# HOUSE OF REPRESENTATIVES—*Monday, May 10, 1982*

The House met at 12 o'clock noon.

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

In the quiet of this moment, we bow our hearts to You, O God, seeking Your blessing. Replace the burdens and anxieties of every person with the joyous affirmation of the new day. Kindle within us the glow of hope for a better world where righteousness will overcome selfishness and love will replace hate. Even as we dream of Your Kingdom of peace and justice, so arm us with Your Holy Spirit that we may do the things that make for righteousness and peace. In Your name, we pray. Amen.

## THE JOURNAL

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

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

## MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

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

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

S. 907. An act to amend sections 351 and 1751 of title 18 of the United States Code to provide penalties for crimes against Cabinet officers, Supreme Court Justices, and Presidential staff members, and for other purposes;

S. 2154. An act to direct the Secretary of Agriculture to release a reversionary interest held by the United States in certain lands located in Christian County, Ky., so that such lands may be used for cemetery purposes; and

S. 2252. An act to authorize appropriations for the Coast Guard for fiscal years 1983 and 1984, and for other purposes.

## BREAKING PROMISES ON SOCIAL SECURITY

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

Mr. RATCHFORD. Mr. Speaker, sometimes the American people have a better sense of history than the people they elect to serve in this city. And the American people certainly have a good enough sense of history to remember that just last year, certain elected officials in Congress, and in the executive branch, worked for, and successfully cut social security benefits.

Lest we forget, and I am sure the American people have not forgotten, 1981 was the year of cuts in social security minimum benefits, student benefits, and burial allowances. Nor have Americans forgotten restrictions in disability and medicare benefits enacted last year.

So when the President and his Senate supporters say they did not cut social security in 1981, look out. The mirrors are being dusted off, this time to be used in trying to cut social security by $40 billion without reducing benefits. And 1982 could be a worse year than 1981 for social security recipients for, as history reminds us, "All that is past is prolog."

## ARMS TALKS MUST INCLUDE NUCLEAR FREEZE

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

Mr. WYDEN. Mr. Speaker, I rise today to commend President Reagan for bringing forth a proposal to reduce nuclear arms.

But I am concerned that while his is obviously a beginning negotiating position, it does not go far enough because it fails to include a proposal for a freeze on new nuclear weapons.

What Americans and many people around the world really want is for the superpowers to get the nuclear genie back in the bottle.

A reduction in present levels of ballistic missile warheads, as proposed in phase I of the President's plan, is certainly welcome. So is phase II which calls for a ceiling on all strategic nuclear forces, including sharp reductions in missile throw weight.

But these proposals are flawed in that they still permit development of a new generation of nuclear weapons, some of which military experts tell us we do not know how to deploy.

The President is right to make proposals that, if adopted, will help step back from the brink of nuclear self-destruction.

But we cannot be satisfied because we have defused a few warheads. We still will have the capacity—and the evil temptation—to destroy the Earth, civilization, and mankind, as we know it.

I today urge President Reagan to lay a freeze on new nuclear weapons on the negotiating table, and that the full force of U.S. policy be put behind such a freeze. Only then can Americans and the world began to breathe easier from the fearful prospect of nuclear holocaust.

## LET'S START WITH SALT

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

Mr. DOWNEY. Mr. Speaker, President Reagan's START proposal can be a step in the right direction or in the wrong direction, depending on decisions yet to be made.

START uses the same basic counting rules and methods as SALT II, but substitutes lower numbers, averaging to about six warheads per ballistic missile. Under the START ceilings, in 10 years, crisis stability will be worse than it is today, but better than if there is no arms control, and better than under the SALT II numbers.

The question is whether the START proposal will become a START treaty if we do not ratify SALT II, and whether additional stabilizing elements will be added that will make it worth a long wait.

If START leads to years of haggling over numbers while no arms control is in force, it will prove to be a very bad idea.

If, on the other hand, the administration changes its mind and quickly ratifies SALT II, then moves on to far-reaching prohibitions on destabilizing new technologies including depressed trajectories and accurate SLBM's, the START numbers would be a small but useful contribution.

As it fills out its presently incomplete proposal, I urge the administration to take the rational course, to focus on destabilizing qualitative improvements that should be banned, and to start with SALT.

## LAW OF THE SEA CONFERENCE CONCLUDED

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

Mr. BREAUX. Mr. Speaker, there has just been completed in New York the Law of the Sea Conference which has been going on for somewhat over a



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decade now, which includes debate among 150 nations of the world.

The United States at the Conference said that the text did not meet the minimum objectives set out by President Reagan on January 29, of this year and, therefore, the United States voted "no" at the Conference.

It is worth noting, I think, that some 21 other nations also supported that position, including the Soviet bloc nations and many of our Western allies.

The administration will now undertake a review of the issues in the Law of the Sea text between now and the signing ceremony which is scheduled for sometime this summer in Venezuela.

The decision of the United States to vote against this text was correct and I think it is now incumbent upon the United States to use this review as an opportunity to formulate an ocean policy which so far we have never done.

In future 1-minute speeches I will attempt to try to outline the problems with the text and also suggest some alternatives that we should consider.

## THE TAX CUT

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

Mr. MICHEL. Mr. Speaker, I see over the weekend that our good friend, the gentleman from Illinois (Mr. ROSTENKOWSKI), chairman of the Ways and Means Committee, has said that the next tax cut will be unaffordable. Of course, he is talking about the 10-percent reduction due individuals.

When the President initially proposed his straight-rate reduction of 30 percent across-the-board, over 3 years, he wanted to treat all American taxpayers the same, low income, middle income, high income. It was only in the last year's tax bill that the high-income people got taken care of in one fell swoop because of the Democratic-controlled Ways and Means Committee reducing their unearned taxable income from 70 to 50 percent.

Last year, that 5-percent tax reduction when annualized only resulted in the average worker getting 1¼-percent tax reduction in 1981 because it took effect on October 1. In 1982, with a 10-percent reduction that does not go into effect until July 1, that is only 5 percent. One and one-quarter percent for 1981, 5 percent for 1982. At most, the average worker at the end of 1982 gets only 11¼ percent tax reduction.

I think it is unfair to think in terms now of doing away with that third year of the tax cut because that is the only way that the President has programed a meaningful tax reduction for all Americans straight across the board.

## TRIBUTE TO THE LATE CONGRESSMAN HERMAN SCHNEEBELI

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

Mr. McCLORY. Mr. Speaker, it is with a sense of shock and deep sadness that I have learned of the abrupt passing Thursday of our former colleague, Herman Schneebeli. Congressman Schneebeli represented the 17th District of Pennsylvania during the 16 years between 1960 and 1976, rising to become the ranking minority member of the House Ways and Means Committee, as well as a member of the Budget Committee.

Congressman Herm Schneebeli was far more than a colleague of mine. He was a fellow classmate at Dartmouth College where we were close friends during our undergraduate years there. Herm Schneebeli was one of the most popular and prominent members of the Dartmouth class of 1930, where he became manager of the football team and was a member of honor societies throughout his college career.

When I first came to the Congress 3 years after Herm Schneebeli arrived here, he and his devoted wife, Mary Lou, became our first friends and neighbors in this Capital City. As an American of Swiss descent, Herm Schneebeli and I developed a special attachment in view of the years which I have spent in Switzerland and where my daughter and her Swiss husband and my Swiss grandchildren reside.

Mr. Speaker, in addition to his personal attributes, which were many, his business success, which was outstanding, and his public career symbolized by his constructive and honorable service as a U.S. Representative for 16 years, Herm Schneebeli was, beyond all these attainments, a gentle and beloved individual who enjoyed the friendship and respect of his colleagues, his constituents, and all of those other countless individuals with whom and for whom he labored in these Halls.

Mr. Speaker, it is with a sense of great personal sadness that I recall at this hour the life and work of Herman Schneebeli and extend to his widow, Mary Lou, and to his children my affection, respect, and deep sympathy. My wife Doris, who was likewise a good and close friend of Herm and Mary Lou Schneebeli, joins me in these sentiments.

## PRESIDENT REAGAN'S START PROPOSAL

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

Mr. BROOMFIELD. Mr. Speaker, at Eureka College yesterday, President Reagan generally outlined America's initial proposal for strategic arms reduction talks (START). As he had promised, the proposal went far beyond a freeze on nuclear weapons, and advocated a one-third reduction in ballistic missile warheads. The proposal would create a balanced ceiling between the United States and the Soviet Union. It would focus upon reducing land-based systems that are most threatening, and it would incorporate the necessary verification criteria. During the second phase, the President proposes a reduction in ballistic missile throw weight.

I believe the President's proposal has considerable merit. Naturally, the Soviets will initially declare it unacceptable. This is their standard negotiating technique. But without doubt, the negotiating process has begun. It is now up to the Soviets to seriously consider the President's position or offer a counterproposal.

Now is the time for the country to line up squarely behind the President's efforts. He has made a far-reaching proposal to enhance peace and stability. The Soviets will be watching to see if he is dealing from strength or weakness. I hope my colleagues will join me in letting the Soviets know that President Reagan enjoys our support. Without such support, the Soviets will never make meaningful concessions.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DE LA GARZA). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Wednesday, May 12, 1982.

## RESOLUTION RE UNITED NATIONS AND ISRAEL

Mr. FASCELL. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 322) regarding membership in the United Nations General Assembly.

The Clerk read as follows:

H. CON. RES. 322

Whereas the United Nations was founded on the principle of universality; and

Whereas the charter stipulates that United Nations members may be suspended by the General Assembly only "upon the recommendation of the Security Council"; and

Whereas any move by the General Assembly that would illegally deny Israel its credentials in the Assembly would be a direct violation of these provisions of the charter: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring),* That if Israel is illegally expelled, suspended, denied its credentials, or in any other manner denied its right to participate in the General Assembly of the United Nations or any specialized agency of the United Nations, it is the sense of Congress that the United States should—

(1) suspend its participation in the General Assembly or such United Nations agency; and

(2) withhold its assessed contribution to the United Nations or to the specialized agency involved until this illegal action is reversed.

SEC. 2. It is the sense of the Congress that the Secretary of State should communicate to the member states of the General Assembly of the United Nations what the Congress has herein resolved.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Florida (Mr. FASCELL) will be recognized for 20 minutes, and the gentleman from Illinois (Mr. DERWINSKI) will be recognized for 20 minutes.

The Chair recognizes the gentlemen from Florida (Mr. FASCELL).

Mr. FASCELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 322, which expresses the opposition of Congress to the expulsion of Israel from the United Nations. The resolution states the sense of the Congress that the United States should curtail its activities in the General Assembly or the specialized agencies if Israel is denied the rights within those bodies that are guaranteed to all states under the U.N. Charter. Specifically, if Israel is illegally expelled, suspended, or denied its credentials in the U.N., it is the sense of the Congress that the United States should: First, suspend its participation in the General Assembly or specialized agency; and second, withhold its assessed contribution to the U.N. or offending specialized agency until the illegal action is reversed.

Three subcommittees of the Foreign Affairs Committee (International) Operations, Human Rights and International Organizations, and Europe and the Middle East, met to consider House Concurrent Resolution 289. After 2 days of hearings, the subcommittees reported out the clean bill which is before us today. This resolution is similar to the resolution as introduced, with two amendments.

The subcommittees amended the resolution to include actions by any specialized agency of the U.N.—as well as the U.N. General Assembly—to suspend or expel Israel or deny its rights of membership. This amendment brought the House amendment into conformity with the Senate resolution (S. Con. Res. 68) which passed the Senate on April 14 of this year.

In addition, the subcommittees deleted any reference to "any other democratic state" in order to refer only to the possible illegal suspension, expulsion, or denial of credentials of Israel. This was done in order to avoid the problems that arise in defining "democratic state." In a resolution which recommends that such specific action be taken, the subcommittees felt that withdrawal or withholding of funds should not be based on vague precepts.

It was also felt that, in keeping with the concept of universality of participation in the U.N., the United States should be concerned with the illegal expulsion, suspension, or denial of credentials of any member state, regardless of its political philosophy. If we are concerned here about Israel, then let us name our concern and not couch it in broad language. Any move to expel Israel, without due process or for political reasons, should trigger a U.S. response indicating our loss of faith in the integrity of the U.N. and its members.

It is in this form that the committee felt the resolution would best relay the concerns of Congress to the U.N. membership regarding any unjust or irrational actions taken in the U.N. General Assembly or its specialized agencies. At the same time, we are reaffirming our commitment to the provisions of the U.N. Charter, the principle of universality, and the rule of law—not of political whim—in the United Nations. It is our hope that this resolution might serve as a deterrent to any such unjust acts.

Mr. BINGHAM. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. I would be delighted to yield to the gentleman from New York.

Mr. BINGHAM. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of House Concurrent Resolution 322. I was glad to have worked with our colleague, Mr. KEMP, in the drafting and original sponsorship of this important resolution.

House Concurrent Resolution 322 is offered not as a punitive measure. Nor does it arise out of any anti-United Nations sentiment. I have a long record of support for the international body and, in fact, served as an ambassador to the United Nations under Presidents Kennedy and Johnson.

Accordingly it is as a supporter of the ideals behind the United Nations that I join in putting forth the warning embodied in this resolution. If Israel is illegally expelled, suspended, denied its credentials, or in any other manner denied its right to participate in the General Assembly of the United Nations or any specialized agency of the United Nations, the United States should suspend its own participation in and withhold its assessed contribution to the General Assembly or the specialized agency involved until the illegal action is reversed.

Let me be quite clear. There is reason to suspect that the General Assembly may be pressed, this fall, to take action on a resolution expelling Israel from the Assembly. Such action would trigger the U.S. withdrawal envisaged in this resolution. Our withdrawal and the withholding of our assessed dues would also be triggered if the General Assembly or one of the specialized agencies resorted to subterfuge in an attempt to ban Israeli participation without a formal expulsion. This was attempted in 1974 when UNESCO, a specialized agency of the United Nations, did not expel Israel outright but, instead, refused to allow Israeli participation in any of UNESCO's regional groupings. That type of action is tantamount to a formal expulsion and the sponsors of this resolution intend that any such action would produce the American response spelled out in this resolution.

Mr. Speaker, it is a tragedy that this resolution is necessary. It is necessary because many members of the United Nations are obsessed with Israel. If an observer from another planet walked into a General Assembly session he might conclude that Israel is the most powerful, most troublesome, and most dangerous nation in the world.

Of course, it is not. Israel is, rather, a tiny country that has had to fight for survival four times in 34 years. It has lost over 10,000 soldiers in these struggles. Its children have been murdered at Ma'alot, at Kiryat Shemonah, at Nahariyah, on the Tel Aviv highway, and in dozens of other places, including hospitals and kindergartens. Israel is no threat to peace. But it is easier for the Third World majority that dominates the United Nations General Assembly to vilify and condemn Israel than to confront Libyan terrorism, Soviet imperialism, or the virtually ignored Syrian slaughter of 10,000 of its own people in Hama.

There is no reason why the United States, the leading contributor to the United Nations, must sit back and allow radical Arab States and the PLO to seek the expulsion of Israel. Such expulsion would be a disaster in the U.N. It would end any pretense of U.N. impartiality in the Mideast. It would formally ally the U.N. with the terrorist PLO and the extremist rejectionist front. Moreover it would be an assault on our own country. For it would demonstrate that any small ally of the United States could be dismissed as pariah or outlaw.

But, of course, Israel is unique. It is the only Jewish nation in the world. It is a state established as a refuge for the remnant of world Jewry that survived the Holocaust. Ironically, the U.N. was also established to insure that the horrors of World War II and

of the Holocaust would not be repeated. Two years after its establishment, it was the U.N. which served as midwife for the Jewish State when it endorsed the partition resolution of 1947.

Today, tragically, large segments of the United Nations are arrayed on the side of those who would see Israel destroyed, its people left dead or homeless. Today we announce that we simply will not permit that to happen. If Israel is expelled, or its participation in the United Nations vitiated in any way, the United States must suspend its own participation. In short, if Israel goes, we must go, too. And with us, the dream of a viable world organization.

However, I am confident that, if the United States makes its intentions clear, commonsense will prevail among a majority of the member states and any expulsion resolution will fail.

Mr. ZABLOCKI. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. I yield to the chairman of the full Committee on Foreign Affairs.

Mr. ZABLOCKI. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of House Concurrent Resolution 322, regarding Israel's membership in the U.N. General Assembly. At the outset, I would like to commend my colleagues on the committee whose subcommittees jointly considered the text of this resolution—the Honorable DANTE B. FASCELL, the principal sponsor, the Honorable LEE H. HAMILTON, and the Honorable DON BONKER.

House Concurrent Resolution 322 essentially puts the U.N. General Assembly on notice that if it takes any action to illegally expel, suspend, deny credentials to, or otherwise deny Israel's right to participate, the United States will not only suspend its membership in the United Nations or the offending U.N. agency, but it will also withhold its assessed contribution to the U.N. or such U.N. agency until the illegal action is rectified.

The U.S. position is stated very clearly here. We will brook no tampering with the U.N. Charter which provides that the only legal means for expelling a member is by agreement of the U.N. Security Council. Nor will we tolerate any effort that violates the principle of universality of the United Nations, and removes Israel from its rightful memership in the UN.

Mr. Speaker, I endorse House Concurrent Resolution 322 and urge its immediate passage.

Mr. FASCELL. Mr. Speaker, I am delighted to yield to the distinguished gentleman from New York (Mr. KEMP), who is the sponsor of the original resolution referred to the Committee on Foreign Affairs.

Mr. KEMP. Mr. Speaker, I appreciate the gentleman yielding and his gracious comments.

I rise in strong support of House Concurrent Resolution 322 and commend the chairman for his leadership on this.

I am delighted to have joined my colleague from New York (Mr. BINGHAM) and many others in this body in sending a very strong signal to the General Assembly of the United Nations.

On March 11, I introduced legislation providing that if the General Assembly of the United Nations should illegally act to suspend, expel, or in any other manner abridge the rights and privileges of membership of any democratic nation, the Government of the United States should suspend its participation in the General Assembly and withhold its assessed contribution to the United Nations, until such time as the illegal act is rectified. I believed that there was reason to fear that an effort might be underway to suspend Israel's participation in the General Assembly, or to expel Israel from that body, in plain contravention of the charter and the principles upon which the United Nations was founded.

Sadly, that fear recently has been confirmed anew.

With Soviet troops in Afghanistan, Polish Solidarity members in jail, chemical warfare in Southeast Asia, war between Iran and Iraq, Cuban forces in Angola, guerrilla insurgents in Central America, and confrontation in the Falkland Islands, the United Nations sat in emergency session last week to consider "the question of Palestine" and an Arab petition condemning the United States and challenging the right of Israel's membership in the U.N.

In her speech before the General Assembly on April 23, U.S. Permanent Representative to the United Nations Jeane Kirkpatrick charged:

> This Special Session and its accompanying draft resolutions are one more clear example of a strategy whose goals and tactics are clear: use a United Nations body to make "official demands" incompatible with Israel's security and survival, so as then to be able to complain that non-compliance with these impossible demands "proves" Israel an international lawbreaker—unworthy of membership in the international community of peace-loving states.

After long and ardent meetings, the special session did not take up the radical Arab petition, due in large measure to the forceful opposition by the United States. In particular, the resolve of the Congress as expressed in House Concurrent Resolution 289—which is now House Resolution 322—and the parallel measure sponsored by Senator MOYNIHAN that has already passed the Senate by unanimous vote proved to be an important deterrent to the extremists' success.

But the threat has not disappeared. The resolution that was finally passed at the special session reiterates earlier language found in the General Assembly's resolution on the Golan Heights, viz, that Israel is "not a peace-loving state"—language that may be a prolog to a full-scale onslaught on Israel's right of membership at the next regular session of the General Assembly.

The real threat is not to Israel, but to the integrity of the United Nations. If the General Assembly should attempt illegally to expel Israel, the United Nations would be casting aside what vestiges of respectability and honor it may still retain. As expressed by Ambassador Kirkpatrick in her speech before the Special Session:

> How much falsification can an institution stand without destroying itself entirely? This world body cannot endure as a moral and political force if its energies are devoted to increasing conflict and conducting vendettas against targeted countries. If the United Nations prefers to make political war rather than peace, it must suffer the consequences in terms of its credibility and reputation. And if, in violation of its own rules, it should decide to exclude the democratic state of Israel from participation, it will inevitably reap the whirlwind.

The purpose of this legislation is to make explicit what has long been U.S. policy: That we will never condone efforts by a tyrannical majority to infringe the just rights of a democratic member state, and that we will not allow U.S. taxpayer dollars to be spent in underwriting the destruction of the fundamental principles of the United Nations.

In October of 1980, President (then candidate) Reagan said:

> It is my own belief that should a hostile majority in the United Nations General Assembly vote to deny Israel its credentials—
>
> (1) We should reject such a vote as as violation of the United Nations Charter, which provides for suspension of rights of membership and expulsion *only* upon recommendation of the Security Council. And in the Security Council we should exercise our veto.
>
> (2) We should work vigorously with Israel and our friends to preserve the right of Israel to be present and vote in the General Assembly.
>
> (3) If unsuccessful in this effort, we should suspend our financial contribution to the United Nations and urge our friends to do the same, until the rights of Israel are fully respected. . . .
>
> If we are determined and make clear that we will protect our interests and our friends. I am confident the attempt to deprive Israel of its rights in the United Nations can be deterred.

I agree with President Reagan. I believe that the U.S. response to such a move by the General Assembly or any of the specialized agencies of the U.N. must be set forth clearly, in advance of any overt move against Israel, so that member nations fully understand the implications of their contemplated illegal act.

By voting for this legislation, Members of Congress will be reaffirming longstanding U.S. policy. Our passage of this measure will be an important deterrent to efforts to interfere with Israel's rights and privileges of membership in the U.N. and its specialized agencies. I wish to note parenthetically that it is the intent of the drafters of this resolution that it shall apply in the event of any substantial interference with Israel's privileges of membership in the General Assembly or in specialized agencies; the language "right to participate" as it appears in House Resolution 322 is used in a broad sense encompassing the rights and privileges of membership, and not by way of narrow limitation. And it will be a clear expression of our abiding belief in the principles of the Charter of the United Nations, and our support for the spirit of honor and integrity with which that institution was originally founded.

Most importantly, our willingness to defend Israel's rights is in truth a measure of our willingness to defend ourselves. For the principles of freedom and democracy, for which this country stands, are ultimately the object of the campaign against Israel. And in that confrontation, America's position must be unequivocal.

That is the true purpose of this resolution. I urge my colleagues' support.

Mr. FASCELL. Mr. Speaker, I thank the gentleman from New York for his comments and simply want to emphasize an additional point which the gentleman raised.

When we in the committee speak of the right of Israel to participate in the General Assembly of the United Nations or any of its specialized agencies, we are using that language in the broadest context possible. We are talking about any right, we are talking about any privilege. We do not expect there to be any misunderstanding about what we mean in this resolution. We do not think that anybody is going to get away with the right to nibble Israel to death by eliminating a single right or a single privilege or attacking it in a single agency. We are talking about the broadest scope and spectrum of the right to participate in the United Nations.

I thank the gentleman for raising that issue.

Mr. KEMP. Mr. Speaker, will the gentleman yield further?

Mr. FASCELL. Yes, I yield to the gentleman.

Mr. KEMP. In 1977, as I think the gentleman has pointed out, Israel was denied participation in a specialized agency of the U.N., the International Labor Organization. Congress quickly suspended all funding for that organization and within a relatively short period of time Israel's membership was renewed. The only way the U.N., either in the General Assembly or in the specialized agencies, as the gentleman has pointed out, is going to get the message is if we are very clear about our intentions, and let the member nations know that funding will be shut off if Israel is illegally victimized.

I appreciate so much the leadership of my friend.

Mr. FASCELL. I thank the gentleman for raising this issue. We have set a precedent with similar resolutions and actions that were taken, for example, with respect to UNESCO. We withheld our contribution for 2 years to show our opposition to actions taken in that organization.

Mr. AuCOIN. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. I yield to the distinguished gentleman.

Mr. AuCOIN. Mr. Speaker, I appreciate the gentleman yielding. I want to compliment him and the bipartisan leadership which brings this resolution to the floor.

I would like to ask the manager of the bill a question about the U.S. contributions to the United Nations.

It is my understanding that the U.S. Government provides a far greater amount of money in support of the U.N. than what would normally be considered its average or normal share. Is that not correct?

□ 1230

Mr. FASCELL. Well, we have had that problem for a long time. We now provide 25 percent.

Mr. AuCOIN. Twenty-five percent.

Mr. FASCELL. Some of the specialized agencies receive a greater amount.

Mr. AuCOIN. The point I am making is the taxpayers of this country, in respect to and in the reflection of the values the United Nations have always stood for, which have been to bring the nations of the world together, despite their differences or their backgrounds, to discuss and try to resolve mutual problems, or to make the resolution of those problems easier, a reflection of that ideal—the taxpayers of this country have generousiy supported the United Nations Organization.

As a cosponsor, I want to lend my full support for the passage of this resolution. It is essential that the United States reaffirm its dedication to the nation of Israel and do everything possible to assure that Israel retain its rightful position in the United Nations General Assembly.

There is reason to believe a growing campaign is underway to illegally suspend, expel, or abridge the rights and privileges of Israel's membership in the United Nations. Should other member nations make such an attempt the United States must have ready a response.

By alerting the General Assembly that the United States intends to suspend participation in the General Assembly, as well as withhold contribution to the United Nations, we have such a response. This sends a clear message to member nations that we will not tolerate further moves to degrade Israel's position as a democratic, peace-loving, and peace-seeking nation. And we are saying that if the United Nations takes such action against Israel, America no longer considers the organization worthy of its name and, thus, refuses to support it.

As recently demonstrated in its orderly withdrawal from the Sinai Desert, Israel is willing to negotiate and relinquish cherished land to secure peace with her neighbors. She deserves our support; we must solidly refuse to accept any illegal acts that seek to discredit her membership in what is intended to be an assembly of integrity and respectability.

I urge my colleagues to vote in favor of this resolution.

I thank the gentleman for yielding.

Mr. FASCELL. I thank the gentleman for his remarks, and I agree with him.

The SPEAKER pro tempore. The gentleman has consumed 12 minutes.

Mr. FASCELL. Mr. Speaker, I reserve the balance of my time.

Mr. DERWINSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this resolution. I think it is most timely.

Mr. Speaker, House Concurrent Resolution 322 concerns the possible suspension of Israel from the United Nations or the rejection in the U.N. of Israel's credentials.

There has been growing misuse of the U.N. in Middle East debate to ram through one-sided resolutions condemning Israel, and when accompanied by rhetoric which often is anything but diplomatic, a scene is created more reminiscent of a mob running loose than of thoughtful diplomats who are presumably to function in a manner expected at the world organization level.

The target of this pattern of extreme language in both resolution and debate is, of course, Israel. One could make the point, however, that the victim is not just Israel, the victim includes the U.N. itself, since its effectiveness is consistently diminished by permitting radical performances, rather than legitimate diplomacy to be the order of the day. These observations apply not only to the General Assembly sessions, but the pattern is there at the Security Council itself, at the specialized agencies of the world body, and, for that matter, almost any international meetings which the U.N. sanctions.

The United States must make it clear that whether it be at a meeting of a specialized agency, whether it be

at a special or regular meeting in New York City of the General Assembly or Security Council, that we will resist, using every legal means at our disposal, this blatant anti-Israel action. If the radical Arabs and their ill-motivated associates move to the extreme of attempting to deny Israel a place in one of the meetings of the specialized agencies or at a meeting of the U.N. itself, then we should serve notice in advance that the United States will take specific steps to counteract such a development. This could take the nature of denying our financial contribution or serving notice in advance that the United States would not participate in any ongoing U.N. function at which Israel were denied its rightful place.

This resolution had outstanding bipartisan support from Members of the House. I believe it is timely, practical, and a necessary expression of congressional interest in the subject. Hopefully, it will be understood at the U.N., and by that I mean understood by the member nations as well as by the Secretariat of the world body. It is ironic that Israel, one of the few democracies in the Mideast, is subject to this consistent verbal and technical abuse, presumably in the name of justice, and so forth, but its critics are, with rare exception, governments who go to great lengths to deny their citizens any meaningful input into a political process.

As a cosponsor, I urge strong support of the resolution and am pleased that it moved so expeditiously through the House Foreign Affairs Committee.

Mr. Speaker, I now yield 5 minutes to the gentleman from Michigan (Mr. BROOMFIELD).

Mr.BROOMFIELD. Mr. Speaker, I thank the gentleman from Illinois for yielding me this time.

Mr. Speaker, as a cosponsor of House Concurrent Resolution 322, I strongly support its adoption. This resolution would definitively declare to the United Nations that if it intentionally fails to adhere to its own charter by illegally expelling, suspending, or otherwise denying rights and privileges to Israel in the General Assembly, then the United States will suspend its participation in the General Assembly, and withhold its assessed contributions until the illegal action is rectified.

Established as the very essence of freedom and democracy, a place where international disputes could be peacefully resolved, the General Assembly has now degenerated into a forum for Third World demagoguery and hypocrisy. Rather than resolving international disputes, the General Assembly now exacerbates them by driving member states into opposing camps. Frequently this means ramming through ludicrous and totally unacceptable resolutions against Western democratic nations. There is no attempt made anymore to seek compromise, to find areas in which the parties in dispute can agree, and then build upon these areas to resolve their greater differences.

It is outrageous that these Third World and Communist nations, nations which deny any semblance of democracy at home, are so intent upon using majority rule in the General Assembly to ride roughshod over the Western democracies.

The General Assembly routinely attacks Israel. Yet is was silent while the Communist forces of Pol Pot killed 3 million Kampucheans and when Idi Amin murdered 250,000 Ugandans. Not one Third World spokesman in the General Assembly called for sanctions against Jordan when they ruled the West Bank and controlled the Palestinian population from 1948 to 1967, or when Jordan's military attacked and expelled thousands of Palestinians in 1970. The General Assembly is silent concerning the oppression, imprisonment of political prisoners, and complete denial of human rights that exist in the Soviet Union, Cuba, and other Communist-block nations. Similarly, the General Assembly has not condemned Syria for its recent internal massacre in Hamma, and has not called for sanctions against the Soviets and Vietnamese for using outlawed chemical weapons in Afghanistan, Laos, and Cambodia.

It is for these reasons that this resolution is so important. It states in no uncertain terms that there are genuine standards of behavior that must be adhered to in the world, and that the United States will not tolerate a double standard being applied to suit the majority of tyrants whose representatives occupy seats at the U.N.

As the leading country behind the creation of the United Nations, the United States had high expectations that the establishment of the U.N. would mark a new era of international understanding and progress for humanity.

No one denied that the tasks were large, but the potential rewards in the political and economic spheres were great. Today, the United States has not changed its goals. We have not lowered our sights. We still believe that the rewards are more than worth the effort. The question, however, is whether the General Assembly is worthy of the task. Whether the General Assembly is even attempting to fulfill the mandate set down decades ago is in doubt. The United Nations should clearly understand, the United States is wedded to the concepts upon which the United Nations was founded. It is not wedded to all bodies in the institution.

Mr. DERWINSKI. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Speaker, I rise in support of House Concurrent Resolution 322 as a very proud and original cosponsor of this most important resolution.

We are seeing in the world today an insidious move to use the democratic processes of the United Nations and use of this democratic process by nondemocratic nations of this world against a democratic member of this very important organization and very important forum.

If these nations are successful in doing so, then this country must take away its backing of the United Nations as the taxpayers of this country will no longer support an organization which can, in itself, be used as a vehicle for blackmail.

The United Nations must remain open to all nations of the world, and I might add, particularly those democratic nations such as the State of Israel. To do otherwise would simply be to compromise the purposes of the United Nations to such an extent that it would be a detriment in solving the problems of peace throughout the world, rather than a vehicle that has been so important in maintaining peace throughout the world.

At the conclusion of debate today, Mr. Speaker, it is the intention of probably several people here to ask for a recorded vote on this resolution. I think this recorded vote is going to be necessary so that the full extent, the full voice of this body, as will be expressed by the vote, be made known to those that would use the United Nations as an instrument of blackmail.

Again, I stand in very strong support of House Concurrent Resolution 322.

Mr. DERWINSKI. Mr. Speaker, I reserve the balance of my time.

Mr. FASCELL. Mr. Speaker, to conclude the debate on this matter on this side, I yield such time as he may consume to the distinguished gentleman from California (Mr. LANTOS), who is one of the original sponsors of the resolution, which was referred to the Committee on Foreign Affairs.

Mr. LANTOS. Mr. Speaker, this is a significant bipartisan decision we are making this afternoon. We are serving notice on the totalitarian majority of the United Nations that we will not allow the application of a double standard of morality.

As my colleagues on both sides of the aisle have pointed out, the United Nations was silent time after time in the face of the most outrageous violations of human rights. But the United Nations has singled out one small democratic nation for discrimination and possible expulsion. I think it is a significant moment in the history of this body that both Republicans and

Democrats in both the Senate and the House stand up and are prepared to be counted for the principle of preserving a small democracy's right to exercise the privileges in the United Nations.

It is a fact, Mr. Speaker, that the bulk of the member nations of the U.N. today are nondemocratic nations. They are totalitarian nations in varying degrees who have been ganging up on a number of democratic states in a variety of instances.

It was our former Ambassador to the United Nations, Senator PAT MOYNIHAN, who pointed out some years ago that the United States itself was being persecuted and discriminated against in the United Nations by the totalitarian majority.

It is high time that those of us who are members of legislative bodies in the remaining democratic states of the United Nations, stand up and be prepared to speak with a single voice for the preservation of the rights of all democratic states to participate in the U.N., to make our influence felt, to have democratic and free societies set a tone for this international body.

Mr. DERWINSKI. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, I rise to associate myself with the remarks of our distinguished colleague from California. I was a cosponsor of the gentleman's resolution, which was very similar to the one which is before us now.

In my judgment, the one that is before us is even a stronger statement and a better one for this House to make, and for all the Members of this House to endorse. I congratulate the committee for bringing it to us, and I yield back the balance of my time.

● Mr. LEHMAN. Mr. Speaker, I would like to speak in support of this resolution. For too long, the podium of the United Nations General Assembly and U.N. specialized agencies has been employed by member nations to do little more than hurl invectives against Israel and the United States. These countries would rather expend their energies in attempts to expel Israel instead of addressing attention to the oppressed peoples of Afghanistan, Poland, Vietnam, and the religious minorities of Iran.

There is now reason to fear that an effort may be underway to suspend Israel's participation in plain contravention of the U.N. Charter and the principles upon which the United Nations was found. That such a possibility has presented itself is not surprising considering that no member-nation has been a more frequent victim of this shamful double standard than has Israel. From the infamous resolution equating Zionism with racism, to the frequent tirades of anti-Semitic rhetoric from Israel's neighbor to the east, Jordan, and the recent declaration that Israel is not a "peace-loving nation" the very week Israel returned the Sinai to Egypt, any respect I once had for the U.N. is merely a memory.

I am hopeful that this legislation, of which I am a cosponsor, will serve to make clear to member nations what the implications of any illegal action against Israel would be. And perhaps the threat of suspending U.S. participation in and withholding contributions to the United Nations would prevent such an action from taking place. As financier of 25 percent of the annual U.N. budget, the message of House Concurrent Resolution 322 will be heard. I urge my colleagues to vote for passage of this important legislation.●

● Mr. BONKER. Mr. Speaker, I rise in support of House Concurrent Resolution 332, which the Foreign Affairs Committee agreed to unanimously on May 4.

The resolution is a straightforward policy statement. It expresses the sense of the Congress that if the U.N. or a specialized agency illegally expels or suspends Israel, or in any other way denies Israel's right to participate that the United States should suspend its participation in and withhold the payment of its assessed dues to that organization.

The Subcommittee on Human Rights and International Organizations, which I chair, held 2 days of joint hearings, on April 22 and 27, on the original resolution (H. Con. Res. 289). The subcommittee agreed to two perfecting amendments, one offered by Mr. LANTOS and one offered by myself. My amendment, which has been incorporated into House Concurrent Resolution 322, clarifies the intent of the resolution to focus on Israel. The U.N. is not at this time considering any action against other democratic states, and reference to other democratic states would cloud the issue.

House Concurrent Resolution 322 supports longstanding U.S. policy to uphold the principle of universality of membership in the United Nations. This principle is set forth in article 4 of the U.N. Charter: "U.N. membership is open to all peace-loving states * * *." The resolution as now worded will avoid the creation of a double standard where the United States would defend the principle of universality only for a select group of countries.

Mr. Speaker, I wish to commend the distinguished chairman of the committee for facilitating expeditious consideration of House Concurrent Resolution 322. I would also like to commend my distinguished colleagues on the committee, Mr. FASCELL, Mr. ROSENTHAL, Mr. BINGHAM, and Mr. LANTOS, for their leadership on this resolution. I urge my colleagues in the House to adopt House Concurrent Resolution 322.●

● Mr. ROSENTHAL. Mr. Speaker, I rise in support of House Concurrent Resolution 322, regarding U.S. membership in the United Nations General Assembly. I am an original sponsor of this resolution because it demonstrates the gravity with which I view our participation in the U.N.

No one—participants, members of the press, observers here and abroad—should doubt the seriousness of this resolution and the sentiments which have resulted in the need for congressional action.

There is a growing crisis of confidence in the United Nations among democratic people and governments worldwide. I say this not to inflame. There has been more than enough of that already. I simply want to underscore the gravity of our purpose in considering this resolution. This is not merely a formality.

Two matters are brought up within the context of this debate—one general, one specific. First, we are here because it is time for America to reassess, fundamentally, its policy toward the United Nations. Too much has happened. Hypocrisies. Biased resolutions. Incendiary rhetoric. Anti-Semitism and racism. Technical, humane, educational U.N. projects turned political and punitive.

In February, I sent an open letter to the Secretary General to express my personal outrage about what I see happening at the U.N. The United Nations, as I wrote the Secretary-General 2 months ago, "is becoming a body of recrimination instead of an institution of reconciliation." My words were angry, but they were rooted in feelings not of anger but of frustration—and remorse—that we allowed this to happen.

Mr. Speaker, I speak as a longtime friend of the U.N., and as a former U.S. representative to the General Assembly. For 20 years in Congress, I have been defending the U.N. I know, first-hand, just how hard it is for one body to encompass so many grievances and so much hatred without cracking apart. But this simply can't excuse the increasing number of attempts to turn the United Nations into an instrument of vindictiveness.

One issue—one obsession—accounts for the overwhelming majority of these attempts. This is the second, more specific, reason for our being here today.

Time and again, in forum after forum, a group of member states has sought to punish the democratic nation of Israel. On February 5, 1982, the General Assembly—dominated by this group—took one step further, one step too far, by calling into question Israel's right to belong to the U.N. and laying the groundwork for its expul-

sion. With this resolution and its unprecedented threat of expulsion, a line was crossed. The United States must now draw one of its own. In House Concurrent Resolution 322, we are serving notice, putting parties on the alert. If the General Assembly expels Israel, they should expect a response from us—a response that may include no participation in the General Assembly by the United States or no financial contribution to the United Nations from the American Treasury.

It is our strong hope that by making this intent absolutely clear now, we will prevail upon moderate, thoughtful member states to oppose these provocative acts more forcefully.

But this work cannot proceed effectively as long as formal procedures and established agencies of the U.N. are used repeatedly to punish one state rather than to promote the well-being of all people.

For our part, the United States must respect diversity and democracy in the United Nations. But not demagoguery. So it is time for us to look at what the U.N. is becoming, to ask whether all is well, and if it is not, to resolve to do something about it. That is why we are here today. That is why so many in Congress support and have encouraged this effort. Our resolve should not be underestimated.●

● Mr. GILMAN. Mr. Speaker, I rise in support of House Concurrent Resolution 322, regarding membership in the United Nations General Assembly.

For the second time in less than 3 months the United Nations General Assembly has declared that Israel was "not a peace-loving member." This latest action demonstrates more clearly than ever the misuse and abuse of the U.N. by a coalition of Third World and Communist states as they seek to use their majority position in the General Assembly to promote hostility and divisions.

Having been created out of a desire to promote peace and resolve internal dispute, the U.N. has become more and more the platform for non-democratic states to exploit tensions, polarizing the world community. Outrageous demands are made on democratic states by those who suppress the slightest attempts at democracy in their own nations. Dictators and tyrants have succeeded in nearly destroying the principles of democratic change and majority rule.

This most recent attack alleging Israel to be non-peace loving comes only a few days after that nation's heroic efforts in abiding by its commitment to the Camp David accords by returning the last of its occupied territory in the Sinai.

Yet it was this same working majority in the General Assembly which remained silent when Pol Pot murdered 3 million of his fellow Cambodians and Idi Amin killed over 250,000 Ugandans. It is these same forces who routinely attack Israel and ignore the outrages of the Soviet Union.

It is for these reasons and the unbelievable but real possibility that the General Assembly may eventually be manipulated into an attempt to expel Israel that we must now draw the line. It is time that the Congress expresses its concern and state that unless the U.N. General Assembly adheres to the founding principles of that organization, the United States will no longer tolerate such an outrageous double standard.

As the primary moving force and founding member of the U.N., the United States will not idly stand by and watch the destruction of the U.N.'s mandate. It must be clearly understood that as the resolution before us states, if Israel is expelled, suspended, denied its credentials or in any other manner denied its rights and privileges in the General Assembly of the U.N., the United States will suspend its participation in the General Assembly and withhold its total financial contributions, both assessed and voluntary until such illegal action is reversed.

The United States stands by, as before, as a firm supporter of the U.N. and its original mandate to promote peaceful solutions to international problems. We urge other members to join us in returning to those principles. It must be understood, however, that we will not be a party to or stand by and watch as the U.N. is destroyed from within.

As a cosponsor of House Concurrent Resolution 322, I urge all of my colleagues to join in unanimous support of this important resolution.

● Mr. OTTINGER. Mr. Speaker, I rise in strong support of House Concurrent Resolution 322, a resolution expressing the sense of Congress that the United States should take retaliatory action if Israel is illegally denied participation in the General Assembly or any specialized agency of the United Nations. This resolution provides in such case, the United States should suspend U.S. participation and withhold contributions to the United Nations or such agency. I fully support this resolution as an original cosponsor.

In April, I wrote to Secretary General Javier Perez de Cuellar, to express my deep concern about the U.N.'s attempts to isolate Israel. I noted that these efforts "contradict the very principles upon which the U.N. was founded, violate the U.N. Charter, and inject discord and instability into international relations."

The recent history of one-sided harassment of Israel in the United Nations discredits that institution and undermines its international usefulness. From the infamous resolution equating Zionism with racism, the U.N. record on Israel has been one of discord and hostility:

In recent years, anti-Semitic invective has widely permeated U.N. debate. As the Israeli delegate to the U.N., Yehuda Z. Blum, said in December 1980, "Representatives in this organization enjoy an immunity to spread anti-Semitic invective in a way that would not be tolerated in any decent society." The fact is that the U.N. has become more a forum for anti-Semitism than a center for developing friendly relations between nations based on respect for equal rights.

In January 1981, the U.N. Postal Administration issued a set of commemorative stamps on the theme of the "inalienable rights of the Palestinian people" in accordance with a General Assembly resolution. This was a blatant propaganda effort designed to legitimize terrorism, attack the State of Israel, and inject further discord into a highly sensitive issue. This action is a clear example of how some U.N. members have allowed the PLO to successfully politicize almost every function of the U.N., including the General Assembly, UNESCO, the U.N. Mid-Decade Conference for Women, and even the U.N. Postal Administration.

The U.N. record in the Middle East has been based on a double-standard unprecedented in its history. For example, the U.N. Security Council was recently convened in a special session to condemn the entire Israeli nation when a single deranged individual ascended the Temple Mount and killed and injured several innocent people, despite the fact that this individual was immediately arrested and will be brought to trial. Among the most virulent in organizing this session to condemn Israel was Syria, which has slaughtered thousands of Christians in southern Lebanon, and only weeks before the incident at Temple Mount, destroyed dozens of mosques and massacred thousands of civilians in Hama, with no such condemnation from the United Nations.

On February 5, 1982, the General Assembly passed a resolution pronouncing that "Israel is not a peace-loving member state" and that "it has not yet carried out its obligations under the Charter." This resolution seems to be the prelude to an all-out attempt to suspend Israel's participation in the General Assembly, or to expel Israel altogether, in clear violation of the Charter. The resolution's pronouncement that Israel is not a peace loving state flies in the face of Israel's courageous withdrawal from the Sinai Peninsula in fulfillment of its commitment to peace with Egypt, despite the U.N.'s attempts to undermine that peace. Indeed, the failure of the U.N. to endorse the Egyptian-Israel peace process made a mockery

of the U.N.'s peace promoting character.

Mr. Speaker, these terrible developments reflect a growing anti-Israel bias that the U.N. should seek to end, rather than foster. By tolerating anti-Semitic speeches, the U.N. is fueling the fires of racism. By seeking to expel one of its few democratic member states, the General Assembly is violating its own Charter. By fostering hostility and instability in the Middle East, the U.N. is deviating from its fundamental purpose as an instrument of peace and cooperation, and is sowing the seeds of its own destruction.

In the past, I have been strongly supportive of the U.N., and continue to believe that the institution can be vital to international peace and stability. The U.N. could be particularly effective in providing humanitarian relief for many people throughout the world, and in achieving international cooperation in solving economic, social, cultural, and humanitarian problems. These important functions, however, are seriously impaired by the U.N.'s inflammatory attacks on Israel. If the U.N. continues to subvert its own principles and does expel or suspend Israel, it simply would not be worthy of continued U.S. support. That is why I have cosponsored House Concurrent Resolution 322, and I hope my colleagues will join me in voting for passage of this important resolution.

As I wrote to Secretary General Perez de Cuellar in April:

It is my fervent hope that Congress will not have to act to withdraw U.S. support of the United Nations, and that the moderate and independent members of the U.N. will be effective in reversing the international organization's decline. As a friend and supporter of the U.N., I urge you not to underestimate the critical erosion of American support for the world organization because of its one-sided attacks on Israel. I hope you will take the steps necessary to restore the U.N. to its proper role as an international center for harmonizing the actions of all nations.

Mr. Speaker, I am including in today's RECORD the full text of my letter to the Secretary General, as well as the text of House Concurrent Resolution 322:

HOUSE OF REPRESENTATIVES,
*Washington, D.C., April 2, 1982.*

Hon. JAVIER PEREZ DE CUELLAR,
*United Nations,*
*New York, N.Y.*

DEAR MR. SECRETARY GENERAL: I would like to congratulate you upon assuming the duties of Secretary General of the United Nations. I wish you the best of luck in meeting the great challenges that face the United Nations organization and the world.

I am writing to let you know that my country's historical support of the United Nations is being greatly jeopardized by various U.N. attempts to isolate Israel, one of the U.N.'s most democratic members. These actions contradict the very principles upon which the United Nations was founded, violate the U.N. Charter, and inject discord and instability into international relations.

I am particularly concerned about the anti-Semitic invective which seems to have permeated U.N. debate, and which reflects a repugnant tide of hatred which is sweeping through the United Nations. The United States simply cannot tolerate this.

The General Assembly Resolution of February 5, 1982, is a particularly vicious attack on Israel's credentials and seems to be another step in the path toward efforts to expel Israel from the United Nations altogether. The resolution, which goes further than the Security Council ever has in expressing sentiment, and indeed circumvented the ordinary procedures of the Security Council, not only undermines the members of the Security Council, but also the preamble of the U.N. Charter, which requires that members of the U.N. "practice tolerance and live together in peace with one another as good neighbors . . ."

This resolution, in concert with past efforts to equate Zionism with racism and to use every possible opportunity to hypocritically criticize Israel while ignoring attacks against her and her people, has clearly threatened continued U.S. support for the United Nations.

You may be aware of various proposals circulating in the Congress of the United States which would result in a severe diminution of U.S. support and participation in U.N. activities. House Joint Resolution 403, for example, expresses that any attempt by the U.N. to prevent a democratic state from exercising its rights under the Charter will have the most serious and harmful consequences for further Congressional support for the U.N. House Concurrent Resolution 289 would suspend U.S. participation in the General Assembly and withhold the U.S. assessed contribution to the U.N. should Israel, or any democratic state, be expelled.

In the past, I have been strongly supportive of the United Nations, and continue to believe that the institution can be vital to international peace, stability and cooperation. These important functions, however are being seriously impaired by actions to isolate or expel Israel. Indeed, if the U.N. does subvert its own principles and expels one of its democratic members, the U.N. would simply not be worthy of continued U.S. support. That is why I have cosponsored the two measures mentioned above.

It is my fervent hope that Congress will not have to act to withdraw U.S. support of the United Nations, and that the moderate and independent members of the U.N. will be effective in reversing the international organization's decline. As a friend and supporter of the U.N., I urge you not to underestimate the critical erosion of American support for the world organization because of its one-sided attacks on Israel. I hope you will take the steps necessary to restore the U.N. to its proper role as an international center for harmonizing the actions of all nations.

Sincerely,

RICHARD L. OTTINGER,
*Member of Congress.*

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H. CON. RES. 322

Whereas the United Nations was founded on the principle of universality; and

Whereas the charter stipulates that United Nations members may be suspended by the General Assembly only "upon the recommendation of the Security Council"; and

Whereas any move by the General Assembly that would illegally deny Israel its credentials in the Assembly would be a direct violation of these provisions of the charter: Now, therfore, be it

*Resolved by the House of Representatives (the Senate concurring),* That if Israel is illegally expelled, suspended, denied its credentials, or in any other manner denied its right to participate in the General Assembly of the United Nations or any specialized agency of the United Nations, it is the sense of Congress that the United States should—

(1) suspend its participation in the General Assembly or such United Nations agency; and

(2) withhold its assessed contribution to the United Nations or to the specialized agency involved until this illegal action is reversed.

SEC. 2. It is the sense of the Congress that the Secretary of State should communicate to the member states of the General Assembly of the United Nations what the Congress has herein resolved.●

● Mr. GOLDWATER. Mr. Speaker, I rise in firm support of House Concurrent Resolution 322, a bill which issues a strong warning to other member nations of the United Nations that we intend to stick by our commitment to our ally, Israel. Specifically, if other U.N. members illegally expel Israel, this bill expresses the sense of Congress that the United States should first, suspend its participation in the General Assembly and other specialized agencies and second, withhold our contribution to the U.N. budget until that expulsion is reversed. I am pleased to be an original cosponsor of this legislation.

Of course, I have long thought that the United States should reduce or eliminate our contribution to the United Nations. That organization has, for the most part, evolved into little more than a glorified debating society and propaganda tool for left-wing dictatorships and other repressive societies. We also carry an inordinate amount of the cost of the U.N. It is hard, particularly in light of the economic hardships at home, to justify enormous expenditures for an organization which has failed so signally in its primary mission—to keep the peace.

Let me address, however, the specific measure we have before us today. I think that it is a tragedy that this resolution is necessary, and a real statement of the need to reexamine our role in the United Nations.

It is amazing to me that Israel should be the target of vilification among Third World nations when really it should be held up as a model of achievement against almost insuperable odds—economic, climatic, and social. Reversely, why do we not hear more about Soviet adventurism, the PLO's export of international terrorism, chemical warfare in Southeast Asia, the war between Iran and Iraq, guerrilla activities in Central America, and Argentina's aggression vis-a-vis

the Falklands? It does not make rational sense to civilized Western minds.

Israel is the only sure ally we have in the Middle East, an area acknowledged to be the most strategic location in the world today. Israel also shares our democratic convictions, and is the only truly free, pluralistic society in that area. These reasons alone should suffice to insure our support. However, the necessity of our firmly supporting Israel against an expulsion resolution in the General Assembly is a larger issue than simply loyalty to a close ally and philosophical friend.

We have to be absolutely clear on a few points. First, we will never permit a tyrannical majority to infringe upon the just rights of a democratic member state, and we will not permit U.S. taxpayer dollars to be spent in underwriting the destruction of the fundamental principles of the United Nations. Our willingness to defend Israel's rights is the measure of our willingness to defend ourselves. For the principles of freedom and democracy, for which our country stands, are ultimately the object of the campaign against Israel. In this confrontation, we must be unequivocal.

For all these reasons, I urge speedy passage of House Concurrent Resolution 322. Thank you.●

● Mr. ROBERTS of South Dakota. Mr. Speaker, as a cosponsor of House Concurrent Resolution 322, I rise in support of this important piece of legislation concerning the United States role in the United Nations.

It is time that this Congress and this Nation make it clear that our participation in the United Nations depends on the preservation of universality for all nations. Many countries in the General Assembly of the United Nations are seeking the explusion of the democratic State of Israel, in violation of the Charter of the United Nations, and against the general purpose of the United Nations to allow a forum for all nations to discuss and work out the issues of the world. While the U.N. system has failed at times in the past, actions that expell countries further negate the attempts of the United Nations.

House Concurrent Resolution 322 instructs the Secretary of State to communicate to the United Nations members that the United States will suspend its participation in the U.N. should Israel be denied its legal rights. I strongly support this resolution and I urge my fellow Members here to agree to this important statement.

Thank you.●

Mr. DERWINSKI. Mr. Speaker, I have no further requests for time.

Mr. FASCELL. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. FASCELL) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 322.

The question was taken.

Mr. FRENZEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

## INTEREST RATE ADJUSTMENT FOR TREASURY-HELD SMITHSONIAN TRUST FUND

Mr. HAWKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6132) to amend section 5590 of the Revised Statutes to provide for adjusting the rate of interest paid on funds of the Smithsonian Institution deposited with the treasury of the United States as a permanent loan, as amended.

The Clerk read as follows:

H.R. 6132

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 5590 of the Revised Statutes (20 U.S.C. 54) be amended to read as follows:

"SEC. 5590. So much of the property of James Smithson as has been received in money, and paid into the Treasury of the United States, being the sum of $541,379.63, shall be lent to the United States Treasury and invested in public debt securities with maturities requested by the Smithsonian Institution bearing interest at rates determined by the Secretary of the Treasury, based upon current market yields on the outstanding marketable obligations of the United States of comparable maturities, and this interest is hereby appropriated for the perpetual maintenance and support of the Smithsonian Institution; and all expenditures and appropriations to be made, from time to time, to the purposes of the Institution shall be exclusively from the accruing interest, and not from the principal of the fund. All the moneys and stocks which have been, or may hereafter be, received into the Treasury of the United States, on account of the fund bequeathed by James Smithson, are hereby pledged to refund to the Treasury of the United States the sums hereby appropriated.".

SEC. 2. The amendment made by the first section shall apply with respect to fiscal years beginning after September 30, 1982.

The SPEAKER pro tempore. Is a second demanded?

Mr. FRENZEL. I demand a second, Mr. Speaker.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California (Mr. HAWKINS) will be recognized for 20 minutes, and the gentleman from Minnesota (Mr. FRENZEL) will be recognized for 20 minutes.

The Chair recognizes the gentleman from California (Mr. HAWKINS).

Mr. HAWKINS. Mr. Speaker, I yield myself such time as I may consume.

H.R. 6132 amends section 5590 of the Revised Statutes of the United States to provide for adjusting the statutory rate of interest paid on certain Smithsonian funds deposited in the U.S. Treasury as a permanent loan. Included in the resolution is a technical amendment adding a new section to the bill to comply with the Congressional Budget Act, which makes the effective date of the bill the next fiscal year.

The act of August 10, 1846, which established the Smithsonian Institution, provided for the payment of interest at a rate of 6 percent per annum on the funds deriving from the bequest of James Smithson that are on permanent loan to the Treasury. These funds total $1 million and the income is dedicated to the perpetual maintenance and support of the institution.

One hundred and thirty-six years later, inflation and high interest rates have created circumstances in which the statutory rate is substantially below current market rates. This legislation is required to adjust the rate paid on the Smithsonian's permanent loan at the Treasury.

Let me point out that H.R. 6132 modifies only the rate of interest specified in section 5590 of the Revised Statutes and does not alter any other aspect of that section.

The language in the bill incorporates the standard "yield-on-comparable-maturities" approach which is currently used by the Treasury for most Federal agency borrowing, lending, and investment activities. H.R. 6132 will provide appropriate investment flexibility and an equitable increase in the rate of return earned on historic Smithsonian funds.

The bill has the approval of the Department of the Treasury and the Office of Management and Budget. The basic legislation was reported by unanimous voice vote in the Committee on House Administration.

I urge passage of H.R. 6132 as amended.

□ 1245

Mr. FRENZEL. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I concur in the description of the bill as given by the distinguished committee chairman, the gentleman from California. It will result in the Smithsonian Institution receiving about $20,000 more a year as a result of the Smithson bequest of the 1840's.

It is consistent with modern day standards; with the precedents of the other accounts held by the Treasury for other purposes, and is approved by the administration. The committee was unanimous in voting this bill out.

I have one other comment, Mr. Speaker. On page 3 of the committee report, under the heading, "Budget Authority," there is a statement that none was needed. As a matter of fact, we do need a statement under the budget authority, and that is the reason for the amendment which the distinguished gentleman from California earlier described. We have handled that by making this bill effective after September 30 of this year.

● Mr. BOLAND. Mr. Speaker, as my colleagues know, H.R. 6132 will adjust the interest rate paid on funds of the Smithsonian Institution which have been premenantly loaned to the Treasury of the United States. It is legislation that brings a logical and equitable solution to a problem which the passage of time and changes in the economy have produced.

When the Smithsonian Institution was established by an act of Congress in 1846, a rate of interest was determined for the $1 million that had been bequeathed by James Smithson as a permanent loan to the Treasury. The interest rate was set at 6 percent per annum and the interest income was dedicated to the maintenance and support of the Institution. In spite of fluctuations in the economy, this 6-percent interest rate has remained unchanged for 136 years.

As we all know, 6 percent is quite a bit below the rate currently paid by the Treasury on comparable marketable borrowings. The combined effects of inflation and high interest rates have decreased the ability of this statutory interest rate to produce a fair return on the Smithsonian's loan. An adjustment in the rate is, in my opinion, justified and H.R. 6132, by bringing the interest rate more nearly in line with the current average yield of the outstanding marketable securities of the U.S. Government, will provide that necessary adjustment.

Mr. Speaker, changing the statutory rate of interest will benefit the Smithsonian by increasing its endowment income by as much as $80,000 annually. H.R. 6132 cannot be characterized, however, as special interest legislation. In past Congresses, we have provided interest rate adjustments to funds of both the Library of Congress and the National Gallery of Art which have been loaned to the Treasury. It is time that we made the same adjustment for the Smithsonian. I am pleased to be a sponsor of H.R. 6132 and I urge its adoption by the House.●

Mr. FRENZEL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HAWKINS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HAWKINS) that the House suspend the rules and pass the bill, H.R. 6132, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## FEDERAL ELECTION COMMISSION AUTHORIZATIONS, 1983

Mr. SWIFT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6256) to authorize appropriations for the Federal Election Commission for fiscal year 1983, as amended.

The Clerk read as follows:

H.R. 6256

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the second sentence of section 314 of the Federal Election Campaign Act of 1971 (2 U.S.C. 439c) is amended by striking out "and" after "1978" and by inserting after "1981" the following: ", and $9,787,408 for the fiscal year ending September 30, 1983".

The SPEAKER pro tempore. Is a second demanded?

Mr. THOMAS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Washington (Mr. SWIFT) will be recognized for 20 minutes, and the gentleman from California (Mr. THOMAS) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Washington (Mr. SWIFT).

Mr. SWIFT. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, H.R. 6256 provides for an authorization of $9,787,408 for the Federal Election Commission for fiscal year 1983. The bill was unanimously reported by the Committee on House Administration and represents a $92,592 reduction from the figure proposed by the Federal Election Commission and by the Office of Management and Budget in the President's fiscal year 1983 budget.

The committee is aware that at this level of funding, the Commission will be compelled to operate under tight budget constraints. However, in these times of fiscal austerity, that is a situation we all must live with. The committee desires and expects the Commission to reassess and reevaluate some of its priorities and programs with an eye toward better use of available resources. Regardless of the financial restrictions, the committee believes that the $9,787 million funding level is adequate for the Commission to perform its statutorily mandated duties.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in favor of H.R. 6256, as amended, the Federal Election Commission authorization for fiscal year 1983.

The Commission started this budget cycle with a request to the Office of Management and Budget for $10,545,642. After negotiations with Commission officials, the amount agreed upon was $9,880,000. The Commission reluctantly joined with the administration in seeking this lower amount from our committee.

The House Administration Committee has reduced this request even more, to $9,787,408, which is the figure we have before us today.

For fiscal year 1982, the Commission received $8,990,000 in the continuing resolution. Although the House passed both the authorization and appropriation bills last year, the other body was unable to act on either bill. Currently, the Appropriations Committee has under consideration the Commission's request for a salary supplemental in the amount of $183,900.

If the Commission were to receive the additional amount, the committee's authorization level would represent an increase of 7 percent over fiscal year 1982 appropriation. If they do not receive the supplemental, the authorization would be a 9-percent increase.

At this budget level, the Commission will be able to replace some wornout equipment, perhaps rehire a few additional auditors to replace those who were RIF'd but—in general—this level will not present an opportunity for new programs.

Mr. Speaker, I know of no objections to this authorization bill and would urge its adoption.

Mr. Speaker, I yield back the balance of my time.

Mr. SWIFT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. SWIFT) that the House suspend the rules and pass the bill, H.R. 6256, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. SWIFT. Mr. Speaker, I ask unanimous consent that all Members be allowed 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

## PIRACY AND COUNTERFEITING AMENDMENTS ACT OF 1982

Mr. FRANK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3530) to amend the copyright laws to strengthen the laws against record, tape, and film piracy and counterfeiting, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3530

*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 "Piracy and Counterfeiting Amendments Act of 1982".

SEC. 2. Section 506(a) of title 17, United States Code, is amended to read as follows:

"(a) Criminal infringement

"Any person who infringes a copyright willfully and for purposes of commercial advantage or private financial gain shall be punished as provided in section 2319 of title 18.".

SEC. 3. Section 2318 of title 18, United States Code, is amended—

(1) by respectively redesignating subsections (b) and (c) as subsections (d) and (e); and

(2) by striking out the section heading and subsection (a) and inserting in lieu thereof the following:

"§ 2318. Trafficking in counterfeit labels for phonorecords, and copies of motion pictures or other audiovisual works

"(a) Whoever, in any of the circumstances described in subsection (c) of this section, knowingly traffics in a counterfeit label affixed or designed to be affixed to a phonorecord, or to a copy of a motion picture or other audiovisual work, shall be fined not more than $250,000 or imprisoned for not more than five years, or both

"(b) As used in this section—

"(1) the term 'counterfeit label' means an identifying label or container that appears to be genuine, but is not;

"(2) the term 'traffic' means to transport, transfer or otherwise dispose of, to another, as consideration for anything of value or to make or obtain control of with intent to so transport, transfer or dispose of; and

"(3) the terms 'copy', 'phonorecord', 'motion picture', and 'audiovisual work' have, respectively, the meanings given those terms in section 101 (relating to definitions) of title 17.

"(c) The circumstances referred to in subsection (a) of this section are—

"(1) the offense is committed within the special maritime and territorial jurisdiction of the United States or within the special aircraft jurisdiction of the United States (as defined in section 101 of the Federal Aviation Act of 1958);

"(2) the mail or a facility of interstate or foreign commerce is used or intended to be used in the commission of the offense; or

"(3) the counterfeit label is affixed to or encloses, or is designed to be affixed to or enclose, a copyrighted motion picture or other audiovisual work, or a phonorecord of a copyrighted sound recording.".

SEC. 4. Title 18, United States Code, is amended by inserting after section 2318 the following new section:

"§ 2319. Criminal infringement of a copyright

"(a) Whoever violates section 506(a) (relating to criminal offenses) of title 17 shall be punished as provided in subsection (b) of this section and such penalties shall be in addition to any other provisions of title 17 or any other law.

"(b) Any person who commits an offense under subsection (a) of this section—

"(1) shall be fined not more than $250,000 or imprisoned for not more than five years, or both, if the offense—

"(A) involves the reproduction or distribution, during any one-hundred-and-eighty-day period, of at least one thousand phonorecords or copies infringing the copyright in one or more sound recordings;

"(B) involves the reproduction or distribution, during any one-hundred-and-eighty-day period, of at least sixty-five copies infringing the copyright in one or more motion pictures or other audiovisual works; or

"(C) is a second or subsequent offense under either of subsections (b)(1) or (b)(2) of this section, where a prior offense involved a sound recording, or a motion picture or other audiovisual work;

"(2) shall be fined not more than $250,000 or imprisoned for not more than two years, or both, if the offense—

"(A) involves the reproduction or distribution, during any one-hundred-and-eighty-day period, of more than one hundred but less than one thousand phonorecords or copies infringing the copyright in one or more sound recordings; or

"(B) involves the reproduction or distribution, during any one-hundred-and-eighty-day period, of more than seven but less than sixty-five copies infringing the copyright in one or more motion pictures or other audiovisual works; and

"(3) shall be fined not more than $25,000 or imprisoned for not more than one year, or both, in any other case.

"(c) as used in this section—

"(1) The terms 'sound recording', 'motion picture', 'audiovisual work', 'phonorecord', and 'copies' have, respectively, the meanings set forth in section 101 (relating to definitions) of title 17; and

"(2) The terms 'reproduction' and 'distribution' refer to the exclusive rights of a copyright owner under clauses (1) and (3) respectively of section 106 (relating to exclusive rights in copyrighted works), as limited by sections 107 through 118 of title 17.".

"SEC. 5. The table of sections for chapter 113 of title 18 of the United States Code is amended by striking out the item relating to section 2318 and inserting in lieu thereof the following:

"2318. Trafficking in counterfeit labels for phonorecords and copies of motion pictures or other audiovisual works.

"2319. Criminal infringement of a copyright.".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Massachusetts (Mr. FRANK) will be recognized for 20 minutes, and the gentleman from Michigan (Mr. SAWYER) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Speaker, I yield myself as much time as I may require.

Mr. Speaker, this is legislation which does not change in any great way the substantive law regarding piracy and counterfeiting of tapes and movies. This deals with the piracy and counterfeiting of records, movies, and tapes.

It substantially increases the penalties. We have a situation where penalties in existence for this crime simply are not a sufficient deterrent. There has been, according to testimony well documented in hearings before the committee from the record industry, the motion picture industry and others, a substantial increase in the amount of both piracy and counterfeiting: counterfeiting being a situation in which the consumer is duped into believing the product purchased is genuine because of counterfeited packaging, and piracy is simply infringement for commercial gain of the copyrighted work, but without any compensation to those who are entitled to the compensation.

We have found that organized crime has begun to move into this area, in part because the criminal penalty simply is not sufficient.

This bill greatly increases the penalties. It makes some technical changes agreed on by the Justice Department, and the Copyright Office, to more clearly define "trafficking" so that we can enhance the likelihood of convictions where convictions ought to occur. It is basically an increase in penalties where an increasing area of organized crime has gotten into.

On one point that some Members have asked about, nothing in this bill before us today affects at all the controversy over home taping. The question of home taping raised by the Ninth Circuit Court decision is not affected. This bill is limited to commercial use and in no way affects either pro or con the right of an individual to tape at home. So what it says is, where we have an area where current penalties are not sufficient, and tightens up the definitions of pirating and counterfeiting, and puts tools in the hands of U.S. attorneys so that they can begin to make a serious dent in what has become an increasing crime and threatens the livelihood and the rights of many in the movie and tape industry.

Mr. SAWYER. Mr. Speaker, I rise in support of this bill. It was unanimously adopted by the Subcommittee on Crimes, and as a matter of fact, is identical to a provision in the Criminal Code, in which we had engaged in extensive hearings in the Criminal Code that has not yet been reported out, but did pass both the House and the Senate last year.

I may also say that this bill has passed the Senate. It concentrates merely on making the penalty fit the crime.

According to the FBI, this is now the third most troublesome of all the white collar crimes, broken down into 44 different categories, this is No. 3. It

is estimated to now involve a billion dollars a year in illegal trafficking, in illegal duplications, both sound recordings, video recordings, and movies.

This carefully segregates the little offender, if we can call it that, with a minor number of copies, for one set of penalties, but upgrades for the big producers. In other words, anyone who within 180 days, or 6 months, produces a thousand recordings or 65 film reproductions would be liable to the maximum penalty, which is $250,000 or 5 years in prison.

One of the problems right now is that it is only a misdemeanor, and it is just a minor little cost of doing business if they get caught. Also, Federal prosecutors notoriously do not like to prosecute misdemeanors, or do not give them attention that they deserve. This upgrades it to a 5-year felony and makes the fine significiant with respect to the big offender and makes it a deterrent, which we do not have presently in the law.

So, I urge support of the bill. There is no known opposition. It is supported by the recording industry, by the Department of Justice, by the administration, by the film industry.

Mr. RAILSBACK. Mr. Speaker, will the gentleman yield?

Mr. SAWYER. I yield to the gentleman from Illinois.

Mr. RAILSBACK. Mr. Speaker, I rise in support of H.R. 3530. To many Members the changes made by this bill may seem minor, and they are, but to the industries involved, this legislation will go a long way toward correcting a serious problem; namely, the piracy and counterfeiting of films and sound recordings.

In recent years the counterfeiting and piracy of copyrighted records and films has become a major white-collar crime. Estimates call the piracy and counterfeiting of recordings and films a billion-dollar-a-year industry. In August 1980, the Attorney General published the results of a survey of FBI field offices throughout the Nation which ranked the problem areas in all forms of white-collar crime, including corruption, financial crimes, and various frauds. Of the 44 crime areas listed in the survey, the FBI ranked copyright violations—that is, film and record piracy and counterfeiting—as the third most troublesome.

At the present time, however, the penalties under current law are too lenient to provide an effective deterrent, especially when compared to the profits possible through their exploitation. In addition, the fact that under current law a first offense is a misdemeanor, U.S. attorneys frequently decline to prosecute at all; and even when cases are prosecuted and the criminal is convicted, judges often give the offenders suspended sentences because they consider the crime to be "a mere misdemeanor."

H.R. 3530 would make counterfeiting and piracy a felony for a first offense and would codify these crimes into title 18 of the United States Code. The penalties in H.R. 3530 are graded according to the quantity of illegal films, records or tapes involved as well as the timeframe during which the copies of a copyrighted work are reproduced and distributed. The $250,000 and 5-year penalties are maximum sentences for major offenders

It is important to note that the provisions embodied in H.R. 3530 are substantially the same as those provisions that were contained in the Criminal Code revision bill last Congress when it was reported favorably by this committee. H.R. 3530 is actively supported by the U.S. Department of Justice, the Motion Picture Association of America, Inc., and the Recording Industry Association of America, Inc. Moreover, it is without organizational opposition. Accordingly, I urge its adoption.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. SAWYER. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Speaker, I rise in support of H.R. 3530. The bill addresses a serious problem of ever increasing magnitude; namely, the pirating and counterfeiting of copyrighted records, tapes, and films. The pirating and counterfeiting of these copyrighted works is respcnsible for the loss of millions of dollars annually not only to motion picture and recording companies, their artists and actors, but also to society through the loss of revenues which would otherwise be realized through taxation of legitimate income. By the same token, the consumer, unaware that he is purchasing a counterfeit, will be cheated by its poor quality.

Testimony presented during the House Judiciary Committee's hearings on H.R. 3530, documented that the huge profits and small risks involved in piracy and counterfeiting have attracted the attention of organized crime in a big way. This distressing situation is easy to understand when you consider that under current law piracy and counterfeiting of records, tapes, and films are only misdemeanors and, therefore, seldom pursued by Federal prosecutors. H.R. 3530 would make piracy and counterfeiting a felony for a first offense. More specifically, the bill provides for maximum penalties of 5 years imprisonment and $250,000 fine for counterfeiting and for illegally reproducing 1,000 phonorecords or 65 films during any 180-day period. Maximum penalties of 2 years imprisonment and $250,000 fines are provided for felony infringements of lesser volume.

H.R. 3530 is supported by the Department of Justice and the record and film industry. Moreover it is without any known opposition and accordingly I urge its adoption.

Mr. FRANK. Mr. Speaker, I yield such time as he may require to the gentleman from Wisconsin (Mr. KASTENMEIER), chairman of the subcommittee.

Mr. KASTENMEIER. Mr. Speaker, I thank the gentleman from Massachusetts, and would like to commend the gentleman from Massachusetts (Mr. FRANK) on his bill, H.R. 3530, the Piracy and Counterfeiting Amendments Act of 1982, as well as the rest of the subcommittee who assisted both Mr. FRANK and myself in moving this bill forward.

As has been indicated, it is not controversial and it does not involve some of the issues which are in fact controversial, and which the committee is moving into. It is a much needed bill.

□ 1300

It has been pending in the Congress for at least 2 years. It was to have been included in the revision of the Federal Criminal Code but was not with the obvious failure of enactment of the code in the last Congress.

So it is timely that we give some real support to the law enforcement aspect of the piracy and counterfeiting activities that do occur in this country.

Mr. Speaker, the Piracy and Counterfeiting Amendments Act of 1982 which was unanimously approved by the committee has the support of the Department of Justice and the record and film industry. The bill has no known opponents. The bill has passed the Senate and is supported by the administration.

The sole purpose of the bill is to increase the penalties for criminal copyright infringement by pirates and counterfeiters, those who are, for commercial profit, reproducing, in some cases, nearly identical copies of copyrighted films, records, and tapes.

The bill provides for maximum penalties of 5 years imprisonment and $250,000 fine for counterfeiting and for illegally reproducing 1,000 phonorecords or 65 films during any 180-day period. Maximum penalties of 2 years imprisonment and $250,000 fines are provided for felony infringements of lesser volume.

Under present law, such infringements are only misdemeanors and are rarely pursued by Federal prosecutors.

The purpose of this bill is to provide a congressional recognition of the seriousness of this crime, to develop a deterrent that pirates and counterfeiters cannot ignore, and to encourage the aggressive detection and prosecution of these offenders.

The Subcommittee on Courts, Civil Liberties and the administration of Justice heard testimony that the counterfeiting and piracy of motion pic-

tures, records, and tapes is a highly sophisticated business that has grown into a billion dollar a year industry. It is alleged that organized crime, lured by the huge profits that can be made in short periods of time, has become involved in large-scale counterfeiting and piracy schemes.

The committee has joined the motion picture and recording industries in the belief that such legislation is essential to curb the explosive growth of counterfeiting and piracy and that only through penalties such as those provided in H.R. 3530 can the law deter the sophisticated criminals who have created an industry in the illegal reproduction and distribution of motion pictures, records, and tapes.

Mr. FRANK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to take this time to thank the chairman of the subcommittee and the members of the minority for a very cooperative effort. This is a growing problem. It is a serious law enforcement problem. We have legislation here today that will give our law enforcement people the chance to make a dent in it.

I should only add that the Senate has passed this bill in an identical form.

With this legislation, Mr. Speaker, we will make some changes in the law and, therefore, a very serious step forward toward law enforcement will be taken.

● Mr. BUTLER. Mr. Speaker, I rise in support of H.R. 3530. In recent years, unscrupulous operators have begun copying and selling unauthorized duplications of copyrighted records and films on a massive scale without paying the appropriate copyright fees to the creators. It is now a major white-collar crime: Estimates call the piracy and counterfeiting of recordings and films a billion-dollar-a-year industry. In North America alone, it is estimated that the volume amounted to about $560 million in 1980. The huge profits which can be made have understandably attracted the attention of organized crime and many others who have undertaken large-scale counterfeiting and piracy schemes.

At the present time, however, the penalties for violation of the copyright laws in this area are minor, especially when compared to the profits possible through their exploitation.

It is a mere misdemeanor for the first offense, with a penalty of only up to 1 year in prison or a fine of $25,000. For a later offense, the penalty would only be increased to up to 2 years and/or $50,000. This penalty system is simply not a sufficient deterrent to determined criminals given the potential rewards for not getting caught. When compared to other theft and forgery statutes, these penalties are quite lenient.

In addition, with many other offenses ranked more seriously in the eyes of the law, U.S. attorneys may be less inclined to prosecute these misdemeanor offenses.

The effects of copyright piracy and counterfeiting are quite broad. The consuming public, who may unknowingly purchase such a film or recording, is often cheated by its poor quality. But more seriously, as pirates and counterfeiters capitalize on only the "hit" material, the injured studios and companies which invest in the broader range of talent are forced to narrow their scope in order to cut operating losses, considering that only a small percentage of productions recover their costs.

Those in the field, the many recording artists, musicians, directors, writers, and composers, are harmed directly in having their work, in effect, stolen. In testimony before our subcommittee an industry spokesman noted that piracy and counterfeiting injure not just a wealthy few, but thousands of blue- and white-collar workers employed in the business as well. The pirates and counterfeiters also, of course, do not pay taxes on their profits, resulting in a substantial loss of tax revenue to Government.

The legislation passed by our subcommittee greatly increases the penalities for violating the copyright laws and seeks to differentiate between the small- and large-scale operators. It provides that a first offense involving a sound recording could be punishable by as much as 5 years and/or a $250,000 fine, if 1,000 or more copies are made or distributed within a 180-day period. For lesser numbers of copies the penalties are reduced somewhat.

The legislation which is without opposition similarly greatly increases the penalty for violation of the copyright laws with respect to films. I urge my colleagues to support H.R. 3530.●

The SPEAKER pro tempore. The question is on the motion offered from the gentleman from Massachusetts (Mr. FRANK) that the House suspend the rules and pass the bill, H.R. 3530, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as suspended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FRANK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FRANK. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the Senate bill (S. 691) to amend titles 18 and 17 of the United States Code to strengthen the laws against record, tape, and film piracy and counterfeiting, and for other purposes; a bill identical to the bill just passed, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 691

*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 "Piracy and Counterfeiting Amendments Act of 1981."

SEC. 2. Section 2318 of title 18, United States Code, is amended to read as follows:

"§ 2318. Trafficking in counterfeit labels for phonorecords, and copies of motion pictures or other audiovisual works

"(a) Whoever, in any of the circumstances described in subsection (c) of this section, knowingly traffics in a counterfeit label affixed or designed to be affixed to a phonorecord, or a copy of a motion picture or other audiovisual work, shall be fined not more than $250,000 or imprisoned for not more than five years, or both.

"(b) As used in this section—

"(1) the term 'counterfeit label' means an identifying label or container that appears to be genuine, but is not;

"(2) the term 'traffic' means to transport, transfer or otherwise dispose of, to another, as consideration for anything of value or to make or obtain control of with intent to so transport, transfer or dispose of; and

"(3) the terms 'copy', 'phonorecord', 'motion picture', and 'audiovisual work' have, respectively, the meanings given those terms in section 101 (relating to definitions) of title 17.

"(c) The circumstances referred to in subsection (a) of this section are—

"(1) the offense is committed within the special maritime and territorial jurisdiction of the United States; or within the special aircraft jurisdiction of the United States (as defined in section 101 of the Federal Aviation Act of 1958);

"(2) the mail or a facility of interstate or foreign commerce is used or intended to be used in the commission of the offense; or

"(3) the counterfeit label is affixed to or encloses, or is designed to be affixed to or enclose, a copyrighted motion picture or other audiovisual work, or a phonorecord of a copyrighted sound recording.

"(d) When any person is convicted of any violation of subsection (a), the court in its judgment of conviction shall in addition to the penalty therein prescribed, order the forfeiture and destruction or other disposition of all counterfeit labels and all articles to which counterfeit labels have been affixed or which were intended to have had such labels affixed.

"(e) Except to the extent they are inconsistent with the provisions of this title, all provisions of section 509, title 17, United

States Code, are applicable to violations of subsection (a).".

SEC. 3. Title 18, United States Code, is amended by inserting after section 2318 the following new section:

"§ 2319. Criminal infringement of a copyright

"(a) Whoever violates section 506(a) (relating to criminal offenses) of title 17 shall be punished as provided in subsection (b) of this section and such penalties shall be in addition to any other provisions of title 17 or any other law.

"(b) Any person who commits an offense under subsection (a) of this section—

"(1) shall be fined not more than $250,000 or imprisoned for not more than five years, or both, if the offense—

"(A) involves the reproduction or distribution, during any one-hundred-and-eighty-day period, of at least one thousand phonorecords or copies infringing the copyright in one or more sound recordings;

"(B) involves the reproduction or distribution, during any one-hundred-and-eighty-day period, of at least sixty-five copies infringing the copyright in one or more motion pictures or other audiovisual works; or

"(C) is a second or subsequent offense under either of subsection (b)(1) or (b)(2) of this section, where a prior offense involved a sound recording, or a motion picture or other audiovisual work;

"(2) shall be fined not more than $250,000 or imprisoned for not more than two years, or both, if the offense—

"(A) involves the reproduction or distribution, during any one-hundred-and-eighty-day period, of more than one hundred but less than one thousand phonorecords or copies infringing the copyright in one or more sound recordings; or

"(B) involves the reproduction or distribution, during any one-hundred-and-eighty-day period, of more than seven but less than sixty-five copies infringing the copyright in one or more motion pictures or other audiovisual works; and

"(3) shall be fined not more than $25,000 or imprisoned for not more than one year, or both, in any other case.

"(c) As used in this section—

"(1) the terms 'sound recording', 'motion picture', 'audiovisual work', 'phonorecord', and 'copies' have, respectively, the meanings set forth in section 101 (relating to definitions) of title 17; and

"(2) the terms 'reproduction' and 'distribution' refer to the exclusive rights of a copyright owner under clauses (1) and (3) respectively of section 106 (relating to exclusive rights in copyrighted works), as limited by sections 107 through 118, of title 17.".

SEC. 4. The table of sections for chapter 113 of title 18 of the United States Code is amended by striking out the item relating to section 2318 and inserting in lieu thereof the following:

"2318. Trafficking in counterfeit labels for phonorecords and copies of motion pictures or other audiovisual works.

"2319. Criminal infringement of a copyright.".

SEC. 5. Section 506(a) of title 17, United States Code, is amended to read as follows:

"(a) CRIMINAL INFRINGEMENT.—Any person who infringes a copyright willfully and for purposes of commercial advantage or private financial gain shall be punished as provided in section 2319 of title 18.".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 3530) was laid on the table.

## COPYRIGHT OFFICE FEES

Mr. KASTENMEIER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4441) to amend title 17 of the United States Code with respect to the fees of the Copyright Office, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4441

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

SECTION 1. Section 708 of chapter 7 of title 17 of the United States Code is amended—

(1) by striking out subparagraphs (1) and (2) of paragraph (a) in their entirety and inserting in lieu thereof the following:

"(1) on filing each application for registration of a copyright claim or a supplementary registration under section 408, including the issuance of a certificate of registration if registration is made, $10;

"(2) on filing each application for registration of a claim to renewal of a subsisting copyright in its first term under section 304(a), including the issuance of a certificate of registration if registration is made, $6;" and

(2) in paragraph (c), by striking out everything in the last sentence following the word "section" the first time it appears therein and inserting a period in lieu thereof.

SEC. 2. This Act shall take effect thirty days after its enactment and shall apply to claims to original, supplementary, and renewal copyright received for registration in the Copyright Office on or after the effective date. Claims to original, supplementary, and renewal copyright received for registration in acceptable form in the Copyright Office before the effective date shall be governed by the provisions of section 708(a) (1) and (2) in effect prior to this enactment.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Wisconsin (Mr. KASTENMEIER) will be recognized for 20 minutes and the gentleman from Illinois (Mr. RAILSBACK) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. KASTENMEIER).

Mr. KASTENMEIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the sole purpose of H.R. 4441 is to enable the Copyright Office in the Library of Congress to retain fees submitted in all registration cases, whether or not registration is actually made.

Present law now provides for a registration fee and authorizes the Register of Copyrights to retain the fee where a claim to copyright has been found invalid. However, it is unclear whether the authority exists to retain the fee in other cases, such as where applications are involuntarily withdrawn or where the applicant fails to respond to the Copyright Office correspondence. The committee shares the view of the Librarian of Congress and the Register of Copyright that there is no justification for returning fees to applicants in cases where registration is not possible because of noncompliance by the applicant with the statutory requirements for securing copyright protection.

The bill would not raise the fee, which is $10; however, the CBO estimates it would, based upon fiscal year 1980 expenditures and receipts, result in savings of $90,000 now expended in support of the Copyright Office refund process and provide the office with an additional $400,000 in retained receipts next year for savings to the taxpayer of almost $500,000.

The bill is without opposition and was agreed to by the committee without objection. I urge my colleagues to support this bill which will save the taxpayers nearly a half million dollars annually.

Mr. RAILSBACK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would only add that, as the chairman of the subcommittee, the gentleman from Wisconsin (Mr. KASTENMEIER), has mentioned, there really is no opposition to this legislation. It is a bill that is designed to actually save money for the Copyright Office. I believe that it should be passed unanimously.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. RAILSBACK. I am happy to yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Speaker, I rise in support of H.R. 4441. Under H.R. 4441, which is without opposition, the Register of Copyrights would be authorized to retain registration fees even in cases where registration is not made. Under current law the Register may retain fees where a claim to copyright has been found to be invalid. However, it is unclear whether the Register may do so in other cases such as where the applicant fails to respond to the Copyright Office correspondence. There has been no valid reason advanced as to why the Register should have to return fees to applicants who fail to comply with the statutory requirements for securing copyright protection.

The Congressional Budget Office, based on 1980 data, estimates that approximately $200,000 in fiscal year 1982 and $400,000 in each fiscal year thereafter would be saved by the Copyright Office through reduced refunds. By the same token, CBO estimates that approximately $90,000 annually, beginning in 1983, would be saved by lower processing and material costs. I commend the Librarian of Congress and the Register of Copy-

rights for proposing this cost saving and efficient measure and urge its adoption.

Mr. RAILSBACK. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. KASTENMEIER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. KASTENMEIER) that the House suspend the rules and pass the bill, H.R. 4441, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## SOCIAL SECURITY WILL NOT BE CUT

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

Mr. PEPPER. Mr. Speaker, I wonder what the American people, especially those who are dependent upon or concerned about social security, think about what must be the shell game going on here in Washington about social security.

The majority leader, the distinguished gentleman from Texas (Mr. WRIGHT), and the distinguished deputy whip, the gentleman from Arkansas (Mr. ALEXANDER) and I are just introducing a resolution which provides the House bind itself not to make any reductions in social security, that is, old age survivors and disability insurance protection, or benefits as provided under present law as part of its budget resolution.

Last week, Mr. Speaker, the other body—and here is the worksheet it had before it as given to me by a member of that committee who was present, it said, "Social Security Commission's solvency recommendations, $6 billion to be cut in 1983, $17 billion to be cut in 1984, and $17 billion in 1985, from Social Security."

They later cut out the word "Commission."

I am a member of that Commission, as are two Members of this House. We have never made any recommendations. We never even considered any recommendations and yet here, on the one hand, the executive branch in a solemn resolution is saying we are going to cut $40 billion in social security in order to better the budget and the Executive Chief comes out and says, "I give my word we are not going to cut social security benefits."

Who is telling the facts to the American people?

Let it be resolved by this House saying solemnly we will not cut benefits or protection as provided by the present law in social security in any budget resolution.

At this point in the RECORD include the following:

STATEMENTS BY SENATOR PAT MOYNIHAN, REPRESENTATIVE CLAUDE PEPPER, FORMER REPRESENTATIVE MARTHA KEYS, PRESIDENT OF AFL-CIO LANE KIRKLAND, AND FORMER SOCIAL SECURITY COMMISSIONER ROBERT BALL, ALL DEMOCRATIC MEMBERS OF THE SOCIAL SECURITY COMMISSION, MAY 6, 1982

We are shocked at the recommendations of the Domenici Budget Committee that there should be a $40 billion cut in social security payments in the next three years, allegedly based on the "Social Security Commission's solvency recommendations." The Executive Order setting up the Commission does not call for a report until December of this year. The Commission has not considered any recommendations. To assume the contrary is to prejudge the Presidential Commission as making the recommendations which the Administration wants. We are even more disturbed that the President has publicly endorsed this recommended cut of $40 billion in social security payments in the next three years. Only two days ago the Deputy White House Press Secretary, speaking for the President, said the social security cuts shall not be used "to balance the budget." When he submitted his 1983 budget to the Congress, the President said: "In an effort to eliminate partisanship and facilitate movement toward a constructive solution, our reform proposal has been withdrawn in favor of a bipartisan commission charged with developing a plan to rescue the social security system by next fall." If the statement is to stand that with the President's approval the Social Security Commission is to recommend a $40 billion cut in social security payments in the next three years, then the integrity of the Social Security Commission is seriously jeopardized and its status as a bipartisan commission is a subject of grave concern.

Mr. Speaker, on Thursday, May 6, the White House and the Committee on the Budget in the other body reached agreement regarding a substitute for the President's less-than-popular fiscal year 1983 budget plan submitted earlier this year. While I admit my lack of enthusiasm for many of the priorities expressed in the budget agreement, I am sensitive to the concerns of those who submit that it is always easier to attack a budget plan than to propose an alternative. I have no doubt that the whole range of priorities will be a subject of lengthy debate on the floor, and I will gadly defer comment on them until that time.

I take the floor today to direct the attention of my colleagues to a bit of foreign matter I found in the body of the budget agreement. Only 2 days before the agreement was reached, the Deputy White House Press Secretary, speaking for the President, said that reductions in social security should and would not be used "to balance the budget." This was consistent with the President's fiscal year 1983 budget message to the Congress, which stated:

In an effort to eliminate partisanship and facilitate movement toward a constructive solution, our reform proposal has been withdrawn in favor of a bipartisan commission charged with developing a plan to rescue the Social Security system by next fall.

When I had the honor to be appointed to the Commission by you, Mr. Speaker, I applauded the bipartisan agreement to remove the social security financing issue once and for all from the context of the Federal budget debate.

To my deepest and most heartfelt regret, the budget agreement arrived at last Thursday relies on a $40 billion raid of the social security trust funds to lower the Federal budget deficit. I will not question the motives of the President, or the distinguished chairman of the Budget Committee in the other body or the members on the majority side of that committee who approved the agreement in a party-line vote. But their motives notwithstanding, the effect of this agreement is to renege on what could be construed as a pledge, or at the very least a gentlemen's understanding, to remove this volatile issue from the politics of the Federal budget.

As a member of the President's National Commission on Social Security Reform, I am puzzled by the reference in the agreement to a $40 billion cut in social security outlays allegedly based on the "Social Security Commission's solvency recommendations." Mr. Speaker, I have been in attendance during each of the three meetings of the Commission. And as I know my distinguished colleagues from New York (Mr. CONABLE) and from Texas (Mr. ARCHER), who serve with me on the Commission will attest, the Commission has endorsed no proposals. The Executive order setting up the Commission does not call for a report until December of this year. The Commission has not even considered any recommendations. To assume the contrary is to prejudge the Presidential Commission as making the recommendations which the administration wants.

I am even more disturbed that the President has publicly endorsed this reduction of $40 billion in social security protection during the next 3 years. If the statement is to stand that, with the President's approval, the Social Security Commission is to recommend a $40 billion cut in social security benefits, then I submit that the integrity of the Commission is seriously jeopardized and its status as a bipartisan Commission is subject to grave concern.

Today the Commission will hold its fourth meeting, which I have every intention to attend. I must admit that Thursday's action has somewhat called into question the role of the Commission. Are the members meeting to develop a plan for the adequate financing of the social security

system? Or are we serving to rubberstamp the whims of the President and the Budget Committee of the other body with respect to reducing the Federal budget deficit?

Mr. Speaker, the financing of social security is too serious a matter to be subjected to budgetary politics. It would certainly take an inspired leap of the imagination to blame the social security program for the $630 billion in debt the Federal Government will incur over the next 3 years. I cannot for the life of me fathom why, after reassuring the American people that social security obligations would not be used to finance a budget deficit, the administration has chosen this path.

We have frightened the 36 million beneficiaries of, and 115 million contributors to, social security enough with our constant schemes to cut this, trim that, and slash the other thing in order to save the system. We have devalued our long-term commitments to the workers of yesterday, today, and tomorrow by our talk of "retrenchment" on social security obligations in order to solve Federal budgetary imbalances.

I would respectfully submit that the compromise budget plan will do little to inspire the confidence of the American people that Congress and the administration are genuinely interested in addressing the financing issue. It is more than a little curious that under the administration's own economic assumptions, the solvency of social security is less than the $40 billion question. To my remaining colleagues who believe with all good faith in the President's economic program, the companion economic assumptions forecast no cash flow problems in the cash benefit or health insurance programs, assuming continued interfund borrowing, through the end of the decade.

As convenient as those assumptions are to believe in, and I hope that they materialize, I do not believe that we can afford to ignore the possibility that the poor performance of the economy will continue to wreak havoc on the social security trust funds. We can no longer duck the real issue that lies buried beneath the mountains of rhetoric from both sides of the aisle: How are we going to finance the social security system?

The blinding speed with which we have managed to bury this issue astounds me. We have been inundated with rhetoric about the need to address the issue of how to cut benefits. We have been called irresponsible for refusing to shift the focus of our work to the politically courageous task of redefining our obligations to people with average incomes of $385 a month.

What is the irresponsibility of facing up to the real issue—insuring that the honor of the Federal Government to the people it serves is upheld? Where are the proposals of those who are quick to brand the supporters of social security as "demagogues" and "partisan politicians"?

During the 97th Congress some of my colleagues have introduced legislation to guarantee a sound financing structure for social security. Along with 20 Members of this body, I introduced such legislation (H.R. 3393) 1 year ago. My plan may not be the perfect solution or the unanimous choice of this body. I have subsequently redrafted several elements of it. But it was a comprehensive plan that would enable this Congress to uphold our commitment to the American people.

As the chairman of the Select Committee on Aging, I believe it would be less than responsible to walk away from that commitment. I will continue to work closely with those members of the Commission and those Members of Congress who have clearly retained the focus of the financing issue—how to place the social security system on a sound financial footing now and in the future. The American people will not tolerate any further attempts to shift the focus of this vital issue toward an attempt to bury the budget deficit under a stack of social security checks.

In view of the gravity of the "Black Thursday Budget Agreement," it is imperative that the Members of the House go on record in no uncertain terms as opposing the $40 billion social security benefit deficit reduction proposal. Together with my friend from Arkansas, the honorable deputy majority whip (Mr. ALEXANDER), I am introducing a resolution of the House which is a companion measure to an amendment introduced in the Senate by the minority leader, Senator ROBERT C. BYRD, and the ranking member of the Finance Social Security Subcommittee, Senator DANIEL PATRICK MOYNIHAN, on Friday, May 7.

Briefly, this resolution would declare it to be the sense of the House that the arbitrary and unspecified reductions of $40 billion in social security benefits should be rejected, and that the Congress shall take no action with respect to reducing social security before it considers the recommendations of the National Commission on Social Security Reform. I am inserting into the RECORD at this point a text of the resolution:

H. RES. 457

A resolution expressing the sense of the House in opposition to arbitrary and unspecified reductions of Social Security benefits over the next three fiscal years.

Whereas, the social security system is vital to the well-being of the Nation's elderly, disabled, widows, and orphans, and currently provides benefits to more than 35 million Americans; and

Whereas, the President on February 19, 1981, promised the American people that social security retirement benefits would be exempt from his administration's Federal budget-cutting plan, and be preserved in full, along with an annual cost-of-living increase, as part of the Nation's "safety net" of Federal programs; and

Whereas, the projected shortfalls in social security are of a short-term, cash-flow nature, and should be addressed in a deliberative manner removed from the context of the Federal budget; and

Whereas, the 97th Congress has recorded its opposition to social security cuts by its votes to restore the minimum benefit and to reject the President's May 12, 1981, plan to make deep and precipitous reductions in social security benefits; and

Whereas, the President on Sepember 24, 1981, said that social security benefits were not being cut and that he would soon appoint a Commission to study social security financing issues; and

Whereas, the President on December 16, 1981, established a National Commission of Social Security Reform for the purpose of making recommendations to ensure the fiscal soundness of the social security system; and

Whereas, the National Commission on Social Security Reform is charged with issuing its recommendations by December 31, 1982; and

Whereas, the House on December 16, 1981, passed legislation authorizing interfund transfers among three social security trust funds to provide that social security faces no funding shortage before the Commission's report is issued and before the Congress can fully consider the recommendations; and

Whereas, the Senate Budget Committee on May 5, 1982, called for arbitrary and unspecified reductions of $40 billion in social security benefits over the next three fiscal years; and

Whereas, the President endorsed the action of the Senate Budget Committee in making a $40 billion unspecified cut in social security benefits: Therefore, be it

*Resolved,* That the House binds itself not to make any reductions in social security benefits or protections as provided by present law as a part of its budget resolution.

I urge my colleagues to go on record in opposition to this attempt to alter the nature of the financing issue into a debate on the size of the budget deficit by cosponsoring this resolution.

## INTRODUCTION OF A RESOLUTION CONCERNING THE EXPORT-IMPORT BANK

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

Mr. DICKS. Mr. Speaker, I am today introducing a resolution emphasizing the importance of exports to the Nation's economic health, and calling on the President to provide full and sufficient borrowing authority to the Export-Import Bank. I have the pleasure of introducing my resolution with SILVIO CONTE, DON BONKER, and 25 of my colleagues who share my concern for the future of the Bank, and recognize the importance of competitive financing in export sales to American employment, to our balance of trade and to business growth.

The administration has continually questioned the value of the Export-Import Bank, and has recommended severe budget reductions again this year. For 1983, the administration has proposed an authorization of $3.8 billion for direct loans. This is $570 million or 13 percent below the level set in the 1982 legislation, and $1.6 billion or 29.5 percent below the 1981 level. And yet, this institution has as its goal one of the objectives which our President has continually championed—the Bank exists to improve the industrial base of the Nation, and to promote our economic position internationally.

Since 1948, the Eximbank has operated as a self-sustaining institution, receiving no appropriated funds. Though the Congress sets the maximum levels of loans and loan guarantees on an annual basis, the Bank operates by borrowing from the Federal Financing Bank. It does not seek direct outlay authority, and does not compete for scarce budget dollars.

Reductions in Eximbank authority could mean additional unemployment. We are all aware that unemployment nationally is at its worst since the Great Depression—on Friday, it was at 9.4 percent. In my State of Washington, some counties now exceed 30 percent unemployment. The Bureau of the Census has estimated that 4.8 million jobs were associated with exports of manufactured goods in the United States in 1980—over 30,800 jobs for every $1 billion of exports. One in every seven American workers is involved in the production of manufactured goods that are sold abroad. Cuts in Eximbank funding could mean a reduction in export sales, and a subsequent loss of hundreds of thousands of man-years of employment. Keep in mind that Eximbank financing helps businesses of every size in all 50 States.

There has been criticism of the Export-Import Bank as a subsidy for business. Since there is no direct appropriation for the Bank, that picture is not an accurate one. The Bank's role of supporting our export sales by providing financing which is competitive on the world market is often attacked. But opponents of the Eximbank believe in the concept of a free market in world trade. In an ideal situation, I believe we would all favor allowing our products to be sold on their merits alone. But the reality is that our competitors have facilities similar to the Eximbank which subsidize exports much more heavily than we do. For example, Japan supported 44.3 percent of its exports with official export finance. England supported 39 percent. France supported 27 percent. And the United States supported only 5 percent. Because of the strength of American products, we are still in the world market. But against substantial subsidies from foreign rivals, even a superior product has trouble competing. We have seen the effects in the aircraft industry and in nuclear power. In fact, it is these high-technology industries which suffer the most from the lack of competitive financing.

The resolution I am introducing today points out the facts I have mentioned, and calls on the President to recognize the crucial role of the Export-Import Bank by requesting adequate loan and loan guarantee authority levels for 1983. I hope that my colleagues who are not yet cosponsors of this resolution will join me in supporting it. And I hope this House will act to support American jobs and American industry by endorsing the Export-Import Bank, and providing for its future.

## BUFFALO'S 150TH BIRTHDAY CELEBRATION: LAUNCHING THE U.S.S. "BUFFALO"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 60 minutes.

● Mr. KEMP. Mr. Speaker, we have a saying in Buffalo: "Talking Proud." And the people of my community had great reason to be proud this Saturday as we gathered at Newport News to celebrate Buffalo's 150th birthday and to watch my wife Joanne christen America's newest nuclear-powered submarine: the U.S.S. *Buffalo.*

My daughter Judith was maid of honor at the ceremony and my son Timmy had a wonderful opportunity to ride in the conning tower of the U.S.S. *Buffalo.* Among the honored guests at the christening and following reception were my colleagues HENRY NOWAK and PAUL TRIBLE and former Buffalo Congressman Thaddeus Dulski, Mayor Jimmy Griffin, Erie County executive Ed Rutkowski, Buffalo common council president Delmar Mitchell, Canisius College president Father James Demske who delivered the invocation, Buffalo area chamber of commerce president Ed Hastings, the members of the U.S.S. *Buffalo* committee, Dr. William Windover, Mr. Kevin Sullivan, Mr. Fred Dentinger, Justice John Callahan, Mr. Sam Guadagna, Buffalo district attorney Richard Arcara, 20 Buffalo area World War II submarines, members of the Navy League, members of the Niagara Frontier Regional Council of the Boy Scouts of America, representatives of Carlspan Corp., Worthington Industries, Sierra Research, Moog Industries, and Carleton Controls, and many other Buffalo area civic and community leaders and the wonderful Chopin Singing Society who sang patriotic selections and inspired us all.

We joined together with Father Demske in praying that the U.S.S. *Buffalo* would be an instrument for the "preservation" of peace, and shared our hope that the officers and men of the U.S.S. *Buffalo* will have the "talking proud" spirit of courage, hope, and patriotism that has made our Buffalo community and our Nation great.

I would like to insert a congratulatory letter from President Reagan, as well as my remarks upon this beautiful occasion, for the RECORD:

THE WHITE HOUSE,
*Washington, D.C., May 7, 1982.*

Hon. JACK KEMP,
*House of Representatives, Washington, D.C.*

DEAR JACK: I know how proud you and Joanne must be today as she christens one of our finest and most capable submarines with the name of your fair city, Buffalo, which is celebrating its 150th anniversary this year.

The nuclear-powered attack submarine, *Buffalo* (SSN 715), and others like her, represent our Nation's firm resolve to restore that margin of safety which is so necessary to the deterrence of our adversaries and the preservation of peace.

Just as we rely on the citizens of Buffalo, New York, and of all our cities for our national strength, so we must rely on the crews of our Navy ships that go to sea in our defense. The naming of the *Buffalo* will be a constant reminder that our national security is ultimately dependent upon the strength of the American people.

Congratulations to you, your great city and this fine vessel that will bear the name *Buffalo.*

Sincerely,

RONALD REAGAN.

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LAUNCHING THE U.S.S. "BUFFALO"

Distinguished Men and Women of Newport News Shipbuilding, Commander Hewitt, Officers and Men of the U.S.S. *Buffalo,* my distinguished colleagues Congressmen NOWAK and TRIBLE and former Congressman Dulski, Mayor Griffin, county executive Rutkowski, Buffalo Common Council president Mitchell, Admirals Fowler and White, Mr. Ed Campbell, president of Canisius College Father Demske, honored guests, ladies and gentlemen.

Just think. A little over 200 years ago on this Earth there was a Holy Roman Emperor. Venice was a Republic, France was ruled by a King, China by an Emperor, Russia by an Empress, and Japan by a Shogun.

All these regimes have passed into the pages of history. The only single nation on Earth to maintain the basic framework of its constitutional democratic government for more than 2 centuries is the United States, which began as a tiny federation of 13 colonies on the Northeast shores, and which was founded by courageous men and women who believed that the lesson of history was clear: Democracy is the only safe repository for human freedom and dignity, and the price of freedom, while high, was never so high as the loss of it. They understood as well that a strong defense, including a superior navy, was not a weapon of war or aggrandizement, but the guarantor of freedom and of peace—an arsenal of democracy.

America has survived civil war, world war, and limited war. We have survived economic troubles, political troubles, and social troubles. But we could not survive a loss of confidence, loss of belief, or loss of spirit.

One hundred and fifty years ago our community of Buffalo was founded with the

same spirit of pride that sparked the Declaration of Independence, and which inspires us here today. For 150 years, Buffalo has been a vibrant center of industry, trade, commerce, and human achievement. In honor of this great birthday our city has planned a year-long series of events, including a grand ball, the biggest parade in Buffalo's history, a birthday cake that will serve 5,000, and a grand concert at the Nation's only inland naval park, which my good friend and colleague HENRY NOWAK worked so hard to help bring to Buffalo. Above all, there will be an outpouring of patriotism and pride in Buffalo's history and in America such as you have today. It is a highpoint in that celebration, and a fitting tribute to our city and the wonderful people of Buffalo, that this magnificent ship should bear its name.

We have a saying in Buffalo: "Talking Proud". And certainly, the officers and men of this great ship have much to be proud about.

It was in Buffalo, in the year 1901, that Theodore Roosevelt was sworn in as the 24th President of the United States. More than any other President before him, Roosevelt understood the importance or maritime superiority to the security of the United States. It was his conviction and policy that military preparedness was the key to avoiding war. Especially, he believed that, "The best guarantee of peace for this Nation is a strong navy."

Today, Roosevelt's vision of the United States as an island nation, whose defense depends upon command of the seas, is taken as a truism. Yet now, at this perilous time in history, our naval superiority is in jeopardy. At a time when our economic livelihood and very survival depend on the security of vital sea lanes of commerce and communication, our force has shrunk from over 1,000 vessels in the late 'sixties to under 500 ships today.

The Commander of the Soviet Fleet, Admiral Gorshkov, has boasted that "The flag of the Soviet Navy flies over the oceans of the world, (and) sooner or later the United States will have to understand it no longer has mastery of the seas."

Well, we're here today to say: Admiral Gorshokov, you're wrong! You're wrong because the American people and this President will never allow your disdainful view to prevail. Together, this administration and a bipartisan coalition of Members of Congress are determined to restore naval superiority to the United States, as part of our overall objective to rebuild America's defenses to secure our freedom and preserve peace. I like what President John F. Kennedy once said about defense: "America requires only one kind of defense policy, a policy that is summed up in a single word: 'Firsts'. I do not mean 'first, if', I do not mean 'first, but' I do not mean 'first, when', but I mean 'first, period'."

But there are those in Congress who, in hopes of obtaining illusory budget savings, want to try to rebuild our defenses on the cheap. In fact, the recent naval battles off the Falkland Islands should silence those who have critized rebuilding the American Navy. As Navy Secretary Lehman pointed out, the missile-firing Argentine jet that knocked out a British destroyer on Tuesday "would not have gotten near" a U.S. battle fleet, because it would have been intercepted by F-14 fighters from our big aircraft carriers. A "little Navy" simply cannot meet the challenges of today.

The coming days will tell whether Congress as a body is able to meet its constitutional responsibility to raise and support adequate defenses for this Nation. History will not look favorably upon Members of Congress who weaken the President in his attempt to restore our strength, secure the peace and negotiate on our behalf.

With the leadership and support of my good friends and comrades-in-arms on the defense and armed services committees, Senators JOHN WARNER and HARRY BYRD, and Congressmen like PAUL TRIBLE, I believe that Congress will unite behind President Reagan to help rebuild our defenses. And I want to say here how proud I am that President Reagan chose, for the critical position of Secretary of the Navy, a man of the character, vision and ability of John Lehman. I support their efforts, and the President's defense budget, with all of my dedication and all of my energy.

Thus I am especially proud to stand before you today, to take part in this beautiful and tradition-laden ceremony. It's a great honor that you have made my wife, Joanne, the sponsor of this superb new vessel, the *Buffalo;* and I know that the people of western New York share my pride and high expectations for the U.S.S. *Buffalo's* service to America and the Free World.

The *Buffalo* is the 24th ship of its class. Pound-for pound, it is the best attack submarine in the world today, the most capable antisubmarine and antisurface system in the fleet of the United States.

Back at the turn of the century, submarines were quite a novelty, and as Commander-in-Chief, Roosevelt was anxious to inspect one. His opportunity came in 1905, when the *Plunger* pulled in at Oyster Bay. After spending 3 hours aboard as the *Plunger* went through its paces, much of the time with Roosevelt at the controls, the President remarked, "I believe a good deal can be done with these submarines, although there is always the danger of people getting carried away with the idea."

What would T.R. have said if he could have seen the *Buffalo*?

Let's never forget, the real purpose for constructing this ship is to promote peace. We pray that she and her crew will never experience one day of combat. Deterrence is this ship's primary aim.

We could not meet that challenge without the high standard of excellence displayed by America's shipyards and America's working men and women. Today, we are gathered at one of the premier private shipbuilding yards in the world. Newport News has produced over 175 ships serving in three wars. I want to pay special tribute to the 16,000 members of the United Steelworkers of America who build the ships here at Newport News. Under Tenneco's solid stewardship, the shipbuilding tradition here is soon to enter its second century, with many third-generation shipyard workers in its ranks.

I know that there are some folks who complain about what they call the military industrial complex. Well, I say thank God for the military-industrial complex, the real military-industrial complex: America's workers, America's free enterprise system, and our dedicated men and women in uniform. For where would this country be without them? What would be our chances for peace in a world filled with peril? And isn't it interesting that it's called the "military-industrial complex"—until times of trouble, and then it's called the arsenal of democracy.

And thank God for the U.S. Navy. No American can stand here, within a stone's throw of the homeport of the Atlantic fleet, and look out on so many white uniforms, without feeling deep pride and gratitude for your dedication to your mission and to your country.

Finally, let us join together in offering thanks for our greatest treasure: the unquenched spirit of our people. The U.S.S. *Buffalo* carries a proud name, the name of a community and a people that have contributed much to this country. As the book of Ecclesiastes says, "As gold is tested in the furnace of fire, the acceptable man is tested in the furnace of adversity." Ladies and gentlemen, there is no doubt that these are adverse times. But there is also no doubt that America's strength, its principles and ideals, will prevail.

May the "talking proud" Buffalo spirit of courage, hope and perserverance be with you, the officers and men of this great ship, as you strive to preserve both our peace and our freedom. A grateful Nation salutes you. We wish you Godspeed.●

## HERMAN THEODORE SCHNEEBELI

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

● Mr. McDADE. Mr. Speaker, we have lost former Member of Congress Herman T. Schneebeli who, prior to his retirement in 1977, represented the 17th District in central Pennsylvania which was adjacent to a portion of the 10th District which I represent.

Many of us will long remember him as a good friend, a fine gentleman, and the ranking member of the House Ways and Means Committee. He came to Congress in April 1960, having been elected to fill the vacancy caused by the death of Alvin Bush.

Herman Schneebeli was a wise and good man and a great patriot. It was my privilege to serve with him from 1963 to 1977, during which time he was both friend and adviser.

He was a life-long friend of former New York Gov. Nelson A. Rockefeller and Vice President of the United States, following from their days as fellow students and roommates at Dartmouth College. Born in Lancaster County in southeastern Pennsylvania in 1907, he attended public schools and graduated from Mercersburg Academy in 1936. In addition to Dartmouth, he also graduated from Amos Tuck School in 1931.

Before coming to Congress, Herman Schneebeli was a successful businessman in Williamsport, Pa., both as an oil distributor and an automobile dealer. During World War II, he served as a captain in Army Ordnance from 1942 to 1946. He was also a member of the board of managers of the Williamsport Hospital in his hometown.

Herman Schneebeli was one of the finest Members of Congress I have known, Mr. Speaker. I know that many others join me in expressing

condolences to his wife, Mary Louise, and his daughters, Marta and Susan.●

## AFL-CIO PRESIDENT LANE KIRKLAND ADDRESSES THE FOREIGN POLICY ASSOCIATION

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

● Mr. BARNES. Mr. Speaker, I submit for the information of my colleagues an important address by Lane Kirkland, president of the AFL-CIO, delivered before the Foreign Policy Association on April 13, 1982. President Kirkland focuses on the need to maintain the strength of our basic American principles in current foreign policy crises. I commend his views to all Members.

The text of President Kirkland's remarks follows:

ADDRESS BY AFL-CIO PRESIDENT LANE KIRKLAND

My discourse today will deal largely with certain basics, leaving me wide open to that most corrosive charge of our times: "Simplism."

But nothing gets one back to basics quite as fast as a crisis—when statesmen and diplomats, long immobilized by their perception of the complexity of human affairs are—as they always will be—overtaken by events; when a very basic act knocks over the diplomatic chessboard.

Thus, after the Falkland Island invasion, we hear the new British Foreign Minister declaring that "Britain does not appease dictators!" How much more basic an expression of policy—leaving aside its historical or recent accuracy—can you utter? Not to mention all the other expressions emanating from those ultimate sophisticates at Whitehall and Number 10 Downing Street such as "aggression cannot be allowed" and "democracy versus oppression," as well as the revival of some old words with which Queen Victoria once dispatched her Majesty's troops to fight the Boer War.

Meanwhile, both Britain and the European Community have suddenly rediscovered the feasibility and value of economic warfare and have imposed harsh trade sanctions—sanctions whose availability was overcome by complexity when sought by this country for help against Iran or by Afghanis or Polish workers.

The basic aims of foreign policy emerge from, and ought to be rooted in, the basic concerns of human society. In my view, those concerns are essentially two-fold:

First, the natural desire of those who share ethnic, language or other common bonds to govern themselves, as nations;

Secondly, the freedom and rights of plain people as against the state or any other stronghold of power—that is to say "liberty and justice for all."

All else is vanity, misguided evangelism or an aspect of a cardinal sin, such as greed.

If those two values were not at issue, it would matter very little what flag flew over any land and armies would be a redundant burden, there being no good reason either to advance or resist.

From the basic view, I further assert that foreign policy is likely to be least reliable when placed wholly in the hands of state-to-state elites, or unduly influenced by financial elites.

No policy which deludes itself that trust can be placed in princes, (economic, political, or royal), and which remains indifferent to the forces and aspirations that move the multitudes and bring them from time to time to a critical mass more potent than tanks or truncheons, can either prevail or faithfully reflect this nation's ideals and interests. Our long and futile courtship with the Shah of Iran, while other forces worked the streets, bazaars and refinery crews, should have taught us that. Our current romance with Khalid, Hussein, and Pinochet will teach us again and will leave our government elites, once again, with broken hearts and shattered policies, at the price of our ideals and interests.

As for the role of our financial and commercial elites, it would be cruel and heartless to bring to the stand their own words by which they have impeached themselves as the guardians of our national ideals or interests—or of anything else save their corporate purses.

We are in a sense indebted to them for relieving use of the need to debate whether or not the promotion of "free enterprise" or private ownership of the means of production is a suitable object of foreign policy. They have themselves long since sold those issues out by making their separate peace and profit with easy credit, co-production and other alliances with state-owned enterprises, banks, monopolies, trading corporations and cartels of every stripe throughout the world.

They have defined their own test of political and economic systems and governments, and their test is not one of liberty and justice, but whether states are "orderly and responsible" and can "pay their bills." No cry from the Gulag. No shriek of pain from the dungeon, not even a businessman's arrest by secret police or an act of terrorism against their own colleagues stays their service of tyrants or outweighs a ruble in their scale of values.

In 1953, in a speech on "Bread and Freedom," Albert Camus observed that: "The society of money and exploitation has never been charged, so far as I know, with assuring the triumph of freedom and justice . . . and whoever blindly entrusts (it) with the care of freedom has no right to be surprised when she is immediately dishonored."

More recently, another Frenchman, Jean Francois Revel, has noted that: "Big business, in Europe and America, is predominantly neutralist, in a much more efficient way than long-haired Dutch or Danish demonstrators."

I do not suggest a campaign to reform the world view of finance and business. I suggest rather that such a view should no longer drive our foreign policy or be confused with the national interest. So long as this confusion persists, the soft underbelly of freedom will remain exposed. A fifth column of capital will dwell in our midst as long as we have a privileged class that not only derogates our values but helps to feed, finance and arm our adversaries, just as the entrenched advocates of unvexed commerce helped to speed a Tory leader to Munich, years ago.

It is, and no doubt will continue to be, the right and privilege of business to enter any doors and follow any avenues of profit that national policy leaves open or inviting, and I would not want a world where business is the judge, agent and enforcer of our values and interests. National policy, in hands guided by more principled concerns, ought to make those judgments and define those avenues and should do so in a rigorous way.

The avenues of principle and policy that reflect American ideals, and those of business interests, are not perforce parallel. Millions of school children are taught and millions of trade unionists at their meetings repeat an oath which says "I pledge allegiance to the flag of the United States and to the Republic for which it stands," ending on the phrase "with liberty and justice for all."

Our oil companies, glutted with tax privileges from the American Treasury, still pledge allegiance to the flag of Liberia and the venality for which it stands, with license and profit for some. That practice is still encouraged and promoted by a national policy whereby our Departments of State and Defense define their vessels so registered as "under the effective control" of this country, despite an occasion when they proved to be under Saudi control, to the detriment of this country. The forces and interests behind that policy have led to the devastation of the American merchant marine and the erosion of our strength as a nation.

But the events that bring the issues I raise into starkest relief were created by the working people of Poland. Their courage created, and their tactics made reasonable, the chance of a positive answer to the key question of our time: Is Communism capable of reform? Can it accommodate itself to the human aspirations of its own pretended grass roots, the working class asserting itself peacefully in solidarity with its intellectual components?

The stakes riding on the answer are no less than the future peace, perhaps, indeed, the survival of our world. They call for the utmost attention and concern of every statesman and every citizen. No matter what one thinks of the odds for or against, no one can doubt that the stakes are worth the chance.

As I stated in a message to the First Congress of Solidarnosc last September:

"For all who believe in peaceful relations among states, there is no task more urgent than unlinking human rights and freedom from the question of who owns the means of production.

"Freedom of association, of assembly and of expression are the indispensable means by which the people of each nation can decide for themselves which forms of social and economic organizations are most appropriate to their needs, their traditions, and their aspirations.

"To the extent that this principle is reflected in the conduct of government, doors will open on broader avenues to peace, to normal intercourse among nations, and to more just allocations of resources."

The emergence of freedom of association in the anti-democratic world would open the way to hope that its just demands would require an allocation of resources less weighted toward insatiable military appetites, and all could breathe a bit easier. As far as American labor is concerned, the existence of a true or even approximate counterpart would reduce barriers and lead to constructive relations. The world would become a kinder place to live in, and even the Soviet Union might begin to find out, in Gompers words, "how safe a thing freedom really is."

But once again, opportunity has been overtaken by events and that hope is dying in the face of Soviet brutality and Western irresolution.

The President has repeatedly promised that if the repression in Poland continued, if martial law were not ended, Lech Walesa and the internees released, and negotiations

resumed with Solidarnosc under the terms of the Gdansk agreement, he would add strong economic measures to his modest early sanctions. But the bankers are calling the tune and the tune is "business as usual at the same old stand."

Today is the 122nd day of Lech Walesa's captivity. Thousands of Solidarity members languish in concentration camps, whose dismal conditions have been described in letters smuggled to the West. Workers are being beaten and sentenced to jail terms.

And, while the President does nothing—while in fact, he continues to avoid defaulting the Polish loans by bailing out the banks at the taxpayers' expense—the Polish tragedy begins to recede to the back pages of the daily newspapers and disappear from the television screen.

Nevertheless, Solidarnosc exists. Jaruzelski has found no quisling in its ranks. His problems mount and are further compounded by the economic failure of the entire Soviet empire, which is today sustained by Western credits. The game is not over, and our potential leverage over the outcome is great, if we can but find the will.

What is to be done?

We should begin by following the advice of a group of Solidarity activists as set forth in an appeal to the West, shortly after the coup of December 13, 1981:

"Do not believe in the good sense of your bankers. They were sufficiently naive to place $27 billion of your money into the hands of a corrupted and incompetent regime."

Our President, unfortunately, remains enamored of the good sense of our bankers. He does nothing because further sanctions are opposed by the banking and commercial interests who dominate his party.

Some argue that harsher economic sanctions, such as telling the truth about East Bloc debts that are in de facto default, or halting trade with the USSR, would not work to affect Polish or Soviet conduct. Yet that is not the current view of the United Kingdom and the EEC with respect to Argentina in the matter of the Falkland Islands. In that case, tough economic sanctions were adopted promptly and are widely expected to profoundly influence the outcome. Nor was it the view or experience of the OPEC nations when they declared economic warfare against the United States and blackmailed Western Europe. Those real and threatened sanctions led Europe's statesmen to betray us on Camp David and to discover hitherto unsuspected virtue in Palestinian terrorism.

Some say that sanctions would sacrifice "detente." Yet the most cogent argument for detente was that expanded commercial relations with and financial concessions to the Soviet Bloc would give the West the strings with which to restrain Soviet lawlessness. Implicit in this argument was the premise that the West would be willing and able to turn off the flow of credit, trade and technology to the East in response to Soviet misconduct. Sanctions now, therefore, would not violate the principles of detente but would, in fact, apply and enforce them, in their full dimensions. It is time we saw the backside of detente.

If we are not prepared to do that, then it is we who have become ensnared and the East that has us in its net. If it be said that termination of trade and credits would be expensive to Western interests, then all the more reason to do it now, before the cost surpasses tolerance.

Beyond that, there is every reason to develop and to be willing to apply, through our foreign policy, ways to influence the interests of other nations, short of military means.

We have adopted, and continue to pursue, treaty after treaty and agreement after agreement with our adversaries abroad, imposing trust in paper long after that trust has been repeatedly betrayed. History is littered with the prompt and systematic violation by the Soviet Union of a long succession of such instruments, from the most prosaic postal conventions to the final act of the Helsinki Agreement.

If these instruments are to have substance and are to afford a genuine avenue to peace and progress, what recourse do we have to reinforce that simple faith than to develop a capacity and will to adversely influence the interests of the other party in the event of a violation? Does not such a capacity and resolve enhance our chances to give substance to diplomacy and reinforcement to peace?

I have implied in these remarks that ideals and interests are not—as some would have it—antithetical, but are reinforcing. That proposition should inform and guide our foreign policy—most particularly in the matter of human rights.

No better standard, none more compatible with both our ideals and interests, can be raised than that which our Polish brothers and sisters are struggling and suffering to gain—freedom of association.

The first demand of Solidarity, incorporated in the Gdansk Agreements of 1980, was the fulfillment of the pledge undertaken by the Polish government when it ratifed Convention No. 87 of the International Labor Organization on Freedom of Association.

It is a supreme irony of American political life that Convention No. 87 has never been presented by any United States Administration to the Senate for ratification. Our government is foreclosed thereby from bringing, in its own name, any complaint against another nation for violating that key human rights convention before the appropriate bodies of the ILO. The reason is stark and simple—the stubborn and blind opposition of American business as represented by the U.S. Chamber of Commerce, whose influence has thus far prevailed on our foreign policy makers at some considerable cost to our moral standing in the world, if not at home.

That long-standing piece of stupidity ought to be rectified. And beyond that, the principle of freedom of association should be elevated to a positon of primacy in our relations with other nations. Our programs should openly and proudly support and foster free institutions of working people, such as the black trade unions in South Africa, and the democratic movements of rural and urban workers in Central and Latin America and Asia. Our policies and pressures, economic and diplomatic, should aim to get tyrants—tinhorn or totalitarian—off the backs of independent associations of working people. No government which kills, imprisons or exiles free trade unionists should receive our aid or patronage.

Since Convention No. 87 is an international obligation, no nation can properly assert that such a policy would constitute interference in domestic affairs. It would simply buttress and reinforce the finest and most significant role of the ILO. It would, at long last, place this nation where it belongs, firmly in league with the aspiring masses of the world's peoples who will, late or soon, one way or another, shape the future, rather than in isolation with government and business elites. And here at home, a stronger and more broadly based body of support for American foreign policy would emerge and be sustained.

I have spoken of how to detach ourselves, in foreign policy, from the blindness and excess of the Right.

As for the Left, and particularly our friends in the Socialist International, I cannot improve upon the further words of Camus, on Bread and Freedom:

". . . Since the Nineteenth Century the workers' movements have assumed responsibility of the double honor of freedom and justice, without ever dreaming of saying that they were irreconsilable. Laborers, both manual and intellectual, are the ones who gave a body to freedom. . . . And if freedom is regressing today throughout such a large part of the world, this is probably because the devices for enslavement have never been so cynically chosen or so effective, but also because her real defenders . . . have turned away from her. Yes, the great event of the Twentieth Century was the forsaking of the values of freedom by the revolutionary movement, the progressive retreat of Socialism based on freedom before the attacks of a Caesarian and military Socialism. Since that moment a certain hope has disappeared from the world, and a solitude has begun for each and every free man."

We can have no higher purpose than to overcome that solitude.

If we cannot be the keepers of the whole world, we can at least be the keepers of our own conscience. If room in foreign policy cannot be made for moral ends, then room at least should be made for our own morale as a people. To say that we cannot heed a victim's cry because our allies will not act does not excuse us of responsibility. There are always a million plausible reasons to do nothing in the face of a challenge, but our morale as a nation is not consistent with any of them.

We have today, in our foreign policy, an abundance of ringing "whereases" but I have not yet heard the "now, therefore, be it resolved." There are alarms and excursions aplenty. But the direction and object have yet to emerge.

In the words of Seneca: "Our plans miscarry because we have no aim. When a man does not know what harbor he is making for, no wind is the right wind."

Or, as Lewis Carroll tells us, Alice was following a path through a forest in Wonderland when it divided in two directions. Standing irresolute, she inquired of the Cheshire Cat, which had suddenly appeared in a nearby tree, which path she should take. "Where do you want to go?" said the Cat. "I don't know," said Alice. "Then," said the Cat, "it really doesn't matter, does it?"

As for the AFL-CIO, we at least know where we want to go, and we think it matters.●

## CAN YOU AFFORD A PLACE TO LIVE IN?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 15 minutes.

● Mr. GONZALEZ. Mr. Speaker, in view of the remarks made last week by the President, Mr. Reagan, and remarks made by the Secretary of the

Treasury, Mr. Regan and the Chairman of the Federal Home Loan Bank Board, Mr. Pratt, I am compelled to offer for the RECORD an article I wrote, published on March 7, 1982 in the great local daily, The San Antonio Light, in my district.

[From the San Antonio Light, Mar. 7, 1982]

CAN YOU AFFORD A PLACE TO LIVE IN?

(By U.S. Representative HENRY B. GONZALEZ)

Hardly anybody can afford a place to live in today. The cost of mortgage interest is excruciatingly high, which shuts all but a few out of the market for new homes. Only a third as many new homes are being built today as were built in 1977. What few homes are being built aren't being sold. Nearly one-third of the homes built last year have not sold, and that was a year in which new home starts were at Depression levels.

It isn't easy to find—or afford—a place to rent, either. Apartment construction is off by fifty per cent from the 1977 level. Even though vacancies are practically nonexistent, apartment construction remains low.

The savings and loan industry, which powers the housing business, is in desperate trouble. The savings people want $10 billion to keep sick institutions afloat; economists think that a thousand or more savings and loans will go out of business without some kind of Federal intervention. With the savings and loan industry sick, mortgage money is scarce.

As Chairman of the Housing Subcommittee, my responsibility is to find some way to ease the sickness of the housing industry. Everybody from lumberjacks to real estate salespeople is hurting. Anybody who wants to build, buy, or sell a home is frustrated.

This week I offered a new housing bill intended to lift some of the gloom and make housing more affordable.

An important part of my bill is a program for affordable rental housing. I would make available a flexible grant to local sponsors of affordable rental housing. To get the most efficient type of program possible, project sponsors could get Federal aid in almost any form, from an outright capital grant to a loan. My bill encourages local governments to make contributions like land donations to keep the cost of the units low. To qualify for aid, the sponsor would have to agree to rent one-fifth of the apartments to low-income persons. The rest would be available for people of moderate incomes, whose only real need is for a place to rent at a reasonable price.

My bill also provides for funds to finance homes for sale. It would make subsidies available to homebuyers whose income is slightly above average—people who could finance a home if interest rates were at a reasonable level.

Altogether, my bill would make available up to 175,000 units of affordable housing for rent or sale. This would boost home construction substantially in the coming year.

My bill reaffirms the historic national commitment to providing a safe, decent, affordable home for every citizen. It is not extravagant: the economic benefits will far outweigh the costs. The cost of the program would be no greater than current Federal outlays for housing, which have been greatly reduced from previous levels.

The Reagan administration does not want to provide any new Federal assistance for housing production. In fact, the President aims to cut 46,000 homes out of existing Federal commitments. Yet history shows that no nation, not even ours, has been able to meet all its housing needs without a national commitment and an effective national housing program. Ironically, the Reagan administration's drive to dismantle America's housing programs comes at a time when the demand for homes is reaching an historic high. We are faced with a real threat that the nation's ability to house itself will decline sharply at the very time when the housing industry ought to be reaching its greatest strength.

An example of the dismantling process is that the Administration wants to kill five thousand new units of subsidized housing for the elderly—which supposedly is the one assisted housing program that the President supports. The Department of Housing and Urban Development is also trying to pull back thousands of commitments on subsidized single family homes, in the section 235 program, on the pretext that the units weren't completed on time. Construction delays are understandable in a year when the nation has just endured its worst winter in history. The nation also needs affordable homes, and it's unconscionable that the Administration is trying to eliminate tens of thousands of section 235 low-cost housing at a time when builders are desperate, very few buyers are able to afford today's incredible interest costs, and unemployment in the construction industry running rampant.

In the past fifty years, thanks to such Federal help as FHA insurance, low-rent public housing, and incentives to build, this has become a nation of well-housed people, the best housed people in the world. The Federal help has been essential, and it has paid far more economic benefits than it ever cost. For example, FHA mortgage insurance has not cost the government a dime: it has, in fact, turned a billion and a half dollar profit.

I don't think we can afford to abandon our commitment to housing. The need for a positive Federal policy has never been greater. The program I introduced in the House this week is constructive and workable, one that will go a long way toward unraveling the dilemma that today has trapped everyone who needs a home, or is trying to make a living building or selling homes, along with all those who supply the brick, glass, lumber and myriad other ingredients of housing, from appliances to shingles. If we don't solve the housing dilemma, nobody will be able to afford a home, except the very rich.●

## CALIFORNIANS CONTINUE TO SUPPORT ANNUNZIO'S OLYMPIC COIN BILL

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

● Mr. ANNUNZIO. Mr. Speaker, many have tried to convince this Congress that our amateur athletes, the residents of California, and the American people in general have everything to gain and nothing to lose if H.R. 6058 becomes law. If this is true, why have so many of these supposed benficiaries written to me stating their opposition to this proposal? On May 3, 1982, I shared with you some of the many letters I have received from the American public; and on May 4, 1982, a letter from an amateur skier. Today, I call your attention to the thoughts of a number of Californians.

As you know, H.R. 6058 calls for the minting of 17 coins to be sold to the public through private marketers. Mr. James O'Connell of Redondo Beach sent me a copy of a letter that he wrote to President Reagan:

It was with a great deal of dismay that I read of your support of the Olympic Coin Bill authorizing up to 17 different designs and types of coins. I read of it in the April 21, 1982, edition of the Los Angeles Times newspaper, and as a collector, not an investor, I have been greatly upset by the trend to overlook the many disastrous directions persons have been trying to go toward collecting the Hobby dollars in the name of the Olympics and the athletes involved.

Emotionalism seems rampant, and reason seems lacking. The great proliferation of coins for the 1972 Germany Olympics, the 1976 Montreal (Canada) Olympics and the Moscow (Russia) Olympics of 1980, should be clear and obvious declaimers for an exaggerated issuance of coins and types by the United States in 1984 at Los Angeles, Calif.

The 1980 issues especially were poorly marketed by the private concerns involved, with ordering information being erratic and confusing, and the number of issues being too large and expensive.

I would hate to see the United States fall victim to that style of marketing technique, and to have the issues it wishes to represent the country with be a drug on the collecting market and in the hobbyists' hands. Such issues do not become "valued heirlooms" or "collectibles that one will cherish as sound investments".

The proposal by Representative Frank Annunzio is a sound and reasonable venture for the country to make. . . . this would be enough to satisfy the Olympic committee's need of funds and the collectors' ability to purchase. The coins could quite easily be marketed through the U.S. Mint's own mailing list, with additions by new collectors/investors request to them. Please, do not fall in to the trap of quantity versus quality that the marketeers find attractive. Keep it simple, and artistic, not flashy.

I think that it is important to note that the private concerns who marketed the 1980 Russian Olympic coins in the United States are the same ones who would like to market our 1984 coins. We should certainly consider Mr. O'Connell's comments on that point very carefully. Also, his objections to the size and cost of the program proposed by H.R. 6058 are echoed by Dr. Hubert Heitman of Davis:

Perhaps some of us do not support our elected Members of Congress adequately. I write to you about the ridiculous Olympic coin proposal(s). I am an American coin collector on a small scale. What I can afford, and what I enjoy are two different things—in both directions.

I have no quarrel with occasional commemoratives—in reasonable numbers and value. The Olympic plan favored or sponsored by the L.A. Organizing Committee and the international banking house and oil firm is so unreasonable that any right-thinking elected representative of the people should immediately have discarded

it. It is a sham program—too many coins, too much in denominations. Your plan . . . is ideal. Our government, through the Mint, should not only manufacture but release or sell U.S. coins. Part of the mark-up can go to the L.A. Olympics or the U.S. Olympic Committee as you deem best, but the overly expensive program suggested foists too much Olympic support on to coin collectors. Even children should be able to obtain the coins. If a program is developed for the wealthy, it isn't for collectors.

And from Mr. and Mrs. H. E. Schafer of Ukiah:

You have our wholehearted support for your position in connection with the minting of fewer coins and government handling of the program.

Mr. Lewis Linson of LaJolla agrees:

It is important to the success of the Olympic Commemorative Coin program as well as to possible future commemorative coin programs that it be limited to a handful or so of coins . . . and that the government handle the distribution. I strongly support your position in this matter.

Although the proponents of H.R. 6058 claim that private enterprise will be more successful than the U.S. Mint in raising money for our Olympic athletes, many Americans vehemently disagree. In fact, they feel that the marketers are blatantly opportunistic. For example, Mr. Herbert Freeman of Sacramento writes:

I strongly believe that there should be fewer coins than advocated by the coin group plan. Also, the government should handle this entire program. It is disgusting that certain interests are trying to garner a profit from this program.

And from Mr. Stephen Schendel of Concord:

Please continue your fight against the ridiculous . . . Olympic Coin Program. I realize that Lazard Freres and Occidental Petroleum are very tough lobbyists. But their program is going to shortchange the American public, the U.S. Treasury and American Numismatics. I fully support your position.

These letters clearly indicate that the residents of California would like to participate in an Olympic coin program that is reasonably sized and priced. My bill, H.R. 6158, calls for the minting of three coins, not 17. These people applaud the notion of selling commemorative coins to benefit our Olympic athletes. They are not, however, prepared to benefit a group of private marketers. Who can blame them? H.R. 6158 proposes that the coins be sold directly to the public by the mint, with all of the proceeds going to our athletes. Under this bill, all of the money goes where it is supposed to. Why should any of it go anywhere else?●

## SPECIAL ORDERS GRANTED

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

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

Mr. KEMP, for 60 minutes, today.
Mr. MCDADE, for 5 minutes, today.
Mr. LOTT, for 5 minutes, today.

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

Mr. BARNES, for 5 minutes, today.
Mr. LAFALCE, for 60 minutes, today.
Mr. ST GERMAIN, for 5 minutes, today.
Mr. GONZALEZ, for 15 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. COELHO, for 5 minutes, today.

## EXTENSION OF REMARKS

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

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

Mr. MCKINNEY.
Mr. LEACH of Iowa.
Mr. YOUNG of Alaska.
Mr. ERLENBORN.
Mr. MICHEL in three instances.
Mr. CONTE.
Mr. SENSENBRENNER.
Mr. GREEN.
Mrs. FENWICK.
Mr. LATTA.

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

Mr. BARNES.
Mr. PEYSER.
Mr. OTTINGER in two instances.
Mr. MILLER of California.
Mr. ROSTENKOWSKI.
Mr. MINETA.
Mr. ANDERSON in 10 instances.
Mr. GONZALEZ in 10 instances.
Mr. BROWN of California in 10 instances.
Mr. ANNUNZIO in six instances.
Mr. JONES of Tennessee in 10 instances.
Mr. BONER of Tennessee in five instances.
Mr. WAXMAN.
Mrs. SCHROEDER.

## SENATE BILLS REFERRED

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

S. 907. An act to amend sections 351 and 1751 of title 18 of the United States Code to provide penalties for crimes against Cabinet officers, Supreme Court Justices, and Presidential staff members, and for other purposes; to the Committee on the Judiciary.

S. 2154. An act to direct the Secretary of Agriculture to release a reversionary interest held by the United States in certain lands located in Christian County, Ky., so that such lands may be used for cemetery purposes; to the Committee on Agriculture.

## ENROLLED JOINT RESOLUTION SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 361. Joint resolution to grant official recognition to the international ballet competition.

## BILL PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on May 6, 1982, present to the President, for his approval, a bill of the House of the following title:

H.R. 1681. A bill for the relief of Andre Bartholo Eubanks.

## ADJOURNMENT

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

The motion was agreed to; accordingly (at 1 o'clock and 10 minutes p.m.), the House adjourned until tomorrow, Tuesday, May 11, 1982, at 12 o'clock noon.

## EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Report of a House committee concerning the foreign currencies and U.S. dollars utilized by it during the first quarter of calendar year 1982 in connection with foreign travel pursuant to Public Law 95-384 is as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 3 AND MAR. 31, 1982

| Name of member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Dan Marriott | 1/13 | 1/15 | Papua, New Guinea | | $62.00 | | | | | | $62.00 |
| Charles Conklin | 1/13 | 1/15 | Papua, New Guinea | | 159.00 | | | | | | 159.00 |
| Antonio Won Pat | 1/13 | 1/15 | Papua, New Guinea | | 189.00 | | | | | | 189.00 |
| | 1/17 | 1/19 | Fiji | | 81.00 | | | | | | 81.00 |
| Timothy Glidden | 1/13 | 1/15 | Papua, New Guinea | | 189.00 | | | | | | 189.00 |
| | 1/17 | 1/19 | Fiji | | 81.00 | | | | | | 81.00 |
| June Lusby | 1/13 | 1/15 | Papua, New Guinea | | 189.00 | | | | | | 189.00 |
| | 1/17 | 1/19 | Fiji | | 81.00 | | | | | | 81.00 |
| Patricia Krause | 1/17 | 1/19 | Fiji | | 80.00 | | | | | | 80.00 |
| Lee McElvain | 1/17 | 1/19 | Fiji | | 80.00 | | | | | | 80.00 |
| Thomas Dunmire | 1/17 | 1/19 | Fiji | | 80.00 | | | | | | 80.00 |
| SeNellie Phillip | 1/17 | 1/19 | Fiji | | 80.00 | | | | | | 80.00 |
| Committee total | | | | | 1,351.00 | | | | | | 1,351.00 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MORRIS K. UDALL, Chairman. Apr. 20, 1982.

## EXECUTIVE COMMUNICATIONS, ETC.

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

3872. A letter from the Comptroller General of the United States, transmitting a review of rescissions and deferrals contained in the eighth and ninth special messages of the President for fiscal year 1982, pursuant to section 1014(b) of Public Law 93-344 (H. Doc. No. 97-176); to the Committee on Appropriations and ordered to be printed.

3873. A letter from the Secretary of the Air Force, transmitting notification that two Air Force systems will exceed the total program acquisition unit cost by more than 15 percent, pursuant to section 917 of Public Law 97-86; to the Committee on Armed Services.

3874. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the proposed conversion to contractor performance of the civilian education and training (apprentice instructors) function at the naval shipyard, Portsmouth, N.H., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

3875. A letter from the Mayor of the District of Columbia, transmitting a copy of this response to the Comptroller General's report on the city's major acquisitions of space, pursuant to section 736(b)(3) of Public Law 93-198; to the Committee on the District of Columbia.

3876. A letter from the Secretary of Education, transmitting proposed final regulations for the cost of attendance under the Pell grant program, pursuant to section 431(d) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

3877. A letter from the Chairman, Federal Trade Commission, transmitting 12th report of the Commission on the impact on competition and on small business of the development and implementation of voluntary agreements and plans of action to carry out provisions of the international energy program, pursuant to section 252(i) of the Energy Policy and Conservation Act of 1975, as amended; to the Committee on Energy and Commerce.

3878. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting the second annual report on the demonstrated reserve base of coal in the United States as of January 1, 1980, pursuant to section 801 of Public Law 95-620; to the Committee on Energy and Commerce.

3879. A letter from the Comptroller General of the United States, transmitting a report on GSA leasing procedures and practices (PLRD-82-46, May 10, 1982); to the Committee on Government Operations.

3880. A letter from the Chairman, Federal Home Loan Bank Board, transmitting a report on the Board's activities under the Government in the Sunshine Act during calendar year 1981, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3881. A letter from the Acting Secretary of the Interior, transmitting financial exhibits of the Colorado River storage project and participating projects for fiscal year 1981, pursuant to section 6 of the act of April 11, 1956; to the Committee on Interior and Insular Affairs.

3882. A letter from the Under Secretary of the Interior, transmitting a report on the cancellation of certain coal leases and permits on the Northern Cheyenne Indian Reservation, pursuant to section 6 of Public Law 96-401; to the Committee on Interior and Insular Affairs.

3883. A letter from the Assistant Attorney General (Legislative Affairs, transmitting a report on the U.S. trustee system, covering the period October 1, 1980, to September 30, 1981, pursuant to section 408(a) of Public Law 95-598; to the Committee on the Judiciary.

3884. A letter from the Director, Office of Personnel Management, transmitting a draft of proposed legislation to amend section 3109 of title 5, United States Code, to clarify the authority for appointment and compensation of experts and consultants, and for other purposes; to the Committee on Post Office and Civil Service.

3885. A letter from the Secretary of Transportation, transmitting a report on regulations establishing minimum financial responsibility for motor carriers, and their impact, pursuant to section 30(e) of Public Law 96-296; to the Committee on Public Works and Transportation.

3886. A letter from the Chairman, U.S. International Trade Commission, transmitting a draft of proposed legislation to provide authorization of appropriations for the U.S. International Trade Commission for fiscal year 1984; to the Committee on Ways and Means.

3887. A letter from the Assistant Secretary of the Treasury, transmitting the first annual report on the financial condition and results of the operations of the hazardous substance response trust fund, pursuant to section 223(b) of the Hazardous Substance Response Revenue Act of 1980; jointly, to the Committees on Energy and Commerce and Ways and Means.

## PUBLIC BILLS AND RESOLUTIONS

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

By Mr. ERLENBORN (for himself, Mr. HORTON, and Mr. MCCLOSKEY):

H.R. 6334. A bill to amend the Freedom of Information Act to require that information be made available to Congress; to the Committee on Government Operations.

By Mr. HAMMERSCHMIDT:

H.R. 6335. A bill to amend the Bankruptcy Act regarding farm produce storage facilities, and for other purposes; to the Committee on the Judiciary.

By Mr. SEIBERLING:

H.R. 6336. A bill to provide certain authority to reduce erosion within the Cuyahoga Valley National Recreation Area; to the Committee on Interior and Insular Affairs.

By Mr. MOFFETT (for himself, Mr. LENT, Mr. BRODHEAD, Mr. GILMAN, Mr. BARNES, and Mr. SMITH of New Jersey):

H. Con. Res. 336. Concurrent resolution expressing the sense of the Congress concerning the compliance by the Soviet Union with certain international agreements on human rights; to the Committee on Foreign Affairs.

By Mr. DICKS (for himself, Mr. CONTE, Mr. BONKER, Mr. ALEXANDER, Mr. CORRADA, Mr. FAZIO, Mr. FRENZEL, Mr. FORSYTHE, Mr. GIBBONS, Mr. LUNDINE, Mr. MURPHY, Mr. OTTINGER, Mr. PEPPER, Mr. PRITCHARD, Mr. WYDEN, Mr. WALGREN, Mr. LOWRY of Washington, Mr. SUNIA, Mr. SWIFT, Mr. ROE, Mr. RICHMOND, Mr.

WILSON, Mr. FOLEY, Mr. PATTERSON, Mr. OBERSTAR, and Mr. MORRISON):

H. Res. 456. Resolution expressing the sense of the House of Representatives that the President should request sufficient borrowing authority to permit the Export-Import Bank of the United States to provide competitive financing for American exports; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PEPPER (for himself, Mr. WRIGHT, and Mr. ALEXANDER):

H. Res. 457. Resolution expressing the sense of the House in opposition to arbitrary and unspecified reductions of social security benefits over the next 3 fiscal years; to the Committee on Ways and Means.

## MEMORIALS

Under clause 4 of rule XXII,

372. The SPEAKER presented a memorial of the Legislature of the State of Hawaii, relative to the national pollutant discharge elimination system permit for water releases from reservoirs; to the Committee on Public Works and Transportation.

## ADDITIONAL SPONSORS

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

H.R. 375: Mr. ROSENTHAL, Ms. FERRARO, and Mr. LOWRY of Washington.

H.R. 5439: Mr. TRIBLE, Mr. GUARINI, Mr. MINISH, and Mr. GOODLING.

H.R. 6100: Mr. LOWRY of Washington, Mr. ALEXANDER, and Mr. WRIGHT.

H.R. 6245: Mr. ERTEL.

H.R. 6294: Mr. FAUNTROY, Mr. LAFALCE, Mr. BLANCHARD, Mr. LUNDINE, Ms. OAKAR, Mr. HUBBARD, Mr. D'AMOURS, Mr. FRANK, Mr. HOYER, Mr. DERRICK, Mr. DICKS, Mr. WILLIAM J. COYNE, and Mr. DASCHLE.

H.R. 6315: Mr. SAWYER.

H.J. Res. 412: Mr. BEDELL, Mr. ANDREWS, Mr. BAILEY of Pennsylvania, Mr. CHENEY, Mr. BROWN of Colorado, Mr. BRINKLEY, Mr. BENEDICT, Mr. PERKINS, Mr. BLILEY, Mr. MOORE, Mr. QUILLEN, Mr. MOTTL, Mr. PANETTA, Mr. NOWAK, Mr. NAPIER, Mr. PATMAN, Mr. REGULA, Mr. ANNUNZIO, Mr. BENJAMIN, Mr. RAILSBACK, Mr. BEARD, Mrs. BOGGS, Mr. BOLAND, Mr. BONER of Tennessee, Mr. BONKER, Mrs. BOUQUARD, Mr. BOWEN, Mr. BREAUX, Mr. BROWN of Ohio, Mr. CAMPBELL, Mr. CHAPPIE, Mr. CONYERS, Mr. COUGHLIN, Mr. DONNELLY, Mr. LOEFFLER, Mr. NEAL, Mr. O'BRIEN, Mr. DORNAN of California, Mr. PRICE, Mr. PRITCHARD, Mr. CORCORAN, Mr. DORGAN of North Dakota, Mr. FORD of Tennessee, Mr. DAN DANIEL, Mr. SUNIA, Mr. LEACH of Iowa, Mr. LEBOUTILLIER, Mr. LENT, Mr. LIVINGSTON, Mr. MCCLOSKEY, Mr. MCDADE, Mr. MARKS, Mr. MARRIOTT, Mrs. MARTIN of Illinois, Mr. MATTOX, Mr. MAVROULES, Mr. BARNARD, Mr. JOHN L. BURTON, Mr. MCEWEN, Mr. DAUB, Mr. MOFFETT, Mr. MOORHEAD, Mr. MORRISON, Mr. MURPHY, Mr. STENHOLM, Mr. MOLLAHAN, Mr. LEE, Mr. VENTO, Mr. MARTIN of New York, Mr. MITCHELL of New York, Mr. LEATH of Texas, Mr. LONG of Maryland, Mr. ALEXANDER, Mr. APPLEGATE, Mr. HUGHES, Mr. MONTGOMERY, Mr. BEVILL, Mr. ANDERSON, Mr. MCDONALD, Mr. BLANCHARD, Mr. PURSELL, Mr. PICKLE, Mr. PASHAYAN, Mrs. COLLINS of Illinois, Mr. COATS, Mr. CONTE, Mr. COLEMAN, Mr. CLAY, Mr. OXLEY, Mr. CLINGER, Mr. ERDAHL, and Mr. DANIEL B. CRANE.

H.J. Res. 433: Mr. ANNUNZIO.

H. Con. Res. 322: Mr. PORTER and Mr. GARCIA.

H. Res. 374: Mr. DAUB, Mr. MICA, Mr. ROSENTHAL, and Mr. SHANNON.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

424. By the SPEAKER: Petition of the Save Title V Jobs for Seniors Committee, San Francisco, Calif., relative to title V of the Older Americans Act; to the Committee on Education and Labor.

425. Also, petition of the Associated Students of Pacific Lutheran University, Tacoma, Wash., relative to student financial aid programs; to the Committee on Education and Labor.

426. Also, petition of the city council of Quincy, Mass., relative to nuclear weapons; to the Committee on Foreign Affairs.

427. Also, petition of the County of Sacramento Board of Supervisors, California, relative to veterans exposed to atomic radiation; to the Committee on Veterans' Affairs.

428. Also, petition of the city council of Fenton, Mich., relative to H.R. 5133; jointly, to the Committees on Energy and Commerce and Ways and Means.

# SENATE—*Monday, May 10, 1982*

*(Legislative day of Tuesday, April 13, 1982)*

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

## PRAYER

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

*It is a good thing to give thanks unto the Lord, and to sing praises unto thy name, O most High: To show forth thy lovingkindness in the morning, and thy faithfulness every night.*—(Psalm 92 :1, 2.)

Our Father who art in Heaven, we pray for the families of the Senators. We pray for their protection, for strengthened relationships between husbands and wives, parents and children. As election campaigns intensify, as work in the Senate becomes heavier and the tension of conflict increases, dear God do not allow families to be sacrificed on the altar of politics.

Gracious Father, help the Senators to take time, to make time for their families. Help them to be an example to the Nation of the sheer necessity of strong family life. Help "husbands to love their wives as Christ loved His church and gave up His life for her." Help them not to lose their children in the process of winning an election. Loving Lord, may we heed the lesson of the Bible and history, that the family is the core of culture and the nucleus of social order; that as the family goes, so goes the Nation! In Jesus' name, we pray. Amen.

## RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

## THE JOURNAL

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

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

## THE WAKING

Mr. BAKER. Mr. President, warming, sunning, strolling, smiling, enjoying * * * waking. I ask unanimous consent that "The Waking," a poem by Theodore Roethke, be printed in the RECORD.

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

THE WAKING

I wake to sleep, and take my waking slow.
I feel my fate in what I cannot fear.
I learn by going where I have to go.

We think by feeling. What is there to know?
I hear my being dance from ear to ear.
I wake to sleep, and take my waking slow.

Of those so close beside me, which are you?
God bless the Ground! I shall walk softly there,
And learn by going where I have to go.

Light takes the Tree; but who can tell us how?
The lowly worm climbs up a winding stair;
I wake to sleep, and take my waking slow.

Great Nature has another thing to do
To you and me; so take the lively air,
And, lovely, learn by going where to go.

This shaking keeps me steady. I should know.
What falls away is always. And is near.
I wake to sleep, and take my waking slow.
I learn by going where I have to go.

## ORDER DESIGNATING PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, after the recognition of the two leaders under the standing order, and five Senators on special orders for not to exceed 15 minutes each, I ask unanimous consent that there be a period for the transaction of routine morning business of not longer than 1 hour in length, in which Senators may speak for not more than 10 minutes each.

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

## PRESIDENT REAGAN COMMENDED ON CALL FOR "START"

Mr. BAKER. Mr. President, yesterday at Eureka College in Illinois, President Reagan announced the framework for an historic opportunity for the two nations with overwhelming nuclear arsenals to reduce the danger of war. There is, I believe Mr. President, a moral imperative requiring that the great nations possessing those arsenals meet together and find ways to reduce those arsenals and to enhance the chance that those arsenals may never be used.

If accepted, the proposals that President Reagan announced yesterday will have that effect. We should not be under any illusion that the goals he set out will be easily or quickly reached. No one believes that the Soviets will be easily persuaded to give up the advantages which they have achieved by an aggressive military buildup while we have delayed, distracted in the vain hope that a failed SALT process would somehow bring us the security for which we were unwilling either to spend or negotiate realistically.

It is reported this morning, Mr. President, that the Soviet Defense Minister, Dimitri Ustinov responded to President Reagan's call for negotiations with a statement that "the Soviet Union will not allow the existing balance of forces to be disrupted." I am confident that the American people and, I would hope, our friends in Europe, see that statement for precisely what it is: An attempt to preserve the existing balance in the Soviet favor. I would hope that the President's proposal, which offers the first real opportunity to enhance the prospects for peace, would still the voices of those here and abroad who are tempted to join with the Soviet Defense Minister in preserving the "existing balance of forces."

Mr. President, if arms control is to be a meaningful endeavor, if it is to be anything more than a diplomatic exercise by which we delude ourselves with a false and most dangerous sense of security, then we have to recapture the original, dual purpose of arms control. We must contribute to the security of the United States and to the prospects of reducing the risks of nuclear war. An arms control agreement that does not do both is an agreement for the sake of an agreement and in my view, worse than none at all.

Over the years, we have gotten away from that original purpose, Mr. President; yesterday, President Reagan returned to it. The President has returned to the mandate we in the Senate provided in 1972 in approving the Interim SALT I agreement. We said then that the next treaty should not "limit the United States to a level of intercontinental strategic forces inferior to the limit provided by the Soviet Union." Through careful and deliberate preparation, President Reagan has provided a way to achieve that goal through significant reductions in the nuclear arsenals of both powers. He has provided a proposal to reach that goal in a plausible and realistic manner that enhances strategic stability. That, Mr. President, increases the security of both the United States and the Soviet Union by reducing the risks that either will miscalcu-

late and see advantage to a preemptive first strike

By attempting to achieve meaningful and significant reductions in the most destabilizing elements of the strategic equation, President Reagan is asking for significant concessions both from the United States and the Soviet Union. Those with an interest in preserving an uncertain strategic equation will reject these proposals, Mr. President. Those with an interest in diminishing uncertainties and enhancing stability by reducing the possibility for that one awful miscalculation will see the merit in these proposals.

I believe that to be sufficient incentive for any rational leader, United States or Soviet; and there are other incentives as well. It is my fervent hope that the Soviet leadership will carefully calculate the advantages of a less dangerous world and will join President Reagan in this historic opportunity for a more peaceful future.

Mr. President, I ask unanimous consent that the full text of the President's remarks at Eureka College be printed in the RECORD.

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

REMARKS OF THE PRESIDENT AT THE EUREKA COMMENCEMENT CEREMONY

The PRESIDENT. Thank you very much. President Gilbert, Trustees, Administration, and Faculty, students and the friends of Eureka College and particularly those whose day this is—the graduating class of '82—(applause)—Dan, you said the 25th and now the 50th. Do you mind if I try for the 75th? (Applause.)

But it goes without saying that this is a very special day for you who are graduating. Would you forgive me if I say it's a very special day for me also? Over the years since I sat where you, the graduating class of 1982, are now sitting, I've returned to the campus many times, always with great pleasure and warm nostalgia. Now, it just isn't true that I only came back this time to clean out my gym locker. (Laughter.)

On one of those occasions, as you've been told, I addressed the graduating class here, "neath the elms," and was awarded an honorary degree. At that time I informed those assembled that while I was grateful for the honor, it added to a feeling of guilt I've been nursing for 25 years, because I always figured that first degree they give me was honorary. (Laughter.)

Now, if it's true that tradition is the glue holding civilization together, then Eureka has made its contribution to that effort. Yes, it is a small college in a small community. It's no impersonal, assembly-line diploma mill. As the years pass, if you have let yourselves absorb the spirit and tradition of this place, you'll find the four years you've spent here living in your memory as a rich and important part of your life.

Oh, you'll have some regrets along with the happy memories. I let football and other extracurricular activities eat into my study time with the result that my grade average was closer to the C level required for eligibility than it was to straight A's. And even now I wonder what I might have accomplished if I'd studied harder. (Laughter.) (Applause.)

Now, I know there are differences between the Eureka College of 1932 and the Eureka of 1982, but I'm also sure that in many ways—important ways—Eureka remains the same. For one thing, it's impossible for you now to believe what I've said about things being the same. We who preceded you understand that very well, because when we were here we thought old grads who came back only after five years—not 50—couldn't understand what our life was like and what had taken place and changed. So take my word for it. As the years go by, you'll be amazed at how fresh the memory of these years will remain in your mind; how easily you can relive the very emotions that you experienced.

The Class of '32 has no yearbook to record our final days on the campus. The Class of '33 didn't put out a Prism because of the hardships of that great Depression era. The faculty sometimes went for months on end without pay. And yet this school made it possible for young men and women, myself included, to get an education even though we were totally without funds, our families destitute victims of the Depression.

Yes, this place is deep in my heart. Everything that has been good in my life began here. (Applause.)

Graduation Day is called "Commencement" and properly so because it is both a recognition of completion and a beginning. And I would like, seriously, to talk to you about this new phase—the society in which you're now going to take your place as full-time participants. You're no longer observers. You will be called upon to make decisions and express your views on global events because those events will affect your lives.

I've spoken of similarities, and the 1980's like the 1930's may be one of those—a crucial juncture in history that will determine the direction of the future.

In about a month I will meet in Europe with the leaders of nations who are our closest friends and allies. At Versailles, leaders of the industrial powers of the world will seek better ways to meet today's economic challenges. In Bonn, I will join my colleagues from the Atlantic Alliance nations to renew those ties which have been the foundation of Western, free-world defense for 37 years. There will also be meetings in Rome and London.

Now, these meetings are significant for a simple but very important reason. Our own nation's fate is directly linked to that of our sister democracies in Western Europe. The values for which America and all democratic nations stand represent the culmination of Western culture. Andrei Sakharov, the distinguished Nobel Laureate and courageous Soviet human rights advocate, has written in a message smuggled to freedom, "I believe in Western man. I have faith in his mind which is practical and efficient and, at the same time, aspires to great goals. I have faith in his good intentions and in his decisiveness."

This glorious tradition requires a partnership to preserve and protect it. Only as partners can we hope to achieve the goal of a peaceful community of nations. Only as partners can we defend the values of democracy and human dignity that we hold so dear.

There is a single, major issue in our partnership which will underlie the discussions that I will have with the European leaders. The future of Western relations with the Soviet Union. How should we deal with the Soviet Union in the years ahead? What framework should guide our conduct and our policies toward it? And what can we realistically expect from a world power of such deep fears, hostilities, and external ambitions?

I believe the unity of the West is the foundation for any successful relationship with the East. Without Western unity, we'll squander our energies in bickering while the Soviets continue as they please. With unity, we have the strength to moderate Soviet behavior. We've done so in the past and we can do so again.

Our challenge is to establish a framework in which sound East-West relations will endure. I'm optimistic that we can build a more constructive relationship with the Soviet Union. To do so, however, we must understand the nature of the Soviet system and the lessons of the past.

The Soviet Union is a huge empire ruled by an elite that holds all power and all privilege. They hold it tightly because, as we've seen in Poland, they fear what might happen if even the smallest amount of control slips from their grasp. They fear the infectiousness of even a little freedom and because of this in many ways their system has failed. The Soviet empire is faltering because it is rigid—centralized control has destroyed incentives for innovation, efficiency and individual achievement. Spiritually, there is a sense of malaise and resentment.

But in the midst of social and economic problems, the Soviet dictatorship has forged the largest armed force in the world. It has done so by preempting the human needs of its people, and, in the end, this course will undermine the foundations of the Soviet system. Harry Truman was right when he said of the Soviets that, "When you try to conquer other people or extend yourself over vast areas you cannot win in the long run."

Yet Soviet aggressiveness has grown as Soviet military power has increased. To compensate, we must learn from the lessons of the past. When the West has stood unified and firm, the Soviet Union has taken heed. For 35 years Western Europe has lived free despite the shadow of Soviet military might. Through unity, you'll remember from your modern history courses, the West secured the withdrawal of occupation forces from Austria and the recognition of its rights in Berlin.

Other Western policies have not been successful. East-West trade was expanded in the hope of providing incentives for Soviet restraint, but the Soviets exploited the benefits of trade without moderating their behavior. Despite a decade of ambitious arms control efforts, the Soviet buildup continues. And despite its signature of the Helsinki agreements on human rights, the Soviet Union has not relaxed its hold on its own people or those of Eastern Europe.

During the 1970's some of us forgot the warning of President Kennedy who said that the Soviets "have offered to trade us an apple for an orchard. We don't do that in this country." But we came perilously close to doing just that.

If East-West relations in the detente era in Europe have yielded disappointment, detente outside of Europe has yielded a severe disillusionment for those who expected a moderation of Soviet behavior. The Soviet Union continues to support Vietnam in its occupation of Kampuchea and its massive military presence in Laos. It is engaged in a war of aggression against Afghanistan.

Soviet proxy forces have brought instability and conflict to Africa and Central America.

We are now approaching an extremely important phase in East-West relations as the current Soviet leadership is succeeded by a new generation. Both the current and the new Soviet leadership should realize aggressive policies will meet a firm Western response. On the other hand, a Soviet leadership devoted to improving its people's lives, rather than expanding its armed conquests, will find a sympathetic partner in the West. The West will respond with expanded trade and other forms of cooperation. But all of this depends on Soviet actions. Standing in the Athenian marketplace 2,000 years ago, Demosthenes said. "What sane man would let another man's words rather than his deeds proclaim who is at peace and who is at war with him?"

Peace is not the absence of conflict, but the ability to cope with conflict by peaceful means. I believe we can cope. I believe that the West can fashion a realistic, durable policy that will protect our interests and keep the peace, not just for this generation, but for your children and your grandchildren. (Applause.)

I believe such a policy consists of five points: military balance, economic security, regional stability, arms reductions, and dialogue. Now, these are the means by which we can seek peace with the Soviet Union in the years ahead. Today, I want to set this five-point program to guide the future of our East-West relations, set it out for all to hear and see.

First, a sound East-West military balance is absolutely essential. Last week NATO published a comprehensive comparison of its forces with those of the Warsaw Pact. Its message is clear. During the past decade, the Soviet Union has built up its forces across the board. During that same period, the defense expenditures of the United States declined in real terms. The United States has already undertaken steps to recover from that decade of neglect. And I should add that the expenditures of our European allies have increased slowly but steadily, something we often fail to recognize here at home.

The second point on which we must reach consensus with our allies deals with economic security. Consultations are under way among Western nations on the transfer of militarily significant technology and the extension of financial credits to the East as well as on the question of energy dependence on the East, that energy dependence of Europe. We recognize that some of our allies economic requirements are distinct from our own. But the Soviets must not have access to Western technology with military applications, and we must not subsidize the Soviet economy. The Soviet Union must make the difficult choices brought on by its military budgets and economic shortcomings.

The third element is regional stability with peaceful change. Last year in a speech in Philadelphia and in the Summit meetings at Cancun, I outlined the basic American plan to assist the developing world. These principles for economic development remain the foundation of our approach. They represent no threat to the Soviet Union. Yet in many areas of the developing world we find that Soviet arms and Soviet-supported troops are attempting to destabilize societies and extend Moscow's influence.

High on our agenda must be progress toward peace in Afghanistan. The United States is prepared to engage in a serious effort to negotiate an end to the conflict caused by the Soviet invasion of that country. We are ready to cooperate in an international effort to resolve this problem, to secure a full Soviet withdrawal from Afghanistan, and to ensure self-determination for the Afghan people.

In southern Africa, working closely with our Western allies and the African states, we've made real progress toward independence for Namibia. These negotiations, if successful, will result in peaceful and secure conditions throughout southern Africa. The simultaneous withdrawal of Cuban forces from Angola is essential to achieving Namibian independence, as well as creating long-range prospects for peace in the region.

Central America also has become a dangerous point of tension in East-West relations. The Soviet Union cannot escape responsibility for the violence and suffering in the region caused by its support for Cuban activities in Central America and its accelerated transfer of advanced military equipment to Cuba.

However, it was in Western Europe—or Eastern Europe, I should say—that the hopes of the 1970's were greatest, and it is there that they have been the most bitterly disappointed. There was hope that the people of Poland could develop a freer society. But the Soviet Union has refused to allow the people of Poland to decide their own fate, just as it refused to allow the people of Hungary to decide theirs in 1956, or the people of Czechoslovakia in 1968.

If martial law in Poland is lifted, if all the political prisoners are released, and if a dialogue is restored with the Solidarity Union, the United States is prepared to join in a program of economic support. Water cannons and clubs against the Polish people are hardly the kind of dialogue that gives us hope. It is up to the Soviets and their client regimes to show good faith by concrete actions.

The fourth point is arms reduction. I know that this weighs heavily on many of your minds. In our 1931 Prism, we quoted Carl Sandburg, who in his own beautiful way quoted the Mother Prairie, saying, "Have you seen a red sunset drip over one of my cornfields, the shore of night stars, the wave lines of dawn up a wheat valley?" What an idyllic scene that paints in our minds—and what a nightmarish prospect that a huge mushroom cloud might someday destroy such beauty. My duty as President is to ensure that the ultimate nightmare never occurs, that the prairies and the cities and the people who inhabit them remain free and untouched by nuclear conflict.

I wish more than anything there were a simple policy that would eliminate that nuclear danger. But there are only difficult policy choices through which we can achieve a stable nuclear balance at the lowest possible level.

I do not doubt that the Soviet people, and, yes, the Soviet leaders have an overriding interest in preventing the use of nuclear weapons. The Soviet Union within the memory of its leaders has known the devastation of total conventional war and knows that nuclear war would be even more calamitous. Yet, so far, the Soviet Union has used arms control negotiations primarily as an instrument to restrict U.S. defense programs and, in conjunction with their own arms buildup, a means to enhance Soviet power and prestige.

Unfortunately, for some time suspicions have grown that the Soviet Union has not been living up to its obligations under existing arms control treaties. There is conclusive evidence the Soviet Union has provided toxins to the Laotians and Vietnamese for use against defenseless villagers in Southeast Asia. And the Soviets themselves are employing chemical weapons on the freedom fighters in Afghanistan.

We must establish firm criteria for arms control in the 1980's if we're to secure genuine and lasting restraint on Soviet military programs throughout arms control. We must seek agreements which are verifiable, equitable, and militarily significant. Agreements that provide only the appearance of arms control breed dangerous illusions.

Last November, I committed the United States to seek significant reductions on nuclear and conventional forces. In Geneva, we have since proposed limits on U.S. and Soviet intermediate-range missiles, including the complete elimination of the most threatening systems on both sides.

In Vienna, we're negotiating, together with our allies, for reductions of conventional forces in Europe. In the 40-nation Committee on Disarmament, the United States seeks a total ban on all chemical weapons.

Since the first days of my administration, we've been working on our approach to the crucial issue of strategic arms and the control and negotiations for control of those arms with the Soviet Union. The study and analysis required has been complex and difficult. It had to be undertaken deliberately, thoroughly, and correctly. We've laid a solid basis for these negotiations. We're consulting with Congressional leaders and with our allies, and we are now ready to proceed.

The main threat to peace posed by nuclear weapons today is the growing instability of the nuclear balance. This is due to the increasingly destructive potential of the massive Soviet buildup in its ballistic missile force.

Therefore, our goal is to enhance deterrence and achieve stability through significant reductions in the most destabilizing nuclear systems, ballistic missiles, and especially the giant intercontinental ballistic missiles, while maintaining a nuclear capability sufficient to deter conflict, to underwrite our national security and to meet our commitment to allies and friends.

For the immediate future, I'm asking my START, and START really means, we've given up on SALT, START means, "Strategic Arms Reduction Talks," and that negotiating team to propose to their Soviet counterparts a practical, phased reduction plan. The focus of our efforts will be reduce significantly the most destabilizing systems, the ballistic missiles, the number of warheads they carry and their overall destructive potential.

At the first phase, or the end of the first phase of START, I expect ballistic missile warheads, the most serious threat we face, to be reduced to equal levels, equal ceilings, at least a third below the current levels. To enhance stability, I would ask that no more than half of those warheads be land-based. I hope that these warhead reductions as well as significant reductions in missiles themselves could be achieved as rapidly as possible.

In a second phase, we'll seek to achieve an equal ceiling on other elements of our strategic nuclear forces including limits on the ballistic missile throwweight at less than current American levels. In both phases, we shall insist on verification procedures to insure compliance with the agreement.

This, I might say, will be the twentieth time that we have sought such negotiations with the Soviet Union since World War II.

The monumental task of reducing and reshaping our strategic forces to enhance stability will take many years of concentrated effort. But I believe that it will be possible to reduce the risks of war by removing the instabilities that now exist and by dismantling the nuclear menace. (Applause).

I have written to President Brezhnev and directed Secretary Haig to approach the Soviet government concerning the initiation of formal negotiations on the reduction of strategic nuclear arms, START, at the earliest opportunity. We hope negotiations will begin by the end of June.

We will negotiate seriously, in good faith and carefully consider all proposals made by the Soviet Union. If they approach these negotiations in the same spirit, I'm confident that together we can achieve an agreement of enduring value that reduce the number of nuclear weapons, halts the growth in strategic forces and opens the way to even more far-reaching steps in the future. (Applause).

I hope the Commencement today will also mark the commencement of a new era, in both senses of the word a new start toward a more peaceful and secure world.

The fifth and final point I propose for East-West relations is dialogue. I've always believed that people's problems can be solved when people talk to each other instead of about each other. And I've already expressed my own desire to meet with President Brezhnev in New York next month. If this can't be done, I would hope we could arrange a future meeting where positive results can be anticipated. And when we sit down, I'll tell President Brezhnev that the United States is ready to build a new understanding based upon the principles I've outlined today. I'll tell him that his government and his people have nothing to fear from the United States. The free nations living at peace in the world community can vouch for the fact that we seek only harmony. And I'll ask President Brezhnev why our two nations can't practice mutual restraint. Why can't our peoples enjoy the benefits that would flow from real cooperation? Why can't we reduce the number of horrendous weapons?

Perhaps I should also speak to him of this school and these graduates who are leaving it today—of your hopes for the future, of your deep desire for peace, and yet your strong commitment to defend your values if treatened. Perhaps if he someday could attend such a ceremony as this, he'd better understand America. In the only system he knows, you would be here by the decision of government and on this day the government representatives would be here telling most, if not all of you, where you were going to report to work tomorrow.

But as we go to Europe for the talks and as we proceed in the important challenges facing this country, I want you to know that I will be thinking of you and of Eureka and what you represent. In one of my yearbooks, I remember reading that, "The work of the prairie is to be the soil for the growth of a strong western culture." I believe Eureka is fulfilling that work. You, the members of the 1982 graduating class, are this year's harvest.

I spoke of the difference between our two countries. I try to follow the humor of the Russian people. We don't hear much about the Russian people. We hear about the Russian leaders. But you can learn a lot because they do have a sense of humor and you can learn from the jokes they're telling. And one of the most recent jokes I found kind of—well, personally interesting. Maybe you might—tell you something about your country. The joke they tell is that an American and a Russian were arguing about the differences between our two countries. And the American said, "Look. In my country I can walk in the Oval Office, I can hit the desk with my fist, and say, 'President Reagan, I don't like the way you are governing the United States.' " And the Russian said, "I can do that." The American said, "What?" He says "I can walk into the Kremlin, into Brezhnev's office. I can pound Brezhnev's desk and I can say, 'Mr. President, I don't like the way Ronald Reagan is governing the United States.' " (Laughter.) (Applause.)

Eureka as an institution and you as individuals are sustaining the best of Western man's ideals. As a fellow graduate and in the office I hold, I'll do my best to uphold these same ideals. To the Class of '82, congratulations and God bless you. (Applause.).

## COMMENCEMENT ADDRESS BY SENATOR DANFORTH AT AVILA COLLEGE IN KANSAS CITY, MO.

Mr. BAKER. Mr. President, this past weekend, my good friend and colleague from Missouri, Senator DANFORTH, delivered the commencement address at Avila College in Kansas City, Mo. His remarks were emblematic of his continuing concern for our planet and its resources, and for the responsibility that such a concern bestows on our national leaders.

I call Senator DANFORTH's remarks to the Senate's attention, and I ask unanimous consent that the text of his address be printed in the RECORD.

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

REMARKS BY SENATOR JOHN C. DANFORTH AT THE AVILA COLLEGE COMMENCEMENT

"So God created man in his own image . . . male and female he created them. And God blessed them, and God said to them . . . 'fill the earth and subdue it, and have dominion over every living thing' . . . and God saw everything that he had made, and behold it was very good."

Members of the Class of 1982, a tremendous controversy has been raging in state legislatures and in the courts over the biblical account of creation versus evolution. I do not deny the importance of that controversy to those who engage in it. Yet it has long seemed to me futile to try to encompass an eternal God in our notions of a proper time schedule.

Regardless of how historical events were scheduled, Christians and Jews affirm a common belief that this world is God's creation, not ours; that it is very good; that we are made in the image of God; and that we were given dominion over every living thing.

There is, in short, a religious understanding of our trusteeship of God's creation. The world is not ours to possess and dispose of according to our own pleasure. The earth and all that is in it is God's, and we are his stewards, entrusted with dominion over his world, and accountable to him for its welfare.

I have a hand ax. It is a crude tool, chipped out of hard stone, which was found in a cave at an archeological dig in Israel. It was given to me by Haifa University, and it was made in the early stone age. One hundred and twenty thousand years ago, a human being, made in the image of God, chipped out that crude tool as he was doing his job—having dominion, for a segment of time, over God's creation.

Whether you insist on the timetable in Genesis or accept modern ideas of evolution, the earth has been here a very long time, and a long succession of trustees has preceded us, each generation taking its turn in having dominion over this good earth.

The fact is that you and I are not just here today and gone tomorrow, as though no generations preceded us and none will follow. We are parts of a continuum, receiving our trust from the last generation, and with a duty to pass it on to the next.

That is the character of a trustee: duty—duty to preserve the principal of the trust and to pass it on intact when one's trusteeship expires. A trustee must not waste the trust assets. He must not fritter away that which was placed in his custody. He has a high level of responsibility to protect the assets he has received.

In the New Testament it is clear that the duty of a trustee is not fulfilled simply by preserving the assets he has received without wasting them. There is a higher duty. Remember the parable of the talents. Two stewards invested what they were given and doubled its value. The third steward wasted nothing, but he didn't improve things either. He dug a hole, buried the talent, and later returned it as is.

"You wicked and slothful servant," the master said on his return. "You ought to have invested my money." Then the worthless servant was cast into outer darkness where there is weeping and gnashing of teeth.

Perhaps it is never possible to maintain the status quo. Perhaps all assets either appreciate or begin losing their value. At any rate, if we are religious people our obligation is clear. We have a clear duty to make God's world better.

It is not sufficient simply to stay out of trouble and then claim we are leading a decent life. A good steward does more than avoid actions generally thought of as bad. A good steward has a duty to create a better world for those to come. And if we have not done so before, commencement is the time to commence doing our duty.

I would like to touch briefly on three subjects where good stewardship will be necessary if we are to pass on a sound trust to future generations. In each instance, there is a strong temptation to think too little about the future and to live only for today. In each instance, failure to look to the future means irresponsible stewardship. The three subjects are the threat of nuclear destruction, the increasing erosion of our soil and the pending insolvency of the Social Security System.

First, the nuclear threat. The bare minimum requirement of good stewards must be to prevent the destruction of the creation itself. This obligation is so obvious, and its need so novel to modern times that it was never seriously considered before the end of World War II. Now the threat that creation itself could be destroyed grows by the year.

Consider the speed of changing events. Before 1945, no country had a nuclear weapon. Then we got it. Then the Soviets got it. Then four to seven more countries got it. By the end of this century two to three dozen countries could have it. The

world's nuclear arsenal now exceeds the Hiroshima bomb more than 1½ million times, and at the governmental level virtually nothing is being done to control this trend.

It is not pleasant to think about the unthinkable, and all of us want to enjoy pleasant times. It is so tempting to live only for today, to get by, without concern for the future, to enjoy each moment for itself. Yet, if we are content to eat, drink and be merry, we may well die, and so may the world as we know it. That long journey toward tomorrow, set upon by that hand ax maker of 120,000 years ago could be halted in an hour's time, forever.

It is clear from recent history that the extent of governmental arms control activity is closely related to the extent of citizen interest in the problem. Therefore, it is not sufficient for you to delegate your stewardship responsibility to a governmental agency and then plunge into your own personal activities. You are the stewards of creation, and your responsibility cannot be transferred to others.

The persistent erosion of our top soil is a reminder of how close to home stewardship responsibility comes. It is also an example of how easy it is to put off until later the actions we should take today.

Stewardship of creation includes matters more mundane than prevention of nuclear catastrophe, of course. And nothing is more mundane than the soil. Yet here is a classic case of a wasting of our trust to the detriment of generations to come.

Over millennia, a layer of topsoil was produced over much of the earth's surface. When the prime farmland of Northern Missouri was first cultivated, it was blessed with 16 or 18 inches of topsoil which had taken anywhere from 100 to 1000 years an inch to develop.

Soil conservation often requires long-term capital investments which are not cheap. It also requires foregoing production on marginal land to the detriment of short-term financial return. The result is that we have tended not to invest in tomorrow but instead to live for today. Squeezed between high interest rates and low prices it is easy to understand by farmers want to produce every bushel they can, and why most cannot afford expensive conservation structures. Yet the result of today's practices threatens tomorrow. We are wasting our heritage of this good earth at an average rate of 20 tons per acre per year. An inch of topsoil—that which took 100 to 1000 years to create is being washed away every 15 years. What was 16 to 18 inches in depth a century ago has been reduced in half. Good stewards do not permit their finest treasure literally to float down the river and out to the sea.

The financial condition of the Social Security system is a third example of how our behavior today effects the future of generations to come. The Social Security example is especially apt because it literally involves a trust. In fact, it involves three trust funds, one for old age and survivors benefits, one for disability insurance and one for health insurance.

Social Security is our most important social program—the foundation of retirement planning for most Americans. It is also a program which, if allowed to continue on its present course, will end in bankruptcy. It is financed by a payroll tax, and its financial health requires that, on average, revenues from the tax at least equal the pay out of benefits.

The problem is that revenues from the tax do not equal the pay out of benefits—they do not even come close. They will miss by $9 billion this year, $12 billion next year and $17 billion in 1984. If nothing is done, Social Security will become insolvent in 1984. Moreover, even if this short-term problem is somehow fixed by Congress, and it will be, the Social Security deficit projected over the next 75 years will exceed $1.5 trillion.

Social Security benefits are indexed. They go up automatically with inflation. In recent years, due to the indexing formula used, they have gone up even more rapidly than the rate of inflation. So, as it stands right now, everyone is happy. If only we don't look down the road, everything is fine. And we don't want to look down the road. Public Opinion polls tell us that an overwhelming majority of Americans rejects not only a cut in Social Security benefits but even an adjustment in the indexing formula by which future increases are determined.

Moreover, as has been made clear in budget talks over the past two months, there is one thing on which both liberal and conservative politicians can agree: Don't touch Social Security. Don't raise Social Security taxes. Don't delay future benefit increases. Don't limit those increases. Don't alter them in any way. To do so is thought to be political suicide, especially before an election. And in this country every minute seems to be just before an election. So we ignore the future. We fail to strengthen the trust, and the asset we hoped to preserve for the future slips away.

I have given three examples of a common phenomenon. If we wanted to, we could go on and on with an unending list, but that is unnecessary. We live for today, mindless of tomorrow when today's actions so certainly determine tomorrow's world.

We prefer not to think about nuclear holocaust. That would ruin our day. So we drift along toward the rocks of disaster.

Our farmers have enough problems getting by today without being burdened with the problems of tomorrow. So we plant for next fall's harvest, not the next generation's birthright.

Our politicians are worried about next November's election not next century's retired people. So we put off the hard decisions about making Social Security solvent.

We live for the moment. We get by for now. We make do. That is what our government does. That is what our business leadership does. That is what you and I do. Compare the Japanese willingness to make long-term capital investments to produce a future pay out with American businesses' fixation on this quarter's profit and loss statement and you will have a ready understanding of why we are falling behind in international competition.

The Schlitz Beer Company used to run a commercial that had as its punch line, "You only go around once in life, so grab all the gusto you can . . ." Grab the gusto. Grab it quickly. Clutch it to yourself.

Grab all the gusto. And then there is that standard question asked by guidance counselors and operators of youth groups: What do you want to get out of life? Grabbing gusto and getting out of life. It is as though the whole purpose of being here can be summed up as grabbing and getting.

Indeed, there is so much to grab—so much to get—money, possessions, entertainment. A whole world full of grabbable items will be impressed on our minds every day of our lives. They are, in fact, there.

But, here is the point. That whole world of things to grab and things to get is not ours to have as our own. This is God's creation and we hold these things in trust. We are his stewards, and we must answer for what we did with his creation.

We can ignore our trust. We can waste it. We can spend it on ourselves. All that is possible—a standard option for us. Or we can take his creation and nurture it, and protect it, and enhance its value, and then, pass it on to our successor trustees.

Members of the Class of 1982, we have been given our talents. They will be counted when the master returns.

## ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I have no further need for my time under the standing order. If there is any Senator who requires additional time, I am prepared to yield at this time.

Before I do so, however, I ask unanimous consent that the time allocated to the distinguished minority leader be reserved for his use at any time during this calendar day.

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

Mr. PROXMIRE. Mr. President, I would appreciate it very much if the majority leader will yield to me 2 or 3 minutes.

Mr. BAKER. Mr. President, I yield 3 minutes to the Senator from Wisconsin.

## DID THE SENATE BUDGET COMMITTEE TRUMPET IN A MOUSE?

Mr. PROXMIRE. Mr. President, the general reaction is that the Senate budget committee in their markup on the budget resolution has gotten off to a heartening start in bringing down the massive prospective Federal budget deficits that paralyze our economy by keeping interest rates so high.

Well, I cannot resist being the skunk at the family picnic. Would it not be great if we could believe the budget committee's projections? They do, indeed, look great, do they not? They claim to reduce the projected deficits by $416 billion over fiscal years 1983–85—or by two-thirds of projected deficit baseline without new savings. Terrific—if you believe it.

Here is one Senator who does not believe it for a minute and here is why:

Most of the cuts in spending and increases in tax revenues simply pull numbers out of the air to fit into some general category. A great deal of the reduction—$106 billion—is simply based on the pious hope that somehow interest rates will fall.

Of course, the reduction also depends on the assumption that both unemployment and inflation will decline.

The $40 billion cut in social security costs is to be achieved without any reduction in the cost-of-living adjustment. That is a neat trick if you can

do it. And the $95 billion in tax increases is to somehow result without touching the 10-percent tax cut scheduled for July 1, 1982, or the additional 10-percent tax cut scheduled for July 1, 1983. That is another nice trick, if we can do it.

About the only really hard and specific figure in the entire estimate is the Federal pay freeze for 1983 and the cap on Federal pay increases in 1984 and 1985 of 4 percent; but those would only save $28 billion of the $416 billion the plan purports to save.

Mr. President, the biggest weakness of the proposal is that with all its widely hailed big cuts, it would still leave us with a $106 billion deficit in 1983. And the reduced deficits of $69 billion in 1984 and $39 billion in 1985 are strictly pie in the sky.

For years I have watched various administrations and budget committees project big deficit cuts and balanced budgets—2 or 3 years down the pike, and always they fade away. This reduction will also fade unless the commitments become far more definite, far more specific, and far more painful.

## CASUALTIES FROM A NUCLEAR ATTACK TO CRIPPLE AMERICAN ECONOMIC CAPACITY

Mr. PROXMIRE. Mr. President, on Thursday, I discussed the CATO policy analysis of the Soviet nuclear strike designed to destroy America's economic strength. I discussed the weaponry that might be involved in such an attack. Today, let us consider the casualties and economic effects of this kind of attack on this country. Here is what the Katz Osdoby study found:

Depending on the size of the attack, casualties would range from 20 to 45 percent of the U.S. population—40 to 90 million people—including 20 to 30 million injured. From 25 to 65 percent of the economy would be destroyed. The gross economic figures seriously understate the problem since even using the smallest attack A-4—100 1 megaton, 200-300 100 kiloton weapons—specifically targeted key industries are likely to be well over 50 percent destroyed—some as high as 80 to 90 percent. To put these numbers in perspective, a Stanford Research Institute (SRI) study for the Office of Civil Defense, the Federal Emergency Management Agency's predecessor, estimated that to recover from nuclear attacks in the range discussed here would take well over a decade. We believe these estimates are based upon unrealistically optimistic assumptions—or as the authors themselves state, the "upper limits on potential recovery. Projected recovery rates should prove over optimistic when compared with rates actually realized in a real case." If recovery is possible, and that is an open question, a more reasonable estimate would be several decades—perhaps 40 or 50 years. Of course, the attack described above are not full scale exchanges; under those circumstances, the number of warheads and megatons directed at urban/industrial targets could easily reach 2,000, 3,000, or more, as well as substantial fallout from ground bursts not included as part of attacks A-1 to A-4. In the case of a large scale attack, the damage would be even more severe and widespread than in the discussion to follow; combining the effects of parts I and II might provide the minimum damage expected with a full-scale attack.

Despite the effects of so-called urban sprawl and industrial migration, industry and population remain concentrated in a relatively small number of urban areas which present particularly vulnerable targets to nuclear weapons. Nearly 60 percent of the U.S. population lives in only 1 percent of the total land area of the United States. This is the result of the fact that approximately 85 percent of the population of large metropolitan areas live on only 10 percent of the total urban land area. The population within these metropolitan regions is concentrated in very high-density areas, rendering the United States even more vulnerable to an economic attack. For example, the implications of urban concentration are illustrated by the smallest attack, A-4. It would cause the destruction of about 20 to 30 percent of total manufacturing capacity and 45 to 55 percent of the manufacturing capacity of the 71 largest metropolitan areas. In cities as diverse as New York, Chicago, Los Angeles, and Akron, Ohio, A-4 would destroy approximately 50 percent or more of their manufacturing capacity. When the number of 1 megaton weapons in the attack on these cities is increased fivefold—500 percent—as in A-1, casualties and industrial damage increase only by approximately 200 percent.

Therefore, devastating economic destruction, disruption, and social disorganization would be caused even by the smaller attacks, since in terms of the destructive effects of nuclear weapons, population and industry are not really dispersed. In the Soviet Union, industry and population are concentrated even more densely than in the United States.

Later in the week, I shall discuss other consequences of the attack. I do this, Mr. President, because we as Senators cannot flinch from squarely facing the consequences of our policies. We must look squarely at the likely result of a nuclear war, however terrible, in deciding how far we can go with prudence to prevent it.

## GARDEN OF REMEMBRANCE

Mr. PROXMIRE. Mr. President, the New York Times recently published an article entitled "Synagogue's Garden of Remembrance." It reports that a peaceful, tree-framed courtyard in Gramercy Park, New York City, has been dedicated to the 6 million Jews who were victims of the Holocaust.

A member of the Brotherhood Synagogue, the congregation that created the memorial, made a simple but profound statement during the ceremony. He said:

There cannot be too many memorials to the Holocaust martyrs.

The congregation's president spoke of revisionist historical accounts of the Nazi rule which try to distort the horrendous facts, facts that some of the members of the congregation were witness to.

Leading this effort is the Institute for Historical Review, an organization whose purpose is to promote the notion that the Holocaust was the "hoax of the 20th century." Its quarterly journal tries to convince readers that the Nazis did not systematically exterminate 6 million Jews; the poison gas was used only to kill lice, not people; Anne Frank's diary was a fraud; and that Adolf Eichman's trial was a frameup.

Dr. Heinz Schappen, another participant in the dedication, spoke as a representative of the West German Government.

We will remember—

He said.

We should remember. But I echo the phrase "To life."

Mr. President, I also echo the phrase "to life." And I offer the Genocide Convention as a mechanism to protect lives, lives such as those so viciously destroyed during the Holocaust. In the face of gross distortions like those made by the Institute for Historical Review, it is essential that we continue to report the historical facts.

The history of the Genocide Convention contains facts that we must be aware of. The treaty exists because the International Military Tribunal at Nurenberg determined that consideration of genocide was outside of the charter that established the tribunal.

Swift international reaction followed when the U.N. General Assembly, with U.S. support and encouragement, unanimously adopted a resolution declaring genocide an international crime. During the next 2 years, a drafting committee, chaired by the U.S. delegate, labored to draft a treaty which would implement the General Assembly's resolution. In 1948, the General Assembly unanimously adopted the Genocide Convention and 2 days later, the United States signed the treaty.

Mr. President, the next step is up to us in the Senate. The unratified genocide treaty is a sharp thorn in our side. I urge my colleagues to take this important step and ratify the Genocide Convention.

Mr. President, I thank the distinguished majority leader. I yield the floor.

## ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I have no further need for my time under the standing order. I am prepared to yield it to any other Senator seeking recognition.

I yield to the Senator from Georgia.

Mr. NUNN. Mr. President, I inform the majority leader I probably need about 10 minutes.

Mr. BAKER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The majority leader's time has expired, but the Senator from Georgia has a standing order for 15 minutes.

Mr. BAKER. Will the Senator from Georgia require 10 minutes in addition to the 15?

Mr. NUNN. No, Mr. President, I shall probably not take any more than my time.

Mr. BAKER. Mr. President, since I have no further time, I yield the floor.

## RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized for 10 minutes under the previous order.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may continue to reserve that time for a little while.

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

## RECOGNITION OF SENATOR NUNN

The PRESIDING OFFICER. Under the previous order, the Senator from Georgia is recognized for not to exceed 15 minutes.

Mr. NUNN. I thank the Chair.

## THE PLIGHT OF SMALL BUSINESS

Mr. NUNN. Mr. President, I have asked for this time today to speak to my colleagues in the Senate and the Nation on the Nation's small business. This year, as in previous years, the Senate has passed a resolution, Senate Joint Resolution 180, sponsored by Senator WEICKER and myself and all members of the Small Business Committee, calling on the President of the United States to proclaim "National Small Business Week."

The President has issued that proclamation calling on the Nation to "celebrate" this week of May 9–15.

What is the significance of this special week?

Small businesses comprise the backbone of the American economic system. While there are approximately 10,000 corporations in the United States with more than 500 employees, there are more than 14 million farm and nonfarm small businesses with less than 500 employees.

According to the President's recent report on "The State of Small Business", small business employs almost 50 percent of the nongovernment labor force in this country. Small business is the greatest creator of Jobs; 77 percent of all new jobs are created in the firms with less than 50 employees.

The Senate Small Business Committee's reports have repeatedly cited the statistics and research conducted to "prove" what we have instinctively known: That small business is the innovator and invention leader of our Nation; that small business is the Nation's job creator; and that small business is on the "cutting edge" in the Nation's competitive marketplace.

Small business owners are in every business field imaginable. On an economywide basis, the small firm share of the gross national product now stands at approximately 38 percent, but it has declined in every industry sector from 1955 to today.

Mr. President, I have briefly reviewed these statistics to demonstrate that small business is not a special interest group in our American economy. Small business is the heart of the free enterprise system, that sector most likely to take the steps necessary to get this Nation back of the road to economic recovery.

We in Congress must do a better job of taking into account the impact on small business of the laws we enact. The President and the executive branch as a whole must do a better job of translating the rhetoric of concern for small business into substantive action in their policymaking.

As the ranking Democrat of the Senate Small Business Committee, and a member of that committee since I have been in the Senate, I believe we can take pride in the congressional attention paid to small business.

At this point, Mr. President, I ask unanimous consent to have printed in the RECORD a summary of the major laws adopted in the 96th Congress relating to small business.

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

SUMMARY

During the 96th Congress, the Congress adopted several statutes which benefit small business. These include:

A requirement that Federal paperwork be cut by 25 percent within three years; that an office within the Office of Management and Budget be established to monitor the implementation of that 25 percent reduction, and that this office be given authority to review all agency reporting requirements (Paperwork Reduction Act, Public Law 96-511);

Tight new constraints on issuance of federal regulations, such as a separate tier of less onerous standards governing the compliance of small businesses and smaller governmental units (the Regulatory Flexibility Act, Public Law 96-354);

Provisions for the payment of legal expenses for firms which successfully contest federal regulations in agency adjudicatory proceedings or in court (the Equal Access to Justice Act, Public Law 96-481);

The most extensive de-regulation of securities law in 40 years, to make it easier for small business to attract venture capital (the Small Business Investment Incentives Act of 1980, Public Law 96-477);

Patent reforms which will permit small firms to retain title to discoveries made in the course of government funded contracts (the Patent Trademark Amendments of 1980, Public Law 96-517);

A strong program of export assistance to encourage small business entry into overseas markets (the Small Business Export Expansion Act of 1980, Public Law 96-481); and

Increased strength for the Small Business Administration's Advocacy Office to give small firms a greater voice in Washington decision-making (part of the reauthorization for the Small Business Administration, Public Law 96-302).

Mr. NUNN. Mr. President, the activities of the Senate Small Business Committee have continued on behalf of our Nation's businesses in the 97th Congress.

I ask unanimous consent to have printed in the RECORD a summary of the Senate Small Business Committee's activities for the 1st session of the 97th Congress.

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

97TH CONGRESS

During the first session of the 97th Congress, the following items of particular concern and interest to small business have been addressed:

TAXES

The following tax provisions may be of benefit to small business. Many were offered in the Weicker/Nunn tax proposal, S. 360, and included in the Economic Recovery Tax Act (Public Law 97-34):

The White House Conference on Small Business' number one recommendation was a reduction in the individual income tax. The ERTA cuts the individual rate 5 percent on October 1, 1981; 10 percent on July 1, 1982; and 10 percent on July 1, 1983.

On estate taxes, the ERTA will allow transfers of up to $600,000 tax free; the old law exempted estates valued up to $175,000. In addition, the new law completely eliminated the tax on an estate transferred to a spouse, regardless of value.

An accelerated cost recovery system (15-10-5-3-) was adopted.

Direct expensing of $5,000 in the first year, rising to $10,000 after 1985, is now permitted.

The minimum number of shareholders to still qualify for Subchapter S treatment was increased from 15 to 25.

In addition to these provisions, on the last day of the session, the Congress approved the legislation deferring for one year (until December 31, 1982) the LIFO inventory recapture provisions enacted as part of the Crude Oil Windfall Profit Tax Act.

PRODUCT LIABILITY

Small businesses have been particularly hard hit by the increases in product liability insurance premiums; many had difficulty obtaining coverage at all.

During the 96th Congress, the Senate passed the Product Liability Risk Retention Act. The bill facilitates private groups to form "risk retention" groups to bargain for product liability insurance.

The legislation was not passed in the 96th Congress because of non-germane amendments added to it by the Senate. However, it was reintroduced in this Congress, and enacted as Public Law 97-45.

SMALL BUSINESS INNOVATION

Numerous studies have shown that small businesses are our Nation's most efficient and fertile source of innovations. Yet only 3.5 to 4 percent of the Federal R&D dollar is spent with small firms. This underutilization of small businesses in Federal R&D is especially regrettable when considering the highly successful track record of small firms in generating jobs, tax revenues, and other economic and societal benefits.

Following joint hearings by the Senate and House Small Business Committees in 1978, the Senate Small Business Committee began consideration of legislation to tap the small business potential with Federal R&D resources.

Although both the House and Senate Small Business Committees favorably reported small business innovation legislation in the 96th Congress, it was not considered in either chamber.

In the 97th Congress, Senator Rudman introduced S. 881, the Small Business Innovation Research Act of 1981. The purpose of the bill is twofold: to more effectively meet R&D needs brought on by the utilization of the small innovative firms (which have consistently been shown to be the most prolific source of new technologies) and to attract private capital to commercialize the results of the Federal research.

Under the bill, each agency with an R&D budget in excess of $100 million will be required to establish a Small Business Innovation Research (SBIR) program modeled after that of the highly successful National Science Foundation program. Small firms will be invited to submit research proposals to an agency concerning topics selected by each agency in accordance with its own R&D objectives. The Senate passed this legislation on December 8, 1981. The House Small Business Committee has reported similar legislation, but that bill has been referred to several other committees for their review.

Final Congressional action is likely by next summer.

GOVERNMENT LATE PAYMENTS

For small businesses that have been doing business with the Federal Government, a common, and unfortunate complaint has been the poor paying record of Federal agencies. Small businesses are not able to "carry" the Federal Government for months while waiting for bills to be paid.

In the 96th Congress, the Small Business Committee held hearings on this, and related, procurement problems. Senator Sasser and others introduced legislation to require the Government to pay its bills on time.

On May 6, 1981, Senators Weicker and Danforth cosponsored S. 1131, "The Delinquent Payments Act of 1981". This legislation would require the Federal government to pay interest on its overdue bills and prohibit Federal agencies from taking early payment discounts long after the discount period had expired.

The legislation passed the Senate on December 15, 1981. Similar legislation passed the House in June 1981, but because of some controversy unrelated to this issue, was not considered by the Senate.

SMALL BUSINESS COMMITTEE STATUS

The Senate Small Business Committee was created as a "Select" committee in 1950 to study and survey "by means of research and investigation all problems of American small business enterprises, and to obtain all facts possible in relation thereto which would not only be of public interest, but which would aid the Congress in enacting remedial legislation." At the time the Committee was created, it was not given any legislative authority. In 1976, Senate Resolution 104, was adopted, giving the Committee legislative authority over the Small Business Administration.

That action, for all intents and purposes, gave the Committee all the powers and authority of a full, standing Committee. Further recognition of the growing importance of the Committee came in 1978, when the membership, originally set at nine, nearly doubled to 17 to accommodate requests from Senators wishing to serve.

On March 25, 1981, the Senate unanimously approved a resolution sponsored by Majority Leader Howard Baker, Minority Leader Robert Byrd, and the entire membership of the Small Business Committee, striking the "select" designation and establishing the Small Business Committee to full, permanent status.

RECONCILIATION

Consistent with the effort to reduce spending in this Congress, the Small Business Committee, through the Reconciliation process, passed cost-saving legislation that reduced the Small Business Administration's program levels by over 40 percent. Major legislative changes in the Small Business Administration's program include:

In disaster lending:

SBA was removed from farm disaster lending; the principal responsibility now rests with the Department of Agriculture.

Homeowners, as well as business, must now meet a credit elsewhere test when applying for disaster loans.

Businesses able to get credit elsewhere will now pay the prevailing market rate on interest for a maximum term of three years. For businesses not eligible for credit elsewhere, disaster loans will be given at a rate not to exceed 8 percent. Businesses will be eligible for up to 85 percent of uninsured loss.

In SBA business lending programs:

Interest rates on all direct business loans would be set at the government's cost of money, plus up to 1 percent, (currently 15⅞) except in the case of loans to the handicapped which remains at 3 percent.

A mandatory 90 percent SBA guarantee was imposed for guaranteed loans of $100,000 or less; guaranteed loans of between $100,000 and $715,000 must be guaranteed at between 70 percent and 90 percent.

SBA's authorization levels for salaries and programs for fiscal years 1982, 1983, and 1984 were also reduced.

GOVERNMENT COMPETITION WITH SMALL BUSINESS

Many small business owners believe that the Federal government should rely on the private sector to supply its commercial goods and services. Further, they maintain that the government should not compete with the private sector by accomplishing these efforts with their own non-profit personnel and facilities. Several leading small business organizations and a 1980 SBA Advocacy Task Group on Government Competition have called on Congress to legislate in this area.

On June 22, Senator Hayakawa introduced S.J. Res. 93, a resolution that reaffirms and legislates a long-standing executive policy (OMB Circular A-76) of reliance on the private sector for supply of the commercial and industrial goods and services needed by the Federal government. This Committee held five days of hearings on the issue of Government Competition. The resolution is currently pending in the Governmental Affairs Subcommittee on Federal Expenditures, Research, and Rules.

COMMITTEE NOMINATIONS

During the first session, the Committee favorably reported, and the Senate confirmed, three nominees to positions in the Small Business Administration. These are:

Michael Cardenas, to be SBA Administrator, confirmed by the Senate on March 26, 1981;

Frank Swain, to be Chief Counsel for Advocacy, on July 31, 1981; and

Paul Boucher, reappointed to be Inspector General, on June 19, 1981.

On June 22, 1981, the Committee announced the formation of a National Advisory Council to the Committee. These people, involved with a small business on a day-to-day basis, are in the best position to tell the Committee what the problems of inflation, high interest rates and excessive regulation are doing to them and their businesses.

The Council is made up of 25 small business owners from around the country, chosen by the members of the Committee. Committee members will meet with the Council at least twice a year.

COMMITTEE OVERSIGHT

During the first session of the 97th Congress, the Committee conducted oversight hearings on a wide variety of programs both within, and outside of SBA. Those relating to SBA include:

*(1) The 8(a) pilot program*

(a) On January 23, the Committee met to consider what happened to be an unlawful and improper extension of the SBA 8(a) Pilot Program. the 8(a) Pilot Program was set up by Congress in 1978 as part of the SBA's ongoing minority business assistance effort. Under the terms of the two-year project, one agency—in this case, the Army—would be used to test the program.

On October 21, 1980, the Congress extended the pilot for an additional year under the same terms. Shortly before the change in Administrations, however, President Carter issued a memorandum on December 19, 1980, unilaterally extending the pilot program to an additional three agencies, an action not warranted or permitted under Public Law 96-481.

As a result of the hearing, the Presidential memorandum was rescinded and the 8(a) pilot program was not expanded past its original level.

(b) On September 21, the Committee held a hearing on S. 1620, a bill to extend the 8(a) pilot program for an additional 18 months. Testimony was received by the Committee indicating that the program has not been effectively implemented with the Department of Army. However, despite this track record, the Small Business Administration, wishing an opportunity to use this contracting tool to develop minority businesses, requested an extension of this authority.

Under the legislation, the program would be placed with a civilian agency (Defense agencies specifically excluded) for an additional 18 months.

On September 28, the full Committee reported S. 1620, and it awaits action by the full Senate.

*(2) SBA's contracting procedures*

On April 27 and 28, the Committee held hearings based on a two-month staff investi-

gation of internal procurement practices at the SBA. In testimony from the SBA Administrator, the Inspector General, and current and former Agency officials, the Committee produced evidence of flagrant disregard for and abuse of Federal procurement regulations by the SBA during fiscal year 1977–1980.

During the course of the two-day hearing, the Committee received assurances from new SBA Administrator Michael Cardenas that such abuse within SBA would not occur again. As a result of the investigation however, the Committee met in Executive Session and agreed to forward certain documents to the Justice Department for further review and possible legal action. That Justice Department investigation is still ongoing.

*(3) SBA's farm disaster loan program*

For a three-year period, from 1977 to 1980, the Small Business Administration has heavily involved in making disaster loans to farmers. More than $3 billion of a $17 billion SBA loan portfolio went out in farm disaster loans during that time. A committee investigation of that three-year period found that hundreds of millions of dollars worth of loans may have been improperly awarded.

In addition to fundings of absue, the Committee discovered a sizable delinquency problem within the farm disaster loan program. More than half of the $3 billion in farm loans are now delinquent. As a result of the hearing, the Office of Management and Budget has authorized the formation of a 99-man ask force to go into Region IV (the eight-state, southeastern region where the concentration of farm disaster loans is the greatest) and identify and begin to collect excess and duplicate payments.

In addition, the Department of Justice—which previously declined to criminally prosecute several cases of alleged duplicate payment because of questionable management procedures by the SBA lending officers—is considering taking civil action against those borrowers.

Finally, several statutory changes were made in the SBA farm disaster loan program during the Congressional consideration of the Reconciliation legislation.

*(4) Direct loan program*

Prompted by a series of highly critical articles published in the St. Louis Globe Democrat, Senator Dixon requested hearings on the SBA Direct Lending Program. On October 27, the Committee held what Senator Dixon called a "beginning of an examination of what needs this type of program can serve in the years ahead."

In addition to those hearings relating to Committee legislation and SBA oversight, the Committee conducted general hearings on a variety of topics. In part, these include:

(1) Interest Rates.—The Committee has thus far held five days of hearings on the impact of high interest rates on smaller business. Testimony has come from labor groups, agricultural representatives, Wall Street economists, and small business men and women in the field. In part because of the concern about high interest rates, and the Federal Reserve Board's monetary policy, on December 8, the Senate adopted a resolution (as an amendment to the Small Business Innovation Act) expressing the sense of the Senate that the next vacancy on the Board of Governors of the Federal Reserve be filled by an individual with substantial small business experience.

(2) Industrial Development Bonds.—The Committee has become deeply involved in the issue of tax-exempt Industrial Development Bonds (IDB's), principally because these are an important instrument of reasonable-cost financing for small and medium-sized businesses. In most cases, the tax-exempt status accorded small-issue IDB's is responsible for attracting small business participation in major economic development strategies.

A hearing on IDB's was conducted by the Subcommittee on Urban and Rural Economic Development, chaired by Senator D'Amato, on October 5. The testimony was strongly in support of a continuation of the pooling of IDB's and rejection of the IRS Ruling 81-216, which prohibits the pooling of small-issue IDB's.

There have been a number of bills and amendments which have been introduced to address the IDB revenue ruling specifically, others have gone to the substantive issue of the appropriate use of IDB's.

An amendment sponsored by Senator D'Amato, and included in the Second Continuing Resolution (P.L. 97-85), among other things, prohibits the IRS from using any funds to enforce Revenue Sharing Ruling 81-216. However, bond counsel are still reluctant (and in most cases unwilling) to certify the tax deductibility of bonds unless Congress specifically overturns the Revenue Ruling.

The same amendment was offered to the Treasury-Postal Service Appropriations bill (H.R. 4121). The amendment will be pending when the Senate returns to consideration of this bill.

(3) Deterioration of the Defense Industrial Base.—The Committee held one day of hearings on the subject of the U.S. defense industrial infrastructure, with particular concern about the small business, subcontractor component.

(4) Anti-Trust/Merger.—One of the greatest threats to the health of the nation's small businesses, as well as to overall strength of the economy, is the growing concentration of economic power in the hands of a few.

If the program for economic recovery is to work, it is absolutely imperative that the economy remain competitive. It is especially important that small business, the expansion of which is crucial to the recovery, not be hampered by illegal, noncompetitive acts. The anti-trust laws are the first line of defense against excessive economic concentration. In the interests of a free, competitive economy, we must have vigorous enforcement of them.

On December 1, the Subcommittee on Productivity and Competition, chaired by Senator Gorton, began an exploration of the Reagan Administration's Federal antitrust policy and enforcement intentions as it relates to small business.

Mr. NUNN. Mr. President, the advocacy on behalf of the small business enterpreneur continues in our committee. We are working diligently to open up the Federal procurement process to greater participation by small business. We know from experience and extensive hearings that small businesses are capable of providing a major share of the Government's $130 billion procurement needs in a timely, cost-effective, and responsible manner. Among our congressional tasks is to insure that the Federal procurement system is accessible to the small businesses of our Nation.

For example, both the House and Senate have approved similar versions of the Delinquent Payments Act that would assess monetary interest penalties against agencies that fail to pay its suppliers on time.

In addition, we must continue to work to remove barriers which prevent small business from having a fair opportunity to compete in the marketplace. There is no better example of these barriers than the onerous Federal regulations which are imposed on small business. To the extent that we can minimize that regulatory burden, we will insure that small businesses have an equal opportunity for productivity and competitiveness.

But frankly there is a pall which overshadows the positive accomplishments made to date and much more needs to be done, both in an individual sense, a detail sense, and from a sense of the overall economy.

Mr. President, like all of us, I am very concerned about the current state of the economy. The stubbornly high interest rates which currently exist are choking the very life from the small business sector, since it is so heavily reliant on bank-financed debt capital as its major source of funds. In fact, as the President's report on the state of small business correctly points out:

> Since approximately 80 percent of small businesses rely on financings from depository institutions, an increase in the cost of financing and a decrease in the availability of funds from these institutions has a more severe impact on smaller firms than on larger firms. Small firms experience the impact sooner and for a longer duration.

Interest rates paid by small business will differ according to the lender, and the business. But normally, a small business owner can expect to pay 2 to 3 percent above the prime for a short-term bank loan. While the nominal interest rate that the small business owner is forced to pay is high, since 1980, the real interest rate, the difference between nominal interest rates and the rate of inflation, has soared.

For the first time in the 7-year history of their report, the National Federation of Independent Businesses' Quarterly Economic Report of July 1981, cited high interest rates as their members' single most important problem. The devastating impact of high interest rates on small business becomes even more exacerbated when coupled with a sluggish economy.

Simply, while there is a general acknowledgement that the American economy as a whole is in a recession; I fear that the small business sector is hovering dangerously close to a full-fledged depression.

While some see a light at the end of the tunnel for the economy, frankly I worry that, for the small business community, that light is the beginning of another freight train.

We have already seen the fallout from this combination of economic factors. Business failures in the first 14 weeks of 1982 are 55 percent ahead of the comparable period last year, and 2½ times ahead of the same period in 1980.

If business failures continue at the same rate for the balance of this year—and I hope they do not, but there is every economic indication that they will—1982 will break the record for business failures set in 1932.

I am also very troubled with the recently announced national unemployment figures. Apart from the staggering proportions of unemployed, I am particularly concerned that the number of individuals who have stopped looking for work has also reached record proportions. As the small business share of the economy shrinks, and the number of small business closings increase, the prospects for finding meaningful long-term employment opportunities for our Nation's unemployed decline.

Beyond the short-term economic consequences of these issues, little, if any, attention has been focused on the long-term impact of the contraction of the small business sector with its resulting reduction in revenue, jobs and market contributions. But, frankly, there is no more pressing national priority to assist small business than to reduce the Federal deficit. I noted with interest Senator PROXMIRE's remarks on that subject just a few moments ago. I must say that although I welcome the President and the Republicans on the Budget Committee getting together, I was very disappointed that the Budget Committee projections are primarily pie-in-the-sky-projections that do not detail the cuts, nor detail the tax increases that would have to occur to really begin to move in the direction they have indicated.

The budget debate that will take place in the Congress over the next several weeks must focus our economic thinking on the twin-headed monster of huge Federal deficits and its corresponding impact on high interest rates. Until we significantly reduce the Federal deficit, the high level of Federal borrowing from our credit markets, interest rates will simply not fall to reasonable and sustainable levels.

Meaningful progress toward reducing the deficits now projected also will require the best bipartisan efforts of Members of Congress. I remain hopeful that a broad bipartisan consensus for such a package will develop in the weeks ahead.

I believe we can make additional meaningful cuts in fiscal year 1983. Such cuts will only be possible, however, in combination with an examination of all areas of Federal spending, including both defense and entitlements, and a review of the tax side of the ledger.

As a practical matter, I think that the tax cut that took place in 1981 has to be reconsidered in the outyears. While I would certainly leave the 1982 individual and business tax cuts in place, as well as the savings incentives aspect of the total tax package, I feel that the third year of the individual tax cuts should be spread out, or should be made contingent on a sustained drop in the long-term interest rate. I also believe that certain other business tax changes should be looked at again; particularly, the leasing provision seems to me questionable when we are now debating a deficit of between $100 and $180 billion. As a practical matter, most of the small business community is barred from taking advantage of the leasing provisions on either side of the transaction.

I again want to express my appreciation to Senator WEICKER for having detailed hearings in our committee pointing out the inequities involved in the present safe harbor leasing arrangement.

If we are to stem the growing uncertainty in the financial markets, the future tax cuts must be made contingent on proportionate cuts in Government spending in order to avoid the budget deficit increases that offset the intended benefits of the tax cuts.

It is interesting to note, based on the budget projections now, that unless they are changed, almost every penny of the tax cuts in the next 3 years will be not from cuts in Federal spending but, rather, from additional Federal borrowing. The Federal Government is borrowing the money to cut the taxes.

In 1978, the Senate passed a 5-year tax cut plan I offered, along with Senator Bellmon from Oklahoma and Senator CHILES from Florida, that called for tax reductions but only after spending cuts. That approach was dropped in conference with the House of Representatives. I think we must return to that approach if we are to reduce taxes in a rational way that does not cause complete havoc in the financial markets as we are now experiencing.

In the past our economic and industrial future was vested in the major corporations. It is clear that we can no longer continue that reliance but must refocus our attention on the small businesses that have indeed helped make this Nation great.

But in the past 2 years, thousands of our country's growth and productivity-oriented companies are being gobbled up. I am extremely concerned that the merger policies of the antitrust enforcement agencies has helped spawn that "merger mania."

I have heard firsthand the testimony of our top antitrust officials. I have read it and I have heard it in committee and, frankly, I can readily understand why the small business community is expressing great concern.

During the next several weeks the Department of Justice will be preparing its announced revisions to the 1968 merger guidelines. I hope that the Senate Small Business Committee will have another opportunity to review the status of the enforcement of those antitrust laws so critical to the small business sector.

Mr. President, small business is unique in another context. It provides the single best source for minorities and women both as entrepreneurs and as employees.

According to the most recent Bureau of Census survey of minority-owned business in 1977, there were over 560,000 minority-owned firms, with combined total gross receipts in excess of $26 billion.

Similarly, the most recent survey of women business owners identified over 700,000 women-owned businesses, with combined receipts of over $42 billion. Most impressive, I think is the 30-percent increase in the number of women-owned businesses, and a very large 72-percent increase in business receipts.

Yet, while the economic hardships strike at these businesses, like all other small businesses, their unique characteristics and special problems often appear to affect their businesses much more severely.

It would be unrealistic to expect that fine-tunings in the economy, or even the beginnings of a recovery would translate into a significant short-term turnaround in the chances for success for these small businesses. We should not hesitate to reach out, with special recognition and assistance, if need be, to join in aiding their chances for survival.

Finally, Mr. President, in 1953 Congress recognized the contributions of the small business community, and established the Small Business Administration. The often repeated policy of the Congress is that the Small Business Administration shall "aid, counsel and assist, in so far as possible, the interest of small business." We in the Senate Small Business Committee have tried to be diligent in our oversight responsibilities to insure that the agency is meeting its statutory mandate, and carrying out the congressionally established programs.

Those programs fall into two major types—operational, such as lending or the management assistance programs go well as advocacy.

In the direct Government to small business programs, we have sought to the greatest extent to rely on the private sector or on a joint partnership. To a large extent, we have been successful, and I would expect that we will continue with this philosophy.

But in the intragovernmental functions, we must expect a better re-

sponse from our small business proponents, and demand greater receptivity from the executive branch.

Mr. President, Small Business Week should be used to call attention to the outstanding contributions that small business makes to every aspect of our daily lives. It is also a time for those of us who are advocates of a healthy small business sector to point areas where we need to pay particular attention to insure that the small business community can continue to flourish.

I hope that my statement today, as well as other statements by other Senators today and all week, will serve as the basis for future action for this important sector. In my view, America must have a vigorous and a healthy small business community.

Mr. President, if I have any time left, I yield back that time.

The PRESIDING OFFICER. The time of the Senator has expired.

Under the previous order, the Senator from Kentucky, Mr. Ford, is recognized for not to exceed 15 minutes.

Mr. NUNN. 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. ROBERT C. BYRD. 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. ROBERT C. BYRD. Mr. President, I believe I have some time reserved.

The PRESIDING OFFICER. The minority leader is correct.

Mr. ROBERT C. BYRD. I thank the Chair.

## SMALL BUSINESS, HIGH INTEREST RATES, AND THE DEEPENING RECESSION

Mr. ROBERT C. BYRD. Mr. President, small business has long been the backbone of the American economy. Its local focus and decentralized nature extend the Jeffersonian ideal of small, independent farmers into the urban era. More than all the speeches about local autonomy, small businesses provide a source of independent economic and political muscle for the majority of our citizens.

Unfortunately, as most Americans are reawakening to the vital role small business plays in our democracy and in our economy, the existence of many small businesses are threatened by the continued assaults of high interest rates and slack consumer demand.

In all previous recessions, interest rates began to fall sharply by the 6th month of the downturn. But in our current recession, which has now entered its 10th full month, real interest rates remain at record levels. Certainly the prime rate has edged down since its 20.5 percent peak last July, but most small businesses pay at least 2 to 3 points above the prime for their borrowings.

That means small businesses are borrowing at 18.5 to 19.5 percent, while inflation for the last 3 months has been running at a scant 1 percent. In other words, small businesses are paying an average of 17.5 to 18.5 percent real interest on their loans. No business, least of all our smaller businesses, can afford to stay open with interest rates at that level.

In fact, the continued surge of bankruptcies indicates that many small businesses are simply shutting their doors forever in the face of the prolonged recession and record real interest rates.

These interest rate levels are not a historical accident. They are not out of our control, but they will not come down until there is a change in the deficit and monetary policies of this administration. With triple-digit deficits forecast for the foreseeable future, and a continued stranglehold on the money supply, this administration is driving the small borrower out of the money markets in favor of the Government and major corporations that can afford whatever interest rate is demanded.

Just last week, an organization of leading commercial bankers, central bankers, and Government officials, called the Group of 30, issued a unanimous statement calling on the United States to, ". . . in particular, avoid an unbalanced mix of monetary and fiscal policies." Among the signers of that statement were Federal Reserve Board member Henry Wallich and president of the New York Fed, Anthony Solomon.

The other horn of small business' dilemma is the continued lack of consumer demand. Even if interest rates were affordable, no business can continue unless its products begin to sell, and although we have heard repeated administration predictions of incipient economic recovery, there are still no signs that recovery has arrived.

Indeed, last Friday was a particularly bad day for economic omens as unemployment reached a 41-year record of 9.4 percent, and the Conference Board released its consumer confidence index for April, which showed a further drop in confidence and a steep fall in buying plans for American consumers.

Obviously, if Americans are not planning to buy new goods and services, the hope of an economic recovery cannot be realized. The Conference Board survey says that the buying plans index, which asks consumers about planned purchases of cars, homes, and appliances during the next 6 months, fell from 94.8 percent in March to just 67.7 percent in April. This is a 28 percent drop in consumer buying plans in just 1 month.

In the face of record real interest rates, record unemployment rates and a 28 percent drop in spring plans by consumers, what good news is there for small business on the first day of Small Business Week?

The good news is that this administration, and the Congress know that no progress against high interest rates can be made until the high deficits and tight money policies of this administration are reversed. Congress, in both the Senate and the House, is moving toward a budget resolution with much lower deficits, and with congressional resolutions for the Federal Reserve Board to moderate its monetary policies in light of smaller future deficits.

## JOBS AND SMALL BUSINESS

● Mr. MELCHER. Mr. President, small business is critical to our Nation in a multitude of ways. In times of economic distress such as we are facing now, however, no role for small business is more important than its role as an employer. New and existing small businesses have provided an astonishing 86.7 percent of the Nation's new jobs in recent years.

However, even more recently, that job creation potential has been severely hamstrung by the state of our national economy. Rapidly increasing bankruptcy rates, continuing excessive interest rates, and massive unemployment rates are all undermining the role of small business as employer.

The report of the White House Conference on Small Business in 1980 clearly stated that "to achieve a healthy level of employment for Americans in the 1980's, 11 million new jobs will have to come from small business." Further, small business is frequently the employer of first resort. It is often the provider of on-the-job training in basic job skills to the first-time employee. This means that many of the sectors of our labor force that are particularly hard-pressed, like youths, minorities, and women are normally likely to find their best opportunities with small business.

Without a healthy small business climate, however, those opportunities disappear. Indeed, that is happening right now. The January 1982 NFIB Quarterly Economic Report for Small Business produced by the National Federation of Independent Business offers a grim picture for small business employment.

According to the report, "there was virtually nothing positive that occurred in the small business economy during the fourth quarter. The loss in employment (seasonally adjusted) was

far and away the sharpest quarterly decrease ever reported in the survey."

This particular quarterly survey, which was originated in late 1973, goes on to state that "the employment losses reported by small business for the fourth quarter were little short of staggering. On a seasonally adjusted basis, losses were over 50 percent higher than those recorded in the second quarter of 1980."

The implications of this current picture of small business employment are tremendous. One must consider that not only is small business the hirer of first resort, but also it is the firer of last resort. Small businesses tend to do all they can to retain employees. Frequently, there are close personal relationships between management and labor in a small business concern. When small businesses are faced with a serious economic crisis they will look at trimming back employment as a last step necessity, not the first step beginning point.

It costs the Federal Treasury about $25 billion for every increase of 1 percent in unemployment. The Government suffers a double loss because it must increase the payment of benefits at the same time it loses tax revenue. Keeping people on private payrolls and getting the unemployed back to work is essential to our fight to reduce Federal budget deficits, and thus improve the economy generally.

But if we are to have a small business sector of the economy capable of generating the jobs that we must have, we must have a national policy that fosters the formation and growth of small businesses. Unfortunately, we do not.

The Economic Recovery Tax Act of 1981 is the principal feature of the current administration's business policy. And it does do a lot for business—big business. A Library of Congress study shows that small business receives only 17.8 percent of the business tax cuts in ERTA. Furthermore, the same study suggests that the small business share of tax cuts from all provisions will actually decline over the next 4 years.

Small business people in Montana tell me that they are fighting for their lives. Yet giant corporations like Du Pont do not seem to have any trouble acquiring lines of credit worth billions of dollars in order to take over other companies at the same time that small businesses cannot get enough credit to survive.

The concept of antitrust also seems to have gone out the window. Business Week quotes a Washington antitrust lawyer as saying, "Businessmen assume—with some justification—that what was once off limits is now permissible." Last year the Justice Department received 260 more merger notifications than they had the year before—a 32-percent increase. Yet, the whole concept behind antitrust is to help preserve fair competition. The Robinson-Patman Act, often called the Magna Charta of small business, is particularly designed to protect small businesses from unfair price discrimination. The assistant attorney in charge of antitrust at different times has called the Robinson-Patman Act: "an unjustified protection for small business from the rigors of competition" and "a dreadful piece of legislation" and "full of absurdities." That would not seem to be the most helpful attitude in these difficult times.

The Small Business Administration is the most visible agency directly responsible for providing Federal assistance to the small business community. I am sure that there are many small business people who feel that "SBA isn't always what we would like it to be, but it's all we've got." They may not have it much longer.

Last year the administration raised the interest charge on SBA direct loans from 9¼ to 15¼ percent. But that doesn't really matter because next year their proposals virtually eliminate all the SBA direct loan programs anyway. One would expect that if you were killing direct loan programs, you might want to increase guaranteed loans to take up the slack. But that's not the case either. In fact, guaranteed loans are also being reduced.

The Attorney General tells us that "bigness is not necessarily badness." I am sure that in many cases he is absolutely right. However, I also happen to believe that "bigness is not necessarily better." The report of the White House Conference on Small Business was correct when it said, "if we are to achieve anything approaching a healthy level of employment for Americans in the 1980's, the leverage for public policy lies in spurring entrepreneurship and existing small companies." That is the national small business policy we need.

The 96th Congress, the last one controlled by Democrats in both the House and Senate, probably saw more important small business bills passed than any other Congress in recent memory. A few of the more important new laws include: Equal access to justice, which provides for the payment of legal fees of small firms that successfully challenge unfair Federal regulations; regulatory flexibility, which requires Federal regulators to attempt setting more reasonable standards for small businesses; paperwork reduction, which requires Federal paperwork to be reduced by 25 percent within 3 years; small business export expansion, which strengthens export assistance for small businesses interested in getting into overseas markets; small business investment incentives, which makes it easier for small business to attract venture capital; and patent trademark amendments, which permits small firms to retain title to discoveries made in the course of work on Government funded contracts.

The Senate has successfully completed action on several important measures this Congress. The Small Business Innovation Act will allocate a larger share of Federal research and development dollars to small business. The Prompt Payment Act will require the Federal Government to pay an interest penalty when it fails to pay its bills on time. The Regulatory Reform Act requires bureaucracies to assess the need for their proposed regulations and to defend their necessity if challenged in court while also giving Congress a veto authority to turn aside unwise and unneeded regulations.

All of these are important steps in strengthening the position of small business in our Nation. But more needs to be done. A national policy that will truly lead to a healthy, vigorous, and competitive small business economy must be shaped with the active participation of the small business community itself.

Currently, small business viewpoints are not actively solicited on any kind of regular basis in the policymaking process of the Federal Government. Policymaking units too frequently do not even recognize that small business forms a distinct economic structure within our larger national economy. The equation that what is good for all business is good for small business simply will not work any more.

To help involve small business in our work, I have appointed five regional advisory task forces on small business in Montana. Over 80 persons representing the diversity of Montana small business serve on these task forces. Since the first of the year, I have had seven meetings of these task forces. I will have more.

The feedback from these groups has been uniformly positive and useful. For example, Russ Clark of Billings, Mont., says:

> We can't have a country of just big business. Now, I may be one of those small businesses who survive the hard times, but that's not what I want. I want competition. The consumer needs to have more than one place to buy a product—if he didn't have, can you imagine what would happen to prices?

I am sure that it will come as no surprise that the message I most often hear from this advisory group and from other small business people I talk with in Montana is that interest rates are simply too high. This, of course, is a particularly devastating problem for small businesses. They seldom are in a position to meet their capital needs by floating a sale of corporate bonds. Their working capital is acquired by short-term, bank-financed

debt. That is precisely where high interest rates are felt the sharpest.

In my January report to Montana small business, I indicated my concern over the effects of the Fed's tight money policies. At that time I said:

> It's a simple fact that budget cuts and tax cuts are only two of the three things that, like the three legs of a stool, are needed to support a strong economy. Without the vital third "leg"—an adequate supply of long-term, stable, and reasonably priced credit—there can be no economic recovery and growth.

Now, nearly a half year later, there is still no change in the administration's tight money policies. This situation clearly demands the same level of commitment, creativity, and political push that went into last year's budget and tax cut efforts. Unfortunately, the administration does not seem as prepared or as willing to reduce deficits as they were prepared and willing to lay the groundwork to create deficits last year.

In his March 1982 report on the state of small business, the President said:

> The success of the American economy is critically dependent upon preservation of real opportunity for small business. Historically, small business has provided much of the growth in jobs and innovation as well as being the supplier of services and deliverer of goods to virtually every farm, village, town and city in our nation.

He is right. At the same time, Dun & Bradstreet tells us that business failures in the first 8 weeks of 1982 were running 55 percent ahead of the comparable period in 1981, and 2½ times the comparable period in 1980. If the 1982 levels continue, the failure rate will exceed the levels of the 1930's.

Small business is clearly the backbone of our national economy. In Montana, nearly 98 percent of all private business establishments employ fewer than 50 people. And since 1970, more than 60 percent of all new jobs in Montana's private sector have been created by businesses employing fewer than 10 individuals.

Yet for all the importance that small business contributes to our national economy, it continues to get the short end of the stick. Small Business Week is an appropriate recognition of the importance of small business. But what small business needs is not a week of flowery speeches and nice ceremonies but a genuine policy that incorporates small business into the decisionmaking process and genuinely gives small business the clout it deserves. Surely the job creator, innovator, melting pot, exporter, competition provider, and risk taker of America is entitled to no less.●

## NATIONAL SMALL BUSINESS WEEK

(By request of Mr. ROBERT C. BYRD, the following statement was ordered to be printed in the RECORD:)

● Mr. ZORINSKY. Mr. President, as a small businessman myself for 23 years, I am more than happy to join with my colleagues in pausing to recognize the tremendous contributions of small business and small business people to our Nation. I only wish National Small Business Week would find the economic health of the small business community in better shape than it is today.

This country owes a great debt to its small business men and women. Perhaps no other group has done so much to make us prosper—or is so uniquely American.

Today, our 14.7 million small businesses employ 47 percent of the nongovernment labor force and produce 38 percent of our gross national product.

Two out of three new jobs in this country are created by small business and small businesses produce twice as many innovations per employee as do larger firms.

And small business has played a key role in providing economic opportunities for minorities and women. Today, minority-owned firms account for 5.7 percent of all small businesses while women-owned firms account for another 7.1 percent. Both categories increased 30 percent in the 5-year period ending in 1977.

Unfortunately, the current recession has taken its toll on this important segment of our society. It is a regrettable fact of economic life that when the national economy sneezes, small businesses catch pneumonia. And we don't have to look far to find symptoms of pneumonia in the small business community today.

Between 1980 and 1981, business bankruptcies increased 32 percent in this country and business failures increased 42 percent. Hardest hit were the construction field, with a 49-percent increase in failures, and service businesses, with a 47-percent increase.

Nor did things improve any in the early months of this year. Through March 25, 1982, business failures totaled 5,257, compared to 3,460 a year earlier. That represents an increase of almost 52 percent and it works out to an average of almost 500 businesses failing each week. Clearly, something has to be done to reverse this disturbing trend.

The 1981 tax cut bill included several provisions designed specifically to benefit small business. But high interest rates have choked off the increased investments that were to spearhead these gains.

Today's soaring interest rates are particularly threatening to small businesses, since many depend on borrowed money to finance growth. For this reason, I have long advocated putting someone with a small business background on the Federal Reserve System's Board of Governors—and I have cosponsored legislation that would do just this.

Finally, Mr. President, no discussion of the state of small business today would be complete without mention of the tremendous burden imposed on the small business community by excessive Federal regulation and paperwork. It is a problem on which I can speak from personal experience.

Most Federal regulations dictate the same compliance requirements on small businesses as they do on large corporations. But the small business man or woman cannot afford an army of lawyers to help him through this regulatory minefield. As a result, the small business person is put at a tremendous competitive disadvantage compared to larger firms.

Recent efforts of the administration to cut back on the number of regulations spewing forth from Washington are commendable. But more, much more, needs to be done.

Mr. President, in his foreword to the 1983 State of Small Business report, Ronald Reagan noted that "small business is the heart and soul of the free enterprise system." I heartily agree with that sentiment. The importance of small business to our economy and the entire fabric of our national life cannot be overstated.

During this National Small Business Week, let us rededicate ourselves to solving the problems that face small business today. Let us pledge to reduce the regulatory burden, to bring down investment stifling interest rates, and to end the recession that is crippling our economy.

Small business is not, and never has been, a small matter in America. Operating or working in small business is a good way to make a living—and a good way to help make the country strong, free and prosperous. We must do everything in our power to keep it that way.●

## SMALL BUSINESS WEEK

● Mr. HUDDLESTON. Mr. President, I am proud to have been an original cosponsor of the resolution which resulted in designating May 9-16 as "National Small Business Week." As a nation, we owe a tremendous debt of gratitude to the thousands of small businesses which play such a vital role in our economy. The contribution of small business to the U.S. economy in terms of new jobs created, initiation of innovative new products and services, and opportunities provided for anyone who is willing to work hard is astounding. In recent times, small business has created over 85 percent of our new

jobs and contributed to more that half of our major innovations.

Small business has proven that it can make these contributions because it is able to respond very quickly to changing patterns in our economy. However, just as it is quick to respond, it is usually the first to be seriously hurt by downturns in the economy. The serious recession we have been in for months has made this all too clear.

The recent economic reports which bombard us every day through the news media are the worst this Nation has seen since the Great Depression. In every sector of the economy, the news is the same—workers and businesses in increasing numbers are falling victim to hard times. Unemployment has reached the highest level in 41 years, and if the current trend in business bankruptcies continues for the remainder of 1982, we will experience the highest number of business failures since 1932.

While these cold statistics are sobering in and of themselves, the human misery and suffering which is generated by these rising numbers is appalling. For an unemployed worker, it means the loss of the dignity and pride which goes with performing a needed job and the heartbreak of watching his or her family go without necessities. For the bankrupt business person, it means seeing the business he or she spent his or her life building sink into a sea of rising debt. For the Nation as a whole, it means lost economic opportunity which will be extremely costly to recoup.

In April, Dun & Bradstreet announced that there were 6,205 business failures during the first 14 weeks of 1982. This represented an increase of more than 55 percent over business failures during the same period in 1981. These failures now stand at a 21-year high and are certain to continue. Even if the recession were to end today, the debt burden carried by many businesses is so great that it will eventually bring them to their knees.

The vast majority of these business bankruptcies are small businesses. For example, the Small Business Administration reports that in the construction industry the failure rate is up by 49 percent and in retailing, it is up 41 percent. These statistics are made much more real to me each time I return to my State and see the increasing number of vacant store and office fronts.

Because most of these failures are in the small business sector, the net effect on the national economy is exacerbated. This is because small businesses are generating more than half of the new product and service innovations and most of the new jobs.

The increasing number of failures in the small business sector will have serious long-range implications for the growth potential of our whole economy. The failure to respond to the needs of small businesses now will be a decision that we will have to pay for years down the road.

The primary reason for this rising wave of business failures is no mystery; it is simply excessively high interest rates. Small businesses cannot afford to borrow money at today's rates and without an affordable line of credit, they go belly up. On the other hand, those that can afford the high rates are experiencing decreasing demand as a result of the deepening recession—driven mainly by high interest rates—and they too are going belly up. One way or another, the high rates are ambushing small businesses and cutting them down in increasing numbers.

Since the primary reason for the economic disaster which is now befalling our Nation is well known, one would assume that there would be an all-out effort made to bring these rates down immediately. Surprisingly, this is not the case. Instead, we have an administration that seems to be totally unaware of the hardship and suffering which is caused by its trickledown economic policy.

The small business person who is going bankrupt today is told by the President not to worry because the economy is bound to turn up sometime in the future. This is tantamount to a fire chief telling the victims trapped in a burning building not to worry because it is bound to rain sometime.

I believe that a much more realistic policy would be to save as many businesses as we can now, so as to accelerate the economic turnaround when it does come and lessen the overall damage.

The sky-high interest rates are a product of two factors. First, the Federal Reserve has been pursuing a very tight monetary policy and second, high Federal deficits are putting too much pressure on the money markets. This administration has failed to respond adequately to either problem. No pressure has been put on the Federal Reserve to loosen its monetary policy, even though repeated efforts have been made in Congress to require this. Fortunately, some Members of Congress have not given up on this idea. Some House Members have announced that they will push to include in the upcoming budget resolution a requirement that the Fed undertake less restrictive targets for money growth.

This administration has also failed to respond adequately to the crushing burden of the Federal deficit. The first complete fiscal year under this administration will produce a record deficit, and the fiscal year 1983 budget which this administration submitted to Congress would have produced an astounding deficit of $182 billion next year.

Fortunately, every member of the Senate Budget Committee, including those of the President's own party, recognized the absurdity of this budget and voted to defeat it. However, because of the administration's failure to compromise on key issues such as defense spending and the monumental tax increase pushed through Congress last year, the state of the budget and ultimately the economy is still uncertain.

This administration's failure to meet the desperate needs of small business stems from a basic insensitivity to the small business sector. Because it is insensitive to their problems, it does not feel compelled to take the steps which are necessary for their continued health and well-being.

This insensitivity is illustrated by the recent annual report on small business issued by the President. The Small Business Economic Policy Act of 1980 requires the President to issue a report on the state of small business and to recommend a program for improving it. While the recent report documented the vital role played by small business in the U.S. economy and recognized that small business has unique problems, the report offered very little in the way of solutions to these unique problems. The insensitivity of this report from the standpoint of overcoming the special problems of small business is glaring.

As the ranking Democrat on the Senate Agriculture, Nutrition, and Forestry Committee, I have a particular interest in the farm sector of our economy.

The typical U.S. family farm is a small business. Even though family farming may require a large investment in land and equipment, it is usually an investment made by the farm family; and, in most cases, members of the family are the only employees of the business.

However, the number of family farms in this country has been on the decline for decades, while the size of the average farm has steadily increased.

As the structure of U.S. farming has evolved, it has become more and more difficult for the small-businessman farmer—the family farmer—to stay in operation. Also, modern-day commercial farming on larger tracts requires substantial outlays for machinery, equipment, fertilizer, pesticides, and other technologically advanced tools.

Also, as we all know, the price of agricultural land has skyrocketed.

The growth in capital requirements has created serious financing problems for many beginning farmers. It has become increasingly difficult for younger farmers to acquire capital to purchase farm assets, buy out the other heirs involved, or pay the estate taxes on farms.

But, beginning farmers and other farmers with substantial capital needs are not the only producers struggling to make their businesses successful. U.S. agriculture, in general, is suffering from a depressed economy that affects almost all family farmers, and the situation has been getting worse each year for the last several years.

In 1980, total real farm income, adjusted for inflation, dipped below $10 billion for the first time since the early 1930's. In 1981, increased costs of production (including interest charges), weak commodity prices, and failure to achieve big increases in agricultural exports resulted in a second consecutive year of extraordinarily low farm income.

Barring major modifications of current agricultural policy, real farm income in 1982 is expected to be even lower than it was in 1980 or 1981. Without action, if present projections prove to be accurate, farmers will experience, in 1982, the lowest real farm income since the Department of Agriculture began making such estimates in the early part of this century.

The last time farmers experienced 3 consecutive years of such low income was in the midst of the Great Depression, when thousands of farmers with small business operations were forced out of business. Just as it was in the 1930's, many farmers today are confronting the prospect of liquidation either because they cannot pay their bills, or because they simply cannot continue to operate at a loss.

As agriculture falters, related industries, such as the farm machinery industry, and small businesses in rural communities are being adversely affected. A recent survey of American Bankers Association member banks concluded that local rural economies have been broadly affected by low farm income, and that there is a recession in rural areas directly related to the farm income problem.

Also, because modern agriculture is highly capital intensive, all farmers are being devastated by high interest rates and the inability to obtain operating credit. It is abundantly clear that, in addition to the emergency created by plummeting farm income, a financial emergency exists for the many farmers in need of credit.

For the first time ever, the Farm Credit System and the Farmers Home Administration have found it necessary to monitor the number of foreclosures. Each foreclosure represents a failure. In some cases, the failure is on the part of the farmer because of imprudent expansion or poor management. However, in many cases, Government policy is to blame for the failure.

I believe actions can be taken to correct the failure of present policies to help America's small businessmen-farmers.

During the last few months, I have offered several proposals that would modify present policy. Under existing law, the President and the Secretary of Agriculture have the programs and authority necessary to avert future huge farm surpluses, depressed prices, and massive foreclosures.

Specifically, I urge the President and the Secretary to take the following actions—

First. The President should work with, and encourage, the Federal Reserve Board to adjust its monetary policy so as to reduce the rate of interest farmers must pay to obtain credit for necessary production items;

Second. The President and Secretary of Agriculture, using the broad authorities vested in them by Congress, should take emergency action to stabilize commodity prices received by farmers and provide credit assistance to farmers, including the following actions—

A voluntary paid-land diversion program for producers of wheat, feedgrains, upland cotton, and rice;

Increased price support loan rates for wheat, feedgrains, and rice;

The implementation of an aggressive agricultural export development program;

With respect to farmers who, through no fault of their own, are temporarily unable to meet their debt obligations on Farmers Home Administration farm loans—permitting them to defer making repayments on the loans; forgoing loan foreclosures, whenever possible; and permitting borrowers to reamortize or reschedule their loans; and

The immediate nationwide implementation of the Farmers Home Administration economic emergency loan program; and

Third, the President, in nominating persons for positions on the Federal Reserve Board, should insure that agricultural and small business interests are provided fair representation on the Board.

Timing is essential if any action is to be of assistance to farmers. Immediate relief is needed to forestall foreclosures and forced liquidations. For that reason, the administration should consider the farm situation as an emergency and act quickly and decisively.

The recommendations that I have provided are a fiscally sound means of providing the assistance farmers need. I strongly urge the administration to see that they are implemented immediately.

Mr. President, as we begin this week of recognition of small business, I believe that Members of Congress should assure the small business community that their unique and special problems will be dealt with speedily and constructively. If small businesses are more sensitive to downturns in the business cycle, we should find ways to counteract that sensitivity; if small business has a handicap in the capital markets, we must overcome that handicap, and if high interest rates are more devastating to small companies, we must provide special assistance when necessary.

As a member of the Senate Small Business Committee and the Agriculture, Nutrition, and Forestry Committee, I plan to make these goals a priority and I urge my colleagues to do the same.●

## ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I yield whatever remaining time I have to the distinguished Senator from North Carolina.

Mr. HELMS. I thank the able minority leader.

## GOOD ADVICE ABOUT CENTRAL AMERICA FROM ONE WHO KNOWS

Mr. HELMS. Mr. President, it is an understatement to suggest that the major U.S. news media have not accurately conveyed the facts about the military conflicts in Central America. The overall strategy and the violent determination of the Communists is rarely reported to the American people. Rarer still is such a report by someone with personal experience of Communist aggression.

But in the April 12, edition of the Charlotte (N.C.) News, there was precisely such a report, written by Robert Suarez, a native of Cuba who now lives with his family in Charlotte. Mr. Suarez is general manager of both the Charlotte Observer and the Charlotte News in my State. His article was entitled "True believers: What we haven't learned is that Central American Marxists want to do what they say," and it provides an excellent example of what American journalism could and should be.

Mr. President, among other things, Mr. Suarez points out the dangers of disinformation existing in the American media. He says:

> There is a lack of understanding among Americans on what's going on in Central America. There is a lot of misinformation. There is lack of knowledge about the issues, and most important, there is a propaganda campaign going on in this country today in favor of Central American revolution that could have serious consequences in future years to the security of our citizens and to peace in the hemisphere . . . The media should be more careful and avoid being used.

Mr. Suarez goes on to detail the history of the Communists in Cuba and to describe how the Castro threats have become reality in Central America. He issues a warning to U.S. policymakers not to misjudge the nature of the danger but instead to inform the

American people about it. This warning comes from a man who himself was imprisoned by the Batista government in Cuba for acting as treasurer of the revolutionary movement in Havana and who went on to be, after Castro took power, chairman of the board of Financiera Nacional de Cuba, a financial institution associated with the Central Bank of Cuba. For exposing Castro's fraudulant dealings, Castro later forced Mr. Suarez to flee Cuba.

Mr. President, I ask unanimous consent that two articles from the Charlotte News of April 12, 1982, entitled "True believers: What we haven't learned is that Central American Marxists want to do what they say" and "Roberto Suarez: Businessman who supported Cuban revolution finally had to flee homeland for his life," be printed in the RECORD.

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

[From the Charlotte News, Apr. 12, 1982]

TRUE BELIEVERS: WHAT WE HAVEN'T LEARNED IS THAT CENTRAL AMERICAN MARXISTS WANT TO DO WHAT THEY SAY

(By Robert Suarez)

The revolution in Central America, as experienced now in El Salvador, could have serious consequences in future years to the security of our nation and to peace in this hemisphere. To understand the seriousness of the situation and how it can affect us, it is necessary to look at it from a historial perspective.

After the Cuban revolution, Fidel Castro said, "We will make the Andes the Sierra Maestra of America . . . and all the immense territories that make up this continent will become the scene of a life-and-death struggle against the power of imperialism." The Andes are mountains running up and down through South America, while the Sierra Maestra are the Cuban mountains where Castro organized his guerrilla war.

Che Guevara, the ideological mastermind behind Castro, added:

"Just as the beginning of the struggle in one part of a country is bound to develop through its area, the beginning of a revolutionary war contributes to the development of new conditions in the neighboring countries.

"We have predicted that the war will be continental. This means it will be protracted; it will have many fronts, and will cost much in blood and countless lives over a period. The eruption of the struggle in America has actually begun."

Those words were spoken in 1963.

In April 1967, the organization of the solidarity of the peoples of Africa, Asia, and Latin America called the Tricontinental, published the following from a Guevara speech:

"Within the frame of this struggle of continental scale, the battles which are now taking place are only episodes—they shall figure in the history of our America as having given their necessary blood in this last stage of the fight for the total freedom of man."

From the same source, it continues, "America, a forgotten continent in the last liberation struggles, is now beginning to make itself heard through the Tricontinental and, in the voice of the vanguard of its peoples, the Cuban revolution, will today have a task of much greater relevance: creating a second or third Vietnam, or the second or third Vietnam of the world."

And later on, "And let us develop a true proletarian internationalism: with international proletarian armies." And the last paragraph: "Our every action is a battle cry against imperialism, and a battle hymn for the people's unity against the great enemy of mankind: the United States of America."

Another document called "The Second Declaration of Havana," says, "We have asserted that it is a means of struggle to achieve an end . . . so that popular forces eventually take power and establish a proletarian dictatorship."

In "Guerrilla Warfare," a book of instruction on how to conduct the war, Mr. Guevara wrote, "The guerrilla fighter will be a sort of guardian angel who has fallen into the zone, helping the poor always and bothering the rich as little as possible in the first phases of the war.

"But this war will continue on its course; contradictions will continuously become sharper; the moment will arrive when many of those who regarded the revolution with a certain sympathy at the outset will place themselves in a position diametrically opposed."

The above text is not an expression of wishful thinking by lunatics, but an expression of the Marxist movement in Latin America directed from Havana, and every word can be documented because it has been published and I didn't have to go farther than Charlotte's public library on Tryon Street to get the information.

What is happening in Central America? As soon as Mr. Castro consolidated his power, he and his associates began planning and directing the spread of the Marxist revolution. There is no better source than Mr. Castro's and Mr. Guevara's own words. And Fidel Castro has time and time again done what he set out to do.

Those who think that Salvador is just an internal problem and that we should not try to stabilize the situation, and that the whole operation is not directed from Havana, are committing a great disservice to the future peace of our nation and our continent.

The situation in Central America is very serious. In June 1979, I wrote a story on the war in Nicaragua. I predicted that the guerrillas would establish a Marxist government, and they did. I also predicted that the next front would be El Salvador. And it is. Next will be Guatemala followed by Honduras and then Costa Rica, in that order. It is the same story, a carbon copy of Cuba, over and over again. And we seem to keep missing the point.

There is a lack of understanding among Americans on what's going on in Central America. There is a lot of misinformation. There is a lack of knowledge about the issues, and most important, there is a propaganda campaign going on in this country today in favor of Central American revolution that could have serious consequences in future years to the security of our citizens and to peace in the hemisphere.

I particularly blame the U.S. government for allowing the guerrillas to take and maintain the initiative in this propaganda campaign. The government should be explaining to the people what's going on there and what it all means to our country. The media should be more careful and avoid being used. These people are very sophisticated in using the media for their propaganda purposes. Other people, with very good intentions, are also being used.

Recently I attended a meeting at my own church where a Maryknoll sister made a presentation on Salvador. She showed a slick movie depicting how bad the government was, very dramatic pictures of the slain American nuns—in essence, a lot of impact to bring to our attention that because government officials are the bad guys, we should not have any dealings with them.

Later on she talked about her personal experiences working with the poor in Salvador. She mentioned how they had gone into the country establishing Christian communities among poor peasants.

She spoke of how repression against them had taken place, how several priests had been killed, and so on and so forth. I asked her twice how she, as a Catholic sister, could reconcile her activities in favor of a Marxist revolution and didn't get a straight answer. She did mention the following which I am sure you will find revealing:

The leader of the largest guerrilla group is a Marxist. Other groups are not led by Marxists.

The solution to the Salvadoran problems, as she called it, is "the arms solution."

Eighty percent of the killing is done by the government forces and 20 percent by the guerrillas but the guerrillas killings have a purpose—which I understand to mean that they are not indiscriminate and they are justified.

The "Church" will have a great deal of involvement in any government resulting from the victory of guerrilla forces.

What the people want is freedom.

She is making speeches and showing films all over. In this part of North Carolina I know she has been in Greensboro, Asheville, Belmont, and other parts of the Charlotte Catholic diocese. I don't know how many other Catholic nuns or priests are doing the same thing, but I am sure they are having an impact because much of what she is saying is the same as the propaganda campaign in favor of the revolution and the misinformation on the aims of the revolution.

In essence, it goes something like this:

There are no human rights in El Salvador, as the government is guilty of crimes.

The people want freedoms and the only way to obtain them is through armed struggle.

The U.S. should not give aid to the Salvadoran government because that aid is used to oppress the people.

There is no proof that Cuba, Nicaragua and other communist countries are helping the guerrillas.

Those who think that after the revolution takes power they will have a part in the government, like the clergy or any other group, are being naive. They do not have a sense of history and don't realize that they are being used.

I know, because I was one of them. But it's very difficult to convince them. Unfortunately, they'll experience it on their own.

I believe it is imperative that people in this country understand the problem and understand the Marxist philosophy and goals, so that we as a nation can support our government in whatever actions are necessary to avoid a Marxist Latin America.

As to the question of "proof" of Cuban, Nicaraguan, and other intervention in El Salvador, you might have read during the week of March 15 a report on $1 million

worth of arms and ammunition captured in a warehouse in Costa Rica.

Enough arms were captured to completely equip 100 men. All those people captured during the raid were of different nationalities. A story written by Stephen S. Rosenfeld, a member of The Washington Post editorial staff, addresses that question. The Washington Post is one of those newspapers that has generally been sympathetic to the guerrillas. Following are key paragraphs:

"But I will report that five days in Managua have left me convinced that the Sandinistas have a profound commitment to spreading revolution—to be true to themselves, to sustain their own power, to pay a debt to Fidel Castro or whatever.

"This is not a crowd to lie low a few years and consolidate—the policy common sense dictated when they won power in 1979.

"The 'evidence' that, incredibly, our State Department has been unable to muster lies, unclassified, all over Central America; in the availability of arms and ammunition that allows 5,000 Salvador guerrillas to keep fighting—captures and purchases could not possibly provide it all; in the kinds of guerrilla arms captured by the Salvador army; in the numerous raw reports from the Salvadoran and Honduran armies of transit of supplies by burro, by planes landing on small strips or making drops, by the trucks that carry products cargo through the region, by small boats on both Atlantic and Pacific coasts.

"Of course, the Nicaraguans help their friends—though how much is hard to pin down. Fidel Castro has admitted to foreigners a continuing hand, played through Nicaragua. Privately, the 'Comandantes' in Managua admit it to diplomats. On the record, the foreign minister admitted it to me; all he denied was that there is a 'substantial' flow and that it is authorized."

There is some talk about negotiations and that guerrilla forces are ready to negotiate. I think that all that talk is part of the war of words to influence public opinion in this country.

Looking at the guerrilla warfare manual, the blueprint to take over a country written by Che Guevara, there is no way that a peaceful settlement is possible with the guerrillas.

Under "General Principles of Guerrilla Warfare," Guevara wrote, "The fundamental principle is that no battle, combat, or skirmish is to be fought unless it will be won. . . .

"War is always a struggle in which each contender tries to annihilate the other. Besides using force, they will have recourse to all possible tricks and strategems in order to achieve the goal. . . ."

"Naturally, victory cannot be considered as final until the army that sustained the former regime has been systematically and totally smashed. Further, all the institutions that sheltered the former regime should be wiped out."

That is their goal and their strategy. They have not deviated from this master plan at all. And they are not going to stop until they win—or are destroyed.

As for freedom for the people, there is not a single example in history where freedom exists under Marxist domination. Totalitarian Marxism squelches the basic human rights as a matter of course.

The problem should be of great concern to all of us. To solve a problem, the normal and best approach is to define it. Through the readings of Castro and Guevara, I trust I've shed some perspective on the situation in Central America.

The propaganda campaign carried by some groups sympathetic to the guerrillas is geared to draw our attention to other issues and make us forget what the real issue is: that of the Marxist takeover of Latin America.

No country in Central America can survive the pressures from revolutions inspired, assisted, and directed by close neighbors.

And why be concerned? What is at stake? I firmly believe that what is at stake is the security of our nation.

The example of Cuba, with 10 million population and a 300,000-man army; Nicaragua, with 3 million population, and already in just a year and a half, 50,000 regular army and 200,000 militia. If Central America and Panama fall, we could be faced with over 1 million men under arms, equipment by the Russians with the most modern equipment and led by Fidel Castro. We don't have to be military strategists to understand the danger of our security, or the danger of war on our own soil.

The revolution in Central America could have serious consequences in future years to the security of our nation and to peace in this hemisphere.

Think about it!

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ROBERTO SUAREZ: BUSINESSMAN WHO SUPPORTED CUBAN REVOLUTION FINALLY HAD TO FLEE HOMELAND FOR HIS LIFE

Humberto Sori Marin, politician; Manuel Ray, engineer; Antonio de la Carrera, attorney; and Roberto Suarez, businessman. Twenty-four years ago these men had several things in common. They were Cuban, and even though some of them didn't know each other, they were all in their own way participating in the Cuban revolution that brought Fidel Castro to power. Their common interest, it could be said, was to bring a new way of life to Cuba: to return to a democratic government, to provide freedom and social justices to all people and to bring honesty to end corruption in government.

Humberto Sori Marin became the Minister of Agriculture in the first Revolutionary Cabinet. He authored and instituted the Agrarian Reform, the revolutionary law designed to give those who work the land proprietary interest, build cooperatives, and improve the quality of life of the "campesino." Today, Humberto Sori Marin is dead. While on crutches from wounds received by Mr. Castro's Marxist security forces, he was placed in front of a firing wall and executed.

Manuel Ray was a leader of the underground in the cities, while Castro's guerrillas were in the mountains. He became Minister of Public Works in the first Revolutionary Cabinet. Mr. Ray lives in exile today working in his profession in Puerto Rico. He had to leave Cuba disguised, under an assumed name, aboard a freighter boarded during the dark hours of night, a step ahead of Mr. Castro's security forces.

Antonia de la Carrera, through his law firm, quietly assisted people in the revolutionary movement. He was exiled during Fulgencio Batista's time and returned to Cuba as Secretary to the Presidency, a member of the first Cabinet of the Revolution. Mr. De la Carrera is practicing law in New Jersey today, after being forced to leave Cuba to save his life.

Roberto Suarez was imprisoned by Mr. Batista's secret police while serving as treasurer of the revolutionary movement in Havana. Thanks to the intervention of the Catholic Church, he was released and forced to leave the country early in 1958, returning to Cuba early in 1959 after Mr. Castro took power to be chairman of the board of Financiera Nacional de Cuba, a financial institution associated with the Central Bank of Cuba. I am Roberto Suarez. It soon became evident, through my contacts within the government the fraud committed by Fidel Castro. Many of us, who saw Mr. Castro's treachery, united in an effort to carry out the real aims of the revolution. Because of that, I had to leave Cuba under life-threatening circumstances.

These names and people were picked at random. There are hundreds who believed in a just cause and were purged when the Marxists consolidated their power.

In Cuba, it could be said that we were deceived, since Mr. Castro promised a democratic government, free elections, schools instead of army barracks, and freedom. Today, Central American guerrillas are not hiding their Marxist philosophy, and still so many people are being naive to expect freedom from these revolutionary movements.

In 24 years nothing has changed. When I was exiled in New York City during 1958, we were visiting friendly media people to get them to support the revolution; we were showing films of guerrillas depicting the life in the mountains where schools and hospitals had been established; we were organizing groups in New Jersey and Philadelphia to spread the good word on the revolution; we were visiting liberal congressmen requesting support. In essence, we were doing exactly what is being done right now as part of the propaganda campaign to influence American public opinion.

Nothing has changed. The lesson has not been learned. Today, the guerrillas are more sophisticated with the availability of television. As Hector Orqueli, a Salvadoran guerrilla leader said, "We have to win the war inside the United States." That is what they are doing: They are using people with good intentions like they were using us.

I know, because I was one of them.

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## FROM ABORTION TO INFANTICIDE

Mr. HELMS. Mr. President, once a nation decides that the lives of certain human beings are to be denied the protection of its laws, the lives of all its citizens are imperiled. Once a government assumes the power to declare some human beings not worthy of life, that government has begun a course at the end of which, unless changed, lies the killing of those whom the government finds inconvenient to have around. The government, in such cases, would simply declare that the innocent lives involved are unmeaningful, or disadvantaged, or unloved, or even incapable of full and complete human existence.

In the Chicago Tribune of April 22, columnist Stephen Chapman explored the consequences of choice in light of the recent court-ordered death by starvation of an infant in Bloomington, Ind. It is worth the time of every Senator to read and ponder.

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

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

FROM ABORTION TO INFANTICIDE

(By Stephen Chapman)

After losing in court last week, prosecutors for Monroe County, Indiana, tried to put a good face on things. True, the state supreme court had upheld a couple's refusal to allow surgery on their week-old infant, a victim of Down's syndrome, to repair his deformed esophagus. But, one prosecutor noted, the decision was "narrowly drawn."

It nonetheless led to the child's prompt death from starvation. We may be grateful that the court restrained itself from a broad decision.

The right-to-life movement has long been ridiculed for its contention that a society which tolerates the indiscriminate killing of fetuses must sooner or later come to accept even worse—such as euthanasia for the elderly and terminally ill. It used to be easy to dismiss these analogies as hysterical. But probably not even the most vociferous critic of legalized abortion could have imagined that we would proceed, in nine short years, from allowing abortion to sanctioning infanticide.

The evolution, of course, is a natural one. The difference between a fetus and "Baby Doe"—the parents' name were kept secret to protect the guilty—is one of degree, not of kind. Both are recognizably human; both are incapable of sustaining existence on their own; both are unable to comprehend the world about them.

The "pro-choice" movement seeks to portray us all as recognizably human only on the day we spring forth from the womb, denying any meaningful resemblance between today's infant and yesterday's fetus. But human life is a continuum. It does not begin at birth, or even at the start of the third trimester, Justice Harry Blackmun notwithstanding.

A living, unmistakably human organism exists from the moment the ovum is fertilized. It will not develop into a cat, or a plant, or a cyst—only a person, because it already is a person.

To draw an arbitrary distinction between a fetus and a baby to justify treating them in radically different ways is to invite similar distinctions, and different treatment, among different groups of people—between one-week-olds and one-month-olds, or one-month-olds and one-year-olds. As of last week, such distinctions carry the imprimatur of the Indiana Supreme Court.

The theologian Paul Ramsey once noted that there is no argument for abortion that cannot serve just as well to rationalize infanticide. This case emphatically validates his suspicion. But Ramsey's point was to dramatize the callousness of abortion, not to condone the killing of babies. Unfortunately, the sort of thinking that accommodates abortion cannot easily resist the logic of infanticide.

Presumably Mr. and Mrs. Doe would have aborted their child had they known he would be born deformed and retarded. No proabortionist would have questioned their decision. Why bring a defective child into the world, with no prospect but great financial expense and continual heartache? Preventing the birth of abnormal children is one reason for the growing use of amniocentesis to detect fetal disorders.

No one, least of all the organizations favoring legal abortion, has been heard to defend the Indiana court's decision (though they have not been heard to condemn it, either). But the difference between aborting a defective fetus and allowing an abnormal infant to die of starvation is, to put it charitably, an exceedingly subtle one.

Surely it is unreasonable to expect the parents to endure all the costs imposed by a handicapped child merely because they weren't lucky enough to know in advance. If a defect can't be discovered beforehand, why should the mere technicality of birth condemn parents and child to living with it?

Then there is the "unwanted child" argument: Better to dispose of a child in the womb than to force him on an unwilling and resentful mother and father. "Baby Doe" aptly fits this category. Parents who would choose to let their own flesh and blood die painfully of starvation aren't models for a loving household. If a fetus is better off dead than unwanted, how much more so a newborn infant.

But the most striking thing about this cause is that the court not only allowed the parents to escape the ordinary obligations of producing a child, but also refused to let anyone else assume them. At least ten couples offered to adopt Baby Doe (including one which already has a child with Down's Syndrome). No matter. The court decreed that the right of the parents to let their infant die outweighed any rights the child might possess.

It is a measure of abortion's effect on our thinking that in at least one state it is now permissible to do to a deformed, retarded infant what woud be illegal if done to a dog or a cat. The eagerness of so many couples to adopt Baby Doe offers a vision of what we might be. But the death sentence given him by our duly ordained courts offers a glimpse of what we are becoming.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. KASSEBAUM). Without objection, it is so ordered.

## VITIATION OF ORDERS FOR THE RECOGNITION OF CERTAIN SENATORS

Mr. BAKER. Madam President, I am advised that the following Senators do not require the time allocated to them on special orders: Senators BAUCUS, FORD, ROBERT C. BYRD, and BAKER. I ask unanimous consent that the special orders in favor of those Senators be vitiated.

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

## ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business.

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

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

## RESTRICTING PORNOGRAPHY

Mr. HELMS. Mr. President, in one sense, controlling pornography is somewhat like trying to control the weather: As Mark Twain put it, everybody complains about it but nobody does anything about it. The problem with pornography rests squarely on the doorsteps of the Federal courts which in recent years, have made it clear that they are hostile to traditional laws which seek to curb pornography.

The history of Federal court intrusion into State matters, involving as it does the judicial theory of incorporation of the Bill or Rights against the States through the 14th amendment, is a long and complicated affair. Suffice to say that State legislators who are willing to buck that tide on behalf of public decency have a difficult and sometimes fruitless job. When they undertake such a mission, they should be recognized for doing a public service; when they are successful, they should receive the approbation and gratitude of the public.

I say that, Mr. President, to emphasize that in North Carolina we have had a measure of most encouraging success in this regard. Thanks to the courageous leadership of State Senator I. Beverly Lake, Jr., several North Carolinians have waged a fight against pornography, and thus far they have had a surprising and heartening degree of success.

In early 1977, Senator Lake, a distinguished son of a distinguished father, saw the need to legislate against the growth of pornography in North Carolina. Knowing the problem criminal laws on pornography had encountered in the courts, Senator Lake and others decided that the best approach was a civil abatement procedure. Drafted by Senator Lake and a fine, young citizen, Richard C. Titus, who is a Raleigh attorney and close political ally of Senator Lake, the antipornography bill was introduced in the 1977 North Carolina General Assembly. After clearing some initial hurdles in the Senate Judiciary Committee, the Senate overwhelmingly approved the bill by a vote of 47 to 2. In the House the bill likewise won resounding approval, passing 118 to 1. The battle in the courts began shortly after the law went into effect.

The first decision of an appellate court was *North Carolina ex rel. Andrews* v. *Chateau X, Inc.*, 296 N.C. 251, 250 S.E.2d 603 (1979), in which the

North Carolina Supreme Court upheld the constitutionality of the law. Appeal to the U.S. Supreme Court produced an order vacating the North Carolina Supreme Court judgment and remanding for reconsideration in light of *Vance* v. *Universal Amusement Co., Inc.*, 445 U.S. 308 (1980). *Chateau X, Inc.* v. *North Carolina ex rel. Andrews*, 445 U.S. 947 (1980). On remand the North Carolina Supreme Court again upheld the law as constitutional. *Chateau X, Inc.* v. *North Carolina ex rel. Andrews*, 302 N.C. 321, 275 S.E.2d 443 (1981).

In the Federal courts another battle was being waged over the same statute. The first round resulted in the statute's being declared unconstitutional by a Federal district court. *Fehlhaber* v. *North Carolina*, 445 F. Supp. 130 (E.D. N.C. 1978). The U.S. Court of Appeals for the Fourth Circuit, however, reversed the district court on April 15, 1982, and like the North Carolina Supreme Court, upheld the statute's constitutionality. *Fehlhaber* v. *North Carolina*,—F.2d—(4th Cir. 1982). In that fourth circuit opinion Judge Haynesworth aptly said:

> This is another skirmish in the battle of the purveyors of hard core pornography, seeking the protection of the precious values of the First Amendment, and legislative bodies, seeking to lend protection to other societal values supportive of morality and decorous communities. The North Carolina legislature chose the civil injunctive abatement route for control, a route with many hazards to successful negotiation, but, as now interpreted by the North Carolina Supreme Court, we think the North Carolina statute effectively survives First and Fourteenth Amendment analysis.

Hence, the statute has now been upheld by both the North Carolina Supreme Court and the Fourth Circuit Court of Appeals.

Mr. President, not only did Senator Lake sponsor the antipornography bill in the legislature, but he also took part as counsel in the various court cases. To his credit, he has indeed successfully negotiated a hazardous route resulting in solid legal protection for the people of North Carolina from the degradation of pornography. It is my hope that the law will be vigorously enforced by the proper authorities in North Carolina and that other States will benefit from the experience of Senator Lake and his colleagues in this matter.

Let me again express my gratitude and respect to Senator Lake and others involved in this cause—especially Rev. J. Malloy Owen, formerly of St. Mark's Methodist Church in Raleigh; Clarence Steppe, a Raleigh Businessman and immediate past president of the North Carolina Navy League; and Marvin Schiller, a Raleigh attorney who was deeply involved in the court cases. As the result of the determined efforts of these and other fine North Carolinians, our State now has an excellent and effective antipornography law.

Mr. President, I ask unanimous consent that the North Carolina antipornography law be printed in the RECORD at the conclusion of my remarks.

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

THE GENERAL STATUTES OF NORTH CAROLINA—CONTAINING GENERAL LAWS OF NORTH CAROLINA THROUGH THE SESSION LAWS OF 1977

CHAPTER 19.—OFFENSES AGAINST PUBLIC MORALS

Article 1

*Abatement of nuisances*

Sec.

19-1. What are nuisances under this Chapter.
19-1.1. Definitions.
19-1.2. Types of nuisances.
19-1.3. Personal property as a nuisance; knowledge of nuisance.
19-1.4. Liability of successive owners for continuing nuisance.
19-1.5. Abatement does not preclude action.
19-2. [Repealed.]
19-2.1. Action for abatement; injunction.
19-2.2. Pleadings; jurisdiction; venue; application for preliminary injunction.
19-2.3. Temporary order restraining removal of personal property from premises; service; punishment.
19-2.4. Notice of hearing on preliminary injunction; consolidation.
19-2.5. Hearing on the preliminary injunction; issuance.
19-3. Priority of action; evidence.
19-4. Violation of injunction; punishment.
19-5. Content of final judgment and order.
19-6. Civil penalty; forfeiture; accounting; lien as to expenses of abatement; invalidation of lease.
19-7. How order of abatement may be canceled.
19-8. Costs.
19-8.1. Immunity.
19-8.2. Right of entry.
19-8.3. Severability.

Article 1

*Abatement of nuisances*

§ 19-1. What are nuisances under this Chapter.—(a) The erection, establishment, continuance, maintenance, use, ownership or leasing of any building or place for the purpose of assignation, prostitution, gambling, illegal possession or sale of intoxicating liquors, illegal possession or sale of narcotic drugs as defined in the North Carolina Controlled Substance Act, or illegal possession or sale of obscene or lewd matter, as defined in this Chapter, shall constitute a nuisance.

(b) The erection, establishment, continuance, maintenance, use, ownership or leasing of any building or place wherein or whereon are carried on, conducted, or permitted repeated acts which create and constitute a breach of the peace shall constitute a nuisance.

(c) The building, or place, or vehicle, or the ground itself, in or upon which a nuisance as defined in subsections (a) or (b) above is carried on, and the furniture, fixtures, and contents are also declared a nuisance, and shall be enjoined and abated as hereinafter provided. (Pub. Loc. 1913, c. 761, s. 25; 1919, c. 288; C. S., s. 3180; 1949, c. 1164; 1967, c. 142; 1971, c. 655; 1977, c. 819, ss. 1, 2.)

§ 19-1.1. Defintions.—As used in this Chapter relating to illegal possession or sale of obscene matter or to the other conduct prohibited in G.S. 19-1(a), the following definitions shall apply:

(1) "Knowledge" or "knowledge of such nuisance" means having knowledge of the contents and character of the patently offensive sexual conduct which appears in the lewd matter, or knowledge of the acts of lewdness, assignation, gambling, the illegal possession or sale of intoxicating liquor, the illegal possession or sale of narcotic drugs as defined in the North Carolina Controlled Substance Act, or prostitution which occur on the premises.

(2) "Lewd matter" is synonymous with "obscene matter" and means any matter:

(a) Which the average person, applying contemporary community standards, would find, when considered as a whole, appeals to the prurient interest; and

(b) Which depicts patently offensive representations of:

1. Ultimate sexual acts, normal or perverted, actual or simulated;

2. Masturbation, excretory functions, or lewd exhibition of the genitals or genital area;

3. Masochism or sadism; or

4. Sexual acts with a child or animal.

Nothing herein contained is intended to include or proscribe any writing or written material, nor to include or proscribe any matter which, when considered as a whole, and in the context in which it is used, possesses serious literary, artistic, political, educational, or scientific value.

(3) "Lewdness" is synonymous with obscenity and shall mean the act of selling, exhibiting or possessing for sale or exhibition lewd matter.

(4) "Matter" means a motion picture film or a publication or both.

(5) "Motion picture film" shall include any:

(a) Film or plate negative;

(b) Film or plate positive;

(c) Film designed to be projected on a screen for exhibition;

(d) Films, glass slides or transparencies, either in negative or positive form, designed for exhibition by projection on a screen;

(e) Video tape or any other medium used to electronically reproduce images on a screen.

(6) "Person" means any individual, partnership, firm, association, corporation, or other legal entity.

(7) "Place" includes, but is not limited to, any building, structure or places, or any separate part or portion thereof, whether permanent or not, or the ground itself, but excluding a private dwelling place not used for a profit.

(8) "Publication" shall include any book, magazine, pamphlet, illustration, photograph, picture, sound recording, or a motion picture film which is offered for sale or exhibited in a coin-operated machine.

(9) "Sale" means a passing of title or right of possession from a seller to a buyer for valuable consideration, and shall include, but is not limited to, any lease or rental arrangement or other transaction wherein or whereby any valuable consideration is received for the use of, or transfer or possession of, lewd matter. (1977, c. 819, s. 3.)

§ 19-1.2. Types of nuisances.—The following are declared to be nuisances wherein obscene or lewd matter or other conduct prohibited in G.S. 19-1(a) is involved:

(1) Any and every place in the State where lewd films are publicly exhibited as a predominant and regular course of business, or possessed for the purpose of such exhibition;

(2) Any and every place in the State where a lewd film is publicly and repeatedly exhibited, or possessed for the purpose of such exhibition;

(3) Any and every lewd film which is publicly exhibited, or possessed for such purpose at a place which is a nuisance under this Article;

(4) Any and every place of business in the State in which lewd publications constitute a principal or substantial part of the stock in trade;

(5) Any and every lewd publication possessed at a place which is a nuisance under this Article;

(6) Every place which, as a regular course of business, is used for the purposes of lewdness, assignation, gambling, the illegal possession or sale of intoxicating liquor, the illegal possession or sale of narcotic drugs as defined in the North Carolina Controlled Substances Act, or prostitution, and every such place in or upon which acts of lewdness, assignation, gambling, the illegal possession or sale or intoxicating liquor, the illegal possession or sale of narcotic drugs as defined in the North Carolina Controlled Substances Act, or prostitution, are held or occur. (1977, c. 819, s. 3.)

§ 19-1.3. Personal property as a nuisance; knowledge of nuisance.—The following are also declared to be nuisances, as personal property used in conducting and maintaining a nuisance under this Chapter:

(1) All moneys paid as admission price to the exhibition of any lewd film found to be a nuisance;

(2) All valuable consideration received for the sale of any lewd publication which is found to be a nuisance;

(3) All money or other valuable consideration received or used in gambling, prostitution, the illegal sale of intoxicating liquors or the illegal sale of substances proscribed under the North Carolina Controlled Substances Act, as well as the furniture and movable contents of a place used in connection with such prohibited conduct.

From and after service of a copy of the notice of hearing of the application for a preliminary injunction, provided for in G.S. 19-2.4 upon the place, or its manager, or acting manager, or person then in charge, all such parties are deemed to have knowledge of the contents of the restraining order and the use of the place occurring thereafter. Where the circumstantial proof warrants a determination that a person had knowledge of the nuisance prior to such service of process, the court may make such finding. (1977, c. 819, s. 3.)

§ 19-1.4. Liability of successive owners for continuing nuisance.—After notice of a temporary restraining order, preliminary injunction, or permanent injunction, every successive owner of property who neglects to abate a continuing nuisance upon, or in the use of such property, created by a former owner, is liable therefor in the same manner as the one who first created it. (1977, c. 819, s. 3.)

§ 19-1.5. Abatement does not preclude action.—The abatement of a nuisance does not prejudice the right of any person to recover damages for its past existence. (1977, c. 819, s. 3.)

§ 19-2: Repealed by Session Laws 1977, c. 819, s. 4, effective August 1, 1977.

§ 19-2.1. Action for abatement; injunction.—Wherever a nuisance is kept, maintained, or exists, as defined in this Article, the Attorney General, district attorney, or any private citizen of the country may maintain a civil action in the name of the State of North Carolina to abate a nuisance under this Chapter, perpetually to enjoin all persons from maintaining the same, and to enjoin the use of any structure or thing adjudged to be a nuisance under this Chapter; provided, however, that no private citizen may maintain such action where the alleged nuisance involves the illegal possession or sale of obscene or lewd matter.

If an action is instituted by a private person, the complainant shall execute a bond prior to the issuance of a restraining order or a temporary injunction, with good and sufficient surety to be approved by the court or clerk thereof, in the sum of not less than one thousand dollars ($1,000), to secure to the party enjoined the damages he may sustain if such action is wrongfully brought, not prosecuted to final judgment, or is dismissed, or is not maintained, or if it is finally decided that the temporary restraining order or preliminary injunction ought not to have been granted. The party enjoined shall have recourse against said bond for all damages suffered, including damages to his property, person, or character and including reasonable attorney's fees incurred by him in making defense to said action. No bond shall be required of the prosecuting attorney or the Attorney General, and no action shall be maintained against the public official for his official action. (1977, c. 819, s. 4.)

§ 19-2.2. Pleadings; jurisdiction; venue; application for preliminary injunction.—The action, provided for in this Chapter, shall be brought in the superior court of the county in which the property is located. Such action shall be commenced by the filing of a verified complaint alleging the facts constituting the nuisance. After the filing of said complaint, application for a preliminary injunction may be made to the court in which the action is filed which court shall grant a hearing within 10 days after the filing of said application. (1977, c. 819, s. 4.)

§ 19-2.3. Temporary order restraining removal of personal property from premises; service; punishment.—Where such application for a preliminary injunction is made, the court may, on application of the complainant showing good cause, issue an ex parte temporary restraining order in accordance with G.S. 1A-1, Rule 65(b), preserving the status quo and restraining the defendant and all other persons from removing or in any manner interfering with any evidence specifically described, or in any manner removing or interfering with the personal property and contents of the place where such nuisance is alleged to exist, until the decision of the court granting or refusing such preliminary injunction and until further order of the court thereon. Nothing herein shall be interpreted to allow the prior restraint of the distribution of any matter or the sale of the stock in trade, but an inventory and full accounting of all business transactions involving alleged obscene or lewd matter thereafter shall be required.

Any person, firm, or corporation enjoined pursuant to this section may file with the court a motion to dissolve any temporary restraining order. Such a motion shall be heard within 24 hours of the time a copy of the motion is served on the complaining party, or on the next day the superior courts are open in the district, whichever is later. At such hearing the complaining party shall have the burden of showing why the restraining order should be continued.

In the event a temporary restraining order is issued, it may be served in accordance with the provisions of G.S. 1A-1, Rule 4, or may be served by handing to and leaving a copy of such order with any person in charge of such place or residing therein, or by posting a copy thereof in a conspicuous place at or upon one or more of the principal doors or entrances to such place, or by such service under said Rule 4, delivery and posting. The officer serving such temporary restraining order shall forthwith make and return into court an inventory of the personal property and contents situated in and used in conducting or maintaining such nuisance.

Any violation of such temporary restraining order is a contempt of court, and where such order is posted, mutilation or removal thereof, while the same remains in force, is a contempt of court provided such posted order contains therein a notice to that effect. (1977, c. 819, s. 4)

§ 19-2.4. Notice of hearing on preliminary injunction; consolidation.—A copy of the complaint, together with a notice of the time and place of the hearing of the application for a preliminary injunction, shall be served upon the defendant at least five days before such hearing. The place may also be served by posting such papers in the same manner as is provided for in G.S. 19-2.3 in the case of a temporary restraining order. If the hearing is then continued at the instance of any defendant, the temporary restraining order may be continued as a matter of course until the hearing.

Before or after the commencement of the hearing of an application for a preliminary injunction, the court, on application of either of the parties or on its own motion, may order the trial of the action on the merits to be advanced and consolidated with the hearing on the application for the preliminary injunction; provided, however, the defendant shall be entitled to a jury trial if requested. (1977, c. 819, s. 4.)

§ 19-2.5. Hearing on the preliminary injunction; issuance.—If upon hearing, the allegations of the complaint are sustained to the satisfaction of the court, the court shall issue a preliminary injunction restraining the defendant and any other person from continuing the nuisance and effectually enjoining its use thereafter for the purpose of conducting any such nuisance. (1977, c. 819, s. 4.)

§ 19-3. Priority of action; evidence.—(a) The action provided for in this Chapter shall be set down for trial at the first term of the court and shall have precedence over all other cases except crimes, election contests, or injunctions.

(b) In such action, an admission of finding of guilt of any person under the criminal laws against lewdness, assignation, prostitution, gambling, the illegal possession or sale of intoxicating liquors, or the illegal possession or sale of substances proscribed by the North Carolina Controlled Substances Act, at any such place, is admissible for the purpose of proving the existence of said nuisance, and is evidence of such nuisance and of knowledge of, and of acquiescence and participation therein, on the part of the person charged with maintaining said nuisance.

(c) At all hearings upon the merits, evidence of the general reputation of the building or place constituting the alleged nuisance, of the inmates thereof, and of those resorting thereto, is admissible for the purpose of proving the existence of such nuisance. (Pub. Loc. 1913, c. 761, s. 27; 1919, c.

288; C. S., s. 3182; 1971, c. 528, s. 6; 1973, c. 47, s. 2; 1977, c. 819, s. 5.)

§ 19-4. Violation of injunction; punishment.—In case of the violation of any injunction granted under the provisions of this Chapter, the court, or, in vacation, a judge thereof, may summarily try and punish the offender. A party found guilty of contempt under the provisions of this section shall be punished by a fine of not less than two hundred ($200.00) or more than one thousand dollars ($1,000), or by imprisonment in the county jail not less than three or more than six months, or by both fine and imprisonment. (Pub. Loc. 1913, c. 761, s. 28; 1919, c. 288; C. S., s. 3183.)

§ 19-5. Content of final judgment and order.— If the existence of a nuisance is admitted or established in an action as provided for in this Chapter an order of abatement shall be entered as a part of the judgment in the case, which judgment and order shall perpetually enjoin the defendant and any other person from further maintaining the nuisance at the place complained of, and the defendant from maintaining such nuisance elsewhere within the jurisdiction of this State. Lewd matter, illegal intoxicating liquors, gambling paraphernalia, or substances proscribed under the North Carolina Controlled Substances Act shall be destroyed and not be sold.

Such order may also require the effectual closing of the place against its use thereafter for the purpose of conducting any such nuisance.

The provisions of this Article, relating to the closing of a place with respect to obscene or lewd matter, shall not apply in any order of the court to any theatre or motion picture establishment which does not, in the regular, predominant, and ordinary course of its business, show or demonstrate lewd films or motion pictures, as defined in this Article, but any such establishment may be permanently enjoined from showing such film judicially determined to be obscene hereunder and such film or motion picture shall be destroyed and all proceeds and moneys received therefore, after the issuance of a preliminary injunction, forfeited. (Pub. Loc. 1913, c. 761, s. 29; 1919, c. 288; C. S., s. 3184; 1977, c. 819, s. 6.)

§ 19-6. Civil penalty; forfeiture; accounting; lien as to expenses of abatement; invalidation of lease.—Lewd matter is contraband, and there are no property rights therein. All personal property, including all money and other considerations, declared to be a nuisance under the provisions of G.S. 19-1.3 and other sections of this Article, are subject to forfeiture to the local government and are recoverable as damages in the county wherein such matter is sold, exhibited or otherwise used. Such property including moneys may be traced to and shall be recoverable from persons who, under G.S. 19-2.4, have knowledge of the nuisance at the time such moneys are received by them.

Upon judgment against the defendant or defendants in legal proceedings brought pursuant to this Article, an accounting shall be made by such defendant or defendants of all moneys received by them which have been declared to be a nuisance under this Article. An amount equal to the sum of all moneys estimated to have been taken in as gross income from such unlawful commercial activity shall be forfeited to the general funds of the city and county governments wherein such activity took place, to be shared equally, as a forfeiture of the fruits of an unlawful enterprise, and as partial restitution for damages done to the public welfare; provided, however, that no provision of this Article shall authorize the recovery of any moneys or gross income received from the sale of any book, magazine, or exhibition of any motion picture prior to the issuance of a preliminary injunction. Where the action is brought pursuant to this Article, special injury need not be proven, and the costs of abatement are a lien on both the real and personal property used in maintaining the nuisance. Costs of abatement include, but are not limited to, reasonable attorney's fees and court costs.

If it is judicially found after an adversary hearing pursuant to this Article that a tenant or occupant of a building or tenement, under a lawful title, uses such place for the purposes of lewdness, assignation, prostitution, gambling, sale or possession of illegal intoxicating liquors or substances proscribed under the North Carolina Controlled Substances Act, such use makes void the lease or other title under which he holds, at the option of the owner, and, without any act of the owner, causes the right of possession to revert and vest in such owner. (Pub. Loc. 1913, c. 761, s. 30; 1919, c. 288; C. S., s. 3185; 1977, c. 819, s. 7.)

§ 19-7. How order of abatement may be canceled.—If the owner appears and pays all cost of the proceeding and files a bond, with sureties to be approved by the clerk, in the full value of the property, to be ascertained by the court, or, in vacation, by the clerk of the superior court, conditioned that he will immediately abate said nuisance, and prevent the same from being established or kept within a period of one year thereafter, the court may, if satisfied of his good faith, order the premises closed under the order of abatement to be delivered to said owner, and said order of abatement canceled so far as same may relate to said property; and if the proceeding be a civil action, and said bond be given and costs therein paid before judgment and order of abatement, the action shall be thereby abated as to said building only. The release of the property under the provisions of this section shall not release it from any judgment, lien, penalty, or liability to which it may be subject by law. (Pub. Loc. 1913, c. 761, s. 31; 1919, c. 288; C. S., s. 3186.)

§ 19-8. Costs.—The prevailing party shall be entitled to his costs. The court shall tax as part of the costs in any action brought hereunder such fee for the attorney prosecuting or defending the action or proceedings as may in the court's discretion be reasonable remuneration for the services performed by such attorney. (Pub. Loc. 1913, c. 761, s. 32; 1919, c. 288; C. S., s. 3187; 1977, c. 819, s. 8.)

§ 19-8.1. Immunity.—The provisions of any criminal statutes with respect to the exhibition of, or the possession with the intent to exhibit, any obscene film shall not apply to a motion picture projectionist, usher, or ticket taker acting within the scope of his employment, provided that such projectionist, usher, or ticket taker: (i) Has no financial interest in the place wherein he is so employed, and (ii) freely and willingly gives testimony regarding such employment in any judicial proceedings brought under this Chapter, including pretrial discovery proceedings incident thereto, when and if such is requested, and upon being granted immunity by the trial judge sitting in such matters. (1977, c. 819, s. 9.)

§ 19-8.2. Right of entry.—Authorized representatives of the Commission for Health Services, any local health department or the Department of Human Resources, upon presenting appropriate credentials to the owner, operator, or agent in charge of a place described in G.S. 19-1.2, are authorized to enter without delay and at any reasonable time any such place in order to inspect and investigate during the regular hours of operation of such place. (1977, c. 819, s. 9.)

§ 19-8.3. Severability.—If any section, subsection, sentence, or clause of this Article is adjudged to be unconstitutional or invalid, such adjudication shall not affect the validity of the remaining portion of this Article. It is hereby declared that this Article would have been passed, and each section, sentence, of clause thereof, irrespective of the fact that any one or more sections, subsections, sentences or clauses might be adjudged to be unconstitutional, or for any other reason invalid. (1977, c. 819, s. 10.)

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

The PRESIDING OFFICER. The clerk will call the role.

The legislative clerk proceeded to call the role.

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

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

## APPOINTMENTS ON BEHALF OF THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 84-689, appoints the following Senators to attend the North Atlantic Assembly to be held in Maderia, Portugal, May 28-31, 1982: The Senator from Delaware (Mr. BIDEN), Vice Chairman; the Senator from Missouri (Mr. EAGLETON), the Senator from Delaware (Mr. ROTH), the Senator from Idaho (Mr. MCCLURE), the Senator from Georgia (Mr. NUNN), and the Senator from Pennsylvania (Mr. SPECTER).

The Chair, on behalf of the Vice President, pursuant to Public Law 86-420, appoints the following Senators to attend the Mexico-United States Interparliamentary Conference to be held in Santa Barbara, Calif., May 27-31, 1982: The Senator from Oregon (Mr. HATFIELD), and the Senator from Georgia (Mr. MATTINGLY).

The Senator from Illinois is recognized.

## S. 2446—SMALL BUSINESS PROCUREMENT REFORM ACT OF 1982

Mr. DIXON. Mr. President, as a Democratic member of the Senate Small Business Committee and as a fellow member with Senator SPECTER of the Northeast-Midwest Senate Coalition, I am pleased to join my distinguished colleague in cosponsoring the Small Business Procurement Reform Act of 1982, S. 2446.

Mr. President, last August Senator PERCY and I, along with the congres-

sional members of the Illinois delegation, held a Federal procurement conference. This conference attracted approximately 1,500 businessmen and women throughout our State. This legislation addresses some of the problems these business people brought forth at the Illinois conference.

Mr. President, every year the Federal Government spends more than $100 billion to buy a vast variety of services and supplies from businesses in the private sector. These purchasing dollars create real economic growth opportunities. But, Mr. President, many firms shy away from a chance to make the Federal Government one of their customers. Some firms lack the information necessary to participate in the system. Others have legitimate fears about the amount of paperwork involved.

This legislation will address some of these obstacles. We need more firms throughout this great country of ours bidding on a competitive basis; more competition will mean more savings to taxpayers.

Senate bill 2446, Mr. President, I feel will help strengthen our country's industrial base. When the number of firms and the number of people providing goods for the military is increased, our country's ability to mobilize behind any increased need for equipment is vastly improved.

Mr. President, I congratulate Senator SPECTER and the other cosponsors of this bill. I look forward to the day in this chamber when I can vote for final passage on this bill to help small businessmen throughout the United States.

## ORDER FOR ADJOURNMENT UNTIL 11 A.M. AND ORDER OF PROCEDURE TOMORROW

Mr. BAKER. Mr. President, I have a number of matters to deal with that I believe are cleared for action by unanimous consent.

Before I begin them, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. on tomorrow, and that at that time, when the Senate reconvenes, the reading of the Journal be dispensed with, with no resolution coming over under the rule; that the call of the calendar be dispensed with; and that following the time allocated to the two leaders under the standing order, there be a period for the transaction of routine morning business not to exceed 30 minutes in length in which Senators may speak for not more than 5 minutes each.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

### ORDER FOR RECOGNITION OF SENATOR NICKLES AND SENATOR SPECTER TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that on tomorrow, after the recognition of the two leaders under the standing order, the following Senators be recognized on special order of not to exceed 15 minutes each: Senators NICKLES and SPECTER.

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

## EXPENSES OF SENATORS FOR ATTENDANCE AT FUNERAL

Mr. BAKER. Mr. President, I send to the desk a resolution and ask for its immediate consideration.

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

The bill clerk read as follows:

A resolution (S. Res. 389) relative to the expenses incurred by the representatives of the Senate who attended the funeral of the Honorable Clifford P. Case, late, a Senator from the State of New Jersey.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

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

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

The resolution (S. Res. 389) was unanimously agreed to.

The resolution reads as follows:

S. RES. 389

*Resolved,* That the Secretary of the Senate is hereby authorized and directed to pay from the contingent fund of the Senate the actual and necessary expenses incurred by the representatives of the Senate who attended the funeral of the Honorable Clifford P. Case, late a Senator from the State of New Jersey, on vouchers to be approved by the chairman of the Committee on Rules and Administration.

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 PRESIDING OFFICER. Without objection, it is so ordered.

The motion to lay on the table was agreed to.

## THE CALENDAR

Mr. BAKER. Mr. President, there are a number of items on today's calendar that are cleared on this side of the aisle for action by unanimous consent.

I invite the attention of the minority leader to the following items and ask him if he is in a position to consider them for action on that basis at this time. I refer to Calendar Orders Nos. 516, 517, 520, 522, 523, 524, 531, 536, 538, and 539.

Mr. ROBERT C. BYRD. Mr. President, those calendar orders have been cleared on this side of the aisle, and the minority leader is ready to proceed.

Mr. BAKER. I thank the minority leader.

Mr. President, in view of the fact that these items are cleared on both calendars for action by unanimous consent, I wonder if the minority leader would object to a request that they be considered en bloc.

Mr. ROBERT C. BYRD. I have no objection, Mr. President.

Mr. BAKER. I make that request, Mr. President.

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

## AMENDMENT OF EMERGENCY FUND ACT

The Senate proceeded to consider the bill (S. 1628) to amend the Emergency Fund Act (act of June 26, 1948, 62 Stat. 1052), which had been reported from the Committee on Energy and Natural Resources with an amendment to strike out all after the enacting clause, and insert the following:

That the Act entitled "An Act to authorize an emergency fund for the Bureau of Reclamation to assure the continuous operation of its irrigation and power system", approved June 26, 1948, is amended by striking the words "irrigation and power systems" in the title and substituting the words "project facilities." and by changing the first sentence of section 1 of the Act to read as follows: "In order to assure continuous operation of all projects and project facilities governed by the Federal reclamation law (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), including any project and facilities constructed with funds provided by the Small Reclamation Projects Act (Act of August 6, 1956, 70 Stat. 1044, and Acts amendatory thereof or supplementary thereto) or with funds provided by the Distribution System Loans Act (Act of May 14, 1956, 69 Stat. 244, and Acts amendatory thereof or supplementary thereto), there is hereby authorized to be appropriated from the reclamation fund an emergency fund which shall be available for defraying expenses which the Commissioner of Reclamation determines are required to be incurred because of unusal or emergency conditions.".

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill 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.

## BELLE FOURCHE IRRIGATION PROJECT

The Senate proceeded to consider the bill (S. 933) to authorize rehabilitation of the Belle Fourche irrigation project, and for other purposes, which

had been reported from the Committee on Energy and Natural Resources with amendments, as follows:

On page 2, line 14, strike "or", and insert "of";

On page 3, line 10, after "revenues", insert the following:

"of the unit shall be returnable from net revenues";

On page 3, line 16, after "connection", insert the following:

"with the Bell Fourche unit shall be in accordance";

On page 4, after line 17, insert the following:

SEC. 7. The Secretary is authorized to amend existing contracts and enter into additional contracts as may be necessary to implement and facilitate any future agreement between the Belle Fourche Irrigation District and non-Federal entities involving the sale of Belle Fourche project water for use by such non-Federal interest for other than irrigation purposes; provided that, the net proceeds from such transactions between the Secretary, the Belle Fourche Irrigation District, and such non-Federal interest shall be paid to the United States as reimbursement of the cost of the works authorized by this Act, that such transactions are not in violation of applicable state laws, and that such transactions shall be subject to the consent and conditions of the State of South Dakota to such water use by such non-Federal interest in accordance with the laws of South Dakota and the provisions of the Belle Fourche River Compact between the States of Wyoming and South Dakota to which the consent of Congress was given in the Act of February 26, 1944 (ch. 64, 58 Stat. 94).

On page 5, line 12, strike "7.", and insert "8.".

So as to make the bill read:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the general plan for the Belle Fourche project, South Dakota, heretofore authorized for construction by the Secretary of the Interior, May 10, 1904, pursuant to the Reclamation Act of 1902 (32 Stat. 388), is modified to include construction, betterment of works, water conservation, recreation, and fish and wildlife conservation and development. As so modified, the general plan is reauthorized under the designation "Belle Fourche unit" of the Pick-Sloan Missouri Basin program.

SEC. 2. (a) The Secretary of the Interior (hereinafter referred to as the "Secretary"), is authorized to negotiate and execute an amendatory repayment contract with the Belle Fourche irrigation district covering all lands of the existing Belle Fourche project. This contract shall replace all existing contracts between the Belle Fourche irrigation district and the United States.

(b) The period of repayment of the construction and rehabilitation and betterment costs allocated to irrigation and assigned to be repaid by the irrigation water users shall be not more than forty years from and including the year in which such amendatory repayment contract is executed.

(c) During the period required to complete the rehabilitation and betterment program and other water conservation works, the rates of charge to land class in the unit shall continue to be as established in the November 29, 1949, repayment contract with the district, as subsequently amended and supplemented; thereafter, such rates of charge and assessable acreage shall be in accordance with the amortization capacity and classification of unit lands as then determined by the Secretary.

SEC. 3. (a) All miscellaneous net revenues of the Belle Fourche unit shall accrue to the United States and shall be applied against irregation costs not assigned to be repaid by irrigation water users.

(b) Construction and rehabilitation and betterment costs of the Belle Fourche unit allocated to irrigation and not assigned to be repaid by the irrigation water users nor returned from miscellaneous net revenues *of the unit shall be returnable from net revenues* of the Pick-Sloan Missouri Basin program within fifty years from and including the year in which the amendatory contract authorized by this Act is executed.

SEC. 4. (a) The provision of lands, facilities, and project modifications which furnish recreation and fish and wildlife benefits in connection *with the Belle Fourche until shall be in accordance* with the Federal Water Project Recreation Act (79 Stat. 213), as amended.

(b) The interest rate used for purposes of computing interest during construction and interest on the unpaid balance of the capital cost allocated to interest-bearing features shall be determined by the Secretary of the Treasury as the beginning of the fiscal year in which construction of said interest-bearing features is initiated, on the basis of the computed average interest payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue.

SEC. 5. Appropriations heretofore or hereafter made for carrying on the functions of the Water and Power Resources Service shall be available for credits, expenses, charges, and costs provided by or incurred under this Act. The Secretary is authorized to make such rules and regulations as are necessary to carry out the provisions of this Act.

SEC. 6. The limitation of land held in beneficial ownership within the project by one owner, which are eligible to receive water from, through, or by means of project works shall be four hundred and sixty acres of class I land with an equivalency of 110 per centum for class II land, 125 per centum for class III land, and 140 per centum for class IV land. Acreage may be adjusted upward by the Secretary of the Interior if he determines such adjustments are warranted by changing economic conditions.

SEC. 7. The Secretary is authorized to amend existing contracts and enter into additional contracts as may be necessary to implement and facilitate any future agreement between the Belle Fourche Irrigation District and non-Federal entities involving the sale of Belle Fourche project water for use by such non-Federal interest for other than irrigation purposes; provided that, the net proceeds from such transactions between the Secretary, the Belle Fourche Irrigation District, and such non-Federal interest shall be paid to the United States as reimbursement of the cost of the works authorized by this Act, that such transactions are not in violation of applicable state laws, and that such transactions shall be subject to the consent and conditions of the State of South Dakota to such water use by such non-Federal interest in accordance with the laws of South Dakota and the provisions of the Belle Fourche River Compact between the States of Wyoming and South Dakota to which the consent of Congress was given in the Act of February 26, 1944 (ch. 64, 58 Stat. 94).

SEC. 8. There is hereby authorized to be appropriated beginning October 1, 1982, for the rehabilitation and betterment of the irrigation facilities of the Belle Fourche unit and recreation and fish and wildlife measures as authorized by this Act, the sum of $42,000,000 (based on January 1981 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction cost indexes applicable to the types of construction involved herein.

Mr. PRESSLER. Mr. President, I should like to express my support for S. 933 and to outline its importance to South Dakota. S. 933 would authorize funds to rehabilitate the Belle Fourche irrigation project in western South Dakota and integrate the project into the Pick-Sloan Missouri basin dam system.

The Belle Fourche irrigation project was originally authorized under the Federal Reclamation Act of 1902 and was constructed between 1905 and 1914. The project provides water for irrigation to about 57,000 acres of land operated by almost 400 farmers and is the backbone of the agricultural economy in the Belle Fourche-Newell area.

The Belle Fourche irrigation project has been very successful, but to continue to effectively provide water for irrigation, it must be rehabilitated. Rehabilitation of the project would reduce water loss through seepage and increase the land area available for irrigation. Annual maintenance costs would also be reduced.

The Belle Fourche irrigation project has been one of the most successful irrigation projects in the history of the Bureau of Reclamation. I urge my colleagues to join me in support of S. 933, which would allow the Belle Fourche project to continue to provide benefits to South Dakota and the Nation.

Mr. ABDNOR. Mr. President, I am delighted to have the opportunity today to support passage by the Senate of S. 933, to reauthorize the Belle Fourche irrigation project. As author of the bill, I have been joined in cosponsorship by Senator PRESSLER; and Congressman ROBERTS, with Congressman DASCHLE'S cosponsorship, has authored the companion bill which is pending before the House Interior Committee Subcommittee on Water and Power.

Enactment of S. 933 will enable a number of badly needed improvements on the project, including those needed for safety, water conservation, and reduced operation and maintenance expenses. Since the project was among the very first of all reclamation projects constructed in the early years of this century, it was completed prior to realization of many improvements in the science of irrigation and prior to establishment of the Pick-Sloan Missouri basin program, which was authorized in the Flood Control Act of

1944 and sets the ground rules for Federal irrigation projects in the basin.

S. 933 will reauthorize the project as the Belle Fourche unit of the Pick-Sloan Missouri basin program and accord the project the same treatment provided for other basin irrigation projects under the program. In addition, in recognition of current Federal budgetary constraints, an amendment adopted by the committee will authorize the Bureau of Reclamation, with the concurrence of the State of South Dakota and the Belle Fourche irrigation district, to market surplus water from the project and to use any revenue derived therefrom to offset a portion of the cost of the needed repairs.

This measure, with the amendment adopted by the committee, is truly a responsible and realistic means of addressing the very real and growingly urgent problems on the project, while at the same time facing forthrightly the budgetary difficulties besetting the Federal Government. It is a tribute to the members and staff of the Committee on Energy and Natural Resources for having reached an accord which so effectively addresses all of the realities affecting the project both at the local and national level, and I commend them for their insight and for their action.

Finally, I should like to pay tribute to the man who more than any other is responsible for the reauthorization of the Belle Fourche irrigation project having reached this stage. That man is Jim Casey, a man who as chief counsel to the House Subcommittee on Water and Power until his retirement and as an employee of the Bureau of Reclamation for years before that, is well-known to virtually anyone who has had anything to do with reclamation law within the past 20 or 30 years. It was Jim who conceived the concepts contained in S. 933, and it was Jim who gave us the necessary guidance to see that passage of the bill has reached this stage.

I take just a moment now to reflect upon the vital role Jim Casey has played in the success of S. 933 to this point because Jim lies at this very moment recuperating from a condition which left him close to death; in fact, at one point he was clinically dead, without pulse or heartbeat, and was revived only by the grace of God and the wonders of modern medicine.

As I wrote to Jim in a get-well note while he was lying near death in the hospital, "Godspeed and get well soon, Jim, because I'm not sure we can get the job done without you."

Again, I am delighted that the Senate is acting today on this measure. I thank Chairman McCLURE, subcommittee Chairman MURKOWSKI, and the majority leader for their consideration, and I hope that our favorable action today will prompt action by the House as well.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill 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.

## SALE OF BLYTH ARENA PROPERTY

The bill (H.R. 2863) to authorize the Secretary of Agriculture to sell the portion of the Tahoe National Forest known as Blyth Arena, was considered, ordered to a third reading, read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill 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.

## JERRY L. CROW

The Senate proceeded to consider the bill (S. 835) for the relief of Jerry L. Crow, which had been reported from the Committee on Energy and Natural Resources with amendments, as follows:

On page 2, line 8, strike "1967,", and insert "the date of enactment of this Act"; and

On page 2, strike line 10, through and including line 21, and insert the following:

SEC. 3. The Secretary shall offer to lease to Mr. Crow for thirty years, with an option to purchase, for use as a trade and manufacturing site, all or a portion of the lands included in his original application, with rental based on the land's fair market value. If the option to purchase is exercised by Mr. Crow, the purchase price shall be the fair market value at the time of purchase. Fair market value shall be determined by the Secretary or his designee.

So as to make the bill read:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That Jerry L. Crow may, within one year of the date of enactment of this Act, select not more than ten acres of land from the public lands included in his original application to purchase a trade and manufacturing site located at mile numbered 68 on the Denali Highway in the State of Alaska, and shall notify the Secretary of the Interior of his intention to purchase the selected land under the provisions of this Act.

SEC. 2. Notwithstanding the provisions of section 203 of the Federal Land Policy and Management Act (90 Stat. 2743) and as soon as practicable upon receipt of a notification under section 1 of this Act, the Secretary is directed to sell the selected land to Mr. Crow at a price based upon their fair market value as of the date of enactment of this Act excluding any value added to the lands by Mr. Crow.

SEC. 3. The Secretary shall offer to lease to Mr. Crow for thirty years, with an option to purchase, for use as a trade and manufacturing site, all or a portion of the lands included in his original application, with rental based on the land's fair market value. If the option to purchase is exercised by Mr. Crow, the purchase price shall be the fair market value at the time of purchase. Fair market value shall be determined by the Secretary or his designee.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill 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.

## EDUCATIONAL MINING ACT OF 1982

The Senate proceeded to consider the bill (S. 1501) entitled the "Educational Mining Act of 1982", which had been reported from the Committee on Energy and Natural Resources with amendments as follows:

On page 3, strike line 2, through and including "quarter," on line 3, and insert the following: "quarter southwest quarter, southeast quarter southwest quarter southwest quarter";

On page 3, strike line 10, and insert the following: "southeast quarter southwest quarter"; and

On page 3, strike line 12, through and including page 4, line 2.

So as to make the bill read:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, subject to the conditions and limitations specified in this Act, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized and directed to convey to the University of Alaska, all right, title, and interest of the United States in the following described land comprising approximately seventy-six acres:

FAIRBANKS MERIDIAN, ALASKA

Township 2 North, Range 1 East

Section 8:

East half southeast quarter southwest quarter northeast quarter southeast quarter,

North half southwest quarter southeast quarter northeast quarter southeast quarter,

South half south half southeast quarter northeast quarter southeast quarter,

East half northeast quarter northwest quarter southeast quarter southeast quarter,

Northeast quarter southeast quarter southeast quarter.

North half southeast quarter southeast quarter southeast quarter,

North half south half southeast quarter southeast quarter southeast quarter,

South half southeast quarter southeast quarter southeast quarter southeast quarter,

Section 9:

West half southwest quarter southwest quarter,

South half southwest quarter northwest quarter northeast quarter southwest quarter southwest quarter,

Southwest quarter northeast quarter southwest quarter southwest quarter, southeast quarter southwest quarter southwest quarter,

West half west half southwest quarter southeast quarter southeast quarter southwest quarter,

Southwest quarter southeast quarter southwest quarter,

South half southwest quarter northwest quarter southeast quarter southwest quarter.

SEC. 2. Conveyance under this Act shall be made only (a) upon the Secretary being satisfied that no valid mining claims exist on the described lands; and (b) upon the condition that the described land shall be held and used by the University of alaska and shall not be conveyed by the university.

SEC. 3. No conveyance shall be made unless application for conveyance is filed by the university with the Secretary within six months of the date of the approval of this Act.

SEC. 4. The Secretary may at his discretion require that he be provided a perimeter survey of the described lands. All costs of obtaining such survey shall be borne by the university.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill 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.

## EXCHANGE OF CERTAIN LANDS IN MONO COUNTY, CALIF.

The Senate proceeded to consider the bill (H.R. 2475) which had been reported from the Committee on Energy and Natural Resources with amendments, as follows:

On page 2, line 3, strike "laws:", and insert "laws, including the mining laws";

On page 2, line 9, strike "2.", and insert "102.";

On page 2, line 17, strike "3", and insert "103";

On page 2, line 19, strike "3.", and insert "103.";

On page 2, line 21, strike "2", and insert "102";

On page 2, line 22, strike "1", and insert "101"; and

On page 3, after line 2, insert the following:

TITLE II

SEC. 201. That the Secretary of the Interior be, and he hereby is, authorized and directed to convey by patent to the city of Miles City, a municipal corporation organized and existed under the laws of the State of Montana, to wit: Lots 9, 17, and 21 (all presently encumbered by the Miles City public water system); lots 28, 31, and 32, all in section 32; lots 16 and 17 in section 33, township 8 north, range 47 east, Principal meridian Montana, and tract Q and tract S, townships 7 and 8 north, range 47 east, Principal meridian, Montana.

SEC. 202. The Secretary of the Interior is authorized and directed to convey to the city of Miles City, Montana, such evidence as is necessary to remove the reversionary provisions for public lands previously patented or conveyed by Act of Congress, to wit: Patent numbered 1021511, tracts A and B; patent numbered 1122295, tracts E and F; patent numbered 1173770, tract G; patent numbered 1173768, tract K; patent numbered 1173769, tract L; patent numbered 1178764, tract M; patent numbered 1219817, tract P, all located in townships 7 and 8 north, range 47 east; and tract D located in township 8 north, range 47 east, Principal meridian, Montana.

SEC. 203. The Secretary of the Interior is further authorized and directed to convey to county of Custer, State of Montana, such evidence as is necessary to remove the reversionary provisions for public lands previously patented, to wit: Patent numbered 1023689, tract C; patent numbered 25-76-0099, tract T, located in townships 7 and 8 north, range 47 east, Principal meridian, Montana, and patent numbered 25-76-0100, lot 20, located in section 33, township 8 north, range 47 east, Principal meridian, Montana.

SEC. 204. The patents and documents issued pursuant to sections 201, 202 and 203 of this title shall contain a reservation to the United States of all gas, oil, coal, and other mineral deposits as may be found in such lands and the right to the use of the lands for extracting and removing same.

SEC. 205. No conveyance shall be made pursuant to this title until payment has been made for the fair market value of the interest being conveyed. Where initial conveyance of these lands was conditioned upon payment of a reasonable consideration on the basis of use, the Secretary is directed to determine the basis for the payment made at the time of the original conveyance. If such payment reflected fair market value without any reduction in that price because of the reverter, no additional payments shall be required.

So as to make the bill read:

H.R. 2475

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding the Act of March 4, 1931 (46 Stat. 1530-1548), or any other provision of law, the following described lands, situated in Mono County, California, and comprising 202.167 acres, are withdrawn from settlement, sale, location, or entry, under all of the general land laws, including the mining laws: The southeast quarter of the southeast quarter of section 23, the west half of the northwest quarter of section 25, and the north half of the northeast quarter of section 26, all in township 5 south, range 32 east, Mount Diablo meridian, California.

SEC. 102. Notwithstanding the first section of the Act of March 4, 1931 (46 Stat. 1530, 1532), the withdrawal accomplished by said Act of March 4, 1931, of the lands described as the southwest quarter of section 34, township 5 south, range 33 east, Mount Diablo meridian, comprising approximately 160 acres, situated in Mono County, California, is hereby modified to the extent that the lands described in this section may be exchanged by the Secretary of the Interior in accordance with the directive contained in section 103 of this Act.

SEC. 103. Notwithstanding any other provision of law, the Secretary of the Interior is hereby authorized to exchange the Federal lands described in section 102 of this Act for the lands described in section 101 of this Act, the title to the lands to be acquired by the United States to be satisfactory in all respects to the Secretary and to be conveyed by a good and sufficient deed, in recordable form, that is satisfactory to the Secretary.

TITLE II

SEC. 201. That the Secretary of the Interior be, and he hereby is, authorized and directed to convey by patent to the city of Miles City, a municipal corporation organized and existed under the laws of the State of Montana, to wit: Lots 9, 17, and 21 (all presently encumbered by the Miles City public water system); lots 28, 31, and 32, all in section 32; lots 16 and 17 in section 33, township 8 north, range 47 east, Principal meridian, Montana, and tract Q and tract S, townships 7 and 8 north, range 47 east, Principal meridian, Montana.

SEC. 202. The Secretary of the Interior is authorized and directed to convey to the city of Miles City, Montana, such evidence as is necessary to remove the reversionary provisions for public lands previously patented or conveyed by Act of Congress, to wit: Patent numbered 1021511, tracts A and B; patent numbered 1122295, tracts E and F; patent numbered 1173770, tract G; patent numbered 1173768, tract K; patent numbered 1173769, tract L; patent numbered 1178764, tract M; patent numbered 1219817, tract P, all located in townships 7 and 8 north, range 47 east; and tract D located in township 8 north, range 47 east, Principal meridian, Montana.

SEC. 203. The Secretary of the Interior is further authorized and directed to convey to county of Custer, State of Montana, such evidence as is necessary to remove the reversionary provisions for public lands previously patented, to wit: Patent numbered 1023689, tract C; patent numbered 25-76-0099, tract T, located in townships 7 and 8 north, range 47 east, Principal meridian, Montana, and patent numbered 25-76-0100, lot 20, located in section 33, township 8 north, range 47 east, Principal meridian, Montana.

SEC. 204. The patents and documents issued pursuant to sections 201, 202 and 203 of this title shall contain a reservation to the United States of all gas, oil, coal, and other mineral deposits as may be found in such lands and the right to the use of the lands for extracting and removing same.

SEC. 205. No conveyance shall be made pursuant to this title until payment has been made for the fair market value of the interest being conveyed. Where initial conveyance of these lands was conditioned upon payment of a reasonable consideration on the basis of use, the Secretary is directed to determine the basis for the payment made at the time of the original conveyance. If such payment reflected fair market value without any reduction in that price because of the reverter, no additional payments shall be required.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill 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.

## AUTHORIZATION OF APPROPRIATIONS FOR CERTAIN INSULAR AREAS OF THE UNITED STATES

The Senate proceeded to consider the bill (H.R. 5139) to authorize appropriations for certain insular areas of the United States, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike out all after the enacting clause, and insert the following:

TITLE I—GUAM

SEC. 101. Section 7 of the Organic Act of Guam (64 Stat. 384, 487), as amended, is revised to read as follows:

"SEC. 7. (a) The people of Guam shall have the right of initiative and referendum, to be exercised under conditions and procedures specified in the laws of Guam.

"(b) Any Governor, Lieutenant Governor, or member of the legislature of Guam may be removed from office by a referendum election in which at least two-thirds of the number of persons voting for such official in the last preceding general election at which such official was elected vote in favor of recall and in which those so voting constitute a majority of all those participating in such referendum election. The referendum election shall be initiated by the legislature of Guam following (a) a two-thirds vote of the members of the legislature in favor of a referendum, or (b) petition for such a referendum to the legislature by registered voters equal in number to at least 50 per centum of the whole number of votes cast at the last general election at which such official was elected preceding the filing of the petition.".

SEC. 102. Section 1(a)(1) of Public Law 95-348 (92 Stat. 487) is amended by deleting "involved." and inserting in lieu thereof "involved, and $5,000,000 for fiscal year 1983.".

TITLE II—TRUST TERRITORY OF THE PACIFIC ISLANDS

SEC. 201. In section 402(a) of Public Law 96-597 (94 Stat. 3478) strike "by October 1, 1982," and insert in lieu thereof: "by a date not later than ninety days following termination of the trusteeship agreement governing the administration of the Trust Territory of the Pacific Islands,".

TITLE III—VIRGIN ISLANDS

SEC. 301. (a) Effective October 1, 1982, there is authorized to be appropriated to the Secretary of the Interior $150,000 for to be paid as a grant to the government of the Virgin Islands for use by the College of the Virgin Islands to study and plan for the creation of an institution for Caribbean educational, cultural, and technical interchange.

(b) The Secretary may place such stipulations as he deems appropriate on the use of funds appropriated pursuant to subsection (a) of this section.

(c) Grant funds appropriated pursuant to subsection (a) but not obligated or expended during the fiscal year in which they are appropriated shall remain available for obligation or expenditure in subsequent fiscal years.

SEC. 302. Section 405 of Public Law 96-205 (94 Stat. 84, 89) is amended by adding at the end thereof the following new sentence: "The officials of the Customs and Postal Services of the United States are directed to assist the appropriate officials of the United States Virgin Islands in the collection of these taxes.".

TITLE IV—MISCELLANEOUS

SEC. 401. Effective October 1, 1982, there is authorized to be appropriated to the Secretary of the Interior for fiscal years 1983, 1984, and 1985 such sums as may be necessary for grants to the Virgin Islands and Guam to reimburse such areas (in amounts equal to any reductions in revenues) for any revenue reductions they sustain as a result of the enactment of any general Federal tax revision or reduction: Provided, That for fiscal years 1984 and 1985 such authorization is limited to the reduction in revenue levels from fiscal year 1983 and 1984 respectively.

SEC. 402. Section 607 of Public Law 96-597 (94 Stat. 3477, 3483) is amended by deleting subsections (b), (c), and (d) and inserting in lieu thereof the following:

"(b) The Governors of Guam and the Virgin Islands shall, as a condition for a grant pursuant to subsection (a) of this section, submit a plan which is designed to eliminate the respective territory's general fund deficit by the beginning of fiscal year 1987 to the Secretary of the Interior. Within sixty days after he has received such a plan, the Secretary of the Interior shall transmit the plan, together with his comments and recommendations to the Congress. The plan shall provide for—

"(1) implementation of an effective budgetary and accounting system;

"(2) realistic revenue and expenditure projections which will progressively reduce current year general fund deficits and result in a balanced general fund budget no later than the beginning of fiscal year 1987;

"(3) financing of accumulated general fund deficits; and

"(4) quarterly goals and timetables for implementing the plan. The plan shall also indicate that the Governor has the necessary authority to implement the plan.

"(c) Not later than thirty days after the close of each quarter which occurs after the plan has been transmitted to the Congress, the respective Governor shall submit a report to the Secretary of the Interior and the Congress describing in detail the success or failure of such territory in meeting the goals and timetables described in such plan.".

● Mr. WEICKER. Mr. President, I am pleased to support and urge the passage of H.R. 5139 as reported by the Committee on Energy and Natural Resources. The measure provides a variety of necessary authorizations which will encourage and strengthen local self-government in the territories as well as contribute to the economic development of these areas and assure the necessary flexibility for the Congress to consider the impact of Federal legislation on these areas.

H.R. 5139, as reported by the committee, would modify the Organic Act of Guam to permit a right of initiative and referendum and provide for the recall of the Lieutenant Governor or members of the legislature. This provision has the support of Guam and is a significant advance in the process of self-government in the territory. The measure would also authorize $5 million for construction of projects in Guam which were requested by the administration in its fiscal year 1983 budget submission. The committee authorized full funding for these projects rather than the 75 percent requested by the administration in order to provide the Appropriations Committees with the necessary flexibility to determine what level of Federal contribution would be necessary to insure that the projects are completed. The committee does not believe that an inflexible cost sharing formula is the proper way to consider the national interest in territorial projects or the capability of the local insular governments to contribute to their construction. In addition, the committee has authorized funds to provide for training for maintenance as a part of the construction project. We believe it is essential that the insular governments have the capability to maintain these projects once they are constructed, and we believe that the best way to insure that adequately trained personnel are available is to provide for training as a part of the construction project.

The committee has also authorized $150,000 for planning for a center for Caribbean studies at the College of the Virgin Islands. The College of the Virgin Islands is a remarkable institution and I am pleased that the administration has endorsed the Center for Caribbean Studies as a part of the Caribbean Basin Initiative. The knowledge and experience which students from the Caribbean Basin can acquire at the College of the Virgin Islands will serve not only their home islands but also the United States in promoting the friendly and peaceful exchange of ideas and knowledge. The committee has also provided the necessary authorization for the U.S. Postal Service and the U.S. Customs service to assist the Virgin Islands in the collection of those excise taxes which are levied on goods at the time of their introduction into the territory.

The committee amendment would, in addition, change the date for transfer of Federal property in the Trust Territory of the Pacific Islands from the present date of October 1, 1982, to a date not later than 90 days following termination of the trusteeship agreement for the area. The original date of October 1, 1982, had been selected to be consistent with the administration's earlier expectation that the trusteeship would have been terminated in 1981. For a variety of reasons, this has not occurred and consequently it is necessary to change the effective date for the transfer of Federal property for which the United States no longer would have need.

The committee amendment would also delete a provision included in H.R. 5139 as approved by the House which

would have authorized the Secretary of the Interior to guarantee bonds or other obligations of the American Samoa Government for power production. The committee deleted this authorization since the American Samoa Government does not have the necessary authority to issue bonds or other obligations for this purpose and since sufficient authorization already exists to provide for essential power services through either direct loans or grants. The committee is extremely concerned over the deteriorating power situation in all of the territories and the increasing impact which total dependence on imported petroleum products is having on the local economies and the local government budgets. We believe that it is essential that careful consideration be given in each of the insular areas to provide an assured power base for local economic development. To the maximum extent possible, we would hope that alternative sources of energy would be explored and developed and I personally regret that the Department of Energy has not committed itself to the full completion of the alternate energy study mandated under Public Law 96-597.

The committee amendment finally would modify the procedure for the submission of deficit elimination plans from Guam and the Virgin Islands to remove the veto power of the Secretary of the Interior in favor of a 60-day period during which the Secretary may review and comment on the adequacy of the plans. The deficit elimination plans were one of the principle recommendations of the President's Territorial Message to the Congress in February 1980. In enacting the necessary authorization, Congress expected that the administration would commit itself to working closely with the territorial governments to develop a plan which would eliminate the general fund deficits in each of the territories and achieve a balanced budget by 1985. Especially in light of the impact of the transfer of Federal programs to local governments and the limited resources available to the territories to assume these new responsibilities, it is essential that the Federal Government provide the local territorial governments with the maximum amount of technical assistance available if essential services are to be maintained and if the local governments are to be expected to maintain a balanced budget. The committee has also authorized funds to reimburse the territories of Guam and the Virgin Islands for the incremental annual reduction in revenues directly attributable to the enactment of general Federal tax legislation last year. An inadvertent effect of the decision to lower Federal tax rates and provide a variety of new tax advantages to businesses and individuals was the extension of these same provisions to the territories of Guam and the Virgin Islands who by law have the Federal internal revenue laws as their local territorial tax.

It is the judgment of the committee that the Appropriations Committees should have the flexibility to examine the budgets of Guam and the Virgin Islands, and, to the extent that essential services cannot be maintained due to the reduction in revenues available to those governments as a result of the Federal tax legislation, the Appropriations Committees should have the flexibility to reimburse these territories. This provision is not designed to be a hold harmless, nor should the territories rely on an expectation that the full amount of the authorization will be annually appropriated. We do believe, however, that the flexibility must be provided to permit these local governments to maintain essential services and to adjust their outyear budgets in accordance with the reduced revenues which will occur.

Mr. President, H.R. 5139, as reported by the Committee on Energy and Natural Resources is responsive to both the needs of the territories and the concerns of the administration. It provides necessary authorizations to the territories and flexibility to both the administration and the Congress. To insure that essential Government and services are maintained I urge the passage of this measure with the committee amendment.●

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill 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 CULTURE AND ART DEVELOPMENT ACT

The Senate proceeded to consider the bill (S. 792) to promote the development of Native American culture and art, which had been reported from the Select Committee on Indian Affairs with amendments as follows:

On page 2, line 3, strike "American Indian", and insert "Native American";

On page 2, line 6, strike "American Indian", and insert "Native American";

On page 2, line 13, strike "Indian", and insert "Native American";

On page 2, line 14, strike "Indian", and insert "Native American";

On page 2, line 19, strike "Indian", and insert "Native American";

On page 2, line 20, strike "Indian", and insert "Native American";

On page 2, line 24, strike "Indian", and insert "Native American";

On page 3, line 3, strike "Indian", and insert "Native American";

On page 3, line 8, strike "Indian", and insert "Native American";

On page 3, line 16, strike " "Indian" or";

On page 4, line 18, strike "Indian", and insert "Native American";

On page 9, line 21, strike "American Indian", and insert "Native American";

On page 9, line 22, strike "Indian";

On page 9, line 23, strike "Indian", and insert "Native American";

On page 10, line 1, strike "Indian", and insert "Native American";

On page 10, line 5, strike "Indian", and insert "Native American";

On page 10, line 6, strike "Indian", and insert "Native American";

On page 10, line 10, strike "Indian", and insert "Native American";

On page 10, line 13, strike "Indian", and insert "Native American";

On page 10, line 16, strike "Indian", and insert "Native American";

On page 10, line 19, strike "Indian", and insert "Native American";

On page 12, line 13, strike "HEADQUARTERS", and insert "HEADQUARTERS; RESOURCE CENTERS";

On page 12, strike line 14, through and including line 20, and insert the following:

"SEC. 10. (a) The Board shall consult with the Indian tribes and various organizations of Native Americans regarding a suitable site for the headquarters of the Institute. After such consultation is completed, an existing facility owned by the United States shall be designated by the Board, with the approval of the head of the Department or Agency having jurisdiction over such facility, as the headquarters of the Institute. The head of such Department or Agency is authorized to transfer the real property and any improvements thereon which comprise such facility to the Institute.

"(b) The Board is authorized to establish branch resource centers at various locations within the United States. The location of each resource center shall be determined by the Board after consultation with the Indian tribes and various organizations of Native Americans."

On page 14, line 11, strike "1981", and insert "1982";

So as to make the bill read:

*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 "Native American Culture and Art Development Act".

FINDINGS

SEC. 2. The Congress finds and declares that—

(1) Native American art and culture has contributed greatly to the artistic and cultural richness of the Nation;

(2) Native American art and culture occupies a unique position in American history as being our only native art form and cultural heritage;

(3) the enhancement and preservation of this Nation's native art and culture has a fundamental influence on the American people;

(4) although the encouragement and support of Native American arts and crafts are primarily a matter for private, local, and Native American initiative, it is also an appropriate matter of concern to the Federal Government;

(5) it is appropriate and necessary for the Federal Government to support research and scholarship in Native American art and culture and to complement programs for

the advancement of Native American art and culture by tribal, private, and public agencies and organizations;

(6) current Federal initiatives in the area of Native American art and culture are fragmented and inadequate; and

(7) in order to coordinate the Federal Government's effort to preserve, support, revitalize, and disseminate Native American art and culture, it is desirable to establish a national Institute of Native American Culture and Arts Development.

DEFINITIONS

SEC. 3. As used in this Act—

(1) The term "Native American art and culture" includes, but is not limited to, the traditional and contemporary expressions of Native American language, history, customs, belief, music, architecture, drama, dance, rituals, and crafts.

(2) The term "Institute" means the Institute of Native American Culture and Arts Development established by this Act.

(3) The term "Native American" means any person who is a member of an Indian tribe or is a Native Hawaiian.

(4) The term "Indian tribe" means any tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village pursuant to the Alaska Native Claims Settlement Act, which is recognized as eligible for special programs and services provided by the United States to Indians because of their status as Indians.

(5) The term "Native Hawaiian" means any descendant of a person who, prior to 1778, was a native of the Hawaiian Islands.

(6) The term "Secretary" means the Secretary of the Interior.

ESTABLISHMENT OF INSTITUTE

SEC. 4. There is established the Institute of Native American Culture and Arts Development, which shall be under the direction and control of a Board of Trustees (hereinafter referred to in this Act as the "Board") established in accordance with section 5.

BOARD OF TRUSTEES

SEC. 5. (a) The Board shall be composed of eighteen members as follows:

(1) twelve members appointed by the President of the United States from among individuals from private life who are Native Americans widely recognized in the field of Native American art and culture;

(2) Secretary of the Interior (or his designee);

(3) Secretary of Education (or his designee);

(4) Secretary of the Smithsonian Institution (or his designee);

(5) Chairman, National Endowment of the Arts (or his designee);

(6) Chairman, National Endowment of the Humanities (or his designee); and

(7) Librarian of Congress (or his designee).

The President of the Institute shall serve as an ex officio member of the Board.

(b) In making appointments pursuant to paragraph (1) of subsection (a), the President of the United States shall—

(1) consult with the Indian tribes and the various organizations of Native Americans; and

(2) give due consideration to the appointment of individuals who will provide appropriate regional and tribal representation on the Board.

(c) The term of office of each member of the Board appointed pursuant to paragraph (1) of subsection (a) shall be six years, except that of such members first appointed, four shall serve for a term of two years, four for a term of four years, and four for a term of six years, as designated by the President as of the time of appointment. Any member of the Board appointed to fill a vacancy occurring prior to the expiration of the term to which his predecessor was appointed shall be appointed for the remainder of the term. No member of the Board appointed pursuant to paragraph (1) of subsection (a) shall be eligible to serve in excess of two consecutive terms, but may continue to serve until his successor is appointed.

(d) The President of the United States shall designate the initial Chairman and Vice Chairman of the Board from among the members of the Board appointed pursuant to paragraph (1) of subsection (a). Such Chairman and Vice Chairman so designated shall serve for twelve calendar months. The Chairman and Vice Chairman shall thereafter be elected by the members of the Board appointed pursuant to paragraph (1) of subsection (a) and shall serve for terms of two years. In the case of a vacancy in the office of Chairman or Vice Chairman, such vacancy shall be filled by the members of the Board appointed pursuant to paragraph (1) of subsection (a) and the members filling such vacancy shall serve for the remainder of the unexpired term.

(e) Unless otherwise provided by the bylaws of the Institute, a majority of the members of the Board shall constitute a quorum.

(f) The Board is authorized—

(1) to formulate the policy of the Institute;

(2) to make such bylaws, rules, and regulations as it deems necessary for the administration of its functions under this Act, including the organization and procedure of the Board;

(3) to obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, and to accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(4) to solicit, accept, and dispose of gifts, bequests, devises of money, securities, and other properties of whatever character, for the benefit of the Institute;

(5) to receive grants from, and enter into contracts and other arrangements with, Federal, State, or local governments, public and private agencies, organizations, and institutions, and individuals;

(6) to acquire, hold, maintain, use, operate, and dispose of such real property, including improvements thereon, personal property, equipment, and other items, as may be necessary to enable the Board to carry out the purposes of this Act; and

(7) notwithstanding section 3618 of the Revised Statutes (31 U.S.C. 487), or any similar provision of law, to use any funds or property received by the Institute to carry out the purposes of this Act.

(g) Members of the Board appointed pursuant to paragraph (1) of subsection (a) of this section shall, for each day they are engaged in the performance of the duties under this Act, receive compensation at the rate of $125 per day, including traveltime. All members of the Board, while so serving away from their homes or regular places of business, shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

PRESIDENT; EMPLOYEES

SEC. 6. (a) The Board shall appoint a President of the Institute. The President of the Institute shall serve as the chief executive officer of the Institute. Subject to the direction of the Board and the general supervision of the Chairman, the President of the Institute shall have the responsibility for carrying out the policies and functions of the Institute, and shall have authority over all personnel and activities of the Institute.

(b) The President of the Institute shall be compensated at an annual rate not to exceed that prescribed for GS-18 of the General Schedule under section 5332 of title 5, United States Code.

(c) The President of the Institute, with the approval of the Board, shall have the authority to appoint and fix the compensation and duties of such officers and employees as may be necessary for the efficient administration of the Institute. Such appointments and compensation may be made without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and chapter 51 and subchapter III of chapter 53 of title 5, United States Code.

FUNCTIONS OF THE INSTITUTE

SEC. 7. (a) There shall be established within the Institute—

(1) a Center for Culture and Art Studies to be administered by a director (appointed by the President of the Institute, with the approval of the Board), which shall include, but not be limited to, Departments of Arts and Sciences, Visual Arts, Performing Arts, Language, and Literature;

(2) a Center for Native American Scholars to be administered by a director (appointed by the President of the Institute, with approval of the Board), which shall include, but not limited to, research programs, fellowship programs, and publications;

(3) a Center for Cultural Exchange, administered by a director (appointed by the President of the Institute, with the approval of the Board), which shall include an inter Native American program, marketing and promotion of crafts, promotion of Native American art, exhibits and shows; and

(4) a Museum of Native American Arts, administered by a director (appointed by the President of the Institute, with the approval of the Board), which shall include, but not be limited to, the acquisition of Native American art and the curation and exhibition of Native American art.

(b) In addition to the centers and programs described in subsection (a), the Institute shall develop such programs and centers as the Board determines are necessary to—

(1) foster research and scholarship in Native American art and culture;

(2) complement existing tribal programs for the advancement of Native American art and culture; and

(3) coordinate efforts to preserve, support, revitalize and disseminate Native American art and culture.

(c) The Institute shall catalog the items relating to Native American art and culture which are available in museums, archives, libraries and other collections within the United States.

TRANSFER OF FUNCTIONS

SEC. 8. (a) There are transferred to the Institute and the Institute shall perform the functions of—

(1) the Institute of American Indian Arts established by the Secretary of the Interior in 1962; and

(2) the Indian Arts and Crafts Board established by the Act entitled "An Act to promote the development of Indian arts and crafts and to create a board to assist therein, and for other purposes", approved August 27, 1935 (49 Stat. 891).

(b)(1) All personnel, liabilities, contracts, personal property, and records as are determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function transferred under the provisions of this Act, are transferred to the Institute.

(2) Personnel engaged in functions transferred by this Act shall be transferred in accordance with applicable laws and regulations relating to the transfer of functions, except that such transfer shall be without reduction in classification or compensation for one year after such transfer.

(c) All laws and regulations relating to the Institute of American Indian Arts and the Indian Arts and Craft Board transferred to the Institute by this Act shall, insofar as such laws and regulations are applicable, remain in full force and effect. With respect to such transfers, reference in any other Federal law to the Institute of American Indian Arts and the Indian Arts and Crafts Board, or any officer so transferred in connection therewith, shall be deemed to mean the Institute.

ANNUAL REPORT

SEC. 9. The President of the Institute shall submit an annual report to the Congress and to the Board concerning the status of the Institute during the twelve calendar months preceding the date of the report. Such report shall include, among other matters, a detailed statement of all private and public funds, gifts, and other items of a monetary value received by the Institute during such twelve-month period and the disposition thereof as well as any recommendations for improving the Institute.

HEADQUARTERS; RESOURCE CENTERS

SEC. 10. (a) The Board shall consult with the Indian tribes and various organizations of Native Americans regarding a suitable site for the headquarters of the Institute. After such consultation is completed, an existing facility owned by the United States shall be designated by the Board, with the approval of the head of the Department or Agency having jurisdiction over such facility, as the headquarters of the Institute. The head of such Department or Agency is authorized to transfer the real property and any improvements thereon which comprise such facility to the Institute.

(b) The Board is authorized to establish branch resource centers at various locations within the United States. The location of each resource center shall be determined by the Board after consultation with the Indian tribes and various organizations of Native Americans.

ADVISORY COMMITTEE

SEC. 11. (a) The President of the Institute shall establish an Advisory Committee which shall make recommendations to the Board on any matters relating to the Institute.

(b)(1) The Advisory Committee shall be composed of students of the Institute and parents of such students appointed by the President of the Institute.

(2) The number of members of the Advisory Committee and the terms of service of such members shall be determined by the President of the Institute.

(3) In making appointments to the Advisory Committee, the President of the Institute shall consider individuals who will provide appropriate representation of the students of the Institute and the parents of such students.

(c) The Advisory Committee shall elect a Chairman and shall have the authority to make any necessary rules regarding the procedures of the Advisory Committee.

COMPLIANCE WITH OTHER ACTS

SEC. 12. The Institute shall comply with the provisions of the American Indian Religious Freedom Act (92 Stat. 469) and the Archeological Resources Protection Act (93 Stat. 721).

AUTHORIZATION

SEC. 13. There are authorized to be appropriated, for the fiscal year beginning October 1, 1982, the sum of $4,000,000 to carry out the purposes of this Act, and for each fiscal year thereafter, such sum as may be necessary to carry out the purposes of this Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill 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.

## FLORIDA KEYS WILDERNESS

The bill (S. 1519) to designate certain national wildlife refuge lands was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1519

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

SECTION 1. (a) That certain lands known as North Cudjoe Key, Monroe County, Florida, which comprise approximately seventy-three acres, will be designated for purposes of the Wilderness Act (16 U.S.C. 1131-1136) as wilderness at the time those lands are included in the National Wildlife Refuge System, and shall become part of the existing "Florida Keys Wilderness".

SEC. 2. That notwithstanding any other provision of law, on the date that certain lands referred to as Racoon Key, Florida, comprising approximately twenty-five acres, and depicted on a map entitled "Florida Keys Wilderness and Great White Heron National Wildlife Refuge (West Part)" dated July 1975, are excluded from the National Wildlife Refuge System, they shall be excluded from the National Wilderness Preservation System.

SEC. 3. As soon as practical after this Act takes effect, the Secretary of the Interior shall file a map and legal description of the Florida Keys Wilderness with the Committee on Energy and Natural Resources of the Senate and the Interior and Insular Affairs Committee of the House of Representatives and such map and description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made. A map and legal description of the Florida Keys Wilderness shall be on file and available for public inspection in the Office of the Director, Fish and Wildlife Service, Department of the Interior.

SEC. 4. The lands designated by this Act as the Florida Keys Wilderness shall be administered in accordance with the applicable provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act and, where appropriate, any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill 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 NCO/PETTY OFFICER WEEK

The bill (S.J. Res. 161) to designate the week commencing with the fourth Monday in June 1982 as "National NCO/Petty Officer Week" was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 161

Whereas the noncommissioned officers and petty officers of the Army, Air Force, and Marine Corps and the petty officers of the Navy and the Coast Guard have been regarded as the backbone of the Armed Forces of the United States for more than two hundred years;

Whereas noncommissioned officers and petty officers continue to be the recruiters, trainers, and noncommissioned leaders of the men and women who join the Armed Forces of the United States;

Whereas the noncommissioned officers' and petty officers' spirit and devotion to duty is epitomized in the long list of recipients of the Medal of Honor and other decorations of personal valor;

Whereas noncommissioned officers and petty officers have made great sacrifices during their service to this Nation;

Whereas the recent shortage of such officers serving on active duty has highlighted their value to the Nation and its military forces;

Whereas the Non-Commissioned Officers Association (NCOA), with a representative membership of active, retired, Reserve, National Guard, and former noncommissioned officers and petty officers of the Army, Navy, Marine Corps, Air Force, and Coast Guard, will hold its twenty-first international convention in the final week of June 1982; and

Whereas it is fitting and proper to recognize the significant contributions made by all noncommissioned officers and petty officers of the Armed Forces of the United States to the freedom and defense of this Nation: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America*

89-059 O-85-26 (Pt. 7)

*in Congress assembled,* That the week commencing with the fourth Monday in June 1982 is designated as "National NCO/Petty Officer Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States and interested groups and organizations to set aside that week to honor past and present noncommissioned officers and petty officers of the Armed Forces of the United States in an appropriate manner.

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.

## EXCHANGE OF CERTAIN LAND HELD BY NAVAJO TRIBE AND BLM

Mr. BAKER. Mr. President, I ask the minority leader if there is any objection to proceeding to the consideration of Calendar No. 534.

Mr. ROBERT C. BYRD. There is no objection, Mr. President.

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 534, S. 159.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 159) to authorize the exchange of certain land held by the Navajo Tribe and the Bureau of Land Management, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Select Committee on Indian Affairs with an amendment to strike out all after the enacting clause, and insert the following:

That (a) subject to the approval of the Secretary of the Interior and to the provisions of this Act, the Navajo Tribe is authorized to exchange any surface interests of such Tribe in the lands described in subsection (b) for surface interests of the United States in lands described in subsection (c) which are approximately equal in value to such tribal interests.

(b) Lands located within the following New Mexico principal meridian townships are described in this subsection:

Township 8 north, range 12 west;
Township 8 north, range 11 west;
Township 7 north, range 12 west;
Township 7 north, range 11 west;
Township 6 north, range 12 west;
Township 7 north, range 5 west;
Township 6 north, range 5 west;
Township 6 north, range 4 west;
Township 6 north, range 3 west; and
Township 7 north, range 3 west.

(c) The lands described in this subsection are the lands withdrawn for exchange by Public Land Order 5721 (Federal Register, May 2, 1980, pages 29295-29297) other than the following lands:

Township 23 north, range 13 west, New Mexico principal meridian: section 3, southeast quarter; section 13, southeast quarter; and section 28, southwest quarter;

Township 16 north, range 10 west, New Mexico principal meridian: section 6, southeast quarter; and section 18, northeast quarter; and

Township 22 north, range 10 west, New Mexico principal meridian: section 16, north half and southwest quarter.

SEC. 2. Any interests in lands acquired by the Navajo Tribe under section 1(a) shall be held by the Secretary of the Interior in trust for the benefit and use of the Navajo Tribe.

SEC. 3. (a) Lands received by the Navajo Tribe in an exchange under section 1(a) shall be subject to such easements or rights-of-way as the Secretary of the Interior may create in order to provide necessary access to Federal lands adjacent to such lands. The Secretary of the Interior may create such an easement or right-of-way only after he has consulted the governing body of the Navajo Tribe with regard to the location, scope, and use of such easement or right-of-way.

(b) Nothing in this Act shall affect—

(1) the mineral interests of any person, or

(2) any easement or other rights of any person (other than the United States or the Navajo Tribe),

in lands exchanged under section 1(a) which existed prior to the enactment of this Act. The development of such interests and the exercise of such rights may only be controlled by the Navajo Tribe or the Secretary of the Interior to the same extent that such development or exercise could have been controlled by the Secretary of the Interior prior to the enactment of this Act.

SEC. 4. (a) No exchange shall be made under section 1(a) if, at the time such exchange is proposed, the value of the interests in lands described in section 1(b) which are proposed to be exchanged exceeds an amount equal to 125 percent of the value of interests in lands described in section 1(c) which are proposed to be exchanged.

(b)(1) If, at the time of an exchange under section 1(a), the value of the interests in lands described in section 1(b) which are exchanged under section 1(a) exceeds the value of the interests in lands described in section 1(c) which are exchanged under section 1(a), the Secretary of the Interior shall pay to the Navajo Tribe an amount equal to such excess value.

(2) If, at the time of any exchange under section 1(a), the value of the interests in lands described in section 1(c) which are exchanged under section 1(a) exceeds the value of the interests in lands described in section 1(b) which are exchanged under section 1(a), the Navajo Tribe shall pay to the United States an amount equal to such excess value.

SEC. 5. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of section 4(b)(1).

UP AMENDMENT NO. 913

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

The PRESIDING OFFICER. (Mr. ABDNOR). The amendment will be stated.

The assistant legislative clerk read the following:

The Senator from Tennessee (Mr. BAKER) for Mr. COHEN, proposes an unprinted amendment numbered 913:

On page 22, line 17:

Section 5 of S. 159 is hereby amended by inserting after the word "appropriated" and before the words "such sums" the phrase "during Fiscal Year 1983".

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

The amendment (UP No. 913) was agreed to.

● Mr. COHEN. Mr. President, I support S. 159, a bill to authorize an exchange of land held by the Navajo Tribe and the Bureau of Land Management. Mr. President, this bill was introduced by Senator HARRISON SCHMITT, of New Mexico on January 19, 1981, and was referred to the Select Committee on Indian Affairs.

Hearings were held on this bill on July 30, 1981, at which time it was supported by the administration with expressions of support from tribal respondents. A question arose with respect to support of the chairman of the Navajo Tribe and for this reason the committee was delayed in reporting the bill out of committee. The chairman of the Navajo Tribe has now expressed his support for this legislation.

Mr. President, the Navajo Tribe presently owns approximately 79,800 acres of land in the State of New Mexico which it proposes to exchange for lands in that State owned by the United States and managed by the Bureau of Land Management. The Bureau of Land Management proposes to acquire all of the 79,800 acres of land offered by the Navajo Tribe and transfer to the tribe lands of approximately equal value located in the northwest corner of the State. To the extent there is any difference in value in the lands exchanged, S. 159 authorizes and directs the Secretary of the Interior to compensate the tribe in an amount not to exceed 25 percent of the total value of the lands exchanged by the Navajo Tribe.

Mr. President, with respect to UP amendment No. 913, section 5 of the bill authorizes an appropriation of such sums as are necessary to carry out the purposes of the act. The bill fails to state the fiscal year in which such sums are authorized to be appropriated. I therefore ask that the Senate adopt the bill with a technical amendment to provide that the term "during fiscal year 1983" be inserted after the word "appropriated" as it appears in section 5 of the bill.●

● Mr. SCHMITT. Mr. President, the legislation before us represents the culmination of a noteworthy agreement between several agencies and a tribal government which resolves a complex land management problem.

The problem which is addressed by this bill is unique to the State of New Mexico. Land ownership in the northwestern region of the State is intermingled, often called checkboard. This designation reflects the pattern of small parcel ownership by private,

State, Federal, and Indian trust land. Prudent land management policies are often frustrated by this complex ownership pattern. In addition to the checkerboarding problem is the existence of unauthorized Indian occupancy on public lands which are managed by the Bureau of Land Management.

The Indian occupancy issue is a widespread problem and can be traced back to the early part of this century when portions of the public lands were temporarily withdrawn for use by the Navajo Tribe by Executive order. The authorized use by the Navajos was terminated in stages and the land was returned to the public domain on paper, however, the use of these lands by individual Navajos did not end.

The Navajos had lived and grazed their livestock in this region for over 400 years. Some of the people built their homes and put up corrals and fencing as was needed for their livestock operations. Because of the confusing land ownership pattern and missing survey markers, the extent of the trespass problem was not fully appreciated. Only in 1974, when the Bureau of Land Management inventoried the area during the planning process, was the unauthorized occupancy actually verified.

The response to this situation was both creative and compelling as an example of cooperation between agencies of the Federal Government and the Navajo Tribe. In an effort to avoid relocation of the Indians occupying public domain land, the Bureau of Indian Affairs, the Bureau of Land Management, and the Navajo Tribe agreed to cooperate in an exchange of land. In 1977 the Navajo Tribe purchased approximately 80,000 acres of privately owned land in an area which possesses significant natural interest: the El Malpais region of New Mexico. This land, which had been identified by the BLM as appropriate to their land management goals, is to be exchanged for 57,000 acres of public land on which about 1,000 Navajos now live as unauthorized occupants. All parties have agreed on the land appraisals which indicate an exchange of equal value. The agreement enhances the BLM multiple use management program, consolidates a portion of the checkerboard ownership pattern, and eliminates disruption and relocation of the Indian families occupying public domain land.

This exchange does not require legislative action. Such an exchange is fully authorized under section 206 of the Federal Land Policy and Management Act of 1976. However, legislation is necessary to authorize the Secretary of the Interior to accept and hold the lands in trust for the Navajo Tribe—a step which the tribe feels is vital in order to regularize and conform to existing tribal land status.

Therefore, the legislation before the Senate is the linchpin of the land exchange agreement. It provides the Secretary of the Interior to accept title to the exchanged lands on behalf of the Navajo Tribe to be held in trust. Subsurface rights to the land to be held in trust will be reserved to the Federal Government. This is consistent with the land acquired by the Navajo Tribe for the exchange: only surface rights of the previously private land were acquired. Existing mineral rights and existing easements and rights-of-way are protected in this legislation. Access to Federal lands adjacent to the land to be held in trust is guaranteed by the bill, and limited cash equalization of the land values is provided. No change in the official boundary of the Navajo Reservation is contemplated in this legislation and no additional powers are conferred on either the Secretary of the Interior of the Navajo Tribe except to allow the single-purpose transfer of land title into trust status.

I should like to again remark on the praiseworthy effort by all parties involved in this difficult situation. I would also like to thank my colleague, the distinguished chairman of the Select Committee on Indian Affairs, and his staff for the support which this measure has received, and for his understanding of the issues involved. I urge the adoption of this measure.●

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 159

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) subject to the approval of the Secretary of the Interior and to the provisions of this Act, the Navajo Tribe is authorized to exchange any surface interests of such Tribe in the lands described in subsection (b) for surface interests of the United States in lands described in subsection (c) which are approximately equal in value to such tribal interests.

(b) Lands located within the following New Mexico principal meridian townships are described in this subsection:

Township 8 north, range 12 west;
Township 8 north, range 11 west;
Township 7 north, range 12 west;
Township 7 north, range 11 west;
Township 6 north, range 12 west;
Township 7 north, range 5 west;
Township 6 north, range 5 west;
Township 6 north, range 4 west;
Township 6 north, range 3 west; and
Township 7 north, range 3 west;

(c) The lands described in this subsection are the lands withdrawn for exchange by Public Land Order 5721 (Federal Register May 2, 1980, pages 29295-29297) other than the following lands:

Township 23 north, range 13 west, New Mexico principal meridian: section 3, southeast quarter; section 13, southeast quarter; and section 28, southwest quarter;

Township 16 north, range 10 west, New Mexico principal meridian: section 6, southeast quarter; and section 18, northeast quarter; and

Township 22 north, range 10 west, New Mexico principal meridian: section 16, north half and southwest quarter.

SEC. 2. Any interests in lands acquired by the Navajo Tribe under section 1(a) shall be held by the Secretary of the Interior in trust for the benefit and use of the Navajo Tribe.

SEC. 3. (a) Lands received by the Navajo Tribe in an exchange under section 1(a) shall be subject to such easements or rights-of-way as the Secretary of the Interior may create in order to provide necessary access to Federal lands adjacent to such lands. The Secretary of the Interior may create such an easement or right-of-way only after he has consulted the governing body of the Navajo Tribe with regard to the location, scope, and use of such easement or right-of-way.

(b) Nothing in this Act shall affect—

(1) the mineral interests of any person, or

(2) any easement or other rights of any person (other than the United States or the Navajo Tribe),

in lands exchanged under section 1(a) which existed prior to the enactment of this Act. The development of such interests and the exercise of such rights may only be controlled by the Navajo Tribe or the Secretary of the Interior to the same extent that such development or exercise could have been controlled by the Secretary of the Interior prior to the enactment of this Act.

SEC. 4. (a) No exchange shall be made under section 1(a) if, at the time such exchange is proposed, the value of the interests in lands described in section 1(b) which are proposed to be exchanged exceeds an amount equal to 125 percent of the value of interests in lands described in section 1(c) which are proposed to be exchanged.

(b)(1) If, at the time of an exchange under section 1(a), the value of the interests in lands described in section 1(b) which are exchanged under section 1(a) exceeds the value of the interests in lands described in section 1(c) which are exchanged under section 1(a), the Secretary of the Interior shall pay to the Navajo Tribe an amount equal to such excess value.

(2) If, at the time of any exchange under section 1(a), the value of the interests in lands described in section 1(c) which are exchanged under section 1(a) exceeds the value of the interests in lands described in section 1(b) which are exchanged under section 1(a), the Navajo Tribe shall pay to the United States an amount equal to such excess value.

SEC. 5. There are hereby authorized to be appropriated during fiscal year 1983 such sums as are necessary to carry out the provisions of section 4(b)(1).

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill 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.

## EXECUTIVE CALENDAR

Mr. BAKER. Mr. President, there are certain nominations on the Executive Calendar today that are cleared for action by unanimous consent on this side of the aisle.

I particularly invite the attention of the minority leader to the following items: Calendar No. 744, under Coast Guard, Vice Adm. James S. Gracey, to be Commandant; Calendar No. 745, Rear Adm. Benedict L. Stabile, to be Vice Commandant; Calendar Nos. 746, 747, 748, and 749, under Department of State; Calendar No. 750, under International Communication Agency, Ronald L. Trowbridge, of Michigan, to be an Associate Director.

Is the minority leader in a position to clear these items for consideration by unanimous consent?

Mr. ROBERT C. BYRD. Mr. President, there is no objection to proceeding with the aforementioned nominations.

Mr. BAKER. I thank the minority leader.

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

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations will be stated.

Mr. BAKER. Mr. President, 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:

IN THE COAST GUARD

Vice Adm. James S. Gracey, U.S. Coast Guard, to be Commandant of the U.S. Coast Guard for a term of 4 years with the grade of admiral while so serving.

Rear Adm. Benedict L. Stabile, U.S. Coast Guard, to be the Vice Commandant of the U.S. Coast Guard with the grade of vice admiral while so serving.

DEPARTMENT OF STATE

Maynard W. Glitman, of Vermont, for the rank of Ambassador while serving as Department of State Representative and Deputy Head of the U.S. delegation to the Intermediate Range Nuclear Force Negotiations.

James Eugene Goodby, of New Hampshire, a career member of the Senior Foreign Service, class of Minister-Counselor, for the rank of Ambassador during the tenure of his service as Vice Chairman, U.S. Delegation to the strategic arms reductions talks (START) and Department of State Representative.

Louis G. Fields, Jr., of Virginia, for the rank of Ambassador while serving as the U.S. representative to the Committee on Disarmament.

Selwa Roosevelt, of the District of Columbia, for the rank of Ambassador during the tenure of her service as Chief of Protocol for the White House.

INTERNATIONAL COMMUNICATION AGENCY

Ronald L. Trowbridge, of Michigan, to be an Associate Director of International Communication Agency.

Mr. BAKER. Mr. President, I move to reconsider the votes by which the nominations were confirmed.

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

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of 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 the consideration of legislative business.

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

## ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a brief period for the transaction of routine morning business to extend not past 4:30 p.m. in which Senators may speak for not more than 5 minutes each.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be recinded.

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

## NATIONAL SMALL BUSINESS WEEK

Mr. BUMPERS. Mr. President, I am pleased to join several of my colleagues today in saluting the small businesses of this country. This week has been proclaimed "National Small Business Week" and it is a very fitting tribute for the thousands of men and women who operate small businesses.

We all know the great track record of the small businesses in this country. They create the vast majority of new jobs, are many times more innovative than larger firms, and are largely responsible for the growth or our economy over the last couple of decades.

These businesses, however, are having severe problems in the current economic environment. Continued high interest rates and the lack of available capital have forced thousands of these firms out of business, and these small business closings have thrown millions of Americans out of work. This administration, while continuing to cling to its hopes for a revived overall economy in which all firms, both large and small, will prosper, has failed to take into account the particular needs of the small businesses. If this neglect continues, the result is certain. Our economy will continue to be stagnant and no new jobs will be created. Since small businesses are on the cutting-edge of the economy we all know that they are going to lead us out of our current economic misery. Therefore, I would hope that the actions of this administration and the Congress would take into account the needs of the small business sector of our economy. Given the right opportunities these entities can create the jobs we so desperately need.

Having once been a small businessman, Mr. President, I know how difficult it can be in tough economic times as you struggle to stay afloat and make ends meet. The men and women who operate these businesses are to be commended for their efforts and hard work, and I am pleased to join the chairman of the Small Business Committee, Mr. WEICKER, and the ranking member, Mr. NUNN, in their support for small business on the beginning of "National Small Business Week."

## MESSAGES FROM THE PRESIDENT

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

## EXECUTIVE MESSAGES REFERRED

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

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

## MESSAGES FROM THE HOUSE

At 12:08 p.m., a message from the House of Representatives, delivered by Mr. Gregory, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4613. An act to increase the efficiency of Government-wide efforts to collect debts owed the United States and to provide additional procedures for the collection of debts owed the United States.

At 12:59 p.m., a message from the House of Representatives, delivered by Mr. Gregory, announced that pursuant to the provisions of section 1 of Public Law 689, 84th Congress, as amended, the Speaker appoints as

members of the U.S. Group of the North Atlantic Assembly, to be held from May 27 to June 1, 1982, in Madeira, Portugal, the following Members on the part of the House: Mr. PHILLIP BURTON of California, Chairman, Mr. HAMILTON, Vice Chairman, Mr. BROOKS, Mr. ANNUNZIO, Mr. ROSE, Mr. GARCIA, Ms. OAKAR, Mr. ROSENTHAL, Mr. BROOMFIELD, Mr. WHITEHURST, Mr. BURGENER, and Mr. ROTH.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 361. Joint resolution to grant official recognition to the international ballet competition.

The enrolled joint resolution was subsequently signed by the President pro tempore (Mr. THURMOND).

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At 1:13 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3208. An act to amend the Reclamation Safety of Dams Act of 1978, and for other purposes.

## HOUSE BILL REFERRED

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

H.R. 3208. An act to amend the Reclamation Safety of Dams Act of 1978, and for other purposes; to the Committee on Energy and Natural Resources.

## HOUSE BILL PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 4613. An act to increase the efficiency of Government-wide efforts to collect debts owed the United States and to provide additional procedures for the collection of debts owed the United States.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

S. Con. Res. 92. Original concurrent resolution setting forth the recommended congressional budget for the U.S. Government for the fiscal years 1983, 1984, and 1985, and revising the congressional budget for the U.S. Government for the fiscal year 1982 (with additional and minority views) (Rept. No. 97-385).

## EXECUTIVE REPORTS OF COMMITTEES SUBMITTED DURING THE RECESS

Under the authority of the order of the Senate of May 6, 1982, the following reports of committees were submitted on May 7, 1982, during the recess of the Senate:

By Mr. PERCY, from the Committee on Foreign Relations: Louis G. Fields, Jr., of Virginia, for the rank of Ambassador while serving as the U.S. Representative to the Committee on Disarmament:

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Louis G. Fields, Jr.

Post: U.S. Representative to the Committee on Disarmament.

Contributions, amount, date, donee.

1. Self: $25, July 8, 1981, GOP Victory Fund; $25, September 20, 1981, Friends of Coleman.
2. Spouse: none.
3. Children and spouses names: none.
4. Parents names: none.
5. Grandparents names: none.
6. Brothers and spouses names: (See attached list of brother's contributions. The spouse made no contributions.)
7. Sisters and spouses names: none.

I certify that the following are political contributions made by my brother, James H. Fields, of Chesterfield, Missouri, Ph 314-531-0460, all for Republican conservative causes, funds, drives:

Amount, Date, Donee.
$15., 4/3/78, NRSC.
$25., 6/14/78, Leadership Letters.
$15., 7/24/78, ASC.
$15., 8/1/78, RSCF.
$15., 2/1/79, Crane.
$15., 4/9/79, NRSC.
$25., 4/16/79, RNC.
$15., 6/28/79, PAC.
$15., 9/18/79, CC.
$25., 3/1/80, RNC.
$25., 5/1/80, NC/PAC.
$25., 5/28/80, Fund/MM.
$20., 5/28/80, MoRP.
$25., 8/26/80, Fund for Reagan.
$25., 8/26/80, Comte/Adv Morael Govt.
$25., 9/23/80, RSCF.
$15., 9/26/80, CC.
$25., 9/13/80, RNC.
$15., 9/26/80, CC.
$15., 10/6/80, McNary for Sen.
$25., 10/13/80, Evan 80 Comte.
$10., 2/9/81, CC.
$10., 2/9/81, TCC.
$10., 2/9/81, FAC.
$10., 2/9/81, RSC.
$10., 2/9/81, RNC.
$10., 4/29/81, RNC.
$25., 5/21/81, MoRP.
$40., Sep/Dec/81, Rep Pres Task Force.

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Maynard W. Glitman, of Vermont, for the rank of Ambassador while serving as Department of State Representative and Deputy Head of the U.S. Delegation to the Intermediate Range Nuclear Force Negotiations:

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Maynard W. Glitman. Post: Ambassador and Deputy Negotiator Intermediate Range Nuclear Forces.

Contributions, amount, date, donee.

1. Self: Maynard W. Glitman, None.
2. Spouse: G. Christine Glitman, None.
3. Children and Spouses Names: Russell, Eirk, Karen, Matthew, Rebecca, None.
4. Parents Names: Ben Glitman, None.
5. Grandparents Names: Mrs. Max Kutok, None.
6. Brothers and Spouses Names: Joseph S. Glitman, Geraldine Glitman, None.
7. Sisters and Spouses Names: Paula Giltman, None.

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James Eugene Goodby, of New Hampshire, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during the tenure of his service as Vice-Chairman, United States Delegation to the Strategic Arms Reduction Talks (START) and Department of State Representative:

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: James E. Goodby.

Post: Vice Chairman START Delegation.

Contributions: amount, date, donee.

1. Self, None.
2. Spouse, None.
3. Children and Spouses Names: None.
4. Parents Names: None.
5. Grandparents Names: None.
6. Brothers and Spouses Names: None.
7. Sisters and Spouses Names: None.

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Selwa Roosevelt, of the District of Columbia, for the rank of Ambassador during the tenure of her service as Chief of Protocol for the White House:

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Selwa Roosevelt.

Post: Chief of Protocol, Rank of Ambassador.

Nominated: March 3, 1981.

Contributions, amount, date, donee.

1. Self—Joint contributions (see attached paper).
2. Spouse.
3. Children and Spouses, Mrs. Roosevelt has no children. Names:
4. Parents, Only living parent—Najla Showker (see attached statement). Names:
5. Grandparents, not applicable. Names:
6. Brothers and Spouses, not applicable. Names:
7. Sisters and spouses Kay Showker (has made no contributions). Names:

Since my husband was in the government most of his career we have never been accustomed to making political contributions as such. However in recent years when asked by personal friends to contribute to their campaigns we have done so as follows:

1978: Citizens for Percy, $100.; Friends of Ed Brooke, $150.; Weld for Attorney Gen., $25. (relative); Marion Barry for Mayor, $100.

1979: George Bush for President, $250.; G.O.P. Victory Fund, $30.

1980: George Bush for President, $100.; G.O.P. Victory Fund, $25.

1981: McCloskey for Senate, $50.; Chuck Percy Senate Club, $100.; Ray Shamie for Senate (Republican candidate for Senate in Mass.), $25.

1982: Mar. 9—People for John Heinz Committee, $100.; Feb. 22—Republican Natl. Committee Sustaining Fund, $50.; March—The Republican Task Force, $120.

Ronald L. Trowbridge, of Michigan, to be an Associate Director of the International Communication Agency.

(The above nominations were reported from the Committee on Foreign Relations with the recommendation that they be confirmed, subject to the nominee's commitment to respond to

requests to appear and testify before any duly constituted committee of the Senate.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. PELL:

S. 2510. A bill to provide for daylight saving time on an extended basis, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DIXON:

S. 2511. A bill to amend the Merchant Marine Act of 1936 to provide that Government generated cargoes transported on U.S.-flag or foreign vessels shall be shipped at the lowest landed cost; to the Committee on Commerce, Science, and Transportation.

By Mr. METZENBAUM (for himself, Mr. SASSER, Mr. CRANSTON, Mr. NUNN, MR. RANDOLPH, Mr. BUMPERS, Mr. CHAFEE, Mr. DURENBERGER, Mr. STENNIS, Mrs. HAWKINS, Mr. RIEGLE, Mr. WEICKER, Mr. LUGAR, Mr. PELL, Mr. MATSUNAGA, Mr. DIXON, Mrs. KASSEBAUM, Mr. BURDICK, Mr. MCCLURE, Mr. SYMMS, Mr. ZORINSKY, Mr. KENNEDY, Mr. INOUYE, Mr. BAUCUS, Mr. LEAHY, Mr. BIDEN, Mr. DECONCINI, Mr. MATHIAS, and Mr. SPECTER):

S.J. Res. 197. Joint resolution to provide for the designation of the week of October 17 through October 23, 1982 as "Myasthenia Gravis Awareness Week"; 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. 389. A resolution relative to the expenses incurred by the representatives of the Senate who attended the funeral of the Honorable Clifford P. Case, late Senator from the State of New Jersey; considered and agreed to.

By Mr. DOMENICI, from the Committee on the Budget:

S. Con. Res. 92. An original concurrent resolution setting forth the recommended congressional budget for the U.S. Government for fiscal years 1983, 1984, and 1985, and revising the congressional budget for the U.S. Government for fiscal year 1982; placed on the calendar.

By Mr. DOLE (for himself, Mr. JEPSEN, Mr. LEVIN, and Mr. MOYNIHAN):

S. Con. Res. 93. Concurrent resolution to urge the Government of the Soviet Union to facilitate the emigration of certain Soviet citizens, and for other purposes; to the Committee on Foreign Relations.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PELL.

S. 2510. A bill to provide for daylight saving time on an expanded basis, and for other purposes; to the Committee on Commerce, Science, and Transportation.

DAYLIGHT SAVING TIME EXTENSION ACT OF 1982

Mr. PELL. Mr. President, I am introducing today legislation that would amend the Uniform Time Act of 1966 to provide for the observance of daylight saving time—d.s.t.—for an 8-month period beginning the first Sunday in March through the last Sunday in October. Under the current law, daylight saving time is observed from the last Sunday in April to the last Sunday in October. The legislation I propose would advance daylight saving time by a 2-month period.

During the energy emergency of the early 1970's, I introduced similar legislation to extend daylight saving time on a year-round basis as one way to help ease the energy crunch and respond to other concerns during that critical period. I was especially pleased that legislation to extend daylight saving time was enacted—Public Law 93-434—on an experimental basis in 1973 for a 2-year period in response to the energy emergency.

Mr. President, while the immediate concerns of the energy crisis have abated, the importance of emphasizing a continuation of energy conservation by all Americans has not diminished.

Unquestionably, one of the most immediate benefits of daylight saving time extension is the energy savings associated with the consumption of electricity. Recent reports by the Department of Transportation suggest that an extension of daylight saving time would reduce the demand for electricity between 1 and 2 percent nationally. This reduction in demand would mean an energy savings of approximately 100,000 barrels of oil equivalent per day during the 2-month extension.

Beyond the direct reduction in demand for electricity, it is also important to recognize that an expanded period of daylight saving time would serve as further incentive for energy conservation by individuals, businesses, and industry and various government entities. The expanded period of daylight would remind us all of our continued need to conserve energy and reduce the Nation's dependency upon imported oil.

Mr. President, the benefits of an expanded daylight saving time extend beyond the important energy conservation area. There would be additional immediate and noticeable effects on the quality of life for all Americans. These direct benefits beyond conservation include reductions in most categories of crime, reductions in traffic accidents and reductions in fatalities.

The National Highway Traffic Safety Administration, for example, predicted there would be 200 fewer traffic fatalities per year if the observance of daylight saving time was extended to include March and April. In this regard, and in response to the considerable and proper concern over the matter of schoolchildren waiting for school buses in the early morning hours, studies by the Department of Transportation and the National Bureau of Standards have indicated that based upon the daylight saving time experiment in the midseventies, there were no school age fatality increases during the months of March and April of 1974. The National Safety Council and the Department of Transportation further indicated that under extended daylight saving time in March and April, school age children would not be subject to greater involvement in accidents than the general population in any period of the day.

Another key benefit from the 2 additional months of daylight would be a nationwide reduction in most categories of crime—a problem rapidly reaching epidemic proportions in our Nation. Statistics indicate that robbery, muggings, and other forms of violent crime are most frequently committed during the early evening hours. With the extra hour of daylight, at a time when most of the work force would be en route home, criminals would be less apt to threaten these individuals returning to their families. This position is strongly supported by a study conducted by the Law Enforcement Assistance Administration following the 2-year experiment with year-round daylight saving time. The study revealed reductions in violent crime of 10 to 13 percent in the Washington metropolitan area. The analysis showed considerably less violent crime for the daylight saving time periods when compared to similar periods of standard time.

Finally, Mr. President, I believe it is significant to note the wide public support for extending daylight saving time beyond the current 6-month period. In polls conducted during the experimental period 1974-75, a majority of the public favored expanded daylight saving time by a ratio of 2 to 1. More recent polls conducted by the Roper Organization in 1976 and 1980 reaffirm this broad public support for an extended period of daylight saving time.

Mr. President, it seems clear that the benefits of extending daylight saving time for the 2-month period far outweighs the continuation of the present 6-month period. The legislation I am proposing would impose no additional burden for the American taxpayers and require no additional involvement by the Federal Government. Furthermore, this legislation protects those States who opposed any expanded daylight saving time by continuing the authority for any State to exempt itself from the provisions of the bill. In my view, an extension of daylight saving time would be beneficial to all Americans through significant reductions in crime, traffic acci-

dents, and energy consumption. I hope my colleagues will support this legislation and an extension of daylight saving time for the 2-month period including March and April.

I ask unanimous consent, Mr. President, that the text of the legislation I am proposing today be printed in the RECORD at the conclusion of my remarks.

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

S. 2510

*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 "Daylight Saving Time Extension Act of 1982".

SEC. 2. The Congress hereby finds—

(1) that various studies of governmental and nongovernmental agencies indicate that daylight saving time over an expanded period would produce a significant energy saving in electrical power consumption;

(2) that daylight saving time may yield energy savings in other areas besides electrical power consumption;

(3) that daylight saving time over an expanded period could serve as an incentive for further energy conservation by individuals, companies, and the various governmental entities at all levels of government, and that such energy conservation efforts could lead to greatly expanded energy savings; and

(4) that the use of daylight saving time over an expanded period could have other beneficial effects on the public interest, including the reduction of crime, improved traffic safety, more daylight outdoor playtime for the children and youth of our Nation, greater utilization of parks and recreation areas, expanded economic opportunity through extension of daylight hours to peak shopping hours and through extension of domestic office hours to periods of greater overlap with the European Economic Community.

SEC. 3. (a) Section 3 (a) of the Uniform Time Act of 1966 (15 U.S.C. 260a(a)) is amended by striking out "last Sunday of April" and inserting in lieu thereof "first Sunday of March".

(b) Any law in effect on the date of the enactment of this Act—

(1) adopted pursuant to section 3(a)(2) of the Uniform Time Act of 1966 by a State with parts thereof in more than one time zone, or

(2) adopted pursuant to section 3(a) (1) of such Act by a State that lies entirely within one time zone,

shall be held and considered to remain in effect as the exercise by that State of the exemption permitted by such Act unless that State, by law, provides that such exemption shall not apply.

SEC. 4. Nothwithstanding any other law or any regulation issued under any such law, the Federal Communications Commission shall, consistent with any existing treaty or other agreement, make such adjustment by general rules, or by interim action pending such general rules, with respect to hours of operation of daytime standard amplitude modulation broadcast stations, as may be consistent with the public interest, including the public's interest in receiving interference-free service. Such general rules, or interim action, may include variances with respect to operating power and other technical operating characteristics. Subsequent to the adoption of such general rules, they may be varied with respect to particular stations and areas because of the exigencies in each case.

SEC. 5. This Act shall take effect on the date of the enactment of this Act, except that if the date of enactment occurs in any calendar year after March 1, this Act shall take effect on the first day of the following calendar year.

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By Mr. DIXON:

S. 2511. A bill to amend the Merchant Marine Act of 1936 to provide that Government generated cargoes transported on U.S. flag or foreign vessels shall be shipped at the lowest landed cost; to the Committee on Commerce, Science, and Transportation.

TRANSPORTATION OF GOVERNMENT GENERATED CARGOES

Mr. DIXON. Mr. President, the U.S. merchant marine is an important component of our national defense system, but it has fallen into very bad shape. It is costly to operate and often inefficient. In this time of fiscal austerity, it is appropriate for the Congress to be reexamining the maritime subsidy programs' effectiveness and costs.

These programs are presently in the process of being reviewed by the Commerce Committee in the context of the Maritime Administration reauthorization bill. I would like to note that the committee attention has not been limited to these subsidy programs. A major and long-awaited revision of the Nation's shipping regulatory laws was just recently reported by the Commerce Committee, and the committee should be commended for its hard work on this issue.

The bill I am introducing today addresses one important part of the wide range of this Nation's maritime promotional programs—the costs of administering the present cargo preference system. This bill would amend the Merchant Marine Act of 1936 and Public Resolution 17 to provide that Government generated cargoes, whether shipped on U.S. flag or foreign vessels, be shipped at the lowest landed cost. I wish to emphasize at the outset that the bill does not in any way alter the U.S. merchant marine's entitlements to its percentage of cargo preference shipments. The fundamental principles of our cargo preference system are left inviolate. The bill does, however, require that such preference cargoes be shipped in the U.S.-flag vessels that offer to deliver the cargo at the lowest landed cost. Similarly, the bill requires that the remaining cargoes which are carried in foreign vessels must be shipped in those vessels that will deliver the cargo at the lowest landed cost. The bill thereby provides that cargoes which are financed by the Federal Government are shipped at the lowest cost to U.S. taxpayers.

The bill gives the President the authority not to ship at the lowest landed price if he determines that such shipment would not be in the U.S. security or strategic interests, or in the case of an emergency. Finally, the requirement to ship through ports at lowest landed costs is applicable only when vessels offering such transportation are available.

Mr. President, the Government finances for export a wide range of products under the aegis of a large number of agencies. Depending on the particular program, the cargo preference laws dictate that 50 percent or more of that cargo be shipped on U.S.-flag vessels. The U.S.-flag fleet is more expensive than foreign vessels. We all know that, and that is one of the main reasons cargo preference is so important to the U.S. merchant marine—it is a major source of cargo assurance to a fleet that is not economically competitive.

But, if we are going to accept this kind of subsidy program, we should make sure that we are not paying more than is necessary.

The present cargo preference laws are administered by some agencies in a manner that does not insure lowest cost to the Government. What this bill does is require that, if the U.S. Government ships cargo on a U.S.-flag vessel, it must be on the U.S.-flag vessel that provides transportation at the lowest landed cost. Similarly, if the Federal Government finances the transportation of cargo on foreign ships, such cargo must be shipped at lowest landed cost.

Some agencies already manage their cargo shipments in this manner. As a general proposition, for example, the Department of Agriculture Public Law 480 program is run with this principle in mind. On the other hand, cargoes generated by Eximbank financing are not shipped in this fashion.

It seems to me that a fundamental principle of any economically sound operation is its intent to achieve a result at the lowest cost. It is certainly the expectation of the American taxpaying public that the Federal Government will eliminate unnecessary spending whenever it is found. Mr. President, I submit that this bill will insure that shipments of Government generated cargoes involve as little of the Federal purse as possible. And furthermore, it will do so in an equitable fashion and will not repeal or alter the fundamental cargo preference principles. The savings from this proposal can then be used more productively in generating more export cargo, rather than spending needlessly on more costly transportation.

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

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

S. 2511

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) section 901(b) of the Merchant Marine Act of 1936 (46 U.S.C. 1241 (b)) is amended by redesignating paragraph (2) as paragraph (3), and by inserting the following new paragraph immediately after paragraph (1):

"(2)(A) All cargoes to which the 50 per centum requirement of this subsection applies, which are transported on privately owned United States-flag commercial vessels, shall be carried on those United States-flag vessels that will transport the cargo at the lowest landed cost whenever such vessels are available, unless the President of the United States or the Secretary of Defense orders otherwise on the basis of a declared emergency.

"(B) All cargoes to which the 50 per centum requirement of this subsection applies, which are not transported on privately owned United States-flag commercial vessels and whose inland or ocean transportation involves financing by the United States, shall be carried on those vessels that will transport the cargo at the lowest landed cost whenever such vessels are available, unless the President of the United States or the Secretary of Defense orders otherwise for national security or strategic reasons or on the basis of a declared emergency.

"(C) For the purposes of this section, "lowest landed cost" shall mean the cost of transporting the cargo from the point of production or final assembly to the designated port of entry abroad. The Secretary of Commerce and every department or agency having responsibility under this subsection shall take such steps as may be necessary: (i) to encourage the consolidation of cargo subject to this subsection whenever consolidation would promote shipment of such cargo at lowest landed cost and would be appropriate, and (ii) to assure that such cargo is transported at the lowest landed cost in compliance with this section, including requiring shippers, freight forwarders or other appropriate persons to invite bids for the ocean transportation of such cargo.".

SEC. 2. The Joint Resolution entitled "Joint Resolution requiring agricultural or other products to be shipped in vessels of the United States where the Reconstruction Finance Corporation or any other instrumentality of the Government finances the exporting of such products", approved March 26, 1934 (46 U.S.C. 1241-1), is amended—

(1) by inserting "(a)" after "That"; and

(2) by adding at the end thereof the following new subsections:

"(b) All products to which this joint resolution applies, which are carried in vessels of the United States, shall be carried in those United States-flag vessels that will transport the products at the lowest landed cost whenever such vessels are available, unless the President of the United States or Secretary of Defense orders otherwise on the basis of a declared emergency.

"(c) All products to which this joint resolution applies, which are not carried in vessels of the United States and whose inland or ocean transportation involves financing by the United States, shall be carried in those vessels that will transport the products at the lowest landed cost whenever such vessels are available, unless the President of the United States or Secretary of Defense orders otherwise for national security or strategic reasons or on the basis of a declared emergency.

"(d) For the purposes of this section, "lowest landed cost" shall mean the cost of transporting the products from the point of production or final assembly to the designated port of entry abroad. The Secretary of Commerce, or the appropriate Federal agency designated by the Secretary of Commerce, shall take such steps as may be necessary: (1) to encourage the consolidation of products subject to this subsection whenever consolidation would promote shipment of such product at lowest landed cost and would be appropriate, and (2) to assure that such products are transported at the lowest landed cost in compliance with this section, including requiring shippers, freight forwarders or other appropriate persons to invite bids for the ocean transportation of such products.".

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By Mr. METZENBAUM (for himself, Mr. SASSER, Mr. CRANSTON, Mr. NUNN, Mr. RANDOLPH, Mr. BUMPERS, Mr. CHAFEE, Mr. DURENBERGER, Mr. STENNIS, Mrs. HAWKINS, Mr. RIEGLE, Mr. WEICKER, Mr. LUGAR, Mr. PELL, Mr. MATSUNAGA, Mr. DIXON, Mrs. KASSEBAUM, Mr. BURDICK, Mr. MCCLURE, Mr. SYMMS, Mr. ZORINSKY, Mr. KENNEDY, Mr. INOUYE, Mr. BAUCUS, Mr. LEAHY, Mr. BIDEN, Mr. DECONCINI, Mr. MATHIAS, and Mr. SPECTER):

S.J. Res. 197. Joint resolution to provide for the designation of the week of October 17 through October 23, 1982, as "Myasthenia Gravis Awareness Week"; to the Committee on the Judiciary.

MYASTHENIA GRAVIS AWARENESS WEEK

● Mr. METZENBAUM. Mr. President, I am introducing today a joint resolution to designate the week of October 17 through 23, 1982, as "Myasthenia Gravis Awareness Week."

I am pleased to have Senators SASSER, CRANSTON, NUNN, RANDOLPH, BUMPERS, CHAFEE, DURENBERGER, STENNIS, HAWKINS, RIEGLE, WEICKER, LUGAR, PELL, MATSUNAGA, DIXON, KASSEBAUM, BURDICK, MCCLURE, SYMMS, ZORINSKY, KENNEDY, INOUYE, BAUCUS, LEAHY, BIDEN, DECONCINI, MATHIAS, and SPECTER join me as cosponsors of this resolution.

Myasthenia Gravis is a neuromuscular disease characterized by spells of extreme, sometimes fatal weakness. It can strike anyone at any age. An estimated 100,000 to 200,000 diagnosed, and over 100,000 undiagnosed, Americans of both sexes and of all races and ages are affected by this debilitating disease.

Although myasthenia gravis is called a neuromuscular disease, it is not a disease of either the nerves or the muscles. It literally lies between the two. Communication between healthy nerves and healthy muscles is lacking because the victim's body is deficient in a substance which acts as an electrical conductor between nerve and muscle.

Myasthenia gravis was first diagnosed in the 17th century, but substantial progress in diagnosing and treating this puzzling disease has only been made in the last decade. In its milder forms, the disease's symptoms indicate chronic fatigue, and doctors will often treat for that condition. Other mistaken diagnoses include emotional disturbance, brain damage, or diseases of the throat, eyes, lungs, limbs, or the heart, since the functioning of any of these may be affected by myasthenia gravis.

We face a continuing need to educate the public and to conduct research into the cause, treatment, and cure of this debilitating disease. Myasthenia gravis awareness week is a first step in meeting this need.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

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

S.J. Res. 197

Whereas the incidence and prevalence of Myasthenia Gravis present a significant health problem in the United States;

Whereas Myasthenia Gravis is a severe neuromuscular disorder, characterized by weakness of the voluntary muscles of the body;

Whereas an estimated 100,000 to 200,000 diagnosed, and over 100,000 undiagnosed, Americans of both sexes, and all races and ages, are afflicted with the disease;

Whereas the Nation faces a continuing need to support innovative research into the causes, treatment and cure of Myasthenia Gravis;

Whereas, it is appropriate to focus the Nation's attention upon the problem of Myasthenia Gravis; 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 October 17 through October 23, 1982, is designated as "Myasthenia Gravis Awareness Week" and the President of the United States is authorized and requested to issue a proclamation calling upon all government agencies and people of the United States to observe the week with appropriate programs, ceremonies, and activities.●

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## ADDITIONAL COSPONSORS

S. 2019

At the request of Mr. BUMPERS, the Senator from Ohio (Mr. GLENN), and the Senator from Illinois (Mr. PERCY) were added as cosponsors of S. 2019, A bill to amend title 38, United States Code, to authorize the Administrator of the Veterans' Affairs to pay certain burial and funeral expenses of certain veterans and to provide a cemetery plot allowance for certain veterans.

S. 2226

At the request of Mr. LUGAR, the Senator from Washington (Mr. JACKSON), the Senator from Maryland (Mr. SARBANES), the Senator from Illinois

(Mr. DIXON), the Senator from Connecticut (Mr. DODD), and the Senator from Massachusetts (Mr. TSONGAS) were added as cosponsors of S. 2226, A bill to amend the National Housing Act to provide for emergency interest reduction payments and for other purposes.

S. 2369

At the request of Mr. DOLE, the Senator from Nebraska (Mr. ZORINSKY), and the Senator from Vermont (Mr. LEAHY) were added as cosponsors 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. 2372

At the request of Mr. HATFIELD, the Senator from Idaho (Mr. MCCLURE), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 2372, A bill to affirm the intrinsic value of all human life, to recognize the humanity of unborn children, and to insure that the Federal Government not participate in or support abortions.

S. 2376

At the request of Mr. GRASSLEY, the Senator from Pennsylvania (Mr. SPECTER), the Senator from North Carolina (Mr. HELMS), and the Senator from Idaho (Mr. SYMMS) were added as cosponsors of S. 2376, A bill to direct the Secretary of the Treasury or his delegate to conduct a study of the advisability of replacing the current Federal income tax system for individuals and corporations.

S. 2420

At the request of Mr. HEINZ, the Senator from Iowa (Mr. GRASSLEY), the Senator from North Carolina (Mr. EAST), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Maryland (Mr. MATHIAS), the Senator from Delaware (Mr. BIDEN), and the Senator from Florida (Mrs. HAWKINS) were added as cosponsors of S. 2420, A bill to protect victims of crime.

S. 2494

At the request of Mr. ABDNOR, the Senator from Montana (Mr. BAUCUS), and the Senator from Texas (Mr. BENTSEN) were added as cosponsors of S. 2494, A bill to authorize support for an ongoing program of water resources research.

S.J. RES. 150

At the request of Mrs. KASSEBAUM, the Senator from New York (Mr. D'AMATO), the Senator from Iowa (Mr. GRASSLEY), the Senator from Arizona (Mr. GOLDWATER), the Senator from Indiana (Mr. LUGAR), the Senator from South Dakota (Mr. PRESSLER), the Senator from Florida (Mrs. HAWKINS), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Alaska (Mr. STEVENS), the Senator from Oregon (Mr. PACKWOOD), the Senator from New Mexico (Mr. SCHMITT), the Senator from Missouri (Mr. DANFORTH), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. CANNON), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Michigan (Mr. RIEGLE), the Senator from Hawaii (Mr. INOUYE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from New York (Mr. MOYNIHAN), the Senator from Montana (Mr. BAUCUS), the Senator from Ohio (Mr. GLENN), the Senator from Connecticut (Mr. WEICKER), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S.J. Res. 150, a joint resolution to authorize and request the President to designate May 20, 1982, as "Amelia Earhart Day".

SENATE JOINT RESOLUTION 175

At the request of Mr. KASTEN, the Senator from Alabama (Mr. DENTON), the Senator from Louisiana (Mr. JOHNSTON), the Senator from New Mexico (Mr. SCHMITT), the Senator from Georgia (Mr. NUNN), the Senator from Nebraska (Mr. EXON), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Senator from New Mexico (Mr. DOMENICI), the Senator from Arkansas (Mr. PRYOR), and the Senator from North Dakota (Mr. ANDREWS) were added as cosponsors of Senate Joint Resolution 175, a joint resolution authorizing and requesting the President to proclaim "National Junior Bowling Championship Week."

SENATE JOINT RESOLUTION 185

At the request of Mr. DOLE, the Senator from Texas (Mr. TOWER) was added as a cosponsor 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 60

At the request of Mr. PRESSLER, the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of Senate Concurrent Resolution 60, a concurrent resolution disapproving the Federal Trade Commission trade regulation rule relating to the sale of used motor vehicles.

SENATE RESOLUTION 353

At the request of Mr. BUMPERS, the Senator from Texas (Mr. BENTSEN), the Senator from Ohio (Mr. METZENBAUM), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Michigan (Mr. RIEGLE), the Senator from California (Mr. CRANSTON), and the Senator from Florida (Mrs. HAWKINS) were added as cosponsors of Senate Resolution 353, a resolution expressing support for preventive health programs.

S. RES. 363

At the request of Mr. SASSER, the Senator from Pennsylvania (Mr. SPECTER), the Senator from Alabama (Mr. HEFLIN), and the Senator from Kentucky (Mr. HUDDLESTON) were added as cosponsors of S. Res. 363, A resolution expressing the sense of the Senate with respect to Federal funding for fossil fuel programs.

AMENDMENT NO. 1370

At the request of Mr. HEINZ, the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of Amendment No. 1370 intended to be proposed to S. 2237, A bill to promote economic revitalization and facilitate expansion of economic opportunity in the Caribbean Basin region.

AMENDMENT NO. 1442

At the request of Mr. ROBERT C. BYRD, the Senator from Massachusetts (Mr. TSONGAS) was added as a cosponsor of Amendment No. 1442 proposed to S. 2248, A bill to authorize appropriations for fiscal year 1983 for procurement, for research, development, test, and evaluation, and for operation and maintenance for the Armed Forces, to prescribe personnel strengths for the Armed Forces and for civilian personnel of the Department of Defense, and for other purposes.

AMENDMENT NO. 1443

At the request of Mr. ROBERT C. BYRD, the Senator from Massachusetts (Mr. TSONGAS) was added as a cosponsor of Amendment No. 1443 proposed to S. 2248, A bill to authorize appropriations for fiscal year 1983 for procurement, for research, development, test, and evaluation, and for operation and maintenance for the Armed Forces, to prescribe personnel strengths for the Armed Forces and for civilian personnel of the Department of Defense, and for other purposes.

## SENATE CONCURRENT RESOLUTION 92—ORIGINAL CONGRESSIONAL RESOLUTION SETTING THE CONGRESSIONAL BUDGET FOR FISCAL YEARS 1983, 1984, AND 1985

Mr. DOMENICI, from the Committee on the Budget, reported the following original concurrent resolution; which was placed on the calender:

S. CON. RES. 92

Concurrent Resolution setting forth the recommended congressional budget for the United States Government for the fiscal years 1983, 1984, and 1985, and revising the congressional budget for the United States Government for the fiscal year 1982

*Resolved by the Senate (the House of Representatives concurring),* That the Congress hereby determines and declares, pursuant to sections 301(a) and 304 of the Congressional Budget Act of 1974, that:

(a) The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1981, October 1, 1982, October 1, 1983, and October 1, 1984:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1982: $623,000,000,000.
Fiscal year 1983: $667,000,000,000.
Fiscal year 1984: $739,000,000,000.
Fiscal year 1985: $822,000,000,000.

and the amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1983: $22,000,000,000.
Fiscal year 1984: $37,000,000,000.
Fiscal year 1985: $42,000,000,000.

(2) The appropriate levels of total new budget authority are as follows:

Fiscal year 1982: $777,600,000,000.
Fiscal year 1983: $831,700,000,000.
Fiscal year 1984: $892,300,000,000.
Fiscal year 1985: $966,000,000,000.

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1982: $740,700,000,000.
Fiscal year 1983: $779,100,000,000.
Fiscal year 1984: $825,000,000,000.
Fiscal year 1985: $878,500,000,000.

(4) The appropriate reductions of outlays or increases of revenues, or a combination thereof, to assure the solvency of the Social Security Old-Age and Survivors Insurance Trust Fund are as follows:

Fiscal year 1983: $6,000,000,000.
Fiscal year 1984: $17,000,000,000.
Fiscal year 1985: $17,000,000,000.

(5) The amounts of the deficits in the budget which are appropriate in the light of economic conditions and all other relevant factors are as follows:

Fiscal year 1982: $117,700,000,000.
Fiscal year 1983: $106,100,000,000.
Fiscal year 1984: $69,000,000,000.
Fiscal year 1985: $39,500,000,000.

(6) The appropriate levels of the public debt are as follows:

Fiscal year 1982: $1,144,200,000,000.
Fiscal year 1983: $1,290,000,000,000.
Fiscal year 1984: $1,414,600,000,000.
Fiscal year 1985: $1,522,900,000,000.

and the amounts by which the temporary statutory limits on such debt should be accordingly increased are as follows:

Fiscal year 1982: $64,400,000,000.
Fiscal year 1983: $145,800,000,000.
Fiscal year 1984: $124,600,000,000.
Fiscal year 1985: $108,300,000,000.

(7) The appropriate levels of total Federal credit activity for the fiscal years beginning on October 1, 1981, and October 1, 1982, are as follows:

Fiscal year 1982:
(A) New direct loan obligations, $67,300,000,000.
(B) New primary loan guarantee commitments, $93,000,000,000.
(C) New secondary loan guarantee commitments, $69,000,000,000.

Fiscal year 1983:
(A) New direct loan obligations, $63,600,000,000.
(B) New primary loan guarantee commitments, $102,500,000,000.
(C) New secondary loan guarantee commitments, $68,300,000,000.

(b) Pursuant to sections 301 and 304 of the Congressional Budget Act of 1974, the Congress hereby determines and declares the appropriate levels of budget authority, and budget outlays, for the fiscal years 1982 through and inclusive of 1985 and the appropriate levels of new direct loan obligations, new primary loan guarantee commitments, and new secondary loan guarantee commitments for fiscal years 1982 and 1983 for each major functional category are:

(1) National Defense (050):
Fiscal year 1982:
(A) New budget authority, $216,900,000,000.
(B) Outlays, $190,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $30,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1983:
(A) New budget authority, $251,700,000,000.
(B) Outlays, $215,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $30,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:
(A) New budget authority, $278,300,000,000.
(B) Outlays, $243,000,000,000.

Fiscal year 1985:
(A) New budget authority, $316,500,000,000.
(B) Outlays, $277,700,000,000.

(2) International Affairs (150):
Fiscal year 1982:
(A) New budget authority, $16,800,000,000.
(B) Outlays, $11,400,000,000.
(C) New direct loan obligations, $10,400,000,000.
(D) New primary loan guarantee commitments, $9,300,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1983:
(A) New budget authority, $16,200,000,000.
(B) Outlays, $12,100,000,000.
(C) New direct loan obligations, $10,200,000,000.
(D) New primary loan guarantee commitments, $9,300,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:
(A) New budget authority, $16,700,000,000.
(B) Outlays, $12,300,000,000.

Fiscal year 1985:
(A) New budget authority, $21,000,000,000.
(B) Outlays, $12,200,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 1982:
(A) New budget authority, $7,000,000,000.
(B) Outlays, $7,100,000,000.
(C) New direct loan obligations, $200,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1983:
(A) New budget authority, $7,000,000,000.
(B) Outlays, $7,100,000,000.
(C) New direct loan obligations, $200,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:
(A) New budget authority, $6,900,000,000.
(B) Outlays, $7,000,000,000.

Fiscal year 1985:
(A) New budget authority, $6,900,000,000.
(B) Outlays, $7,000,000,000.

(4) Energy (270):
Fiscal year 1982:
(A) New budget authority, $4,800,000,000.
(B) Outlays, $6,400,000,000.
(C) New direct loan obligations, $10,600,000,000.
(D) New primary loan guarantee commitments, $1,700,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1983:
(A) New budget authority, $4,900,000,000.
(B) Outlays, $4,800,000,000.
(C) New direct loan obligations, $12,100,000,000.
(D) New primary loan guarantee commitments, $600,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:
(A) New budget authority, $4,200,000,000.
(B) Outlays, $3,600,000,000.

Fiscal year 1985:
(A) New budget authority, $4,100,000,000.
(B) Outlays, $3,300,000,000.

(5) Natural Resources and Environment (300):
Fiscal year 1982:
(A) New budget authority, $10,300,000,000.
(B) Outlays, $12,800,000,000.
(C) New direct loan obligations, $30,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1983:
(A) New budget authority, $9,900,000,000.
(B) Outlays, $11,400,000,000.
(C) New direct loan obligations, $30,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:
(A) New budget authority, $9,300,000,000.
(B) Outlays, $10,300,000,000.

Fiscal year 1985:
(A) New budget authority, $8,900,000,000.
(B) Outlays, $9,300,000,000.

(6) Agriculture (350):
Fiscal year 1982:
(A) New budget authority, $9,900,000,000.
(B) Outlays, $13,800,000,000.
(C) New direct loan obligations, $22,600,000,000.
(D) New primary loan guarantee commitments, $2,700,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1983:
(A) New budget authority, $6,600,000,000.
(B) Outlays, $10,100,000,000.
(C) New direct loan obligations, $19,000,000,000.
(D) New primary loan guarantee commitments, $2,600,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:
(A) New budget authority, $8,300,000,000.
(B) Outlays, $8,200,000,000.

Fiscal year 1985:
(A) New budget authority, $6,700,000,000.
(B) Outlays, $7,300,000,000.

(7) Commerce and Housing Credit (370):
Fiscal year 1982:
(A) New budget authority, $6,500,000,000.
(B) Outlays, $3,800,000,000.
(C) New direct loan obligations, $15,400,000,000.
(D) New primary loan guarantee commitments, $41,200,000,000.
(E) New secondary loan guarantee commitments, $68,200,000,000.

Fiscal year 1983:
(A) New budget authority, $6,900,000,000.

(B) Outlays, $2,800,000,000.
(C) New direct loan obligations, $15,100,000,000.
(D) New primary loan guarantee commitments, $41,200,000,000.
(E) New secondary loan guarantee commitments, $68,200,000,000.
Fiscal year 1984:
(A) New budget authority, $7,400,000,000.
(B) Outlays, $2,400,000,000.
Fiscal year 1985:
(A) New budget authority, $7,200,000,000.
(B) Outlays, $2,100,000,000.
(8) Transportation (400):
Fiscal year 1982:
(A) New budget authority, $20,800,000,000.
(B) Outlays, $21,300,000,000.
(C) New direct loan obligations, $400,000,000.
(D) New primary loan guarantee commitments, $900,000,000.
(E) New secondary loan guarantee commitments, $3,000,000.
Fiscal year 1983:
(A) New budget authority, $21,300,000,000.
(B) Outlays, $19,900,000,000.
(C) New direct loan obligations, $500,000,000.
(D) New primary loan guarantee commitments, $800,000,000.
(E) New secondary loan guarantee commitments, $3,000,000.
Fiscal year 1984:
(A) New budget authority, $21,500,000,000.
(B) Outlays, $19,600,000,000.
Fiscal year 1985:
(A) New budget authority, $21,800,000,000.
(B) Outlays, $19,500,000,000.
(9) Community and Regional Development (450):
Fiscal year 1982:
(A) New budget authority, $6,700,000,000.
(B) Outlays, $8,500,000,000.
(C) New direct loan obligations, $2,200,000,000.
(D) New primary loan guarantee commitments, $900,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1983:
(A) New budget authority, $6,900,000,000.
(B) Outlays, $7,700,000,000.
(C) New direct loan obligations, $2,200,000,000.
(D) New primary loan guarantee commitments, $600,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $6,900,000,000.
(B) Outlays, $7,500,000,000.
Fiscal year 1985:
(A) New budget authority, $7,000,000,000.
(B) Outlays, $7,400,000,000.
(10) Education, Training, Employment and Social Services (500):
Fiscal year 1982:
(A) New budget authority, $25,400,000,000.
(B) Outlays, $28,100,000,000.
(C) New direct loan obligations, $1,300,000,000.
(D) New primary loan guarantee commitments, $6,500,000,000.
(E) New secondary loan guarantee commitments, $700,000,000.
Fiscal year 1983:
(A) New budget authority, $25,500,000,000.
(B) Outlays, $26,400,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New primary loan guarantee commitments, $7,500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $25,200,000,000.
(B) Outlays, $25,500,000,000.
Fiscal year 1985:
(A) New budget authority, $24,400,000,000.
(B) Outlays, $24,600,000,000.
(11) Health (550):
Fiscal year 1982:
(A) New budget authority, $78,500,000,000.
(B) Outlays, $73,700,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $100,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1983:
(A) New budget authority, $79,700,000,000.
(B) Outlays, $76,500,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $100,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $92,600,000,000.
(B) Outlays, $83,900,000,000.
Fiscal year 1985:
(A) New budget authority, $104,300,000,000.
(B) Outlays, $94,500,000,000.
(12) Income Security (600):
Fiscal year 1982:
(A) New budget authority, $260,900,000,000.
(B) Outlays, $251,500,000,000.
(C) New direct loan obligations, $2,800,000,000.
(D) New primary loan guarantee commitments, $17,000,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1983:
(A) New budget authority, $281,700,000,000.
(B) Outlays, $272,500,000,000.
(C) New direct loan obligations, $2,000,000,000.
(D) New primary loan guarantee commitments, $18,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $300,800,000,000.
(B) Outlays, $288,200,000,000.
Fiscal year 1985:
(A) New budget authority, $332,900,000,000.
(B) Outlays, $309,700,000,000.
(13) Veterans Benefits and Services (700):
Fiscal year 1982:
(A) New budget authority, $24,800,000,000.
(B) Outlays, $23,800,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New primary loan guarantee commitments, $11,900,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1983:
(A) New budget authority, $23,400,000,000.
(B) Outlays, $22,700,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New primary loan guarantee commitments, $20,900,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $24,200,000,000.
(B) Outlays, $23,600,000,000.
Fiscal year 1985:
(A) New budget authority, $24,400,000,000.
(B) Outlays, $24,400,000,000.
(14) Administration of Justice (750):
Fiscal year 1982:
(A) New budget authority, $4,500,000,000.
(B) Outlays, $4,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1983:
(A) New budget authority, $4,600,000,000.
(B) Outlays, $4,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $4,600,000,000.
(B) Outlays, $4,600,000,000.
Fiscal year 1985:
(A) New budget authority, $4,600,000,000.
(B) Outlays, $4,600,000,000.
(15) General Government (800):
Fiscal year 1982:
(A) New budget authority, $5,200,000,000.
(B) Outlays, $5,000,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1983:
(A) New budget authority, $5,000,000,000.
(B) Outlays, $4,800,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $4,700,000,000.
(B) Outlays, $4,600,000,000.
Fiscal year 1985:
(A) New budget authority, $4,700,000,000.
(B) Outlays, $4,400,000,000.
(16) General Purpose Fiscal Assistance (850):
Fiscal year 1982:
(A) New budget authority, $6,400,000,000.
(B) Outlays, $6,300,000,000.
(C) New direct loan obligations, $200,000,000.
(D) New primary loan guarantee commitments, $800,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1983:
(A) New budget authority, $6,600,000,000.
(B) Outlays, $6,500,000,000.
(C) New direct loan obligations, $200,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $6,700,000,000.
(B) Outlays, $6,700,000,000.
Fiscal year 1985:
(A) New budget authority, $6,900,000,000.
(B) Outlays, $6,800,000,000.
(17) Interest (900):
Fiscal year 1982:
(A) New budget authority, $102,000,000,000.
(B) Outlays, $102,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.
Fiscal year 1983:
(A) New budget authority, $115,100,000,000.
(B) Outlays, $115,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $119,800,000,000.
(B) Outlays, $119,800,000,000.
Fiscal year 1985:
(A) New budget authority, $111,600,000,000.
(B) Outlays, $111,600,000,000.
(18) Allowances (920):
Fiscal year 1982:
(A) New budget authority, $700,000,000.
(B) Outlays, $800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1983:
(A) New budget authority, −$2,000,000,000.
(B) Outlays, −$2,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, −$800,000,000.
(B) Outlays, −$800,000,000.
Fiscal year 1985:
(A) New budget authority, −$800,000,000.
(B) Outlays, −$600,000,000.
(19) Undistributed Offsetting Receipts (950):
Fiscal year 1982:
(A) New budget authority, −$30,500,000,000.
(B) Outlays, −$30,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1983:
(A) New budget authority, −$39,300,000,000.
(B) Outlays, −$39,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, −$44,800,000,000.
(B) Outlays, −$44,800,000,000.
Fiscal year 1985:
(A) New budget authority, −$47,300,000,000.
(B) Outlays, −$47,300,000,000.

RECONCILIATION

SEC. 2. (a) Not later than June 18, 1982, the committees named in subsection (a) (1) through (15) of this section shall submit their recommendations to the Committees on the Budget of their respective Houses. Those recommendations shall be sufficient to accomplish the reductions required by subsection (a) (1) through (15) of this section. After receiving those recommendations, the Committees on the Budget shall report to the House and Senate a reconciliation bill or resolution or both carrying out all such recommendations without any substantive revision.

SENATE COMMITTEES

(1) The Senate Committee on Agriculture, Nutrition, and Forestry shall report changes in laws within the jurisdiction of that committee sufficient to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays as follows: $779,000,000 in budget authority and $779,000,000 in outlays in fiscal year 1983; and $1,083,000,000 in budget authority and $1,083,000,000 in outlays in fiscal year 1984; and $1,428,000,000 in budget authority and $1,428,000,000 in outlays in fiscal year 1985.

(2) The Senate Committee on Armed Services shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $583,000,000 and outlays by $583,000,000 in fiscal year 1983; to reduce budget authority by $1,345,000,000 and outlays by $1,345,000,000 in fiscal year 1984; and to reduce budget authority by $1,906,000,000 and outlays by $1,906,000,000 in fiscal year 1985.

(3) The Senate Committee on Commerce, Science, and Transportation shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $11,000,000 and outlays by $11,000,000 in fiscal year 1983; to reduce budget authority by $28,000,000 and outlays by $28,000,000 in fiscal year 1984; and to reduce budget authority by $42,000,000 and outlays by $42,000,000 in fiscal year 1985.

(4) The Senate Committee on Foreign Relations shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $0 and outlays by $6,000,000 in fiscal year 1983; to reduce budget authority by $5,000,000 and outlays by $15,000,000 in fiscal year 1984; and to reduce budget authority by $8,000,000 and outlays by $21,000,000 in fiscal year 1985.

(5) The Senate Committee on Governmental Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $0 and outlays by $680,000,000 in fiscal year 1983; to reduce budget authority by $628,000,000 and outlays by $1,800,000,000 in fiscal year 1984; and to reduce budget authority by $1,000,000,000 and outlays by $2,629,000,000 in fiscal year 1985.

(6) The Senate Committee on Labor and Human Resources shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $391,000,000 and outlays by $601,000,000 in fiscal year 1983; to reduce budget authority by $955,000,000 and outlays by $1,309,000,000 in fiscal year 1984; to reduce budget authority by $1,410,000,000 and outlays by $1,917,000,000 in fiscal year 1985.

(7) The Senate Committee on Veterans' Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $188,000,000 and outlays by $188,000,000 in fiscal year 1983; to reduce budget authority by $269,000,000 and outlays by $269,000,000 in fiscal year 1984; and to reduce budget authority by $355,000,000 and outlays by $355,000,000 in fiscal year 1985.

HOUSE COMMITTEES

(8) The House Committee on Agriculture shall report changes in laws within the jurisdiction of that committee sufficient to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays as follows: $779,000,000 in budget authority and $779,000,000 in outlays in fiscal year 1983; and $1,083,000,000 in budget authority and $1,083,000,000 in outlays in fiscal year 1984; and $1,428,000,000 in budget authority and $1,428,000,000 in outlays in fiscal year 1985.

(9) The House Committee on Armed Services shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $581,000,000 and outlays by $581,000,000 in fiscal year 1983; to reduce budget authority by $1,340,000,000 and outlays by $1,340,000,000 in fiscal year 1984; and to reduce budget authority by $1,899,000,000 and outlays by $1,899,000,000 in fiscal year 1985.

(10) The House Committee on Education and Labor shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $446,000,000 and outlays by $301,000,000 in fiscal year 1983; to reduce budget authority by $1,021,000,000 and outlays by $886,000,000 in fiscal year 1984; and to reduce budget authority by $1,486,000,000 and outlays by $1,369,000,000 in fiscal year 1985.

(11) The House Committee on Energy and Commerce shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $514,000,000 and outlays by $1,031,000,000 in fiscal year 1983; to reduce budget authority by $741,000,000 and outlays by $1,230,000,000 in fiscal year 1984; and to reduce budget authority by $815,000,000 and outlays by $1,439,000,000 in fiscal year 1985.

(12) The House Committee on Foreign Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $0 and outlays by $6,000,000 in fiscal year 1983; to reduce budget authority by $5,000,000 and outlays by $15,000,000 in fiscal year 1984; and to reduce budget authority by $8,000,000 and outlays by $21,000,000 in fiscal year 1985.

(13) The House Committee on Merchant Marine and Fisheries shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $11,000,000 and outlays by $11,000,000 in fiscal year 1983; to reduce budget authority by $28,000,000 and outlays by $28,000,000 in fiscal year 1984; and to reduce budget authority by $42,000,000 and outlays by $42,000,000 in fiscal year 1985.

(14) The House Committee on Post Office and Civil Service shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $2,000,000 and outlays by $688,000,000 in fiscal year 1983; to reduce budget authority by $638,000,000 and outlays by $1,820,000,000 in fiscal year 1984; and to reduce budget authority by $1,015,000,000 and outlays by $2,657,000,000 in fiscal year 1985.

(15) The House Committee on Veterans' Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $188,000,000 and outlays by $188,000,000 in fiscal year 1983; to reduce budget authority by $269,000,000 and outlays by $269,000,000 in fiscal year 1984; and to reduce budget authority by $355,000,000 and outlays by $355,000,000 in fiscal year 1985.

SENATE AND HOUSE COMMITTEES

(b)(1) The Senate Committee on Finance shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $1,750,000,000 and outlays by $6,656,000,000 in fiscal year 1983; to reduce budget authority by $2,509,000,000 and outlays by $9,923,000,000 in fiscal year 1984; and to reduce budget authority by $3,339,000,000 and outlays by $12,549,000,000 in fiscal year 1985.

(2) The Senate Committee on Finance shall also report changes in laws within the jurisdiction of that committee sufficient to increase revenues as follows: $20,000,000,000 in fiscal year 1983; $35,000,000,000 in fiscal year 1984; and $40,000,000,000 in fiscal year 1985.

(3) The Senate Committee on Finance shall also report changes in laws within the jurisdiction of that committee sufficient to increase receipts from user fees authorized by that committee as follows: $2,000,000,000 in fiscal year 1983; $2,000,000,000 in fiscal year 1984; and $2,000,000,000 in fiscal year 1985.

(4) The legislation required in paragraphs (1) through (3) of this subsection shall be reported to the Senate no later than June 11, 1982.

(5) The House Committee on Ways and Means shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $1,183,000,000 and outlays by $5,927,000,000 in fiscal year 1983; to reduce budget authority by $1,707,000,000 and outlays by $9,121,000,000 in fiscal year 1984; and to reduce budget authority by $2,455,000,000 and outlays by $11,665,000,000 in fiscal year 1985.

(6) The House Committee on Ways and Means shall also report changes in laws within the jurisdiction of that committee sufficient to increase revenues as follows: $20,000,000,000 in fiscal year 1983; $35,000,000,000 in fiscal year 1984; and $40,000,000,000 in fiscal year 1985.

(7) The House Committee on Ways and Means shall also report changes in laws within the jurisdiction of that committee sufficient to increase receipts from user fees authorized by that committee as follows: $2,000,000,000 in fiscal year 1983; $2,000,000,000 in fiscal year 1984; and $2,000,000,000 in fiscal year 1985.

(8) The legislation required in paragraphs (5) through (7) of this subsection shall be reported to the House no later than June 11, 1982.

(c)(1) In order to insure the solvency of the Social Security Old-Age and Survivors Insurance Trust Fund created pursuant to title II of the Social Security Act, as amended, the Senate Committee on Finance shall report changes in laws within the jurisdiction of that committee so as to reduce outlays or increase revenues, or a combination thereof, as follows:

In fiscal year 1983 $6,000,000,000; in fiscal year 1984 $17,000,000,000; and in fiscal year 1985 $17,000,000,000.

(2) In order to insure the solvency of the Social Security Old-Age and Survivors Insurance Trust Fund created pursuant to title II of the Social Security Act, as amended, the House Committee on Ways and Means shall report changes in laws within the jurisdiction of that committee so as to reduce outlays or increase revenues, or a combination thereof, as follows:

In fiscal year 1983 $6,000,000,000; in fiscal year 1984 $17,000,000,000; and in fiscal year 1985 $17,000,000,000.

(3) The legislation required in paragraphs (1) and (2) of this subsection shall be reported no later than December 1, 1982, and shall take into account the recommendations of the National Commission on Social Security Reform.

(4) It is the sense of the Congress that the President of the United States should direct the National Commission on Social Security Reform to report its recommendations to the Congress not later than November 11, 1982.

SEC. 3. The enactment of savings required by this resolution is critical to the health of the economy of the Nation; and

Expeditious action on legislation pursuant to these instructions is critical to achieving the savings required by this resolution; and

The Senate is committed to completing action on the savings legislation required by this resolution at the earliest possible time; and

It is the sense of the Senate that Senate committees instructed in this resolution should begin deliberations on the legislation those committees are required to report under this resolution as soon as this resolution is agreed to in the Senate.

MISCELLANEOUS PROVISIONS

SEC. 4. It is the sense of the Congress that the President through administrative actions should limit in fiscal year 1983 total Federal Financing Bank origination of direct loans guaranteed by other Federal agencies to $15,900,000,000; and Federal Financing Bank purchases of loan assets from Federal agencies to $14,000,000,000. It is the further sense of Congress that direct borrowing transactions of Federal agencies should be, to the maximum extent possible, restricted to the Federal Financing Bank.

SEC. 5. It shall not be in order in the House or the Senate during fiscal years 1982 and 1983 to consider any bill, resolution, or amendment, except proposed legislation reported in response to reconciliation instructions contained in this resolution, authorizing new direct loan obligations or new loan guarantee commitments unless that bill, resolution, or amendment also provides that the authority to make or guarantee such loans shall be effective only to such extent or in such amounts as are contained in appropriation Acts.

SEC. 6. It is the sense of the Congress that it is urgent that effective budgetary, control be established over all types of Federal direct loans and Federal loan guarantees. The Congress directs the Committees of jurisdiction to move with expedition to consider legislation that establishes a process of annual determination of appropriate levels and proper budgetary treatment of Federal credit activity.

SEC. 7. No bill or resolution providing new budget authority for fiscal year 1983 or providing new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act of 1974 in excess of the allocation to or report by a committee or subcommittee pursuant to section 302 of the Budget Act shall be enrolled until Congress has completed action on the Second Budget Resolution for that fiscal year as required to be reported under section 310 of the Budget Act.

SEC. 8. It is the sense of the Senate that the new spending and revenue levels for fiscal year 1982, adopted by the Senate, shall be the ceilings against which the spending and revenue actions of the Senate will be measured pending final agreement with the House of Representatives on the revision of the Second Concurrent Resolution on the Budget for Fiscal Year 1982.

SEC. 9. It is the sense of the Congress that if Congress acts to restore fiscal responsibility and reduces projected budget deficits in a substantial and permanent way, then the Federal Reserve Open Market Committee shall reevaluate its monetary targets in order to assure that they are fully complementary to a new and more restrained fiscal policy.

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## SENATE CONCURRENT RESOLUTION 93—CONCURRENT RESOLUTION RELATING TO THE EMIGRATION OF CERTAIN SOVIET CITIZENS

Mr. DOLE (for himself, Mr. JEPSEN, Mr. LEVIN, and Mr. MOYNIHAN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 93

Whereas, Tatiana Lozansky, Tatiana Azure, Yuri Balovlenkov, and Iosif Kiblitsky, Soviet citizens married to citizens of the United States of America, the Republic of France, and the Federal Republic of Germany, respectively, have repeatedly been denied exit visas by the Soviet government;

Whereas, they have embarked on a hunger strike beginning on May 10, 1982, and continuing until they are released, to protest the denial of their visas;

Whereas, they are taking this desperate step because they feel they have no other recourse to reunite their families;

Whereas, the separation of these families is especially hard on the children, including the young children of Mr. Balovlenkov and Mr. Kiblitsky who are living in the west and have never seen their fathers, and the ten-year-old daughter of Mrs. Lozansky, Tanya, who has not seen her father since 1976;

Whereas, the Lozansky family is being harassed and persecuted because Mr. Lozansky is the Executive Director of the Sakharov International Committee and spokesman for the Committee of Divided Families, and his father-in-law is a high ranking Soviet military official;

Whereas, the Helsinki Accords pledge that governments will "deal in a positive and humanitarian spirit" with applications for family reunification and facilitate such reunions; and

Whereas, the government of the United States strongly upholds the sanctity of the family, the rights of families to be together, and the concepts of human rights embodied in the Helsinki Accords: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That—

(1) the Government of the Soviet Union is urged to act immediately to facilitate the emigration of Mrs. Lozansky, her daughter, Tatiana, Mrs. Azure, Mr. Balovlenkov, and Mr. Kiblitsky, under the principles articulated in the Helsinki Accords;

(2) support and sympathy are extended to the families of Tanya and Tatiana Lozansky, and Yuri Balovlenkov in the United States, and to the families of the other hunger strikers in France and West Germany; and

(3) sympathy is extended to the families of the countless other "refuseniks" who have attempted to obtain and been denied exit visas.

SEC. 2. The Secretary of the Senate is requested to transmit a copy of this resolution to the government of the Soviet Union and the United Nations Commission on Human Rights.

● Mr. DOLE. Mr. President, today I join with Senators LEVIN, JEPSEN, and MOYNIHAN in submitting a concurrent resolution urging the Soviets to release four Soviet citizens who want only to be together with their husbands and wives and to live in a free country. These four—Tatyana Lozansky, Tatyana Azure, Yuri Balovlenkov, and Iosif Kiblitsky—have repeatedly applied to the Soviet Government for exit visas, and repeatedly they have been turned down.

These four have been driven to such desperation that today they are beginning a hunger strike which they have said will continue until they are released. I trust their government is not indifferent to their suffering, as we in the Senate are not indifferent—far from it.

Indeed, Mr. President, we should call attention to the anguish and suffering of these four, and others like them in the Soviet Union. We should show our support and sympathy for these families, and show the Soviet Union how serious we are in our concern for their fate.

I trust my colleagues will act swiftly to agree to this concurrent resolution. It is one small way we can hold out a candle of hope to these and others who wish to rejoin their families.

The human toll of family separations is high. Mrs. Lozansky's daughter has not seen her father in 10 years. Mr. Balovlenkov and Mr. Kiblitsky have never seen their young children. Sadly, there are numerous such cases in the Soviet Union. And the Iron Curtain is not lifting. If anything, it is descending even further: Since late 1979 emigration from the Soviet Union has been drastically reduced, a casualty of the end of détente precipitated by the invasion of Afghanistan and the invocation of martial law in Poland.

President Reagan has embarked on a bold initiative for meaningful arms control. And yet peace and détente mean more than just arms control. They mean abiding by international agreements in good faith. Unless and until this happens, such agreements are only empty words.

As Cochairman of the Helsinki Commission, along with Representative DANTE FASCELL, I am well aware of the provisions of the Helsinki accords. They state that governments must "deal in a positive and humanitarian spirit" with applications for family reunification. Yet there has been nothing "positive" nor "humanitarian" in the way these four families have been treated, although these cases clearly come under this provision.

Mr. President, we must make sure that the Soviets hold to their Helsinki commitments and release these people.●

## NOTICES OF HEARINGS

SUBCOMMITTEE ON ENERGY, NUCLEAR PROLIFERATION, AND GOVERNMENT PROCESSES

Mr. PERCY. Mr. President, the Subcommittee on Energy, Nuclear Proliferation and Government Processes, of the Committee on Governmental Affairs, will hold a hearing at 10 a.m. on Thursday, May 13, 1982, in room 6226 Dirksen. The subcommittee will be receiving testimony on U.S. nonproliferation policy oversight.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Monday, May 10, at 10 a.m., to consider S. 1844, the Coal Distribution and Utilization Act of 1981.

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

SUBCOMMITTEE ON ENERGY

Mr. BAKER. Mr. President, I ask unanimous consent that the Energy Subcommittee, of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate at 10 a.m. on Thursday, May 13, to hold an oversight hearing on U.S. nonproliferation policy.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 12, at 2 p.m., to consider the nuclear arms reduction resolutions.

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

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 11, at 9:30 a.m., to consider the nuclear arms reduction resolutions.

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

## ADDITIONAL STATEMENTS

### GOVERNOR LANDON ON CHINA

● Mr. DOLE. Mr. President, as Vice President Bush returns from 2 days of talks with Chinese leaders, our Nation is more aware than ever of the importance of continued good relations with mainland China.

Kansas Governor Alf M. Landon was one of the first American politicians to advocate U.S. recognition of China, arguing for better relations over 33 years ago. On April 23, China's Ambassador to the United States, Chai Zemin, visited Topeka, Kans., to discuss Sino-American relations with Governor Landon. I ask that a Topeka Capital-Journal article describing their meeting be printed in the RECORD.

The article follows:

AMBASSADOR ADVISES U.S. SUPPORT

(By Lew Ferguson)

China's ambassador to the United States said Friday that this country should be far more concerned about fostering its new friendship with China than what happens to Taiwan.

Chai Zemin, the ambassador, said the Sino-American friendship, which provides the U.S. with a strong defense against the threat of Russian expansion in Asia and Europe, is too important for America to jeopardize it by meddling in China's "internal affairs" regarding Taiwan.

Chai told former Kansas Gov. Alf M. Landon the People's Republic of China is very concerned over continued sale of arms to Taiwan by the Reagan administration. He said those sales are a threat to resolving the Taiwan issue and could lead to "a crisis in our relations."

"The reunification (of China and the island of Taiwan) is a very important goal for our country. The United States cannot interfere in the internal affairs of a friendly country," said Chai.

"We hope the U.S. and China will continue to work together to meet the threat posed by Russia. So we hope the U.S. will not interfere in the reunification of China."

Otherwise, the ambassador stressed his government is very pleased with its blossoming relationship with the U.S.

Chai, China's only ambassador to this country since the two nations established diplomatic relations in 1979, came to Topeka to visit Landon, who served as Kansas' governor in 1933–37 and was the Republican nominee for president in 1936.

Chai spoke later Friday at the University of Kansas in Lawrence, and was accompanied to Topeka by Chancellor Gene Budig.

Chai and Landon spent nearly an hour in conversation at the Landon home in northwest Topeka.

Chai, 66, a Chinese diplomat for about 30 years, was chief of liaison to the U.S. until becoming ambassador. He also has served as China's ambassador to Hungary, Thailand, Guinea and Egypt.

Landon, who will be 95 in September, advocated U.S. recognition of Communist China as early as 1949, when the Mao-led revolutionaries seized control of the mainland from the Nationalist Chinese and drove them to Taiwan.

He repeatedly spoke out in favor of such recognition until former President Richard Nixon took that step in the early 1970's.

Chai praised Landon for his "farsightedness" in advocating relations with China for so many years before it became reality.

"The relations between the two countries have, on the whole, made good progress in the last three years," said Chai, who spoke through an interpreter.

"There are also problems in our relations. The U.S. sale of weapons is a key problem in our relations.

"To us, we think this is a matter of principle. We hope the two countries can resolve their differences over Taiwan, so they can make more progress. But if the United States continues to send weapons to Taiwan, then there will be a crisis in our relations."

Landon praised China as a major force in world peace, noting it has tied down one million Soviet troops and 600,000 Vietnamese troops along its borders, preventing those two nations from using those forces in expansionist efforts.

"China is responsible for maintaining the peace of the world since 1968," he said. "The basic effect of what China has done is to tie down Russia, so we've had peace.

"And they're still there. And Russia is still tied down. They haven't been able to move for some 10 or 12 years.

"It is a tremendous cost that Russia can ill afford to maintain in keeping those troops there (in Mongolia, on the China border.)"

Chai, who told Landon in a letter last November he wanted to visit him, agreed with the former Kansas governor that Russia still poses the biggest threat to world peace. But he said the issue of Taiwan also is a major one to China. "What I've said several times in recent years is we owe Taiwan nothing," Landon told Chai.

"We've kept every promise and agreement with Taiwan. And no treaty is made in perpetuity."

"I appreciate your view very much," Chai replied.

"As we see it," the ambassador added, "the Soviet strategy is to put western Europe under its control, but since China has tied down one-fourth of its troops, it cannot do that.

"The Soviet Union is also backing Vietnam in its invasion of Indo-China. Of course the purpose is to put Southeast Asia under its control and the Malaysian Peninsula under its control.

"This is a big threat to China and the United States. So we think we have made our contribution to world peace."

"There's no question about that," commented Landon.

To maintain their common defense posture, Chai told Landon, it is important that the United States keep out of Taiwan matters.

He said China had agreed the U.S. could maintain "unofficial relations" with Taiwan, but in China's view this should be limited to educational and cultural exchanges and trade.●

## MAGAZINE PUBLISHING AWARD PRESENTED TO ROBERT A. BURNETT

● Mr. JEPSEN. Mr. President, magazines play an important part in the lives of all Americans. They reflect all facets of our culture—the arts in their myriad forms, opinions, and facts about the past, present, and future of mankind. In sum, magazines mirror the wisdom of our civilization.

Each year since 1964, the Magazine Publishers Association has bestowed on leaders of its industry the Henry Johnson Fisher Award. This award, which in recent years has become known as the "Publisher of the Year" award, is the magazine industry's most prestigious honor.

The 1981 recipient of the Henry Johnson Fisher Award is a distinguished citizen of Iowa, Robert A. Burnett, president and chief executive officer, Meredith Corp.

Mr. Burnett and Meredith Corp. have consistently displayed the finest qualities of individual and corporate leadership and we are proud to have the company headquarters in our capital city of Des Moines.

Mr. President, I ask that the official citation for the 1981 Henry Johnson Fisher Award presented to Robert A. Burnett be printed in the RECORD.

The citation follows:

THE 1981 HENRY JOHNSON FISHER AWARD PRESENTED TO ROBERT A. BURNETT

The magazine industry takes great pride in honoring Robert A. Burnett, whose 30-year career with Meredith Corporation has been largely devoted to enhancing and expanding his company's commitment to service journalism. As a representative of our industry, Mr. Burnett has become an articulate and forceful spokesman for the significant role of magazines in our society.

Mr. Burnett's career progressed from advertising sales trainee in 1952 to president and chief executive officer of Meredith Corporation, which publishes Better Homes and Gardens, Metropolitan Home, Sail, Successful Farming, and a group of more than 20 Better Homes and Gardens Special Interest Publications.

As advertising director and publisher of Better Homes and Gardens, Mr. Burnett formulated a statement of editorial philosophy the magazine still uses today. As a Meredith executive he has been instrumental in the development of new products and services related to the company's magazines, while continuing to concentrate on the basics of magazine publishing and consumer service that are the essence of the company.

Throughout his career, Mr. Burnett has actively participated in the affairs of many industry and industry-related groups, including the Magazine Publishers Association, Advertising Research Foundation and Discover America Travel Organizations. And he now serves several organizations in the fields of business, industry, government education and health care as director or trustee.

Robert A. Burnett well deserves to receive this award, which was established to honor magazine leaders who have distinguished themselves through significant and long-standing contributions to the publishing business, people who have demonstrated extraordinary leadership, skill and understanding in unifying the editorial, advertising, circulation and business aspects of magazine publishing into a successful enterprise—or who are presently making notable contributions to the magazine industry. Robert A. Burnett has met each of these qualifications.●

## OREGON COMPANY MEETS SUCCESS IN SELLING IN JAPAN

● Mr. HATFIELD. Mr. President, last Friday's lead article in the Wall Street Journal dealt with an Oregon lumber company and its success in selling lumber to Japan. At a time when, as my colleagues have heard me say many times in the past, our State is reeling under a severe depression in the forest products industry, such an article deserves attention.

I certainly applaud efforts by industry and Government officials to increase the opportunities to sell finished American lumber in Japan. At the same time, however, I think it important to note the recipe for success followed by Webco Lumber. Webco did what the Japanese manufacturers do when they want to market a new product in the United States. Webco, as this article highlights, developed a finished product that met what the Japanese sought. All too often, American companies believe that their finished U.S. product should be acceptable, as is, in markets in Europe, the Far East, the Middle East, or elsewhere.

I certainly hope Webco's success can continue, for it will remind us all, in Congress and elsewhere, that Yankee determination, a good product, and a willingness to adapt the product to meet the customer's needs, can combine to achieve success.

Williams, Oreg., is as far removed as possible from traditional export centers. Yet the success of this small company in a small town is one that I hope can be duplicated by other small companies in smaller towns across the United States. Often, a small company can change specifications, get prompt action, and offer personal commitments that can lead to greater export success. I salute Webco for its initial success, and hope their story is duplicated many times elsewhere.

Mr. President, I submit this article by Erik Larson from the May 7, 1982 Wall Street Journal to be printed in the RECORD.

The article follows:

SMALL SAWMILL SURVIVES BY SETTING ITS BLADES FOR EXPORTS TO JAPAN

(By Erik Larson)

WILLIAMS, OREG.—Nine months ago, Webco Lumber Inc. was tottering.

Its Chico, Calif., sawmill was closed; its remaining Williams mill alternated a week of production with a week of silence. Half its employes had been laid off or had drifted away, unable because of shortened work hours to meet house payments and other obligations. The small, family-run company's lumber sales were down 80% from those of 1979, its best and last year of profits.

"It was disastrous for the people working here," says Barbara A. Webb, 34 years old, who became president in January. "It was horrible."

For most of the Western timber industry, conditions are still horrible. Last week, more than half of Oregon's approximately 30,000 sawmill workers were idled or working short hours, according to the Western Wood Products Association.

But Webco's band saw now is whining through wood as if the industry's depression were over. The company's sales are growing nearly as fast as in 1979, and it is even turning away orders. It expects to add 25 to 30 workers soon.

Behind this unlikely prosperity is the Webb family's decision to export most of its lumber to Japan. "I would say that's the only reason we're alive," Miss Webb comments.

That decision was a drastic step, one that cut against the grain of the lumber industry's traditional production techniques and marketing attitudes. U.S. lumber companies usually haven't cultivated the long-term relationships so important in international trade; they haven't tried to make lumber exports a stable segment of their business. Instead, they have tended to pursue exports only when domestic markets were soft.

"We've been guilty as an industry of looking at exports from an opportunistic viewpoint," says Max Buxton, the Portland based international sales manager for Boise Cascade Corp. Robert H. Hunt, the marketing-services director for the Western association, agrees that "the U.S. has had a hell of a reputation as an inner and outer" in wood-products exports, but he adds: "I don't think it's ever going to be that way again; (exports) are going to be a regular part of the business."

GROWING COMPETITION

The Northwest timber industry's vitality could well depend on such a change, some executives contend. The industry's two-year slump has clearly drawn many producers more heavily into exports. Moreover, growing competition from Canadian and Southern U.S. lumber companies has closed Western concerns out of many of their traditional Midwestern and Eastern markets. This trend is being accelerated by rising land-freight rates that have made it cheaper to ship lumber to Japan than even to Montana.

"It's really only in self-defense that we're turning to the export markets," says George Baker, a marketing manager for Simpson Timber Co. in Seattle.

The challenges and the opportunities of exporting wood are best illustrated by Japan. Although perhaps the most difficult market for U.S. producers to understand, Japan is also the largest one overseas; despite Japan's own economic problems, its traders have continued to buy lumber from companies willing and able to meet their exacting standards.

Japanese purchases are worth the aggravation, exporters say. They "kept us in business," says Vernon Lindgren, the general manager of Michigan-California Lumber Co. of Camino, Calif. But even companies with the right species of wood and sufficiently flexible equipment find it a "tough, very competitive market," says Lawrence Kromer, the manager of the international division of Avison Lumber Co. in Molalla, Oreg.

SATISFYING CUSTOMERS

Webco's success came through patience and a willingness to produce lumber to Japanese standards and specifications, according to David D. Lutjen, an international-trade specialist with the Oregon Department of Economic Development. The company is "cutting the product the market requires," he says. "That's the name of the game."

But that isn't the game that everyone in the industry wants to play. Industry associations, for example, are trying to promote the U.S. two-by-four construction technique in Japan. They argue that its interlocking frame of hidden two-by-fours is a stronger, faster and cheaper way to build a house than the traditional Japanese post-and-beam method, which uses about 20% less wood and relies on square posts and beams for support. Promoting the two-by-four method, however, is about like trying to sell Americans Toyotas with steering wheels on the right. "Frankly," Mr. Hunt observes, "it hasn't taken the market by storm."

On the other hand, U.S. forest-products companies have often got into hot water over their usual exports—uncut logs or logs trimmed just enough to skirt federal restrictions barring export of logs harvested from federal land. Sawmill workers' unions and politicians have complained that exports of unprocessed logs involve exports of jobs.

When the Webbs began looking at the export market last summer, they already were in trouble. Miss Webb says their company had sustained about two years of losses, had laid off workers and had postponed pay raises. It was keeping its Williams mill open to hold on to its crew and to avoid the even heavier losses that closure would entail. "We were at a point where it was actually a good time for us to make a transition," Miss Webb says. "It was probably the riskiest time, but also the best time."

The state agency's Mr. Lutjen comments: "They did everything right. They sat back and said, 'Hey, we aren't going to make it in this domestic market the way things are going.' "

So they went to Japan—with a trade mission led by Mr. Lutjen. Shortly before the trip last July, Ronald Webb, Miss Webb's 40-year-old brother who is sales manager, secretary and treasurer, questioned whether they could afford the travel costs—about $5,000. "We were having a difficult time paying bills," Miss Webb notes. All the same, she recalls telling her brother, "I don't think we can afford not to go."

The two of them made the trip, along with executives of four other independent lumber companies. In the course of 14 days, the Webbs met in individual conferences with about 60 Japanese companies. They quickly learned that the Japanese wanted U.S. lumber. "They were very enthusiastic," she says. "That was probably the key thing. They were actually anxious to buy."

Soon after returning to Williams, the two got further confirmation that the trip had been a good decision. Within six weeks, about two dozen Japanese companies sent representatives to their mill. "They did everything from measuring the thickness of our saw to measuring the ring counts of our logs," Miss Webb says. "They are really particular. They're going to find out whether you can do it or not." Adds Ronald Webb with a grin: "They're real tire-kickers."

APPEARANCE IMPORTANT

Such exacting requirements have been a major obstacle for U.S. lumber companies considering exports to Japan. The Japanese treat wood the way a wine connoisseur treats grapes. "American people require wood for strength," says Kiyoshi Komina, a vice president of Portac Forest Products Inc., a Tacoma, Wash., unit of Mitsui & Co. of Tokyo. "Japanese consider that more secondary. Japanese more highly appreciate the outside look"—largely because post-and-beam construction often leaves much or all of the wood exposed.

Japanese wood buyers know exactly what they want. Almost the first words out of their mouths, Miss Webb says, are "Cascade-type"—such as the hemlock, white fir and Douglas fir grown in the Cascade range. But not just any Cascade-type lumber will do.

The Japanese want wood harvested from the western slopes of the Cascades between altitudes of 2,000 and 4,500 feet, Mr. Lutjen says. At those altitudes, trees grow more slowly, building a tighter ring count and, therefore, a more attractive grain. Mr. Lutjen says the Japanese insist on 20 rings per inch. "Well," says a Japanese trader with a smile, "that is the ideal." His minimum is eight rings.

Japanese lengths and sizes present more problems. U.S. sawmills normally are set up to cut wood in lengths that are multiples of two feet; thus standard lengths for two-by-fours are 12, 14 and 16 feet. But a common Japanese length is four meters—13.12 feet. To adapt to that length, an American company has to make changes not only at its mill but also in the forest, where felled trees are "bucked" to the desired lengths for transport to the mill.

ACCURACY EMPHASIZED

The Japanese are sticklers for accuracy, too. L. Lee Rappleyea, the wood-products export sales manager for Louisiana-Pacific Corp. in Portland, says many domestic mills are geared to such high rates of production that "you don't get the accuracy the Japanese need."

The basic two-by-four, for example, is supposed to be cut to 1½ inches by 3½ inches, according to industry grading rules. However, only about 75 percent of the two-by-fours cut in a high volume mill meet those specifications, says William R. Spannaus, the chief lumber inspector for the Western Wood Products Association. "There's going to be a few that are going to be over; there's a few that are going to be under," he says, though he adds that newer mills are far more accurate.

But when a Japanese buyer says he wants a 90-millimeter-by-90-millimeter square, he means it. "After this depression started, lots of mills have tried, and many very successfully, to cut Japanese sizes," Mr. Spannaus says. "But many have failed."

Webco's first major Japanese order, cut last November, was its toughest, Miss Webb says. The buyer sent an American and a Japanese representative to monitor the cutting and planing. From time to time, the Japanese man would halt the process to check the dimensions of the lumber. Nor-

mally, the mill could have cut an order of that volume in 1½ days, but the Japanese order took nearly twice that. "It was so slow it was really getting on everyone's nerves," Miss Webb says.

GUEST HOUSE PLANNED

The unfamiliar sizes still slow the mill's production, and customers continue to insist on watching their orders be cut. To accommodate them, Webco is converting its former headquarters building into a guest house, Miss Webb says. (It was largely her own single-minded pursuit of exports, she indicates, that prompted Webco's four directors—her father, two brothers and herself—to name her president in January after her father stepped down. There's also another reason: "I'm the meanest one in the bunch," she jokes.)

Many U.S. companies remain reluctant to commit mills to production for the Japanese. "Japan is a great market when it's good," Boise Cascade's Mr. Buxton says, but he adds, "What happens to that mill when the Japanese market goes on the skids?" Last year, for example, the Japanese lumber industry asked U.S. producers to slash their exports to Japan in half.

Miss Webb says she is aware of the risks of concentrating on exports to Japan. But, she says, "when you're faced with no business at all, and maybe losing everything you worked for for 30 years, you do it."

CONTINUING INTEREST?

Some exporters are also skeptical that lumber companies now aiming at the Japanese market will continue serving it once demand improves in the U.S. A manager of a major Japanese trading company says he expects many companies to give up exports. Thomas Spence, an officer of Pacific Lumber & Shipping Co., a family-owned lumber exporter and producer, agrees. "If the situation reverses itself," he says, "I would venture to say that a lot of mills looking at the Japanese market now would beat a hasty retreat back to the U.S. market."

Webco says it won't, although it does plan to broaden its markets once lumber demand picks up. But, Miss Webb adds, the company's experience "convinced us that we will never turn our backs on exports."

Things aren't completely rosy in Williams, of course. Interest costs of financing inventory and accounts receivable still eat heavily into profits, and banks need constant reassurance. "They watch every move we make," Miss Webb says. "But we're making it."●

## PROPOSED NEW REGULATIONS TO TITLE X OF THE PUBLIC HEALTH SERVICE ACT

● Mr. SYMMS. Mr. President, the Department of Health and Human Services has recently proposed new regulations to title X of the Public Health Service Act. These regulations would require that federally financed family planning programs notify the parents of unemancipated minors who seek family planning services when prescription drugs or devices are provided. Such a proposal for parental notification has generated criticism of the notification requirement from media and recipient groups.

Frankly, Mr. President, I am not so sure that such proposals are without merit. There is no doubt that proposals such as the one mentioned involve serious questions that require our utmost consideration. In this case, we are faced with the fundamental issue of what is to be the Federal policy regarding the role of the family in the sexual activities of unemancipated family members. Is it the policy of the Federal Government that parents or guardians of minors may be excluded from family planning, birth control, or abortion decisions made by these young family members? Is it the policy of the Federal Government that the Government or funded recipients may interpose themselves between the minor and the family and thus supplant the family in this regard? Is it the policy of the Federal Government that teenage sexual activity is inevitable and irreversible and therefore our only course is to minimize its impact on society by means of Government programs?

To the above questions Mr. President, the answer must be a firm "No." There is no society that can benefit from such policies. A nation's moral strength and character have their foundation in family centered homes. If our society is to remain stable and viable, it must support and promote positive family interaction.

The policy of the Federal Government in this case must be one that encourages the participation of families in this important area where the physical, emotional, and spiritual well-being of the minor is at stake.

The proposed regulations would seem to be in line with such a policy. Though they are attacked for being unreasonable infringements upon a wide array of "rights" of minors, ample provisions for exceptions are contained in the regulations. These exceptions provide for the statutory recognition of the fact that family involvement may not be advisable in all cases.

Mr. President, we all realize that in the case of some minors, no responsible family unit exists. Thankfully, this is the exception to the rule, and because it is, Government must exercise extreme care so that its actions do not overly intrude into areas which are the domain of functioning families. Our society has placed the moral, legal, and financial responsibility for minor children on parents. Governments cannot hope to duplicate or replace such a system. We must be aware that federally funded counselors and organizations unwilling to recognize the interests of a generally functioning family are destructive of our basic social unit.

Mr. President, these proposed regulations have received the support of the United Families of America, a national, profamily lobbying group. The UFA comments on the proposal are contained in an essay which discusses the impact of official policies on behavior thought to be undesirable. I found the comments most interesting, and I think my colleagues will appreciate them as well. Certainly they raise questions which are not being addressed in the debate over this issue in the daily press.

I ask that they be printed at this point in the RECORD.

The material follows:

COMMENTS OF UNITED FAMILIES OF AMERICA

The regulations proposed here, and those which they will replace, have implications both social (or philosophical) and medical. Accordingly, our comments will address those two areas of concern. Additionally, we feel it necessary to comment on the interests of the parties involved in the controversy surrounding these proposals, and our comments will address that issue.

I. SOCIAL IMPLICATIONS

Laws and regulations do not fall into a social and moral vacuum, as pebbles dropped into a well, leaving no trace of their passage. Official pronouncements of society, which laws and regulations certainly are, carry with them implications about the desirability, and even the morality, of the behavior which they affect, and the subject matter with which they deal.

Thus policy which accommodates certain behavior, even where that behavior is technically disapproved by official policy, tends to excuse that behavior, even to encourage it. A good example of this effect occurred in Britain during the 1960s. Although heroin use was officially disapproved, its resulting addiction was accommodated by the government, which furnished free drugs to addicts in an attempt to curtail the destructive results—crime and suicide. The result, easily predictable, was a vast increase in drug addiction. In the end, the policy of accommodating drug addicts had to be abandoned. The United States has seen some confirmation of this British experience, with Methadone, in some local jurisdictions.

It is explicit federal policy to discourage teenage sexual activity (see, for example, Section 2001(a) of the Public Health Services Act, as amended). The existing policies of federally-funded family planning clinics, however, accommodate the results of the officially-discouraged activity, in an attempt to limit the destructive results of that activity—teenage pregnancies, abortion, unstable early marriages, etc.

It is the position of United Families of America that the existing policies are a demonstrable failure. There is not the slightest evidence that the activities of these federally-funded and assisted clinics have reduced the level of adolescent sexual activity. Indeed, the evidence is quite the contrary. As was brought out in hearings before the Senate Committee on Labor and Human Resources 31 March 1981, the spread of these family planning clinics very strongly correlates with the rise in adolescent sexual activity. We did not then and do not now claim a causal relationship, but we did say, and say now, that until some evidence does emerge supporting the efficacy of present policies, they should not be immune to change.

Similarly, it is official government policy to encourage the participation of families in decision-making about family planning activities of minor children (See Section 1001(a) of the Public Health Services Act, as amended in 1981). You have received testi-

mony that some of the federally-funded clinics do already encourage family participation, and yet there is nothing in implementing regulations which requires them to do so, and thus there is no mechanism by which their compliance with the law can be measured. The proposed regulations under discussion here would, for the first time, provide some measuring stick for the Congressional requirement.

It is the position of UFA that present policies, which, far from requiring family involvement, explicitly accommodate the exclusion of the family at the simple request of an adolescent, not only do not meet the statutory requirement, but directly contravene it. The provision of family planning services, irrespective of the knowledge or wishes of other family members, can only make the achievement of the goal of family involvement less likely.

In other words, the actions of government officials (and agencies) will speak more clearly to adolescents than will official pronouncements. The provision, by government-paid officials, of such accommodating services as contraceptives or abortions will be read by teenagers as tacit societal approval of the activity (adolescent sexual relations) which makes those services necessary, and as diminishing the importance of family involvement in family planning activity. What we say will be eclipsed by what we do.

Present family planning policy towards teenagers rests on the following assumptions: however deplorable it may be, the vast majority of teenagers are sexually active, and will remain so no matter what we do. Therefore, if we are to escape the destructive consequences of that sexual activity, we must prevent those consequences through (a) more and better sex education, (b) more readily available contraception of all kinds, and (c) abortion for those cases where sex education and contraception fail. We include this last point even though the federal government is forbidden to perform or fund abortions, because federally-funded family planning clinics continue to advocate abortion and refer counseling patients to abortion clinics. Whether this advocacy is done with federal dollars or not is irrelevant: the clinics derive benefits from federal dollars which permit them to continue advocacy, and the imprimatur of the federal government carries over into all their activities anyway.

With respect to the specific regulations at issue here, current policy adds that informing parents when contraceptive drugs and devices are provided to minor children will discourage contraception without at the same time discouraging sexual activity, and so will lead to increased teenage pregnancy and abortion.

United Families of America rejects these assumptions. The level of teenage sexual activity, while high and still climbing is neither inevitable nor irreversible. It is unlikely to decline or be reversed so long as official policy assumes its inevitability. UFA is willing to state unequivocally that adolescent sexual activity is wrong, and we call upon the federal government, and its funded family planning clinics, to make the same statement. We reject the teaching that such activity is permissible so long as the teenager "is mature enough to handle it," and we call upon the federal government and its funded agencies to abandon such sophistry. It is that sophistry, and the policies which it has spawned, that is responsible, in large measure, for the epidemic of teenage sex. Nothing will be gained by accommodating it, as the present policy does. We regard the proposed regulations as a qualified move in the direction of the position we have proposed, and so welcome them.

It is not only adolescents who perceive the disparity between official policy and official action. If we propose parental involvement, but permit parental exclusion, not only will teenagers conclude (quite rightly) that we do not value parental involvement very highly, but the parents themselves will reach that conclusion. No doubt it would be well if all parents had the courage to stand against officially-expressed social attitudes. But not all do, and those who do not can use the formal support of public policy. Even those who do have the fortitude to maintain their convictions in the face of public policy are disturbed to find government policy encouraging rebelliousness among their teenagers. Enforcing parental discipline is difficult enough during the teenage years without having an official policy that winks at behavior parents are seeking to discourage.

While there may be those who genuinely feel that teenage sex is "broadening," it is time to put official federal policy in line with the views of the majority of parents. These proposals are a beginning.

### II. MEDICAL

In formulating regulations in this area, it is important to note that we are dealing with drugs and devices with real and recognized dangerous side effects. These drugs and devices are regulated by the Food and Drug Administration for the very good reason that they can be harmful to the user.

All artificial contraceptive methods entail significant medical risks. For example, the "low-dose" pill, the most popular birth control method, carries with it a substantially increased risk of blood clotting, high blood pressure, liver tumors, gall stones, urinary tract infections, migraine, depression, amenorrhea, and infertility. It may also be a cause of Down's Syndrome (mongoloidism) in subsequent pregnancies.

One intra-uterine device (IUD) which was widely used has now been disapproved by the FDA, and removed from the market. A leading pathologist has now warned that there is "no safe IUD," citing infertility and life-threatening infections among their users. "In particular," he said, "the IUD is a no-no for young high school and college women who have never had children."

The side effects of contraceptive drugs (estrogen) are likewise undesirable, though to date they have not been implicated as directly in medical complications as have IUDs. However, we wish to emphasize "to date." Medical research continues, and as longer medical histories become available, we think it quite likely that medical complications will become more and more evident.

In combination with other drugs, estrogens are particularly dangerous, and it is important that prescribing medical personnel be thoroughly familiar with the medical history of the patient. With respect to venereal disease, for example, certain treatments are contra-indicated for users of birth control pills.

When the patient is a young girl, possibly as young as 12 or 13 years of age, it is unlikely that correct or complete information will be available from the patient. The girl may not be familiar with her own medical history; she may be unaware of the potential long-terms side effects of the drug she is seeking. Under these circumstances, it is eminently reasonable to insist that the patient's parents be available to provide the necessary information. While the proposed regulations do not go far enough in that regard, at the least they make it possible for parents to correct dangerous prescriptions and usage before they have done irreparable damage.

In the final analysis, it is parents who are morally, legally, and financially responsible for their minor children. It is destructive of a cohesive society to undermine that responsibility by the insertion of taxpayer-funded counselors unwilling to honor that legal responsibility. The medical risks are simply beyond the accounting of minors, and the legal responsibility of parents in this area, long-settled as a matter of family law, should be honored. These regulations start in that direction.

### III. INTERESTS

United Families of America presents these comments with no financial or institutional stake in the outcome of the controversy. We do not operate family planning clinics, or receive any money from the federal government either under Title X or any other provision of law. We represent 10,000 families directly, and hundreds of thousands more who belong to our local affiliates all across the country.

We feel it necessary to make this disclaimer because it cannot be made by most of those who are opposing these proposed regulations. The majority of the institutional opposition to these changes in public policy are grantees of the federal government. They stand to suffer monetarily from the changes if they are made final as proposed. At least one official of the largest provider of family planning services has said that, if these proposed changes are adopted, that organization will no longer apply for Title X grants.

So be it. There is nothing in this regulation that would prevent that organization, or any other, from continuing to provide family planning services to minor children irrespective of the wishes of their parents. It is, unfortunately, the ruling of the Supreme Court that the parents' rights cannot be enforced against the claims of privacy raised by the minor. The Court has not spoken to the question of responsibilities as yet. Thus the legality of ignoring parents is not presently in question; its widom is. It is the position of United Families of America that ignoring parents is bad public policy, and as such, it should not be subsidized by the taxpayer. Those who wish to ignore parents may do so, but they may not compel the parents to pay the bill. These regulations definitely move in the direction of UFA's position, and while they do not go far enough, they are welcome.

We are not suggesting that organizations with a financial stake in the outcome of the debate should be excluded from participating in it. We merely suggest that their self-interest be taken into account in evaluating the comments received.

We also urge that the ability of taxpayer-funded organizations to generate comments from private individuals also be taken into account. Clinics and organizations receiving millions of dollars in federal funds have taken out full-page ads in major newspapers and journals, and have bought television time to urge opposition to these proposed regulations. We do not question their right to do so (though we do have some questions about using federal dollars to free private dollars for this kind of lobbying). We merely

note it, and hope that it will be taken into account when evaluating citizen input.

To sum up: present policy is bad social philosophy and medically dangerous. While the proposed regulations do not go far enough, they are movement in the right direction, and so have the complete support of United Families of America.●

## BILL GIANELLI SPEAKS OUT

● Mr. ABDNOR. Mr. President, I am convinced that the Assistant Secretary of the Army (Civil Works), William R. Gianelli, is one of the most hardworking, loyal, and effective members of the Reagan administration.

Bill Gianelli holds a tough job. It is a job to which he has brought great dedication, as well as new and creative ideas.

He has brought this leadership to Washington at a time when our Federal water resources development program faces great troubles. Construction work by the Army Corps of Engineers has been slashed by two-thirds over the past 15 years, when measured in uninflated dollars. Bill Gianelli believes we must find ways to reverse that decline, to reverse it in a way that reflects the budget realities of today and tomorrow. Our water resources program will continue to be in trouble until we listen to men like Bill Gianelli, men who see the world as it really is, not as we wish it to be.

Last week, Bill Gianelli spoke on the "National Water Outlook for the 1980's," at a meeting of the National Agricultural Marketing Association. I ask that his speech be printed in the RECORD.

The speech follows:

NATIONAL WATER OUTLOOK FOR THE 1980'S

INTRODUCTION

Amenities:

Appreciate opportunity to discuss with you the national water outlook for the 1980's.

Our Nation's water resources play an important part in national economy, of course; vital that good water projects be a part of our economic recovery program.

Have visited Corps projects and programs in 33 States—seen need for new navigation, flood protection, M&I supply, hydro projects.

We have several clear objectives: get good water projects authorized and built; commence a program for equitable cost recovery from project beneficiaries and for greater non-Federal participation in project financing.

Want to cover four particular features of our program.

The Administration's new principles and guidelines for planning water resources projects.

Program for cost-sharing and recovery from beneficiaries of water projects.

1983 new construction starts and innovative financing.

Revisions to the Section 404 regulatory process.

I. New principles and guidelines for development of Federal water resources projects:

Significant step is revoking the old Principles and Standards, which act to stymie projects.

Cabinet Council on Natural Resources and Environment concluded:

National Economic Development (consistent with environmental protection) should be the paramount objective (formerly shared with EQ).

More input and participation from State and local concerns.

Costs of vendible project services should be paid for by project beneficiaries.

New ways of cost-sharing and financing needed for various water project features.

Guidelines will replace the P&S:

Will simplify the process, speed Corps reports to the Washington level, provide more flexibility to planners in the field.

Inhibit third-party suits on trivial issues and insignificant procedural matters.

Status: Have consulted with various water organizations, with interested Congressional Committees, and with State representatives—Cabinet Council has approved. Proposed Principles and Guidelines published in Federal Register on March 22, 1982. 60-day public comment period before documents are put in final form.

II. The Washington outlook on cost-sharing and recovery:

All above and other steps to expedite good water projects must be done within the Federal budget environment with which you are well familiar by now:

Economic recovery essential; budget "crunch" on Federal dollars has to be dealt with.

Role of private sector is a key element—need to have good, sound investment programs with less burden on Federal taxpayers—which means cost recovery programs are imperative.

Innovative financing a "must" for new projects. (Will provide examples of FY 83 in a few minutes.)

Greatest potential in hydro and in M&I water supply.

Administration initiatives for cost recovery and fast-tracking for deep-draft (over 14 feet) and shallow-draft navigation projects.

Will recover 100% of Corps of Engineers' future construction and O&M costs allocated to commercial navigation.

Our bills include fast-tracking provisions to streamline present process for moving navigation projects to construction stage.

New inland bill sent to Hill on March 22nd contains model fast-track provisions consistent with beneficiary-pay requirements.

Secretary of the Army given authority to approve projects without further congressional action.

Expedited planning and coordination schedule established by the Secretary of the Army.

Project eligible for appropriations 180 days after receipt of EIS by Congress unless disapproval by Joint Resolution.

Judicial review limited to constitutional and scope of authority issues.

Cost-sharing for other project purposes: still deciding how best to handle. For flood protection and irrigation project outputs, defining the Federal interest is not as clear as for others.

Cost-sharing for planning should be 50/50; upon completion of a Federally-funded reconnaissance level study.

Reconnaissance Level Study would take about one year and would serve to indicate to the non-Federal participant that his required 50 percent contribution would likely lead to an implementable and productive project.

Non-Federal funding of feasibility study will insure that alternative solutions studied in detail are realistic and responsive to non-Federal partners' concerns.

In any event, the concepts of "user pays" and of innovative financing are fundamental to success of proposed Federal projects.

III. Now mention specifically how innovative financing may lead to construction starts in FY 83:

Corps was asked last September to identify projects which could go to construction in FY 83.

Corps found a number of such projects (15) which covered spectrum geographically and functionally.

OMB then gave green light to explore up-front financing with project sponsors.

Letters were written to sponsors, and the District Engineers arranged meetings.

Bob Eiland of my office visited each sponsor, explained our program for 1983, and asked for responses to our offer prior to April 1st. All sponsors did respond; over half accepted our offer.

We submitted proposal for a budget amendment for 10 projects to OMB on April 1st and are awaiting decision.

Some of the specific projects which appear promising are:

Hydropower at Bradley Lake, Alaska, Strube Lake, Oregon, and Bonneville Fishway, Oregon.

Multi-purpose project at Randleman Lake, North Carolina.

Flood control projects at:

Davenport, Iowa;

Merced, California;

Kahoma, Hawaii;

Ellicott Creek, New York; and

Virginia Beach, Virginia.

The local sponsors of these projects have generally agreed to innovative financing along the following guidelines:

| | Non-Federal financing (percent) | Cost-sharing (percent) |
|---|---|---|
| Hydropower | 100 | 100 |
| Flood damage reduction | 35 | 35 |
| M. & I. water supply | 100 | 100 |
| Separable recreation | 50 | 50 |

These guidelines represent our best effort to get some good projects to construction in 1983.

IV. The Washington perspective on Regulatory Reform is another item of great interest to water resource people:

Corps processes about 18,000 permits nationwide annually, with about 6,000 of these in the Western 17.

Long processing times and costs to permit applicants are a burden.

Regulatory reform underway (VP Task Force; OMB-Army review of Corps' program).

Objective was to allow reasonable projects to go forward without undue "hassle," observing the proper Federal concern for the actual navigation servitude and water quality.

Results of our review were submitted on January 29th to Presidential Task Force and recommended:

Reduce time required to obtain permits.

Corps' in-house reform to process normally in 60 days.

Clarify information required of applicant.

New Memorandum of Agreements (MOA's) reduce elevation process.

Give States more authority and responsibility.

Give general permits to States whose programs meet Federal goals.

Do not second guess State and local decisions.

Improve conflicting and overlapping policies and authorities.

Expand general permits.

Better define the objectives and jurisdictional extent of the permit program.

Jurisdiction too broad.

Replace term "wetlands" with "inundated land."

V. Outlook for water projects in next few years:

Future funding requirements for water projects:

I am convinced there is a big need for water projects.

In the decade of the 80's it could take several hundred Army Civil Works projects, costing up to $20 billion, to satisfy problems which have been identified.

A rough breakdown of this gross need might be something like this:

| | *In billions* |
|---|---|
| Navigation | $8 |
| Flood control | 5 |
| Projects for power | 5 |
| Projects producing M. & I. water supply | 1 |
| Other | 1 |
| Total | 20 |

Looking beyond the 80's, one could envision additional needs; another $5B for navigation, and $7B for the other kinds of Civil Works projects.

Pressure on the budget, of course, will prevent the Federal Government from being able to finance all—or even the major portion—of these valuable water projects; hence, we simply have got to work out a program of non-Federal up-front financing. This is a key in moving ahead with new water projects. Even though we are trying to expedite the water planning process, this is not nearly as important as providing for the financing and repayment of Federal water projects in ways never before contemplated.

Well-planned projects with well-conceived financing packages will move quickest toward Administration support and, where necessary, into the Federal budget.

State and local concerns will be more fully considered by Federal water agencies—through a broadened role for them in project planning and financing processes.

Water project services supplied at less cost to the average Federal taxpayer as cost recovery and user charges more effectively associate costs to beneficiaries.

Regulatory reform will "get Government off the backs of the people" and promote less burdensome ways—preferably with more active State roles—to ensure proper regard for the Federal navigation interest.

IN CONCLUSION

Problems ahead; Reagan Administration wants to solve these problems. Business as usual will not suffice. Need new approaches—innovative financing—assessment of charges to project beneficiaries.

Organizations such as the National Agriculture Marketing Association should be part of solution—not part of problem. Administration needs help of such organizations.●

## U.S. ARMY'S MODERNIZATION PROGRAM

● Mr. SYMMS. Mr. President, recently there appeared in the May 1982 issue of Armed Forces Journal a thoughtful and incisive article dealing with the challenges and problems faced by the U.S. Army in implementing its long awaited modernization program.

I should like to recommend highly this piece to all my colleagues including those who would increase as well as those who feel that we must moderate our current defense expenditures.

I ask that this article be printed in its entirety in the CONGRESSIONAL RECORD as read.

The article follows:

WHY THE ARMY'S MODERNIZATION WOES AND BUDGETARY CATCH-22s BEWILDER ITS OUTNUMBERED SOLDIERS

(By Benjamin F. Schemmer)

The way our Joint Chiefs of Staff are presently organized, there is no way a Chairman or Member could point out the following incongruities without getting his face ripped off in that little Pentagon room known as "the tank." So AFJ is going to say it for them. (Knowing, of course, that several will not really enjoy the comparisons which follow; perhaps none of them will; the Chiefs like to keep such problems "in the family.")

But more and more long-time observers of the defense scene in Washington are beginning to note that the U.S. Army is getting euchred. It has no real constituency on Capitol Hill (both the Senate and House Armed Services Committees have long had "Seapower" Subcommittees), and it doesn't have a John Lehman/Bing West combination fighting for a ground forces version of the new U.S. "maritime strategy" in the Office, Secretary of Defense.

Astute observers of defense affairs are concerned about substantive contrasts and incongruities like the following:

The Senate Armed Services Committee last month voted to delay production of the Army's long-sought day/night, adverse weather AH-64 advanced attack helicopter by a year (it said "one year," when its action would probably delay it closer to two years). It cited the AH-64 "most notably" as an example of programs which should be "deferred until they can be better defined, justified, and the costs brought into line." The Committee acted because Army witnesses had confused it with seven different cost estimates within recent months (trying really to keep Congress informed as the AH-64 transitions into production after a nine-year development program that can only be hailed as one of the most thorough and successful in aviation history). In fact, the disputed AH-64 costs have increased only about 10% in the past year, although Army witnesses did a poor job of articulating that on Capitol Hill.

In the very week that the Senate Committee rapped the AH-64 across the knuckles, the State Department confirmed that Russia has shipped Hind-D helicopters to Cuba. Thus, even Cuban forces will soon be flying an advanced attack helicopter that is far more modern than anything US soldier will have in the field for at least another 3½ years—and possibly not for another 4½ or five years if the Senate hold on the AH-64 prevails. The House Armed Services Committee voted to fund the program, with a report that brilliantly sorts out the morass of confusion littering Capitol Hill about the program's cost and status. Thus, the Army's long-sought AH-64 hangs in limbo yet again awaiting the outcome of the Senate/House conference, sometime in May, on differences between their authorization bills. In the meantime, the Army is short 58% of the attack helicopters it is supposed to have, according to Rep. Larry McDonald [D-GA].)

The same Senate Committee that voted not to fund an $825-million production build-up of the AH-64, which the Army urgently needs, voted to fund a $996-million production build-up of the Navy's SH-60B LAMPS Mark III anti-submarine warfare helicopter—even though the Navy had admitted that most of the 48 helicopters being bought would have to be put into storage for a few years because the ships from which they are supposed to operate will not be ready to handle them. (As the Navy phrased it in a footnote on its budget submission. "LAMPS MK III ship stand-up schedule lags aircraft delivery schedule, which reflects surplus aircraft until FY89." The House Armed Services Committee reduced the buy of excess aircraft, from 48 to 30.)

The same Senate Committee voted full funding for a $2.6-billion production build-up of Navy F/A-18 fighter/attack aircraft that will increase production rates from 63 to 84 per year, with advance procurement funds to increase production in FY84 to 96 per year. That production build-up costs money; but beginning in FY85, the F-18s being bought will be for Naval Reserve units. The Navy has argued successfully that since the Air Force is being allowed to buy new A-10s and F-16s for its National Guard and Reserve forces, the Navy should be allowed to modernize its Reserve units along equal lines. The argument makes a lot of sense, but there *is* a difference: the Air Force has airfields for its Guard and Reserve units; the Navy doesn't have aircraft carriers for its.

In fact, it doesn't have enough aircraft carriers for its active units. This Administration has decided to buy two squadrons of F-14s for each of its large deck carriers, instead of putting F-18 fighters on them. The F-18 was originally sold as a lightweight, low-cost fighter. Instead, the Navy is buying A-18 attack versions to deploy on those carriers, to replace its present A-7s. There is a Catch-22 in all of this: when the carriers actually deploy, the Navy removes one squadron of A-7s in order to make room for the extra squadron of F-14s. But it is still buying A-18 to replace A-7s it doesn't deploy.

The F/A-18 program was launched with its average unit costs based on a buy of 1,366 aircraft. Since then, that requirement has been offset by a successful U.S. Marine Corps battle to buy 336 V/STOL AV-8Bs (instead of A-18s) for its close air support missions, and it has been reduced by another 150 or so aircraft because the Navy has decided to increase the number of F-14s on its large deck carriers from 18 planes to 24 per squadron. Yet after subtracting the 336 AV-8Bs and the 150 F-14 offsets, the Navy's latest requirement for F/A-18s is still—1,366 aircraft. During all of these gyrations, the F/A-18 program cost has risen from $14-billion to $39.7-billion, and Congress in the past three years has added funds to build them faster than DOD requested.

During approximately the same time frame: AH-64 program costs have grown 113 percent from $3.9-billion to $7.4-billion, taking into account higher than projected inflation rates until the end of production F/A-18 costs have grown 181 percent, or 60

percent faster than the AH-64's. The F-18 program has somehow transitioned from a low-cost, lightweight, hotshot fighter into a $40-billion light-attack airplane. DOD and Navy officials who have tried to kill it tell AFJ that they gave up when they realized that was as futile as trying to pull Excalibur out of a rock. Yet Congress pushes money at F-18s, and has—in one body, at least—just set the AH-64 back by a year or two because its costs "most notably" haven't been defined well enough or "brought into line."

The Navy has increased its F-14 requirements from the 509 aircraft it originally projected to 845 today, and the total program cost has grown 167 percent, from $13.4-billion to $35.8-billion. Of that $22.4-billion increase for 336 aircraft, about $4-billion is for support costs and increased spare parts, and about $2.3-billion is for improvements to the plane's original configuration. Thus, the F-14 has about $6.3-billion of cost growth to buy no airplanes. That is very close to the total cost of the AH-64 program the Army can't sell Congress to buy 536 aircraft.

Unit costs of the F-14s have gone up from about $41-million a copy for the 30 planes bought in FY82 to $51-million a plane for the 24 F-14s in DoD's FY83 budget request. The plane is such a steal that the House Armed Services Committee has just decided to add six more F-14s to the Navy's FY83 budget submission (in part, to reduce its unit costs). To cope with its AH-64 cost growth, the Army had to cut its planned AH-64 buy, which increased unit costs, which made the other body of Congress so mad it may end up killing the program.

The Defense Department allowed the Navy to request a quarter of a billion dollar FY83 budget request to buy eight A-6 medium all-weather attack aircraft—even though it will admittedly have a surplus of about 28 A-6 aircraft until 1987 even after converting 44 of its present A-6s to KA-6D tankers. That $255-million for A-6's excess to Navy needs until FY89 would fund 70% of the $368-million FY82-to-FY83 budget increase which the Army requested to build AH-64 production from 11 aircraft to 48, or six times as many new tank killers in the field as the eight A-6s the Navy will have to put into storage. (The House Armed Services Committee provided the A-6 funding; the Senate Armed Services Committee felt that didn't make a whole lot of sense, and directed the Navy instead to keep the A-6 production line alive by buying more EA-6B electronic warfare variants of the plane, since the Navy is critically short of EA-6Bs, but was going to buy only six of them in the same budget.)

The Senate Armed Services Committee is concerned about what turns out to be roughly a 10% cost increase in the AH-64, and won't buy an adverse-weather, day/night attack helicopter at roughly $10-million a copy. But it is funding at $13-million each a Marine Corps AV-8B day only, fair-weather, close support plane (read attack helicopter without a rotor blade). The Pentagon asked to buy 20 more Air Force day only, fair-weather A-10 close support planes at over $9-million a copy, even though the planes to be produced will be advance attrition aircraft (put into storage now to replace ones we expect to crash sometime in the early 1990s). The House Armed Services Committee was so impressed by the economics of the A-10 budget request that it voted to buy 30 of them instead of 20. The Senate said it was time to quit buying the plane.

The Army has frequently been criticized for designing equipment too big or too heavy to be airlifted easily to distant trouble spots, at a time when the nation is critically short of strategic lift in any case. The M-2/M-3 Bradley fighting vehicles are an example, since they have to be partially disassembled to fit in the C-141, while even staunch Army supporters like Sens. John Stennis (D-MI) and Sam Nunn (D-GA) have balked at buying a new C-X strategic airlifter to carry one M-1 Abrams tank at a time to the Persian Gulf. Thus, Army Chief of Staff General E. C. Meyer endorsed an initiative launched two years ago to restructure some Army units around more lightly armored vehicles. (See "The Light Armored Corps, A Strategic Necessity," Jan 1980 AFJ, and interview with General Meyer, Mar 1980 AFJ.) That intiative was backed strongly by the Senate Armed Services Committee, and Congress added money to the Army and Marine Corps budgets to give the program an earlier start than the Pentagon's proposed budgets would have provided.

Meyer's advocacy of light armor in certain units has caused him some "problems . . . within the Army," he admitted to the Pentagon press corps late in March, "but I think we are pretty well over that."

Now that Meyer is over those troubles, the House Armed Services Committee just voted to delete all of the $201-million requested for the first joint Army and Marine Corps buy of 392 Light Armored Vehicle program—just a few months before source selection was supposed to be made (in July) between the candidates now under test at Twentynine Palms, CA. It said that too many variants were being planned (seven by the Marine Corps, two or more by the Army).

### OVERALL FUNDING UP SIGNIFICANTLY

For all of those incongruities, however, the Army's hardware modernization program may now be faring better in one important respect than procurement programs of its sister Services. Notwithstanding the huge amounts of money which the Reagan Administration is investing in its maritime strategy as it tries to build a 600-ship Navy by 1990, the Army's procurement program is getting a proportionately larger share of the Pentagon's hardware budget than it used to. For the three-year period of Fiscal Years 1977-1979, for instance, Army procurement budgets represented only 18.2% of all Defense Department procurement dollars; for the FY 82-84 period, the Reagan Administration's defense program calls for the Army to get 20.4% of all such funds. The 2.2% difference may seem small on the surface—but in fact amounts to $5.6-billion more for new Army equipment than would have been the case at the 18.2% level of five years ago. That $5.6-billion three-year increment, in turn, adds up to more than all of the hardware the Army was able to buy as recently as FY78.

Two factors, however, are putting those funds at risk. First, the detail of that program execution is hurting the Army's modernization program—whipsawed on the one hand to look at light armored vehicles but having the program's funding preempted just as the Army is completing its in-house evaluation of their real potential; having its Roland air defense missile program terminated just as the first production units are being delivered, only to have Congress add millions to another Service's budget to make up for the resulting air defense deficiency.

### STRAY VOLTAGE

Second, for every step forward the Army has been able to make in fielding new hardware, there are vocal critics who charge after-the-fact that the Army marched off in the wrong direction. Answering them is more than a distraction, because many influential people take those critics seriously. Two of the worst articles AFJ has ever read on the use of helicopters on the battlefield, for instance, have been widely reprinted in recent months in papers ranging from the Chicago Tribune to the San Francisco Chronicle and the Arizona Republic. Both make it sound as if the United States Army had purposely decided to restage Custer's Last Stand on the World War III battlefield by designing its doctrine and tactics around machines which will fall out of the sky as soon as the opening shots are fired. The articles are too frivolous and their facts too fallacious, on one hand, to warrant serious comment; but ther are too widely circulated, on the other hand, not to be rebutted. (AFJ has tried to put them in perspective on pages 48 and 58.)

There are now 55 members of Congress who belong to the bipartisan Congressional Military Reform Caucus, some of them very senior, very knowledgable, and very influential. Recently they were given a staff paper on "Options for Action on the FY 1983 Defense Budget," prepared by Senate staffer William Lind, an aide to Sen. Gary Hart (D-CO), who is the Caucus' co-chairman. The paper contained some reasonable if not new initiatives: ". . . realistic testing of the M-1 tank;" (it is already the world's most tested tank, but its preplanned improvements surely would benefit from more testing); "improve the M-16 rifle" (something long planned and now underway by the Army and Marine Corps); and "reduce personnel turbulence in the Army" (a key factor behind Army Chief of Staff General E. C. Meyer's initiative several years ago toward a British-type regimental system involving unit rather than individual rotation).

But some of Lind's other options were just plain stray voltage. One has to wonder that so many senior members of Congress may have taken time to read them seriously. Our favorite such off-the-wall proposal involved Lind's self-styled "major initiative" for an "ultra-light infantry battalion based on the cross-country motorcycle." He wanted Congress to fund a $20-million, one-year test for the Army and Marines each to "reorganize and reequip an infantry battalion with motorcycles to mount the troops with their rifles, machine guns, light mortars, and shoulder-fired antitank weapons." Lind said, "This initiative would do more to institutionalize maneuver warfare within US land forces than any other proposals on our list of candidates." He said that "the balance between infantry and tanks could be changed dramatically if infantry could move faster and more invisibly than tanks over terrain impassable to tanks," noting that "the modern light trail motorcycle makes this possible," but that "unfortunately, due to opposition from Army armor interests, the motorcycle has been relegated to secondary courier and scout duties."

### LIND'S "SUICIDE BATTALION"

Lind's new unit was quickly labeled a "suicide battalion" in a rebuttal written by a House staffer, Michael Dennis, whose boss, Bruce F. Vento (D-MN), is also an influential member of the Reform Caucus. Dennis wrote of Lind's ultra-light motorcycle battalion:

"No. This is off the wall. The problems are:

(a). No fighting value when mounted (Marlon Brando notwithstanding).
(b). Several seconds would be needed to dismount and take cover.
(c). Because of (a) and (b), the unit would be extremely vulnerable to ambush—even by a single machine gun or mortar.
(d). Once inserted and engaged with the enemy, withdrawal on the vehicles would be next to impossible. Given the deep penetration and maneuver role envisaged for the unit, we are suggesting a suicide battalion. The whole point of light forces in maneuver warfare is to sting and run, sting and run. An expectation of possible survival is essential (as opposed to digging in and fighting to the last man). Thus, the proposal is antithetical.
(e). The trail motorcycle has both a short range and a low life expectancy. Thus a very complex support echelon will be required—possibly requiring up to 300 vehicles. At this point, the combat value of 200 machine gun-armed jeeps would be a valid comparison.
(f). Most trail motorcycles are built in Japan. Japan has a policy (and laws) against the export of military equipment. The procurement of the vehicle for the initiative could well cause major trade policy implications."

THE CHARCOAL-HAMBURGER DEBATE

Lind also proposed that Congress cancel the Army's M-2/M-3 Bradley fighting vehicle and instead upgrade its M-113 armored personnel carriers to the point where they could withstand hits by High Explosive Anti Tank rounds. Dennis is no fan of the M-2/M-3 either, but he said that "staying with the M-113 is even worse." Re-armoring the M-113 against HEAT rounds, he pointed out, would "probably mean a 150-ton APC." As Dennis quipped, "The HEAT round is designed to cause the incineration of everyone and everything inside the vehicle it hits [as opposed to . . . kinetic energy rounds, which are supposed to produce hamburger]." He called the M-2/M-3 "better than the M-113 in silhouette, design, and armor," but said it suffers from "overdesign" which resulted from "catch-up-with-the-Soviet-itis and from an uncritical attempt to match the Soviet BMP. Nobody seems to have asked if the BMP is a good combat vehicle or merely a simple recipe for fried Russian."

Dennis prefers Light Armored Vehicles to the whole M-113 upgrade or M-2/M-3 approach—but of course the House Armed Services Committee has just tried to squash that alternative.

Thus, the US Army's modernization program reels from inter-Service incongruities in budget approaches, which neither the Pentagon's senior civilian leadership nor Congress have sorted out; from distracting stray voltage suggestions by influential Congressional staffers; from some weird (and, less occasionally, some good) criticism from the press; and, at times (as in the 9mm handgun competition covered elsewhere in this issue), from its own work.

It would all be enough to drive good soldiers to drink—but one of them put it in perspective for us recently when he mused at lunch one day, "If enough good men are willing to die, we can overcome."

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SENATE ARMED SERVICES COMMITTEE REPORT BARRING AH-64 PRODUCTION START

The AH-64 is a highly mobile attack helicopter intended to be the Army's primary, quick reacting, airborne antitank weapon. The Administration requested $760.3-million for the procurement of 48 aircraft in Fiscal Year 1983 and $116.5-million for advance procurement. The Committee is deeply concerned over the dramatic increase in the unit cost of the AH-64 attack helicopter. Less than one year ago the estimated program unit cost of the AH-64 was $11.2-million (in then-year dollars based on a procurement objective of 536 aircraft). The current estimate exceeds $16-million per aircraft (based on a quantity of 446).

The factors causing this increase are well understood. They include the reduction of 90 aircraft from the program, the addition of $528-million to budget to "most likely cost," higher inflation indices, and revised estimates for production costs.

These cost increases, coupled with major uncertainties over the ability of the manufacturer to execute the program, do not justify Congressional support at this time. It is the Committee's recommendation, therefore, that production of the AH-64 be deferred for one year.

The Committee acknowledges that with only minor exceptions, the performance of the AH-64 in development has been excellent. The aircraft, if produced, would give our Army a significant improvement in night-fighting and antiarmor capability. The Committee's concern however, is focused on cost—not performance.

Deferral for one year should allow the Army and the manufacturer sufficient time to structure a program which, if approved by Congress, will provide acceptable levels of both confidence and risk. Sufficient funds, in the amount of $73-million, are provided to preserve the option of commencing production in FY 84. Should Congress or the Department of Defense decide to terminate the program, unobligated funding for FY 82 and all subsequent years shall be recouped.

The Committee recommends an authorization of $73-million only to sustain the option of initiating production in FY 84. This is a net reduction of $803.8-million from the Administration's request. It is the Committee's intent that none of the unobligated $444.4-million authorized in the FY 82 Defense Authorization Bill for the procurement of AH-64 helicopters shall be used for production of the AH-64 until expressly authorized by a future act of Congress.

The Committee has chosen not to recommend recision of previously authorized funds. Such funds shall remain available to initiate production should the Congress in subsequent legislation, decide to proceed with the program.

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HOUSE ARMED SERVICES COMMITTEE'S VIEWS

The budget request contained $760.3-million for procurement of 48 AH-64 helicopters in Fiscal Year 1983, $116.5-million to support procurement of 96 aircraft in fiscal year 1984, and $88.1-million for initial spares.

The AH-64 is designed to provide ground forces a highly mobile tank killer that can operate at night as well as day and in adverse weather. Its Hellfire missiles provide far greater stand-off range than the Improved Tow missiles which arm the present day only AH-1S cobra attack helicopters, and its design features permit safe operations even after absorbing hits by 23mm antiaircraft fire.

The Army has been trying to field an all-weather attack helicopter since the mid-1960s. Development of the AH-64 is virtually complete after one of the most demanding and extensive aircraft test programs in US history; those tests included 3,800 flight hours, 2,400 hours of ground operation, 72 Hellfire missile firings, 4,200 rocket launches, component testing that substantiated 4,500 hours of service life, 41,000 rounds of 30mm firing, and realistic operational field evaluation.

During the conference on the fiscal year 1982 Department of Defense Authorization Act, the Army was in the final stages of updating its baseline cost estimate on the AH-64 to support formal program review prior to entering production on the aircraft. Although the data available at that time were incomplete, the Army advised the conference that previous cost estimates had been understated and that AH-64 program costs could be expected to increase significantly. The Congress responded to this preliminary notification by authorizing and appropriating an additional $73.4-million for the AH-64 program in fiscal year 1982 to ensure a smooth transition from R&D to procurement. This action provided total funding for fiscal year 1982 of $537.0-million for procurement of the initial 11 AH-64 helicopters.

Subsequent to final action of the Defense Appropriation Act in December 1981, the Army provided seven different program cost estimates to the Congress in an effort to keep the Congress informed of all alternative program acquisition strategies being considered. Three of these estimates (October, November, and March) are predicated on a total program of 536 aircraft and four are predicated on a reduced program of 446. Of these seven estimates, only the three based on a 536-aircraft program provide a real comparison with the cost estimate submitted to Congress in fiscal year 1982. And of these three, two are based on now-obsolete inflation indices (all programs were reindexed in December 1981 based upon new, higher, long-term inflation projections.).

During the period November 1981 through March 1982, the Army was engaged in negotiations with the contractor on the fiscal year 1982 program. Based upon preliminary negotiating positions, the Army added $563.0-million to its estimate of the total cost to procure 536 aircraft ($528.0-million for a reduced program of 446 aircraft) as a "management reserve" to ensure that the costs would not again be understated.

The combination of (1) added inflation estimates; (2) program reduction from 536 to 446; (3) a "worst case" management reserve allowance; and, (4) recurring cost growth resulted in the December 1981 selected acquisition report showing the "unit program acquisition cost" estimate for the AH-64 at $16.2-million as compared to an estimate of $10.9 million in September 1981.

This now obsolete estimate was widely cited in the press and depicted as a 48 percent increase in the cost of the AH-64. However, there is a great deal of misunderstanding about such cost estimates. There are three different ways of expressing unit costs: (1) "unit program acquisition cost" which includes the sunk cost of research and development ($1.2-billion in the case of the Apache); (2) "unit procurement cost" which includes nonrecurring costs such as special tooling, ground support equipment, and initial spares and repair parts; and (3) "unit flyaway cost" which is the actual production cost to build the aircraft. The "unit cost" will vary significantly depending on which of these three measures is being cited. In the case of the AH-64, the three unit costs were estimated (based upon a program of 446 aircraft) in December 1981 at (in millions of dollars):

| | |
|---|---|
| Unit flyaway cost | $10.7 |
| Unit procurement cost | 13.8 |
| Unit program acquisition cost | 16.2 |

As a result of a favorable outcome on the FY82 program contract negotiations, the Army has now advised the Congress that its worst case estimates were unduly conservative and that the $528.0-million management reserve would not be needed over the life of the program. This reduced estimate results in the following (in millions of dollars):

| | |
|---|---|
| Unit flyaway cost | $9.5 |
| Unit procurement cost | 12.6 |
| Unit program acquisition cost | 15.1 |

A valid comparison of costs requires comparing the September 1981 estimate for 536 aircraft with the latest (March 1982) estimate for the same number of aircraft. In September 1981, the total procurement cost was estimated at $4.821-billion. In March 1982 the estimate was $6.335-billion, an increase of $1.514-billion or $2.82-million per aircraft. According to the Army, the cost increase consists of the following (in millions of dollars):

| | |
|---|---|
| Inflation | 760 |
| Army program adjustments including expanded training requirements and additional spares and repair parts | 321 |
| Increased nonrecurring cost of production | 52 |
| Real increase in recurring hardware cost | 381 |
| Total procurement cost increase (billions) | $1.514 |

Of the total increase of $1.514-billion, it can be seen that only $381.0-million results from actual cost increases over which the contractor has any significant degree of control. This represents about $710,000 per aircraft—or less than a 10 percent increase over prior estimates. Considering that the prior estimates were based upon paper analyses prepared early in the development program and the current estimate is based upon detailed vendor quotes for a known design, the real unit cost growth in the AH-64 compares favorably with that of other major programs transitioning from R&D to procurement.

The Committee is aware of claims that the AH-IS Cobra/TOW could be upgraded to approximate the capability of the AH-64 at significantly less cost. Under Secretary of the Army James R. Ambrose responded on March 26, 1982, to Committee inquiries concerning the credibility of such claims about lower cost options, and his comments are instructive:

The Army must have a modern attack helicopter. Without it, the ground forces are in serious jeopardy.

The AH-64 is, by far, the best current solution to this requirement. The best modified version of the Cobra which might be developed would be greatly inferior in battlefield performance and survivability.

On a fully comparable basis the modified Cobra is more expensive than the AH-64. There is no $4-million attack helicopter in the real world. Unit program cost for the modified Cobra is $15.4-million compared to $15.1-million for the AH-64, apples-to-apples.

The unit program cost of $15.06-million compares favorably with any improved version of the Cobra. The best improved Cobra to compete with the AH-64 is the postulated PAH-2 and requires a four-year development for $297-million. The unit program cost is then-year dollars for 446 of these is $15.36-million.

The AH-64 was designed to fight and survive against 12.7 and 23mm weapons, to achieve a high degree of crashworthiness, to be very agile and maneuverable on the battlefield, and to be self-deployable. The Cobra airframe designed in the 1960s with a single engine simply cannot compete with the AH-64 in these areas and the PAH-2 version has four times the vulnerable area exposed to threat weapons.

It is also instructive to note that during the period when Congress' attention was focused on AH-64 cost increases, the Defense Department acknowledged that Russia had shipped Hind-D attack helicopters to Cuba, a fact confirmed by the State Department. This development only emphasizes the incongruity that has been allowed to develop in the past decade: The U.S. which pioneered the use of the attack helicopter and which has led the world in the technology permitting its growth into a formidable, survivable, day/night, adverse weather antitank system, now sadly lags the Soviet Union in fielding them. Intelligence estimates cited in the press indicate that Russia has produced over 1,000 Hind attack helicopters, with production last year averaging close to 15 a month. In contrast, the U.S. has yet to field its first operational counterpart. Russia's Hind inventory has reached the point where some 450 advanced, all weather Hind-Ds and -Es were deployed by the end of 1981; where hundreds have been exported to most of its Warsaw Pact allies; and where, now, these advanced models are even being shipped to Cuba.

The Committee is shocked that for at least a two-year period the armed forces of Cuba will actually be equipped with a more modern attack helicopter than the armed forces of the United States.

The Committee believes that any further delay in fielding the AH-64 would be unwise. The Committee also finds that the Army decision to reduce the program from 536 to 446 was ill-advised and premature. The Committee recommends, therefore, that the Army plan on a minimum of 536 helicopters for the active force.

The Committee recommends authorization of $713.3-million for procurement of 48 AH-64 aircraft in FY 83, $116.5-million for advance procurement, and $88.1-million for initial spares. This represents a reduction of $47.0-million from the amount requested which reflects a reduction in the estimated program cost.

## THE HARDSHIP OF UNEMPLOYMENT

● Mr. TSONGAS. Mr. President, the Nation's jobless rate in April was 9.4 percent, the highest in the 40 years the Federal Government has been keeping records of monthly unemployment. Only twice before has the figure exceeded 9 percent, once in May 1975, and again last month.

If the number of "discouraged workers"—those no longer seeking employment—are counted, 12.5 percent of the labor force is unemployed, according to Dr. Janet Norwood, Commissioner of the Bureau of Labor Statistics. For each rise in the jobless rate of 1 percentage point, the Federal Treasury loses $30 billion a year in taxes forgone and unemployment benefits distributed.

But the numbers understate the hardship for some categories of workers. Black workers, for example, face 18.4 percent unemployment, up from 18 percent the previous month, nearly double the rate for all Americans. For black teenagers, the predicament is still worse, a shocking 48.19 percent jobless rate.

For many Americans, the futile search for work can be acutely frustrating. One single parent, mother of a 7-year-old girl and twice the victim in the last 7 years of Federal and county layoffs, says:

> Nobody has tried harder than I have. I'm an eternal optimist, but it seems like as time goes by, finding a job just seems to get farther and farther away.

In my home State of Massachusetts, April was one of the cruelest months in more than 4 years, as the unemployment rate climbed to 8.5 percent. Although Massachusetts' unemployment ranks third lowest among the Nation's 10 industrial States, the State's economy shows unmistakable signs of slackening.

Mr. President, this Nation long has embodied the principle that all Americans should have the opportunity for gainful employment. But this principle is losing its vitality in America today.

Last month, the inflation rate was 3 percent, the lowest figure in 20 years, but the tradeoff between the lowest inflation rate in 20 years and the highest unemployment rate in 40 years is wholly unacceptable.

We must do more at the Federal level to reduce interest rates, which cause unemployment, and to stimulate private investment. We must do more to provide jobs for 10.3 million unemployed Americans who are left dangling without jobs or without hope of finding a job. Unless we do more, the jobless rolls will continue to multiply and multiply.

Mr. President, I would like to share with my colleagues an editorial which appeared in the New York Times, May 8, 1982, regarding April's unemployment rate.

The editorial follows:

[From the New York Times, May 8, 1982]

AND NOW THE BAD NEWS

No wonder President Reagan struck a deal with rebellious Senate Republicans this week to produce his second budget of the year. The President needs every good headline he can get to offset the dismal news about unemployment.

Dismal is the only word. According to the Labor Department, unemployment rose to 9.4 percent in April, the worst rate in the 40 years such monthly records have been kept.

It makes no difference that the news was expected. As long as this deep recession continues, unemployment is bound to keep spreading. And the numbers shock: they are a devastating commentary on an economic policy that aims to drive down a once-cruel

inflation by leaving 10.3 million Americans dangling without jobs.

The President resents anecdotal accounts of their plight. Yet almost every one of these millions can yield stories of anguish and deprivation.

The pain is spread unevenly and causes acute communal distress as well: Michigan stands at 15 precent unemployed, New York at 8.1 percent. Blacks register 18.4, blue-collar worker 13.7, Hispanics 12.5. One of four teen-agers is unemployed, and their scars may last longest.

It is a special misfortune to be out of work when the Government has also run out of money. The tax cut scheduled for July should improve the economic outlook somewhat, but beyond that there is no new help on the way. Unlike other recent recessions, this one has not energized politicians to scurry for quick ways to put people back to work.

This highest unemployment rate in 40 years goes far to explain the lowest inflation rate in 20. In the current climate, the latter figure has become a boast. But the trade-off is no proud achievement for policy. It has long been known that a serious recession could squeeze inflation down to respectable levels. Presidents before Mr. Reagan failed to find a better way. He said he had one. He didn't.●

## CONCLUSION OF MORNING BUSINESS

Mr. BAKER. Mr. President, I wonder if the Chair will inquire as to whether there is further morning business?

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

## PROGRAM

Mr. BAKER. Mr. President, when the Senate completes its business today it will stand in adjournment under the order previously entered until the hour of 11 a.m. on tomorrow.

After the recognition of the two leaders under the standing order and the recognition of two Senators under special order, there will be a period for the transaction of routine morning business as ordered today.

At the conclusion of the time for the transaction of routine morning business, it is anticipated that we will be at or near the hour of 12 noon and, as has been the case for the last several weeks, it is the intention of the leadership to ask the Senate to recess between the hours of 12 noon and 2 p.m. to accommodate the requirement for caucuses on both sides of the aisle.

At 2 p.m. the Senate will be asked either to return to the consideration of the Department of Defense authorization bill or to other matters as they may be indicated and appropriate.

I regret that I cannot make a further statement on that point at this time. I will have a further statement to make, it is hoped, at the time we convene in the morning.

Mr. President, the Budget Committee has reported out, I am told, a budget resolution and, under the three-day rule, it is anticipated that that resolution will be eligible for consideration by the Senate on Friday of this week.

It is the intention of the leadership on this side to ask the Senate to turn to the consideration of the budget resolution as soon as possible under all circumstances and under the Rules of the Senate.

As I see it now I expect that the budget resolution, which will be somewhat controversial, will be debated on Friday and on Monday. It is anticipated that general statements will be given on Friday and Monday. It is not anticipated that the sequence of roll-call votes on amendments, if they are offered, will be commenced until Tuesday.

I would hope that we could complete action on the budget resolution by the close of business on Wednesday or perhaps Thursday of next week.

We have a growing backlog now of important matters to dispose of, not only the budget resolution but also a number of others, including the prospect of an urgent supplemental appropriations bill which may reach us from the House of Representatives this week.

Mr. President, I regret that I cannot give a clearer view of the legislative situation for tomorrow, but once again I will try to advise the Senate further on that matter before we go to caucus on our respective side of the aisle.

## ADJOURNMENT UNTIL 11 A.M. ON TOMORROW

Mr. BAKER. Mr. President, I know of no further business that can be transacted today. I have attempted to outline the legislative schedule as I see it at this time.

I see no Senator seeking recognition so, Mr. President, I move, in accordance with the order previously entered, that the Senate now stand in adjournment until 11 a.m. tomorrow.

The motion was agreed to; and at 4:12 p.m. the Senate stood in adjournment until Tuesday, May 11, 1982, at 11 a.m.

## NOMINATIONS

Executive nominations received by the Senate May 10, 1982:

### In the Air Force

The following cadets, U.S. Air Force Academy, for appointment in the Regular Air Force under the provisions of sections 9353(b) and 531, title 10, United States Code, with grade and date of rank to be determined by the Secretary of the Air Force.

Abramowitz, David J., xxx-xx-xxxx
Abshire, Marc E., xxx-xx-xxxx
Abuyuan, Alex D., xxx-xx-xxxx
Ackerley, Paul R., xxx-xx-xxxx
Ackerman, Paul C., xxx-xx-xxxx
Aguilar, Delane A., xxx-xx-xxxx
Aiken, John M., xxx-xx-xxxx
Alexander, James R., xxx-xx-xxxx
Allen, Raymond W., xxx-xx-xxxx
Allen, William M., xxx-xx-xxxx
Allenby, Christopher B., xxx-xx-xxxx
Ambarian, Gary T., xxx-xx-xxxx
Amrine, John M., xxx-xx-xxxx
Anaya, Richard E., xxx-xx-xxxx
Andersen, Lee C., xxx-xx-xxxx
Anderson, Roger N., Jr., xxx-xx-xxxx
Angeline, Dianna M., xxx-xx-xxxx
Antoine, Edward L., Jr., xxx-xx-xxxx
Arrendale, Frederic M., xxx-xx-xxxx
Athanas, Steven P., xxx-xx-xxxx
Atkins, Steven M., xxx-xx-xxxx
Avery, Darleen M., xxx-xx-xxxx
Bach, Gregg J., xxx-xx-xxxx
Baker, Mark A., xxx-xx-xxxx
Baldwin, James L., xxx-xx-xxxx
Bale, Theodore A., xxx-xx-xxxx
Baluyut, Angelito T., xxx-xx-xxxx
Bankole, Cullen R., xxx-xx-xxxx
Barkow, Robert J., xxx-xx-xxxx
Barnes, Marion E., II, xxx-xx-xxxx
Barrientes, Abel, xxx-xx-xxxx
Barritt, Michael A., xxx-xx-xxxx
Barrows, Larry P., xxx-xx-xxxx
Bartz, Debra A., xxx-xx-xxxx
Basik, Jeffrey P., xxx-xx-xxxx
Bauch, Danny J., xxx-xx-xxxx
Beatty, Kevin M., xxx-xx-xxxx
Bechwith, Charles R., xxx-xx-xxxx
Bednarek, Theresa A., xxx-xx-xxxx
Beene, Jeffrey K., xxx-xx-xxxx
Berman, Bernice, xxx-xx-xxxx
Berry, Carson C., xxx-xx-xxxx
Berry, Michael R., xxx-xx-xxxx
Bertholf, Mark A., xxx-xx-xxxx
Best, Eric H., xxx-xx-xxxx
Bigham, Jim C., Jr., xxx-xx-xxxx
Bissell, Douglas N., xxx-xx-xxxx
Bizzell, William A., xxx-xx-xxxx
Bjorn, Eric B., xxx-xx-xxxx
Blakeman, Paul K., xxx-xx-xxxx
Blan, Darryl, W., xxx-xx-xxxx
Bolger, Todd A., xxx-xx-xxxx
Bomgardner, Steve B., xxx-xx-xxxx
Booth, Damon K., xxx-xx-xxxx
Bossert Philip A., Jr., xxx-xx-xxxx
Bottesch, Christopher J., xxx-xx-xxxx
Bouck, Arthur L., xxx-xx-xxxx
Bowen, Eric A., xxx-xx-xxxx
Bower, Devin P., xxx-xx-xxxx
Bowie, David A., xxx-xx-xxxx
Boyd, William R., xxx-xx-xxxx
Bozelli, Ralinda, xxx-xx-xxxx
Bragado, Steven W., xxx-xx-xxxx
Branach, David C., xxx-xx-xxxx
Branby, Bryan M., xxx-xx-xxxx
Brannum, Robert K., xxx-xx-xxxx
Branyon, Robert M., xxx-xx-xxxx
Brechin, Christopher B., xxx-xx-xxxx
Breidenbach, David W., xxx-xx-xxxx
Brennan, Joseph A., xxx-xx-xxxx
Brewer, George F., II, xxx-xx-xxxx
Bridge, John W., xxx-xx-xxxx
Briggs, Robert R., xxx-xx-xxxx
Brodzik, Stella R., xxx-xx-xxxx
Bronston, Marshall A., xxx-xx-xxxx
Brown, Daniel L., xxx-xx-xxxx
Brown, Eleonore H., xxx-xx-xxxx
Brown, James H., III, xxx-xx-xxxx
Brown, Robert S., Jr., xxx-xx-xxxx
Brown, Wayne B., xxx-xx-xxxx
Broyhill, Christopher M., xxx-xx-xxxx
Brunson, Robert K., xxx-xx-xxxx
Bryan, Margaret A., xxx-xx-xxxx
Bryant, Peter J. Raymond, xxx-xx-xxxx
Buchanan, Julia M., xxx-xx-xxxx
Buerkle, Robert S., xxx-xx-xxxx
Burden, Debra S., xxx-xx-xxxx
Burgess, Richard J., xxx-xx-xxxx
Burr, Theodosia B., xxx-xx-xxxx
Burton, James A., xxx-xx-xxxx
Butler, Christopher R., xxx-xx-xxxx

Byrom, James K., xxx-xx-xxxx
Cabrera, Edward A., xxx-xx-xxxx
Cafiero, Marianne, xxx-xx-xxxx
Camp, Norman G., xxx-xx-xxxx
Campbell, John P., xxx-xx-xxxx
Canino, Robert B., xxx-xx-xxxx
Cantwell, Peter C., xxx-xx-xxxx
Carbaugh, Kenneth E., xxx-xx-xxxx
Cardenas, Mark K., xxx-xx-xxxx
Carlson, Dale L., xxx-xx-xxxx
Carraway, David L., xxx-xx-xxxx
Carroll, David R., Jr., xxx-xx-xxxx
Carroll, Robert D., xxx-xx-xxxx
Casey, James M., xxx-xx-xxxx
Casias, Charles E., xxx-xx-xxxx
Cassidy, Kevin J., xxx-xx-xxxx
Cavazzini, Joseph A., xxx-xx-xxxx
Cavuoti, Thomas P., xxx-xx-xxxx
Centonze, Vincent, xxx-xx-xxxx
Cerra, John J., II, xxx-xx-xxxx
Char, Dennis P., xxx-xx-xxxx
Childers, Andreas B., xxx-xx-xxxx
Christenson, David A., xxx-xx-xxxx
Christian, Nathaniel D., xxx-xx-xxxx
Cianciolo Frederick R., xxx-xx-xxxx
Ciechanowski, Daniel A., xxx-xx-xxxx
Clamp, Steven B., xxx-xx-xxxx
Clare, Brendan G., xxx-xx-xxxx
Clarke, Sheryl A., xxx-xx-xxxx
Claus, Carl L., xxx-xx-xxxx
Clothier, Brian L., xxx-xx-xxxx
Colebrook, Cathy A., xxx-xx-xxxx
Collins, Brian J., xxx-xx-xxxx
Collins, Russell D., xxx-xx-xxxx
Collins, Timothy J., xxx-xx-xxxx
Combs, Robin S., xxx-xx-xxxx
Connelly, John E. Jr., xxx-xx-xxxx
Connolly, John P., xxx-xx-xxxx
Contorno, Philip, xxx-xx-xxxx
Conway, Christopher, xxx-xx-xxxx
Cooley, David P., xxx-xx-xxxx
Coon, Kenneth C., xxx-xx-xxxx
Cooper, Gail R., xxx-xx-xxxx
Copp, Mathew B., xxx-xx-xxxx
Corcoran, Kimberly J., xxx-xx-xxxx
Cornay, Ray J., III, xxx-xx-xxxx
Cottam, John M., xxx-xx-xxxx
Cox, James K., xxx-xx-xxxx
Craft, Raymond S., Jr., xxx-xx-xxxx
Crain, Arthur W., xxx-xx-xxxx
Craven, Robert W., xxx-xx-xxxx
Crawford, Robert A., xxx-xx-xxxx
Crawford, Roger O., xxx-xx-xxxx
Crennan, John R., xxx-xx-xxxx
Crenwelge, Kevin D., xxx-xx-xxxx
Crews, Mark C., xxx-xx-xxxx
Crider, John R., xxx-xx-xxxx
Cristler, Thomas A., xxx-xx-xxxx
Cruz, Alice, xxx-xx-xxxx
Curry, David G., xxx-xx-xxxx
Curtice, Carolyn M., xxx-xx-xxxx
Culter, Anthony B., xxx-xx-xxxx
Czarniak, Michael V., xxx-xx-xxxx
Dahl, Arden B., xxx-xx-xxxx
Dahlmann, James W., xxx-xx-xxxx
Daly, Bryan A., xxx-xx-xxxx
Damal, Michael E., xxx-xx-xxxx
Dargenio, John E., xxx-xx-xxxx
Darling, Frederick R., xxx-xx-xxxx
Darling, Marcus J., xxx-xx-xxxx
Davenport, David D., xxx-xx-xxxx
Davis, Earl Q., xxx-xx-xxxx
Davis, Elton D., xxx-xx-xxxx
Davis, Gregory E., xxx-xx-xxxx
Davis, Micheal N., xxx-xx-xxxx
Deblase, John P., Jr., xxx-xx-xxxx
Decamp, Daniel J. Anthony., xxx-xx-xxxx
Deceilio, John P., Jr., xxx-xx-xxxx
Dees, Robert A., xxx-xx-xxxx
Dehaan, Todd A., xxx-xx-xxxx
Delaney, Dennis F., xxx-xx-xxxx
Demandante, Godfred N., Jr., xxx-xx-xxxx
Demarest, James T., xxx-xx-xxxx
Deon, Leonard, J., Jr., xxx-xx-xxxx
Desautels, George D., xxx-xx-xxxx
Devaney, Robert E., xxx-xx-xxxx
Dexter, Gordon R., xxx-xx-xxxx
Dhillon Joginder, S., xxx-xx-xxxx
Dickinson, Tracy S., xxx-xx-xxxx
Diehl, Cynthia J., xxx-xx-xxxx
Dietz, Thomas N., xxx-xx-xxxx
Dineen, James D., xxx-xx-xxxx
Dionne, Robert N., xxx-xx-xxxx
Dipietro, Anthony R., xxx-xx-xxxx
Doby, David S., xxx-xx-xxxx
Dodd, Bradley E., xxx-xx-xxxx
Dolan, Paul A., xxx-xx-xxxx
Doremus, Paula M., xxx-xx-xxxx
Dorman, William S., Jr., xxx-xx-xxxx
Doue, Roger R., xxx-xx-xxxx
Downey, Glen B., Jr., xxx-xx-xxxx
Drake, Michael L., xxx-xx-xxxx
Dueber, Ross E., xxx-xx-xxxx
Duggan, Sally P., xxx-xx-xxxx
Dunbar, Douglas K., xxx-xx-xxxx
Duncan, Marc B., xxx-xx-xxxx
Duncan, Rives M., xxx-xx-xxxx
Dunshee, Kevin G., xxx-xx-xxxx
Durant, Cecil J., xxx-xx-xxxx
Durham, Elizabeth M., xxx-xx-xxxx
Durham, Mark C., xxx-xx-xxxx
Durrett, David B., xxx-xx-xxxx
Dziubela, James E., xxx-xx-xxxx
Eades, William E., xxx-xx-xxxx
Easler, David J., xxx-xx-xxxx
Eayrs, Michael P., xxx-xx-xxxx
Eifert, James O., xxx-xx-xxxx
Elliott, Charles A., Jr., xxx-xx-xxxx
Elsee, Walter J., xxx-xx-xxxx
Engen, Scott A., xxx-xx-xxxx
Eresman, Peter C., xxx-xx-xxxx
Erichsen, Matthew N., xxx-xx-xxxx
Erickson, Daniel P., xxx-xx-xxxx
Erikson, William L., xxx-xx-xxxx
Eshleman, Scott A., xxx-xx-xxxx
Evans, Lois L., xxx-xx-xxxx
Ewart, Roberta M., xxx-xx-xxxx
Fadok, David S., xxx-xx-xxxx
Fangon, Nora B., Bumagat, xxx-xx-xxxx
Faulkenberry, Barbara, J., xxx-xx-xxxx
Fausett, Mark L., xxx-xx-xxxx
Ferguson, Andrew G., xxx-xx-xxxx
Ferry, George E., Jr., xxx-xx-xxxx
Finley, Patrick J., xxx-xx-xxxx
Finn, Brian S., xxx-xx-xxxx
Fleming, Stanley T., xxx-xx-xxxx
Floreani, Darcy B., xxx-xx-xxxx
Floyd, Charles C., xxx-xx-xxxx
Flynn, Michael D., xxx-xx-xxxx
Foote, Carol A., xxx-xx-xxxx
Fossum, Neil B., xxx-xx-xxxx
France, Michael E. Barteau, xxx-xx-xxxx
Francis, Gail A., xxx-xx-xxxx
Francisco, Raymond A., xxx-xx-xxxx
Franz, Paul E., xxx-xx-xxxx
Fredrickson, Michael J., xxx-xx-xxxx
Friedman, Jack J., xxx-xx-xxxx
Fritz, Michael J., xxx-xx-xxxx
Frohman, David M., xxx-xx-xxxx
Fry, Daniel W., xxx-xx-xxxx
Fulton, Lori L., xxx-xx-xxxx
Fulton, Matthew R., xxx-xx-xxxx
Gaige, Neal F., xxx-xx-xxxx
Galbraith, James A., xxx-xx-xxxx
Gammon, Carla H., xxx-xx-xxxx
Garin, Thomas A., xxx-xx-xxxx
Garlock, Gordon M., xxx-xx-xxxx
Garrison, Kenneth A., xxx-xx-xxxx
Garton, Antoine M., xxx-xx-xxxx
Gebert, Frank A., xxx-xx-xxxx
Geczy, Michael H., xxx-xx-xxxx
Ghim, Barnard T., xxx-xx-xxxx
Gibbons, Phillip G., xxx-xx-xxxx
Glancey, Donna M., xxx-xx-xxxx
Glassie, Charlie T., III, xxx-xx-xxxx
Glowicz, Norman M., xxx-xx-xxxx
Goard, Alan L., xxx-xx-xxxx
Goetz, Roxann C., xxx-xx-xxxx
Goldin, Robert W., xxx-xx-xxxx
Gomez, John J., xxx-xx-xxxx
Gordon, Michael C., xxx-xx-xxxx
Graham, Billy T., Jr., xxx-xx-xxxx
Graham, Michael J., xxx-xx-xxxx
Graham, Nancy F., xxx-xx-xxxx
Grant, Michael, xxx-xx-xxxx
Grant, Susan P., xxx-xx-xxxx
Graves, David P., xxx-xx-xxxx
Greek, Russell W., xxx-xx-xxxx
Gregov, Samuel M., xxx-xx-xxxx
Greiman, Sharon K., xxx-xx-xxxx
Gresko, Lawrence S., Jr., xxx-xx-xxxx
Griffin, Michael L., xxx-xx-xxxx
Grilley, David E., xxx-xx-xxxx
Grimes, Dennis J., xxx-xx-xxxx
Grissom, Thomas E., xxx-xx-xxxx
Grizzle, Steven R., xxx-xx-xxxx
Gronert, Jan L., xxx-xx-xxxx
Grosinske, Kay M., xxx-xx-xxxx
Guerrero, Manuel J., xxx-xx-xxxx
Guessferd, Robert J., xxx-xx-xxxx
Haas, William R., xxx-xx-xxxx
Haave, Christopher E., xxx-xx-xxxx
Hagginbothom, David A., xxx-xx-xxxx
Haley, Martin B., xxx-xx-xxxx
Hall, Marshall K., Jr., xxx-xx-xxxx
Halpin, John M., xxx-xx-xxxx
Hamann, Phillip A., xxx-xx-xxxx
Hamilton, Gregory J., xxx-xx-xxxx
Hanifen, Matthew J., xxx-xx-xxxx
Hardcastle, Mark S., xxx-xx-xxxx
Harding, William J., xxx-xx-xxxx
Hargrove, Daniel G., xxx-xx-xxxx
Harkins, James J., Jr., xxx-xx-xxxx
Harrier, Daniel M., xxx-xx-xxxx
Harris, Martin P., xxx-xx-xxxx
Harris, Michael A., xxx-xx-xxxx
Harrison, Todd F., xxx-xx-xxxx
Hart, Gary L., xxx-xx-xxxx
Harvey, Lee T., xxx-xx-xxxx
Haswell, Brett D., xxx-xx-xxxx
Haupt, Bruce F., xxx-xx-xxxx
Hayes, Leonard G., xxx-xx-xxxx
Haymond, Martin A., xxx-xx-xxxx
Helton, Michael W., xxx-xx-xxxx
Helwig, Mark A., xxx-xx-xxxx
Hendrickson, Bruce P., xxx-xx-xxxx
Hepler, Michael K., xxx-xx-xxxx
Heppard, Kurt A., xxx-xx-xxxx
Hepperlen, Harry M., IV, xxx-xx-xxxx
Herman, Frank D., xxx-xx-xxxx
Hernandez, Marco A., xxx-xx-xxxx
Herzig, Steven C., xxx-xx-xxxx
Higney, George J., xxx-xx-xxxx
Hill, Larry D., xxx-xx-xxxx
Hill, Stephen D., xxx-xx-xxxx
Himeon, Sarah J., xxx-xx-xxxx
Hindman, Clifford D., xxx-xx-xxxx
Hines, Bryon H., xxx-xx-xxxx
Hithe, Troy A., xxx-xx-xxxx
Hogg, Gary W., xxx-xx-xxxx
Hoggatt, Kenneth D., xxx-xx-xxxx
Holbert, Ricky L., xxx-xx-xxxx
Holcroft, Barbara A., xxx-xx-xxxx
Hollinger, Scott E., xxx-xx-xxxx
Holmes, Kevin W., xxx-xx-xxxx
Holmes, Theordore J., xxx-xx-xxxx
Honsinger, Michael V., xxx-xx-xxxx
Hope, Timothy D., xxx-xx-xxxx
Hosken, Jeffery A., xxx-xx-xxxx
Howard, Diana M., xxx-xx-xxxx
Howard, James T., xxx-xx-xxxx
Howard, Richard N., II, xxx-xx-xxxx
Howard, Stephen G., xxx-xx-xxxx
Howard, William F., Jr., xxx-xx-xxxx
Huff, Benjamin C., xxx-xx-xxxx
Hughes, Julie J. Charity, xxx-xx-xxxx
Hunigan, Kirk A., xxx-xx-xxxx
Hyatt, Arthur W., Jr., xxx-xx-xxxx
Iannarilli, Frank J., Jr., xxx-xx-xxxx
Idle, Dunning, V., xxx-xx-xxxx
Igelman, Jon D., xxx-xx-xxxx
Ingalsbe, Richard A., xxx-xx-xxxx

Ingram, Kristine M., xxx-xx-xxxx
Interrante, Faith H., xxx-xx-xxxx
Iott, Curtis B., xxx-xx-xxxx
Irwin, James T., xxx-xx-xxxx
Isherwood, Michael W., xxx-xx-xxxx
Jackson, Antoine, xxx-xx-xxxx
Jackson, Johnny L., xxx-xx-xxxx
Jackson, Thomas J., xxx-xx-xxxx
Jackson, Walter L., Jr., xxx-xx-xxxx
Jacobsen, Eric W. Joseph, xxx-xx-xxxx
James, George F., III, xxx-xx-xxxx
James, Glenn E., xxx-xx-xxxx
Jarrell, Allen K., xxx-xx-xxxx
Jarrett, Edward H., xxx-xx-xxxx
Jarvis, Steven J., xxx-xx-xxxx
Jasina, James G., xxx-xx-xxxx
Johnson, John E., Jr., xxx-xx-xxxx
Johnson, Jonnie, xxx-xx-xxxx
Johnson, Kash S., xxx-xx-xxxx
Johnson, Susan B., xxx-xx-xxxx
Johnson, Thomas A., xxx-xx-xxxx
Johnson, Thomas L., xxx-xx-xxxx
Johnson, Todd L., xxx-xx-xxxx
Johnson, Troy A., xxx-xx-xxxx
Johnston, Dustin C., xxx-xx-xxxx
Jones, Daryl P., xxx-xx-xxxx
Jones, Jerome S., xxx-xx-xxxx
Jones, Larry D., xxx-xx-xxxx
Jorgenson, Dennis M., xxx-xx-xxxx
Jozwicki, John F., xxx-xx-xxxx
Jurkowski, Mark W., xxx-xx-xxxx
Kammer, Kevin R., xxx-xx-xxxx
Kapellas, Christopher A., xxx-xx-xxxx
Karmondy, Thomas P., xxx-xx-xxxx
Karr, Ronald P., xxx-xx-xxxx
Kasselder, Christopher G., xxx-xx-xxxx
Katapski, Steven M., xxx-xx-xxxx
Kealy, Luke J., xxx-xx-xxxx
Kedzie, Christopher R., xxx-xx-xxxx
Keeton, Nancy C., xxx-xx-xxxx
Kelly, Steven W., xxx-xx-xxxx
Kempton, Michael E., xxx-xx-xxxx
Kessler, Donald J., xxx-xx-xxxx
Khouri, Edward J., Jr., xxx-xx-xxxx
Kieffer, Steven D., xxx-xx-xxxx
Kim, Joseph K., xxx-xx-xxxx
Kimm, Larry T., xxx-xx-xxxx
Kimminau, Jon A., xxx-xx-xxxx
Kimsey, Ramona L., xxx-xx-xxxx
Kiyota, Nancy L., xxx-xx-xxxx
Klei, Herbert E., xxx-xx-xxxx
Klucking, Tony V., xxx-xx-xxxx
Knaplund, Justin K., xxx-xx-xxxx
Kniff, Gregory J., xxx-xx-xxxx
Koehler, Charles A., xxx-xx-xxxx
Koerner, Kurt J., xxx-xx-xxxx
Kolzow, John E., xxx-xx-xxxx
Korb, Brian R., xxx-xx-xxxx
Korcheck, Michael F., xxx-xx-xxxx
Kramer, Gail K., xxx-xx-xxxx
Kramer, Timothy J., xxx-xx-xxxx
Kramlinger, George D., xxx-xx-xxxx
Kraus, Mark E., xxx-xx-xxxx
Kressin, Wolfgang K., xxx-xx-xxxx
Krisinger, Kevin C., xxx-xx-xxxx
Krueger, David L., xxx-xx-xxxx
Lake, Brian S., xxx-xx-xxxx
Lamagna, Maria R., xxx-xx-xxxx
Lamar, Andrew H., xxx-xx-xxxx
Lamb, Richard W., xxx-xx-xxxx
Lambert, Rodney G., xxx-xx-xxxx
Lane, Randel A., xxx-xx-xxxx
Lardner, Scott G., xxx-xx-xxxx
Larson, John E., xxx-xx-xxxx
Lavalley, Thomas L., xxx-xx-xxxx
Laverty, Jennifer, xxx-xx-xxxx
Lawrence, Blake A., xxx-xx-xxxx
Lazarski, Anthony J., xxx-xx-xxxx
Leach, George D., xxx-xx-xxxx
Leach, Walter H., xxx-xx-xxxx
Lee, Robert E., xxx-xx-xxxx
Leiker, Gregory L., xxx-xx-xxxx
Lemmers, Patrick L., xxx-xx-xxxx
Levin, Daniel E., xxx-xx-xxxx
Levitt, Stephen A., xxx-xx-xxxx
Levy, David R., xxx-xx-xxxx
Lewis, Gregory L., xxx-xx-xxxx
Limbird, Keith G., xxx-xx-xxxx
Lin, Viki T., xxx-xx-xxxx
Lindemann, Timothy F., xxx-xx-xxxx
Lindenlaub, Carl C., Jr., xxx-xx-xxxx
Lindgren, John T., IV, xxx-xx-xxxx
Lindsey, Steven W., xxx-xx-xxxx
Livingood, John M., xxx-xx-xxxx
Livingston, Peter R., xxx-xx-xxxx
Llewellyn, Beth M., xxx-xx-xxxx
Lofton, Victor E., xxx-xx-xxxx
Logan, Frederick J., xxx-xx-xxxx
Lorenz, Mark J., xxx-xx-xxxx
Lotz, Donald E., xxx-xx-xxxx
Lowry, Alvin M., Jr., xxx-xx-xxxx
Lucarelli, Donald K., xxx-xx-xxxx
Lucarelli, Ronald S., xxx-xx-xxxx
Lund, Kent S., xxx-xx-xxxx
Lund, Richard S., xxx-xx-xxxx
Lyden, Ramona G., xxx-xx-xxxx
Lynch, Richard W., xxx-xx-xxxx
Lynch, Steven C., xxx-xx-xxxx
Mack, Lin A., xxx-xx-xxxx
MacKenzie, Mark S., xxx-xx-xxxx
Madeka, Frank C., xxx-xx-xxxx
Maher, Michael S., xxx-xx-xxxx
Mahon, Philip A., xxx-xx-xxxx
Mahoney, Anthony J., xxx-xx-xxxx
Maiden, Robin L., xxx-xx-xxxx
Mair, Eric A., xxx-xx-xxxx
Maize, Robert D., xxx-xx-xxxx
Malacrida, Robert F., xxx-xx-xxxx
Maloney, Sandra E., xxx-xx-xxxx
Mangiacarne, Mark R., xxx-xx-xxxx
Manning, William O., xxx-xx-xxxx
Maragh, Vivet V., xxx-xx-xxxx
Marshman, Steven N., xxx-xx-xxxx
Martin, Eric C., xxx-xx-xxxx
Martini, Judith L., xxx-xx-xxxx
Mask, Robert J., Jr., xxx-xx-xxxx
Mason, John R., Jr., xxx-xx-xxxx
Massengale, Alan D., xxx-xx-xxxx
Masters, Gregory P., xxx-xx-xxxx
Matrka, Paul G., xxx-xx-xxxx
Mattson, Ronald E., xxx-xx-xxxx
Mauer, Anthony M., xxx-xx-xxxx
Mazzola, Stephen, xxx-xx-xxxx
McAllister, Edward J., III, xxx-xx-xxxx
McCarthy, Amy E., xxx-xx-xxxx
McConnon, Mary K., xxx-xx-xxxx
McCorkindale, Donn K., xxx-xx-xxxx
McDonough, Kevin S., xxx-xx-xxxx
McGinty, Colleen, J., xxx-xx-xxxx
McKay, Jeffrey, F., xxx-xx-xxxx
McKee, Gregory J., xxx-xx-xxxx
McLean, Brain W., xxx-xx-xxxx
Meis, Troy R., xxx-xx-xxxx
Menapace, Joseph A., xxx-xx-xxxx
Mengel, Jane M., xxx-xx-xxxx
Mertan, Joseph T., Jr., xxx-xx-xxxx
Metz, Christopher C., xxx-xx-xxxx
Miller, Mark E., xxx-xx-xxxx
Miller, Michael L., xxx-xx-xxxx
Miller, Mitchell M., xxx-xx-xxxx
Miller, Troy S., xxx-xx-xxxx
Mills, Dean S., xxx-xx-xxxx
Miloscia, Stephen M., xxx-xx-xxxx
Mitchell, William D., Jr., xxx-xx-xxxx
Mohney, Jack D., xxx-xx-xxxx
Mohney, Lloyd B., III, xxx-xx-xxxx
Mokris, Daniel J., xxx-xx-xxxx
Montgomery, Glen D., xxx-xx-xxxx
Montoya, Gloria D., xxx-xx-xxxx
Moore, Andrew T., xxx-xx-xxxx
Moore, Roy D., xxx-xx-xxxx
Moore, Thomas K., xxx-xx-xxxx
Morabito, Eugene V., xxx-xx-xxxx
Moragne, Jeffrey A., xxx-xx-xxxx
Morin, Steven R., xxx-xx-xxxx
Morrell, Ronald A., xxx-xx-xxxx
Morrison, John S., xxx-xx-xxxx
Motowski, Joseph S., xxx-xx-xxxx
Moyer, Thomas S., xxx-xx-xxxx
Mraz, Richard T., xxx-xx-xxxx
Mullen, Deborah A., xxx-xx-xxxx
Mullett, Gary P., xxx-xx-xxxx
Mullett, Jeffrey N., xxx-xx-xxxx
Murphy, Carlee A., xxx-xx-xxxx
Murphy, Glenn A., xxx-xx-xxxx
Murphy Kenneth A., xxx-xx-xxxx
Murphy, William F., xxx-xx-xxxx
Napoleon, James D., xxx-xx-xxxx
Navarro, Robert M., xxx-xx-xxxx
Neal, Brian G., xxx-xx-xxxx
Neale, Bobby G., xxx-xx-xxxx
Nelson, George J., Jr., xxx-xx-xxxx
Nesemeier, Gregg I., xxx-xx-xxxx
Newton, Donald F., xxx-xx-xxxx
Nissen, Robert A., xxx-xx-xxxx
Nogrady, Gary M., xxx-xx-xxxx
Norman, Alan B., xxx-xx-xxxx
Norton, John B., Jr., xxx-xx-xxxx
Oakley, Randall K., xxx-xx-xxxx
O'Connor, Randy A., xxx-xx-xxxx
O'Keefe, Kelly P., xxx-xx-xxxx
Olson, Craig S., xxx-xx-xxxx
Olson, Richard E., xxx-xx-xxxx
O'Meara, David C., xxx-xx-xxxx
O'Neal, James E., xxx-xx-xxxx
Osburn, Steven R., xxx-xx-xxxx
O'Sullivan, Ellen M., xxx-xx-xxxx
Otto, Robert P., xxx-xx-xxxx
Ottoson, Mark R., xxx-xx-xxxx
Overbeck, Joseph E., xxx-xx-xxxx
Packard, Gary A., Jr., xxx-xx-xxxx
Palen, John H., III, xxx-xx-xxxx
Paramore, William D., xxx-xx-xxxx
Parker, Philip J., xxx-xx-xxxx
Parrish, Andrew L., xxx-xx-xxxx
Parsons, Theodore W., III, xxx-xx-xxxx
Parsons, Timothy S., xxx-xx-xxxx
Patton, Melaney S., xxx-xx-xxxx
Pauda, Jose M., xxx-xx-xxxx
Payne, Glenn R., xxx-xx-xxxx
Pearson, Steven L., xxx-xx-xxxx
Pelszynski, Mary M., xxx-xx-xxxx
Penick, Lee R., xxx-xx-xxxx
Perez, Dennis S., xxx-xx-xxxx
Perkins, John R., Jr., xxx-xx-xxxx
Perry, Timothy D., xxx-xx-xxxx
Perry, William K., xxx-xx-xxxx
Peterson, Robert E., Jr., xxx-xx-xxxx
Pfeiffer, Thomas P., xxx-xx-xxxx
Pflieger, Joseph P., xxx-xx-xxxx
Phillips, Ray R., xxx-xx-xxxx
Phillips, Scott N., xxx-xx-xxxx
Phillis, Stephen R., xxx-xx-xxxx
Pico, Joseph J., xxx-xx-xxxx
Pierce, Kevin M., xxx-xx-xxxx
Pierson, Blake A., xxx-xx-xxxx
Pike, Daniel J., xxx-xx-xxxx
Pilcher, Frank C., Jr., xxx-xx-xxxx
Pillar, James E., xxx-xx-xxxx
Pistilli, David B., xxx-xx-xxxx
Plumb, Gary L., xxx-xx-xxxx
Pluntze, Stephen C., xxx-xx-xxxx
Ponder, Floy E., xxx-xx-xxxx
Poort, Gayle L., xxx-xx-xxxx
Potier, Thomas H., Jr., xxx-xx-xxxx
Powell, Donald D., xxx-xx-xxxx
Powell, Kevin M., xxx-xx-xxxx
Prentice, John M., xxx-xx-xxxx
Prior, Catherine J., xxx-xx-xxxx
Provencio, Christopher D., xxx-xx-xxxx
Quinlan, Richard A., xxx-xx-xxxx
Raines, William A., III, xxx-xx-xxxx
Ranck, John R., Jr., xxx-xx-xxxx
Randall, Daryl R., xxx-xx-xxxx
Rath, Michael J., xxx-xx-xxxx
Ratti, James M., xxx-xx-xxxx
Redding, Phillip L., xxx-xx-xxxx
Redford, Ivan D., Jr., xxx-xx-xxxx
Reeder, Daniel C., xxx-xx-xxxx
Reeter, Chris, xxx-xx-xxxx
Rehder, Douglas G., xxx-xx-xxxx
Rehm, Joseph L., xxx-xx-xxxx

Reichenbach, Norbert F., xxx-xx-xxxx
Reichert, Robert A., xxx-xx-xxxx
Rein, Daniel E., xxx-xx-xxxx
Reiners, Rockford J., xxx-xx-xxxx
Reinwald, Linda L., xxx-xx-xxxx
Reymann, Christopher C., xxx-xx-xxxx
Reynolds, Joseph H., xxx-xx-xxxx
Richard, Dana G., xxx-xx-xxxx
Richards, Thomas L., xxx-xx-xxxx
Rickard, David C., xxx-xx-xxxx
Rider, Jill L., xxx-xx-xxxx
Rieker, Walter C., III, xxx-xx-xxxx
Riles, Jeffery M., xxx-xx-xxxx
Rino, Anthony, xxx-xx-xxxx
Rizzo, Michael D., xxx-xx-xxxx
Roath, Anthony S., xxx-xx-xxxx
Roberts, Harry M., xxx-xx-xxxx
Robinson, Kenneth L., xxx-xx-xxxx
Robinson, Nancy L., xxx-xx-xxxx
Rochelle, Jeffrey B., xxx-xx-xxxx
Rodgers, Stuart M., xxx-xx-xxxx
Rohl, Eugene A., xxx-xx-xxxx
Roman, James V., xxx-xx-xxxx
Romanko, Joseph V., xxx-xx-xxxx
Rooney, Daniel L., xxx-xx-xxxx
Rorick, Timothy L., xxx-xx-xxxx
Rosburg, Julie L., xxx-xx-xxxx
Roseen, Erik K., xxx-xx-xxxx
Rosser, James H., xxx-xx-xxxx
Rothleder, Joyce, xxx-xx-xxxx
Roy, Daniel P., xxx-xx-xxxx
Ruge, Joseph K., xxx-xx-xxxx
Ruiz-Morales, Richard H., xxx-xx-xxxx
Rumph, Scott L., xxx-xx-xxxx
Russick, Christopher P., xxx-xx-xxxx
Rustad, Kevin M., xxx-xx-xxxx
Ryan, Michael C., xxx-xx-xxxx
Salcedo, Maurice E., xxx-xx-xxxx
Sallis, Robert E., xxx-xx-xxxx
Saltus, Cassandra A., xxx-xx-xxxx
Sander, Douglas R., xxx-xx-xxxx
Sanders, David L., xxx-xx-xxxx
Sandkamp, Daniel J., xxx-xx-xxxx
Sandoval, Alfredo A., xxx-xx-xxxx
Sandwick, Nicholas R., xxx-xx-xxxx
Sanford, Norman E., xxx-xx-xxxx
Sanford, Robert R., xxx-xx-xxxx
Santiago, Frank J., xxx-xx-xxxx
Saul, Roger E., xxx-xx-xxxx
Scari, Robert J., xxx-xx-xxxx
Schapiro, David B., xxx-xx-xxxx
Schardt, Michael T., xxx-xx-xxxx
Schattle, Walter P., xxx-xx-xxxx
Scheffelin, Julia M., xxx-xx-xxxx
Scheirer, David C., xxx-xx-xxxx
Schiano, Richard A., xxx-xx-xxxx
Schievenin, Jeffrey A., xxx-xx-xxxx
Schilpp, Donald J., xxx-xx-xxxx
Schinelli, Bruce G., xxx-xx-xxxx
Schirmer, Sarah J., xxx-xx-xxxx
Schlapkohl, Scott R., xxx-xx-xxxx
Schluckebier, Thomas J., xxx-xx-xxxx
Schneider, Richard A., xxx-xx-xxxx
Schneider, Theodore O. Josep, xxx-xx-xxxx
Schreiber, Herbert G., III, xxx-xx-xxxx
Schreiber, Kenneth K., xxx-xx-xxxx
Schultz, Royce R., xxx-xx-xxxx
Schweiss, Charles W., Jr., xxx-xx-xxxx
Senz, Tamara, xxx-xx-xxxx
Sharadin, Roger J., xxx-xx-xxxx
Shelton, Cynthia, xxx-xx-xxxx
Sherman, Alan G., xxx-xx-xxxx
Sherman, Michael R., xxx-xx-xxxx
Sherman, Peggy L., xxx-xx-xxxx
Sherrier, Mark A., xxx-xx-xxxx
Shewmaker, Daniel E., xxx-xx-xxxx
Shier, Scot A., xxx-xx-xxxx
Shimko, Richard J., xxx-xx-xxxx
Shirai, Arthur M., xxx-xx-xxxx
Silver, Bradley D., xxx-xx-xxxx
Silvia, John D., xxx-xx-xxxx
Simpson, Angus B., xxx-xx-xxxx
Simpson, Donald R., xxx-xx-xxxx
Simpson, James R., xxx-xx-xxxx
Singletery, Rodney, xxx-xx-xxxx
Sinisi, Michael J., xxx-xx-xxxx
Sipos, Michael J., xxx-xx-xxxx
Skaff, Michael L., xxx-xx-xxxx
Skeans, Robert A., xxx-xx-xxxx
Sledge, Timothy M., xxx-xx-xxxx
Smellie, Patrick D., xxx-xx-xxxx
Smith, Dolores K. Garnet, xxx-xx-xxxx
Smith, Douglas R., xxx-xx-xxxx
Smith, Elva D., xxx-xx-xxxx
Smith, James E., III, xxx-xx-xxxx
Smith, Jeffrey B., xxx-xx-xxxx
Smith, Jeffrey S., xxx-xx-xxxx
Smith, John R., xxx-xx-xxxx
Smith, Kathryn L., xxx-xx-xxxx
Smith, Kevin, D., xxx-xx-xxxx
Smith, Kevin F., xxx-xx-xxxx
Smith, Kevin J., xxx-xx-xxxx
Smith, Mark K., xxx-xx-xxxx
Smith, Robert E., II, xxx-xx-xxxx
Smith, Stephen J., xxx-xx-xxxx
Smith, Steven M., xxx-xx-xxxx
Snearly, William N., xxx-xx-xxxx
Sneath, Robert L., Jr., xxx-xx-xxxx
Snyder, David M., xxx-xx-xxxx
Sobota, David V., xxx-xx-xxxx
Sobrino, Pedro F., xxx-xx-xxxx
Soby, Michael G., xxx-xx-xxxx
Sohan, Gerald E., xxx-xx-xxxx
Sonnenberg, Dale L., xxx-xx-xxxx
South, Lyn D., xxx-xx-xxxx
Sparks, Douglas T., xxx-xx-xxxx
Stahl, David A., xxx-xx-xxxx
Stake, Eric T., xxx-xx-xxxx
Stanhouse, Edward M., xxx-xx-xxxx
Staufer, Titus E., xxx-xx-xxxx
Stephens, Jeffrey P., xxx-xx-xxxx
Sterling, Jill L., xxx-xx-xxxx
Stern, Wilhelm R., xxx-xx-xxxx
Stevens, Theresa M., xxx-xx-xxxx
Stevenson, Martha Y., xxx-xx-xxxx
Stevenson, Mary Y., xxx-xx-xxxx
Stewart, Durwood D., xxx-xx-xxxx
Stoddard, Steven P., xxx-xx-xxxx
Stone, Steven W., xxx-xx-xxxx
Stonerock, Kurt A., xxx-xx-xxxx
Strickland, James C., xxx-xx-xxxx
Strom, Brock T. John, xxx-xx-xxxx
Strub, Daniel E., xxx-xx-xxxx
Stuart, Michael J., xxx-xx-xxxx
Suddarth, Steven C., xxx-xx-xxxx
Sullivan, Daniel S., xxx-xx-xxxx
Sutherland, Bruce J., xxx-xx-xxxx
Sutter, Jon C., xxx-xx-xxxx
Swaby, Craig T., xxx-xx-xxxx
Swanson, Scott A., xxx-xx-xxxx
Sweeney, Robert F., II, xxx-xx-xxxx
Sylvester, Thomas A., xxx-xx-xxxx
Taiclet, James D., Jr., xxx-xx-xxxx
Talbot, Timothy R., xxx-xx-xxxx
Talley, Steve, xxx-xx-xxxx
Taschuk, David G., xxx-xx-xxxx
Tate, Gregory L., xxx-xx-xxxx
Taylor, Paul E., xxx-xx-xxxx
Taylor, Thomas C., xxx-xx-xxxx
Tedmon, Thomas R., xxx-xx-xxxx
Telles, Rodolfo J., xxx-xx-xxxx
Temple, Alan J., xxx-xx-xxxx
Temple, James G., xxx-xx-xxxx
Thomas, Vicki L., xxx-xx-xxxx
Thompson, Preston B., xxx-xx-xxxx
Thomson, Paul R., xxx-xx-xxxx
Toldy, Stephen M., xxx-xx-xxxx
Tolle, Stephen K., xxx-xx-xxxx
Topper, Steven M., xxx-xx-xxxx
Torres, John E., xxx-xx-xxxx
Trabing, Scott A., xxx-xx-xxxx
Troxler, Keith S., xxx-xx-xxxx
Tuitt, James R., xxx-xx-xxxx
Turack, John M., xxx-xx-xxxx
Turek, Raymond E., Jr., xxx-xx-xxxx
Turner, Richard D., xxx-xx-xxxx
Turner, Terje R., xxx-xx-xxxx
Tuttle, Karen M., xxx-xx-xxxx
Tyman, Lisa A., xxx-xx-xxxx
Ungate, John J., II, xxx-xx-xxxx
Urquhart, Wilkins F., II, xxx-xx-xxxx
Vahovich, Dake S., xxx-xx-xxxx
Vance, Jeffrey J., xxx-xx-xxxx
Vanuska, Vivian R., xxx-xx-xxxx
Vaughan, Edward D., xxx-xx-xxxx
Vaughan, Sharon J., xxx-xx-xxxx
Vautrinot, Suzanne, M., xxx-xx-xxxx
Velasco, George R., xxx-xx-xxxx
Ventrano, Victor J., xxx-xx-xxxx
Vergis, Lynn E., xxx-xx-xxxx
Viernes, Jay L., xxx-xx-xxxx
Vislisel, Steven P., xxx-xx-xxxx
Vogel, Dean M., xxx-xx-xxxx
Vogt, Steven E., xxx-xx-xxxx
Wagner, Darren P., xxx-xx-xxxx
Walters, Dale A., xxx-xx-xxxx
Walton, Dean, xxx-xx-xxxx
Wanhanen, Ronald C., xxx-xx-xxxx
Warneking, Deborah A., xxx-xx-xxxx
Warner, Ronald L., Jr., xxx-xx-xxxx
Washer, Christopher S., xxx-xx-xxxx
Waters, Robert E., Jr., xxx-xx-xxxx
Waters, Stephen L., xxx-xx-xxxx
Watkins, Robert F., xxx-xx-xxxx
Watkins, William C., xxx-xx-xxxx
Watson, John J., xxx-xx-xxxx
Weber, Annetta J., xxx-xx-xxxx
Weber, Gary M., xxx-xx-xxxx
Weigand, Anthony M., xxx-xx-xxxx
Weller, Robert G., xxx-xx-xxxx
Wells, Preston, M., III, xxx-xx-xxxx
Wenzel, Robert F., Jr., xxx-xx-xxxx
Werner, Stephen J., xxx-xx-xxxx
West, David C., xxx-xx-xxxx
West, Steven A., xxx-xx-xxxx
Wharton, Christopher J., xxx-xx-xxxx
Wheeler, Michael S., xxx-xx-xxxx
White, Alex J., xxx-xx-xxxx
White, Douglas T., xxx-xx-xxxx
White, Richard E., II, xxx-xx-xxxx
Whiteley, James D., xxx-xx-xxxx
Whitson, Shawn V., xxx-xx-xxxx
Widseth, Christopher C., xxx-xx-xxxx
Wiley, Alan C., xxx-xx-xxxx
Will, Timothy J., xxx-xx-xxxx
Williams, Darryl A. Cecil, xxx-xx-xxxx
Williams, Edward L., xxx-xx-xxxx
Williams, Ronald J., xxx-xx-xxxx
Willis, Cynthia, xxx-xx-xxxx
Wills, Steven W., xxx-xx-xxxx
Willsie, James R., xxx-xx-xxxx
Wilson, Christopher F., xxx-xx-xxxx
Wilson, Gregory S., xxx-xx-xxxx
Wilson, Heather A., xxx-xx-xxxx
Wilson, Powell W., xxx-xx-xxxx
Wilson, Richard A., II, xxx-xx-xxxx
Wiseman, Jeffrey D., xxx-xx-xxxx
Wish, Jeffrey R., xxx-xx-xxxx
Wojtysiak, Martin J., IV, xxx-xx-xxxx
Wolters, Tod D., xxx-xx-xxxx
Womack, Gregory P., xxx-xx-xxxx
Wood, Jonathan D., xxx-xx-xxxx
Woodward, Jasper S., Jr., xxx-xx-xxxx
Wright, John C., xxx-xx-xxxx
Wuttke, Kenneth G., xxx-xx-xxxx
Yakabe, Mark D., xxx-xx-xxxx
Yoder, Thomas L., xxx-xx-xxxx
Young, John F., xxx-xx-xxxx
Zartman, David R., xxx-xx-xxxx
Zavala, Mark A., xxx-xx-xxxx
Zejdlik, Joel M., xxx-xx-xxxx
Zelenak, Albert P., Jr., xxx-xx-xxxx
Zemanek, William W., xxx-xx-xxxx
Zerface, Benjamen E., xxx-xx-xxxx
Ziegler, David W., xxx-xx-xxxx
Zimmerman, Carl E., Jr., xxx-xx-xxxx
Zuegel, Keith W., xxx-xx-xxxx

IN THE ARMY

The following-named officers for promotion in the U.S. Army, under provisions of title 10, United States Code, section 624 and

628; and section 601 or 602, title VI, Transition Provisions, Defense Officer Personnel Management Act of 1980, with dates of rank to be determined by the Secretary of the Army:

*To be colonel*

Bernstein, Charles P., xxx-xx-xxxx
Daknis, William R., xxx-xx-xxxx
Grier, Edward G., Jr., xxx-xx-xxxx
McQuillen, George P., xxx-xx-xxxx
Peyton, John J., xxx-xx-xxxx
Robertson, Edward H., xxx-xx-xxxx
Westry, Oliver B., xxx-xx-xxxx

*To be lieutenant colonel*

Blackwell, Eugene B., Jr., xxx-xx-xxxx
Craig, Norton W. II, xxx-xx-xxxx
Fitzgerald, Kirk S., xxx-xx-xxxx
Greene, Allan R., Jr., xxx-xx-xxxx
Guthrie, Jerry L., xxx-xx-xxxx
Jones, Lafayette Jr., xxx-xx-xxxx
Konkle, Thomas E., xxx-xx-xxxx
Leopoldus, Nicholas W., xxx-xx-xxxx
Mathewson, Robert W., xxx-xx-xxxx
Sturgeon, Charles E., xxx-xx-xxxx
Trout, Marvin D., xxx-xx-xxxx
Wheeler, James P., Jr., xxx-xx-xxxx
Wilson, Edward L., xxx-xx-xxxx

CHAPLAIN CORPS

*To be lieutenant colonel*

McGown, Andrew D., xxx-xx-xxxx
Mills, Harold L., xxx-xx-xxxx
Smidt, Francis R., xxx-xx-xxxx

DENTAL CORPS

*To be lieutenant colonel*

Walker, Kahn K., xxx-xx-xxxx

*To be major*

Breland, Andrew F., Jr., xxx-xx-xxxx
Cole, Robert, xxx-xx-xxxx
Dennis, Frances A., xxx-xx-xxxx
Duque, George M., xxx-xx-xxxx
Emig, John T., xxx-xx-xxxx
Funanich, Richard S., xxx-xx-xxxx
Herod, Herbert, xxx-xx-xxxx
Huckabee, Robert H., xxx-xx-xxxx
Jones, Paul R., xxx-xx-xxxx
Kayfetz, Richard, xxx-xx-xxxx
Marker, Jon W., xxx-xx-xxxx
Pratt, John B., II, xxx-xx-xxxx
Rigney, Marvin G., xxx-xx-xxxx
Seay, Joe D., xxx-xx-xxxx
Sharp, Robert A., xxx-xx-xxxx
Smyser, James O., xxx-xx-xxxx
Somerville, Roger J., xxx-xx-xxxx
Taylor, Windley B., xxx-xx-xxxx
Wilson, Edward L., xxx-xx-xxxx

CHAPLAIN CORPS

*To be major*

Chapman, Floyd C., Jr., xxx-xx-xxxx
Kusevich, Nicholas J., Jr., xxx-xx-xxxx
Scott, Richard A., xxx-xx-xxxx
Wilkinson, James R., xxx-xx-xxxx

MEDICAL CORPS

*To be major*

Deming, Woodie M., xxx-xx-xxxx
Shekitka, Kris M., xxx-xx-xxxx

VETERINARY CORPS

*To be major*

Dixon, Robert S., xxx-xx-xxxx

IN THE ARMY

The following-named cadets, graduating class of 1982, U.S. Military Academy, for appointment in the Regular Army of the United States in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 531 and 4353:

Abel, Paul F., xxx-xx-xxxx
Abrams, Robert B., xxx-xx-xxxx
Adams, Christopher, xxx-xx-xxxx
Adams, Peter C., xxx-xx-xxxx
Afridi, Rashid J., xxx-xx-xxxx
Albe, Mark A., xxx-xx-xxxx
Allen, Richard R., xxx-xx-xxxx
Allgood, Brian D., xxx-xx-xxxx
Almanza, Ernest J., xxx-xx-xxxx
Almore, Arthur G., xxx-xx-xxxx
Alvarez, Oscar N., xxx-xx-xxxx
Amey, James P., xxx-xx-xxxx
Andres, Gregg, xxx-xx-xxxx
Andrew, Mark J., xxx-xx-xxxx
Anstey, David A., xxx-xx-xxxx
Antrobus, Steven T., xxx-xx-xxxx
Aponte, Manuel, xxx-xx-xxxx
Asencio, Francis X., xxx-xx-xxxx
AuCoin, David E., xxx-xx-xxxx
Austin, Stanley F., xxx-xx-xxxx
Auzene, Michael S., xxx-xx-xxxx
Averill, Mark F., xxx-xx-xxxx
Aviles, Steven M., xxx-xx-xxxx
Bagby, James B., xxx-xx-xxxx
Bailey, Joseph P., xxx-xx-xxxx
Baker, Anita L., xxx-xx-xxxx
Baker, Ralph O., xxx-xx-xxxx
Baldwin, Charles J., xxx-xx-xxxx
Balkus, Monica S., xxx-xx-xxxx
Ball, Arthur T., xxx-xx-xxxx
Baragona, Dominic, xxx-xx-xxxx
Barbero, Michael P., xxx-xx-xxxx
Barends, Frans C., xxx-xx-xxxx
Barnhill, Robert J., xxx-xx-xxxx
Bartholomew, Lee A., xxx-xx-xxxx
Bass, Scott L., xxx-xx-xxxx
Bassett, Richard C., xxx-xx-xxxx
Bates, Maryann E., xxx-xx-xxxx
Bator, Edward, Jr., xxx-xx-xxxx
Bauder, Robert B., xxx-xx-xxxx
Baynes, Roberta B., xxx-xx-xxxx
Beard, Charles R., xxx-xx-xxxx
Beck, Daniel T., xxx-xx-xxxx
Belanger, Rene D., xxx-xx-xxxx
Bull, Hugh M., xxx-xx-xxxx
Bell, Oliver J., xxx-xx-xxxx
Bellos, Helen M., xxx-xx-xxxx
Bellows, David B., xxx-xx-xxxx
Benenhaley, Monty, xxx-xx-xxxx
Bennett, Jerryl E., xxx-xx-xxxx
Bent, Patricia A., xxx-xx-xxxx
Bergfelt, Benjamin R., xxx-xx-xxxx
Bergin, Timothy J., xxx-xx-xxxx
Berstler, Steven G., xxx-xx-xxxx
Besch, Thomas M., xxx-xx-xxxx
Biehler, Mark A., xxx-xx-xxxx
Bigari, Steven T., xxx-xx-xxxx
Birkhimer, Karl M., xxx-xx-xxxx
Bittrick, Michael J., xxx-xx-xxxx
Blanchard, Kristi J., xxx-xx-xxxx
Bland, Christopher D., xxx-xx-xxxx
Boerema, Brett A., xxx-xx-xxxx
Bogaard, Arie D., xxx-xx-xxxx
Bogard, Brian J., xxx-xx-xxxx
Boler, John S., xxx-xx-xxxx
Bond, Phillip L., xxx-xx-xxxx
Bonometti, Joseph A., xxx-xx-xxxx
Boston, Stephen T., xxx-xx-xxxx
Boutte, Brian M., xxx-xx-xxxx
Bowden, Dean R., xxx-xx-xxxx
Bowen, James W., xxx-xx-xxxx
Bowen, Thomas S., xxx-xx-xxxx
Bower, Bradley J., xxx-xx-xxxx
Bowman, Craig D., xxx-xx-xxxx
Boyle, James V., xxx-xx-xxxx
Boyle, William, Jr., xxx-xx-xxxx
Bradley, David M., xxx-xx-xxxx
Bradley, Dennis J., xxx-xx-xxxx
Bray, John Raymond, xxx-xx-xxxx
Brechbuhl, Hans-Ch., xxx-xx-xxxx
Brewer, Barry W., xxx-xx-xxxx
Brockman, Gregory, xxx-xx-xxxx
Brooks, Boyd B., xxx-xx-xxxx
Brooks, John J., xxx-xx-xxxx
Broome, Jon B., xxx-xx-xxxx
Brothers, Scott L., xxx-xx-xxxx
Brown, James B., xxx-xx-xxxx
Brundige, John R., xxx-xx-xxxx
Bryant, Thomas A., xxx-xx-xxxx
Bryce, Robert S., xxx-xx-xxxx
Buc, Steven M., xxx-xx-xxxx
Buchwald, James E., xxx-xx-xxxx
Buckman, Belinda L., xxx-xx-xxxx
Buda, William L., xxx-xx-xxxx
Buechner, Mark R., xxx-xx-xxxx
Buning, Daniel C., xxx-xx-xxxx
Burgamy, Gregory G., xxx-xx-xxxx
Burlas, Joseph E., xxx-xx-xxxx
Burlas, William R., xxx-xx-xxxx
Burtnett, Richard, xxx-xx-xxxx
Bussey, Torin A., xxx-xx-xxxx
Butler, James B., xxx-xx-xxxx
Byars, Louis C., xxx-xx-xxxx
Cabinian, Ponce V., xxx-xx-xxxx
Cahill, Caren E., xxx-xx-xxxx
Calbos, Paul T., xxx-xx-xxxx
Call, Robert B., xxx-xx-xxxx
Callahan, Dennis F., xxx-xx-xxxx
Camargo, Joseph A., xxx-xx-xxxx
Campano, Stephen A., xxx-xx-xxxx
Canavan, Michael F., xxx-xx-xxxx
Caputo, Brian W., xxx-xx-xxxx
Cardon, Edward C., xxx-xx-xxxx
Carlin, Timothy S., xxx-xx-xxxx
Carlson, Robert D., xxx-xx-xxxx
Carr, Frederick C., xxx-xx-xxxx
Carroll, Lonnie R., xxx-xx-xxxx
Carter, Ronald L., xxx-xx-xxxx
Cassidy, Patrick J., xxx-xx-xxxx
Cassingham, Jack H., xxx-xx-xxxx
Castro, Rawlin J., xxx-xx-xxxx
Catena, Gene A., xxx-xx-xxxx
Caudle, John C., xxx-xx-xxxx
Centers, Michael C., xxx-xx-xxxx
Chadwick, Robert E., xxx-xx-xxxx
Chae, Chelsea Y., xxx-xx-xxxx
Chase, Charles A. V., xxx-xx-xxxx
Cheesborough, William, xxx-xx-xxxx
Cheselka, Peter, xxx-xx-xxxx
Cheshire, Robert, xxx-xx-xxxx
Cianciolo, Anne L., xxx-xx-xxxx
Ciccarelli, Ralph, xxx-xx-xxxx
Coddington, Eugene, xxx-xx-xxxx
Cody, Arthur C., xxx-xx-xxxx
Cofer, Robin D., xxx-xx-xxxx
Cofield, William A., xxx-xx-xxxx
Coleman, Joseph B., xxx-xx-xxxx
Collett, Eugene A., xxx-xx-xxxx
Comolli Bret E., xxx-xx-xxxx
Condry, Mark E., xxx-xx-xxxx
Connolly, Philip G., xxx-xx-xxxx
Connolly, Thomas K., xxx-xx-xxxx
Conrad, Russell, xxx-xx-xxxx
Cook, William J., xxx-xx-xxxx
Cooper, Philip J., xxx-xx-xxxx
Copp, John W., xxx-xx-xxxx
Cordell, James G., xxx-xx-xxxx
Corrigan, Joseph, xxx-xx-xxxx
Cox, David K., xxx-xx-xxxx
Crabtree, Thomas R., xxx-xx-xxxx
Craig, David L., xxx-xx-xxxx
Craig, Donald M., xxx-xx-xxxx
Craig, Robert S., xxx-xx-xxxx
Crawford, Mark F., xxx-xx-xxxx
Creighton, James L., xxx-xx-xxxx
Creighton, Kenneth, xxx-xx-xxxx
Crenshaw, David A., xxx-xx-xxxx
Crenshaw, Tommy S., xxx-xx-xxxx
Cronk, William R., xxx-xx-xxxx
Croskrey, Stephen L., xxx-xx-xxxx
Cruise, Kevin B., xxx-xx-xxxx
Cummings, Timothy J., xxx-xx-xxxx
Cunha, Rui O., xxx-xx-xxxx
Cunningham, Paul F., xxx-xx-xxxx
Currey, Craig J., xxx-xx-xxxx

Curtin, Philip J., xxx-xx-xxxx
Cyr, Steven A., xxx-xx-xxxx
Dabney, Harold J., xxx-xx-xxxx
Dahl, Kenneth R., xxx-xx-xxxx
Darby, Thomas E., xxx-xx-xxxx
Daum, Douglas W., xxx-xx-xxxx
Davidson, Michael, xxx-xx-xxxx
Davis, Kenneth M., xxx-xx-xxxx
Davis, Norman W., xxx-xx-xxxx
Davis, Paul R., xxx-xx-xxxx
Davitt, Thomas G., xxx-xx-xxxx
Dehart, Kevin F., xxx-xx-xxxx
Delaney, John M., xxx-xx-xxxx
Delgiorno, Deborah A., xxx-xx-xxxx
Demange, Robert F., xxx-xx-xxxx
Denham, Bradford W., xxx-xx-xxxx
Desantis, Ronald N., xxx-xx-xxxx
Deveney, Roger A., xxx-xx-xxxx
Devens, Timothy J., xxx-xx-xxxx
Devine, Thomas F., xxx-xx-xxxx
DeYoung, Guy N., xxx-xx-xxxx
Diciro, Dominic T., xxx-xx-xxxx
Dietz, Michael A., xxx-xx-xxxx
Dixon, Michael J., xxx-xx-xxxx
Dodson, Walter K., xxx-xx-xxxx
Domenick, John B., xxx-xx-xxxx
Donahue, Robert A., xxx-xx-xxxx
Dotson, Kevin W., xxx-xx-xxxx
Doty, Joseph P., xxx-xx-xxxx
Doyle, Norbert S., xxx-xx-xxxx
Drake, Timothy E., xxx-xx-xxxx
Drucker, David M., xxx-xx-xxxx
Duban, Matthew E., xxx-xx-xxxx
Duffey, Joseph P., xxx-xx-xxxx
Duffy, Patrick E., xxx-xx-xxxx
Dukes, Michael A., xxx-xx-xxxx
Dunn, James F., xxx-xx-xxxx
Durham, Danny D., xxx-xx-xxxx
Dyess, Robert M., xxx-xx-xxxx
Dykstra, Ronald J., xxx-xx-xxxx
Easton, Mark C., xxx-xx-xxxx
Ebel, Todd James., xxx-xx-xxxx
Eccher, Charles J., xxx-xx-xxxx
Eckstein, Bryan S., xxx-xx-xxxx
Eden, Steven J., xxx-xx-xxxx
Ellington, Steven W., xxx-xx-xxxx
Elmore, Wesley B., xxx-xx-xxxx
Engdahl, Lynnae E., xxx-xx-xxxx
Enright, Daniel J., xxx-xx-xxxx
Ericks, Craig A., xxx-xx-xxxx
Erickson, Eric D., xxx-xx-xxxx
Eshelman, Jon R., xxx-xx-xxxx
Estey, Christopher xxx-xx-xxxx
Faessler, Michael, xxx-xx-xxxx
Fahy, Stephen R., xxx-xx-xxxx
Farmer, Wesley E., xxx-xx-xxxx
Faupel, Thomas, xxx-xx-xxxx
Fedorchak, Scott A., xxx-xx-xxxx
Fehlberg, Ralph A., xxx-xx-xxxx
Feickert, Andrew D., xxx-xx-xxxx
Fenner, Morrison, xxx-xx-xxxx
Ferguson, James C., xxx-xx-xxxx
Ferrara, Anthony, xxx-xx-xxxx
Fields, Joe Eddie, xxx-xx-xxxx
Fipely, David Paul, xxx-xx-xxxx
Fink, Keith Alan, xxx-xx-xxxx
Fisk, Kelly Frank, xxx-xx-xxxx
Fleming, Robert C., xxx-xx-xxxx
Fletcher, Charles, xxx-xx-xxxx
Flora, Shawn W., xxx-xx-xxxx
Flynn, James M., xxx-xx-xxxx
Foderaro, Rocco, xxx-xx-xxxx
Fofi, Randall L., xxx-xx-xxxx
Forrester, Robert, xxx-xx-xxxx
Fortier, Robert A., xxx-xx-xxxx
Fowler, Joan, xxx-xx-xxxx
Fox, Craig Alan, xxx-xx-xxxx
Fox, Lynn Allison, xxx-xx-xxxx
Frakes, Mark Dean, xxx-xx-xxxx
Francis, Scott A., xxx-xx-xxxx
Francis, William R., xxx-xx-xxxx
Fredrickson, Kent, xxx-xx-xxxx
Fretheim, Erik J., xxx-xx-xxxx
Friedman, Karl M., xxx-xx-xxxx
Fritts, Joe A., xxx-xx-xxxx
Fulk, Jed Dunn, xxx-xx-xxxx
Fulshaw, Amanda L., xxx-xx-xxxx
Gallagher, Darel R., xxx-xx-xxxx
Gallagher, Timothy, xxx-xx-xxxx
Galloway, Graham W., xxx-xx-xxxx
Gandy, Christopher, xxx-xx-xxxx
Gapinski, Duane P., xxx-xx-xxxx
Garcia, Rafael J., xxx-xx-xxxx
Gardner, Keith H., xxx-xx-xxxx
Garland, Terrence, xxx-xx-xxxx
Garman, Patrick J., xxx-xx-xxxx
Garrett, Donna L., xxx-xx-xxxx
Garrison, John L., xxx-xx-xxxx
Gay, Ralph Horace, xxx-xx-xxxx
Gerlitz, Kyle A., xxx-xx-xxxx
Gerras, Stephen J., xxx-xx-xxxx
Getz, Holly E., xxx-xx-xxxx
Gibson, Robert D., xxx-xx-xxxx
Gilbert, Derek C., xxx-xx-xxxx
Gilbert, Lee J., xxx-xx-xxxx
Gillespie, James C., xxx-xx-xxxx
Gillette, Deborah, xxx-xx-xxxx
Girouard, Thomas W., xxx-xx-xxxx
Glazier, Cindy R., xxx-xx-xxxx
Goda, Bryan S., xxx-xx-xxxx
Goetz, Willian P., xxx-xx-xxxx
Goldberg, Robert M., xxx-xx-xxxx
Goodwin, Michael W., xxx-xx-xxxx
Goodwin, Thomas R., xxx-xx-xxxx
Gorbandt, Charles, xxx-xx-xxxx
Gorbitz, Ozzie H., xxx-xx-xxxx
Gorsky, Alex, xxx-xx-xxxx
Goudreau, Denise, xxx-xx-xxxx
Gramke, Keith R., xxx-xx-xxxx
Grammer, Nadja Y., xxx-xx-xxxx
Graves, William W., xxx-xx-xxxx
Green, David L., xxx-xx-xxxx
Greene, Priscilla A., xxx-xx-xxxx
Grewatz, Vincent E., xxx-xx-xxxx
Grey, Carolyn M., xxx-xx-xxxx
Grieb, Mark C., xxx-xx-xxxx
Griffin, Gerald M., xxx-xx-xxxx
Griffith, Kevin L., xxx-xx-xxxx
Grofic, Barbara L., xxx-xx-xxxx
Groschelle, Ellen W., xxx-xx-xxxx
Groves, Bryan A., xxx-xx-xxxx
Grow, Robert P., xxx-xx-xxxx
Grymes, Robert D., xxx-xx-xxxx
Guarino, Alan C., xxx-xx-xxxx
Guarino, Robert S., xxx-xx-xxxx
Guinn, Kellye R., xxx-xx-xxxx
Habbinga, Dick S., xxx-xx-xxxx
Hackney, John K., xxx-xx-xxxx
Hajost, Dale R., xxx-xx-xxxx
Halkias, Telemachus C., xxx-xx-xxxx
Hallatschek, Josef R., xxx-xx-xxxx
Hallenbeck, Philip R., xxx-xx-xxxx
Hamaker, James A., xxx-xx-xxxx
Hampton, Scott E., xxx-xx-xxxx
Hanaur, David J., xxx-xx-xxxx
Hand, Thomas P., xxx-xx-xxxx
Handler, Eric S., xxx-xx-xxxx
Hanko, Gary M., xxx-xx-xxxx
Harada, Lawrence K., xxx-xx-xxxx
Hargraves, William F., xxx-xx-xxxx
Harlow, Holly J., xxx-xx-xxxx
Harmanson, Todd A., xxx-xx-xxxx
Harrington, Michael P., xxx-xx-xxxx
Harris, David D., xxx-xx-xxxx
Harris, Harry N., xxx-xx-xxxx
Hartlage, Keith E., xxx-xx-xxxx
Hartman, Paula G., xxx-xx-xxxx
Harvey, Douglas E., xxx-xx-xxxx
Haskins, Casey P., xxx-xx-xxxx
Hasley, Stephen M., xxx-xx-xxxx
Hatch, Guy T., xxx-xx-xxxx
Hawley, Joseph J., xxx-xx-xxxx
Hawley, Steven C., xxx-xx-xxxx
Hayden, Richard A., xxx-xx-xxxx
Haynes, Kerry N., xxx-xx-xxxx
Heard, Lance A., xxx-xx-xxxx
Heather, Robert B., xxx-xx-xxxx
Heavner, James R., xxx-xx-xxxx
Hedges, William H., xxx-xx-xxxx
Henry, Scott A., xxx-xx-xxxx
Henry, Thomas M., xxx-xx-xxxx
Hernandez, Juan J., xxx-xx-xxxx
Herzberg, Eric F., xxx-xx-xxxx
Hiatt, Mark S., xxx-xx-xxxx
Hidalgo, Peter A., xxx-xx-xxxx
Hill, John M., xxx-xx-xxxx
Hill, Stephen L., xxx-xx-xxxx
Hinton, Deborah K., xxx-xx-xxxx
Ho, Augustus K., xxx-xx-xxxx
Hoffman, John P., xxx-xx-xxxx
Hoffman , Mark H., xxx-xx-xxxx
Hogan, Michael W., xxx-xx-xxxx
Hogle, James P., xxx-xx-xxxx
Hogston, Bruce D., xxx-xx-xxxx
Hollifield, Rodney, xxx-xx-xxxx
Holtkamp, Gregory, xxx-xx-xxxx
Hook, Richard B., xxx-xx-xxxx
Hopper, Timothy G., xxx-xx-xxxx
Hornick, John W., xxx-xx-xxxx
Horstman, Mark A., xxx-xx-xxxx
Horton, Steven B., xxx-xx-xxxx
Hoss, Richard E., xxx-xx-xxxx
Howard, Richard A., xxx-xx-xxxx
Hubbard, Michel R., xxx-xx-xxxx
Hudson, John M., xxx-xx-xxxx
Hughes, Edward L., xxx-xx-xxxx
Hughey, Maxwell R., xxx-xx-xxxx
Hughlett, April M., xxx-xx-xxxx
Hummel, Laurel J., xxx-xx-xxxx
Humphrey, Jeffrey, xxx-xx-xxxx
Hurley, Thomas M., xxx-xx-xxxx
Hutchison, Steven, xxx-xx-xxxx
Hyde, Leslie S., xxx-xx-xxxx
Hyder, Jack T., xxx-xx-xxxx
Hyman, Jonathon, xxx-xx-xxxx
Hyndman, Kelly G., xxx-xx-xxxx
Ignazzitto, Francis, xxx-xx-xxxx
Imlay, Lonnie L., xxx-xx-xxxx
Ingalls, Stephen A., xxx-xx-xxxx
Iram, Raymond C., xxx-xx-xxxx
Irwin, Jeffrey D., xxx-xx-xxxx
Isensee, Ernst K., xxx-xx-xxxx
Iverslie, Karl B., xxx-xx-xxxx
Jackan, Steven C., xxx-xx-xxxx
Jacobs, Roland S., xxx-xx-xxxx
Jaeger, Dennis L., xxx-xx-xxxx
Jarrard, Stephen W., xxx-xx-xxxx
Jarrell, John C., xxx-xx-xxxx
Jaschen, Daryl D., xxx-xx-xxxx
Jasenak, Michael J., xxx-xx-xxxx
Jebb, Joel E., xxx-xx-xxxx
Jennings, James F., xxx-xx-xxxx
Johnson, Bradley R., xxx-xx-xxxx
Johnson, Chris D., xxx-xx-xxxx
Johnson, Michele A., xxx-xx-xxxx
Johnson, Samuel H., xxx-xx-xxxx
Johnson, Terrence R., xxx-xx-xxxx
Jones, Emmett C., xxx-xx-xxxx
Jones, Kermit C., xxx-xx-xxxx
Jones, Michael F., xxx-xx-xxxx
Jones, Phillip N., xxx-xx-xxxx
Jones, Terrence A., xxx-xx-xxxx
Jozwiak, Edward D., xxx-xx-xxxx
Juergens, Kenneth, xxx-xx-xxxx
Juric, Thomas A., xxx-xx-xxxx
Kachejian, Kerry C., xxx-xx-xxxx
Kainec, James J., xxx-xx-xxxx
Kaiser, Thomas W., xxx-xx-xxxx
Kalish, Stephen P., xxx-xx-xxxx
Kane, Arthur G., xxx-xx-xxxx
Karaus, John H., xxx-xx-xxxx
Kastner, Thomas M., xxx-xx-xxxx
Kautz, Russell M., xxx-xx-xxxx
Keating, Frank G., xxx-xx-xxxx
Keating, Kevin M., xxx-xx-xxxx
Keely, John C., xxx-xx-xxxx

Keller, Peter S., xxx-xx-xxxx
Kellman, Lyle J., xxx-xx-xxxx
Kelly, Paul W., xxx-xx-xxxx
Kelly, Terrence K., xxx-xx-xxxx
Kennedy, Kenneth A., xxx-xx-xxxx
Kenney, James T., xxx-xx-xxxx
Kent, Steven L., xxx-xx-xxxx
Keough, Kevin J., xxx-xx-xxxx
Kimmey, Mark L., xxx-xx-xxxx
Kimmey, Richard J., xxx-xx-xxxx
King, Curtis S., xxx-xx-xxxx
Kinsella, David T., xxx-xx-xxxx
Klingele, Michael J., xxx-xx-xxxx
Knapp, David M., xxx-xx-xxxx
Knotts, Lester W., xxx-xx-xxxx
Knowlton, James A., xxx-xx-xxxx
Knudson, Ole A., xxx-xx-xxxx
Kocher, Steven K., xxx-xx-xxxx
Koehler, Perry L., xxx-xx-xxxx
Kolb, Joseph R., xxx-xx-xxxx
Kolev, Nencho N., xxx-xx-xxxx
Kolodziejczyk, Matthew C., xxx-xx-xxxx
Koratsky, Robert S., xxx-xx-xxxx
Korcan, Jeffrey, xxx-xx-xxxx
Korsnick, John W., xxx-xx-xxxx
Kowalski, Bruce A., xxx-xx-xxxx
Kraner, Scott D., xxx-xx-xxxx
Krause, Tara S., xxx-xx-xxxx
Kruk, Philip M., xxx-xx-xxxx
Kubu, Richard S., xxx-xx-xxxx
Kula, Thomas W., xxx-xx-xxxx
Kullander, Kevin D., xxx-xx-xxxx
Kumar, Sanjai, xxx-xx-xxxx
Kumura, David S., xxx-xx-xxxx
Kunkel, George D., xxx-xx-xxxx
Kuttruff, John C., xxx-xx-xxxx
Lacey, Brian P., xxx-xx-xxxx
Lambert, Denis J., xxx-xx-xxxx
Landefeld, William W., xxx-xx-xxxx
Langhauser, Craig G., xxx-xx-xxxx
Laplaca, Patricia R., xxx-xx-xxxx
Larson, Norman R., xxx-xx-xxxx
Lasche, James B., xxx-xx-xxxx
Lauer, James J., xxx-xx-xxxx
Lauritzen, Brian W., xxx-xx-xxxx
Lavine, Lars E., xxx-xx-xxxx
Lavosky, Richard L., xxx-xx-xxxx
Layer, Brian R., xxx-xx-xxxx
Leaver, Edward C., xxx-xx-xxxx
Leberski, Walter J., xxx-xx-xxxx
Leblanc, David E., xxx-xx-xxxx
Leblanc, Thomas G., xxx-xx-xxxx
Ledger, Walter R., xxx-xx-xxxx
Lee, James D., xxx-xx-xxxx
Lee, Kyu H., xxx-xx-xxxx
Leidal, Knute A., xxx-xx-xxxx
Lengenfelder, John A., xxx-xx-xxxx
Leonowich, Pamela C., xxx-xx-xxxx
Lewallen, William B., xxx-xx-xxxx
Lewis, Kenneth R., xxx-xx-xxxx
Lindberg, John W., xxx-xx-xxxx
Lock, Johnny D., xxx-xx-xxxx
Lodwick, William R., xxx-xx-xxxx
Loew, Michael R., xxx-xx-xxxx
Lofgren, Mark D., xxx-xx-xxxx
Loomis, Tom C., xxx-xx-xxxx
Love, Dale L., xxx-xx-xxxx
Lowry, William I., xxx-xx-xxxx
Lukert, John S., xxx-xx-xxxx
Lutz, James P., xxx-xx-xxxx
Lynch, Thomas F., xxx-xx-xxxx
Lynch, Thomas J., xxx-xx-xxxx
Macgibbon, Kyle E., xxx-xx-xxxx
Macneil, Michael H., xxx-xx-xxxx
Macpherson, John M., xxx-xx-xxxx
Madrid, John C., xxx-xx-xxxx
Mahoney, John J., xxx-xx-xxxx
Malloy, Brian F., xxx-xx-xxxx
Mangum, Kevin W., xxx-xx-xxxx
Mann, Charles S., xxx-xx-xxxx
Mansoor, Peter R., xxx-xx-xxxx
Markol, Jonathan A., xxx-xx-xxxx
Marshall, Prescott L., xxx-xx-xxxx
Martin, Edward T., xxx-xx-xxxx
Martin, Eileen E., xxx-xx-xxxx
Mateo, Rodrigo G., xxx-xx-xxxx
Mayville, William C., xxx-xx-xxxx
Mazzuki, Michael R., xxx-xx-xxxx
McAlister, James M., xxx-xx-xxxx
McBride, David A., xxx-xx-xxxx
McCaleb, Robert M., xxx-xx-xxxx
McClellan, Thomas, xxx-xx-xxxx
McCormick, James M., xxx-xx-xxxx
McCormick, Patricia M., xxx-xx-xxxx
McDaniel, Everett K., xxx-xx-xxxx
McDonald, Anthony K., xxx-xx-xxxx
McElree, John A., xxx-xx-xxxx
McGee, John H., xxx-xx-xxxx
McGlown, David L., xxx-xx-xxxx
McGory, Gregory S., xxx-xx-xxxx
McMillin, Eric F., xxx-xx-xxxx
McNeill, Joseph M., xxx-xx-xxxx
McPoyle, Kevin M., xxx-xx-xxxx
Meek, Sallye J., xxx-xx-xxxx
Merrigan, Kevin G., xxx-xx-xxxx
Merritt, Paul A., xxx-xx-xxxx
Mesick, Michael L., xxx-xx-xxxx
Metz, Robert W., xxx-xx-xxxx
Meyer, James D., xxx-xx-xxxx
Milat, Mark A., xxx-xx-xxxx
Millen, Raymond A., xxx-xx-xxxx
Miller, Cliff, xxx-xx-xxxx
Miller, Derek A., xxx-xx-xxxx
Miller, Linda J., xxx-xx-xxxx
Minear, Michael L., xxx-xx-xxxx
Minney, Michael A., xxx-xx-xxxx
Moles, Joseph B., xxx-xx-xxxx
Monagas, Guy R., xxx-xx-xxxx
Monger, John D., xxx-xx-xxxx
Monroe, Clifford S., xxx-xx-xxxx
Mooradian, Paul S., xxx-xx-xxxx
Moore, John M., xxx-xx-xxxx
Moore, Robert T., xxx-xx-xxxx
Moorehead, John S., xxx-xx-xxxx
Morales, James A., xxx-xx-xxxx
Moravec, Joseph F., xxx-xx-xxxx
Morey, Christopher, xxx-xx-xxxx
Morgan, Glenn E., xxx-xx-xxxx
Morgan, Thomas J., xxx-xx-xxxx
Moritz, Robert P., xxx-xx-xxxx
Morris, Timothy J., xxx-xx-xxxx
Morris, Tom C., xxx-xx-xxxx
Morrison, Douglas J., xxx-xx-xxxx
Morse, Kevin W., xxx-xx-xxxx
Mosby, Stewart J., xxx-xx-xxxx
Mosher, Alan M., xxx-xx-xxxx
Moten, Matthew, xxx-xx-xxxx
Muir, Thomas M., xxx-xx-xxxx
Mulligan, Daniel F., xxx-xx-xxxx
Munro, George F., xxx-xx-xxxx
Murphy, Thomas E., xxx-xx-xxxx
Murphy, William S., xxx-xx-xxxx
Murtagh, James P., xxx-xx-xxxx
Naccarelli, John, xxx-xx-xxxx
Nadeau, David C., xxx-xx-xxxx
Nakamoto, Robert S., xxx-xx-xxxx
Nang, Roberto N., xxx-xx-xxxx
Neary, Patrick C., xxx-xx-xxxx
Needham, Mark D., xxx-xx-xxxx
Neff, Casey A., xxx-xx-xxxx
Negley, John M., xxx-xx-xxxx
Neilson, John M., xxx-xx-xxxx
Nelson, Harlene A., xxx-xx-xxxx
Nelson, Walter C., xxx-xx-xxxx
Nepomuceno, Emmerico T., xxx-xx-xxxx
Netherland, Scott F., xxx-xx-xxxx
Newman, William, xxx-xx-xxxx
Nicholson, John W., xxx-xx-xxxx
Nielsen, Robert J., xxx-xx-xxxx
Noll, Charles R., xxx-xx-xxxx
Norr, Robert L., xxx-xx-xxxx
North, James H., xxx-xx-xxxx
Novak, David A., xxx-xx-xxxx
Mowotny, Gerald R., xxx-xx-xxxx
O'Brien, Dennis A., xxx-xx-xxxx
O'Connell, Liam T., xxx-xx-xxxx
O'Connor, Robert M., xxx-xx-xxxx
Odom, Richard R., xxx-xx-xxxx
O'Dwyer, Kevin P., xxx-xx-xxxx
O'Farrell, Patrick D., xxx-xx-xxxx
Ogden, Elizabeth M., xxx-xx-xxxx
O'leary, Brian D., xxx-xx-xxxx
Olivares, Edward C., xxx-xx-xxxx
Oliver, Charles K., xxx-xx-xxxx
Oliver, Pamela K., xxx-xx-xxxx
Olmeda-Saenz, Maritza L., xxx-xx-xxxx
Olone, John G., xxx-xx-xxxx
Olsen, Steven, xxx-xx-xxxx
O'Neill, Bruce B., xxx-xx-xxxx
O'Neill, Patrick J., xxx-xx-xxxx
O'Rourke, Timothy S., xxx-xx-xxxx
Orr, Michael L., xxx-xx-xxxx
Oritz, M. R., xxx-xx-xxxx
Ortland, Patrick O., xxx-xx-xxxx
Osborn, Andrew A., xxx-xx-xxxx
Ostrowski, Dennis M., xxx-xx-xxxx
Owen, Noel P., xxx-xx-xxxx
Page, John M., xxx-xx-xxxx
Palamar, David E., xxx-xx-xxxx
Palumbo, James R., xxx-xx-xxxx
Palzer, Mark W., xxx-xx-xxxx
Paoli, Scott C., xxx-xx-xxxx
Paquette, Derek J., xxx-xx-xxxx
Paradies, Christopher J., xxx-xx-xxxx
Park, Dong S., xxx-xx-xxxx
Pasolli, Scott A., xxx-xx-xxxx
Pate, Charles A., xxx-xx-xxxx
Patterson,William D., xxx-xx-xxxx
Pearson, Gregg S., xxx-xx-xxxx
Pecora, Anthony F., xxx-xx-xxxx
Pedersen, William M., xxx-xx-xxxx
Peffers, Michale J., xxx-xx-xxxx
Pehanick, Albert P., xxx-xx-xxxx
Perez, Ramon T., xxx-xx-xxxx
Periberg, Jay E., xxx-xx-xxxx
Perry, Benjamin III, xxx-xx-xxxx
Person, Phillip W., xxx-xx-xxxx
Peters, Richard D., xxx-xx-xxxx
Peterson, Allen L., xxx-xx-xxxx
Peterson, Donna K., xxx-xx-xxxx
Peterson, Gunnar B., xxx-xx-xxxx
Peterson, Roger W., xxx-xx-xxxx
Peterson, Steven W., xxx-xx-xxxx
Petty, Glenda G., xxx-xx-xxxx
Philbrook, Mark A., xxx-xx-xxxx
Phipps, Warren E., xxx-xx-xxxx
Piatak, John R., xxx-xx-xxxx
Pires, Mark R., xxx-xx-xxxx
Pirkle, James D., xxx-xx-xxxx
Plasket, Richard L., xxx-xx-xxxx
Polo, James A., xxx-xx-xxxx
Porter, John R., xxx-xx-xxxx
Portera, Maria C., xxx-xx-xxxx
Porth, Uwe H., xxx-xx-xxxx
Poulin, Jeffrey S., xxx-xx-xxxx
Powell, Lesa A., xxx-xx-xxxx
Powell, Webster D., xxx-xx-xxxx
Pratt, Gale A., xxx-xx-xxxx
Pratt, Thomas I., xxx-xx-xxxx
Price, Lawrence A., xxx-xx-xxxx
Proietti, Richard F., xxx-xx-xxxx
Proulx, John P., xxx-xx-xxxx
Proulx, Michael C., xxx-xx-xxxx
Puett, Joseph F., xxx-xx-xxxx
Pulliam, John E., xxx-xx-xxxx
Quinn, James E., xxx-xx-xxxx
Quintana, Mark R., xxx-xx-xxxx
Radel, John D., xxx-xx-xxxx
Rakes, Bobby N., xxx-xx-xxxx
Ramirez, Mario O., xxx-xx-xxxx
Regan, William R., xxx-xx-xxxx
Reagor, Michael J., xxx-xx-xxxx
Reich, Donald F., xxx-xx-xxxx
Reichelt, Richard H., xxx-xx-xxxx
Reinhard, Karl E., xxx-xx-xxxx
Reynolds, Edward C., xxx-xx-xxxx

Rice, Hughes H., xxx-xx-xxxx
Richardson, Randall B., xxx-xx-xxxx
Ridnell, Anthony M., xxx-xx-xxxx
Riehle, Mitchell J., xxx-xx-xxxx
Rinehart, Brad H., xxx-xx-xxxx
Rintala, Ronald J., xxx-xx-xxxx
Riott, Frank A., xxx-xx-xxxx
Risher, Jeffery L., xxx-xx-xxxx
Risser, Bradley C., xxx-xx-xxxx
Ritchey, Scott D., xxx-xx-xxxx
Robertson, Kenneth R., xxx-xx-xxxx
Robertson, Russell G., xxx-xx-xxxx
Robinson, Mark A., xxx-xx-xxxx
Rockwood, Robert K., xxx-xx-xxxx
Rodgers, James G., xxx-xx-xxxx
Roemer, Michael J., xxx-xx-xxxx
Rogers, William D., xxx-xx-xxxx
Rohrer, Eugene J., xxx-xx-xxxx
Roller, William C., xxx-xx-xxxx
Rollinson, Samuel M., xxx-xx-xxxx
Roper, Daniel S., xxx-xx-xxxx
Rossi, Michael A., xxx-xx-xxxx
Rosseau, Kevin G., xxx-xx-xxxx
Ruck, Robert F., xxx-xx-xxxx
Rucker, Dawn S., xxx-xx-xxxx
Runkle, Guy P., xxx-xx-xxxx
Rush, Wade D., xxx-xx-xxxx
Rushton, Jason, xxx-xx-xxxx
Russo, Randall R., xxx-xx-xxxx
Russo, Richard S., xxx-xx-xxxx
Ruszkiewicz, Janet E., xxx-xx-xxxx
Rutherford, John M., xxx-xx-xxxx
Ryan, Robert E., xxx-xx-xxxx
Ryan, Sean, xxx-xx-xxxx
Rymiszewski, Philip J., xxx-xx-xxxx
Sakauye, Lori T., xxx-xx-xxxx
Salazar, Steven L., xxx-xx-xxxx
Sanders, Stephen W., xxx-xx-xxxx
Sardella, William J., xxx-xx-xxxx
Sawyer, Jayson D., xxx-xx-xxxx
Saxton, Gary M., xxx-xx-xxxx
Saylor, Michael A., xxx-xx-xxxx
Scaglione, Tarry L., xxx-xx-xxxx
Schaeflern, Patricia M., xxx-xx-xxxx
Schaertl, Eric J., xxx-xx-xxxx
Schatzel, John A., xxx-xx-xxxx
Schinke, Tad F., xxx-xx-xxxx
Schneider, Thomas F., xxx-xx-xxxx
Schoen, John S., xxx-xx-xxxx
Schopfer, Christopher J., xxx-xx-xxxx
Schreiner, John J., xxx-xx-xxxx
Schulz, Joseph E., xxx-xx-xxxx
Schwed, Michael, xxx-xx-xxxx
Scott, Jeffrey A., xxx-xx-xxxx
Scrivner, Benjamin A., xxx-xx-xxxx
Scroggins, Paul R., xxx-xx-xxxx
Scurlock, Robert E., xxx-xx-xxxx
Seavy, Lyle M., xxx-xx-xxxx
Seidler, Wayne T., xxx-xx-xxxx
Setliff, Lewis F., xxx-xx-xxxx
Sexton, Eric C., xxx-xx-xxxx
Shambach, Frederick A., xxx-xx-xxxx
Shanahan, Daniel J., xxx-xx-xxxx
Sharman, James A., xxx-xx-xxxx
Sherwin, David A., xxx-xx-xxxx
Silva, Manuel C., xxx-xx-xxxx
Simmons, Carl F., xxx-xx-xxxx
Simpson, Bruce A., xxx-xx-xxxx
Sinasohn, Gideon E., xxx-xx-xxxx
Skinner, Eugene W., xxx-xx-xxxx
Skulte, Todd W., xxx-xx-xxxx
Slavin, Michael E., xxx-xx-xxxx
Smith, Anthony S., xxx-xx-xxxx
Smith, Martin C., xxx-xx-xxxx
Smith, Michael B., xxx-xx-xxxx
Smith, Michael D., xxx-xx-xxxx
Smith, Robert B., xxx-xx-xxxx
Smith, Robert P., xxx-xx-xxxx
Smith, Roger D., xxx-xx-xxxx
Smith, Scott R., xxx-xx-xxxx
Snyder, John E., xxx-xx-xxxx
Solomon, Dempsey D., xxx-xx-xxxx
Sorrell, Ralph E., xxx-xx-xxxx
Sorrell, William K., xxx-xx-xxxx
Sosnowski, Jonathan, xxx-xx-xxxx
Sowers, Susan R., xxx-xx-xxxx
Spencer, Michael A., xxx-xx-xxxx
Spilman, James C., xxx-xx-xxxx
Starr, Warren R., xxx-xx-xxxx
Steer, David N., xxx-xx-xxxx
Steinrauf, Robert L., xxx-xx-xxxx
Stevens, Joseph C., xxx-xx-xxxx
Stevens, Richard L., xxx-xx-xxxx
Stewart, Rosemary, xxx-xx-xxxx
Stewart, Steven D., xxx-xx-xxxx
Stodter, Dean C., xxx-xx-xxxx
Stokowski, Thomas J., xxx-xx-xxxx
Stoleson, Kevin S., xxx-xx-xxxx
Straus, James A., xxx-xx-xxxx
Strock, Douglas J., xxx-xx-xxxx
Strong, Stuart L., xxx-xx-xxxx
Styles, David J., xxx-xx-xxxx
Sullivan, Ricki L., xxx-xx-xxxx
Supko, Mark F., xxx-xx-xxxx
Swanson, Mark E., xxx-xx-xxxx
Swart, John J., xxx-xx-xxxx
Sweeney, Matthew C., xxx-xx-xxxx
Sweeney, Patrick J., xxx-xx-xxxx
Swick, Andrew C., xxx-xx-xxxx
Swygert, Donald R., xxx-xx-xxxx
Tate, Kevin W., xxx-xx-xxxx
Taylor, Howard A., xxx-xx-xxxx
Taylor, John R., xxx-xx-xxxx
Taylor, Peter F., xxx-xx-xxxx
Terhune, Jeffrey W., xxx-xx-xxxx
Theriault, Michael J., xxx-xx-xxxx
Thomas, David L., xxx-xx-xxxx
Thompson, Stephen A., xxx-xx-xxxx
Thor, Eric J., xxx-xx-xxxx
Thudium, Christian C., xxx-xx-xxxx
Tillman, Mark E., xxx-xx-xxxx
Todd, David P., xxx-xx-xxxx
Todd, Jack C., xxx-xx-xxxx
Tollefson, Walter E., xxx-xx-xxxx
Tompkins, John W., xxx-xx-xxxx
Tong, Jeffrey A., xxx-xx-xxxx
Torchia, Timothy A., xxx-xx-xxxx
Torgerson, Scott R., xxx-xx-xxxx
Tosi, Lawrence G., xxx-xx-xxxx
Totleben, Richard A., xxx-xx-xxxx
Townsend, Stephen M., xxx-xx-xxxx
Travers, John H., xxx-xx-xxxx
Traxler, Janice A., xxx-xx-xxxx
Turko, Robert W., xxx-xx-xxxx
Tyler, Rocky J., xxx-xx-xxxx
Utley, George M., xxx-xx-xxxx
Valentine, Christopher B., xxx-xx-xxxx
Valverde, Clinton D., xxx-xx-xxxx
Vandal, Thomas S., xxx-xx-xxxx
Vanderburgh, Paul M., xxx-xx-xxxx
Vargas, Douglas M., xxx-xx-xxxx
Veit, Brian S., xxx-xx-xxxx
Vera, Juan M., xxx-xx-xxxx
Verbiest, Lawrence J., xxx-xx-xxxx
Vertin, Anthony J., xxx-xx-xxxx
Vislosky, John I., xxx-xx-xxxx
Voigt, Gregory A., xxx-xx-xxxx
Vollmer, William A., xxx-xx-xxxx
Volpe, Thomas J., xxx-xx-xxxx
Vontersch, Martin C., xxx-xx-xxxx
Vozzo, Peter M., xxx-xx-xxxx
Vujica, Robert D., xxx-xx-xxxx
Waddell, Ricky L., xxx-xx-xxxx
Wadsworth, Michael P., xxx-xx-xxxx
Wagner, Marlin R., xxx-xx-xxxx
Waidlich, Ronald D., xxx-xx-xxxx
Wakeman, Michael L., xxx-xx-xxxx
Walker, Stephen K., xxx-xx-xxxx
Walter, Patricia M., xxx-xx-xxxx
Ward, William W., xxx-xx-xxxx
Warden, John B., xxx-xx-xxxx
Warner, Frankie M., xxx-xx-xxxx
Warren, John H., xxx-xx-xxxx
Warren, Patrick T., xxx-xx-xxxx
Wartiski, James Z., xxx-xx-xxxx
Warwick, Joseph M., xxx-xx-xxxx
Washechek, Mark G., xxx-xx-xxxx
Wassmuth, Richard J., xxx-xx-xxxx
Wasson, John D., xxx-xx-xxxx
Watsek, Dwane E., xxx-xx-xxxx
Watson, Bryan G., xxx-xx-xxxx
Waugh, Harold W., xxx-xx-xxxx
Weeden, David C., xxx-xx-xxxx
Wegrzyn, David A., xxx-xx-xxxx
Weil, Jeffrey R., xxx-xx-xxxx
Weinhoffer, Joseph C., xxx-xx-xxxx
Welch, Ronald W., xxx-xx-xxxx
Weldon, Marcus J., xxx-xx-xxxx
Welton, Timothy R., xxx-xx-xxxx
Westfall, Thomas F., xxx-xx-xxxx
Weston, Frank S., xxx-xx-xxxx
White, Jordon R., xxx-xx-xxxx
White, Michael P., xxx-xx-xxxx
Wickham, Anthony A., xxx-xx-xxxx
Wilcox, Darren A., xxx-xx-xxxx
Wilder, Peter R., xxx-xx-xxxx
Wiley, Thomas M., xxx-xx-xxxx
Wilkins, David M., xxx-xx-xxxx
Willems, Gregory C., xxx-xx-xxxx
Willets, Laurie G., xxx-xx-xxxx
Williams, Curtis R., xxx-xx-xxxx
Williams, Darrell M., xxx-xx-xxxx
Williams, David T., xxx-xx-xxxx
Williams, Debbra A., xxx-xx-xxxx
Williams, Gary S., xxx-xx-xxxx
Williams, Margaret E., xxx-xx-xxxx
Williams, Patrick M., xxx-xx-xxxx
Williams, Robert J., xxx-xx-xxxx
Williams, Scott C., xxx-xx-xxxx
Williams, Stephen C., xxx-xx-xxxx
Williams, Yancey R., xxx-xx-xxxx
Williamson, Donna M., xxx-xx-xxxx
Willis, Brent D., xxx-xx-xxxx
Wilmer, Arche, III, xxx-xx-xxxx
Wilmer, Michael C., xxx-xx-xxxx
Wilson, David C., xxx-xx-xxxx
Wingate, Scott M., xxx-xx-xxxx
Winstead, Michael D., xxx-xx-xxxx
Wiseman, Tey C., xxx-xx-xxxx
Wolf, Francis E., xxx-xx-xxxx
Wolfe, Daniel G., xxx-xx-xxxx
Wolven, Renee S., xxx-xx-xxxx
Wong, Tezeon Y., xxx-xx-xxxx
Wood, Paul J., xxx-xx-xxxx
Woodgerd, Michael E., xxx-xx-xxxx
Woods, Kurt M., xxx-xx-xxxx
Worth, Daniel J., xxx-xx-xxxx
Wrenn, Robert E., xxx-xx-xxxx
Wright, Timothy G., xxx-xx-xxxx
Wuchte, Thomas A., xxx-xx-xxxx
Wynder, Allen G., xxx-xx-xxxx
Yarberry, Kenneth J., xxx-xx-xxxx
Yerks, David M., xxx-xx-xxxx
Yomant, Charles M., xxx-xx-xxxx
York, Richard G., xxx-xx-xxxx
Zander, Tracey L., xxx-xx-xxxx
Zanoli, James J., xxx-xx-xxxx
Zemet, James R., xxx-xx-xxxx
Zemet, John C., xxx-xx-xxxx
Ziegler, David B., xxx-xx-xxxx

## CONFIRMATIONS

Executive nominations confirmed by the Senate May 10, 1982:

### In the Coast Guard

Vice Adm. James S. Gracey, U.S. Coast Guard, to be Commandant of the U.S. Coast Guard for a term of 4 years with the grade of admiral while so serving.

Rear Adm. Benedict L. Stabile, U.S. Coast Guard, to be the Vice Commandant of the U.S. Coast Guard with the grade of vice admiral while so serving.

INTERNATIONAL COMMUNICATION AGENCY

Ronald L. Towbridge, of Michigan, to be an Associate Director of the International Communication Agency.

DEPARTMENT OF STATE

Maynard W. Glitman, of Vermont, for the rank of Ambassador while serving as Department of State Representative and Deputy Head of the U.S. Delegation to the Intermediate Range Nuclear Force Negotiations.

James Eugene Goodby, of New Hampshire, a career Member of the Senior Foreign Service, class of Minister-Counselor, for the rank of Ambassador during the tenure of his service as Vice Chairman, U.S. Delegaton to the Strategic Arms Reductions Talks (START) and Department of State Representative.

Louis G. Fields, Jr., of Virginia, for the rank of Ambassador while serving as the U.S. Representative to the Committee on Disarmament.

Selwa Roosevelt, of the District of Columbia, for the rank of Ambassador during the tenure of her service as Chief of Protocol for the White House.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

# EXTENSIONS OF REMARKS

## SOVIET PROPAGANDA ALERT: NO. 6, APRIL 26, 1982

HON. ROBERT H. MICHEL
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

*Monday, May 10, 1982*

● Mr. MICHEL. Mr. Speaker, a few months ago I inserted into the RECORD items from the International Communication Agency's "Soviet Propaganda Alert." I received some inquiries and comments on the information contained in that publication. I would therefore like to take the opportunity today to place in the RECORD part of the new "Soviet Propaganda Alert." Space considerations forbid the insertion of the entire publication, but I thought you would like to see what is in the summary and to read in its entirety what the Soviet Union has been saying about "Arms Control and the Peace Movements." At this time I wish to insert these two items in the RECORD:

SOVIET PROPAGANDA ALERT: NO. 6., APRIL 26, 1982

SUMMARY

In March and April, Soviet external propaganda has stressed:

*Chemical and biological warfare*

Soviets continued to deny vehemently that they have any involvement whatever in chemical/biological warfare (CBW). Attacks on the U.S. for alleged past and present use of CBW in many parts of the world—including Vietnam, Pakistan, Afghanistan, Cuba, and even the USSR—have increased in frequency. As more evidence emerges of Soviet use or support of CBW, the more strident have become Soviet assaults on the U.S.

*Arms control and peace movements*

The Brezhnev moratorium proposal of March 17 has formed the centerpiece of Soviet propaganda. Peace movements in Europe and the U.S. have been emphasized and played as if they completely support Soviet positions. President Reagan's March 31st press conference and Secretary of State Haig's Georgetown speech of April 6 have been cited as duplicitous justifications for U.S. attempts to gain military superiority and for the first use of nuclear weapons.

*Falklands and Latin America*

Soviets claim that the U.S. plans to exploit the Argentine seizure of the Falkland (Malvina) Islands in order to establish military bases in the South Atlantic. Other charges include alleged American subversion of Nicaragua and Cuba, collusion in the Guatemalan coup, and support of "bloody, repressive" regimes in Honduras and El Salvador.

*Espionage, plots, and warmongering*

In several other parts of the world the CIA stands accused of spying (Greece) and plotting coups (Iran, Zimbabwe), while American militarists purportedly are bringing Korea and Japan ever closer to war.

*The peace movements and Western "freeze" initiatives*

In fact, Moscow has tried to make much capital out of peace movements in both Europe and America. Most of its propaganda on arms control is addressed directly to those engaged in the movements.

Thus, wrote Vasilii Kharkov (TASS English, April 9):

"In Britain, Belgium, Holland, Denmark and other West European countries, mass manifestations against the Pentagon's nuclear madness, for talks, and not confrontation, with the Soviet Union, are characterized by a variety of forms used, the mass scale and coordination of action by different antiwar and pacifist organizations."

That many participants in the marches direct their negative sentiments toward Soviet arms as well is, of course, passed over in silence by Soviet analysts. They prefer to see all the demonstrations as a show of the "determination of the West European peoples to avoid being used as the Pentagon's nuclear hostages."

Particularly noteworthy is the fact that the Soviet chief of staff, Marshal Nikolai Ogarkov, has recently called for a crackdown on pacifism within the Soviet Union. In his booklet entitled "Always Ready to Defend the Fatherland," published in late February, Marshal Ogarkov criticized some of the younger generation of Soviets for a "false sense of peace, complacency and pacifism" and urged Party propagandists to "struggle against such elements."

A source of some surprise and pleasure for Soviet propagandists is the fact that the "current antiwar movement in the USA has a broader basis than in the years of the war in Vietnam," involving "not only the youth but also the 'average American,' moderate sections of the population, church circles, organizations of physicians, lawyers, businessmen, and finds support in political circles and the U.S. Congress" (Ivan Ablamov, TASS English, April 12).

Of particular interest to Soviet commentators has been the freeze proposal advanced by Senators Kennedy and Hatfield. Although this proposal has both "good and bad qualities," in the words of radio commentator Oleg Anichkin (Moscow Domestic, April 9), it is a good indication of the growing resistance to the arms race in the U.S. What no Soviet propagandist will do, however, is endorse such mutual freeze proposals, because that would also mean an end to Moscow's massive arms buildup.

"The war opponents in the West," claimed TASS's Ablamov, "clearly see that, while the Soviet Union advances numerous constructive initiatives, Washington rejects them outright without even getting around to studying them attentively."

*"Strange speech" on the military balance*

Soviet propagandists were quick to pick up on President Reagan's March 31st news conference statement that the USSR had a margin of superiority in nuclear weapons. Valentin Zorin, a prominent television and radio analyst, called this "fresh proof that some really high-ranking United States officials don't feel bound to stick to the truth when they address their fellow countrymen." He accused Reagan of making this statement "obviously to try and keep in check the mounting public demand in his own country for freezing the existing levels of nuclear arms. . . ." (Moscow Radio English, April 10).

Vladimir Bogachev (TASS English, April 9) claimed that "[in] the past, when making similar statements, the President himself and members of his administration got away with it. This time, however, Ronald Reagan's statement has given rise to a stormy reaction in the country." According to Zorin and Bogachev, Senators Moynihan and Jackson have categorically rejected the President's charge, and even earlier statements by Alexander Haig and Caspar Weinberger refute Reagan.

"The President's closest staff members tried to come to Reagan's aid," averred Bogachev, "hinting that the President in his strange speech meant only individual types of Soviet armaments." But the American public will not be fooled, in the view of this Soviet: "broad masses of people in the United States [take the statement] as evidence of the administration's refusal to heed the Soviet Union's new peace proposals and as the administration's refusal to conduct constructive negotiations on limiting and reducing nuclear arms."

*Haig "falsifications" and the foreign affairs article*

Secretary of State Alexander Haig's speech on arms control at the Georgetown University Center for Strategic and International Studies on April 6 evoked strong response from Soviet propagandists. Haig "resorted to the open falsification of commonly known facts to cover up the aggressive character" of U.S. policy, wrote TASS analyst Igor Orlov (April 7). This speech, in Orlov's report, reaffirmed a U.S. program of nuclear arms buildup "which in fact relies on the admissibility of nuclear war and includes the possibility of delivering the first nuclear strike."

According to Soviet commentators, the Haig speech was an attempt to deal a "preemptive strike" to a forthcoming article in the journal "Foreign Affairs" by four former top U.S. officials (George Kennan, McGeorge Bundy, Robert MacNamara, and Gerard Smith). This article argues for, among other things, U.S. renunciation of first use of nuclear weapons.

*INF talks at Geneva and MBFR at Vienna*

Not surprisingly, Soviet propaganda has claimed all justice for the Soviet side's positions at Geneva and none for the U.S. stance. Thus, P. Viktorov wrote in "Pravda" (March 12):

"Comparing the Soviet plan for nuclear disarmament in Europe with President R. Reagan's so-called "zero option," international commentators note that the USSR has displayed a desire to make the Geneva talks purposive and constructive and has taken a major step in the direction of solving one of today's most acute problems.

"The U.S. approach, however, presupposes talks which would lead to a limitation of the other side's arms without affecting its own armaments. Washington wants only those armaments whose limitation or liquidation

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

89-059 O-85-27 (Pt. 7)

would benefit the United States and NATO to come under scrutiny."

At Vienna, the socialist countries have tabled "an important initiative," according to TASS (April 9), but the West has avoided discussion of this document. The reason: NATO and "above all the United States" want to push on with the arms race and establish "military superiority over the USSR and its allies."

"It is precisely this course which is stalling the Geneva talks on nuclear arms limitation in Europe. It is precisely this course which is raising obstructions on the way to agreement in Vienna. . . . This course is shortsighted and unwise . . . irresponsibility and fanning the nuclear and conventional arms race could end in tragedy."

*U.S. "madness"*

The root cause for all problems in the arms control process are to be found in Washington's policies, according to Soviet commentators. These charges against the U.S. have become increasingly bitter in recent weeks. Typical of the Soviet attacks is an article in the journal "Selskaia zhizn" (March 13) entitled "Madness as a Policy." In this piece Nilolai Pastukhov wrote: "Real awareness of the terrible danger which is hanging over the planet through the fault of Washington's insane policy is giving rise to a growing protest movement among the broadest circles of the international public against the militarist forces' criminal course."

Pastukhov summed up the current situation as follows: "The threat to peace and universal security emanates from the present American administration, that champion of the U.S. military-industrial complex interests, which has elevated madness to the rank of its official policy."●

## APPLIANCE EFFICIENCY STANDARDS

### HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 10, 1982*

● Mr. OTTINGER. Mr. Speaker, last month, the administration proposed to abandon efficiency standards for major home appliances. The Energy Conservation Policy Act of 1975 was amended in 1978 by the National Energy Conservation Policy Act to require that standards be developed for appliances. The regulations proposed by the Department of Energy would not only fail to establish minimum energy efficiency standards, but would also preempt or nullify existing State efficiency requirements in more than 40 States.

This action was taken despite findings that energy savings from more efficient applicances could amount to 2 billion barrels of oil by the year 2005, at a cost savings to energy consumers of up to $19.3 billion. The appliances that would be covered under these standards account for 19.5 percent of the Nation's primary energy use and 82 percent of all residential use.

Similar to the administration's irresponsible position on appliance standards is its stance on building performance standards. Although Congress changed the standards to voluntary guidelines in 1981, it fully intended that the valuable research be continued, and that the information should be used by builders, developers, architects, and consumers to evaluate the energy performance of buildings. Congress has been told repeatedly that the building industry is unable to conduct the research currently being funded by the Energy Department, but would like to apply the research to their trade. The DOE, however, is halting work in this area before the final product is ready.

These reversals of a prudent energy course reflect the Reagan administration's retrogressive policy of repeal and neglect in all areas of conservation, despite the substantial evidence that conservation can contribute significantly to reduced American dependence on imported oil.

This administration remains myopically devoted to production alone, while promoting the dismantlement of the Energy Department and the practical implementation of that goal through the dismemberment of the conservation office and its statutory programs.

The administration's actions have been scrutinized and opposed by Members of Congress and recently, in the conspicuous case of appliance standards, by the public and the press.

Several excellent editorials have focused on this issue, among them an editorial series in the Washington Post on energy prices, conservation and appliance standards. I commend these to the attention of my colleagues:

[From the Washington Post, Apr. 15, 1982]

ENERGY: FORGETTING THE PAST . . .

American dependence on imported oil has dropped substantially over the past two years. But it's not a bad idea to keep a wary eye on those figures.

The peak year for imports was 1977, when American oil consumption was rising rapidly and the Alaskan pipeline was just beginning to go into operation. At that point, imports were getting uncomfortably close to half of the total amount of oil used in this country. Currently, imports are down under one-fourth of total use. That level is perhaps deceptively low since the oil companies, under the pressure of high interest costs, have been running down their stocks. But even after accounting for this drawdown, it's clear that the trends are pointed in the right direction.

The basic relationship here is the amount of energy, from all sources, required to produce each dollar's worth of the economy's output. That crucial ratio has been dropping steadily and substantially ever since the first oil crisis in 1973. It's mainly a response to higher prices.

When American demand for energy drops, the impact falls entirely on the most expensive of the fuels—oil. When demand for oil drops, the impact falls entirely on the imports. Total energy consumption has been falling in this country for the past two years, and that reduction, although it might seem a relatively small percentage, translates into a very large drop in imported oil.

It is by no means certain that this progress will continue if oil prices keep falling. While lower prices are welcome at the moment when you pay your fuel bills, you might want to keep it in mind that American vulnerability to a foreign cutoff is still substantial. Even one-fourth of the country's oil supply is a very large flow, and any signficant disruption of it would rapidly produce the familiar effects. Over the past couple of years Americans have proved to themselves that, without hardship or even great inconvenience, they can do with less oil. The case for continued caution and conservation remains compelling.

. . . AND MORTGAGING THE FUTURE

The Department of Energy has come up with the ultimate bureaucratic solution to a tricky legal problem. The law directs DOE to issue a regulatory standard. Twice during the past year Congress has reiterated its determination that this standard be issued. DOE would rather not. The answer—it is absolutely brilliant: the standard will be that there is no standard.

The Energy and Policy and Conservation Act directs DOE to develop energy efficiency standards for major household appliances, including water heaters, air conditioners, refrigerators and freezers, furnaces, kitchen ranges and clothes dryers. Together they use more than 80 percent of all the energy consumed in residences. In order to avoid an undue economic burden imposed on manufacturers by a patchwork of state and federal standards, the law also provides that, when used the federal efficiency standards will preempt state standards. The kicker in DOE's no-standard standard is that the preemption-remains; state efficiency standards already in effect would become illegal.

Back in 1980, when the requirement for efficiency standards was enacted the memory of 1979—when oil prices more than doubled in less than a year—was still fresh. It helped to focus Congress attention on whatever opportunities existed to cut Americans' very high energy use with a minimum of pain. Applicances were—and are—an obvious target. They use a lot of energy, most of it as electricity, the most expensive form of energy.

But Congress found that higher energy prices alone would not induce as much improvement in the efficiency of appliances as was economically justified. In part this was because consumers lacked the necessary information. So labels describing energy efficiency were required. But even that was not enough for the simple reason that most of the major appliances are purchased by builders, developers and landlords, who do not care what an appliance may cost to run, only what it costs to buy. Faced with a choice a builder will likely as not choose the cheapest appliance even though over its lifetime, it may cost its owner far more than one with a slightly higher initial price. So Congress decided that market forces needed a push in the form of minimum efficiency standards.

Congress told DOE to issue standards only if each were technologically feasible, economically justified and would save a "significant" amount of energy. By fiddling with the economic models, changing a few assumptions here and there and defining "significant" energy savings in a way that could not be met, the Energy Department which appears to believe that any regulation is a

bad regulation managed to confound Congress' order.

The courts may not accept the no-standard standard, but Congress despite continuing support for the standards appears to have no more moves to make. If the proposal stands, the losers will be all of us—that is, all the people who pay electricity bills.

[From the Washington Post Apr. 30, 1982]

NOT SO CONFUSING

The Secretary of Energy, James B. Edwards, chides us for having commited a confusion. A couple of weeks ago we published in this space two editorials on energy prices and conservation. They "blatantly contradicted each other," the secretary exclaimed a few days later in a speech to the National Petroleum Council.

Did they? First, we said that energy consumption was down mainly because prices are up. Mr. Edwards agrees with that. So far, so good.

Then we went on to point out that Mr. Edwards and his department have refused to comply with the law in which Congress told them to set minimum acceptable standards of efficiency for appliances such as furnaces, air conditioners and water heaters. "Which is it?" Mr. Edwards asked. "Does price work or not?" Since the record does not show that the Petroleum Council gave him an answer, we shall offer one here. Certainly price works. But it all depends on who pays.

Usually the heater that costs more to buy and install will cost less to run, and vice versa. The more efficient models tend to be the more expensive ones. When a developer builds a subdivision, there's a strong temptation to install inexpensive appliances in order to hold down the prices of the finished houses. The fuel and power bills are not going to be paid by the developer. Here, price works all too well—and in the wrong direction. The market for houses isn't quite like the market for cars. Not many houses are sold on their energy ratings. Perhaps that will change as energy costs keep rising, but it's not common yet. After a house has been sold, the new owner always has the option of ripping out cheap appliances and putting in better ones. But few people, on picking up a mortgage are likely to find that an attractive idea.

While prices work, in the construction industry they can sometimes work perversely. Building codes already set many rules regarding quality of construction. A country that is concerned about energy consumption has good reason to set a few similar rules about appliances and the minimum standards of efficiency that will be tolerated. There shouldn't be anything confusing about that.●

## EXPLANATION OF VOTE

### HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 10, 1982*

● Mr. GREEN. Mr. Speaker, on the afternoon of May 6, 1982 I was asked to join several other Members of the House for a meeting at the White House to discuss the budget. Because of that meeting, I missed the vote on final passage of H.R. 5539, to amend and supplement the Federal Reclamation Laws. I am very concerned about the environmental consequences of this legislation, and, had I been present, I would have voted "No."●

## SAPPHIRE JUBILEE—JUNIOR PHILHARMONIC ORCHESTRA OF CALIFORNIA, DR. ERNST KATZ, FOUNDER-CONDUCTOR

### HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 10, 1982*

● Mr. WAXMAN. Mr. Speaker, on May 26, 1982, the Junior Philharmonic Orchestra of California will be celebrating its Sapphire Jubilee at the Scottish Rite Auditorium in Los Angeles. This major civic and cultural event will be attended by 2,500 invited guests including many civic leaders, representatives from more than 50 nations, and notables from radio, television, and motion pictures.

Dr. Ernst Katz who founded the Junior Philharmonic in 1937 and has continued to serve as the orchestra's conductor for 45 years will be honored on this occasion.

Under Dr. Katz's inspired leadership, the motto of the Junior Philharmonic Orchestra of California has been, "Give Youth a Chance to be Heard." Each year young musicians between the ages of 12 and 25 from all over Southern California audition for the opportunity to be 1 of its 125 members.

The Junior Philharmonic is unique in that it is completely non commercial, not subsidized by the Government and there are no membership charges. The orchestra is supported entirely by its founder-conductor, Dr. Katz, who has dedicated himself to the youth and music of America. In addition the JPO has never charged a fee for its services in assisting groups raise more than $9 million for many worthwhile causes. For these reasons, and because of his work in the training and development of young musicians, Dr. Katz and the JPO have been honored by Presidents of the United States, Members of Congress, Governors of California, the California Legislature, the county and city of Los Angeles, and numerous cities throughout the Southland.

A number of world-famous composers and musicians have appeared with the Junior Philharmonic and are honorary members of the orchestra. They include Jerome Kern, Oscar Straus, Sigmund Romberg, David Rose, Meredith Wilison, Ernest Gold, Ferde Grofe, Frederick Loewe, Richard and Robert Sherman, Alan and Marilyn Bergman, Dimitri Tiomkin, Rudolf Friml, Jose Iturbi, and Isaac Stern.

Each year the JPO invites four famed personalities to conduct the orchestra in the "Annual Celebrity Battle of Batons" comedy sequence. In previous encounters the battle for the coveted Golden Baton has included Henry Fonda, Eddie Albert, Jack Benny, Jimmy Durante, Buddy Ebsen, Ed Asner, Tommy Smothers, Connie Stevens, the Ken and Bob Company, Tom Snyder, Bill Dana, Lee Merriwether, Jackie Cooper, Marty Ingels, George Segal, Judy Canova, Arte Johnson, Louis Nye, Tom Poston, Avery Schreiber, Ryan O'Neal, Rick Jason, Don Knotts, Dr. George Fishbeck, Peter Bonerz, Glenn Ford, John Rubinstein, and the list goes on.

A number of alumni of the Junior Philharmonic Orchestra have become professional musicians and are now members of symphony orchestras throughout the world. Others have chosen different fields of endeavor and have raised families and built careers in law, medicine, business, and education. All, however, have had a unique experience because of their membership in the JPO, an experience which shaped and enriched their lives.

I ask the Members to join me in saluting Dr. Ernst Katz. His efforts have enriched generations of youth and have served as an inspiration to all who cherish young people and believe in their potential for excellence.●

## REQUEST FOR A RULE ON H.R. 4800, THE AIRPORT AND AIRWAY REVENUE ACT OF 1981

### HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 10, 1982*

● Mr. ROSTENKOWSKI. Mr. Speaker, on May 6, 1982, the Committee on Ways and Means ordered favorably reported, with amendments, H.R. 4800, the Airport and Airway Revenue Act of 1981. It is our intention to report this measure to the House on May 12, 1982. I have been instructed by the committee to offer this legislation as a separate revenue title on the House floor to H.R. 2643, the Airport and Airway Improvement Act of 1981—a procedure which has been traditionally followed in the House in recent years on this type of legislation. H.R. 2643 was reported to the House by the Committee on Science and Technology on March 19, 1981, and by the Committee on Public Works and Transportation on May 19, 1981.

Pursuant to the rules of the Democratic Caucus, I take this occasion to advise my colleagues as to the nature of the rule we will request for consideration of the Ways and Means Committee title of the bill. The Committee on Ways and Means has specifically instructed me to request the Committee on Rules to grant a closed rule.

The Committee on Ways and Means will request to be heard before the Committee on Rules concurrently with the other committees involved in this legislation.●

## HEAD START PARENTS APPEAL FOR PROGRAM

### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 10, 1982*

● Mr. MILLER of California. Mr. Speaker, I continue to get letters from Head Start parents who both testify to the ways in which this program has dramatically improved their lives and those of their children, and express their concerns about Head Start's future. We know that Head Start works; that Head Start is cost-effective. And yet, even today, it serves only 25 percent of the eligible children, and faces substantial erosion from inflation and cutbacks in supportive services—CETA, title XX, Child Care Food, Medicaid. We need to listen to the parents of Head Start children and keep this exemplary program working. Another letter from a Head Start parent follows:

I believe that the people at Head Start are directly responsible for finding a heart condition that my daughter had. She has had surgery and is now doing fine. The teachers go out of their way to help each person in their special needs. Head Start children are taken out on field trips to hospitals, police departments, fire departments, and other places, so they can get an early start at knowing how our town works.

The children are learning how to take care of themselves a little. My little girl has learned to get along with other children better, and to take care of her things better. She seems to be a happier person since she has become involved in Head Start.

The people at Head Start do a wonderful job and are devoted people to their work and children. It would be a great loss not to have this program.

HEAD START PARENT,
*El Dorado Springs, Mo.*●

## SMALL BUSINESSES IN THE DECISIONMAKING PROCESS

### HON. MILLICENT FENWICK

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 10, 1982*

● Mrs. FENWICK. Mr. Speaker, last week I introduced along with my colleagues from Rhode Island (Mrs. SCHNEIDER) and Maine (Mr. EMERY) a resolution which will insure that there is complete representation of small businesses in the economic decisions being made in the White House. Our resolution asks that President Reagan include in his Cabinet Council on Economic Affairs the Administrator of the Small Business Administration. A similar resolution is pending in the other Chamber.

It is of the utmost importance that this change be made. Even in this day of the gigantic multinational corporate conglomerates, it is the small business which is still the backbone of our economy. Ninety-seven percent of all businesses in the United States are small businesses. Over half of all jobs in the country are with small businesses. Perhaps most important of all, particularly with the problems we are now experiencing with unemployment, small businesses create 90 percent of the new jobs in the Nation, and in some areas, such as the Northeast, small businesses account for all the net new jobs created.

There are extremely serious questions facing us: How do we bring down the high interest rates? How do we fairly reduce the deficit? How do we best lift the heavy hand of Government from our most productive businesses? To leave out small business in the decisionmaking process is wrong. We must do all we can to free up the independence of the entrepreneur and release the creativity which has characterized our economy for so long and made this Nation the envy of the world. This resolution will send a clear message to the White House that we want full representation for small businesses in the Cabinet meetings on the economy. I invite my colleagues to join as cosponsors so that we can have this passed as quickly as possible.●

## RALPH SLEIGHT

### HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 10, 1982*

● Mr. MINETA. Mr. Speaker, it gives me great personal pleasure to rise today to salute my good friend, Mr. Ralph Sleight, who is retiring this month after a career of 32 years in the field of public education. Two-thirds of that career, or 24 years, have been spent as a junior high or high school principal in San Jose, Calif. Much of his career was spent as principal of Peter Burnett Junior High School in San Jose. Over the years I have visited this school many times, and have always been impressed with Mr. Sleight's skill and capability.

During this long career, Mr. Sleight has rendered valuable service to students, faculty, and the community in which he lives. I am proud to have had the opportunity to work with him for many years.

Ralph Sleight has been an outstanding educator, and can list among his achievements the introduction of computers into the secondary school classroom in the San Jose Unified School District. This has proved to be of great benefit to students who graduate from high school in one of the Nation's centers of high technology industry. Mr. Sleight has also proven to be an exemplary administrator. He can number among his innovations the use of flexible scheduling, team teaching, and improved staff evaluation techniques.

In the community, as well, Mr. Sleight has long provided leadership and a high level of involvement. He has been an active officer in the Red Cross, and a member of the San Jose Civil Defense Committee. Many years ago, when we first formed the North San Jose Optimist Club, I was the charter president and Mr. Sleight was the charter vice president of that group. He later went on to serve as president of the club.

Finally, Mr. Sleight has made important contributions to the profession of public school administration. He has served three terms as president of the local chapter of the California Association of Secondary School Administrators. He has also served as a regional director of the latter organization.

Mr. Speaker, I ask you to join me and all my colleagues in the House of Representatives in paying tribute to Ralph Sleight in recognition of his 32 years in the field of public education in San Jose.●

## THE 125TH ANNIVERSARY, "SENATE" HOOK & LADDER CO., OSSINING, N.Y.

### HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 10, 1982*

● Mr. OTTINGER. Mr. Speaker, colleagues, today I wish to bring to your attention the 125th anniversary celebration of the Ossining, N.Y., "Senate" Hook and Ladder Fire Co., No. 1.

On May 21, 1982, Senate Hook & Ladder Co. No. 1, of the Ossining Fire Department, will be celebrating their 125th anniversary. In January 1857, the citizens of Sing Sing, N.Y.—which was Ossining's former name—sent a petition to the State of New York. The petition asked the State to provide fire apparatus to the village, due to equipment being worn out in fighting fires in the State prison. An appropriation was passed by the State legislature in answer to this petition. The newly formed hook and ladder company, adopted the name of "Senate," in honor of the State fathers, to whose appropriation they owed their existence.

Twelve members made up the roster on May 21, 1857. The officers were George Birge, foreman, Richard Lusk, assistant foreman, Andrew Finegan,

secretary, and Samuel S. Smith, treasurer. Senate's first hook and ladder apparatus arrived September 30, 1857. There was great celebration when the apparatus arrived in which all the Sing Sing fire companies participated, as well as fire companies from White Plains and Yonkers. Senate Hook & Ladder Co. No. 1 has not only given 125 years of service to Ossining, but has performed mutual aid duty all over Westchester County.

I am pleased to join in honoring this fine group of public servants.●

## THE NATIONAL CRUDE OIL PROFIT SHARING ACT IS BAD ENERGY POLICY FOR THE NATION AND THE STATES

### HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 10, 1982*

● Mr. YOUNG of Alaska. Mr. Speaker, last week, legislation was introduced which would increase Federal taxes, restrict the recognized contitutional rights of States, and increase America's dependence on foreign oil. All three of these evils would be accomplished simultaneously if the National Crude Oil Profit Sharing Act is enacted into law.

This legislation would create a massive new national severance tax on oil and would destroy the traditional powers of the States to use severance taxes to finance necessary public services. The bill would have a significant negative impact on the economy in general as well as having a devastating impact on the domestic oil exploration and production industries which are already suffering from the current slump in the world oil markets.

The proposed 30-percent crude oil tax could cost producers $10 or $11 a barrel. Most of this amount would undoubtedly be passed on to consumers. Despite the claims of the bill's sponsors—the Northeast-Midwest coalition—that the producers would pay the tax at a reduced rate of nearly $5 per barrel, the same interests have consistently maintained that this type of tax is in fact borne by consumers.

As written, the bill does not impose any type of tax on imported oil. The sponsors have not indicated how they expect this tax to affect domestic petroleum markets or industries. However, it is known that the tax would increase the cost of domestic oil in relation to foreign oil by as much as $10 per barrel. Incentives for production and exploration of domestic oil resources will drop drastically and inevitably the United States would increase its use of imported oil. Altogether, this proposed tax would create severe disruptions in the petroleum sector of our economy at a time when such disruptions cannot be afforded.

The bill also proposes limits on State energy severance taxes based on 1978 unit rates adjusted for inflation. The legislation is based on the theory that these limits, in combination with the limited revenue sharing aspects of the bill, would reduce so-called fiscal disparities between the States. This premise of the bill is contradicted by a recent study of the Advisory Commission on Intergovernmental Relations which demonstrated that State and local tax differentials do not constitute a problem for our Federal system. The same study, moreover, found that differences in State tax structures have very little to do with the movement of business and industry from one region to another.

The bill notably fails to mention other forms of State taxation that may be exported to out-of-State consumers. These include State personal and corporate income taxes, stock transfer taxes, taxes on manufactured goods, as well as severance taxes on nonenergy resources. If State taxes are as damaging to the Federal system as the proponents of this legislation claim, then it is difficult to understand why the bill singled out only energy taxes for limitation and left other State taxes to operate without effective legislative restraint.

The fact is that this bill could lead to across-the-board Federal limitations on all State taxes by breaching traditional State taxing authority. Throughout our Nation's history, the courts have been the guardians against unreasonable State taxes which would unreasonably impair interstate commerce. The courts, acting on a case-by-case basis, have been at the forefront in preserving the free flow of interstate commerce while still recognizing the rights and responsibilities of States to provide for needed public services through State taxation. This system of justice has been a wise one and has protected our Federal system from possible abuse. It should not now be cast aside in favor of drastic Federal intervention which would set a dangerous precedent for invading all State taxing powers.

Mr. Speaker, the National Crude Oil Profit Sharing Act would set bad energy policy for the Nation and the States and should not be enacted into law.●

## THE ANNIVERSARY OF MRS. JAMES CHASE FOR 25 YEARS OF SERVICE TO THE SOUTHERN BERKSHIRE COMMUNITY OF MASSACHUSETTS

### HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 10, 1982*

● Mr. CONTE. Mr. Speaker, my fellow colleagues, I would like to take this opportunity to give recognition to Mrs. James Chase of the Egremont Cooperative Nursery School. Mrs. Chase has been working with the children of the southern Berkshire community for 25 years. However, "work" is not an adequate description because for Mrs. Chase, it is not work. It is her life. She has given the children of Egremont something which is invaluable: her life, her self, and her love.

At the present time, our educational system is facing many problems. The dedication of those like Mrs. Chase is the first step toward overcoming some of these problems. To insure a high-quality education system, we need more teachers who, like Mrs. Chase, realize that a good education begins with sharing, love, and, of course, patience.

The entire southern Berkshire community has benefited from Mrs. Chase's dedication. Her guidance sent their children on their way, and we are grateful that it was the right way to a sound future. So on behalf of myself, the children, and the parents of Egremont, I want to thank and honor you, Mrs. Chase, for the many years of love and joy that you shared with them. Also, I want to wish you continued luck in the years that are ahead of you.

Thank you, Mr. Speaker.●

## CRIMINAL JUSTICE SUBCOMMITTEE TO HOLD HEARINGS ON HABEAS CORPUS

### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 10, 1982*

● Mr. CONYERS. Mr. Speaker, the Subcommittee on Criminal Justice, which I chair, is continuing hearings on revision of the Federal criminal laws. This week we are focusing on the habeas corpus provisions of H.R. 5679. The hearing will be held on Wednesday, May 12, 1982 at 10 a.m. in room B-352 of the Rayburn House Office Building. The following witnesses are scheduled to testify: Hon. Jim Smith, attorney general of Florida; Richard J. Wilson, director of the defender division of the National Legal Aid Defend-

er's Association; and Prof. LeRoy Pernell of Ohio State University School of Law, on behalf of the National Conference of Black Lawyers.●

## A SHAMEFUL SUGAR POLICY

### HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 10, 1982*

● Mr. PEYSER. Mr. Speaker, 2 weeks ago I introduced legislation to repeal the sugar program included in the 1981 farm bill, since this program, as a result of duties, fees and now the recently imposed quotas, will cost the American consumer up to $3 billion in additional sweetener costs, affecting everything from a pound of sugar to cookies and soft drinks.

Today's New York Times and the Wall Street Journal both carry editorials deploring the imposition of quotas by the Reagan administration and pointing out the devastating impact of this sugar price support program on the consumer. Both editorials advocate a sane sugar policy, which is no sugar policy at all. I commend these statements to my colleagues' attention, and ask that they be inserted in the RECORD.

[From the New York Times, May 10, 1982]

A SHAMEFUL SUGAR POLICY

Not surprisingly, the White House did not really announce the decision to impose quotas on sugar imports. It merely confirmed the rumors that President Reagan will bring joy to a few thousand American sugar growers at a cost of about $1 billion to consumers and a further drain on the incomes of poor countries that depend on sugar exports.

In a rational world, the United States would not bother producing sugar in constant need of protection. Other countries, notably Brazil, the Philippines and some Caribbean islands, can supply all of America's needs at much lower cost.

But owing to protectionism, America still has sugar growers, and they cannot operate in an open world market. By allying themselves with other subsidy-seeking farm lobbies in Congress, the sugar growers keep erecting import barriers that protect a sizable portion of the American market.

Last year that alliance almost cracked. Other agricultural interests, stung by Congress's failure to provide generous price guarantees, wavered on high tariffs on sugar. But a few sugar-state Democrats saved the industry by buying White House support with their votes for the Reagan budget. The 1981 farm bill set an effective minimum price for raw sugar at 18.5 cents a pound, several cents above the world price.

That might have been the end of it if world sugar prices had not further declined. Today sugar sells in the free market for about 9 cents a pound. And legal limits on import tariffs and fees make it impossible to protect the American price at the agreed-upon minimum. So President Reagan has decided to raise the domestic price by further limiting imports with quotas.

The quotas will add an additional $1 billion to Americans' sugar bill. They will also cut deeply into the revenues of impoverished sugar exporters, including the Caribbean nations that Mr. Reagan is so assiduously wooing with lectures on the magic of the free market.

Then why do it? The law's the law, say the President's supporters; the only way to make it satisfy domestic growers is to sock it to consumers and foreign growers.

Well, not quite. The Agriculture Department could help defend the domestic price by taking several hundred thousand tons of sugar "on loan" from domestic growers. Most likely, this sugar would end up as Government surplus, incurring a cost to taxpayers. But that would be only a fraction of the cost of quotas to consumers.

Why, then, choose quotas?

The answer is as simple as it is crude: Mr. Reagan is loath to add expenditures to the Federal budget. He prefers to hide the subsidy in the price of Coke and Frosted Flakes. Billions for sugar growers, but not one cent for Big Government.

Some day, America might adopt a sane sugar policy—that is, no sugar policy at all. For the moment, the best to hope for is a policy that satisfies the sweet deals in Congress at minimum cost to the economy. Quotas are not the answer.

[From the Wall Street Journal, May 10, 1982]

SWEET CHARITY

President Reagan last week imposed import quotas on sugar in hopes of keeping his sugar price support program solvent. No doubt the quotas will shift some of the cost of subsidizing sugar farmers from the Treasury to the consumer. Caribbean Basin nations, supposedly an object of U.S. solicitude, also will likely pay. And none of this will really deal with the problem of the sugar supports.

The problem is that the sugar support prices are too high. That's not necessarily Mr. Reagan's fault, or at least not entirely. Sugar price supports were one of the prices he had to pay to win support for his tax rate cuts in Congress last year. The supports had expired in 1980 but sugar producers and their favorite Congressmen wanted them reinstated.

Sugar producers were worried because last summer's fine weather helped provide a very good harvest and, as a result, world sugar prices had fallen sharply from the 30-cents-a-pound level of last spring. Under the new four-year sugar plan, the price support level was set at its current 16.75 cents a pound, rising to 18 cents by 1985. Even at the time the measure was enacted last year, however, the world price for sugar was already down to 12.6 cents a pound. It has since fallen to about 8.5 cents, or about half the level guaranteed by the U.S. government.

With the U.S. price double the world price, the U.S. taxpayer was in some danger of subsidizing the entire world. U.S. farmers were filing applications for support payments and loans like crazy, threatening to force the government to cough up $800 million next fall to pay for surpluses. The import quotas are an effort to reduce this future exposure.

But this is ultimately a losing game. With those cushy supports provided to them by their Congressmen, the sugar farmers will merely be encouraged to produce more and more sugar and less and less of something else consumers might want. The government's bills, and the need to protect itself through quotas, will keep rising. Substitutes, such as fructose made from corn (which already supply 37 percent of the U.S. sweetener market) will become more attractive. Consumers will pay and pay, at the supermarket and in their tax returns, just as they have to maintain the lifestyles of dairy farmers, peanut farmers et al. Representative Peter Peyser figures the consumer cost of the sugar program as it now stands at $3 billion a year.

Mr. Reagan's quotas also drive a truck through his two-month-old Caribbean Basin plan, which aims at fostering economic growth in the region through increased trade with the U.S. The President did say that Latin American and Caribbean sugar cane producers will receive special treatment under the import quota program. Nonetheless, some producers will be locked out of the U.S. market and the administration's flip-flop doesn't bode well for a lasting trade rapport with our neighbors to the South.

Commodity stabilization is one of those ideas that are plausible in theory—at some price level, government could ease the impact of weather and market cycles for farmers and thus make the business more orderly and secure. But in practice, politics comes into play and the support levels are invariably set too high. The result is inflated prices, overproduction and government stockpiles of unwanted products. The best answer to the sugar problem for Mr. Reagan is not quotas—indeed that may be the worst. It's to scuttle sugar supports at the first opportunity.●

## VETERANS OF FOREIGN WARS "VOICE OF DEMOCRACY" SPEECH CONTEST

### HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 10, 1982*

● Mr. BONKER. Mr. Speaker, each year the American Veterans of Foreign Wars organization and its Ladies Auxiliary, sponsor the "Voice of Democracy" speech contest. This year more than 250,000 high school students participated in the contests, competing for five national scholarships with over $31,000 prize money. This year the contest theme was "Building America Together."

Ms. Debbie Lou Chalberg, a resident of Montesano, Wash., was selected as this year's contest winner for Washington State. In appreciation of Debbie's work, I would like to include the text of her speech in today's RECORD. Debbie is to be congratulated for her patriotism and for her talent.

1981-82 VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM WASHINGTON WINNER

Building America Together. As Americans, we are all carpenters working together to build America. The term "to build" means to make a basis for and establish. We can show this process by comparing America to a house.

A blueprint was drawn up from our forefathers' ideas and dreams. They made their ideas clear in the Constitution and Declaration of Independence. These blueprints were

written down long ago for all Americans to follow. As the Revolutionary War was coming to an end, the Declaration of Independence became a reality. We had fought together to gain our free land. Now we were free to start construction on a great America that our forefathers dreamed about, nothing could destroy that dream. Gradually we set the foundation, stone by stone, until we had a good basis from which to grow on. This foundation grew from sea to sea until our four walls were permanently established. These walls were made possible by the toil and sweat of all who believed in the dream of our house. These walls have been reinforced with steel, to hold up against any outside pressure and assure a strong country.

Inside these steel walls, 50 rooms were built, each varied from each other in every aspect. Although different, they all share in a common brotherhood and are unified, one with the other. This unification is the living body of our great house. They all hold a great feeling of nationalism with each other and share in the warmth of this pride.

For shelter and security, a roof has risen above these rooms. This roof has held up against many bitter storms. It has stayed strong through assassinations, depression, economic tragedies, and foreign turmoils. It has governed the whole house and has allowed equal representation for each room. It has build up our defense, guaranteed equal rights and held up foreign relations. This is our government. Without this above our heads, our house would be incomplete.

This is the land of opportunity, and throughout our house, many doors can be found. These doors are unlocked for anyone and everyone who is willing to open them. We are adding new doors all the time as we try to build equal opportunities for every race, color and profession. These opportunities will educate our offspring and provide a decent living for all Americans.

The windows have played a major role in the building of our house. These windows have inspired great people to look beyond their limits. Great inventions were made, communication was made nationwide and transportation was no longer prehistoric. Advances were made in every field from wearing apparel to medicine. Some of these windows have since gotten dusty and have become a thing of the past. But some windows are still clean and sparkling, ready for what we will find in the future.

Flying above our majestic house are the Stars and Stripes. Our National flag has been remodeled many times since our beginning. As the stripes have stayed constant, the stars have grown from 13 to 50. This flag waves free and proud above our house built by all free men. It is a symbol of our unity, power and purpose as a nation.

Together, with God as our foreman, we made our dream house a reality. It stands strong and proud for the world to see. It was built for us and by us to live together in unity. This is America, the land I call my home.

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VETERANS OF FOREIGN WARS,
*Washington, D.C., April 2, 1982.*

Hon. DON BONKER,
*House of Representatives,*
*Washington, D.C.*

MY DEAR MR. BONKER: Each year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary conduct a Voice of Democracy contest. This year more than 250,000 secondary school students participated in the contest competing for the five national scholarships which are awarded as top prizes. First prize is a $14,000 scholarship, second prize is $7,000, third prize is $4,500, fourth prize is $3,500, and the fifth prize is $2,500. The contest theme this year was "Building America Together."

Enclosed are a copy of the winning speech from your State as delivered by Debbie Lou Chalberg, 821 DeVara Lane, Montesano, Washington of your District, the contestant's biographical sketch, and a resume of the Voice of Democracy Scholarship Program. It will be deeply appreciated if you will insert the enclosed speech in the CONGRESSIONAL RECORD.

Thanking you in advance for your assistance, I am

Sincerely,

COOPER T. HOLT,
*Executive Director.*

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VOICE OF DEMOCRACY BIOGRAPHICAL QUESTIONNAIRE FOR STATE WINNERS VETERANS OF FOREIGN WARS OF THE UNITED STATES

DEPARTMENT OF WASHINGTON.

Please type or print the answers to all questions listed below and return this form in triplicate not later than January 19, 1982 to the Voice of Democracy Director, VFW National Headquarters, VFW Building, Broadway at 34th Street, Kansas City, Missouri 64111.

Name Debbie Lou Chalberg Social Security No. Do not have one

Street Address or Post Office Box 821 DeVara Lane

City Montesano County Grays Harbor State Washington Zip Code 98563.

Place of Birth Aberdeen, Wa. Birthdate 3-16-64 Age 17.

Name and Address of School Montesano High School, 418 E. Spruce, Montesano, Wa., 98563.

Grade in School 12 Home Telephone (206) 249-3947 School Telephone 249-4041

Father's Name Vernon Chalberg Occupation Cedar Products.

Mother's Name Mary Lou Chalberg Occupation Housewife.

Names of brothers/sisters and their ages Randy Chalberg—20.

Religious preference Lutheran (Arrangements will be made for Protestant and Catholic services in Washington, D.C.)

What college, university or vocational school do you hope to attend? Pacific Lutheran University.

What career do you plan to pursue? Music Education.

What school organization offices have you held? Honor Society—Vice President Girls League—Treasurer; Vice President; President. High School Band—Secretary-Treasurer; President (2 years).

What are your hobbies? Playing piano, cooking, cake decorating.

If you have a nickname or other name that you prefer to be called by, please designate. Informal name tags will be prepared for each winner.

Don Bonker, 3d, Washington.

List of awards and achievements: Junior Achievement Award; Writing Award; S.W.WA Music Teachers Auditions—1st alternate; Piano contest—rated a I (Superior) for 2 years. Lions Club Girl of the Month; WSU honor band—1981 All-State Band—1982 listed in "Who's Who Among American High School Students".

List the names and address of your local newspaper(s) and radio/TV stations: The Montesano Vidette; 109 Marcy West, Montesano, Washington 98563. The Daily World; 315 S. Michigan, Aberdeen, Washington 98520. KXRO; Coolidge Rd & W. Huntley, Aberdeen, Washington 98520.

Other information of interest: Participated in U.S. Collegiate Wind Band European Concert Tour in summer of 1981. Traveled to Hawaii for the Performing Arts Abroad program. Pianist for our church.

Are you on any special medication or have any specific diet needs? No.

Return completed form in triplicate together with three copies of your winning script and a 3×5 black and white glossy photograph to: Director, Voice of Democracy Program, Veterans of Foreign Wars of the United States, Broadway at 34th Street, Kansas City, Missouri 64111.

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A RESUME OF THE VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM

The program was started 35 years ago with the endorsement of the United States Office of Education and the National Association of Secondary school principals. Sponsorship was provided by the National Association of Broadcasters, Electronic Industries Association and State Associations of Broadcasters.

Starting in 1958-59 the program was conducted in cooperation with the Veterans of Foreign Wars with the broadcasters still serving as sponsors.

In 1961-62, the Veterans of Foreign Wars assumed sole sponsorship responsibility. At that time, the National Scholarship Award consisted of a single $1,500 scholarship for the first place national winner.

During the past 20 years under VFW sponsorship, the annual national scholarships have been increased to six, totaling $32,500 with the first place winner currently receiving a $14,000 scholarship to the school of his/her choice. Student participation has tripled and school participation has doubled.

This past year more than one-quarter million participated. Over 8,000 schools participated, over 4,400 VFW Posts and 3,600 auxiliaries sponsored the program and over 2,400 radio and TV stations cooperated.

The total monetary value of scholarships and awards provided by VFW Posts, Auxiliaries, County Councils, Districts and Departments amounted to over $575,000 last year. This is in addition to the $32,500 in national scholarships and an annual budget at the national level in excess of $150,000 to conduct the Voice of Democracy Program.

During the twenty years of sponsorship by the VFW over four and one-half million students have participated and awards totaling more than two and one-half million have been given to winners at all levels in scholarships, savings bonds, etc.●

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## LET US KEEP THE OLYMPIC ISSUE OUT OF THE GUTTER

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### HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 10, 1982*

● Mr. ST GERMAIN. Mr. Speaker, many in the Congress have been attempting, for many months, to provide assistance to the 23d Olympic games in Los Angeles and the U.S. Olympic team.

These efforts have centered on proposals to allow the private marketing

of Olympic coins produced by the U.S. Mint as a fund raising program that would not involve use of Treasury funds and which would assure that no costs would be incurred by the United States.

Unfortunately, this effort has been greeted by delays, confusion, and attempts to cast suspicion on the Olympics and the fund raising program. Mr. Speaker, for the sake of the Olympics and the U.S. athletes and this country's amateur sports programs, I am hopeful that we can limit the extraneous issues and concentrate on maximizing private funding for the games.

Mr. Speaker, the use of Olympic coins as a fund raising device has been part of all recent Olympic games and the proceeds of these sales have been shared with the U.S. Olympic Committee—a very important resource for our athletes. We are not embarking on a new program; we are continuing a tradition which has proved workable and beneficial.

These Olympic coin programs have been of varying size and success. All have recorded a profit for the Olympics. Despite all the innuendoes about world class scandals that have been floated, I have yet to see anyone produce evidence to support such charges in connection with the Olympic coin programs.

The Congress has hurt itself in the past when it has allowed runaway innuendoes to substitute for the facts. I particularly regret the situations which arose at a recent subcommittee hearing in which an opponent of the Olympic legislation came up with his series of open-ended questions:

"Could there be some secret deals, under the table payments special contracts, the hiring of favored law firms, or even out-and-out bribes?"

No sooner had this list of questions been rolled into the record than the author conceded:

"I have no information that this is the case, and I hope that these possibilities are not true. * * *"

Mr. Speaker, I have no objections to the issues being debated fully—certainly there has been more than ample time. I want to see any questions pertinent to this legislation brought before us, but I hope sincerely that the zeal to carry legislative points does not lead to dragging the Olympic games in Los Angeles into the gutter.

Apparently finding no evidence to support the charges of "world class scandals" in connection with the Olympic coin programs, some of the proponents of "Let's find a scandal somewhere" have been searching out coin programs initiated by other countries for other purposes. I cannot vouch for the way in which other countries operate their coinage, commemorative or otherwise, and it would be foolish to attempt to defend or endorse the manner in which these other Governments operate their coinage programs or how they employ governmental safeguards or how they handle contract letting. Our committee is not about to become expert in worldwide, country-by-country analyses of governmental contracting procedures.

We do know, with great specificity, the safeguards that are incorporated in H.R. 6058 and the ongoing supervision required by our Government of the Olympic coin program for the 1984 games. We know that these safeguards have been reviewed by the General Accounting Office and fully endorsed by them.

In recent days, documents have been floating around Washington about a coin program operated by the Greek Government, apparently to suggest that any problems attached to that program should be used to smear the 1984 Olympic games.

Again, I do not know the procedures of the Greek Government, past or present, in the letting of coinage or other contracts, but I do know that a confidential State Department cable—apparently requested by staff members of a Subcommittee of the Banking Committee—has been circulated among newsmen, lobbyists involved in the coin program, and other individuals in recent days.

After being informed that this confidential cable had somehow found its way into public circulation, I obtained a copy from the State Department. Later I was furnished another copy by the subcommittee which had received the original document. With the difficulty I encountered in obtaining the document from the State Department, I am confident that the Department was not responsible for the cable's public circulation.

The cable from our Embassy in Greece, after describing the charges and countercharges about the Greek coinage program, concludes that the issue is basically a bitter dispute between competing companies—Numarco and Italcambio.

Of course, much of the dispute and the charges of scandal have filled column after column in the various trade publications of the coin community. We may well see national columnists rewriting these coin columnists in coming days.

Numarco, the winner in the Greek competition, is a marketing subsidary of Lazard Freres, one of the companies that has come forward as a possible bidder on the 1984 Olympic coin program. Italcambio, the embittered loser of the Greek competition, operates out of Venezuela and has subsidiaries in various countries including Switzerland, France, United States, Germany, Canada, and Italy.

Italcambio, which is battling Numarco in Greece and in the press, has operated in this country out of Miami, Fla. Its activities are somewhat obscure, but did get in the headlines a few years ago when it attempted to market gold coins issued by the former Government of Cambodia.

The Cambodian gold coin operations of Italcambio finally reached the New York State authorities and the New York attorney general moved against the company. State Supreme Court Justice George Postel agreed with the efforts of the attorney general and ordered the Italcambio firm to cease its misleading advertising and to offer refunds to customers who had relied on the advertising.

Italcambio subsequently entered its bid for the Greek coinage program. I do not know whether the Greek authorities took the New York legal action into consideration when the competing bids were submitted. In any event, the Secretary of the Treasury is given authority, under H.R. 6058, to review such matters and to reject any bid if necessary.

Until the Olympic coin legislation is enacted and the bidding process set up, we do not have assurance of who and who will not be the successful bidders for the 1984 games. The bidding, under H.R. 6058, is open to any firms that can meet the criteria.

Both Occidental Petroleum and Lazard Freres have indicated an interest in the bidding and will testify in the ongoing hearings. In fact, Occidental has specifically informed me that they and Lazard will meet the criteria, including the $30 million guarantee up front for the Olympic committees.

Mr. Speaker, there have been other firms that have informally suggested an interest. Others may well be awaiting the final outcome of legislative action before committing themselves to bids.

So, anyone who runs around suggesting that this firm or that firm has a lock on the U.S. program, simply is misleading the public. It may well be Occidental and Lazard Freres, but they must meet the competition and, in the end, all firms must meet the public interest tests and fiscal safeguards which will be applied, under the act, by the Secretary of the Treasury.●

## EXECUTIVE PRIVILEGE

### HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 10, 1982*

● Mr. ERLENBORN. Mr. Speaker, permit me to explain a bill Representatives HORTON, MCCLOSKEY, and I are introducing today to define the narrow circumstances and procedure under which a President could withhold information from Congress.

One of the recurring problems that plagues the Congress is difficulty in gaining access to documents of the executive branch which are relevant to our work. These problems have become newsworthy in recent months, as one committee voted to recommend that a cabinet officer be cited for contempt before it was permitted to see various memos.

Throughout all these disputes, the words "executive privilege" lurk in the background. Occasionally, they are even uttered. Never, though, are they defined. No one knows what the term means.

Our bill, which is identical to one we introduced and the House Government Operations Committee approved in 1974, would put an end to guessing about what the mysterious doctrine of executive privilege is. It establishes a specific statutory procedure to restrict the executive branch's ability to withhold information from Congress. Under that procedure, no individual in the executive branch except the President could decide to withhold documents or testimony from us. If either house objected to the decision, it could take the matter to court; and if we pursued the matter there, the president would bear the burden of proof in overcoming the presumption that all information should be provided. He would have to demonstrate a compelling national interest which would include protecting the essential ability of the President to confer with his close advisers, in order to prevail.

By greatly narrowing the executive's prerogative to withhold material and balancing the burden of proof in executive-legislative information conflicts, the bill would greatly enhance the Congress capacity to secure materials it needs to carry out its legislative and constitutional responsibilities.

This would be a great improvement over the present situation, in which our ultimate weapon against a recalcitrant executive official is to cite him for contempt of Congress and ask that he be prosecuted on that charge. If we won such a legal proceeding, all we would accomplish is to throw a Government official into the Capitol dungeon. That strikes me as an unseemly way to operate. However, I doubt very much that we would win. Courts just do not place much stock in Congress claims that certain material is essential to its work.

When Senator Sam Ervin's Watergate Committee sued President Nixon to secure important information, for example, the court of appeals ruled that the committee had failed to show that its duties "cannot responsibly be fulfilled without access to (the) records." The court indicated that such a showing could rarely, if ever, be made, when it stated:

While fact-finding by a legislative committee is undeniably a part of its task, legislative judgments normally depend more on the predicted consequences of proposed legislative actions and their political acceptability, than on precise reconstruction of past events.

Enactment of our bill would make clear Congress ability to enforce our rightful demands on the executive. Importantly, it provides a civil forum for the resolution of these disputes, rather than the criminal contempt procedure.

With no major document conflicts now pending, the time is right for the Congress to consider this legislation on its merits.●

## THE TECHNOLOGY OF FREEDOM

### HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 10, 1982*

● Mr. MICHEL. Mr. Speaker, amidst the constantly changing course of our congressional duties, we tend to concentrate our energies on short-term, dramatic problems and lose sight of the fact that certain trends and long-term policies may be of more importance.

This fact was driven home to me the other day when I came across three clippings from the Los Angeles Times, Tuesday, May 4, 1982. Each story dealt with an aspect of the importance of American technological achievements. Each demonstrated conclusively that we live in an age where the defense of freedom will be determined by technological progress

It seems clear that the Soviet Union is doing all it can to get its hands on our recent technological advances and use them for military purposes, even if the original purpose of the technology was nonmilitary.

Given the vital role high technology has played in the Falkland Islands fighting, how much more important will technology be in the coming decades when the Soviet Union, through its own discoveries and its use of American technology for military purposes, can challenge us in every technological field?

The future of freedom lies in the advancement of American technology and in the means to make certain it does not fall into the wrong hands. At the moment we do not seem to be realizing these facts.

At this point I insert in the RECORD three articles from the Los Angeles Times, May 4, 1982: "Laxity Cited in Export of High-Tech Gear to Soviets," "Drill-Bit Deal Seen Helping Soviet Arms," "British Get Edge for U.S. Electronics, Pentagon Says."

LAXITY CITED IN EXPORT OF HIGH-TECH GEAR TO SOVIETS

(By Robert L. Jackson)

WASHINGTON.—Sensitive American high-technology equipment with potential military applications is easily reaching the Soviet Union and Warsaw Pact nations because a small unit within the Commerce Department is poorly equipped to enforce federal licensing laws; a confidential Senate report concluded Monday.

The report said the compliance division of the Commerce Department's Office of Export Administration is "understaffed and poorly equipped." Its investigators "in certain instances (are) undertrained and unqualified," and the unit thus is "not effective," the report said.

The 80-page study, which contains an internal memorandum by a Customs Service official that is critical of the Commerce Department's enforcement efforts, was prepared by the staff of the permanent investigations subcommittee of the Senate Governmental Affairs Committee. A copy of the report was obtained by The Times.

The panel will begin two weeks of hearings on the problem today. Witnesses will include Theodore W. Wu, an assistant U.S. attorney in Los Angeles who has prosecuted illegal export cases, and William Holden Bell, a former Hughes Aircraft Engineer who was convicted of selling radar secrets to a Polish agent.

Bonnie Whyte, a Commerce Department spokesman, said of criticism in the report: "This Administration has been aware of the problem of high-technology exports for some time and we've been working to upgrade this unit (of the department). We've been transferring personnel and training to this unit because it was recognized as a weak link."

Sen. Sam Nunn (D-Ga.), who directed the staff inquiry, said the most crucial enforcement problem involves "dual-use" technology—technology that is developed in the United States primarily for civilian and commercial purposes but which, in the possession of the Soviets or others, can be used for military purposes.

Such devices, including advanced lasers and certain computers, microchips and semiconductors, cannot be exported legally without a license from the Commerce Department.

But the Senate study said the department has only six inspectors—five of them at John F. Kennedy International Airport in New York—to check whether unlicensed equipment is being shipped abroad. The sixth inspector is in Washington.

"Some airports and seaports never are visited by Commerce Department inspectors in the course of a year," the report said.

INCOMING GOODS

Although U.S. Customs Service inspectors are stationed at airports and seaports, their basic job is to police incoming persons and goods, not shipments leaving the country, federal authorities said. However, they are charged with enforcing the Arms Export Control Act, which covers weapons but not commercial equipment.

Referring to the need for better monitoring of sophisticated exports, Nunn said in a statement accompanying the staff study that "the Soviets have shown a great appetite for certain kinds of American technology.

"They do not come to the United States on a shopping spree, buying any and every computer and microchip they can lay their

hands on," he said. "Just the opposite occurs. They and their representatives know precisely what it is they need, right down to the model number of the desired equipment."

URGES COOPERATION

Sen. William V. Roth Jr. (R-Del.), the subcommittee chairman, said federal enforcement and intelligence agencies should work with private businessmen to protect certain new technologies.

"We must strike a balance between protecting sensitive technologies and allowing U.S. exporters to operate freely in the world marketplace," Roth said in a separate statement. "We accomplish little if we bar U.S. manufacturers from selling overseas while our allies readily trade away sensitive information to the Soviet Bloc."

Senate investigators cited excerpts from an internal Customs Service memorandum dated Oct. 30, 1980, that said the Commerce Department had compromised Customs sources overseas in some cases by taking "unilateral and uncoordinated action" in instances where Customs officials should have been informed.

The Senate report suggested abolishing the Commerce Department unit and consolidating the enforcement of all export laws within the Customs Service.

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## Drill-Bit Deal Seen Helping Soviet Arms

(By Ralph Vartabedian)

When the Carter Administration approved the 1978 sale to the Soviet Union of a $144 million factory to build petroleum drill bits, U.S. Army officials warned that the seemingly innocuous deal would enhance Russian production of anti-tank weapons.

Despite those objections, Dresser Industries Inc., a big oil-service firm based in Dallas, was permitted to sell the manufacturing plant to the Soviets.

Now, a senior military official has told The Times that according to intelligence information, the Soviets have indeed made at least indirect use of this manufacturing technology and the additional production capacity to increase their output of anti-tank weapons.

MAY REDESIGN TANK

Of major concern to Defense Department officials is evidence that the Soviets now can build greater numbers of high-quality weapons potentially lethal to the Army's new $2.7-million-per-copy M-1 tank. The Army is considering a multibillion-dollar redesign of the tank because of its perceived vulnerability to such weapons.

The Dresser case is the most recent example of how a major technology sale to the Soviet Union can contribute to weapons production, critics of such sales say.

These critics have argued for years that the Soviets would apply ostensibly civilian technology to advanced weapons, but their concerns largely fell on deaf ears during the pursuit of detente in the Carter, Ford and Nixon Administrations. In those years, technology sales were pursued as a diplomatic carrot in dealing with the Soviets.

Contending that too much leading-edge military technology was given away in the 1970s, the Reagan Administration has sought to reverse or at least rein in that U.S. policy, as part of its overall hardening in relations with Moscow.

In addition to concern over the Dresser license, Reagan Administration officials have cited such examples as the sale of 168 precision ball-bearing machines in 1972 that they say has enabled the Soviets to improve the accuracy of their intercontinental ballistic missiles. Also, Pentagon officials assert that the Soviet invasion of Afghanistan was aided by a heavy-truck manufacturing plant set up by several U.S. firms.

The Dresser controversy dates back to May 30, 1978, when the company was licensed by the Commerce Department to sell a so-called turnkey factory to the Soviet Union to produce petroleum drill bits, which the Soviets needed to increase their production of oil.

After the approval was granted, criticism that the sale would improve Soviet weapons and give away important petroleum technology led to a Senate investigation of the deal in October, 1978. Nevertheless, the plant and equipment were transferred to the Soviets.

The manufacturing plant was set up in Kuibyshev, an industrial city on the Volga River about 300 miles north of the Caspian Sea, to make as many as 100,000 bits per year.

The focal point of concern in the Dresser sale involves equipment and know-how that the Soviets gained for manufacturing products out of tungsten carbide—an extremely hard, dense and heavy metal alloy with a broad range of military and industrial applications.

USED BY MILITARY

In drill bits, tungsten-carbide cutting edges permit wells to be drilled through hard rock to depths exceeding three miles. But the same alloy also is used by the military in deadly weapons that penetrate armor.

The technology to form the tungsten-carbide cutting edges of a drill bit is similar to the process for building tungsten-carbide artillery rounds, according to Army experts.

The artillery rounds are formed into very narrow and long rods, called 'long rod penetrators," that can be fired out of conventional artillery guns. The rounds travel very fast and, by concentrating tremendous energy on a small impact point, can punch through thick armor without using an explosive charge.

A key issue in the current controversy is that the Dresser factory enlarged the Soviets' capacity to make tungsten-carbide products, enabling them to convert more of that capacity to weapons production.

Even if the Soviets already had access to the technology used by the plant, military sources said, the ability to produce more armor-piercing weapons without putting strain on their own tungsten-carbide manufacturing capacity could be a significant advantage. Quantity of certain key weapons can be as important as quality, these sources said.

The senior military official, who discussed the Dresser case only on the condition that he remain anonymous, said it has been confirmed that the Soviets have diverted more of their tungsten-carbide capacity to weapons production since getting the Dresser plant. Moreover, he said, the Dresser plant itself has been prepared for conversion to weapons production.

Some Pentagon officials go beyond saying that the Dresser deal gave the Soviets the ability to increase output of anti-tank weapons. They assert that the sale gave Moscow manufacturing expertise that could allow them to improve the quality of those weapons.

In 1978 Senate hearings, Dresser officials said that the Soviets could buy the same technology from European firms, that the deal complied with all U.S. regulations and that the technology at issue was not new.

Much of the current controversy was anticipated in 1978 criticism of the Dresser deal.

PENTAGON APPROVED

The Commerce Department, with the consent of high-level Defense Department officials and other Administration leaders, approved the Dresser license in May of that year, when several high-technology exchanges with the Soviets were being approved.

The Soviets ostensibly wanted the drill-bit plant to increase their drilling of deep petroleum wells. Crude-oil production from shallow wells had long supplied most Soviet needs, but shallow-well production was reaching a peak and could not keep up with increasing demand. The manufacturing plant was designed to produce premium bits of substantially higher quality than the Soviets were capable of producing themselves.

The granting of an export license for the plant evidently produced a deep rift in the Carter Administration. Commerce Secretary Juanita M. Kreps and Secretary of State Cyrus R. Vance strongly supported the sale, according to sources close to the issue. It was opposed by Energy Secretary James R. Schlesinger and national security adviser Zbigniew Brzezinski, as well as a host of military officials. Sen. HENRY M. JACKSON (D-Wash.) led congressional opposition to the deal.

Proponents of the Dresser sale argued that it served U.S. interests to help the Soviet Union develop its own energy resources to avoid potential encroachment in the Middle East. The proponents also said the deal would do little to enhance Soviet weapons technology.

But a panel headed by Fred Bucy, president of Texas Instruments Corp., which the Carter White House later assigned to examine the Dresser sale, found that there was valid ground for concern that the Dresser technology could be used by the Soviets for military purposes.

The Bucy panel also asserted that the United States had a virtual international monopoly in the production of premium rock bits of the type the Soviet plant would produce. It argued that giving away such an advantage ultimately could compromise the ability of the United States to offer Third World nations petroleum-exploration assistance that wasn't available from the Soviets. Despite such criticism, the sale moved forward.

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## British Get Edge From U.S. Electronics, Pentagon Says

(By DAVID WOOD AND ROBERT C. TOTH)

WASHINGTON.—Sophisticated electronic gear provided by the United States has been a major reason that Britain has gained a clear advantage so far in its Falkland Islands confrontation with Argentina, U.S. defense analysts said Monday.

"It almost makes it an unfair fight," a Pentagon official said, describing the network of eavesdropping and surveillance assistance that has enabled British naval commanders to receive copies of orders transmitted to the Argentine fleet almost as soon as Argentina's Defense Ministry issues them.

The Pentagon has also provided mobile satellite communications devices to the Royal Marines unit that would go ashore in advance of any British assault on the Falk-

land Islands, occupied since April 2 by Argentina.

That equipment, which would give the landing team instant communications with London, would enable British military and political officials to receive immediate first-hand assessments of Argentine defenses of the islands and to give final approval for a full-scale assault.

The equipment is so new, the officials said, that "nobody else in the world has the stuff."

U.S. defense analysts, however, do not expect the British to launch a direct assault on the Falklands soon. One reason is that the main body of marines who would make up the assault force remains on Ascension Island, about two weeks' travel and deployment time away.

Thus, the officials expect Britain to maintain its tight 200-mile "war zone" around the Falklands, with occasional air strikes against the islands' airfields, naval shelling of Argentine facilities on the islands and interdiction of Argentine warships. In that effort to demolish Argentine morale and to push Argentina toward a settlement, the surveillance and eavesdropping assistance given by the United States provides Britain with "an indisputable edge," the U.S. officials said Monday.

Since Britain declared the war zone around the Falklands, its forces have sunk the Argentine cruiser General Belgrano and a patrol boat and have damaged another patrol boat.

Argentine officials conceded Monday that the 13,000-ton General Belgrano, torpedoed by a British submarine Sunday, and sunk. The officals said rescue efforts have been hampered by poor weather and because the disabled ship had been maintaining radio silence for security reasons.

U.S. officials declined to say exactly how the United States is collecting naval intelligence and passing it on to the British. Officials have said the United States collects photographic intelligence from two satellites, but they conceded that such reconaissance is useless in cloudy weather.

The officials insisted, however, that "there is almost nothing that is said in Argentina that we don't know about."

The Soviet Union has at least six satellites that pass over Argentina. The satellites, according to defense sources here, have both electronic-evesdropping and radar-sensing capabilities. Administration officials have suggested that the Soviet Union is passing information collected by its satellites to Argentina, but they said they have no proof of their suspicions.

Further U.S. aid to Britain in the Falklands crisis was discussed Sunday as British Foreign Secretary Francis Pym met with Secretary of State Alexander M. Haig Jr. and Defense Secretary Caspar W. Weinberger. While no details of U.S. offers were reported publicly, Haig said the British would be given unspecified "material support."

U.S. military analysts said the British appear to need little additional support at this point, except supplemental heavy air transport.

At present, according to Administration officials, Britain is using an aging fleet of C-130 military transports to run a continual airlift of food, spare parts and fuel from England to Ascension Island, Britain's mid-Atlantic staging point. En route, the aircraft must refuel in Dakar, Senegal, on the West African coast.

One possibility is for the United States to provide Britain with C-5 aircraft, the largest military transports in the world, to supplement the C-130s, which the British are "working the daylights out of," according to Administration officials.●

## FINANCIAL STATEMENT OF F. JAMES SENSENBRENNER, JR.

## HON. F. JAMES SENSENBRENNER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 10, 1982*

● Mr. SENSENBRENNER. Mr. Speaker, through the following statement, I am making my financial net worth as of March 31, 1982, a matter of public record. I have filed a similar statement for each of the 3 preceding years I have served in Congress.

*Assets*

REAL PROPERTY

| | *Value* |
|---|---|
| Single family residence at 701 Kings Court, Alexandria, Va., at assessed valuation. (Assessed at $211,200. Ratio of assessed to market value—100 percent.) (Encumbered) | $211,200.00 |
| Two family residence at 1601 East Lake Bluff Boulevard and 4330 North Newhall Street, in the Village of Shorewood, Milwaukee County, Wis., at equalized assessed valuation. (Assessed at $54,700. Ratio of assessed to equalized value—65.27 percent.) (Unencumbered) | 83,805.73 |
| Total | 295,005.73 |

PERSONAL PROPERTY—COMMON AND PREFERRED STOCKS

| Number of shares and company: | |
|---|---|
| 450—First Interstate Bancorp. at $29 | 13,050.00 |
| 255.604—American Telephone & Telegraph at $56.25 | 14,377.73 |
| 103.181—Idaho Power Co. at $22.375 | 2,308.68 |
| 346.104—Tenneco Corp. at $27.75 | 9,604.39 |
| 105.082—Nevada Power Co. at $21.75 | 2,285.54 |
| 300—Anchor Hocking Corp. at $15.75 | 4,725.00 |
| 360—General Mills, Inc. at $38.50 | 13,860.00 |
| 400—Kellogg Corp. at $22.125 | 8,900.00 |
| 500—Dunn & Bradstreet at $60.625 | 30,312.50 |
| 1,000—Halliburton Co. at $33.25 | 33,250.00 |
| 1,708—Kimberly-Clark Corp. at $60 | 102,480.00 |
| 385—Insilco Corp. at $14.875 | 5,726.88 |
| 100—Minnesota Mining & Manufacturing at $54.50 | 5,450.00 |
| 100—Rank Organization Ltd., ADR at $4 | 400.00 |
| 416—Exxon Corp. at $28.125 | 11,700.00 |
| 480—Standard Oil Co. (Indiana) at $36.50 | 17,520.00 |
| 170—Dart & Kraft, Inc. at $50.75 | 8,627.50 |
| 380—Eastman Kodak Co. at $72.875 | 27,692.50 |
| 100—General Electric Co. at $63.375 | 6,337.50 |
| 104—General Motors Corp. at $41 | 4,264.00 |
| 400—Merck & Co. at $72.25 | 28,900.00 |
| 200—Warner Lambert Co. at $22.75 | 4,550.00 |
| 188.782—Sperry Rand Co. at $27.75 | 5,238.70 |
| 260—Allied Maintenance Corp. at $21 | 5,460.00 |
| 287—International Business Machines Co. at $59.75 | 17,148.25 |
| 900—Inland Steel Co. at $21.625 | 19,462.50 |
| 168—Monsanto Corp. at $62.50 | 10,500.00 |
| 26—Wisconsin Securities Corp. of Delaware at $180 | 4,680.00 |
| 333—Benton County Mining Co. at No value | Nil. |
| Total | $418,881.67 |

BONDS AND NOTES

| | |
|---|---|
| Par value: $35,000—U.S. Treasury bills due July 15, 1982 (Total) | $30,369.50 |

LIFE INSURANCE POLICIES

| Face amount, company and no.: | *Cash surrender value* |
|---|---|
| $12,000—Northwestern Mutual, No. 4378000 | $8,071.93 |
| $30,000—Northwestern Mutual, No. 4574061 | 19,082.93 |
| $10,000—Massachusetts Mutual, No. 4116575 | 2,108.20 |
| $100,000—Massachusetts Mutual, No. 4228344 | 29,892.85 |
| $25,000—Old Line Life Insurance Co., No. 515950 | 11,887.98 |
| Total | 71,043.89 |

BANK AND SAVINGS AND LOAN ACCOUNTS

| | |
|---|---|
| Marine National Exchange Bank of Milwaukee, Checking account No. 4000-9368 | 26.57 |
| Marine National Exchange Bank of Milwaukee, Checking account No. 0046-2366 | 598.13 |
| Marine National Exchange Bank of Milwaukee, Savings Account No. 418-986 | 1,001.81 |
| Marine National Exchange Bank of Milwaukee, Savings account No. 497-525 | 547.29 |
| North Shore Savings & Loan Association of Wisconsin, Savings account No. 0657029-01 | 1,172.85 |
| Mutual Savings & Loan of Wisconsin, Savings account No. 10110603361 | 10,632.57 |
| North Shore Savings & Loan Association of Wisconsin, Savings account No. 0647856-01 | 463.05 |
| Sergeant at Arms, U.S. House of Representatives Checking account No. 748 | 2,293.23 |
| Burke & Herbert Bank of Alexandria, Va., Checking account No. 601-301-5 | 563.46 |
| Marine National Exchange Bank of Milwaukee, all-savers certificate No. 016897 | 16,520.00 |
| Total | 33,818.96 |

MISCELLANEOUS

| | |
|---|---|
| 1978 Ford LTD automobile (at Blue book trade-in value) | 2,050.00 |

| | |
|---|---|
| Office furniture and equipment | 1,000.00 |
| Furniture, clothing, and personal property (estimated) | 90,000.00 |
| Stamp collection (estimated) | 14,500.00 |
| Interest in Wisconsin retirement fund | 11,080.04 |
| Deposits in congressional retirement fund | 15,152.52 |
| Total miscellaneous | 133,782.56 |
| Total assets | 982,902.31 |

*Liabilities*

| | |
|---|---|
| Perpetual American Savings & Loan Association (Mortgage on Alexandria, Va. residence) | $140,016.00 |
| Miscellaneous 30 day charge accounts (estimated) | 1,500.00 |
| Total liabilities | 141,516.00 |
| Net worth | 841,386.31 |

*Statement of 1981 taxes paid*

| | |
|---|---|
| Federal income tax | $18,624.02 |
| Wisconsin income tax | 4,977.12 |
| Shorewood, Wis. property tax | 2,270.24 |
| Alexandria, Va. property tax | 2,613.96 |

I further declare that I am a direct beneficiary of two trusts and a contingent beneficiary of one trust. I have no control over the assets of any trust of which I am a direct beneficiary and am a cotrustee of the other trust.

Also, I am neither an officer nor a director of any corporation organized under the laws of the State of Wisconsin or of any other State or foreign country.●

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, May 11, 1982, may be found in the Daily Digest of today's RECORD.

### MEETINGS SCHEDULED

#### MAY 12

9:30 a.m.
Banking, Housing, and Urban Affairs
Business meeting, to mark up S. 2367 and S. 2377, bills authorizing funds through fiscal year 1986 for Federal transit assistance programs of the Urban Mass Transportation Administration, Department of Transportation, and S. 2375, extending through September 30, 1987, the Defense Production Act, providing availability of authorities necessary to continue improvement in U.S. ability to mobilize resources in times of national emergency.
5302 Dirksen Building

Judiciary
To hold hearings on S. 675 and S. 1530, bills establishing a Commission to study the jurisdiction of Federal and State courts and to make recommendations with respect to revision of Constitution and Federal law.
357 Russell Building

10:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1983 for the defense establishment, focusing on rapid deployment joint task force/readiness.
1114 Dirksen Building

*Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of Management and Budget.
1318 Dirksen Building

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Foreign Relations
To continue hearings on certain nuclear arms reduction proposals.
4221 Dirksen Building

Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings on the effectiveness of the Federal Government to enforce export controls, focusing on the transfer of high technology to the Soviet Union and other Warsaw Pact nations.
3302 Dirksen Building

Judiciary
Security and Terrorism Subcommittee
To hold hearings to examine the extent of Communist bloc intelligence activities on Capitol Hill.
2228 Dirksen Building

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on the implementation of guidance and counseling programs of the Department of Education.
4232 Dirksen Building

2:00 p.m.
*Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for certain programs which fall within the jurisdiction of the subcommittee.
1318 Dirksen Building

Foreign Relations
To continue hearings on certain nuclear arms reduction proposals.
4221 Dirksen Building

*Governmental Affairs
Intergovernmental Relations Subcommittee
To hold hearings on S. 2386, providing for the establishment of a system to collect data on the geographic distribution of Federal funds.
3302 Dirksen Building

Select Committee to Study Law Enforcement Undercover Activities of Components of the Department of Justice
To hold an organizational business meeting.
301 Russell Building

#### MAY 13

9:00 a.m.
*Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of Territorial Affairs, Department of the Interior.
1318 Dirksen Building

9:30 a.m.
Foreign Relations
To continue hearings on nuclear arms reduction proposals.
4221 Dirksen Building

Judiciary
Juvenile Justice Subcommittee
Meeting, to discuss the alleged abuse of juveniles in certain state operated facilities.
2228 Dirksen Building

Labor and Human Resources
To resume oversight hearings on the Department of Labor's investigation of alleged abuses within the International Brotherhood of Boilermakers (Local 154).
4232 Dirksen Building

Labor and Human Resources
Investigations and General Oversight Subcommittee
To hold hearings to examine the increased use of certain drugs, focusing on quaaludes.
5302 Dirksen Building

Rules and Administration
Business meeting, to mark up an original bill authorizing funds for fiscal year 1983 for the Federal Election Commission, S. 2102, authorizing funds to the Board of Regents of the Smithsonian Institution to construct a building for the Museum of African Art and a center for Eastern Art, S. 2390, authorizing funds for fiscal years 1983, 1984, and 1985 for the National Museum Act, and S. 2391, relating to the adjustment of the rate of interest paid on funds of the Smithsonian Institution deposited with the Treasury.
301 Russell Building

Small Business
Business meeting, to consider pending calendar business.
424 Russell Building

10:00 a.m.
Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for the defense establishment, focus-

ing on National Guard and reserve programs.
1114 Dirksen Building

Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for Air Force national programs.
1224 Dirksen Building

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Environment and Public Works
Business meeting, to resume consideration of proposed legislation authorizing funds for programs which fall under its legislative jurisdiction.
4200 Dirksen Building

Governmental Affairs
Energy, Nuclear Proliferation and Government Processes Subcommittee
To hold oversight hearings on U.S. nuclear nonproliferation policy.
6226 Dirksen Building

Governmental Affairs
Congressional Operations and Oversight Subcommittee
To resume oversight hearings on the use of the Consumer Price Index as a measurement of inflation for the purposes of calculating cost-of-living increases for all indexed programs.
3302 Dirksen Building

1:00 p.m.
Foreign Relations
To continue hearings on nuclear arms reduction proposals.
4221 Dirksen Building

1:30 p.m.
*Appropriations
Interior and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for the Office of Territorial Affairs, Department of the Interior.
1318 Dirksen Building

Judiciary
To hold hearings on S. 2419, modifying certain provisions of the venue law to allow cases to be heard in courts where the decision would have greater impact.
2228 Dirksen Building

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1983 for the Agency for International Development, focusing on the Near East regional and centrally funded programs.
1223 Dirksen Building

Labor and Human Resources
Business meeting, to mark up S. 2036, providing for State and local employment and training assistance, and S. 1889, authorizing funds for the establishment of a national institution to promote international peace and resolution of international conflict.
4232 Dirksen Building

3:00 p.m.
*Foreign Relations
To hold hearings on the nomination of Robert Anderson, of the District of Columbia, to be Ambassador to the Dominican Republic.
4221 Dirksen Building

## MAY 14

8:00 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Library of Congress, Congressional Research Service, Office of Technology Assessment, and the Copyright Royalty Tribunal.
S-128, Capitol

10:00 a.m.
*Appropriations
District of Columbia Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Government of the District of Columbia, focusing on the Department of Housing and Human Development, rental accommodations office, Office of Business and Economic Development, Convention Center Board, Convention and Visitors Association, retirement board, and the lottery and charitable games control board.
1223 Dirksen Building

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Finance
International Trade Subcommittee
Taxation and Debt Management Subcommittee
To hold joint hearings on S. 2058 and S. 2051, bills promoting fair international trade practices in the services sector.
2221 Dirksen Building

## MAY 17

9:30 a.m.
Finance
Savings, Pensions and Investment Policy Subcommittee
To hold hearings on S. 1910, modifying the tax treatment of certain retirement annuities for clergymen and lay employees; and to review certain ERISA statutes or regulations that inhibit mortgage investments by pension funds, and the Department of Labor's current class exemption efforts regarding pension fund investments in residential housing financing.
2221 Dirksen Building

## MAY 18

9:30 a.m.
Governmental Affairs
Civil Services, Post Office, and General Services Subcommittee
To hold hearings on S. 46, providing that certain military service, which is covered by social security, be included in the aggregate period of service on which a civil service annuity is based.
3302 Dirksen Building

Labor and Human Resources
To hold hearings on the nominations of Marc Sandstrom, of California, William F. Harvey, of Indiana, and Annie L. Slaughter, of Missouri, each to be a member of the Board of Directors of the Legal Services Corporation.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Department of Housing and Urban Development.
1224 Dirksen Building

*Commerce, Science, and Transportation
To hold hearings on the nomination of Heather J. Gradison, of Ohio, to be a member of the Interstate Commerce Commission.
235 Russell Building

Energy and Natural Resources
To hold oversight hearings on Federal property management and disposal.
3110 Dirksen Building

Select on Indian Affairs
To hold oversight hearings on the implementation of Indian education programs.
6226 Dirksen Building

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1983 for the Agency for International Development, focusing on the trade and development program, international disaster assistance, and American schools and hospitals abroad program.
1223 Dirksen Building

## MAY 19

9:30 a.m.
Governmental Affairs
Federal Expenditures, Research and Rules Subcommittee
To hold hearings on Senate Joint Resolution 93 and S. 2278, measures reaffirming the policy of relying on the private sector to meet public requirements for goods and services, and Office of Management and Budget Circular A-76, relating to Federal procurement policy.
3302 Dirksen Building

Labor and Human Resources
Labor Subcommittee
To resume oversight hearings to review the Pension Benefit Guaranty Corporation premium rate increases.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for the Department of Housing and Urban Development, and the Neighborhood Reinvestment Corporation.
1224 Dirksen Building

Armed Services
To hear and consider the nominations of Adm. James D. Watkins, U.S. Navy, to be Chief of Naval Operations, and Gen. Charles A. Gabriel, U.S. Air Force, to be Chief of Staff for the Air Force, and to consider other routine military nominations.
212 Russell Building

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To resume hearings on S. 1866, revising regulatory procedures relating to safe drinking water requirements, and S. 2131, authorizing funds through fiscal year 1986 for the safe drinking water program.
4200 Dirksen Building

Select on Indian Affairs
To continue oversight hearings on the implementation of Indian education programs.
6226 Dirksen Building

MAY 20

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on S. 1770, authorizing funds to conduct a study to determine the adequacy of certain industry practices and Federal Aviation Administration rules and regulations.
235 Russell Building

Governmental Affairs
Federal Expenditures, Research and Rules Subcommittee
To hold hearings on S. 1782, eliminating percentage retention on Federal Government construction contracts, and S. 1882, improving the effectiveness and fairness of the Federal Government's contractor suspension and debarment programs.
3302 Dirksen Building

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production, Marketing, and Stabilization of Prices Subcommittee
To hold oversight hearings on the implementation of the Federal Crop insurance program of the Department of Agriculture.
324 Russell Building

Energy and Natural Resources
To resume hearings on S. 1844, to facilitate the development of interstate coal pipeline distribution systems by granting the Federal power of eminent domain to those interstate piplines which are determined to be in the national interest.
3110 Dirksen Building

Environment and Public Works
To hold hearings on S. 1606, establishing a Federal supplemental property insurance fund for nuclear powerplants, and providing for the cleanup of the damaged Three Mile Island Unit No. 2 nuclear power reactor (TMI-2).
4200 Dirksen Building

MAY 21

9:00 a.m.
Finance
Taxation and Debt Mangement Subcommittee
To hold hearings on miscellaneous tax bills, S. 1485, S. 2075, S. 2424, and S. 2425.
2221 Dirksen Building

9:30 a.m.
Energy and Natural Resources
Energy Regulation Subcommittee
To hold hearings on S. 1626, removing the requirement for Federal regulation to allow the competitive market system to establish petroleum pipeline transportation rates while maintaining safeguards to protect the industry and consumers against unlawful discrimination.
3110 Dirksen Building

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production, Marketing, and Stabilization of Prices Subcommittee
To continue oversight hearings on the implementation of the Federal crop insurance program of the Department of Agriculture.
324 Russell Building

MAY 24

9:30 a.m.
*Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on proposed committee amendments to S. 508, Airport and Airway System Development Act of 1981 (pending on Senate Calendar), extending the funding level through fiscal year 1987 for airport improvement and development programs.
235 Russell Building

Finance
Energy and Agricultural Taxation Subcommittee
To hold hearings on S. 1713, providing an exemption for farmers from capital gains taxation on the income received from the sale of easement rights, provided the funds are rolled over into the purchase of new farmland or used for capital improvements in the existing farm, and S. 1485, clarifying the intent of the investment-tax credit for poultry houses and greenhouses.
2221 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1224 Dirksen Building

2:00 p.m.
*Finance
To hold hearings on the administration's New Federalism proposal.
2221 Dirksen Building

MAY 25

9:00 a.m.
Governmental Affairs
To hold hearings on the annual report of the Postmaster General.
3302 Dirksen Building

9:30 a.m.
Agriculture, Nutrition, and Forestry
Rural Development, Oversight, and Investigations Subcommittee
To hold oversight hearings to review the energy needs of rural communities.
324 Russell Building

Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on S. 2414, providing for jurisdiction over common carriers by water engaging in foreign commerce to and from the United States utilizing ports in nations contiguous to the United States.
235 Russell Building

Energy and Natural Resources
Energy Regulation Subcommittee
To resume hearings on S. 1626, removing the requirement for Federal regulation to allow the competitive market system to establish petroleum pipeline transportation rates while maintaining safeguards to protect the industry and consumers against unlawful discrimination.
3110 Dirksen Building

Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings on social security disability terminations, focusing on the Social Security Administration's decision to accelerate the required review of disability eligibility, the continuing deficiencies in the system, and the resulting impact on claimants.
1318 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1224 Dirksen Building

Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

Foreign Relations
Business meeting, to markup certain nuclear arms reduction proposals.
4221 Dirksen Building

MAY 26

9:30 a.m.
Agriculture, Nutrition, and Forestry
Rural Development, Oversight, and Investigations Subcommittee
To continue oversight hearings on the energy needs of rural communities.
324 Russell Building

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To resume hearings on S. 1866, revising regulatory procedures relating to safe drinking water requirements, and S. 2131, authorizing funds through fiscal year 1986 for the safe drinking water program.
4200 Dirksen Building

Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings on certain alleged mismanagement practices within the Department of Energy.
3302 Dirksen Building

MAY 27

9:30 a.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for contributions to international organizations of the Department of State, Securities and Exchange Commission, and the Federal Trade Commission.
S-146, Capitol

10:00 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 1964 and S. 1965, bills designating certain wilderness areas in the Mark Twain National Forest in Missouri as components of the National Wilderness Preservation System, S. 2021, providing for the disposal and acquisition of certain Federal lands in New Mexico, and S. 2405, providing for certain lands in New Mexico to be included in the Cibola

National Forest System and into the existing Sandia Wilderness.
3110 Dirksen Building

Environment and Public Works
Business meeting to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings on certain alleged mismanagement practices within the Department of Energy.
3302 Dirksen Building

JUNE 8

9:30 a.m.
Banking, Housing, and Urban Affairs
Securities Subcommittee
To resume hearings on S. 1869, S. 1870, S. 1871, and S. 1977, bills revising or repealing certain provisions of the Public Utility Holding Company Act of 1935.
5302 Dirksen Building

JUNE 9

9:30 a.m.
Select on Indian Affairs
To hold hearings on law enforcement problems on Indian reservations including the authority and effectiveness of the Bureau of Indian Affairs police, tribal police, and the Federal Bureau of Investigation, and the quality of U.S. prosecution of criminal offenses.
6226 Dirksen Building

JUNE 10

9:30 a.m.
Banking, Housing, and Urban Affairs
Securities Subcommittee
To resume hearings on S. 1869, S. 1870, S. 1871, and S. 1977, bills revising or repealing certain provisions of the Public Utility Holding Company Act of 1935.
5302 Dirksen Building

JUNE 14

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 2469, providing for improved international telecommunications.
235 Russell Building

JUNE 15

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To continue hearings on S. 2469, providing for improved international telecommunications.
235 Russell Building

JUNE 16

9:30 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold oversight hearings on Federal Government cargo preference.
235 Russell Building

10:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
To hold oversight hearings on the implementation of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (Super Fund).
4200 Dirksen Building

JUNE 17

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To resume hearings on S. 2469, providing for improved international telecommunications.
235 Russell Building

Select on Indian Affairs
To hold hearings on S. 1735, providing for the use and distribution of funds awarded the Pembina Chippewa Indians in specified dockets of the U.S. Court of Claims.
5110 Dirksen Building

JUNE 23

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold oversight hearings on the implementation of the National Materials and Minerals Policy Act of 1980 (Public Law 96-479).
235 Russell Building

SEPTEMBER 21

10:30 a.m.
Veterans' Affairs
To hold hearings to receive American Legion legislative recommendations for fiscal year 1983.
318 Russell Building

## CANCELLATIONS

MAY 11

8:30 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Endowment for the Humanities, National Capital Planning Commission, and the Office of Surface Mining of the Department of the Interior.
1114 Dirksen Building

MAY 12

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
2228 Dirksen Building

MAY 13

2:00 p.m.
Governmental Affairs
Federal Expenditures, Research and Rules Subcommittee
To resume hearings on proposed legislation improving the efficiency of the Federal procurement system.
3302 Dirksen Building

MAY 18

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building