

EXTENSIONS OF REMARKS

WELCH FOOD DAY

HON. JAMES M. SHANNON

OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. SHANNON. Mr. Speaker, today has been proclaimed Welch Food Day by the Governor of Massachusetts, for Welch Foods, Inc., has moved its corporate headquarters and its historic Concord grapevine back to its origins in Concord, Mass. Ephraim Wales Bull, a Concord resident, spent many years cultivating his grapevines until he had grown what he considered to be the perfect strain of grape which is now known as the Concord grape.

I am glad to see the Concord grapevine return to its rightful home in Concord and have attached for my colleagues attention a history of the Concord grape and Welch Foods.

GRAPE INDUSTRY TAKES ROOTS IN CONCORD,
MASS.

Welch Foods Inc., the company responsible for the American grape juice industry, is putting down roots in Concord, Massachusetts, where the Concord grape was developed.

ORIGIN OF THE CONCORD GRAPE

This truly American grape was developed by Ephraim Wales Bull, who has been called "the father of the Concord Grape." Bull, born in Boston on March 4, 1805, purchased seventeen acres of land near Concord when he was a young man. It was next door to "Wayside," the home of Nathaniel Hawthorne. The farm was ideal for growing grapes but the harshness of New England winters ruined Bull's original crops. Bull decided to develop his own grape, one that would withstand severe winters, late frosts in the spring and early frosts in the fall.

He spent many years perfecting this grape, beginning with a wild vine on his farm which he planted, skins and all. He cared for these seedlings for six years and at the end found one worth keeping.

On September 10, 1849 he picked a bunch of grapes that suited him in flavor and appearance. Year after year he planted the seed from his new vine, resulting in, according to Bull: "grapes of great variety, many of them excellent, if my judgement is to be relied upon. The original wild habit of the gypsy grape seems to be entirely eliminated, and from the original stock, black as night. I have obtained grapes white as the Chasselas, delicious of texture, and of a most agreeable flavor."

SEEDLING EXHIBITED IN 1853

The new seedling was exhibited before the Massachusetts Horticultural Society in 1853 and in 1854, placed on the market. The grapes were called "Concord Grapes" after the town of Concord.

Horace Greeley called the Concord "The grape for the millions" and it was awarded

the Greeley prize by the American Institute.

BULL'S HOME HISTORIC SITE

Ephraim Bull's cottage and little garden where the original vine still produces grapes each year are historic sites to grape growers. Over the fireplace in Mr. Bull's living room is an inscription which reads:

"I confess I did not expect to arrive at so great success so soon, but when I had the good fortune to find the Concord among the first crop of seedlings, the thought dawned upon me that perhaps in the far off future higher success awaited the cultivator who had the patience to wait. I had almost said, also, the courage to venture, for I was sensitive that any attempt to improve the wild grape would be considered an imputation upon the judgment and sagacity of the operator. Fully aware of this, I kept my own counsel, and if I had not succeeded, nobody would have known I had ever ventured."

400,000 TONS ANNUALLY GROWN TODAY IN
UNITED STATES

Over 400,000 tons of Concord grapes are grown annually in five areas of the United States. The largest of these borders on the southern shore of Lake Erie, stretching just south of Buffalo, New York, through Erie County, Pennsylvania and into northern Ohio. A smaller growing area borders on the Finger Lakes region of New York State. The Yakima Valley in the state of Washington ranks second in tons produced, followed by Van Buren and Berrien Counties bordering Lake Michigan. Concord grapes are also grown in northwest Arkansas around Springdale and in the southwest Missouri area known as the Ozarks.

THE COMPANY KNOWN AS WELCH FOODS INC.

Welch Foods Inc. is the world's leading processor of Concord grape products. The company makes this American grape into juices, concentrates, jams and jellies and drinks.

It began with a New Jersey dentist, Dr. Thomas Bramwell Welch, who, in 1869, wondered if the theories of Louis Pasteur could be applied to the processing of grapes to produce an unfermented wine that could be used in his church's communion service.

He and his wife and 17-year-old son picked about 40 pounds of Concord grapes near their home in Vineland, New Jersey; cooked the grapes for a few minutes, then squeezed the juice through cloth bags into twelve quart bottles.

After sealing the bottles with cork and wax, Dr. Welch lowered them into boiling water long enough to kill all the yeast organisms in the juice and prevent fermentation . . . the same technique used in the pasteurization of milk.

Weeks later, when the bottles were opened, Dr. Welch discovered that he had succeeded in producing a sweet, unfermented grape juice.

This unfermented wine, as he called it, was used in his church and he began processing and selling it to churches in Southern New Jersey and Southeast Pennsylvania.

It was the beginning of the fruit juice industry.

CHARLES WELCH DEVELOPS THE BUSINESS

Dr. Welch's son Charles took over the business in 1872 and in 1890 changed the name from "Dr. Welch's Unfermented Wine" To "Dr. Welch's Grape Juice." By then the juice was being sold to drug stores and other outlets.

A HIT AT THE CHICAGO WORLD'S FAIR

Thousands sampled the grape juice at the Chicago World's Fair in 1893. Charles Welch had a new label adopted, omitting the "Dr." from before the name Welch's.

THE COMPANY MOVES TO THE NEW YORK FINGER
LAKES REGION

In 1896 Dr. Thomas Welch reinvested in the company as a partner with this son, Charles, and they moved the company to Watkins, New York, in the Finger Lakes region, where they would have a better supply of grapes. The Welch's then began a vigorous advertising campaign . . . starting with \$600. In the over eighty years that have followed, Welch advertising has been an accepted and dramatic part of the American scene because of its imagination and good taste.

In 1897 the Watkins operation was moved to Westfield, New York, so that even further expansion could be accomplished. That first year a plant was built and 300 tons of grapes were pressed. A ten-minute blast from the plant whistle traditionally started the grape pressing season for the community that now had the Concord grape as its chief agricultural interest.

Dr. Thomas Welch died in 1903 and in the next decade the present Westfield, New York, plant was constructed across from the original plant, the general office was built in the center of town, another plant was acquired in nearby North East, Pennsylvania, and a 4-ounce bottle of grape juice was introduced to children all over the United States. Called the "Welch Junior," it sold for ten cents.

WILLIAM JENNINGS BRYAN BOOSTS GRAPE JUICE

The juice had its biggest boost when Secretary of State William Jennings Bryan gave a dinner on April 22, 1913, for James Bryce, the retiring British Ambassador. Bryan shocked the world by serving Welch's Grape Juice instead of wine at this full dress diplomatic function. The newspapers wrote about it for months. Cartoonists lampooned it. And Welch's exploited the situation with the policy, "every knock is a boost." The knocks drove sales higher.

When Josephus Daniels, Secretary of the Navy, forbade the use of alcoholic beverages aboard Navy ships, a year later, and substituted Welch's Grape Juice, the Navy became known as "Daniel's Grape Juice Navy." Again . . . sales rose.

In the next twenty years sales were increased by the "Welch Palace" at the Panama-Pacific Exposition in San Francisco, new product developments, the purchase of Welch products by the U.S. Army, and the building of plants in Lawton, Michigan, and Springdale, Arkansas. Edgar T. Welch, one of Charles' four sons, became President when Charles died. Soon afterwards the majority of stock was sold to a group of private

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

investors in Nashville, Tennessee. Edgar became Chairman of the Board and Paul R. Welch, Charles' eldest son, became President.

THE DEPRESSION

During the Depression years of the 1930's and into the 1940's, Concord grape growing and processing declined. Demand for premium quality grape juice gave way to the necessity for basic food staples. Vineyards were abandoned. Weeds grew where grapes should have been. Growers were dispirited. Prices for grapes paid by processors barely covered production costs. The Welch equipment became run-down.

And then along came a man of vision.

ENTER THE ENTREPRENEUR

In 1933 J. M. Kaplan, an energetic entrepreneur from New York City, purchased a small winery in Brocton, New York, as a means of guaranteeing a supply of wine for a New York retail store of which he was president. The plant also had grape processing equipment and Kaplan used these facilities to produce a small amount of juice.

The grapes came from five small growers' cooperatives and North East Fruit Growers in North East, Pennsylvania. Kaplan saw that he could upgrade the financial status of the growers, providing that they managed their own affairs—viticulture—and the National Grape Corporation controlled management of the processing and marketing. It worked. Within seven years the Brocton facility doubled in size. The growers received increased prices for their grapes and were guaranteed a minimum before the harvest.

THE NATIONAL GRAPE COOPERATIVE ASSOCIATION IS BORN

When the government set a limit on the price producers could pay to growers during World War II, the six grower cooperatives supplying Kaplan his grapes decided to form a single cooperative, encouraged by Kaplan. They approached Kaplan in 1945 to buy the plant and business of the National Grape Corporation. The growers would supervise the growing and Kaplan would manage the processing and marketing of the finished products.

Two months later the controlling interest in the Welch Grape Juice Company was offered for sale. Although he was not interested at first—Kaplan realized the plants were in poor condition—eventually Kaplan realized the potential in Welch for National. The Welch brand name was well established—as was the market. Welch had production and distribution facilities in five states.

The sale was set in motion and realized in 1956.

Today, this unique arrangement continues. National Grape Cooperative Association has 1,650 members, the plants are modern, Welch Food sales have increased every year. Growers are consistently paid more for their grapes than they ever were from independent processors.

Jack Kaplan's dream became a unique enterprise that serves as a model for cooperatives.

THE INDUSTRY GOES FULL CIRCLE

And in May, 1983, the Concord grape industry has come full circle. For, today, Welch Foods and the National Grape Cooperative Association are returning to their roots. Welch Foods Inc. is opening its corporate headquarters in the town where the Concord grape was seeded, born and nurtured—100 Main Street, Concord, Massachu-

setts—just half a mile from the site where Ephraim Wales Bull planted his first Concord vine, over 150 years ago.●

TRIBUTE TO SAM TALARICO

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. BOEHLERT. Mr. Speaker, our entire Nation, and my community especially, suffered a great loss Wednesday with the death of a leading figure in American labor, Sam Talarico.

Sam was a prime example of the self-made man. Born in Chicago, his father died when he was 2. By age 14, he was supporting himself. He worked in coal mines and cotton mills, and finally ended up at a slaughterhouse in Utica.

There, he rose through the ranks and in 1953 founded District Local No. 1 of the Amalgamated Meatcutters. The union's members were impressed with Sam's leadership and in 1976, he was elected secretary-treasurer of the international. He retained that post in 1979 when the union merged with the retail clerks to form the 1.3-million member United Food and Commercial Workers Union.

Sam's dedicated work on behalf of the workers who had put their trust in him would be enough to earn our lasting respect.

But Sam did more. He brought his vision and his tirelessness to work for his community and numerous causes. That is why he received such honors as the Israel Bond Award and the Contemporary American Award.

Sam's death leaves a profound gap. We must all carry on his work, inspired by his example.●

BASEBALL'S ANTITRUST EXEMPTION SHOULD BE REPEALED

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. SEIBERLING. Mr. Speaker, I am introducing today the Sports Competition Act. This bill has a simple purpose: To bring professional baseball under the antitrust laws to the same extent that other professional team sports are now subject to those laws.

Competition is central to our most basic social and political values. Our economic freedom has always depended on the twin concepts of private enterprise and the decentralization of economic power, and these require a healthy, competitive market environment. To maintain this competitive environment, the Sherman Antitrust Act was enacted in 1890 and the Clay-

ton Act in 1917. These are the core of the antitrust laws.

In 1922, the Supreme Court ruled that professional baseball was not an interstate business and, therefore, was exempt from the antitrust laws. Since then, other pro sports have sought similar antitrust immunity, but the courts have recognized that these sports are obviously engaged in interstate commerce and are subject to the antitrust laws. Nonetheless, as recently as 1972, the Supreme Court, while admitting that pro baseball's antitrust exemption is an "aberration," has refused to overturn its 1922 decision which judicially created pro baseball's antitrust exemption.

Repeal of pro baseball's exemption, the Supreme Court held, must come from Congress. My bill accepts that Supreme Court invitation, as well as the recommendation made by the House Select Committee on Professional Sports in 1977. The Justice Department, during the Ford and Carter administrations, endorsed this measure, and in 1981, during hearings before the House Judiciary Subcommittee on Monopolies and Commercial Law, Deputy Assistant Attorney General Abbott Lipsky testified that the Reagan administration Justice Department supported my proposal to subject baseball to the same antitrust laws adhered to by other sports. Mr. Lipsky said:

Principles that are embodied in the antitrust laws should apply to sports as they do to every other unregulated sector of our economy * * * I know of no economic data or other persuasive justification for continuing to treat baseball differently from the other professional team sports, all of which are now clearly subject to antitrust laws.

Reflecting just how widespread the support for this proposal is, even a baseball team owner, Ted Turner of the Atlanta Braves, spoke in favor of my bill last Congress. Mr. Turner told subcommittee members that he knew of no reason for the sport to be exempt from the Nation's antitrust laws.

Congress should now adopt that same view and repeal baseball's exemption by enacting this legislation. A new development makes the need for this legislation even more urgent. The major league baseball owners recently entered into an agreement requiring that all teams maintain an assets-liabilities ratio of 60/40 or higher. Since liabilities are defined to include salary commitments, this agreement means that some franchises will not be able to incur high salary commitments. Absent baseball's antitrust exemption, this agreement, which restricts teams from competing with each other for outstanding and high-salaried players, would be illegal.

Obviously, the business of professional sports does require some cooperation between teams and leagues. In

other businesses, such interaction might be deemed a per se violation of the antitrust laws. Therefore, the courts have generally held that challenged practices of the professional sports industry should be subject to the rule of reason analysis. That standard would not be changed by my bill as it would relate to baseball. In other words, a court would inquire into whether the challenged baseball practice has a legitimate business purpose whose realization serves to promote competition. If such were deemed to outweigh any anticompetitive effects, the practice would be allowed to continue, despite the antitrust challenge.

Other pro sports teams beneficially coexist with the antitrust laws, and so can baseball. The beauty of the antitrust laws is that they are sufficiently flexible to account for facts peculiar to specific industries, including the professional sports industry. If certain of pro baseball's features or activities have anticompetitive effects, but on balance do more to promote competition, then a rational application of the antitrust laws under the rule of reason would not disallow such activities.

I find it ironic that the sport of baseball is based on healthy competition on the field while the business of baseball enjoys monopoly power off the field. Professional baseball is an aggressive enterprise with the aim of making profits, just like any other big business. And just like any other big business, it should be subject to the antitrust laws. Pro baseball team owners are in a position today to exercise unreasonable monopoly powers and the bill I have introduced would, if enacted, remove this special, undeserved ability which has been afforded professional baseball.●

OLYMPIAD ROSE CONTRIBUTION TO 1984 OLYMPICS

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. DIXON. Mr. Speaker, the city of Los Angeles and those of us in the 28th Congressional District have the honor to host the 1984 Olympic Games.

This year, the Los Angeles Olympic Organizing Committee has designated the Olympiad, a beautiful hybrid tea rose produced by Armstrong Nurseries of Ontario, Calif., as the official rose of the 1984 Olympic Games.

Armstrong Nurseries, in conjunction with the Los Angeles beautiful program, is graciously providing proceeds from the sale of the Olympiad rose to the LAOOC Olympic youth beautification program, which gives young people an opportunity to learn about

the environment, while enhancing our community for the Olympic Games.

Twenty thousand Olympiad rose bushes have been donated to public gardens, parks, and cities across the United States including 7,500 in the city and county of Los Angeles.

This joint effort is a credit to Los Angeles and the State of California. I appreciate having this opportunity to commend everyone involved with the Olympiad rose project for their important contribution to a successful 1984 Olympics.●

REV. EDWARD P. NOLAN, 50TH ANNIVERSARY AS A PRIEST

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. HARRISON. Mr. Speaker, on Sunday afternoon, June 5, the parishioners of St. Jude's Parish, in Mountaintop, will celebrate with their pastor, Rev. Edward P. Nolan, the jubilee of this 50th anniversary as a priest.

Father Nolan was ordained on June 10, 1933, in St. Peter's Cathedral in Scranton. He was assigned as assistant pastor in parishes from Stroudsburg to Scranton, until he entered the Chaplain Corps of the U.S. Army in April 1942. He served with distinction throughout World War II and was discharged with the rank of major in November 1945.

Upon his return from military service, Father Nolan was named administrator of St. Patrick's Church in Wilkes-Barre and, thereafter, pastor of St. Thomas Church in Elkland.

Father Nolan was recalled to active military duty in January 1952 and, upon his discharge, was given one of those difficult jobs which men like Father Nolan make look easy. He was assigned as the first pastor of St. Jude's Church, which did not then exist. From a small Catholic community of 70 families, Father Nolan has built a parish of 1,300, with two mission churches of its own, and the largest parochial school in Luzerne County.

Father Nolan has been active in the American Legion for almost three decades, and his service and dedication was recognized by his election as National Chaplain in 1967.

Mr. Speaker, for 50 years, Rev. Edward P. Nolan has served God and man with dedication and distinction. For 30 of those years, he has labored with devotion and perseverance to build St. Jude's from humble beginnings into an example for all of the Diocese of Scranton. In the meantime, he has served in the Diocesan Senate of Priests, as a member and former president of the board of Bishop

Hoban High School and as chaplain of the Mountaintop Knights of Columbus.

It is an honor, Mr. Speaker, for me to join with the parishioners of St. Jude's, the entire Luzerne County community and all of his colleagues and brothers in the American Legion, in saluting Father Edward P. Nolan on this magnificent occasion and in wishing him many, many more years of health, happiness, and service to God, his country, and his fellow man.●

BAYLOR UNIVERSITY: THE PLACE TO LEARN AND GROW

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. FIELDS. Mr. Speaker, many parents and high school students are engaged in the time-honored experience of selecting the appropriate institution for higher education. Numerous publications have recently offered articles with information about some of our country's most outstanding universities. I am proud that a persistent member of this distinguished lineup is my beloved alma mater, Baylor University.

The home of the green and gold is one of the most select of institutions of higher learning in the country, and the oldest university in continuous existence in the great State of Texas. Baylor has the coveted distinction of producing "work ready" men and women graduates; these are young people fully prepared to take their places in many areas of national life and contribution.

I am personally proud to be both an alumni of Baylor University and a member of its board of trustees. I enthusiastically recommend Baylor to the families and friends of my colleagues.

I am pleased to present for the record a recent article about Baylor University written by Gracie Hilton for the May 1983 issue of Parkway, the magazine of north Dallas. Gracie Hilton is also a trustee of Baylor.

BAYLOR UNIVERSITY: A GOOD BUY FOR YOUR MONEY

(By Gracie Hilton)

Although many believe it was 1974—the year the Baylor Bears' surprise defeat of the Texas Longhorns led to Baylor's first Southwest Conference football championship in 50 years—that enabled the school to gain national attention, Baylor University has long been recognized as one of the outstanding major institutions of higher learning in the country.

Baylor is the oldest university in continuous existence in Texas. During its 138-year history, dating to 1845 during the prestatehood days of the Republic of Texas, about 67,600 have graduated—all under the leadership of only 10 presidents, including Dr.

Herbert H. Reynolds, who assumed the reins only two years ago.

Baylor's 350-acre campus adjoins the historically significant Brazos River near downtown Waco, where a recreational marina provides facilities for a number of water spots. The school's more than 55 buildings, with architectural design ranging from restored 19th-century complexes to traditional to modern structures, include world-renowned museum and library collections. About \$4 million in construction and renovation projects are under way.

More than 35 degree programs in 100 major areas of study are administered by 500 full-time equivalent faculty members with impressive backgrounds from at least 275 educational institutions throughout the world.

Baylor prides itself on producing "work-ready" graduates. In 1982, job offers for Baylor's bachelor's degree candidates increased 7.98 percent over the previous year. That compares with a drop of 18.4 percent in the national average.

Alumni have distinguished themselves in a number of fields. Case in point: Texas government. The governor, attorney general, treasurer, comptroller, and at least a half dozen of the newly elected representatives are Baylor graduates.

Even though academic standards and tuition at Baylor are stricter and higher than those of public universities, students are clamoring to get in. Baylor rejects 2,500 applicants every year. To maintain an enrollment no larger than 10,000, Baylor admits about 1,000 men, 1,000 women and 500 transfer students a year. Period.

Baylor is among the top 20 universities in the nation in the number of National Merit scholars enrolled, a figure that provides an important gauge of academic standards.

Academically superior students are offered unique challenges through a host of enrichment activities. Baylor is one of 230 among 2,000 senior colleges and universities in the nation to have a Phi Beta Kappa chapter.

Tuition at Baylor, although high, is less than that of many private universities. A recent article in *Changing Times* magazine listed Baylor among 50 bargains in higher education—colleges and universities throughout the nation with below-average costs but above-average academic credentials. Baylor also was included in the recent publication, *The Twenty Best Buys in College Education*.

About two-thirds of the student body receives some form of financial assistance. Baylor administers \$20 million in financial aid through scholarships, grants, campus jobs and loans.

Tuition covers only a portion of the actual cost of educating a student; the balance is provided by special gifts and endowment income. Baylor ranks 37th in the nation in endowment, and has a goal of \$300 million in endowment by 1992. Attainment of that goal will ensure reasonable tuition costs.

Enrollment represents students from all 50 states and about 45 foreign countries. Almost equally divided between men and women, the student body enjoys a student-teacher ratio of 20 to 1. Average class size is 30, ensuring that professors have adequate time for conferences and encounters with students outside classrooms and laboratories.

A consulting partner for a large internationally known accounting firm who regularly recruits on college campuses said, "I recruit on many campuses but recruiting at

Baylor is different. When I talk to the professors, they know all about the students. They sometimes even know the family."

Activities outside academia include 150 campus organizations including national fraternities and sororities. Southwest Conference membership provides excitement in all phases of intercollegiate athletic competition. Many students are involved in sports through intramural rivalry; still others enjoy a myriad of activities at the recreation marina.

Baylor is the largest Baptist university in the world. But is Baylor only for Baptists? Decidedly not. Although 59 percent are Baptist, the enrollment represents students from all walks of life, with 35 denominations and faiths represented.

In the area of academic freedom, administration and faculty are encouraged to enlighten rather than indoctrinate students. Baylor is a Texas Baptist institution, not a seminary. The university's particular ministry is to operate an institution of higher learning where quality education is offered within a Christian environment.

But land, bricks, dollars and academic excellence do not tell the story of the people at Baylor. A typical homecoming weekend draws some 25,000 visitors to the Waco campus. When these thousands join what seems to be the entire population of Waco for the annual homecoming parade—reportedly the biggest and best in the nation—the streets are emblazoned in green and gold.

Non-Baylor friends and acquaintances are constantly amazed at the strong friendships and easy camaraderie that develop among Baylor people everywhere. An elusive, hard-to-define feeling is shared.

Several years ago, while trying to express my feelings about Baylor to a group of out-of-state alumni, I struggled with choice of words. "Unique spirit" sounded so overused and trite. But I finally settled on that very phrase. Baylor does have a unique spirit, exemplified by people with an indefinable loyalty to, and love for, Baylor and what it stands for.●

PROVIDING LAWYER REFERRAL SERVICES TO THE PUBLIC

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. STARK. Mr. Speaker, I am today introducing legislation which would exempt from the tax on unrelated business income, fees generated from the operation of a bar-sponsored lawyer referral service.

This is an issue that encompasses not only my district's county bar association but bar associations throughout the entire country.

The Alameda County Bar Association operates a Lawyer Referral Service. In 1977, the Internal Revenue Service issued a letter ruling that the fees received by the bar association through its operation of the referral service are not subject to the tax on unrelated business income. The IRS is currently auditing the Alameda County Bar Association returns for 1978 and 1979 and proposed to treat a portion of the income derived from its

referral service as unrelated business income.

The Alameda County Bar Association receives three types of fees from the operation of its referral service: First, an annual \$15 membership fee from attorneys; second, a \$15 referral fee from the prospective client—which is often waived, and third, 15 percent of any contingent fee over \$100 which may be generated as a result of the referral. The IRS does not take issue with the first two fees but states that the portion of any contingent fee returned to the Alameda County Bar Association Referral Service constitutes unrelated business income.

In doing so, the service relies on a recently issued private letter ruling 7952002 (August 3, 1979). This ruling similarly acknowledges that the referral services and the initial consultations promote the common business interests of the entire profession as well as benefit the public by making such programs available to all persons regardless of income. However, the letter ruling reasons that the relationship which develops between the participating attorney and the client is a business relationship for the private benefit of the attorney and the client and, therefore, does not contribute importantly to the exempt purpose of the association.

Congress main objective in adopting the unrelated business income tax was to eliminate a source of unfair competition by placing the unrelated business activities of exempt organizations upon the same tax basis as the nonexempt business with which they compete. In this case there is no competing business since the California rules of professional conduct prohibit attorneys from paying any fee to an organization or person which obtains clients for an attorney except to a qualified bar-sponsored lawyer referral service.

The rules which govern the operation of such authorized lawyer referral services eliminate the possibility of abuses. The Alameda County Bar Association has a legitimate, nonprofit interest in making legal services more readily available to the public. The bar referral services cannot use the forwarding fees to defray the expenses of its other activities or to benefit its members. Unlike the operation of a referral service as a trade or business, no element of profit exist in a referral service operated in conformity with State Bar of California rules.

These referrals are important to the exempt purpose of the association. Referrals are made to assist the public in obtaining legal services. They are not made for the profit of the referral service or to reward any particular attorneys. The Alameda County Bar Association Referral Service requires participants to obtain malpractice insurance and requires attorneys who

are referred cases to make regular reports to the referral service.

Lawyer referral services operate closely in conjunction with voluntary programs to provide pro bono legal services to the poor. At a time when legal services for the poor have been substantially reduced, it is unfitting to abbreviate existing, voluntary programs to provide such services. If income which bar associations presently receive and apply to defray the costs of maintaining such programs is curtailed, the programs themselves will be cut off and the legal services available to the poor will be further reduced.

It is my opinion that the fees at issue here are charged for the performance of an exempt function. They do not compete with any private business and result not from a private business relationship between attorney and client but rather directly as a result of the exempt function of referring clients. I hope that my bill will resolve this dispute and allow lawyer referral services throughout the country to continue to provide this vital service to the public. ●

CLEAN AIR ACT REFERENDUM

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. GRADISON. Mr. Speaker, I would like to take this opportunity to bring to my colleagues' attention the results of a Clean Air Act referendum held recently by the students of the University of Cincinnati.

Of the 2,184 who voted on this issue, 70.5 percent favored a stronger Clean Air Act. This poll is yet another indication of the strong public sentiment for continued efforts to improve the quality of our air. Last January, Business Week magazine published the results of a Harris poll indicating that: 46 percent of the American people support a stronger Clean Air Act; 30 percent supported the status quo; and only 7 percent wanted to weaken the act.

As legislators we have the responsibility to enact laws to protect the health of the people we serve. By failing to reauthorize the Clean Air Act 19 months after it has expired, we clearly have not lived up to that responsibility. Our constituents want a new Clean Air Act now and I urge that the Members of the House make this one of their highest priorities. ●

AN OFTEN "MISUNDERSTOOD AND CONTROVERSIAL TOPIC"

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. HAMMERSCHMIDT. Mr. Speaker, I would like to take this opportunity to share with my colleagues in the House of Representatives, a timely analysis by Grant M. Davis, Ph. D., Oren Harris, professor of transportation, University of Arkansas, of the Motor Carrier Ratemaking Study Commission's recent report.

In the collective ratemaking debate, the topic of antitrust immunity for the motor carrier industry is not only one of great interest to carriers, shippers and academics, but to all of us who would be affected by the termination of this immunity. Dr. Davis' analysis has been reprinted in the lead editorial of *Traffic World*, the largest trade press in transportation. The text is as follows:

[From *Traffic World*, May 9, 1983]

EDITORIAL: "A MISUNDERSTOOD AND CONTROVERSIAL TOPIC"

Dr. Grant M. Davis, the Oren Harris professor of transportation in the College of Business Administration of the University of Arkansas, Fayetteville, and recipient of the Delta Nu Alpha "Transportation Man of the Year" award in 1971, has performed a public service by writing a scholarly assessment (published elsewhere in this issue) of the report of the Motor Carrier Ratemaking Study Commission that was recently made public (*T.W.*, Feb. 28, p. 9, and March 7, p. 49).

Dr. Davis places proper emphasis on his finding that the conclusions stated by the Study Commission in its report to Congress are not supported by the evidence put before the Study Commission in the hearings it conducted. He made the comment that collective ratemaking is "a misunderstood and controversial topic."

"The sheer weight of evidence when viewed in terms of the shipper/buyer of transportation services," Dr. Davis writes, "clearly reveals the salient conflicts existing between the agency's report and the record compiled during 1981 and 1982."

He stated that the Study Commission essentially directed its attention to the major issues of collective ratemaking as perceived by Congress (italics ours), including rate levels, discrimination, cross-subsidization, monopoly profits, and the need for continuing antitrust immunity in the industry. Ancillary issues, such as national policy, infrastructure development, monopsony shippers, and the validity of the common carrier concept were not directly mandated, "even though they are extremely important to our transportation system," Dr. Davis wrote. As to each of those issues, he added, "evidence was submitted by over 1,000 witnesses supporting collective ratemaking, as opposed to 27 witnesses who appeared in opposition to continuing the collective ratemaking process." These witnesses include the uncounted membership of associations favoring collective ratemaking. In all, Dr. Davis said, 500 submissions were made and presented by 460 different entities and individuals.

American citizens have a right to assume, we believe, that investigations instituted or ordered by Congress will be premised on the principles of fairness, or giving ample opportunity to opponents and proponents of controversial issues to present pertinent evidence, without refusal by the investigators to hear or receive "pro" and "con" arguments. But those principles were apparently ignored by the Study Commission.

For the stated purpose of gaining some insight into the magnitude and the affiliations of witnesses supporting collective ratemaking in actual appearances before the Study Commission, Dr. Davis included in his assessment of the commission's report a tabulation of the number of witnesses supporting, disapproving, or assuming neutral positions regarding the collective ratemaking process.

The tabulation shows that 80 percent of the shippers who testified favored collective ratemaking, while only 18 percent opposed it and 2 percent took no position; that 88 percent of the associations heard by the Study Commission favored and only 10 percent were against collective ratemaking, while 2 percent were neutral; that 99 percent of the carriers were for and only 1 percent against collective ratemaking; that 76 percent of the individuals who testified and 77 percent of the traffic consultants heard by the MCRSC supported collective ratemaking (5 percent of the individuals being neutral), and that government witnesses were 60 percent for and 40 percent against collective ratemaking. The record of the hearing held by the Study Commission in Cambridge, Mass., in March 1982, Dr. Davis noted, clearly revealed a continuing need for antitrust immunity by both carriers and shippers. He added that "past studies, moreover, certainly support this observation."

One of the various findings set forth in the Study Commission report to which Dr. Davis takes exception is that the ICC can continue to meet its statutory obligations in the area of motor rate regulation when antitrust immunity is eliminated. This, Dr. Davis observes, clashes dramatically with testimony presented in Cambridge before the Study Commission. There, he said, the antitrust legal experts who testified questioned seriously the wisdom of eliminating antitrust immunity and any subsequent reliance on the antitrust laws for recourse to shippers and carriers in matters involving rate litigation.

The "conclusions" stated by Professor Davis include the following:

"By accepting a highly questionable report, together with contested maneuverings in terms of commissioner votes and membership qualifications, the Study Commission has not rendered a public service to the American public in this debate. . . . By either purposefully ignoring the evidence or assigning disproportionate weights to testimony rendered, the commission has elected to ignore or minimize past studies which clearly reveal the nature of the evidence which would be presented. . . . Tests of hypotheses regarding shippers' perceptions of collective ratemaking over time certainly indicate that most shippers believe efficiency was attainable under collective ratemaking."

"It is unfortunate that a needed public commission such as the Motor Carrier Ratemaking Study Commission has issued such a tainted report which is as controversial as the various issues it addresses. Unfortunately, future reliance on commission reports as accurate indicators of issues and the intensity of feelings associated with these issues

may well be seriously discounted by future students seeking the true issues and positions of various groups associated with the collective ratemaking debate."

EDUCATOR SEES FLAWS IN REPORT OF
RATEMAKING STUDY COMMISSION
(By Grant M. Davis)

One of the putative purposes of the Motor Carrier Act of 1980 was to increase rate competition by simultaneously providing shippers with increased price and quality options.¹ Supposedly the reason for congressional inclusion of this section of the Act, together with other provisions, was simply to resolve a general perception that price competition in the trucking industry was neither pervasive nor effective.

Critics of the traditional rate conference pricing process used in the regulated segment of the motor carrier industry have contended over the years that freight rates were not only excessive, but were unresponsive to changing shipper needs.² Advocates of collective ratemaking, on the other hand, forcefully pointed out that accurate cost allocation is virtually impossible in the industry because of joint and single-line rates, and competition—factors compounded by a large body of overhead costs which have to be allocated to specific shipments. Because of the operational and institutional nature of the for-hire motor carrier industry and shipper desires for joint rates and service, advocates of collective ratemaking have contended that antitrust immunity is needed in order for the industry to function, fulfill business commitments, and adhere to various legal requirements and contracts existing between shippers and carriers.³

A majority of shippers, not surprisingly, perceived the LTL general commodity carriers as public utility types of businesses, and hence antitrust immunity was needed not only for the carriers, but for shipper organizations as well.

This interminable debate was supposed to be resolved by the Motor Carrier Act of 1980, but instead Congress created the Motor Carrier Ratemaking Study Commission to investigate and analyze certain issues involved in the collective ratemaking process and to subsequently report its findings and recommendations regarding the future of maintaining or eliminating this important pricing approach. Unfortunately, the commission has generated almost as much controversy as the basic issue of collective ratemaking by adopting a highly controversial staff preliminary draft report after the original Commission voted not to accept the report.⁴ Following the 1982 senatorial elections and questions concerning industry qualifications of one member, the commission voted on February 24, 1983, by a six-to-four vote, to accept the contentious preliminary draft report. This report is the primary purpose of this brief paper simply because the findings contained in the preliminary draft do not appear to be either correlated closely with the bulk of the evidence presented before the Commission, nor previous studies concerning collective ratemaking in trucking.

The basic issues involved in collective ratemaking such as antitrust immunity, cartel profits, and service to small shippers and communities were carefully defined and examined, albeit in the context of the deregulation debate, several years prior to the Motor Carrier Act of 1980, and the subse-

quent creation of the Motor Carrier Rate-making Study Commission.⁵ In fact, public policy issues such as participation in bureau activities by shippers, the validity of the common carrier concept, rate levels, subsidization, small community service, and a variety of other issues were examined and published in article form in the *ICC Practitioners' Journal*, in the *Transportation Journal*, and in other referred journals, and even several books were written concerning the important features and shipper perceptions of the collective ratemaking debate.⁶

In the course of these formal studies, shipper respondents were analyzed, categorized, and subjected to various statistical tests to measure significant changes in their perceptions of collective ratemaking and major issues over time.⁷ Not surprisingly, a majority of shippers in these studies favored collective ratemaking, desired some selected modifications in the process, generally reported satisfaction with the pricing procedures, and believed that this particular pricing process, while definitely in the public interest, would be jeopardized without specific antitrust immunity.⁸

In short, any serious review of the existing literature dealing with this subject clearly reveals two distinct bodies of thought regarding the collective ratemaking controversy. On the one hand, a majority of shippers favored the process, whereas a small coterie of federal officials, together with some academics, vehemently oppose virtually any facet of collectively established rates. In short, definitive empirical data existed concerning shipper perceptions of the issues prior to Congress creating the Motor Carrier Ratemaking Study Commission.

Within this highly contentious and divided environment, the Motor Carrier Ratemaking Study Commission should have anticipated the overall thrust of the evidence that would be submitted during its formal hearings, i.e., a majority of witnesses would support collective ratemaking whereas a few government officials and a few academics would oppose the process.⁹ This division of perceptions was surveyed and recorded over a seven-year period before Congress even considered creating the Commission. Nevertheless, the Motor Carrier Ratemaking Study Commission originally consisted of three U.S. Senators, three U.S. Representatives, two shippers, one motor carrier member representing a general commodity carrier, and one motor carrier member belonging to a rate bureau. At the end of a six-month hearing process an evenly divided Commission voted five-to-five to reject the preliminary draft report.¹⁰

In fairness to all parties involved in the hearings, a serious examination of the record reveals that substantially more issues and questions were raised during the course of the Motor Carrier Ratemaking Study Commission hearings than were resolved.¹¹

The controversy involving the collective pricing process intensified when the reconstituted commission (one member was defeated in his bid for re-election to the U.S. Senate and was subsequently replaced by a new appointee by Vice President Bush) reconvened on February 24, 1983, and with a minimum amount of debate promptly accepted the previously rejected polemical draft report on a six-to-four vote.¹² Needless to say, not only is collective ratemaking a misunderstood and controversial topic, but now the draft report has developed into a major controversy.

A QUESTION AND AN ANSWER

At this particular point, a question concerning the report certainly needs to be proffered: Why question the report? The answer is simple. First, serious students of national policy rely extensively upon congressional committee reports and hearings before public agencies and commissions to gain insight into policy changes and trends regarding positions of various groups relative to major public policy issues. Secondly, courts frequently rely upon congressional hearings and records to glean congressional intent in matters involving litigation. Thirdly, commission reports receive inordinate emphasis in scholarly pursuits simply because all parties do not have access to hearing transcripts and all of the evidence submitted for inclusion in the record.

Even though the Motor Carrier Ratemaking Study Commission report contains a plethora of references favoring and disapproving collective ratemaking, the report failed to reflect all the evidential statements submitted to it for inclusion in the record. In this regard, the report is open for serious question of equity, fairness, and a variety of other assorted ills for two simple reasons, i.e., the change in vote, and the sheer volume and diversity of the evidence presented before the Commission from any different parties.

The Motor Carrier Ratemaking Study Commission essentially directed its attention to the major issues of collective ratemaking in the industry as perceived by Congress. These included rate levels, discrimination, cross subsidization, monopoly profits, and the need for continuing antitrust immunity in the industry. Ancillary issues such as national policy, infrastructure development, monopoly shippers, and the validity of the common carrier concept were not directly mandated, even though they are extremely important to our transportation system. These issues, moreover, were examined in a highly structured manner. Each of these issues will be briefly examined in light of the evidence submitted by over a thousand witnesses supporting collective ratemaking as opposed to twenty-seven witnesses who appeared in opposition to continuing the collective ratemaking process. These witnesses include the uncounted membership of associations favoring collective ratemaking.

To gain some insight into both the magnitude and affiliation of witnesses supporting collective ratemaking in actual appearances before the Motor Carrier Ratemaking Study Commission, one should look to the number of witnesses supporting, disapproving, or assuming neutral positions regarding the process. Thirty-five shippers supported the institutional process, three were opposed, while one was neutral; 44 associations (representing hundreds of members) supported collective ratemaking, five appeared in opposition, and one assumed a neutral position; 260 carriers supported the process, and one opposed collective ratemaking; 18 witnesses favored collective ratemaking; 45 individuals supported the process, 11 opposed, and three were neutral; and finally, 13 consultants favored collective ratemaking, and four appeared in opposition to the process. In all, 500 submissions were made and presented by 460 different entities and individuals.

A somewhat different perspective is provided by examining the composition of the witnesses presented in tabular form. As depicted in Table 1, 90 percent of the submissions before the Motor Carrier Ratemaking

¹ Footnotes at end of article.

Study Commission favored continuing collective ratemaking, 9 percent opposed, and 1 percent assumed no position. Furthermore, 1,238 additional individuals associated with the transportation industry (excluding carriers) signed a resolution subsequently presented to the commission favoring the continuation of collective ratemaking for both single-line and joint-line rates. Indeed, the magnitude of evidence, while not only enormous in terms of volume and coverage, was expected, given the nature of previous studies concerning shippers' perceptions regarding antitrust immunity, deregulation, and other physical distribution, logistics-type issues.¹³ Even when the evidence presented before the commission is excluded, the Commission's findings clearly conflict with past studies, the issues and perceptions of which were validated and strengthened by examining statements supplied by 90 percent of the witnesses presenting submissions to the agency.

Any serious research into a socioeconomic phenomenon that can be sustained over time in terms of issues must be accorded a validity even in the somewhat nebulous area of public policy. In fact, the commission's draft report appears to be unrelated to the bulk of the evidence submitted in support of collective ratemaking.

Any serious and detailed examination of the Motor Carrier Ratemaking Study Commission's highly polemical report, when contrasted with the aggregate record submitted to the agency, reveals either an inveterate position assumed by the commission before the hearings, a weighing of evidence presented before the commission by certain witnesses, or both. Either position would be clearly wrong in terms of accessing the contentious public policy aspects of the collective ratemaking debate. In any event, the sheer weight of evidence when viewed in terms of the shipper/buyer of transportation services clearly reveals the salient conflicts existing between the agency's report and the record compiled during 1981 and 1982. Each of these findings will now be succinctly examined.

TABLE 1

[In percent]

	Pro	Con	No position
Shippers.....	80	18	2
Associations.....	88	10	2
Government.....	60	40	
Carriers.....	99	1	
Individuals.....	76	19	5
Traffic consultants.....	77	23	
Total.....	90	9	1

The commission's initial finding dealing with the historical basis of collective ratemaking being neither relevant nor needed relative to antitrust immunity is certainly at odds with the historical evolution of the concept.¹⁴ Any diligent reading of the history of collective ratemaking and attendant litigation involved in the process over time reveals the concept evolved and developed because of the economic characteristics of the initiating railroad industry.¹⁵ A careful reading of the record, moreover, reveals that collective ratemaking evolved chronologically because of practical business considerations and practices, as well as the ICC issuance of regional trucking operating authorities. The need for immunity, as stated by several witnesses during the Commission hearing in Cambridge during March

of 1982,¹⁶ clearly reveals that a continuing need for antitrust immunity is perceived to be needed by both carriers and shippers. Past studies, moreover, certainly support this observation.¹⁷

The second finding of the commission that collective ratemaking conflicts sharply with our national transportation policy, which calls for increased reliance upon market competition, is clearly at odds with the evidence presented before the agency. Numerous witnesses testified to the pervasive nature of price competition in the industry,¹⁸ and the commission was cautioned repeatedly by several witnesses regarding the interrelated problems of capacity cost and monopsony shippers.¹⁹ Ample evidence, moreover, was submitted regarding the nature of both price and service competition occurring in the industry both before and after the 1980 Act. This Act, moreover, calls for price/quality options for shippers, a hoary assumption that quality and price in transportation always maintains an inverse relationship, which is not always true in the case of transportation markets.²⁰

The third finding of the commission, "that homogeneous service is based on average cost, and rates do not meet changing shipper needs," certainly conflicts with testimony submitted to the commission. Testimony rendered to the commission demonstrated that service is not homogeneous in either terms of price or cost, and that accurate costing in the industry is impossible.²¹ Historical studies clearly reveal that shippers had difficulty in costing LTL truck service even when they attempted to do so. The commission's findings in terms of product uniqueness and changing shipper needs ignores the very existence of our classification of carriers such as contract carriers, as well as the nature of specialized carriers functioning in freight markets.²²

Finding number five of the commission's draft report stipulated that participation in the collective ratemaking process by shippers is limited and is at best nebulous relative to the need for an argument against the basic collective ratemaking process. Indeed, failure to exercise a fundamental right is not necessarily beguiling or an abridgement of the legal process. For that matter, rate negotiations were primarily between individual shippers and carriers, and rates agreed upon were forwarded to the bureaus for publishing. Evidence regarding actual participation in bureau hearings in the form of a list of companies, together with the dates of their appearances, was presented to the commission during the January hearing in Akron, O.²³ Earlier studies submitted to the commission also revealed that active participation by shippers appears to be a function of firm size and probably is indicative of similar participation behavior by small firms in other areas of business. Failure to participate is also misleading because many rate matters were resolved by traffic or trade groups representing small groups of shippers in the ratemaking process.²⁴

The commission's sixth finding that the Interstate Commerce Commission's authority to regulate rates is broad, but limited by poor costing methodology, is somewhat strange in terms of its meaning to the collective ratemaking debate. Unequivocally, the ICC possesses comprehensive rate regulation jurisdiction if it cares to exercise that power.²⁵ In the area of costing, moreover, the Commission has historically been assisted by bureaus who have contributed to improved costing in the industry.²⁶ Regarding

why so few protests were filed with the Commission, the ICC has basically relied upon shipper complaints because of the sheer volume of rate changes filed with the agency, together with manpower and funding shortages.

Finding number seven of the commission—that the ICC can continue to meet its statutory obligation in the area of motor carrier rate regulation when antitrust is eliminated—clashes dramatically with testimony presented in Cambridge before the agency.²⁷ That is, the antitrust legal experts testifying in that city before the Commission seriously questioned the wisdom of eliminating antitrust immunity and any subsequent reliance upon the antitrust statutes for recourse to shippers or carriers in matters involving rate litigation.²⁸ In fact, practical experience certainly indicates that some carriers are overreacting to avoiding antitrust matters.

The eighth finding of the commission concerns rate levels, i.e., the overall rate level for motor carriers is higher than it would be without collective ratemaking because the basic process creates an environment that encourages wage increases that exceed labor productivity gains. This finding is totally in conflict with financial data submitted to the agency, as well as in-depth studies presented before the Motor Carrier Ratemaking Study Commission in the Kansas City hearing held during March of 1982. Even though the general rate level is a fairly meaningless concept in terms of either efficiency or productivity, the commission did receive extensive evidence in the form of statistical studies depicting the efficient use and allocation of industry resources broken down by cost components. These data were supplemented by statistical studies, none of which illustrated any gross inefficiencies in terms of price, productivity, or restrictions of output.²⁹ In fact, an inordinate amount of time was expended during the course of this particular hearing session to a discussion concerning the average carrier, and the consensus opinion of most of the witnesses was that no such carrier exists.³⁰

Finding nine of the commission's executive summary deals primarily with the problem of excess capacity currently existing in the motor carrier industry. Somewhat ludicrously, the report states, "This excess capacity is the combined result of earlier planned capacity, and the slack in demand brought about by the current recession. This temporary excess capacity has placed substantial downward pressure on many rates. There is, however, no evidence of the conditions required for unhealthy (destructive) competition over the long-run." During the entire course of its field hearings, the commission was repeatedly informed of rampant destructive price competition in the industry, a condition accelerated by liberalized market entry and the recession.³¹ If the commission (finding number three) believes trucking service is homogeneous, it is incongruent to assert that destructive price competition is a short-run problem. Evidence was presented before the commission illustrating the pervasiveness of the very conditions necessary for creating excess capacity in the industry (liberalized market entry) to be a long-run and not short-term phenomenon; ergo, the conditions for ruinous competition may well continue.³² Professor D. Philip Locklin pointed out the potential for destructive rate competition in trucking almost twenty years ago.³³

The draft report's tenth finding, that collective ratemaking has little salutary effect

on the stability of rate levels, and that changes in rate levels are in response to changes in underlying cost conditions, reflects the commission's obvious belief that collective ratemaking is simply a cost-plus type of pricing process, which is patently incorrect. Previous studies examined the rate stability features of prices established through the collective ratemaking process, and shipper desires for such a rate practice, which in turn facilitates strategic planning for both in and outbound freight movements. Studies presented in the form of evidence before the Commission in Cambridge demonstrated that cost-plus rates are ineffective in motor transportation,³⁴ and that most shippers favor collective ratemaking because of the need for rate stability and price knowledge. Throughout the course of the hearings, the need for price information was emphasized because it is difficult to perceive how carriers can offer nation-wide service without being able to quote origin and destination prices to a shipper.

The eleventh finding, that "the conditions necessary for a successful exercise of predatory pricing strategies are not present in the industry; and, collective ratemaking has no demonstrable effect on the probable success of predatory behavior," obviously involves a new and innovative definition of predatory pricing.³⁵ Evidence of discounting and its subsequent impact upon small shippers and communities was introduced throughout the hearing, and if massive discounting, excess capacity, and virtually negative earnings fails to constitute the necessary conditions precedent for predatory pricing, then perhaps a novel definition of this form of price behavior has now been accepted in the field of economic theory. In that collective ratemaking employs the same standards as the ICC relative to rate reasonableness considerations, to find that the collective pricing process has no demonstrable effect on predatory pricing either involves a novel definition of the term or failure to clearly examine the prevailing economic conditions in the industry,³⁶ conditions which have existed for almost three years.

Finding number 12 deals with rate reasonableness. The Commission report states, "the collective ratemaking process is not designed to and does not have the wide-spread practical effect of preventing preference, prejudice or discrimination with respect to different shippers, shipments, and communities." Previous studies submitted to the commission clearly reveal that one reason few bureau protests of independent rate announcements occurred before 1977 was simply because bureaus employed the same statutory standards regarding rate discrimination, undue preference, prejudice, and discrimination as the Interstate Commerce Commission. Evidence presented before the commission in hearings held in Phoenix, Kansas City, Cambridge, and San Francisco clearly demonstrated that collective ratemaking is designed to prevent these abuses that are presently widespread in the industry.³⁷ A lacuna has been created in this area that clearly impacts upon small shippers and communities evidence of this fact was provided to the Commission at virtually all of its public hearings.³⁸ Even a facile examination of rate discounts based on volume and any subsequent impact on profits and cost differentials between small and large shippers supports this particular observation.³⁹ (In fact, a casual review of the fall 1982 issue of the Transportation Journal clearly reveals the blatant discrimination existing against small shippers and small

communities as a result of the present pricing practices which are rampant throughout the industry.)

Finding number 13 of the draft report is somewhat amusing given other findings in the draft report. This finding simply states that, "small shippers and shippers in small communities pay the undiscounted class rates, i.e., the highest prevailing rates. Carriers generally find that traffic contributes revenues to overhead cost and they freely choose to continue providing such services." The finding obviously ignores the systems features of collective ratemaking, i.e., a system of freight rates for continuous service throughout the country that binds carriers to small communities. Rate discounting is truly pervasive, and the commission's finding is not universally true, but clearly demonstrates who pays for the current discounting practices taking place in the industry. As pointed out during the Kansas City hearing, small shippers and shippers in small communities are bearing an inordinate proportion of the systems capacity cost generated and created by monopsony shippers, a problem compounded by excess capacity in the industry.⁴⁰ Rate protection for small shippers appears to be decreasing dramatically.

The fourteenth finding in essence declares that general rate increases result in small shipments and shippers not being subsidized. There is no question but that this finding is essentially correct, but not in all instances; and the reasons for such action were explained to the commission during the Kansas City hearing. Small shippers and shipments are bearing more than their allocated capacity cost shares simply because liberalized market entry has affected traffic mix and loads by facilitating special commodity carriers to enter various markets. The capital intensive nature of LTL general commodity carriers was pointed out to the Commission. It was also pointed out that truck load freight was needed for load mix and cost consideration purposes. Rate and entry control must be exercised simultaneously if reasonable rates are to be achieved. Entry liberalization when combined with excess capacity is representing, and will continue to represent a cost which is borne by small shippers.⁴¹ This position was emphasized by several academics testifying before the commission.⁴²

A corollary to the fifteenth finding was the sixteenth finding of the commission, where almost ludicrously the report states that the commission found that neither adequate service nor reasonable rates for shippers or receivers in small communities is dependent upon the collective ratemaking process.⁴³ Furthermore, the Motor Carrier Ratemaking Study Commission report stated that while a large percentage of small community traffic moves in joint-line service provided by potentially competing carriers, all necessary arrangements for such service can be made efficiently and lawfully under full application of the antitrust laws.

Testimony, previous studies, and written submission certainly conflict with this finding.⁴⁴ Carriers are not only reserved concerning joint-line rates, but actual freight interchange between major and local carriers for service to small communities has declined substantially during recent years a harbinger of future decreases in interchange if antitrust immunity is eliminated.⁴⁵ The commission is also more than fully aware that nation-wide service exists only on paper, and although in practice the ICC persists in awarding such authority to

common and contract carriers, no carrier is presently providing LTL general commodity service throughout this nation.

The three remaining findings appear to be mere statements, but the nineteenth finding is a statement to the effect that neither practical nor legal considerations would prevent carriers from establishing joint-line arrangements in the absence of antitrust immunity. A plethora of contrary evidence was presented to the Commission, but the Motor Carrier Ratemaking Study Commission's report states *arrangements*, not rates, which is a different phenomenon.

CONCLUSIONS

There is no question but that collective ratemaking is a controversial topic, and the Motor Carrier Ratemaking Study Commission's report has certainly contributed to rather than diminished the growing controversy. By accepting a highly questionable report, together with contested maneuverings in terms of commissioner votes and membership qualifications, the commission has not rendered a true public service to the American public in this debate. Fortunately, all the parties involved in this interminable debate are interested in achieving the same goals; providing an efficient transportation system by motor available to all citizens on an equal basis. One group believes America's institutions are capable of providing such a system, whereas the other group believes that market forces will simply produce a better transportation system.

The Motor Carrier Ratemaking Study Commission did not contribute to any meaningful solution to the collective ratemaking debate with its contentious report. By either purposefully ignoring the evidence or assigning disproportionate weights to testimony rendered, the Commission has elected to ignore or minimize past studies which clearly reveal the nature of the evidence which would be presented. Future scholars of public policy researching collective ratemaking will be and should be skeptical of the Commission's report, particularly if they have access to all data associated with the hearings and the myriad of submissions.

Ideally, statistical tests of certain hypotheses should be developed concerning market efficiency or lack of efficiency in terms of the actual issues that the commission is charged by law to address. That is to say, perceptions can be measured since no actual elimination has taken place, but samples from the universe of shippers clearly indicate a propensity favoring collective ratemaking and antitrust immunity. Definitions of efficiency, of course, will probably remain controversial, but hopefully some consensus can be attained. In any event, perceptions of users of the system (shippers) are important and should be carefully considered in collective ratemaking debates. Tests of hypotheses regarding shippers' perceptions of collective ratemaking over time certainly indicate that most shippers believe efficiency was attainable under collective ratemaking.

It is unfortunate that a needed public commission such as the Motor Carrier Ratemaking Study Commission has issued such a tainted report which is as controversial as the various issues it addresses. Unfortunately, future reliance upon commission reports as accurate indicators of issues and the intensity of feelings associated with these issues may well be seriously discounted by future students seeking the true issues and positions of various groups associated with the collective ratemaking debate.

FOOTNOTES

- ¹ Public Law 96-296.
- ² Motor Carrier Ratemaking Study Commission hearings, Washington, D.C., November 18, 1982. See statement of witnesses from the U.S. Department of Transportation.
- ³ See Grant M. Davis, editor, *Collective Ratemaking in the Motor Carrier Industry: Implications to the American Public* (Danville, Illinois: Interstate Publishers, 1980), Chapter 6.
- ⁴ Meeting of the Motor Carrier Ratemaking Study Commission, Washington, D.C., December 14, 1982. Senators Kennedy and Packwood and public members Edler, Thometz and Warren voted to accept the report after two amendments were proffered. Senator Cannon and Congressmen Seiberling, Shuster and Roe and public member Murphy voted not to accept the staff's preliminary draft report.
- ⁵ Consult ICC Ex Parte 297, Sub. 4, for example.
- ⁶ Not only did these publications examine the major issues involved in collective ratemaking, but also dealt with specific problems such as the logistical implications of collective ratemaking and long-run strategic planning. See for instance Grant M. Davis, "Logistical Planning and the Common Carrier Concept," in *Logistics: Issues for the 1980's* (Shaker Heights, Ohio: Corninthian Press, 1982), pp. 113-123; and "Surface Transportation Regulation: A Succinct Analysis," *ICC Practitioners' Journal*, Vol. 47, No. 1 (November-December, 1979), pp. 55-68; *ad infinitum*.
- ⁷ Grant M. Davis and John E. Dillard, "Collective Ratemaking: Does It Have a Future in the Trucking Industry?" *ICC Practitioners' Journal*, Vol. 48, No. 1 (October-November, 1982) pp 1112-1119.
- ⁸ *Ibid*.
- ⁹ Given the nature of the research in this area, the positions of the witnesses should have been expected. In fact, a review of the appearance listing to each public hearing reveals the magnitude of support for collective ratemaking, even though the Commission assiduously sought to balance each hearing with witnesses both supporting and opposing the process. The Commission also correctly attempted to structure the subjects to be examined because of time constraints established by Congress. Interestingly, oral testimony before the Commission was by invitation only. For an example of the opposition to collective ratemaking, see National Transportation Policy Study Commission, *National Transportation Policies*, (Washington, D.C.: National Transportation Policy Study Commission, June, 1979), p. 250.
- ¹⁰ *Supra*, note 4. Questions of fairness, moreover, were raised before the Commission even voted; consult "RCCC Chairman Challenges Article on Collective Rates," *Transport Topics* (November 15, 1982), p. 8.
- ¹¹ Not only were the technical issues addressed, but national defense, regional development, regulated vs. non-regulated transportation, deregulation vs. regulation, ERISA, etc., were raised, not to mention serious problems concerning monopoly and the Robinson-Patman Act. See transcript of hearings, *Motor Carrier Ratemaking Study Commission*, Washington, D.C., November 18, 1982.
- ¹² Voting to accept the report as drafted were Senators Packwood, Goldwater and Kennedy and public members Warren, Edler and Thometz, with Congressmen Roe, Seiberling and Shuster and public member Murphy voting against accepting the draft report. A minority position is being prepared for submission to the Senate Committee on Commerce, Science and Transportation.
- ¹³ *Supra*, note 6. Also see Grant M. Davis, *Motor Carrier Economics, Regulation, and Operation* (Washington, D.C.: University Press of America, 1981), Chapter 7.
- ¹⁴ *Ibid*. Also, consult Joseph L. Cavinto and Gary B. Kogan, "An Assessment of the Impacts From Repeal of Section 10706 (Antitrust Immunity) Upon the Motor Carrier Industry and Its Users," *ICC Practitioners' Journal*, Vol. 47, No. 4 (May-June, 1980), pp. 427-449.
- ¹⁵ Grant M. Davis and Charles S. Sherwood, *Rate Bureaus and Antitrust Conflicts in Transportation: Public Policy Issues* (New York: Praeger Publishers, 1975), Chapters 1 and 2; also see D. Phillip Locklin, *Economics of Transportation* (6th ed.; Homewood, Illinois: Richard D. Irwin, Inc., 1966), pp. 299-300; also consult statement of William B. Tye, "Regulatory Reform and the Trucking Industry: An Evaluation of the Motor Carrier Act of 1980," and his subsequent statement before the

Motor Carrier Ratemaking Study Commission, Cambridge, March 19, 1982.

¹⁶ Consult statements of Paul Duke and Andrew Popper before the *Motor Carrier Ratemaking Study Commission*, Cambridge, Mass., March 19, 1982, p. 334 and p. 349.

¹⁷ Davis and Dillard, loc. cit.; and Cavinto and Kogan, loc. cit.

¹⁸ See, for example, the statements of Stan Hille of the University of Missouri, and Donald V. Harper of the University of Minnesota, hearings before the *Motor Carrier Ratemaking Study Commission*, Kansas City, Missouri, March 5, 1982.

¹⁹ Statement of Professors Roy Sampson, University of Oregon, and Charles S. Sherwood, California State University, hearings before the *Motor Carrier Ratemaking Study Commission*, San Francisco, California, February 12, 1982.

²⁰ A considerable amount of quantitative data exists regarding the supply of transportation, only estimates exist regarding demand. See George W. Wilson, *Economic Analysis of Intercity Freight Transportation* (Bloomington, Indiana: Indiana University Press, 1980), p. 55.

²¹ Consult statement of Dabney Waring, hearing before the *Motor Carrier Ratemaking Study Commission*, Kansas City, Missouri, March 5, 1982.

²² Contract carriers offer specialized service that provides shippers with unique price/quality options. 49 C.F.R. 1041.

²³ Hearings before the *Motor Carrier Ratemaking Study Commission*, Akron, Ohio, January 29, 1982.

²⁴ Shipper associations and traffic leagues frequently become involved in rate matters. Consult statement of Richard G. Velten, hearings before the *Motor Carrier Ratemaking Study Commission*, Washington, D.C., November 8, 1981.

²⁵ The ICC can establish maximum, minimum, or ranges of rates in addition to rejecting rates or suspending rates. The Motor Carrier Act permits carriers to a zone of rate flexibility of $\pm 10\%$ of rates in effect on July 1, 1980. Obviously, the Commission has elected not to become overly involved in motor carrier rate matters.

²⁶ See Davis and Sherwood, *Antitrust Conflicts in Transportation*, loc. cit.

²⁷ *Supra*, note 16.

²⁸ *Ibid*. Also see Martin T. Farris, "Discrimination in Transportation and Antitrust Laws," in Davis, *Collective Ratemaking in the Motor Carrier Industry*, op. cit., pp. 71-85.

²⁹ Consult statements of John W. McFadden, Donald V. Harper, Edmund A. Nightingale, Stanley J. Hille, and James P. Rakowski, before the *Motor Carrier Ratemaking Study Commission*, Kansas City, Kansas, March 5, 1982.

³⁰ See "No Protection for the Inefficient Carrier in Collective Ratemaking," statement of Dabney T. Waring, Jr., before the *Motor Carrier Ratemaking Study Commission*, Kansas City, Missouri, March 5, 1982.

³¹ In fact, see Senator CANNON's prepared amendment before the *Motor Carrier Ratemaking Study Commission* meeting in Washington, D.C., December 9, 1982, where on the subject of liberalized market entry a rule-making was not adopted when the Commission voted five-to-five on the amendment.

³² Consult statement of Martin T. Farris, hearing before the *Motor Carrier Ratemaking Study Commission*, Phoenix, Arizona, December, 1981. Also see statement of Irwin Silberman submitted to the *Motor Carrier Ratemaking Study Commission*, July, 1982, wherein the financial conditions existing in the industry were enumerated and analyzed.

³³ Locklin, op. cit., p. 665, where Professor Locklin pointed out, "... The ruinous type of competition does develop; discrimination in rates does appear; the condition for overcapacity does not correct itself automatically; and the struggle for service in the face of inadequate revenues leads to deterioration of safety standards, erosion of safety regulation, financial responsibility, and generally unsatisfactory service."

³⁴ Consult statement of Paul Roberts, hearing before the *Motor Carrier Ratemaking Study Commission*, Cambridge, Mass., March 19, 1982.

³⁵ Consult notes 32 and 33.

³⁶ Also, see statement of Irwin H. Silberman before the Subcommittee on Surface Transportation, Committee on Commerce, Science and Transportation, U.S. Senate, December 14, 1982.

³⁷ Consult hearing transcripts, *Motor Carrier Ratemaking Study Commission* for these hearings. Also see Donald V. Harper, "Consequences of Reform of Federal Economic Regulation of the

Motor Trucking Industry," *Transportation Journal*, Vol. 21, No. 4 (Summer, 1982), pp. 35-58. Regarding rate bureau standards, see Grant M. Davis and William Cunningham, "Deregulation—A Green Light for Trucking Efficiency—A Comment," *Regulation* (November-December, 1982), pp. 4-5.

³⁸ *Ibid*.

³⁹ The distinterested reader needs only to examine discount tariffs currently in effect in the industry for ample evidence of rate discrimination activities.

⁴⁰ *Supra*, note 18.

⁴¹ Davis and Cunningham, loc. cit.

⁴² *Supra*, notes 18 and 19.

⁴³ Reference Cavinato and Krogan, loc. cit.; also consult William B. Wagner and Michael L. Dean, "A Perspective View Toward Deregulation of Motor Common Carrier Entry," *ICC Practitioners' Journal*, Vol. 48, No. 4 (May-June, 1981), pp. 406-418; David and Dillard, loc. cit.; and Michael W. Pustay, "Transportation Regulation and Service to Small Businesses: The Case for Contract Carriage," *Transportation Journal*, Vol. 23, No. 1 (Fall, 1982), pp. 11-12.

⁴⁴ See statements of Professor David L. Shrock, Ronald V. Meeks, and Tim Ravey, before the *Motor Carrier Ratemaking Study Commission*, Phoenix, Arizona, December 10, 1981, and Dale C. Anderson and Elmo Falcon, "Implications of Motor Carrier Deregulation for a Case Study Rural Community," *Proceedings—Transportation Research Forum*, (Oxford, Indiana: Richard B. Cross Co., 1981), pp. 33-40.

⁴⁵ Several small carriers in Arkansas, for example, report 40 percent to 60 percent declines in interchange freight to small communities. ●

NATIONAL POLICE WEEK

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday May 18, 1983

● Mr. CONTE. Mr. Speaker, I rise to join my colleagues in honoring this Nation's 528,000 law enforcement officers. As we all know, this week has been designated "National Police Week" and calls upon each and every one of us to recognize and honor these important men and women so vital to the American principles of law and order.

I was a Member of this Congress when 20 years ago, President John F. Kennedy signed into law legislation designating May 15 as "Police Memorial Day" and the week including May 15 as "National Police Week." Since then, Congress has consistently been a strong supporter of the police officers of this Nation. In 1976, for example, I cosponsored, and Congress passed, legislation designed to provide benefits to the survivors of police officers killed in the line of duty. Since its inception, the fund has provided over \$70 million to help surviving families. More recently, our distinguished colleague from Connecticut, BARBARA KENNELLY, introduced H.R. 2276, a bill to increase death benefits to families of police officers. This is a tradition Congress can be proud of and this is not a time for us to ignore that tradition.

Law enforcement is not easy work. Hours are long, duties are dangerous, and well-done jobs too often go unnoticed. Despite these odds, the number of crimes in the United States have actually dropped between 1981 and 1982.

This is most certainly a noteworthy achievement.

The police officers of this Nation deserve a great deal of credit for their hard work. Once again, I urge you to join with me in honoring these important guardians of the American principles of law and order.●

NATIONAL POLICE WEEK

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. BORSKI. Mr. Speaker, this week marks the annual observance of National Police Week. I wish to pay tribute to the many achievements and sacrifices made by our law enforcement officers in their efforts to fight crime. Too often their important contribution to this Nation's security and well-being have been taken for granted.

The job of our policemen is more difficult than ever before. Although the number of serious crimes increased by 22 percent between 1978 and 1981, the ranks of our Nation's police declined by 8 percent. Today's policemen are required to do much more than patrol the streets and apprehend criminals. They must spend a great deal of time answering civil complaints and performing specialized duties such as records management, communications, and traffic control.

Despite these problems, the rate of serious crime, including murder, rape, and robbery, has declined somewhat since 1981. The police officer deserves much of the credit for this achievement.

In this era of scarce resources, Federal, State, and local assistance to help our police officers fight crime has been reduced considerably. Our police departments cannot hire the additional officers they need and cannot fully equip existing forces. We should not forget that the average police officer today earns only \$18,000 annually after 5 years service in a profession wrought with danger and hardship. Last year 162 officers were killed in the line of duty.

I intend to lend my full support toward increasing the resources available to our law enforcement agencies and making their job as safe as possible. I have cosponsored H.R. 953, the Law Enforcement Officers Protection Act of 1983. This legislation would ban new ammunition capable of penetrating the bullet-proof vests now worn by our police officers.

Police work is one of the noblest of professions. By commemorating National Police Week, we renew our commitment to and admiration for the men and women who are our first line of defense against crime.●

SMALL BUSINESS WEEK

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1983

● Mr. SKELTON. Madam Speaker, the week of May 8 to 14 is set aside to honor small businesses throughout the country. Small businesses are as fundamental to our country and our way of life as just about anything I can think of. Over 90 percent of our businesses are small businesses and they employ the majority of the work force. Small businesses are responsible for creating most of the new jobs in this country. Almost all of our Founding Fathers were small businessmen, whether farmers or printers or silversmiths. They all had their own ingenuity and enterprise to thank for making it in the new country. The Constitution reflects this independent thought and the free spirit that drives men to establish something of their own.

I feel that it is vitally important to support our small businesses and encourage their growth. Small Business Week was a good way to call attention to our small businesses, and to honor those who have helped insure America's leadership and high economic standing in the world. An article appeared recently in the Cass County Democrat Missourian which I feel does a good job of summing up Small Business Week and I include it in the RECORD:

Giant corporations are the most important factor in the nation's economy, right?

Not exactly. The fact is, there are 13.3 million small businesses in this country and their number has been growing steadily for decades.

Small businesses employ more than half the work force, create most new jobs, are responsible for most new products and most new technologies. They bring new products to market faster than large corporations. During the 1981-82 recession, they laid off fewer workers than did their big brothers.

Accomplishments and contributions of small businesses will get special recognition during National Small Business Week, May 8-14. Outstanding small business men and women from around the country will be honored at a White House ceremony and in every state.

Small business deserves a big pat on the back. As business and civic leaders in their states and towns, small business men and women improve the quality of life to all Americans.●

A LETTER TO CONGRESS: CENTRAL AMERICA

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. FIELDS. Mr. Speaker, Georgie Anne Geyer of the Washington Times has recently published an open letter

to the Congress. In the event that some of my colleagues missed it, I present it for the RECORD. The letter is self-explanatory.

A LETTER TO CONGRESS

DEAR MEMBERS OF CONGRESS: Every day that goes by, I sense more and more strongly what I can only call a "Munich mood" in Washington.

Now, correct me if I'm misinterpreting what you are saying and doing, day after day. I think as you tie up the nation in more and more knots so it cannot act in Central America, you are really saying this:

"Leave us alone. Don't bother me. Go away. If we go away, they will go away. If we don't do anything, they might not do anything. Maybe we should just stay in the Congress today and not even venture home. I'm afraid."

Of course, this isn't exactly what you did. You who are on the House Permanent Select Committee on Intelligence voted recently to stop financing any U.S. involvement with anti-Marxist guerrilla forces fighting the regime in Nicaragua. (It was barely mentioned that the administration had totally and properly briefed you on the involvement every step of the way—and that you had thoroughly approved all such aid!)

While the "Munich mode" was most alarming present in the Congress, it seemed to be permeating other unlikely areas. To name just one example of many, only last week a high-level group of American and Latin leaders called for the United States and the Soviet Union to negotiate their differences in the Western Hemisphere, thus for the first time in history in effect recognizing Soviet rights in this hemisphere.

As one highly placed administration official said at week's end, almost in disbelief: "What we are seeing is another of those turns in American history in which pacifism and isolationism suddenly come together. And we begin to lose track of reality."

It would be funny if it were not so deadly serious, because you of all people love to decry what happened at Munich, when the Allies thought they were giving Hitler what he wanted and that he would then go away. But is that not the same mood—the mode?—present today?

I'm afraid your excuses, gentlemen, just won't wash. This time we know beyond the shadow of a doubt the danger posed by Marxist revolutions spreading throughout Central America. We know what the Russian/Cuban military reality—and intention—is. As U.N. Ambassador Jeane Kirkpatrick has rightly pointed out, this is not like Vietnam.

And your answer? Well, there are the ones on the surface.

"The answer to El Salvador is not military but economic aid." (But any beginning student of revolution knows you can't have development without some security).

"If the situation is as serious as you say it is, we ought to do something really serious." (You don't mention that at this very moment you're ruling out the possibility of even the most rudimentary actions.)

"The Marxists are going to win anyway . . . The Salvadoran military is mean . . . We're piqued at you conservatives for having supported the dictators in Central America all these years, and so it is really all your fault."

Well, my friends, I am even more piqued than you are. Many of us have been begging the United States to change its policies in

Central America since the mid-1960s, when change would have been so simple. A depressingly large number of my friends, both Central Americans and North Americans, gave their lives to try to bring decent regimes to that area.

As wrong as most of the Reagan people were over the years, that is just not enough reason for us now to sit back in anger and let the whole area disintegrate. As unpleasant as it is, we have to start where we are and work with what we have. We can't predict whether we'll win, but we can certainly predict what will happen if we do nothing. Can democracies afford to remain passive in today's world? Again?

You see, this is not just another cycle of history for the United States. This is a point where history changes once and for all. The importance of this moment is that it represents a profound readjustment for America: a transition from an isolated country that could most of the time stand safely aside from the great catastrophes afflicting the rest of mankind to a country as involved and interdependent—and as vulnerable—as all the rest.

In the Middle East, we are now clasped by the treacherous arms of Byzantium. In Central America, we are involved now in the quicksand of the Balkans.

It is therefore not only a grave moment militarily; it is a grave moment for our very being, and it is not enough simply to answer, "No." In fact, you're disappointing the public you serve. Please think again.

Sincerely yours,

GEORGIE ANNE GEYER.●

MISS MATILDA OLASH
TESTIMONIAL DINNER

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. HARRISON. Mr. Speaker, on Saturday evening, June 11, her family, friends and former students will honor Matilda E. Olash at a testimonial dinner marking her 50th year of teaching in the elementary schools of Luzerne County, Pa.

Miss Olash began her work in the classroom at the age of 18, in 1933, this year she will complete a half-century of dedication to the students of our west side communities, now combined into the Wyoming Valley West School District. Over all these years, she has enlightened and stimulated minds of the young just as she has guided and assisted in the formulation of their character.

There is no calling more noble, Mr. Speaker, than that of teaching the young. At this calling, Matilda E. Olash has excelled for half a century and it is my honor to join today with her many friends and admirers in wishing her many, many more years of health and success in all that she undertakes.●

EXTENSIONS OF REMARKS

AMENDING THE AGE DISCRIMINATION IN EMPLOYMENT ACT

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. SEIBERLING. Mr. Speaker, I am introducing legislation today to amend the Age Discrimination in Employment Act.

The only serious controversy surrounding the ADEA's enactment in 1978 was provisions it contained providing certain exemptions from the law's protections. The House-passed bill contained no such exemptions, but the Senate Labor and Human Resources Committee added several, including one permitting mandatory or forced retirement for high-level business executives if the corporate pension benefits to which they are entitled exceed \$20,000. The \$20,000 was to be adjusted annually for inflation. The conference committee adopted an exemption from ADEA protections for business executives entitled to more than \$27,000 a year in pension benefits. Under the act, the \$27,000 figure is not adjusted annually for inflation.

The legislation I am introducing today increases the \$27,000 exemption to \$42,400, reflecting the 57-percent increase in the Consumer Price Index since 1978. It also requires the Secretary of Labor to adjust the exemption limitation annually to reflect changes in the CPI. Without this increase and inflation adjustment, more and more business executives will lose the protections of the Age Discrimination in Employment Act. It is arguable whether the business-executive exemption, or any other exemption, is justifiable at all, but at a minimum, we should not permit inflation to erode the protections afforded by this important law.●

COVERT OPERATIONS IN NICARAGUA

HON. TOM HARKIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. HARKIN. Mr. Speaker, after the passage of the amendment of Chairman EDWARD BOLAND by a unanimous vote of 411 to 0 during the 97th Congress, it was hoped that the administration would at long last realize the unwillingness of the American people to support the overthrow of the Nicaraguan Government. Covert actions taken by past administrations against foreign governments to cause their fall have come back to haunt us on numerous occasions. The Boland amendment serves as a reminder of past excesses.

Unfortunately, the Congress and the American people have read in recent days published reports that have cast doubt the administration's willingness to conform either to the letter or the spirit of the requirements of the Boland amendment. It is for this reason that 72 Members of the House have joined me in sponsoring a resolution of inquiry, H.R. 159. This resolution asks the President to provide certain documents on the conduct of covert operations in Honduras and Nicaragua against the Nicaraguan Government.

The Armed Services and Intelligence Committees have reported the resolution out unfavorably, under the assumption that the secret session to be held before consideration of H.R. 2760—prohibition on covert assistance amendment—will suffice. The Foreign Affairs Committee reported out the resolution without recommendation pending the secret session where members of the intelligence panel will provide information on covert activities to their colleagues. I still believe that the American people deserve more information from the executive branch on CIA activity in and around Nicaragua. I will wait until after the secret session to decide my next step.

We took this initial action so that we can prevent another administration from engaging in one more "secret little war" against a sovereign nation, which would only serve to waste the taxpayers money, exacerbate regional tensions, cause innocent people to be killed, and lead to the possible involvement of U.S. troops. Mr. Speaker, I now wish to submit the resolution of inquiry into the RECORD along with a recent article from the Washington Post:

H. RES. 159

Resolution directing the President to furnish certain information to the House of Representatives with respect to United States activities in Honduras and Nicaragua

Resolved, That the President shall furnish to the House of Representatives within ten days after the adoption of this resolution the following:

(1) Any documents showing the number of reconnaissance sorties flown by United States military and civilian personnel for military intelligence gathering purposes over Honduras and Nicaragua during the period March 9, 1981, through April 15, 1983, including any documents distinguishing such sorties by type of aircraft and by military and civilian unit designations.

(2) Any documents listing military weapons and equipment furnished by or on behalf of any agency of the United States to Honduras or any group or individual in Honduras during the period March 9, 1981, through April 15, 1983, including—

(A) any documents distinguishing such weapons and equipment by type,

(B) any documents showing whether the recipients of such weapons or equipment were Honduran military forces or were other groups or individuals, including docu-

ments identifying any such groups or individuals and the weapons or equipment they received, and

(C) any documents showing that any such military weapons and equipment are no longer in Honduras, including any documents showing the disposition of such weapons and equipment.

(3) Any documents giving estimates of civilian and military casualties incurred in Honduras and Nicaragua during the period November 1, 1982, through April 15, 1983, including any documents identifying military units engaged in battle and identifying locations and times of battle.

(4) Any documents showing the costs incurred by the United States in carrying out reconnaissance in or over Honduras and Nicaragua during the period March 9, 1981, through April 15, 1983.

(5) Any documents showing the costs incurred by the United States in furnishing military weapons and equipment, military training and advice, or other material or financial support to Honduras or to any individual or group (excluding United States Government personnel and United States citizens) in Honduras during the period March 9, 1981, through April 15, 1983.

(6) Any documents showing the names of the military and civilian authorities who approved the undertaking during the period March 9, 1981, through April 15, 1983, of reconnaissance in or over Honduras or Nicaragua or approved the furnishing during the period March 9, 1981, through April 15, 1983, of military weapons and equipment to Honduras or to any group or individual in Honduras.

(7) Any documents concerning the approval by military and civilian authorities of the furnishing of military weapons and equipment to Honduras or to any individual or group in Honduras and discussing the application of the prohibition in section 793 of the Department of Defense Appropriation Act, 1983 (as contained in Public Law 97-377).

(8) Any documents concerning the granting of approval or disapproval of the furnishing of military weapons and equipment to any group or individual to be used in or against Nicaragua, including any documents showing the purposes of, or the possible effects of such weapons and equipment, especially any document showing that such weapons and equipment were furnished for the purpose of overthrowing the Government of Nicaragua or provoking a military exchange between Nicaragua and Honduras; and the names of the civilian authorities who gave such approval.

(9) Any documents showing the names of the officials in the executive branch, the members of Congress, or any individuals outside the Government, who received information regarding (A) the use of intelligence information gathered from reconnaissance in and over Honduras and Nicaragua, and (B) the use or disposition of military weapons and equipment furnished to Honduras or to groups or individuals in Honduras, including weapons and equipment no longer in the possession of Honduras or under the control of the United States.

[From the Washington Post, May 8, 1983]

A LITTLE INFORMATION, PLEASE

(By Patt Derian)

There is something unnerving about aging administration officials talking to the press like smirking ingénues of the 1940s. Wide-eyed and guileless, they avow chastity in the Nicaraguan adventure. Provoking military

exchanges in Central America? Trying to overthrow the Nicaraguan government? Breaking the law by bankrolling the "contra" guerrillas who used to be Nicaraguan National Guardsmen? Helping people shoot their way into office? Little me? Heaven forbid.

What, the administration says it's doing is trying to stop the flow of arms from Nicaragua to El Salvador's guerrillas. This is a little hard to swallow when intense-looking men in Miami and Honduras explain, on television, that what they're doing is trying to overthrow Nicaragua's government. The illusion is further undermined by U.S. officials' continuing public comment that the Salvadoran guerrillas provide for themselves largely through purchase or theft from their enemies, the Salvadoran government forces, which we also supply.

The administration doesn't deny instigating or paying for its "secret" war. It only denies that it is violating the Boland amendment, which forbids any U.S. assistance in overthrowing the Nicaraguan government. It maintains that masses of arms are flown over the sea nightly to Salvadoran rebels. But it doesn't make clear how sending foot soldiers across the border from Honduras to shoot up rural communities in Nicaragua will stop the air supply.

It is also hard to figure how reconnaissance sorties and intelligence gathering by U.S. personnel will stop air shipment of arms. One thousand photos, a thousand radio intercepts and purloined documents won't ground a single plane, by themselves.

This semi-overt "covert" war is mighty murky. All the American people know is that "we" are engaged. That's the overt part. The big secret is what is being given, to whom, at what cost, for what purpose.

Another piece of the secret is who decided to take these actions. Perhaps it is part of the Haig legacy. Secretary of State George Schultz doesn't give a fig for anything south of Texas, so it's unlikely that he took any initiative. There is sufficient leakage around the edges to ascertain that some CIA officials view this undertaking with a jaundiced eye. Maybe the president got the idea from Reader's Digest.

It doesn't seem much to ask of a democratic government: who did it?

The president has already put us into two wars down south. But the polls consistently demonstrate that they are not supported by the public. Poor people are falling dead from our bullets and the machete-wielding soldiers U.S. tax dollars underwrite. The Argentines have pulled out; Honduras lends its territory; Guatemala is hustling its own case. Who are our allies in this debacle?

A couple of weeks ago, Rep. Tom Harkin and 73 of his colleagues in the House introduced a resolution of inquiry to find out the who, where, why and when of administration involvement in Nicaragua. It was referred to three committees—Armed Services, Foreign Affairs and Intelligence. They must act and report to the House. The resolution asks the pertinent questions in this matter. If the House passes it, the president "shall furnish" the answers within 10 days. As Rep. Jim Wright said to one of the "contra" leaders last week, "I do not believe financing the invasion of another country is what the United States should be doing."

Reps. Edward Boland and Clement Zablocki have a bill that ought to knock the relationship with the "contras" out of the box. It prohibits secret funding of military and paramilitary groups that want to harass, destabilize or overthrow any of the

regional governments. Instead, it authorizes \$30 million this year and \$50 million next year for open military assistance, only to governments and only to help them stop military supplies from Cuba and Nicaragua from getting to or through their countries. The participating governments can't move the assistance on to others, nor can they conceal its source.

While the bill is explicit on the military-paramilitary side, it does not cover covert political actions by the administration. It would still be possible, apparently, to pass money and "advice" to anyone. Is this a loophole through which the administration could continue to hand over cash so that the "contras" or others could simply buy what they want from the black market? If so, harassment, destabilization and efforts to overthrow governments could continue with secret U.S. political aid, unless there are clear prohibitions on political activities.

While the House leadership is prepared to move it quickly, the Senate must also act and the administration still has a given number of days before the bill comes into effect. And it is wise to remember that between passage of legislation cutting off military assistance to Chile and its signing by the president, there was wild contract-signing and obligation that kept the pipeline filled and flowing for years. There should not be a repetition, all these years later, in the interval.

For some reason, the conventional wisdom on Capitol Hill seems to hold that the Zablocki-Boland bill makes the Harkin resolution of inquiry unnecessary and that the answers to the questions don't need to be given. It could be that was the price that had to be paid to get rid of covert military assistance. But it might be too high a price if it closes out the questions.

This bill is a firm step in the necessary direction in spite of its imperfections. And the resolution of inquiry is equally important. It may be more important, in fact, because until we have the answers to its questions, other legislative actions, congressional hearings and opinions are based on fragments of facts in contention. Decisions of the public and Congress about U.S. policy should be based on as much real information as they can get. The administration has that information, and we need to know it. ●

ON SACRED GROUND

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. KOSTMAYER. Mr. Speaker, last Tuesday, May 17 the voters of Bucks County, Pa., overwhelmingly defeated a proposal to construct the Point Pleasant Pumping Station on the banks of the Delaware River in the village of Point Pleasant, Pa.

The citizens of Bucks County have once again expressed their determination to preserve the character of our community.

"On Sacred Ground" by Joseph Chorlton, New Hope, Pa., expresses their sentiments and I am delighted to enter it into the RECORD today.

ON SACRED GROUND

No sunshine patriots we,
Our ancestors fought to be free,
Where Washington crossed the Delaware,
Our dedication we'll never spare.
All this talk about a pump,
This generation has the spunk.
We decry a loss of liberty,
For which brave men fought to be free.
Those who shun a referendum
March to another patron's drum,
But, by God, we ever swear
To stop the pump, and spare the Delaware!
—Joe Chorlton, New Hope.●

RESULTS OF RECENT SURVEY

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. FORD of Michigan. Mr. Speaker, since coming to Congress 19 years ago, I have polled my constituents on issues pending before Congress and on critical problems at home and throughout the Nation. I wanted to take this opportunity to share with you and my esteemed colleagues the results of my most recent survey.

In 1983, it comes as no surprise to me that the foremost issue on the minds of residents in the 15th Congressional District is jobs. The 68-percent positive response I received on whether there was support for a Federal jobs program reconfirms my deep-seated belief that what people want most is employment.

Their distress with the Nation's economy and its impact on their quality of life was also demonstrated in their assessment of how they have fared after 2 years of the administration's program. Eighty-three percent said they are doing "not as well" or "about the same," with the clear majority of those, 53 percent, in the "not as well" category.

Still another indication of their concern for current economic conditions in Michigan is their ranking of unemployment as the Nation's most serious problem. Among five options listed as the important issues facing our country, more people checked unemployment than any other item. With 37 percent, it outdistanced taxes at 23 percent, interests rates at 16 percent, energy costs at 15 percent, and national defense at 8 percent.

Respondents reconfirmed their disapproval of the administration's assault on human needs programs in that, by a more than 2-to-1 margin, they rejected proposed and ongoing plans to cut such programs as public health, medical research, and child immunization. Only 32 percent of those returning their surveys would cut further into human services programs.

As an important new policy initiative, overwhelming majorities throughout my congressional district

would support both "American Content" legislation to require a significant percentage of American-made parts in automobiles sold in the United States, and quotas to limit foreign automobile and steel imports to the United States.

Almost 60 percent of those polled encouraged me to support a nuclear freeze resolution on the House floor. This margin very closely reflects the November 1982 Michigan general election ballot results in which 56.6 percent statewide indicated their preference for the freeze. Since my poll was taken, the House passed a nuclear freeze resolution with my full support.

I was particularly pleased with my constituents' response to my inquiry about the need for a new Federal program in math and science education. My constituents have indicated by a 63-percent to 36-percent margin that they endorse my efforts to help assist local school districts in boosting their curriculum and improving teachers' skills in math and science.

The lack of support for increased defense spending was reinforced with the 15th District residents' belief that in order to curb the trend in Federal deficits, the Congress should decrease defense spending. While 70 percent chose defense as a place to cut, 45 percent would opt for slashes in human services programs. A small percentage would prefer a tax increase to eliminate the deficit, and a clear majority of 71 percent would choose an economic stimulus program.

Of the several thousand responding to the 1983 questionnaire, the majority of respondents would seek more attention in the Federal budget for aid to the elderly, with other priorities being jobs programs, education, crime control, and energy. As in previous years, the program receiving the smallest degree of support was foreign aid, with only a 3-percent support rating. When asked to list their own priorities for more funding, my constituents suggested that the space program, mass transit, child abuse programs, energy cost control, basic education skills, and small business initiatives should receive more attention.

Asked about their choice of options for solving the short-term problems in the social security system, there was no clear favorite among the five options presented. Twenty-four percent would slightly reduce the rate of growth of benefit payments and tie benefit payments to a wage increase instead of consumer price increases. A significantly smaller group would gradually raise the retirement age for full benefits, tax social security payments above a certain level, and/or increase the contribution rate by 1 or 2 percent over the next few years.

The number of constituents who responded to my questionnaire continues to grow each year. I am gratified

with the quality and quantity of responses, and this year I found it particularly beneficial to have received so many well-written personal letters accompanying the questionnaire forms. This exercise in public input is perhaps one of the most valuable activities I conduct to gauge the needs and concerns of my constituents. And, often I have found that it is an enriching learning experience, both for them and for me.●

NATIONAL POLICE WEEK

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. HANSEN of Utah. Mr. Speaker, I am honored to pay tribute to our Nation's brave and dedicated police officers, who protect our families, who share in our sorrow and grief when crime threatens us, and who literally place their own lives on the line for the security and well-being of all Americans.

Today, I especially want to pay tribute to the American Police Hall of Fame and Museum, the only police memorial in the country that honors officers killed in the line of duty. It was built more than 22 years ago from donations by lawmen and citizens, and has honored more than 2,000 officers who have been killed in our country.

Lawmen are something like the Vietnam veterans who suffered at the hands of the media for years. This is a gross injustice to such a dedicated and hard-working group of individuals.

God has blessed our Nation with many things, among the greatest of which are our police officers. Let us not forget that they are one of our best friends.●

THE BRONX: LIVING, GROWING,
AND VERY MUCH ALIVE

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. GARCIA. Mr. Speaker, I am entering in the RECORD an article which appeared in the Washington Post regarding the continuing vitality of the Bronx. This article is indicative of many articles exclaiming the virtues of the Bronx. The interesting thing is that these articles are extolling what people in the Bronx have been saying for a long time, the Bronx is a thriving, growing community.

Despite some negative publicity, the facts are, that the Bronx has turned the corner. We who live there are proud of what is happening in the way of community involvement to rebuild

our neighborhoods. In this regard, the article in the Post represents only the tip of the iceberg. Neighborhood groups, local government, and the private sector have made a commitment to the Bronx that will mean jobs, prosperity, and the rebirth of many neighborhoods we remember as children.

As indicated in the article, there is a new hope emerging in the Bronx that is guiding the hopes and dreams of us who live and care about maintaining a sense of community.

The article follows:

[From the Washington Post, May 11, 1983]

SOUTH BRONX FINDS HOPE IN TWO HOMES

(By Sara Rimer)

NEW YORK.—There they are: two new, prefabricated, ranch-style houses, with aluminum siding and picture windows, standing in the South Bronx rubble.

So begins Charlotte Gardens, a 90-home development that will center on Charlotte Street, the devastated site that brought visits from two presidents, Jimmy Carter and Ronald Reagan.

Carter promised to help revive the South Bronx. But it was the nonprofit South Bronx Development Organization (SBDO), along with a group of indomitable citizen activists known as the Mid-Bronx Desperadoes, who brought about Charlotte Gardens.

"The South Bronx is experiencing a resurgence, a resurgence, a renaissance," said Peter Bray, Charlotte Gardens project manager. "The houses are a part of that story."

Financed with federal, state and local funds, the houses were built in Berwick, Pa., and trucked in. The asking price: \$47,800 for three bedrooms, 1½ baths; \$6,000 extra for a basement; 10 percent down, no subsidies.

With their cathedral ceilings, custom kitchen cabinets and washer-dryer hookups, they look much like the suburban homes that thousands fled the city for, a decade or so ago. But they also come with burglar bars, alarm systems and deadbolt locks.

From the front windows, you can see Crotona Park, the young ones on the swings, the old ones under the oaks.

There have been 800 prospective buyers, according to Bray. Most are working class Bronxites or former Bronxites who remember a South Bronx that was filled with life.

They come by and remember the stickball games, the corner drug store and the movies, and the factory jobs that gave immigrants a chance.

The Bronx, with its beautiful Art Deco buildings lining the Grand Concourse—an avenue fashioned after the Champs Elysees—was then a place of aspirations. Fifty years ago, it was called a city without a slum. Today it has 50,000 abandoned housing units.

Charles Doherty moved away 19 years ago, but returns for his job as a bus mechanic. On his lunch hour he runs through deserted streets where once he played. Stopping to catch his breath one recent afternoon, he said "I grew up here. This was a fine Jewish community."

He pointed out the landmarks of his childhood in Crotona Park. "You could rent boats there. And over there you could sit on a bench till 1 a.m. and never worry. See those rocks—I used to make out with my girlfriend on those rocks. I played stickball in the street, basketball in the park."

His family's house, just a few blocks away, was destroyed by fire. "It's a vacant lot

now," he said. "I run around there every day, and I still feel terrible."

Each afternoon, Venerando Velilla and his wife, Sara, and their friend Victor Colon—all custodial workers at P.S. 98, the nearby junior high—spin daydreams about Charlotte Gardens.

"We've already chosen our spots," said Colon, 26, a father of four who lives in a West Bronx apartment. "I'm on the corner."

Velilla, 56, pointed to a pair of trees holding on in the rubble. "See those two trees? We want ours between those two trees." He smiled at his wife. "She wants to keep them, but I told her no; they're too old already."

He and his wife emigrated to the South Bronx in 1946, among the Hispanics and blacks who followed the earlier immigrants from Ireland, Italy and Eastern Europe.

"It was a better future," Mrs. Velilla, 56, said. "I love this neighborhood. We were married here—in 1948. All my kids were born here."

There is constant activity at the houses. Peter Bray gives tours to urban planners, politicians and reporters.

He ticks off facts and statistics: Mayor Ed Koch spent his early childhood a few blocks away. The nearby elementary school—P.S. 61—has the highest reading scores in the district (all but five of the students at the school come from families on welfare). The South Bronx still has 450,000 residents.

A regular visitor in Genevieve Brooks, executive director of the Mid-Bronx Desperadoes.

"We were desperate for housing, health care, education, everything," she said. "So we called ourselves the Desperadoes—Spanish, to give it a little zing. Then people thought we were revolutionaries, and we had to live down our image."

Con Edison hooked up the electricity recently. One of the workers, who said he long since had left the Bronx for an upstate New York town 51 miles away, surveyed the desolation around the houses.

"You ever been to Germany?" he asked. "That's what it looks like—a bombed-out city. It makes me feel sad when I look at this area. I'll tell you: It was a great place to live. They had nice trees and grass. They even had a beautiful pool—Crotona Pool. They had all kinds of baseball fields."

But to him, the South Bronx is past, and 90 new houses on 15 acres won't bring it back. "My total opinion? The Bronx is shot."

But Otha Mitchell sees a new beginning. A 50-year-old butcher, he lives with his wife and five children in a city housing project in Manhattan. He drove out after work one day to look at Charlotte Gardens, where he dreams of buying his first house.

"I've been paying rent all my life," he said. "I should've had one of these a long time ago. I was raised in the South. I never had a break. A lot of my buddies have houses like these."

Sociologists offer many explanations for the ruin of the South Bronx—the unemployment and poverty that became a way of life in the 1960s when 600,000 manufacturing jobs were lost; landlords who stopped caring; drugs; decisions by well-meaning but misguided planners in Washington.

But the people who come to look at the houses and reminisce, and perhaps imagine a future in one of them, seem mystified about the reasons for the area's decline.

"Damned if I know," said Willie Horne, 63, a retired city worker who moved to the neighborhood from North Carolina in 1939, "It just got burned out, burned up."

There are other signs of hope and a will to endure in the six-story apartment building that stands behind the two new houses.

Its 38 tenants held on when the others were fleeing. They rallied behind Harlem-born great grandmother Alice Myers, 73, and painted in huge black letters on one side of the building their message to the world: Last Hope.

Finally, last December, they were able to buy their building for \$9,750. Now, the Last Hope is undergoing renovation, and the tenants have chosen a new name: New Hope.

Alice Myers has seen it all, the glory days and the destruction. "I saw it go down to the dogs," Myers said. "But now it's going to come back up." ●

DEDICATION OF THE LEONIDAS S. EPPS GYMNASIUM—A TRIBUTE TO A FINE ATHLETE AND SCHOLAR

HON. WYCHE FOWLER, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. FOWLER. Mr. Speaker, it is a special pleasure for me today to pay tribute to Coach Leonidas S. Epps, a man who has dedicated 34 years of service to Georgia's and the Nation's youth. I am privileged to bring this man's achievements to the attention of my colleagues.

Coach Epps has combined his superb 34 year coaching career with academic excellence and community service. Following Coach Epps graduate education at Indiana University and a successful career at Gilbert Academy in New Orleans, he came to Clark College in Atlanta in 1949 as head basketball coach and assistant football coach. In addition to coaching basketball, he coached track, football, golf, and tennis. In all sports, Coach Epps has produced championships.

In 1977, Coach Epps resigned as basketball coach and he now serves as associate professor of education and athletic director at Clark College. Among his many honors, Coach Epps was one of the first inductees of the Atlanta University Center's Hall of Fame.

Clark College, in designating the Leonidas S. Epps gymnasium, honors and recognizes a man of considerable achievement and sensitivity to the needs of others. Leonidas Epps makes all Atlantans and Georgians extremely proud. ●

BUSINESS EXECUTIVES FOR NATIONAL SECURITY OPPOSE MX

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. GREEN. Mr. Speaker, I recently received a letter from Business Executives for National Security, Inc.

(BENS) outlining the organization's opposition to the MX missile. BENS has concluded, "The military advantages of the MX are too questionable—and the security risks far too great—to merit any further spending on the production and deployment of this costly, marginal, and destabilizing weapon system."

BENS argues that the enormous cost of MX deployment will threaten our national well-being far more than any theoretical "window of vulnerability." The letter also concludes that the MX serves no useful military purpose and undermines U.S. interests by moving our country to a first-strike strategy. More than anything else, the Scowcroft Commission recommendation that we base the MX in vulnerable existing silos proves that "America's defense programs are not proceeding from a coherent long-range strategy for a strong national defense," and BENS urges Congress to reject MX now so that we may "break free of the pointless acquisition of every conceivable weapon."

BENS' letter, especially considering its source, provides an insightful contribution to the important MX debate now going on in this House. I ask that the letter be printed in the RECORD at this point.

BUSINESS EXECUTIVES
FOR NATIONAL SECURITY, INC.,
Washington, D.C., May 12, 1983.

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C.

DEAR REPRESENTATIVE: On behalf of Business Executives for National Security (BENS), Inc., a national, non-partisan organization of business leaders committed to help boost America's fundamental national security, I would like to share with you our analysis of the President's proposal to spend at least \$15 billion over the next five years to procure the MX missile system and to develop its basing mode. In order to ascertain whether clear and overriding military needs justify such a major expenditure, BENS has consulted a broad array of defense experts and we have carefully reviewed many relevant documents, including the Report of the President's Commission on Strategic Forces. BENS has now concluded that the military advantages of the MX are too questionable—and the security risks far too great—to merit any further spending on the production and deployment of this costly, marginal, and destabilizing weapon system.

In the first place, it is critical that the economic dimension of our national security receive close attention. Bernard J. O'Keefe, Chairman of the National Association of Manufacturers and Chairman of E G & G, Inc., a Fortune 500 corporation with important defense contracts, wrote in this month's issue of *Enterprise*, "The spiral that is choking our economy must be broken. The place to start is with the deficit. Critics claim that [cutting the deficit by reducing the federal budget] will adversely affect our well-being and our national defense. To the contrary, our well-being and our national security will be better served by a strong and viable economy." O'Keefe, an expert on the Soviet Union, observed in a recent interview that the MX system "is un-

necessary and should be scrapped." BENS agrees.

The value of the Scowcroft Commission's Report is in the criteria it provides for your decision on the MX. The Report recommends a worthwhile new approach for reviewing all of our strategic arsenals. The Report proposes the following: that arms control and weapon modernization efforts be linked; that "our words, policies and actions should all make clear the American conviction that nuclear war, involving few or many nuclear weapons, would be a tragedy of unparalleled scope for humanity"; that force comparisons should center on warhead levels, rather than launchers; that we should make every effort to move away from MIRV's; that stability should be the primary objective of our arms control and modernization programs; and that, as a basic prerequisite to the prevention of nuclear war, all such programs must proceed from a realistic assessment of the Soviet Union as a militaristic regime which will respond to our actions accordingly.

We are disappointed that the Scowcroft Commission has failed to apply these wise criteria rigorously to the MX itself. BENS has concluded that the MX meets none of the above standards established by the Commission.

By proposing that the MX be placed in a situation of greater vulnerability, warhead for warhead, than our existing land-based arsenals, the Commission has effectively demonstrated the impracticality of the MX system. Is the MX to be simply a "bargaining chip" in the START negotiations currently underway in Geneva? We can find no evidence of this in Administration statements. How then will the MX have the positive effect on arms control the Commission calls for? Even if the MX were conceived of as a future negotiating point, recent history abounds with examples of expensive bargaining chips—like the multiple warhead technology—on which the bargainers could never quite come to terms. Many such weapons are now permanent fixtures of U.S. and Soviet arsenals. If we produce the MX, we can be certain that the Soviet military will respond in kind—either by moving to a hair-trigger launch-on-warning posture or by further developing their arsenal of "first-strike" weapons.

If deterrence cannot be bluffed, as the Commission argues, and if we must be prepared to use those weapons which we deploy, then producing and deploying the MX will announce to the world that the United States is preparing to launch a first strike against the Soviet Union. Whether or not such a first strike without retaliation could ever be a feasible option—and recent reports in *Physics Today* and *Scientific American* lead us to question whether it could—escalating our first-strike arsenals can only undermine our efforts to demonstrate that the United States will not tolerate nuclear war in any form. And it can only encourage other nations to develop nuclear weapons.

BENS applauds the Commission's aim of achieving a broad consensus on our national security. Defense experts and business leaders alike are disturbed that America's defense programs are not proceeding from a coherent long-range strategy for a strong national defense. Our economic and military strength is suffering as a result. Experts as diverse as General Maxwell Taylor, former Chairman of the Joint Chiefs of Staff, Adm. Stansfield Turner, former Director of the Central Intelligence Agency, William Van

Cleave, Former director of President Reagan's defense transition team, and Adm. Elmo Zumwalt, former Chief of Naval Operations and a member of the Joint Chiefs of Staff under President Nixon, have called for a halt to development of the MX, citing its dubious military benefits and its enormous costs. Indeed, the MX is a prime example of a program that will be so destabilizing as to pose a threat to the security of the very country it purports to protect.

The upcoming authorization and appropriation votes on the MX will provide critical tests of Congressional resolve to act in the best interests of the United States in matters vital to our national defense. Rather than bowing to institutional momentum and the sheer availability of the MX, BENS asks you to choose a commonsense alternative for America. Vote no. Let us break free of the pointless acquisition of every conceivable weapon, no matter how expensive or marginally useful it may be. In the interest of restoring our fundamental national security, I strongly urge you, on behalf of business executives throughout the country, to vote against appropriating any further funds to the production and deployment of the MX.

Sincerely,

STANLEY A. WEISS,
President, Business Executives for National Security, Inc., Chairman, American Minerals, Inc. ●

DRAFT LETTER OF CONGRATULATIONS TO REPRESENTATIVE RICHARD BOLLING

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. DYSON. Mr. Speaker, I join my colleagues today in offering our gratitude to our distinguished friend from Missouri's Fifth Congressional District. RICHARD BOLLING has had an outstanding 34-year career as a Member of Congress. For the 17 terms he has served in the House of Representatives, RICHARD BOLLING consistently demonstrated his unwavering dedication to our system of representative government. As a seasoned legislator he exhibited an unlimited resolve to do what he believed was right. In developing a most distinguished congressional track record over the years, he will be thought of particularly as an effective, trusted, and responsive chairman of the House Rules Committee. In his capacity as the steward of House rules, he remains a central figure in setting the legislative agenda for the House, after presiding over major efforts to reform the House committee structure in the 1970's.

In addition to his remarkable achievements as an able legislator, RICHARD BOLLING is also an author of notable repute. He has penned two first-rate books based on his experience in Congress: "House Out of Order" and "Power in the House." RICHARD BOLLING has certainly been a

figure of great value in and out of the House of Representatives over the past 3½ decades. For his dedication and commitment, we salute RICHARD BOLLING. For his invaluable contributions and astute achievements, we congratulate him today and wish him all the best in the future.●

THE PRESIDENT SPEAKS OUT
ON SMALL BUSINESS

HON. WM. S. BROOMFIELD

OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Monday, May 23, 1983

● Mr. BROOMFIELD. Mr. Speaker, on May 14, the last day of this year's observance of Small Business Week, President Reagan made his regular radio broadcast to the Nation a tribute to small businesses.

It certainly pleases me that the administration places high priority on the importance and accomplishments of this vital sector of our economy. Although he speaks on behalf of all small businesses, I like his mentioning for special tribute those he calls the forgotten heroes. These are the successful entrepreneurs that ask only that they have conditions that will allow them to prosper and that they have only proper incentives and opportunities for new ventures.

As a member of the House Small Business Committee, I can attest that the administration adheres to the adage that "deeds speak louder than words." In addition to the "victories" the President cited in his speech, I would like to add his effort to make the U.S. Small Business Administration more beneficial.

In his radio broadcast, the President voiced a strong commitment to do more for small businesses. He is not content to rest on past accomplishments.

Mr. Speaker, I think this is one of the most important speeches the President has given in his radio broadcast series and an informative and commendable tribute to small businesses.

The speech follows:

RADIO ADDRESS BY THE PRESIDENT TO THE
NATION, CAMP DAVID

THE PRESIDENT: My fellow Americans, this is the last day of Small Business Week. So I'd like to mark the occasion by speaking about the importance of entrepreneurs and how we are trying to help them.

When you think about it, every week should be Small Business Week, because America is small business. Small firms account for nearly half our jobs. They create some 60 percent of new jobs. And they're on the cutting edge of innovation, providing products and ideas for the future. Everything from ballpoint pens to FM-radios, automatic transmissions and helicopters was conceived in the minds of entrepreneurs, men and women who had the spirit to dream impossible dreams, take great risks,

and work long hours to make their dreams come true.

In his book, *Wealth and Poverty*, George Gilder wrote, "... most successful entrepreneurs contribute far more to society than they ever recover. And most of them win no riches at all. They are the heroes of economic life. And those who begrudge them their rewards demonstrate a failure to understand their role and their promise." Well, he's right. Too often, entrepreneurs are forgotten heroes. We rarely hear about them. But look into the heart of America, and you'll see them. They're the owners of that store down the street, the faithfuls who support our churches, schools and communities, the brave people everywhere who produce our goods, feed a hungry world, and keep our homes and families warm while they invest in the future to build a better America.

That word "invest" helps explain why entrepreneurs are a special breed. When small business people invest their money, they have no guarantee of a profit. They're motivated by self-interest. But that alone won't do the trick. Success comes when they can anticipate and deliver what you, the consumer, wants and do it in a way that satisfies you. As Gilder points out, entrepreneurs intuitively understand one of the world's best-kept secrets: capitalism begins with giving. And capitalism works best and creates the greatest wealth and human progress for all when it follows the teachings of scripture: give and you will be given unto . . . search and you will find . . . cast your bread upon the waters and it will return to you many fold.

In the Parable of the Talents, the man who invests and multiplies his money is praised. But the rich who hoard their wealth are rebuked in scripture. True wealth is not measured in things like money or oil, but in the treasures of the mind and spirit. Oil was worthless until entrepreneurs with ideas and a freedom and faith to take risks managed to locate it, extract it, and put it to work for humanity. We can find more oil and we can develop abundant supplies of new forms of energy if we encourage risk-taking by thousands and thousands of entrepreneurs, not rely on government to hoard, ration, and control. The whole idea is to trust the people. Countries that don't, like the U.S.S.R. and Cuba, will never prosper.

Entrepreneurs have always been leaders in America. They led the rebellion against excessive taxation and regulation. They and their offspring pushed back the frontier, transforming the wilderness into a land of plenty. Their knowledge and contributions have sustained us in wartime, brought us out of recessions, carried our astronauts to the moon and led American industry to new frontiers of high technology.

We came to Washington confident that this small business spirit could make America well and get our economy moving again. Well, it's working. And we want to keep on using that special principle of giving by putting America's destiny back into the people's hands, providing you new incentives to save, invest and take risks, so more wealth will be created at every level of our society.

We know small business is ready. That group fared better during the recent recession, laid off less workers than big business and will recover faster. Over the last two years, you heard about the high rate of small business failures. You heard about it over and over again.

What you didn't hear very often was that in 1981 a record 580,000 new businesses were

formed. And 560,000 new enterprises were begun in 1982. They're the seeds of lasting recovery.

I think America's witnessing a renaissance in enterprise. And it's being nurtured by victories we've won—for example, reducing the regulatory burden; knocking down the rate of inflation by more than two-thirds; cutting more than in half the record 21.5 percent prime interest rate we inherited; passing a Small Business Innovation Development Act to direct millions of dollars in research funds to high-tech firms; passing the Prompt Payments Act to assure that small businesses dealing with the federal government get paid promptly; and, most important, providing solid incentives for new investment and risk taking by cutting personal tax rates, shortening depreciating schedules and sharply reducing estate taxes on family-owned businesses and farms.

At least 85 percent of the 13 million small firms in America pay their taxes by personal rates, not by corporate rates. These firms will provide most of the new jobs to bring down unemployment. Any action that tampers with the third year of the tax cut or the indexing provision, which protects you from being pushed by inflation into higher tax brackets, would harm small business and send unemployment up, not down. That's why I must and I will veto any attack on the tax incentives.

They belong to you, the people. They're not the government's to take away. If the Congress wants to help us spur small business growth and jobs in depressed regions, it should pass our Enterprise Zones proposal. This could provide genuine opportunity for those in need. So, we hope there'll be no further delay.

Governments don't reduce deficits by raising taxes on the people. Governments reduce deficits by controlling spending and stimulating new wealth, wealth from investments of brave people with hope for the future, trust in their fellow man and faith in God.

Until next week, thanks for listening. And God bless you.●

NATIONAL POLICE WEEK

HON. MEL LEVINE

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 18, 1983

● Mr. LEVINE of California. Mr. Speaker, the week of May 15 has been declared "National Police Week" in honor of our Nation's policemen and policewomen. All too often, we forget to provide these brave men and women the recognition they deserve for the important role they play in helping to fight crime and insure the public safety.

It is largely because of their efforts that the number of violent crimes committed last year declined by 4 percent nationally. It has been a long time since crime actually went down. It is my fervent hope that these recent figures indicate that we may, at last, have begun to win the battle against the hoods and thugs who have terrorized our neighborhoods for much too long.

I especially would like to recognize the law enforcement personnel of the cities of Santa Monica, El Segundo, Manhattan Beach, Redondo Beach, Hermosa Beach, Lawndale, and Los Angeles, and the Los Angeles County Sheriff's Department for the invaluable services which they provide to the residents of my district 24 hours a day, 365 days a year. It is very easy to take for granted the hard work and dedication of these fine people. Police Week is a much deserved tribute to them.

I would also like to pay special tribute to the families of police officers who have been killed in the line of duty. Their sacrifice, courage, and dedication serve as examples of the kinds of qualities which have helped make America a great Nation.

I join with my colleagues in paying this tribute to police officers throughout the country and particularly to those of southern California, who are undoubtedly the finest in the Nation.●

DICK BOLLING HONORED

HON. PETER W. RODINO JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. RODINO. Mr. Speaker, it is my privilege to pay tribute to our eminent former colleague, Dick Bolling of Missouri, on his receipt today of the Distinguished Service Award from the Association of Former Members of Congress. No one I know is more worthy of this distinction, for, even among his most illustrious colleagues, Dick Bolling was always outstanding.

When he retired last year at the peak of his career as chairman of the Rules Committee, this body lost one of its smartest and most courageous leaders.

Dick Bolling and I came to Congress together in 1949. He quickly established himself as a no-nonsense, effective legislator—one of great intellect, eloquence, and integrity. I soon came to regard this premier legislative strategist as a friend and confidant who always spoke his mind and never swerved from principle.

With all his bluntness and seeming brusqueness, Dick Bolling was a man of extraordinary compassion. In his three decades in the House of Representatives, he was constantly in the vanguard in the battle for not-always-popular reforms to bring about social justice for all our citizens.

Working tirelessly with Speaker Sam Rayburn, Dick Bolling, in the early 1950's, began building a coalition in Congress that produced the historic civil rights legislation of that decade and of the 1960's. And no one worked harder—or was more effective—than he, in securing passage of the Great Society programs under President

Johnson. He was a most able representative of his Missouri constituency, but he would not sacrifice his judgment to their opinions as he fought to transform long-deferred dreams into reality for the poor and powerless: Equal job opportunity, decent education, housing and health care, basic nutrition, old-age security. I was privileged to work with him in many of these legislative battles.

In addition, the rules and the processes of this House stand as a monument to him. Early on, he mastered the workings of our system, and in the early 1970's, this mastery moved the Congress to alter its procedures to become a more effective and democratic legislature and more responsive to the needs of the citizenry. The 1974 Budget Reform Act, which he fashioned, has done more than any other reform to shape the way the House addresses national budgetary policy.

Dick Bolling knew the tremendous effect of this act when he stated: "Congress needed to balance its love of Federal spending with its distaste for levying taxes."

Many of us were unhappy with the way the budget process was used in the last 2 years. Today, others of us do not like the prospect of the tough decisions that process now demands.

I heartily urge that we not let this process, this legacy of Dick Bolling, wither away, as some seem to wish. We must not give up on the system because of the difficulty in resolving problems that are inevitable in a society of conflicting goals, competing values, and finite resources.

Dick Bolling is justly honored today by the Association of Former Members for his service to this institution and to the American people—for his contributions to democracy.

We in the Congress, can honor him further by striving to insure that the process for which he, more than any other, is to be credited is employed reasonably and responsibly.●

SYRIA, PLO MUST ACCEPT RESPONSIBILITY FOR WEST BANK PROBLEMS

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. OBEY. Mr. Speaker, Syria and the PLO must take significant responsibility for the continued plight of the Palestinians and the future shape of the West Bank.

I have thought in the past and continue to think that the settlements policy being engaged in by the Begin government is a long range time bomb which threatens Israel, the entire Middle East, and the United States as well. I do not believe that new facts on

the ground can overcome resentments and hatreds as deep as those which will be exploited by continued inability to reach some kind of compromise on the West Bank problem.

On the Lebanese front, I can understand Israel's getting fed up with the constant harassment and bombardment which it has had to endure from across the border. That, however, does not justify Israel's continued military advance to Beirut.

But Syria and the PLO, by their recent actions, have indicated a continued preference for screaming about present conditions rather than taking constructive risks to change them.

I met with Mr. Arafat a number of years ago to try to assess his flexibility and his willingness to take risks to achieve a lasting and just peace in the Middle East. Since that meeting, the question I have always had in my mind about Mr. Arafat is whether he would be willing, or able, in the end to take a risk for peace, as Mr. Sadat finally did, or whether he would fall back into the comfort of the status quo. It appears to me that we got an answer in the PLO's refusal to endorse King Hussein's entry into talks about President Reagan's peace initiatives on behalf of the Palestinians, and that answer was the wrong answer.

The question about Syria has been similar. The question has always been whether or not Mr. Assad, who has shown at times more flexibility than previous Syrian leaders, would in the end, along with his associates, be willing to do more to solve the problem of the Palestinians than just talk about it.

The Lebanese and West Bank problems are two different things, but I believe the longer it takes to build trust in Lebanon, the longer it will take to build the kind of trust needed to deal with the West Bank problem. Mr. Assad's refusal to even see Mr. Habib to discuss the Lebanese situation is regrettable and short sighted. It indicates a continuing and unfortunate tendency for Syria to avoid demonstrating the kind of long range vision that would make it easier to press all parties for more flexible positions on Middle East problems. Anyone who knows of my past statements on the Middle East knows that I do not support the Begin government's continued expansion of settlements on the West Bank for all the reasons I have mentioned earlier. But it needs to be said that Mr. Begin cannot fairly be viewed as the only obstacle to a fair resolution to a very serious human problem.

The Syrians and major elements of the PLO leadership have in the past been all too willing to use the existence of the Palestinian problem, rather than consistently looking for ways that would in the end resolve

their plight. Their refusal to reasonably explore the possibilities for compromise on the West Bank issue and on the Lebanese front—even though the issues are different—means that expansion of settlements on the West Bank will continue and they must share major responsibility for that melancholy and dangerous fact. Their actions—or rather lack of action—at a crucial time places them in a historically tragic and morally unjustified position.●

THE 98TH CONGRESSIONAL SCOUTING SURVEY

HON. BARBER B. CONABLE, JR.

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. CONABLE. Mr. Speaker, during each of the past eight Congresses, the Members of the House and Senate have been surveyed by the Boy Scouts of America to determine their participation in scouting, either as scouts during their youth, or as leaders.

This year I was asked to survey the Members and the information has now been compiled. I thank my colleagues for their participation and cooperation. I am placing the results of the survey in the RECORD, so they will be available to Members and others with an interest in scouting.

I am pleased to report that the percentage of Members who have participated in scouting has increased by 1 percent since the 97th Congress, continuing a welcome increasing trend.

The percentage of Members who have participated in scouting stands at 66 percent for the 98th Congress. The 353 Members who have participated are an increase over the 348 Members of the 97th Congress. Totals include 279 Members of the House and 74 Members of the Senate.

There is one more Eagle Scout in the 98th Congress than in the 97th. The House lost 7 Eagle Scouts from the 97th Congress, but gained seven new Eagle Scouts. The Senate gained one new Eagle Scout.

The results of the survey follow:

98TH CONGRESSIONAL SCOUTING SURVEY

	Representatives	Senators	Total
Scout	194	51	245
Scout and leader	72	19	91
Leader only	13	4	17
Grand total	279	74	353

Percentage of Members who participated in scouting: 66 percent.

Percentage of Representatives who participated in scouting: 64 percent.

Percentage of Senators who participated in scouting: 74 percent.

Percentage of Members in 97th Congress who participated in scouting: 65 percent.

EXTENSIONS OF REMARKS

98TH CONGRESSIONAL SCOUTING SURVEY—EAGLE SCOUTS AND OTHERS

	Representatives	Senators	Total
Eagle Scout	32	8	40
Silver Buffalo recipients	0	3	3
Silver Beaver recipients	3	4	7
Silver Antelope	2	4	6
Grand total	37	19	56

EAGLE SCOUTS

SENATE

- Mark Andrews, N. Dak. (R).
- Lloyd Bentsen, Tex. (D).
- Bill Bradley, N.J. (D).
- Thad Cochran, Miss. (R).
- Chic Hecht, Nev. (R).
- Richard Lugar, Ind. (R).
- Sam Nunn, Ga. (D).
- Warren Rudman, N.H. (R).

REPRESENTATIVES

- Gary Ackerman, N.Y. (D).
- Bill Alexander, Ark. (D).
- Ike Andrews, N.C. (D).
- Doug Barnard, Jr., Ga. (D).
- Charles Bennett, Fla. (D).
- John Bryant, Tex. (D).
- Bob Carr, Mich. (D).
- Barber B. Conable, Jr., N.Y. (R).
- Jim Cooper, Tenn. (D).
- William Dannemeyer, Calif. (R).
- Hal Daub, Nebr. (R).
- John Duncan, Tenn. (R).
- Don Fuqua, Fla. (D).
- Richard Gephardt, Mo. (D).
- Dennis Hertel, Mich. (D).
- Dan Marriott, Utah (R).
- John Murtha, Pa. (D).
- James R. Olin, Va. (D).
- Charles Pashayan, Jr., Calif. (R).
- William Patman, Tex. (D).
- Donald Pease, Ohio (D).
- Claude Pepper, Fla. (D).
- J. J. (Jake) Pickle, Tex. (D).
- Jim Rowland, Ga. (D).
- Eldon Rudd, Ariz. (R).
- Richard Schulze, Pa. (R).
- Philip Sharp, Ind. (D).
- Ike Skelton, Mo. (D).
- Christopher Smith, N.J. (R).
- Robert F. Smith, Oreg. (R).
- Larry Winn, Jr., Kans. (R).
- Gus Yatron, Pa. (D).

SILVER BUFFALO

SENATORS

- William Cohen, Maine (R).
- Sam Nunn, Ga. (D).
- Malcolm Wallop, Wyo. (R).

SILVER BEAVER

SENATORS

- John Glenn, Ohio (D).
- Mark Hatfield, Oreg. (R).
- Sam Nunn, Ga. (D).
- Malcolm Wallop, Wyo. (R).

REPRESENTATIVES

- Floyd Spence, S.C. (R).
- Larry Winn, Jr., Kans. (R).
- George Wortley, N.Y. (R).

SILVER ANTELOPE

SENATORS

- Wendell Ford, Ky. (D).
- Mark Hatfield, Oreg. (R).
- Sam Nunn, Ga. (D).
- Malcolm Wallop, Wyo. (R).

REPRESENTATIVES

- Duncan Hunter, Calif. (R).
- George Wortley, N.Y. (R).

MEMBERS' SCOUTING PARTICIPATION BY STATE

NOTE.—Scout denoted by "S" Adult Volunteer denoted by "L" Scout and Leader denoted by "S" and "L".

ALABAMA

- Sen. Howell T. Heflin (D), S.
- Rep. William L. Dickinson (R), S.
- Rep. Ronnie G. Flippo (D), S&L.
- Rep. Richard C. Shelby (D), S.

ALASKA

- Sen. Frank H. Murkowski (R), S.
- Sen. Theodore F. Stevens (R), S&L.

ARIZONA

- Sen. Barry Goldwater (R), S.
- Rep. John S. McCain III (R), S.
- Rep. Eldon D. Rudd (R), S.
- Rep. Morris K. Udall (D), S&L.

ARKANSAS

- Sen. Dale Bumpers (D), S.
- Sen. David H. Pryor (D), S.
- Rep. Bill Alexander (D), S.
- Rep. Beryl F. Anthony, Jr. (D), S.
- Rep. Ed Bethune (R), S.
- Rep. John P. Hammerschmidt (R), S&L.

CALIFORNIA

- Sen. Alan Cranston (D), S.
- Rep. Robert E. Badham (R), S&L.
- Rep. Anthony C. Beilenson (D), S.
- Rep. Howard L. Berman (D), S.
- Rep. Douglas H. Bosco (D), S.
- Rep. Eugene A. Chappie (R), S.
- Rep. William E. Dannemeyer (R), S&L.
- Rep. Ronald V. Dellums (D), S.
- Rep. Julian C. Dixon (D), S.
- Rep. David Drier (R), S.
- Rep. Mervyn M. Dymally (D), S.
- Rep. Don Edwards (D), S.
- Rep. Vic Fazio (D), S.
- Rep. Duncan L. Hunter (R), S.
- Rep. Robert J. Lagomarsino (R), S.
- Rep. Tom Lantos (D), S.
- Rep. Richard H. Lehman (D), S.
- Rep. Jerry Lewis (R), S.
- Rep. Daniel E. Lungren (R), S.
- Rep. Robert T. Matsui (D), S.
- Rep. Alfred A. McCandless (R), S.
- Rep. George Miller (D), S.
- Rep. Norman Y. Mineta (D), S&L.
- Rep. Ronald C. Packard (R), S&L.
- Rep. Leon E. Panetta (D), S.
- Rep. Charles Pashayan, Jr. (R), S.
- Rep. Jerry M. Patterson (D), S&L.
- Rep. Edward R. Roybal (D), S.
- Rep. Norman D. Shumway (R), S&L.
- Rep. Fortney H. (Pete) Stark (D), S.
- Rep. William M. Thomas (R), S.
- Rep. Esteban E. Torres (D), S.
- Rep. Edwin V. W. Zschau (R), S&L.

COLORADO

- Sen. William L. Armstrong (R), S.
- Rep. Hank Brown (R), S&L.
- Rep. Kenneth B. Kramer (R), S.
- Rep. Raymond P. Kogovsek (D), S.
- Rep. Dan Schaefer (R), S.
- Rep. Patricia Schroeder (D), S.
- Rep. Timothy E. Wirth (D), S.

CONNECTICUT

- Sen. Christopher J. Dodd (D), S.
- Sen. Lowell P. Weicker, Jr. (R), S.
- Rep. Stewart B. McKinney (R), S.
- Rep. Bruce A. Morrison (D), S.

DELAWARE

- Sen. Joseph R. Biden, Jr. (D), S&L.
- Sen. William V. Roth, Jr. (R), L.
- Rep. Thomas R. Carper (D), S.

FLORIDA

- Sen. Lawton Chiles (D), S&L.
- Rep. Charles E. Bennett (D), S&L.

Rep. Michael Bilirakis (R), S&L.
 Rep. Bill Chappell, Jr. (D), S.
 Rep. Dante B. Fascell (D), S.
 Rep. Don Fuqua (D), S&L.
 Rep. Sam M. Gibbons (D), S.
 Rep. Earl Hutto (D), L.
 Rep. Andy Ireland (D), S.
 Rep. Thomas F. Lewis (R), S.
 Rep. Connie Mack 3rd (R), S&L.
 Rep. Claude Pepper (D), S&L.
 Rep. Clay Shaw (R), S.
 Rep. Lawrence J. Smith (D), S.
 Rep. C. W. Bill Young (R), S.

GEORGIA

Sen. Mack Mattingly (R), L.
 Sen. Sam Nunn (D), S.
 Rep. Doug Barnard, Jr. (D), S.
 Rep. Newt Gingrich (R), S.
 Rep. Charles Hatcher (D), S.
 Rep. Edgar L. Jenkins (D), S.
 Rep. Elliott H. Levitas (D), S.
 Rep. Larry McDonald (D), S.
 Rep. J. Roy Rowland (D), S&L.

HAWAII

Sen. Spark M. Matsunaga (D), S.
 Rep. Cecil Heftel (D), S.

IDAHO

Sen. James A. McClure (R), S.
 Rep. Larry Craig (R), S.
 Rep. George Hansen (R), S&L.

ILLINOIS

Sen. Alan J. Dixon (D), S.
 Sen. Charles H. Percy (R), S.
 Rep. Frank Annunzio (D), L.
 Rep. Daniel B. Crane (R), S.
 Rep. Phillip M. Crane (R), S.
 Rep. Richard J. Durbin (D), S.
 Rep. John N. Erlenborn (R), S.
 Rep. Lane A. Evans (D), S.
 Rep. Edward R. Madigan (R), S.
 Rep. Lynn Martin (R), S.
 Rep. John Edward Porter (R), S.
 Rep. Paul Simon (D), S.
 Rep. Sidney R. Yates (D), S.

INDIANA

Sen. Richard G. Lugar (R), S.
 Sen. Dan Quayle (R), S.
 Rep. Danny L. Burton (R), S.
 Rep. Dan R. Coats (R), S.
 Rep. Lee H. Hamilton (D), S.
 Rep. Elwood Hillis (R), S.
 Rep. Andrew Jacobs, Jr. (D), S&L.
 Rep. Frank McCloskey (D), S.
 Rep. Philip Sharp (D), S.

IOWA

Sen. Charles E. Grassley (R), S.
 Sen. Roger W. Jepsen (R), L.
 Rep. Berkley Bedell (D), S&L.
 Rep. Cooper Evans (R), S&L.
 Rep. Jim Leach (R), S.
 Rep. Neal Smith (D), L.

KANSAS

Sen. Bob Dole (R), S.
 Rep. Dan Glickman (D), S.
 Rep. Pat Roberts (R), S.
 Rep. Bob Whittaker (R), S&L.
 Rep. Larry Winn, Jr. (R), S&L.

KENTUCKY

Sen. Wendell H. Ford (D), L.
 Sen. Walter (Dee) Huddleston (D), S.
 Rep. William H. Natcher (D), S.
 Rep. Harold (Hal) Rogers (R), S&L.
 Rep. M. G. (Gene) Snyder (R), S.

LOUISIANA

Sen. J. Bennett Johnston (D), S.
 Rep. John B. Breaux (D), S.
 Rep. Corinne C. (Lindy) Boggs (D), S.
 Rep. Thomas J. Huckaby (D), S&L.
 Rep. Robert L. Livingston (R), S&L.
 Rep. W. Henson Moore (R), S&L.

MAINE

Sen. William S. Cohen (R), S.

MARYLAND

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 Sen. Paul S. Sarbanes (D), S.
 Rep. Michael D. Barnes (D), S.
 Rep. Marjorie S. Holt (R), S&L.
 Rep. Clarence D. Long (D), S.

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 Rep. Brian J. Donnelly (D), S.
 Rep. Barney Frank (D), S.
 Rep. Edward J. Markey (D), S.
 Rep. John Joseph Moakley (D), S.
 Rep. Thomas P. O'Neill, Jr. (D), S&L.
 Rep. James M. Shannon (D), S.
 Rep. Gerry E. Studds (D), S.

MICHIGAN

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 Rep. David E. Bonior (D), S.
 Rep. William S. Broomfield (R), S&L.
 Rep. Bob Carr (D), S.
 Rep. Robert W. Davis (R), S.
 Rep. John D. Dingell (D), S&L.
 Rep. William D. Ford (D), S.
 Rep. Dennis M. Hertel (D), S.
 Rep. Dale E. Kildee (D), L.
 Rep. Carl Duane Pursell (R), S&L.
 Rep. Harold S. Sawyer (R), S.
 Rep. Mark Siljander (R), S.
 Rep. Howard E. Wolpe (D), S.

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 Sen. David F. Durenberger (R), S&L.
 Rep. Bill Frenzel (R), S.
 Rep. James L. Oberstar (D), S.
 Rep. Bruce F. Vento (D), L.
 Rep. Vin Weber (R), S.
 Rep. Gerry Sikorski (D), S.

MISSISSIPPI

Sen. Thad Cochran (R), S&L.
 Rep. William W. Franklin (R), S.
 Rep. Trent Lott (R), S.
 Rep. G.V. (Sonny) Montgomery (D), S.

MISSOURI

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 Rep. Richard A. Gephardt (D), S&L.
 Rep. Ike Skelton (D), S&L.
 Rep. Harold L. Volkmer (D), S&L.
 Rep. Robert A. Young (D), S.

MONTANA

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 Rep. Pat Williams (D), S.

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 Rep. Doug Bereuter (R), S.
 Rep. Hal Daub (R), S&L.

NEVADA

Sen. Chic Hecht (R), S&L.
 Sen. Paul Laxalt (R), S.
 Rep. Harry M. Reid (D), L.
 Rep. Barbara F. Vucanovich (R), L.

NEW HAMPSHIRE

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 Sen. Warren Rudman ((R), S.
 Rep. Norman E. D'Amours (D), S&L.
 Rep. Judd Gregg (R), S.

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 Rep. James A. Courter (R), S.
 Rep. James J. Florio (D), S.
 Rep. Frank J. Guarini (D), S.
 Rep. James J. Howard (D), S.
 Rep. William J. Hughes (D), S&L.
 Rep. Peter W. Rodino, Jr. (D), S&L.
 Rep. Christopher H. Smith (R), S.
 Rep. Robert G. Torricelli (D), S.

NEW MEXICO

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 Rep. Manuel Lujan, Jr. (R), S&L.
 Rep. Joe Skeen (R), S.

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 Sen. Daniel P. Moynihan (D), S.
 Rep. Gary Ackerman (D), S&L.
 Rep. Sherwood L. Boehlert (R), S&L.
 Rep. William Carney (R), S&L.
 Rep. Barber B. Conable, Jr. (R), S&L.
 Rep. Thomas J. Downey (D), S.
 Rep. Geraldine Anne Ferraro (D), S.
 Rep. Hamilton Fish, Jr. (R), L.
 Rep. Benjamin A. Gilman (R), S.
 Rep. Frank Horton (R), S&L.
 Rep. Jack Kemp (R), S.
 Rep. Norman F. Lent (R), S.
 Rep. Stanley Lundine (D), S.
 Rep. Raymond J. McGrath (R), S.
 Rep. Matthew F. McHugh (D), S.
 Rep. Robert J. Mrazek (D), S.
 Rep. Charles E. Schumer (D), S.
 Rep. Gerald B. Solomon (R), L.
 Rep. Samuel S. Stratton (D), S.
 Rep. Edolphus Towns (D), L.
 Rep. Theodore S. Weiss (D), S.
 Rep. George Wortley (R), S&L.

NORTH CAROLINA

Sen. John P. East (R), S.
 Sen. Jesse Helms (R), S.
 Rep. Ike Andrews (D), L.
 Rep. James T. Broyhill (R), S.
 Rep. James G. Martin (R), S.
 Rep. Stephen L. Neal (D), S.
 Rep. Tim Valentine (D), S&L.

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Sen. Mark Andrews (R), S.
 Sen. Quentin N. Burdick (D), S&L.
 Rep. Byron L. Dorgan (D), S.

OHIO

Sen. John Glenn (D), S&L.
 Rep. Michael DeWine (R), S.
 Rep. Edward F. Feighan (D), S.
 Rep. Tony P. Hall (D), S.
 Rep. Thomas N. Kindness (R), L.
 Rep. Delbert L. Latta (R), S.
 Rep. Bob McEwen (R), S.
 Rep. Clarence E. Miller (R), S.
 Rep. Michael G. Oxley (R), S&L.
 Rep. Donald J. Pease (D), S.
 Rep. Louis Stokes (D), S&L.
 Rep. Lyle Williams (R), S.
 Rep. Chalmers P. Wylie (R), S&L.

OKLAHOMA

Sen. David L. Boren (D), S.
 Rep. Mickey Edwards (R), S.
 Rep. Glenn English (D), S.
 Rep. James R. Jones (D), S.
 Rep. Wesley W. Watkins (D), S.

OREGON

Sen. Mark O. Hatfield (R), S&L.
 Sen. Bob Packwood (R), S.
 Rep. Les AuCoin (D), S.
 Rep. Denny Smith (R), S.
 Rep. Robert F. Smith (R), S.

PENNSYLVANIA

Rep. William F. Clinger, Jr. (R), S.
 Rep. Lawrence Coughlin (R), S.
 Rep. William J. Coyne (D), S.
 Rep. Bob Edgar (D), S.
 Rep. George W. Gekas (R), S.
 Rep. William F. Goodling (R), S&L.
 Rep. Joseph M. McDade (R), S.
 Rep. Austin J. Murphy (D), S&L.
 Rep. John P. Murtha (D), S&L.
 Rep. Don Ritter (R), S.
 Rep. Richard T. Schulze (R), S&L.
 Rep. E. G. (Bud) Shuster (R), S.
 Rep. Doug Walgren (D), S.

Rep. Robert S. Walker (R), S.
Rep. Gus Yatron (D), S.

RHODE ISLAND

Sen. John H. Chafee (R), S&L.
Sen. Claiborne Pell (D), S.
Rep. Claudine Schneider (R), S.

SOUTH CAROLINA

Sen. Ernest F. Hollings (D), S.
Sen. Strom Thurmond (R), S&L.
Rep. Carroll Campbell, Jr. (R), S.
Rep. Butler Derrick (D), S&L.
Rep. Thomas F. Hartnett (R), S&L.
Rep. Floyd Spence (R), S&L.
Rep. John McK. Spratt (D), S.

SOUTH DAKOTA

Sen. James Abdnor (R), S.
Rep. Thomas A. Daschle (D), S.

TENNESSEE

Sen. Howard H. Baker, Jr. (R), S.
Rep. William H. Boner (D), S.
Rep. Marilyn Lloyd Bouquard (D), S.
Rep. James Cooper (R), S.
Rep. John J. Duncan (R), S.
Rep. Harold E. Ford (D), S&L.
Rep. Ed Jones (D), S.
Rep. Donald K. Sundquist (R), S.

TEXAS

Sen. Lloyd M. Bentsen (D), S&L.
Sen. John G. Tower (R), S.
Rep. Michael A. Andrews (D), S.
Rep. W. R. Archer (R), S.
Rep. Steve Bartlett (R), S.
Rep. John W. Bryant (D), S.
Rep. E. (Kika) de la Garza (D), S&L.
Rep. Martin Frost (D), S.
Rep. Henry B. Gonzalez (D), S&L.
Rep. Phil Gramm (R), S.
Rep. Kent R. Hance (D), S.
Rep. Jack Hightower (D), S&L.
Rep. Abraham Kazen, Jr. (D), S.
Rep. J. Marvin Leath (D), S.
Rep. Mickey Leland (D), S.
Rep. Tom Loeffler (R), S.
Rep. Solomon P. Ortiz (D), S&L.
Rep. William N. Patman (D), S.
Rep. Ronald E. Paul (R), S.
Rep. J. J. (Jake) Pickle (D), S.
Rep. Charles W. Stenholm (D), S.
Rep. Charles Wilson, (D), S.
Rep. James C. Wright, Jr. (D) S&L.

UTAH

Sen. Jake Garn (R), S&L.
Sen. Orrin G. Hatch (R), S&L.
Rep. James V. Hansen (R), S&L.
Rep. David D. Marriott (R), S&L.
Rep. Howard C. Nielson (R), S&L.

VERMONT

Sen. Patrick J. Leahy (D), S&L.
Sen. Robert T. Stafford (R), S.
Rep. James M. Jeffords (R), S&L.

VIRGINIA

Sen. Paul S. Trible, Jr. (R), S.
Sen. John W. Warner (R), S.
Rep. Thomas J. Bliley, Jr. (R), S.
Rep. Frederick C. Boucher (D), S.
Rep. James R. Olin (D), S&L.
Rep. Stanford E. Parris (R), S&L.
Rep. J. Kenneth Robinson (R), S&L.

WASHINGTON

Sen. Slade Gorton (R), S.
Sen. Henry M. Jackson (D), S.
Rep. Don Bonker (D), S.
Rep. Rod Chandler (R), L.
Rep. Norman D. Dicks (D), S.
Rep. Thomas S. Foley (D), S.
Rep. Mike Lowry (D), S.
Rep. Al Swift (D), S.

WEST VIRGINIA

Sen. Robert C. Byrd (D), S.
Sen. Jennings Randolph (D), S&L.

Sen. Alan B. Mollohan (D), S.
Rep. Nick J. Rahall 2nd (D), S&L.
Rep. Robert E. Wise, Jr. (D), S&L.

WISCONSIN

Sen. William Proxmire (D), S.
Rep. Robert W. Kastenmeier (D), S.
Rep. Jim Moody (D), S.
Rep. Thomas E. Petri (R), S.
Rep. Roby Roth (R), S.

WYOMING

Sen. Alan K. Simpson (R), S&L.
Rep. Malcolm Wallop (R), S.
Rep. Dick Cheney (R), S.

AMENDMENT TO H.R. 1590

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. DE LA GARZA. Mr. Speaker, during the consideration of the bill H.R. 1590 it is my intention to offer the following amendment:

On page 5, line 12, insert after the period the following: "If the President releases all of the wheat in the food security wheat reserve for the purposes specified in the Food Security Wheat Reserve Act of 1980, to the extent that stocks of wheat acquired by the Corporation are not adequate fully to replenish (as provided in the preceding sentence) the quantity of wheat from the reserve used for domestic food programs, the Secretary shall, notwithstanding the last sentence of section 302(b)(2) of such Act, use funds of the Corporation to acquire wheat through purchases from producers or in the market to complete such replenishment." ●

FOOD STAMP AND COMMODITY DISTRIBUTION AMENDMENTS OF 1983

HON. EDWARD R. MADIGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. MADIGAN. Mr. Speaker, today I am introducing a bill, on the request of the Secretary of Agriculture, that amends the Food Stamp Act of 1977. This bill contains proposals that are designed to:

Support the President's fiscal year 1984 budget by achieving approximately \$800 million in savings;

Improve the administration of the food stamp program and restore full authority to Puerto Rico to design its own food assistance program; and,

Provide additional administrative funding for the commodity supplemental food program.

A section-by-section summary of the provisions of this bill follows:

SECTION-BY-SECTION SUMMARY FOOD STAMP AND COMMODITY DISTRIBUTION AMENDMENTS OF 1983

TITLE I—REFERENCES TO THE FOOD STAMP ACT OF 1977

Unless otherwise provided, all references in this bill are to the Food Stamp Act of 1977.

TITLE II—FOOD STAMP BUDGETARY REVISIONS

Section 201—Household definition

All persons who live under the same roof would be considered to be a single household, with certain exceptions.

Section 202—Thrifty food plan adjustments

The amounts of the thrifty food plan would be frozen at the current, October 1, 1982, levels through April 1, 1984. Subsequent adjustments will take place on April 1 of each year.

Section 203—Standard/shelter deduction

The current standard deduction, excess shelter deduction and the combined dependent care/shelter deduction would be eliminated. Instead a standard/shelter deduction would be available to all households. A separate dependent care deduction would be available and permanently capped at \$115 per month.

Section 204—Standard earnings deduction

The current 18 percent earned income deduction would be replaced by a standard earnings deduction of \$75 per month.

Section 205—Categorical eligibility for AFDC participants/simplified benefit Determinations

This section would provide categorical eligibility and simplified benefit determination for food stamp households, all of whose members are certified to receive AFDC payments.

Section 206—Work requirements and community work experience programs

This provision would establish greater conformity between the food stamp work requirements and those of the AFDC program. In addition it mandates a nationwide community work experience program (CWEP) for the food stamp program.

Section 207—State agency liability

The error rate sanction and incentive systems would be revised to hold states liable for the full amount of incorrect issuances (eligibility and overissuance errors) over three percent.

TITLE III—IMPROVING ADMINISTRATIVE PROCEDURES FOR THE FOOD STAMP PROGRAM

Section 301—Clarification of student eligibility

This section deletes the income exclusion for students' reimbursements. Current law concerning exclusion for education income, to the extent it is used for tuition and mandatory fees, remains.

Section 302—Technical amendment

The provision deletes the reference to an out-of-date section of the Immigration and Nationality Act. References to conditional entrant status would be deleted and replaced by references to refugee status.

Section 303—Treatment of food stamps under Federal housing assistance laws

This provision lifts prohibitions against considering food stamp benefits as income or resources under Federal housing assistance programs and against decreasing Federal housing assistance because of the receipt of food stamps.

Section 304—Redemption of coupons

This provision changes the definition of a financial institution to include all banks and savings and loan associations, not only those insured by FDIC or FSLIC.

Section 305—Expedited coupon issuance

The time frame in which state agencies are required to provide food stamps on an expedited basis would be changed from five calendar days to five working days.

Section 306—Improved wage matching

This provision corrects erroneous references to a section of the Internal Revenue Code. It also allows state agencies, with USDA approval, to base wage matching procedures on sources of information comparable to SSA files and state unemployment records.

Section 307—State administration of work registration and job search

This provision would amend the Act to identify administration of all work requirements as a required state activity and subject to the usual funding level.

Section 308—Stays of retailer/wholesaler disqualifications

The conditions appellant retail food stores and wholesale food concerns must meet in order to obtain judicial stays of administrative penalties are changed.

Section 309—Repeal of noncash benefit requirement for Puerto Rico nutrition assistance

The requirement that food assistance benefits in Puerto Rico be issued in a form other than cash, by October 1, 1983, would be deleted.

TITLE IV—ADMINISTRATIVE FUNDS FOR THE COMMODITY SUPPLEMENTAL FOOD PROGRAM

The bonus value of commodities will be included in determining the administrative cost ceiling for the commodity supplemental food program.

TITLE V—EFFECTIVE DATE

The effective dates for the provisions of the bill, except sections 205 and 207, would be prescribed by the Secretary, taking into account the need for orderly implementation. ●

ANTI-ZIONIST COMMITTEE OF THE SOVIET PUBLIC**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. WOLF. Mr. Speaker, I want to express my serious concern and adamant opposition to the establishment of an Anti-Zionist Committee by the Soviet Public. This committee was set up to mask and conceal discrimination against Soviet Jews and the emigration obstacles they face.

A handful of Soviet Jews—eight to be exact—purporting to speak on behalf of Soviet Jews published a statement in the Communist newspaper Pravda criticizing international Zionism and accusing Israeli and other Jewish organizations of distorting Soviet policies. These persons do not represent the hundreds of Soviet Jews who have been falsely accused of

crimes, repressed and refused emigration and subjected to internal exile.

I believe that this anti-Zionism drive launched in the wake of the World Conference of Soviet Jewry must be unanimously and loudly condemned by the United States. This statement and the creation of this committee seeks to weaken claims about persecution of Jews in the Soviet Union and to deny the existence of a Jewish question in the U.S.S.R. It is apparent that these actions are designed to counter and diffuse the impact of hard and sustained assaults made at the conference against Moscow's treatment of Soviet Jews.

We have witnessed many attempts in the past to make the process of applying to emigrate more difficult and the establishment of this committee has sent a new wave of fear throughout Soviet Jews. Many believe that the Anti-Zionist Committee foreshadows a Government-backed drive to persuade Jews waiting for exist visas to withdraw their applications and to dissuade others from applying.

Jewish cultural and religious activism which has become widespread since the early 1970's is the most important element sustaining the emigration drive. The advent of this committee suggests that the authorities may intend to restrict private Jewish religious and cultural activities. This plan reflects a determination to continue to enforce a recent sharp reduction in Jewish emigration.

The number of Jews allowed to leave the Soviet Union fell from a 1979 total of 51,320, to a 1982 total of 2,688. This is a drop of 95 percent in 3 years. In January 1983, only 81 Jews were permitted to emigrate. If this trend continues throughout this year only about 1,000 Jews will be allowed to leave Russia.

The suffering of refuseniks and prisoners of conscience cannot be denied or buried. The current attempt to influence Soviet Jews and silence the world outcry on their behalf should be seen for what it is: A propaganda device.

I urge Members of Congress to recognize how critical this human rights situation is and join me in voicing loud opposition. ●

SOCIAL SECURITY**HON. BOB McEWEN**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. McEWEN. Mr. Speaker, on March 9, we deliberated and cast our votes for a proposal that is purported to resolve the short-term and long-term shortfall of the Social Security System. While I commend the Biparti-

san Social Security Commission for providing an outline for a short-term solution, unfortunately, they did not provide a viable method to close the long-term deficit. Although I am committed to the necessity of restoring solvency to the social security system, I could not in good conscience support this legislation.

Social security is a vital program for all Americans, and we must face this important issue carefully and responsibly if we are to insure future benefits. I believe that H.R. 1900 was merely a bellwether of higher taxes, unsafe margins of security in the trust funds, and continued requests for general revenue funding down the road.

This bill penalizes those who save, and rewards those who do not, it discourages the spouse of a disabled person from earning beyond the income threshold, thereby causing a reduction in benefits, it imposes a "means test" for social security beneficiaries, and it disrupts the historic parity between the tax treatment of employee and employer.

A far-reaching precedent is established for the social security system by this bill. The "earned right concept," on which the system was based, is undermined by a massive infusion of General Treasury funds through direct and indirect transfers. The self-sustaining principle of social security is dismantled through the use of these funds, and we have lost any hope of returning social security to its proper role as a floor of protection.

These changes are a dramatic deviation from the discipline of a self-contained system, which was recognized by Franklin Roosevelt as the essential component in the original design of the social security program. Make no mistake, I am totally committed to the necessity of restoring solvency to the social security system upon which so many Americans depend. I am not, however, willing to abdicate my principles of responsibility. We owe more to the elderly and to our children and their children. ●

SOLOMON OUTLINES U.S. STAKES IN CENTRAL AMERICA**HON. GERALD B. H. SOLOMON**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. SOLOMON. Mr. Speaker, on Wednesday, April 27, 1983, President Ronald Reagan made an elegant and urgent plea to the Congress and the American people for a bipartisan effort to rescue the duly elected democratic Government of El Salvador. Since then, however, critics have questioned the size of the President's proposed commitment, as well as its value.

The Friday, April 29 edition of the Albany Times-Union contained an editorial that clearly outlines the stakes involved in Central America, and the need for American resolve.

The article follows:

[From the Albany (N.Y.) Times-Union, Apr. 29, 1983]

CENTRAL AMERICA

As President Reagan remarked to the Joint Session of Congress Wednesday night, it would be difficult to find many Americans who were not aware of the large stake the U.S. has in the Middle East or the Persian Gulf or in the security of Western Europe. But the same, unfortunately, cannot be said for Central America.

Mr. Reagan corrected that deficiency. In an eloquent address he laid before the American people the huge stake we have in all of the Americas, especially those countries just to the south of our border.

The President made his case not only by recalling the historic importance of Central America in world politics and by illustrating the importance of guaranteeing that Central America remain friendly to the U.S. He did so also by showing the importance the Soviet Union—through its agents the Cubans, the Libyans, the PLO—attaches to reducing our sphere of influence by establishing a foothold there.

The threat to Central America, and especially to El Salvador, is not only real, it's pressing. The Marxist regime in Nicaragua has been busy virtually since it was born trying to bring down its neighbors' governments, whether they be autocratic or democratic. Today it daily moves arms and supplies to the rebel forces in El Salvador, hoping to bring down a regime that, despite its numerous and serious faults, has been democratically elected.

If Nicaragua succeeds in bringing down all the governments in Central America it has its sights on, the whole of Central America may soon join Cuba and Grenada as bases for Soviet influence and activity. It is a prospect that would clearly pose a grave threat to our own security.

Our stake in Central America then is real. We cannot simply sit on our hands while our "sphere of influence" is gradually reduced. President Reagan did an admirable job of making that plain enough.

His four-fold plan to recover our influence and stem the Marxist contagion is likewise admirable, encompassing as it does, political, economic military and diplomatic strategies and goals. Instead of relying wholly on military might, Mr. Reagan wisely recognizes the need for "democracy, reform and human freedom" as well as economic development and social justice. He even announced that he is willing to settle the war in El Salvador through negotiations within that country and in conjunction with that country's neighbors.

The administration, in short, recognizes the immense importance of a free Central America, and has outlined an open-minded way the help insure that that is accomplished.

However, we cannot share Mr. Reagan's optimism either with the number and the extent of reforms he said have already been made in El Salvador or with his implied claim that we will never need to send American combat troops to that part of the world.

Though the first phase of El Salvador's land reform program has gotten under way, the mass of people in El Salvador, like the mass of people in most of Central America,

continue to live in abject poverty while a select few wallow in riches. In addition, in spite of the recent progress reported on human rights, the Salvadorans are still subject to intimidation and even worse by their own government. If the present regime is to have any chance to grow to old age, it's going to have to move to get the support of the people it is meant to serve.

The economic problem, of course, is in itself a big enough challenge. As Sen. Christopher Dodd pointed out, it takes all the Central American countries one full year to produce the goods the U.S. produces in three days. This stark contrast nicely illustrates the commitment it will be necessary for us to make if we are to achieve the goals in El Salvador and Central America that Mr. Reagan has proposed.

Critics have charged that the Reagan stance toward El Salvador betrays an internal contradiction. If that part of the world is as vitally important to us as he insists, they say, then why can the President so confidently assure us that we will not send American combat troops there?

The critics make a good point. But perhaps Mr. Reagan is not contradicting himself so much as he is facing an unpleasant political fact. Namely, many Americans, even a majority, may not be willing to pay the terrible price that may be necessary to insure our security and freedom in this, our own hemisphere.

This nation has, after all, come a long way from the time when President John Kennedy could say that we would go anywhere and fight any foe in the name of freedom. Today most Americans may not be willing to send a single combat soldier to a hotly contested area that is closer to the U.S., in Mr. Reagan's apt comparison, than Massachusetts is to Texas.

We hope this nation hasn't, as some have suggested, lost confidence in what it believes or lost its sense of responsibility and mission, or, worse, its purpose and will. It may be necessary to pay a greater price to meet the Marxist challenge in Central America then we are being led to believe. But even that is not a prospect from which we can lightly shy away.

To prevent even this contingency, the U.S. should work to help bring about in El Salvador a government that we can support because it is supported by all the Salvadoran people.●

BUCKS COUNTY REFERENDUM

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. KOSTMAYER. Mr. Speaker, at the beginning of this legislative session, Mr. Speaker, I came before the House to introduce H.R. 826, a bill to designate a 21-mile segment of the Delaware River, running from Washington's Crossing, Pa., to Uhlertown, Pa., as a component of the National Wild and Scenic Rivers System.

The need to preserve this portion of the middle Delaware still exists, but our efforts were given a solid boost by the people of Bucks County last Tuesday, May 17, when after months of open debate they voted in a referendum to terminate construction of the

Point Pleasant Pumping Station on the Delaware.

When I introduced H.R. 826, one of the major reasons for my opposition to the pumping station was that the people of Bucks County had not been given the opportunity to vote on the issue. But in March a three-judge panel finally ruled that a referendum on the pumping station should be placed on the ballot for the May 17 primary. On Tuesday the people of Bucks opposed the pump, 55 percent against and 45 percent in favor.

Now that the wishes of the people of Bucks County are clear, I ask my colleagues to join me in preserving this historic section of the Delaware.

At the same time, I will work to build a consensus in Bucks County to develop benign alternatives to the Point Pleasant Pumping Station to satisfy our water needs. I welcome supporters of the pump to work with me to develop reasonable alternatives.

Tuesday's referendum shows us once again that you can fight city hall. The success of the referendum vote would not have been possible without the hard work of many concerned citizens, led by the organization Del-Aware. It is the people of Bucks County who deserve credit for this victory. In the end, it is the democratic process which has won in Bucks County, Mr. Speaker, and how appropriate that is for it is there in Bucks County that the process began in large part for us as a people more than two centuries ago.●

CONSERVATION OF WETLANDS

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. FORSYTHE. Mr. Speaker, on March 23, 1983, I introduced, by request of the administration, a bill entitled "Protect Our Wetlands and Duck Resources Act of 1983" (POWDR). As I noted in my remarks on that date, the need to conserve wetlands for their value as critical wintering, breeding, and resting habitat for migratory waterfowl is critical.

In addition to providing recreational hunting opportunities to more than 8 million waterfowl hunters who spend between \$100 and \$500 each per year in pursuit of their sport, our Nation's magnificent migratory waterfowl also provide esthetic satisfaction to all.

Numerous other species find homes in wetlands, including mink, beaver, muskrat, raccoon, and nutria, which support a multimillion dollar per year fur-trapping industry. An estimated 66 percent of the Nation's recreational and commercially important fish and shellfish species, which contribute an estimated \$7.5 billion annually to the Nation's economy, depend on coastal

marshes for at least part of their life-cycle. The collapse of commercial fisheries of northern pike, muskellunge, lake sturgeon, and whitefish in the Great Lakes basin has been correlated with degradation and destruction of wetlands.

Wetlands have other, perhaps even more valuable, functions. They slow the flow of water by storing flood peaks and releasing the stored water to the ground and to streams during low-flow periods. The Corps of Engineers, evaluating the effects of a 1955 hurricane on a river basin near Boston estimated that wetlands stored 50 acre feet of floodflows and reduced damage by approximately \$1.2 million.

The capacity of wetlands to trap, filter, and decompose some toxic materials as well as silt and organics, and thereby recycle nutrients to the environment is well documented in the scientific literature. Indeed, wetlands have been used very successfully as a replacement for expensive advanced waste-treatment facilities for municipal wastewater.

Environmental economists estimate that wetlands contribute \$20 to \$40 billion per year to the national economy. We would need to pay at least \$50,000 to \$80,000 per acre to replace all of the functions that a wetland performs.

Approximately half of the 250 million acres of wetlands, which are estimated to have existed in the United States prior to our colonial period, have disappeared and the continued destruction of these areas poses a serious threat to the Nation's economy as well as its environmental well-being. The Fish and Wildlife Service has recently concluded that over the 20-year period, from the 1950's to the 1970's, there has been a net average annual loss of 458,000 acres of wetland habitat.

In the early 1950's, the Fish and Wildlife Service, the States, and the International Association of Fish and Wildlife Agencies set a goal for the protection of 12.5 million acres—8 million acres by the Federal Government and 4.5 million acres by the States—of waterfowl habitat needed to maintain populations that existed at that time. To date, 1.6 million acres of the Federal share are still necessary and remain to be acquired. The major source of Federal funding for wetland acquisition has been the migratory bird conservation fund. Established in the 1930's, this fund receives money from the sale of migratory bird hunting and conservation stamps, more popularly referred to as duck stamps, and advances from the wetlands loan fund. The Committee on Merchant Marine and Fisheries last week reported out H.R. 2395, and act to extend the authorization of the wetlands loan fund for an additional 10 years, thereby making available the \$53 million re-

maining in that fund. A recent review of the revenues from duck stamps is somewhat alarming in that the annual receipt has dropped from a level of \$16.5 per year in 1980 to an estimated \$14.5 per year for the current fiscal year.

I believe that the demonstrated value and need for preservation of wetlands, coupled with the alarming decreases still in evidence, and a reduction in Federal acquisition of valuable habitat, requires us to take emergency actions at this time.

The POWDR legislation, which was proposed by Secretary Watt, is an important basis for discussing legislative needs and has stimulated and fostered much-needed debate. The POWDR task force which has recently been established as a Federal advisory committee serves as a focus for this debate. The Secretary is to be commended for his oft-stated willingness to work with the Congress and interested parties toward developing a reasonable, workable, aggressive wetlands protection program.

Since March, I have received a number of suggestions for improving the proposal and comments on potential problems or misunderstanding arising from its provisions. In response to that input, Mr. Speaker, today I have introduced a bill entitled "Emergency Wetlands Resources Act of 1983." My distinguished colleague, Senator JOHN H. CHAFFEE of Rhode Island, has, I understand, introduced similar legislation in the Senate and is responsible in no small measure for much of the dedicated effort which has gone into the drafting of this bill. I believe that the Emergency Wetlands Resources Act is an appropriate and very positive response to the initiatives of Secretary Watt.

Title I of this bill, which is intended to augment the Wetlands Loan Act extension contained in H.R. 2395, provides for significant additional revenues for the migratory bird conservation fund. In a manner similar to that provided in POWDR, entrance fees for certain units of the national wildlife refuge system will be paid into the migratory bird conservation fund. I believe that this is an appropriate user fee, since the national wildlife refuge system provides rewarding opportunities for its millions of visitors per year. The price of a migratory bird hunting and conservation stamp—duck stamp—is raised gradually to \$15 per year as opposed to the immediate increase contained in POWDR. For hunting years 1984 and 1985, the fee would be \$10; for hunting years 1986 and 1987, \$12.50; and \$15 per year thereafter. Import duties now collected on arms and ammunition will be paid into the migratory bird conservation fund. Perhaps the most significant increase in revenues would be a transfer from the land and water conservation fund of

\$75 million per year for the 10-year emergency period ending in 1993.

Title II of the bill would provide for a cooperative Federal/State program for acquisition using up to \$50 billion per year of the moneys contained in the migratory bird conservation fund. States wishing to participate would be reimbursed for up to 75 percent of the cost of approved projects. This provision is based in large part on the POWDR proposal.

Title III provides schedules and increased funding for the development of inventory maps by the Fish and Wildlife Service's national wetlands inventory project. The area which have been identified by the Service as top priorities would be required to be mapped by September 30, 1986, with the remaining portions of the contiguous United States mapped by September 30, 1988.

Title III also provides for the continuations of reporting to update and improve the information contained in the Fish and Wildlife Service's report entitled "Status and Trends of Wetlands and Deep Water Habitat in the Conterminous United States, 1950's to 1970's." This report has been particularly valuable in assessing the nature of our wetland loss.

The second section in title III contains a requirement to prepare, and submit to the Congress, a report regarding the causes of wetlands destruction and degradation with a special emphasis on the Federal statutory and regulatory mechanisms, including expenditures and financial assistance, which induce such losses. Also required in that report, to be submitted by September 30, 1985, are (1) a compilation and analysis of Federal expenditures resulting from wetlands destruction and degradation, an analysis of the environmental and economic impacts of eliminating or restricting future Federal expenditures and financial assistance, and recommendations for the conservation of wetlands resources based on an evaluation and comparison of all management alternatives. The POWDR bill, H.R. 2268, contains in title I a prohibition of certain new Federal expenditures within any component of the POWDR system mapped in accordance with that bill. I believe that the study provided for in the Emergency Wetlands Resources Act will provide much needed data and information to support decisionmaking on which Federal expenditures must be controlled, how to institute those controls, and whether or not the exemptions contained in POWDR are necessary and warranted.

Today, Mr. Speaker, in addition to soliciting the support of my colleagues for this necessary legislation, I am also soliciting their insights, views, comments, and discussion of the provisions of the act and any other appropriate

measures which can and should be included.

There are several areas which I recognize need to be developed and are being pursued. First, neither this bill nor POWDR include any mechanisms which would enlist the private sector's assistance in preserving valuable wetlands in the form of new and innovative tax incentives to encourage a landowner or his estate to give or sell qualified property or conservation easements. It is also necessary to review the existing Internal Revenue Code to determine if there are sections which presently provide incentives to drain wetlands. These should be carefully examined to determine if their deletion from the code would be beneficial.

Second, while this bill provides for a study of the economic and environmental impacts of Federal assistance and expenditures on the destruction of wetlands, there may well be types of expenditures or assistance which could be productively prohibited at this time, without the need for further study.

Finally, the protective provisions contained in section 404 of the Clean Water Act are under a concerted attack intended to weaken them. Conversely, I believe that these provisions may well need to be strengthened in order to insure that the protection and preservation of wetlands remains a program of high priority.

Mr. Speaker, I look forward to the continuing dialog between the administration and my colleagues in the Congress concerning these vital interests. The Subcommittee on Fisheries and Wildlife Conservation and the Environment will be scheduling hearings for the latter part of June to discuss these and other associated legislative proposals.●

**A TRIBUTE TO WILBERTA
LEEANN CHINO**

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. RICHARDSON. Mr. Speaker, we can all be proud of the many young men and women who have completed their high school educations. During this time of graduations, I want to share with my colleagues the story of a special high school student in my district.

Wilberta Leeann Chino will graduate from the Santa Fe Indian School in my district this week. She will receive the honor of being named the outstanding student of the year.

Wilberta Leeann has earned several academic distinctions during her high school years. Her involvement, interest, and participation in the Santa Fe

Indian School theater arts program has won her State recognition as the recipient of this year's coveted Mark Medoff Scholarship for the Dramatic Arts. I know that Wilberta Leeann will gain the special skills she needs to reach her goal as a professional actress when she begins her college career at New Mexico State University this fall.

Wilberta Leeann will also receive the Acoma Pueblo Scholarship for the 1983 academic year. She has been an active member of the Acoma Pueblo community participating in traditional dances and ceremonies. She was a team leader for the Acoma Pueblo youth recreation program.

Mr. Speaker, Wilberta Leeann's many fine personal achievements serve as a shining example and inspiration to young people in her community and in the State of New Mexico.●

**INTRODUCTORY STATEMENT
FOR CONABLE-SHANNON BILL
TO ENCOURAGE GIVING TO
FOUNDATIONS**

HON. JAMES M. SHANNON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. SHANNON. Mr. Speaker, throughout this century foundations have played a special and vital role in responding to the needs of our society. However, present tax law restrictions on giving to private foundations are eroding foundations' capacity to make similar contributions in the future. A bill that I introduced on May 18 with Mr. CONABLE and Mr. GEPHARDT, H.R. 3043, will eliminate these restrictions and thus help insure that foundations will be able to continue their important philanthropic work.

To appreciate the importance of this bill, one need only consider some of the ways in which our lives might be different if foundations did not exist. For example, without foundation-funded medical research we might still be living with typhus, malaria, hookworm, and a variety of other major diseases. Without sustained foundation funding, the thousands of black college students who have attended the colleges served by the United Negro College Fund might have been denied an education and the opportunity for fuller participation in American life. Without massive foundation grants, public television in this country might have died in its infancy. The list of foundation contributions to our society goes on and on and on. Without foundations the quality of our lives would be reduced and the justness of our society diminished.

All who share my belief in the importance of foundations must also share my concern about the decline in

foundations' grant-making capacity. Since 1969 the birthrate of new foundations has dropped by two-thirds, and the value of foundation assets measured as a percent of GNP has fallen by over 40 percent.

These alarming trends stem largely from the unfavorable tax rules applicable to lifetime gifts to foundations. For example, under present law if a donor gives stock purchased for \$10 and now worth \$100 to a public charity he can deduct \$100; if he gives the same appreciated property to a foundation he can deduct only a fraction of this amount. Other aspects of current law likewise discourage gifts to foundations.

These discriminatory tax rules are an unfortunate anachronism. As the legislative history makes clear, enactment of these restrictions reflected congressional concern that, under the law as it existed prior to 1969, some foundations were not using their resources actively and exclusively in the public interest. However, in 1969 Congress addressed these concerns directly by subjecting foundations to a comprehensive set of legal restrictions—including requirements that foundations make specified annual distributions for charitable purposes and comply with stringent prohibitions on dealings with related parties. These rules guarantee that all funds given to private foundations will be used for public purposes.

Accordingly, the restrictions on giving to foundations are no longer needed and should be repealed. H.R. 3043 accomplishes this objective by making contributions to foundations deductible on the same basis as gifts to other charities.

Mr. Speaker, this bill represents a major step toward insuring the continued vitality of foundations and their continued ability to respond to society's ever-changing needs. The bill also eliminates four important technical problems with the existing private foundation rules.●

**AMERICA IS PAYING FOR
JAPAN'S DEFENSE**

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. ASPIN. Mr. Speaker, each year the Reagan administration asks for large increases for defense. This is followed by an announcement from Tokyo that Japan will increase its defense spending by an infinitesimal amount.

Put succinctly, Americans are paying for Japan's defense.

The Japanese decision is quite rational. Why should it spend more on defense when it can count on Wash-

ington to shoulder the burden alone? Right now, Japan, with the second largest economy in the world, spends 0.9 percent of its gross national product on defense. The United States already spends 6.2 percent and President Reagan wants to hike that by 25 percent over the next 5 years.

The money Japan and other allies do not spend on defense is being used to outdo us in the free market that we are spending huge sums to defend. We are paying to preserve the freedom of others, which is fine, while others are investing their money to improve Toyota's and Sony's and undercut our products, which is not so fine.●

HONORING THE VOLUSIA COUNCIL OF GOVERNMENTS

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. CHAPPELL. Mr. Speaker, I rise today to honor the Volusia Council of Governments. The council is made up of participating governments in Daytona Beach, Daytona Beach Shores, DeLand, Edgewater, Holly Hill, Lake Helen, New Smyrna Beach, Oak Hill, Orange City, Ormond Beach, Pierson, Ponce Inlet, Port Orange, South Daytona, and Volusia County.

The Volusia Council of Governments documentary film "The Clean Water Crisis" won first place at the recent American Planning Association's national conference in Seattle. The Volusia Council of Governments was the only planning agency in the competition. The winning film was made with a small staff, using employees as actors, a bare minimum budget and outdated equipment; yet this film withstood competition from professional filmmakers and films made with far greater financial backing.

It is an honor to represent creative and productive governments on the national level. I would respectfully like to enter into the RECORD, supporting data concerning this remarkable and laudable achievement:

SEVEN WINNERS ANNOUNCED IN PLANNERS VIDEO FESTIVAL

(The APA Information Division announces winners of its First Annual Planners Video Festival, and also the program for its Planners Video Theatre at Seattle Center. Special closed-circuit viewing facilities will assure multiple showings of all tapes during the National Conference. For exact schedules and more details, consult the Planners Video Theatre marquee in the Exhibition Hall.)

SEATTLE, WASH.—Seven productions were named winners of the First Annual National Planners' Video Festival, which debuted at the annual conference of the American Planners Association here April 16.

Top prize for documentaries went to "Stormwater Runoff: The Cleanwater

Crisis," an 18-minute tape produced by the Volusia Council of Governments (metro Daytona Beach, FL). Four second prize documentary winners were named from New York City's government access cable organization, the Channel L Working Group (CLWG); the University of Michigan; and the University of Southern California at Los Angeles. Two Public Service Announcements (PSAs) were cited, and 13 additional Certificates of Merit were announced by APA's Information Systems Division.

The Division sponsored both the Festival and closed-circuit installation ("APA-TV: The Planners Channel") for the continuous exhibition of 11 hours of product at the Seattle Center conference site.

Second place documentary winners included: "Architecture and Video: Tool of the New Professional" produced by Amin Houry and Robert Wojcik to highlight activities of the University of Michigan's video planning "laboratory"; "Environmental Modelling: A Case Study," a UCLA Master's Thesis production by Susan Cloke highlighting participatory planning techniques for farmworker housing in South Texas; and two productions of CLWG: "Community Gardens and Open Space," produced with the New York City Council on the Environment to highlight four urban revitalization projects, and "Loisada: A Movement on its own Accord," a widely-acclaimed video-verite look at innovative neighborhood renewal strategies on Manhattan's Lower East Side.

CLWG also swept first and second places in the PSA category for two "spin-off" productions from the "Community Gardens . . ." piece.

The 13 Certificates of Merit went to planners, students, government agencies and community groups in Massachusetts, California, Pennsylvania, Florida, New York and Louisiana (see attached list).

Festival co-chairs Phillip B. Wallick and William F. Rushton described the event as "a major breakthrough in promoting planner use of video." Wallick, Assistant Executive Director of the New York City Department of City Planning, and Rushton, Special Assistant to the Electronic Technology Task Force of the Port Authority of New York and New Jersey, are—respectively—Chairman of APA's Information Systems Division and editor of its quarterly newsletter.

Jurors included Galen Cranz, a sociologist and Associate Professor of Architecture at the University of California, Berkeley; Eva Hanhardt, planner and community organizer for the Community Service Society of New York; Lillian Jimenez, Program Coordinator for the Film Fund and board chairperson of the Foundation for Independent Video and Film; Dr. Floyd Lapp, AICP, Executive Director of the Kingsbridge-Riverdale-Van Cortlandt Development Corporation, Bronx, NY and Chairman of the American Institute of Certified Planners Commission; Shirley S. Passow, long-time APA member and Special Assistant to the Commissioner of Finance for the City of New York; and Stuart Turner, AICP, a member of the firm Raymond, Parish, Pine and Weiner, Inc., White Plains, NY.

The jurors warmly commended all entrants for their efforts, and urged more planners to learn or continue to develop their visual communication skills.

FIRST PRIZE, DOCUMENTARY

"Stormwater Runoff: The Clean Water Crisis"—18:34 (July, 1982). Produced by the Volusia Council of Governments, including 15 governments in the county surrounding

Daytona Beach, Florida. Great balance of information, aesthetics, science and art in this well-paced look at stormwater runoff pollution and its impact on Florida's delicate ecology and the lifestyle dependent on its maintenance. Has had television, library and civic club showings.

SECOND PRIZES, DOCUMENTARY

"Architecture and Video: Tool of the New Professional"—38:00 (September, 1979). Produced by Amin Houry and Robert Wojcik, in part with a grant from the University of Michigan, to document video use in all areas of architecture, urban and interior design, focusing on research by an interdisciplinary faculty team and a well-displayed laboratory facility available to them.

"Community Gardens and Open Space"—28:00 (Summer, 1979). Intern Producer Pat Cadavid for the New York City Council on the Environment and the Channel L Working Group, Inc. Documentary visits to four Manhattan restful spaces reclaimed from vacant lots. See also public service announcement category, where spin-offs from this production won top honors.

"Environmental Modelling: A Case Study"—23:00 (June, 1982). UCLA Master's Thesis production by Susan Cloke (Graduate School of Architecture and Urban Planning), in cooperation with Department of Media Instruction. Documentary on participatory techniques used by student-faculty team for union-owned farmworker housing in South Texas.

"Loisada: A Movement on Its Own Accord"—28:00 (1979). Intern Producers George Pessin and Edgar Price for the Channel L Working Group, Inc. Videoverite documentary of the East 11th Street Movement, an experiment in sweat-equity financing of housing rehab, with solar technology, and basement aquaculture, featuring original local music. First Place Winner, Documentary Category, 1980 "Hometown USA" Festival sponsored by the National Federation of Local Cable Programmers.

FIRST PRIZE, PUBLIC SERVICE ANNOUNCEMENT

"Dome Project"—2:00 (Summer, 1979). PSA promoting the use of a community space included in "Community Gardens and Open Space" documentary by Channel L Working Group and New York City Council on the Environment, Pat Cadavid, Intern Producer. Is played on access channels and can be inserted into vacant local "avails" on ad-supported satellite cable services.

SECOND PRIZE, PUBLIC SERVICE ANNOUNCEMENT

"Ninth Street Garden"—2:00 (Summer, 1979). PSA promoting the use of a community space included in "Community Gardens and Open Space" documentary by Channel L Working Group and New York City Council on the Environment, Pat Cadavid, Intern Producer.

CERTIFICATES OF MERIT

"Air Rights Over New York"—58:00 (Winter, 1982). Produced by Intern Michael Routh for Metro New York City Chapter, APA, in cooperation with Channel L Working Group. Straight meeting coverage of the "aim the camera and roll tape" variety, featuring a panel moderated by Chapter Chairman George Raymond.

"Around the Highlands"—21:45 (November 3, 1982). Executive producers Newton Highlands Community Development Corporation and Director George E. Mansfield AICP with Meg Mansfield, Marcia Novak and Nancy Partiacca, in cooperation with the graduate program in Community Planning and Development at the University of

Rhode Island. Newsmagazine-format episode from a weekly cable access series started in this Boston suburb in May, 1982, focusing on affordable housing options, congregate housing for the elderly, and other local issues, and supported in part by a grant from the Newton Cable Television Foundation.

"Community Development Block Grant Fund"—28:00 (December 16, 1982). Debut production by Iowa City, Iowa's Community Development Block Grant staff for the Committee on Community Needs, primarily for cable distribution. Panel discussion followed by brief on-site visits to community projects-in-process.

"Dial-A-Ride"—1:05 (May, 1982). PSA for Dial-A-Ride services in the City of Modesto, California, produced by John Herrick with Mike Herrero, Bonnie Long and Larry Shanklin. Played during intermissions of televised Modesto City Council meetings, and on the local public access channel.

"Floodplain: The Path of Nature's Power"—20:04 (December 20, 1982). Executive Producer Peter C. DiBacco for Pennsylvania Department of Community Affairs. Documentary on floodplain management with historical footage of floods, alternative control measures, current efforts. "Good visual & musical background," our jurors say.

"Glorietta Bay Beautification Project"—27:40 (Summer, 1981). Produced by Tim Broderick and Valerie Wiggins for City of Coronado, California. Documentary on Master Development Plan for the city's historic waterfront prepared by Jim Burns/POD, Inc./Moore Ruble Yudell.

"Honey Locust POD Gall Midge"—1:45 (June, 1982). PSA on tree pest by John Herrick with Peter Cowles for the City of Modesto, California.

"H.P.O Alumni Show, 1982"—12:59 (December, 1982). Executive producer John Herrick with Harry Demmel and Steve Halacy for the City of Modesto, California. These guys actually did this for the annual joint meeting of the City Council, Planning Commission, and Department of Planning and Community Development, to review the progress of the year, and are apparently all still employed—to the hilarious amusement of our jurors, who unanimously admired its valor and panache and demanded to be put on the circulation list for the 1983 edition.

"North Beach: A Time to Choose"—10:22 (December 21, 1982). Executive producers Christopher Cutro, Principal Planner, and Vicki E. Silver for the City of Hollywood, Florida. Narrated slide show transferred to tape for presentation to the Governor, Cabinet aides and State staff to urge purchase of North Beach, the last natural dune system left in Southeast Florida, under Florida's Save Our Coast Program. Producers claim presentation "played a part in a commitment of \$42.6 million dollars to purchase North Beach."

"Planning in Action"—30:52 (May 12, 1982). Executive Producer, Writer and Director Roberts Zucker Catalinotto in cooperation with Global Village and Gibbs and Hill, Inc. Documentary prepared for cable distribution on three planning projects, including aid by Gibbs and Hill, including a proposed "Plating City" to rescue the troubled electroplating industry of Brooklyn, New York's Bushwick section; foster care for the elderly; and neighborhood preservation on the edges of the South Bronx.

"The Time of the Senate: The Eighties and Beyond"—11:28 (November, 1982). John Riels and Donna Irvin for the Senate of the

State of Louisiana. Jazzy glimpse of the computer system that gives Louisiana lawmakers much wider information and planning possibilities.

"The Waterfronts of New York"—28:00 (Fall, 1979). Intern Producer Suzanne Rudloff for a joint production of Cornell Sea Grant Project and the Channel L Working Group, Inc. Soft documentary on water edge parks, ocean fishing from Brooklyn's Sheepshead Bay, the Fireboat House Environmental Center and other pleasures available to New Yorkers.

"What the City of Walnut Creek is all About"—15:38 (Spring, 1982). Debut production of Gary Binger, Community Development Director for the City of Walnut Creek, that explores this San Francisco bedroom community with a planner's appreciation of infrastructure. Produced and aired for access channel distribution over General Electric Cablevision of Walnut Creek, with free availability to local schools.

ALSO EXHIBITED

"APA Telecommunications Workshop"—58:00 (1982). Produced by William F. Rushton and American Television and Communications for the Information Division of APA. Debut documentary production of the Division, excerpting panel discussions and videotape presentations by seven planners plus audience participation during a 4½-hour marathon session in Dallas at last year's National Conference.

"Community Planning Portfolio"—28:00 (Tape 1, April 28, 1978) and 58:00 (Tape 2, May 24, 1978). New York City Department of City Planning in cooperation with the Channel L Working Group, Inc. Pioneer use of government access channel for planning purposes. Tape 1 provided an educational introduction to the map and statistics portfolios being created for 58 grass roots "community planning boards," was moderated by then-City Planning Commission Chairman Robert Wagner, Jr., and was given the "Video jukebox" repeat treatment for one month over Manhattan's Channel L; Tape 2 provided an hour of phone-in discussion, and was moderated by Philip B. Wallick, proposed director.

"Legislative Commission on Science and Technology Presents: Telecommunications Deregulation"—58:00 (July 14, 1982). Intern Producer Vera Scalingi for Hon. Joseph Ferris, Chairman, Joint Legislative Commission on Science and Technology and the Channel L Working Group, Inc. Changes in telecommunications technology and public use and perception, and appropriate regulatory responses, are the subject of this cable phone-in panel discussion moderated by Assemblyman Ferris, and featuring telephone expert Gerald Oppenheim of the New York Attorney General's office, and William F. Rushton, formerly Staff Director of the Telecommunications Advisory Committee to the Tri-State Regional Planning Commission.

"Zoning From A-Z"—28:00 each (1982). First three parts in a series being produced by Gwenn Wiesemann of the Channel L Working Group with the New York City Department of City Planning for use as training tapes for staff and the planner/student interns who provide liaison between DCP and 58 "community planning boards," and also for general audience showing over government access Channel L in Manhattan. Part 1, "History and Legislative Basis" and Part 3, "The New Midtown Zoning," are illustrated lectures hosted by DCP Counsel Norman Marcus and Midtown Development Project Director Richard K. Bernstein, re-

spectively. "The Role of the Board of Standards and Appeals," is a talk-show featuring Marcus with Commissioner Sylvia Deutsch.

CONSUMERS AND THE DEALERS' ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. MARKEY. Mr. Speaker, I rise today to oppose H.R. 1159, the Office Machine and Equipment Dealers Agreement Act, pending before Mr. FLORIO's Subcommittee on Commerce, Transportation and Tourism of the Energy and Commerce Committee.

The Dealer's Act is a classic piece of special interest legislation. Its effect would be to develop a unique set of anticompetitive and inequitable Federal regulations, aimed at providing market insulation for one segment of one industry: Certain office machine equipment dealers. It would work to the detriment of all other participants in this vital sector of the economy, harming consumers, manufacturers, wholesalers, and retailers.

I urge Members of the House to consider its one-sided, special interest provisions. It would give a dealer the power to demand from a supplier that any of its products—current or future—be distributed through his dealership. It would establish a new Federal cause of action if a manufacturer did not renew an expired dealership agreement. It would grant dealers an unprecedented Federal claim to compensation for "goodwill."

The cumulative impact of these and other features of the act would be the creation, in effect, of contracts in perpetuity between suppliers and dealers, enforced by the threat of expensive and time-consuming Federal litigation. The costs of this structure would be borne by consumers, who would see the litigation expenses passed along to them in the prices of the goods they buy, and who would suffer a loss of service and quality from dealers insulated from market practices.

The Dealers' Act runs contrary to our Nation's antitrust policy. Its anticompetitive, anticonsumer scheme would allow existing office equipment dealers to avoid market competition, while creating severe entry barriers for new firms, which might be able to better serve consumers. It would encourage large manufacturers to vertically integrate, forming chains of manufacturer-owned dealerships, in their efforts to avoid the legal hassle of haggling with independent dealers. It would be most harmful to America's newer and smaller high technology firms, which are in the greatest need of obtaining outlets for their products

and which cannot afford to open their own dealerships.

The act is opposed by a broad alliance of retailers, manufacturers, wholesalers, distributors, small business organizations, and consumer and public interest groups. A predecessor bill was strongly opposed last Congress by the Federal Trade Commission and the Justice Department's Antitrust Division. Supporters of the bill suggest that it is a remedy for the threats to our markets posed by Japanese manufacturers. It is nothing of the sort. The bill would, instead, severely harm American commercial interests, which have substantial shares in all of the office equipment markets covered by its provisions. My State, like many others, is benefiting from the competitive activity in today's equipment market. As evidence of this, I note that the entire Massachusetts congressional delegation, concerned about the disastrous effects the act would have on U.S. high technology firms, recently wrote Chairman DINGELL and urged that his committee not consider H.R. 1159.

The Dealers' Act, if passed, would be harmful to American manufacturers, wholesalers, retailers, and most importantly, consumers. It would wreak havoc on a segment of our economy that is expanding even in these difficult times. I urge my colleagues to oppose this bill vigorously.●

TEACHING AMERICANISM

HON. GERALD B. H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. SOLOMON. Mr. Speaker, the American education system is under siege. The Commission on Excellence in Education points to the "rising tide of mediocrity" in our public school. Many advocate a return to basics and traditional values.

One basic that should be required is the teaching of American history, to give young people an appreciation of our constitutional government and our free enterprise system. Students should also be taught that there are those who would undermine the West through Communist totalitarianism.

Instruction in these important lessons is now required in the Florida public schools through a course entitled "Americanism versus Communism." I have read, Mr. Speaker, that this course is now being debated. I applaud those who would revitalize this course, and I sincerely hope that other States follow the lead of the great State of Florida.

Mr. Speaker, we must prepare students while they are in high school to withstand the assault they will receive in college classrooms that are domi-

nated by professors who openly espouse Marxism and give it almost exclusive attention.

I wonder, Mr. Speaker, whether those who teach that Marx has a scientific theory of human history also teach that he has not been right on a single prediction. You would have better luck with a ouija board. And I wonder, Mr. Speaker, whether those who teach Marxism as a theory also point out its practical effect on the Soviet economy and imperialism.

The other side is rarely taught, Mr. Speaker, and academic freedom is a one-sided sham. That is why I believe that teaching American values should be included in America's return to traditional educational discipline. Thank you.●

LARSON CLAIMS MAJORITY OF RANCHERS, FARMERS IN CHEYENNE AREA FAVOR MX

HON. DICK CHENEY

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. CHENEY. Mr. Speaker, the Casper Star Tribune last week carried an interesting article by Phil White, and I wanted to bring it to the attention of my colleagues as we begin debate on the MX. In the article, State Representative Richard Larson of Albin, Wyo., indicates that most residents of his area have no objection to the MX. Albin is located in eastern Laramie County and is surrounded by Minuteman III silos, which are proposed for MX deployment. I think it is important for my colleagues to realize that the MX is supported by most southeast Wyoming residents, many of whom have lived near these silos for over 20 years. The article follows:

LARSON CLAIMS MAJORITY OF RANCHERS, FARMERS IN CHEYENNE AREA FAVOR MX (By Philip White)

CHEYENNE—Wyoming State Sen. Richard Larson told a Capitol press conference Thursday that most southeast Wyoming farmers and ranchers support MX missile deployment in this area.

The 64-year-old Larson, R-Laramie, an Albin native and farmer, said the media has created a false concept, "that we who live and work in this area with missiles in our backyards are violently opposed to the MX."

He said "only one or two voices have been heard" from his area, referring specifically to Lindi Kirkbride, who ranches near Meriden and has been an outspoken opponent of the MX. Mrs. Kirkbride just returned Wednesday from a lobbying trip to Washington.

Larson said he had spoken to 50 of his "friends and neighbors" recently about the MX, "and not one of them" was opposed.

"This area is made up of patriotic, hard working, loyal people," he said. "I believe we are a people who desire to maintain our freedom at any cost. If it takes the MX, and all evidence says it does, to deter and defend

against attack, to prevent blackmail and to negotiate arms reduction, we are for it.

"The very few vocal opponents of the MX do not represent the majority of the rural Laramie County residents and they should not try to represent that they do," Larson said.

"Mrs. Kirkbride, a very fine lady with a sacred right to her sincere opinions, is simply not speaking for all of us," Larson said.

He said the impact of MX deployment in Minuteman silos will be minimal and that he agrees with Gov. Ed Herschler's decision not to involve the Industrial Siting Council in the impact mitigation process.

"The environment, following completion of the installation, will be no different than it is today," Larson said, noting that an amendment he sponsored this year to the sales tax law "could bring millions" in sales taxes into Laramie County for impact mitigation.

He said, the inference that the State II water project and the MX are related "is absurd," but he called for federal funding assistance to bring more Colorado River Basin water to Laramie County through the State II and III projects.

When asked if he was concerned that MX deployment might be just the precursor of other and bigger missile development, Larson said, "We certainly aren't at this point."●

SALUTE TO NICK STIPANOVICH, PITTSBURGH LABOR LEADER

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. WALGREN. Mr. Speaker, today I want to salute a great leader in the American labor movement whose life's work has been service to others and who now is retiring.

On April 2, 1921, Nick Stipanovich was born in Pittsburgh, Pa., the son of Theodore and Amelia Stipanovich. The Stipanovich's made their home in the Arlington Heights section of Pittsburgh and Nick later attended South High School. After high school, Nick served in the U.S. Navy in World War II from 1942 to 1945. Always an imposing figure, Nick developed into quite a boxer in the service competing in the middleweight, light heavyweight, and heavyweight divisions. Without question, the crowning achievement of his boxing career came in Alaska in 1945 when he won the Navy heavyweight title.

In 1945, Nick married the former Josephine Dawida and started to work as an ironworker in Pittsburgh. Nick was always a hard worker and was soon widely respected for his ability and commitment to his fellow workers. In 1957, Nick was first elected as a business agent for Ironworker Local 3 in Pittsburgh. This was the beginning of over 17 years of service as the local business agent. As a true indication of the esteem and respect of his peers, in

1977, Nick became the business representative for the Building and Construction Trades Council of Pittsburgh.

It is in this capacity which so many people inside and outside of the labor movement learned about Nick's principles of fairness, dignity of the worker, and compassion and concern for all of those less fortunate in our society. All who deal with Nick, labor or management, elected official or private citizen, know him to be a fair and forthright man of his work. In every sense of the word, Nick exemplifies the meaning of the word "gentleman."

Nick is a dedicated family man and he and Josephine are the parents of one son and grandparents of one grandson. He has always given unselfishly of himself in church and community affairs, like Camp Variety, and everyone knows he will continue to stay active in these ways in his retirement.

Nick's colleagues will miss his daily presence and the skill and good humor which he brings to his work. The labor community in Pittsburgh will also miss Nick's guidance and counsel. And we, as elected officials, will miss Nick's candid advice and support when we needed it most.

Mr. Speaker, Nick Stipanovich has enriched all of our lives and we salute his many contributions to his community. We all realize that the Pittsburgh scene will not be the same without Nick's day-to-day involvement. We all want to wish Nick the very best in his retirement and that his many years ahead will be filled with happiness and good health. ●

MEDICAL MISSION REPORT ON EL SALVADOR

HON. JAMES M. SHANNON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. SHANNON. Mr. Speaker, I am submitting for the RECORD a special report, the Medical Mission Report on El Salvador, recently printed in the "New England Journal of Medicine." The report chronicles the result of a 5-day mission to El Salvador sponsored jointly by the National Academy of Sciences, the Institute of Medicine, the American Association for the Advancement of Science, the New York Academy of Sciences, and the International League for Human Rights. I commend this brief report to my colleagues for its objectivity and its precise handling of the issues.

The report follows:

SPECIAL REPORT—MEDICAL MISSION REPORT ON EL SALVADOR

Alarmed by reports of the harassment, murder, and disappearance of doctors, dentists, nurses, members of the medical facul-

ty, social and physical scientists, and members of related health professions, the National Academy of Sciences, the Institute of Medicine, the American Association for the Advancement of Science, the New York Academy of Sciences, and the International League for Human Rights cosponsored a medical mission¹ to San Salvador. The mission's purpose was to determine the fate of those professionals and to assess the impact of conditions in El Salvador on medical institutions and on the health of the people.

From January 11 through January 15, 1983, we spoke with people from a wide range of backgrounds: government officials, the archbishop and others in the Catholic Church, members of the International Committee of the Red Cross, officials in the Ministry of Health, members of nongovernmental human-rights organizations, political prisoners, and numerous private citizens, including the families of victims. We also visited four places of detention for political prisoners, two refugee camps, and the public maternity hospital (Maternidad). Wherever we turned we found the chilling effects of the ever-widening devastation to health and health care that has been caused by the breakdown of education, the slashing of budgets for national health programs, and the repression of human beings by the systematic use of terror in ways that are hideous and frightful.

The persecution of health personnel is real. It began in 1979 and intensified through 1981, when a group of doctors, nurses, and medical students protested the killing and kidnapping of patients and doctors in hospitals—sometimes even during surgery. Retaliation against this group by death squads, suspected of being government forces, was swift and brutal. The group's members "disappeared," or fled to avoid death, or were killed.

We came to El Salvador with a list of 20 health workers and scientists who had disappeared in the previous 12 months. Our investigation revealed that only seven could be accounted for: four were in prison, two had been freed, and one was confined to a mental hospital outside the country. There was no trace of the other 13. Moreover, while in San Salvador we were given documentation on the disappearance of 20 additional health workers during 1982. From frightened families and colleagues we also learned of a number of other physicians, nurses, and paramedics who had disappeared or been killed. Since merely notifying the Church and independent human-rights groups of a relative's disappearance can jeopardize the whole family, statistics on disappearances are minimal.

Early in our visit we interviewed the colonels who command the two branches of the security forces—the National Police and the Treasury Police—and the information we gained was unsettling. We learned that there was no central registry of arrests or of the disposition of those who were arrested and no sharing of information between the two armed police forces; they therefore had no knowledge of the persons whose names we gave them. At our request we were shown the detention facilities where politi-

cal prisoners, including the four medical students on our list, are held for up to 15 days or longer. At the National Police headquarters we walked along a row of foul, pitch-black, steel-barred cells furnished with only a concrete bench and a hole in the floor for a latrine. Led by Colonel Lopez Nuila, the commander of the National Police, and followed closely by two guards with M-16 rifles, we were forbidden to speak with or examine the dirty, haggard political prisoners.

In July 1982, the International Committee of the Red Cross threatened to leave El Salvador because of its growing concern over human-rights abuses by the Salvadoran armed forces—particularly their practice of not taking prisoners alive. Officials of the International Red Cross told us that, although these problems have not been resolved, they have decided to remain in the country because, on balance, they believe they are a force for decent human behavior.

Health and health care in El Salvador have suffered since 1979 even more than would have been expected in a poor developing country. The rate of endemic diseases is rising dramatically, as social programs are sacrificed so that funds can be allocated to the military. Infant mortality is climbing, the rate of suspected tuberculosis (unverifiable because of a shortage of x-ray film and equipment) is increasing, and there is a high prevalence of measles, diphtheria, and polio because there are no toxoids or vaccines. Malnutrition and skin and intestinal-tract parasites add to the toll.

The Ministry of Health has suffered a 50 per cent reduction in its budget during each of the past two years and is finding it difficult if not impossible to provide adequate staff and medical services for the 6,000 beds under its jurisdiction. We visited the only public maternity hospital in San Salvador, a facility that has 75 deliveries each day but only 263 beds. The patient turnover is very rapid, but even so, up to three women are assigned to a single bed. Premature births are common, but none of the bassinets for premature babies is functional. The x-ray equipment is obsolete, there is no x-ray film, and the pharmacy shelves are thinly supplied; the anesthesia equipment is outdated and unsafe, but it is used for the 5 to 10 cesarean sections that are performed daily. Dr. Roberto Rivera Martelli, a senior obstetrician who was our host at the hospital, and a man deeply committed to the care of the poor, was taken from this clinic on February 10 (less than a month after our visit with him) by three armed men in civilian clothes and has not been heard from since. Since then, cables have been sent to our embassy in San Salvador and to the colonels who head the National and Treasury Police by our sponsoring organizations, members of the U.S. Senate, the Human Rights Division of the State Department, and individual U.S. citizens, but Dr. Rivera Martelli remains "disappeared."

The public educational system in San Salvador is in disarray. The large number of schoolteachers and members of the university faculty (including medical-school professors) who have disappeared, been imprisoned as political prisoners, or fled the country has depleted the educational establishment. No professors of basic medical science remain. All entrances to the National University have been sealed for the past two years, and the principal laboratory building located outside the university grounds has

¹The participants were Alfred Gellhorn, M.D., visiting professor, Harvard School of Public Health; Robert Lawrence, M.D., director, Department of Medicine, Cambridge Hospital; Kathie McCleskey, American Association for the Advancement of Science; and Nina Shea, J.D., International League for Human Rights.

been gutted by the military so that only exterior walls remain. No students have been admitted since the closing of the university. In the past semester, medical students in the last two years of the six-year course have been taught in storefronts and private homes by a few intrepid professors, but the complete absence of equipment, books, medical journals, and demonstration materials makes this valiant effort doomed. The devastation is both physical and intellectual.

Our group visited two facilities for political prisoners that are operated by the Ministry of Justice: Ilopango for women and Mariona for men. We were permitted to interview the inmates alone and without time restriction. Medical care in the women's prison is provided by a recent graduate of medical school who devotes a few hours a week to the prison as just one of his four jobs. Medical records are inadequate and incomplete. Prescriptions for medications are usually not available in the prison medical facility, so they are disregarded; if the prisoner is fortunate, her family may obtain the medicine. In both prisons the political prisoners have established their own health facility using minimal supplies of drugs and first-aid materials.

Few prisoners have been tried and convicted. The medical students we saw in Mariona, the men's prison, had been there for two years—and others had been there for as long as four years—without appearing before a judge. However, the prisoners told us that they were the lucky ones: They were alive and probably would not disappear—no matter that they were being held indefinitely without due process.

In summary, we found direct and indirect evidence of frightful violations of human rights, and we found fear among private citizens who feel unprotected in a lawless society. We found that the health of the public has suffered, that medical education, medical care, and medical facilities have been desperately depressed. How can one account for the willful dismantling of the university, including the imprisonment (or worse) of medical professors and practicing physicians and the physical destruction or sealing up of university buildings and the medical school? University personnel with whom we spoke ascribed it to the political liberalism or radicalism that is characteristic of a university campus, to the outspoken indignation of the medical profession at the atrocities and wanton killing of noncombatants and alleged subversives, and to the fear among those in power of middle-class intellectuals. Doctors and other health professionals meet many of the criteria for "disappearing."

We have returned to our affluent country shaken but eager to inform our colleagues, sponsors, and all who will listen that we can save many thousands of lives by protesting to the Salvadoran authorities disappearances and other human-rights violations. Physicians and other concerned persons can help privately by donating equipment and funds through such international relief agencies as the International Committee of the Red Cross and Catholic Relief Services. U.S. foreign aid must make abundant provision for such essentials as food, medicine, vaccines, medical equipment, teaching materials for students, and other forms of eco-

nomie assistance. Aid to this war-torn country should emphasize life-giving sustenance rather than arms and military equipment.●

THE 25TH ANNIVERSARY OF
FATHER LUIS CARDOSO

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. FRANK. Mr. Speaker, on June 15, Father Luis Cardoso will celebrate the 25th anniversary of his ordination to the priesthood. Father Cardoso is not the only person who will be celebrating this anniversary. People throughout southeastern Massachusetts will join in thankfully commemorating this day, in recognition of the good work that Father Cardoso has performed in his 25 years as a priest. In particular, his parishioners at Espirito Santo Church in Fall River will be expressing their love and respect for the man who was their assistant pastor from 1968 to 1976, and who has been their pastor since 1979.

Shortly, this House will again be debating the subject of immigration. This is an appropriate time to note the great contributions that immigrants have made and continue to make to the economy and the culture of the United States. Father Cardoso is himself an immigrant, born and ordained in the Azores. He came to Massachusetts shortly after his ordination, and the people of southeastern Massachusetts have been the beneficiaries of his good works ever since. As a priest, Father Cardoso has ministered to all of those in the parishes he has served. But he has been a particular source of comfort and strength to many of those who have joined him in immigrating to the United States.

During difficult economic times, Father Cardoso has worked hard and successfully to build a strong and vibrant parish. Under his leadership, all facets of church life are doing well at Espirito Santo. The parish has grown bigger; the school is well run; and the parish plays an important part in the life of the Greater Fall River community.

Mr. Speaker, I wish to join with the many people in southeastern Massachusetts whose lives he has brightened in congratulating Father Cardoso on the 25th anniversary of his ordination, and expressing my thanks for the work he has done.●

H.R. 3096, A BILL TO PREVENT CERTAIN ABUSES INVOLVING TAX STRADDLES AND TO PREVENT THE AVOIDANCE OF THE ACCUMULATED EARNINGS TAX THROUGH THE USE OF FOREIGN CORPORATIONS

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. STARK. Mr. Speaker, today, I am introducing a bill to close certain loopholes involving the use of foreign corporations, operating out of tax-haven countries, as vehicles through which taxpayers funnel U.S. investments in order to circumvent current tax laws. The bill would also close a loophole involving the use of a domestic or foreign corporation to avoid aspects of the straddle rules Congress adopted in 1981.

Loopholes in current tax laws permit taxpayers to defer—and, thereby, minimize—U.S. tax on earnings derived through a foreign corporation until either those earnings are distributed as dividends or the taxpayer disposes of the shares in the corporation. The advantage of using a foreign corporation to defer U.S. tax is considerably enhanced when the corporation is organized in a tax-haven country that imposes little or no tax on the corporation's earnings. In recent years, more and more investment firms have organized foreign corporations in tax-haven countries solely for the purpose of minimizing U.S. tax liability. Where this practice serves as a means to circumvent recent tax reforms, the advisability of continuing the policy of deferral is called into question.

In 1981, Congress enacted legislation that was designed to deny tax shelter benefits from straddled investments in commodities, commodity futures contracts, and other interests in publicly traded property. However, investment firms are now touting the use of foreign corporations, organized in tax-haven countries, to circumvent this straddles legislation. Prior to the enactment of this 1981 legislation, taxpayers were able to eliminate their tax liabilities by postponing the taxation of income through the timing of the realization of losses and offsetting gains in such interests. The 1981 straddles legislation was expecting to save the Federal Treasury an estimated \$1.7 billion in otherwise lost taxes over a 6-year period.

One provision of the 1981 straddles legislation requires taxpayers with positions in the commodity markets to pay tax at a 32-percent rate—a rate of tax between the maximum rates for long-term and short-term capital gains—on the value of their yearend positions as well as realized gains and

losses. Under another provision of the 1981 legislation, the deduction of a taxpayer's losses from straddled investments is deferred to the extent that the taxpayer has unrealized gains in offsetting positions. I am informed by the staff of the Joint Committee on Taxation that investment firms may be circumventing these provisions by taking advantage of loopholes in current tax laws that are inadequate to prevent sophisticated abuse. It is imperative that we send a clearer message to those who circumvent the intent of one of our most recent tax reforms. For this reason, I urge adoption of this bill.

EXAMPLE OF SCHEMES TO CIRCUMVENT THE 1981 STRADDLES LEGISLATION

In one scheme, investors are offered stock in a foreign corporation that trades in commodities futures on U.S. exchanges through an offshore subsidiary. The corporations are insulated from U.S. taxation by incorporating offshore and, although potentially liable for tax on U.S. source accumulated earnings, seek to escape that tax through distributions from the subsidiary to the parent corporation in whose hands the earnings become nontaxable foreign-source dividends. The deal is structured so that the investors will not be subject to tax until they dispose of their stock and then, if the long-term capital gain holding period requirements are satisfied, will pay tax at a maximum capital gain tax rate of only 20 percent. If successful, this scheme results not only in deferral of tax but in taxation of gain from futures trading at a maximum 20-percent rate, rather than the 32-percent rate prescribed in 1981 for taxpayers who engage in such futures trading directly. The plan is also intended to avoid the present law treatment of gain that results from the disposition of the stock of certain foreign investment companies. Under the foreign investment company rules, gain attributable to untaxed corporate earnings is taxed as ordinary income, but this ordinary income treatment is not applied to corporations trading in commodities.

Under a second offering, U.S. investors may invest in stock in an offshore corporation that enters into forward contracts in U.S. Government guaranteed debt instruments, such as GNMA certificates. The U.S. investors enter into offsetting positions in their individual capacities. The offshore corporation does not pay U.S. tax on its gains and the U.S. investors are not required to defer the deduction of losses on their individually held positions notwithstanding unrealized gain in their stock. Direct investment in both legs of this type of straddle would have required such deferral of the deduction of loss until the gain was recognized. Under the tax shelter investment the result is that losses are de-

ducted and gain is deferred. This offering is a deliberate effort to exploit the exclusion of corporate stock from the restrictions of the 1981 straddles legislation.

PROVISIONS OF THE BILL

Section 1 of the bill provides that a foreign corporation that engages primarily in trading in commodities or interests in commodities, and which is at least 50-percent owned—directly or indirectly—by U.S. persons, will be treated as a foreign investment company. Thus, on the disposition of shares in such a corporation, gain attributable to previously untaxed earnings will be treated as ordinary income subject to tax at regular tax rates of up to 50 percent—rather than the lower capital gains rate. This provision will apply to sales or exchanges and distributions that occur on or after May 23, 1983.

Section 2 of the bill contains a new source-of-income rule, applicable solely for purposes of the accumulated earnings tax. Under this provision, if more than 10 percent of a foreign corporation's earnings and profits is derived from U.S. sources—or is effectively connected with a U.S. trade or business—then any dividends distributed from such a corporation—directly or through one or more other entities—to a U.S.-owned foreign corporation will be treated as from U.S. sources. For purposes of this provision, the term "U.S.-owned foreign corporation" is defined as any foreign corporation 50 percent or more of the stock of which is owned—directly or indirectly—by U.S. persons. Under this provision, which will apply to distributions received on or after May 23, 1983, it will no longer be possible to avoid the accumulated earnings tax by interposing a holding company between U.S. shareholders and a foreign corporation that earns significant U.S.-source income.

Section 3 of the bill provides for a limited category of stock that will be treated as an offsetting position for purposes of the loss deferral rules of current law. Under this provision, offsetting position stock is included in the definition of property that is subject to the straddle rules. The term "offsetting position stock" is defined as any stock of a corporation formed or availed of to take positions in personal property that offset positions taken by such corporation's shareholders. This provision will apply to positions established on or after May 23, 1983.

The bill that I am introducing today is necessary to prevent abuse of our tax system. It removes an anomaly of present law that permits a U.S. person to avoid U.S. tax on U.S. business by simply conducting that business through a tax-haven corporation when a U.S. person who earned this income directly in the United States would be fully taxed. It also corrects an anomaly

in present law that permits a taxpayer to avoid the 1981 antiabuse rules by the simple device of doing half of a straddle transaction in a corporation. I believe this bill deserves, and will enjoy, broad support.

Text of the legislation follows:

H.R. 3096

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

SECTION 1. DEFINITION OF FOREIGN INVESTMENT COMPANY.

(a) **GENERAL RULE.**—Paragraph (2) of section 1246(b) of the Internal Revenue Code of 1954 (defining foreign investment company) is amended to read as follows:

"(2) engaged (or holding itself out as being engaged) primarily in the business of investing, reinvesting, or trading in—

"(A) securities (as defined in section 2(a)(36) of the Investment Company Act of 1940, as amended),

"(B) commodities, or

"(C) any interest (including a futures or forward contract or option) in property described in subparagraph (A) or (B),

at a time when 50 percent or more of the total combined voting power of all classes of stock entitled to vote, or the total value of all classes of stock, was held directly (or indirectly through applying paragraphs (2) and (3) of section 958(a) and paragraph (4) of section 318(a)) by United States persons (as defined in section 7701(a)(30))."

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to sales and exchanges (and distributions) on or after May 23, 1983, in taxable years ending on or after such date.

SEC. 2. TREATMENT OF CERTAIN DISTRIBUTIONS RECEIVED BY U.S. OWNED FOREIGN CORPORATIONS.

(a) **GENERAL RULE.**—Section 535 of the Internal Revenue Code of 1954 (defining accumulated taxable income) is amended by adding at the end thereof the following new subsection:

"(d) **INCOME DISTRIBUTED TO U.S. OWNED FOREIGN CORPORATION RETAINS U.S. CONNECTION.**—

"(1) **IN GENERAL.**—For purposes of this part, if more than 10 percent of the earnings and profits of any foreign corporation for any taxable year—

"(A) is derived from sources within the United States, or

"(B) is effectively connected with the conduct of a trade or business within the United States,

any distribution received (directly or through 1 or more other entities) by a U.S. or foreign corporation out of such earnings and profits shall be treated as derived by such corporation from sources within the United States.

"(2) **U.S. OWNED FOREIGN CORPORATION.**—The term 'U.S. owned foreign corporation' means any corporation 50 percent or more of the total combined voting power of all classes of stock entitled to vote, or the total value of all classes of stock, was held directly (or indirectly through applying paragraphs (2) and (3) of section 958(a) and paragraph (4) of section 318(a)) by United States persons (as defined in section 7701(a)(30))."

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to distributions received by a U.S. owned foreign corporation (within the meaning of section 535(d) of the Internal Revenue Code of

1954) on or after May 23, 1983, in taxable years ending on or after such date.

SEC. 3. TREATMENT OF OFFSETTING POSITION STOCK.

(a) **GENERAL RULE.**—Paragraph (1) of section 1092(d) of the Internal Revenue Code of 1954 (defining personal property) is amended by adding at the end thereof the following new sentence: "Such term also includes any offsetting position stock."

(b) **DEFINITION OF OFFSETTING POSITION STOCK.**—Subsection (d) of section 1092 of such Code is amended by adding at the end thereof the following new paragraph:

"(6) **OFFSETTING POSITION STOCK.**—The term 'offsetting position stock' means any stock of a corporation formed or availed of to take positions in personal property which offset positions taken by shareholders."

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to positions established on or after May 23, 1983, in taxable years ending on or after such date.●

JESSIE BALL DU PONT HONORED

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● **Mr. BENNETT.** Mr. Speaker, on Sunday, May 15, the Cathedral of St. Peter and St. Paul, commonly called our National or Washington Cathedral, dedicated its newly constructed narthex in memory of Jessie Ball du Pont, who was until her death a constituent of mine and a very dear and respected friend. My wife and I were present for the ceremony, along with members of the Ball and du Pont families and the trustees of Mrs. du Pont's philanthropic trust. This trust, following the provisions of her will provided generously for educational and religious contributions as well as for many other charities. During Mrs. du Pont's lifetime she gave to many charities, usually anonymously; and it is good to see her so appropriately recognized as in this event.

Jessie Ball du Pont was a member of the Ball family of the Northern Neck of Virginia, the same family which included Mary Ball, mother of George Washington. The du Pont family and the Ball family produced many examples of dedicated American leadership; and none of them showed more concern for needy causes and people than Jessie Ball du Pont.

The priest who gave the sermon on this dedicatory occasion was the Reverend Provost Charles A. Perry; and he ably and appropriately spoke on "The Doors of Life," since the Narthex is the great door area of the cathedral, its massive western entrance. The scripture chosen by Reverend Perry was significantly John 1: 1-10, which quotes Jesus as saying in part:

I am the door; by me if any man enter in, he shall be saved.

Jessie Ball du Pont was a person who devoted most of her life to opening doors of opportunity to those less

fortunate. There could not be a more appropriate memorial to Jessie Ball du Pont than the beautiful Narthex of this great cathedral; and Reverend Perry and the others who made this event a significant one are to be congratulated.●

LESSONS FROM NEW JERSEY'S EXPERIENCE WITH PROSPECTIVE PAYMENT

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● **Mr. RINALDO.** Mr. Speaker, beginning October 1, the Federal Government will implement a new method of reimbursing hospitals which participate in medicare. This system of prospective payment based on diagnostic related groups (DRG's) has sparked new debate in Congress on the need for hospital cost containment through cost-saving reforms.

As Congress looks to new, innovative means of paying hospitals and physicians, we must carefully analyze any side effects which these changes may create. With this in mind, I have called upon the Advisory Council on Social Security, which is studying medicare, to include along with all their recommendations, a projection of their impact on the adequacy of care for older Americans.

Currently, hospitals are reimbursed under medicare on a retrospective basis in which they are paid essentially whatever they spend. This cost-based system offers no incentive for hospitals to cut expenses, and in turn imposes no constraints on physicians to limit unnecessary procedures.

The idea of a prospective payment system is not a new one. In 1969 researchers at Yale University began developing a plan of rate setting based on diagnoses. The Yale program eventually developed 467 diagnostic related groups, which were the basis of Secretary Schweiker's prospective payment proposal to Congress issued last December and enacted this spring.

My own State of New Jersey began developing a prospective payment system based on DRG's in 1976 which applies to all payers. In 1980, New Jersey received a waiver from the Health Care Financing Administration to begin implementing this rate-setting plan. By 1982, all 99 acute care hospitals in the State had entered the new system. Although still preliminary, the results of this experiment in New Jersey point to the savings attainable through prospective payment, but highlight as well some of the possible results which must be addressed before we can proclaim prospective payment a complete success.

While hospital costs rose over 17 percent nationwide in 1981, in New

Jersey the increase over the same period was less than 13 percent.

At a hearing of the Select Committee on Aging which I chaired recently in Princeton, N.J., the committee heard testimony from the New Jersey Department of Health, medical experts, and representatives of senior citizens organizations. Their comments concerning the experience with DRG's in New Jersey offer a valuable perspective as we implement the nationwide DRG program.

Briefly summarized below are some of the concerns we heard at the hearing:

Cost shifting to other payers: The national DRG system will apply only to medicare hospital patients, unlike the New Jersey program which applies to all payers. Congress and HCFA will have to work together to prevent the transfer of costs from medicare patients to others. Congress should also consider eventually expanding the DRG system to cover all payers.

Cost shifting to noncovered services: Hospitals may choose to shift as many services as possible to medicare Part B coverage to avoid the DRG rates in favor of cost-based reimbursement. Congress has directed the Secretary of Health and Human Services to develop a prospective payment proposal to cover outpatient services. Such a plan deserves the active attention of Congress.

DRG "creep": Hospitals will face incentives to recapture costs by elevating patients into higher diagnostic categories.

Disincentives for developing new medical technology: Some investment in new medical technology may be forgone if it increases the cost of a particular treatment category without a concomitant reimbursement adjustment.

Outliers: These are patients whose diagnoses and lengths of stay do not match any of the 467 DRG categories. In New Jersey, fully one-third of hospital admissions are outliers.

Unnecessary readmissions: Hospitals will face incentives to discharge patients early, then readmit them, and thereby double the reimbursement. In New Jersey, hospitals can only recoup a portion of the DRG rate for readmissions. Congress and HCFA should consider a similar remedy nationwide.

Premature discharge: The most dangerous side effect of the New Jersey DRG experience brought to light at the Aging Committee hearing was the possible early release of patients who may not be healthy enough to leave the hospital. While there is no hard evidence that the quality of care has suffered in New Jersey under prospective payment, it should be our top priority under the nationwide program to see that professional review organiza-

tions (PRO's) are used effectively to monitor quality assurance.

The introduction of prospective reimbursement for medicare hospital coverage is the most significant change in medicare since its founding in 1965. As Congress continues to reform our Federal health care programs, we must do so with full knowledge of the impact these cost-saving measures will have on the elderly and disabled. ●

RAYMOND E. HICKS' 10 YEARS
OF PUBLIC SERVICE AS
VIENNA TOWN COUNCILMAN

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. WOLF. Mr. Speaker, an article appeared in the Gazette of May 12 concerning Raymond E. Hicks' 10 years of dedicated service as Vienna, Va., town councilman. The article written by Jim Watson captures the energy and spirit of this outstanding public servant who has had such a positive effect on the town of Vienna and serves as a model for others in public service. I ask that the Gazette article be printed at this point in the RECORD.

The article follows:

[From the Gazette, May 12, 1983]

TEN IS ENOUGH—VIENNA COUNCILMAN'S
DECADE OF DEVOTION

(By Jim Watson)

It was the night after the final game of last year's World Series, and Raymond E. Hicks had gone to bed "feeling good." But he woke up in the middle of the night drenched in a cold sweat, his chest pounding. From the beginning, the 64-year-old Vienna Town Councilman figured he was having a heart attack, but he wasn't going to take it lying down. So he got up, dressed and softly stepped into the living room where he said he was more comfortable. But by that time his left hand began to go numb, and he realized he couldn't simply wait the thing out. As he tells it, he didn't make a scene; he gently woke his wife and suggested, "I think you'd better call the rescue squad."

For 12 days he remained in the hospital, five of those in intensive care. But throughout the ordeal, the five-term town father demonstrated the same casual, die-hard resolve and characteristic spirit with which he served Vienna and fought to preserve its small-town charm.

It has been 12 years since Hicks first tossed his hat into Vienna's political ring, and, having lost his first bid, 10 since he actually was elected. Before that, though, he had served on a number of other town boards, including the Transportation Safety Commission, (then the Highway Safety Commission), the Planning Commission and the Board of Zoning Appeals. His reasons for aspiring beyond those memberships, he said, were simple and specific: to fight what he saw as big-city development lumbering into small-town Virginia.

Now, largely because of his health and partly because of a decision he made years

ago, he is calling it quits, at least for now. "I made up my mind a while back," he said, "10 years is enough. Now let some younger man run."

During his tenure, Hicks has seen the town government effect what has been essentially an about-face in its approach to growth and development. At one time, he said, there was a push to turn some of the town's side streets into one-way commuter lanes. He remembers, too, when the town was looking for ways to almost double its population.

But over the years, he said, the council as a whole adopted a uniformly conservative position, with Hicks and Mayor Charles A. Robinson Jr. at the forefront of the change. Once as he remembers it, he and Robinson were flies in the ointment whose votes always seemed to go against the grain. Now, more often than not, their viewpoint is the one that prevails. "It's a more conservative approach," said Hicks, and its basic premise is "to try to hang onto what we have."

Twenty springs ago, the now-retired Rockwell International sales representative left another picture-postcard town in Pennsylvania for his present home. Like Vienna, Wallingford was a slice of Americana; its lifeblood was its neighborhoods, its "Mom and Pop" shops that flourished downtown, and one each of a post office, drug store, grocery store and gas station.

Unlike Vienna, Wallingford carried a population of some 37,000, but the town functioned smoothly because of a government that was mindful of preserving its residential character, said Hicks. When he was first elected in the spring of 1973, he envisioned similar success for Vienna. And his optimism never waned. "If you're determined, you can keep this as a single-family residential area," he said. "It's just a matter of resisting the pressures."

Hicks' history on the council goes back beyond his successful race to 1971, when Bob Skahan won the seat he sought by 51 votes. At the time, he recalls, the town was coming up with a couple of proposals which Hicks bitterly opposed. One would have allowed for the construction of a high-rise office building at the intersection of Church Street and Lawyers Road, where the Post Office now sits. The other, he said, would have turned Church Street and Locust Street on either side of Maple Avenue into one-way streets. In order to fight those and any other future assaults on the character of the town, he figured the best place for him was in a council seat.

"If we want Vienna to remain a top-notch community, a little oasis in the middle of high-rise construction, we have to defend it and make sure we keep it that way," he said.

The passion that drove Hicks to serve five consecutive terms, though, was not unlike the community-minded spirit that propelled him into scores of town activities almost from the day his family moved in.

Deep-set brown eyes beaming under a strand of graying hair, mouth poised to smile at the slightest provocation, Hicks looked back over his 20 years as a Vienna resident and proudly noticed that 19 of them were filled with service to his town.

When he wasn't haggling with the county, pondering Vienna's perennial traffic problem or some land-use policy as a town official, more than likely he was taking care of business on quite a different level.

In fact, Hicks seems proudest of his preoccupation with and dedication to Vienna Youth Sports. This father of five is past coach, vice president and president of the

Vienna Little League, treasurer (for eight years) of the town's Babe Ruth League and coach of the Pigtail and Ponytail Leagues, to name a few.

One of the reasons, perhaps, for Hicks' success on the council and in other areas is that urge to make his town an appealing place in which to live. In the case of development, which increasingly brings into conflict the desire to prosper and the struggle to keep from being consumed, Hicks says he always tries to think what is best for residential homeowners like himself. "If there's a development coming in I always ask myself, 'Would this be a desirable thing in my neighborhood?'"

He also asks, though, not to be misunderstood: "Don't get me wrong; I always have insisted that we ought to encourage people to shop in Vienna." With a casual reference to the fact that some 90 percent of the town's businesses are owned by non-residents, he added, "I just don't want the business community to run the town."

By law, Hicks cannot serve on town government for a year. That being the case, he figures he'll spend his days resting, playing golf, maybe pursuing his real estate license. In time, he said, he would like to continue his work with youth sports and possibly, just possibly even try to find an empty seat back on the Board of Zoning Appeals.

In the meantime, though, life will go on almost as usual: "I certainly won't lose my interest in the town just because I'm not in office." ●

EXEMPTION FROM THE
WINDFALL PROFIT TAX

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. THOMAS of California. Mr. Speaker, I am introducing legislation today that will provide oil producers using certain tertiary recovery methods with flexibility in choosing the fuel they may use to recover crude. This is an important option, because it would encourage producers to substitute the residual fuel oil for heavy crude currently burned under the windfall profit tax. By encouraging producers to use residual fuel oil instead of crude to power their recovery processes, the bill would also encourage refiners to top additional heavy crude, making more gasoline and other economically attractive products available in the marketplace.

Heavy oil production requires use of an enhanced oil recovery process, usually steam injection. Prior to passage of the windfall profit tax, heavy oil producers burned residual fuel oil to create needed steam. This practice is no longer followed. Because removing crude from a producing property is a taxable event under the windfall profit tax, producers switched to burning crude produced at the site of the steam generating facility because that crude is not taxed. This is a less desirable practice because supplies of refined products once obtained by top-

ping at refineries have been sacrificed in order to limit producers' tax liability.

To encourage heavy oil producers to resume use of residual fuel oil, the bill amends the Internal Revenue Code to offer producers an exemption from the windfall profit tax equal to one barrel of crude for each barrel of residual fuel oil used in tertiary recovery processes. The bill places noteworthy limits on the exemption: It would apply only to domestic crude oil the producer removes from his property, crude that would otherwise be taxable but for the fact that it has been exchanged for residual fuel oil used by the producer. An exchange in this context can be either a swap of crude for residual fuel oil or residual fuel oil purchased by the producer which is substituted for crude produced on the property.

I urge my colleagues in the House to act swiftly to adopt this legislation. As was the case with a similar bill I introduced during the previous Congress, this bill is designed to be revenue neutral. While it will not affect cash revenue flow to the Treasury, the bill does encourage producers to make more efficient use of our Nation's resources, an objective worthy of support.●

SERVICE CONNECTION DISABILITIES AND AGENT ORANGE

HON. JOHN R. MCKERNAN, JR.

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. MCKERNAN. Mr. Speaker, as a part of Congress continuing study of the establishment of a service connection between certain disabilities and exposure to agent orange, I commend to my colleagues the testimony of Paul S. Egan, deputy director of the National Legislative Commission of the American Legion, and John F. Sommer, Jr., deputy director of National Veterans' Affairs and Rehabilitation Commission of the American Legion. This testimony was given before the Subcommittee on Compensation, Pension and Insurance of the Committee on Veterans' Affairs on April 26. Mr. Egan and Mr. Sommer outlined the need for legislation to establish a service connection, and they present a review of pertinent objective research. I urge my colleagues to consider the following statement:

STATEMENT BEFORE THE SUBCOMMITTEE ON COMPENSATION, PENSION AND INSURANCE

The American Legion is pleased to have this opportunity to appear before the Subcommittee today to present our views on legislation that would establish a presumption of service connection for certain diseases related to exposure to Agent Orange and other herbicides or environmental hazards that have been incurred by Vietnam veterans.

The American Legion policy on Agent Orange is set forth in Resolution No. 410 (Iowa), approved by the 1982 National Convention. Our policy on compensation payable to Vietnam veterans for Agent Orange related problems, as provided in the resolution, mandates this organization to support legislation to establish a mechanism for presumption of service connection for disabilities found to be caused by Agent Orange, based on scientific and medical evidence. In other words, diseases suffered by Vietnam veterans that bear a causal relationship to Agent Orange exposure as determined by competent scientific authority should be presumed to be service-connected, regardless of how long after service they become manifest, and compensation should be paid for them based upon the degree of severity of the disabilities.

The legislative proposal currently under consideration, H.R. 1961, would, in part, amend section 312 of title 38, United States Code—which pertains to presumptions relating to certain diseases and disabilities—by adding a new subsection. This subsection would provide that in the case of a veteran who served in Southeast Asia during the Vietnam era and who after such service suffers from soft tissue sarcomas, porphyria cutanea tarda, active and residual chloracne, or any other disease that medical research has shown may be due to exposure to herbicides, chemicals, medications, or environmental hazards or conditions, as determined by the Administrator and prescribed by regulation, the disease shall be considered to have been incurred in or aggravated by service, notwithstanding that there is no record of evidence of such disease during the period of service.

This measure also provides the Administrator with the authority to determine what other diseases may be included, based upon scientific evidence, and to promulgate regulations relating to the additional diseases, to include a specification of the standards used in making the determination.

Mr. Chairman, The American Legion does not make a practice of supporting any legislative or administrative issue because it may seem to be the popular thing to do, or due to the fact the issue may be politically attractive. The positions of this organization are based upon our understanding of an issue acquired through existing knowledge and objective research of pertinent subject matter. The Legion, since early 1978 has been involved in every aspect of the issue of Agent Orange. The effects of the herbicide on those Vietnam veterans who were exposed to it in Southeast Asia continues to be a high priority issue of the organization.

Our review has shown that there is scientific evidence that the three specific conditions contained in H.R. 1961 may result from dioxin exposure, and we would like to share the following information with the Subcommittee.

SOFT TISSUE SARCOMAS

In reviewing a Respondent's Prehearing Brief on the Risks Associated With the Registered Uses of 2,4,5-T and Silvex, prepared for the U.S. Environmental Protection Agency and dated January 25, 1980, we noted the following:

"Two recent case-control studies of the relation between cancer and occupational exposure to phenoxyacetic acids and chlorophenols present persuasive evidence that human exposure to pesticide products containing 2,4,5-T and/or dioxin constitutes a carcinogenic hazard. Each of these new studies found statistically significant in-

creases in the risk of malignant mesenchymal tumors of the soft-tissue (soft-tissue sarcomas) related to occupational exposure to phenoxy herbicides and to occupational exposure to chlorophenols. Each study utilized an entirely separate population of cases and controls, and the studies thus clearly corroborate and replicate one another.

PORPHYRIA CUTANEA TARDA AND CHLORACNE

Porphyria cutanea tarda results from a disturbance in the capacity to break down hemoglobin, which leads to high levels of porphyrins (nitrogen-containing organic compounds) in the liver and urine. In many, if not most cases there is also skin involvement.

In reviewing available literature we have found a substantial number of references to the connection between dioxins and porphyria cutanea tarda. Many references to PCT are made in conjunction with those pertaining to chloracne.

A VA Chloracne Task Force report dated November 30, 1982 contains the following: "The examination will incorporate new findings and old confirmed by the 3rd International Symposium on Chlorinated Dioxin and Related Compounds in Salzburg, Austria, October 12-14, 1982. New and confirmed findings are:

(1) Chloracne may persist in 25-50% of cases, up to 30 years, as shown by the longest follow-up to date of an industrial accident. It was previously believed it cleared in a few years.

(2) Porphyria cutanea tarda may result from low chronic exposure to dioxin (as may have occurred in some Vietnam veterans). Therefore, screening of urine, stool and any liver biopsy tissue will be done for porphyrins.

(3) Hirsutism of face and hyperpigmentation may be due to PCT."

In an October 1982 report by a Subcommittee of the National Academy of Sciences on a review of the protocol for the VA Agent Orange study, it was recommended, in part, that the protocols should be focused, if possible, on known effects on humans and animals of exposure to phenoxy herbicides contaminated with TCDD (dioxin). Included among the conditions were effects on the skin and liver function, including porphyrin metabolism.

Mr. Chairman, these are but a few of the references to the relationship between dioxin exposure, and porphyria cutanea tarda and chloracne that we uncovered during our review. However, the Legion feels that these representative examples are sufficient to illustrate that a casual relationship does in fact exist, and that Vietnam veterans exposed to dioxin while serving in Vietnam and who incur these disabilities, should be presumed to be service-connected and compensation awarded where applicable.

With respect to the diseases that would be listed in regulations prescribed by the Administrator, as required by this measure, The American Legion has urged the Centers for Disease Control to release all relevant findings as they become available during the epidemiological study of the long-term health effects of Agent Orange exposure, mandated by PL 96-151. And while we are on this subject, it must be said that we are encouraged by the manner in which CDC has performed since accepting the responsibility for the Agent Orange study in January. Within a matter of days following the signing of the Interagency Agreement with

the Veterans Administration, CDC officials met with the American Legion, other veterans organizations and representatives of other government agencies involved in the study, to discuss the study and elicit input and recommendations relating to the research. The CDC officials have assured that they will maintain open lines of communication throughout the study.

In turn, we have offered the cooperation of the Legion in encouraging the participation of Vietnam veterans in the study, as we are aware of the importance that such participation will play in the success of the Agent Orange study.

Mr. Chairman, we understand and appreciate that the intent of this legislation must undergo the prudent deliberation of this Subcommittee, and, as with other issues where differences of opinion in the scientific community exist, we have no doubt that H.R. 1961 will be closely but objectively scrutinized. May we point out that other presumptions have been established by Congress based upon a lesser amount of evidence than is currently available in support of the instant legislation.

The American Legion thanks you Mr. Chairman for your timeliness in scheduling this hearing on an issue that is of great importance to Vietnam veterans; and, again, we appreciate this opportunity to provide the Subcommittee with the views of this organization. ●

**CONGRESS MUST HOLD THE
LINE ON DEFICITS**

HON. ROMANO L. MAZZOLI
OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. MAZZOLI. Mr. Speaker, this week the House overwhelmingly voted to repeal the proposal to withhold 10 percent of earned interest and dividends which was contained in the tax bill adopted last summer. The Senate earlier adopted a compromise plan dealing with the withholding provision. Now the measures will be resolved by a House-Senate conference. Looming large over all this is the possibility of a Presidential veto since Mr. Reagan has often stated his opposition to a repeal of this withholding provision.

Mr. Speaker, I am not a fan of withholding on interest and dividends earned. In point of fact, I voted against the 1982 tax bill which ordered the withholding to start effective July 1 of this year.

But, still I could not vote for H.R. 2973—the bill repealing withholding—especially since also this week the House, by voice vote, increased the ceiling on the national debt.

If we do not withhold interest and dividends, full taxes will not be collected on these earnings. This means Treasury revenues will decrease. With less money coming into the Treasury there will be less revenues to pay the Government's bills. Less revenue means more deficit spending, more borrowing by the Government, more

Federal debt, higher deficits, and higher interest rates.

A vote to repeal withholding—to allow the tax cheats and evaders to get away scot-free—is a vote to increase the Federal debt. Accordingly, those who voted to repeal the withholding provision should logically support an increase in the debt ceiling. But do not hold your breath, Mr. Speaker. The fact that the debt ceiling was increased by a voice vote testifies that it would have lost on a recorded vote.

Mr. Speaker, I could not go back home to face my auto workers, my electrical workers, my homebuilders, and others who are out of work because high interest rates have devastated their industries, and I could not face the small business people in the Third Congressional District who are being forced to shut down because they can not afford the cost of money had I voted to decrease revenues and to increase Federal debt.

But, the repeal measure was passed. It is water under the bridge. I am disappointed that so many of my colleagues who have voiced serious concern over high deficits jumped on the repeal bandwagon. Now the House will have to act to make up, in a fair and balanced way, the revenues that will be lost. But, again, Mr. Speaker, if the past is prolog: Do not hold your breath awaiting that fair and balanced tax bill. ●

**OUR VIETNAM EXPERIENCE AND
LATIN AMERICA**

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. DASCHLE. Mr. Speaker, a very revealing article was published in the New York Times concerning the Pentagon's views on events in Latin America. Certainly, one of the lessons we have all learned and can agree on from the Vietnam war is that you do not commit American troops to a conflict without the support and commitment of the American people. Leaders in the Pentagon today who fought in Vietnam, more than anybody else, realize the accuracy of this axiom.

It is quite apparent that this Nation is not united behind the President's plan to rely on military solutions to the political, social, and economic problems in Latin America. Of all the analogies between Vietnam and El Salvador, this one may be the most prophetic. Unfortunately, many in the White House and State Department have yet to be convinced.

Following is the text of the article:

**VIETNAM CONSEQUENCE: QUIET FROM THE
MILITARY**

(By Richard Halloran)

WASHINGTON, May 1—In the widening and increasingly intense debate over the Reagan Administration's policy on Central America, one voice has been noticeably quiet. The nation's senior military officers have had little to say in public.

The reason, in a word: Vietnam. Not the Vietnam of a bloody war a long way from home, but the Vietnam of what they see as an absence of a national commitment, of a solid consensus supporting a carefully devised and executed policy.

Many military officers bear emotional as well as physical scars from being in Vietnam and feeling that nobody at home was behind them. The generals and colonels at the top today were the lieutenant colonels and captains who fought in Vietnam yesterday.

"We were the scapegoats of that conflict," said a senior officer. "We're the ones pulling back on the reins on this one."

The reluctance among military officers was reinforced by a reaction in Congress to the President's address Wednesday night. Military officers pointed to the applause President Reagan got when he said that no American combat troops would be sent to Central America.

ADVICE FROM THE JOINT CHIEFS

The reluctance, staff officers said, has shown up in advice from the Joint Chiefs of Staff, who are the senior military advisers to the President and to Secretary of Defense Caspar W. Weinberger. They said the chiefs had strongly recommended against looking for military solutions. Aides to Mr. Weinberger said he had agreed.

The lack of enthusiasm for dispatching American military forces to Central America has been compounded by what some officers consider privately to be disarray in the Administration and a wide gap between policy and action.

They said that top officers enthusiastically supported a policy paper entitled "U.S. Policy in Central America and Cuba Through F.Y.84" that was drawn up a year ago by the National Security Council. It outlined a strategy to foster political reform, regional cooperation, economic aid, military assistance and public information.

But the officers complained that the policy had not been executed, largely because no one in the Administration was in charge of carrying it out. They hoped the President's speech would correct that. "They're trying to get their act together now," said one officer.

ISSUES CALLED POLITICAL

Several senior officers were critical of the Administration for failing to nurture a public consensus. "The military and the C.I.A. are doing as they're told but that hasn't been coupled with public affairs or persuading Congress," said an officer. "We're not presenting the American people with the facts."

Many military officers said the problems in Central America were basically not military problems and that the military therefore shouldn't be asked to solve them. They asserted that the issues were mainly political, economic and internal.

Many officers said they had learned from Vietnam that if a foreign government was either unwilling or unable to undertake political action and economic reform or to provide internal security, there was little the United States could do.

Internal security is for police and paramilitary forces to provide, the officers said, and not for regular troops. If United States help was requested, that would be a task for the Army's Special Forces and similar units in the Navy and Air Force, they said.

Moreover, several officers argued, the real threat was not in Central America but from Cuba and the Soviet Union. They contended that it would be useless to get bogged down in a fight in Central America unless the nation was willing to confront the main adversaries.

QUESTION OF THE DRAFT

Officers in the Army, which would bear the brunt of a battle in Central America, said their service was just getting new weapons to replace obsolete equipment or arms burned up in Vietnam. They said they didn't want that supply consumed in Central America when they might have to fight more threatening enemies.

The military services, particularly the Army, are just getting the volunteer force on its feet, 10 years after the draft ended. Fighting in Central America could well lead to a return to the draft, the officers said, with all the divisiveness that would entail.

The Chief of Staff of the Army, Gen. Edward S. Meyer, once summed up in a speech a bit of ancient military philosophy that seemed to lie behind the thinking of officers today. "Armies don't fight wars," he said. "Nations fight wars."

On another occasion, he expanded on that thought, saying: "When the United States Army, which is genuinely a people's army, is committed, the American people are committed. And when the American people drop that commitment, then the Army cannot remain committed."●

AMEND THE FAIR LABOR STANDARDS ACT

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. PETRI. Mr. Speaker, today, I am introducing legislation which would amend section 14(c) of the Fair Labor Standards Act.

The Fair Labor Standards Act has always provided special provisions to pay physically and mentally handicapped persons special minimum wages based on their individual productivity. These provisions allow employment opportunities for handicapped persons who would not be able to compete for jobs in the regular labor marketplace if the regular minimum wage had to be paid.

While many handicapped persons are now able to work competitively and earn wages and salaries equal to those of nonhandicapped persons, there are still large numbers of handicapped persons whose disabling conditions are so severe as to substantially reduce their ability to work when compared with nonhandicapped persons. Many of these severely handicapped persons work in sheltered workshops where jobs within the limitations of the handicapping conditions can be provided as well as many supportive

services, which enable these persons to live and work outside of institutional settings.

The last major change in the special minimum wage provision, section 14(c) of the Fair Labor Standards Act, came in 1966 when a floor of 50 percent of the minimum wage was set for handicapped workers. There was a recognition that there would be circumstances when that level could not be met by the productivity of a handicapped person. Thus, there were exceptions for persons engaged in evaluation or training programs, persons certified by the State vocational rehabilitation agency as being too severely handicapped to meet the 50 percent level, and for persons in work activities centers where the work is primarily for therapeutic reasons. The Department of Labor issues special certificates for the basic program and for each of the four exceptions to the 50-percent floor. Currently there are 4,782 workshops holding 8,144 program certificates. Seventy-five percent of the certificates are for exceptions to the 50-percent floor.

Since 1966, there has been a dramatic turnaround in the nature of persons served in sheltered workshops. Where once there were predominantly physically handicapped persons, now persons with mental or developmental disabilities predominate. These more severely handicapped persons need more extensive assistance and tend to be less able to produce at a level equal to or greater than the 50-percent level and must work under one of the exemptions to that general rule.

A study of sheltered workshops by the General Accounting Office published in 1981 concluded that the 50 percent floor was not having the intended effect. Because of the high intake of much more severely handicapped persons, only 17 percent of the persons served or employed in sheltered workshops benefited from the 50-percent floor. GAO recommended elimination of the 50-percent floor. Workshops would be required to pay each handicapped worker based on his or her individual productivity. This would greatly simplify the process for certification and would allow sheltered workshops and the Department of Labor to focus their efforts on substantive compliance reviews rather than paperwork and technical compliance. Another major study prepared for the Department of Health and Human Services found that the 1966 amendments to the Fair Labor Standards Act were complex and implemented by even more complex regulations and produced an "administrative nightmare." This 1980 study also recommended elimination of the 50-percent floor and use of a single certificate.

Based on a documented need to simplify the Fair Labor Standards Act

provisions with regard to sheltered workshops and handicapped workers, I am recommending changes in the Fair Labor Standards Act based on language recommended by the General Accounting Office. The changes in section 14(c) would guarantee that each handicapped worker would be paid according to his or her individual productivity.

I invite all Members to join as co-sponsors of this bill. This is significant legislation for rehabilitation facilities and the severely disabled persons for whom they provide services and employment. It is supported by the National Association of Rehabilitation Facilities. The full text of the bill follows:

H.R. 3091

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 14 of the Fair Labor Standards Act of 1938 (29 U.S.C. 214) is amended to read as follows:

"(c) The Secretary, to the extent necessary to prevent curtailment of opportunities for employment, shall by regulation or order provide for the employment under special certificates of individuals (including individuals employed in agriculture) whose earning or productive capacity is impaired by age or physical or mental deficiency or injury, at wages which (1) are lower than the minimum wage applicable under section 6, (2) are commensurate with those paid to nonhandicapped workers, employed in the vicinity in which the workers under the certificates are employed, for essentially the same type, quality, and quantity of work, and (3) are related to the worker's productivity."●

WARSAW, IND.—A CITY ON THE MOVE

HON. JOHN HILER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. HILER. Mr. Speaker, much has been written about the so-called decline of our Nation's industrial belt, of which my State, Indiana is considered a member. Declining populations and decaying cities are the image many Americans outside the Midwest seem to have of our region.

I was very pleased to find that the New York Times has discovered that one important community in northern Indiana, Warsaw, is doing much to dispel that image.

Warsaw is the seat of Kosciusko County. A growing city of nearly 11,000 people, Warsaw is undergoing a tremendous transformation thanks to the ingenuity, leadership, energy, initiative, and foresight of community leaders.

Mr. Speaker, I commend the following article to my colleagues as an excellent example of what our communities can do on their own. I look for-

ward to commending the Warsaw Downtown Development Commission personally and extend my thanks to Frank Saemann for converting civic pride and vision into reality.

WARSAW, IND., WRESTS ITS DOWNTOWN FROM PIGEONS

(By Andrew H. Malcolm)

WARSAW, IND., May 13.—The view from Bob Goley's bank office window was a common sight in many Middle Western small towns: the village square, the old county courthouse, the crumbling sidewalks, the decaying century-old brick building whose broken windows made flyways for scores of pigeons.

"Things did not look good for downtown," said Mr. Goley, executive vice president of the First National Bank of Warsaw. But now, nearly a decade later, despite high interest rates, high unemployment and low morale, things are looking up here, thanks to an unusual combination of foresight, private initiative, tax breaks and determination, not to forget Frank Saemann's personal fortune.

Of course, the cigar selection at Bread-ing's, the downtown cafe and domino parlor and all-male refuge, is still not what it once was. And Mr. Saemann thought old Doc McCleary, the optometrist was asking too much for his land. But rebuilding a downtown, and a sense of downtown, takes time and a lot of pushing.

"It has been a slow, slow, very slow process," said Deborah Wiggins, executive vice president of the Greater Warsaw Chamber of Commerce. In the last four years Mrs. Wiggins moved here, met her husband-to-be, was courted and married, had one child and is nearing the birth of her second. That is just about half the time it has taken to get the old brick Crownower Building refurbished and reborn as the Saemann Building.

BIG NEWS IN THE TOWN

But that development alone is big news in this city of 10,000 people, so big, in fact, that The Warsaw Times-Union published a three-part series about the front of just one city block.

Most small-town downtowns across the Middle West have a similar block, the one that used to have a hardware, a drugstore, a lawyer's and a dentist's office upstairs, something called a dry goods store and perhaps an aging moving picture house near the corner.

"I remember in the Depression," said Jean Northenor, the Republican County Auditor in a very Republican county, "we'd do our Saturday shopping over there, get some candy at the dime store and then everyone would sit in their cars on Center Street all evening and watch their friends go by and talk and socialize. Your entertainment had to be cheap in those days."

More recently, Fort Wayne and South Bend were both still 50 miles away. But that 50 miles, once a forbidding two-day ride on horseback through Indian country, had become a one-hour, think-nothing-of-it, air-conditioned outing to the big-city mall for the whole family.

Some local commercial strip developments were also giving the city center tough competition with their new structures, bright lights and easy free parking. So an informal group of downtown Warsaw businessmen began meeting for lunch monthly almost 10 years ago to discuss their area's ills.

THEY GAVE THEMSELVES A NAME

Unofficially, the 10 businessmen called themselves the Downtown Development Commission. Their first priority was fixing up that one vital block of storefronts, many of them vacant and one of them, the movie, charred by fire.

It was a multimillion-dollar job for someone with vision and enough millions to need a tax break or two. Enter Frank Saemann, who left Chicago as a youth to turn salesman and help turn Warsaw into the self-proclaimed orthopedics capital of the world. The city claims four of the largest medical equipment companies in the world, including Mr. Saemann's own corporate creation, Orthopedic Equipment Company, Inc.

The 76-year-old Mr. Saemann, who divides his time between Warsaw and Florida, had already acquired some lots on the block. At the gentle urging of commission members ("You don't push Frank hard," one warned), he quietly bought other plots too until word got out and the remaining prices got too high.

Then five banks put together a \$925,000 Economic Development Bond, which takes on many of the tax-saving characteristics of a municipal bond, enabling the banks to charge lower interest, in this case 7.75 percent instead of 12 or 14. Mr. Saemann also got a 25 percent investment tax credit for rehabilitating a building over 40 years old.

HE WANTS PROSPERITY

"I'd like to see the town prosper," Mr. Saemann said in an interview. "It's a nice town."

The 100-year-old corner building was restored and modernized and named for its investor. Other adjacent structures were renovated. And the old Boice Theater and Eagles Club is now becoming a little mall with "atrium-effect." But everything must retain its old small-town look.

Mr. Saemann, recently in poor health, hired Thomas E. Smith, a successful 29-year-old real estate consultant, to oversee his private land investments across northern Indiana. Using what oldtimers call "brass," the energetic Mr. Smith has filled all of the new stores with tenants including a jeweler, Taco John's and Baskin-Robbins. For some of the downtown facilities there is even a waiting list. He helped Mr. Saemann turn a vacant lot into a much-needed city parking lot. And Mr. Smith has talked up his benefactor's municipal generosity to journalists across the region.

Mr. Saemann did not have a reputation for an overabundance of civic spirit," said one friend, "He's a, uh, shrewd fellow. And he tended to dominate any place he was." Last winter he was chosen as Warsaw's Man of the Year.

THEN THE CLEANUP BEGAN

And as word spread this spring that Indiana's senior Senator, Richard G. Lugar, would cut the ribbon at the new dedication of the old building May 22, an interesting thing happened. The impact of Mr. Saemann's investments began to spread here. Other downtown store owners started to clean up, paint up and think positively. "Now," says Mrs. Wiggins, "there aren't any vacant places downtown. And when one does go empty, it's filled right away."

Not long ago the new Kosciusko County Justice Building opened, combining the jail and courts. The old courthouse was renovated. A nursery helped landscape the grounds. Downtown streets were repaved. Citizens and companies are buying trees and benches to scatter around downtown.

"We're about to have a change of generations around here," says Mrs. Wiggins, "There are some young, aggressive types coming along. We've got a diversified economy. And we've got momentum now."

Mr. Saemann doesn't talk much now. But he still likes to keep his hand in business, poring over the numbers on the balance sheets for his own private urban renewal. "I don't know why the hell I'm doing this," he said, "because it doesn't add up." and then he smiled. ●

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 24, 1983, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 25

- 8:45 a.m.
*Labor and Human Resources
To resume oversight hearings on health care cost. SD-430
- 9:00 a.m.
Office of Technology Assessment
To meet to consider pending Board matters. EF-100, Capitol
- 9:30 a.m.
Banking, Housing, and Urban Affairs
Business meeting, to mark up proposed legislation amending the Export Administration Act. SD-538
- Judiciary
Juvenile Justice Subcommittee
To hold hearings on the problem of parental kidnapping. SD-226
- Labor and Human Resources
Business meeting, to mark up S. 564, to establish the U.S. Academy of Peace, S. 771, to authorize funds through fiscal year 1986 for health promotion and disease prevention programs of the Department of Health and Human Services, and S. 1129, to authorize funds through fiscal year 1986 for programs under the Domestic Volunteer Service Act (VISTA/ACTION), and to

allow volunteers to be locally recruited and assigned to projects in order to alleviate poverty and poverty-related human problems. SD-430

Special on Aging
To hold hearings to examine certain aspects of life-care communities. SR-385

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business. SD-366

Environment and Public Works
Nuclear Regulation Subcommittee
To hold hearings on S. 893 and S. 894, bills to provide an effective and efficient licensing and regulatory process for the siting, construction, and operation of nuclear powerplants. SD-406

Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings to investigate the use of offshore banks, trusts, and companies to facilitate criminal activity in the United States. SD-342

Governmental Affairs
Energy, Nuclear Proliferation and Government Processes Subcommittee
To hold oversight hearings to review Federal debt collection policy. SD-138

Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To hold hearings on S. 369, to provide a limited waiver of the fiscal year 1982 executive level pay cap for specified medical officers of the Public Health Service who were awarded Senior Executive Service (SES) bonuses, and S. 1009, to extend the authority of Federal agencies to enter into service agreements with Federal physicians which grant comparability allowances. SD-116

Select on Intelligence
To hold closed hearings on intelligence matters. S-407, Capitol

Joint Economic
Agriculture and Transportation Subcommittee
To hold hearings to review farm policy in the post-PIK era. SD-124

10:30 a.m.
Judiciary
Separation of Powers Subcommittee
To resume hearings to explore certain Federal court procedures relating to the exclusionary rule, habeas corpus, and related matters. SD-628

Labor and Human Resources
To continue oversight hearings on health care cost. SD-430

2:00 p.m.
Judiciary
To hold hearings on pending nominations. SD-226

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold joint hearings with the House Subcommittee on Postsecondary Education of the Committee on Education and Labor on consolidation of student

loans, focusing on findings of GAO studies mandated under Public Law 97-301, Sallie Mae Technical Amendments Act of 1982. 2175 Rayburn Building

MAY 26

9:00 a.m.
Judiciary
Constitution Subcommittee
Business meeting, to mark up Senate Joint Resolution 73, proposing an amendment to the Constitution of the United States relating to voluntary prayer in public schools. SD-628

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on title II, to encourage States to take effective action to reduce traffic safety problems resulting from persons driving under the influence of alcohol or other drugs of S. 1108, proposed Highway Safety Act. SR-253

Judiciary
Constitution Subcommittee
To hold hearings on Senate Joint Resolution 10, proposing an amendment to the Constitution of the United States relative to equal rights for women and men, and on related measures. SD-628

Labor and Human Resources
Employment and Productivity Subcommittee
To hold hearings on the youth employment provisions of S. 724, proposed Public Investment/Jobs Act. SD-430

10:00 a.m.
Appropriations
Business meeting, to mark up the substance of H.R. 3069, appropriating supplemental funds for fiscal year ending September 30, 1983, for the Federal Government (pending on House Calendar). SD-192

Energy and Natural Resources
Business meeting, to consider pending calendar business. SD-366

Environment and Public Works
Nuclear Regulation Subcommittee
To continue hearings on S. 893 and S. 894, bills to provide an effective and efficient licensing and regulatory process for the siting, construction, and operation of nuclear powerplants. SD-406

Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To hold hearings on S. 958, to reform the current merit pay system of the Federal Government. SD-342

Judiciary
Courts Subcommittee
Business meeting, to mark up S. 645, proposed Court Improvements Act. S-224, Capitol

Judiciary
Administrative Practice and Procedure Subcommittee
To hold hearings on title XIII, relating to Federal Tort Claims Act amendments, of S. 829, proposed Comprehensive Crime Control Act. SD-226

Joint Economic
Agriculture and Transportation Subcommittee
To hold hearings to review the future direction in farm policy. SD-124

2:00 p.m.
Judiciary
To hold hearing on S. 52, to establish a mandatory sentence of 15 years to life imprisonment to combat crimes of armed robbery and armed burglary. SD-226

3:00 p.m.
Select on Indian Affairs
To hold hearings on S. 1168, to declare that the United States holds certain lands in trust for the Kaw Tribe of Oklahoma, S. 1224, to provide for the disposition of certain undistributed judgment funds awarded the Creek Nation, and S. 1249, to provide for a representative of a federally recognized Indian tribal government in the membership of the Advisory Commission on Intergovernmental Relations. SD-538

MAY 27

9:00 a.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on miscellaneous tax measures, including S. 654, S. 738, S. 1147, S. 1194, and S. 1195. SD-215

JUNE 7

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on certain activities of the Teamsters Union, focusing on the substance of S. 336, proposed Labor Management Racketeering Act (pending on Senate Calendar), and central state settlement matters. SD-430

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business. SD-226

JUNE 8

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on the role of the administrative law judges of the Department of Health and Human Services related to social security disability. SD-342

*Judiciary
To hold hearings on S. 915, proposed Taxpayer Antitrust Enforcement Act. SD-226

Labor and Human Resources
To hold hearings on food safety. SD-430

10:00 a.m.
Veterans' Affairs
To hold hearings on proposed legislation providing for certain veterans' compensation. SR-418

2:00 p.m.
Judiciary
To hold hearings on pending nominations. SD-226

<p style="text-align: center;">JUNE 9</p> <p>9:30 a.m. Labor and Human Resources To continue hearings on food safety. SD-430</p> <p>10:00 a.m. Energy and Natural Resources To resume hearings on the geopolitics of strategic and critical minerals. SD-366</p> <p>Small Business Small Business: Family Farm Subcommittee To hold hearings on the impact of the Department of Agriculture's payment-in-kind program on agricultural support industries. SR-428A</p>	<p>Judiciary Constitution Subcommittee To resume hearings on Senate Joint Resolution 10, proposing an amendment to the Constitution of the United States relative to equal rights for women and men, and on related measures. SD-562</p> <p>Judiciary Patents, Copyrights and Trademarks Subcommittee To resume oversight hearings on activities of the Patent and Trademark Office, Department of Commerce. SD-226</p> <p>Labor and Human Resources Business meeting, to mark up S. 772, proposed Smoking Prevention Health and Education Act, and other pending calendar business. SD-430</p>	<p style="text-align: center;">JUNE 21</p> <p>9:30 a.m. Finance To continue hearings on S. 19 and S. 888, bills to revise current Federal pension law with respect to the rights and benefits of working and nonworking women. SD-215</p> <p>10:00 a.m. Judiciary Business meeting, to consider pending calendar business. SD-226</p> <p>Labor and Human Resources Education, Arts, and Humanities Subcommittee To hold hearings on the proposed Alien Education Assistance Act. SD-430</p>
<p style="text-align: center;">JUNE 10</p> <p>9:30 a.m. Labor and Human Resources To continue hearings on food safety. SD-430</p> <p>10:30 a.m. Judiciary Separation of Powers Subcommittee To resume hearings to explore certain Federal court procedures relating to the exclusionary rule, habeas corpus, and related matters. SD-226</p>	<p>10:00 a.m. Veterans' Affairs To hold oversight hearings to review certain health care and other services provided Vietnam veterans. SR-418</p> <p>10:30 a.m. Labor and Human Resources To hold hearings on the nominations of Ford B. Ford, of California, to be Under Secretary of Labor, and Madeleine C. Will, of Maryland, to be Assistant Secretary for Special Education and Rehabilitative Services, Department of Education. SD-430</p>	<p style="text-align: center;">JUNE 22</p> <p>9:30 a.m. Commerce, Science, and Transportation To hold hearings on title IV, to provide for increased coordination between Federal, State, and local governments in the transportation of hazardous materials, of S. 1108, proposed Highway Safety Act. SR-253</p>
<p style="text-align: center;">JUNE 13</p> <p>9:30 a.m. Finance To hold hearings to examine the tax structure applicable to property and casualty insurance companies. SD-215</p> <p>Labor and Human Resources To hold hearings on home health care services. SD-430</p>	<p>2:00 p.m. Judiciary To hold hearings on pending nominations. SD-226</p>	<p>Judiciary Constitution Subcommittee To resume hearings on Senate Joint Resolution 10, proposing an amendment to the Constitution of the United States relative to equal rights for women and men, and on related measures. SD-562</p>
<p style="text-align: center;">JUNE 14</p> <p>9:30 a.m. *Banking, Housing, and Urban Affairs Securities Subcommittee To hold hearings on S. 1174, proposed Public Utility Holding Company Act Amendments. SD-538</p> <p>Commerce, Science, and Transportation To hold hearings on title III, to promote commercial motor vehicle safety and health regulations, of S. 1108, proposed Highway Safety Act. SR-253</p> <p>Labor and Human Resources Labor Subcommittee To hold hearings on the substance of S. 1227, to improve the single-employer pension plan termination insurance program created in 1974 by title IV of ERISA. SD-430</p>	<p style="text-align: center;">JUNE 16</p> <p>9:30 a.m. Judiciary Constitution Subcommittee To hold hearings on S. 81 and S. 141, bills to revise current law relating to civil actions for the deprivation of rights. SD-562</p> <p>Judiciary Juvenile Justice Subcommittee To hold hearings on the deinstitutionalization of certain status offenders. SD-226</p>	<p>Judiciary Patents, Copyrights and Trademarks Subcommittee To hold hearings on S. 1306, to encourage American innovation by restoring the patent system as it affects certain products subject to premarket testing by the Federal Government. SD-226</p> <p>Labor and Human Resources Business meeting, to consider pending calendar business. SD-430</p>
<p>10:00 a.m. Judiciary Business meeting, to consider pending calendar business. SD-226</p>	<p style="text-align: center;">JUNE 17</p> <p>10:00 a.m. Commerce, Science, and Transportation *Aviation Subcommittee To hold hearings on S. 314, proposed In-Flight Medical Emergencies Act. SR-253</p>	<p>10:00 a.m. Labor and Human Resources Family and Human Services Subcommittee To resume oversight hearings on the breakdown of the traditional family unit, focusing on causes and remedies. SD-430</p> <p>Veterans' Affairs To hold oversight hearings on certain health care services for veterans. SR-418</p>
<p style="text-align: center;">JUNE 15</p> <p>9:30 a.m. *Banking, Housing, and Urban Affairs Securities Subcommittee To continue hearings on S. 1174, proposed Public Utility Holding Company Act Amendments. SD-538</p>	<p style="text-align: center;">JUNE 20</p> <p>9:30 a.m. Finance To hold hearings on S. 19 and S. 888, bills to revise current Federal pension law with respect to the rights and benefits of working and nonworking women. SD-215</p> <p>10:00 a.m. Judiciary Immigration and Refugee Policy Subcommittee To hold hearings on proposed authorizations for refugee programs. SD-226</p>	<p>2:00 p.m. Judiciary To hold hearings on pending nominations. SD-226</p> <p style="text-align: center;">JUNE 23</p> <p>9:30 a.m. Judiciary Constitution Subcommittee To resume hearings on S. 81 and S. 141, bills to revise current law relating to civil actions for the deprivation of rights. SD-226</p>

May 23, 1983

EXTENSIONS OF REMARKS

13433

Labor and Human Resources
To hold hearings on the effects of anti-cancer drugs in the treatment of cancer patients.
SD-628

10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To continue oversight hearings on the breakdown of the traditional family unit, focusing on the role of Federal policy.
SD-430

JUNE 24

9:30 a.m.
Judiciary
Courts Subcommittee
To hold hearings to discuss the current bankruptcy situation of the Manville Corporation in Denver, Colo.
SD-562

JUNE 27

10:00 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold oversight hearings on airline deregulation.
SR-253
Judiciary
Immigration and Refugee Policy Subcommittee
To resume hearings on proposed authorizations for refugee programs.
SD-226

JUNE 28

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 1173, proposed Federal Mine Safety and Health Amendments.
SD-430

10:00 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To continue oversight hearings on airline deregulation.
SR-253

JUNE 29

9:30 a.m.
Judiciary
To hold hearings on S. 737, proposed Joint Research and Development Ventures Act.
SD-226

Labor and Human Resources
To hold hearings to examine fire safety matters.
SD-430

10:00 a.m.
Small Business
Small Business: Family Farm Subcommittee
To hold hearings on the impact of Canadian agricultural imports and their effect on the small business community.
SR-428A

Veterans' Affairs
Business meeting, to consider proposed legislation providing for certain veterans' compensation.
SR-418

JUNE 30

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on juvenile offenders of serious and violent crimes.
SD-226

Labor and Human Resources
To hold oversight hearings on the activities of the Equal Employment Opportunity Commission and the administration's equal employment opportunity policy.
SD-430

10:00 a.m.
Energy and Natural Resources
To resume hearings on the geopolitics of strategic and critical minerals.
SD-366

Judiciary
Administrative Practice and Procedure Subcommittee
To hold oversight hearings on activities of the Office of Administrative Law Judges, Department of Agriculture.
SD-562

JULY 6

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

JULY 13

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

JULY 20

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

JULY 27

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

SEPTEMBER 20

11:00 a.m.
Veterans' Affairs
To hold hearings to receive legislative recommendations for fiscal year 1984 from the American Legion.
SR-325

CANCELLATIONS

MAY 24

9:30 a.m.
Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To hold hearings on certain provisions of the proposed Mortgage Retirement Account Act.
SD-538

MAY 27

10:00 a.m.
Judiciary
Separation of Powers Subcommittee
To resume hearings to explore certain Federal court procedures relating to the exclusionary rule, habeas corpus, and related matters.
SD-226

JUNE 14

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on proposed legislation revising certain provisions of the Labor-Management Reporting and Disclosure Act (Landrum-Griffin Act).
SD-430

JUNE 16

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To resume hearings on proposed legislation revising certain provisions of the Labor-Management Reporting and Disclosure Act (Landrum-Griffin Act).
SD-430