SENATE—April 20, 1982

(Legislative day of Tuesday, April 13, 1982)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the Honorable S. I. HAYAKAWA, a Senator from the State of California.

PRAYER

The Reverend Gregory J. Wismar, pastor, Redeemer Lutheran Church, Cape Elizabeth, Maine, offered the following prayer:

Philippians, chapter 3: *In everything by prayer and supplication with thanksgiving, let your requests be made known to God.* We pray:

Heavenly Father, in Your goodness You have brought us to this day. May each of us see in it a gift from You and thankfully use it to its fullest.

May we, amidst the business of our hurried thoughts, think on whatever is true, whatever is honorable, whatever is right. May we seek out whatever is pure, whatever is lovely, whatever is of good repute in those whom we meet this day. May we develop that which is excellent in ourselves; may we reaffirm that which is worthy of praise in our Nation.

May Your abiding peace, which surpasses all comprehension, guard our hearts and our minds in Christ Jesus. In His name we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 20, 1982.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable S. I. HAYAKAWA, a Senator from the State of California, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. HAYAKAWA thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

Mr. MATHIAS. Mr. President, at this point I yield briefly to the distinguished Senator from Maine.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

REV. GREGORY JUST WISMAR

Mr. MITCHELL. Mr. President, our prayer at the beginning of today's Senate session was offered by the Reverend Gregory Just Wismar, a pastor from Cape Elizabeth, Maine. Rev. Wismar serves the congregation of Redeemer Lutheran Church as their spiritual leader, as well as their counselor and friend.

His service to his congregation is only part of his overall contribution to his community. Rev. Wismar is the convener of the Cape Elizabeth clergy association. He serves on the town's Fort Williams Advisory Board and is involved with the greater Portland family life education network.

In addition to the respect he commands from his congregants, Rev. Wismar is also a leader among his fellow clergy. He is the vice president for northern New England of the New England district of the Lutheran Church—Missouri Synod. He has had numerous district and national responsibilities in the area of youth ministry.

Rev. Wismar was born in Jersey City, N.J., on January 9, 1946, the son of Rev. Adolph and Norma Just Wismar. He graduated cum laude from Concordia College in Fort Wayne, Ind., and received a master's degree in education from Southern Connecticut State College. He received his master of divinity degree from Concordia Seminary of Saint Louis, Mo., in 1971. He is married to the former Priscilla Ames of Akron, Ohio, and they have four children; Eric, Sarah, Elizabeth, and Jessica, all of whom are here proudly watching him today.

Rev. Wismar is a former jazz musician, a nationally published composer of church music, and a member of the National Association of Parliamentarians. I am proud to be here with him today.

THE JOURNAL

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

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

Mr. MATHIAS. Mr. President, I reserve the remainder of the leadership time which has not been consumed.

Mr. President, let me inquire of the minority leader if he has any observations to make at this time.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

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

MAJ. GEN. ROBERT L. CHILDERS

Mr. ROBERT C. BYRD. Mr. President, on April 19, 1982, Maj. Gen. Robert L. Childers, the adjutant general of the State of West Virginia, retired from active service after a distinguished career in the U.S. Army, stretching from World War II duty to being selected the adjutant general for West Virginia in 1977.

General Childers has served his country and State with honor and distinction, and I am sure that his service as the adjutant general will be long remembered by the officers and men he commanded.

Mr. President, I ask unanimous consent that the biography of Major General Childers be printed at this point in the RECORD.

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

MAJ. GEN. ROBERT L. CHILDERS

Major General Childers began his military career on 7 May 1935 as a Private in Company K, 150th Infantry Regiment, West Virginia Army National Guard. He entered active duty on 17 January 1941, when the National Guard was mobilized prior to World War II. After attending Officer Candidate School, he was commissioned on 13 July 1942 as a Second Lieutenant, Signal Corps. On 3 June 1943 his battalion was ordered to the European Theater of Operations, where he served in various assignments until the end of the war. Upon return to the United States and release from active duty on 25 September 1945, he was assigned to the Officer Reserve Corps as Captain, Signal Corps.

General Childers resumed his career with the West Virginia Army National Guard on 1 March 1948, when he accepted an appointment as Captain, Signal Corps. He served in various capacities with the National Guard until 6 March 1967, when he resigned and accepted assignment to the United States Army Reserve, with the rank of Colonel.

On 18 January 1977 he was appointed the Adjutant General, State of West Virginia, with the rank of Brigadier General, and on 8 February 1979 was promoted to Major

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

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General, in which grade he has continued to serve.

He holds the following awards and decorations: Army Meritorious Service Medal; Purple Heart; Army Commendation Medal; American Campaign Medal; European-African-Middle Eastern Campaign Medal with five Bronze Service Stars; World War II Victory Medal; Armed Forces Reserve Medal with Hour Glass; West Virginia Meritorious Service Medal; West Virginia Emergency Service Medal; and the West Virginia State Service Medal.

General Childers was born 9 August 1918 in Huntington, where he continues to reside. He is married to the former Billie Faye Frost. He is active in the business and community affairs of his hometown. He represented Cabell County in the House of Delegates in 1975 and 1976.

Mr. ROBERT C. BYRD. Mr. President, General Childers leaves his Active Army and National Guard careers behind him as he begins to become involved in community affairs. I salute General Childers for his dedication of duty in the past, and his commitment to public service in the future.

I yield such time as he may require to Mr. PROXMIRE.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

Mr. PROXMIRE. I thank the distinguished minority leader.

THE ULTIMATE BETRAYAL OF PATRIOTISM

Mr. PROXMIRE. Mr. President, what is the most unpatriotic act a Member of the Congress could perform? Answer: Easy—support any policy that would push this country closer to nuclear war. Unpatriotic? Did I say unpatriotic? Yes—that is exactly what I said. And here is why: 20 years ago the Secretary of Defense Robert McNamara said that a nuclear war involving the two superpowers would destroy both the Soviet Union and the United States as organized societies. Most experts would agree he was right 20 years ago. But how about today? Well, how could anyone who recognizes the immense buildup on both sides in nuclear power in the past 20 years doubt that such a consequence would be even truer and surer now? But what does that mean? What would it mean for the United States to be destroyed as an organized society? It would mean of course the end of this body—the U.S. Senate, the end of our cherished Constitution with its treasured bill of rights, the end of our courts, the end of the rule of law. The end of what free Americans have fought and died for since 1776. The destruction of a nuclear war would be so absolutely devastating of our institutions as to dwarf the most terrible conceivable act of betrayal of our country.

The next time we consider a foreign policy or commitment that might, however remote the prospect, lead to nuclear war, let us remember how absolutely and totally destructive of our country and its future such a policy could be. Think about it.

AN IMPORTANT REMINDER

Mr. PROXMIRE. Mr. President, George Clare's new book, "Last Waltz in Vienna," describes how a Jewish family rose to success in Austria and then was suddenly destroyed by the Nazi Holocaust. Although the book talks of the whole family, it deals mostly with the author's father, Ernst Klaar. According to Frederic Morton, who reviewed the book for the Washington Post, Ernst Klaar's life is depicted as one of hidden torment, as an unsuccessful attempt to suppress a Jewish identity that could not be suppressed.

The reason that Ernst Klaar needed to deny his background was simple; in an antisemitic society, he had to make himself and others forget that he was Jewish if he were to succeed within Austrian society. It was, however, a futile, tragic attempt. It ended with the Nazi death camps, where Ernst Klaar and the millions of Jews who had tried to deal with an increasingly hostile Europe found themselves facing the ultimate rejection: extermination.

The value of this book, "Last Waltz in Vienna," is that it illustrates the shameful epoch of history which led to the Holocaust. This period was marked by national and international reluctance to stem rising antisemitism. Although Jews were denied their rights, their identities, and eventually, their lives, few attempted to help them. It took the terrifying slaughter of 6 million Jews during World War II to convince the world of the need for international safeguards for human rights.

One of these safeguards was the Genocide Convention.

The Genocide Convention was designed to outlaw genocide, to classify it an international crime, and to provide for the punishment of those who commit genocide. It seeks to protect all peoples from the fate suffered by the Jews during the Nazi Holocaust.

Over 80 nations have ratified the Convention. The United States, however, is the only industrialized nation which has not.

This failure is shameful. We do not lack reminders of how the Holocaust came about. Enough books have described the gradual slide from antisemitism to genocidal fury. By ratifying the Genocide Convention, we strengthen the international safeguards which would prevent the Holocaust from ever again occurring.

Mr. President, I ask the Senate to ratify the Genocide Convention.

NEEDED: A NET ASSESSMENT OF U.S. AND U.S.S.R. MILITARY CAPABILITIES

Mr. PROXMIRE. Mr. President, for years many of us in the Congress have asked for information which would allow a true assessment of the relative capabilities of the Armed Forces of the United States and the U.S.S.R. It is a difficult issue to approach. There is a natural tendency for any bureaucracy to inflate its requirements and deflate its resources. This serves a budgetary purpose. Then there is the human reaction to error on the side of caution—to assume the worst case rather than be caught off guard some time later.

It is not surprising then that the vast majority of written and electronic media analyses of United States and Soviet strength focus on our perceived weaknesses and their perceived strengths. When is the last time, Mr. President, that you heard a nightly television broadcast declaring that the United States had a clear superiority over the U.S.S.R. in a certain area? Perhaps that is not news. But if they have a clear superiority over us—then it is a dramatic newsworthy item.

What we in the Congress so desperately need is a net assessment. Not the traditional threat briefings but a complete, impartial analysis of United States and Soviet capabilities side by side with attention given to geography, leadership, morale, training, methods of attack and defense, strategic and tactical vulnerabilities on both sides, reliability of allies, and all the other intangibles along with the standard counting and hardware indices.

I do not have any idea how such a presentation would come out—whether or not it would reinforce the case of the alarmists or the skeptics. But the point is that we should not care which side it reinforces; we should care only about the facts.

And at this point in the great defense debate, we simply do not have an adequate base of facts with which to judge the relative standing of the two superpowers.

I would like to know just how the West could exploit the geographic bottlenecks that contain such a high percentage of the Soviet fleet. I would like to know the operational readiness rates of Soviet equipment and armies. I would like to know which characteristics of Soviet battle philosophy could be turned to our advantage in wartime.

Recently in Forbes magazine, a military historian and consultant to the Defense Department, CIA, and Marine Corps, commented on a number of items appearing in his new book, "How to Make War." I draw attention to it not only for its clear answers but also because it provides a competent and

professional critical rebuttal of the 10-foot-high Soviet soldier we so often hear and read about in the daily press and electronic media. The author brings us one step closer to the net assessment that would be so valuable to the Congress.

I ask unanimous consent that the article interviewing historian James F. Dunnigan be printed in the RECORD.

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

THE DAY ADMIRAL RICKOVER GOT RADIATED

(By Subrata N. Chakravarty)

With a hostile press and hostile TV and a fair amount of egg on its face, the U.S. military establishment doesn't stand particularly high in public esteem these days. An unfair assessment, says military historian James F. Dunnigan, who argues that in both personnel and materiel the U.S. military stands head and shoulders above its Soviet counterparts. For those depressed by the bungled U.S. rescue mission in Iran or the recent loss of life among paratroopers of the 82nd Airborne Division in the Mojave desert, Dunnigan brings cheerful word.

A mere "Spec-4" during his service in the U.S. Army in Korea in the early 1960s, New York State-born Jim Dunnigan in civilian life has become a recognized expert on military history and military simulation. Now 38, he founded Simulations Publications, which publishes Strategy and Tactics, a magazine for war games devotees. Games developed by Dunnigan help train military officers in many nations, and he has consulted for and lectured to the U.S. Defense Department, the CIA, the Marine Corps and West Point. He has just written a remarkable book, "How to Make War," which may play an important role in the debate that is just beginning over U.S. defense policy. It says the U.S. can take pride in its military but should be aware of serious weaknesses in its procurement policies.

QUESTION. Your book gives the clear impression that Soviet military superiority in conventional arms is generally overestimated.

DUNNIGAN. Well, what is the potential threat? What are we defending against? Are we defending against the Russians moving into the Persian Gulf? Well, there was an interesting article in International Security Journal which pointed out that there are very few passes through the Zagros Mountains, which the Russians have to come through. There is no way around them. And if you can block those mountains with constant air power, they are not going to come through, no matter how many divisions they have on the other side. If you are talking about the threat in Western Europe, the Soviets really haven't got enough combat power to overwhelm Western forces just like that. Knowledgeable analysts say it's a big joke when the Pentagon cries about 180 to 200 Russian divisions, because many of these divisions are just piles of equipment. It's highly questionable that they would get those divisions combat-ready in any reasonable length of time. Or at all.

QUESTION. Compare that with the U.S. Army.

DUNNIGAN. Our divisions are wartime divisions. The standards our army applies are for going to war tomorrow. The Soviets take a longer view. They have about 50 divisions that are in our sense, war-ready. Thirty of them are in Eastern Europe and the rest are facing China.

QUESTION. You made the point in your book that the Russian divisions in Eastern Europe are primarily occupation troops.

DUNNIGAN. Right. And you can't go invade somebody else if the cops have their hands full keeping the local bandits in line. And when you consider that the primary Soviet offensive forces are the very ones that are tied down the most in these police duties, what's left to carry on an attack?

QUESTION. The Soviets are in the midst of the greatest peacetime military buildup the world has ever seen. Do they see themselves as we see them—as a threat to us?

DUNNIGAN. No. They are trying to defend Mother Russia and they make noises about defending socialism. What we lose sight of is that the gap was so much in our favor twenty years ago. Twenty years ago the Russians had a very real fear of being invaded. From the Russian point of view, they are striving for parity. As they see it, the buildup makes sense because you can't defend yourself unless you can present enough of a defense to deter or make it seem too much of a gamble for the other fellow to attack you. And they have a lot to be paranoid about. Look at a map of Russia from the Russian point of view and they are surrounded. They have real enemies on all of their borders.

QUESTION. Are you saying that the U.S. has nothing to worry about? If they are so benign, why are the Russians sitting in Cuba?

DUNNIGAN. The Russians realize the best way to keep your enemy off balance is to cause trouble where it won't hurt you any and will cause him a lot of problems. They will get involved in Central America or Cuba or anywhere they can make some trouble, which they do. And we try and return the favor.

QUESTION. Still, the sheer quantity of Russian weapons has to be of concern to us.

DUNNIGAN. It's like having a car with a 500-horsepower motor and all sorts of gadgets on it and all you can really do with it is drive to work. You've got a lot of excess power that can't be used. In the Russian army, as in any army, you can pile up a lot of equipment, but if you haven't got the personnel, if you haven't got the units in which to use it, it's just so much waste. The only tanks and vehicles that mean anything in the Soviet or any other army are the ones that are actually held in units. And even if you get into a war you still need trained personnel to put those weapons to use. The Russians would have to destroy their economy to do so because they have a labor shortage right now. Also, they never throw anything away. They're still using MiG-17s. That's a 1950s airplane. We're not using F-86s anymore. They still have T-55 tanks. They are finally beginning to retire their whiskey class submarines, which were based on the German Type XXI [a World War II submarine] and weren't even as advanced.

QUESTION. How about the ever increasing Russian quality?

DUNNIGAN. We do have to worry more about the Russian quality, but much as the Russians try, they will never catch up with us. Their industrial infrastructure is basically derivative. We can put our weapons against their weapons and you still see these tremendous [Soviet] deficiencies.

QUESTION. Give us some examples of deficiencies.

DUNNIGAN. Just recently the Secretary of the Navy announced that Russian sailors in their nuclear submarines had died of radiation sickness. Now, this has been going around for years. Admiral Rickover mentioned in one of his articles that, years ago, when he was invited to visit a Russian submarine, they gave him the tour and he had his American dosimeter in his pocket. And when he got back out, he noticed he had taken more radiation than he had in the last ten years of being around American boats.

I go into details in the book about the differences in ship design. They don't give as much cubage inside their ships. And where they sacrifice it is in access space, damage control and onboard repair. So if something goes wrong on a Russian boat you've got to wait until you get back to port, whereas we can do most of our repairs at sea.

Also, the Russians are getting into this high-technology track that we've gotten into, and they are just starting to pay the price. As they get more complex, they outstrip their already lean maintenance ability. They had a hard time maintaining their four-man tanks—the T-62s. Now they get a three-man tank that is more complicated. Their people haven't instantaneously become much better mechanics. That equipment, from what I hear, is down more frequently than the older equipment. And when it's used in combat, it's going to be down even more. For example, the T-72, with the automatic loader, has no manual backup. And you know how delicate mechanisms like that are.

QUESTION. How about the quality of the Russian troops?

DUNNIGAN. They are a much poorer lot than our troops. It's not that we have superior genes or something. It's simply the fact that our tradition is to train more intensively, to draw from a richer talent pool because we have more education and things like that. Our economy isn't strapped for specialists as much as the Russians'. We are basically wealthier, and that does produce superior performance. The Russians have a problem because even the poorest people get more exposure to gadgets and machines in this country than they do in Russia. The Russians, for example, must spend much more time training their drivers, whether it be for tanks or trucks, than we have to. Most of our guys, whether they've got a driver's license or not, have probably spent some time behind the wheel. The Russians don't have this advantage.

Also, with all their problems with—how should I put it?—user-unfriendly equipment, they don't get the troops acclimated to it. They have a very niggardly attitude toward using their equipment. Often the equipment is not even used for most of the year. It's only brought out for major maneuvers. In the American military, even today, if you are on a tank crew you can rest assured you will be working on a tank all week long.

So, they have a big problem with both morale and the technical competence of the troops because, by not using the equipment, a lot of the troops don't get a chance to become expert at it. It's most noticeable with aircraft. Their pilots don't fly nearly as many hours as Western pilots do. Most of their aircraft are clear-weather aircraft either by proclamation or de facto because, although some might have radar, they don't function that well. If the weather turns bad, a large percentage of the landings are crashes.

Also, their pilots are very much more dependent upon ground control than we are. If you disrupt the ground control—and the Air Force has plans to do that if the balloon goes up—their airplanes are just so many

targets because they are not trained to exercise initiative or given enough time in the air to develop the skills to use initiative.

QUESTION. The troops may be cannon fodder, but aren't the officers an elite group?

DUNNIGAN. Well, their officer corps is organized a bit differently from ours. What we consider an officer, in the Soviet army doesn't begin until you get to the rank of major. For example, you don't go to the officers' club until you're a major—a field-grade officer. All of the officers from captains to lieutenants and now warrant officers basically function as NCOs. They are subject to discipline, for example. You can throw a junior officer into the stockade for an infraction, and they do. If they [junior officers] kiss enough ass and stay out of trouble for five or ten years, they become majors. And then they are real officers; then it's an elite. Once you become a major or above you are a member of a very privileged class. What they call NCOs are basically conscripts who have been forced to take an extra year of service and been given the privilege of exploiting the enlisted men—which they do. They shake them down. They make them perform personal services for the NCOs. They are like trustees in a prison. And the Russians have very big morale problems because of this.

QUESTION. How does our military stack up?

DUNNIGAN. The American military is the most balanced in the world. The Russian army is 80% ground pounders. They are prepared to defend their land borders. Their navy and air force are really adjuncts of their army. They simply are not equipped for long-range adventures. We are. We have this tremendous Marine Corps that, by itself, accounts for the major amphibious capability in the world. We have a navy that is second to none—I don't care what they say. Our air force, plane for plane, in quantity and quality, is the best in the world.

QUESTION. So, the increasing quality of Russian weapons is not a matter for concern?

DUNNIGAN. Everything is directly related to the capabilities of the operators of that equipment. If the Soviets started letting their pilots fly more frequently and more independently of ground control, I'd start getting worried. If they started allowing their ground forces to practice with and wear out their equipment, I'd start getting worried. Now, with their navy I'd start to worry. They are starting to build ships very similar to ours. Fortunately, it's only a very small percentage of their navy. The trend is incremental and the rate of change is so slow I don't think we really have to worry about it in our lifetime.

QUESTION. You've made us feel better about U.S. military strength. Now tell us what's wrong with our military.

DUNNIGAN. Our procurement in general is outrageous. The problem is we don't have people in the military who can make intelligent buying decisions. I'm talking about a good purchasing agent. Let's say we're talking about a manufacturing company. You've got good designers, you've got a market. But your purchasing department is full of a bunch of dum-dums. Instead of buying a $1.50 control chip for the gadget, the guy goes out and buys a $10 chip that doesn't do half as much. And that's literally what the military does in many cases. They spent hundreds of millions of dollars developing a Field Artillery Direction and Control Computer [FADAC] to control artillery fire. The thing never worked. A hand-held electronic calculator with a special program chip did most of the functions better. That's what I call buying dumb. The wrong weapons are built, and even when they find out the weapons are wrong they keep building them anyway. That's what happened with the F-18 fighter, the M-1 tank and M-2 Infantry Combat Vehicle. We're not the only ones to do that. The Russians developed the MiG-25 interceptor to counter our B-70 bomber. We canceled the bomber, but they continued with the MiG-25. Now they don't know what to do with it.

QUESTION. How do we wind up spending so much on weapons systems?

DUNNIGAN. We tend too much toward a committee approach because there is nobody with sufficient stature to say, "Go with this." It took us 20 years to get the M-1 tank. I am sure they have their debates in the Israeli army, but somebody said, "Build the Merkava [tank]," and bingo! they got it. It didn't take them 20 years. It took them less than 2 years. It's the same with any army that has enough people who can say, "Hey, look, I have been there. This is bullshit!" The point is that if you can't settle the debate it's going to cost you a lot of money.

QUESTION. There has been much criticism that the U.S. military goes too far in its pursuit of high technology. Where do you stand?

DUNNIGAN. I stand on high leadership and as much technology as you can use. Which in some cases would be high tech. We have come up with some high-tech stuff that has been very useful—the electronic warfare, some of the avionics. They can make a difference.

For example, the all-weather aircraft: Now, given the fact that most of the Russian antiaircraft defenses are not that effective in less-than-clear weather conditions, it makes a demonstrable difference if you have avionics that allow you to fly through the muck. Of course, those avionics can come right from the civilian sector, since we land civilian aircraft in the worst possible conditions.

QUESTION. So, despite all our problems, your book shows that the Russians are worse off.

DUNNIGAN. Yeah, and they're getting worse with their increasing emphasis on high tech. They are suffering from it, which is good for us, I suppose. We should encourage them because, in almost any military situation, it's not a question of who is better; it's more a question of who is worse.

QUESTION. Are you concerned that you might be underestimating the Russians' power?

DUNNIGAN. I don't underestimate the Russians. They aren't 10 feet tall. They are 5 feet 6 inches, but they are armed. So they are still dangerous.

You can easily see that if we get below a certain threshold, they could be all over us. But there is also a danger in overestimating the threat. If people get an unrealistic view of the power of the other side, that's what can cause a war. Overestimating the threat can cause you to overreact to any move they make. With nuclear weapons, that can be a fatal overreaction.

Mr. ROBERT C. BYRD. Mr. President, is there any other Senator on my side who seeks recognition? If not, I yield back the remainder of my time.

ROUTINE MORNING BUSINESS

Mr. MATHIAS. Mr. President, I ask unanimous consent that following the expiration of the leadership time at this point, there be a period for the transaction of routine morning business not to extend beyond 11:30 a.m., with a 5-minute limitation on each Member's participation.

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

Mr. MATHIAS. Mr. President, I see no Senator who is actively asking for the floor, so I make the point of order that a quorum is not present.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

(Mr. NICKLES assumed the chair.)

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

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

THE "VICAR OF BRAY"

Mr. HAYAKAWA. Mr. President, the present situation in the Falkland Islands provokes a major concern for the protection of the historic sailing vessel, the *Vicar of Bray* presently located in Goose Green in East Falkland. The *Vicar of Bray,* dates back to the 1849 gold rush when English sailors, forced to abandon their ships, became miners in the gold country east of San Francisco. Built in Whitehaven, England, during the 1840's, this historic vessel is a British national treasure and is the sole remaining ship of over 1,000 ships to sail to San Francisco during the gold rush. After surveying the *Vicar* in Goose Green in 1979, the National Maritime Historical Society has restored this classic ship to be displayed at the Golden Gate National Recreational Area in San Francisco.

The city and county of San Francisco considers the *Vicar of Bray* a valuable treasure and one of the few remaining artifacts of Western Americana. Due to the present situation in the Falkland Islands, it is likely that the *Vicar* could become a military target against the United Kingdom. Therefore, grave concern for the safety of this archeological treasure is rightfully justified. Relocating the *Vicar of Bray* to a safe area is a neutral matter which should be observed. I have expressed my concern to both the Argentine Ambassador and the British Ambassador and have requested that every possible precaution be taken to protect this priceless 1849 relic while transporting it to a new location.

In brief, Mr. President, this ship should be towed on an LSD to Montevideo, towed from there through the

Panama Canal, and brought back to San Francisco Bay, to become part of our maritime museum.

Articles recently printed in the San Francisco Chronicle, "S.F.'s Precious Stake in Falkland Islands," adequately address the historical situation of the "Vicar of Bray" and the problems the United States encounters in rescuing this historic vessel. Moreover, I feel the articles are beneficial and give a proper perspective of this delicate situation. I ask unanimous consent that the articles on the "Vicar of Bray" be printed in the RECORD.

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

[From the San Francisco Chronicle, Apr. 9, 1982]

HINCKLE'S JOURNAL—RESCUING THE VICAR

(By Warren Hinckle)

The argonaut ship Vicar of Bray has become the pea under the mattress of the Falkland Islands crisis.

While there was minister-level activity in Washington, London and Buenos Aires to avert an impending Anglo-Argentine war, Senator S. I. Hayakawa and Mayor Dianne Feinstein said yesterday that they would ask the Argentine ambassador to the United States to have his country protect the only surviving 1849 Gold Rush ship, and possibly remove it from the islands.

Also yesterday, maritime buffs on both American coasts were lobbying the Argentine navy for safe passage out of the Falklands for the Vicar.

There were indications that Argentina was considering such a gesture. There was also opposition to the idea, from some members of the board of the Vicar's owner, the National Maritime Historical Society.

"It's likely the Argentines may try to use the rescue of the Vicar to gain international brownie points. I'm totally opposed to allowing the ship to be used for political purposes. I'd rather see her endangered than become a political pawn," said Peter Stanford, the society's president.

This was a view not universally held by the society's trustees.

"We don't have any stake in this war. If the Vicar can be brought out of the danger zone immediately, I think it should be done," said Karl Kortum, the chief curator of the San Francisco Maritime Museum. Kortum is the chairman of the Maritime Historical Society board.

Hayakawa said that he was notifying Argentina's U.S. ambassador, Esteban Takacs, that his country should take "every possible precaution" to protect and hopefully move the priceless '49er relic.

Mayor Feinstein yesterday signed a resolution adopted by the Board of Supervisors informing the Argentine "military government now occupying the former British colony that among the possessions it has siezed is a treasure of the City and County of San Francisco." The mayor was "personally" contacting the Argentine ambassador to explore the possibilities of getting the fragile Gold Rush ship to safety, said Tom Eastham, the mayor's press secretary.

With the Royal Navy fleet still almost two weeks away from the forlorn bluff and stack of the treeless islands, the Hon. Jeffery Johnston-Smith, a Conservative MP from East Grimstead and a former British deputy secretary of defense, said, "It would be a welcome duty to save the Vicar if we can.

"We've told our navy not to smash the old boat up if there's a war," he said.

Johnston-Smith, who is high in the Conservative Party seraphim, said that he presumed Britian would have no objections if the Argentine navy agreed to take the old ship to safety under a white flag.

The Vicar is hulked at the head of the Choiseul Sound, nailed to a pier in Goose Green, a small sheep-shearing settlement in the mutton-eating, peat-burning, sunless archipelago deep in the South Atlantic.

The plan for getting the Vicar out requires an American maritime archeological team to fly to Goose Green and ready the ship for a hasty exit.

"It can be done," said Parker E. Marean III, a naval architect and engineer in West Boothby Harbor, Maine. Marean surveyed the Vicar in a National Maritime Historical Society expedition in 1979.

The necessary equipment is an LSD (landing ship, dock)—sort of an enlarged version of World War II landing barges.

The LSD would partially submerge via ballast tanks, and accept the still-intact hulk of the Vicar, Marean said. It would then deballast and take the Vicar down the sound into the South Atlantic under a white flag through the expected British naval blockade, thence up the coast of South America to the neutral port of Montevideo, where a barge would bring the old lady through the Panama Canal to San Francisco.

Marean said the Vicar still has 25 tons of 1880 coal aboard which must be carefully removed to allow the ship to float free, and that some patchwork needs to be done.

"She's a tough old lady," the naval architect said.

[From the San Francisco Chronicle, Apr. 15, 1982]

S.F.'s PRECIOUS STAKE IN FALKLAND ISLANDS

(By Warren Hinckle)

The Vicar of Bray—the sole survivor of the great fortune-hunting fleet of the 1849 Gold Rush—today lies uneasily against a jetty in a dog-hole harbor in the bleak Falkland Island settlement of Goose Green, her safe voyage home to San Francisco imperiled by the winds of war in the far South Atlantic.

She is 141 years old. To San Francisco, she is as important as the Golden Spike and Mission Dolores. She was getting ready for one last, great grand entrance through the Golden Gate.

Now, she may be blown away in an atavistic territorial dispute over a sub-Antarctic island chain.

The winds of war were stirring San Francisco yesterday. There was talk among the devotees of the Vicar of asking the U.S. Navy to go into Goose Green and get it out before the fight starts, but there was also fear of red tape delays. Some felt more immediate action would be appropriate.

"For San Francisco finding the Vicar is equivalent to New York City finding the original necklace used to buy Manhattan from the Indians," said Maritime Museum trustee Scott Newhall.

"Hell," said Newhall, "Maybe we should mount our own gunboat and get down there and straighten this thing out."

"The Vicar of Bray could become a military target," said Nick Dean, a member of a National Maritime Historical Society expedition that returned from the Falklands two weeks ago. "You can never tell what the Argies might do down there. We're really worried."

The only surviving Gold Rush ship has been rudely pressed into service since the 1920s as the "T" end of a pier at the head of the 60-mile-long Choiseul Sound that connects the sheep-shearing colony of Goose Green to the Atlantic

"I was aboard her just two weeks ago. You could feel her rise and fall," said Dean.

Fears that the largely intact but frail Gold Rush relic might become a casualty of a shooting war are based on sporadic reports from the besieged islands that the native British population might be resorting to guerrilla warfare against the Argentine invasion force.

"The pier with the Vicar attached is the sole source of supply for Goose Green," said Dean, speaking from his home in Maine. "If Goose Green residents take up the resistance, it would only be logical for the Argentines to blow away the pier."

The Vicar is a remarkable old girl who has kept her shape through two centuries. In her prime, she was as pretty as the ship on the label of a Cutty Sark bottle. She owes her dowager condition to the craftsmen who built her as bold as a rose, and to the natural deep freeze of the Falklands, which are in the anteroom of the South Pole.

Yesterday, in London, Frank Carr, the chairman of the World Ship Trust, expressed "grave concern" for the safety of the famous old ship, which came into American hands in 1977 and has since been the subject of a half-dozen maritime archelogical expeditions to the Falklands to prepare it for a final voyage through the Golden Gate to the National Maritime Museum here.

The Falkland Islands today are a treasure trove of hulked 19th century sailing ships that—timbers creaking under full canvas as they attempted the difficult passage around Cape Horn to catch the westerlies that would take them to California—gave up the fight and limped into Port Stanley for repairs. Many of them, like the Vicar, stayed on the beach for a century or better, preserved from decay by the sub-Antarctic temperatures.

"I'm terribly afraid the Argies might clear out the old hulks beached in the Falklands and make a fortified place," Carr said. "The Argies have, unfortunately, never expressed too much interest in the preservation of historic ships, you know."

It became evident during a day of conversations yesterday with recent visitors to the distant archipelago that everybody in the Falklands calls the Argentinians the "Argies." It is not particularly a term of endearment.

Also pacing the floor yesterday over the Vicar's precarious wartime situation was Karl Kortum, the Chief curator of the National Maritime Museum here. Korum, an internationally respected authority on the restoration of classic ships, discovered the sole surviving Gold Rush brig in Goose Green in 1966, and he has been working overtime since to bring the Vicar to a final berth in the museum. The National Park Service stamped its seal of approval on his plan in 1979, calling the Vicar "one of the most important artifacts of Western Americana."

"San Francisco has a real stake in this battle in the Falklands," Kortum said.

There are echoes here of the World War II controversy over the destruction of Monte Cassino, the mountaintop monastery in Italy with a priceless collection of monks' scribble from the Middle Ages. German troops has occupied it and the Americans

were going to blow them away when the Vatican appealed to both sides to spare the monastery. The monastery got blown away.

"We can't let the Vicar of Bray become a casualty of war," San Francisco Supervisor Quentin Kopp said yesterday. Kopp said he was drafting an emergency resolution to be introduced at the Board of Supervisors meeting today to put British Prime Minister Margaret Thatcher and Argentine President General Leopoldo Galtieri on notice that they dare not harm a splinter of the beached Gold Rush vessel.

Kopp said that he was going to request the State Department to ask the American ambassador to Argentina to urgently inform the military government that they have seized, along with the barren Falklands, a San Francisco treasure.

The Vicar's history dates back to when San Francisco was a Port of Gold and the city was described as a Venice of pine wood because of the hundreds of abandoned ships stilled in the bay, their sailors turned instant miners leaving a forest of sad masts behind them. Of the 777 ships that arrived in San Francisco in 1849, the Vicar is the only one to survive the rigors of time.

The Vicar of Bray was launched in 1841 in Whitehaven, England, and named playfully for an ecclesiastical trimmer who became Catholic and Protestant in succession as the higher allegiances of the kings and queens of England shifted. The ship's story is of the tradition of going down to the sea in ships, and doing business in great waters. The most urgent business in the world in 1949 was the Gold Rush.

When the 121-foot bark arrived in San Francisco in November of 1849, San Francisco was a tent city looked down upon by stained sand hills. Alcatraz was a white-cliffed island of pelicans. The bay was a tangle of abandoned ships, and it stank with the rot of forgotten cargoes. The only green in the whole town was a cloth on the gaming tables.

The ships that lost their compasses to the pull of gold came off the China trade, the Cape trade, the East Indian trade. Their skippers could not raise men to sail them and they became the spoor of the new city, used as floating warehouses, cannibalized for timber, or dragged ashore and turned into saloons and hotels. Many of the Vicar's sister ships still lie beneath the financial district, buried with their copper-clad hulls.

Out of the mudhole that was Gold Rush San Francisco grew a lotus-city unique to the United States, a town on the other end of the world from civilization as it was known that had more newspapers than London, drank more champagne than New York and more coffee than Boston, and attracted writers of the stripe of Mark Twain, Joaquin Miller and Bret Harte.

The Vicar was one of the few ships that got out of port during the Gold Rush; only six crewmen skipped, a record for the time. It continued to commute around the Falklands, from London to the New West, sailing the Cape trade. The last known reference to the Vicar is a simple entry in the 1880 Lloyds register that says "Hulked" in Port Stanley, the capital of the Falklands.

Marine restoration experts who have surveyed the Vicar—Kortum says that remarkably 85 percent of the original ship is intact, minus only the deck planking and masts and some cabin woodwork—say that refitting it for a drydock voyage to San Francisco is a very workable proposition.

Funds were being sought for this purpose before the fight started in the Falklands. Now, Kortum hopes for the best and fears the worst.

"We may be in for a real waterfront scrap down there," he said. "And the Vicar is an old lady."

THE FALKLAND ISLANDS

Mr. MATHIAS. Mr. President, the distinguished Senator from California (Mr. HAYAKAWA) has called the attention of the Senate to the controversy involving the Falkland Islands. In the Washington Post this morning is a very forceful editorial on the subject of the Falkland Islands, and I ask unanimous consent that the editorial be printed in the RECORD.

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

[From the Washington Post, Apr. 20, 1982]

WHY ARGENTINA IS WRONG

Secretary of State Hiag's return to Washington suggests he did not receive from the Argentines an offer he though worth conveying in person to the British. This is too bad; but there are worse things than giving it your best shot. One worse thing would have been to try to peddle to the British an Argentine position that was unprincipled and nonnegotiable. That seems to be what the generals in Buenos Aires had in mind for Mr. Haig to do. Argentina has insisted throughout on having its sovereignty over the "Malvinas" recognized all around at once. The secretary's consistent view has been that the sovereignty issue should be put off for negotiation later.

There is the heart of it. From the start of the Falklands affair there has been only one substantive issue: the attitude one should take toward the Argentine effort to assert sovereignty over disputed territory by force. True, many nations have acquired their territory in the past this way, but most of the countries of the world clearly decided after World War II not to condone that method any more. To indulge Argentine aggression in the Falklands would be to trample what is not less than the fundamental principle of contemporary world order. It would, moreover, have immediate and potentially vast practical consequences. Israel, for instance, may be contemplating asserting its sovereignty in the West Bank, Syria in parts of Lebanon, Turkey in Northern Cyprus and so forth. Such countries must be keenly watching whether Argentina gets away with its grab.

Fortunately, the argument of principle coincides with the argument of friendship. The United States, and not just this administration, is as close to Mrs. Thatcher's Britain as it is to any nation anywhere. There is no similar closeness to Gen. Galtieri's Argentina, even after the Reagan administration's geopolitical fancy is factored in.

During the Haig mediation, there was good reason for the United States to swallow criticism (from both the Argentines and the British) and to work for the best possible diplomatic access to both sides. But if Argentina has now made further American mediation pointless, then the administration will be free to take a position arising in the first instance from alliance considerations. It is not every day that this country gets to support both a principle and a friend.

Mr. MATHIAS. Mr. President, the editors of the Washington Post make the point that it is the violence, the forcible violence, which has characterized the occupation of the Falkland Islands by the military forces in the Argentine Republic which is reprehensible.

I believe this is emerging as the central and repugnant aspect of this whole affair. I believe that is what history will condemn as we review this unhappy chapter.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate (Marilyn Courtot) proceeded to call the roll.

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

The VICE PRESIDENT. Without objection, it is so ordered.

ADMINISTRATION OF OATH TO NICHOLAS F. BRADY, SENATOR FROM NEW JERSEY

The VICE PRESIDENT. The Chair lays before the Senate the certificate of appointment of NICHOLAS F. BRADY of the State of New Jersey.

Without objection, it will be placed on file and the certificate of appointment will be deemed to have been read.

The certificate of appointment is as follows:

CERTIFICATE OF APPOINTMENT

To the President of the Senate of the United States:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of New Jersey, I, Thomas H. Kean, the Governor of said State, do hereby appoint Nicholas F. Brady a Senator from said State, to represent said State in the Senate of the United States until the vacancy therein, caused by the resignation of Harrison A. Williams, is filled by election as provided by law.

Witness: His excellency our Governor Thomas H. Kean, and our seal hereto affixed at Trenton this 12th day of April, in the year of our Lord 1982.

By the Governor:

THOMAS H. KEAN,
Governor.

The VICE PRESIDENT. If the Senator-designate will present himself at the desk the Chair will administer the oath of office required by the Constitution and prescribed by law.

Mr. BRADY of New Jersey, escorted by Mr. BRADLEY, of New Jersey, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the Vice President; and he subscribed to the oath in the official Oath Book.

(Applause, Senators rising.)

RECESS UNTIL 2 P.M.

Mr. TOWER. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 2 p.m. this afternoon.

There being no objection, the Senate, at 11:12 a.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GORTON).

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair now directs the clerk to state the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on Senate Resolution 20, a resolution providing for television and radio coverage of proceedings of the Senate.

Howard Baker, Jake Garn, Warren B. Rudman, Arlen Specter, Steven Symms, James A. McClure, William Roth, Slade Gorton, Charles Percy, Mark Andrews, Thad Cochran, Orrin G. Hatch, Lowell Weicker, John Heinz, Charles McC. Mathias, and John H. Chafee.

CALL OF THE ROLL

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair now directs the clerk to call the roll to ascertain the presence of a quorum.

The bill clerk called the roll, and the following Senators answered to their names:

[Quorum No. 30 Leg.]

Abdnor	Eagleton	Long
Andrews	East	Lugar
Armstrong	Exon	Mathias
Baker	Ford	Matsunaga
Baucus	Garn	Mattingly
Bentsen	Glenn	McClure
Biden	Goldwater	Melcher
Boren	Gorton	Metzenbaum
Boschwitz	Grassley	Mitchell
Bradley	Hart	Moynihan
Brady	Hatch	Murkowski
Bumpers	Hatfield	Nickles
Burdick	Hawkins	Nunn
Byrd, Harry F., Jr.	Hayakawa	Packwood
	Heflin	Pell
Byrd, Robert C.	Heinz	Percy
Cannon	Helms	Pressler
Chafee	Hollings	Proxmire
Chiles	Huddleston	Pryor
Cochran	Humphrey	Quayle
Cohen	Inouye	Randolph
Cranston	Jackson	Riegle
D'Amato	Jepsen	Roth
DeConcini	Johnston	Rudman
Denton	Kassebaum	Sarbanes
Dixon	Kasten	Sasser
Dodd	Kennedy	Schmitt
Dole	Laxalt	Simpson
Domenici	Leahy	Specter
Durenberger	Levin	Stafford
Stennis	Thurmond	Warner
Stevens	Tower	Weicker
Symms	Wallop	Zorinsky

Mr. STEVENS. I announce that the Senator from Missouri (Mr. DANFORTH) is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Massachusetts (Mr. TSONGAS) is necessarily absent.

The PRESIDING OFFICER. A quorum is present.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on Senate Resolution 20, providing for television and radio coverage of proceedings of the Senate, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Missouri (Mr. DANFORTH) is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Massachusetts (Mr. TSONGAS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 51, as follows:

[Rollcall Vote No. 81 Leg.]

YEAS—47

Abdnor	Hawkins	Packwood
Andrews	Hayakawa	Pell
Armstrong	Heflin	Percy
Baker	Heinz	Pressler
Brady	Jepsen	Quayle
Bumpers	Kassebaum	Roth
Chafee	Kasten	Rudman
Chiles	Lugar	Sasser
Cochran	Mathias	Schmitt
Cohen	McClure	Specter
DeConcini	Melcher	Stevens
Garn	Metzenbaum	Symms
Gorton	Mitchell	Thurmond
Grassley	Moynihan	Wallop
Hatch	Murkowski	Weicker
Hatfield	Nickles	

NAYS—51

Baucus	Durenberger	Levin
Bentsen	Eagleton	Long
Biden	East	Matsunaga
Boren	Exon	Mattingly
Boschwitz	Ford	Nunn
Bradley	Glenn	Proxmire
Burdick	Goldwater	Pryor
Byrd, Harry F., Jr.	Hart	Randolph
	Helms	Riegle
Byrd, Robert C.	Hollings	Sarbanes
Cannon	Huddleston	Simpson
Cranston	Humphrey	Stafford
D'Amato	Inouye	Stennis
Denton	Jackson	Tower
Dixon	Johnston	Warner
Dodd	Kennedy	Zorinsky
Dole	Laxalt	
Domenici	Leahy	

NOT VOTING—2

Danforth	Tsongas

The PRESIDING OFFICER. On this vote there are 47 yeas and 51 nays. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

CLOTURE MOTION

Mr. BAKER. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. Res. 20, a resolution providing for television and radio coverage of proceedings of the Senate.

Howard Baker, Steven Symms, Slade Gorton, Charles H. Percy, William Roth, Thad Cochran, James A. McClure, Lowell Weicker, Mark Andrews, Warren B. Rudman, S. I. Hayakawa, Harrison Schmitt, Dan Quayle, Strom Thurmond, Charles McC. Mathias, Ted Stevens, Jake Garn, and Arlen Specter.

TELEVISION AND RADIO COVERAGE OF SENATE PROCEEDINGS

The Senate continued with the consideration of Senate Resolution 20.

AMENDMENT NO. 1244

(By request of Mr. RANDOLPH the names of Mr. MELCHER, Mr. NUNN, Mr. LEVIN, Mr. DECONCINI, Mr. MATSUNAGA, Mr. NICKLES, and Mr. STENNIS were added as cosponsors of amendment No. 1244.)

(By request of Mr. MITCHELL, his name was added as a cosponsor of amendment No. 1244.)

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

The PRESIDING OFFICER. The amendment of the Senator from West Virginia (Mr. RANDOLPH) is the pending amendment before the Senate.

Mr. BAKER. It will be the intention of the leadership, of course, to stay on Senate Resolution 20, which is the unfinished business. I would expect some time this afternoon to have a vote on or in relation to the Randolph amendment. I am not prepared at this time to ask for unanimous-consent agreement, but I would like to estimate, if it suits the managers of the debate or the proponent of the amendment, that we set a target of 3:30 p.m. to vote on the Randolph amendment.

Mr. RANDOLPH. That will be agreeable with me. I ask for the yeas and nays on my amendment.

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

The yeas and nays are ordered.

Mr. BAKER. Mr. President, I had indicated earlier that I hoped as well to gain unanimous consent to double track to take up the criminal code bill or the nuclear waste bill. It does not appear that I can gain unanimous consent at this time to do so. Therefore,

unless we can make other arrangements the Senate will continue with the consideration of Senate Resolution 20 for the remainder of this day.

Mr. President, I am prepared to yield the floor. I would encourage Members to proceed with the debate on this measure and to anticipate a vote, although it has not been ordered, on or in relation to the Randolph amendment at approximately 3:30 in the afternoon.

The PRESIDING OFFICER. Who seeks recognition?

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

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

HOLOCAUST DAY

Mr. SPECTER. Mr. President, in 6 short years of World War II, Hitler's followers slaughtered 6 million Jews—one-third of the world's Jewish population—in the Holocaust. This world tragedy has blighted and scarred humanity in such a way as no other event in human history.

Israel's Knesset established Yam Hashoa, Holocaust Day, as a memorial to the Jewish dead. The anniversary corresponds to the day in which Allied troops liberated the first Nazi concentration camp, Buchenwald, where 56,000 prisoners, most of them Jewish, perished.

Although the Nazis systematically sought to destroy the Jewish people, even the most barbaric of regimes could not destroy the Jewish culture and tradition. Those who died, died fighting. Fighting against tyranny. Fighting for convictions. Fighting for their heritage. The 6 million who died, died fighting so that their children and grandchildren—the rest of mankind—could live freely and without fear.

The Holocaust memorial today compels the world to remember its history. The world cannot allow itself to be paralyzed by the pain and anguish of the past. We must commit ourselves to insuring that human progress will not allow humanity to repeat history's tragedies.

Elie Wiesel, Holocaust survivor, prominent author, and most recently chairman of the U.S. Holocaust Council, has committed his life to avoiding history's tragic repetition. Mr. Wiesel suggests that the only way to avert another Holocaust is to listen to the past. Following his visit to Auschwitz and other Nazi death camps, Mr. Wiesel wrote in an acclaimed New York Times Magazine article entitled "Pilgrimage to the Country of Night":

> How many candles must one light for mankind? So as not to betray ourselves by betraying the dead, we can only open ourselves to their silenced memories.
>
> And listen.

Today I hope that all of us will set aside a few moments to listen to the silenced memories of those millions who lost their lives in the Holocaust and rededicate ourselves to insuring that such a tragedy never again scars the course of human progress.

Earlier today, in a very beautiful and moving ceremony in the White House, which I had the privilege to attend, President Reagan and Elie Wiesel spoke eloquently of the sacrifice of the 6 million who died in the Holocaust. Before that, in the rotunda of the U.S. Capitol, there was another eloquent ceremony commemorating the Holocaust.

This is a most appropriate tribute in the Congress of the United States and in the White House of the United States for this most important remembrance.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BOREN. Mr. President, is time under control?

The PRESIDING OFFICER. There is no controlled time.

THE BUDGET STALEMATE

Mr. BOREN. Mr. President, no one disputes the urgency of the task which confronts the President and the Congress to reach an agreement which will end the budget stalemate. There is no more important task than forging an agreement which will bring down the deficits in order to lower interest rates and bring about economic recovery.

A continuation of the stalemate can only result in the kind of uncertainty and insecurity which undermines economic confidence.

While we work together to forge a budget package, I hope that we will not lose sight of an extremely important part of the economic picture—the need for a sound energy policy.

A few years ago, it was impossible to ignore the energy problem. Prices were increasing at an explosive level driving up inflation. Wasteful consumption contributed to such a high level of demand that about half of our crude oil needs had to be met by imports. Our balance of payments was upset. Our national security was threatened by overdependence on unstable sources of oil supplies.

Now, it is all too easy to fall back into our old ways. A slowdown in the international and American economies has reduced the demand for oil. Decontrol of oil prices and the partial decontrol of natural gas stimulated record increases in domestic exploration in the last 2 years. Import levels of approximately 3 million barrels per day of oil amount to only about one-fourth of our daily consumption. This temporary oil glut may encourage Americans to go back to their old wasteful ways and may well discourage domestic production of energy.

Let us look at the facts before serious mistakes in energy policy are made. Reductions in oil prices and uncertainty about the future have already caused a sharp drop in planned domestic exploration and development activity. Mobil, for example, had forecast a $5.9 billion 1982 budget but has cut the figure to $4.1 billion.

In response to the production company cutbacks, the secondary industries are also having to make similar reductions. Recently Armco, Inc., announced that it would defer a $671 million expansion for its facilities that produce pipe for the oil and gas drilling industry.

Every day, more reports reach me of stacked rigs and cutbacks in the service industries. Mr. President, I think that most of our colleagues would be shocked if they stopped to consider what is happening in the domestic industry right now. By the end of December 1981, the national rig count had peaked at 4,530. Since then it has dropped in less than 4 months to 3,509, a dramatic decline of 22½ percent.

The development of alternative energy sources has been stopped in its tracks. Tenneco, Inc., and Occidental Petroleum announced that they would table a plan to extract kerogen from Colorado shale deposits. Exxon Corp. announced in February that it would not, for now at least, proceed with plans to turn east Texas lignite into natural gas.

Solar, geothermal, and other energy source developments seem to be weakening as the price of oil declines.

If domestic energy activity is allowed to decline further, it will be harder and harder to bring it back. It is not as easy as turning a water hydrant off and on. The industry cannot quickly be revitalized if investment dollars, equipment, and skilled labor are diverted elsewhere.

If we drift back into these old habits we will soon find ourselves in trouble again as the economy begins to recover. Demand will rise. With domestic production down and conservation slackened, once again there will be shortages, higher prices, and more imports of oil.

As we debate the budget, we must keep these facts in mind. It is my hope that as the budget discussions contin-

ue, a proposal made by the administration in its original budget will be dropped. The administration has proposed to abolish the existing corporate add-on minimum tax and create a new alternative corporate minimum tax. The proposed tax would be 15 percent on a base composed of taxable income with the addition of 14 preference items including intangible drilling costs. No tax credits would be allowed against the new tax. Oil and gas income offsets or deductions for net operating losses would not be allowed. It is rumored that active consideration is being given to extending this proposal to individuals as well as to corporations.

In combination with the accelerated-cost-recovery system of depreciation, this proposed tax would make investments in oil and gas drilling much less advantageous than other kinds of investments.

The Resources Analysis and Management Group of Oklahoma City has just completed a study of the impact of this provision on my home State of Oklahoma. Dr. William Talley of RAM, a member of my Council of Energy Advisers when I served as Governor, has provided me with an outline of some of the findings.

In Oklahoma alone, RAM estimates a reduction in drilling expenditures of $760 million per year if the tax is adopted, including a reduction of wells drilled of 1,636 and an annual reduction of 8 million feet in drilling.

It is estimated that it would reduce crude oil production in Oklahoma by 23,400 barrels of crude oil production per day and 233 million cubic feet of gas.

Applying the multiplier factor, RAM estimates that the gross State product could be reduced by as much as $2.6 billion and that with a ratio of 50 jobs per $1 million in GNP, a reduction of 132,400 jobs could result.

Since about 20 percent of the current nationwide drilling activity occurs in Oklahoma, the potential national impact of this tax proposal can be obtained by multiplying the Oklahoma figures by five. Drilling expenditures nationally could be expected to drop by $3.8 billion with the resulting loss in jobs in excess of 500,000 nationally and much larger drops in the gross national product.

It is estimated that outside investors account for 20 percent of total drilling investment and that that amount would be cut by 50 percent by this tax. Approximately 60 percent of the expenditures for oil and gas drilling in Oklahoma would be taxed. Independent producers could not reduce their rate of tax through the use of foreign tax credits. We would once again be placing the greatest burden on domestic production and encouraging the marginal barrel to be produced overseas.

Let us hope that for once we will learn from the past. Because of the general energy picture, further energy taxes are probably unwise, however, if additional revenues are to be extracted from the energy sector, it makes far more sense to consider an import fee on foreign crude oil as a lesser evil. While there would be problems in terms of fairness to refiners and protection against a flood of imported refined products, at least it would not put the greatest burden on domestic production. There are many problems with an import fee, but it would to some degree, stabilize domestic oil prices and encourage conservation, here at home.

It is always easy, particularly for those in areas of the Nation where oil and gas are not produced, to advocate taxing that production when faced with a budgetary problem. It is always easier to vote to tax someone else's constituents instead of your own. In the long run limiting the ability to charge off drilling costs will only slow down domestic drilling and once again dash our hopes for energy independence. Let us hope that those who are working on the budget package will look out for the long range national interest.

AMBASSADOR KAMPELMAN EXPRESSES CONCERN OVER THE BALTIC STATES

Mr. HEINZ. Mr. President, recently the head of our delegation to the Conference on Security and Cooperation in Europe, Ambassador Max Kampelman, spoke to that body in response to remarks made by the Soviet delegation on the subject of "imperialism," by which term the Soviets mean something done often by others but never by themselves.

Ambassador Kampelman helpfully pointed out that the Soviet concern over "imperialism" might be better directed to a situation close to home. Specifically, he referred to the plight of the Baltic States of Latvia, Lithuania, and Estonia. These states were forcibly annexed by the Soviet Union in 1940 and today continue to be ruled as part of the Soviet Union. This is in direct contradiction to the principle of self-determination.

The American people, particularly those of Baltic descent, deplore the subjugation of the Baltic Republics and continue to share the aspirations of the people of Latvia, Lithuania, and Estonia for freedom and independence from the U.S.S.R. For this reason I have been pleased to cosponsor a joint resolution which recognizes the right of self-determination for the Baltic States and which designates June 14, the anniversary of the mass deportation of Baltic peoples from their homelands in 1941, as "Baltic Freedom Day."

Mr. President, in order to bring Ambassador Kampelman's remarks to the Senate's attention and to emphasize American concern over the Baltic situation, I ask unanimous consent that these remarks be printed in the RECORD.

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

AMBASSADOR KAMPELMAN'S REMARKS BEFORE PLENARY ON MARCH 3, 1982

Mr. Chairman, on Friday, the head of the Soviet delegation spoke of "imperialism." It is not my purpose today to engage in a fruitless discussion of Marxist ideology. Thinking of his comments, however, I was struck by the fact that he spoke on our last working day in February; and that during the month of February, Estonians and Lithuanians throughout the world were marking their countries' declarations of independence.

The Baltic states of Latvia, Lithuania and Estonia understand the meaning of imperialism and the loss of liberties that follow it. Between 1918 and 1939, these three Baltic states were proud members of the world's community of free nations. In 1940, consistent with the earlier Molotov-Ribbentrop Pact, these nations were forcibly annexed by the Soviet Union. The United States condemned that annexation then, and we reaffirm our opposition to it now. We do not recognize the forcible incorporation of the Baltic states into the Soviet Union. Our commitment to the principles of liberty and selfdetermination requires no less.

Lenin, in his first decree to the second all-Russia Congress of Soviets, known in the communist world as the "Decree of Peace," said on the first day that he took power:

"If any people is held by force in defiance of its expressed wish . . . is not given the right of decision, free from every duress, by free elections, without the presence of those armed forces of the incorporating state or any more powerful state, of what form of national existence it wishes to have . . . then the incorporation of such a state should be called annexation, an act of seizure and force."

We have here indeed an act of "annexation," an "act of seizure and force" against the Baltic states.

I am well aware that the Soviet Union calls itself a "socialist" state and that by definition, its underscored definition, it can never be guilty of imperialism, regardless of what it may do. There is an American saying: "If it walks like a duck, talks like a duck and looks like a duck—it's a duck." Some may wish to call the duck a goose, or a chicken, Mr. Chairman. But it is still a duck. The acts of aggression against the three Baltic states were acts of imperialism.

I respectfully suggest to the Soviet authorities that those nations of the world which, in the course of their own histories, have experimented with imperialism have learned that there are decided limits to imperial attainments. Those that have abandoned the imperial mode have found relief from its burdens, not regret at their loss. Universal opinion today rejects the right of any power to conquer and subjugate other peoples. Furthermore, former imperial powers have learned that they gain little from their efforts. I suggest that the Soviet Union is now finding that its imperial objectives, its dangerous adventurism have

proven to be and will continue to be extremely expensive, an unnecessary burden.

The Helsinki Final Act will have renewed meaning and strength for all of us when that lesson is finally learned and acted upon.

ANTI-CATHOLIC DISCRIMINATION IN NORTHERN IRELAND

Mr. HEINZ. Mr. President, as I travel through Pennsylvania, attending meetings and trying to learn more about the concerns of my consitutents, I periodically hear thoughts about the difficult situation in Northern Ireland. At one of my town meetings I was given a study entitled "Anti-Catholic Discrimination in Manufacturing Industry in Northern Ireland—The American Dimension?" I was concerned about the questions raised in this document and so I requested the Congressional Research Service to undertake a study regarding this serious issue. Their product will, I hope, shed some light on the continuing debate on the matter of anti-Catholic discrimination in Northern Ireland. The points made by the studies are as follows:

First, historic discrimination against Catholics in Northern Ireland has existed, leading to higher unemployment among Catholics than among Protestants.

Second, there has been a resolute and partially successful attempt on the part of the British Government's Fair Employment Agency for Northern Ireland to promote equality of opportunity and religious discrimination.

Third, although in the past some American corporations have had dismal records on employment of Catholics, the Fair Employment Agency is satisfied that no American corporations presently discriminate against Catholics. The Agency has not hesitated to denounce the employment practices of corporations in the past.

Fourth, unemployment among Catholics has been aggravated by factors not directly under the control of American firms, such as the lower education level among Catholics—result of a different kind of discrimination—the greater affluence and safety which attracts industry to Protestant areas, and the high level of general unemployment in Ulster.

Fifth, even if one could make a prima facie case of discrimination against American corporations in Northern Ireland under U.S. law—title VII of the Civil Rights Act of 1964—this law does not presently apply to corporations overseas. There is precedent, however, for a possible future decision of Congress to extend the application of the law to American businesses abroad.

Mr. President, I ask unanimous consent that the CRS study be printed in the RECORD.

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

POLITICAL AND ECONOMIC CONSIDERATIONS AFFECTING EMPLOYMENT PRACTICES IN NORTHERN IRELAND[1]

Northern Ireland was created in 1922 to accommodate the objections of the basically Protestant population to the independence of Catholic-dominated southern Ireland from the United Kingdom. The British Government intended that the partition be temporary; but, World War II (a war in which Ireland remained neutral, while Northern Ireland became an important base for Allied troops and ships) further divided the political aspirations of the two parts of Ireland. After the war, the Republic of Ireland was proclaimed in the south, and the six northern counties—which now comprise the province of Ulster—won a guarantee from the British government to keep their constitutional relationship with Britain so long as a majority of their citizens desired to remain a part of the United Kingdom.

Ulster has been under direct rule from Britain since March 1972, when the local Stormont government asked the British government to intervene to restore order in the violence-ridden province. It is generally agreed that under direct rule, civil and human rights have been strengthened. The Fair Employment Act of 1976 outlawed political or religious discrimination in private as well as public employment and set up a Fair Employment Agency to promote equality of opportunity (see reference below). Nonetheless, discrimination in hiring and employment practices continues although substantial improvements to eliminate inequalities have been made.

The following political and economic considerations are important factors, in addition to the legislation, in determining the responsibility of British, U.S. and other foreign firms for discrimination in employment practices in Northern Ireland.

U.S. CONSIDERATIONS[2]

1. American civil rights laws do not apply to U.S. firms operating overseas who hier non-U.S. citizens. Decisions on hiring and employment practices come under the jurisdication of British law.

2. There is no statuatory precedent in the United States that requires U.S. firms operating abroad and hiring aliens to disclose employment practices. Although not directly related, U.S. Anti-Boycott legislation and the Sullivan Code (as it applies to South Africa) are cases that might be examined if congressional action is considered.

Internal considerations

3. It is generally held to be true that the Protestant community in Ulster has a greater percentage of better educated men and women than the Catholic community. This disparity has been fostered by nearly complete school segregation which extends even to the training of teachers. This factor accounts for a good deal of the disproportionate numbers of Prostestants in white collar jobs in the province.

4. An unemployment rate of nearly 20 percent in Ulster accentuates employment rate disparities. The Protestant community suffers between 10 and 20 percent unemployment depending on the areas considered, while the Catholic community has between 25 and 35 percent unemployed depending on the locale. Ulster also has the lowest family income, highest proportion of families on welfare, and worst housing and social conditions of any comparably sized region in the United Kingdom. But, in terms of government subsidies, Ulster residents receive far higher per capita government benefits than do their counterparts on the mainland. In fact, Ulster citizens receive approximately 30 percent more per capita government subsidies than other British citizens.

5. Traditionally, the province has been heavily dependent on now-declining industries such as shipbuilding, agriculture, textiles and clothing, which through 1960 provided about 60 percent of all jobs in the region. This figure has now declined to about 18 percent, with little new industry appearing to take up the slack. In the manufacturing industry alone, 27 percent of the jobs, or more than 40,000 positions out of a total workforce of 600,000, have been lost since 1970. Violence and civil unrest have forced many small industries to close down and other companies to move elsewhere. Foreign investment has also been less than expected, given the attractive investment packages offered by the British government, because of fears of losses due to the continued strife between guerilla and security forces. The United States is the single largest foreign investor in Northern Ireland with 37 firms represented. But between 1971 and 1977, there was not a single new U.S. investment. The bleak employment picture is causing the emigration of 7,000 people a year—mostly Catholic unskilled workers.

6. Protestant areas in Northern Ireland have the largest industries. This is not surprising given the fact that they are more affluent and generally considered safer. Many Catholics claim that they do not seek work in Protestant areas for fear of harassment or for fear of being turned down for a job. The separation of neighborhoods and schools often extends to the workforce although many companies hire workers from both religions. In the port of Belfast, for example, two shipping unions—one Catholic and one Protestant—divide the work load.

7. For the most part, the union movement in Northern Ireland is Non-sectarian and non-political. This factor has tended to promote fairly harmonious industrial relations as demonstrated by the fact that Ulster factories lost considerably fewer days in work stoppages than their counterparts in Great Britain. A representative of de Lorean (a U.S. car manufacturing industry in Belfast) claims to be virtually free of industdrial problems since the company set up a plant along the border of Catholic West Belfast four years ago. They also maintain that the plant employs about an equal number of Protestants and Catholics.[3]

THE BRITISH RESPONSE

Aside from promising stricter enforcement of the Fair Employment Act, the British government announced a very favorable economic package for Northern Ireland for 1982-1983. James Prior, Britain's Northern Ireland Secretary in charge of administering the province, has made it clear that he wants political cooperation from the feuding factions in Ulster in exchange for more

[1] This paper is a supplement to "Employment Discrimination Laws in Northern Ireland," by Mr. Kersi Schroff of the British-American Law Library, the Library of Congress.

[2] See Employment Discrimination In Northern Ireland and U.S. Civil Rights Laws, by Vincent Treacy, Legislative Attorney, American Law Division, Congressional Research Service.

[3] See Journal of Commerce, November 18, 1981, p. A-4.

money from Britain. Mr. Prior got an extra 91 million pounds for Ulster in the new budget, making total public expenditure for the province 3.5 billion pounds. Some specific programs related to employment and industry include:

1. Youth Training.—Beginning September 1982, every 16-year-old will be able to sign on for a year's job-training course at 25 pounds per week—a year before the program goes into effect elsewhere in the United Kingdom.

2. Industrial Development.—Despite excessive and much-criticized government subsidies given to some firms, such as De Lorean cars and Harland and Wolff ships, the level of support will be maintained in real terms, amounting to about 200 million pounds in 1982-83.[4]

The confusing and often overlapping web of development agencies will be eliminated in favor of a new unified Industrial Development Board, similar to the one set up in the Republic of Ireland. European Community money earmarked for Ulster will come directly through the Board in addition to British government money, and not in place of it.

3. Agricultural Benefits.—The new budget allots an additional 6 million pounds to boost farm incomes.

Employment Discrimination Laws in Northern Ireland

INTRODUCTION

The division between the two distinct religious communities in Northern Ireland has existed since the inception of the state. The Protestant majority community derives its national identity from Great Britain and the Crown. It has strong religious beliefs and wishes politically to remain a part of the United Kingdom. In contrast, the Catholic minority community, with equally strong religious beliefs, looks to the Republic of Ireland for inspiration and many of its members want to live in an united Ireland.

These differences in outlook have resulted in the creation of mutual fears and suspicions between the communities. The fears are reinforced by divisions in their social lives in the spheres of housing, employment, education, etc. "Against this background grievances festered producing much allegation and counter-allegation about discriminatory practices . . . in relation to housing and employment, in both the public and private sectors." [1]

In the field of employment, discrimination took various forms. Some Protestant employers deliberately refused to employ any Catholics in their firms. However, this was not the sole or dominant source of discrimination. Another form of discrimination was when employers were forced to keep Catholics out from a fear of possible hostile reactions among their employees. Other forms of discrimination were more benign. In some industries, e.g. in the shipyards, vacancies were traditionally filled by a member of the family or the relative of the person whose departure created the vacancy. The pattern of housing also contributed toward discrimination in employment. In the working class areas, the communities are divided into separate enclaves. This deters Catholics from traveling through Protestant areas, and vice versa, thus restricting employment.[2]

In order to deal with the seriousness of the grievances caused by discriminatory practices, a committee consisting of both sides of industry in Northern Ireland, chaired by the Minister of State in the Northern Ireland Office, was set up to examine the issues and to make recommendations. In the report entitled "The Working Party on Discrimination in the Private Sector of Employment (in Northern Ireland)" the members decided that it was necessary to enact legislation in order to eliminate discrimination. In the opinion of the Committee, the legislation would serve (a) as an unequivocal declaration of public policy, (b) to give support to those who do not wish to discriminate but are compelled to do so by social pressures, (c) to protect the minority groups, (d) to provide a peaceful and orderly adjustment of grievances and the release of tension, and (e) to reduce prejudice by discouraging the behavior in which prejudice finds expression.[3] Based largely on the report of the Committee, the Fair Employment (Northern Ireland) Act, 1976, c. 25 ("the Act") was passed and came into force between September 1 and December 1, 1976.

The findings on which the legislation is based show clearly that discriminatory employment practices were rampant. Since these findings were made, a sufficient period has elapsed to allow the legislation to have some impact. In reviewing the report of Rev. Father Brian J. Brady before the ad hoc Congressional Committee on Irish Affairs, it would accordingly be appropriate to examine the legal measures provided under the Act.

FAIR EMPLOYMENT

In order to further the objective of promoting equality of opportunity between persons of different religious beliefs, the Act declares specified kinds of religious or political discrimination or victimization in employment to be unlawful. Section 16(2) provides:

"For the purposes of this Act a person discriminates against another person on the ground of religious belief or political opinion if, on either of those grounds, he treats that other person less favourably in any circumstances than he treats or would treat any other person in those circumstances."

Victimization is considered to arise when a person who has made complaint of unlawful discrimination and has given evidence in furtherance of the complaint, is treated less favorably in comparison to any other person (§ 13(3)). The definitions are similar, with modifications for the different context, to those found in legislation in Britain on sex discrimination and race relations. A person's "religious belief" or "political opinion" includes not only his supposed belief or opinion but also the absence of such belief or opinion (§ 57(2)). The effect of this is, for example, if a person is believed to be a Muslim, and is treated less favorable on that account, the treatment is discriminatory even if the person turns out to be a Jew, or even an agnostic. Atheists, agnostics and persons of no political belief are also protected under the Act.

The following acts if committed on account of religious belief or political opinion amount to unlawful discrimination:

A. Concerning employment:

1. Any arrangements made for determining who should be offered employment (§ 17(a)(i)).

2. A refusal or a deliberate omission to offer employment (§ 17(a)(ii)).

3. Making any provisions in the terms on which employment is offered (§ 17(a)(iii)).

4. The manner in which access to benefits is granted, or a deliberate refusal to afford access to benefits (§ 17(b)(ii)).

5. Dismissals (§ 17(b)(iii)).

6. Subjecting an employee to any other detriment (§ 17(b)(iv)).

B. Membership in a vocational organization (including trade unions, employers' organizations and professional bodies):

7. Refusing to accept an application for membership (§ 21(a)(i)).

8. Making any provision in the terms on which membership is offered (§ 21(a)(ii)).

9. The manner in which a member is granted access to benefits, or a refusal to give such benefits (§ 21(b)(i)).

10. Depriving a person of membership, or varying the terms of membership (§ 21(b)(ii)).

11. Subjecting a member to any other detriment (§ 21(b)(iii)).

Discriminatory acts by employment agencies, educational establishments and other bodies conferring professional qualifications are also made unlawful under the Act (§§ 20, 23).

THE FAIR EMPLOYMENT AGENCY

Part I of the Act establishes a Fair Employment Agency for Northern Ireland ("the Agency") consisting of between 6 and 11 members, with the task of:

(a) promoting equality of opportunity in Northern Ireland; and

(b) working for the elimination of discrimination which is unlawful under the Act.

On receiving a written complaint of discrimination, the Agency must carry out an investigation and make a finding as to whether unlawful discrimination has been committed. The Agency is then required to make an endeavor to settle any differences between the parties and, in the case of a finding of discrimination, to obtain an undertaking by the respondent to comply with the settlement (§ 25(1)(b)). If an undertaking is not obtained, the Agency must recommend the type of action to be taken to dispose of the differences between the parties (§ 26(1)). The Agency has the power to make any relevant recommendation, including the payment of compensation (§§ 25, 31(1)).

Both parties to a complaint have a right of appeal to a county court (§ 28). If the court disagrees with the Agency's finding that no unlawful discrimination has been committed, the case is sent back to the Agency for conciliation and the court's decree is then accepted as evidence of unlawful discrimination (§ 29).

In case of a failure to comply with the terms of a settlement of the recommendations of the Agency, the respondent may be sued in tort (§ 30). The court then has the power to grant an injunction and award damages.

EQUALITY OF OPPORTUNITY

Part II of the Act relates to the responsibility of the Agency in promoting equality of opportunity. "Equality of opportunity" means that a person of one religious belief should be accorded the same opportunities as are given to a person of another religion, with allowances being made for material differences (such as qualifications and capability).

Under this part, the Agency is authorized to publish, after consultations with relevant bodies, a guide to good manpower policy and practice promoting equality of opportunity. Employers and labor unions are also invited,

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[4] In February 1982, executives of De Lorean announced they would close down operations due to financial and security reasons.

Footnotes at end of article.

without any compulsion, to declare their commitment to equality of opportunity by making a declaration set out in schedule 3 of the Act.[4] Those who make the declaration have their names entered on a Register of Equal Opportunity Employers and Organizations and are issued a certificate to that effect (§ 6). The Agency has the power to rectify the register, require declarants to reaffirm their intention to abide by the declaration, and to remove or restore names in the register. Any declarant aggrieved by the removal of his name or by the refusal to restore his name may appeal to a Fair Employments Appeals Board (§§ 4,8). The Board may rectify the register as it considers necessary to give effect to its decision.

THE AGENCY'S RECORD

In over 5 years of the operation of the Act, the Agency has made some progress toward attaining the objectives of the legislation. In furtherance of its investigative powers, the Agency has produced a number of research reports on the employment situation in Northern Ireland. In one of its first reports, the Agency provided a "comprehensive and damaging picture" of the inferior status of the Catholic community.[5] The report referred to a serious problem of inequality of opportunity for Catholics who were mostly employed in menial jobs paying low wages. Catholics were found to be unrepresented in many fields of employment, such as engineering, public utilities, insurance, banking, finance and business. In other areas they were grossly underrepresented. For example, in the important sectors of shipbuilding and marine engineering, there were 4.8 percent Catholics and 89.5 percent Protestants.

A survey of work attitudes also found that the work ethics of the Catholics and Protestants are the same.[6] The rate of unemployment among the Catholics thus could not be explained by a lack of ambition.

Recently, after a comprehensive investigation of local government recruitment policy, the Agency made a finding of discrimination against Catholics.[7] There was a strong religious imbalance in local government staff when compared with the local population. In one local government area, out of 45 percent Catholic and 55 percent Protestant applicants, only 30 percent of the Catholics were successful while the figure for the Protestants was 68 percent.

In another recently published report, the Agency studied the employment opportunities available to school-leavers in Belfast. This group was selected for study as they are disproportionately represented in the employment statistics and as youth employment presents serious social, political and economic implications for the future. The survey found that:

"Protestant boys in East Belfast readily found work with fewer remaining unemployed five to eight months after leaving school. Catholics in the East, despite their geographical contiguity to the greater concentration of job opportunities in the city, failed to find work with anything like the ease of their Protestant peers. Boys in Protestant West Belfast, while living in an area of low opportunity, still found work more readily than their Catholic counterparts in the West of the city. This pattern of disadvantage occurred despite the greater propensity of Catholics to work in mixed labour forces."[8]

With regard to individual discrimination complaints brought before the Agency, it has succeeded in obtaining settlements in a number of cases. The level of compensation paid to the discriminated employees, however, has not been very high (generally ranging from £500 to £2,000). Discrimination being a difficult concept to hold up to legal proof, the Agency has not been startlingly successful before the courts as it has come up against large corporations that can put up expensive defenses. One recent decision, however, is likely to serve as a breakthrough in favor of a stricter enforcement of the Act.

In *Fair Employment Agency* v. *Craigavon Borough Council*[9] the Agency had made an initial finding that a local council had discriminated against a Catholic. On appeal to the county court, the finding was reversed on grounds that although the Agency had made a prima facie case of discrimination, it has not proved that the discrimination was on unlawful grounds. On further consideration by the Court of Appeal, the lower court's ruling was reversed and it was held that once a prima facie case of discrimination was made out, the burden shifted to the employer to show that there had been no discrimination. The Court of Appeal found a strong prima facie case of discrimination on the basis of the fact that the unsuccessful candidate for the job possessed better qualifications and experience than the successful candidate. This decision is of great importance in that the evidential barriers confronting an individual alleging discrimination have been considerably lowered. As a result of this decision, the effectiveness of the fair employment legislation is likely to increase significantly.

The impact of the legislation will also be enhanced with the recent implementation of the policy that government business will be given only to those organizations which have signed a declaration of their commitment to equality of opportunity. In the opinion of the Agency, this development is expected to produce dramatic results.[10]

AMERICAN CORPORATIONS IN NORTHERN IRELAND

In 1972, in testimony before a Subcommittee of Congress, the Chairman of the American Committee for Ulster Justice reported:

"Our committee has initiated some inquiries with respect to the employment practices of American companies in Northern Ireland.

"The results of our inquiries to date indicate that there is no uniformity among the companies. Some of them appear to have behaved dismally, while others have established a relatively good record." [11]

Since the statement was made, the legislation on fair employment has intervened. However, no specific study of American hiring practices in light of the legislation has been found. Accordingly, the account which follows is based on responses received in a telephone conversation with Mr. Peter Sefton, Co-ordinating Director, Fair Employment Agency, Belfast.

All American corporations in Northern Ireland, with the exception of one, have made the declaration for the promotion of equality of opportunity. The list thus includes all those corporations which have been named in Rev. Father Brian J. Brady's report. In the case of the lone holdout (Kent Plastics), the Agency is satisfied that the corporation adhere to fair employment practices but has been unable to subscribe to the declaration because of management problems.

The Agency monitors the employment practices of declarant corporations and, as stated earlier, has the authority to withdraw the certificate of equal opportunity in case of a failure to comply with the objectives of the declaration. No certificates have so far been withdrawn, but now with the sanction of withdrawal of government business, the Agency will not hesitate to do so under the right circumstances.

The Agency is largely satisfied with the employment practices of American corporations. In the cases in which the Agency has had occasion to point out shortcomings, the response from the corporations concerned has generally been good. In one case, allegations were made against Ford Motor Co. Ltd. in 1976-1977 that among its skilled workers, there was a preponderance of Protestants. Ford claimed that the imbalance was due to a shortage of skilled Catholic workmen. The company has since responded to the Agency's approach by training more Catholics, and the Agency is now satisfied that the imbalance has been reduced.

The absence of skilled Catholic workmen has also made it difficult for DeLorean Car Co. Ltd. to maintain a balanced workforce. In spite of these difficulties, the Agency believes that DeLorean is a fair employer.

The Agency, however, is by no means claiming that American corporations are model employers. The allegation that only "token Catholics" are employed may be true in some cases. There is also a discrimination complaint pending against an American corporation.

The Agency accepts that in the manufacturing industry there was a great deal of discrimination in the past, but lately, with a more enlightened management, the situation is improving. It is also conceded that in time of economic recessions the suffering of Catholics is greater. However, in employment sectors where there is a Protestant majority, they are also inevitably affected. Moreover, economic aid directed at a particular industry may benefit one community greater than the other. Thus, in a recent effusion of aid from London, the construction industry is likely to benefit from the creation of jobs. This will give greater help to the Catholics who are concentrated in the construction field.

CONCLUSION

The problem of discrimination in employment is an integral part of the general sectarian conflict in Northern Ireland and remains as intractable as the overall conflict. American corporations caught in the maelstrom appear to have done no worse than other employers in the state. Certainly, in terms of compliance with the fair employment law their record is good in the eyes of the agency entrusted with enforcing the law. The law itself is beginning to have some positive impact. However, as the Agency concludes in a recent publication, the attainment of equality of opportunity still remains distant:

"The model promulgated by those advocating the equality of opportunity is, at its simplest, that the market should reward those who are skillful and industrious. Justice, in terms of this model, requires, however, that, at the point at which people enter the market, they should have equality of opportunity. Clearly, such a model does not pertain to the reality of the situation in Northern Ireland with regard to social class, religion and sex. Moreover, despite stated policy commitments by government, of which the existence of the F.E.A. [the Agency] is only one facet, there would appear to be little movement towards this goal. Moreover, as Goldthorpe's (1980)

study of social mobility in England and Wales has recently pointed out, the time may now have passed when such a goal could be achieved. The post-war economic expansion provided a brief period during which a redistribution of opportunities could have been achieved within a framework of generally increasing affluence, a point of particular significance in Northern Ireland.

"The achievement of equality of opportunity is an elusive goal; the experience of other countries with much stronger, more determined policies than those in Northern Ireland confirm this. Unless commitments to this goal from government, employers and the trade unions are followed by major positive actions then equality of opportunity in employment will remain nothing more than a distant goal to which all can, when required, express sympathy."

FOOTNOTES

[1] Gt. Brit. Parl. Standing Advisory Commission on Human Rights, "The Protection of Human Rights by Law in Northern Ireland," Cmnd. 7009 at 4 (1977).

[2] National Council for Civil Liberties, "The Fair Employment (Northern Ireland) Bill" 2-3 (1975).

[3] 905 Parl. Deb., H.C. (5th ser.) 991 (1976).

[4] I/We affirm and declare that it is my/our intent to promote and protect equality of opportunity in employment, according to the letter and spirit of the Fair Employment (Northern Ireland) Act 1976 by every means at my/our disposal, and to co-operate to that end with the Fair Employment Agency for Northern Ireland.

I/We further undertake that I/we will use my/our best endeavours to encourage all persons within the range of my/our influence to commit themselves to the same intent.

[5] The Times (London) 2 (Jan. 12, 1978).

[6] The Times (London) 2 (May 11, 1978).

[7] The Times (London) 4 (Feb. 11, 1981).

[8] Northern Ireland, Fair Employment Agency, "Into Work? Young School Leavers and the Structure of Opportunity in Belfast" 63-64 (1980).

[9] 9 Industrial Relations Law Report 317 (1980).

[10] The Sunday Times (London) 1 (May 10, 1981).

[11] Northern Ireland: Hearings Before the Subcommittee on Europe, House Committee on Foreign Affairs, 92d Cong., 2d Sess. 53 (1972) (statement of Dermot J. Foley, Chairman, American Committee for Ulster Justice, New York, N.Y.).

[12] *Supra* note 8, at 64.

EMPLOYMENT DISCRIMINATION IN NORTHERN IRELAND AND UNITED STATES CIVIL RIGHTS LAWS

On July 22, 1981, evidence was given before the *ad hoc* Congressional Committee on Irish Affairs of the United States Congress by Reverend Father Brian J. Brady, Head of the Religion Department, St. Joseph's College of Education, Belfast, Northern Ireland, in testimony entitled "Anti-Catholic Discrimination in Manufacturing Industry in Northern Ireland—the American Dimension?" Fr. Brady testified that anti-Catholic discrimination has been so thoroughly pursued in every sector of public and private life in Northern Ireland that large numbers of Catholics have been forced to emigrate, and that such discrimination has been, and still is, particularly virulent in the area of manufacturing industry.

Since World War II, Northern Ireland has seen the decline of its traditional industries such as shipbuilding, engineering, and linen, together with the growth of newer industries operated as subsidiaries of foreign companies, often attracted by government assistance. In 1978, 55 foreign companies, including 34 American based organizations, operated manufacturing facilities with government assistance. The testimony indicated that the post war industrialization further aggravated anti-Catholic discrimination (a) through the location of the great majority of new industries in staunchly Orange-Unionist areas, and (b) by hiring practices which discriminated against Catholics in most of the new plants irrespective of location.

The 34 American-controlled companies have located 23 of their plants in Orange-Unionist towns. Fear of terrorism and civil strife makes Catholics reluctant to seek work in those areas. Those who are hired encounter intimidation in the form of Orange emblems on machinery and shop floor noticeboards. The testimony also indicated that in both Orange and Catholic areas, Catholics often encounter discrimination in hiring practices. Personnel managers, who are often local Orange-Unionists, discriminate against Catholics, either by employing merely a token number of Catholics, or by employing reasonable numbers, but largely, or exclusively, in the more menial and lower paid positions.

The employment profile of the Ford Motor Company in Finaghy, Belfast, was cited as an example of the second type of discrimination. Now located in a Catholic district, the plant's employees include 64.2% Protestants and 35.8% Catholics. Fr. Brady testified that "many of the Protestants who work there are brought in from points 20 miles distant while competent Catholics on the doorstep of the plant are unemployed." Moreover, Catholics comprise only 29% of supervisory and salaried staff and 19% of skilled workers, and are largely relegated to the unskilled section where they make up 37.5% of the employees.

Examining employment statistics for 21 of the 34 American companies, Fr. Brady concluded that, despite a rato of 38% Catholics to 62% Protestants in the population as a whole, published statistics indicate that their workforce is 22% Catholic to 78% Protestant. He thus argued that a prima facie case implicating at least some of the companies in the process of anti-Catholic discrimination has been established. Calling for an investigation of the employment practices and religious affiliations of the work forces of American companies operating in Northern Ireland, he suggested two forms of corrective action:

"Where the geographical location of an American company in N. Ireland makes it well-nigh impossible for it to become an equal opportunity employer, then it should be asked to relocate its enterprise. When, on the other hand, anti-Catholic discrimination by an American company is due to its hiring practices and promotion procedures, these should be changed at once to secure a balance of approximately 40% Catholics and 60% Protestants in its work force."

This report examines several of the issues raised by testimony before the *ad hoc* Committee. First, are corporations in the United States prohibited by law from engaging in discrimination against their employees on the basis of their religion? Second, do these prohibitions apply to their employment policies with respect to non-United-States-citizen employees at plants located in other countries? Third, how would the practices described in the testimony be treated under applicable American law if they occurred in the United States? Fourth, is there any precedent for applying such laws to the foreign operations of domestic companies?

Under United States law, religious discrimination in employment is prohibited by Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972. 42 U.S.C. §§ 2000e–2000e-17 (1976). Title VII applies to employers who have fifteen or more employees for each working day in each of twenty or more calendar weeks during a year. It is an unlawful employment practice for an employer to fail to refuse to hire, or to discharge, any individual, or otherwise to discriminate against such individual with respect to compensation, terms, conditions, or privileges of employment, because of his religion. It is also illegal to limit, segregate, or classify employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect his status as an employee, because of his religion. 42 U.S.C. § 2000e–2(a).

The term "religion" is defined to include "all aspects of religious observance and practice, as well as belief," unless an employer demonstrates that he is unable to reasonably accommodate to an employee's religious observance or practice without undue hardship on the conduct of the employer's business. 42 U.S.C. § 2000e(j). There are two exemptions from Title VII which relate specifically to religion. The law does not apply to a religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on of its activities. 42 U.S.C. § 2000e–1. In addition, it is not an unlawful employment practice for a school, college, university, or other educational institution or institution of learning to hire and employ employees of a particular religion, if the school, etc., is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association or society, or if the curriculum is directed toward the propagation of a particular religion. 42 U.S.C. § 2000e–2(e).

Over the years, Title VII had been applied in many court cases, and has been the subject of numerous administrative interpretations issued by the Equal Employment Opportunity Commission (EEOC). This has, in effect, fleshed out the meaning of the bare statutory language by giving concrete examples of the application of the general principles to specific instances.

In some cases, discrimination has been found to result from job requirements, that is, from the criteria for getting or keeping a particular job. Because some requirements may have the effect of denying jobs to a disproportionate number of persons protected by Title VII, the employer must show that such requirements are job-related. They must have a demonstrable relationship to successful performance of the job for which they are used. Requirements that are frequently challenged include work experience and education. An employer may require relevant work experience and educational backgound, where there is a business necessity for the requirement, but not where the requirement is unrelated to job performance and has the effect of excluding a disproportionate number of women and minorities from the work force. Aptitude tests, for example, are often barred unless their content can be validated as a reliable predictor of future job performance. In short, any aptitude tests or educational requirements must be proven to be job-related.

As interpreted by the courts and the EEOC, Title VII requires employers to maintain a workplace that is free of harassment on the basis of race, religion or national origin. Under EEOC guidelines, ethnic slurs and other verbal or physical conduct relating to an individual's national origin

constitute harassment if they have the purpose or effect of creating an intimidating, hostile or offensive working environment, or unreasonably interfere with work performance, or otherwise adversely affect employment opportunities. An employer is responsible for its own acts and for those of its agents and supervisory employees, regardless of whether the acts were authorized or forbidden by the employer, and regardless of whether the employer knew or should have known of their occurrence. The employer is also responsible for acts of harassment between fellow employees in the workplace, where the employer or its agents or supervisory employees know or should have known of the conduct, unless the employer can show that it took immediate and appropriate corrective action.

Finally, an employer may be responsible for the acts of non-employees who harass employees in the workplace, where the employer, its agents or supervisory employees, knows or should have known of the conduct and fails to take immediate and appropriate corrective action. In these cases, consideration is given to the extent of the employer's control and any other legal responsibility which the employer may have with respect to the conduct of such non-employees. In short, an employer may not stand by and allow an employee to be subjected to a course of racial harassment by co-workers without violating Title VII. *DeGrace* v. *Rumsfeld*, 614 F.2d 769 (1st Cir., 1980). *See, generally*, U.S. Equal Employment Opportunity Commission, "Guidelines on Discrimination Because of National Origin," 29 C.F.R. § 1606.8 (1981).

In a lawsuit under Title VII, the party making the complaint has the initial burden of establishing a prima facie case of discrimination. If this is met, the burden then shifts to the employer to articulate some legitimate, nondiscriminatory reason for the practice complained of, such as a business necessity or a bona fide occupational qualification. If the employer demonstrates such a reason, then the complainant must show that the reason was a mere pretext for discrimination; that is, that the employer could operate the business safely and efficiently by a practice with a less discriminatory impact, or that the employer treated other classes of employees differently.

In order to establish a prima facie case of discrimination, the plaintiff often begins with the gathering of statistical data concerning the presence and distribution of employees according to classification and by race, sex, national origin, or religion within each classification. The theory is that in the absence of discrimination, all groups will be distributed in all classifications of employment in approximately the same proportion as they are distributed in the relevant labor market as a whole. The relevant labor market is generally the geographic area from which the employer draws its employees. For unskilled jobs, the labor market may be local, while for skilled, professional, or technical positions the market may be a city, metropolitan area, state, or region. When a significant statistical disparity is established between the percentage of minorities or women in the workforce and on the company's employment roster, then the employer must explain the disparity or else have an inference of discrimination drawn against it.

As noted, once the plaintiff makes a prima facie case of discrimination, the burden shifts to the employer to articulate some legitimate, nondiscriminatory reason for the apparent discrimination. If the employer fails to advance such a reason, the court must rule for the plaintiff. Mere affirmations of good faith are not enough to dispel a prima facie case. If the employer defends on the grounds of business necessity, he must show (1) that the practice is necessary to the safe and efficient operation of the business, (2) that it effectively carries out the business purpose it is alleged to serve, and (3) that there is no acceptable alternative policy or practice that would accomplish the business purpose with a less discriminatory impact. For example, an employer might recruit only employees who are able to type, in an area where few or no minority persons have been able to obtain such training or experience. Such a requirement would be a business necessity for employees hired as secretaries, where typing is essential to the job, but not for employees hired for jobs that could be performed efficiently without typing.

An employer cannot defend its failure to hire minority employees by claiming a lack of minority applicants as a defense, if it recruits by word-of-mouth among friends and relatives, fails to advertise job opportunities in general, and has a reputation for excluding minorities. Even the absence of applicants may be due to the futility felt by minorities towards the prospect of employment with the company. The employer, however, may rebut a prima facie case by demonstrating that it has placed job posters at minority centers and learning institutions, recruited at predominately minority high schools and colleges, advertised extensively as an equal opportunity employer, hired through a state employment service or urban league, established training for minorities, or participated in affirmative action programs with civil rights or community organizations. (For general discussion of employment discrimination, see "Federal Regulation of Employment Service," chapter 2, §§ 2:13 through 2:160, from which foregoing discussion is drawn.)

This, then, is the general outline of antidiscrimination provisions applicable to U.S. employers. The next question is whether these laws apply outside the United States. With regard to discrimination by American multinational corporations in foreign countries, it is expressly provided that Title VII "shall not apply to an employer with respect to the employment of aliens outside any State." 42 U.S.C. § 2000e-1. In addition to Title VII, many American companies are subject to Executive Order No. 11246, which requires government contractors to abide by policies of nondiscrimination and affirmative action. By regulation, however, these requirements do not apply to "contract work outside the United States performed by employees recruited outside the United States."

It is clear, therefore, that Title VII does not apply overseas. Is it possible, however, for Congress to extend the applicability of Title VII or a similar antidiscrimination provision? Multinational employers must determine the applicability of American law to their operations abroad on a case-by-case basis. At the present time, the major United States civil rights laws do *not* apply to the employment practices of American companies abroad with respect to employees who live in the host country. In fact, it has been observed that the United States has in general adhered to a fairly uniform policy of refusing to export its employment law. Madigan, "The Applicability of U.S. Employment Laws Abroad: A Legal and Practical Approach," 4 Employee Relations Law Journal 319.

The United States has, however, expressly enacted some laws to reach the activities of American multinational corporations conducted in foreign countries. The Foreign Corrupt Practices Act (P.L. 95-213, Dec. 19, 1977) prohibits the payment of any money, gift, or other thing of value to any foreign official in order to influence any official act or decision, or to induce the official to use his influence with a foreign government. The Export Administration Act of 1979 (P.L. 96-72, Sept. 29, 1979) included provisions to prohibit American companies from participating in the Arab boycott of Israel through their foreign subsidiaries and operating elements. The law declared that it is the policy of the United States "to oppose restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to the United States or against any United States person." 50 U.S.C. App. § 2402(5)(1979).

The legal rationale for extraterritorial application of U.S. law was discussed in the legislative history of the Foreign Corrupt Practices Act:

"[3]As a general rule, the application of federal criminal law is limited to the territory of the United States. However, there are a number of Federal statutes with criminal sanctions which have extraterritorial application: 18 U.S.C. § 1546 (fraud and misuse of visas, permits, and other entry documents), 18 U.S.C. § 2314 (transportation of stolen goods, securities, moneys, fraudulent state stamps, or articles used in counterfeiting). 18 U.S.C. § 2381 (treason committed "within the United States or elsewhere"), 50 App. U.S.C. § et seq. (Trading with the Enemy Act), 15 U.S.C. § 776 et seq. (Securities Exchange Act of 1934), 15 U.S.C. § 1-7 (Sherman Anti-trust Act), 15 U.S.C. § 41 et seq. (Federal Trade Commission Act), et cetera.

"The cases indicate that in the extraterritorial application of U.S. law by the Congress." *United States* v. *Erdos*, 474 F. 2d 157, 159 (4th Cir. 1973). "From the body of international law, Congress may pick and choose whatever recognized principle of international jurisdiction is necessary to accomplish the purpose sought by the legislation, *United States* v. *Rodriguez*, 182 F. Supp. 479, 491 (S.D. Cal. 1960).

"There are a number of theories of legislative jurisdiction under international law, at least three of which are applicable here. See "Jurisdiction with Respect to Crime-Draft Convention, with Comment, Prepared by the Research in International Law the Harvard Law School" 29 *American Journal of International Law* (Supp.) 439 (1935) and American Law Institute, *Restatement (Second) of the Law of Foreign Relations of the United States*, ch. 2 (1965).

"The first of these is the familiar territorial principle *Restatement* § 17. Under this principle, a nation may prescribe rules of law regulating conduct occurring within its territory, regardless of where the effect of the conduct falls. This is the principle Congress in presumed to have relied upon unless its specifically indicates otherwise. *American Banana Co.* v. *United Fruit Co.*, 213 U.S. 347 (1907).

"The second principle grants a nation jurisdiction to prescribe rules of law attaching legal consequences to conduct that occurs outside its territory if the conduct causes an effect within the prescribing nation's territory. *Restatement* § 18. Under this theory, the courts have upheld Congressional regulation of the conduct of noncitizens, even if

the conduct took place outside the U.S., so long as the consequences of the conduct are felt within the U.S. See, *United States* v. *Pizzarusso*, 388 F. 2d 8 (2d Cir.), cert. denied, 392 F. 2d 912 (D.C. Cir. 1973). *United States* v. *Braverman*, 376 F. 2d 249 (2d Cir.), *cert. denied*, 389 U.S. 885 (1967); and *Revord* v. *United States*, 375 F. 2d 882 (5th Cir.), *cert. denied sub nom, Groleau* v. *United States*, 389 U.S. 884 (1967).

"A third pertinent theory of international jurisdiction is the nationality principle *Restatement* § 30. Under this theory, a nation has jurisdiction to prescribe rules of law regulating the conduct of its nationals wherever located. This principle would extend jurisdiction to include any corporation chartered by a State of the United States. See *Vermilya Brown Co.* v. *Cornell*, 335 U.S. 377 (1948); *United States* v. *Cotten*, 471 F. 2d 744 (9th Cir.), *cert. denied*, 411 U.S. 936 (1973); and *Gillars* v. *United States*, 182 F. 2d 962 (D.C. Cir. 950) as cases where the courts have upheld Congressional regulation of the actions of U.S. citizens outside the territorial jurisdiction of the U.S."—H.R. Rept. No. 95-640, 95th Cong., 1st Sess. at 12 n. 3 (1977).

Any effort to apply American law to activities that take place abroad raises the possibility of a conflict with the laws of the host nation. It is a general principle of comity that, where two states have jurisdiction to prescribe and enforce rules of law that may require inconsistent conduct upon the part of a person, each state is required to consider, in good faith, moderating the exercise of its enforcement jurisdiction in light of such factors as a) vital national interests of each of the states, b) the extent and nature of the hardship that inconsistent enforcement actions would impose upon the person, c) the extent to which the required conduct is to take place in the territory of the other state, d) the nationality of the person, and e) the extent to which enforcement action of either state can reasonably be expected to achieve compliance with the rule prescribed by the state. *Restatement (Second) of Foreign Relations*, section 40.

It is also possible that international treaties to which the United States is a party may have an effect on the employment policies of an American company's overseas operations. In general, commercial agreements are designed to encourage trade and investment between the two signatory countries. Under such treaty, the host country establishes a policy of equity and hospitality to the foreign investor, including assurance that the enterprise and policy of the alien will be respected, and will be accorded equal protection of the laws alike with citizens of the host country. The impact of treaties of this type is currently the subject of litigation pending before the United States Supreme Court. In *Sumitomo Shuji America, Inc.* v. *Avigliano*, No. 80-2070, the Court is faced with the question whether the Treaty of Friendship, Commerce and Navigation between the United States and Japan has the effect of exempting Japanese firms operating in the U.S. from Title VII's prohibition against discrimination based on national origin and sex. In the lower court, the Second Circuit held that the Treaty does not give foreign firms license to violate American laws prohibiting discrimination in employment. The court noted, however, that Title VII would not necessarily preclude the company from employing Japanese nationals in positions where such employment is reasonably necessary to the successful operation of its business. Under Title VII, an employer may hire on the basis of national origin where it is a "bona fide occupational qualification" reasonably necessary to the normal operation of the business. *Avigliano* v. *Sumitomo Shuji American, Inc.*, 638 F.2d 522 (2d Cir. 1981).

In another case before the Supreme Court this term, the Court must deal with the employment of U.S. citizens at overseas military bases. Section 106 of Public Law No. 92-129 prohibits discrimination against United States citizens for employment on military bases unless a treaty permits the preferential hiring of local nationals. The Court must decide whether an agreement between the United States and the Philippines is a "treaty" within the meaning of the law even though it was not signed by the President and not ratified by the Senate. *Weinberger* v. *Rossi*, No. 80-1924, *on appeal from* 642 F.2d 553 (D.C. Cir. 1980).

It can be seen that neither of these cases is directly applicable to American companies operating in Northern Ireland. The issue is not whether such companies are subject to statutes of Northern Ireland, since that is unquestioned, nor is there any question involving employment of U.S. citizens. Nevertheless, the outcome of these cases may shed further light on the complex interrelationship of domestic and international law as they affect multinational corporations.

Turning to the questions raised at the outset, several conclusions emerge. First is that all substantial American employers have been prohibited, since 1964, from discrimination against their employees in hiring and terms of employment on the basis of religion. In brief, religious discrimination in employment is against the law in the United States. Secondly, these prohibitions do not apply to the employment policies and practices maintained by American corporations in their foreign operations with respect to foreign national employees. Again to be brief, an American company may practice religious discrimination when hiring alien employees in another country.

A third, and more complicated, question is whether the employment practices described in the testimony, if true, would violate U.S. civil rights laws if they took place in facilities located in this country. It would appear that some of the described practices would give rise to a prima facie case of discrimination under Title VII. First, a case is made that there appears to be a significant statistical disparity between the number of Catholics in each job classification of the workforce and the number of Catholics available in the relevant labor market. Under Title VII, this charge, if proven, gives rise to an inference that the employer has a discriminatory hiring policy, and the burden shifts to the employer to rebut the inference.

Next, the allegation is made that Catholics are subjected to harassment on the shopfloor. Again, Title VII has been interpreted to require employers to maintain a workplace free of such harassment. The employer in the United States thus has a legal responsibility to take corrective action against ethnic, racial, or religious harassment in the workplace, through its agents and supervisors.

Another observation is that U.S. owned plants in Northern Ireland are often located in areas hostile to Catholics, thus making employment difficult if not impossible for them. This type of practice does not appear to have been litigated to date under American employment discrimination law (although there have been efforts in school desegregation cases to encourage integration by locating new schools in sites where neighborhood patterns will not promote segregation). It is clear, as noted, that the employer is obliged to exert its best efforts to prevent harassment in and about the workplace.

Moreover, the location of a plant cannot excuse the employer from failing to recruit throughout the relevant labor market. That is, if the labor market for a particular job includes an entire city or metropolitan area, the employer cannot restrict its hiring to the immediate neighborhood of the plant. This, under Title VII, would have the effect of fostering and perpetuating discrimination by denying equal employment opportunities to minorities who live outside the immediate neighborhood and who may have been denied the opportunity to buy or rent housing in the neighborhood in the past.

Fourth, it can be seen that there is precedent for the extraterritorial application of United States law to the foreign operations of United States corporations. Although laws governing employment relations have generally been restricted to domestic application, the application of some aspects of those laws to foreign operations is a policy matter within the discretion of the Congress.

VINCENT E. TREACY,
Legislative Attorney,
American Law Division.

March 2, 1982.

MORE EVIDENCE OF EXIMBANK FAILURE TO MEET COMPETITION

Mr. HEINZ. Mr. President, on a number of occasions in the past I have taken the floor to address the growing inability and unwillingness of the Eximbank to meet its statutory mandate to provide competitive financing for American exports. Last December 18, I wrote the President a detailed letter listing a number of specific cases where Bank action—or nonaction—cost an American company a major overseas sale. That letter also refuted the erroneous arguments the Office of Management and Budget has used to attack the Bank.

Now I have received further information which indicated the situation is even worse than I had previously thought. A survey by the Machinery and Allied Products Institute of 39 of its member companies uncovered $386.7 million worth of sales in 1981 alone that had been shifted to foreign affiliates because of inadequate U.S. financing. Significantly, these examples included none of those mentioned in my December 18 letter. In addition, though the question was not asked, nine of those companies reported $4.3 billion of sales that they had lost or not bid on because of noncompetitive financing.

Using the standard Commerce Department figure of 33,000 jobs for every $1 billion in exports, it is clear we are talking about nearly 155,000 jobs foregone through Eximbank poli-

cies. That is a statistic made all the more grim by our current unemployment rate of over 9 percent.

Mr. President, this problem needs to be attacked on two fronts. The Congress will shortly be considering once again the annual level of obligations the Bank is authorized to undertake. At that time I hope we will be able to obtain agreement on the full $5.4 billion that is presently authorized for the Bank for fiscal year 1983. I also plan to introduce soon legislation to increase the Bank's independence from both the administration and the budget cycle. I will have more to say about that in a few days.

Right now, however, I hope all Senators will review the MAPI study carefully. These lost sales are not just isolated opportunities we can regain somewhere else. In many cases the use of foreign affiliates means the permanent loss of technology and jobs abroad—which we can ill afford. I ask unanimous consent that the study be printed in the RECORD.

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

MACHINERY AND
ALLIED PRODUCTS INSTITUTE,
Washington, D.C., March 24, 1982.

Hon. MALCOLM BALDRIGE,
Secretary, U.S. Department of Commerce, Washington, D.C.

DEAR SECRETARY BALDRIGE: You may recall our exchange of correspondence late last year concerning the impact of the lack of competitive export financing on U.S. exporters. At one point you asked if MAPI could provide any quantitative information concerning the shifting of orders by U.S. firms to foreign affiliates in order to obtain better financing.

To get current information, we sent a questionnaire to a sample of 39 multinational companies which we know to have foreign affiliates and which we have some reason to believe might be exporting from their foreign affiliates. We asked these companies to provide us with information concerning instances during 1981 in which they sourced from a foreign subsidiary or other foreign affiliate in order to provide more competitive financing. In addition to providing information concerning these situations involving foreign affiliates, several of the respondents volunteered information concerning (1) sales lost to unaffiliated foreign companies primarily because of the terms of export financing and (2) sales lost in the United States because foreign competitors were able to provide export financing on terms more favorable than that available in the United States.

SURVEY RESULTS

The attached memorandum describes the results of the survey, including excerpted comments received from respondents, and MAPI comment concerning the survey results. To summarize:

Of the 39 companies surveyed, 14 companies reported that 39 transactions,[1] with a dollar value of $386.7 million, had been shifted to foreign affiliates primarily, if not exclusively, because of more attractive financing.

As one company stated: "In order to obtain competitive financing we were required to source all materials and engineering for this $70 million plant in [ ] where we were able to obtain long-term financing. The interest rate, payback period and percent of total costs which could be financed were all more competitive than could be obtained in the United States."

In addition to the above responses to the question we posed, (1) 9 companies reported that they had lost, or had not bid on (because of inability to offer competitive export financing), projects in third countries with a total value of $4.3 billion, and (2) 3 companies reported the loss, or prospective loss, of orders for customers in the United States totaling some $160 million.

CONCLUSION

The data supplied indicate that a significant amount of exports is being lost because of noncompetitive U.S. export financing. For the capital goods industries represented by MAPI, orders lost currently also result in the substantial loss of future business. Orders for "big ticket" items, such as capital goods, are placed at infrequent intervals—in many cases at intervals of several years, or even a decade. When the initial order is lost to a foreign competitor, the latter obtains the substantial business in repair parts and spares which follows for a number of years and is likely to be the favored supplier when there are additions to capacity. It also is noteworthy that the shipments of repair parts and spares, which over a period of years tend to equal the dollar volume of the original equipment, do not normally require government-supported financing.

The results of this survey are being sent to Export-Import Bank Chairman William Draper and other senior Executive branch officials concerned with U.S. export policy. We are suggesting to Chairman Draper that the Bank explore means of expanding its competitive analysis functions to measure not only the effectiveness of the Bank's support in those instances when it is sought but also the growing volume of transactions—diverted to foreign affiliates or not bid on—which are never even referred to the Bank.

While admittedly fragmentary and at best corroborative, we hope this information will be useful in pointing up the fact that U.S. export financing facilities are inadequate in today's competitive world.

Sincerely,

CHARLES W. STEWART,
President.

MAPI SURVEY OF SELECTED MEMBER COMPANIES CONCERNING EXPORT FINANCING

As a means of determining the impact of noncompetitive financing on the sourcing and bidding practices of U.S. firms, MAPI asked a selected group of multinational companies, mostly members of the Institute's International Operations Councils, to provide information concerning instances during 1981 in which they sourced from a foreign subsidiary or other foreign affiliate in order to provide competitive financing.

Our inquiry was sent to a sample of 39 multinational companies which we know to be active internationally through exports and foreign affiliates. These companies produce a wide variety of machinery and allied products in the United States and abroad. The responding companies include manufacturers in, among others, the following Standard Industrial Classification (SIC) categories: 3341; 3443; 3511; 3531; 3532; 3535; 3547; 3554; 3559; and 3569.

In addition to responding to the question related to diversion of orders to affiliates abroad, several companies provided unsolicited information concerning (1) orders lost to unrelated firms, or business not bid on, because of the lack of competitive export financing, and (2) orders lost in the United States to foreign firms (related and unrelated) because of more favorable financing available abroad.

The remainder of this memorandum consists of two parts: Summary of the Results of the Survey and Comments of Respondents; and MAPI Comment Concerning the Survey Results.

SUMMARY OF RESULTS AND COMMENTS OF RESPONDENTS

Business diverted to foreign affiliates: Data.—Of the 39 companies surveyed, 14[1] reported that 39 transactions, with a dollar value of $386.7 million, were diverted in 1981 to foreign affiliates primarily, if not exclusively, because of more attractive export financing:[2]

With respect to destination, orders from Latin America accounted for $168.14 million; Far East/Oceania, $110.8 million; Middle East/Africa, $45.8 million; and Eastern Europe, $62 million.

With respect to source, the orders were filled from Canada ($169.45 million), France ($97.5 million), Japan ($39.7 million), Spain ($24.45 million), the United Kingdom ($23.41 million), The Netherlands ($21.5 million), Brazil ($10.23 million), and Belgium ($.5 million).

Comments of respondents. Several of the responding companies provided comment along with their reports on lost transactions. The following excerpts are of particular interest:

"In addition (to three projects quoted on by one of the company's wholly owned foreign competitors due to the inadequacy or competitive export financing in that subsidiary's country, and three orders lost to foreign competitiors due to the inadequacy or lack of financing from Eximbank), we declined to quote on a major project in Mexico due to the lack of competitive Eximbank financing. We were not in a position to offer this equipment from a foreign source and therefore forfeited this opportunity for an order."

"There is no doubt that the lack of competitive financing forces (capital goods) manufacturers to send more and more bid requests to their foreign subsidiaries to quote, depriving U.S. manufacturing facilities of sourcing opportunities they would normally expect to handle. Note that in our field the cost of preparing a proposal is high, and if it is clear beforehand that no Eximbank support is available when it is needed, it is unjustified to spend the money for a useless proposal. For (my company) the obvious course of action is to turn un-

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[1] Companies reported repeatedly that the transactions covered were only illustrative and thus understated the total number of transactions of this type.

[2] Of these totals, 13 transactions totaling $24 million were identified as medium term and an additional 6 transactions totaling $3.4 million probably were medium term.

[1] Two additional companies informed MAPI that orders had been diverted to foreign affiliates but their data had not been received when this memorandum was prepared. Several additional companies reported that, because of the nature of their products (e.g., components and/or small dollar value), export financing is not a significant factor in sales. Others indicated that they had no occasion during 1981 to divert sales to foreign affiliates.

supported inquiries over to our joint venture [in Europe]. . . . This has happened numerous times in 1981, but is it impossible for me to review all the files for the year in an attempt to answer the questions posed. . . . [F]inancing may not be the exclusive reason for the shift, although it is often the only reason. . . . . Proposals are too expensive to go through the process [of exploring Eximbank financing] in an effort to merely test what element of our U.S. financing is noncompetitive. Just the accepted view of noncompetitiveness is often enough to send the job to the alternate source."

". . . I have not had the opportunity of reviewing all our quotes of 1981 but the following jobs come to mind as being jobs we normally would have sourced from the U.S., but had to source elsewhere due to finance. . . . I am sure I could come up with more that we did not even try to source from the U.S. due to lack of competitive U.S. credits. Smaller projects also [are] not reviewed."

Orders lost, or not bid on, because of lack of competitive export financing: Data.—Nine companies volunteered that they had lost, or not bid on, projects with an export value of some $4.3 billion:

About $1.5 billion of the $4.3 billion represented orders lost in head-to-head competition and $2.8 billion represented potential business on which the U.S. firms did not bid.

The potential business was located principally in the Far East (29 percent) and Latin America (28 percent), but substantial amounts also were reported for Africa, the Middle East, and Western Europe.

Of the $3.7 billion in projects which had been awarded to foreign competitors, competitors in Japan had won 52 percent of the total and United Kingdom competitors had won 24 percent.

Since the companies queried were not asked to provide information on orders lost to unrelated parties, the data above does not include the experience of all the companies surveyed.

Comments of respondents.—The following comments concerning the international financing scene were received from responding companies:

". . . No matter how good our prices or delivery and technology may be, the financing is the tail that wags the dog."

". . . [R]ecent government policy regarding funding of the Export-Import Bank discourages exports. It is practically impossible to compete on major projects internationally with some of our more aggressive competitors from Japan, France, Germany, Great Britain, and even smaller countries such as Belgium and Holland."

"We had, sometime ago, established that we will proceed with an office in Singapore to cover Southeast Asia and particularly the market in Indonesia. . . . (Our company) had done substantial business (in that area) until approximately 1970 when all business for the U.S.A. was shut off because other countries were willing to include the needed equipment under concessionary financing terms, and we had no such opportunity. No business has been received for this equipment since that time. [After our recent efforts to get Eximbank support], the Indonesian Government advised that our proposal with Eximbank support would not be acceptable under present conditions. This means in their view that the Eximbank money was not competitive, and consequently, [our company] has little opportunity at present to participate in that market. . . . In essence, we can expand our markets in the Far East, but we need reasonably competitive financing to do it."

"(The Office of Management and Budget) neglects to take into consideration the 'additionality' that export financing of projects creates with ongoing spare and repair parts orders for many years for which export credits are not required. Although our inquiry level was high, we sold only one project in 1981. Our repair and spare parts orders from foreign customers maintained our business. . . ."

Loss of business in the United States because of financing: As noted, three companies volunteered information concerning the loss, or prospective loss, of orders to customers in the United States because of the more favorable terms of financing from abroad. The following transactions were reported by three firms:

One firm reported three transactions totaling $55 million had been sourced from affiliates in Japan and Western Europe because of lower cost financing there. The orders could have been placed in the company's U.S. plants.

A second firm reported that its United Kingdom affiliate is negotiating on three projects in the United States, with a total value of about $39 million, because of the lower interest rate and longer maturities available from the United Kingdom.

Two of the companies reported orders lost in the United States totaling $66 million to unaffiliated companies in Western Europe because of more attractive financing available there.

Two additional companies volunteered that in recent months they have begun encountering foreign competition, from Japan and Western Europe, offering financing well below the cost of financing available to U.S. customers.

As in the case of data concerning sales lost to unrelated parties in third markets, since companies were not asked to provide information concerning sales lost in the United States the data provided does not include the experience of all of the companies surveyed.

MAPI COMMENT CONCERNING THE SURVEY RESULTS

Companies surveyed and relation of MAPI data to other recent published reports of lost sales: The following observation should be made concerning the characteristics of respondents to our survey and the relation of the MAPI data to other recently published reports concerning orders lost due to uncompetitive export financing:

Respondents to the survey include a wide range of producers of machinery and allied products but do not include manufacturers of aircraft or nuclear equipment. Since the latter two industries, while large exporters, do not generally manufacture abroad, information was not requested from them. Our sampling was limited to a modest portion of the MAPI membership which is active internationally through foreign Affiliates (including subsidiaries) so that the results could be compiled and provided to government as early as possible. It also should be noted that companies reported on transactions lost (or not bid on) only during 1981.

The survey results include very little "overlap" with the $2.9 billion in orders lost or in jeopardy cited recently by the Coalition for Employment Through Exports. There is no overlap with respect to the companies covered concerning orders diverted to foreign affiliates and an overlap of only some $290 million in the data provided to us by companies concerning sales lost to unrelated companies or projects not bid on.

The survey results do not include any of the cases cited by Senator John Heinz in his December 18, 1981 letter to President Reagan which has been widely publicized. Senator Heinz cited orders lost or in jeopardy totaling over $119 million.

Comment concerning data on sales diverted to foreign affiliates: The following comments apply to the data we received concerning exports diverted to foreign affiliates:

The results understate the exports "lost" to affiliates by the reporting companies. Some respondents stated that the data reported to us did not represent an exhaustive search. As the company commentary accompanying the data suggests, passing the order lead to foreign affiliates when U.S. export financing is not adequate has become routine in some cases. Beyond this, we have noted that companies tend to "write off" from sourcing in the United States certain markets and projects for which they know competitive U.S. export financing will not be available and devote their U.S. resources to gaining sales in more promising areas. Unfortunately, companies generally do not keep a tally of orders that might have been won if adequate financing had been available and the business had been pursued from the United States. Because of the unavailability of competitive U.S. export financing in many instances, companies routinely defer to their foreign affiliates or, when they do not have this option, decline to undertake the expense of preparing a bid.

To illustrate this point, let's take the case of South Africa which has been denied Eximbank direct loans for many years and guarantees for several years. It is our belief that, because of the lack of Eximbank financing, major projects for this market are handled by foreign affiliates and the U.S. companies which do not have such affiliates expend their efforts on other, more promising markets. However, the respondents to our survey reported *no* instances of sales diverted to affiliates for projects in South Africa. It is our understanding that virtually all of the equipment for the major expansion of the SASOL coal gasification project is being supplied from Western Europe and Japan, and it is likely that affiliates of U.S. companies participated in those transactions. And there no doubt are other major projects involving direct loans which were undertaken in South Africa last year. We do not believe that the responses we received mean that no sales were lost in South Africa; the U.S. companies simply did not pursue major project sales there, and, consequently, projects in that country do not figure in company records as sales that were lost.

For that same reason, the tally of sales lost to communist countries also seems low to us. While transactions with communist countries by U.S. firms' foreign affiliates may have been limited by other reasons (e.g., U.S. export controls, selection of non-U.S.-affiliated sources by communist purchasing authorities, etc.), in many instances U.S. export financing simply was not available (for statutory or other reasons) or European and/or Japanese financing was more favorable.

Much of the business diverted to affiliates (as well as the orders lost to unaffiliated companies) may not return to the United States when and if more competitive export credit is available here. In some cases the company may elect to centralize production

of certain items—particularly those requiring extended financing terms—in countries where there is the prospect of more consistent export financing support than in the United States. In other cases, particularly those involving highly engineered projects and equipment, because the availability of financing has enabled a foreign affiliate to gain more recent project experience and to apply the most recent technology, the foreign affiliate may become the preferred source of international customers.

Comment concerning other data received: MAPI received unsolicited information from several companies concerning (1) sales lost to foreign unrelated competitors, and projects not bid on, because of lack of competitive export financing, and (2) sales lost in the United States to related and unrelated foreign firms.

The following observations should be made concerning the data received:

Since MAPI did not pose questions concerning orders lost (or not bid on) abroad to unrelated firms or orders lost in the United States, the data supplied may understate by a considerable amount the volume of orders lost, or not bid on, by the 39 companies queried.

Although, for the reason just stated, the totals supplied may understate the amount of business lost or not bid on, we should point out some caveats. Our analysis of the responses received does not reflect (1) which of the projects that respondents reported they had not bid on—and which had not been awarded—possibly might be won by other U.S. firms or (2) what proportion of the projects which were not bid on might reasonably be expected to be awarded to U.S. firms.

With respect to (1) above, because of the substantial engineering and other expense associated with preparing and submitting a bid, companies necessarily must be selective in the projects on which they will bid. Although competitive export financing is crucial for most major projects, there may have been occasions when one U.S. firm bid on a project passed up by another because of the possibility that it might win despite an export financing disadvantage (e.g., the customer's existing facility was supplied by the bidding U.S. firm). With respect to (2) above, even with competitive export financing, U.S. firms would not of course have won all the projects on which they did not bid. The proportion they might have won is impossible to calculate.

Even with these caveats, it is clear that U.S. firms are losing, and passing up opportunities to bid on, substantial amounts of foreign business because of the lack of adequate export financing. With the current high value of the dollar, this is of course a disadvantage that cannot be offset by price.

The instances reported of business lost in the United States, with more losses in prospect, illustrate the competitive distortions which can be produced by the present disparities in interest rates (and, frequently, other terms) offered by government-supported export credit facilities and those prevailing in domestic markets. While the minimum interest rates established pursuant to the international Arrangement on Guidelines for Officially Supported Export Credits were increased last November, they are still below domestic market rates in the United States and in most competitor nations.

While we have no reason to believe that the foreign offers were sufficiently low to trigger the "predatory financing" provisions of the Export-Import Bank Act, they do point to an additional cost of the high interest rates prevailing in the United States and, in certain cases, the heavily subsidized interest rates offered by major competitors.

CONCLUSION

The data provided indicate that, primarily for reasons of export financing, a number of companies representing a wide range of capital goods and related equipment are diverting to foreign affiliates orders destined for third markets. Less complete data also indicate that substantial amounts of foreign business are being lost to foreign unrelated competitors and that companies are increasingly losing business in the United States to foreign firms because of the cost of domestic financing.

While the Administration argues that its policies will eventually improve the competitive position of U.S. industry, the high cost of domestic funds and the shortfalls in Export-Import Bank direct lending support clearly are causing a substantial volume of orders to be lost currently. For the industries represented by MAPI in particular, orders lost currently also result in substantial losses of future business. Many orders for "big ticket" items, such as capital goods, are placed at infrequent intervals—in many cases at intervals of several years, or even a decade. When the initial order is lost to a foreign competitor, the latter obtains the substantial business in repair parts and spares which follows for a number of years and also is more likely to be the favored supplier when there are additions to capacity. It is noteworthy that shipments of parts, which over a period of years tend to equal the dollar volume of the original equipment, do not normally require government-supported financing.

Mr. HEINZ. Mr. President, I yield the floor. 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. MATHIAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

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

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

REMEMBRANCE OF THE HOLOCAUST

Mr. MATHIAS. Mr. President, 2 years ago on the Day of Remembrance of the Holocaust, I had the honor of speaking at the Beth Sholom Synagogue in Frederick, Md. That observance, among my friends and neighbors, had a special significance for me. I searched my soul for words adequate to express all that I feel about the Holocaust and the lessons it holds for humanity.

I did not entirely succeed in that endeavor—indeed, who could?—but I did manage to distill into those remarks much of what I feel. As we observe this Day of Remembrance, I ask unanimous consent that my remarks on that earlier occasion be printed in the RECORD.

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

"AND IF I FORGET, THE GRASS WILL FORGET"

I was deeply honored to be asked to take part in this ecumenical observance "In Remembrance of the Holocaust".

Last year at this time, I participated in the National Civic Holocaust Ceremony led by President Carter and Vice President Mondale. It was held in the Rotunda of the United States Capitol—thick with memories of our own great martyrs—and it was a very moving occasion.

But this observance today—among friends and neighbors, in the town where I was born and where I lived for so many years, means more to me than that or any other observance ever could.

The peaceful hills of Western Maryland are far removed in spirit and in space from the towns and cities of Europe that gave up their victims to the Holocaust. Here in this comfortable, sheltered place, the unspeakable horror of the Holocaust is remote almost to the point of abstraction. How can we conceive the inconceivable?

But that is precisely why this observance is so important for us. It summons us to face the harshest reality of our time—to acknowledge our common humanity with the victims of the Holocaust and with the poor, the oppressed, the persecuted, the martyred of the world. It reminds each of us that we are and we must be "involved in mankind". It illustrates the powerful message of John Donne:

"No man is an island, entire of itself; every man is a piece of the continent, a part of the main; if a clod be washed away by the sea, Europe is the less. . . .

"Any man's death diminished me, because I am involved in mankind; and therefore never send to know for whom the bell tolls; it tolls for thee."

The six million Jews and five million non-Jews whom we remember here today—the victims of the Nazi Holocaust—must never be forgotten. The men, women and children killed at Dachau, at Auschwitz, at Buchenwald, at Treblinka, at Babi-Yar, and in the ghettos that disfigured Europe's face, must live in the ancestral memory of mankind.

In remembering them, we remind ourselves of the terrible cost to humanity when any of us—from fear or viciousness or simple lack of caring—forgets that any man's fate is every man's fate.

The purpose of the Joint Resolution of the Congress, designating April 13 through 19 as "Days of Remembrance for Victims of the Holocaust", was to make this lesson clear. It calls upon the American people to "always remember the terrible atrocities of the Nazis so that they will never be repeated".

But memory is a fragile thing. Memories do fade; lessons once learned can be forgotten. Memories can also be encouraged to be selective, or they can be erased entirely.

On this aspect of the Holocaust, I can speak from personal experience.

Two years ago—in December 1978—I traveled to the Soviet Union to open America's "Agriculture-USA" exhibit in the city of Kishinev in Moldavia. That city was the scene of bitter pogroms in the days of the Czars, but my story doesn't deal with ancient atrocities. It concerns our own troubled times.

On my way back to Moscow from Moldavia, I stopped briefly in Kiev to lay a wreath at Babi-Yar, in memory of the hundreds of thousands of Jews who were massacred there by the Nazis when they occupied the Ukraine.

It was a humbling and moving experience to stand at the edge of that fatal ravine, under a bleak winter sky, and pay my respects to the Jewish dead.

The ravine's harsh, tragic outlines are softened now by landscaping and the scene, after years of official neglect, is dominated by a powerful monument. But not a single word in the inscription on that monument tells you that it was Jews who were massacred there—that it is Jews who lie in the mass grave at Babi-Yar.

The omission is significant. It is not accidental. Its implications are sinister.

Elsewhere in the world the memory of the Holocaust is kept alive so that successive generations may learn its lesson: That man's fate is in this own hands—that by remembering the past, we may shape a better future.

In Warsaw that lesson is illuminated by the memorial to the heroes of the Ghetto uprising, which I have visited. But nowhere is it clearer than at the Shrine of the Martyrs and Heroes in Jerusalem—at Yad Vashem.

My visit to the Shrine of the Martyrs, on the Mount of Remembrance on the outskirts of Jerusalem, was one of the most affecting experiences of my life. I went to the shrine in the company of Gideon Hauser, the Israeli Minister of Justice who prosecuted Adolf Eichmann for his crimes against humanity. That added a very special dimension to the experience. Together we explored those dark passages with their terrible graphic documentation of the Holocaust. And, finally, we came into the light, into that great open space where the eternal flame burns and where I placed a wreath.

At Yad Vashem, man's past and man's future meet. It is not only a monument to those killed in the Holocaust and to those who risked their lives to save Jews from the Holocaust, it is also a symbol of the State of Israel, which traces its roots to a people's striving for a better, more secure future.

Whether that future will be better, not only for Israel but for all mankind, depends on us. It depends on our keeping the memory of the past alive. But it depends on far more than that. It depends on the individual determination of each of us that man's inhumanity to man will not be tolerated.

This means that we cannot remain silent about the torture chambers of an Idi Amin or the mounds of bleached bones in Cambodia or about the hundreds of thousands of people on this earth who die of starvation every single year, far from the rich fields of Frederick, or about crosses burned on suburban Maryland lawns.

It means we cannot be indifferent to any man's fate.

And, most especially, it means we cannot ignore the fate of those who risk their lives to speak out against tyranny.

We cannot ignore the fate of Andrei Sakharov, Elena Bonner, Anatoly Shcharansky, Vladimir Slepak, Igor Guberman, Dimitri Dudko, and the hundreds of others who defend human rights in the Soviet Union.

Today, as we remember the victims of the Holocaust, let us also remember the millions of victims claimed by the Gulag Archipelago, to whom no monuments are raised.

Varlam Shalamov, who spent 17 years in a Soviet forced labor camp at Kolyma in the Artic, writes about suddenly coming upon a mass grave. "With my exhausted tormented mind" he says:

"I tried to understand: how did there come to be such an enormous grave in this area?. . .

"And then I remembered the greedy blaze of the fireweed, the furious blossoming of the taiga in the late summer when it tried to conceal in the grass and foliage any deed of man—good or bad."

Shalamov, confronted by this mass grave half hidden in foliage, understands instinctively the great truth that brings us together here today.

I would like to conclude my remarks with his words—words which to this day cannot be published in the Soviet Union:

"And if I forget, the grass will forget . . ."

HOLOCAUST DAY

Mr. DODD. Mr. President, when one considers the series of the most brutal mass killings that have blotted 20th century history, it is difficult to accept the proposition that, having arrived to the age of modernity, mankind left behind the age of barbarianism.

Today we commemorate the deepest abyss of inhumanity in modern age, the Holocaust. Hitlerism took its victims from many races and nationalities and anybody who diverged from the Nazi ideal of the "ubermensch" was potentially targeted for being killed. The Jewish people, however, were singled out for total extermination. The mere fact of being Jewish was a death sentence for men and women, old and young. The modern age provided no mercy for these unfortunate people; it simply made the mass killing much more organized, effective, and faceless.

Still, our age differs in one respect from the dark ages. Mankind is not indifferent anymore to the extermination of whole peoples, ethnic, religious, or racial groups. We are united in our determination to prevent any future holocausts against the Jewish people or any other people or group. There is an instrument for the expression of such determination on behalf of the American people, the Genocide Convention.

On Holocaust Day I join all people of good will in remembering with deep sorrow and shame all those whose life was so cruelly extinguished. At the same time, I call upon my colleagues to declare our will to take a step to prevent future holocausts by ratifying the Genocide Convention.

SAVE THE CHILDREN

Mr. MATHIAS. Mr. President, all too often here in the Senate, we find ourselves talking about children—children's needs, children's rights—without ever thinking of hearing from the children themselves. I am deeply grateful to Save the Children, an organization which, on the occasion of its 50th anniversary, is giving us a historic opportunity to hear the testimony of our young people on the issues of vital concern to the world's young people.

Since its founding in 1932 to aid the depression-struck hill people of Appalachia, Save the Children has been a leader in the creation and implementation of locally appropriate self-help strategies aimed at giving communities the assistance they need to end the vicious cycle of poverty and hopelessness.

These programs now span five continents. From the hills of Appalachia to the American Indian reservations, from inner-city ghettos to the rural southlands, from the deserts of Somalia to the jungles of Southeast Asia, Save the Children workers are helping to build a better future for those who will inhabit it—the children.

I believe that Save the Children's approach to the problems of people and their communities can serve as a useful lesson for all of us. That approach is based on the fundamental observation that all human beings, no matter how difficult their circumstances, can make a difference in improving the quality of their own lives. Of course, much help is often needed. But always, the first step in providing that help is to listen—to discover what the people themselves see as their needs—to find out what they aspire to. Only by doing this essential listening can we form the working partnerships required to achieve our mutual objectives in a way that creates sustainable improvement in the quality of life while fostering self-sufficiency and human dignity.

In order to drive that message home, Save the Children is bringing it to life here in the Senate. On Thursday, May 6, at 10 a.m., delegates between the ages of 9 and 12 from each of the 50 States will present testimony at a special hearing before the International Economic Policy Subcommittee. The hearing is titled "Concerns of the World's Children From the Perspective of U.S. Children: Save the Children Week, 1982," and will be held in room 1202, Dirksen Senate Office Building.

I welcome the participation of any Senator who would like to be a part of this unique and significant event.

OBSERVANCE OF THE HOLOCAUST

Mr. BAKER. Mr. President, today, the entire world joins in the observance of the Days of Remembrance of the Victims of the Holocaust. Several hours ago, the U.S. Holocaust Memorial Council paid tribute to the millions who perished with a moving ceremony in the Capitol rotunda.

We shall never forget, Mr. President; we shall never let future generations forget, the genocide and the horror which engulfed millions of Jews just 40 years ago. It was, and still is, a global nightmare which will forever serve as a warning of the modern atrocities which contemporary man can unfortunately create.

My good friend and colleague, the distinguished majority whip, Senator STEVENS, addressed the remembrance ceremonies today, and I ask unanimous consent that the text of his remarks be printed in the RECORD.

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

REMARKS BY SENATOR TED STEVENS

We gather today in remembrance of the six million Jews and others who died in the Holocaust—a catastrophic event unparalleled in the course of human history. Six million Jews went to their deaths in ovens and gas chambers or were worked to death in the concentration camps scattered throughout Eastern Europe. Two out of every three European Jews died—one-third of the World's Jewish population. Those camps were so unimaginably gruesome that even children and grandchildren of those who survived bear psychological scars. Those who survived live not only with the physical and psychological scars, but with the fear that it could happen again. The Jewish faith stresses remembrance—zakhor. Jews are admonished in the Torah to "remember Amalek" and along with Amalek, Haman, Titus and others who plotted the destruction of the Jewish people throughout the ages.

We remember the Holocaust today to demand that history not repeat itself. All generations must know of those horrors. If they do not know, they will not learn the lessons history offers. History demonstrates that the world cannot remain indifferent to human misery and suffering. In Elie Wiesel's book, "The Town Beyond the Wall," a survivor of Auschwitz says there is only one thing he has wanted to understand since the war—how a human being can remain indifferent.

Today we join together with firm resolve that this nation will not remain indifferent to human misery and suffering wherever we may find it.

AYN RAND'S PHILOSOPHY MERITS MORE RECOGNITION

Mr. SYMMS. Mr. President, the recent deaths of two well-known individuals received very different treatment by the media. While excessive time and space was devoted to sentimental eulogies of actor John Belushi, who lived and died by a pointless, self-destructive philosophy, the death of one of America's greatest writers, Ayn Rand, whose life was devoted to teaching heroic and constructive values, went almost unnoticed.

The irony and injustice of this contrast was brought to my attention by Sandra Tewalt, a hard-working member of my staff in Coeur d'Alene Idaho, who has a very talented and creative way with words. She has written a very thoughtful, well-deserved tribute to Ayn Rand and her philosophy of individual human development which the Idaho Statesman, the largest daily newspaper in my State, recently published as a guest opinion article. I ask unanimous consent to insert Sandra's article in the RECORD, and urge my colleagues to read and reflect upon this inspirational message.

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

[From the Idaho Statesman, Mar. 27, 1982]

GUEST OPINION—AYN RAND'S PHILOSOPHY MERITS MORE RECOGNITION

(By Sandra Tewalt)

"Who is John Galt?" is perhaps the most famous single sentence of the writings of Ayn Rand.

Yet most people probably would respond to the above statement by asking, "Who Is Ayn Rand?" Which gives rise to my belief that Rand may have been right about almost everything she said about the state of our present society.

Our media went into sentimental overdrive when movie actor John Belushi died recently. Yet hardly a word was whispered about the death of one of America's greatest authors, Ayn Rand.

Perhaps we are "morally bankrupt," as Rand would say.

Rand's gifts to society are immortal. Indeed, they carried to completion and beyond the beginnings made by Aristotle in his attempt to create a rational philosophy by which men could live.

That her passing should go unnoticed while a self-destructive slob like Belushi warrants endless sympathy and attention merely because he completed the course of his pointless philosophy—hurling himself into oblivion—is frightening in its significance.

John Galt, the hero of the novel *Atlas Shrugged*, was Rand's personification of the genius of a free man—a leader who offered all others the freedom that rational and ethical thinking can produce. His attempts to warn others only resulted in dismissal with the statement, "Who Is John Galt?"

I am sure that most mediacrats and sophists of our day would hasten to bury Rand with the same dismissal, because she says what they don't want to admit—they are largely irrational.

America was held by Rand as the highest symbol of social development (but she knew it was plagued by contradictions and enemies of freedom.) She escaped Russia before Stalin's series of purges. She believed that in the United States one could rise to the highest abilities within himself and obtain the greatest degree of privacy.

She lived up to her own ideals and values by producing some of the most magnificent and inspirational works written about the worth of the human spirit. When an individual measured up to his highest potential, in creative terms, she recognized the quality of heroism.

That heroic and productive actions were to be rewarded and applauded was articulated in every book she wrote. She knew that to avoid the despair caused by the irrational acts of most people, we had to see others succeeding so that we had a shining example to give us hope and inspiration.

Her writings are entertaining in the truest sense. They consistently support creative actions and consistently deny destructive actions and thinking. This led critics to allude to "cardboard characters" and "simplistic thinking." It merely meant that her self-discipline as a writer allowed her to follow a premise about human action to its logical conclusion. She believed what we hold as values leads us on the paths we follow.

Values were to be established on the basis of what enhanced life—what was necessary for life in the highest ethical and practical sense. The human mind, being the only tool dependable for human survival, was held sacred and inviolate by Rand. No one should force another's mind for any purpose—by the use of fear, coercion, fraud or mysticism. Rational thought was essential for survival.

How far we have strayed from this ideal is clear when people mumble about the "tragedy" of Belushi's self-destruction and remain oblivious to the passing of someone who believed that each of us has the germ of greatness lying dormant, waiting to be nurtured by a motivating force—the rational, consistent values that produce creative actions.

ZIMBABWE

Mr. THURMOND. Mr. President, there has been much talk about the inroads that tyranny has been making at the expense of freedom around the world.

An article by respected Syndicated Columnist M. Stanton Evans in the April 17, 1982 issue of the newspaper Human Events reflects my thinking regarding the advent of tyranny in Zimbabwe, the African country which was formerly Rhodesia. The column is primarily effective in underscoring that Zimbabwe Prime Minister Robert Mugabe is no "moderate" devoted to Western-style democracy. Mugabe has even, on the flimsiest of charges, imprisoned a Member of Parliament who disagrees with the increasingly leftist oriented policies of the regime.

Mr. President, in order to share Mr. Evans' excellent insights and tragic reporting of events in Zimbabwe that many of us predicted would happen, I ask unanimous consent that this viewpoint be printed in the RECORD.

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

MUGABE CONSTRUCTING POLICE STATE IN ZIMBABWE

(By M. Stanton Evans)

Zimbabwean Prime Minister Robert Mugabe, acclaimed in the West for "moderation" since he came to power in 1980, is rapidly converting his country into a police state.

Such was the accusation leveled in Washington last week by Denis Walker, a member of the Zimbabwean parliament and cabinet minister for four successive governments in his homeland. Walker, a member of the Ian Smith-led Republican Front party, is also the only white member of the present parliament to serve as chairman of key committees.

A year ago, Walker was traveling abroad to promote Mugabe's government. Now he is traveling for a different reason. Mugabe, he says, is on "a path to oppression and dicta-

torial rule," governing through emergency powers, silencing political opposition, and moving physically against dissenters from his policies. "If Mugabe is not stopped now," says Walker, "we will soon share the fate of other nations who have fallen into the hands of ruthless tyrants."

The most dramatic of Walker's charges concern the arrest, detention and asserted torture of another white member of parliament, Wallace Stuttaford. The allegation against Stuttaford, which Walker says is flatly untrue, is that he was plotting a coup against Mugabe. Formal charges have not been lodged. Stuttaford has been detained since Dec. 10, 1981, and was held for over a month before he saw a lawyer.

Walker has a statement smuggled out by Stuttaford alleging torture by government agents. Stuttaford describes being handcuffed, having the handcuffs tightened and twisted until his wrists were cut and the flow of blood to his hands cut off, having sticks inserted between his fingers, etc.

Following Stuttaford's arrest, Walker himself was warned that he was wanted "for questioning" by Mugabe's operatives. Despite this, he returned from a foreign holiday to Zimbabwe, appeared in parliament and met with his constituents. Only when he became convinced the problem could not be solved from within, he says, did he take his story to the United Kingdom, America and other Western nations.

Stuttaford is one of 14 whites under arrest by Mugabe on political charges. In addition, according to Walker, "an unknown number of blacks and black MPs" are also being held. (Moves against Joshua Nkomo, Mugabe's principal rival among revolutionary leaders during the guerrilla war, have recently received publicity in this country.) Other developments noted by Walker include the following:

An open declaration by Mugabe that he intends to make Zimbabwe a one-party state—in contravention of the agreement under which he came to power, but in full accord with the handling of Stuttaford, detention of other political opponents, and the threats against Walker himself.

A complete takeover by the Mugabe government of the Zimbabwean press and the banning of political meetings in the country—also in violation of the Lancaster House agreement under which Mugabe was elected.

The confiscation of private property without due process or compensation, and the opening of private mail without permission of the recipient—again in violation of the alleged guarantees through which Mugabe came to office.

All of this, unfortunately, is in keeping with Mugabe's background and utterances when he was leading his sector of the guerrilla war from neighboring Mozambique. Statements of his faction at the time were redolent with Marxism, and he was strongly aided by foreign Marxist governments. The actions described by Walker are totally congruent with that history.

For some strange reason, commentators in this country who used to be concerned about political freedom in Zimbabwe when it was called Rhodesia show little interest in Mugabe's current actions. Spokesmen in Congress and the media were quick to condemn Ian Smith and Mugabe's pro-Western black predecessor, Abel Muzorewa, but the Marxist Mugabe seems exempt from any such criticism.

The contrast was forcibly brought home to me by a trip to Zimbabwe-Rhodesia three years ago as an observer of the Muzorewa election. When I returned to testify before a congressional subcommittee chaired by Rep. Stephen Solarz (D.-N.Y.), I was subjected to minute questioning about the alleged unfairness of that election (almost all observers agreed it was quite fair). Yet when Mugabe was elected a year later, Solarz had no such questions to ask of State Department witnesses—despite credible charges of strong-arm tactics by Mugabe.

The present drift of things in Zimbabwe, and indifference concerning it in the United States, looks all too distressingly like more of the same.

GUN CONTROL

Mr. SYMMS. Mr. President, in a world where reason is replaced by irrationality and where commonsense is often in short supply, it is refreshing to have individuals raise their voices to challenge the popular conventional wisdom of the day.

Such was recently done by D.C. City Council Member H. R. Crawford and D.C. Police Chief Maurice Turner, who have spoken out against the sacred cow of the District's 5-year-old gun control law.

Chief Turner, faced with the harsh reality of day-to-day street crime, states that such laws are ineffective in accomplishing their stated purpose:

What has the gun control law done to keep criminals from getting guns? Absolutely nothing. City residents ought to have the opportunity to have a handgun and to legally use it in their homes.

D.C. City Council Member H. R. Crawford agrees: "It is time we take a look at what is going on in our city realistically—you would be a damn fool to sit in your business or in your home and let somebody violate you." Chief Turner and Councilman Crawford realize that crime is not caused by inanimate objects but by those often involved in criminal enterprises such as illegal drugs, prostitution, and stolen goods, and who have consciously chosen to commit criminal acts.

Though both Turner and Crawford will be criticized for their call to allow law-abiding citizens to "legitimately arm themselves to protect their businesses and their persons," there is beginning to appear a grudging acceptance of the fact that an armed citizenry is its own best protection against crime.

Realizing that the traditional concept of police protection is not always adequate to protect the individual against crime and violence, even gun control advocates support the setting up of special police teams armed with shotguns to stake out high robbery risk establishments. Further, even gun control advocates seek to have off-duty police officers allowed to work as part-time security guards for private businesses.

Such is tacit recognition that armed individuals, whether police or armed citizens, can deter crime here in the District.

Laws and ordinances which forbid law-abiding citizens the right to own and possess firearms serve no legitimate purpose. It is reassuring that, over time, people abandon the "siren song" of gun control and return to seeking more realistic ways of preventing crime and violence.

Mr. President, I ask unanimous consent to have printed in the RECORD, for the benefit of my colleagues, the article entitled "Chief Backs Handgun Ownership."

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

[From the Washington Post, Apr. 10, 1982]

CHIEF BACKS HANDGUN OWNERSHIP, CRITICIZES CURRENT D.C. LAW

(By Edward D. Sargent)

D.C. Police Chief Maurice T. Turner said yesterday that he supports a recent proposal to temporarily lift the city's freeze on handguns to permit residents who illegally possess guns to register them for use as self-protection in their homes.

In a statement that put him at odds with his boss, Mayor Marion Barry, Turner criticized the city's 5-year-old gun control law, one of the toughest in the nation, as ineffective.

"What has the gun control law done to keep criminals from getting guns? Absolutely nothing," Turner said. He said city residents "ought to have the opportunity to have a handgun and to legally use it in their homes.

"If someone was breaking into your house, wouldn't you want a gun to protect yourself?" the chief said.

Earlier this week, D.C. council member H.R. Crawford (D-Ward 7), citing the rising crime rate in Washington, proposed that the gun freeze be lifted to permit additional pistols to be registered by the end of the year. Crawford said his purpose was to permit those "who have not been able to legitimately arm themselves to protect their businesses and their persons."

Turner said yesterday that he would oppose permitting city store owners to have handguns. "It is already legal for them to own shotguns and rifles," he said.

The gun control law, which took effect in 1977, required the registration of all currently owned handguns, rifles and shotguns. In an effort to freeze the number of legal handguns in the city, it also banned the sale or possession of additional handguns by private citizens and required residents to keep pistols unloaded and inoperable.

Since it took effect, the overall number of handgun-related deaths in Washington has declined, according to a study released in 1980.

As a nominee for police chief last June, Turner criticized the gun law as ineffective and said citizens should be allowed to register and own handguns if they wish. Yesterday, as chief, he reiterated those points, acknowledging that his own views on the subject differ from those of the mayor, who nominated him.

"I believe a person has a right to buy and own a gun. But I think it should be registered. The mayor believes that you shouldn't [own a gun]. But you ought to talk to him about that," Turner said.

Barry, like Turner, has said publicly that the gun control law has not stopped the proliferation of guns in the city. In late 1980, Barry proposed that all those who kept illegal guns in their homes for protection turn them in to police, "no questions asked," and install alarm systems instead.

Yesterday, Barry's press secretary said that the mayor does not believe that the difference of opinion between him and his police chief hinders law enforcement in the city.

"Both men are committed to enforcing all laws passed by the council, approved by the mayor and approved by Congress. The mayor recognizes that we all have our freedom of thoughts and beliefs," said Annette Samuels.

"He cannot demand that a person change his personal beliefs," Samuels said. "He can command that he carry on his job, and the mayor is satisfied that Chief Turner will do that."

In support of his argument that gun control is ineffective, Turner said yesterday that less than 1 percent of the estimated 2,800 handguns confiscated by city police each year are registered.

Samuels said Barry has neither read nor taken a stand on Crawford's proposal, noting, however, that "up to this point, he has opposed any changes in the gun control law."

"The mayor doesn't think the gun control law is effective because surrounding jurisdictions do not have similar strong laws against handguns," she said, but he supports the law because "he wants his city to be as safe as possible."

Turner expressed support for the Crawford proposal in response to reporters' questions at a press conference scheduled to present the city's monthly crime statistics for February.

On average, major reported crime in Washington increased 8 percent last February compared to February 1981 and 30 percent compared to February 1980.

The largest crime increase was in rapes, which went up 43 percent, from 21 in February 1981 to 30 rapes last February. Larcenies were up 18 percent, auto thefts up 16 percent and robberies up 2 percent.

Aggravated assaults decreased 14 percent, homicides dropped 5 percent and burglaries declined 2 percent, police said.

The biggest drop in overall crime occurred in the 1st District, which includes parts of downtown, Capitol Hill and Southwest. The biggest increases were 23 percent in the 2nd District (which largely covers Northwest Washington west of Rock Creek Park), and 15 percent in the 3rd District (which covers most of the inner-city area of Northwest Washington, including the 14th Street strip and many major drug-dealing corridors).

Turner blamed much of the increase on drug-dependent criminals who steal to support their addiction. Overall, crime during the first two months of 1982 is up 2 percent over the same period a year earlier, Turner reported.

THE CLOSING OF THE BUNKER HILL MINING CO. AT KELLOGG, IDAHO

Mr. SYMMS. Mr. President, as the Congress begins work on the Federal budget and attempts to bring down the huge deficit projected for fiscal year 1983, it is vitally important, I believe, to bear in mind that the futures of businesses, workers, and their families are directly impacted by the billion-dollar figures that we in Congress must manipulate as part of the budgeting process.

I have never been so sharply reminded of this responsibility, Mr. President, as I was on August 24, 1981, when the Bunker Hill Mining Co. at Kellogg, Idaho, was forced to close.

A number of factors evidently went into the decision—depressed metals prices, rising costs of production, high interest rates, and a slumping economy. Whatever the cause, the end result was the demise of this Nation's largest nonferrous smelter for lead and zinc, the loss of more than 2,100 jobs, and an unemployment rate in Kellogg which some estimates place at 30 percent.

Unless Congress musters the courage to bring Federal spending in line with limited revenues, we can expect interest rates to climb even higher and more businesses like Bunker Hill to go under. The spread of business failures and joblessness in this country is just one result of deficit spending, but is undoubtedly the most severe.

As workers are laid off in Flint, Mich.; Cleveland, Ohio; New York City; Birmingham, Ala., and in other large and small cities across the country, I urge every Member of Congress not to fool himself or herself into thinking that their States or districts are immune. The economic situation facing this country is rooted in years of wasteful Government spending, and it is going to take some tough, sensible penny pinching to bring us back to prosperity.

The current economic recession is taking its toll, but I am optimistic about the new direction in which we are heading since President Reagan entered office. Members of Congress, who once thought our Nation's problems were best eliminated by throwing money on the fire, are now calling for a balanced budget. American families and workers realize now, more than ever, that the free enterprise system and private sector growth are directly linked to their jobs and standard of living. In place of management-labor disputes, we are finding businessmen and workers banding together for mutual support.

Unfortunately, the roots of destruction at Bunker Hill had taken hold before these phenomena could really help. In January, a group of investors announced their intentions to buy the Bunker Hill Co. if costs could be kept to a minimum and there was some hope of breaking even within 5 years. They secured reduced contracts from vendors and asked the workers at Bunker Hill Co. to accept a 25-percent reduction in pay. The workers voted and agreed, but Lloyd McBride, chairman of the International Steelworkers Union headquartered in Pittsburgh, refused to honor their decision. Ultimately, the entire purchase proposal collapsed.

Bunker Hill waits for a new buyer, but the prospects are dim. North Idaho suffered an extremely cold winter which froze the water pipes and caused considerable damage to the roof of the Kellogg mine. The last word I received was that salvage crews had moved in to clean up the debris.

The tragedy of Bunker Hill is a painful example of the impact business failures are having on communities across the Nation. It is a story from which we can learn many things—the importance of restoring our economy, the ways our population may spread and change, and the way life in the United States could be altered unless productivity is restored. Most importantly, the story of Bunker Hill is a story of trust, and the lesson to be learned is that any representative entity that grows too large, whether it be Big Government or Big Labor, can in time lose sight of the interests and freedom of American individuals.

The closing of the Bunker Hill Co. is described in a well written and insightful article by Jay Mathews for the Washington Post. I ask unanimous consent that this article be printed in the RECORD, and I urge all of my colleagues to read it.

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

[From the Washington Post, Mar. 16, 1982]

NEW BATTLE OF BUNKER HILL: UNION SURRENDERS ALL JOBS

(By Jay Mathews)

KELLOGG, IDAHO.—Francis Heck sits slumped in the small living room of his tidy, two-story yellow house near Rose Lake. He is resting from a 3,000-mile, five-state trek in which he slept in his car, filled out countless job applications and found openings nowhere.

Fatigue and resignation have dampened some of his anger. But mention the events of Jan. 17, 18 and 19 and it all pours back into his voice—the frustration and astonishment when he discovered that his union was going to keep him and 1,500 of his coworkers from returning to their jobs at the Bunker Hill Co., and turn Kellogg into a ghost town.

As the nationwide recession deepens, workers and unions in the automobile and other industries are staving off unemployment by accepting pay freezes or cuts, but when workers tried that in this town that once produced a quarter of the nation's refined lead, zinc and silver, their union wouldn't let them.

The bitterness of the remarkable clash between the men of Bunker Hill and the United Steelworkers union poisons the atmosphere here now as severely as the fumes that poured for years out of Bunker Hill's 715-foot-high lead mill smokestack.

"It should never have happened. It was stupid. It was dumb," Heck said.

On Jan. 17, Heck and his fellow workers at the mine and refining plant thought they had saved the troubled company by voting to accept 25 percent pay cuts and go to work

for a group of local investors who promised to reopen the plant that had closed just two weeks before.

On Jan. 18, they learned that the steelworkers union leadership had refused to honor the workers' vote. The union's leaders insist they saved their workers from a bad contract, and they still hope Bunker Hill will reopen with the help of a new buyer.

But that is no longer the prevailing opinion in Kellogg. Gary Beck, manager of the Idaho department of employment office here, said, "This town almost went up in an explosion" of worker violence the day the vote was overruled. An avalanche of anti-union feeling erupted in what had been a heavily union town, but is now one more casualty of the economic blight that low demand for minerals and lumber have brought to the lovely hills of the northwestern United States.

Kellogg, a one-industry town with a population of 3,600, could vanish. Beck said his office normally processes 300 or 400 unemployment claims this time of year. Instead, he has 1,600, and with the price of silver at its lowest point in two years, he expects many more.

Dixie Lee Laehn, wife of a 10-year veteran of the Bunker Hill plant, paces around her living room a few blocks from the unused company rail trestles, still furious over what she feels the steelworkers union has done to the town that has been her home.

"When a majority rule no longer counts in America, we're in deep trouble. We may as well pack it up and head for the Soviet Union," Laehn said. "We're fighting our guts out here just to survive. And big shots clear back in Pittsburgh are using us as an example that unions are Big Brothers."

Laehn, 37, a former Army nurse, finds money so tight she has had to cut off her telephone and put to sleep five pet dogs, many left by friends who have already moved out of the area. She and her husband, Clifford, took a bus to Spokane about 70 miles away to look for jobs. They were amazed to find the bus full.

"I wondered, were people doing so well they could take vacations? But when you get to talking to them, you find out they are people who are just crawling from one town to the next, looking for work . . . and just think that my husband and all those others could have still had jobs here.

Clifford Laehn is a small, energetic man with a few teeth missing and a tendency to let his wife do the talking. He is restless. Each morning he rises at 3:30 to help deliver the local paper, getting in return only a free subscription and a sense of having accomplished something that day.

When the Laehns' daughter, Melanie, 11, finishes the spring term at the Silver Valley Baptist School, the family plans to head for the Sun Belt—"Denver, Phoenix, whatever places have the lowest unemployment rates," Dixie Lee Laehn said. Francis Heck is heading that way also in a new job search through Nevada, Arizona, New Mexico and Texas. Clifford Laehn made $30,000 last year. Heck made about $26,000. Both must now live on $145 a week in unemployment benefits, the equivalent of $7,500 a year.

Kellogg businessmen like Dale Farlee, owner of the Siverhorn Motor Inn, meet regularly now to think of ways to save the town. Farlee said his own business has declined about 33 percent, but his group, the Greater Kellogg Development Corp., has a nibble for a "major aircraft stamping plant" to be established here. Another group of small merchants, Silver Valley Forever, has suggested improving the local ski run, once called "Jackass" but rechristened "Silverhorn," or building some sort of theme park to attract tourists.

The town sits on Interstate 90, the most direct road from Seattle to Chicago, seemingly a natural spot for a thriving business. But the almost abandoned Bunker Hill plant in the center of town is an eyesore of rusting metal and black slag heaps. Fire and pollution have denuded hills on either side of the narrow valley. A first-time visitor wonders if the raw look is natural for a mountain town in winter, but Beck explains: "The smelter has so polluted the ground that hardly anything will grow."

Bunker Hill had been known for the loyalty of its employes, who stayed with the work there longer than at most mine and smelter operations. When the bulk of the workers was dismissed Dec. 31, Beck said, "I had more than 60 or 70 people in here with an average of 30 years with the company. It was something to see."

It was Aug. 25 that Clifford Laehn came out of the plant and heard that Gulf Resources and Chemical Corp., shaken by the plant's losses, could not find a buyer and was going to close it. "I just sat in my car and everything just left me," he said. "It was the loneliest, emptiest feeling I've ever felt in my life."

By November, a group of local investors led by Duane Hagadone, a publisher and real estate investor based in nearby Coeur d'Alene, was trying to buy Gulf's interest in the plant. Bunker Hill would cost about $65 million, but losses for 1982 were projected at about $40 million. The investors could not control the volatile prices on the metal markets. They could only finance the deal if they negotiated a substantial cut in labor costs.

They presented the workers with a five-year plan that would have meant an initial 25 percent cut in wages and benefits for many, weaken seniority rules and provide jobs for only about 1,500 of the plant's 2,100 workers.

The leaders of United Steelworkers of America Local 7854 recommended against it. But at a climactic vote the night of Jan. 17, members of the nine plant craft unions, including the steelworkers, voted 695 to 506 to accept the local investors' proposal. Many went home to celebrate, thinking they had saved their jobs. They were stunned the next day when they turned on their radios to hear that the local's newly appointed administrator, Lavern Melton, had refused to sign the agreement. The investors had no legal labor agreement which they could show to banks planning to finance the purchase, and the deal was dead.

"When I heard that my vote didn't count, it took me half an hour to get to the union hall to find out why," Heck said. An angry crowd had gathered outside and was berating Melton as sheriff's deputies watched nervously for any outbreak of violence. "Get it signed and get it over there," someone shouted at Melton. He replied: "We're not signing a blank check."

"Go back to Pittsburgh!" someone said. Melton pointed out that he was from Wallace, not far away. "Your soul is Pittsburgh, not this valley. They own you. They own your soul," a member of the crowd shouted.

Finally the workers were allowed into the union hall for an informal meeting and a flamboyant official from the Pittsburgh headquarters, Andrew Coban, addressed the throng. "I don't care if you starve me, kill me, castrate me, rape me. It just doesn't matter," Heck said Coban told them. I'm not initialing those contracts.

Heck recalls he kept "yelling and screaming at union officials. I got really, really involved, which I seldom do." But nothing changed. The unhappy workers voted in a new slate of local officers, and the new officers signed the five-year wage proposal. But attorneys for the Hagadone group concluded that would not be enough. The existing labor agreement at the plant was with the steelworkers, and the hasty election of new officers could easily be overturned in court.

Robert Petris, the western district director for the Steelworkers Union, said any suggestion the union leadership caused the workers to lose their jobs "is a bunch of bull." He said the union leadership made it clear from the start that the Jan. 17 vote was only advisory. The union leadership, he said, had to have a chance to negotiate a contract with the Hagadone group before they could sign anything. Instead, the union was presented with a take-it-or-leave-it offer that weakened health and pension benefits under the contract with Gulf, Petris said.

Hadadone and many of the displaced Bunker Hill workers argue the union leadership felt accepting a 25 percent pay cut in Kellogg would hurt in negotiations elsewhere. "The only conclusion we have drawn is that the language we had proposed would set a precedent that they could not live with for the balance of their membership." Hagadone said.

Petris and Melton say they have saved their members from a bad contract and hold out the hope that new investors with better proposals will materialize. Martin Baral, an Australian who serves as managing director of Expo Oil Co., said his firm is considering reopening Bunker Hill and finds the Steelworkers' representatives "most helpful and businesslike."

But Robert Bowman, a vice president for Gulf in Houston, Tex., said initial contacts with Expo oil have not developed into formal negotiations.

Meanwhile, other mines in the area continue to lay off workers and even those jobseekers who travel far beyond Idaho come back empty-handed.

Heck's two-week trip took him to an aluminum plant in Goldendale, Wash., an aluminum plant in Dalles, Ore., a pumice-crushing plant in Bend, Ore., a shale mine in southern Idaho, two mining companies in Salt Lake City, oil fields in Evanston and Rock Spring, Wyo., a mining company in Green River, Wyo., and an oil field in Casper, Wyo.

"They all said no," Heck said. A private employment officer in Denver said they would have charged $2,500 to $3,000 to find a job for someone with Heck's experience as an operator of overhead cranes and other equipment. "I told them to stuff it," he said.

Lillian Heck sells cosmetics door to door, and with some part-time teaching and weight watcher class instruction can make as much as $9,000 in a good year. But she said she is as eager to move on as her husband is.

"A lot of people are moving back with their parents," Heck said. "But I have a lot of pride. I think I'll tax all my resources before I do that . . . and I'll try to make sure I'm never in a place where a union can do this to me again."

SOCIAL SECURITY

Mr. SYMMS. Mr. President, with congressional leaders in the midst of negotiations and the Senate Budget Committee close to entering mark-up for the fiscal year 1983 budget, much of the dust being kicked up around Capitol Hill has temporarily diverted public attention away from the problem of Social Security.

Simply put, Mr. President, the Social Security system in this country is failing. And, as Social Security Commissioner John Svahn announced in October of last year, the retirement trust fund will be depleted by 1984—and recent reports indicate it may be sooner—unless effective reforms are enacted.

Steve Hallock, an editor for one of Idaho's major daily newspapers, saw fit to remind us of this dilemma. In a recent editorial he points out that Congress is left with less than 1 year and 3 months to do something. Those of us familiar with Congress and the legislative process surely realize that this do not leave a lot of time.

I urge my colleagues to take note of Mr. Hallock's remarks and I might add that the Social Security system will be an albatross around the Congress neck if only stop-gap solutions are adopted and the deeper problem ignored.

I agree with the conclusion Mr. Hallock reaches in his editorial. Congress must view proposals to adjust benefits for future recipients as part of a solution to the severe financial problems of our Social Security system. This may also have to include the suspension of future cost-of-living increases for Social Security and other entitlements recipients. But, importantly, while it is vital to restore integrity and reliability to the Social Security trust fund, it is equally important that retirement recipients know with confidence that their benefit checks will be paid on time and that current levels of payment will not be touched.

Mr. President, I ask unanimous consent that the Idaho State Journal editorial entitled "Keep the Promise" be printed in the RECORD.

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

[From the Idaho State Journal, Apr. 7, 1982]

KEEP THE PROMISE

While the nation debates nuclear arms, defense spending and hard economic times, one segment of our society is swiftly running out of time: senior citizens and others who rely on Social Security benefits for their very survival.

According to the trustees of the Social Security system, in their annual report to Congress recently, the system will run out of money to pay old-age benefits by July, 1983—unless Congress takes action before then.

That's only one year and three months from now. But actually, Congress will probably only have about half a year to deal with the problem because nothing is likely to be done until after the November House and Senate elections.

The trustees previously had reported that the system could get by until 1984, but the ravages of the recession have forced them to revise that deadline. It has reached the point, according to the trustees—the secretaries of Labor, Treasury and Health and Human Services—that even interfund borrowing within the Social Security and Medicare systems won't help.

"The trend is the same as it was last year (when Congress passed stopgap legislation allowing interfund borrowing by the system's three trust funds)," said Social Security Commissioner John Svahn, "and we haven't done anything to solve it. Nobody has changed the facts or rewritten anything to heighten or sensationalize the report."

Congress and the president have taken steps to deal with the Social Security problems. One is the establishment of the 15-member National Commission on Social Security Reform, with five members each chosen by the president, the speaker of the House, and the Senate majority leader. The commission, which comprises Congressmen of both parties and economists and professionals from the private sector, has had two meetings thus far, and is scheduled to meet once a month until the end of the year, when it will expire. It is vital that this commission, with the Congressional subcommittees on Social Security, put together proposals for Congress to consider—as a top priority—next January.

Social Security is a promise which the American people have made to the elderly, and some other recipients, many of whom have paid into it much of their lives. The system got into trouble down the years because benefits were increased liberally, without compensating increases in the tax.

But it would be unfair to punish those who now depend on Social Security for their benefits to be drastically cut. It may well be that Congress will want to adjust benefits for future recipients, but a way must be found to meet the promise already made.

THE ANNIVERSARY OF WARSAW GHETTO UPRISING

Mrs. HAWKINS. Mr. President, I want to add my voice to those who have spoken today in memory of the victims of the Holocaust.

Human history has never recorded crimes as heinous as the ones we remember with a shudder this day. Never before had a modern leader and his government sought to eliminate a people from the face of the Earth. Yet, that was the goal of Hitler—to murder every Jewish man, woman, and child. Events that took place at Auschwitz, Birkenau, Maidenek, and Trebelinka, four decades later have the power to scald our consciences and shame humanity. The story of the Holocaust is indeed a tale of darkness, one with profound implications for those who survive.

Yet even in ugliness, there can be moments of glory. Consider the heroes of the Warsaw ghetto who, armed only with courage and their knowledge of certain death, defied the Nazis for more than 3 weeks, longer than many European armies. They gave new meaning to the word "resistance." Or consider Raoul Wallenberg, the Swedish diplomat who worked with the U.S. war refugees department. He saved more than 100,000 people because he risked his life to smuggle others to safety. While he today may languish in a Soviet gulag, his name will long endure among those who chronicle demonstrations of heroism.

While we wince at the evil inflicted in the death camps and recall the brave acts committed by enemies of inhumanity, we must also vow today never to allow the scar to completely heal. We need always to remember the dangerous power of mass movements when channeled in evil directions, for these movements surpass nature in their fury and violence.

STARVED OX?

Mr. GRASSLEY. Mr. President, one of my Iowa constituents recently sent to me a poem that contains an important message that I would like to share with my colleagues. Since this message concerns the plight of our farmers, it is of importance not only to agriculture interests, but also to all consumers. I hope this poem touches the hearts and consciences of my colleagues as it did mine.

The poem follows:

STARVED OX?

The humble soil tiller must still break the sod,
For food to be formed from the sun, rain, and clod;
There must still be those hands putting seed in the ground;
A people who are willing to work must be found.

Without faithful farmers who look to The Lord
For the sun and the rain in due season,
The world would soon starve in their high-rise apartments,
For food isn't formed by man's reason!

When the world wakes to hunger and meets with agony each dawn,
It's too late then to ponder where the farmers have gone;
Those days when we padded our share from his purse,
Have come back to haunt and to bring us a curse!

Look around you, mankind;
And support those who serve;
Note their long weary hours
Growing food for reserve.

The Lord placed a man on the soil of The Earth,
And instructed him how to grow food for the dearth.
Now, man in preoccupation with self,
Thinks that food just appears on the groceryman's shelf!

The Word says the ox that must tread out the grain,
Be allowed to eat freely, for his strength to remain.
Let the farmer be paid for his work in the fields;
May his purse be commensurate with the size of his yields!

—*A. Watcher.*

Clearly, American agriculture is facing severe economic times. From my conversations with farmers and bankers throughout my home State of Iowa, it is evident that the coming year or two will prove extremely critical. No one needs to be reminded about what a collapse of the agricultural sector will mean—that includes not only farmers, but also 23 million ag-related jobs, as well as our dependable source of reasonably priced food. Indeed, much is at stake.

I sincerely hope that my colleagues will keep the "Starved Ox?" well in mind during the months ahead. The future of our agriculture sector, as well as the country, may depend upon our ability to understand our farm dilemma, and to be able to focus upon the source of the problems. Unless we keep a keen eye on the source, precious time, energy, and money may be squandered on superficial solutions that do little to help our Nation's farmers.

I have no intention of pointing fingers at any particular colleague, or at any particular legislative proposal. Frankly, there have been some good proposals presented that can help our farmers. But many proposals, unfortunately, have been offered for little more than political gain. On the surface, the proposals may look attractive, but that is about the extent of it. They are shallow and serve no real purpose except perhaps provide the facade that politicians are working hard during this election year to save the farm economy. Moreover, the fact that it is an election year says much to the merit of these proposals and rhetoric.

What is sad about this, and truly unfortunate for America's farmers, is that these politically motivated, superficial proposals are distracting us from the real sources of our farm problems as well as the solutions to these problems. The three major problems facing farmers today are high interest rates, inflation and, of course, low prices. All three problems can be traced back to the horrendous policies of the Government during the past several years. Inflation and high interest rates are tied directly to deficit spending. Weak farm prices are the result of Government interference in agricultural markets—both domestic and foreign. What amazes me is the fact that some of my colleagues are trying to camouflage these problems while attempting to pin the blame for our farm problems upon President Reagan and other Republicans. Let us set the record straight by examining the true sources of problems.

INTEREST RATES

During the Democratic control of Congress and of the administration, interest rates rose from 6.5 percent in 1976 to a devastating high of 21.5 percent in 1980. One of the major causes for these high interest rates was the irresponsible deficit spending of Congress.

Since reaching this high level, interest rates have fallen by about 5 percentage points. It is essential that they be reduced further, but we must recognize the reason for their fall—for the first time in decades, we have had a President and a Congress with the courage to restain and reduce Government spending.

INFLATION

Inflation took a similar meteoric rise during the late 1970's. During this period, the rate of inflation rose from 4.8 to 12.4 percent. A major cause for inflation can be found, again, in the evils of deficit spending. Since President Reagan came to office, inflation dropped to 8.9 percent and has recently been running as low as 4.5 percent.

GOVERNMENT INTERFERENCE IN AGRICULTURAL MARKETS

Remember President Carter's Soviet grain embargo? Then there is another area of market interference—domestic. No one needs to be reminded that it was a Democratic administration that attempted to convince Americans that they eat too much meat, eggs, and dairy products, and that aggressively promoted the new USDA Dietary Guidelines. It was this same administration that chose to scare the public with its nitrate fiasco and saw fit that its top USDA employees should be given awards and $20,000 bonuses for turning USDA into a consumer-oriented agency. Untold millions, if not billions, of dollars were lost by the farm economy because of this obsession with a cheap-food, consumer-advocate agricultural policy. Indeed, the USDA policies of the Reagan administration, under the able and dedicated direction of Secretary John Block, come as a breath of fresh air for agriculture.

The Carter administration found an additional battlefield from which it could wage its war against farmers—exports. I dismiss the rumor that he really imposed the Soviet grain embargo to keep food prices low. But as a foreign policy weapon, the embargo was a reckless, unfair, thoughtless act.

Very interesting are the figures provided by a study conducted for the National Corn Growers Association to determine the cost of the Soviet grain embargo. It was found that losses to farmers and consumers reached a staggering $11.4 billion; $3.1 billion was lost in personal income; and 310,000 jobs were lost. This job loss, alone, translates roughly into 9 additional billion dollars to our budget deficit.

Beyond the immediate loss of income and jobs, the most tragic aspect of this embargo was that the United States lost a tremendous opportunity to greatly expand its export market with the Soviet Union. While Soviet import needs were skyrocketing, American farmers were forced to sit back and watch our competitors take business that could have been ours and gear up production to meet the long-range Soviet demand for grain. There is no question but that the Soviets, as well as other countries, will doubt the reliability of the United States as a trade partner for years to come, and will likewise be extremely hesitant to become too dependent upon us for the supplies.

It is no wonder that American farmers cannot find a market for their grain when they produce bumper crops—a Democratic administration has just recently effectively squeezed the farmer from both domestic and foreign markets. It was President Reagan who lifted the Soviet grain embargo, and it was President Reagan who has proposed record levels of CCC export credit authority and took steps to increase the activity of the Foreign Agricultural Service to promote exports.

Interest rates, inflation, market interference, these have been the biggest enemies of the American farmer. President Reagan, with the help of congressional Republicans and several Democrats, has taken major, effective steps to turn this disaster around, to finally put our farm economy back in order. We still have a long way to go. The enormous damage sustained will take considerable work to reverse. But significant progress has been made, and if we continue to work together, we will succeed.

Frankly, it is a very frightening thought, but just suppose President Reagan had not been elected, and the Democrats had retained complete control of the pursestrings of the budget, and the Carter administration had retained the control of the USDA. Where would our interest rates be? How high would inflation be raging? What would be left of our domestic and foreign agricultural markets? And what would have become of our farmers?

Now that we have placed the farm dilemma in the proper perspective, it is time to put partisan politics aside. What we need to do is work together toward positive solutions. Let us continue to restrain spending to bring interes rates and inflation down. And let us do what we can to encourage and expand our agriculture markets.

But for the sake of our farmers, let us not allow ourselves to be sidetracked by election-year political rhetoric. As far as I am concerned, our farmers deserve much better and need much more from Congress.

THE HOLOCAUST IN REMEMBRANCE

Mr. CHAFEE. Mr. President, words cannot do justice to the travail and suffering of European Jewry, victims

of the most heinous political crime of all time, the Holocuast of World War II.

But however inadequate our words we must continue to speak out in remembrance—however painful—if only to insure that mankind will never allow itself to forget the horror that swallowed up two-thirds of Europe's Jews and millions of other European minorities in the death camps of Auschwitz, Dauchau, Majdanek, Sobibor, Bergen-Belsen, and so many others.

This week, in ceremonies large and small throughout the world, the Holocaust will be remembered in countless ways. Thousands will gather at secular events marking official commemoration of the tragedy. Countless more will attend memorial services in synagogues or churches marking the occasion. For many, the memories will be personal: The remembrance of individual family members and friends long dead.

In marking this occasion, we add our voices to millions of others in proclaiming "never again."

That, ultimately, is our purpose; indeed our prayer. It can be no less.

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

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

Mr. WARNER. Mr. President, I ask unanimous consent to proceed as if in morning business for a period of not more than 2 minutes.

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

NATURAL RESOURCE PROGRAMS

Mr. WARNER. Mr. President, I received today an article written under the auspices of the Wildlife Management Institute, forwarded to me by Nathaniel Reed, former Assistant Secretary of the Interior for Wildlife. Mr. Reed served in this post with great distinction and continues active in a wide range of environmental and wildlife activities. He is an outspoken authority.

I have examined the article and found it very interesting. While I do not associate myself with all the view points of the water, I do share the view of Mr. Reed that it is worthy of study by those interested in wildlife.

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

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

WILDLIFE MANAGEMENT INSTITUTE

At Conference time last year, the Reagan Administration had been in office only a few weeks. For the conservation/environmental community, it was a time of apprehension. That is a normal situation when any new Administration takes over the government. The backgrounds of some appointees and candidates for appointment raised questions about the conduct of natural resource programs over the next four years. Echoes of campaign rhetoric added to the anxiety.

There was concern about the management of public lands, national forests, wildlife refugees and parks, about surface mining and energy development, wilderness reviews and designations, clean water and air, wetland protection, liquidation of old-growth forests, acid rain, reauthorization of the marine mammals, endangered species and Sikes acts, and many others.

Since the last Conference, communication has been strained or severed between the Administration and some major elements of the conservation/environmental community. Name calling and finger pointing have been commonplace. Personal animosities are all too apparent. Reasoned discussion has given way to charge and countercharge.

There always have been and there always will be differences in outlook between an Administration and elements of the heterogeneous conservation/environmental community. I say elements because the conservation/environmental community itself is by no means a sea of fraternal tranquillity.

However, from my Washington experience, now spanning seven Presidents, it is clear that differences between this Administration and the conservation/environmental community are sharper than at any time since the early years of the Eisenhower Administration. The issues today are infinitely more complex. And they are being faced in a harsh environment of inflation, recession, unemployment, and fiscal and international uncertainty.

Today's dissension is unfortunate, because so much needs to be done to upgrade management of the country's natural resources and to assure their productivity for coming generations. Even under the best of circumstances, progress is uneven.

Today's frustrations arise for many reasons. There is the volatile matter of the national economy, and debate over ways for setting it right. Under the Administration's budget, reductions in staff and programs to manage renewable natural resources, to monitor water and air and to assess the impacts of development are made more startling by requests for substantial increases for resource exploration and extraction. There is grave concern that a lion would be loosed among the sheep.

Certainly, some conservation/environmental work can be slowed without serious short-term harm. But deliberate or mindless restriction of essential programs removes the tools needed to protect the environment and maintain resource productivity.

Nearly 2,000 years ago, the Greek biographer Plutarch noted that "Economy, which in things inanimate is but money making, when exercised over men becomes policy." Such is the effect of this Administration's budgetary approach. New initiatives will not be offered in the natural resource area except for a few that hold some promise of garnering receipts to offset costs. Others will seek to regain at least part of the cost of on-going activities.

Adding further to the conservation/environmental community's concern is the regulatory relief task force—a high-level group that is examining federal rules and regulations suggested by some to be frivolous, obstructive and needlessly expensive. Among the documents under review are regulations covering issuance of dredge and fill permits under Section 404 of the Clean Water Act and for implementing the important Endangered Species and Fish and Wildlife Coordination acts. Failure to apply these authorities promptly and even-handedly will have a serious impact on fish, wildlife and the general environment.

Another threat is seen in the Federal Property Review Board, created by the President last month, and charged, among other things, with establishing annually the amount of each Executive agency's real property holdings "to be identified as excess." Target lands will be those properties "that are not utilized, are underutilized, or are not being put to optimum use." A companion document of the Office of Management and Budget focuses on Agriculture and Interior Department lands suitable for raising crops and timber. And lands around Corps of Engineers and Bureau of Reclamation projects that "may have high value for private development."

Running along with all this are identical bills to "privatize"—as they say—public lands to reduce the federal deficit. According to a senior economist on the President's Council of Economic Advisers, "Until we begin to privatize the public lands, we will not have accomplished anything of real economic or moral value." So sayeth the sage.

President Nixon, in his 1969 land disposal executive order, specifically excluded national forests and parks, but inadvertently omitted wildlife refuges. The new executive order covers the country, coast to coast.

Some of the difficulty the conservation/environmental community is experiencing is spurred by the Administration's tendency to view resources through the myopia of the traditional disciplines—forests, water, air, grazing, wildlife, parks, environmental protection and so forth. There appears to be a reluctance to look beyond the more obvious cause-and-effect relationships. Or the fact, for example, that timbering, done in an improper way, place or time, has a lasting impact on water, soil, wildlife and grazing. Or that commercial and sport fishes, marine mammals, birds and beaches enter into the off-shore energy development equation. Or that biotic diversity of the coastal Northwest's old-growth forests—centuries in the making—can be destroyed in a few decades.

The conservation/environmental community winces when the President tells legislators of Indiana, as he did, that had there been a federal government "when the Creator was putting a hand to this state," it would not exist because they would still be waiting for an environmental impact statement. Or when he joked to White House dinner guests that he would have preferred an outdoor barbecue in the Rose Garden but feared that smoke from the grills might have violated the Clean Air Act.

These are unsettling comments to those who have worked for many years to get environmental protection programs into place. And who are well-acquainted with the improved conditions the environmental laws have brought. Or who are familiar with the severe implications of problems not being faced, such as acid rain. Or the U.S. Department of Agriculture's recent contention that air pollution has prevented improvement in cotton yields since the mid-1960s despite new technology and better varieties.

The Administration's economic recovery equation glosses over the fact that commodity extraction—which it emphasizes—can significantly curtail productivity of a related resource. Livestock grazing, mining, coal, oil and gas development, and timbering can be disproportionately detrimental to fish and wildlife if not planned and conducted in a sensitive manner. That means biologists sitting down with range conservationists, mining engineers, geologists and foresters to design developments in ways to minimize disruptive features. But when the federal budget significantly increases funding and personnel for commodity production and decreases funding and personnel for fish and wildlife management, the outcome is clear. Fish and wildlife will lose.

Fish and wildlife-related recreation generated expenditures of nearly $40 billion in 1980, as we heard yesterday from the U.S. Fish and Wildlife Service. To provide some scale, $40 billion is equal to the dividends paid by all U.S. corporations in 1979; equal to the costs of U.S. oil imports; more than the assets of General Motors; and equal to the annual sales of Sears Roebuck, K Mart and J. C. Penney combined.

Much of the money being spent for fish and wildlife-related recreation is collected by thousands of businesses and industries that service the 100 million people 16 years of age and older who participate in fish and wildlife-related recreation. Some is directed to the local, state and federal governments in the form of fees from the users, and taxes from the businesses and industries. Think of that—1 of every 2 adults in the United States in 1980 indulged in some form of recreation involving fish and wildlife.

No one has analyzed the long-term economic impact of sacrificing fish and wildlife resources for relatively short-term economic gains, to say nothing of the recreational and other values foregone. The economic future of this country is in the land and what the land produces. It is not in the ledgers of the Office of Management and Budget.

There are other roots of concern. The livestock industry is heavily represented on a committee to review the fees charged for grazing public lands. Public interest representatives, a news release advises, are to be named later. A 21-member public lands advisory council, created under the hard-won authority of the Federal Land Policy and Management Act, is loaded with mining, grazing, energy, real estate and timber spokespersons. The entire public lands outdoor interest is represented by a respected but retired newspaper columnist.

In the area of western water policy, the Department of the Interior has done an about-face. On the 200 million acres of public range, ranchers now may own or cohold the rights to water developed for livestock. Western state fish and wildlife agencies long have been concerned about single-interest control of water rights on the western range where water is life.

There are hopes that renewable resource programs will weather these times without lasting injury. The Land and Water Conservation Fund can help federal land management considerably if Congress sees fit to appropriate significant amounts. The Reclamation Fund, made up of 40 percent of the receipts from on-shore mineral leases and royalties, and national forest and public lands sales, is a potential source, if Congress would redirect that money to resource management on the lands that are being exploited. Currently, that money is used for the unrelated purposes of irrigation and reclamation, which often degrade other natural resources. Last year, the Reclamation Fund gained nearly $360 million from this source. Estimates are that it will receive more than $1.2 billion in the next two years.

Coming months promise to test the resolve and imagination of all persons interested in natural resources. The ages-old admonition of making do with what one has will be sorely tried. Given the present mix of circumstances—and recognizing that many are beyond the capability of the conservation/environmental community to influence—merely holding the line may represent a substantial achievement over the near term.

These are, in truth, unreasonable times for reasonable persons.

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

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

TELEVISION AND RADIO COVERAGE OF SENATE PROCEEDINGS

The Senate continued with the consideration of Senate Resolution 20.

AMENDMENT NO. 1244

Mr. McCLURE. Mr. President, I would like to emphasize one point in this debate on the pending amendment, a point that I believe has not, as yet, been sufficiently dealt with in the debate thus far.

I have asked the Parliamentarian to research those instances in the past in which the Senate has amended its rules and the means by which the Senate effected that action. I am informed that at no time from 1884 to the present has the Senate ever amended its rules by using the technique of adding an amendment changing the rules of the Senate to a resolution pending before the Senate which itself did not amend the rules.

I am concerned about the precedent that would be established if the Randolph amendment were to be adopted. I do not believe that it would be in our best interest as a body to start amending the rules of the Senate on any and every simple Senate resolution that comes before us. I think that any action on the part of the Senate to amend its rules should require careful and thorough study on the part of the Rules Committee of the Senate and that a rules change should be effected only by a Senate resolution designated for that purpose. It is for these reasons that I will vote against the Randolph amendment. Thank you Mr. President. I yield the floor.

Mr. BAKER. Mr. President, I believe there is no further debate on the Randolph amendment on this side, and I am prepared to vote, if the distinguished author of the amendment is prepared to do so.

Mr. RANDOLPH. Yes. I say to the majority leader that there are Members who would have spoken, such as our good friend and colleague Senator STENNIS and others. But we are understanding of the need to come to an up-and-down vote on the amendment, and I am ready to proceed. I am very grateful for the cooperation of the able majority leader.

Mr. BAKER. I thank the Senator from West Virginia.

The PRESIDING OFFICER (Mr. ABDNOR.) The question is on agreeing to the amendment offered by the distinguished Senator from West Virginia. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Missouri (Mr. DANFORTH) and the Senator from South Dakota (Mr. PRESSLER) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Massachusetts (Mr. TSONGAS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 46, nays 51, as follows:

[Rollcall Vote No. 82 Leg.]

YEAS—46

Baucus	Eagleton	Melcher
Bentsen	Exon	Metzenbaum
Biden	Ford	Mitchell
Boren	Glenn	Moynihan
Bradley	Hart	Nunn
Bumpers	Heflin	Pell
Burdick	Hollings	Proxmire
Byrd, Harry F., Jr.	Huddleston	Pryor
Byrd, Robert C.	Inouye	Randolph
Cannon	Jackson	Riegle
Chiles	Johnston	Sarbanes
Cranston	Kennedy	Sasser
DeConcini	Leahy	Simpson
Dixon	Levin	Stennis
Dodd	Long	Zorinsky
	Matsunaga	

NAYS—51

Abdnor	Gorton	Murkowski
Andrews	Grassley	Nickles
Armstrong	Hatch	Packwood
Baker	Hatfield	Percy
Boschwitz	Hawkins	Quayle
Brady	Hayakawa	Roth
Chafee	Heinz	Rudman
Cochran	Helms	Schmitt
Cohen	Humphrey	Specter
D'Amato	Jepsen	Stafford
Denton	Kassebaum	Stevens
Dole	Kasten	Symms
Domenici	Laxalt	Thurmond
Durenberger	Lugar	Tower
East	Mathias	Wallop
Garn	Mattingly	Warner
Goldwater	McClure	Weicker

NOT VOTING—3

Danforth	Pressler	Tsongas

So Mr. RANDOLPH's amendment (No. 1244) was rejected.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. METZENBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, we will continue the debate on Senate Resolution 20 for the remainder of this day. I would not expect the day to be very much longer. There will be no more record votes today.

Mr. President, I indicated earlier I had hoped to take up the Criminal Code legislation or the nuclear regulation legislation today on a double track. I find that is not possible to do during the course of this day by unanimous consent.

The PRESIDING OFFICER. Will the majority leader desist? Will the Senate be in order, please. Let us be in order. The Senate will be in order.

The majority leader is recognized.

Mr. BAKER. I expect that we will be in perhaps another 30 or 45 minutes. That is time that could be well spent by any Member who has another amendment, if there are any other amendments they wish to offer.

I am prepared now to yield the floor, Mr. President, and if there is no Senator seeking recognition, I will suggest the absence of a quorum. All of those here or who may hear this statement in their offices should be aware that if no amendments are offered by approximately 5 o'clock, I will ask the Senate to provide for a period for the transaction of routine morning business, and resume the consideration of Senate Resolution 20 on tomorrow.

ORDER FOR RECESS UNTIL 10:30 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 10:30 a.m. on tomorrow.

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

VOTE ON CLOTURE MOTION AT 2:45 P.M. TOMORROW

Mr. BAKER. Mr. President, a cloture motion has been filed under the provisions of rule XXII in respect to the further debate and disposition of Senate Resolution 20. Absent a unanimous-consent agreement, the vote on that would occur after a live quorum 1 hour after the Senate convenes on tomorrow. To provide the maximum convenience to Members on both sides of the aisle, I have requested staff to investigate the possibility of a unanimous-consent agreement to set some time other than that time for the vote.

I am advised that the following unanimous-consent request has been cleared by both cloakrooms. I will state the request at this time for the consideration of the distinguished minority leader and for other Senators.

Mr. President, I ask unanimous consent that at 2:45 p.m. tomorrow the Senate proceed to vote on the motion to invoke cloture on Senate Resolution 20 and that the automatic quorum call under rule XXII be waived.

Mr. ROBERT C. BYRD. Mr. President, the request has been cleared on this side of the aisle. There is no objection.

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

Mr. BAKER. I thank the Chair, I thank the minority leader, and all Senators.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, once again I am prepared now to go off the consideration of Senate Resolution 20 and to go into a period for the transaction of routine morning business. If no Senator seeks recognition for the purpose of debating the resolution, offering amendments or other matters in respect thereto, and I see none, I ask unanimous consent that the Senate now enter a period for the transaction of routine morning business not to extend past the hour of 5 p.m. in which Senators may speak for not more than 3 minutes each.

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

RESOLUTION MAKING CERTAIN MAJORITY PARTY COMMITTEE APPOINTMENTS

Mr. BAKER. Mr. President, there is a resolution at the desk in respect to the assignment of committees for a newly appointed Senator. I ask that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 365) to amend paragraph 2 of rule XXV and to make certain majority party committee appointments.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

There being no objection, the Senate proceeded to consider the resolution.

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

The resolution (S. Res. 365) was agreed to, as follows:

S. RES. 365

Resolved, That paragraph 2 of Rule XXV is modified for the balance of the 97th Congress by increasing the members on the Committee on Banking, Housing and Urban Affairs from 15 to 16 and by increasing the members on the Committee on Armed Services from 17 to 18.

SEC. 2. That Senator Brady of New Jersey be and he is hereby assigned as a member of the following committees: Armed Services and Banking, Housing, and Urban Affairs.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

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

The motion to lay on the table was agreed to.

RESOLUTION MAKING CERTAIN MINORITY PARTY COMMITTEE APPOINTMENTS

Mr. ROBERT C. BYRD. Mr. President, I call up a resolution at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 366) making certain minority party appointments to standing committees of the Senate for the 97th Congress.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the resolution.

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

The resolution (S. Res. 366) was agreed to, as follows:

S. RES. 366

Resolved, That for the remainder of the 97th Congress (a) Senator Matsunaga of Hawaii be, and he is hereby, assigned to service on the Committee on Labor and Human Resources to fill a Democratic vacancy on that Committee; (b) Senator Sasser of Tennessee be, and he is hereby, assigned to service on the Committee on Banking, Housing, and Urban Affairs to fill a Democratic vacancy on that Committee; and (c) Senator Inouye of Hawaii be, and he is hereby, assigned to service on the Committee on Rules and Administration to fill a Democratic vacancy on that Committee.

SEC. 2. Notwithstanding any provision of Rule XXV of the Standing Rules of the Senate, any Senator assigned to service on a Committee under the first paragraph of this Resolution may, for the remainder of the 97th Congress, serve on such Committee while continuing to serve on each other committee to which he is assigned to service as of the date this Resolution is agreed to.

SEC. 3. Senate Resolution 15 of the 97th Congress (relating to the making of minority party appointments to Senate committees for the 97th Congress), agreed to January 5, 1981, is amended—

(a) on page 2, line 10, by striking out "Mr. Williams," and inserting in lieu thereof "Mr. Riegle,"; and

(b) on page 2, lines 10 and 11, by striking out "Mr. Riegle,".

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE CALENDAR

Mr. BAKER. Mr. President, I inquire of the distinguished minority leader if there are items on his calen-

dar of business for today that might be dealt with by unanimous consent. I would say to the minority leader that there are five such items on my marked calendar—Calendar Order Nos. 476, 477, 478, 479, and 480—that I am prepared to take up if he has no objection.

Mr. ROBERT C. BYRD. Mr. President, those five items have been cleared on this side of the aisle and there is no objection to proceeding forthwith.

Mr. BAKER. I thank the minority leader.

Mr. President, I ask that the Chair lay before the Senate the items just designated.

ANNIVERSARY OF THE KNIGHTS OF COLUMBUS

The joint resolution (S.J. Res. 167) to commemorate the one hundredth anniversary of the Knights of Columbus, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 167

Whereas the Knights of Columbus was established in New Haven, Connecticut, one hundred years ago on March 29, 1882, to promote the well-being of its members and the community; and

Whereas this association has grown to more than one million members in the United States and to one million three hundred and fifty thousand members in seven thousand one hundred local councils throughout the world; and

Whereas this association won the gratitude of the Nation for its efforts in comforting Allied servicemen during World War I through hospitality huts near the frontlines bearing the invitation,"everybody welcome; everything free"; and

Whereas the Knights of Columbus continued its assistance to members of the armed services after World War I by providing both job training and employment service for returning veterans; and

Whereas the society has dedicated itself to the training of youth leaders by establishing its own youth branch, the Columbian Squires, which currently has more than one thousand circles; by sponsoring almost one thousand Boy Scout troops; and by providing recreational and educational activities for youth at a cost of millions of dollars every year; and

Whereas the society's ardent love for country led to the formation on February 22, 1900, of a special branch known as the fourth or patriotic degree, with about one thousand assemblies, which has as its chief concern the good of the Nation; and

Whereas the Knights of Columbus long has been dedicated to the principle of people-to-people service and in the last recorded year gave more than nine million two hundred thousand volunteer hours to the community and in excess of $32,000,000 for various charitable and benevolent activities; particularly to aid the handicapped and underprivileged; and

Whereas the Knights of Columbus is committed to strengthening the family as the basic institution of society and the key to the Nation's strength and well-being; and

Whereas this organization always has been devoted to the moral and cultural as well as the material uplift of all mankind: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress pay tribute to the Knights of Columbus on its centennial for its constructive and patriotic idealism, and express the country's gratitude for its many contributions to the Nation.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

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

The motion to lay on the table was agreed to.

NATIONAL SMALL BUSINESS WEEK

The joint resolution (S.J. Res. 180) to authorize and request the President to issue a proclamation designating the week beginning May 9, 1982, as "National Small Business Week," was considered.

Mr. WEICKER. Mr. President, I rise today to commend my colleagues for the passage of Senate Joint Resolution 180, which recognizes the week of May 9–15 as "National Small Business Week." By this action today, the Senate has sent a signal to the small business community that it acknowledges and appreciates the contributions that thousands of small businesses have made, and will continue to make, to our economy and our Nation.

But on this small business week, I think more is needed than just a symbolic recognition of our small businesses. Small Businesses today are in the worst shape they have been in since the Depression. With business failures and unemployment at a 40-year high, relief for small businesses must come soon if they are to survive.

Believe me, this year, all the "thank you's" in the world, no matter how heartfelt they might be, are not enough to provide the cure our ailing small business community needs. They need action, and they need relief, and we here in Congress are the ones who can give them both.

So this year, as we mark small business week, I propose something more than just the usual round of receptions, testimonials and picture-taking sessions. I propose that we use this week to focus on what small business really needs, and what we can do, realistically, to address those needs.

I have compiled a small business agenda of five necessary, and more importantly, achievable, items which we in Congress can act on now to give small businesses the kind of immediate relief they need:

Enactment of S. 881, the Small Business Innovation Research Act. This bill would stimulate our small businesses by assuring that they receive a fair share of Federal research and development contracts, while at the same time providing a means of attaining our national R. & D. objectives in a more efficient and cost-effective manner;

Enactment of S. 1131, the Delinquent Payments Act. Simplicity itself, this bill would insure that the Federal Government—the world's largest purchaser of goods and services—pays its bills to contractors within 4 to 6 weeks, just as any private citizen or business must;

Restoral of the small issue, industrial development bond program. So-called umbrella bond programs have provided millions of dollars in loans for economic development over the past decade, improving the economies of our towns and cities and creating thousands of new jobs. Now, because of an ill-conceived and illogical action by the IRS, this invaluable source of funding has been withdrawn from our small businesses and our cities. Enactment of S. 2335 is needed now to restore this development tool and get job creation and economic revitalization efforts going again;

Enactment of S. 1080, the Regulatory Reform Act. Unnecessary and needlessly burdensome regulations continue to plague the small business owner. Passage of this bill, which would require Federal agencies to evaluate the costs and benefits of major rules before imposing them would be a major step toward freeing up the resources of our small businesses; and

Finally, it is crucial that we begin to loosen the stranglehold that current economic conditions have on our small businesses. Interest rates must come down, and soon, and the Federal deficit must be reduced, if we are to bring some relief to the floundering small businessmen and women out there.

These five objectives can be accomplished if we put our minds to it, and begin now. As we move toward "National Small Business Week," I ask all of my colleagues to focus on the many, many contributions of small business to our country, and then, to show their appreciation in a tangible way by acting now to bring relief to this vital and unique sector of our economy.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S. J. RES. 180

Whereas small and independent businesses represent 97 per centum of all business in this country and are the driving force of the American economy and the mainstay of our free enterprise system;

Whereas small business creates almost 90 per centum of all new employment and ac-

counts for approximately 40 per centum of the gross national product;

Whereas small business originates 50 per centum of all major innovations and new technologies;

Whereas the Congress of the United States, the Senate Committee on Small Business, and the House Small Business Committee firmly believe that these significant contributions must be recognized and further contributions encouraged through the development of economic policies and programs designed to foster growth of the small business economy: 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 beginning May 9, 1982, as "National Small Business Week", and calling on the people of the United States and interested groups and organizations to observe such week with appropriate ceremonies and activitives, in recognition of the achievements and contributions which small business men and women have made to American society.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

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

The motion to lay on the table was agreed to.

NATIVE AMERICAN DAY

The joint resolution (S.J. Res. 184) to designate January 28, 1983, as "Native American Day," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 184

Whereas Native Americans have made important contributions to the cultural and social history of the Nation; and

Whereas Native Americans are now assuming a greater role in the economic life of the Nation; and

Whereas it is appropriate to extend recognition to Native Americans for their achievements as citizens of the Nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That January 28, 1983, is hereby designated as "Native American Day". The President is authorized and requested to issue a proclamation calling upon all Government agencies and people of the United States to observe the day with appropriate programs, ceremonies, and activities.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

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

The motion to lay on the table was agreed to.

NATIONAL CYSTIC FIBROSIS WEEK

The joint resolution (S.J. Res. 186) to authorize and request the President to designate the week of September 19 through 25, 1982, as "National Cystic Fibrosis Week" was considered.

Mr. DOLE. Mr. President, on April 1, I introduced Senate Joint Resolution 186, designating the week of September 19 through 25, 1982, as "National Cystic Fibrosis Week". Twenty-five of my colleagues joined me at this time, and the bill is now before the Senate for final passage, after rapid action by the Judiciary Committee. Such resolutions are noncontroversial, and I thank those who have expedited this resolution's route through the legislative process.

Although this type of legislation is simple in concept, it really does do a lot of good in terms of setting aside a special week each year for a public awareness campaign that will generate greater familiarity with the issues concerning the No. 1 genetic killer of children in America. Between 20,000 and 40,000 children and young adults in this country have cystic fibrosis. For the last 3 years, I have introduced this kind of resolution, because I believe it does have an impact on increasing understanding of the disease itself, as well as the problems which victims and their families must cope with on a daily basis. As concern for those who suffer from the cumulative effects of the disease stimulates more of the public to action, it is hoped there will be increased support for research that will eventually lead to improvements in treatment and perhaps even a cure. However, this ultimate goal is down the road somewhere, and, in the meantime, the goals that are immediate become those of helping victims live with the disease and its implications—somehow improving the quality of life that they can anticipate.

Mr. President, every American can contribute to the success of "cystic fibrosis week" by having a better knowledge of the basic facts concerning CF, and sharing these facts with others so that the disease no longer remains a mystery to many. Once this radiating effect occurs, it is my hope that there will be tremendous support generated in communities throughout this country for efforts leading to improved treatment and an eventual cure. The National Institutes of Health and the Cystic Fibrosis Foundation are doing their part to help support efforts to combat this disease which affects 1 in every 1,800 newborn babies, making it the most common, fatal, genetic disease in the United States.

I would like to thank those who joined me in this effort in the Senate.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 186

Whereas cystic fibrosis is the number one genetic killer of children in America, and between twenty thousand and forty thousand children and young adults in this country have cystic fibrosis; and

Whereas public knowledge about cystic fibrosis contributes to early detection and treatment of the disease and to improved understanding about the symptoms of cystic fibrosis; and

Whereas increased national awareness of cystic fibrosis and of the young people whose lives are affected by the disease stimulates public concern and increased attention to research seeking control and cure: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of September 19 through 25, 1982, is designated as "National Cystic Fibrosis Week," and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

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

The motion to lay on the table was agreed to.

INTERNATIONAL FRANCHISE DAY

The resolution (S. Res. 299) to designate May 4, 1982, as "International Franchise Day" was considered and agreed to.

The preamble was agreed to.

The resolution and the preamble, are as follows:

S. RES. 299

Whereas the franchise method of marketing has made significant contributions to the American economy and has successfully allowed hundreds of thousands of small business persons to participate in marketing networks offering quality product and service distribution;

Whereas franchising today accounts for nearly one-third of all United States retail sales, spans more than forty industries, and directly employs some four and six-tenths million people;

Whereas franchised businesses currently enjoy a success rate better than 95 per centum;

Whereas people of all classes and backgrounds have been provided economic opportunities in starting their own businesses through the training and management programs offered in franchising;

Whereas franchising permits the small business person to compete with large chains which are increasingly dominating our economic landscape;

Whereas legitimate established franchises fully support and adhere to uniform disclosure laws to assure that prospective franchise buyers are fully aware of their rights and obligations before investing in a franchise; and

Whereas franchising continues to expand internationally, effectively serving ever

greater numbers of people the world over: Now, therefore, be it

Resolved, That the President is requested to issue a proclamation designating May 4, 1982, as "International Franchise Day", and calling upon the people of the United States and those who have been served by franchising throughout the free world to celebrate such day with appropriate ceremonies and activities.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

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

The motion to lay on the table was agreed to.

THE EXECUTIVE CALENDAR

Mr. BAKER. Mr. President, there are certain items on today's Executive Calendar which are cleared by unanimous consent on this side. I would inquire of the distinguished minority leader if he is in a position to consider those items appearing on page 2 under Executive Office of the President and continuing through all of the nominations on page 3, page 4, and page 5, including nominations placed on the Secretary's desk in the Air Force, Army, Navy, and the Marine Corps.

Mr. ROBERT C. BYRD. Mr. President, this side of the aisle is prepared to proceed with the nominations beginning with the Executive Office of the President and going through page 5, with the exception of the nominations under the Department of Justice.

Mr. BAKER. I thank the minority leader.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now go into executive session for the purpose of considering certain nominations which I will list which I believe are those nominations on our Executive Calendar that are cleared. Beginning with the nomination of Joseph Robert Wright, Jr., of New York, to be Deputy Director of the Office of Management and Budget; the nominations appearing under the judiciary on page 3, being Calendar Orders numbered 716 through 719; all of the nominations on page 4; and all of the nominations on page 5.

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

Mr. BAKER. Mr. President, I observe that these items are in agreement for action by unanimous consent.

Mr. ROBERT C. BYRD. Yes, they are.

Mr. BAKER. In view of that, I ask unanimous consent that the nominations be considered and confirmed 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:

EXECUTIVE OFFICE OF THE PRESIDENT

Joseph Robert Wright, Jr., of New York, to be Deputy Director of the Office of Management and Budget.

THE JUDICIARY

William T. Hart, of Illinois, to be U.S. district judge for the northern district of Illinois vice John Powers Crowley, resigned.

John A. Nordberg, of Illinois, to be U.S. district judge for the northern district of Illinois vice Bernard M. Decker, retired.

Walter E. Black, Jr., of Maryland, to be U.S. district judge for the district of Maryland vice Edward S. Northrop, retired.

Michael A. Telesca, of New York, to be U.S. district judge for the western district of New York, vice Harold P. Burke, retired.

IN THE NAVY

The following-named captains of the Reserve of the U.S. Navy permanent promotion to the grade of commodore in the various staff corps, as indicated, pursuant to the provisions of title 10. United States Code, section 5912:

MEDICAL CORPS

James Albert Austin.

SUPPLY CORPS

Donald Gene St Angelo.

CIVIL ENGINEER CORPS

Charles Richard Smith.

DENTAL CORPS

Haruto Wilfred Yamanouchi.

IN THE MARINE CORPS

Lieutenant General Adolph G. Schwenk, U.S. Marine Corps, age 59, for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370.

IN THE AIR FORCE

Gen. David C. Jones, U.S. Air Force, age 60, for appointment to the grade of general on the retired list pursuant to the provisions of title 10. United States Code, section 1370.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE, ARMY, NAVY, U.S. MARINE CORPS

IN THE AIR FORCE

Air Force nominations beginning Robert W. Barrow, to be lieutenant colonel, and ending Bruce L. Whittig, to be lieutenant colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 22, 1982.

Air Force nominations beginning George L. Adams, to be lieutenant colonel, and ending Mark D. Whitlow, to be determined, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 29, 1982.

Air Force nominations beginning John Anderson, Jr., to be colonel, and ending Milton G. Mutchnick, to be colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 31, 1982.

IN THE ARMY

Army nominations beginning Francis L. Keefe, to be colonel, and ending Robert E. Zurcher, to be major, which nominations were received by the Senate on April 7, 1982, and appeared in the CONGRESSIONAL RECORD of April 13, 1982.

IN THE NAVY

Navy nominations beginning Enrique V. Arellano, to be commander, and ending George A. Dailey, Jr., to be ensign, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 22, 1982.

Navy nominations beginning Edwin B. Abeya, to be lieutenant (junior Grade), and ending James H. Willis, to be ensign, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 22, 1982.

Navy nominations beginning Christopher L. Abbott, to be ensign, and ending Robert P. Randolph, to be commander, permanent, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 29, 1982.

Navy nominations beginning Donald J. Bleasdale, to be ensign, and ending John J. Skuza, to be commander, which nominations were received by the Senate on April 7, 1982, and appeared in the CONGRESSIONAL RECORD of April 13, 1982.

IN THE MARINE CORPS

Marine Corps nominations beginning Peter F. Angle, to be colonel, and ending Rafael Zalles, to be colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 22, 1982.

Marine Corps nominations beginning James R. Acreback, to be lieutenant colonel, and ending Lawrence R. Zinser, to be lieutenant colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 31, 1982.

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

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

The motion to lay on the table was agreed to.

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

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

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

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

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3211. A communication from the Under Secretary of the Interior, transmitting, pursuant to law, notice of a decision to change the proposed holding of proposed oil and gas lease sale RS-2; to the Committee on Energy and Natural Resources.

EC-3212. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the 1981 status report of the General Services Administration covering public building projects authorized for construction, alter-

ation, and lease in accordance with the Public Buildings Act of 1959; to the Committee on Environment and Public Works.

EC-3213. A communication from the Fiscal Assistant Secretary of the Treasury, transmitting, pursuant to law, the fourth annual report on the financial condition and results of the operations of the Black Lung Disability Trust Fund; to the Committee on Finance.

EC-3214. A communication from the Chairman of the U.S. International Trade Commission, transmitting, pursuant to law, a quarterly report on trade between the United States and the nonmarket economy countries; to the Committee on Finance.

EC-3215. A communication from the Board of Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds transmitting, pursuant to law, the Board's 1982 annual report; to the Committee on Finance.

EC-3216. A communication from the attorney-adviser of the Department of State transmitting, pursuant to law, a list of international agreements, other than treaties, entered into by the United States within the last 60 days; to the Committee on Foreign Relations.

EC-3217. A communication from the Acting Director of the Defense Security Agency transmitting, pursuant to law, a list of defense articles and services provided to El Salvador by the Department of Defense as of March 19, 1982; to the Committee on Foreign Relations.

EC-3218. A communication from the Director of the Office of Legislative Affairs of the Agency for International Development transmitting, pursuant to law, the 1982 Sahel development program report; to the Committee on Foreign Relations.

EC-3219. A communication from the President and Chief Executive Officer of the Federal Home Loan Mortgage Corporation transmitting, pursuant to law, the annual report of the Corporation's compliance with the Sunshine Act; to the Committee on Governmental Affairs.

EC-3220. A communication from the Deputy Administrator of the General Services Administration transmitting, pursuant to law, a followup report on responses to the fiscal 1981 pay increase under the Federal statutory pay system, annual report; to the Committee on Governmental Affairs.

EC-3221. A communication from the Comptroller General of the United States transmitting a report entitled "Improving Cobol Applications Can Recover Significant Computer Resources"; to the Committee on Governmental Affairs.

EC-3222. A communication from the Chairman of the Federal Trade Commission transmitting, pursuant to law, the 1981 annual report of compliance with the Government in the Sunshine Act; to the Committee on Governmental Affairs.

EC-3223. A communication from the Executive Secretary of the National Mediation Board transmitting, pursuant to law, the 1981 report on compliance with the Government in the Sunshine Act; to the Committee on Governmental Affairs.

EC-3224. A communication from the Assistant Secretary of the Interior for Indian Affairs, transmitting, pursuant to law, notice that there will be a delay in the submission of the proposed reservation plan for the Paiute Indian Tribe of Utah; to the Select Committee on Indian Affairs.

EC-3225. A communication from the Assistant Attorney General for Legislative Affairs, transmitting, pursuant to law, the 1981 annual report on the activities and operations of the Public Integrity Section, Criminal Division, and reporting on the nationwide Federal law enforcement effort against public corruption; to the Committee on the Judiciary.

EC-3226. A communication from the Executive Director of the Committee for Purchase From The Blind and Other Severely Handicapped, transmitting, pursuant to law, the annual report on the activities of the Committee under the Freedom of Information Act for calendar year 1981; to the Committee on the Judiciary.

EC-3227. A communication from the Chairman of the Board of Directors of the Tennessee Valley Authority, transmitting, pursuant to law, the annual report of the authority on activities under the Freedom of Information Act for calendar year 1981; to the Committee on the Judiciary.

EC-3228. A communication from the Acting Chairman of the Equal Employment Opportunity Commission, transmitting, pursuant to law, the annual report on the activities of the Commission under the Freedom of Information Act for calendar year 1981; to the Committee on the Judiciary.

EC-3229. A communication from the President of the American Academy and Institute of Arts and Letters, transmitting, pursuant to law, the annual report on the activity of the Academy for calendar year 1981; to the Committee on the Judiciary.

EC-3230. A communication from the Secretary of Education, transmitting, pursuant to law, the interim report for the congressionally mandated study of school finance for calendar year 1981; to the Committee on Labor and Human Resources.

EC-3231. A communication from the Deputy Secretary of Energy, transmitting, pursuant to law, notice of a delay in the submission of a report on financial, institutional, environmental, and social barriers to the development and application of technologies in the recovery of energy from municipal waste; to the Committee on Energy and Natural Resources.

EC-3232. A communication from the Acting Secretary of the Interior, transmitting, pursuant to law, the Federal Coal Management Report for fiscal year 1981; to the Committee on Energy and Natural Resources.

EC-3233. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report on hazardous substance liability insurance; to the Committee on Environment and Public Works.

EC-3234. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for the Fund for the Improvement of Postsecondary Education; to the Committee on Labor and Human Resources.

EC-3235. A communication from the Secretary of Transportation, transmitting, pursuant to law, the third report of administration of the Offshore Oil Pollution Compensation Fund; to the Committee on Energy and Natural Resources.

EC-3236. A communication from the vice president of the Federal Land Bank of Columbia and the Federal Intermediate Credit Bank of Columbia, transmitting, pursuant to law, the annual report of the Farm Credit Retirement Plan, Columbia District, for the year ending August 31, 1981; to the Committee on Governmental Affairs.

EC-3237. A communication from the chairman of the board of directors and the executive director of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the annual report of the Corporation for fiscal year 1980; to the Committee on Labor and Human Resources.

EC-3238. A communication from the Assistant Secretary of the Army for Civil Works transmitting, pursuant to law, a final environmental impact statement on the Merced County streams project, California; to the Committee on Appropriations.

EC-3239. A communication from the General Counsel of the Department of Energy transmitting a draft of proposed legislation to add funds to a previously transmitted draft bill authorizing appropriations for Department of Energy national security programs; to the Committee on Armed Services.

EC-3240. A communication from the Secretary of Housing and Urban Development transmitting, pursuant to law, a report on the effects of the 40 percent limitation on section 235 assisted units in subdivisions; to the Committee on Banking, Housing, and Urban Affairs.

EC-3241. A communication from the Secretary of Transportation transmitting a draft of proposed legislation to amend the Urban Mass Transportation Act to provide authorizations for appropriations; to the Committee on Banking, Housing and Urban Affairs.

EC-3242. A communication from the Acting Secretary of Transportation transmitting, pursuant to law, a final rule identifying State and local highway safety programs most effective in reducing accidents, injuries, and deaths; to the Committee on Commerce, Science, and Transportation.

EC-3243. A communication from the Secretary of Commerce transmitting a draft of proposed legislation to authorize the Secretary of Commerce to establish and charge prices for charts published by the National Oceanic and Atmospheric Administration; to the Committee on Commerce, Science, and Transportation.

EC-3244. A communication from the Chairman of the Board and the President of COMSAT, transmitting, pursuant to law, the 18th Annual Report of COMSAT; to the Committee on Commerce, Science, and Transportation.

EC-3245. A communication from the General Counsel of the Department of Energy transmitting a draft of proposed legislation authorizing appropriations for Department of Energy civilian programs for fiscal years 1983 and 1984; to the Committee on Energy and Natural Resources.

EC-3246. A communication from the Secretary of Energy transmitting, pursuant to law, the fifth Comprehensive Program and Plan for Federal Energy Education, Extension, and Information Activities; to the Committee on Energy and Natural Resources.

EC-3247. A communication from the Administrator of the General Services Administration transmitting, pursuant to law, a prospectus for a lease for the partial consolidation of the headquarters activities of the International Communications Agency in Washington, D.C.; to the Committee on Environment and Public Works.

EC-3248. A communication from the Administrator of the General Services Administration transmitting, pursuant to law, certain prospectuses for the provision of Federal space; to the Committee on Environment and Public Works.

EC-3249. A communication from the Assistant Secretary of the Army for Civil Works transmitting, pursuant to law, a report on 12 projects recommended for de-

authorization; to the Committee on Environment and Public Works.

EC-3250. A communication from the Acting Director of the International Development Cooperation Agency transmitting, pursuant to law, the sixth report on activities under title XII of the Foreign Assistance Act; to the Committee on Foreign Relations.

EC-3251. A communication from the Secretary of Labor transmitting a draft of proposed legislation for the relief of certain persons who transferred from the U.S. Postal Service to the Office of the Inspector General, U.S. Department of Labor; to the Committee on the Judiciary.

EC-3252. A communication from the Secretary of Labor transmitting a draft of proposed legislation for the relief of certain individuals in connection with their employment by the Office of the Inspector General of the U.S. Department of Labor; to the Committee on the Judiciary.

EC-3253. A communication from the Supervisory Copyright Information Specialist, Copyright Office of the Library of Congress, transmitting, pursuant to law, its annual Freedom of Information Act report for 1981; to the Committee on the Judiciary.

EC-3254. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a study on the reason for variation in hospital utilization across the country; to the Committee on Labor and Human Resources.

EC-3255. A communication from the Secretary of Labor transmitting a draft of proposed legislation to authorize appropriations for the President's Committee on Employment of the Handicapped; to the Committee on Labor and Human Resources.

EC-3256. A communication from the Secretary of Labor transmitting a draft of proposed legislation to implement that portion of the President's budget proposals on entitlement program changes concerning the Federal Employees Compensation Act; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 2272. A bill to enhance the transfer of technical information to industry, business, and the general public by amending the Act of September 9, 1950 (15 U.S.C. 1151 et seq.) to establish a Technical Information Clearinghouse Fund, and for other purposes (Rept. No. 97-335).

S. 2273. A bill to amend section 7 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706) to extend authorizations for appropriations, and for other purposes (Rept. No. 97-336).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

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

Gary Loy Richardson, of Oklahoma, to be U.S. Attorney for the eastern district of Oklahoma for the term of 4 years;

John T. Callery, of Tennessee, to be U.S. Marshal for the western district of Tennessee for the term of 4 years;

Stanley I. Marcus, of Michigan, to be U.S. Attorney for the southern district of Florida 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. PERCY (by request):

S. 2398. A bill to provide for increased participation by the United States in the African Development Fund; to the Committee on Foreign Relations.

By Mr. INOUYE:

S. 2399. A bill to amend title 10, United States Code, to eliminate the restrictions on the types of medical care that the uniformed services may provide, directly or by contract, to dependents of members of the uniformed services; to the Committee on Armed Services.

By Mr. INOUYE (by request):

S. 2400. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to permit distribution of certain State-inspected meat and poultry products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. INOUYE:

S. 2401. A bill to reauthorize the Central, Western, and South Pacific Fisheries Development Act; to the Committee on Commerce, Science, and Transportation.

By Mr. COCHRAN (for himself and Mr. STENNIS):

S. 2402. A bill to provide assistance for transportation improvement projects; to the Committee on Finance.

By Mr. THURMOND (for himself, Mr. BOSCHWITZ, Mr. DENTON, Mr. EXON, Mr. SARBANES and Mr. ZORINSKY):

S. 2403. A bill to recognize the organization known as the Fleet Reserve Association; to the Committee on the Judiciary.

By Mr. HEINZ:

S. 2404. A bill to amend section 202 of the Housing Act of 1959 to reauthorize the housing for the elderly and handicapped program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. INOUYE:

S.J. Res. 188. A joint resolution to authorize and request the President to designate March 1, 1983, as "National Recovery Room Nurses Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAKER:

S. Res. 365. A resolution to amend paragraph 2 of Rule XXV and to make certain majority party committee appointments; considered and agreed to.

By Mr. ROBERT C. BYRD:

S. Res. 366. A resolution making certain minority party appointments to certain standing committees of the Senate for the 97th Congress; considered and agreed to.

By Mrs. HAWKINS (for herself and Mr. DODD):

S. Res. 367. A resolution expressing the sense of the Senate with respect to recognition of the Red Shield of David of the Magen David Adom by the International Committee on the Red Cross; to the Committee on Foreign Relations.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PERCY (by request):

S. 2398. A bill to provide for increased participation by the United States in the African Development Fund; to the Committee on Foreign Relations.

AFRICAN DEVELOPMENT FUND

● Mr. PERCY. Mr. President, by request, I introduce for appropriate reference a bill to provide for increased participation by the United States in the African Development Fund.

This legislation has been requested by the Treasury Department and I am introducing the proposed legislation in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the Acting Secretary of the Treasury to the President of the Senate dated April 9, 1982.

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

S. 2398

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

SECTION. 1. The African Development Fund Act, as amended (22 U.S.C. 290g et seq.), is further amended by adding at the end the following new section:

"SEC. 213. (a) The United States Governor of the Fund is hereby authorized to contribute on behalf of the United States $150,000,000 to the Fund as the United States contribution to the third replenishment of the resources of the Fund, except that any commitment to make such contribution shall be made subject to obtaining the necessary appropriations.

"(b) In order to pay for the United States contribution provided for in this section, there is hereby authorized to be appropriated without fiscal year limitation $150,000,000 for payment by the Secretary of the Treasury."

SEC. 2. This Act shall take effect on the date of its enactment, except that no funds authorized to be appropriated by any amendment may be available for use or obligation prior to October 1, 1982.

THE SECRETARY OF THE TREASURY,
Washington, April 9, 1982.

Hon. GEORGE BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Transmitted herewith is a draft bill, "To provide for increased participation by the United States in the African Development Fund."

Submission of a bill is required by Section 205 of the African Development Fund Act which provides that Congressional authorization must be obtained for the United States to agree to increase its contribution to the Fund.

The bill being submitted authorizes the U.S. Governor of the African Development Fund (AFDF) to contribute on behalf of the United States $150,000,000 as the U.S. contribution to the third replenishment of the resources of the AFDF. It requires that any commitment to make a contribution to the Fund be made subject to obtaining the necessary appropriations. It also authorizes the appropriation of $150,000,000 for payment of the contribution to the AFDF. Finally, in accordance with the procedural requirements of the Congressional Budget and Impoundment Control Act of 1974, the bill provides that funds authorized in this bill cannot be used or expended before October 1, 1982.

The U.S. contribution to the AFDF is fundamental to the Fund's program to help meet developmental needs of the poorest African countries, those with low per capita incomes and limited external debt repayment capacity which warrant concessional lending terms. Except under the most unusual circumstances, AFDF loans are not granted to countries with a 1976 per capita GNP which is above $550. Absolute priority is given to countries which have a 1976 per capita GNP of $280 or less. Since its establishment, the Fund has channeled lending to high priority projects for agriculture, transportation, water supply and sewerage.

The commitment authority of the Fund is now exhausted and the Board of Governors is in the process of approving the resolution for a third replenishment of the AFDF. The overall replenishment, which would finance lending for the 1982-84 period, totals about $1060 million. The proposed U.S. share is $150 million, or 14.2 percent of the total. Appropriations for the U.S. contribution would be sought in three equal annual installments beginning in FY 1983.

U.S. participation in the third replenishment of the African Development Fund is an important way of demonstrating this country's continuing commitment to Africa's economic growth and development. We have increasing economic, political and security interests in Africa which underscore the need to strenghten our ties with the nations of that continent. We also have a strong humanitarian interest in helping to reduce poverty among the poorest people in the world's least developed continent.

It would be appreciated if you would lay this bill before the Senate. A similar bill has been submitted separately to the Speaker of House of Representatives.

The Office of Management and Budget has advised that there is no objection to the presentation of this proposal to Congress and that enactment of this bill would be in accord with the President's program.

Sincerely,

R. T. McNAMAR,
Acting Secretary.●

By Mr. INOUYE:

S. 2399. A bill to amend title 10, United States Code, to eliminate the restrictions on the types of medical care that the uniformed services may provide, directly or by contract, to dependents of members of the uniformed services; to the Committee on Armed Services.

MEDICAL CARE TO DEPENDENTS OF MEMBERS OF THE UNIFORMED SERVICES

● Mr. INOUYE. Mr. President, today I am introducing legislation which would amend the basic authorization statute of the civilian health and medical program of the uniformed services (CHAMPUS) in order to remove all present legislative restrictions on the type of health benefit package which the Department of Defense may wish to provide to eligible beneficiaries.

For financial reasons, it currently is not possible for the Department of Defense to provide every CHAMPUS beneficiary with a totally comprehensive health care benefit. However, I strongly feel that we should provide the Department with maximum possible administrative flexibility so that CHAMPUS can continuously modify its program in order to respond to either changing demands of the beneficiary population or changes in the way that health care is delivered across our Nation. If my proposal is enacted into public law, the Department will still have to live within its budgetary constraints; however, I would fully expect that over time we will see a number of new and important health care initiatives being made available to CHAMPUS beneficiaries.

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

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

S. 2399

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (a) of section 1076 of title 10, United States Code, is amended to read as follows:

"(a) Any dependent of a member of the uniformed services who—

"(1) is on active duty for a period of more than 30 days; or

"(2) died while on such duty.

is entitled, upon request, to medical and dental care in facilities of the uniformed services, subject to the availability of space and facilities and the capabilities of the medical and dental staff."; and

(b) Subsection (b) of such section is amended by striking out "the medical and dental care prescribed by section 1077 of this title" and inserting in lieu thereof "medical and dental care".

SEC. 2. Section 1077 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out "(a) Only the" and inserting in lieu thereof "The";

(B) by striking out clause (10) and inserting in lieu thereof the following:

"(10) Dental care.";

(C) by striking out clauses (11) and (12);

(D) by redesignating clause (13) as clause (11); and

(E) by striking out clause (14) and inserting in lieu thereof the following:

"(12) Durable equipment, such as wheelchairs, iron lungs, and hospital beds."; and

(2) by striking out subsection (b).

SEC. 3. The second sentence of section 1079(a) of title 10, United States Code, is amended to read as follows: "The medical care authorized to be provided under contracts entered into under this section include—

"(1) the types of health care authorized to be provided dependents under section 1076 of this title;

"(2) under joint regulations to be prescribed by the Secretary of Defense and the Secretary of Health and Human Services, the services of Christian Science practioners and nurses and services obtained in Christian Service sanatoriums; and

"(3) durable equipment, such as wheelchairs, iron lungs, and hospital beds.".

SEC. 3. The amendments made by this Act shall take effect October 1, 1982.●

By Mr. INOUYE:

S. 2401. A bill to reauthorize the Central, Western, and South Pacific Fisheries Development Act through fiscal year 1985; to the Committee on Commerce, Science, and Transportation.

REAUTHORIZATION OF FISHERIES DEVELOPMENT ACT

● Mr. INOUYE. Mr. President, today, I am introducing legislation to reauthorize the Central, Western, and South Pacific Fisheries Development Act (Public Law 92-44, as amended by Public Law 94-343 and Public Law 95-295). The existing law authorizes $5 million for fiscal years 1980 through 1982. My bill would extend that authorization for another 3 years at existing funding levels. It will help us develop the tuna resources in the Pacific basin and strengthen the American tuna industry.

The program established under the act is designed to assist the economic growth of the Pacific islands by developing their local fisheries. The Pacific Tuna Development Foundation (PTDF) was established in 1974 to assist in implementing this program. The PTDF is a unique cooperative effort that includes the Trust Territory of the Pacific Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the State of Hawaii, the U.S. tuna industry, and the Federal Government.

The PTDF's efforts to develop the Pacific's fisheries have been very successful. There can be little doubt that continued efforts by the PTDF will result in expanded fishing and resource development activities in the region. With continued support, PTDF will work to increase yields, develop conservation techniques, and provide economic benefits to both our Nation and those Pacific islands with which we are closely associated.

As of yet, no moneys have been appropriated under this act. Rather, the U.S. Department of Commerce has chosen to fund the PTDF's work through Saltonstall-Kennedy (S-K) funds. As we are all aware, the current budget proposes drastic cuts for S-K programs. The PTDF has played a crucial role in developing U.S. fisher-

ies in the Pacific and should be put on a permanent basis instead of being dependent on temporary S-K funding.

I urge all of my distinguished colleagues to join with me in supporting this legislation to reauthorize the Central, Western, and South Pacific Fisheries Development Act through fiscal year 1985.●

By Mr. COCHRAN (for himself and Mr. STENNIS):

S. 2402. A bill to provide assistance for transportation improvement projects; to the Committee on Finance.

MULTIMODAL TRANSPORTATION IMPROVEMENT ACT OF 1982

● Mr. COCHRAN. Mr. President, I am introducing legislation today for myself and Senator STENNIS, that will provide a comprehensive approach to the problem of funding future improvement projects for rail, highway, air, and water transportation.

The Multimodal Transportation Improvement Act of 1982, recognizes the importance of this Nation's multimodal transportation system and the need to insure a direct source of funding to provide some of the investment dollars that will be required to keep the system operating efficiently in the years ahead. This legislation would require that a portion of the customs receipts, which are derived in large measure from the ability of our transportation system to generate and sustain the movement of export and import cargo among our trading partners, would be made available on an equitable basis to fund projects for improvement and maintenance in each mode—rail, highway, air, and water.

Under present law amounts equivalent to a percentage of customs receipts are made available for specific purposes. For example, 30 percent of receipts are appropriated for the export promotion activities of the U.S. Department of Agriculture. This legislation would continue to recognize this and any other statutory requirements tied to customs receipts. The Multimodal Transportation Improvement Act would simply add rail, highway, air, and water transportation, as generators of customs receipts, to receive amounts equivalent to their respective contributions to the movement of cargo in world trade.

If this bill's provisions had been in effect during fiscal year 1981, the following amounts would have been available for appropriation from customs receipts:

Rail projects, 17 percent, $1.53 billion.
Highway projects, 17 percent, $1.53 billion.
Waterway projects, 16 percent, $1.44 billion.
Airport projects, 10 percent, $.90 billion.
USDA, 30 percent, $2.70 billion.
Customs costs (and other), 10 percent, $.90 billion.

I believe it is time we recognized the existing interdependence, competition, and economic contributions of our multimodal transportation system. For too long we have attempted to solve our transportation funding problems on an individual modal basis by devising specific policies and funding mechanisms for each. Whether by user fee, land grant, loan guarantee, or other Federal subsidy, each mode has been the recipient of assistance in one form or the other. This legislation can serve as a positive first step in finding a comprehensive solution to funding future transportation projects, without disrupting the efficiency and competition that now exists.●

By Mr. THURMOND (for himself, Mr. BOSCHWITZ, Mr. DENTON, Mr. EXON, Mr. SARBANES, Mr. SASSER, and Mr. ZORINSKY):

S. 2403. A bill to recognize the organization known as the Fleet Reserve Association; to the Committee on the Judiciary.

FLEET RESERVE ASSOCIATION

Mr. THURMOND. Mr. President, today I am introducing legislation to grant a Federal charter to the Fleet Reserve Association. I am pleased to have Senators BOSCHWITZ, DENTON, EXON, SARBANES, SASSER, and ZORINSKY join with me as cosponsors of this bill.

The Fleet Reserve Association is a nonprofit organization that is dedicated to serving the needs of the active duty and retired enlisted members of our Nation's sea services. The association has 154,167 members from the U.S. Navy, the U.S. Marine Corps and the U.S. Coast Guard. The primary purpose of the Fleet Reserve Association is to represent and further the viewpoint of its members on matters pertaining to military personnel. The association also provides individual career services to its members and assists members, dependents and survivors with personal problems and survivor benefits.

In 1916, the Naval Reserve Act was passed which permitted enlisted men of the Regular Navy and the Regular Marine Corps to transfer to the Fleet Naval Reserve, upon completion of 16 and 20 years of active service, respectively. At this time it became apparent that there was a need for an active organization to preserve the rights and benefits which Congress granted to these personnel and their dependents. The Fleet Reserve Association had its inception 8 years later, when a band of shipmates gathered at a formal assembly in Philadelphia, Pa., in order to form an organization of career enlisted men to promote mutual loyalty, protection, and service. The group chose the name Fleet Reserve Association because their members were largely from the Fleet Naval Reserve. The association became officially chartered in Pennsylvania on November 11, 1924.

Since that time the Fleet Reserve Association has been actively involved in providing individual career services to its members by working closely with the Department of the Navy, the headquarters of the U.S. Marine Corps and the headquarters of the U.S. Coast Guard. The association is registered as a representative with the Department of the Navy Board for the Correction of Naval Records, the Physical Evaluation Board and the Physical Review Council. It maintains close liaison with the military finance centers and assists them in matters of military pay and survivor's benefits. The Fleet Reserve Association has been an accredited representative with the Veterans' Administration for over 50 years.

The individual services provided by the association are at no cost to its members except for modest annual dues. Moreover, the Fleet Reserve Association will assist any military dependent or survivor regardless of their affiliation with the association. Through its national publication, Naval Affairs, the association keeps its members informed of personnel policies and laws affecting enlisted men and women. The association keeps abreast of the defense needs of our country and assists in the recruitment of quality personnel for our Nation's sea services.

The Fleet Reserve Association is a nonprofit, nonpartisan, and nonsectarian organization. It has remained apolitical during the course of its representation of enlisted individuals. The Association deals solely with personnel issues and does not become involved in matters of military or foreign policy. The Fleet Reserve Association does not participate in any partisan political activity.

The Fleet Reserve Association has worked selflessly and diligently for over 50 years to improve and enhance the quality of life enjoyed by the active duty and enlisted members of our Nation's sea services. In granting this organization a Federal charter, the Congress can show its appreciation for the tireless efforts of the association, and give it the recognition it so richly deserves. I call upon my colleagues to support this legislation and urge early enactment of this bill.

I ask unanimous consent that this bill be placed in the RECORD immediately following my remarks.

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

S. 2403

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

CHARTER

SECTION 1. The Fleet Reserve Association, organized and incorporated under the laws of the State of Pennsylvania, is hereby recognized as such and is granted a charter.

POWERS

SEC. 2. The Fleet Reserve Association (hereinafter referred to as the "association") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State or States in which it is incorporated and subject to the laws of such State or States.

OBJECTS AND PURPOSES OF ASSOCIATION

SEC. 3. The objects and purposes for which the association is organized shall be—

(1) to uphold and defend the constitution of the United States of America;

(2) to aid in maintaining an adequate naval defense for the United States of America;

(3) to assist in obtaining the best type of American personnel for the United States Navy, the United States Marine Corps, and the United States Coast Guard;

(4) to provide for the welfare of the personnel who served and are serving in the United States Navy, United States Marine Corps, and United States Coast Guard;

(5) to continue to loyally serve the United States Navy, Marine Corps, and Coast Guard;

(6) to preserve the spirit of shipmatism by mutual helpfulness to shipmates and their families; and

(7) to instill love of country and flag and to promote soundness of mind and body in the youth of America.

The association shall function as a patriotic, civic, and historical organization as authorized by the laws of the State or States wherein it is incorporated.

SERVICE OF PROCESS

SEC. 4. With respect to service of process, the association shall comply with the laws of the States in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

MEMBERSHIP

SEC. 5. Eligibility for membership in the association and the rights and privileges of members shall be as provided in the bylaws of the association.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 6. The board of directors of the association and the responsibilities thereof shall be as provided in the articles of incorporation of the association and in conformity with the laws of the State of States in which it is incorporated.

OFFICERS OF ASSOCIATION

SEC. 7. The officers of the association, and the election of such officers shall be as is provided in the articles of incorporation of the association and in conformity with the laws of the State or States wherein it is incorporated.

RESTRICTIONS

SEC. 8. (a) No part of the income or assets of the association shall inure to any member, officer, or director of the association or be distributed to any such person during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the association or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) The association shall not make any loan to any officer, director, or employee of the association.

(c) The association and any officer and director of the association, acting as such officer or director, shall not contribute to, support or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) The association shall have no power to issue any shares of stock nor to declare or pay any dividends.

(e) The association shall not claim congressional approval or Federal Government authority for any of its activities.

LIABILITY

SEC. 9. The association shall be liable for the acts of its officers and agents when acting within the scope of their authority.

BOOKS AND RECORDS; INSPECTION

SEC. 10. The association shall keep correct and complete books and records of account and shall keep minutes of any proceeding of the association involving any of its members, the board of directors, or any committee having authority under the board of directors. The association shall keep at its principal office a record of the names and addresses of all members having the right of vote. All books and records of such association may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 11. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(59) Fleet Reserve Association.".

ANNUAL REPORT

SEC. 12. The association shall report annually to the Congress concerning the activities of the association during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit required by section 11 of this Act. The report shall not be printed as a public document.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 13. The right to alter, amend, or repeal this Act is expressly reserved to the Congress.

DEFINITION OF "STATE"

SEC. 14. For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

TAX-EXEMPT STATUS

SEC. 15. The association shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code. If the association fails to maintain such status, the charter granted hereby shall expire.

TERMINATION

SEC. 16. If the association shall fail to comply with any of the restrictions or provisions of this Act the charter granted hereby shall expire.

By Mr. HEINZ:

S. 2404. A bill to amend section 202 of the Housing Act of 1959 to reauthorize the housing for the elderly and handicapped program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

HOUSING FOR THE ELDERLY AND HANDICAPPED PROGRAM

● Mr. HEINZ. Mr. President, today I am introducing legislation that would provide for the annual construction of 20,000 section 202 housing units for the elderly and handicapped; make minor revisions to the section 202 statute; and reauthorize the congregate housing services program.

Under the section 202 program, the Federal Government makes direct loans to private, nonprofit project sponsors to use in developing housing that is specifically designed to meet the needs of the low-income elderly and handicapped. Rental assistance is provided under the section 8 program to eligible residents so that they pay no more than 30 percent of their income for rent. Since the program's reactivation in 1976, over 86,000 units for the elderly and the handicapped have been constructed. Another 38,000 are underway. Of these amounts approximately 10,000 are elderly housing units.

Over the years the section 202 program has evolved into the primary Federal financing vehicle for building housing for older persons that will enable them to remain self-sufficient and independent in our society. Through policies developed by the Department of Housing and Urban Development, the program has consciously targeted itself to the unique needs of the elderly and handicapped by incorporating congregate space and special design features such as nonslip floors, lower shelves, grab bars, and emergency call systems into the projects. These projects satisfy far more than the simple need for shelter. They provide a supportive environment where social, physical, and emotional needs are met without jeopardizing independence.

The immense demand for appropriate housing within the reach of low-income elderly and handicapped persons is observable in the waiting lists that commonly are kept by section 202 project sponsors. Several projects in my own home State of Pennsylvania have waiting lists of over 250. This demand in itself is a measure of the program's success. Demand for elderly housing can only grow as the number of older Americans doubles over the next 50 years. Equally as significant as a measure of success is the virtually non-existent default rate among section 202 project sponsors.

The section 202 program is an outstanding example of a program that works and must be continued. Over the past few months I have been working with the Ad Hoc Elderly Housing Coalition in the development of

amendments to the existing section 202 statute. We have completed a set of amendments that I believe are crucial to the continued success of the program. A summary of the provisions of the bill I am introducing is as follows:

First, the bill proposes the continuation of the section 202 program at a level of 20,000 units per year for fiscal years 1983, 1984, and 1985. This would require loan authority of $1 billion in fiscal year 1983, $1.1 billion in 1984, and $1.2 billion in 1985. The 20,000 unit level was unanimously recommended by the delegates to the White House Conference on Aging. While the number of units proposed is more than the number provided during the past 2 years, it is less than program levels provided prior to that time.

Second, the legislation would limit sponsorship of section 202 projects to private nonprofit corporations, including nonprofit consumer cooperatives. This limitation has been placed on program participation each year by the Congress through the appropriations process. This provision would simply place current practice into the authorizing legislation.

Third, the bill would prohibit the sale of a section 202 project to any organization or individual except a private nonprofit sponsor who agrees to maintain the low-income character of the project for the elderly or handicapped for at least the remaining term of the original 40-year loan. The intent of the provision is to assure that elderly and handicapped projects continue to serve the population they were originally constructed to serve.

Fourth, the bill provides that the interest rate on section 202 loans be set annually at the average Federal borrowing rate or at 9 percent, whichever is lower. This amendment is designed to assure the feasibility of constructing section 202 projects without concommitant increases in rental subsidies needed to cover the substantial increases in development and amortization costs resulting from higher loan rates.

Stabilizing the interest rate will assure a continued flow of loan funds to finance elderly and handicapped housing projects without a major drain on the Treasury since, historically, Federal borrowing costs rarely rise above the 9-percent level.

Finally, the bill includes several provisions that set in place current aspects of program operation deemed essential to ongoing, successful program performance in meeting the needs of elderly and handicapped project residents.

In addition to amending the section 202 statute, the bill reauthorizes the congregate housing services program at a level of $10 million in fiscal year 1983, $11 million in fiscal year 1984, and $12 million in fiscal year 1985. These authorizing levels are consistent with amounts provided for the program in past appropriations.

The congregate housing services program was first authorized in 1978. The major purposes of the legislation were threefold.

First, to prevent the unnecessary institutionalization of low-income elderly and handicapped persons who have some functional disabilities. At the time, it was conclusively demonstrated that placement in nursing homes could be delayed or prevented if some basic support services were made available in a residential setting.

Second, to encourage the construction of housing projects that are designed to meet the needs of the partially impaired elderly and handicapped.

Third, to reduce medicare, medicaid and other health-related expenditures.

Under the program, HUD awards 3- to 5-year grants to local public housing authorities and nonprofit 202 housing sponsors. The grants provide for nutritional meals and other supportive services, such as personal care. The law specifically prohibits the duplication of existing local services. Program participants are required to pay for the services they receive based on their ability to pay.

Since enactment of the legislation, 40 congregate housing services projects have become operational serving almost 1,600 elderly and handicapped citizens. Another 15 projects should become operational in the near future. Preliminary data collected by HUD and the American Association of Homes for the Aged from currently operating projects indicates that the program has been overwhelmingly successful in achieving its purposes.

Premature institutionalization is being prevented, thereby protecting low-income elderly and handicapped individuals from an unnecessary loss of independence. Further, the development of housing designed for the partially impaired elderly and handicapped is being stimulated. Lastly, Federal health-related expenditures are being reduced. Using the most conservative of analytic assumptions, every dollar spent in congregate housing services potentially is saving two medicaid dollars. Information from some projects suggest even greater savings.

It is not a program that is designed to meet all of the congregate service needs of the elderly and handicapped who require such services. But it is one method of delivery that should be continued while other methods are being studied and implemented.

The cost of the unnecessary institutionalization of elderly and handicapped persons eligible for assisted housing is already being borne by the Government. Information from the Department of Health and Human Services indicates that up to 40 percent of our older Americans currently in nursing homes could return to the community if more appropriate services were available. If these figures regarding inappropriate placement are correct, potential savings to the medicaid program through funding of community-based services programs—like the congregate housing services program—is high.

In concluding my remarks, I would like to express my sincere thanks to the "Ad Hoc Elderly Housing Coalition" for the outstanding professional guidance they have provided to me and my staff in developing this bill. It is gratifying to have the support of the coalition's varied membership of 26 organizations, including the American Association of Homes for the Aged and the National Council of Senior Citizens, for this important piece of legislation.

The availability of affordable, and livable housing continues to be a source of great anxiety for many older people. The bill will reestablish and redefine our commitment to meeting those individuals' unique needs. Housing for both the elderly and handicapped means more than simply placing a roof over their heads and the bill will make sure that housing options which expand these individuals physical and social boundaries will always be available. I hope many of my colleagues will join me in this effort as cosponsors.●

By Mr. INOUYE:

Senate Joint Resolution 188. Joint resolution to authorize and request the President to designate March 1, 1983, as "National Recovery Room Nurses Day"; to the Committee on the Judiciary.

NATIONAL RECOVERY ROOM NURSES DAY

● Mr. INOUYE. Mr. President, today I am introducing a Senate joint resolution to proclaim March 1, 1983, as "National Recovery Room Nurses Day."

The American Society of Post Anesthesia Nurses, which was chartered in 1980, is the professional association of recovery room nurses, who are employed in over 5,000 hospital recovery rooms across the Nation.

An individual who works in a recovery room must be a highly skilled professional. These nurses provide direct care to patients immediately following anesthesia and surgery and must be technically competent and continually engaged in updating and improving their knowledge of the latest in sophisticated nursing and medical technology. He or she must also be a caring person, actually involved in patient teaching, comforting patients in pain, supporting their families in times of stress, and facilitating the pa-

tient's early recovery from the effects of anesthesia and surgery.

There is no question in my mind that our Nation's professional nurses are the backbone of our health care system and that without them we would not have the outstanding track record that every one of us cherishes when our loved ones become ill and must be admitted to a hospital.

Accordingly, the time has now come for the Congress of the United States to bestow upon these dedicated individuals the public recognition that they so richly deserve.

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

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

S.J. RES. 188

Whereas the immediate postanesthetic period is the most critical in a patient's recovery;

Whereas the primary focus of the American Society of Post Anesthesia Nurses is the education of its membership, with a goal of excellence in the care of patients who have undergone surgery and the administration of anesthetic agents;

Whereas the Postanesthesia Recovery nurse is skilled in basic and sophisticated life support and monitoring techniques;

Whereas the availability of professional, skilled nursing personnel has been demonstrated to reduce the incidence of postoperative complications and mortality;

Whereas the Postanesthesia Recovery nurse provides safety and comfort to the patient who is unable to meet his or her own physical needs; and

Whereas the Postanesthesia Recovery nurse, in a single day, must care for patients who range in age from a few hours to 100 years or more, and must treat each with calm, personalized, professional care: 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 March 1, 1983, as "National Recovery Room Nurses Day" and calling upon the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

ADDITIONAL COSPONSORS

S. 46

At the request of Mr. THURMOND, the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of S. 46, a bill to amend title 5 of the United States Code to permit present and former civilian employees of the Government to receive civil service annuity credit for retirement purposes for periods of military service to the United States as was covered by social security, regardless of eligibility for social security benefits.

S. 505

At the request of Mr. HAYAKAWA, the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from California (Mr. CRANSTON) were added as cosponsors of S. 505, a bill to improve the quality of table grapes for marketing in the United States.

S. 1215

At the request of Mr. PROXMIRE, the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 1215, a bill to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws.

S. 1450

At the request of Mr. CANNON, the Senator from South Dakota (Mr. ABDNOR) was added as a cosponsor of S. 1450, a bill to provide for the continued deregulation of the Nation's airlines, and for other purposes.

S. 1595

At the request of Mr. INOUYE, the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 1595, a bill to provide for the designation of income tax payments to the U.S. Olympic Development Fund.

S. 1688

At the request of Mr. SPECTER, the Senator from Indiana (Mr. LUGAR), and the Senator from Oklahoma (Mr. BOREN) were added as cosponsors of S. 1688, a bill to combat violent and major crime by establishing a Federal offense for continuing a career of robberies or burglaries while armed and providing a mandatory sentence of life imprisonment.

S. 1929

At the request of Mr. HATCH, the Senator from Montana (Mr. BAUCUS) was withdrawn as a cosponsor of S. 1929, a bill to amend the Public Health Service Act and the Federal Cigarette Labeling and Advertising Act to increase the availability to the American public of information on the health consequences of smoking and thereby improve informed choice, and for the purposes.

S. 1939

At the request of Mr. GOLDWATER, the Senator from Michigan (Mr. LEVIN) 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. 1977

At the request of Mr. JOHNSTON, the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of S. 1977, a bill to repeal the Public Utility Holding Company Act of 1935 as no longer necessary to accomplish the purpose for which it was enacted.

S. 2061

At the request of Mr. MOYNIHAN, the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2061, a bill to provide for the conservation, rehabilitation, and improvement of natural and cultural resources located on public and Indian lands, and for other purposes.

S. 2071

At the request of Mr. HEINZ, the Senator from South Dakota (Mr. PRESSLER) was added as a cosponsor of S. 2071, a bill to amend the Trade Act of 1974 with respect to reciprocal market access.

S. 2144

At the request of Mr. RANDOLPH, the Senator from Pennsylvania (Mr. HEINZ) was added as a cosponsor of S. 2144, a bill to extend the Appalachian Regional Development Act to provide transitional assistance to the Appalachian region.

S. 2158

At the request of Mr. DANFORTH, the Senator from Michigan (Mr. RIEGLE), the Senator from Virginia (Mr. WARNER), the Senator from Montana (Mr. MELCHER), the Senator from Connecticut (Mr. WEICKER), the Senator from Indiana (Mr. LUGAR), and the Senator from Massachusetts (Mr. TSONGAS) were added as cosponsors of S. 2158, a bill to amend title 23, United States Code, to authorize and direct the payment of an incentive grant for highway safety programs to any State in any fiscal year during which the statutes of the State include certain provisions relating to driving while intoxicated; to establish a national driver register, and for other purposes.

S. 2174

At the request of Mr. THURMOND, the Senator from Arkansas (Mr. PRYOR), the Senator from Florida (Mrs. HAWKINS), the Senator from Texas (Mr. BENTSEN), and the Senator from Washington (Mr. JACKSON) were added as cosponsors of S. 2174, a bill to recognize the organization known as American Ex-Prisoners of War.

S. 2225

At the request of Mr. BAUCUS, the Senator from Vermont (Mr. LEAHY), the Senator from Wisconsin (Mr. KASTEN), and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of S. 2225, a bill to amend the Internal Revenue Code of 1954 to remove certain limitations on charitable contributions of certain items.

S. 2267

At the request of Mr. HEINZ, the Senator from Pennsylvania (Mr. SPECTER), was added as a cosponsor of S. 2267, a bill to amend the Internal Revenue Code of 1954 to allow the Secretary of the Treasury to waive the interest penalty for failure to pay estimated income tax, for elderly and retired persons, in certain situations.

S. 2277

At the request of Mr. MITCHELL, the Senator from Montana (Mr. MELCHER) was added as a cosponsor of S. 2277, a bill to amend the Internal Revenue Code of 1954 to make certain changes to stimulate the housing industry.

S. 2317

At the request of Mr. COCHRAN, the Senator from Colorado (Mr. ARMSTRONG) was added as a cosponsor of S. 2317, a bill to recognize the organization known as the National Federation of Music Clubs.

S. 2321

At the request of Mr. SPECTER, the Senator from Massachusetts (Mr. TSONGAS) was added as a cosponsor of S. 2321, a bill to amend the Internal Revenue Code of 1954 to require substantiation of the living expenses of Members of Congress which are allowed as a deduction.

S. 2327

At the request of Mr. RIEGLE, the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2327, a bill to amend the National Housing Act to provide for an emergency homeownership program, to authorize assistance to avoid mortgage defaults caused by adverse economic conditions, and for other purposes.

S. 2369

At the request of Mr. DOLE, the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2369, a bill to amend the Internal Revenue Act of 1954 to clarify the standards used for determining whether individuals are not employees for purposes of the employment taxes, and for other purposes.

S. 2393

At the request of Mr. SYMMS, the Senator from North Carolina (Mr. HELMS), the Senator from Nevada (Mr. LAXALT), the Senator from Iowa (Mr. GRASSLEY), and the Senator from Oklahoma (Mr. NICKLES) were added as cosponsors of S. 2393, a bill to amend the Legal Services Corporation Act to provide for a cause of action for a violation of the act.

SENATE JOINT RESOLUTION 93

At the request of Mr. (Mr. HAYAKAWA, the Senator from Delaware (Mr. ROTH) was added as a cosponsor of Senate Joint Resolution 93, a joint resolution to clarify that it is the basic policy of the Government of the United States to rely on the competitive private enterprise system to provide needed goods and services.

SENATE JOINT RESOLUTION 160

At the request of Mr. HAYAKAWA, the Senator from Pennsylvania (Mr. HEINZ) was added as a cosponsor of Senate Joint Resolution 160, a joint resolution to designate July 9, 1982, as "National POW-MIA Recognition Day."

SENATE JOINT RESOLUTION 168

At the request of Mr. BAUCUS, the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of Senate Joint Resolution 168, a joint resolution to establish reciprocal entrance fees for Canadian citizens entering Glacier National Park in connection with the 50th anniversary of the Waterton-Glacier International Peace Park.

SENATE JOINT RESOLUTION 180

At the request of Mr. WEICKER, the Senator from Florida (Mrs. HAWKINS), and the Senator from California (Mr. CRANSTON) were added as cosponsors of Senate Joint Resolution 180, a joint resolution to authorize and request the President to issue a proclamation designating the week beginning May 9, 1982, as "National Small Business Week."

SENATE JOINT RESOLUTION 181

At the request of Mr. D'AMATO, the Senator from Iowa (Mr. JEPSEN) was added as a cosponsor of Senate Joint Resolution 181, a joint resolution to authorize and designate the President to issue a proclamation designating April 25 through May 2, 1982, as "Jewish Heritage Week."

SENATE JOINT RESOLUTION 183

At the request of Mr. SPECTER, the Senator from Virginia (Mr. WARNER), the Senator from Maryland (Mr. SARBANES), and the Senator from Illinois (Mr. DIXON) were added as cosponsors of Senate Joint Resolution 183, a joint resolution to authorize and request the President to issue a proclamation designating October 19 through October 25, 1982, as "Lupus Awareness Week."

SENATE JOINT RESOLUTION 184

At the request of Mr. INOUYE, the Senator from Utah (Mr. HATCH) was added as a cosponsor of Senate Joint Resolution 184, a joint resolution to designate January 28, 1983 as "Native American Day."

SENATE JOINT RESOLUTION 185

At the request of Mr. DOLE, the Senator from Illinois (Mr. PERCY), the Senator from Minnesota (Mr. BOSCHWITZ), and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of Senate Joint Resolution 185, a joint resolution to establish a national policy on exports of U.S. produced food and food products.

SENATE CONCURRENT RESOLUTION 71

At the request of Mr. QUAYLE, the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of Senate Concurrent Resolution 71, a concurrent resolution expressing the sense of the Congress that the President, the Board of Governors of the Federal Reserve System, and the Congress must coordinate fiscal and monetary policy to insure that economic recovery and stable economic growth are not hindered by excessively restrictive monetary policy and high interest rates.

SENATE CONCURRENT RESOLUTION 73

At the request of Mr. HEINZ, the Senator from Washington (Mr. GORTON), and the Senator from Washington (Mr. JACKSON) were added as cosponsors of Senate Concurrent Resolution 73, a concurrent resolution to condemn the Iranian persecution of the Bahai community.

SENATE RESOLUTION 261

At the request of Mr. MITCHELL, the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of Senate Resolution 261, a resolution expressing the sense of the Senate that the President should not impose fees on crude oil and refined petroleum products.

SENATE RESOLUTION 299

At the request of Mr. WEICKER, the Senator from Illinois (Mr. PERCY), and the Senator from Rhode Island (Mr. PELL) were added as cosponsors of Senate Resolution 299, a resolution to designate May 4, 1981, as "International Franchise Day."

SENATE RESOLUTION 325

At the request of Mr. DIXON, the Senator from Ohio (Mr. GLENN) was added as a cosponsor of Senate Resolution 325, a resolution expressing the sense of the Senate that a supplemental appropriation should be enacted to restore full funding of the WIN program.

SENATE RESOLUTION 340

At the request of Mr. ROBERT C. BYRD, the Senator from Montana (Mr. BAUCUS), the Senator from Arizona (Mr. DECONCINI), the Senator from Illinois (Mr. DIXON), and the Senator from Connecticut, (Mr. DODD) were added as cosponsors of Senate Resolution 340, a resolution to express the sense of the Senate that no action be taken to terminate or otherwise weaken the community service employment program under title V of the Older Americans Act of 1965.

SENATE RESOLUTION 343

At the request of Mr. MATHIAS, the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of Senate Resolution 343, a resolution expressing the sense of the Senate with respect to beginning strategic arms negotiations with the Soviet Union.

AMENDMENT NO. 1244

At the request of Mr. RANDOLPH, the Senator from Georgia (Mr. NUNN), the Senator from Mississippi (Mr. STENNIS), the Senator from Michigan (Mr. LEVIN), the Senator from Arizona (Mr. DECONCINI), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Oklahoma (Mr. NICKLES), and the Senator from Montana (Mr. MELCHER) were added as cosponsors of amendment No. 1244 proposed to Senate Resolution 20, a resolution providing for television and radio coverage of preceedings of the Senate.

At the request of Mr. MITCHELL, his name was added as a cosponsor of amendment No. 1244 proposed to Senate Resolution 20, supra.

AMENDMENT NO. 1333

At the request of Mr. MATHIAS, the Senator from Rhode Island (Mr.

PELL), and the Senator from Georgia (Mr. MATTINGLY) were added as cosponsors of amendment No. 1333 intended to be proposed to S. 1758, a bill to amend title 17 of the United States Code to exempt the private noncommercial recording of copyrighted works on video recorders from copyright infringement.

SENATE RESOLUTION 367—RELATING TO RECOGNITION OF MAGEN DAVID ADOM BY THE INTERNATIONAL RED CROSS

Mrs. HAWKINS (for herself and Mr. DODD), submitted the following resolution, which was referred to the Committee on Foreign Relations:

S. RES. 367

Whereas Magen David Adom is the major emergency medical, blood, ambulance, and disaster service in Israel;

Whereas Magen David Adom performs services indentical to those performed by Red Cross Societies currently recognized by the International Committee on the Red Cross;

Whereas Magen David Adom has been formally recognized by the American Red Cross as an exceptionally strong humanitarian organization fully qualified in every way for full recognition and equal status with members of the International League of Red Cross Societies;

Whereas Magen David Adom fulfills nine out of ten formal requirements for the recognition of National Red Cross Societies by the International Red Cross;

Whereas the one requirement that Magen David Adom does not fulfill is the rule that only Red Cross Societies using the "title and emblem of the Red Cross or Red Crescent, in conformity with the Geneva Conventions." may become a member of the International Red Cross;

Whereas Magan David Adom uses the Red Shield of David as its emblem and distinctive sign of the medical services of israel's armed forces;

Whereas Magen David Adom wishes to claim the same privileges for its emblem as is afforded Red Cross Societies not using the Red Cross emblem, as long as there is no uniform emblem agreed upon by the League of Red Cross Societies;

Whereas the International Committee of the Red Cross has formally accepted and officially acknowledged the Turkish Red Crescent as the symbol of Red Cross Societies in Moslem countries;

Whereas recognition of the Red Shield of David and thus Magen David Adom is vital so that, in times of international conflict, the parties to the Geneva Convention will recognize as a protective symbol the Red Shield of David; and

Whereas the General Assembly of the League of Red Cross Societies has taken an important step toward recognition of Magen David Adom by granting Magen David Adom observer status at the meeting of the Assembly held in Manila, the Philippines, in November of 1981: Now, therefore be it

Resolved, That it is the sense of the Senate that the International Committee on the Red Cross should accord recognition to the Red Shield of David of the Magen David Adom as an emblem meeting the membership requirements of the International Committee on the Red Cross and as an emblem in full conformity with the appropriate Geneva Conventions.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the International Committee on the Red Cross.

Mrs. HAWKINS. Mr. President, I am introducing today, along with Senator DODD, a resolution to assist the Israeli Red Cross in a just cause. Since the founding of the State of Israel in 1948, Magen David Adom, the organization in Israel equivalent to the American Red Cross, has provided emergency medical services to Israel's population without regard to race, creed, or ethnic affiliation. Although Magen David Adom performs the same functions as Red Cross societies throughout the world, it is denied admission to the League of Red Cross Societies, the governing body of the International Red Cross.

At issue is the inclusion of Magen David Adom's emblem, the Red Star of David, among emblems honored by signatories to the Geneva Convention. Of the 10 requirements set forth by the International Red Cross for recognition as a national Red Cross society, Magen David Adom fails to satisfy only one—that recognized societies "use of the title and emblem of the Red Cross or Red Crescent." Granting an exemption will not create a precedent. The International Red Cross already recognizes the Red Crescent as an acceptable emblem for Red Cross societies in Moslem countries.

Magen David Adom's desire for recognition by the International Red Cross stems not from political considerations, but from a wish to continue its humanitarian work in times of international conflict. Currently, all signatories to the Geneva Convention agree, in times of war, to recognize emblems mentioned in the Convention. Should there be an outbreak of hostilities in the Middle East, parties to the Convention will not be bound by international law from interfering in Magen David Adom's lifesaving work.

The American Red Cross supports Magen David Adom's efforts to secure recognition by the International Red Cross. On November 17, 1981, at the meeting of the General Assembly of League of Red Cross Societies, the American Red Cross expressed disappointment at the decision of the International Red Cross to discontinue the "Working Group on the Emblem," formed to consider this issue:

The American Red Cross is deeply disappointed at this decision. It reiterates its conviction that the Magen David Adom is an exceptionally strong society fully qualified in every way for full recognition and equal status with Red Cross and Red Crescent Societies. It deplores the fact that the technical matter of the emblem denies Magen David Adom such recognition and status and that studies on possibilities of resolving emblem issues are not to be continued.

I share the viewpoint of the American Red Cross and I urge my colleagues to support this resolution. By doing so, the Senate will inform the International Red Cross that this body endorses the activities of the Magen David Adom, and that we feel strongly that Magen David Adom should be accorded recognition by the League of Red Cross Societies.

AMENDMENTS SUBMITTED FOR PRINTING

TELEVISION AND RADIO COVERAGE OF THE SENATE

AMENDMENT NOS. 1366 AND 1367

(Ordered to be printed and to lie on the table.)

Mr. ROBERT C. BYRD submitted two amendments to be proposed by him to amendments to the resolution (S. Res. 20) providing for television and radio coverage of proceedings of the Senate.

AMENDMENT NO. 1368

(Ordered to be printed and to lie on the table.)

Mr. BAKER submitted an amendment intended to be proposed by him to an amendment to the resolution Senate Resolution 20, supra.

AMENDMENT NO. 1369

(Ordered to be printed and to lie on the table.)

Mr. BAKER submitted an amendment intended to be proposed by him to the resolution, Senate Resolution 20, supra.

CARIBBEAN BASIN PLAN

AMENDMENT NO. 1370

(Ordered to be printed and referred to the Committee on Finance.)

Mr. HEINZ (for himself, Mr. KENNEDY, Mr. TSONGAS, Mr. MOYNIHAN, Mr. COHEN, Mr. MITCHELL, Mr. KASTEN, and Mr. RANDOLPH) submitted an amendment intended to be proposed by them to the bill (S. 2237) to promote economic revitalization and facilitate expansion of economic opportunity in the Caribbean Basin region.

EXEMPTION OF CERTAIN ITEMS FROM TITLE I OF THE CARIBBEAN BASIN PLAN

Mr. HEINZ. Mr. President, on February 24, 1982, the President announced his Caribbean Basin initiative, a multidirectional effort to promote economic development in the Caribbean and Central America. In some respects this is a courageous and farsighted proposal at a time when many Americans are turning inward and increasingly questioning the use of Federal resources to provide assistance to others. Without question this is an important region of the world which has historically been neglected in our policy formation despite its strategic significance to the United States.

Given this importance, it is essential we assure ourselves the program is carefully tailored to achieve its development objectives. However, one aspect of the CBI initiative causes me considerable concern—the one-way free trade zone. This proposal, which would provide for duty-free entry of all products from the Caribbean Basin except textiles and apparel, in principle threatens to encourage the movement of American factories and jobs offshore to produce more imports likely to compete with already hard-pressed American industries. In that regard, one sector will be particularly endangered—the leather goods industry including footwear (also rubber), handbags, luggage, flat goods, work gloves, and leather wearing apparel.

These apparel-related industries already face serious import problems and are likely to be the most immediate victims of this CBI legislation. It is for that reason that Senators KENNEDY, TSONGAS, MOYNIHAN, COHEN, MITCHELL, KASTEN, RANDOLPH, and I are proposing an amendment to S. 2237, the Caribbean Basin Economic Recovery Act that will add these leather products to the textile and apparel items already exempt from the free trade zone.

Mr. President, the coalition of labor and management of these industries has prepared a detailed explanation of why this amendment is necessary and deserves serious consideration. I ask that that explanation be printed at this point in the RECORD.

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

CARIBBEAN BASIN INITIATIVE (CBI)

The following organizations are deeply concerned over the one-way free trade aspects of the CBI:

Amalgamated Clothing and Textile Workers Union, AFL-CIO.

Footwear Industries of America, Inc.

International Leather Goods, Plastics, and Novelty Workers' Union AFL-CIO.

Luggage and Leather Goods Manufacturers of America, Inc.

National Handbag Association.

United Food and Commerical Workers Union, AFL-CIO.

Work Glove Manufacturers Association.

All of the leather-related industries represented by these organizations share a common problem: we are already adversely impacted by imports. In some cases, Caribbean countries are already substantial suppliers of competing products. They have the ability with their large pool of cheap labor to increase their exports to us even further.

These industries do not question the Administration's commitment to revitalize the economies of the Caribbean Basin. We understand the political imperative of bringing about political and social stability in countries of the region.

But we believe it is manifestly unfair to have our firms and workers pay for this national policy initiative.

We seek an exclusion from the free trade provisions of the CBI as has already been decided for textiles and apparel, which are similarly labor-intensive, import-impacted industries.

We take this position for the following important reasons:

Import penetration in the U.S. market for leather-related industries has been growing substantially, as shown in the following:

	Percent
Handbags:	
1967	29.2
1977	62.9
1980	74.5
Footwear (nonrubber):	
1967	17.7
1977	47.1
1980	48.1
Leather apparel:	
1972	31.0
1977	50.3
1980	47.8
Luggage:	
1972	11.6
1977	17.8
1980	28.6
Leather work gloves:	
1972	23.0
1977	36.8
1979	51.1
Personal leather goods:	
1972	7.3
1977	10.8
1980	12.9

Further import growth in 1981 indicates that import penetration was even higher last year.

Imports of these products from Caribbean countries are substantial and growing, indicating that these countries do not need duty-free entry to penetrate the U.S. market. The following shows recent trends in U.S. imports of leather-related products from the Caribbean:

[In thousands of dollars]

	Calendar year—	
	1980	1981
Handbags	$12,946	$14,000
Footwear (nonrubber)	6,572	10,431
Leather apparel	1,130	1,637
Luggage	1,588	1,776
Leather, plastic, and rubber work gloves	2,297	2,606
Personal leather goods	1,257	2,816

[Note.—These data exclude imports from Cuba, Venezuela, Mexico, and Colombia.]

Neither the firms nor workers in these industries should bear the burden of this new policy initiative. These industries are labor-intensive. About 250,000 workers are employed in these industries in the U.S. They are mostly semi-skilled, generally women, with minorities (Blacks, Hispanics) making up a large part of the work force. Indeed, a large portion of the work force in these industries came to the U.S. from the Caribbean. These industries provide entry-level jobs and generally employ people under 25 or over 50, the hardest groups to employ, suffering high unemployment rates.

The import-sensitivity of the leather-related industries has been recognized by Congress and the Executive Branch. Nonrubber footwear has been excluded from GSP by the Trade Act of 1974. The ITC found that imports were a substantial cause of the injury suffered by the leather apparel and nonrubber footwear industries. Most leather-related products have been found to be import-sensitive in the context of GSP.

The CBI flies in the face of all trade legislation in recent years. We understand that imports which enter duty-free under the Generalized System of Preferences already account for 87 percent of imports from the Caribbean. Clearly, by allowing products across the board to enter duty-free (except for textiles and apparel), a decision has been made to discard the concept of import-sensitivity and to go to zero duty for those items which are import-sensitive.

Because of their import-sensitivity, all of these products retain a significant degree of tariff protection today, as shown in the following:

	Percent
Handbags	6.5-20.0
Footwear (nonrubber) (trade weighted average of 10 percent)	[1]-20.0
Leather apparel	6.0
Luggage	6.5-20.0
Work gloves	4.5-27.1
Personal leather goods	6.1-20.0
Rubber footwear	20.0-67.0

[1] Free.

These industries are easy to enter. Capital investment is relatively low. They are highly labor intensive. With textiles and apparel, they are the first manufacturing industries which LDCs enter. The record is quite ample to show how imports of these products into the U.S. increase substantially in a short period of time. A prime example of this phenomenon is found in the case of leather wearing apparel which received duty-free treatment under the Generalized System of Preferences for three years, from 1976 to 1978. The following shows how imports from developing countries grew when leather apparel was accorded duty-free treatment and the duty dropped from 6 percent to zero:

[In millions of dollars]

	1975	1976	1977	1978
Korea	25.3	65.9	79.1	114.3
Taiwan	22.5	29.9	27.6	37.9
Argentina	2.9	9.7	18.3	43.7
Uruguay	8.5	17.8	24.2	34.2

Increased imports of leather-related products from the Caribbean under a one-way free trade policy will not replace imports from other countries but will be at the expense of U.S. firms and their workers as domestic production falls. Over the years, many new LDC supplying countries have entered the U.S. market in the leather products sector without any noticeable displacement, if any, of older LDC suppliers.

The safeguard measures that the Administration will propose will not work for this sector. Imports increase rapidly before action can be taken, no matter how good the intentions may be on the part of the Executive Branch. Certainly the record of the "escape clause" in the U.S., on which the CBI safeguard measure will be based, leaves serious doubt as to how effective this will be under a CBI. Out of the 45 investigations completed to date pursuant to Section 201 of the Trade Act of 1974, only 9 have resulted in import relief. Action taken by the President to terminate relief on nonrubber footwear as of June 30, 1981 is a clear indication of what might lie ahead for leather-related industries. By law, the nonrubber footwear industry cannot even petition again for "escape clause" relief until July 1, 1983 at the earliest; therefore, the proposed CBI legislation provides no safeguards for this industry until then. Furthermore, the Administration's trade policy statement of July 8, 1981 provides no comfort and indeed is a matter of serious concern with regard to

safeguards for industries such as ours, even if we were to invoke the "escape clause."

The free-trade aspects of the CBI are inconsistent with the Administration's concerns for small businesses. On March 1 the President submitted to Congress a report on small business. He correctly pointed out that over half of the U.S. labor force is employed by small businesses; that most small firms are labor intensive; that small businesses provide most, by far, of the new jobs in the economy; and that "America needs small business formation and growth." Most firms in the leather products industries are small businesses. Yet, the duty-free provisions of the CBI will result in increased imports to the serious detriment of firms and workers in these industries. The Administration cannot permit duty-free entry from the Caribbean of leather products and yet foster these small businesses.

With substantially growing import penetration, the leather-related industries are already in a state of siege. We have suffered from plant closings and lost jobs due to imports. Do not exacerbate our problems in the name of a national policy initiative. Do not cause more of our plants to close. Do not make our workers pay for this new policy.

● Mr. MITCHELL. Mr. President, I am pleased to cosponsor this amendment to the President's Caribbean Basin initiative. This amendment is a positive contribution to our economic and trade policies, and I will work closely with Senator HEINZ to see that the Finance Committee incorporates this amendment in whatever Caribbean Basin legislation is approved.

As with any other trade policy initiative, we must carefully balance our international objectives with our domestic concerns. By exempting from the duty-free treatment proposal certain products that are labor intensive and highly sensitive to imports, this amendment significantly improves on the President's program. The President has already recognized the need to be selective regarding which products will receive duty-free treatment. Part of his original proposal would exempt textiles and apparel from the free-trade feature of his initiative. This amendment simply extends the logic of this exemption to other products that are similarly import sensitive.

As a Senator from the leading footwear-producing State in the Nation, I strongly endorse excluding footwear from duty-free treatment. The viability of both nonrubber and rubber footwear producers in Maine would be threatened by the surge in imports that would follow enactment of the Caribbean Basin initiative as currently drafted.

The American market for nonrubber footwear is already more open to imports and has fewer restrictions than any other market in the leading footwear producing countries. While most other countries protect their footwear industries, imports account for over 50 percent of all sales in the United States. Because the United States has such an open market, Caribbean producers already have sufficient incentive to export footwear to the United States.

The sensitivity of the U.S. nonrubber footwear market to imports is well-established. In 1974, the Congress specifically exempted this sector from duty-free treatment under the generalized systems of preferences. Also, the International Trade Commission unanimously recommended import relief twice, before temporary import relief was finally implemented in 1977. At the conclusion of this import relief program, the ITC again recommended relief, on the grounds that imports continued to injure the domestic industry.

Unfortunately, President Reagan rejected that recommendation and terminated the program. Many footwear producers and workers, including those in Maine, have suffered the adverse consequences of this decision. Following the termination of import relief, 1981 imports exceeded the 1980 level by 10 million pairs, even as U.S. sales declined. We should not compound the industry's problems created by last year's decision by opening up the domestic market even further through the Caribbean Basin initiative.

The rubber footwear industry has faced similar problems from import competition. From 1972 to 1980, the import share of the U.S. market rose from 27 percent to 60 percent. U.S. producers are adjusting to their foreign competition. We should not disrupt their adjustment plans with a policy that will lead to a new surge in imports.

In conclusion, I strongly urge my colleagues to support this measure. All of the items covered by the amendment, which include footwear, work gloves, handbags, luggage, and leather wearing apparel, are sensitive to imports. This amendment properly expresses the concerns of important domestic industries in our international policies.●

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MATHIAS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Monday, April 19, at 3 p.m., to hold a hearing on NOAA authorizations.

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

SUBCOMMITTEE ON CONGRESSIONAL OPERATIONS AND OVERSIGHT

Mr. MATHIAS. Mr. President, I ask unanimous consent that the Subcommittee on Congressional Operations and Oversight, of the Governmental Affairs Committee, be authorized to meet during the session of the Senate at 9:15 a.m. on Tuesday, April 20, to discuss possible changes in the Consumer Price Index.

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

SUBCOMMITTEE ON IMMIGRATION AND REFUGEE POLICY

Mr. MATHIAS. Mr. President, I ask unanimous consent that the Subcommittee on Immigration and Refugee Policy, of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Tuesday, April 20, at 12 noon, to hold a joint hearing with the House Subcommittee on the Immigration Reform and Control Act of 1982.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. MATHIAS. Mr. President, I ask unanimous consent that the Intelligence Committee be authorized to meet during the session of the Senate at 2 p.m. on Tuesday, April 20, to discuss the intelligence budget for the fiscal year 1983.

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

COMMITTEE ON THE JUDICIARY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, April 20, to discuss pending calendar business.

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

SUBCOMMITTEE ON REGIONAL AND COMMUNITY DEVELOPMENT

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Regional and Community Development, of the Committee on Environment and Public Works, be authorized to meet during the session of the Senate at 2 p.m. on Tuesday, April 20, to conduct a hearing on S. 2250, the Disaster Relief Act Amendments of 1982.

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

ADDITIONAL STATEMENTS

WELCOME TO SENATOR NICHOLAS F. BRADY OF NEW JERSEY

● Mr. QUAYLE. Mr. President, it is a privilege to join with my other colleagues in the Senate in extending a warm Hoosier welcome to our new colleague from New Jersey, NICHOLAS F. BRADY. Senator BRADY brings to this body a distinguished background of experience in the financial field as well as strong credentials in the Republican Party.

He comes to the Senate at a time when we can call upon his wisdom and good judgment to help us reach that

elusive compromise on the budget, suggest initiatives that will bring interest rates down, and add to the innovative thinking necessary to create jobs and bring unemployment rates down.

This is indeed a big order for a new freshman Senator. However, NICHOLAS BRADY has accepted the challenging assignment to represent New Jersey with the understanding that he will only be on the banks of the Potomac for a little while. He has the intelligence and the capacity to perform outstanding service for his State and Nation.

In all seriousness, I congratulate him and wish him all the best.●

SERVICE EXPORTS GIVE THE UNITED STATES A 1981 CURRENT ACCOUNT SURPLUS

● Mr. INOUYE. Mr. President, on March 18, the Department of Commerce's Bureau of Economic Analysis released a summary of U.S. international transactions for the fourth quarter and the year 1981.

Those figures showed that the 1981 U.S. current account was in surplus by $6.6 billion. This occurred notwithstanding another poor merchandise trade performance resulting in a deficit of $27.8 billion compared to the $25.3 billion in 1980.

However, our service balance was in surplus by $41.2 billion in 1981, compared to $36.1 billion in 1980. Simple calculations demonstrate that the income from services and investment was responsible for the current account surplus and that without it our international accounts would be in very poor shape.

Ambassador William Brock and his colleagues in the administration have made the negotiation in services and investments a major priority for future multilateral discussion. Hopefully we shall see progress through the GATT and in other multilateral fora in reducing trade barriers to services and investments, for it would set back the cause of free trade if countries were to erect protectionist legislation during this economically trying period.

It is to be hoped that our international trading partners will not enact or apply additional protectionist barriers to the sale of U.S. services in the belief that our "invisables" surplus will make us tolerant of such actions. Far from turning our cheek, the mood in Congress will condone nothing less than strong retaliation, and our friends should stand forewarned.

Several bills have been introduced in both Houses to promote U.S. services and to provide the President with greater authority to react to foreign protectionism toward U.S. service exports and investments. The Senate will shortly act on S. 1233, the Service Industries Development Act, which I introduced with Senator PRESSLER.

Awaiting action is S. 2058, the Trade in Services Act, which I introduced with Senators CHAFEE and ROTH. I hope that the Congress will enact both bills soon.

Not only are services a key component of the U.S. economy, accounting for approximately 70 percent of all jobs and about 65 percent of the GNP, but they clearly provide us with a crucial edge in our international transactions. We should proceed quickly with international discussions to lower and eliminate barriers to the trade in services and investment.●

A VITAL PROJECT

● Mr. D'AMATO. Mr. President, our scientific community is the foundation upon which our economic future and national security rest. Physics and, in particular high energy physics, has long been the premier discipline because physicists have made fundamental discoveries about the nature of our universe which have paved the way for modern technology and our economic success.

We have by no means learned all there is to learn about our universe. But to learn more, our physicists must have the massive, sophisticated and, indeed, expensive tools needed to probe the boundaries of human knowledge. One such tool is the intersecting particle accelerator known as Isabelle, which is under construction at Brookhaven National Laboratory.

I recently joined in a letter with several of my colleagues, asking for support for continued funding for Isabelle. I believe we must complete Isabelle in order to insure continued U.S. leadership in high energy physics. We cannot allow leadership in this critical field to slip through our fingers.

Why is high energy physics so important to our future as a free nation? Nuclear weapons resulted from basic discoveries made by physicists. Now, directed energy weapons, in large part the product of earlier high energy physics research, may allow us to end the threat of ICBM- and SLBM-delivered weapons of mass destruction. The Soviet Union has made massive investments in high energy physics, because they recognize the revolutionary impact basic scientific discoveries in this area can have on fundamental economic and national security issues. We must not concede leadership to them as a result of budget decisions.

In the April 3, 1982, edition of the Brookhaven Bulletin, two articles appeared on the subject of Isabelle. These articles explain in detail the scientific and technical progress Isabelle can reasonably be expected to produce, and set forth in summary form the views of some of our most distinguished scientists on the subject. I commend those articles to your attention, and ask that they be printed in the RECORD.

The articles follow:

PERSPECTIVES ON ISABELLE

Behind many an important discovery lies a unique instrument. During the Renaissance, Galileo constructed the first complete astronomical telescope, which led directly to the confirmation of Copernicus' revolutionary theory of the solar system. Fifty years ago, John Douglas Cockcroft and Ernest T. S. Walton used an electrostatic accelerator to produce nuclear disintegrations. This development led to cyclotrons, linear accelerators, synchrotrons, colliding beam storaging devices and more, without which we would have little knowledge of such things as the nucleus, radioactivity, nuclear medicine and fusion power.

Isabelle is a unique instrument that shares this potential for discovery. The proton beams in Isabelle's two rings will collide at six intersections where energies available to create new matter will reach 800 GeV. Physicists believe that this energy region may be rich in new phenomena. The words of the 1974 report of HEPAP's Subpanel on New Facilities are relevant: "In the past, the opening up of a new energy region always has shown that nature is much richer than we had predicted from the results at lower energies. It is difficult to express in guarded terms the enthusiasm generated in the high energy physics community by the prospect of such major breakthroughs."

The report goes on: "The subpanel as well as the community of physicists feels strongly that such a dispersal (PEP on the West Coast, TeV in the Midwest, Isabelle on the East Coast) provides the diversity of physics, style and intellectual input which is desirable for a fruitful scientific endeavor." Subsequent HEPAP studies have continued to emphasize the importance of the multilab concept for the U.S. high energy physics program.

In Physics Today (January 1982), John Marburger, president of the State University of New York at Stony Brook, said, "The profound insights come only after long scrutiny of nature's actual behavior. And that requires apparatus: apparatus both to aid the eye and to stimulate something worth seeking." Isabelle will "aid the eye" with extremely high luminosity, implying a high rate of particle collisions. With luminosity 100 to 1000 times higher than any similar machine, with energies up to 800 GeV, Isabelle is expected to stimulate many things worth seeing. When physicists set up their experimental equipment, here are a few of the things they will be looking for.

W and Z—One theory holds that the carriers of the weak force (responsible for radioactivity) are intermediate bosons called $W\pm$ and Z. Even if other accelerators detect the W's or the Z before Isabelle is completed, Larry Trueman, deputy chairman of the Physics Department, said, "Isabelle's high luminosity will make it possible to study the properties of these bosons in detail, with a greatly reduced experimental error, and so, for example, permit accurate measurements of the W mass. This cannot be done anywhere else."

T-quark—So far, physicists have found five quarks and have postulated the existence of a sixth, called t. While the mass of the t-quark is unknown, there are two reasons to believe it may be found in Isabelle's energy range: lower energy electron-posi-

tron colliders have failed to it and the first five quarks have been found to be successively more massive. "Isabelle should be able to produce the t if its mass is as high as 100 GeV," said Truemen. "If it's higher than that, it would be hard to find it anywhere."

Jets—These sprays of particles may be formed by the interactions of quarks escaping the pull of coupling particles called gluons. The interaction of quarks and gluons is described by a theory called QCD. Isabelle's high luminosity will provide far more jet events than any other machine and help physicists to test the validity of QCD.

Beyond these predictions of the model of elementary particles, Trueman pointed out that Isabelle will be used to study the new physics at much higher masses, to search for the elusive Higgs boson, to explore the predictions of more far-reaching theories such as the super-symmetric theory which unified bosons and fermions, and the technicolor theory which aims at exploring the origin of mass. There are several new particles predicted to be in the mass range that can be studied at Isabelle, up to around 300 GeV. The discovery of one of these would have a revolutionary effect on our understanding of matter. To quote Nobel laureate S. C. C. Ting, "The physics of Isabelle is unique. It is the only accelerator with true potential for discoveries beyond our expectations."

BNL's acting director Nicholas Samios has said, "Isabelle will provide the cornerstone of the U.S. high energy physics program." And Stony Brook's John Marburger wrote, "It is the only accelerator currently under construction that is capable of maintaining American competitiveness in high energy physics."

Superconductivity occurs when electricity flows with no resistance through certain materials at very low temperatures. Since the electricity is not dissipated in resistive heating, to operate electrical equipment built with superconductors costs relatively little, requiring power only for running a cryogenic system. Isabelle will use over 1,100 superconducting magnets to shape and guide the proton beams. R&D efforts have aimed at perfecting those magnets and the cryogenic system that will cool them to temperatures below 3.8°K. Results have been highly successful. The magnets have proved powerful and reliable, even exceeding the Isabelle performance specifications. The helium refrigerator will be the largest in the world. These technologies may prove to be directly applicable to other potential uses of superconductivity, which range from electrical power transmission to more efficient generators and even magnetic fusion.

Besides superconductivity, groups are working in high vacuum, computer controls, data processing, electronic devices and detector development. "We try to use industrial technologies, but sometimes we need to develop techniques beyond what is presently available," said Tom Ludlam, head of the Isabelle Detector Development Group. "Because of the symbiotic relationship between high energy physics and industry, some of these techniques may be picked up by industry to come back to society in a more immediately beneficial form."

One such spinoff could be Relway—the reliable process data highway developed to connect the myriad components of Isabelle's control system. Relway uses standard techniques and parts from the cable TV industry to create a multi-band version of a popular type of single channel communications data system. Rusty Humphrey, head of the Isabelle Control Group, said, "Relway has created considerable interest in industry and may soon be used commercially."

Detector development often requires new techniques. A detector must pick out the significant signals from the millions that pass through it each second. To make these decisions and record essential data from the large number of events (50 million per second) that Isabelle's high luminosity will foster, the electronics must operate more quickly than ever. An ultra high-speed electronic logic device developed by BNL physicist Ed Platner will be used in Isabelle's detectors. And since it can access data at speeds in excess of 330 megahertz, it is so attractive to industry that efforts are now underway to make this device commercially available.

Each of Isabelle's detectors must surround one of the six points where the two proton beams collide. This imposes space limitations that render some existing types of detectors impractical. Addressing this problem, BNL physicists Dick Strand and Sam Borenstein are developing optical fibers of scintillating material to replace conventional scintillation counters, and tiny photodiodes to replace bulky photo-multipliers. Now being tested, "this idea represents a totally new technique for detecting particles," said Ludlam.

In listing Isabelle's benefits, it becomes obvious that the human element is a very important one. Some of the country's best scientific personnel are being trained and challenged at Isabelle. These scientists and engineers will feed into many streams of American life and invigorate our technical know-how.

The spinoffs from Isabelle—those which exist and those which are predictable—make a long and varied list. Still, many benefits will not be listed until Isabelle is completed and the needed technology is developed along the way.

No one knows exactly what rewards will ultimately be reaped from Isabelle. But in pushing technologies to their limits, in helping physicists probe ever more deeply into matter, Isabelle will surely be a unique instrument with a unique potential for discovery.

ISABELLE'S PLACE IN U.S. HIGH ENERGY PHYSICS AS SEEN BY TRILLING SUBPANEL

The final report of the Subpanel on Long Range Planning for the U.S. High Energy Physics Program, known as the Trilling report after the Subpanel chairman George Trilling, has been submitted to DOE as a guideline for the future.

The 60-page report deals with all aspects of the U.S. high energy program and looks closely at the current and proposed facilities at the DOE high energy accelerator laboratories—SLAC, Fermilab and Brookhaven, and the NSF-funded accelerator at Cornell. It also describes the accelerator facilities available in Europe, Japan and the U.S.S.R., and the possibilities for international collaboration on the building of future accelerators. It specifically states that Isabelle would be especially appropriate for worldwide use.

The Subpanel was charged with developing a national high energy physics plan for the next decade, at three possible funding levels, with particular attention to be paid to the role of Isabelle. The levels of $440 million and $395 million are of particular interest to Brookhaven. (At the lowest level of $360 million there would certainly be no Isabelle, no AGS, and the state of U.S. high energy physics would be sorry, indeed.)

There is general agreement among Subpanel members that "construction of a substantial new facility to be ready for research by the end of the 1980's" is a major requirement for a flourishing high energy program. Current accelerators will be too old to address physics questions of the future. The Tevatron I collider, now under construction at Fermilab, and the proposed SLAC Linear Collider will offer a limited number of interaction regions where experiments could be done.

But the nature of this new facility will depend on the amount of money available. At $440 million, its full steam ahead with Isabelle. Although this funding level has not yet been reached the Trilling subcommittee allows a period of grace. It assumes that such a level will be reached by fiscal year 1984, "or at the latest fiscal year 1985." In the meantime, it recommends that magnet R&D be the focus of concentration at Brookhaven.

At $395 million (1982 dollars) the Subpanel concludes that "construction of this scientifically valuable facility [Isabelle] would have to be abandoned in its present scope." Therefore, it suggests that a lot of thought be given to "a start by the mid-1980's on a new high energy construction project" more modest in cost. Among such projects being studied is "an electron-proton collider or a less expensive high luminosity ($L=10^{33}$ cm^{-2} sec^{-1}) hadron-hadron collider built in the Isabelle tunnel."

The Trilling report notes that a substantial high energy physics program could be maintained at the $395 million level until late in the decade, but by 1990, the lack of an Isabelle would be apparent. A less expensive new facility, with fewer opportunities for experiment would be adequate, but "the U.S. effort, while of high quality, would be less competitive."

The Reagan budget for fiscal year 1983 has earmarked $429 million for the U.S. high energy physics program. This is approximately the second level of funding considered in the Trilling report—$395 million in 1982 dollars. At this level zero money is requested for Isabelle construction, but funds are recommended for magnet research.

Isabelle is by no means down and out, and it should be noted again that the Subpanel supports the construction of Isabelle if increased funding is provided by fiscal year 1984 and even as late as fiscal year 1985. As a matter of fact, there seems to be an upward trend. The fiscal year 1983 budget for high energy physics in the United States, as it now stands, is considerably larger than that for fiscal year 1982, and this could be taken as a move toward the higher level necessary for the continued construction of BNL's accelerator.●

BEYOND INDUSTRIALIZATION: ASCENDANCY OF THE GLOBAL SERVICE ECONOMY

● Mr. INOUYE. Mr. President, as many of my colleagues know and has been increasingly become evident to the general public, the United States is a service economy. Many statistics are cited to emphasize this, such as the fact, that 70 percent of the work force is employed in the service sector

and that two-thirds of our GNP is derived from the service sector.

Moreover, the media have pointed out correctly that the United States is raising before the GATT Ministerial scheduled for November the need to develop a code of conduct on the international trade in services. There is currently before the Senate Finance Committee the Trade in Services Act, S. 2058, a bill cosponsored by Senators CHAFEE and ROTH and me, which would extend priority to multilateral negotiations on the international trade in services and investment.

While there is a growing awareness of the superficial highlights of the service basis of the American economy, the fact is that the United States has been a service-oriented economy for many years and that the trend away from farming and manufacturing has been proceeding for decades. The need for multilateral negotiations is surely necessary since the United States runs a large annual surplus in the invisibles trade, but equally important is the need to understand the service sector and to place the service sector in proper perspective.

There has been a disturbing lack of academic study and policy discussion of the growth of the service sector and the role services play in the American economy. As a consequence of this lack of analysis, some American policymakers talk about facts which occurred years ago as though they were new developments.

I would thus like to bring to the attention of my colleagues and others who read the RECORD the recent publication of a book entitled "Beyond Industrialization: Ascendency of the Global Service Economy," which is one of the few texts on this phenomenon, certainly the most recent book on the subject, and probably the most relevant as we prepare for the GATT Ministerial.

The author of the book is Mr. Ron Shelp, vice president of the American International Group (AIG) of New York City, which is one of the world's most innovative international insurers. Mr. Shelp handles international government affairs for the firm. He is also chairman of the Industry Sector Advisory Committee on Services, which assists the U.S. Government on international service-related issues. Work for this book was undertaken in conjunction with the esteemed Council on Foreign Relations in New York.

As one of the few books to examine services in a historical and global context, it is beyond a short, easy summary. For this reason, I would urge those who wish to understand the service economy and the international trade in services better to read this work.

However, I believe it would be fair to state that he makes the following points among many findings and conclusions. First, there is little understanding of or attempt to understand services by academicians and policymakers. Consequently, their visibility has been low notwithstanding their obvious importance to the economy and the need to integrate better their dominant role in general economic policy.

Second, services are rarely considered together but rather as separate industries and have not developed an identity which would lead to a sectoral view or a significant political impact.

Third, data and information on services are scanty, which feeds the cycle of underrating their importance and not taking service-related issues seriously.

As the representative of a State which is heavily dependent on services and to a lesser extent on agriculture, I appreciate this effort to bring services to the forefront of policy debate. I think that it is a book worthy of attention and analysis by those who seriously consider and make policy.●

MORE DEFENSE SALES TO TAIWAN NEEDED

● Mr. GOLDWATER. Mr. President, last week the Reagan administration provided official notification to Congress of the planned sale of 60 million dollars' worth of military spare parts to Taiwan. The formal notice had been delayed for several months, and was long overdue. At best, the sale of a small amount of spare parts to Taiwan is a gesture.

While I welcome any friendly action toward Taiwan, the delay in delivering notice of this sale dampens its significance. The decision to finally follow through with a transaction that was long ago agreed to makes our Government appear reluctant and fearful to keep its commitments.

The sale itself is of no great moment. It allows Taiwan to buy replacement parts for aging, defensive equipment. There is not the slightest question that the sale of these replacement items is required under the Taiwan Relations Act.

What makes our Government's belated notice of the sale appear weak and indecisive is the manner in which the transaction has been explained to Communist China. First, it is reported by the news media that our Government emphasized this is not "a new sale of arms." Although this statement is true, it creates a false impression of our Nation's policy. We seem to be telling Red China that if the spare parts sale was a new sale of defense equipment, we would not have agreed to it. In other words, the weak explanation by the State Department may leave a false impression that the United States has decided against future arms sales to Taiwan.

To make matters worse, the State Department qualified the spare parts sale by advising Red China that no new decisions on arms sales would be made by the United States in the next few months while talks are underway between the mainland Government and the United States. This announcement, which amounts to a unilateral moratorium, can only raise greater confusion as to what our real policy is. Moreover, the explanation will strengthen any impression Red China has that its bullying tactics can succeed in pressuring our Government to stop all arms sales to Taiwan by a date certain.

In other words, instead of proceeding swiftly and decisively with the sale of replacement parts to Taiwan, the Reagan administration squirmed, apologized, vacillated, and confused matters to the point that Red China appears to be wielding control over American foreign policy. Only after our humble apologies and explanations were given to the dictators on the mainland did they graciously condescend to make merely a strong protest against our action, but not to downgrade relations with the United States.

Mr. President, 3 months ago I called upon President Reagan to make it clear, beyond any doubt, that the United States will never consider going back on our Nation's commitment to provide adequate defense equipment to Taiwan. I repeat my request today. The President should declare vocally that the United States will not agree to cut off aid to Taiwan now or later.

In fact, what Taiwan really needs is not replacement parts; it requires new defense equipment and especially advanced fighter aircraft.

If there ever was an agreement with Communist China for a temporary moratorium on arms sales by the United States to Taiwan, I urge President Reagan as strongly as I can to terminate any such moratorium and make a prompt decision to sell Taiwan advanced fighter airplanes and the other defensive equipment she needs to meet the defense requirements of the mid-1980's. We must remember that Taiwan is our true friend, not Red China.

Mr. President, I ask that an editorial which appear in the Arizona Republic of April 15, on this subject may appear in the RECORD.

The editorial follows:

TAIWAN NEEDS THE BEST

The United States has refused to sell advanced fighter airplanes, the F-16 and the F-5G, to the Republic of China.

But it is allowing Taiwan to buy replacement parts for its less sophisticated, aging F-5Es.

The decision seems to have some justification. The United States, feeling that it needs the support of the Peoples Republic of China in the United Nations, says it will sell only defensive weapons to Taiwan.

The Department of State argues that F-5Es are defensive in nature. So far as the superior F-16s are concerned, says State, "no military need for such aircraft exists."

Oddly enough, no such argument prevailed when the United States agreed to sell F-15s to Saudi Arabia, despite protests from Israel that the aircraft could be an offensive weapon in the hands of the Saudis.

Gen. Ho-hsiung Wen, chief procurement officer for the Republic of China in the United States, recently told why the Taiwan government needs the F-16s.

"The Peoples Republic of China has a powerful air force," General Wen said, "If the mainland thought it could reduce the Taiwan defense by air attacks alone, it would be likely to make the attempt, but only if it was sure its own air force could survive."

We on Taiwan are confident we could defend ourselves with our present equipment. But if we had the F-16s, we could totally destroy the invading Communist air force. That is a price Peking would probably be unwilling to pay."

The difference between offensive and defensive weapons is narrow. The State Department should rethink its decision that advanced aircraft might lead the authorities on Taiwan to attack the government on the mainland.

With a per capita income of $2,500 compared with perhaps $400 on the mainland the Nationalists have little if any reason for attacking the Communists particularly when they consider there are 17 million Chinese on Taiwan and nearly a billion on the mainland.

The Chinese on both sides of the Formosan Strait aren't likely to forget that President Reagan, as recently as December promised "total support" to the Republic of China on Taiwan.

Outnumbered 50-to-1, the Chinese on Taiwan depend on firepower over manpower.

The American decision against selling the superior fighters to Taiwan is strictly political.

A sound military policy would lead to the sale of the type of aircraft that would prove a real deterrent against an attack from the mainland.

FEEDING THE WORLD

● Mr. KENNEDY. Mr. President, for many decades the United States has been the world's bulwark against famine. Although our foreign assistance program has fallen to disgracefully low levels, compared to what our European allies spend in terms of their gross national product, we nonetheless have a great deal to offer in food assistance.

America's leadership in world food and agricultural assistance is succinctly outlined in an essay written by Dr. Jean Mayer in the New York Times. Dr. Mayer is president of Tufts University and served as vice chairman of the Presidential Commission on World Hunger.

Contrary to the doomsday predictions over the years, Dr. Mayer notes that "the availability of food per person probably is somewhat greater today than 20 years ago," despite continued population growth.

Dr. Mayer makes a cogent case for increased food and agricultural assistance to help developing countries meet their food needs as well as respond to emergency food requirements.

I believe we must resist further unwarranted cuts in our Nation's foreign assistance program that is targeted to developing countries, and increase our food assistance to those millions who daily confront the deadly hand of starvation. We simply cannot turn our back to the world's hungry majority.

Mr. President, I include Dr. Mayer's excellent essay at this point in the RECORD.

The essay follows:

[From the New York Times, Apr. 18, 1982]

FEEDING THE WORLD

(By Jean Mayer)

BOSTON.—Since World War II, the United States has been the world's bulwark against famine. In the eyes of many foreigners, and in those of many Americans, this has made up for the shortcomings they have seen and see in our foreign policy. But now we have turned our back on America's humane values and on the poorest of our neighbors. Engulfed in a wave of Social Darwinism, America devotes only 0.27 percent of its gross national product to food and development aid in comparison to France's 0.62 percent, West Germany's 0.43 percent, Canada's 0.42 percent, and Britain's 0.34 percent.

The United States is still especially qualified to take the lead in agricultural-aid and development programs. We invented land-grant colleges, agricultural extension services, and rural credit. We are foremost in agricultural research, have the world's most efficient farmers, and export by far the largest amount of food.

Proponents of the "lifeboat ethic" assure us that the rescue effort would be wasted. They argue that some countries are so poor, so dependent, so heedless of their own overpopulation that it is against our best interests and theirs to try to save them. They will drown us all, we are told. Nonsense.

The fear that population will outstrip food production has recurred periodically since Thomas R. Malthus's "Essay on the Principles of Population," in 1798. In reality, the rate of population growth is almost nonexistent in the developed countries, declining in most of Asia, and decreasing slowly in Latin America and Africa. The best estimate is that world population will stabilize about the year 2100. The deceleration is clearly linked to contraceptive services often made available by foreign aid and to higher expectations for one's children that visible social and economic aid programs encourage.

The availability of food per person probably is somewhat greater today than 20 years ago. Total production is far more than enough to prevent famine and even malnutrition—if the food were better distributed. More food is needed to feed the world's expanding population, partly because local production should keep pace with local population and partly because as more people grow richer, their consumption of animal products increases, which in turn means they use much more grain. In America, for example, 90 percent of the grain we do not export is used for feed, not food.

Of course, there will always be local needs for food relief, but a few hundred thousand tons (out of the 1.5 billion tons or so that the world produces) are usually enough. The most serious recent large-scale famine occurred in Bangladesh during the 1973-74 world food crisis. That country needed to import three million tons of grain—the amount the United States uses annually to make beer.

Progress in Asia has been considerable in the last 10 years, in part because of foreign aid. India, a net exporter of grain, possesses some 20 million to 25 million tons of reserves. Pakistan also has achieved an approximate balance, and even Bangladesh, the world's so-called basket case, has reduced its food imports despite its continued high rate of population increase.

Triage—the process by which aid donors would decide that they could save some countries but would write off others—presupposes far better predictions of future economic development than we can make. Fifty years ago, the impoverished Arabian Peninsula would have been dismissed as hopeless; today, it floats in money.

Pessimists also consistently underestimate the effects of advances in technology. Genetic engineering is rapidly opening up new vistas in agriculture—in resistance to disease, adaptation of existing crops to difficult climatic conditions, and entirely new crops. With American help, the developing countries can become self-sufficient in agriculture.

Of course, technical assistance costs money. It is fashionable to say that we don't solve problems by throwing money at them. Yet medical surveys have conclusively shown that, over the last 10 years, the major domestic food-assistance programs started after the 1969 White House Conference on Food, Nutrition and Health essentially have eliminated malnutrition caused by poverty. (Malnutrition may reappear now that food programs are being cut.) Foreign aid programs could do the same on a global scale.

If the United States ceases to see itself as a source of agricultural assistance, we will lose both an essential instrument of international leadership and an important source of pride. We will also do something to our own self-image from which we will not easily recover.●

MASS TRANSPORTATION ACT OF 1982

● Mr. D'AMATO. Mr. President, on April 15, 1982, I introduced, along with Mr. WEICKER, Mr. HEINZ and Mr. MOYNIHAN, S. 2377, the Mass Transportation Act of 1982. I request that this bill be printed in its entirety in the RECORD.

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

S. 2377

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mass Transportation Act of 1982".

AMENDMENTS TO SECTION 3 CAPITAL GRANT PROGRAM

SEC. 101. (a) Section 3(a)(2)(A) of the Urban Mass Transportation Act of 1964 (hereinafter referred to as the "Act") is amended—

(1) by striking out "this section" in the first line and inserting in lieu thereof "subsection (a)";

(2) by striking out "and" at the end of clause (i);

(3) by striking out the period at the end of clause (ii) and inserting in lieu thereof "; and"; and

(4) by adding at the end thereof the following: "(iii) sufficient capability to maintain the facilities and equipment.".

(b) The first sentence of section 3(a)(4) is amended by striking out "this section" and inserting in lieu thereof "subsection (a)".

(c) Section 3 of the Act is amended by adding at the end thereof the following new subsection:

"(i)(1) Pursuant to this subsection, the Secretary shall make public mass transportation grants to finance the planning, acquisition, construction, improvement, and operating costs of facilities and equipment for use, by operation or lease or otherwise, in mass transportation service. Such grants may include projects that enhance the effectiveness of any mass transportation project.

"(2) To provide grants to urbanized areas with a population of 200,000 or more, the Secretary shall apportion for expenditure for each fiscal year the sums authorized and appropriated pursuant to section 4(k)(2)(B) as follows:

"(A) Sixty-five percent of such sums shall be made available for expenditure on the basis of a formula under which such urbanized areas or parts thereof will be entitled to receive an amount equal to the sum of:

"(i) one-half of the total amount so apportioned multiplied by a ratio for that urbanized area determined on the basis of bus revenue vehicle miles, as determined by the Secretary; and

"(ii) one-half of the total amount so apportioned multiplied by a ratio for that urbanized area determined on the basis of population weighted by a factor of density, as determined by the Secretary.

As used in this section the term "density" means the number of inhabitants per square mile. Where the term "population" is used in this section it means population as designated by the Bureau of the Census as shown by the latest available Federal census.

"(B) Thirty-five percent of such sums shall be made available for expenditure on the basis of a formula under which such urbanized areas or parts thereof will be entitled to receive an amount equal to the sum of:

"(i) seventy percent of the total amount so apportioned multiplied by a ratio for that urbanized area determined on the basis of rail revenue vehicle miles, as determined by the Secretary; and

"(ii) thirty percent of the total amount so apportioned multiplied by a ratio for that urbanized area determined on the basis of rail route miles, as determined by the Secretary.

"(3) To make grants to urbanized areas with a population of less than 200,000, the Secretary shall apportion for expenditure for each fiscal year the sums authorized and apportioned pursuant to section 4(k)(2)(C) as follows:

"(A) one-half of the total amount so apportioned multiplied by the ratio which the population of such an urbanized area or part thereof, as designated by the Bureau of the Census, bears to the total population of all such urbanized areas in all the States; and

"(B) one-half of the total amount so apportioned multiplied by a ratio for that urbanized area determined on the basis of population weighted by a factor of density, as determined by the Secretary.

"(4) The Federal grant for any construction project under this subsection shall not exceed 80 percent of the cost of the construction project, as determined under section 4(a) of the Act. The Federal grant for any project for operating expenses shall not exceed 50 percent of the cost of such operating expense project. The remainder shall be provided in cash from sources other than Federal funds or revenues from the operation of public mass transportation systems. Any public or private transit system funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital. The amount of any grant under this subsection which may be utilized for operating assistance may not exceed 50 percent of all funds allocated to any recipient during each fiscal year, and may not, in any event, exceed the amount of funds obligated to the recipient in fiscal year 1982 under paragraph (1)(B), (2)(C), and (3)(B) of section 5(a) of the Act.

"(5)(A) The Governor, responsible local officials, and publicly owned operators of mass transportation services in accordance with the planning process required under section 8 of the Act shall designate a recipient or recipients to receive and dispense the funds apportioned under this section that are attributable to urbanized areas of two hundred thousand or more population. In any case in which a statewide or regional agency or instrumentality is responsible under State law for the financing, construction and operation, directly, by lease, contract or otherwise, of public transportation services, such agency or instrumentality shall be the recipient to receive and dispense such funds. The term "designated recipient" as used in this subsection shall refer to the recipient selected according to the procedures required by this section.

"(B) Sums apportioned under this subsection not made available for expenditures by designated recipients in accordance with the terms of subparagraph (A) of this section shall be made available to the Governor for expenditure in urbanized areas or parts thereof in accordance with the planning process required under section 8 of the Act and shall be fairly and equitably distributed. The Governor shall submit annually a report to the Secretary concerning the allocation of funds made available under this paragraph.

"(6) The Governor may transfer an amount of the State's apportionment under paragraph (3) to supplement funds apportioned to the State under section 18(a) of the Act, or to supplement funds apportioned to urbanized areas with a population of 200,000 or more under this subsection. The Governor may transfer an amount of the State's apportionment under section 18(a) to supplement funds apportioned to the State under paragraph (3). Amounts transferred shall be subject to the capital and operating assistance limitations applicable to the original apportionments of such amounts. The Governor may make such transfers as provided for in this subsection only after consultation with, and approval by, responsible local officials and publicly owned operators of mass transportation services in those areas to which the funding was originally apportioned by the Governor in accordance with this section.

"(7) Sums apportioned under this section shall be available for obligation by the Governor or designated recipient for a period of three years following the close of the fiscal year for which such sums are apportioned. Any amounts so apportioned remaining unobligated at the end of such period shall be added to the amount available for apportionment under this section for the succeeding fiscal year.

"(8) Of the amounts available for grants under this subsection, not less than 2.5 percent of each apportionment shall be made available to finance transportation planning activities under Section 8 of the Act and the deployment of innovative demonstration results. Nothing herein shall prevent recipients from using additional funds available under this subsection for planning purposes. If the amount set aside under this paragraph exceeds local needs, the Governor or designated recipient may, with the concurrence of the metropolitan planning organization, apply to the Secretary for a waiver of all or part of this set aside.

"(9)(A) To receive a grant under this subsection for any fiscal year, a recipient—

"(i) shall comply with Title VI of the Civil Rights Act of 1964, and subsections (e)(2), (f), and (g) of section 3 of this Act;

"(ii) shall submit a statement of activities to be funded under this subsection prepared pursuant to paragraph (11), a description of its proposed use of funds, and the certifications required by this subsection; and

"(iii) shall provide satisfactory assurances, in such manner and form as may be required by the Secretary and in accordance with such terms and conditions as the Secretary may prescribe, that the rates charged elderly and handicapped persons during nonpeak hours for transportation utilizing or involving the facilities and equipment of the project financed with assistance under this subsection will not exceed one-half of the rates generally applicable to other persons at peak hours, whether the operation of such facilities and equipment is by the applicant or is by another entity under lease or otherwise.

"(B) Upon receipt of the statement, description, and certifications required by this section, after finding that a recipient is in compliance with paragraph (9)(A), and after compliance with the National Environmental Policy Act using the provisions of section 12(a) or otherwise, the Secretary shall make the amounts pursuant to this subsection available to the recipient.

"(10) To receive a grant under this subsection, the recipient must certify that the recipient—

"(A) has or will have the legal, financial, and technical capacity to carry out the proposed project;

"(B) has the authority to apply for the grant under this subsection;

"(C) will carry out the project in compliance with the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 and section 7 of the Act;

"(D) will have satisfactory continuing control, through operation, lease, or otherwise, over the use of the facilities or equipment assisted hereunder and will maintain such facilities and equipment;

"(E) in carrying out procurements under this subsection, competitive procurements will be used as defined or approved by the Secretary, will not use procurements utilizing exclusionary or discriminatory specifications, and will carry out procurements in compliance with section 401 of Public Law 95-599;

"(F) will comply with the National Flood Insurance Act of 1968;

"(G) has complied with the requirements of section 12(a); and

"(H) has available and will provide funds from other than Federal sources as required by section 4; and

"(I) has a locally developed process to solicit and consider public comment prior to raising fares or reducing transit service.

"(11) Each recipient shall—

"(A) make available to the public information concerning the amount of funds available under this subsection and the range of activities that the recipient proposes to undertake with such funds;

"(B) develop a proposed statement concerning activities to be funded in consultation with interested parties, including private transportation providers;

"(C) publish a proposed statement in such a manner to afford affected citizens, private transportation providers, or as appropriate, local elected officials an opportunity to examine its content and to submit comments on the proposed statement and on the performance of the recipient, and

"(D) hold one or more public hearings to obtain the views of citizens on activities to be funded under this subsection. In preparing the final statement, the recipient shall consider any such comments and views, particularly those of private transportation providers, and shall, if deemed appropriate by the recipient, modify the proposed statement. The final statement shall be made available to the public. Compliance with this paragraph will satisfy the requirements of subsection (d) of this section.

"(12) (A) In order to assure that the National Environmental Policy Act of 1969, and other provisions of law which further the purposes of such Act (as specified in regulations issued by the Secretary), are effectively implemented in connection with the expenditure of funds under this subsection, and to assure to the public undiminished protection of the environment, the Secretary, in lieu of the environmental protection procedures otherwise applicable, may, under regulations issued by him, provide for the release of funds to recipients who assume all of the responsibilities for environmental review, decision-making, and action pursuant to such Act, and such other provisions of law as the regulations of the Secretary specify, that would apply to the Secretary were he to undertake such projects as Federal projects. The Secretary shall issue regulations to carry out this section only after consultation with the Council on Environmental Quality.

"(B) The Secretary shall approve the release of funds in accordance with the procedures authorized by this paragraph only if, at least fifteen days prior to such approval and prior to any commitment if funds, the applicant has submitted to the Secretary a request for such release accompanied by a certification which meets the requirements of subparagraph (C). The Secretary's approval of any such certification shall be deemed to satisfy his responsibilities under the National Environmental Policy Act of 1969 and such other provisions of law as the regulations of the Secretary specify insofar as those responsibilities relate to the application and release of funds for projects to be carried out pursuant thereto which are covered by such certification.

"(C) A certification under the procedures authorized by this paragraph shall—

"(i) be in a form acceptable to the Secretary;

"(ii) be executed by the chief executive officer or other officers of the applicant qualified under regulations of the Secretary;

"(iii) specify that the applicant has fully carried out its responsibilities as described under subparagraph (A) and

"(iv) specify that the certifying officer—

(I) consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 and each provision of law specified in regulations issued by the Secretary to the extent that as the provisions of such Act or other such provisions of law apply pursuant to subparagraph (A), and

(II) authorized and consents on behalf of the applicant and himself to accept the jurisdiction of the Federal courts for the purposes of enforcement of his responsibilities as such an official.

"(13) The Secretary shall not approve a grant for a project under this subsection unless he finds that such project is part of the approved program of projects required by section 8 of the Act.

"(14) As soon as practicable after receiving the submissions required in this subsection, the Secretary shall enter into an annual project agreement with the Governor, his designee, or the designated recipient of each urbanized area.

"(15) Each recipient of assistance under this subsection shall submit to the Secretary, at a time determined by the Secretary, a statement concerning the use of funds made available under this subsection together with an assessment of how such use compares to the statement of activities identified under paragraph (11). The recipient shall, at least on an annual basis, make available independently conducted reviews and audits as may be deemed necessary or appropriate by the Secretary to determine whether—

"(A) the recipient has carried out its activities in a timely manner; and

"(B) has a continuing capacity to carry out those activities in a manner which is not plainly inconsistent with the requirements of the Act and other applicable laws. The Secretary may make appropriate adjustments in the amount of the annual grants in accordance with the Secretary's findings under this paragraph, and may reduce or withdraw such assistance or take other action as appropriate in accordance with the Secretary's review and audits under this paragraph.

"(16) The provisions of section 1001 of title 18, United States Code, apply to any certification or submission under this subsection. In addition, if any false or fraudulent statement or related act within the meaning of section 1001 of title 18, United States Code, is made in connection with a certification or submission under this subsection, the Secretary may terminate and seek appropriate reimbursement of the affected grant or grants directly or by offsetting funds available or to be available under this subsection.

"(17) A recipient may request the Secretary to approve its procurement system. If, after consultation with the Office of Federal Procurement Policy, the Secretary finds that such system provides for competitive procurements, the Secretary shall approve such systems for use for all procurements financed under this subsection. Such approval shall be binding until withdrawn. A certification from the recipient under paragraph (10)(E) is still required."

AMENDMENTS TO SECTION 4

Sec. 102. (a) The second sentence of section 4 (a) of the Urban Mass Transportation Act of 1964 is amended by striking out "an amount equal to 80 percentum of the net project cost" and inserting in lieu thereof "an amount equal to 70 percentum of the net project cost for projects funded under section 3(a) of this Act."

"(b) The first sentence of section 4(c)(3)(A) of the Act is amended by

(1) inserting "and" before "$1,600,000,000", and

(2) striking out the semicolon after "September 30, 1982" and inserting in lieu thereof a period.

"(c) Section 4(d) of the Act is amended to read as follows:

"(d) There are authorized to be appropriated such sums as are necessary for administrative costs, including salaries and expenses necessary to carry out the provisions of this Act."

"(d) Effective October 1, 1982, section 4(f) of the Act is amended to read as follows:

"(f) there are authorized to be appropriated to carry out the purposes of section 6, 10, and 11 of this Act aggregate sums not to exceed $96,600,000 by September 30, 1983; $141,600,000 by September 30, 1984; $186,600,000 by September 30, 1985; and $231,600,000 by September 30, 1986. Any amounts so appropriated shall remain available until expended.".

"(e) Section 4 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsections:

"(j)(1) The Secretary is authorized, in accordance with this section, to make capital grants to States and local public bodies and agencies thereof on such terms and conditions as the Secretary shall provide to permit expedited grants for repair or replacement of public transportation equipment and facilities which the Secretary finds have recently suffered serious damage as the result of—

"(A) a natural disaster over a wide area, or

"(B) a catastrophic occurrence from any cause, which seriously disrupts scheduled public transportation services.

"(2) No funds shall be expended under this section unless the Secretary has received an application from the State or local public body, or agency, as the case may be, and unless an emergency has been declared by the Govenor of the State and concurred in by the Secretary, except that if the President has declared an emergency or a major disaster within the meaning of the Disaster Relief Act of 1974 (Public Law 93-288), concurrence of the Secretary is not required.

"(3) Notwithstanding subsection (a), the Federal grant for any project under this section may, at the discretion of the Secretary, equal up to 100 per centum of the net project cost.

"(4) For fiscal years beginning after September 30, 1982, sums authorized to be appropriated by subsection (k)(2)(A) are authorized to be used to carry out this subsection.".

"(k)(1) To finance grants and loans under subsection (a) and (i) of section 3 of this Act and to finance grants under section 18 of this Act, there are hereby authorized to be appropriated $3,200,000 for the fiscal year ending September 30, 1982; $3,520,000,000 for the fiscal year ending September 30, 1984; $3,872,000,000 for the fiscal year ending September 30, 1985; and $4,259,560,000 for the fiscal year ending

September 30, 1986. Any amounts so appropriated shall remain available until expended.

"(2) Of the amount available under paragraph (1) for each such year, the Secretary shall make available:

(A) 24.5 percent for grants and loans under section 3(a) of this Act;

(B) 68.0 percent for grants under section 3(i) of this Act for urbanized areas with a population of 200,000 or more;

(C) 5.0 percent for grants under section 3(i) of this Act for urbanized areas with a population under 200,000; and

(D) 2.5 percent for grants under section 18 of this Act.".

AMENDMENTS TO SECTION 5 URBAN MASS TRANSIT PROGRAM

SEC. 103. (a) Section 5 of the Act is amended by adding at the end thereof the following new subsection:

"(o) Notwithstanding any other provision of this section, sums authorized, appropriated and apportioned pursuant to this section shall remain available as initially apportioned to the urbanized areas or parts thereof for expenditure in accordance with the provisions of this section until September 30, 1985.".

GRANTS FOR RESEARCH AND TRAINING IN URBAN TRANSPORTATION PROBLEMS

SEC. 104. Subsection (a) of section 11 of the Act is amended—

(a) by inserting "organization and" after the word "nonprofit" in the first sentence;

(b) by inserting "or further their" after the word "obtain" in the second sentence; and

(c) by inserting after the third sentence the following new sentence: "In making such grants, the Secretary shall give preference to public and private nonprofit organizations having a unique capability of bringing together transit managers and professionals and other individuals representing a broad spectrum of knowledge and expertise in the various technical disciplines related to urban transportation management and problems.".

AMENDMENTS TO SECTION 12

SEC. 105. Section 12(c)(2) of the Act is amended by inserting before the semicolon the following: "and also means a public transit facility which utilizes a fixed catenary system and utilizes a right-of-way or rail usable by other forms of transportation".

AMENDMENTS TO THE REPORTING SYSTEMS

SEC. 106. Section 15(b) of the Act is amended by striking out "section 5" and inserting in lieu thereof "section 3(i) or (5)".

AMENDMENTS TO FORMULA GRANTS FOR NONURBANIZED AREAS

SEC. 108. (a) Subsection (a) of section 18 of the Act is amended by striking out the first sentence thereof and inserting in lieu thereof the following sentence: "To make grants under this section, the Secretary shall apportion for expenditure in each fiscal year the sums authorized and appropriated pursuant to section 4(k)(2)(D)."

(b) Subsection (c) of section 18 is amended by inserting after the first sentence thereof the following: "After September 30, 1982, any amounts remaining unobligated at the end of such period or which are deobligated at the end of such period shall be added to the amount available for apportionment under section 4(k)(2)(D)."●

OUTLOOK FOR THE ECONOMY

● Mr. HUMPHREY. Mr. President, lately it seems as though few people are willing to look at the whole economic picture. There is an old saying, "You can't see the forest through the trees," which aptly describes the difficulty people seem to have in understanding President Reagan's program for economic recovery. If the critics of Reaganomics would look at the overall economy, I think they would realize that the situation has improved over the last year.

I ask that the attached editorial by David A. Schansberg be printed in the CONGRESSIONAL RECORD. In my opinion, Mr. Schansberg's editorial accurately portrays the real public sentiment.

The article follows:

[From the Claremont Eagle Times, Feb. 18, 1982]

THERE IS AN ANSWER

The Federal Reserve money policy is making the economy worse, or at least that is what is reported by the national media.

Don't believe it.

The federal money policy does cause a reduction beyond what it would be with a more liberal money policy, true. But, the problem remains administrative decision making and not monetary policy.

The solution is a reduction in spending—cutting out what we cannot afford as a nation.

About ten years ago, we spent about 13 percent of gross national product on social programs; today we spend near 17 percent. The difference is enough to balance the budget. We are not suggesting that removal of social programs is needed but we surely say that those new spending plans added in the past 10 years must be dealt with if we are to reduce our debt.

The programs Reagan installed over six months ago are showing signs of working, although major complications are also visible. Inflation is down, well ahead of schedule. Taxes are being reduced in a minor way. Deregulation has been implemented in the oil and transportation industries and other deregulations are planned. Federal employment is now slowed, the number of outside consultants has been reduced, an attack on federal waste is underway—much progress in one short year.

We think economic pains were part of our future with or without Reagan's new programs. Under Carter and those before him, our debt was increasing, inflation was unreal and interest rates were at record levels. Gross national product had slowed, and other signs of major future economic problems.

We must not continue to print more money when we need it. We must take our bruises now. Congress must stay in support and provide a more positive leadership with the president, not in direct opposition. It, as a body, believed in his direction a year ago. The country, as a people, supported Reagan and a new lineup in Congress. That support must not erode or we'll see the spenders back into office.

Write your senators and congressmen. Urge them to exert fiscal responsibility.

DAVID A. SCHANSBERG.●

OIL IMPORT FEE

● Mr. MITCHELL. Mr. President, the April issue of Financier contains an article, written by John Berry, entitled "Revenue—But Inflation, Too, From Oil Import Fee." In the article, Mr. Berry presents an accurate analysis of the effects of an oil import fee, and I recommend the article to my colleagues.

Mr. Berry offers a good description of the inflationary effects of an oil import fee. Not only is the consumer price level affected directly by higher oil costs, but also indirectly as wages and other prices rise to reflect higher energy costs.

Another important point made in the article deals with the significance of the recent softening of oil prices. Some energy analysts have been fretting over possible adverse effects of the oil price decline, fearing that consumers and businesses will reverse their recent efforts to conserve energy. A more accurate view is that the price decline is healthy for the economy and does not in any way threaten long-term conservation trends. The small reduction in energy prices provides real relief to consumers and added purchasing power for the economy, which it definitely needs in the near term. Furthermore, even after the price reductions, oil prices will still be substantially higher than they were for several decades. Energy users will still have significant incentives to conserve.

Later this week, Senator CHAFEE and I will introduce a resolution expressing opposition to oil import fee proposals. Those seeking more information on the issue would do well to read Mr. Berry's article.

I submit that article to be included in the RECORD.

The article follows:

[From the Financier, April 1982]

REVENUE—BUT INFLATION, TOO, FROM OIL IMPORT FEE

(By John M. Berry)

The imposition of a fee on imported oil, which has been gaining considerable support as a source of revenue during the recession, would have severe inflationary consequences, which its backers appear not to have considered.

The idea is seductive: Put a $5 or $10 fee on imported oil. With world oil prices tumbling, it might not even mean an increase in gasoline or fuel oil costs for consumers and industry.

A $5 fee would directly add about $10 billion a year to Federal revenues and perhaps another $14 billion indirectly through the windfall profits tax on domestic crude oil and income taxes as the price of oil produced here rose in line with the fee. With Federal Budget deficits soaring, this is an attractive and powerful revenue raiser.

Meanwhile, with prices propped up, consumers and businesses would continue to find ways to reduce oil use and make the nation less vulnerable to a crisis in the

Middle East that could interrupt oil supplies.

At the same time, the higher price for crude would provide an incentive for continued investment in non-oil energy sources and synthetic fuels projects, many of which are being scrapped as a result of erosion in Federal financial support and in the prospective price at which the fuels could be sold. Synfuel plants, too, would reduce dependence on potentially vulnerable foreign oil supplies.

This package of arguments is making the rounds in Washington these days as a diverse set of interest groups seek to put a floor under old prices.

NO HALT IN THE SLIDE

The OPEC meeting last month—at which the members agreed to trim production by another 700,000 barrels a day, to a level of about 18 million, in an attempt to keep the official crude price benchmark at $34 a barrel—had little impact on the effort to impose a fee. Analysts do not believe the production cuts will be large enough to halt the price slide for some time to come.

The window of falling prices is still open enough to allow backers to maintain that a fee could be imposed with little danger of adding to inflation.

As appealing as the idea appears to be, however, there are some significant problems with it.

First and foremost, a fee would indeed add to inflation—and do so in a variety of ways.

A $5 fee, the most commonly mentioned figure, would mean that the price of crude oil reaching US refineries would be about $5 a barrel higher than what it would be in its absence.

Since about one third of the oil consumed in the US is imported and since it constitues the nation's marginal supply, domestic crude oil prices could be expected to go up the same $5 a barrel, now that oil price controls are gone.

If the fee offset what otherwise would have been a decline in price, the inflationary impact would be just as great. In that case, inflation would have gone down—except for the fee.

The U.S. currently is consuming about 6 billion barrels of foreign oil a year. A $5 price hike would cost oil consumers about $30 billion unless refiners and marketers or industrial users were to absorb some of the higher cost and accept lower profit margins.

If passed through, as most of it probably would be, the $30 billion would be almost precisely enough to raise inflation by a full percentage point in a $3 trillion economy.

But there is no reason to think that would be the end of the inflationary splash from the fee. The quadrupling of crude prices from 1973 to 1974 and the tripling from 1978 to 1981 left economic disaster in their wake.

PASS ALONG THE BURDEN

As each player in the economy found himself squeezed, he attempted to shift the burden to someone else. Unions, for instance, sought contracts to protect their members' real wages, and often got them. Businesses tried to pass the higher oil costs forward to customers, also often successfully.

The two surges in inflation in the '70's provided strong evidence that an increase in energy prices cannot be regarded simply as a shift in relative prices—that is, that some other prices would rise less rapidly, so that the general rate of inflation would not go up, so long as the jump in energy prices was not accommodated by a shift toward ease in monetary policy.

If monetary policy did not change in the face of surging oil prices, the current depressed state of the economy is ample indication that a drop in real GNP, not a shift in relative prices, is the more likely result.

The reason, of course, lies in the nature of the country's institutions and customs. Wages are sticky going down. So are prices for most goods and services—other than those of commodities traded in auction markets.

Rather than adjust wages and prices, workers and sellers often accept unemployment and lower sales volumes, at least for a time.

As the nation has seen all too well in the last three years, the impact of an energy-price increase is compounded through the processes of indexation of wages and some other business costs.

HASTEN OBSOLESCENCE

A more pernicious and less recognized effect from the last two oil price surges was the way in which they hastened the obsolescence of the US capital stock.

When energy prices rose more rapidly than other costs, machines, cars, homes and buildings all became relatively less efficient. The output of that capital stock—whether goods or services or shelter—became more costly because little of it had been designed with such high energy prices in mind.

This unexpected and premature obsolescence was a major factor in the sharp slowdown in productivity growth during the '70's, many economists believe. Businesses of all types found it necessary to make investments to reduce energy consumption—investments which otherwise might have gone to expand output.

The higher oil prices also added to inflation in other ways.

To some extent, prices of other sources of energy rose along with oil. And once price controls on domestic crude were relaxed, a drilling boom was launched that caused the cost of every thing used in the oil patch, from drill rigs to geologists, to skyrocket.

None of these assessments, except the last one perhaps, come out any differently just because an oil import fee might be applied in a world of falling prices.

After all, the economy has been put through a recession wringer twice in two years precisely to get inflation down. Real output this year will probably be about $250 billion less than it would be if the economy was operating close to full capacity.

That enormous loss is the direct result of economic policies put in place to combat inflation.

So far, the back-to-back recessions have reduced the annual increase in the GNP deflator—which rose 9 percent in 1980 and 9.2 percent in 1981—to between 7 percent and 7.5 percent this year.

The reduction in the CPI has been much more dramatic for several reasons, including the greater weight given to food prices, which have been flat for the last year; the greater weight of energy prices, and the inclusion of mortgage interest rates in the index.

FIVE DOLLAR IMPACT ON 2 PERCENT

Against a two-percentage point improvement in the deflator, how would the impact of a $5 import fee stack up?

If it were fully accommodated by an easier money policy—highly unlikely given the Fed's policy—inflation would rise and real output would fall.

The increase in the inflation rate could well be as much as a full percentage point, maybe more, in the year following imposition of the fee.

In other words, half of what has been gained in lowering inflation could be lost in the short run.

It is true that in a severely depressed economy, the unions and companies that earlier were able to pass on the effects of higher oil costs certainly could not do so to the same degree. Thus some of the inflationary ripples might not spread so far; but that would only mean that a different group would feel the loss of real income.

However, there is another factor in the equation that was not present at all in 1974 and only in a limited way in 1978: Price increases in natural gas.

These prices in the field are gradually being decontrolled under the terms of the Natural Gas Policy Act of 1978. By 1985, between 50 and 60 percent of all gas will be free of price controls.

BACK OFF DECONTROLS

President Ronald Reagan, who earlier committed himself to seek decontrol of all gas prices, including those that would not be lifted under NGPA, has backed off at least for this year. But there will be renewed pressure in 1983 to decontrol gas fully.

Natural gas and oil compete with one another in a number of applications, such as home and commercial space heating, electric power generation (especially for heating purposes) and industrial boiler fuel. In some markets today, gas prices to industrial users are explicitly linked by law to the cost of heavy fuel oil in the area.

A study done last Fall by the Department of Energy on the impact of natural-gas price decontrol concluded that its free-market price likely would be about 70 percent of the refinery acquisition cost of crude oil when compared on the basis of energy content. But since the market for gas has been under tight controls for so long, no one can be positive as to where the price will settle.

There is no doubt, though, that there is a tight link between oil and gas prices, since at the margin they compete.

Suppose the 70 percent figure is correct. A barrel of crude oil contains roughly 5.8 times as much energy as 1,000 cubic feet of natural gas. Thus, each $1-per-barrel increase in the oil price would mean roughly a 12-cent rise in the price of 1,000 cubic feet of gas.

That doesn't sound like much until you crank in the fact that the nation uses about 19 trillion cubic feet of gas each year. In this analysis, a $1 increase in the cost of crude would mean gas users would have to pay about $2.3 billion more annually.

A $5 import fee would raise gas prices by more than $11 billion annually—and that would add another third of a percentage point to the inflation rate and further depress real output. If 40 percent or so of natural gas production remains under controls after 1985, the impact of higher crude prices would be reduced accordingly.

LESS DEMAND, LOWER PRICE

Over the long haul, of course, the system would reach a new equilibrium. The higher prices for oil and gas would mean that less would be consumed, and the drop in demand would help hold down the price of both fuels. That is one reason some groups, such as the Alliance to Save Energy, want a fee.

The Alliance, founded in 1977 by Sen. Charles H. Percy of Illinois, who now heads it, and the late Sen. Hubert H. Humphrey,

is dedicated to the "belief that enhanced energy efficiency is essential to national security, economic stability and to the public welfare." Its Board includes a large and diverse group of political, business and labor figures, and it draws financial support from major corporations, including all the major oil companies.

Last month the Alliance urged the Senate Finance Committee to adopt an oil import fee, or an "energy security tax," as the Executive Director, Elihu Bergman called it. The Committee Chairman, Sen. Robert Dole of Kansas, had included a fee in his list of possible actions that could be taken to close some of this year's yawning Budget gap between revenues and receipts.

CONTINUE IMPORTANT GAINS

The fee, Mr. Bergman wrote, "would help pay the real price of our heavy dependence on costly and insecure foreign oil and continue the important conservation gains and spur significant energy development in our country .... Because of the downward trend of oil prices, an energy security tax could be phased in at the beginning of the next fiscal year with a minimal impact on our economy and on consumers."

A number of energy experts believe that it would take a huge, prolonged drop in oil prices to reverse many of the investment decisions made after the last two rounds of price increases.

Most such decisions are guided by price expectations not so much over the next year or so, but 10 or 20 years in the future.

If economic growth resumes throughout the industrial world, and the oil inventory drawdown which is responsible for much of the current excess of supply runs it course, oil markets will firm and prices will stop falling.

The reasonable longer-run expectation is still for oil prices to be rising in line with inflation for most of this decade and somewhat faster than that in the '90's.

Such a price outlook rests on the notion that oil consumption is not going to stage an abrupt turnabout, as some people fear. It is the stock of autos and trucks, not the number of new assemblies, and the number of residences and commercial establishments, not the level of new housing starts, that determine the use of oil.

Only petrochemical feedstocks and residual fuel oil, used under industrial boilers, are truly sensitive to economic swings, economist Alan Greenspan said last month: "As a consequence, neither a decline in oil prices nor a rise in industrial activity is likely to generate a signficant rebound in oil use. One finds it difficult to imagine stripping homes of newly added insulation or significantly reversing the shift toward more fuel-efficient, smaller cars in the country."

DEBILITATION MODERATED

"The immediate impact of this extraordinary change in the longer-term outlook (for all oil prices) is to reduce real energy costs and raise real purchasing power by lowering household expenditures on fuel oil and gasoline. Moreover, by lowering the cost of production, the debilitating effects on our industrial structure which followed as a consequence of the tremendous rise in real oil prices . . . would be at least partially reversed," Mr. Greenspan declared.

The former Chairman of President Ford's Council of Economic Advisers is sufficiently sanguine about the oil outlook that he went on to say that recent developments "do not eliminate the potential threats of a breakdown in oil availability in the Middle East, but they surely very significantly reduce the risk and hence, the (military and political) resources that we must devote" to that part of the world.

Some Reagan Administration officials, while not recommending a fee, are not opposing it, either, though the Treasury Department seems to be against it. Perhaps the fee's most attractive feature to some members of Congress is that the President could impose it unilaterally.

STROKE OF A PEN

The Commerce Department found recently that, under provisions of the Trade Adjustment Act, the level of oil imports constitutes a threat to national security. That finding was part of the legal basis for placing an embargo on oil imports from Libya. With renewal of that finding, similar to one made by the Carter Administration when it briefly imposed a fee, Mr. Reagan could put one in place with the stroke of a pen.

Most parts of the oil and gas industry would welcome an oil import fee. After all, it would mean higher profits for them. Suppliers to the industry, too, are beginning to feel the effects of a topping out of the incredible surge in drilling activity, and the layoffs under way. Banks that have lent large amounts of money to energy companies would feel more secure. The revenues of Federal, state and local governments generally would be higher. And the nation's oil and gas consumption would be lower.

Against those developments has to be weighed the inflationary impact of the import fee, which would be far greater, and with far greater economic consequences, than its backers seem to have considered.●

BUDGET CUTS

● Mr. ARMSTRONG. Mr. President, during the last few months, there has been so much irresponsible budget policy that a recent editorial in the Rocky Mountain News came as a breath of fresh air. I urge my colleagues to seriously consider the brief, but extraordinarily thoughtful, editorial viewpoint of the News:

BUDGET CUTS

Suppose parents have been giving a child $5 a week in spending money and the kid asks for a raise to $8. If the parents say, "We'll make it $6," does that mean the child has suffered a $2 "cut" in his allowance?

Not by any logic we know of. Yet much of the alarm expressed over reductions or proposed reductions in federal social programs reflects the same kind of reasoning.

Time and again President Reagan has pointed out—to little avail—that budget cuts he has won and further cuts he wants are not absolute reductions in federal spending. They are reductions in the rate of increase in spending.

The other day he had to defend himself again on his point in response to a report by a Washington-based group called the Food and Research Action Center. It claimed that malnutrition had been found in some low-income children in Boston and blamed it on budget cuts in the Women, Infants and Children program, which provides nutritional supplements to pregnant and nursing women and their young children.

According to the president, however, rather than reducing spending on WIC, the administration is spending 4.5 percent more this year than last. "We have only reduced the rate of increase in spending," he said. Again.

It also turned out that at least two of the malnourishment cases in Boston had nothing to do with budget cuts, but the doctor who reported them feared that they "may well be symptomatic of what we might see across the country."

No one, of course, wants any child to be underfed if it can possibly be prevented. But knee-jerk reactions based on emotion rather than fact are the worst way to make government policy—and budgets.●

COAL DISTRIBUTION AND UTILIZATION ACT OF 1981

● Mr. JOHNSTON. Mr. President, I am pleased to note that Chairman McCLURE of the Energy and Natural Resources Committee has scheduled a May 10, hearing on S. 1844, the Coal Distribution and Utilization Act of 1981. I feel certain that this hearing will reinforce the public record with regard to the overwhelming benefits to be gained from the construction of coal slurry pipelines.

The compelling merits of coal pipelines were endorsed in a rather startling statement on March 25, 1982, by Burlington Northern, Inc. In what the Energy Daily characterized as "heresy in the railroad industry," Burlington Northern testified in front of Senator BAUCUS and the Senate Judiciary Committee that it was, itself, interested in developing a coal pipeline to move coal to the west coast.

This statement is startling not because the development of a coal pipeline would not make sense for the company, but because the Burlington Northern has long been one of the most adamant and dedicated opponents of coal pipelines. While the merits of the issue have apparently tempered the opposition of Burlington Northern, they stopped short of an endorsement of S. 1844, saying "The right of Federal eminent domain is one which we oppose vigorously."

I join with the Energy Daily in pointing out what the Burlington Northern did not; that is, that the Burlington Northern, itself, is a beneficiary of the advantages of Federal eminent domain. In 1864, Congress enacted the Northern Pacific Railroad Act establishing the Northern Pacific Railroad. In addition to generous land grants and public rights-of-way, section 7 of that act granted the Northern Pacific the Federal right of eminent domain. In 1970, the Northern Pacific and several other railroads were merged to form the Burlington Northern.

The Burlington Northern officials made the further statement that railroads and coal pipelines "out to play from the same rule book." I agree. Railroads had Federal eminent domain rights when they were a fledgling technology. So should interstate coal pipelines. I would further point out that the eminent domain rights of S. 1844 would apply equally to any ap-

plicant, be it pipeline company or railroad. If the railroads so earnestly believe in equality and competition, as they have so often stated, then I challenge them to endorse S. 1844 at the hearing on May 10. Afterward they, too, could use its provisions to build the coal pipelines in which they evidently believe.

Mr. President, I submit for the RECORD several documents, including the relevant portions of the Burlington Northern testimony before Senator BAUCUS; an article from the April 19 edition of the Energy Daily; and section 7 of the Northern Pacific Railroad Act of 1964.

The material follows:

RAIL MERGERS AND FORMATION OF THE BN HOLDING COMPANY

The Committee met, pursuant to notice, at 9:05 a.m., in Room 2228, Dirksen Senate Office Building, the Honorable Max Baucus, Acting Chairman of the Committee, presiding.

Present: Senator Baucus.

Staff present: Peter N. Chumbris, Counsel for Majority; and Rick Applegate, Senior Legislative Assistant to Senator Baucus.

Senator BAUCUS. The hearing will come to order.

Today the Committee will hear testimony on railroad mergers and the formation of the Burlington Northern Holding Company. Over the past several years, a number of major rail mergers have occurred. Today's rail industry appears to be healthier in many respects as a consequence. But it is not clear that this can be attributed to the mergers of the sixties and the seventies.

* * * * *

Mr. BRESSLER. Other than the air freight forwarding company, no.

Senator BAUCUS. I am not going to wake up some morning and find that you sold the railroad?

Mr. GRAYSON. Last night on the——

Mr. BRESSLER. Did you hear that rumor? No, I have not heard that rumor. No.

Senator BAUCUS. For a year or so there have been rumors in BN territory that BN might go into the coal slurry pipeline business. Has the BN changed its position as from firm opposition to coal slurry legislation to some other position with respect to coal slurry legislation?

Mr. BRESSLER. I am glad you asked that question because I think, again, there has been some confusion on what that position has been. My position is this. Other things being equal and if a coal slurry line is the lowest-cost producer of transportation, then indeed that is what we should have. I think in the question of other things being equal, you have to take into account that the part of the country, in particular the Powder River Basin and eastern Montana, involved, the question of water for slurry becomes an overriding concern. On the other hand, I have suggested to some of our operating people because I am so interested in seeing the export of some of our coal, we have a problem of, in terms of cost, moving coal over the Cascades.

If you start to look at where is the most desirable place to have a coal-export facility, ultimately we believe that coal will move in the same size ships that oil perhaps does. This requires deep water. Therefore, it seems advantageous, if you can, to develop a coal-export facility on Puget Sound, which has deeper water than the Columbia River. But there is a cost tradeoff there at present. Simply, we have said, well, what would be the possibility of bringing the coal by rail to some point where water is not of great concern? Perhaps the Columbia River. Put it in a slurry line. Maybe that is the way to move it.

I think there are other very interesting ideas about it; so far they are just ideas. I have talked with the Mitsui Company, as an example, who has some interesting ideas about how to convert the moisture content in Powder River Basin coal into methanol and to utilize a coal methanol type of a mixture.

Again, we have no opposition to lines of that kind if they make good economic sense. Where we do have concerns is in the case where special privileges, in our view, are being asked such as to operate as a private carrier as opposed to a common carrier, which we are. We also have concerns where that situation overlays where large investment has already been made in rail facilities to haul coal.

I take the position that this country needs the lowest cost transportation that we can have to move those very vital commodities. We do not need redundant transportation systems, particularly if they have to be built on the basis of some additional privilege.

Senator BAUCUS. That is interesting to know. It has always been my impression that BN has been very much opposed to coal slurry legislation. I now hear you saying that you are more open to it, depending upon the circumstances.

Mr. BRESSLER. I think historically, though, the BN early on had an equity position in the so-called ETSI coal slurry line. It goes back a number of years.

Mr. GRAYSON. I think what we are really saying, too, Senator, is that we all ought to play from the same rule book. The right of Federal eminent domain is one which we oppose vigorously. Again, the right of a private carrier, cream skimmer, taking what you want and leaving the rest to the railroad, is what we are opposed to. Otherwise, there is no reason why they could not be out there building a coal slurry line today.

[From the Energy Daily, Apr. 19, 1982]

BN RAILROAD HERESY: IT'S THINKING OF A COAL SLURRY LINE

(By Richard Myers)

The Burlington Northern Railroad has confessed to what amounts to heresy in the railroad industry—that it is considering a coal slurry pipeline, to move its Powder River Basin coal to export terminals on the West Coast. This is a rare piece of irony in a community that has fought unremittingly to deny coal slurry lines the right of eminent domain, which they need to cross railroad rights-of-way.

The apostasy occurred during a hearing late last month before the Senate Judiciary Committee, probing the railroad's recent decision to form Burlington Northern Inc., a holding company dedicated to the firm's growing non-railroad enterprises (like energy and minerals). Montana Democrat Max Baucus, who was chairing the hearing, asked about "rumors in BN territory that BN might go into the coal slurry pipeline business. Has the BN changed its position from firm opposition to coal slurry legislation to some other position?"

"If a coal slurry line is the lowest cost producer of transportation, then indeed that is what we should have," said Richard Bressler, chairman of Burlington Northern Inc. "We have no opposition to lines of that kind if they make good economic sense."

Bressler explained that he had directed his "operating people" to look at the possibility of a coal slurry line to the West Coast "because I am so interested in seeing the export of some of our coal, [and] we have a problem, in terms of cost, moving coal over the Cascades." Burlington Northern acknowledged Westerners' concern that slurry lines would impose too great a strain on the region's scarce water. "Simply, we have said, what would be the possibility of bringing the coal by rail to some point where water is not of great concern," Bressler said. "Perhaps to the Columbia River. Then put it in a slurry line. Maybe that is the way to move it."

Bessler has also discussed the issue with Mitsui & Co., which has "some interesting ideas about how to convert the moisture content in Powder River basin coal into methanol and to utilize a coal/methanol type of mixture."

Baucus observed that "it has always been my impression that BN has been very much opposed to coal slurry legislation. I now hear you saying that are more open to it, depending on the circumstances." Not quite, Bressler corrected. "This country needs the lowest cost transportation that we can have to move these very vital commodities," he said. "We do not need redundant transportation systems, particularly if they have to be built on the basis of some additional privilege," like the right of eminent domain. "We vigorously oppose the right of eminent domain" for coal slurry pipelines, added Robert Grayson, president of Burlington Northern Railroad. "We all ought to play from the same rule book."

What the two railroad executives did not tell the committee is that their company already enjoys the special privilege of eminent domain. Burlington Northern was formed in 1970 from a merger of several railroads, including the Northern Pacific. The Northern Pacific gave BN its West Coast access and its vast land holdings, which were granted to Northern Pacific by Congress in 1864. Section 7 of the act gave Northern Pacific the right of eminent domain, so that it could acquire rights-of-way from private landowners, and this, too was inherited by Burlington Northern.

SECTION 7

Sec. 7. *And be it further enacted*, That the said "Northern Pacific Railroad Company" be, and is hereby, authorized and empowered to enter upon, purchase, take, and hold any lands or premises that may be necessary and proper for the construction and working of said road, not exceeding in width two hundred feet on each side of the line of its railroad, unless a greater width be required for the purpose of excavation or embankment; and also any lands or premises that may be necessary and proper for turnouts, standing places for cars, depots, stationhouses, or any other structures required in the construction and working of said road. And the said company shall have the right to cut and remove trees and other material that might, by falling, encumber its roadbed, though standing or being more than two hundred feet from the line of said roads. And in case the owner of such lands or premises and the said company cannot agree as to the value of the premises taken, or to be taken, for the use of said road, the value thereof shall be determined by the appraisal of three disinterested commissioners,

who may be appointed, upon application by either party, to any court of record in any of the territories in which the lands or premises to be taken lie; and said commissioners, in their assessment of damages, shall appraise such premises at what would have been the value thereof if the road had not been built. And upon return into court of such appraisement, and upon the payment into the same of the estimated value of the premises taken for the use and benefit of the owner thereof, said premises shall be deemed to be taken by said company, which shall thereby acquire full title to the same for the purposes aforesaid. And either party feeling aggrieved at said appraisement may, within thirty days after the same has been returned into court, file an appeal therefrom, and demand a jury of twelve men to estimate the damage sustained; but such appeal shall not interfere with the rights of said company to enter upon the premises taken, or to do any act necessary and proper in the construction of its road. And said party appealing shall give bonds, with sufficient surety or sureties, for the payment of any cost that may arise upon such appeal; and in case the party appealing does not obtain a verdict, increasing or diminishing, as the case may be, the award of the commissioners, such part shall pay the whole cost-incurred by the appellee, as well as his own, and the payment into court, for the use of the owner of said premises taken, of a sum equal to that finally awarded, shall be held to vest in said company the title of said land, and of the right to use and occupy the same for the construction, maintenance, and operation of said road. And in case any successors, by the name and title aforesaid, shall be capable: in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all or any courts of justice, and before all and any judges, officers, or persons whatsoever, in all and singular actions, matters, or demands whatsoever.

Sec. 2. *And be it further enacted,* That the said corporation shall have power to hold stated meetings; to establish and put into execution, alter or abolish such by-laws, rules, and regulations as to them shall seem most conducive to the interests of the society: *Provided,* That the same shall not be contrary to the laws of the United States.

Sec. 4. *And be it further enacted,* That nothing in this act shall be so construed as to authorize the said corporation to issue any note, token, device, or other evidence of debt to be used as a currency.

Sec. 5. *And be it further enacted,* That this act may be altered or repealed at the pleasure of the Congress.

Approved, July 27, 1866.●

SOME GOOD ECONOMIC NEWS—FOR A CHANGE

● Mr. GRASSLEY. Mr. President, what is occurring in our economy right now is a gradual increase in the purchasing power of the average citizen. Because of lower tax rates and lower inflation, the standard of living of 91 percent of the working men and women of this country has risen. And as the economy begins to work its way out of the recession, we can extend that rising purchasing power to our other 9 percent who are unemployed.

Just how bad is the current recession? Apparently not as bad as we are being told by the media and by foes of the administration.

We are told we are in the worst recession since World War II, that unemployment is at record levels, that the American economy is depressed.

Economic analyst Warren Brookes of the Boston Herald American, in his April 19, syndicated column, presents evidence that the economy is not nearly as bad as we are being led to believe, and that, in fact, we might be on the verge of a robust recovery. I would like to submit this article for the RECORD in the hope that it will provide some balance to the otherwise negative news we have been hearing of late.

There are various indications that the current recession is no more severe than the postwar average, and, in some instances, less so.

For one thing, the average decline in personal income during a recession is 3.1 percent. In this recession it has been only 1 percent.

The average reduction in nonagricultural employment during a recession is 2.8 percent. In the current recession, it is 1.3 percent.

And this is the only recession since that of 1948–49 in which the purchasing power of the average worker did not fall. This is due to the 5 percent tax rate reduction and the significant fall in the rate of inflation.

I believe that we are on the right course for economic recovery. Any steps we take to get us through this recession should take us further down the path we have already begun on.

That means that this Congress must adopt a budget plan, similar to one I have proposed, which would maintain the basic tax policy that we enacted last year. And it must continue the effort begun last year to stop the growth in Federal spending.

We charted a course last year for economic growth which I believe will work and which I will continue to support. The evidence is mounting that the economy is set for recovery. Maybe all we lack at this point is a positive attitude.

The article referred to is as follows:

IS RECESSION BEING OVERHYPED?

(By Warren T. Brookes)

President Reagan was uncharacteristically gratuitous in his March assault on the press for "negative reporting." But that does not diminish the validity of his point.

In fact the media, collectively, are now risking huge losses in credibility by wildly over-hyping the current recession, particularly those who keep telling us it is "close to a depression."

Given the intensity of the gloom, it may come as a surprise to discover that through the first nine months of this recession (July to March), the decline in the economy has been less than half as much as in 1974–75, and is about average for all post-war recessions

On practically every number, gross national product (GNP), personal income, total employment, total unemployment, and insured unemployment, the 1982 recession is nowhere as serious as it has been painted in the press.

In fairness, one reason for this "hype" lies not with the media itself, but with the permanent bureaucracy who issue (and interpret) government data, and have a vested interest in making their nemesis-President Reagan (who has cut their ranks by nearly 60,000)—look as bad as possible.

For example, the March unemployment figures showed the first 9 percent rate since May 1975. It may again come as a surprise to you that during March the actual (unadjusted) employment in the nation rose by 525,000 jobs, and the actual unemployment figure fell by 82,000!

Then how you may ask, did the Labor Department's Jane Norwood manage to show that employment fell by 98,000, and unemployment rose by 279,000—just the opposite of the actual? The answer lies in what is called "seasonal adjustment," a formula designed to make the statistical year smooth out." Since in a "normal" March, employment was expected to grow by something over 620,000, the fact that it only grew 525,000 comes out as 98,000 decrease!

Unfortunately for Mr. Reagan there is no such thing in a recession as a "normal" March, so the seasonal adjustments are simply a way to "jigger" the figures for the purpose of gloom. In fact, so bad are the seasonal formulae that monthly unemployment data are routinely "readjusted" up to two-to-three years later!

Yet even Janet Norwood is unable to hide the fact that from almost every angle, the current unemployment figure is clearly and egregiously inflated. The first and best proof of this is the fact that in March over 57 percent of all working-age Americans held jobs—that's higher than any year during the boom decade of the 1970's, and nearly two points higher than the 1975 recession.

More important, the loss of jobs in absolute numbers, even using seasonally adjusted data from July to March, has been on average a little more than half that of 1975, (1 million versus 2 million) with a work force that is 15 million larger!

But the most impressive argument of all is the fact that as of the end of March total insured unemployment (people drawing checks) was a million less than March 1975, on a total covered employment force that was 20 million larger!

To put it another way, insured unemployment (the best measure of real job loss) amounted to 4.5 percent in March of 1982, compared with 6.3 percent in March of 1975—and ranks with the lighter recessions of the past-war period.

This is essentially the conclusion of economist Leonard Lempert, business cycle expert who writes for the Christian Science Monitor, and who argued on April 2 that the current recession by most major indices "is not as bad as the average recession." (A conclusion also supported by Alfred Malabre in the April 5 Wall Street Journal.)

As Lempert points out, the decline in personal income, GNP, and non-agricultural employment are all significantly lower this time than in average recessions.

Why then the collossal hype of gloom and doom? Partly because the government is publishing more data than ever before, more often, and it feeds on itself as the media pays more attention to it. Also, no one can argue the intensity of the "pain" in the automotive and steel states—Michigan, Ohio, and Pennsylvania—where unemploy-

ment rates are at depression levels. But a major share of that must be laid on heavy foreign competition, which has been endemic for the last four years, not just this recession.

For most of the country and most people, the recession is more psychological "terror talk" than reality. Once again it may come as a surprise that on the overall "misery index" (inflation plus unemployment) Americans are about six points better off than during Jimmy Carter's last month in office. In December 1980, inflation (12.4 percent) and unemployment (7.4 percent) added up to 19.8 percent, seven points higher than when he took office in 1977. Today infation (4.6 percent over the last six months annualized) plus unemployment (9.0 percent) add up to 13.6 percent—a huge improvement, and a signal that individual purchasing power is now growing again, after four years of decline, and a sure sign of powerful economic recovery.●

NUCLEAR FREEZE INITIATIVE

● Mr. RIEGLE. Mr. President, we must put an end to the continued buildup of nuclear weapons in the world. Our misguided defense policy in this area has placed us in a contest which no one can win. The long held theory about the need to produce more nuclear weapons in order to deter nuclear war is clearly outmoded and useless as a defense and foreign policy strategy. There are now more of these weapons than ever—and the threat of a worldwide nuclear holocaust is today greater than ever.

The key to American and world survival is a freeze on nuclear weapons. Arms control and nuclear arms reduction must be the centerpiece of U.S. foreign and defense policy. While I believe the decision to delay ratification of the SALT II agreement following the Soviet invasion of Afghanistan was a sound one, it is now time to seriously pursue a new round of arms control talks. It is essential that the United States do all it can to stop the nuclear arms race and seek to eliminate the danger of nuclear conflict.

As a first step toward achieving this end, I have cosponsored a resolution calling for a mutual and verifiable freeze on nuclear arms with the Soviet Union, to be followed by major, systematic reductions of weapons from current levels. I believe that the most effective way to curtail and reverse the continuing massive Soviet buildup in strategic forces is to impose the freeze and reductions proposed in this resolution.

Millions of citizens across the country share this belief. In my own State of Michigan dozens of organizations have been working actively to make the nuclear freeze a reality. They are participating even now in a nuclear freeze week and deserve to be applauded and supported in their efforts. A partial list of individuals and groups working on the nuclear freeze campaign in Michigan include:

American Friends Service Committee.
Rear Admiral Eugene J. Carroll, Jr., U.S. Navy (Ret.).
Catholic Peace Fellowship.
Center for Peace and Conflict Studies, Wayne State University.
Clergy and Lalty Concerned.
William Colby, former director, Central Intelligence Agency.
Congressman George W. Crockett, Jr.
Mort Crim, WDIV-TV Anchorman.
Detroit City Council.
Detroit Conference, United Methodist Church.
Detroit Conference, American Lutheran Church.
Detroit Metropolitan Association, United Church of Christ.
Margot Duley-Morrow, President, Michigan NOW.
Educators for Social Responsibility.
Episcopal Peace Fellowship.
Fellowship of Reconciliation.
Friends of the Earth.
John Kenneth Galbraith.
Grey Pantners.
Bishop Thomas Gumbleton, Archdiocese of Detroit.
Jewish Peace Fellowship.
Labor-Community Coalition for Jobs.
Senator Carl Levin.
Rear Admiral Gene LaRoque, U.S. Navy (Ret.).
Libertarian Party of Michigan.
Executive Committee, Lutheran Church in America, Michigan District.
Macomb Intermediate Federation of Teachers.
Macomb County Peace and National Priorities Center.
Bishop H. Coleman McGehee, Episcopal Diocese of Michigan.
Michigan Council of Churches.
Joseph Madison, National Director NAACP Political Action Department.
William Winpisinger, Pres. International Association of Machinists and Aero-space Workers.
Michigan National Organization of Women (NOW).
Southern Baptist Church Association.
Annetta Miller, member, State Board of Education.
National Association of Social Workers.
National Conference of Black Mayors.
National Council of Churches.
National Conference of Black Lawyers.
National Lawyers Guild, Detroit Chapter.
Nurses Alliance for Prevention of Nuclear War.
Oakland County Center for Peace & National Priorities.
Pax Christi, Michigan.
Physicians for Social Responsibility.
Trade Unionists for Democratic Action.
Women's International League for Peace & Freedom.
Women's Party for Survival.
YWCA.

I sincerely hope that the work of these people and millions of others will be seen as proof of this Nation's determination to stop this nuclear proliferation madness, and that we here in the Senate can move quickly to pass the nuclear freeze resolution.●

SENATOR KASTEN'S ELOQUENT DEFENSE OF THE AMERICAN TAXPAYER

● Mr. ROTH. Mr. President, earlier this month an article by Senator KASTEN appeared in the Milwaukee Journal. In my judgment, this article represents one of the most sincere and eloquent defenses of the individual tax reductions Congress enacted last year.

Although I have reservations concerning BOB's opinion on cost-of-living adjustments for entitlements programs, I really have only one problem with the entire article—I am sorry I did not write it.

I heartily agree with the major premise of the article: You cannot balance the budget on the backs of the American taxpayer. This premise underlies the philosophy of my original 3-year, across-the-board tax cut proposal which I introduced in 1977 with JACK KEMP. It is particularly appropriate at a time when some among us are calling for the imposition of massive new tax increases on the working men and women of America.

Senator KASTEN and I recently wrote to the President expressing our opposition to the latest tax increase proposal which would impose a 4-percent surtax on incomes above $35,000 per year.

I urge my colleagues to give serious consideration to Senator KASTEN's article and our joint letter to the President, and I ask unanimous consent to have both documents printed in the RECORD following my remarks.

The material is as follows:

[From the Milwaukee Journal, Apr. 5, 1982]

IN MY OPINION: RECESSION REQUIRES ACCELERATING THE TAX CUT

(By ROBERT W. KASTEN, JR.)

When Fritz Mondale, Jack Kemp and Bob Kasten all demand a speed-up of the Reagan tax cut, the press should take notice. Legislation designed to accelerate the tax cut deserves much more serious analysis than given in the Feb. 2 Journal editorial, "Kasten's untimely tax cut."

The tax cut proposal is even more timely in light of unemployment statistics. More than 9 million Americans were out of work in December, and January and February unemployment numbers were the highest since World War II. Not only is this a human tragedy in terms of lost jobs and lost hope; it also throws an economic monkey wrench into plans for a balanced federal budget.

According to the Congressional Budget Office, every 1% drop in economic growth increases the deficit by more than $60 billion. Since July, the declining economy alone has increased deficit estimates for the next three years by almost $200 billion. The best way to get these deficits under control is by attacking them at their source—namely, the recession—with policies designed to get our economy moving again.

GROWTH WILL KILL DEFICIT

We will balance the federal budget when we succeed in promoting strong economic growth, on the one hand, and limited federal spending on the other. I have called for congressional action in 1982 to get federal spending under control. Congress should subject defense spending to the same kind of scrutiny it gave social programs last year. It should adjust the cost-of-living schedule for entitlement programs. And if extra revenue is needed to fill the deficit gap, Con-

gress should close some tax loopholes and repeal the inequitable leasing provisions included in last year's tax bill.

But we cannot balance the budget with massive tax increases on individual taxpayers. I part company with Reuss and Mondale when they call for a $35 billion tax hike on working Americans in 1983. Though it may narrow the deficit on paper, that kind of a tax increase would cause slower economic growth, fewer jobs, and continued federal deficits.

The American people have been through this before, and they know better. In a Gallup Poll released a few weeks back, 30% of those surveyed wanted a six-month speed-up of the Reagan tax cut, and 29% wanted it to go into effect as scheduled. Only 21% favored postponing the cuts in order to reduce the size of the federal deficit.

RELIEF SLOW IN COMING

In a recent interview, President Reagan stated that the recession "might not have happened" if the Congress had passed his original tax cut package. Personal tax rates would have been cut a full 20% by January 1982. Instead, Congress only voted a 5% tax cut late in 1981, and that has already been offset by previously scheduled Social Security tax increases. Unless we act now, most Americans won't see any real tax relief until July.

The Reagan tax cut will work as soon as average Americans see a significant reduction in their marginal tax rates, and a corresponding increase in their take-home pay. That hasn't happened yet. Congress can make it happen by voting to speed up the Reagan tax cut.

A broad coalition of economists and politicians called for an acceleration of the 1982 individual tax rate reductions. The new unemployment statistics make that the most timely—and responsible—thing the 97th Congress could do.

U.S. SENATE,
Washington, D.C., April 15, 1982.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We are compelled to write to you once again concerning the critical issue of tax reductions for working Americans.

In our March 19 letter, we urged you to stand firm in your position to preserve the individual tax rate reduction and tax indexing provisions of the Economic Recovery Tax Act.

We are encouraged that you have indeed remaind steadfast in this regard. However, we are deeply concerned and distressed over the front page story in today's newspaper which indicates that the administration is willing to accept a proposal which would indirectly subvert the recently enacted individual tax rate reductions.

This proposal would impose a 4 percent surtax on incomes above $35,000. Individuals in this group account for some 40 percent of our nation's taxpayers. The proposal would, in effect, negate the across-the-board tax cut for these individuals in 1983.

In addition, and equally important, 90 percent of all business enterprises are unincorporated and, therefore, pay their taxes under the individual rate schedules. Thus, the surtax proposal would also wipe out the 1983 tax cut for much of our nation's business community.

Finally, the surtax proposal would have a particularly devastating effect on two wage earner families, the very same families targeted for relief from the existing "marriage tax" penalty. In fact, this proposal would basically eliminate all relief from the marriage tax penalty contained in the Economic Recovery Tax Act, thereby indirectly encouraging "tax" divorces.

For these reasons, we are firmly and unequivocally opposed to any proposal, such as the surtax proposal, which would result in any form of general tax increase on the working men and women of America.

We stand behind you Mr. President. In our judgement, your economic policies have placed this country back on a steady course. We assure you we will support you in holding firm to this course.

Sincerely,

WILL ROTH, Jr.,
MACK MATTINGLY,
JESSE HELMS,
CHARLES E. GRASSLEY,
STEVE SYMMS,
JAMES A. MCCLURE,
BOB KASTEN,
ORRIN G. HATCH,
ROGER W. JEPSEN,
U.S. Senate.●

KNIGHTS OF COLUMBUS CENTENNIAL

● Mr. CHILES. Mr. President, I take this opportunity to voice my support for Senate Joint Resolution 167, the proposal which formally marks the centennial anniversary of the Knights of Columbus, the well known and respected international organization of Roman Catholic men. It was on March 29, 1882, that the general assembly of the State of Connecticut first granted a charter to the Knights of Columbus; the organization has been an intergral part of the American community ever since.

The Knights of Columbus was founded for reasons similar to those which prompted the formation of many of the other fraternal organizations that have thrived in our country: there existed a small group of civic-minded individuals who held in common a unique tradition and who wished to preserve and promote this tradition through an active, organized means. In this case, the tradition was Roman Catholicism and the means translated into an ordered body which focused on bettering the lives of the other members of the Catholic community. In particular, this was the goal of Father Michael McGivney, a parish priest in New Haven, Conn., who first inspired the idea of an organization to attend to the needs of the Catholic community, as well as to play an influential role in the greater American community. Father McGivney and his fellow cofounders set forth ambitious and well-directed principles for the members of this organization to follow. These principles were: First, to provide for financial aid to its members and their beneficiaries; second, to assist sick and disabled members; third, to promote social and intellectual association among its members; fourth, to promote and conduct educational, charitable, religious, social and patriotic activities.

Father McGivney would be very proud of the fraternal order which has evolved from his thoughts and inspiration. The Knights of Columbus boasts a membership of more than 1,200,000 men in Canada and the United States who are dedicated to the tenets listed above. There are also operating Knights of Columbus lodges in Mexico, the Philippines, Puerto Rico, Panama, Guam, and Guatemala. At a time when many fraternal organizations are experiencing membership problems, it is a credit to the Knights of Columbus organization that it continues to prosper.

More important than the membership strength of the Knights of Columbus, however, is the benevolent work that it does. The Knights of Columbus has been or is involved in projects to assist the deaf, the handicapped, senior citizens, and Vietnamese refugees and orphans. The organization has also established scholarships to further educational opportunities, underwritten medical research and conducted blood donor drives. As anyone can see, these activities go far beyond just the Catholic community; they encompass the concerns of all Americans.

There is no question that our Nation has been a better place to live because of the work of the Knights of Columbus. Its membership has certainly lived up to the Knights of Columbus motto which is "Charity, Unity, Fraternity, Patriotism." I am gratified to know that the Knights of Columbus is active in my State, Florida, and I sincerely hope that it will continue to prosper nationwide. Once again, I want to express my strong support for Senate Joint Resolution 167, and I wish to extend a warm congratulations to the members of the Knights of Columbus in the 100th year of its existence.

TENNESSEE RETIRED FEDERAL EMPLOYEES WEEK

● Mr. SASSER. Mr. President, today I want to take a few moments to remind my colleagues of the contributions made to our Nation by those who have given their working careers in the service of the U.S. Government. I am speaking of the 1.2 million retired Federal employees who live in every community throughout the country.

We in Tennessee are proud of the accomplishments of our Federal employees. All of us are aware of the vital and dependable services of friends and neighbors who are letter carriers, agricultural agents, postal workers, firefighters, civil engineers, and many, many more. It is only proper that in retirement these public servants be ac-

corded the respect and gratitude of their fellow citizens.

In the past few years, Congress has repeatedly turned to Federal retirees to ask that they tighten their belts to help us balance the Federal budget. Laws have been enacted to reduce the full effect of cost-of-living formula in their annuities, to reduce or eliminate their spouse and survivor income under social security, and to reduce or eliminate tax benefits intended to provide them some tax relief roughly comparable to that accorded social security recipients. This year alone, increases in premiums in the Federal employees health benefit program have increased 31 percent for both active and retired Federal workers. While I do not believe that all these cuts have necessarily been in the country's best interests, I must say that the Federal retirees in my State have been willing to accept these cuts as their share of the burden in the fight to stabilize our national economy. They have endured these budget cutbacks in the spirit of cooperation and patriotism which has been a hallmark of the American character.

In Tennessee, there are 16,908 retired employees with average annuities of $904 a month. There are 6,410 persons receiving survivor annuities on the average of $404 a month. Nationwide, only 9 percent of all Federal annuities exceed $20,000 per year and like social security income, Federal retirement is fully taxable at all levels of government.

In Tennessee, Gov. Lamar Alexander has proclaimed the week of April 25, as retired Federal employees week to honor these Americans to whom we owe a great deal of gratitude for their past services, and their continuing efforts as retirees to make our communities better places to live.

Mr. President, I ask that a copy of this proclamation be included in the RECORD, following my remarks.

The proclamation follows:

PROCLAMATION

Whereas the U.S. Civil Service Act of 1883 was signed into law by then President Chester A. Arthur, thereby creating the U.S. Civil Service System; and

Whereas the U.S. Civil Service Retirement System was created in 1920 and signed into law by then President Woodrow Wilson; and

Whereas virtually all State, county and municipal civil service systems have derived from the U.S. Civil Service Act; and

Whereas untold thousands of U.S. Civil Service employees have worked diligently, patriotically, silently and with little notice to uphold the highest traditions and ideals of our country; and

Whereas thousands of Federal employees are retired in Tennessee and continue to devote inestimable time and effort toward the betterment of our communities and State;

Now, therefore, I, Lamar Alexander, as Governor of the State of Tennessee, do hereby proclaim the week of April 25-30, 1982, as "Retired Federal Employees Week" in Tennessee and do urge our citizens to join me in this worthy observance.●

ACID RAIN

● Mr. MITCHELL. Mr. President, the issue of acid rain has been debated extensively in the Congress and throughout the country in the past year. One reason that the national awareness of this problem has grown so dramatically is its coverage by the press. Numerous articles and television and radio shows have discussed the nature of this environmental threat to our water resources, vegetation, architecture, and possibly forests.

One particularly informative feature article appeared in the National Geographic magazine in November last year. This article, and a feature story on energy, have just earned for National Geographic the Pulitzer Prize for Public Service in Magazine Journalism. I congratulate National Geographic and Dr. Anne LaBastille, the author of "Acid Rain—How Great a Menace?", for a significant contribution to the further understanding of this issue.

I commend Dr. LaBastille's article to my colleagues and I ask unanimous consent that it be printed in the RECORD at this point.

The article follows:

[From the National Geographic, November 1981]

ACID RAIN HOW GREAT A MENACE?

(By Anne La Bastille)

Evenings, I often stroll out on my cabin dock to enjoy the view of an Adirondack lake. But the scene is not as I remember it. No trout rise to the water's surface, swirling sunset colors. No ospreys quest along the shoreline, scanning for fish. No otters sprawl on my rocky point, crunching bullheads for dinner.

North and south of where I live are at least 180 fishless ponds, about 6 percent of all the ponds and lakes in the Adirondack Mountains of New York.

Four thousand miles away I recently overlooked a silent lake in Sweden. Gnarled pines framed its sparkling, too blue waters. Dr. William Dickson, an aquatic chemist with the Swedish National Environment Protection Board, pointed to an ancient rock wall skirting the steep shore.

"The Vikings built this defense line a thousand years ago," he said, "and survived a long siege here. They had wood, water, and all the trout they could eat. But now, for the first time since the Ice Age, Stone Lake doesn't hold a single trout. I estimate that 20,000 lakes of the 100,000 in our country are fishless or about to become so."

It wasn't always this way. Earlier in this century Adirondack lakes and those of Scandinavia produced prime trout, and wildlife was plentiful. Then, as if a curtain were drawing slowly across a stage, aquatic organisms began to die in some of them, and other animals dependent on them declined.

Why? An energy-related problem called acid rain (or, more correctly, acid deposition, which encompasses dry as well as wet acidic substances). How great this menace is, no one is certain. But it now engages the efforts of hundreds of scientists from a range of disciplines, and a broad-brush picture of the problem is emerging.

Certainly, acid rain is affecting surface waters in the eastern United States, Canada, and Scandinavia. Probably it is affecting surface waters elsewhere, across wide areas of the Northern Hemisphere, and also corroding buildings; it may be threatening forests and croplands, the soils and ground-water that support them, even human health itself.

Despite these many qualifiers, the fact is irrefutable that fish in sensitive lakes are being destroyed by acid rain (as measured on a pH scale of 0 to 14). Thus the feisty brook trout of troubled Adirondack waters plays the role of the proverbial canary in the coal mine, warning us of impending peril.

CULPRIT: BREATH OF THE MACHINE AGE

The problem of acid deposition starts, most experts agree, with the worldwide burning of coal, oil, and natural gas Despite general adherence to existing enironmental controls, the smokestacks of electrical generating plants, industrial boilers, and smelters release sulfur dioxide and nitrogen oxides, the chief precursors of acid rain. Nitrogen oxides also puff from the exhaust pipes of motor vehicles and slowly escape from chemical fertilizers.

Other contaminants also are discharged; of particular concern are acidic soots and specks of toxic metals such as lead and cadmium. But it is the oxides of sulfur and nitrogen that are the major culprits in forming acid deposition, both wet and dry.

Some of these pollutants hover above the city or industrial plant that spawned them, creating clouds that sometimes settle on the local landscape. Moistened by dew or a local shower, these emissions may transform into acids and damage vegetation and wildlife, etch car finishes, and corrode buildings and bridges. This short-range fallout leaves the blight and tarnish that we associate with the smoky cities of an earlier industrial era.

HIGH-FLYING POLLUTION AIDS ACID RAIN

More sulfur dioxide (SO_2) and nitrogen oxides (NO_x), along with other combustion products, climb skyward, especially when vented upward by tall stacks. There they circulate with the great air masses that form our weather systems. It is these venturesome travelers that become the chief contributors to acid precipitation.

Their flights may last for days and take them hundreds, even thousands of miles. En route, the pollutant molecules interact chemically with sunlight, moisture, oxidants, and catalysts to change into other compounds of sulfur and nitrogen. Eventually some of the compounds are captured within clouds or by raindrops and snowflakes to form acid rain and snow—which in reality are dilute solutions of nitric and sulfuric acids.

The remaining sulfur and nitrogen compounds sift down as gases and dry particles, awaiting the first rainstorm or dewfall to transform them into droplets of acid.

Because of these long journeys, acid deposition is no respecter of state or national boundaries. Dr. Anthony Knap of the Bermuda Biological Station for Research has reported acid rain on that mid-ocean, nonindustrial island, as has Dr. John M. Miller of the National Oceanic and Atomospheric Administration (NOAA) atop Mauna Loa volcano in Hawaii.

Perplexingly, certain sites in the less industrialized Southern Hemisphere receive rains as acidic as those of Hawaii and Ber-

muda. This suggests that the sulfur compounds are also released by biologic activity occurring in the oceans or that they are carried long distances.

Despite the insidious ease with which acid rain precursors can travel, regions where its impacts are noticable are, as yet, relatively few and predictable. They lie mainly in the industrialized belt of the Northern Hemisphere, downwind from dense concentrations of power plants, smelters, and urban sprawls. Often they are mountainous, and as such they frequently bathe in rains and snows. Well watered, these areas are typically clothed in forests and laced with lakes and streams. Their soils often are thin—a fragile flesh spread over a skeleton of glaciated bedrock.

This describes the Adirondack Mountains almost perfectly. It also fits other acid rain hot spots, such as rock-ribbed Nova Scotia, where nine acidified rivers no longer support salmon reproduction, and the Canadian shield country of southern Ontario and Quebec.

Other vulnerable areas include the Great Smoky Mountains, hundreds of sensitive lakes in Wisconsin and Minnesota, the Pacific Northwest, the Colorado Rockies, and the Pine Barrens of New Jersey. A striking parallel to New York's Adirondacks exists in Scandinavia, where galaxies of lakes glint among low mountains watered by acid precipitation drifting northward from Europe's industrial belt.

Conversely, certain areas can tolerate acid fallout because of the neutralizing effect of their alkaline soils—a natural resistance known as buffering. Limestone regions such as the Allegheny Mountains enjoy this immunity. A similar buffering takes place in much of the Midwest, where alkaline dust-blown from the West can also neutralize acid rain before it falls to the ground.

NATURE FAR OUTDONE BY MAN

How long have we had acidic rain? Probably since the first rains fell on a new-formed planet. Volcanic eruptions, forest fires, and even the slow bacterial decomposition of organic matter produce sulfur or nitrogen compounds. Lightning bolts form NO_x from the nitrogen in earth's atmosphere.

When administered in nature's measured doses, this atmospheric "pollution" can serve as a wholesome, gentle way of fertilizing the landscape. In good faith could Shakespeare extol the "gentle rain from heaven" in *The Merchant of Venice*, and Robert Frost write of downy flakes in his "Stopping by Woods on a Snowy Evening."

But this natural cycle began to give way about two centuries ago, when man intruded with the cloud of coal smoke that signaled the start of the industrial revolution. Suddenly, sulfur and nitrogen that had accumulated in fossil fuels for millions of years were released as rapidly as coal could be burned. Swiftly the volume of man-made pollutants gained on nature's. Today, a large coal-fired power plant can emit in a single year as much sulfur dioxide as was blown out by the May 18, 1980, eruption of Mount St. Helens in Washington State—some 400,000 tons.

The total amounts of SO_2 and NO_x that mankind releases are staggering. In 1980 the U.S. ejected more than 26 million tons of sulfur dioxide into the air in addition to nearly 22 million tons of nitrogen oxides. For Canada the figures were five million and two million tons. Last year the two nations, along with Europe, pumped almost 100 million tons of SO_2 into the atmosphere.

As early as 1852 an observant English chemist, Robert Angus Smith, discovered a relationship between the increasingly sooty skies of industrial Manchester and the acidity he found in precipitation. Twenty years later he used the term acid rain in a 600-page book on the subject.

This remarkable work was neglected until Dr. Eville Gorham, a Canadian ecologist now at the University of Minnesota, elaborated on Smith's work in the later 1950s. He too was initially ignored.

SCIENTIFIC INTEREST PIQUED BY SWEDE

Acid rain's deserved notoriety finally came in 1967 when a Swedish soil scientist named Svante Odén reported a pattern of increasingly acid precipitation over time and geographic area. From his studies, he prohesied serious impacts on soils, waters, forest, and structures.

Employing colorful language that characterized acid rain as "chemical war," Dr. Odén provoked a fallout of concern that sparked the intense interest found among today's scientists. His findings established him as the father of acid rain research. In all fairness, however, Dr. Gorham must be considered the grandfather and Robert Angus Smith the great-grandfather.

Acid precipitation in North America found an early student in Dr. Gene Likens, an ecology professor at Cornell University. In 1963 Dr. Likens and Dr. F. Herbert Bormann of Yale had begun a multidisciplinary study of forest productivity in a small watershed of the Hubbard Brook Experimental Forest in New Hampshire. Their initial precipitation records revealed surprisingly strong acid content, considering the remoteness of the site.

The Hubbard Brook study provides the longest continuous record of acid precipitation chemistry in North America—a record that accurately shows annual fluctuations in acidity but no clear trend as to worsening or improving conditions through 1981.

TROUBLE FROM TALL STACKS

Until a few decades ago, air pollution was largely an urban concern. The economic surge that began with World War II brought increasing use of fossil fuels, and a corresponding increase in pollutants.

Well-intended regulations may unwittingly have aggravated the problem. New Environmental Protection Agency (EPA) rules in 1970 caused plants to increase the height of their stacks; thus winds carried pollutants far from local sources. Today in the U.S., 179 stacks tower 500 feet high or more, including 20 that reach 1,000 feet.

The record stack, a 1,250-foot giant at a nickel smelter in Sudbury, Ontario (right), also holds the record as the free world's single greatest source of SO_2 pollution—2,500 tons a day (albeit a welcome reduction from the 7,000 tons daily in earlier years). Such huge stacks, spewing contaminants into large weather systems, have helped make air pollution an international phenomenon.

Nevertheless, experts acknowledge that much remains to be learned about acid rain, even such basic questions as: Where, exactly, are the specific sources of acid-causing pollutants? The answer is disputed, for it could involve the expenditure of large sums of money, and possibly even redirect the nation's energy policy.

"One of the major issues," explains Dr. Fred Lipfert, a scientist at Brookhaven National Laboratory on Long Island, "is the mechanics by which air pollutants enter rain."

"It's natural to assume that the fossil fuelburning regions of the eastern United States are responsible for their own acid rain. But the Ohio River Valley is a huge industrial user of coal, and because it has prevailing winds that carry its emissions eastward, it may, under certain conditions, be more important than eastern industry to such sensitive areas as the Adirondacks.

"Also," Dr. Lipfert continued, "the EPA in the 1970s permitted widely varying emission amounts from pre-existing smokestacks, with the tighter standards being applied in the heavily populated East. Some Midwest sources were allowed to disperse as much as 200 pounds of SO_2 per ton of coal. Because new sources are now allowed only 15 pounds per ton, the older plants remain the biggest contributors."

Not everyone believes the blame can be so handily pinpointed. Those who argue the point represent, in large measure, the nation's energy companies and power utilities.

Says John M. Wooten, environmental director for the giant Peabody Coal Company: "Nobody has yet proved a direct relationship between the level of sulfur emissions in the Midwest and the amount of acid rain that falls in the northeastern U.S. and Canada. And until we have this proof, we should go slowly in order to develop the most prudent control scheme. Before being required to retrofit expensive scrubbers to reduce emissions, we want assurance they will do some good—say, that a 20 percent reduction in sulfur emissions in the Ohio River Valley will bring a 10 percent decrease in acid rain back East."

DETECTIVES OF DIRTY SKIES

How do you prove that a specific Ohio power plant is sending out the emissions that are killing trout in my Adirondack lake, hundreds of miles downwind? How do you trace a molecule of sulfur dioxide on its long journey through dark and turbulent clouds?

To track pollutants, scientists engage in aerobatics that do credit to the flying circuses of old. Ducking in and out of drifting pollution plumes from urban areas and power plants, they take air and water samples in attempts to identify and track the flow. Computer-generated models then predict the pollutants' trajectories.

One of the most valuable tools in this sleuthing is a growing nationwide network of 84 acid rain monitoring stations, set up in the late 1970s under the guiding hand of Dr. Ellis B. Cowling of the School of Forest Resources at North Carolina State University. A private organization known as the National Atomospheric Deposition Program (NADP), it analyzes samples of rain, snow, and dry fallout from 32 states. A companion survey, the Canadian Network for Sampling Precipitation (CANSAP), covers 55 locales in Canada.

These monitors reveal that virtually all the eastern U.S. and much of southeastern Canada are receiving highly acidic precipitation. Measured on the pH scale, where 7.0 equals a perfect balance between acidity and alkalinity (diagram, page 660), the rains range from 4.1 to 4.6—ten to thirty times as acid as uncontaminated rain. Specific storms have dumped pH 2.7 precipitation—as acid as vinegar—on Wheeling, West Virginia.

THREE LAKES, THREE RESULTS

I can visit, conveniently close to my cabin, a lake acidification study (one of 20 separate research projects in the Adirondacks) that is taking a five-million-dollar look at the

chemistry of wild lakes as a result of acid deposition. Sponsored by the Electric Power Research Institute, a nonprofit research arm for 600 electrical utility companies, the study traces what happens to three lakes and their watersheds from the moment acid rain and snow hit the treetops to their final flow from the outlets.

"What we're finding," explained Dr. James N. Galloway, an environmental chemist from the University of Virginia, "is that each lake is personalized in its reaction to acid rain. For example, no one has caught any brook trout at Woods Lake, which has had a pH of 4.7, for years—this is too acid for fish. But brookies thrive at Sagamore—pH 5.8—and at Panther—pH 7.0. Yet all three lie at roughly the same elevation within 20 miles of one another and receive the same kind of acid deposition.

"Many factors control this reaction: size and shape of the watersheds, type of vegetation, bedrock, and soils, and the residence time of precipitation in the soil. Fishless Woods Lake, with its shallow soil and steep slopes, provides little residence time and thus little buffering of the acid rain."

An important breakthrough in acid rain research came in 1977 from Adirondack studies by Dr. Carl Schoffield of Cornell. Investigating how acidity actually killed lake fish, he observed that aluminum compounds were collecting in the gills of fry. To combat the pollutant, the fry exuded a mucus in such amounts it finally strangled them. Acid precipitation, Dr. Schofield concluded, was leaching aluminum from surrounding soils—a process known as mobilization—and bearing it into the lake water. Today soil scientists recognize that acid rain mobilizes many toxic metals, including mercury and lead.

Acid rain and its companion heavy metals produce a long laundry list of suspected threats to the environment. These extend far beyond aquatic ecosystems, to forests, crops, soils, wildlife, groundwater, manmade materials, and perhaps human health.

Many of these ills beset Scandinavia, where I went to see them firsthand. Aquatic chemist Dr. Arne Henriksen guided me on an hour's hike around the rocky shores of Norway's Hovatn Lake. The surface stretched mercury smooth, ebony black to a stony mountain.

"It's 60 miles to the sea," gestured Dr. Henriksen, "and hundreds more miles to the nearest pollution sources. But watch." He took my pH meter, a small gauge resembling a battery tester, and dipped its probe into the water. It read 4.4, "That acidity has come from somewhere!" he claimed, looking southward toward industrial Europe.

FOR FISH, SPRING CAN BE DEADLY

Quietly we rowed to a lone cabin on a peninsula, on loan for use as a field station for a massive acid rain research program known by its initials, SNSF. It was launched in 1972 following the disappearance of fish in southern Norway. As I stepped inside the shadowy building, outlines of two enormous brown trout on the wall caught my eye. Both were longer than my forearm with fingers outstretched.

Dr. Henriksen said, "Those were caught in the early 1930s. Not a fish has been taken by any method from Hovatn since 1945."

He started a fire in the corner hearth and picked up a worn cabin journal. "Here it tells that the owners often tried restocking the lake, introducing thousands of fish, but none survived. By 1967 they suspected acid rain. Discouraged, they offered their cabin and lake to the research project."

Dr. Henriksen explained how the most severe fish kills occur in early spring. All winter, the pollutant load from storms accumulates in the snowpack as if in a great white sponge. When mild weather gives the sponge a "squeeze," acids concentrated on the surface of the snow are released with the first melt. Thus, the first meltwater can be five to ten times more acid than the remaining snowpack. This acid shock, acting in concert with mobilized aluminum, produces the drastic changes in water chemistry that destroy fish life.

With predaceous fish gone, aquatic insects can flourish, unless they too are senstive to acidity. Acid-tolerant species, such as water boatmen, thrive. All other aquatic fauna decline in variety, as do the species of phytoplankton. A reduction in the sheer numbers of these tiny plants may allow light to penetrate farther through the water. That's why acid-impacted lakes are often described as being unnaturally clear or bluish.

Larger plant life too is affected. Water lilies decline, while the sphagnum mosses and filamentous algae grow prodigiously. These can form impenetrable mats, sealing off oxygen and retarding decay of lake-floor litter. Looking into the crystal water of a lake in Sweden, I saw leaves on the lake bottom that had not rotted in three years.

No acid lake therefore is really dead. Instead its population structure reverts to fewer species, radically altering the food web.

LAND SHOWS MIXED EFFECTS

Unlike these dramatic effects on aquatic life, the influence of acid rain on crops and forest is difficult to measure. No conclusive evidence of actual crop damage by acid rain has yet been shown. This could stem in part from the fact that sulfur and nitrogen, even when administered in the form of mild acids, serve as plant nutrients.

Laboratory tests, in which crops are grown in simulated acid rain conditions, produce a mixed bag of results. Some show a reduction in crop yield, others no effect, and yet others showed actual yield increases.

Yet many scientists fear that long-term exposure to acid rain inevitably must cause plant stress.

Is acid rain curtailing forest growth? The answer to this vital question too remains an ambiguous yes and no. It is complicated by the fact that forest systems are biologically more complex than croplands, and have a longer response time to acid stress.

"During six years of field experiments, growth of Scotch pine has actually been stimulated by acid rain, at least on poor soils," I heard from Dr. Folke Andersson of the Swedish University of Agricultural Sciences. "This change may be explained by the fertilization effect of the nitrogen that comes with polluted rain."

But Dr. Andersson was quick to add: "This fertilization probably cannot compensate for the delay in decomposition of forest-floor litter caused by acid rain, and the accumulation of heavy metals in soils over long time spans. And, in fact, another extended study has shown decreases in growth rate on both poor and good soils.

"We need another 25 years," he said, "to determine if acid rain is seriously impairing tree growth, or causing other bad effects."

However, a West German study recently linked acid deposition with the death of trees' feeder roots and the subsequent decline in forest growth.

DOES WILDLIFE SUFFER TOO?

Uncertainty also surrounds the effects of acid rain on wildlife. Unquestionably it is harmful to amphibians such as salamanders, spring peepers, and frogs—creatures that lay their eggs in acidified ponds and meltwater pools.

Dr. Erik Nyholm of the University of Lund in Sweden, studying the breeding biology of small songbirds along lakes in Lapland, found fewer eggs, less hatching success, and soft or missing shell material.

He theorizes that the birds were poisoned by aluminum from feeding on contaminated insects. "The aluminum probably was leached from the soil by the acid snow and rain," he said. "High aluminum content found in the bone marrow of the birds counteracted calcium deposition, resulting in defective eggshells. Other birds, feeding deep in the forest or around buffered lakes, showed no such problems."

A few mammals also may be showing biological reaction to acid deposition. In Poland, a large group of roe deer living in a forest directly downwind from Krakow's steel mills demonstrates definite declines in antler size and trophy value during the past 25 years. Polish biologists believe that the deer's habitat has been contaminated by acid and heavy-metal deposition.

The reaction of soils to acid deposition understandably stirs wide concern, for these are critical ecosystems, supporting the plants and animals that give us food, fiber, and forest products. They represent our long-term bank account. Is acid rain starting to eat up the principal?

Naturally acidic soils, common to many regions of the U.S., possess little built-in buffering capacity. Laboratory and field experiments with simulated acid rain show that acidifying soils may undergo a host of undesirable changes: increased leaching of trace elements such as aluminum and manganese, a slowdown of the organisms that break down forest-floor litter, and reduced nitrogen.

HOW DIM THE FUTURE?

These laboratory results leave many scientists with a haunting fear. If acid deposition continues unabated, vast tracts of sensitive soils may slowly decline in fertility until their productivity fails. When, or if, this might occur, no one can calculate, but it's effects could be difficult to reverse.

And what of corrosion—the eating away of man-made materials by acids? Engineers have despaired for decades as airborne pollutants have attacked structures ranging from steel bridges to tombstones. The list of the wounded includes many famous names: The caryatids of the Acropolis, Egypt's temples at Karnak, the U.S. Capitol. Even that glorious copper lady—the Statue of Liberty—is under the onslaught of acid rain and corrosive gases and particles.

If acid rain, with its associated gases and metals, can be detrimental to animals and structures, what might it be doing to people? No immediate, direct health problems, such as getting "burned" by acid rain, have been observed or reported. Indirect effects have been noted, however, both from dry and wet acid deposition.

Dry airborne pollutants—usually sulfates—are largely associated with respiratory diseases—chronic bronchitis, asthma, and emphysema. Dr. Leonard Hamilton, a Brookhaven National Laboratory epidemiologist, estimated in 1975 that "acid sulfates from fossil fuel . . . emissions are responsible for 7,500 to 120,000 deaths a year." Few

other scientists believe there is enough solid evidence to support such high figures.

Another health effect relates to acidified groundwater in Scandinavia. In western Sweden I drove through rural provinces with Dr. Hans Hultberg of the Swedish Water and Air Pollution Research Institute. We bounced over rough roads in farmland where severe groundwater acidification has begun, along with contamination by metals leached from the soil.

"See that farm over there?" Dr. Hultberg pointed. "The babies had diarrhea off and on for months until we found that high copper content in the drinking water was the cause. Their well was acid. The water leaches copper from the plumbing lines."

A HAIR-TINTING EXPERIENCE

We passed a small cottage. "The lady's hair there was tinted green," exclaimed Dr. Hultberg. "Green as a birch in spring. She washed it in well water turned green by copper sulfate."

Later I found an echo of this problem in the western Adirondacks as I guided Dr. G. Wolfgang Fuhs, an environmental scientist with New York's Department of Health, to isolated springs, wells, and small municipal water supplies. Owners in the area had been complaining of corroding plumbing systems and suspicious-tasting tap water. Dr. Fuhs found several home systems and springs with elevated levels of lead and copper. For each family he had the same advice: Let faucets run a few minutes after nonuse overnight to lower metal concentrations before drinking or cooking.

TIME BOMBS FOR TOMMORROW

Is it surprising, given this parcel of known and feared effects, that some scientists rank acid rain with toxic-chemical pollution and carbon dioxide buildup as the three worst "environmental time bombs?" They compare the connective evidence between fossil-fuel emissions and acid rain effects to that of cigarette smoking and lung cancer: Though in each case the cause-and-effect relationship is not proved, even doubters of acid rain must agree that the combustion of fossil fuels has increased in past decades, that lakes and streams do show a loss of life.

The dilemma of acid rain will ultimately be solved by politicians, economists, and the public, acting on the best information we scientists bring forth.

The principal tool we have to work with in this country is the Clean Air Act. This federal law, controlling adverse effects of air pollution on public health and welfare, requires that the emissions from fossil-fuel burning facilities and motor vehicles meet certain standards.

It does so essentially in two ways. One is through an EPA requirement making new pollution sources use the "best available" technology to control emissions.

The second approach relates to existing plants. Here, each state is expected to regulate itself. A result is that no state needs to heed another's standards. Thus the SO_2 emission Ohio allows are nearly 30 times higher than permitted in Connecticut.

Robert F. Flacke, commissioner of New York State's Department of Environmental Conservation, says firmly, "The Clean Air Act is really one of the chief reasons for the increase in acid rain. Not only did its earlier policy bring about the long-range transport of air pollution via tall stacks, it also permits New York and other clean-plant states to be dirtied by states with looser air standards."

Not surprisingly, these biases pit state against state, with at least half a dozen of them initiating legal actions. Another spate of litigation attacks EPA for allegedly failing to do its duty to provide protection under provisions of the Clean Air Act.

The act is up for reauthorization in Congress now, and swarms of lobbyists seek both to strengthen and to weaken it. Meanwhile, Congress allocated 12 million dollars under the Acid Precipitation Act of 1980 to spend on research in 1981, with more being recommended for 1982. A federal-level interagency task force directed by NOAA's Dr. Chris Bernabo is studying acid rain with a view toward developing a national strategy, and extensive research goes on at universities, national laboratories, and within the electric-power industry.

But the Reagan Administration is making no rush to judgment. In the words of A. Alan Hill, chairman of the Council on Environmental Quality: "Our scientific community is still unclear as to . . . what control methods should be used. In our opinion, we just don't know enough yet to impose control measures at great cost to the American people with questionable results."

NATIONS FALL OUT OVER RAIN

On the international scene, too, acid precipitation emerges as a politically poisonous brew—one that embitters that valued friendship between the U.S. and Canada.

"We calculate that half the acid deposition striking Canada is imported from the U.S.," explained Dr. Hans Martin, Canada's coordinator for acid rain research. "Furthermore, it's falling on a million square miles of Ontario and Quebec that lack adequate buffering capacity. A million and a half lakes dot that region, and some are already giving way to acid deposition."

The meaning of this in terms of cold Canadian dollars came across in a statement by John Roberts, Canada's Minister of the Environment.

"Fifteen percent of our gross national product comes from forestry," he noted, "a higher percentage than the automobile industry contributes to the U.S. economy. Yet this resource is being threatened. The second largest industry in Canada is tourism. But how many tourists will want to spend their time at fishless lakes?

"Your country, the United States," he observed, "is dumping its garbage at the expense of our country."

U.S. spokesmen retort that American emission controls are more stringent than Canada's (although Canadian regulations are being rapidly tightened), and that Canadian pollution also drifts onto the United States (although not in nearly the volume that the U.S. exports to Canada).

Recognition of the problem led to the creation in 1980 of a massive binational program aimed at devising an agreement on transboundary air pollution.

EUROPEANS JOIN FORCES

An impressive team effort has arisen in Europe. In 1979, 31 of the 34 member governments in the UN's Economic Commission for Europe signed the Convention on Long-Range Transboundary Air Pollution. Though it does not enforce controls, it morally commits each nation to respect the environment of other countries.

Erik Lykke of Norway's Ministry of Environment told me, "I'm praying this convention will bring a cleaner landscape 10 to 15 years from now."

Few scientists are so optimistic. Many see the year 2000 as the earliest that emissions can be stabilized, and then slowly reduced. Experts at EPA, for example, predict that under current controls SO_2 in the United States will stay constant or increase modestly to 29 million tons per year by the end of the century. NO_x, on the other hand, will near 28 million tons a year and possibly outstrip SO_2 as a contributor to acid fallout.

What can be done to lessen this impact, and how much will it cost? the most obvious step lies in conservation of energy—simply using less fuel. Another approach, more complicated and costly, is to apply new technology to reduce emissions—the object of intensive research by the EPA, universities, and utility groups.

The cost of cleaning up is high; equipping older U.S. plants with scrubbers would require an investment of billions of dollars, and even then might reduce emissions by only a third. These costs might be mitigated by positive side effects—the generating of useful by-products such as commercial sulfuric acid and road-fill material, and the creation of new jobs.

Meanwhile, hidden costs of acid rain may already be surpassing the expense of controlling it. Metal corrosion by SO_2 may cost each American at least seven dollars a year, and possibly many times that.

Proof that a solution exists comes from Japan. The government issued stringent sulfur oxide controls in 1968 and encouraged use of low-sulfur fuels and desulfurization; by 1975 emissions had plunged by 50 percent even as energy consumption doubled. Since then, even stricter limits have been set, and nearly 1,200 scrubbers installed, compared to about 200 in the United States.

Scientists in several countries are experimenting with so-called curative approaches to acid rain. These include the breeding of acid-tolerant fish and crops, liming lakes to reduce acidity, and coating valuable structures and artwork against corrosion. Yet such solutions are only short term.

WILL THE 21ST CENTURY BE SILENT?

What of the future? "It's only a matter of time before we are forcibly pressed to do something," says Norway's Dr. Lars Overrein, head of the Norwegian acid rain project. "Today's acid rain is just the beginning. We are already worried about heavy metals and organic pollutants that come with acid deposition."

When I stand looking out over my lake, what will I see and hear come the year 2000? Will peepers be trilling, fish jumping, trees leafing, deer drinking, baby birds chirping? Or will it be a silent spring? ●

TRIBUTE TO DAN J. BRADLEY—A DEDICATED AMERICAN

Mr. KENNEDY. Mr. President, I would like to take a few moments to commend a fine individual and a good friend, Dan J. Bradley. Until the last day of March, Dan was the President of the Legal Services Corporation. For the last 22 months, Dan has performed the often-thankless, always-difficult task associated with the Corporation's presidency—and performed it with constant enthusiasm and repeated success. His thoughts and advice have been invaluable. His dedication to the Corporation and its disadvantaged clients has been an inspiration to those of us who have fought for an expansion of legal services.

Even before his term as President of the Corporation, Dan was an experienced poverty lawyer and a valuable member of the legal services community. Prior to the establishment of the Corporation in 1974, Dan served as a legal services attorney in Florida and as an administrator of legal services programs under first the Office of Economic Opportunity and then the Community Services Administration.

In the early 1970's, as a hostile administration attempted to cripple the legal services program, Dan Bradley was a leader in the movement to preserve the program and create a separate and independent corporation. It is then not surprising that Dan was awarded the National Legal Aid and Defender Association's Arthur Von Briesen Award in 1977. It is also not surprising that during Dan's tenure as President, the long-sought-after goal of full nationwide access to legal services was finally achieved.

Dan has fought many a tough fight to defend, develop, and expand the coverage and quality of legal services to the poor, but has always retained his enthusiasm, his optimism, his good cheer. For this alone he would deserve our highest compliments.

I know that I speak for many of my colleagues when I say that Dan's tireless efforts on behalf of the Corporation and its clients will be sorely missed in the months and years to come. I mean no disrespect or criticism of the new Board or of Dan's eventual replacement, but Dan's will be big shoes to fill.

I wish Dan well in his future endeavors. I am confident that his success in the Legal Services Corporation will be repeated in whatever his future efforts may be. I thank you for all that you have done. I am sorry to see you go.

RECOGNITION OF CERTAIN SENATORS ON TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that on tomorrow, after the recognition of the two leaders under the standing order, three Senators be recognized on special orders of not to exceed 15 minutes each, to wit: the Senator from Pennsylvania (Mr. SPECTER), the Senator from Missouri (Mr. EAGLETON), and the Senator from New York (Mr. MOYNIHAN).

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

PROGRAM

Mr. BAKER. Mr. President, on tomorrow the Senate will convene at 10:30 a.m. After the recognition of the two leaders under the standing order, three Senators will be recognized on special orders of not to exceed 15 minutes each.

After the execution of the special orders, Mr. President, it is anticipated that provision will be made for a period for the transaction of routine morning business. At some time early tomorrow, and after the period for the transaction of routine morning business, if that is provided for, the Senate will resume consideration of Senate Resolution 20, providing for radio and television coverage of the Senate, the unfinished business. No amendment is pending at this time.

By unanimous consent, a vote on cloture under the provisions of rule XXII will occur at 2:45 p.m. on tomorrow. The provisions of rule XXII requiring the establishment of a live quorum in advance of the vote has been waived.

It is hoped, Mr. President, that other matters can be dealt with and disposed of tomorrow by unanimous consent.

Mr. President, I will remind all Senators that some time ago a resolution was agreed to providing for a joint meeting of the House and Senate to greet and to hear a message from the Queen of the Netherlands. It is planned that at 3:10 p.m. tomorrow the Senate will recess for that purpose in order to proceed to the Hall of the House of Representatives where the joint meeting will occur at 3:30 p.m.

Mr. President, it is anticipated that after that joint meeting of the House and Senate, Members will return to the Senate Chamber and an assessment can be made at that time of what further business can be transacted by the Senate. It is not anticipated, however, that Wednesday will be a late day.

RECESS UNTIL TOMORROW AT 10:30 A.M.

Mr. BAKER. Mr. President, I have no further business to transact. I see no Senator seeking recognition. I move, in accordance with the order previously entered, that the Senate now stand in recess until 10:30 a.m. on tomorrow.

The motion was agreed to; and the Senate, at 4:54 p.m., recessed until Wednesday, April 21, 1982, at 10:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 20, 1982:

THE JUDICIARY

William T. Hart, of Illinois, to be U.S. district judge for the northern district of Illinois.

John A. Nordberg, of Illinois, to be U.S. district judge for the northern district of Illinois.

Walter E. Black, Jr., of Maryland, to be U.S. district judge for the district of Maryland.

Michael A. Telesca, of New York, to be U.S. district judge for the western district of New York.

EXECUTIVE OFFICE OF THE PRESIDENT

Joseph Robert Wright, Jr., of New York, to be Deputy Director of the Office of Management and Budget.

IN THE NAVY

The following-named captains of the Reserve of the U.S. Navy permanent promotion to the grade of commodore in the various staff corps, as indicated, pursuant to the provisions of title 10, United States Code, section 5912:

MEDICAL CORPS

James Albert Austin

SUPPLY CORPS

Donald Gene St. Angelo

CIVIL ENGINEER CORPS

Charles Richard Smith

DENTAL CORPS

Haruto Wilfred Yamanouchi

IN THE MARINE CORPS

Lt. Gen. Adolph G. Schwenk, U.S. Marine Corps, age 59, for appointment to the grade of lieutenant general of the retired list pursuant to the provisions of title 10, United States Code, section 1370.

IN THE AIR FORCE

Gen. David C. Jones, U.S. Air Force, age 60, for appointment to the grade of general on the retired list pursuant to the provisions of title 10, United States Code, section 1370.

IN THE AIR FORCE

Air Force nominations beginning Robert W. Barrow, to be lieutenant colonel, and ending Bruce L. Whittig, to the lieutenant colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 22, 1982.

Air Force nominations beginning George L. Adams, to be lieutenant colonel, and ending Mark D. Whitlow, rank to be determined, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 29, 1982.

Air Force nominations beginning John Anderson, Jr., to colonel, and ending Milton G. Mutchnick, to be colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 31, 1982.

IN THE ARMY

Army nominations beginning Francis L. Keefe, to be colonel, and ending Robert E. Zurcher, to be major, which nominations were received by the Senate on April 7, 1982, and appeared in the CONGRESSIONAL RECORD of April 13, 1982.

IN THE NAVY

Navy nominations beginning Enrique V. Arellano, to be commander, and ending George A. Dailey, Jr., to be ensign, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 22, 1982.

Navy nominations beginning Edwin B. Abeya, to be lieutenant (junior grade), and ending James H. Willis, to be ensign, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 22, 1982.

Navy nominations beginning Christopher L. Abbott, to be ensign, and ending Robert

P. Randolph, to be commander, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 29, 1982.

Navy nominations beginning Donald J. Bleasdale, to be ensign, and ending John J. Skuza, to be commander, which nominations were received by the Senate on April 7, 1982, and appeared in the CONGRESSIONAL RECORD of April 13, 1982.

IN THE MARINE CORPS

Marine Corps nominations beginning Peter F Angle, to be colonel, and ending Rafael Zalles, to be colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 22, 1982.

Marine Corps nominations beginning James R. Acreback, to be lieutenant colonel, and ending Lawrence R. Zinser, to be lieutenant colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 31, 1982.