional contributions which small businesses make to innovation and productivity and crafted a bill to more fully capitalize on these contributions. The overwhelming support which this legislation drew in the Congress and from the administration is testimony to their insight and leadership.

During the Senate debate on S. 881 last December, I expressed two reservations about the legislation as it was presented to the Senate. First, I was concerned that funds to establish the small business innovation research (SBIR) programs not be taken disproportionately from federally supported basic research. Budgets for basic research, while comparatively small, are the critical sources of fundamental discoveries about ourselves and the world around us from which later

ideas for invention spring. Second, I was concerned that the research and development programs of our Government-owned, contractor-operated (GOCO) laboratories, like the Los Alamos National Laboratory and the Sandia National Laboratory, not be adversely compromised in the process of establishing SBIR programs.

For these reasons, I offered an amendment to S. 881 which limited the amount of funds which could be taken from Federal budgets for basic research and for research and development in GOCO laboratories. The Senate accepted both of these provisions. As Senator RUDMAN graciously noted at the time:

I believe it (the amendment) strengthens the bill, and I am very thankful that his (Senator Schmitt's) help has been forthcoming to make this bill even stronger than it was.

I was pleased to note that the legislation as passed by the Senate on June 29 retains intact my provision regarding basic research. Also, atomic energy defense research and development are exempted from the requirements for SBIR programs, thus accomplishing much of my original provision for GOCO laboratories.

Mr. President, this legislation will be important to the entire Nation and nowhere more so than in my State of New Mexico. Our exceptional concentration of high technology industries, both large and small, as well as universities and Government laboratories, provides the type of environment in which will thrive the innovation and productivity which S. 881 seeks to foster.●

SPEECH BY SECRETARY OF NAVY JOHN LEHMAN

● Mr. STENNIS. Mr. President, I have the pleasure of sharing with the Senate a very timely speech by the Secretary of the Navy, the Honorable John Lehman.

I am pleased to find that the Secretary gives proper recognition to the importance of the role of the naval oceanography program in supporting naval operations. I am confident that you share my sense of urgency for having a Navy that is capable of responding to threat in any form—at all times.

Our modern Navy employs weapons systems which are highly sensitive to the ocean environment in which they operate and the Navy oceanography program provides our fleet commanders with precise information they need, to use the environment to advantage—or to overcome its negative influences on modern weapons.

The Secretary also demonstrates how the national oceanography effort is closely linked to Navy programs and points out our need to give serious thought to moving forward with gaining greater rewards from the oceans to augment our dwindling land-based resources—living and nonliving.

Mr. President, I submit this speech for the RECORD.

The speech follows:

REMARKS BY HON. JOHN LEHMAN

GOING FOR THE HIGH GROUND IF THE DEEP SEAS

Much has been written since November of 1980 to interpret the "mandate" of the electorate. One interpretation that appeals to me is that, among many other things, that mandate embodied a firm bipartisan with to reject the pessimistic and Spenglerian vision of a declining American future. The trendy view of the post-Vietnam period that American power had peaked, that the American economy and standards of living would inevitably decline, and that Americans must readjust their sights and goals downward, was never accepted by the majority of Americans. World events that followed Watergate and the fall of Saigon—runaway inflation, the decline of the dollar abroad, the fall of the Shah and the failed rescue mission, all were interpreted by the reigning elites reduced expectations. Our President during those years lectured Americans that they, the American people, were the problem. They did not believe him. His advisors warned, and I quote, "Even if the U.S. could attain strategic superiority, it would not be desirable because I suspect we would occasionally use it as a way of throwing our weight around in some very risky ways . . . It is in the U.S. interest to allow the few remaining areas of strategic advantage to fade away."These were jarring words to Americans.

"The shining city on the hill" which President Reagan compaigned to achieve symbolized a deep and uniquely American optimism that has now been returned to American politics—an optimism genuinely bipartisan in nature.

Optimism is indeed a necessary precondition for us to undertake the two major national tasks before us. First, to reconstruct a national security equilibrium in which free institutions can flourish in the world and the enemies of freedom be deterred; and second, to reestablish the vitality and productivity of our economy.

To pursue simultaneously these two enormous national undertakings will tax the optimism of even the most uplifted spirits. It will require sustained and unswerving national leadership—private and public—and it will require much hard work and honest sacrifice. I believe, however, that it will be done. I believe deeply that the grand economic and security accomplishments of America over the last 200 years can truly be a mere prelude to the accomplishments of the future.

Today, in a most unique way, the defense and economic challenges of the future are at once combined and tested by man's last and greatest frontiers—the vast reaches of outer space, and the deep ocean areas of "inner space." Each represents staggering—and quite limitless—potential for providing solutions to our current security and economic difficulties. Each, after centuries of thought and inquiry—and decades of effort—has hardly been touched. It is said that more has been learned of both frontiers in the last 20 years than in the entire recorded history of man before that time. But much more is unknown than is known. 2,000 years ago, Seneca said, "The time will come when diligent research . . . will bring to life things which now lie hidden. Nature does not reveal her mysteries once and for all."

"Do you know the ordinances of the heavens?" asks the Book of Job. "Can you establish their rule on earth?"

To a considerable degree, the sureness and confidence with which our nation responds to that question—and seizes the opportunities in these two vitally important vastnesses—will provide the answer to the future of our economy, the quality of life of our people, their security, and indeed their very survival. Of the two we may well learn that—in our time at least—the deep ocean frontier is both the more challenging, and the more promising to us.

As Secretary of the Navy you will, I trust, indulge me in this parochialism and allow me to dwell upon some specific concerns. Today the value of the oceans to America stands out as one of our most important, ill-attended, and least-known priorities.

By now many of you may have heard a version of the litany to which I normally address myself in public remarks—the nature of our nation's long maritime heritage—our increasing dependency upon the seas for our allies, our energy, our resources and our trade—our treaty-bound national commitments to some forty nations across those seas—and, of course, the major and ambitious naval recovery program upon which we are now embarked to achieve a 600-ship Navy and clear maritime superiority within the decade.

The focus in a discussion of the purely military dimensions of our oceans is necessarily constrained to that two-dimensional interface between air and water—the surface of the seas—the air above the sea in which our tactical aircraft operate—and the relatively shallow depth wherein our submarines now deploy beneath the seas. This military focus, therefore, tends to distract us and draw our attention away from the true dimensions of the ocean's promise. For these dimensions extend from far beneath and deep ocean floor, where man's future hopes for energy and mineral resources may ultimately lie—to the complete ocean volumes which may one day feed an ever-hungrier world—through the ocean surface, where navies will become ever more prominent as instruments of national power and physical symbols of sovereignty—and beyond, into the vast regions of outer space above the seas.

As on any frontier, there is little separation between that which is militarily useful and that which serves fundamental human enterprise. Mapping, charting, deep ocean and coastal surveys, hydrographic analyses, study and forecasting of weather and acoustic conditions throughout ocean areas, and systems to monitor the characteristics and quality of the ocean ecosystem all benefit everyone—the military planner, the transoceanic supertanker, the deep ocean fishermen, and the weekend boater.

Oceanography is the key to the discovery of all that the seas now have hidden. Future success in, on, and above the oceans will be closely tied to our successes in oceanography. But militarily, we are becoming more aware that a favorable outcome in future conflicts grows daily more dependent on new knowledge from the seas. Today's naval weapons must perform at greater speeds and over greater distances than ever before. As we are being daily reminded in the exchanges in the Falkland Islands, war at sea is utterly unforgiving of any negligence, incapacity, or neglect. The difference between a ship being on the surface of the ocean—or

on the bottom—can often lie in very narrow margins of performance sensitivity to environmental factors. Weapons designers must know intimately and design carefully for the environmental conditions in which a weapon may be used. And the naval commander at sea must know how to use environmental conditions to best advantage to obtain a winning edge. Development of this knowledge is the principal focus of the United States Navy's oceanography program. In a military balance where the navy of our principal adversary is superior in numbers and near in comparable technology, it is likely that the navy with the better knowledge of the environment will have the war end on his terms.

Not long ago, the United States Navy held a virtual monopoly on the development of knowledge and experience in the deep ocean. Naval operations in World War II, and thereafter, had established the awareness in the Navy that oceanography was of the utmost importance. Today, while Navy programs and institutions dedicated to expansion of our ocean knowledge continue to flourish, our monopoly on advancement of knowledge does not. Private industry, marine oil exploration and ocean mining firms, and scientific societies, have eclipsed the Navy in many areas. Far more disturbing, other nations—including those not inclined to share information—have developed considerable knowledge and expertise in the deep ocean. The Soviet Union has undertaken an enormous effort in deep ocean exploration, yet little knowledge from their efforts has found its way into the scientific community.

While Soviet efforts provide virtually nothing to the growth of world knowledge and technology, the opposite is anything but true. Free world research and technology in the oceans has been consistently and ominously exploited by the Soviet Union. This is but one aspect of a much wider problem—the considerable hemorrhage of Western technology to the East—much of it military, and most of it willingly sold by Western companies. A current example of this is the new advanced technology sonar system being manufactured by the General Instrument Corporation in Massachusetts. Called SEABEAM, it is a civilian replica of the Navy's version and most capable. The Soviets want very much to obtain this sonar technology, and are endeavoring to purchase it directly or through intermediaries.

As we have recently seen in exhaustive testimony before Congress, the inability of the West to stem the niagara of technology to the East has given the Soviet Union an enormous leverage in their military buildup. We have saved them literally hundreds of billions of dollars in development costs in computers, microelectronics deep submersible technology, and—unfortunately—much more. The Reagan Administration has undertaken major initiatives to stem this flow and I believe they will be successful. In direct contradiction of the universality of knowledge and enlightenment, I am indeed advocating that—particularly on the frontiers of knowledge, in the deep oceans and outer space—we must not share militarily-applicable technologies with the East, and we must make tough efforts—not lip service—to keep a close hold on every advantage we develop.

Another of the several litanies that I generally give before public audiences is a catalogue of the many dramatic shortages that we have developed in our Navy over the last 20 years of steady budget cuts—a Navy half the size of the thousand ships we had then, with half the number of aircraft, and alarming shortages in missiles, ammunition, spare parts and equipment. These are the more visible manifestations of military weakness that President Reagan addressed in his campaign. But what should be much more alarming to thoughtful men is the equally drastic decline in basic research funding over those years. In the Navy, oceanography has been a direct casualty of that decline in funding. Twenty years ago, in the Kennedy Administration, we were devoting nearly 9% of our GNP to defense, and the Navy was devoting .76% of its budget to basic research including oceanography. Today, those percentages have declined from 9% of the GNP to 6%, and basic research from .76% of the Navy's budget to .4%—or about half. As a result, our Navy has—to a great extent—lost the basic pioneering leadership in the inquiry into ocean sciences that it has historically provided our nation. While there are some who would applaud this demilitarization of research, they would be shortsighted indeed to do so. Just as the pioneering leadership of our government space program has provided enormous spinoffs of technology to industry—and to the consumer—so too has naval oceanographic research been an engine of development and productivity for the oceans industry and for consumers everywhere in the world.

An example of what I mean was demonstrated recently off Southern California by scientists from Scripps, MIT, and Woods Hole. Termed acoustic tomography, this technique is patterned after the medical CATSCAN technique. A matrix of sound generating devices and acoustic receivers is emplanted over a large ocean area. Through complex mathematical inversion techniques, variations in acoustic travel times are translated into a "picture" of ocean structure. Here is a technique that holds great promise for synoptic mapping of ocean structure over large areas—a direct result of the combination of existing technology and innovative thinking.

Without question, the oceans will be the source for meeting many of mankind's future needs. While we may take some amusement from efforts by the American fishing industry to rename and hence to rehabilitate such tasty but unappealingly-named fish as the mudsucker, the ratfish, the tilefish, and the toadfish, that very effort points to the enormous, untapped food resources of the seas which lie fallow—while seven tenths of the world's people go to bed hungry.

As nation-states in the world declare and prepare their readiness for war over the sources of scarce energy and mineral supplies, we must take far more seriously the potential resource treasure in the deep seabed. While much of the debate has focused on the manganese and cobalt now readily available, we must realize that of the nearly two dozen strategic minerals on which America is now virtually wholly dependent on overseas sources, the existing evidence leads us to conclude that nearly all of these needs could be provided from the seabottom, and that sufficient quantities are available to meet the needs of not only America—but the rest of the world as well. The discovery of polymetallic sulphides escaping directly through fissures in the earth's crust on the ocean floor suggests mining prospects vastly more exciting than anything dreamed of just a few short years ago. And still we have not even scratched the surface of the bottom of the seas. As Seneca said, "Many discoveries are reserved for ages still to come, when memory of us will have been effaced." But we do have an obligation—to ourselves and mankind—to get on with those discoveries that lie within our reach today.

Because of this enlightened and visionary awareness of the promise within the deep oceans, the United States earlier this month had the courage and wisdom to vote against the acceptance of the current draft of the Law of the Sea Treaty. I have addressed the shortcomings of this deeply-flawed treaty before other audiences, and I shall not dwell upon them here. The effort that this Treaty Draft embodies was, I believe, ill-fated from the start. It was based on a fundamentally false ideological premise that the seas are somehow owned by all mankind, and that therefore a creation of the United Nations should assume the property rights and administer them. This is a clear example of how the abstract ideology of "mankind" so prevalent in recent years—and so dangerously incorrect—would operate to prevent all mankind from benefiting from the world's resources.

Instead of this flawed approach towards establishing a productive ocean's regime, I see instead a continued development of a pragmatic "common law" of the seas. Based upon the long-established principles of customary international law, I see the development of a web of bilateral and multilateral agreements based on national interests that will bring forth the benefits of the deep oceans to the world economy. The United States should—and I believe will—be the world leader in this vital development effort.

Happily for us there is a new vigor in the field of oceanography. Some of the best minds in the country have become involved—men of vision. One of these—not surprisingly a former naval person—Dr. Robert Ballard of the Oceanographic Institute at Woods Hole, has, I believe, provided us with the theme for the next decade and beyond. The United States undersea efforts should go for the "high ground" of the deep oceans. In the unfamiliar terrain of mountains, ridges, and seamounts, Dr. Ballard has already made sufficient discoveries to convince us that we are on the verge of an entirely new era of mountain exploration deep in the seas. With his pioneering exploration and research along the Atlantic Ridge—which splits the Atlantic basin north to south—he has begun to explore what we may come eventually to term "new continents." He has provided us sufficient evidence to know that here we must begin.

He reminds us that the average depth of the ocean is less than the distance from the Pentagon to the Oval Office. Yet, to date, our Navy has all but ignored these volumes of opportunity. *No longer.* The technology is now in hand to operate regularly to these depths, to master them, and to use them to enhance our national security—even as we open new worlds of mineral development.

Quite literally, it is indeed time for our nation to go for the high ground in the deep seas. As T. H. Huxley once said, "The known is finite, the unknown infinite; intellectually we stand on an islet in the midst of an illimitable ocean of inexplicability. Our business in every generation is to reclaim a little more land."

And so, I believe, we stand.●

VISTA SHOULD NOT BE ELIMINATED

● Mr. KENNEDY. Mr. President, since it took office, the Reagan administration has been attempting to eliminate VISTA programs. I have never understood the administration's opposition to a program that engenders self-sufficiency among the poor and disadvantaged in our country. I am proud to say that I have fought those attempts. And I am pleased that enough Senators and Congressmen have agreed with me to keep VISTA alive.

Nevertheless VISTA suffered deep funding cuts in the last 2 years. As a result, the number of volunteers available has been drastically reduced. This program can simphy not survive further cuts.

As we near the time when the administration asks us to eliminate VISTA through the appropriation process, I would like to remind the Senate of some of the important jobs performed by VISTA volunteers. I submit a letter I received recently from a sponsor of a VISTA volunteer, the Mental Health Association of Boise, Idaho, and ask it be in printed the RECORD. I urge my colleagues to study this eloquent testimony to the value of this important program.

The letter follows:

MENTAL HEALTH ASSOCIATION,
Boise, Idaho, July 8, 1982.

Senator EDWARD KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: In April of 1982 the Mental Health Association in Idaho received a grant from the VISTA program to fund a full-time VISTA volunteer for one year. The volunteer is funded to coordinate a Mental Health Association-sponsored project for emotionally disturbed children. The objectives of the project are three-fold: (1) to develop and conduct a public awareness/education campaign regarding the needs of and services to Idaho's emotionally disturbed youth; (2) to institutionalize the effort by developing a volunteer organization of parents, teachers, legislators, mental health professionals and others which will, in turn, address long term goals; (3) and to establish a "Sponsor An Idaho Child" fund/program that would provide a non-profit mechanism for soliciting contributions from the private sector specifically for the care and treatment of Idaho's disturbed children. This fund would be created for those children and families that require financial assistance for their care, thus shifting some financial burden from the public system.

The Mental Health Association in Idaho has only two paid staff: the Executive Director and a part-time Administrative Assistant. The Director's role is purely administrative, dealing primarily with community relations and fund-raising. The Association relies heavily on volunteers to implement and carry through its programs. Because of the focus and scope of this particular project, normal volunteer participation simply would not be adequate. For this reason, a VISTA volunteer was requested. The volunteer has worked on the project since April 19, enlisting the aid of many local mental health professionals in volunteer capacities. The Association has contributed office space, resources, and supplies, as well as the time and energy of the Executive Director, who has lent much of her expertise to the publicizing of the program.

The Association project, now in its third month, has accomplished its first aim of assessing the needs of emotionally disturbed children and has begun to fucus on a specific program of public education. The Assocation, in conjunction with private and public mental health agencies, other agencies involved with children, (i.e. Department of Child Protection, Department of Youth Rehabilitation) the school system, parents and foster parents, has decided to concentrate on early identification of children at risk of becoming seriously emotionally disturbed, and on providing referrals to available treatment resources. The short term goals include the distribution of a brochure entitled: "Stress—It's Not Just For Grown-Ups" which lists observable behaviors by children that may indicate emotional disturbance and also gives alternatives for seeking possible treatment. In addition, a television spot is planned using a similar format. The long term goals include the sponsorship of educational work-shops on topics related to the mental health of children. The Association's State Annual Meeting in October will revolve around this issue; funding is being sought to allow day care providers and teachers to attend the conference free of charge.

The VISTA project is incredibly cost effective, if allowed to run its full year. According to our estimates, for the cost of the funding ($5,256 for one year), approximately 400 families will be directly impacted. These families are the ones who we expect will actually seek treatment from mental health professionals. Another several hundred will be effected through their participation in work-shops, support groups, and by seeking help through alternatives other than mental health professionals, such as their minister or pediatrician. By distributing brochures to day care providers and offering free or low-cost workshops for them on identification of disturbed young children and communication with the families, we expect to impact a sizable portion of that population.

However, the three months of funding that already has been provided will amount to wasted money if the VISTA program is ended in September. We understand that there is an attempt being made to limit VISTA's fiscal year 1983 budget to only $230,000. If this occurs, VISTA will be forced to close as of September 30. Over 2000 new VISTA volunteers, placed at projects from March 1 through April 15, 1982, will have to leave their projects. Since VISTA volunteers typically work in agencies similar to the Mental Health Association, which have no extra man-power, the projects will be left unfinished.

The results of closing VISTA ahead of schedule will be counter-productive in other ways as well. The impact on the VISTA volunteers, the sponsoring agencies, and the people served by VISTA will be enormous. As an example, the MHAI has been able to clearly identify a need for early identification of emotionally disturbance in young children. But, except for our proposed program, no other agency is making a concerted effort to reach parents and day care providers.

In a time when volunteerism and self-help is being promoted by the administration, the closing of VISTA, an agency devoted to both, can only be negative.

A minimum of $12 million is needed for VISTA in fiscal year 1983. This represents a budget reduction of well over 65 percent from last year. With a $12 million budget, VISTA can be kept alive and volunteers at projects until April of 1983.

This letter is being sent to you as a representative who can really make a difference. VISTA needs your support to continue and the Mental Health Association in Idaho needs VISTA's support to complete our goals. We would be pleased to share more details of our project if you are interested. We feel it is a worth while, low cost, highly efficient use of federal money and one that will better the quality of life for many families.

Sincerely,

BETSY GABEL,
Executive Director.●

STATEMENT OF PAUL OLIVER, PRESIDENT OF ELECTRONIC DATA SYSTEMS WORLD CORP., S. 708, BUSINESS ACCOUNTING AND FOREIGN TRADE SIMPLIFICATION ACT

● Mr. CHAFEE. Mr. President, the most compelling evidence of the need to eliminate the ambiguities in the Foreign Corrupt Practices Act comes from the U.S. companies who are involved in legitimate overseas business transactions. One of those companies, Electronic Data Systems World Corp., which does business in Europe, Latin America, the Middle East, and the Far East, submitted a statement to the Senate Banking Committee on June 1, 1981, listing the kinds of problems that it had encountered as a result of the lack of clarity in the Foreign Corrupt Practices Act. Mr. President, I ask that the statement of Mr. Paul Oliver, president of EDS World Corp., be printed in the RECORD.

The statement follows:

STATEMENT OF PAUL OLIVER

The Foreign Corrupt Practices Act of 1977, as written, constitutes a formidable disincentive to U.S. companies wishing to export products and services abroad. This position has been stated widely; among its most recent advocates are U.S. Trade Representative Bill Brock and Commerce Secretary Malcolm Baldridge, both of whom have commented as such since taking office in the Reagan Administration.

Statements in this vein are not difficult to substantiate. In a General Accounting Office survey of 250 of the 1,000 largest international U.S. corporations, 60 percent of the companies replied they could not compete successfully against foreign companies that reportedly are bribing foreign officials, according to a March 4, 1981 GAO report to Congress. The report elaborated on the findings, stating that, due to the sensitive nature of the overseas bribery issue, U.S. sales losses cannot be quantified easily.

A government interagency task force on export disincentives, established by the Carter Administration, estimated that the FCPA is responsible for a minimum loss of $1 billion in U.S. export income.

Other sources provide similar disturbing statistics. According to Engineering News-

Record (December 19, 1979), the total value of U.S. foreign contracts declined from $21.3 billion in 1975 (two years before passage of the FCPA) to $18.3 billion in 1978. In 1957, the United States boasted 21 percent of the world's export market; by 1979, the U.S. share was a mere 12 percent (Arab News, June 18, 1980). One year before the FCPA became law, the United States ranked first in the overseas construction market; a year following the passage of the act, the U.S. occupied fifth place in market share, behind Japan, Korea, West Germany, and Italy (Wall Street Journal, August 3, 1979). Of this phenomenon, a West Coast construction executive commented, "A good part of the reason for this is the 1977 law. The commissions we used to pay are still a social or business custom in some countries, but now they're crimes as far as we're concerned."

The Saudi Arabian construction market provides a closer analysis of the commercial decline of the United States abroad. As the largest current market for construction and other contracted services, it is probably also the world's most competitive market for these labor-intensive services. According to Saudi Report (November 12, 1979), U.S. contractors won 9 percent of all Saudi Arabian construction projects in 1975; the U.S. market share had fallen to 6 percent by 1978, and by 1979 was only 3 percent. More disastrous than these figures is the decline in the U.S. share of Saudi Arabian civil and military construction projects awarded by the U.S. Army Corps of Engineers. In 1975, 35 percent of the contracts were assigned to U.S. companies; this percentage dropped alarmingly to 5 percent in 1978. By 1979, U.S. contractors were winning barely 2 percent of these construction projects.

Consensus with the opinions of Brock and Baldridge was nearly unanimous in an "informed poll of more than a dozen British and European trade officials." The overall feeling of those questioned was that the United States indeed had lost overseas business as a result of FCPA restrictions (Wall Street Journal, August 3, 1979).

In addition to losses in overseas sales revenues, increased accounting costs instigated by FCPA accountability clauses have been of economic concern to U.S. companies. According to the March 4 GAO report, 72 percent of the survey's participants estimated an increase in corporate accounting costs of at least 11 percent as a result of perceived FCPA requirements. Some 22 percent of the responding companies said their accounting costs had risen more than 35 percent. In response to the GAO report, the Commerce Department noted that accounting cost increases would be much greater proportionately for small and medium-sized companies than for the large multinationals.

Staff increases created by corporate attempts to comply with FCPA standards comprise a large portion of the additional accounting expenses. According to Time magazine (March 16, 1981), one Wall Street entrepreneur dubbed the FCPA the "Accountants' Full Employment Act of 1977," noting that the law not only has forced companies "to beef up their internal audit staff," but to "double-check the propriety of even the most inconsequential payments." As an example, the article cites Xerox staff members in Cairo, Egypt having to obtain executive-level clearance to pay telex and telephone repairmen monthly tips totaling $8.00.

At a spring 1981 conference of the Institute of Internal Auditors (IIA) and the National Association of Corporate Directors (NACD), some attendees challenged the Federal Government to "put its own house in order" in light of the push toward increased corporate accountability brought on by the FCPA.

Speaking at the conference, former U.S. Treasurer Francine Neff received an ovation for her suggestion that "the public sector be no less accountable than the private sector." Following her speech, she commented to the press, "I just loved hearing Senator Metzenbaum talk about corporate governance, and then when I asked him if the Senate did not feel it had oversight responsibility regarding the accounting of government, he told me it would be too expensive." ("Accountable For What? Executives Push Changes in Corrupt Practices Act," Shirley Hobbs Scheibla).

An officer of EDS World Corporation, the international subsidiary of Electronic Data Systems Corporation (EDS), stated that accounting costs have increased as a result of complying with FCPA accounting standards. Although the total increase in costs has never been computed, he cited additional personnel requirements in the company's internal audit staff, added responsibilities for branch office accountants, and FCPA educational seminars for branch office general and financial managers as some of measures taken in response to the enactment of the Foreign Corrupt Practices Act.

The 1977 act was created in partial response to the public revulsion brought on by the events of Watergate. In a statement of policy issued August 28, 1980, the Securities and Exchange Commission acknowledged that the Senate committee studying the FCPA had recommended that the act be passed in order "to bring these corrupt practices to a halt and restore public confidence in the integrity of the American business system." EDS agrees with this line of reasoning, and with the following comments made by the House and the Senate during hearings on the FCPA, citing the adverse effects of bribery on both domestic and foreign policy:

"[Revelations of corporate bribery] shook the Government of Japan to its political foundations and gave opponents of close ties between the United States and Japan an effective weapon with which to drive a wedge between the two nations. In another instance, Prince Bernhardt of the Netherlands was forced to resign from his official position. . . . In Italy, alleged payments to officials of the Italian Government eroded public support for that Government and jeopardized U.S. foreign policy, not only with respect to Italy and the Mediterranean area, but with respect to the entire NATO alliance as well." (H-R Rep. 95-640, supra note 3, at 4-5).

And from the Senate:

"Corporate bribery of foreign officials. . . . affects the very stability of overseas business. . . . [and] is fundamentally destructive." (S. Rep. 95-114, supra note 3, at 4).

As represented by his bill S. 708 presently before the Senate, Mr. Chafee also is in agreement with the necessity of condemning the unethical and corrupt practices prohibited by the FCPA.

It is the way in which the Foreign Corrupt Practices Act was written, however, that has caused problems for U.S. companies operating overseas: both the antibribery and the accounting provisions are riddled with ambiguities that make any interpretation of the act uncertain at best, and the lack of a materiality standard in the accounting provisions prevents any corporate assurance that a particular set of internal controls is adequate. Moreover, U.S. companies are competing with foreign companies, not bound by U.S. law, for international business; under these circumstances, an international business; under these circumstances, an international approach to the control of corrupt payments is more logical. Mr. Chafee's bill presents some workable amendments to provisions included in the Foreign Corrupt Practices Act of 1977.

The March 4 GAP report points out that the ambiguities present in the FCPA antibribery statutes have made U.S. companies hesitant to pursue international contracts—a position that creates the likelihood of the loss of legitimate business. Among the ambiguities cited by the GAO survey participants are the infamous "reason to know" clause, intended to qualify the responsibility a company must take for actions performed by its foreign agents; the fine distinction between a bribe and a facilitating payment; and a form of "double jeapardy", a result of dual enforcement opportunities by the Department of Justice and the SEC.

Since passage of the FCPA, the public and private sector have debated the proper interpretation of the reason to know clause. Even the SEC hierarchy conflicts over this point. At the recent IIA-NACD conference, SEC Commissioner Philip A. Loomis, Jr. observed that on the question of corporate liability for a FCPA violation, there exists "a considerable difference of opinion in the Commission" in a case where the U.S. firm does not have controlling interest and does not involve itself in the daily management activities of its foreign corporation. In discussing an SEC statement of policy, outgoing SEC Chairman Harold M. Williams stated that the SEC uses percentage of ownership guidelines in enforcing the FCPA. However, the GAO survey report points out that policy statements, on which the SEC bases many of its arguments defending the present form of the Foreign Corrupt Practices Act, are always subject to change. Not bound by law, these statements offer little comfort to U.S. companies risking hefty fines or criminal prosecution.

In some countries, operating through local agents is essential for expatrite firms that wish to do business, required either by law or custom. Several U.S. companies hit hard by the FCPA agree that "it is impossible even to get on the bidding lists without paying what amounts to an 'entry fee' to a local agent who has good connections with the government in power." (Wall Street Journal, August 3, 1979).

In the same article, an executive of an engineering consulting firm headquartered in Beaver, Pennsylvania discusses the problems with dealing through a commission agent. "It is difficult to determine whether their services are legitimate and yet we're criminally liable if it turns out their services aren't legitimate," he observes, adding that his company has withdrawn from the pursuit of Middle East business since enactment of the FCPA.

According to a Time magazine article, "Big Profits in Big Bribery" (March 16, 1981), in order to operate in Saudi Arabia, a U.S. or other foreign firm must "be connected, via an agent or middleman, to a member of the royal family;" in other words, every expatriate company must have its own Saudi prince.

While EDS' personal experience has not found the princely requirement as vital as the Time article represents, an EDS World

manager says that, under Saudi Arabian law, any foreign company doing business with the Saudi Arabian Government must operate through a local agent. A company also may be restricted legally from accessing their agent's books, making it virtually impossible to know how the agent utilizes a commission once it is in his hands. According to the EDS World manager, EDS requires its Saudi Arabian agents to sign a statement certifying that any commission paid to them by the company will not be used for corrupt purposes. The EDS World representative went on to say that "agents are paid a commission on actual revenue we receive from customers. Presently, we pay their commissions as we receive monthly client payments," meaning that the agent does not receive a questionably large lumpsum payment, and he is responsible for seeing that EDS is paid by the customer before he can expect to collect his commission. However, the EDS World manager continues, saying that some foreign agents are pushing hard for a "large commission paid up front since our contracts usually involve a large down payment for start-up costs." While EDS has been successful to date in deterring such requests, the representative notes that other companies have agreed to agents' terms, and "it is becoming increasingly difficult not to meet their demands."

An EDS World manager who has worked extensively in the Far East agrees that EDS cannot examine the books of the Company's foreign partners or agents. "Our partner in Malaysia, however, has such an impeccable reputation, that I am confident all his dealings are above-board." Bribery is verboten in Singapore, which is rife with anti-corruption forces.

Mr. Chafee has recommended that payments made by foreign subsidiaries or agents be excluded from prosecution under FCPA unless the payment was authorized or directed by a U.S. representative of the company. Previous examples have shown the difficulty in "knowing" under the reason to know clause. The substitution of the clause with Mr. Chafee's amendment would constitute an invaluable step toward eliminating the act's ambiguity.

The Foreign Corrupt Practices Act defines a corrupt payment as any payment or gift made or promised "for the purpose of influencing any act, decision, or failure to act of a foreign official, foreign political party or official thereof, or candidate for foreign political office, or inducing such a person or party to influence any act or decision of such foreign government or instrumentality in order to assist a reporting company in obtaining, retaining, or directing business to any person." The problem with this definition arises in attempting to distinguish between a corrupt payment, forbidden by the act, and a facilitating payment, explicitly permitted by the act—in order to determine what constitutes a bribe according to the FCPA. The Time magazine article of March 16 notes that facilitating payments, or "so-called grease payments, such as fees to get low-level civil servants to perform their bureaucratic duties. . . . are specifically permitted on the grounds that petty corruption is unavoidable almost anywhere." The article goes on to state that allowing these payments creates a gray area "between that sort of bureaucratic paper shuffling and the discretionary authority of local officials to withhold approval for a project or license, and thereby extort not $50 or $100, but perhaps $10,000 or even $500,000 from a victimized company."

The lack of a standard of materiality, detailed later in this document, provides a partial explanation for the confusion over the point at which a payment becomes a bribe. Mr. Chafee's request that the term "facilitating payment" be redefined should answer definitively many uncertainties arising from this portion of the FCPA.

Attendees of the IAA-NACD conference voiced complaints citing and difficulties arising from the vagueness of the FCPA in outlining the terms of compliance with the act. The act is approximately four years old; compliance guidelines by the courts and SEC are few and far between.

The FCPA establishes a Department of Justice business review procedure through which companies may request an opinion as to whether or not a specific action is in line with the law. To date, approximately one year after establishment of the review procedure, only five companies have requested opinions. Of these requests, Justice has responded to four. Several reasons exist for the seeming unpopularity of the procedure. The interagency task force on export disincentives, established during the Carter Administration, has named as justification for not utilizing the procedure unfavorable publicity arising from the use of the review procedure, the indefinite delay that is inevitable in awaiting a decision by the Justice Department, and the risk of the disclosure of confidential statements provided to Justice.

Probably the major reason more companies do not take advantage of the Department of Justice review procedure centers around the SEC's refusal to participate in the review, and to be bound by the opinion ultimately issued by the Justice Department.

In a statement of policy dated August 28, 1980, the SEC states it is "aware of no difference of substance between the Commission and the Department of Justice with respect to interpretation of the bribery prohibitions."

The SEC explains the necessity of its noncooperative stance, because determinations involving Section 30A of the Securities Exchange Act of 1934 must consider motivation and intent as well as subject matter.

As the FCPA currently stands, a company requesting and receiving clearance for a proposed action under the Justice Department review procedure may not be prosecuted by Justice for the action involved. However, the company may be prosecuted by the SEC. In defense of its position, notes the SEC, "this policy statement elminates the possibility that the commission would commence an enforcement action with respect to transactions that are the subject of a favorable letter, issued prior to May 31, 1981, as part of the Department's FCPA Review Procedure."

The May 31 expiration date is now imminent, and, as mentioned earlier, policy statements are not legally binding and are subject to change. Obviously, if the review procedure is to succeed in its intent, revisions are required.

Mr. Chafee's bill requires formalization of the review procedure, requiring a response, binding on both Justice and the SEC, within 30 days of the submission of the request. Confidential information contained in a review letter would be exempt from disclosure under the Freedom of Information Act. These actions are necessary to allow the review procedure to fulfill the purpose for which it was intended. Additionally, Mr. Chafee's proposed bill would require that the Department of Justice issue guidelines describing specific conduct associated with export sales agreements and international transactions that are in compliance with the FCPA. Under the bill, the FCPA would constitute the sole substantive prohibition on international bribery, thus eliminating the possibility of prosecution under various laws pertaining to mail and wire fraud. The incorporation of these provisions into the Foreign Corrupt Practices Act is essential if the ambiguities contained in the antibribery clauses are to be eliminated.

"The Reagan Administration has already signaled its dissatisfaction with the act," states the March 16 *Time* magazine article, "and particularly its tendency through loose wording to cast a chill over the willingness of U.S. businessmen to push into foreign markets and thereby help boost U.S. exports. . . . The Administration seems to be indicating, whether intentionally or otherwise, that it is prepared to let enforcement of the act languish."

Any stance by a branch of the Federal Government that, in essence, ignores the existence of the FCPA is bound to be detrimental. By neither enforcing the act as written nor changing the provisions as needed, the Administration would only demonstrate disrespect for a Federal law, corrupting in itself. In addition, such a position would do nothing to alleviate the ambiguities in interpretation that are the principal cause for consternation.

Even the Justice Department appears to be having interpretive problems with enforcement of the FCPA. In an address on the Justice Department's program to provide foreign payments advice to U.S. businesses, See Heymann outlined a list of FCPA enforcement priorities. In other words, in the eyes of the Justice Department, some brides are more corrupt than others. For instance, according to the list of priorities, a company corruptly paying a foreign cabinet officer is more likely to face prosecution than a company that bribes an offical of lower rank.

The apparent difficulties related to enforcing the act as it is written demonstrate the necessity of changing the law in order to make it more enforceable. Clearing up the ambiguities included in the antibribery provisions is vital if U.S. companies are to understand the limitations within which they must operate internationally.

Since inception, the Foreign Corrupt Practices Act has been the United States' unilateral attempt to put a halt to international bribery. When corrupt payments are accepted as a fact of life throughout many parts of the world, so one-sided an attempt must fail.

That bribery constitutes the formidable norm in many countries is well supported. The Wall Street Journal article of August 3, 1979, discusses a number of foreign governments that "either look the other way when overseas bribery occurs," or worse yet, "surreptitiously encourage the practice in order to increase their exports and improve their balance of payments." The acceptance of corrupt money is common in the major portion of the globe: the developing African nations, the Far East, Central and South America, and the wealthy kingdoms of the Middle East.

International bribery takes many forms—often the method of payment is far more sophisticated than the cash-filled envelope passed across an empty chair. A popular method in the African nations is the creation of a cushiony job within the contracted project—a job that, of course, is given to

a friend or relative of some high-level official. In Mexico, weekend jaunts to Acapulco or Cancun are popular, with all accouterments, provided by the bidder. Corruption in Indonesia "is so family-oriented that in the early 1970s, President Suharto's wife Tien was known as 'Mrs. Ten Percent.'"

A recent Indonesian incident involved a $9,000-a-year government employee; upon his death, an estate totaling nearly $35 million was discovered, money allegedly paid to him by two German companies in connection with the construction of a Djakarta steel mill. (Time magazine, March 16, 1981).

The actions of the two German companies involved are not a rarity among European entities. "Bribery by West German companies to obtain foreign contracts isn't illegal. . . ." Moreover, it is tax deductible as a business expense (Wall Street Journal, August 3, 1979). The West German Federal Office for Foreign Trade Information, in a confidential memorandum, has warned corporations that they must be prepared to pay bribes that may run as high as 20 percent of the contract price (Time magazine, March 16, 1981).

Just last year, the Italian Government passed a law stating the legality of bribes paid by Italian companies to foreign officials. One Italian construction firm is developing an exclusive deluxe resort in Uruguay; so far none of the land has been offered for sale to the public. Instead parcels of land have been passed out to Latin American officials when a big deal has needed an impetus to close (Time Magazine, March 16, 1981).

Sir Frederick Catherwood, former chairman of the British Overseas Trade Board, expresses little doubt that a law similar to the FCPA would not receive popular support in the United Kingdom. Exports account for 30 percent of the U.K.'s GNP, as opposed to 8.5 percent of the GNP of the United States. "We who are much more valuable, would be killed," concludes Sir Frederick (Wall Street Journal, August 3, 1979).

The non-existence of a French law on bribery is explained by the head of a French company dealing in the Middle East, "The French authority know quite well that you cannot deal in those countries without payoffs." (Time magazine, March 16, 1981).

In 1979, a Belgian company was forced into bankruptcy after paying a $282 million "commission" for procurement of a $1.2 billion Saudi hospital contract (Wall Street Journal, August 3, 1979).

The Far East appears to be a hotbed for the paying of bribes as well as the receiving of them. The Japanese Government makes it a policy not to investigate the international business activities of Japanese companies; no agency similar to the SEC exists in Japan, although a short-lived one was created following World War II. In Tokyo, "the man-on-the-street reaction to questions about payoffs is that they are an established way of transacting business." (Wall Street Journal, August 3, 1979).

The Saudi Arabian Government recently banned the largest construction conglomerate in South Korea for two years, indefinitely imprisoning the company's resident manager, in response to a bribery attempt. The Korean firm had been the most successful construction contractor in Saudi Arabia prior to being barred from the country. (American Businessmen's Group of Riyadh).

Representatives of numerous U.S. companies have stated publicly that they believe they have lost international business over the issue of bribery. The Time magazine article of March 16 describes the typical contract in which the bribery question will arise—"a large project in an industry that is highly competitive but with little significant difference among the products," for example, a telecommunications or construction project.

Several corporate executives related their tales to the Wall Street Journal. For instance, a senior vice president in an Oak Brook, Illinois company felt that bribery at least partially was responsible for the loss of over $100 million in sales over a three-year period. Similarly, a firm based in Cleveland, Ohio refused to compete on a West African project upon learning they would be expected to pay some 13 percent of the contract value to the country's president and an aide.

The aviation market long has been known as a hotbed of loose payments. Stated one Lockheed Corp. official, "In many countries, rewarding the decision makers is still the way that things are done in the business community. It's pretty obvious that we now have less ability to get an audience or even the attention of the decision makers when they know we're restricted in paying fees."

The restrictions seemingly are working to the advantage of Lockheed's foreign competitors. Since the enactment of the FCPA, the European aviation consortium Airbus Industrie has been tremendously successful in marketing its A300 airliner to the government-owned airlines of Singapore, Indonesia, Thailand, Malaysia, and the Philippines. The sales all were accomplished within an 18-month period "at a time when U.S. companies were restrained from employing their past sales practices." (Wall Street Journal, August 3, 1979).

In the meantime, "Lockheed Corp., whose very name was synonymous with payoffs and freebies for foreign officials in the 1970's . . . no longer picks up even hotel bills for customers visiting its California headquarters for contract talks." (Time magazine, March 16, 1981).

Perhaps most familiar with corrupt payments stories are members of the U.S. Foreign Service working overseas. In 1979, the U.S. Embassy in Zaire sent a cable to the State Department, warning that the FCPA placed U.S. companies "at a distinct disadvantage." (Wall Street Journal, August 3, 1979).

An EDS World executive admits that he is certain the company has lost revenues over the question of bribes, but he could not cite the amount nor could he give specific incidents, A corporate manager, formerly in the Middle East, agreed that EDS had lost business when bribery became an issue, but declined to elaborate on the topic.

Another EDS World representative commented that he does not believe EDS has as large a problem as some companies with situations in which corrupt payments are expected. "We're selling an intangible product. It is too confusing to skew the results of a data processing plan." He agreed with a Wall Street Journal reporter's comment that companies offering a tangible competitive product in which differences are minute and difficult to differentiate are most likely to be the victims of bribery requests.

Because bribery is an international problem, it requires an international solution. Without an effective universal ban on corrupt payments, U.S. companies face the inherent disadvantage of competing against companies that can provide a little added incentive—and will, if that's what is necessary to win the contract.

According to the March 4 GAO report, over 50 percent of the survey participants agreed that a strong international agreement would increase the competitive ability of U.S. companies abroad. Since efforts to effect a universal anti-commercial bribery treaty have not been fruitful, the GAO report recommends that Congress monitor future efforts closely.

In light of the attitude toward bribery held by foreign competitors, and considering the fact that in many parts of the world corruption is considered a fact of life—often perfectly legal according to local law—it is imperative that the U.S. lead the push toward a worldwide moratorium on bribery. EDS is in complete agreement with Mr. Chafee's request, in his proposed bill to amend the FCPA, that the President of the United States should pursue negotiations of the treaties necessary to establish international standards of business conduct.

The accounting provisions of the Foreign Corrupt Practices Act are burdened with ambiguities similar to the uncertainties existing in the antibribery provisions. Terms like "reasonable assurance" and "reasonable detail" and SEC references to "state of mind" have clouded a definitive interpretation of the act and raised questions that elude positive answers.

Over 50 percent of the participants in the recent GAO survey termed the reasonable assurance rules for accounting controls and recordkeeping procedures as inadequate.

The SEC counters their agrument, stating that the reasonable assurance concept is consistent with the Commission's policy of allowing companies to set up their own standards.

The inexplicit nature of the reasonable detail concept has generated some frustrated discussion among members of the U.S. accounting profession. At the recent IIA-NACD conference, Donald L. Scantleberry, director of the GAO's Financial and General Management Studies Division, commented that he preferred "precise laws so that guessing isn't necessary." Under the FCPA, a company could be challenged on its decision to review all checks over $10,000; theoretically, the courts could decide that a review of all expenditures over $2,500 would constitute reasonable detail for that company.

What is missing in the accounting provisions set forth in the FCPA is a standard of materiality, a meaure favored by 70 percent of the GAO survey participants.

One IIA-NACD conference speaker warned that neither independent CPA reports nor internal accounting controls constitue FCPA compliance because these methods apply only to material items. Consequently, the best that corporate accounting staffs can hope to do is successfully second-guess the courts and the SEC.

When questioned about the adequacy of EDS World's accounting procedures in meeting FCPA requirements, a company official said he was satisfied the methods employed were effective and reasonable. When asked whether he was confident that the SEC would find EDS World's review and control procedures in compliance with FCPA, he admitted he could not guarantee such a ruling because of the loosely defined regulations. He added that he favored a standard of materiality but felt the minimum material requirement should be low enough that the smaller companies would

not suffer at the expense of the multinational conglomerates.

Policy statements issued by the SEC have argued strongly against a standard of materiality. SEC Commissioner Stephen J. Friedman, in a recent address to University of Kentucky students, commented that the absence of a materiality qualification was not a cause for alarm because although it complicates a company's position, it "does not give the SEC free rein." In an elaboration of the SEC's January 13, 1981 statement of policy, Chairman Harold M. Williams stated, "Internal accounting controls are concerned with misconduct that is material to investors, but also with a great deal of misconduct which is not." He added that he believes materiality is an inadequate control standard.

Mr. Chafee has made several recommendations in an effort to clear up these ambiguities. His proposed bill would define "reasonable assurance," "reasonable detail," and "in all material respects," as these terms now appear in Section 102 of the FCPA. The definition would make explicit the cost/benefit evaluation followed by the SEC in designing internal accounting controls. Said the SEC's Williams, "Thousands of dollars ordinarily should not be spent conserving hundreds."

To assure U.S. companies of the rules by which they are playing, it is time the SEC's policy statements and policy interpretations be consolidated into the law. Mr. Chafee's bill further advocates that the FCPA incorporate a materiality standard, and that the link between materiality and the preparation of financial statements in conformity with generally accepted accounting principles be reinforced. In light of the definitive guidelines these recommendations will create, the EDS World official commented that their adoption would certify compliance with FCPA standards.

Further confusion within the FCPA's accounting provisions arises out of the SEC's references to state of mind. Stephen J. Friedman said, in his recent speech, that the likelihood of a reoccurrence of a violation of the FCPA's accuracy requirements must be present before the SEC may obtain an injunction, and that the state of mind needed for criminal conviction would be absent in the case of an inadertent violation.

Harold M. Williams reinforced this opinion, stressing that the SEC would not take action against unintentional recordkeeping violations. He added that U.S. companies will not be prosecuted for falsification of records of which management "broadly defined" was unaware and "reasonably should not have known."

Mr. Chafee recommends that the FCPA incorporate provisions requiring the knowing falsification of books, a knowingly wrongful attempt to circumvent an internal accounting control system, or the deliberate maintenance of an inadequate control system to constitute a violation of the act's accounting provisions.

It appears Mr. Chafee is requesting simply that the SEC stand behind its statements. To clarify and solidify past policy statements by writing them into law would simplify enforcement and compliance with the act.

Even the SEC's Williams has admitted that it is time the SEC gave private industry a clearer idea of what is expected under the FCPA, adding that the act "can have a debilitating effect on activities of those who seek to comply with the law. . . . business resources may have been diverted from more productive uses to overly burdensome compliance systems which extend beyond the requirements. . . . The public, however, is not well served by such reactions."

No, the public is not well served when the law raises more questions than it answers. As outlined above, the accounting and antibribery provisions recommended by Mr. Chafee would go a long way in resolving many of the current questions and would minimize the loss by U.S. companies of legitimate overseas business.●

SMALL BUSINESS INNOVATION ACT

(Mr. BAKER submitted the following statement for Mr. PRESSLER.)

● Mr. PRESSLER. Mr. President, as an original cosponsor of the Small Business Innovation Act, I am particularly pleased that it has been signed into law.

This act, which will set aside a percentage of Federal agencies' research and development—R. & D.—budgets for small businesses, recognizes the important role that America's small businesses have played in our technological advances.

It is estimated that small businesses produce 24 times more innovations than larger businesses per R. & D. dollar. Yet today, these small businesses are facing difficult economic times which threaten their ability to continue their pioneering efforts. We also run the very real risk of losing the creativity and productive genius of a large segment of our population.

By insuring that small businesses have access to Federal R. & D. dollars, we are making a vital contribution to their efforts. In addition, we have done this without spending one additional taxpayer dollar.

It is my hope that the small business set-aside program will serve as a model of what a Government program should be—worthwhile, efficient and, ultimately, an energizing force in the American economy.●

ORDER FOR RECORD TO REMAIN OPEN UNTIL 6 P.M. TODAY

Mr. BAKER. Mr. President, I anticipate that the Senate will recess shortly. Therefore, I ask unanimous consent that Members may have until 6 p.m. today in which to introduce statements, bills, and resolutions into the RECORD.

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

EXTENSION OF TIME TO REPORT RESOLUTION REQUIRED UNDER SENATE RESOLUTION 20

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Rules and Administration have until the close of business Tuesday, July 27 to report the resolution required under Senate Resolution 20, the so-called TV-in-the-Senate resolution.

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

Mr. BAKER. Mr. President, let me say to begin with that I think all of these requests have been cleared with the minority leader. I state them now for his consideration and that of other Members.

ORDER FOR BILL TO BE HELD AT DESK—H.R. 6663

Mr. BAKER. Mr. President, I ask unanimous consent that H.R. 6663 be held at the desk until the close of business on Tuesday, July 27.

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

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I see the Senator from California is in the Chamber. May I inquire if it is his plan to speak at this time?

Mr. HAYAKAWA. I do plan to speak, Mr. President.

Mr. BAKER. Mr. President, I know of no other Senator who is seeking recognition or plans to seek recognition in this period for the transaction of routine morning business. I have three routine requests to make.

Before I do so, I ask unanimous consent that when the distinguished Senator from California completes his remarks, the Chair place the Senate in recess according to the order previously entered, until 9:30 a.m. tomorrow.

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

Mr. BAKER. Mr. President, at the conclusion of the remarks—

Mr. STENNIS. Mr. President, will the Senator yield to me?

Mr. BAKER. Yes; I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I wonder if the majority leader would yield me 3 minutes?

Mr. BAKER. Mr. President, I ask unanimous consent that after the recognition of the Senator from California, the Senator from Mississippi be recognized, and at the conclusion of the remarks by the Senator from Mississippi, the Chair place the Senate in recess, according to the order previously entered, until 9:30 a.m. on tomorrow.

Mr. STENNIS. I thank the Senator very much.

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

The Senator from California.

(The remarks of Mr. HAYAKAWA in connection with the introduction of legislation are printed under Statements on Introduced Bills and Joint Resolutions.)

INDUSTRIAL DEVELOPMENT BONDS

Mr. STENNIS. Mr. President, last week, during the consideration of the Tax Equity and Fiscal Responsibility Act of 1982, I joined the distinguished Senator from New York (Mr. D'AMATO) and others in proposing an amendment easing some of the restrictions which the committee recommendations had placed on the industrial development bond program. I highly commend the Senator from New York (Mr. D'AMATO) and others who worked on this program, which has brought much good to the Nation as a whole.

This amendment was adopted by the Senate. I hope, however, that the House of Representatives will not take any action which will eliminate or unduly restrict this program.

I have long been a strong supporter of industrial development bonds. In fact, Mississippi originated this program and has used it to great advantage since 1936, while still in the heart of the Great Depression. During this period, industrial revenue bonds have been an important economic tool not only in my State but also in many other States. It has spread now to at least 48 of the 50 States, as I understand it.

These bonds have helped create jobs in industry where none existed before, and they are still producing jobs to this day, highly important jobs, because they are in small units and are the only source for any kind of industrial work in many of those communities.

I think it is a grave mistake, in the passage of a large revenue bill, to hastily and totally eliminate a program which is the only program in its field that is a going concern.

We are trying to get up other programs. We had the Lugar bill, and it fell by the wayside. We are trying to get up other programs that meet this situation at least in part. However, as the bill now stands, it will be entirely eliminated after a few years.

A particularly dramatic instance of the use of such industrial revenue bonds is found in the July 26, 1982, issue of Business Week magazine. This article, entitled "Luring Jobs to the Reservation," narrates how the Mississippi Band of Choctaw Indians used a $26 million industrial revenue bond to persuade American Greetings Corp. to open a 350-person card-finishing and packaging facility on its reservation near Philadelphia, Miss.

This is a significant and important step. It stimulates development and brings steady employment to members of the tribe, many of whom had never before experienced it. An executive of American Greetings stated that without the bond issue "we probably would not have looked at this deal very seriously."

The creation of jobs is very important to this country. It is particularly important to the Choctaw Indians since it creates jobs where none existed before. I am emphasizing this about this small tribe of Indians. It is a remnant of the original, fine—numerous for that time—group of Indians that sold out most of their land there and moved to what is now Oklahoma. With unemployment running at a 9.5-percent rate nationally and 11.6 percent in Mississippi, we cannot afford to pass up any opportunity to find and establish job possibilities.

Resort to the industrial development bond program by the Mississippi Band of Choctaw Indians is a significant and heartening development. It shows how important this program is, particularly at a time when Government training funds and other Federal work incentives are drying up. I believe it would be a serious mistake if Congress were to seriously restrict or kill this program, and I hope that this will not happen.

Mr. President, in order that there may be further circulation of this fine article, I ask unanimous consent that it be printed in the RECORD.

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

LURING JOBS TO THE RESERVATION

With federal funds for Indians cut to the bone and the Reagan Administration committed to making Indian tribes self-sufficient, tribal governments are developing a new sophistication in attracting industry to the reservation. The Mississippi Band of Choctaw Indians, for instance, used a $2.6 million industrial revenue bond to persuade American Greetings Corp. to open a 350-person card-finishing and packaging facility on its reservation near Philadelphia, Miss. Other tribes are experimenting with joint-venture agreements to develop reservation energy resources or are using revenue from grazing leases to modernize reservation facilities.

In the case of the Choctaws, the industrial revenue bond built and equipped the American Greetings plant, reducing the cost of financing the project by 2 percent to 3 percent and bringing steady employment to tribe members—many of whom had never before experienced it. Without the bond, says a company executive, "we probably would not have looked at this deal very seriously."

UNEMPLOYMENT

Indians efforts to woo private industry may mean the difference between stark poverty and hope for the future on many reservations. Of the 750,000 Indians who live on reservations, 75 percent earn less than $7,500 a year, according to the federal Bureau of Indian Affairs. Among the Mississippi Choctaws, unemployment runs 25 percent to 30 percent—and ran 35 percent to 40 percent before the recent opening of the American Greetings facility and another, smaller plant. And the figure is even higher at some other reservations.

"To deal with unemployment, you have to find job possibilities," says Phillip Martin, chief of the Mississippi Choctaws and president of the National Tribal Chairmen's Assn. "It's not easy. Doing business with the private sector is very competitive, very complicated. It takes a lot of preparation." Says Kenneth L. Smith, Assistant Interior Secretary of Indian affairs and a member of the Wasco tribe of Oregon: "We have to learn to depend on our own economies instead of the federal dollar."

Neither the tribes nor their white advisers expect the Indian-private industry partnership to flourish quickly or easily. "Indians have been wards of the government since treaty days, and they have to overcome generations of being dependent on the federal government," says Conley Ricker, chief executive officer of the American Indian National Bank (AINB) in Washington. But Ricker notes that this spring some 300 Indians representing 65 tribes—twice the number expected—attended an AINB seminar in Denver to hear details of what the Choctaws and other tribes have done to attract industry.

Indian interest in drawing industry to their reservations is not new. General Dynamics Corp., for instance, has operated an assembly plant on the Navajo reservation in Arizona since 1967, currently employing 100 Indians. But in the past, government training funds and other federal incentives were a major inducement, and under Reagan those funds are drying up.

SECURING LOANS

Now tribes are looking into sources of private financing for industry. Some are exploring ways of securing loans that would be used to make improvements on their reservations, then paying them off with revenues from tribal land leases or with income derived from tribal investments. One North Central tribe, for instance, borrowed $300,000 from AINB for debt consolidation and working capital and is currently repaying it with grazing revenues obtained from the lease of tribal land.

Other tribes are luring private investment by putting up their own resources or money. Resource-rich tribes, such as the Jicarilla Apaches of New Mexico (who have signed joint-venture agreements with two oil companies to develop oil and gas reserves on their reservation), are exploring partnership agreements for development of energy and timber resources. Such arrangements would make resource exploitation more profitable for Indians who, in the past, merely collected royalties or lease fees.

Some well-heeled tribes are spending their own money on facilities to attract industry. Last year the Salt River Pima-Maricopa tribes, which own land adjacent to upper-income Scottsdale, Ariz., put up nearly $1 million to build a high-security warehouse for Motorola Inc. "If you rent land, you're not doing as well as if you rent out a turnkey facility like the warehouse," says tribal attorney Richard B. Wilks.

SETTING UP INCENTIVES

But many tribes have neither resources nor money, and they are the ones most interested in attracting private-sector jobs. Indian Affairs' Smith believes that Administration-backed legislation to set up enterprise zones in areas of high unemployment, offering tax incentives to companies that locate in such zones, would help several reservations.

Some Indians feel, however, that their most effective instrument could be the industrial revenue bond. It is an essential tool for tribes without natural resources, tribes whose only resources are their people, argues the Choctaws' Martin. But Indians

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cannot legally issue such bonds. The Choctaws had to persuade nearby Philadelphia, Miss., to issue bonds for the American Greetings plant. Many tribal leaders are pinning their hopes on a bill sponsored by Senator Malcolm Wallop (Wyo.), now pending in Congress, that would allow Indian tribes to issue bonds. "It would put reservations on an equal status with counties and cities," says Charles E. Trimble, a member of the Oglala Sioux tribe and a consultant both to tribes and to private companies.

In addition to winning legal help, Indians must live down the effects of some of their past actions, such as the occupation of a Fairchild Camera & Instrument Corp. plant on the Navajo reservation in Shiprock, N.M., by a band of militant Indians in 1975. Those days are over, says Smith. "We have a lot more sophisticated tribal governments out there than a few years ago," he says.

RECESS UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER (Mr. COCHRAN). Under the previous order, the Senate will now stand in recess.

Thereupon, at 2:04 p.m., the Senate recessed until tomorrow, Tuesday, July 27, 1982, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 26, 1982:

VETERANS ADMINISTRATION

Everett Alvarez, Jr., of Maryland, to be Deputy Administrator of Veterans' Affairs, vice Charles Timothy Hagel, resigned.

DEPARTMENT OF JUSTICE

Charles L. Dunahue, of Colorado, to be U.S. Marshal for the district of Colorado for the term of 4 years vice Rafael E. Juarez, resigned.

Clinton T. Peoples, of Texas, to be U.S. Marshal for the Northern District of Texas for the term of 4 years. (reappointment).

IN THE AIR FORCE

The following-named officer under the provisions of title 10, United States Code, section 8036, to be Surgeon General of the Air Force:

To be surgeon general, USAF

Maj. Gen Max B. Bralliar, xxx-xx-xxxx FR, U.S. Air Force, Medical.

IN THE ARMY

The U.S. Army Reserve officers named herein for appointment as Reserve Commissioned Officers of the Army, under the provisions of title 10, United States Code, sections 593(a), 3371 and 3384:

To be major general

Brig. Gen. Clifton C. Capp, xxx-xx-xxxx.
Brig. Gen. Mack J. Morgan, Jr., xxx-xx-xxxx.
Brig. Gen. James L. Pelton, xxx-xx-xxxx.
Brig. Gen. Norbert J. Rappl, xxx-xx-xxxx.
Brig. Gen. Garnet R. Reynolds, xxx-xx-xxxx.
Brig. Gen. John Ricottilli, Jr., xxx-xx-xxxx.

To be brigadier general

Col. Roger R. Blunt, xxx-xx-xxxx.
Col. Dean L. Linscott, xxx-xx-xxxx.
Col. Bernard H. Thorn, xxx-xx-xxxx.
Col. Foster Marshall, II, xxx-xx-xxxx.
Col. Stuart E. Harlowe, xxx-xx-xxxx.
Col. Harry J. Mott, III, xxx-xx-xxxx.
Col. George J. Vukasin, xxx-xx-xxxx.
Col. John R. Davis, xxx-xx-xxxx.
Col. Albert E. Gorsky, xxx-xx-xxxx.

The Army National Guard of the U.S. officers named herein for appointment as Reserve Commissioned Officers of the Army, under the provisions of title 10, United States Code, section 593(a), 3385, and 3392:

To be major general

Brig. Gen. Melvin J. Crain, xxx-xx-xxxx.
Brig. Gen. James W. Duffy, xxx-xx-xxxx.
Brig. Gen. John F. Gore, xxx-xx-xxxx.
Brig. Gen. Bruce Jacobs, xxx-xx-xxxx.
Brig. Gen. Joseph M. Lank, xxx-xx-xxxx.

To be brigadier general

Col. Douglas D. Bradley, xxx-xx-xxxx.
Col. Richard I. Braund, xxx-xx-xxxx.
Col. Willard G. Burks, xxx-xx-xxxx.
Col. Julius J. Chosy, xxx-xx-xxxx.
Col. Bernard G. Ehrlich, xxx-xx-xxxx.
Col. Melvin V. Frandsen, xxx-xx-xxxx.
Col. John M. Hilliard, Jr., xxx-xx-xxxx.
Col. David T. Kent, xxx-xx-xxxx.
Col. Charles H. Kone, xxx-xx-xxxx.
Col. Claude H. McLeod, xxx-xx-xxxx.
Col. Allan R. Meixner, xxx-xx-xxxx.
Col. Oliver W. Myers, xxx-xx-xxxx.
Col. Frank J. Schober, Jr., xxx-xx-xxxx.
Col. James H. Throwe, xxx-xx-xxxx.

IN THE MARINE CORPS

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Charles G. Cooper, xxx-xx-xxxx, U.S. Marine Corps.

IN THE NAVY

The following-named officer, under the provisions of title 10, United States Code, section 5143(b), to be assigned as Judge Advocate General of the Navy:

To be judge advocate general of the Navy

Rear Adm. James J. McHugh, xxx-xx-xxxx xxx-... Judge Advocate General's Corps, U.S. Navy.

IN THE ARMY

The following-named officers for appointment in the Regular Army of the United States, in their duty grades, under the provisions of title 10, United States Code, sections 531, 532, 533:

JUDGE ADVOCATE GENERAL'S CORPS

Majors

Luedtke, Paul J., xxx-xx-xxxx
Rothlisberger, Daniel L., xxx-xx-xxxx

Captains

Ayer, Francis H., xxx-xx-xxxx
Bailey, Patrick J., xxx-xx-xxxx
Bendahan, Jesse W., xxx-xx-xxxx
Bridges, Ila C., xxx-xx-xxxx
Brown, Harry D., xxx-xx-xxxx
Caldbeck, Thomas K., xxx-xx-xxxx
Campbell, John I., xxx-xx-xxxx
Chapin, Donna L., xxx-xx-xxxx
Charbonneau, Karen A., xxx-xx-xxxx
Child, Michael S., xxx-xx-xxxx
Currie, James S., xxx-xx-xxxx
Czarnowsky, Christyne A., xxx-xx-xxxx
Davis, Karen S., xxx-xx-xxxx
Dykstra, John M., xxx-xx-xxxx
Erickson Denise A., xxx-xx-xxxx
Erickson, Robert C., xxx-xx-xxxx
Franke, David S., xxx-xx-xxxx
Gnocchi, Franco C., xxx-xx-xxxx
Graham, Mark S., xxx-xx-xxxx
Hancock, Franklin S., xxx-xx-xxxx
Johnson, David H., xxx-xx-xxxx
Ingold, Bernard P., xxx-xx-xxxx
Lederer, Barbara M., xxx-xx-xxxx
Lomax, William E., xxx-xx-xxxx
Macargel, Donald T., xxx-xx-xxxx
McCelland, Gregory A., xxx-xx-xxxx
McPherson, Larry G., Jr., xxx-xx-xxxx
Martins, Paul, xxx-xx-xxxx
Marvin, Joanne R., xxx-xx-xxxx
Matthews, Wellington T., Jr., xxx-xx-xxxx
Moses, Ann M., xxx-xx-xxxx
Munns, Earle D., xxx-xx-xxxx
Perrin, John R., xxx-xx-xxxx
Shaw, Garreth E., xxx-xx-xxxx
Smith, Oren W., xxx-xx-xxxx
Struve, Donald W., xxx-xx-xxxx
Yee, Peter L., xxx-xx-xxxx

IN THE NAVY

The following-named lieutenant commanders of the Reserve of the U.S. Navy for permanent promotion to the grade of commander in the line, in the competitive category as indicated, pursuant to the provisions of title 10, United States Code, section 5912:

UNRESTRICTED LINE OFFICERS

Commander

Abele, Richard Sanford
Adams, James Ralph
Adams, Jesse Jean
Ajello, Julian Edward
Allen, Robert Paul
Anderson, David Keith
Anderson, Jack Weston
Anderson, John Wilson, Jr.
Anderson, Kenneth
Anderson, Norman William
Andrews, Thomas Earl
Arbios, Robert Arthur
Archer, Gregg Bowman
Augustson, John Stephan
Avison, David Bothwell
Babij, Raymond
Bach, Donald Leo
Bader, Lawrence Michael
Bader, Paul M.
Bailey, Thomas Edward
Baker, Ralph Norbert
Ball, John Douglas
Ballew, Paul Kesler, Jr.
Baltrum, Robert John
Bargman, George Richard
Barry, Stephen George
Barth, Joseph Tabor
Basilio, Anthony Charles, Jr.
Bassett, Timothy Sherrod
Baumgart, David Harold
Bayer, Ronald Keith
Beasley, Jay Rivers, Jr.
Beck, John Russell
Becker, Carl Robert, Jr.
Beckmann, Robert Lee, Jr.
Beedle, Darvin Elno, II
Beeley, Ronald L.
Beier, Edward Norton
Bellinoff, Alan Eliot
Beltz, William Russell
Bennett, Jerry Pat
Benson, Ray W.
Berck, Henry Fred, Jr.
Berdzar, Peter Francis
Bergan, Paul Martin
Bergen, Richard Patrick
Berlin, Bruce Alan
Berry, David Rockwood
Berry, Richard Alson
Beverage, Parker
Biolchino, Louis Michael
Birk, George Washington
Bishop, Duchess A.
Bjornson, Gary Bernard
Blair, William N.
Bland, Robert Fulton, II
Blessing, Peter Edward

Bliss, Arthur Carlin, Jr.
Blue, Bruce J.
Bodenhorn, Gregory Stuart
Boelte, William Frederick
Bogott, Thomas Allen
Borcik, Kathleen Riley
Borowski, Carl Ernest
Bower, William Meade
Boyd, David Edwin
Boyd, Richard Allen
Braatz, Matthew Pearce
Brabenec, John Joseph, III
Bracken, Robert Michael
Bradfield, Frank Leslie, Jr.
Bradley, Mark Howard
Brady, John Thomas, Jr.
Brengle, James Kenneth
Brennan, James Patrick
Brigman, Charles Ellis
Brooke, John Richard
Brooks, Kevin Bowen
Brose, Gregory William
Brown, Arthur Franklin, Jr.
Brown, Michael T.
Brown, Stephen Marion, Jr.
Buck, Gary Lee
Budzik, Dennis Michael
Bugg, Stuart Edward
Bunney, Michael Graham
Burgess, Benjamin F., III
Burkhead, Franklin, Jr.
Burr, Timothy Andrus
Buschmann, Robert Otto, Jr.
Butler, William Henry
Butterworth, Blaine Allen
Caldwell, Dwight Burnett
Caldwell, Mack Denson, III
Calhoun, James Noah, Jr.
Callahan, Francis Edward, Jr.
Cannon, Leslie Burton
Cantor, Terry Robert
Carmean, Carl Kirk
Carmichael, Hubert M., Jr.
Carpenter, Harold Francis
Carper, Thomas Richard
Carpi, Kenneth August
Carpien, Alan Hugh
Carr, Lawrence Patrick
Carroll, James Chester
Cavaliero, Richard Dennis J.
Chadbourn, Charles C., III
Cheek, Junius Paul, Jr.
Cheney, Wallace Hood
Cheves, Henry Middleton
Chew, Chett Thornton
Chmura, John Albert, Jr.
Choppe, William James
Cika, Robert John, Jr.
Cirre, Ronald Paul
Coane, Casey Williams
Colley, Douglas Jeremy
Collier, William Thomas
Collins, Henry Carl, Jr.
Collins, Peter Michael
Conrad, David Michael
Cook, Robert Allyn
Coonts, Stephen Paul
Corah, Frank L.
Corbin, James John Jay
Cornelius, Clifford James, Jr.
Couch, John Carey
Crabtree, Michael Calvin
Crandall, Kenneth P.
Crowley, James Robert
Crume, Larry E.
Cummins, Ronald H.
Curry, James Allan
Curry, Neil Charles
Dale, Lee Alan
Daly, John Joseph
Darcy, Herbert Joseph, Jr.
Daugherty, Thomas Patrick
Davidson, John Woodyard
Davies, William Edward
Dawson, Daniel Fielding
Dawson, Robert Earl
Deas, Harry Lee, III
Dec, Michael John
Degnan, James Edward
Delcampo, Charles Lawrence
Delcour, Charles Phillip
Dericks, Richard Munn
Desserich, Russell W., Jr.
Dickey, Lyle Moore, Jr.
Dickinson, Arthur Fredrick
Didier, Henry Nicholas
Digiuseppe, John Angelo
Dineen, Michael Francis
Dinkelspiel, Robert Louis
Dipietro, Richard Michael
Dissault, Jerry Michael
Dittmeier, David Allen
Dixon, Danny Michael
Dlwgosh, William Richard
Dobbs, Thomas Elwyn, Jr.
Doellinger, Johnny Lee
Domanski, Frank Peter
Donaldson, John Clement
Donnelly, William Wise, Jr.
Donohue, Brian Patrick
Dooley, Austin Lowell
Doub, Thomas Allan
Douglas, Charles Timothy
Dowd, Dennis Carter
Dowling, Michael Lamar
Downey, Gerald Josep, Jr.
Doyle, John Stuart, Jr.
Dragonette, Charles Newbert
Duck, John Robert, Jr.
Dunn, Harold Lee, Jr.
Dusa, Ronald John
Duval, Robert Lyerly
Dwyer, David Weldon
Dyckman, Dennis Vincent
Dyekman, Michael Dean
Earle, Otis Keener
East, Richard Hackett
Eastwood, James Wayne
Eberth, Robert William
Eckstrom, David C.
Egut, Ronald Stanley
Eicher, John Gibbs
Eisberg, Arthur Charles, Jr.
Elgin, John Warren
Ellingson, Luther Jerome
Ellsworth, Joseph Eugene
Elwell, Robert Gwynne
Engler, George Gilbert
Erickson, David Milton
Erickson, Richard Clark
Everett, David Harrell
Feeney, Joseph, Jr.
Ferguson, Eugene Maner
Ferris, William Taber, III
Field, Arthur Gallagher
Filipic, Matthew Victor
Fink, Robert Albert
Finkbiner, Paul Weber
Fischer, Claude Michael
Fisher, Daniel Franklin
Fisk, Alan E.
Flandreau, Mark Endicott
Fletcher, Michael Henry
Flynn, John Michael
Flyntz, Frank Joseph
Foote, David Calvin
Forbes, Jimmy McMillan, Jr.
Ford, Carolyn Sue
Ford, James Paul, Jr.
Ford, Peter Wayne
Forsyth, Graham Bruce
Fossum, Anton Phillip
Foulk, Robert Morris
Fox, Bruce Cana
Freas, William
Freed, Donald E.
Frohne, Charles Thomas, III
Frondorf, John Robert
Frost, James Henley
Fry, Joseph Francis
Fryer, Alton Dempsey, III
Frykenberg, John Stuart
Fulkerson, Glenn Michael
Fusco, Leslie Alphonso
Futch, Edward Ivey
Gallery, Philip D., Jr.
Garland, Michael Dennis
Garreau, Raymond Jeffrey
Garrick, Nicholas James
Garrison, Charles M., Jr.
Gaylord, William Kendall
Gehrs, Dick Ray
Geigel, Gary Winfield
Geis, Albert Harley
Genstil, Stephen Michael
Gentilella, John Angelo
Gerstner, Dietwald A. L.
Gerth, Stephen Brown
Gertsch, Richard E.
Gibbes, Asbury Hull
Gibson, Steven E.
Gilchrist, Lionel F., II
Gillis, Donald Joseph
Gilpatick, Carroll Hunter
Glor, Peter John
Gooding, Harry George, III
Goodman, William Lee
Goodwin, Richard Noel, Jr.
Gordon, Walter McGinnis
Gore, Charles Gordon
Gottschalk, Robert George
Gozzi, Marie Antoinette
Graves, William Roberts
Gray, David Judson
Gray, Michael Lewis
Greever, Charles Francis, III
Gresham, Henry Wallace, Jr.
Grinkevich, Paul Nicholas
Grovhoug, Joseph Geoffrey
Grunge, Lance Carter
Grzyb, Kenneth Raymond
Guilbert, Edward Hunt, Jr.
Gunnell, William Harold
Gustafson, Harry Leonard, III
Haase, Lee Francis
Hable, Richard Lee
Hall, Joseph Anthony
Hall, Kenneth Wayne
Hamberger, Thomas Lewis
Hamilton, Jimmie Joe
Hamm, James Henry, Jr.
Hampton, Hood Colbert, III
Handley, Joseph Edward
Hanover, Ross Louis
Hanrahan, John Dennis
Hansen, Mary Rita
Hanson, Charles P.
Hanson, Larry James
Hargrove, Harry Leftwich, III
Harmon, Paul Franklin
Harr, Willie Clyde, III
Hartman, Mileva Maria
Harvey, Daniel George, Jr.
Harvey, Douglas N.
Harvey, Walter Ray
Hatch, Robert Karl
Haupt, Eric Robert
Hawkins, Donald Orr, Jr.
Hay, Charles Francis
Hay, Donald Ross
Haynes, Anthony Christopher
Haysworth, Perry Beattie, Jr.
Hearn, Thomas William
Hectus, Stephen
Hedrick, Gordon Ray
Heffernan, Ralph Richard
Heimerl, Johanna F.
Helfrich, Patrick Clyde
Helton, William Richard
Henderson, Nathaniel P., Jr.
Hendren, Cyrus Eugene
Hendricks, Dale Wayne

Henesy, Larry Earl
Henry, Gary Wayne
Hercz, Peter Joseph
Herr, William Millard, Jr.
Herzog, Stuart Kenneth
Hester, Eugene Otis
Hill, Thomas Edward
Hobson, Francis Leon
Hodak, Gary Wayne
Hoecker, Douglas Gordon
Hoecker, Neil Edward
Hoesly, Marlen John
Hoffman, John Russell, Jr.
Hoffman, Warren William
Hoke, Howard Hunnell
Holden, Thomas W., Jr.
Hollomon, George Roger, Jr.
Holm, Clifford Milton
Homestead, Robert T., II
Honigschmidt, James Otto
Hotton, Ralph Andrew
Houin, Eric Joseph
Hovey, Glen Reid
Howe, Jeffrey Lorin
Howell, Richard Charles
Hoyt, Lewis Eugene
Huddy, Phillip John
Hudgins, Laddie Cale
Huf, William Langley
Hughes, Philip J.
Hutchinson, George
Hutchinson, John Kenneth
Hutchison, James Hutton
Imparato, John J., Jr.
Ish, Charles Bradwell
Jackson, Charles Anthony, Jr.
Jackson, Lawrence Tracey
Jacobs, David William
Jacobsen, George Robert
Jacobson, Mark Eugene
Jedrlinic, John Anthony
Jemison, Danny Joe
Jenks, Howard Benton
Jennings, William Edmund
Jernigan, Jasper Truett
Johnsen, Robert Lynn
Johnson, Ernest Frank Arthur
Johnson, Peter Herbert
Johnson, Robert Stephen
Johnston, John Leslie, Jr.
Johnston, John W.
Jones, John Herbert
Jones, John Robert
Jones, Richard Austin
Jones, Stephen James
Kahn, Joel Aaron
Kalashian, Daniel
Kaler, Robert Larry
Kalman, George
Kase, Stephen Arthur
Kassak, Edward Joseph
Keane, Walter Francis, Jr.
Keen, Gordon Lithgow, Jr.
Kees, Douglas Allen
Keiller, Stuart John
Kelly, David Martin
Kelly, Earl Glenn
Kelly, Richard Ellsworth
Kendrick, Ralph Lee
Kennedy, Bruce Alastair
Kennerly, John Charles
Kester, Rodger Paul
Kirby, John Michael
Kirk, Joe Irvin
Kissling, John Robert, Jr.
Kitchen, Denis Arthur, Jr.
Klapheke, Charles George, III
Kleinschmidt, Sharon Kay
Klote, Paul Joseph
Knapp, John C.
Knoerlein, Robert Joseph
Kocs, Donnell Kenneth
Kraft, Richard Louis
Kratovil, Edward William
Krause, Charles William
Kreutzer, John Leo
Kriz, Paul Jerome
Kroll, James, T.
Kruck, John William
Krueger, Paul Louis, Jr.
Kruger, Paul Melby
Kruse, Dean Harry
Kuehn, Leo Steven
Kuester, William Gerstner
Lambert, John P.
Lambert, Richard Warren
Lanning, John Thomas
Lant, James Hawthorne
Lapierre, Russell Robert
Larsen, Samuel H.
Lawrence, Robert Edwin, Jr.
Lawton, Robert Erle
Lear, Daniel Barrett
Lee, Lawrence Morton
Lee, Peter Wuntuh
Leeny, Michael James
Lehman, Benjamin Franklin
Lehman, Kenneth Paul
Lehre, Edward Joseph
Lemon, Ronald Scott
Leo, John Eric
Leonard, John Wallis
Lesher, James Earl
Lewis, John Slaton
Lewis, Wallace Leon, Jr.
Lieb, Philip Enochs, Jr.
Liebler, Craig Michael
Lilly, Michael Alexander
Lind, Robert Warren
Linton, Paul Allen
Little, John Thomas
Little, Osborne Morgan, Jr.
Logue, Donley C., Jr.
Lones, John Evan
Lowder, Jerold Richard
Lowe, James Thomas
Lush, Jerry
Luttrell, Robert Thomas, III
Lytle, Richard Allen
Maceluch, Robert William
MacKinnon, David Otto
MacKinnon, Richard Malcolm
Macomber, Mark Elwood
Madfes, David B.
Magee, John Douglas
Magnano, Joseph Antonio
Maihoff, Nancy Ann
Malone, John Harold
Maloof, James Michael
Mangin, Albert Mitchell
Manion, Charles Frank
Maples, Amos Lee
Mara, Gary N.
Marshall, James Mcknight
Martin, Richard Alan
Martin, Stephen Earnest
Martin, Stephen James
Martin, Thomas Francis
Martin, William Henry, III
Marucheau, Louis Joseph
Matetich, Michael Gary
Mathison, David Philip
Mauldin, James David Drane
Maule, Francis Eugene, III
Mayfield, Carl Criss, III
McCain, Robert Glen
McClane, Thomas Joseph
McClelland, William R., Jr.
McClenaghan, Alan James
McClenathen, William Richard
McClurg, John Patrick
McCoy, Donald Neely
McDonald, Thomas Ryan
McDowell, Robert Nelson
McDowell, William Lee, III
McElroy, William Charles, Jr.
McGee, Willie Eldridge. Jr.
McKenzie, David Roller
McLauchlin, George Carney
McLaughlin, Warren M., Jr.
McMikle, Steven Warren
McNeace, Dwight William
McPherson, Duncan, IV
McVey, Francis Bain
Meador, Garry Robert
Meckfessel, John Frederick
Meditz, James Richard
Meeker, John Baldwin, Jr.
Merizan, James Russell
Meyn, John Peter
Michaud, William Edward, Jr.
Michlitsch, Kenneth Mathew
Miller, James Gerald
Miller, Willard Hodges, Jr.
Mills, Jon Martin
Mintz, Darrell William, Jr.
Mitchell, Allen Raymond
Mitchell, John Patrick
Mondul, Donald David
Mongold, Joseph Winship
Montgomery, Howard Gromel
Montjoy, Robert Sabin
Moody, William Fenton
Moomy, David Howard
Moore, Jerry Wayne
Moore, Thomas Eric
Moran, Edward James
Moran, Michael Charles
Morell, Paul Leroy
Morey, Benjamin William
Morgan, Richard William
Morris, Hodges Carter
Morris, Richard Leroy
Morrison, Robert Culton, Jr.
Morse, Edgar Leroy, III
Moss, Carl Edward
Motl, Gerald Patrick
Mueller, Richard Gary
Mulhern, Edward Michael
Muller, Daniel Victor
Mulligan, Daniel B.
Muniz, Fred Louis
Munro, Thomas Joseph
Munyon, William Harry, Jr.
Murphy, Kenneth M.
Murphy, Ronald L.
Nakasone, Harriet Hatsuno
Naydan, Theodore Phillip
Neely, Alan Sanders
Nelson, Johnny Marvin
Nelson, Ronald Duane
Ness, Harry Hedley
Neville, Thomas Francis
Newcomb, Stephen Rowland
Nielson, Allen Lee
Nielsen, Richard F., Jr.
Noland, Juilus Lynn
Nordin, Michael Thomas
Norton, Edward Dennis
Nutter, Robert Wesley
Nygarrd, Verner Christian, Jr.
Ober, William Taylor
Obrien, Francis Donal
Obrien, John Francis
Ohalloran, Michael Joseph
Ohare, Robert Edward
Oki, George Makoto
Old, Thomas Ray
Olsen, John Franklin
Oneal, Robert Joseph
Orzech, James K.
Palmer, Patrick Phillip
Panning, Lawrence Harold
Parham, James Gary
Parizek, Bruce
Parker, Knox Frederick
Parrette, Richard Thomas, Jr.
Parrino, Sammy
Paryz, Lawrence Edward
Patak, Charles Thomas
Pavlock, August Thomas
Pawlak, William James

Pelayo, Javier Maria
Pell, John Herbert
Pelton, Thomas Earl
Perez, Richard
Perry, William Standwood
Petersen, Bruce Lawrence
Petersen, Donald Bishop
Petersen, Gary Louis
Petersen, Robert Elmer
Peterson, Dan Leroy
Peterson, Jon Palmer
Pettus, Gordon Leonard
Philipp, Robert Donald
Phillips, Charles Lewis, III
Phillips, Reed M.
Pier, Jeffrey Ross
Pittman, Robert Grimes, II
Porter, Terrance Michael
Post, John Geoffrey
Potwora, Raymond Paul
Pourciau, Norman Peter, Jr.
Presecan, Thomas Norman
Price, Robert Wayne
Proctor, Daniel Edward
Prouty, Charles Sanford
Puhlman, Robert Lee
Punches, Jeffrey Newton
Purdy, Robert Emmett
Purnell, Richard Hawes
Putnam, Hollis Thomas
Ragland, Willis Eugene, Jr.
Randall, Barry Thomas
Rasmussen, Nicholas Roberts
Redd, Richard Lewis
Redditt, Richard Whitson
Reeves, William Travis
Regal, Roger William
Regan, Kevin James
Reinheimer, Richard
Reynolds, Chester Louis, Jr.
Reynolds, Paul Forrest
Rhodes, James William
Rhodes, Robin
Ricci, Ronald Vincent
Rice, John Moak, III
Richardson, David Wilson
Rippel, George James
Roberts, Gary Gene
Rockey, Robert Daniel, Jr.
Rohn, Eric Gilbert
Rohrbach, Robert Richard
Rollins, James Alfred
Romback, Robert Wayne
Romberg, Steven Fredrick
Rosberg, Gordon Harry, Jr.
Rosemont, Robert Nelson
Rosengrant, Carl Warren
Ross, Robert Alton
Roth, William James, III
Rouleau, Joseph Raymond
Roy, Larry Wayne
Rozof, Chester Felix, Jr.
Rubano, Louis Francis
Rudolph, James Harris
Ruland, Thomas Christopher
Rumbaugh, Denis Eugene
Runella, Robert Paul
Russell, William Thomas
Rybar, Edward Paul, Jr.
Rydland, Robert Henry
Sale, James Michael
Salez, Nelson Charles
Samms, Floyd Tamerlane, Jr.
Sands, Ned Richard, II
Sanesi, Nelson Joseph, Jr.
Sanford, Robert L.
Sapp, Dennis Jay
Savage, Robert Lloyd
Scanlan, Paul Timothy
Scherkenbach, William Wagner
Schilling, Stephen Lenhart
Schiltz, John Allan
Schmidt, Edward John
Schmidt, John Anton
Schnell, Richard Allen
Schumacher, Gerald James
Schweitzer, Robert
Scott, Gerald Judson, Jr.
Scott, Jan Bernard
Scott, Michael John
Sears, Richard Irving, Jr.
Senger, James Marshall, Jr.
Sessions, Michael Dell
Seyle, Charles Eugene
Seymour, Donald Edward
Shaddock, James Michael
Sheddan, James Terry, Jr.
Sherman, Jeffry Bruce
Sherrill, Donald Gene
Shipley, Raymond Howard, Jr.
Shriver, Michael Carl
Siegel, Richard Bruce
Siegle, David Michael
Silverberg, Jon Friedolf
Silvert, Robert Miller, Jr.
Silvia, Michael F.
Simon, Conrad Joseph, Jr.
Sisk, Arnold Jay
Siuta, Raymond Albert, Jr.
Slehofer, Gerald Albert
Smethers, James Randall
Smith, Donald Wilson, Jr.
Smith, Joel Algernon
Smith, Larry Charles
Smith, Mark Allan
Smith, Randall Dean
Smith, Richard Crispin
Smith, Robert George
Snead, Melvin Robert, III
Snider, William Floyd
Sniffin, Dennis Wayne
Snodgrass, Randall William
Snyder, John Russell
Spalsbury, Clark Stanley, Jr.
Sparkman, Thomas B., Jr.
Sparrow, William Clayton, Jr.
Spellman, Thomas Michael
Spencer, Jerome Fredet
Spinelli, Robert Bryan
Spitzer, Jan Wayne
Sprague, Thomas Oren
Staebler, Charles A., III
Stafko, Ralph Eugene
Stagg, Frances I.
Stange, Mark Edward
Stanley, Robert Hugh, II
Stark, Willard Arthur
Staudmeister, Albert Larry
Stearns, Rodney Charles
Steinberger, Francis Edwin
Steinbracher, Alan King
Steiner, Walter Karl, Jr.
Stewart, Richard Russell
Stimac, Michael Vincent
Stine, Larry Winton
Stockreiter, Francis Michael
Stover, Allen Winston Kell
Strand, James Allan
Strassberger, John William
Straugh, Thomas William
Stroh, Ronald Dean
Struve, Donald Gregory
Sturm, Harold Francis, Jr.
Stutzman, Gary Dean
Suddeth, James Hannon, Jr.
Sullivan, William Robert, Jr.
Sundberg, Edward August
Sundberg, Gary Mark
Sutton, David Parks
Swan, Carl M.
Sweatt, William McClain, Jr.
Sweeney, James Daniel
Swistak, Anthony John
Symmes, John Cleves
Tabbert, Gary D.
Taimi, Thomas Michael
Taylor, Janice McGalin
Taylor, Kent David
Tejcek, Jerry Robert
Terhune, Robert Johnson
Theiss, Clifford Anthony
Thibodeaux, Jerry Joseph
Thiele, John Carl
Thomas, Richard Leo
Thompson, Anthony Robert
Thompson, James Magruder
Thompson, Michael Alan
Thomson, Peter Macalpine
Tinker, Dean Ferguson
Tkach, Michael Joseph
Tollison, Thomas Michael
Tracy, Wayne Robert
Trumbauer, John Edgar
Tschaepe, Kurt Otto Erich
Tuck, John Chatfield
Tuck, William Dean, II
Tucker, Daniel Clare
Turk, Edward John, Jr.
Turney, John Hudson
Twombly, Arthur Lee
Tyler, Joseph Edward
Tyrrell, Robert Grattan
Urmston, John Dennett, Jr.
Urquhart, Wiley Barnett, III
Vanbokkelen, William Requa
Vanderlofske, Peter Joseph
Vanoss, David Julius
Vanslyke, Thomas Howard
Velotta, John Charles
Vick, Kenneth Scott
Vickery, James Patrick
Voreck, Joseph Arnold
Wachowicz, Frederick Steven
Walker, James Joseph
Walsh, Joseph David
Walters, Richard Earl
Walls, Walter Edward
Ward, David Francis
Ware, Neil Doyle
Warren, Michael Laverne
Wathen, Matthew Kilmer
Watters, James Edward
Webb, Bruce Collin
Weekes, John Alfred
Wendt, Robert William
Werber, Douglas Michael
Weston, Peter
Wheeler, Peter Ryder
Wheeler, Richard Arlin
Whetsel, Martin Roy
White, Alfred Langley, Jr.
White, Charles Henry
White, Charles William
White, Henry Francis, Jr.
White, James Guy, II
Wickman, Victor Paul
Wilkinson, Douglas Roy
Williams, Douglas Bowne
Williams, Nathan Clark
Williams, Richard Anthony
Williams, Walter Kenneth
Willoughby, Paul Ralph
Wilson, Douglas Maclean
Winkelmann, Fred William
Wirth, Stephen Buffington
Witt, Ronald Charles
Wohlschlaeger, Richard R.
Wood, Frank Sherwin
Wood, John Baker
Woodford, Robert Graham
Woods, Alvin Doyle
Wright, Gary E.
Yarham, Larry Paul
Yates, William Pierce
Young, Howard Scott, III
Young, William Berkeley
Zoch, Donald George
Zuhr, Kenneth Christian

UNRESTRICTED LINE OFFICERS (TAR)

Commander

Ahern, Richard Matthew

Anderson, Jack E.
Barrett, Stephen D.
Barry, Thomas F.
Barton, Edward Brent
Bauer, Larry A.
Benner, Stuart C.
Birr, Douglas Raymond
Blatt, Norman William
Brandt, Rudolph C.
Broyles, Ned A.
Butler, Dwight Allen
Byrnes, Thomas G., III
Curry, Michael J.
Devalut, Richard H.
Dickinson, John F., II
Donnelly, William Joseph
Dunn, Alan B.
Dyer, Michael O.
Groenert, Edward Thomas, Jr.
Hooker, Gilbert N.
Holting, Peter R.
Jones, Ronald F.
Kane, Thomas J.
King, Edward G.
Kinneberg, Paul W., Jr.
Krier, Eugene M.
Lamm, Donald G.
Law, Earl W.
Lawlor, John Conrad, Jr.
Lustman, Ronald Raymond
Marks, Charles E.
Martin, Edward A.
McGowan, Edward R., III
Metz, Roger C., Jr.
Miller, Dana Fontaine
Miller, Karl W.
Paternoster, Joseph Carl
Rice, William T.
Rock, John S.
Sandweg, Robert F.
Scharf, James W.
Scribner, David A.
Smalley, Lewis Hathorn, Jr.
Spottswood, Stephen A.
Svanson, Gust G.
Tanner, Eric V.
Turner, James Edward, Jr.
Vaughters, Jon C.
Veal, Donald R.
Weed, Peter W.
Weesner, Wesley C.
Wright, Richard G.

ENGINEERING DUTY OFFICERS

Commander

Augustine, Francis John
Couchot, Ronald Edward
Dubbs, William Martin, Jr.
Frankenfield, William Harley
Harper, Henry Amos, Jr.
Homer, Joseph John, Jr.
Hough, Phillip G.
Isabella, Joseph Anthony
Israel, Stephen Seabrook
Kaczmarczyk, Francis Daniel
Kingsbury, Robert Lee
Krejci, Emil James
Matfin, William Henry
McKee, Robert Joe
Moore, Arnold Preston
Nelson, Richard Norman
Rich, Robert Thornton
Scott, Owen Frederick
Silva, Francis Eugene
Sjostrom, Leonard Carl
Smith, Robert Samuel
Solymossy, Joseph Martin
Spatafore, Joseph Louis
White, Charles D.
White, Raymond Dutton
Wolcott, Norman Maltby

AERONAUTICAL ENGINEERING DUTY OFFICERS (AERONAUTICAL ENGINEERING)

Commander

Allen, Terry Jon
Hegele, Linwood John

AERONAUTICAL ENGINEERING DUTY OFFICERS (AVIATION MAINTENANCE)

Commander

Abercrombie, Leroy Howard
Clark, Daniel Uz
Earnest, Randolph Cress
Goetz, Daryl Lee
Jamgochian, John Dwight
Lonergan, Harold Robert, Jr.
Maurer, Franklin Delano
McKnight, Loren Everet
Pearcey, Richard Charles
Steubing, Kenneth Michael

SPECIAL DUTY OFFICERS (CRYPTOLOGY)

Commander

Barg, John Frank
Bratiotis, Christos
Burkett, Jerome Phillip
Chludzinski, Cary Frederick
Conroy, James Michael
Dabney, Roger Lane
Dodge, Lee Allen
Fauth, Richard Lee
Foran, Michael Francis
Geiger, Gerald Albert
Hurley, Daniel Casper, Jr.
Marco, Richard Gilbert
McGroarty, James Patrick
Mulcahy, Peter Morin
Pokryfka, Richard Thaddeus
Simpson, John Bruce
Slipka, John Keith
Smith, Preston Harley, III
Stellrecht, Gregory Troy
Updike, Jon E.
Wells, Donald Lockwood
Williams, Ralph Maclean

SPECIAL DUTY OFFICERS (MERCHANT MARINE)

Commander

Bentley, Paul Cody
Curran, Hugh Donald

SPECIAL DUTY OFFICERS (INTELLIGENCE)

Commander

Ambrose, John Thomas
Adams, Frank Lewis
Amstutz, Mark Robert
Anderson, William Deal, III
Arnold, Thomas Edward
Bacco, Albert Michael
Bales, Alvin Schumann, Jr.
Ballard, John David
Barden, Ronald S.
Barnes Larry Ronald
Barron, Leo Edward
Bartlett, Dennis Alan
Bauer, Carl Thomas
Baylor, Larry Allen
Beck, Mary Ann
Blue, Ronald Robert
Boggess, Michael Ben
Bowie, Chester Winston
Braidwood, Douglas
Brandt, Donald
Brentzel, James Harold
Brezina, Wayne Theodore
Brogan, Ronald Dee
Bronzetti, Ronald Anthony
Brown, Dennis Adrian
Brown, Richard
Budenz, George C., II
Coogan, James Joseph
Cook, Edward L.
Cradock, James Emmett
Cristina, Anthony Edward
Curtis, Richard Mark
Dawson, Robert Michael
Dear, James Marvin
Deleot, Charles F., III
Demarco, Vito Salvatore
Desautels, Jeffrey Henry
Deugenio, Joseph Michael
Dillman, Robert Dobbs
Duecy, Charles Patrick
Erickson, Allen Bernard
Erickson, Eric John
Farver, Jean Jeffords
Fitzgerald, Albert V, III
Fitzpatrick, John Joseph
Foster, Alan Wilson
Fourcade, Emile Joseph, Jr.
Fraser, James Yates
Fritz, John Charles
Fuller, Richard Cromwell
Furtek, Frederick Ferdinand
Furth, Glenn Arthur
Gaston, Everett Blair
Genereux, Bruce Thomas
Girtman, Ben Edward
Gough, William Henry, Jr.
Grinde, Harlan Dale
Guyton, William Patrick
Harder, George Harold, III
Harnisch, Gerald Dean
Harrison, Reginald Woodrow
Harrod, Donald Michael
Hastings, Robert William, II
Hinman, David Arthur
Huelsman, Timothy William
Huey, Homer David
Johnson, James Raymond
Kaltenbach, Terry Mac
Keathley, Jerry Winfred
King, Ronald Stephens
Konopka, Anthony Philip
Kuipers, Frans Harmon
Kust, Edward Norman
Lambert, Edward James
Lambert, Raymond Joseph, Jr.
Larson, David L.
Lindall, William Noble, Jr.
Lunn, Phillip Moore
Macomber, Kenneth Dudley
Magyar, John Michael
Mannelli, Theodore Frank
Martin, Robert Stacy
McKenzie, Michael John
Miller, John Lindberg
Miller, Patrick Albertus
Moorehead, Josef Davis
Moss, Mel Darrell
Murdock, John William
Nelson, Robert Micheels
Nelson, William Neal
Newton, Alexander Alfred, Jr.
Nichols, Duncan Lawrence, Jr.
Page, Allen Richard
Palmucci, Victor Joseph
Parshall, Daniel T.
Peterson, Kenneth Leroy
Peterson, Vance Tullin
Pickle, Kenneth Scott
Probst, Reed Richards
Queen, Byron Ellis
Randall, Douglas Paul
Rasmussen, George Arthur
Reilly, Edward Churchill
Rentschler, Donald Richard
Ross, Raphael, III
Russell, Thomas Nathan, Jr.
Sauer, Daniel Warren
Schmidt, John Eugene
Secarra, Harry R.
Shaver, Keith Gary
Simmons, Herbert Truxton, Jr.
Stdizier, Charles Clifton
Stihler, Robert Ernest
Sullivan, Gary Marshal, Jr.
Summers, Robert Lee, Jr.
Swenson, Edwin Layton
Taylor, Thomas John
Thurman, Jack Edwin, Jr.
Tuggle, Bobbie Monroe
Tuttle, John Lobdell, Jr.
Vincent, Russell Alvin, Jr.

Weeks, Belton Edward, III
Weingart, Robert Paul
Willey, Dale Davis
Williams, Louis Ray
Williams, Randall W.

SPECIAL DUTY OFFICERS (INTELLIGENCE) (TAR)

Commander

Fish, Joseph R. Jr.
Liptak, William S., Jr.
McLeod, Roderick D.
Thompson, Larry Francis

SPECIAL DUTY OFFICERS (PUBLIC AFFAIRS)

Commander

Atkinson, Gean Brook
Brubaker, Herbert Minetree
Cragin, Charles Langmaid
Ford, Raymond Francis
Gallant, John Alexis, Jr.
Gowen, William Ricker
Henley, David Clement
Hiaring, Philip Edmund
Mueller, Ronald Raymond
Shaw, Frederick Geoffrey

SPECIAL DUTY OFFICERS (GEOPHYSICS)

Commander

Heburn, George Washington
Woxland, Daniel Allan

IN THE NAVY

Air Force Cadet Norbert F. Reichenbach to be permanent ensign in the line of the U.S. Navy, subject to qualification therefor as provided by law.

Bruce K. Bohnker, Naval Reserve officer, to be appointed a permanent lieutenant in the Medical Corps of the U.S. Navy, subject to qualification therefor as provided by law.

Capt. Theodore O. Paul, Medical Corps, U.S. Navy, to be appointed a permanent captain in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law.

The following-named U.S. officers to be appointed permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law:

McMeekin, Hayne D.
Mitas, John A.

The following named ex-Naval Reserve officers to be appointed permanent captain in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law:

McRoberts, Jerry W.
Sprinkle, Philip M.

Robert P. Geraci, ex-Naval Reserve officer, to be appointed a permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law.

The following-named medical college graduates to be appointed permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law:

Bartlett, John D.
Deiparine, Erico M.
Longo-Salvador, Jose A.
Salerno, Francesco M.
Valenzuela, Herminio C.

IN THE NAVY

The following-named U.S. Naval Reserve officer, to be appointed permanent lieutenant commander in the line of the U.S. Navy, subject to qualifications therefor as provided by law:

U.S. NAVAL RESERVE, LINE, LIEUTENANT COMMANDER

Lieutenant commander, USN, permanent

Otterman, Terry R.

The following-named U.S. Naval Reserve officers, to be appointed permanent lieutenant in the line of the U.S. Navy, subject to qualifications therefor as provided by law:

U.S. NAVAL RESERVE, LINE, LIEUTENANT

Lieutenant, line, USN, permanent

Abbott, Bruce Allen
Adams, Robert Keith, Jr.
Adolphson, Keith Victor
Albain, Thomas James
Albert, Steven Patrick
Alles, James Richard
Andersen, James Christian
Anderson, John Douglas
Armstrong, Danny Wayne
Ashley, Robert Lowell
Atwood, Mary Jane
Badini, James Michael
Bagby, Steven Mallard
Barkee, Jon Leonard
Barnes, J. Hunter
Bayer, Kent Michael
Beatty, Timothy Allen
Beauchaine, Duane Arthur
Beauchamp, Harry James
Berg, Christopher Joseph
Bernier, Oscar Lucian, Jr.
Blair, Philip Wayne
Blout, Robert Paul
Blum, Douglas Glenn
Bodenstab, Mark Harold
Bonderud, Denis Lee
Boswell, Carter Hale, Jr.
Bowman, James Leo
Boyce, John Conlin
Boyer, Michael Francis
Braun, James Henry, Jr.
Bregar, Kurt Joseph
Brenton, Robert Charles
Brittle, Jeffrey Scott
Brooks, Philip Wayne
Brown, William G.
Brubaker, Craig Whitney
Buesser, Frederick Martin
Busbee, Michael Lonnie
Callahan, Kim Francis
Campbell, Jeffrey Reid
Caputi, Anthony Paul, Jr.
Cayle, Jonathan Evan
Cerne, Victor Lee
Cherry, Albert Lee
Chmay, Peter Joseph, Jr.
Christensen, Peter Hugh
Chudacek, John Francis
Churchill, Steven Michael
Clark, Ann Maria
Clark, Kevin Joseph
Cohen, Roy Ian
Cole, Kenneth Dwight
Conway, Robert David
Cock, Thomas Broderick
Cooke, Barry Thomas
Corey, Billy Randolph, Jr.
Crawford, Nila Joy
Crews, Edward Lee, Jr.
Dadiomoff, Roger Steven
Danis, Carole Leigh
DeCosta, Daniel Lee
Dishart, Gregory Stephen
Ditzler, David Patrick
Dobbs, Thomas Vincent, Jr.
Dominicci, David Albert
Dudek, David J.
Dula, Peter William
Egler, Gerard T.
Elder, Robert Thurston
Enos, Charles Earl
Erwin, Clarke Marvin
Fahlberg, Andra Leigh
Featherston, Robert Henry
Fennecken, William Henry
Fornarotto, Joseph Robert
Foss, James Harold, Jr.
Francis, Richard Thomas
Freeman, Gregory Allen
Gauthier, Maurice Keith
Giles, Keith Douglas
Golden, John Michael
Goodin, Lawrence Theodore
Goodwin, Francis R.
Goodwin, Stephen Earl
Gorski, James John
Grandau, Frank Joseph
Gratas, Arthur Nicholas
Hall, Kirt Jay
Hanaoka, Dale Tsukasa
Handrop, Ronald Stephen
Harden, Richard Wayne
Harrison, William Gary
Hart, Silas Clinton, III
Hawkins, James Murdock
Hayes, Larry Eugene
Heiser, Charles Donald
Hendrix, Stephen Lynn
Hettich, Helen Elizabeth
Hicks, Richard Arthur, II
Hoffpauir, Gregory Michael
Hogan, Robert Louis
Holman, Harry Herndon
Holyfield, Freddie Lee
Horn, Howard Robert, Jr.
Hutchinson, Steven Wade
Jarvi, Dennis John
Johnson, Gregory Carl
Johnson, Jan Arthur
Junga, James Louis
Kachmar, Thomas Anthony
Kaiser, John Robert
Keller, Joseph Quentin
Kimmel, Arthur Leroy
Kirkwood, Jeffrey NMN
Klope, Joseph Chester, Jr.
Kohlenberger, Donald Mac E.
Kohler, Melvin Richard
Konrad, Nancy Ellen
Kratz, David Alan
Leary, David Allan
Lewis, Charles Dwight
Lewis, Terrence William
Littleton, Steven Taylor
Lott, Gus Kaderly, Jr.
Love, Ted Lamar
Lykken, Keith Alan
Lyon, David S.
MacCrossen, John Edwin
Mahaffey, Patrick David
Mahony, John Stephen
Mann Michael D.
Manna, Timothy John
Martin, David Wayne
Mayabb, Carl Martin
McCarthy, Kevin Francis
McDonnell, Robert Rankin
McDonnold, Michael Scott
McMullan, Andrew Whitney
McNerney, Peter Arthur
Mehling, Mark Alan
Meyer, John Nelson
Miller, Paul Kevin
Miller, Steve Don
Miller, Walter P.
Millette, Kenneth Gorman
Mills, David Lee
Miner, Scott Eugene
Mitchard, John Joseph
Mitchell, Chauncey Lawrence
Moffett, Paul Landes
Moore, Michael David
Morin, John Patrick
Nelson, Gordon K.
Newton, Bruce Paul
Nutter, Christopher Glenn
O'Connor, Patrick Edward
Olsen, Oswald Henry, Jr.
Pace, Deborah Lynn
Paddock, James William, Jr.
Panasiti, Dominic Anothony
Paul, Linda Sue

Pinner, Van Dewitt, Jr.
Podenak, Gary Lawrence
Polizzi, Theodore Raymond
Powers, Charles Lowery, II
Powers, John NMN
Prasnikar, Gary Steven
Pugliese, Paul Andrew
Rackley, Kim Alan
Rainwater, James William
Reagan, Scott Denton
Reindl, Charles Francis
Richardson, Zachary Methe
Ristvedt, Victor Gore, Jr.
Rivali, Stewart Warren
Robinson, Vernon Chris
Rockey, John Elton, Jr.
Roetzheim, William H., Jr.
Rogers, Richard Wayne
Rojek, Fredric Walter
Ross, John William
Roszel, Stephen S., VII
Rowe, Stephen Edward
Rozwell, Mark Francis
Runco, Susan Kay
Ruppert, Ralph Scott
Ruth, Douglas Alan
Ryan, William Raymond
Sands, Edward Frederick
Sanford, Katherine Lovejoy
Saunders, Richard Scott
Schiller, Philip Steven
Schlichter, William Anders
Schmidt, Kenneth Tarcisius
Schreiber, Jonathan Kim
Seeley, Neil Robert
Selman, Gary J.
Sharkey, Thomas Patrick
Spearer, Oliver Vassar, III
Sherman, Martha Catherine
Sherman, Scott Allen
Shiple, Mark Edward
Sinibaldi, Alan Mark
Smith, Bradley Allen
Smith, Daniel Joseph
Smith, Marie Teresa
Smith, Mark D.
Smith, Selven Layne
Snyder, Eric Sidler
Spence, William Douglas
Staab, Gerald Adrian
Staudenmaier, Timothy J.
Stearns, Raymond Treece
Steed, George William, III
Stephan, John Audley
Stephens, Fredric Milo
Stevens, Michael Alan
Stewart, William Guy
StJohn, Guy Files
Stroud, Geoffrey Anthony
Stuetzer, Scott Michael
Sullivan, Bill Joseph
Sutton, Michael Stuart
Swilley, Wayman Owen, Jr.
Swoish, Douglas Raymond
Szycher, Mark Edward
Thomas, Christopher Lee
Thomas, Lawrence S., III
Thompson, Daryl Scott
Thrailkill, Steven Michael
Tillerson, William Eugene
Timon, Charles NMN., Jr.
Toop, Robert Russell
Tournas, Alexander William
Upchurch, Robert Burton
Vanfossan, John Christophe
Vannortwick, Eric Davis
Vargo, Joseph Elmer, III
Vogel, Arthur Scott
Vonhoene, Paul Joseph
Walker, Stephen Paul
Wallace, Richard Alan
Ward, Peter Mark
Ware, Alan Frederick
Watkins, Dale Vickers, Jr.
Watkins, William Brian
Wayne, Thomas Phillip
Webb, Michael Anthony
West, Thomas Helin
Whetzel, Gary Lynn
White, Garry Ronald
Wicks, Donald Russell
Williamson, Oliver Timothy
Willis, Davis Robinson
Wilson, Robert Henry
Wirt, Robert Orville, Jr.
Wolfson, Craig Stanislaus
Wright, Robert Paul
Zwiep, John Daniel

The following-named U.S. Naval Reserve officers, to be appointed permanent lieutenant (junior grade) in the line of the U.S. Navy, subject to qualifications therefor as provided by law:

U.S. NAVAL RESERVE, LINE, LIEUTENANT (JUNIOR GRADE)

Lieutenant (junior grade), line, USN, permanent

Abercrombie, Lynne Margo
Aiken, Arlene Joan
Algert, David Christian
Allen, Joyce Marie
Alston, Thomas Porter
Appelwick, Elaine Carol
Arendt, Karen Mae
Blackstrom, Sharon Elizabeth
Bagnay, Yolanda Christine
Barber, Hope Love
Bass, Rhonda Shaffer
Baumgarten, Mary Catherine
Bednarczyk, Adalbert Antho
Blair, Leslie Allison
Boehnlein, Sherri Dianne
Bolyard, Roberta Bess
Booth, Michael Clinton
Bowers, Michael Henry
Boyer, Jane Denise
Bozzo, Robert Alan
Bradfield, Lynn NMN
Brashier, Deborah Jean
Bright, Edward Shippen
Bruner, Martha Ann Reading
Burge, Tonya Jo
Burgess, Mary Elizabeth
Butcher, Michael Gene
Byers, Keith John
Casey, Michael Scott
Chaldekas, Charles Nicholas
Chapman, Daryl Lynn
Cheney, Larry Glenn
Chiaravalle, Kevin Carl
Clamage, Evalynne Shear
Clark, Elizabeth Randolph
Clark, James Lonial
Classick, Michael Alan
Cody, Steven Earl
Conner, Debra McCormick
Cooper, Gregory John
Cooper, Richard Benjamin
Courtemanche, Linda Marie
Covington, Roy Hurt
Cruickshank, David Andrew
Daigle, Gary Alan
Dami, John William
Daniel, Eddie Whitfield
Daniels, Jean Marie
Davis, Ruby Lynette
Delvecchio, Anne Marie
Desimone, James Vincent A.
Diase, Sylvia NMN
Dilley, Linda Anne
Dixon, Ella Jean
Donovan, Arthur Steven, Jr.
Drury, Kim Marie
Duckworth, Frederick Bradley
Dunigan, Joseph Timothy
Eagen, Michael Martin
Elders, Karen Machiko
Elliott, Nancy Martha Moul
Enderle, Frank Xavier
Ensz, Richard Carlyle
Farrell, Kevin Clark
Finn, Michael Paul
Flanders, Moira Noreen
Fleming, David Alan
Fountain, Helen Leilani
Gaeta, Andrew Aldo
Gallardo, Gregory Frank
Gallo, Deborah Anne
Gardner, Phillip John
Geib, Suzanne Lynne
Giffin, Christopher Kyle
Gillespie, Raymond Doyle
Gillard, Carolyn Ann
Gossen, Robert James
Graeser, Kenneth Scott
Graham, Mary Malfroid
Grall, Pamela Rene
Gray, Linda Jean
Griffith, Charlotte Marie
Grimm, Patricia Doris
Gunggoll, Mark Ernest
Haggard, Terry Wayne
Harper, Pamela Joyce
Harrell, Charie Michele St
Hartshorne, Carrie Elizabe
Hartshorne, Steven Joseph
Harwood, Victor Kyrle, Jr.
Hebert, George Jonth
Heidhausen, Ines Ruth
Henderson, Sara Kim
Herlihy, Thomas Philip
Hestle, Thomas Martin
Hightower, Lonna Marie Hur
Hill, Ronald Coley
Holbaugh, Susan Kathryn
Hollstein, Randy William
Hummel, Jeffrey Robert
Ichinaga, Ellen Shizu
Ifill, Vincent Stolair
Ivers, Jesse William
James, Michael Lee
Johns, Marianne Singletary
Johnson, Laura Joyce
Johnson, Peter Alexander
Jones, Kenneth Lawrence
Jones, Mary Ellen
Jones, Alexander Rhonda Jan
Jordanek, Paula Lynn
Jorgensen, Pamela Anne
Joyner, James Otis, Jr.
Karr, Mark Evan
Kasler, James Fredrick
Kast, Paul Anton
Keating, Michael Timothy
Keiffer, Lawrence Edward
Kent, John Eliot
Kent, Vaughan Horatio
Kesner, John Cletus
Kettlewell, Mark Scott
Knopf, Susan Jane
Kobayashi, Larry Shigeki
Koenig, John Charles
Koundour Iotis Katherine M.
Kowalski, Samuel John
Laflamme, Linda Joy
Lange, Michael Prescott
Lange, Robert John
Larue, Arthur Edward, Jr.
Leathen, Elizabeth Kathlee
Leland, Scott Bronston
Lenke, Michael James
Lewallen, Terry Wayne
Loomis, Michael D.
Loughery, Herbert Anthony
Loughery, Jo Anne
Mackey, Lizbeth Lynn
Maehara, Barbara Louise So
Marsden, William Douglas
Martin, Carrie Elizabeth
Martin, Mary Ellen
Mase, Ronald Ray
Maxwell, Catherine Fern

McCaffrey, George Anthony
McDonald, Gary Wayne
McDonald, Joan Elizabeth
McDougall, Beatrice Jean
McElroy, Dru R.
McIntyre, Robert Francis
McKeon, Joseph Thomas
McLawhorn, John C.
McLean, Peggy Lee
McLennan, Toni Jeanne
Meyer, Clarence NMN
Mills, James Howard
Moore, Howard Earl, III
Moore, Kathy Reading
Moot, Jon Howlette
Mowery, Debra Lynette
Myhre, Edwin Erickson
Neal, Diane NMN
Near, Robert Chapman Heyl
Nolte, Paul Stuart
Offutt, Paul Curtis
Olone, Daniel James
Parsons, Betty Luann
Plumlee, Richard Allen
Ponsolle, Barbara Ann
Ports, Dawn Elizabeth
Potter, Meredith Austin
Redmond, Donald Duane, Jr.
Reichl, John Richard
Rengstorff, Carol Ann
Reynolds, Julia Ann
Rezendes, Lorrie Elaine
Richards, Christine
Riddle, Wanda Lynn
Ridnour, Alan Llewellyn
Riley, Michael William
Rogers, Laura Donohue
Rumph, Donna Maria
Runyan, Albert Damon
Runyan, Stefanie Kay
Rustchak, Janet Suzanne
Schluter, Richard Henry
Schulte, Michael William
Seigel, Steven Brian
Selekman, Robert James
Shuger, Scott Thaman
Simpson, David Myles
Skinner, Victoria Germino
Smith, Michael Alan
Soer, Stephanie Ann
Sorrell, Larry Wayne
Stabeno, Michael Eugene
Stephens, Scott
Stoll, Darrell Mark
Stouffer, Jill Windle
Stpieerre, David Brian
Swienton, Daniel Edwin
Tandy, Cy Spicer
Thompson, Debrah Lynn
Thuma, Charles Frederick J
Timme, Lloyd Leith
Tinsley, Michael Ray
Tuddenham, Elisabeth
Tuggle, William Coke
Uglow, Loyd Michael
Vanlente, Carolyn Anne
Veeder, Anthony Edward
Walden, Heather Jeanine
Walters, Cathy Darlene
Ward, Robert Orville
Ward, Thomas Spencer
White, Barbara Ann
Williams, Teresa Gail Abne
Winer, Gary Steven
Winger, Mary Theresa
Wright, William Allyn, Jr.
Yunker, Chris

The following-named U.S. Naval Reserve Officers, to be appointed permanent lieutenant in the Supply Corps of the U.S. Navy, subject to qualifications therefor as provided by law:

U.S. NAVAL RESERVE, SUPPLY CORPS, LIEUTENANT

Lieutenant, Supply Corps, USN, permanent

Dequia, Edquardo
Gerety, David William, Jr.
Tim, Bartholomew Joseph
Ward, Vernon Michael

The following-named U.S. Naval Reserve Officers, to be appointed permanent lieutenant (junior grade), in the Supply Corps of the U.S. Navy, subject to qualifications therefor as provided by law:

U.S. NAVAL RESERVE, SUPPLY CORPS, LIEUTENANT (JUNIOR GRADE)

Lieutenant (junior grade), Supply Corps, USN permanent

Ammons, Michael NMN
Barr, Robert Charles
Barry, Douglas Alan
Bond, Michael Troy
Chitwood, Gregory Bryant
Cohen, Matthew Jerry
Davidson, Barbara Jean
Dugas, Patricia Minta
Dutton, Robert Randall
Fridman, Patricia Ann
Frymire, Louis Jackson, Jr.
Greene, Robert Edward
Hinton, Brian Lee
Loewenstein, Dennis Eliot
Lyons, Daniel Edward
McPeek, Michael Patrick
Michels, Stephen Gerard
Parker, Bradford Wayne
Stevens, Mark Randall
Sweeney, John Joseph, Jr.
Tripp, Terry Neil
Waite, Stephen Joseph
Weltzien, Brian Douglas
Williams, Michael Neil
Yates, John Thomas, Jr.

IN THE AIR FORCE

The following Air National Guard of the U.S. officers for promotion in the Reserve of the Air Force under the provisions of section 593(a) title 10 of the United States Code, as amended:

LINE OF THE AIR FORCE

To be lieutenant colonel

Maj. Phillip S. Core, [redacted]
Maj. Morgan C. Hendrickson, [redacted]
Maj. George M. Mitchell, Jr., [redacted]
Maj. James W. Stewart, [redacted]
Maj. Thomas F. Wratten, [redacted]

MEDICAL CORPS

Maj. Elvira C. Remo, [redacted]

CONFIRMATIONS

Executive nominations confirmed by the Senate July 26, 1982:

NATIONAL ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

Eleanor Thomas Elliott, of New York, to be a member of the National Advisory Council on Women's Educational Programs for a term expiring May 8, 1985.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

NATIONAL INSTITUTE OF BUILDING SCIENCES

The following-named persons to be members of the Board of Directors of the National Institute of Building Sciences:

Charles A. Doolittle, Jr., of Kansas, for a term of 3 years.

Van Norden Logan, of California, for a term of 3 years.

EXECUTIVE OFFICE OF THE PRESIDENT

Nancy A. Maloley, of the District of Columbia, to be a member of the Council on Environmental Quality.

PUBLIC HEALTH SERVICE

Public Health Service nominations beginning Robert E. Dawson, to be Assistant Surgeon, and ending Arvo J. Oopik, to be Senior Assistant Surgeon, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 24, 1982.