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PROCEEDINGS AND DEBATES OF THE 98th CONGRESS, FIRST SESSION

SENATE—*Thursday, July 28, 1983*

(Legislative day of Monday, July 25, 1983)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

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

Let us pray.

Gracious God, our Heavenly Father, Thou hast lavishly endowed our land and our people. We have so much for which to be thankful. Forgive us for so easily accepting manifold blessings such as health, family love, friendships. We so often take these gifts for granted until we lose them, and then we so often complain. Teach us gratitude, Lord—gratitude for our land, rich in mineral wealth, beautiful mountains and valleys, rivers, lakes, and streams, forests and plains and deserts.

Teach us gratitude for each other. We so commonly withhold appreciation until a friend is gone, and then we eulogize over a casket. May we take seriously the Biblical exhortation, "Render, therefore, to all their due: tribute to whom tribute is due; custom to whom custom, honor to whom honor. Owe no man anything but to love one another * * *". (Romans 13: 7,8). In the name of Him who is incarnate love. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

SENATE SCHEDULE

Mr. BAKER. Mr. President, this morning, there will be a period for the transaction of routine morning business after the execution of the two special orders. The Senate will then resume consideration of the motion to proceed to the consideration of H.R. 2733, the agriculture target price bill.

Senators should note that I intend to pursue that bill, and that we will perhaps let a good part of this day be devoted to that motion, if necessary. The yeas and nays have been ordered on the motion. Rollcall votes may occur early today. No one should assume that this is a half-hearted effort.

Mr. President, there are other matters we need to take up. I have indicated on other occasions that I would like to pursue my conversations and colloquy with the minority leader on how we might reach some of them. There is Radio Marti, for example, and the supplemental conference report, which I understand will probably not reach us until tomorrow. Senators should be on notice that we will be in tomorrow and that it is the intention of the leadership on this side to take up the supplemental conference report as soon as it is received.

I fully expect votes on Friday. As of now, I do not foresee the likelihood of a Saturday session, but I do expect Friday to be a regular and full day of legislative action.

Mr. President, we will take up other matters as we free them up, including conference reports. There will be at least one additional conference report available either tomorrow or Monday. And, we have an appropriation bill that I would like to free from its bondage—the Interior appropriations bill.

I urge Senators who are concerned about certain aspects of that bill to try once more to work out their differences or at least to agree on a time limitation for debate on that measure. I will consult with the minority leader on this throughout the day as well.

Mr. President, unless we hit a snag, or unless there is some urgent emergency, and I do not see that as a prospect at this time, I fully expect the Senate to be able to adjourn on August 5. It is the regular every-other-year August recess provided for by statute.

Mr. BYRD. Mr. President, will the distinguished majority leader yield?

Mr. BAKER. Yes, I am happy to yield.

Mr. BYRD. Mr. President, I have not discussed this with the majority leader. I have not had the opportunity to do that, though I have intended to do it. It is a question that we should deal with. It pertains to the recess.

Heretofore, when we have had the August recess, we have put some language into the adjournment resolution which provides a way whereby the Congress may call itself back if there is a national emergency that would justify such action. In some instances, it is the Speaker of the House and the President pro tempore of the Senate, or the majority leaders of both Houses. There have been various phrases used over the years.

My question is, Would it be the intention of the majority leader to have such language? May I say, I called the Speaker last evening and suggested to him that there be such language in view of the situation in Central America. I have a feeling that if the adjournment resolution is initiated on the other side, it will have some such language. If it is originated over here, would it be the intention of the majority leader to have some such langauge?

Mr. BAKER. Mr. President, in all candor, I will say to the minority leader I have not thought about that, but I will. It is a good point that he and I should discuss, but it is not one I have focused on thus far.

Let me reserve any further response until I have had an opportunity to think about it and consult with the minority leader.

Mr. BYRD. I thank the majority leader.

Mr. BAKER. Mr. President, I reserve 1 minute of my time remaining under the standing order. I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

CENTRAL AMERICA—THE NEED FOR INFORMATION

Mr. BYRD. Mr. President, the President in his televised news conference this week, said this with reference to the so-called military exercises which are underway in Central America and the area thereof:

> First of all, these maneuvers . . . are not going to put Americans in any reasonable proximity to the border.

In today's Washington Post, I will quote from the story on page 22, carried over under the headline "Exercises Described As Way To Protect Honduras From War" the following:

> Today more than 87 additional U.S. advisers arrived here in the capital to start planning the massive joint maneuvers scheduled here in coming months. The first of these operations, according to U.S. military officials, will take place in the province of Choluteca which borders on Nicaragua.

Mr. President, we have a dichotomy with respect to whether or not Americans are going to be placed in a dangerous position when the President says first of all "those maneuvers are not going to put Americans in any reasonable proximity to the border," and then in the Washington Post it says,

> The first of these operations, according to U.S. military officials, will take place in the Province of Choluteca, which borders on Nicaragua.

There seem to be some divergent viewpoints expressed first by the President and then as reported by the Post. Whom are we to believe?

Are we to believe the President? Does he feel that this particular province is not in close proximity to the border? The contrary is reported in the press.

Mr. President, I think we ought to be kept advised as to precisely what is going on, if the President is going to have support for his policy, if there is going to be a consensus, if the American people are to support his policy. I believe there was something in his speech which indicated that the American people, those who were informed of what is going on, are supportive of his policy. I cannot understand how the American people can be informed except for the news media. That is precisely where I have gotten my information thus far—from the news media.

The President, in his remarks during the press conference, also implied that Congress is being kept apprised of the actions of the administration. I quote his words:

> Well, I think it would be a very, very grave mistake if the legislature interfered with what we're trying to do and we're trying to keep them apprised of our actions.

Mr. President, Mr. Reagan may believe that. I do not say that the President was not sincere in thinking that Congress is being kept apprised, but, indeed, Congress is not, except through the news media.

The majority leader was able to arrange a little briefing on the fourth floor on this side of the Capitol yesterday. I compliment the majority leader, and I thank him for arranging the meeting. He did the best he could. It was only a 30-minute briefing, but it was better to have that than none at all. In that briefing, I quoted what the President had said in his news conference to the effect that Congress is being kept apprised. I said, "If anybody in this room is being kept apprised, either Republican or Democrat, hold up your hand." Not one person held up his hand. It was also reported during that conference that the Speaker and the leadership of the House are not being kept apprised.

So it was the suggestion of the Senate majority leader to Judge Clark, who reportedly has access at any time to the Oval Office, that Senators have briefings on a regular basis. The majority leader referred to the briefings, which used to occur in my office, given by Mr. Warren Christopher anent happenings in Iran with respect to Americans who were being held hostage there. They were regular briefings that were held for the benefit of the joint leadership, Republicans and Democrats. The majority leader suggested that this administration follow the same course. I think it was a good suggestion.

But I say again, as I said yesterday or the day before, Mr. President, that if there is to be support for the President's policies, the American people are going to have to have more information than they have now. They are entitled to that information, and Congress is entitled to it. If we hope to make any sensible judgments, we are going to have to have information that is accurate and adequate upon which to base them.

Mr. President, I am not concerned about the argument as to "who lost" this or "who lost" that or who lost El Salvador. I think to put the question in that context is being politically crass. It may be that we ought to do this or we ought to do that, but whatever we do, it ought to be in the best interests of the United States. Whatever, is in the best interests of the United States, I want to support. But I want adequate information, I want to be assured that I have adequate information and accurate information, before I take a position that might later lead to bloodshed on the part of Americans who could be sent to that region of the world.

So, Mr. President, I hope we shall be given appropriate information through proper consultation.

It came as a surprise to me to find that the President's own party on Capitol Hill is not being kept apprised. I was amazed when I heard the President indicate that Congress is being kept advised. Perhaps he thought he was stating the facts. He may be unaware that Congress is not being kept apprised. But if he is unaware, that is almost as bad as knowing that we are not being kept apprised and saying just the opposite, because I should think he would see to it that Congress is being kept apprised. It does not have to be I, but somebody on this Hill ought to be kept apprised. I told President Carter once:

> It does not have to be I, but there are people up on that Hill who can keep secrets just as well as anybody here in the White House or anybody in the Pentagon.

I once said to President Carter, "Mr. President, your wife Rosalynn will tell this before I do." He had taken me into his confidence with respect to the Iranian hostage situation. I was not informed that the operation was at that moment going forward.

So there are people in Congress who can keep secrets. There are people in both parties, I am sure, who are just as patriotic and who have at heart the interests of the United States as much as anybody in this administration or any other administration. And until Congress is consulted, I am going to continue to raise the question and I am sure the majority leader, based on my observations of his work and my familiarity with his nature and position on matters, is not going to be satisfied until there is proper consultation with somebody on his side. If consultation is to be with the ranking members and the chairmen of the Foreign Relations Committee, the Armed Services Committee, and the Intelligence Committee, that is all right with me.

But I happen to think that the leadership of both parties is expected by our colleagues on both sides of the aisle to be likewise apprised.

So having said that, I will save for another occasion any further remarks on this subject.

If I have any time left, Mr. President, I yield it to the majority leader.

Mr. BAKER. I thank the minority leader.

Mr. BAKER addressed the Chair.

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

Mr. President, I listened with great care and interest to the remarks of the minority leader. It will come as no surprise to Members of the Senate when I say that he and I have discussed this before. I understand his views and, indeed, I am sympathetic to many of them.

I do not mean to be unduly philosophical about it, but I have always thought one of the great values, one of the great virtues of the Constitution was that it was intentionally left fuzzy on some points.

Nobody ever quite explained to the country what it meant when it said

that the Senate had a special role to play in foreign policy or that the President was the chief officer of foreign policy.

Those are not the words of the Constitution, but that is what it meant. But we have overlapping jurisdiction, just as the Court has overlapping jurisdiction in that it can strike down legislation that we pass or the Congress or the President can disapprove. It is a magnificent hodgepodge, and it was built that way. We have to live with it. And we continue to establish precedents in those fields that are not clearly defined.

One of those imprecisions is, what is the role of the Senate in foreign policy. As in so many cases, I can tell you what it is not. It is not our role to dispatch troops to a foreign country or to order a battleship into hostile waters. But it certainly is something short of being totally oblivious and unconcerned in those things, and someplace in between those two priorities is what the Founding Fathers meant, I am sure, and it is up to us to sort of determine from time to time under the circumstances.

I listened with great interest to the remarks made by the minority leader, I assume, about the situation in Iran. I would trust the minority leader with the information whether I was President, Senator, or private citizen. I have absolute confidence in him, and President Carter was not disserviced in that, but I would remark he did not tell me and I was the minority leader.

Mr. BYRD. Will the Senator yield? I said to the President, "If at some point there is a decision to undertake a rescue operation, I would suggest that you get HOWARD BAKER down here, tell him how critical this matter is and the information, and I am confident he will keep it in trust."

Mr. BAKER. I have no doubt of that.

Mr. BYRD. "And furthermore, he would be the one to advise as to any others on that side of the aisle who should be taken into confidence."

Mr. BAKER. I have no doubt of that. And the point I was reaching for and about to reach did not relate really to that episode but, rather, to say we are playing this game from incident to incident, how Presidents confide in the leadership of one or the other of the two sides of the aisle or the chairman of the Armed Services Committee or Foreign Relations. I know of instances that represent every one of those things I have just said, where Presidents have confided in a particular Member, but I also, unfortunately, know of cases where Presidents of both parties have not confided in anybody as far as I could tell. So once again, we are sort of defining what the role is.

Let me say briefly what I think the role should be. The role should be that the Senate does have a constitutional responsibility in the field of foreign policy and national defense. One that should be before the fact and not after the fact. It does not mean the President should share with us every piece of intelligence he has or every plan he considers or every operation that he may initiate. But, it does mean that those situations that do have profound implications, should be investigated by the Senate before the fact.

It also means, Mr. President, that there should be an opportunity not just to hear and understand but also to suggest and propose. The President, of course, is free to reject if he wishes.

It means, Mr. President, that there needs to be some sort of formal arrangement, if not in the Constitution—at least by practice and tradition.

So I made the suggestion that the minority leader speaks of as much in an effort to regularize this messy business as it was to meet the exigencies of this particular situation.

I intend to pursue that suggestion with the President and the Secretary of State and with the President's national security adviser.

To summarize, that suggestion is that there be some sort of weekly or at least periodic briefing for the leadership of the Senate on national defense and foreign policy issues. They may be routine and last a minute or they may be extensive and last a long time. It may be just the two leaders or it may be an aggregation of Senators, but that is a Senate decision.

I am the President's spear carrier in the Senate. I am his friend, and surely I do not need to prove that anymore. I believe I have earned that badge. But I owe my first obligation to the Senate. I am majority leader of the Senate, and that is my first duty and responsibility. So I intend to serve my President, but I also intend to remain loyal to the Senate. And that loyalty must insist that the Senate have an opportunity to exercise that imprecise and ill-defined role in foreign policy determination.

Now, Mr. President, there is one other piece of information I should supply for the record on consultation on this particular issue. I did not mention it earlier but only because I forgot it. I did not think of it in this context.

On Monday of this week, at the President's request, Congressman MICHEL, the Republican leader in the House, and I lunched with the President at the White House, and the President reviewed the overall general situation.

The luncheon was not for the purpose, as I understand it, of telling us about the carrier task force in the Pacific or the battleship *New Jersey* or troops in Honduras. I did not understand that was the reason for the meeting. But I would like the record to show that the President did discuss these matters.

I would also point out it was after the fact, but he did explain his reason and rationale for doing these things to Congressman MICHEL and to me. I want that to be clearly understood so no one thinks that I am trying to diminish the President's effort to keep me apprised or Congressman MICHEL. And maybe that is what the President had in mind in his press conference when he said he was trying to keep the Congress apprised.

But in any event, Mr. President, I am saying now that we need do more than that. I will pursue that. I pledge to Members of the Senate on both sides of the aisle that I will discharge my responsibility and obligation to the Senate to be best of my ability to see that we have an opportunity to exercise our constitutional responsibility in this field.

I thank the minority leader for bringing the matter up.

Mr. BYRD. I thank the majority leader for his assurance. I feel much better after having heard the majority leader say what he has said. He did not have to say it publicly because I knew it, but I am glad he has said it here again.

Mr. BAKER. I thank the Senator.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I believe there is an order in favor of the distinguished Senator from Wisconsin for 15 minutes, to be followed by an order in favor of the distinguished Senator from Nebraska for 15 minutes. They are both on the floor, and I assume they are ready to proceed.

The PRESIDENT pro tempore. The majority leader is correct.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDENT pro tempore. The Senator from Wisconsin (Mr. PROXMIRE) is recognized.

WHY WE SHOULD NOT PURSUE A MILITARY SOLUTION IN CENTRAL AMERICA

Mr. PROXMIRE. Mr. President, should this country accept the argument of President Ronald Reagan that this country has a genuine national security interest in the Marxist, Communist makeup of the Nicaraguan Government or the Marxist Communist challenge of thousands of rebels to the democratically elected Government of El Salvador? Certainly, these countries are near us. Yes, indeed, Marxism could spread to other Central American countries. Conceivably, we could be bedeviled by a half dozen Fidel Castro-type Communist bases on the front porch of this country, threaten-

ing the Panama Canal and serving as a possible military base for the Soviet Union. In such a series of catastrophic events, would this country face a serious military threat? The answer is absolutely, unequivocally, and emphatically: "No."

Even if, somehow, all the Central American countries should come together in a unanimous Communist cabal, they would constitute no genuine military threat to the United States. I am sure the people in those countries are brave and strong people. In fighting for their countries—in defending their homeland, in that kind of guerrilla warfare, as we have discovered—a relatively weak military force without any modern weapons of war can win surprising victories against a far bigger, stronger, better equipped military force. Vietnam and Afghanistan should remind us of the grim fact. But as an invading force? Can we expect the Nicaraguans to be in El Paso? And then striking out to Houston?

Consider what we face as a military threat in Central America. The first big fact about Central America is that one country, Mexico, dominates the area overwhelmingly. The population of the nine Central American countries including Cuba and Mexico is just over 100 million, compared to our 230 million, 70 percent of this population is Mexican.

For any country to mount a war effort, especially any kind of aggressive war effort, outside its borders, and particularly against the United States, requires an economy capable of supporting such a war effort. Consider the Central American economies—in aggregate. The total gross national product of these nine nations is $212 billion, and 80 percent of this GNP belongs to Mexico. That compares with a $3,000 billion, or $3 trillion, economy for this country. We are about 15 times more productive economically. So the potential for military power for these Central American countries is pathetically small.

Now, how about actual military expenditures? Here we find that the expenditures of all nine of these countries together total about $3 billion, more than half of which is Mexico's. Think of that: $3 billion for all the Central American countries. More than half of that is Mexico's. That compares to our U.S. military expenditures of $214 billion, or more than 70 times the total military expenditures of all these Central American countries combined.

Compare military personnel. The total military personnel of all nine of these countries amounts to 563,000, and two-thirds of these are Mexican troops. Incidentally, most of the Mexican troops are part-time conscripts. This compares with 2,100,000 full-time, regular American military personnel, not including National Guard and Reserve components.

Now look at the real muscle of modern war. In combat aircraft, all nine Central American countries have 265 combat aircraft, compared to over 5,000 American combat aircraft, about a 20-to-1 ratio in our advantage. In major naval vessels, the nine Central American countries, in aggregate, have 14, 10 of which are Mexican, compared to 285, or literally 14 times as many, for the United States. In army personnel the nine countries have 509,000, of which about 70 percent are Mexican. And, again, 250,000 of the Mexican troops are part-time conscripts compared to 780,000 regular U.S. Army personnel.

Mr. President, the Capitol Police, by themselves, on a good day, could handle any threat from most of these Central American countries. They do not amount to any kind of threat at all.

Of course, none of this includes the fact that this country has an immense arsenal of strategic nuclear weapons, on land, at sea, and in the air. And how many do the nine Central American countries have? Absolutely none.

The most striking facts about these comparisons are:

First, Mexico absolutely dominates Central America in military potential and actual force.

Second, the single significant military force in Central America outside of Mexico is Cuba. And the Central American countries other than Mexico add virtually nothing to the Cuban military power, even in the unlikely event that all of them should become Marxist Communist states and aline themselves firmly with Cuba. In considering this group of Central American nations together—excluding Mexico—Cuba makes 75 percent of the military expenditures, has 63 percent of the military personnel, 70 percent of the combat aircraft, 60 percent of the army personnel, and literally 100 percent of the major naval vessels. No one can argue that, annoying as Castro and Cuba may be, they in any way really threaten this country militarily.

Third, in aggregate, on any assumptions, all the Central American countries together pose no significant military threat—none to our national security.

Furthermore, there is every reason to believe that Mexico will remain, as she has for many years, our firm ally and friend, a wise and pacifying force in Central America.

What genuine, realistic national security interest does this country have in Central America? For many reasons we should do everything we can—without using military power—to keep communism out of Central America. Grinding poverty and cruel exploitation, either by Communist bureaucrats or rightwing plutocrats, is the bane of this area. We should aline ourselves with neither. We should press for human rights and land reform in all regimes. How should we do it? The best way to do that is with the kind of good neighbor policy enunciated by Franklin Roosevelt and with Peace Corps-type assistance as initiated by President Kennedy. The one way we can provoke Central America into a hostile and perhaps largely Communist alinement is if we continue to follow the kind of ham-handed, arrogant militarism that our Honduran military exercises and our covert and overt military operations in Nicaragua and El Salvador demonstrate and that the administration seems so intent on pursuing.

Mr. President our overwhelming military advantage overall of Central America combined should remind us of the imperative necessity that we use this massive military power with restraint and care. Here is why: The overpowering U.S. military advantage is matched by a very real psychological advantage that accrues to any little country we try to push around militarily—either by muscle-flexing maneuvers next to the little country's border or by an actual shooting invasion. All of us dislike bullies. In any kind of a confrontation, almost every human being favors the little guy, the underdog, the little, embattled few who do not seem to have a chance.

This is true of most of our fellow Americans, even when our country itself has become involved as the big, tough guy. The overwhelming majority of Americans love this country. We are very proud of it. Some still react the way Stephen Decatur put it: "My country, in her intercourse with other nations may she always be right. But right or wrong: My country!" But many Americans—patriotic as they may be—will not support this Nation when they think our actions are wrong. And without thinking very much about it, many Americans will assume that when we flex our mighty air and sea power on the very coastline of these small, weak, impoverished countries, good as our intentions may be, and wrong as those who rule the little country may be, we become the oppressor. Certainly, other nations throughout the world must have a far more intense revulsion against this kind of pushing the little kids in the neighborhood around.

Of course, what makes this kind of policy especially bad is that we cannot win. No policy we can pursue will more certainly assure the hostility of Central Americans, and possibly even the alienation of Mexico—and what a tragedy that would be. Mexico is indeed crucial to us in Central America. This big, tough, bully-on-the-block attitude, could cost us dearly.

Mr. President, I ask unanimous consent that a table I have compiled, showing the economic and military data about Central American countries compared to this country, be printed at this point in the RECORD.

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

ECONOMIC AND MILITARY STATISTICS—CENTRAL AMERICA AND THE UNITED STATES

	Population (in millions)	GNP/GDP (in billions)	Military expenditures (in millions)	Military personnel	Combat aircraft	Major naval vessels [1]	Army personnel
Costa Rica	2.4	4.8	[2] 13.9	[2] 7,000			
El Salvador	4.6	3.5	134.0	16,000	27		14,900
Guatemala	7.5	7.8	79.0	18,550	16		17,000
Honduras	4.1	2.5	50.0	11,700	25		11,500
Nicaragua	2.6	1.8	[4] 54.0	[5] 21,500	8		[5] 20,000
Panama	2.0	3.0	42.0	[3] 9,000			
Subtotals	23.2	23.4	372.9	83,750	76	0	63,400
Cuba	9.9	18.4	1,112.0	127,500	189	4	100,000
Subtotal	33.1	41.8	1,484.9	211,250	265	4	163,400
Mexico	71.3	170.0	1,656.0	119,500 [6](250,000)	25	10	95,000 [6](250,000)
Total	104.4	211.8	3,140.9	330,750	290	14	258,400
United States	233.9	3,073.0	214,300.0	2,127,000	5,090	285	780,000

[1] Frigates or larger including submarines. Most countries also have small patrol boats, some with surface-to-surface missiles.
[2] Ministry of Public Security and Civil Guard.
[3] Paramilitary forces/National Guard.
[4] This figure is dated (1979) and suspect given aid from Cuba and the USSR.
[5] Plus 80,000 militias and Reserves $125 million in military equipment from USSR. 2,135 foreign security advisers.
[6] Part-time conscripts.

Sources: Central Intelligence Agency, "The World Factbook 1982"; The International Institute for Strategic Studies, "The Military Balance 1982–1983"; Ruth Leger Sivard, "World Military and Social Expenditures 1982."

CENTRAL AMERICAN COUNTRIES AS A PERCENTAGE OF UNITED STATES

	Population	GNP/GDP	Military expenditures	Total military personnel	Combat aircraft	Major naval vessels	Army personnel
Costa Rica, El Salvador, Guatamala, Honduras, Nicaragua, and Panama	9.9	0.76	0.17	3.9	1.5	0	8.1
Above plus Cuba and Mexico	44.6	6.8	1.5	15.5	5.7	4.9	33.0

GOLDEN FLEECE TO COAST GUARD

Mr. PROXMIRE. Mr. President, I am giving my Golden Fleece of the Month Award for July to the U.S. Coast Guard for spending $1.1 million to build a boat repair station at Cape Hatteras, N.C., which sat empty and unused for about a year. Why?—now get this—because the Coast Guard forgot, they right plumb forgot to assign anyone to work there, that is why.

The Coast Guard should consider changing its motto from "Always Ready" to "Never Remember." The taxpayer can be forgiven for having a sinking feeling about this boat repair station.

The case of the forgotten repair station started back in 1975. The district office decided they needed a building in which to repair boats during bad weather. They estimated such a building would cost $500,000.

The Commandant of the Coast Guard disapproved this proposal in 1977. He was not convinced that the new building was needed.

The district office would not take "no" for an answer and prepared an analysis showing that the Coast Guard would save money by repairing the boats itself instead of having private companies do the work. The analysis assumed that staff would be transferred from other Coast Guard stations, that no additional salary costs would be incurred.

The Commandant then approved the proposal in 1979 and in 1980 Congress appropriated $1.1 million for the new building. By December of 1981, the building was ready for use.

There it sat, unused, day in and day out. Months passed, the seasons changed, and still no one appeared to work in the building.

Finally, after about a year, the Coast Guard assigned a skeleton staff to the building. Listen to their explanation of this incident:

> We accurately and correctly demonstrated the benefits which would result from a [new building], but we totally overlooked the fact that if you increase activity at a unit, you can expect additional staffing will be needed to do the work.

Think about that for a moment before you take your next boat ride. The Government agency charged with search and rescue on the high seas "totally overlooked the fact" that additional people would be needed to work in a new $1.1 million building.

Now comes the insult. To move boats from the water to the repair building, the Coast Guard purchased a $45,750 boat hoist. They successfully tested it by moving the largest boat available—one 44 feet long and weighing 20 tons. Because the repair building was 20x40 feet in size moving this boat should have been a reasonable test for anybody.

But not for the Coast Guard. They decided the hoist should have to lift a 30-ton load. A boat this size would scarcely fit into the new building. But the Coast Guard—always ready?—built a 30-ton test weight—at a cost of over $1,400. what happened when they used this weight, which was shaped more like a brick than a boat? The hoist broke and repairs will cost around $12,000.

The Coast Guard hoisted the taxpayer on its petard once again.

This new building is within sight of the area where Blackbeard the pirate was killed. He used a sword to commit piracy. Now the Coast Guard has shown that when it comes to modern-day buccaneering, the pen, applied to a Government check, is truly mightier than the sword.

WHAT ARE THE PROSPECTS FOR A MUTUAL, VERIFIABLE NUCLEAR FREEZE?

Mr. PROXMIRE. Mr. President, I have been rising on the floor of the Senate virtually every day since April of last year—that is 15 months—to plead with this body to support a nuclear freeze or to exercise restraint in authorizing and appropriating funds that advance the nuclear arms race. I am sure that no one in the Senate

favors unilateral disarmament. I am also sure that even those Senators who have most consistently voted for more and more nuclear weapons recognize what a cataclysmic disaster a nuclear war would bring.

And I am sure the President is equally sincere in desiring peace. But somehow this sincere peaceful sentiment has had pathetically little effect. This Congress—the House of Representatives and the Senate—moves relentlessly, month after month, year after year ahead with this insane nuclear arms race.

We even seem to be unable to resist the most inefficient weapons. We have gone along with the B-1B bomber, designed to carry nuclear weapons, in spite of the strong likelihood that it will be obsolete before we can build it.

We will come on in a few years with the new technology, or Stealth bomber, that will fulfill exactly the same mission as the B-1B except that it will foil the Soviet radar system that will certainly trap the B-1B and make each flight over the Soviet Union a suicide mission. Of course, the B-1B will cost tens of billions, and the Stealth will also cost additional tens of billions of dollars.

We also are hell-bent now on building 100 MX missiles with 10 warheads each and for a fat $20 billion, although 2 weeks of debate failed to produce a single Senator who could answer the repeated charge that the missile will be vulnerable, literally a sitting duck for the Russian hard-target kill missiles to knock out. In addition, we are racing ahead putting our technical and scientific laboratories hard to work to develop more efficient nuclear weapons, such as the D-5 hard target missile that we will fire from our submarines.

Also, we will construct thousands of cruise missiles in the next few years. We will build at least an additional 20 Trident submarines to carry our newest and most devastating hard-target kill weapons within 5 or 6 minutes of their Russian targets. And the President is bent on converting our space program to a very largely military mission, designed to give us a series of antimissile devices that will kill Russian satellites and in effect poke out the eyes of Russia's warning system and shoot down any Russian missiles that might be launched, thus destroying their deterrent and giving the Russians an incentive to attack before we develop an antimissile system that could literally disarm their nuclear capability.

The success of the antisatellite program could literally kill any prospect of a verifiable nuclear freeze of any kind and I mean any verifiable arms control program. Satellites are the quintessential heart of an effective verification. Now how can 535 peace-loving Members of the House of Representatives and Senate permit such a foolish race to national suicide?

Sometimes, Mr. President, Congress and our whole National Government seem like lemmings rushing to the sea, determined to drown en masse. Does this mean that we have become so absorbed with building nuclear military power that we have forgotten that the whole purpose, the only justification of military spending, is not war but peace?

Last year the House voted on August 5 by an almost precisely even split—204 to 202—against a nuclear freeze. On May 4 of this year the House reversed that vote and voted 278 to 149—nearly 2 to 1—for a nuclear freeze. What happened? Simple. On November 2, 1982, we had an election and in the fall of 1982 there were a series of nine referendums on the nuclear freeze in nine different States. Eight of those States supported the freeze, in most cases by big margins.

Every public opinion poll has shown the same result with freeze support running about 3 to 1 in favor. The people of this country are demanding an end to this arms race. We better get the message. If and when the Senate has a shot at the nuclear freeze, I am convinced we will follow the House of Representatives and also pass a nuclear freeze resolution.

Now, let us be clear about it. The freeze does not call for unilateral disarmament. No, indeed. It calls for the negotiation of a mutual, verifiable agreement between the United States and the Soviet Union to stop the testing, production, and deployment of nuclear weapons. Because it sets no time limit and because negotiations are under the firm control of whoever happens to be President of the United States, the freeze resolution simply states a policy and an intention. It is the beginning, but only the beginning, of our best hope for survival.

THE PLASTICITY OF HUMAN NATURE

Mr. PROXMIRE. Mr. President, the act of genocide—systematically murdering a racial, ethnic, national, or religious group—is hard for U.S. citizens to comprehend. This may be why the Genocide Convention, which makes mass slaughter punishable under international law, has gone unratified for 34 years.

It is understandable to us that one crazy man, like Adolf Hitler, could believe that the "final solution" lay in eliminating the Jewish people. But the notion that an entire society could go insane—much less a highly civilized nation like Germany—is far more incomprehensible, and disturbing.

The fact is, Adolf Hitler was necessary, but not sufficient, for the Holocaust. If the German intelligentsia, the German elite, and the German people had refused to go along with the notion that Jews were the source of all evil, then Adolf Hitler might today be an obscure figure in German history.

In some ways, it is hard to blame those who did not stand up. Movie critic Stanley Kauffman has a point when he says, "I'm never less sure of my physical courage than when I'm asked, by a film or a play or book, to condemn the anti-Nazi Germans who lived under the Nazi regime and did not rebel."

But a new German movie, "The White Rose," tells the story of the small number of German men and women who would not comply with the Nazi regime's slaughter of the Jewish people. The leaders of the anti-Nazi, pro-German movement—students Hans and Sophie Scholl and their philosophy professor, Kurt Huber—kept their honor, but lost their lives. All were guillotined.

"The White Rose," Mr. President, tells us that some people will face incredible danger in a stand for decency. What the movie also tells us, however, is that this courage is rare. Professor Huber and his pupils tried to stop genocide while it was happening. A few years later, the world set out to prevent genocide. The United Nations passed the Genocide Convention with the idea that outlawing genocide might in some way deter future Hitlers.

Despite this, the U.S. Senate has failed to act. I urge my colleagues to ratify the Genocide Convention.

Mr. President, I thank the Chair.

RECOGNITION OF SENATOR ZORINSKY

The PRESIDING OFFICER (Mr. HATFIELD). Under the previous order, the Senator from Nebraska (Mr. ZORINSKY) is recognized for not to exceed 5 minutes.

THE NATIONAL COMMISSION ON TEACHER EDUCATION ACT

Mr. ZORINSKY. Mr. President, since the report of the Commission on Excellence in Education was published, national attention has been focused on the crisis in our schools. Many suggestions have been made on ways to improve our educational system. However, one problem area noted in the report which has received little attention is weakness in teacher training.

The Commission report found that teacher preparation programs need substantial improvement and that the teacher preparation curriculum is weighted heavily with courses in educational methods at the expense of courses in subjects to be taught. As a result, many teachers have not mas-

tered the basic skills in reading, writing, math, and other subjects that they are required to teach.

Reaction to the report so far has dealt mainly with better pay for teachers, stricter curriculum requirements, competency testing, etc. I agree that these areas need attention. However, if teachers are not trained in their subject of instruction, all these changes will make little difference.

I have been looking into this matter since the Commission's report was issued, and the facts are surprising. Significant findings have been published in recent years—and earlier—about the poor quality of teacher education. Although some States have taken action, there has been no national response.

Numerous studies have found that the colleges of education now attract the least capable students, and those who go on to teaching jobs are among the lower-scoring graduates. Many students consider an education major as the easiest way to get a degree. They can earn 3 hours of college credit for taking courses such as materials for rhythmical activities, administering leisure delivery systems, or motorcycle safety and rider education. Ph. D. dissertations have been written on such topics as service in the high school cafeteria, student posture, and public school plumbing. As a result, talented students are discouraged from entering the teaching profession.

One of the most severe critics of teacher training has been Gene Lyons, staff writer for the Texas Monthly, who authored an article in 1979 about his investigation of teacher training institutions. He described as nonsense many of the classes he visited. The play-acting and other antics cause him to wonder if he had not wandered into classes for stand-up comedians. He said, "Everyone was having a grand time and why not? Everybody was getting an A or at worst a B." He called teacher education "a massive fraud, which drives out dedicated people, rewards incompetence and wastes millions of dollars."

Around the mid-1960's a faction of educators urged wholesale rejection of traditional educational methods. As a result, many teacher training programs shifted their emphasis from training teachers in academic subjects to emphasis on behavioral science techniques. They began to concern themselves with the children's emotional development, social adjustment, and so forth, at the expense of cognitive learning.

These theories have been criticized by other educators. Diane Ravitch of Columbia Teachers College in New York City stated.

It is really putting things backwards to say that if children feel good about themselves, they will achieve. Instead, if children are learning and achieving, then they feel good about themselves.

The distinction between teaching techniques and behavioral science techniques is not clear, since many of the psychological strategies which became popular in the 1960's and 1970's were meant to be interspersed in the classroom in all subjects. However, it is clear that for many teachers the subject to be taught is secondary to the student's inner life—their self-concepts, feelings, and values.

In 1981, J. W. Anderson, a member of the editorial page staff of the Washington Post, wrote about a paradox at George Mason University in Fairfax, Va. Its English Department was leading a statewide campaign to instruct teachers at every level on how to teach writing. At the same time, its education department was using a textbook which directed its future teachers not to require written reports but instead to have students sign up for oral reports. This would save the student the trouble of writing or typing a report, and you the trouble of reading a report; it will also give you the opportunity to interact with each of your students on a person-to-person basis and to probe more deeply into interpretations. Obviously the emphasis was on interaction and probing rather than on proficiency in writing. Mr. Anderson found the suggestion that writing was mere trouble for both the student and teacher insidious. Yet, this situation at George Mason is far from unique.

In the February 1981 issue of the Phi Delta Kappan, Arthur W. Combs of the University of Northern Colorado authored an article in support of humanistic education. He stated that "our society can get along very well with a bad reader; a bigot is a danger to everyone." While I do not care for bigots any more than Professor Combs does, I am disturbed that a distinguished professor in foundations of education could have such a cavalier attitude toward literacy.

Illiteracy in the United States has become so widespread that we have come to accept it as the norm. Over 22 percent of adults in this country are functionally illiterate, and another 32 percent are only marginally literate. Billions of our tax dollars are spent every year on remedial reading. Not only are remedial reading classes taught in colleges, but government agencies, the Armed Forces, and industry are forced to offer courses in basic reading skills.

This problem affects all segments of our society and our economy in that it contributes to increased welfare, unemployment, crime, and other social ills, all of which must be addressed with additional tax dollars. A 1975 Office of Education study found that while the situation is dismal for all American schoolchildren, it is even worse for minorities who are disproportionately represented in these illiteracy rates—more than twice that of the population as a whole.

Dr. Rudolf Flesch, in his 1981 book, "Why Johnny Still Can't Read," stated that because of current methods of instruction, the U.S. literacy rate has already dropped to the level of Burma and Albania and is approaching that of Zambia.

The whole-word system of reading being taught in our schools is described by Samuel Blumenfeld in the February, 1983 issue of American Education as imbecilic. He claims it is needlessly complicated, difficult, illogical, and ineffective. He wondered how educators can be "insane enough to think that you could successfully teach children to read English as if it were Chinese?"

Mr. Blumenfeld asks how the professors get away with this blatant educational malpractice in a free country where parents and elected representatives are supposed to have ultimate control over the public schools.

In a 1979 research article entitled "Teaching Reading to Learning-Disabled and Other Hard-to-Teach Children," Dr. Barbara Bateman stated,

Near failure-proof methods for teaching all children to read are already available. Continued failure of schools to employ these programs is at best negligent, and at worst malicious.

It has been suggested that the greatest obstacle to literacy in America is our own educational establishment, which has a vested interest in maintaining the status quo. According to the 1969 report of the National Academy of Education's blue-ribbon Committee on Reading, "an effective national reading effort should bypass the existing education macrostructure." The intimation is that there is power and money for educators in illiteracy.

The International Reading Association has gone from 7,000 members in 1965 to 65,000 in 1982. According to Mr. Blumenfeld, "it has become the impregnable citadel of the whole-word method." He claims that proven methods of teaching reading are kept out of our schools as effectively as if we had a "dictatorship with an all-powerful Ministry of Education." Strong words? Yes; but is it not our responsibility to find out the extent of the truth behind them? Why has remedial reading become institutionalized? Why are not teachers trained to teach it right in the first place?

In the New York Times Magazine of June 5, 1983, Leon Botstein as one of his "Nine Proposals to Improve Our Schools," stated that separate schools of education and departments of education should be disbanded. He suggested that education department faculty should be distributed throughout the academic departments. In this

way, the substantive training of teachers would be in their subject matter. Although this proposal sounds radical, we need to look at what prompted it.

School time is precious time. It should not be misspent because of teachers who have not been educated properly. Our children have only one opportunity for an education.

I find it significant that parents are willing to pay for private schools which, in most States, are not required to have certified teachers.

Mr. President, I am a strong supporter of our public schools. I am dismayed to find our that although our per capita public expenditures on education are higher than anywhere in the world, our students fall far behind those of other countries in test scores. Although we rank first on measures of resource allocation, we are not first on any measure of intellectual achievement.

While we obviously have many good schools of education and countless able and dedicated teachers, the facts cannot be ignored. Our education system is in trouble, and we must look for root causes. I believe that our system of teacher education is one of them. Students cannot learn from teachers who have not been educated and trained properly.

I am therefore introducing legislation to establish a Commission to investigate teacher training in this country. I do not suggest for one moment that we should create national policy on teacher education, but rather that we look into its problems. This is not meant to supplant any efforts that the States are already making, but to supplement them. The Commission could be a useful tool in working with the States, identifying common problems, and sharing solutions that have been found to be effective.

I believe it is a proper role of the Federal Government to focus on this national problem. The colleges of education and departments of education are not as subject to scrutiny as are our public schools. Therefore, a national Commission would be the most effective way to look into this matter. I also believe that we should not put this investigation into the hands of the education community alone. Representatives of business and industry as well as parents should be included in any study because they are also directly affected and can provide a fresh perspective.

The cost of this Commission is minute compared to the cost of doing nothing. I urge my colleagues to support this effort.

Mr. President, I ask unanimous consent that the text of the legislation be printed in the RECORD immediately following my floor statement.

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

S.J. RES. 138

Whereas the National Commission on Excellence in Education found that teacher preparation curriculum is weighted heavily with courses in "educational methods" at the expense of courses in subjects to be taught and found that teacher preparation programs need substantial improvement;

Whereas significant findings have been published about the poor quality of teacher education, but there has been no national response;

Whereas colleges of education are not accountable to the public as are local schools;

Whereas numerous studies have found that the colleges of education now attract the least capable students, and those who go on to teaching jobs are among the least talented graduates;

Whereas many teachers have not mastered the basic skills in reading, writing, math, and other subjects that such teachers are employed to teach;

Whereas it is important that competent persons be attracted to the field of teaching;

Whereas many teacher training programs have shifted emphasis from training teachers to develop expertise in academic subjects in which such teachers are to be certified, to emphasis on classroom psychological techniques not related to the development of student academic competencies;

Whereas recently, there has been a marked decline in student achievement test scores;

Whereas one out of five adults has been determined to be functionally illiterate; and

Whereas it is not possible to expect students to be taught properly by teachers who have not been trained properly: Now, therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That this joint resolution may be cited as the "National Commission on Teacher Education Act".

ESTABLISHMENT OF COMMISSION

SEC. 2. (a) There is established a commission to be known as the Commission on Teaching Education (hereafter in this Act referred to as the "Commission").

(b) The Commission shall be composed of sixteen members as follows:

(1) Eight members shall be appointed by the President of the United States.

(2) Four members shall be appointed by the President pro tempore of the Senate, two upon recommendation of the Majority Leader of the Senate and two upon recommendation of the Minority Leader of the Senate.

(3) Four members shall be appointed by the Speaker of the House of Representatives, two upon recommendation of the Majority Leader of the House of Representatives and two upon recommendation of the Minority Leader of the House of Representatives.

(c)(1) Of the members specified in paragraph (1) of subsection (b), not more than four members shall be from the same political party. Of the members specified in paragraphs (2) and (3) of subsection (b), not more than two members specified in each such paragraph shall be from the same political party.

(2) Of the members specified in paragraph (1) of subsection (b), two shall be parents, two shall be representatives of business and industry, and two shall be members of local school boards. Of the members specified in paragraph (2) of subsection (b), one shall be a parent, one shall be a representative of business and industry, and one shall be a member of a local school board. Of the members specified in paragraph (3) of subsection (b), one shall be a parent, one shall be a representative of business and industry, and one shall be a member of a local school board. The members of the Commission shall be individuals who possess demonstrated capacities to discharge the duties imposed on the Commission.

(d) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(e) The Commission shall elect a Chairman and a Vice Chairman from among its members.

(f) Nine members of the Commission shall constitute a quorum for the transaction of business, but the Commission may establish a lesser number as a quorum for the purpose of holding hearings, taking testimony, and receiving evidence.

FUNCTIONS

SEC. 3. (a) The Commission shall conduct a full and complete investigation of teacher training in the United States. Such investigation shall include, but not be limited to, the consideration of—

(1) the proper balance between courses in instructional methods and subject matter, and the degree to which imbalances may exist;

(2) the extent of training in the use of psychological techniques unrelated to academic content in colleges of education, and the use of such techniques in the classroom and the effect on students;

(3) the methods used to train teachers in all academic subject areas and grade levels to teach reading and reading comprehension, how reading is currently being taught in the classroom, and the effectiveness of these methods; and

(4) the role the Federal Government has played in the areas described in this subsection.

(b) In carrying out its functions under this section, the Commission shall—

(1) assess the factors which contribute to excellence in teacher education and the degree to which teacher education programs are or are not meeting these standards;

(2) assess the degree to which teacher education inadequacies have contributed to illiteracy;

(3) review teacher in-service training programs at the local, State, and university levels to determine the characteristics that promote effective classroom teaching performance and the degree to which these programs are or are not achieving these standards;

(4) recommend policies to attract competent persons to the field of teaching;

(5) recommend programs and policies to upgrade teacher education, with particular emphasis on teaching skills in the areas of reading and reading comprehension;

(6) recommend the appropriate local, State, and Federal role in addressing the problems of upgrading teacher education in this country; and

(7) assemble, analyze and publicize its findings.

(c) The Commission shall submit to the President and to the Congress such interim reports as it deems advisable. The Commission shall submit to the President and to the Congress not later than twenty-four months after the first meeting of the Commission, a final report of the study and investigation, together with such recommendations as the Commission deems advisable.

ADMINISTRATIVE PROVISIONS

SEC. 4. (a) Subject to such rules and regulations as may be adopted by the Commission, the Chairman is authorized to—

(1) appoint, terminate, and fix the compensation without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, or of any other provision of law, relating to the number, classification, and General Schedule rates—

(A) of such personnel as it deems advisable to assist in the performance of its duties, at rates not to exceed a rate equal to the maximum rate for GS-18 of the General Schedule under section 5332 of such title; and

(B) of an Executive Director for the Commission contingent upon confirmation by the Commission members at an annual rate of compensation not to exceed a rate equal to the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code; and

(2) procure, as authorized by section 3109 of title 5, United States Code, temporary and intermittent services to the same extent as is authorized by law for agencies in the executive branch but at rates not to exceed the daily equivalent of the maximum annual rate of basic pay in effect for grade GS-18 of the General Schedule.

(b) Service as a member of the Commission or as an employee of the Commission shall not be considered service in an appointive or elective position in the Government for purposes of section 8344 of title 5, United States Code, or comparable provisions of Federal law.

(c) The Commission may adopt such rules and regulations as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel.

COMPENSATION OF MEMBERS

SEC. 5. (a) The members of the Commission who are otherwise employed by the Federal Government shall serve on the Commission without additional compensation. The members of the Commission not otherwise employed by the Federal Government shall each be paid at a rate equal to the daily rate of pay for level IV of the Executive Schedule for each day such member is engaged in the actual performance of duties as a member of the Commission.

(b) All members of the Commission shall be reimbursed for travel as authorized by section 5703 of title 5, United States Code, subsistence, and other necessary expenses incurred in the performance of the duties of the Commission.

POWERS OF THE COMMISSION

SEC. 6. (a) The Commission or, on the authorization of the Commission, any subcommittee thereof or any member authorized by the Commission may, for the purpose of carrying out this joint resolution, hold such hearings and sit and act at such times and places, take such testimony, have such printing and binding done, enter into such contracts and other arrangements (with or without consideration or bond, to such extent or in such amounts as are provided in appropriation Acts, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5)), make such expenditures, and take such other actions as the Commission or such member may deem advisable. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission or before such member.

(b) The Commission is authorized to secure directly from any officer, department, agency, establishment, or instrumentality of the Government such information, suggestions, estimates, and statistics as the Commission may require for the purpose of this joint resolution, and each such officer, department, agency, establishment, or instrumentality is authorized and directed to furnish, to the extent permitted by law, such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman or Vice Chairman.

(c) Upon request of the Commission, the head of any Federal agency is authorized to make any of the facilities and services of such agency available to the Commission or to detail any of the personnel of such agency to the Commission, on a reimbursable basis, to assist the Commission in carrying out its duties under this joint resolution, unless the head of such agency determines that urgent, overriding reasons will not permit the agency to make such facilities, services, or personnel available to the Commission and so notifies the Chairman in writing.

(d) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) No officer or agency of the United States shall require the Commission to submit any report, recommendation, or other matter to any such officer or agency for approval, comment, or review before submitting such report, recommendation, or other matter to the Congress.

TERMINATION OF THE COMMISSION

SEC. 7. Ninety days after the submission to the Congress of its final report the Commission shall cease to exist.

AUTHORIZATION OF APPROPRIATIONS

SEC. 8. There are authorized to be appropriated such sums, but not to exceed $2,000,000, as may be necessary to carry out the provisions of this joint resolution.

Mr. ZORINSKY. I thank the Chair. I yield back the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold?

Mr. ZORINSKY. I withhold my request.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order there will now be a period for the transaction of routine morning business for not to exceed 15 minutes with statements limited to 3 minutes each. We are now in morning business.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDER OF BUSINESS

Mr. BAKER. Mr. President, under the order previously entered, I believe the Senate will resume the consideration of the motion to proceed to the consideration of H.R. 2733. The order provides that Senator MELCHER will be recognized. Is that correct?

The PRESIDING OFFICER. The majority leader is correct.

Mr. BAKER. I yield the floor, Mr. President.

CONCLUSION OF MORNING BUSINESS

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

CRITICAL AGRICULTURAL MATERIALS ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to consideration of H.R. 2733.

The Senator from Montana (Mr. MELCHER) is recognized.

Mr. MELCHER. To help stabilize the price of agricultural commodities we have had numerous farm programs. Our goal is to help keep family-size farms viable. We have not been successful enough. Mr. President, this morning's Washington Post carried a front-page article dealing with some agricultural payments under the payment-in-kind program. The author of the article is Ward Sinclair, who is a long-time Post reporter with both experience and good insight on matters dealing with agriculture. The article dealt with the payment in kind to some cotton producers in California. The payment-in-kind program (PIK) is the program that is used under the authority of the Secretary of Agriculture, to attempt to bring down production of commodities that are in surplus.

Payment in kind means just this: For those producers who agree not to grow a particular commodity covered under the program offered by the Secretary of Agriculture, they will receive, under his authority and under terms that the Secretary sets, payment for not producing. Payment is made in the commodity at an amount set by the Secretary of Agriculture based on the crop production of a particular operator in a particular commodity. In the case of these cotton producers in California, the article describes large amounts of payment in kind for those particular cotton producers.

The producer receiving the commodity as a payment in kind has the option of selling it or holding it under any conditions that that particular operator chooses. Most operators sell a portion or all of that particular pay-

ment, transferring the commodity itself into cash.

These are large cotton operators. In fact, the payments in kind are, for some of them, equates to a quarter of a million dollars or a half a million dollars, and I think in one or more instances described in the article "a million dollars worth of cotton." Well, that authority exists with the Secretary of Agriculture under existing law.

It may come as quite a surprise to many readers of the article that the payments are that large. If you read the article and are not necessarily experienced with the program or the operations of corporation farmers such as those that are described, I think there are three points that are quickly ascertained. One is that the payment-in-kind payments of the commodity translates itself into rather large amounts of cash when the commodity is sold.

Now, a person reading the article might jump to the conclusion that that is the case in all instances. Well, let me hasten to say that the payment in kind, under the PIK program whether it is in cotton or wheat or corn or rice, might be a very small payment depending on what size the farm is and depending upon what agreement the operator of that farm is willing to enter into with the Secretary of Agriculture. It could be for a very small amount and it in many cases is.

But the second point that will be quickly ascertained, even by those who have no direct knowledge of the program or the size of the operation, is that these are extremely large farm operations, not of family-farm size, and in many instances they are owned by large companies.

The third point that will be quickly ascertained by a reader is that these are large irrigation operations and that the water comes to them and is used by them and made available to them from Federal dams; that is, dams that have been constructed when all or a portion of the cost of the dam construction was from the Federal Treasury.

Given those three points, it will probably be a shock to a lot of the readers of Ward Sinclair's article in this morning's Post, and I would like to discuss three points in regard to that.

The first one is this: I would like to discuss why these particular operators are large operators. Why is a large company, a company that you will recognize by name, not necessarily from farm operations but more likely from those names as conglomerates that are in energy development, operating farms in California? Consider this: For almost 30 years agricultural prices have been under extreme downward pressure, and because of that the costs of production had to go down in order to allow the operator to survive. Not all farm operators during the past 30 years have survived. Indeed, a rather large percentage of operators who were in business 30 years ago did not survive. The trend has been downward in the number of family farm operators in the United States. It has gone down simply because reducing the cost of production in order to survive economically, selling the commodities that were produced at rather low market prices, meant that unless they could improve their efficiency—that is, raise the same amount of corps on the same acreage at less cost—they could not survive, could not hold the place together and continue to farm.

I suppose we have about half of the units of agriculture in operation today as we did 30 years ago. We believe we have about 2.1 or 2.2 million farm and ranch operators in the United States—about half of what we had 30 years ago. The reason is because of economic pressures, because of low prices as compared to the cost of producing wheat, cotton, corn and feed grains, rice, or for that matter sugar beets and cane. For these and other agriculture products there has been a trend toward fewer and fewer family farm operations and family ranch operations.

Now, what happened? What did they do? They sold out. They had to. They sold out and went into some other type of livelihood to earn their living. Most of them did not want to sell out. For the most part they wished to stay in business as farm and ranch producers, but it was not economically possible. Their loans were getting too large—resulting sometimes in forced liquidation, sometimes just an agreed liquidation because there was no way of surviving economically.

When they sell out, that means that the land is still there and the water to irrigate the land, if it is irrigated land, is still there, and it also means that somebody bought it. That made larger and larger sized farms and ranches in this country. The production continues. That does not change, because somebody else is operating where these family-sized farm operators or these family-sized ranch operators were. So the trend has been for 30 years toward bigger and bigger farms and bigger and bigger ranches, and in some instances it has been attractive for business, and rather large business, to buy the land and to continue the farm or ranch operation.

The public—consumers—have been served because the production is still there. The cost of production has continued to climb, however. In many instances the investment by a large company in land purchases has been an attractive investment. One of the reasons for that is because land values have continued to climb and so with an investment in land, a sound investment, if the corporate operators did not break even on the operation during that particular year or even a series of years, perhaps the increase in land values would make the investment still very attractive.

That type of situation lends itself to where the corporation or conglomerate which has some capital available and wishes to diversify part of their operations can put it in something like land that looks like a safe long-term investment.

It is likely that the value of the land will not go down and has a chance of increasing. It is an attractive investment. Meanwhile the farm or ranch operation continues under their management and the PIK program is available to them.

Those farms in California which are mentioned in the article this morning were not always large, huge farms owned by conglomerates. If you check back on them, you will probably find that 30 years ago there were a number of family-size operations on their large landholding. I have not checked back on them, so I cannot say for sure. But the likelihood is that they were all family-size operations 30 years ago operated by a number of individual owners.

There is no secret that for 30 years, farmers and their organizations, local and national, have said that with prices the way they are, it is not possible in many instances to hold a family-size operation together as economically sound.

This bill to hold down target prices for wheat feed grains, cotton, and rice would do further harm to them.

There have been times when agricultural prices spurted up. That happens in these particular commodities from time to time; that is, in the case of wheat, cotton, and feed grains. There are times when the prices have been high and above the cost of production in the past 30 years.

But the market prices have been tough for these producers and the overall pictures has been one of haveing a desperate time holding together a small unit and passing it on from one generation of the family, to the next, keeping the farm or ranch intact. In many instances, the family farms and family ranches of today are double or triple the size they were 30 years ago. They have absorbed the farms or ranches from another family or two and have increased their operation just to keep one family operation going.

Yes, family-size farm operations have been efficient. But the family-size farm or ranch operations generally are not financed well enough to finance 4 or 5 years of adverse market conditions.

Believe me, in the past 30 years there have been several cycles—wheth-

er in cattle, wheat, hogs, sheep, cotton, corn, feedgrains, or dairy—when there have been 2-, 3-, 4-, or 5-year period when the prices received for the production from these family farms and ranches have not paid the operating costs. They had the option then of either securing more capital in order to keep financing their operation, extending their credit, or perhaps mortagaging their land. The over result of this has been squeezing out those whose credit became hopeless resulting in fewer operators.

While the country has been well served, in term of food and fiber available and there have been attractive consumer prices, it has been a trend that damages severely individual families and the social fabric of rural America.

I greatly lament the loss of the family operators from our farms and ranches, and I have lamented for two reasons. First, it has disrupted those family-size operations from gaining their livelihood in the field they have chosen as their No. 1 choice. Second, in the long run, the most efficient production will come from family-size farms and ranch operations. We produce food and fiber in this country that is cheaper per unit, and we produce livestock cheaper in this country per unit than any other nation on Earth. Yet, we lose a lot of our producers.

While they have been making that production, our people, our consumers and that is all of us in this country who have had available to us food products that are wholesome, that are nutritious, that are convenient, that are fresh, and that are available throughout the country—cheaper than any other country on Earth. It is not just cheaper in terms of relative value, whether you measure it in hours worked, pay you received, or measure it in comparison to the costs of other consumer goods. U.S. food is cheaper and better than in any other country on Earth, during the whole history of the world. Agriculture has succeeded so well in America that it is the marvel of the world.

During that time, we have seen the nutritional advancements in this country. We have seen the opportunity not only for people to eat what they want but also wholesome food that is adequate nutritionally. That excellent nutrition is available for children from the time they are infants through their early years and their school years and their college years, on into adulthood, which has made them healthier and made it easier for them to learn.

Nutrition has a lot to do with the vigor and vitality of schoolchildren and collage age youngsters. It has a lot to do with how much they comprehend and how quickly they learn. Nutritional advances are extremely important to all of us in this country, for a variety of reasons. The success of good nutrition as the basis for sound health has been one of the great advantages we have had in making gains in controlling and preventing diseases, preventing ill health, and extending the years of elderly in a state of good health that also means comfort and enjoyment in our later years.

What we have done in this country, we are interested in seeing done abroad. When we talk about the opportunities for American agriculture, for a decent price, and for the economy of this country improving, we realize the need for broadening American agricultural trade.

What we are seeing done now throughout the world, in many countries, is almost a revolution in the advancement of nutritional goals. Advancement of nutritional goals can be made available to other countries from the abundance we have in our country and the abundance of other export countries, but principally from the agricultural abundance of the United States. We have developed some sales to Russia over the past dozen years which have been advantageous for our trade balance, and they have been advantageous for the agricultural producers of this country. Todays announcement of a 9 million metric ton sale of American grain and soybeans to the Soviet Union is a welcome revival of our trade with them, and it is for cash.

I point out that the Soviet Union purchasing our products is very advantageous to the general nutritional level of the people of the Soviet Union and Iron Curtain countries. When they eat more high protein foods, such as dairy products, poultry products, red meats, principally from hogs and cattle, they not only are satisfying what is a normal human appetite for these high protein foods, but also, they are satisfying the need to advance the nutritional level for all their people.

We have also developed broader markets for American products in Asia.

I stress that when a population of a country is improving its nutritional levels that generally means that the nutrition available to them, the foodstuffs available to them will be more and more the higher protein foods that I have mentioned. When a country that does not have sufficient grain supply to feed more chickens in order to have more poultry available or more eggs available or does not have the grain supply available, for instance, for dairy cows in order to produce more milk, or grain available to feed hogs or cattle, importation of American grain for those purposes means a greatly expanded market for American feed grains.

Why? If you take a pound of corn and make corn meal out of it simply by grinding it up, you can get yourself very full, one human being on one pound of corn per day. But if you want to use the corn in order to have more milk available or more eggs from chickens available or to fatten some hogs, you are probably going to use anywhere from 4 to 10 pounds of grain for 1 pound of that product. For chickens or hogs we are talking about converting 4 to 5 pounds of grain to make 1 pound of poultry. For 1 pound of pork it takes about 8 or 9 pounds of grain for a pig to gain that pound of weight.

That revolution of upgrading the nutritional opportunities is not only occurring in the Soviet Union and in Iron Curtain countries that are having more high protein food available for their people, it is also occuring in Asian countries.

Korea has been a long-term purchaser of American grain. Japan has been a long-time purchaser of American grain. So too are the Philippines. And China only recently has become a purchaser of quantities of American grains that are substantial and we want to see that broadened out.

I point out in particular one of the countries that we have had a long association with of several generations. It is the Philippines. They are net importers of grain, most of it from the United States.

Their Agricultural Minister is Arturo R. Tanco, Jr. He has been the Minister of Agriculture for 13 years in the Philippines. You might assume that a minster of agriculture who has been on the job for 13 years first of all must be well into his sixties or perhaps even into his seventies. That is not true. He is a much younger man.

You might also assume that he is a person who comes from an agricultural background. That is not true either. He comes from a business background.

I had the pleasure of meeting him a few weeks ago when he was here in the United States for a World Food Organization meeting. He, after all, was President of the World Food Council of the United Nations from 1977 to 1981. In fact, he is the only President of the World Food Council who ever served more than one term. He served two terms. He is an outstanding individual in terms of agriculture production and food distribution in global terms. He is familiar with the United States, received much of his education here and graduated from the Harvard School of Business. That is his background. But he brings to the Philippines an understanding of what agriculture should accomplish in an underdeveloped country. He is developing the agriculture capability in his own country that is truly remarkable.

I have some data to stress these points. In 1977 the Philippines imported 146,300 metric tons of yellow corn.

As of the third quarter of 1981 corn imports reached 234,096 metric tons. You might say what are you talking about? Is that agricultural improvement? It is improvement in what they are doing with that corn. They want it for chickens and hogs. They want to upgrade the nutritional levels of the people of the Philippines. So far traditional breeds of dairy cattle do not produce very well in that very hot humid country.

There is an emphasis on better nutrition for their people because of their importation of corn and they are also raising their own corn. They have more than doubled the production of their own corn in the past 5 years.

Agriculture Minister Tanco told me that so far hybrid varieties of corn have not been successful. They have a mold, a mildew problem that will require different types of hybrid seed corn than has been successful in the United States. But he feels fairly soon, perhaps in the next year or 2—because they are now trying some new varieties that have been developed to be resistant to both mildew and mold—perhaps they will see their corn production double within the next few years.

Does that mean that eventually they are not going to be much of an importer of agricultural products from the United States? No; I think they will continue to increase their agricultural importation because their agricultural production has been of a nature of increasing the capability for better nutritional levels for all of their people.

Because they are improving the nutritional level of the people throughout the Philippines, they are going to continue to need more and more feedgrains and other agricultural products.

Corn for human consumption in the Philippines is used as cornmeal principally. Corn in the form of cornmeal is one of the basic foods for some of the people in the Philippines. There are over 7,000 islands in the Philippines, the minister told me, many of which are not inhabited. But it is a large country. Some of the islands are very large. They have a rather large population. But for about 20 percent of the people in the Philippines the basic food is corn rather than rice.

The country is self-sufficient in white corn for human consumption. However, the production of yellow corn for animal feeds is what they import. The increasing demand for feed corn triggered by the rapid expansion in commercial production of pork and poultry is the reason for the importation of yellow corn and using it for feed purposes principally for hogs and poultry.

Minister of Agriculture Tanco has launched a vast program to increase the productivity of corn but until they have conquered this phase of moving into hybrid seed varieties—they think they are going to be able to within the next few years—their own production of corn has reached sort of a plateau.

But there are other reasons they have reached a plateau in increasing corn production and that is lack of credit, low prices and the high cost of marketing. You know, they are running into the same problem that we have here in the United States, lack of credit. That is the reason why we have lost so many family farm operations. The bottom line when we have lost them is because they could not extend their credit. To extend it any more than they had was totally unreasonable and many times impossible, so the family farm operator would have to sell out.

When the Philippines farmers mention the high cost of marketing it reminds me of the problem we have in Montana. What is the high cost of marketing in Montana? Let me tell you the high cost of marketing wheat in Montana is the cost of shipping a bushel of wheat either to the head of the lakes near Duluth where it gets on lake ship transportation or for the most part the cost of shipping a bushel of wheat from a Montana farm to the west coast where it is going to be exported and that is where most of our wheat goes.

So you produce a bushel of wheat in Montana and you are paid $3.50 for it, which is close to the price currently. The reason you are only getting that $3.50 is because it is going to take another dollar to get it out to the west coast where it will get on a ship and be transported to whatever foreign country is is bound for. More than two-thirds of the American wheat goes abroad, so it has to get to a point of ocean transportation, and be loaded on a ship.

You might say what has that got to do with $3.50. It has got a lot to do with the $3.50. Transportation costs are why it is that low. Is $3.50 high enough for a bushel of wheat? Consider this, the average cost of production, and we are the best producers of wheat in the world, U.S. wheat farmers produce wheat more cheaply, less cost of production than any other wheat producers on Earth, so we are pretty good, we admit that. We are not bragging either. But the cost of production is about $4.50 to $5 per bushel, somewhere between $4.50 and $5, and so when you sell it for $3.50, you know you have a loss.

What the producers in the Philippines are finding out in the production of yellow corn is just the same as we found out in our country. Minister of Agriculture Tanco believes that within a matter of 2, 3, 4 years, they will have hybrid varieties that will double their crop per acre, greater efficiency by far, and they can stay in production, stay in business.

But the Minister also told me one important thing. It is what we recognized in this country over 100 years ago, in fact Jefferson recognized it well over 200 years ago. In order to improve the economy of this country, we produced agricultural products and we sold them abroad and in doing so we created the capital that could be spent on all types of other products produced in this country. We made a purchaser out of farmers. We had the agricultural resource to develop the original wealth. We sold the product and much of it, as Jefferson recognized, would be sold abroad. It is about 50-50 now of some of our products; in the case of wheat more than two-thirds are sold abroad, in the case of cotton it is less than that, and in the case of corn it is less than that, but in many agricultural commodities produced in the United States half of the production is grown to be sold abroad in order to find a market. But in doing so it makes buyers for other goods out of those farm producers.

What we are lacking right now, Mr. President, is a balance for these agricultural producers that is having a decent price to cover the costs of production and provide a profit.

Minister Tanco recognizes that and is moving ahead with agricultural production in their country so they can make purchasers of other goods to support other industries and other businesses in the Philippines. That is the way agriculture works, that is the way you use agriculture and that is why agriculture is a basic business good for other businesses. It is not to be construed just as a way of life. Those of us in agriculture like that way of life, but it is much more than that; it is a livelihood, it is a business, and it is the country's most basic industry. As we develop it and use it and treat it properly so does this country prosper.

In the case of the Philippines, yes, they will be importers of agricultural products and other goods from the United States for years and for generations to come if their agriculture succeeds and their economy grows and their people prosper.

Mr. President, we will have an opportunity to discuss the problems of agriculture, or a great number of the problems of agriculture during the remainder of this day, into tomorrow and perhaps into next week, and I believe it is time we do. I believe it is time we do because we have got the best agriculture on Earth, let us make it work and let us make it successful.

I started out by talking about the payment-in-kind program and I want to make it clear that while the payment-in-kind program has transferred a great amount of money into the

hands of farm producers of the various commodities that are covered under the PIK program, it is not my choice, it is not my favorite farm program. Farmers and ranchers would rather produce than have a PIK payment. But because of the situation they are in, the payment-in-kind program was accepted by a great number of agricultural producers in this country, for cotton, wheat, feed grain, and rice. They would like to have it the other way, have the marketplace be strong enough and the demand for their product strong enough that they could be producing and selling their crops. That is the way I would like to have it too and that is one of the reasons why we have to be so diligent in improving the agricultural program for the United States at this time.

Mr. President, I yield the floor.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER (Mr. EAST). The Senator from Montana.

Mr. BAUCUS. Mr. President, I first want to commend my senior colleague, the Senator from Montana (Mr. MELCHER), for the remarks he has made today and the last several days concerning this bill. I think he has aptly, correctly, succinctly, and cogently stated the reasons why the target freeze should not proceed and I want to remind my colleagues of his leadership in the effort he has taken in that regard.

Mr. President, the Senate is facing the question of proceeding to the consideration of the bill that freezes target prices for wheat, feed grains, cotton, and rice for the next 2 years at 1983 levels.

Proponents of this legislation claim that farmers will continue to receive income protection for these commodities in a less costly manner, which expanded exports should strengthen farm prices in the marketplace. This sounds like the same empty promise that I heard less than 2 years ago during the debate over the 1981 farm bill.

It is ironic that I am standing here today defending a farm program that I voted against in 1981. I did so because the price-support levels it contained were totally out of line with the costs of production.

Despite my opposition, and the opposition of other Senators, this body adopted a 4-year farm bill in 1981. That bill was touted as a market-oriented bill which emphasized increased agricultural exports as the path toward improved farm prices. Exports, the argument went, would increase farm prices for Montana and the American farmers.

I told the Senate in 1981 that, in my opinion, we were putting the cart before the horse by assuming our export levels would increase and pull farm prices upward with them. There was no assurance then. There is no assurance now.

We should not have to rely on farm programs to improve prices. I would prefer to see the marketplace help achieve that goal. The marketplace resulting from increased exports. Farmers would prefer to receive a reasonable price for their product in the marketplace.

But look at what has happened to U.S. farm exports over the past 2 years. The value of farm exports increased from approximately $7 billion in 1970 to about $43.8 billion in fiscal year 1981.

The value of U.S. agricultural exports in fiscal year 1982 was $39.1 billion—a decline of almost $5 billion from the 1981 level. This is the first year-to-year decline in the value of farm exports in more than a decade. The Department of Agriculture is projecting agricultural exports to decline further this year to $35 billion.

Farmers are not the only ones who should be alarmed by these falling levels of agricultural exports.

In 1981, the U.S. agricultural trade surplus contributed about $20 billion to our balance of trade. This year the President's Council of Economic Advisers predict at least a $60 billion U.S. trade deficit.

Other economists predict the figure to climb closer to $100 billion. Even the administration predicts a $100 billion deficit next year.

How does this affect the U.S. economy? There is general agreement that for every additional $1 billion in our trade deficit we lose 25,000 to 30,000 U.S. jobs.

Obviously, that means that with the $100 billion trade deficit we lose in the United States between 2.5 million jobs and 3 million jobs for Americans.

Every American has an interest in seeing U.S. agricultural exports grow. But the question we are facing today is whether to lower the price a U.S. farmer receives for his product.

I cannot help being skeptical over the promise of improved farm prices through expanded exports given these figures of the last 2 years. Farmers cannot pay their bills with promises from Congress or the Department of Agriculture.

I have become even less convinced over the past 2 years that lowering the price a farmer receives will increase the U.S. competitive position in the international marketplace. Yet the central argument for freezing target prices seems to be that farm prices must be reduced to stimulate U.S. exports.

Why can we not put the horse back in front of the cart—why can we not expand U.S. agricultural exports, stabilize farm prices, and then talk about freezing target prices?

An additional point in the committee report puzzles me. The report says:

> The target price adjustment is expected to help rectify the current domestic surplus supply situation by providing farmers with the correct economic signal to cut back on overproduction.

Well, Mr. President, I hope you will excuse me if I cannot figure out how a wheatgrower who realizes he will receive less for a bushel of wheat will cut back on his production.

Farmers do not operate on large enough margin to simply absorb a price decease. In fact, the reason farmers have been able to survive through the past decade of stagnant farm prices is their own tremendous gains in productivity.

How we can ask farmers to cut back on their production and expect lower market prices is beyond me.

Let me make another point regarding the consistency of our farm programs. I said before that I opposed the 1981 farm bill. But the farm policy set in that legislation was meant to span 4 years.

There is good reason to adopt a 4-year farm bill. Farmers, even more so than other businessmen, need to plan their operations well in advance.

Farmers need to plan what crops they will plant, how many acres they will summer fallow how many acres of each crop they will plant, and what the production costs of their farm plans will be. They need to line up financing for their operations based on these farm plans.

Yet the nature of farming is uncertain. Drought, hail, and uncooperative weather can severely change a farmer's expected yield. There are no guarantees that they will be able to harvest the crops they plant.

For this reason, I constantly join with other farm State Senators who plead with the U.S. Department of Agriculture to announce the details of the annual farm programs early.

Farmers need to know early what the details of the annual farm programs will be under the overall context of 4-year farm policy. It is essential—let me repeat—essential that the Federal farm program remain consistent for the 4-year duration of a farm bill.

Let me share some excerpts of former Secretary of Agriculture Bob Bergland's foreward from the structure study of 1981 regarding farm policy:

> I remember those years now as one crisis after another, a seemingly endless debate on agricultural bills, with little or no discussion of agricultural policy.
>
> As a farmer who had no choice but to roll with the punches—because that was our home, our land, and I wanted to keep it—I had always felt there had to be a better way to make farm policy and make the farm programs conform to that policy.
>
> As a farm-program administrator, I still felt there had to be a better way.
>
> After six years in Congress, I was absolutely convinced.

I was always troubled during those hours of testimony and negotiation that we never seemed to get off the same familiary, circular tracks: the levels of price and income supports, the levels of exports, the constraints of the budget.

We didn't know who exactly was being helped or who was being hurt by the measure before us. The problems were seldom clearly defined. If they were, they were cast as narrow but immediate crises that needed patches quickly. Other than a dime a bushel here or a few pennies more a pound there, the remedies presented were either politically unacceptable or simply made no sense.

We thought—we hoped—that if we helped the major commercial farmers, who provided most of our food and fiber (and exerted most of the political pressure), the benefits would filter down to the intermediate-sized and then the smallest producers.

I was never convinced we were anywhere near the right track. We had symbols, slogans, and superficialities. We seldom had substance.

Soon after I was appointed Secretary, some thoughtful commentary in newspapers and magazines addressed the growing problems in agriculture in what was projected to become a "bust" year for many farmers. Reading these articles made me want to use my time as Secretary to try to move agricultural policy closer to that right track, wherever that was.

But this also raises questions about Federal farm policy. Where should we be directing our programs—credit, research, conservation, and technical assistance, not just income and price supports? Should we simply concentrate on overall production and export volume? Should we continue to ignore the role of off-farm income? How do we relieve the pressure on land prices, so out of proportion to the current income the land can return that new farmers find it almost impossible to bid on it? If we can find a way, should we?

As Secretary, I wanted to take up these central concerns. But, first, we had a farmer-owned grain reserve to put into place, as a start toward halting the plummeting grain prices and stabilizing markets, and there was a new farm bill to be developed.

The 1977 farm act was nine months in the making. It was and still is the most comprehensive assembly of elements for a national food and agricultural policy ever enacted in a single piece of legislation. The reserve program was endorsed; income-supplement levels were geared more closely to the costs of producing the commodity; benefits rigidly allocated by outdated acreage allotments were replaced by a system basing them on what was actually planted. All were features designed to provide producers with more latitude in decision-making, along with rewards for responsible risk management.

A new organizational structure was established to help redirect research and education, and the food stamp program was totally revamped, with eligibility for those benefits narrowed but access to them eased, a relief to millions of the rural poor.

And, during the final steps of the legislative process, a provision was added reaffirming what was called a "historical policy" of encouraging the family farm system, for the social well-being of the Nation and a competitive environment in food and fiber production. A "family farm" was not defined, and, the Congress stated, programs should not be exclusively administered for the benefit of family farms.

As good for farming as the 1977 farm act was, it still basically approached agriculture as if all farmers were alike, had the same problems, received the same benefits from the programs, and should be assisted on the basis of farm-unit production rather than per-person need. By and large, it failed to recognize any special problems of farms of different sizes or organization or experience, bought under different economic circumstances in different places.

At its heart, the directions in American agriculture with which the 1977 act was concerned were the direction of unit prices of supported commodities and the magnitude of budget expenditures. Averages and the dictates of the legislative calendar were still the principal guideposts.

There had to be a better way.

Mr. President, we must strive for consistency in our agricultural policy. We simply cannot afford to continue taking a band-aid approach to farm policy.

We are 1 week away from the August recess. I cannot support a motion to proceed to a major agricultural bill with plans for a new crop year approaching—and without any idea of what the 1984 farm program will be.

Freezing target prices and reducing the loan rate for agricultural commodities will have a widespread impact on farm prices and the farm economy. I am not prepared to take such drastic action simply to pacify David Stockman.

Over the past year I have encouraged the Senate to take action to curb the sodbusting of our fragile rangelands. I have encouraged the Senate to take action on farm credit legislation aimed at getting farmers through the extended depression in the farm economy. None of these bills have reached the Senate floor. In fact, over the past 2 years, the only agricultural bills we seem to address are those aimed at reducing the Government's commitment toward assuring farmers reasonable prices for food and fiber.

I am not prepared to let this trend continue without the opportunity to bring these important agricultural measures before the Senate.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. HELMS. I thank the Chair.

GRAIN TRADE AND TEXTILE ISSUES

Mr. President, as the distinguished occupant of the chair is aware, there has been considerable discussion recently about what I consider to be a nonissue, certainly a nonissue in terms of substance. There was a report in some of the newspapers, for example, suggesting that there was a question about whether Red China would purchase more grain and perhaps other agricultural commodities from the United States if the Communist Chinese had greater access to U.S. textile and apparel markets.

That is a convoluted way to look at it, Mr. President. The Red Chinese are flooding the U.S. textile and apparel markets. Indeed, Communist China is now the fourth-largest supplier of textile and apparel imports to the United States. Suffice it to say that the information thus far made available to the public by the media has been one-sided, to say the least.

First, I do not think anybody can say with certainty what the Red Chinese would do about grain purchases from the United States if we were to permit the entry of even more of their textiles. Certainly, this Senator has no information in that regard. I am incapable of reading the mind of anyone, least of all a Communist's mind. But I do contend that the Red Chinese can now purchase whatever grain they want or need at substantially lower prices from other countries. In fact, Mr. President, the Red Chinese are doing just that. That is because virtually every other grain exporting country in the world uses massive export subsidies to dump their surpluses onto the world market.

Mr. President, in that connection, I ask unanimous consent that a table depicting recent price quotations on high-quality milling wheat for export from the principal exporting nations be printed in the RECORD at this point.

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

Export prices for wheat—June 1983

[Dollars per metric ton]

United States	149
Argentina [1]	128
France [2]	136
Australia [1]	160
Canada [1]	186

[1] This is the price quoted by the government grain board that does all trading in these countries. Actual trades would be made at a lower price—probably as low as it took to get the business.

[2] Effective price to buyer, after the EEC export subsidy is paid. (Export subsidies for high-quality milling wheat for export at Rouen, France, on June 29, 1983, were $61 per ton. These prices and subsidies are highly variable. France guarantees its farmers $197 per ton, and the subsidies are the difference between that price and whatever it takes to make the sale.)

Mr. HELMS. As those who will be reading the RECORD will note, I have just inserted a comparison of the metric ton cost of wheat purchased from the United States, from Argentina, from France, from Australia, and from Canada.

There is a footnote in the cases of Argentina, France, Australia, and Canada. The first footnote relates to Argentina:

This is the price quoted by the Government Grain Board that does all the trading

in these countries. Actual trades would be made at a lower price—probably as low as it took to get the business.

In other words, Mr. President, it is sort of like the sticker on a car in a used carlot. If you believe that sticker, you will believe anything. You negotiate with the salesman and the price is always much lower.

But in any case, the footnotes have been included in the unanimous-consent request that I just made, and those who read the RECORD tomorrow or subsequently will be able to see the point I am making.

Now, Mr. President, the Senator from North Carolina yields to no one in my commitment to ending the predatory agricultural subsidies practiced and employed by various foreign countries. As a matter of fact, the so-called blended credit program which has been so successfully used by our Government to restore some small measure of equity to agricultural trade, is a result of the Helms amendment to the 1982 Budget Reconciliation Act.

Moreover, Mr. President, the Senate Commmittee on Agriculture, Nutrition, and Forestry has reported a bipartisan version of legislation that I introduced bearing the title Agricultural Export Equity Market and Expansions Act of 1983. This bill bears the number S. 822. It is now on the Senate Calendar. It provides a number of mechanisms to combat the unfair practices of exporting competitor nations and is designed to induce those nations using unfair subsidies to the bargaining table. Chances of passage of S. 822 later on this session seem quite good.

On top of all that, Mr. President, I have written a number of articles and have delivered a number of speeches on this subject, and I hope that I have to some extent helped draw the attention of our Nation's highest policymakers to the problem of these predatory export subsidies on the part of foreign countires. As a consequence, the administration is now engaged in serious discussions with our trading partners, and the President has taken a number of decisive actions to induce the kind of reforms needed in this area.

In addition, the Senate has adopted provisions that I authored and offered to the International Monetary Fund bill that require the U.S. Executive Director to the IMF to submit a proposal that would bring an end to predatory subsidies by IMF member nations.

I note with interest that the House of Representatives now has IMF legislation under consideration, and if the IMF bill survives there—and I fervently hope that it will not—there seems to be no question that the kind of language that I have proposed will become law.

All of this is to say that this Senator from North Carolina is concerned about encouraging as much U.S. agricultural exports as can possibly be accomplished. And my actions, I think, demonstrate that.

Now back to the textile situation with Red China. Senators should be aware that textile and apparel imports from Red China have increased dramatically in recent years—as a matter of fact, ever since the Carter administration granted what is known as most-favored-nation status to Communist China. I vigorously opposed that action by the previous administration. I believed it to be a tragic mistake then, and I am even more persuaded today that it was a tragic mistake. Look at the facts.

The total compound annual growth in the importation of textiles and apparel from Red China from 1977 to 1982 is 55.1 percent, and if you will add all that up, the total increase for the period has been 621 percent. We have a second Hong Kong on our hands in terms of this deluge of textile and apparel products.

Mr. President, I have a table depicting the growth of U.S. exports of textiles and apparel from the so-called People's Republic of China, and I ask unanimous consent that it be printed in the RECORD at this point.

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

U.S. TEXTILE IMPORTS FROM COMMUNIST CHINA

[Millions of square yard equivalents (SYE)]

Year	Cotton	Wool	Man-made	Total
1975	139.3	0.1	1.0	140.4
1976	148.4	0.7	3.4	152.5
1977	81.9	0.6	5.8	88.3
1978	186.1	1.2	13.7	201.0
1979	190.3	1.0	39.9	231.2
Most Favored Nation Status Extended to Communist China				
1980	261.4	10.7	52.7	324.8
1981	442.8	9.1	109.9	561.8
1982	438.2	11.4	221.1	670.0
1983 [1]	456.3	12.3	239.6	708.1

[1] Note: 12-month period ending May 1983.

Mr. HELMS. In the 12-month period ended June 1982, the U.S. imports of Red Chinese cotton apparel alone amounted to 145 million square yard equivalents (SYE). That was 31 percent higher than for the calendar year 1980. In the same 12-month period, imports of man-made fiber apparel surpassed cotton apparel and reached a level of 146 million SYE, 206 percent over calendar 1980. This increase reflects dramatically the effective utilization by Red China of its newly installed fiber-making capacity.

What do we have, Mr. President? We have the so-called People's Republic of China complaining about what it calls "limited access" to the U.S. market. Before anybody buys that line, consider Red China's exports of basic textile materials to other Far Eastern countries which export large quantities of apparel to the United States.

The total value of textiles and apparel exported directly to the United States by Red China in 1982 was $796 million, up from $427 million in 1980. The total value of exports of textiles—yarns, fabric, miscellaneous textiles—by Red China to countries which export apparel to the United States in 1980 was as follows: Hong Kong, $964 million; Japan, $210 million.

The U.S. bilateral agreement with the so-called People's Republic of China was originally effective January 1, 1980. Imports from Red China rose from 231.1 million square yard equivalents in 1979, the last year before controls, to 547.4 million square yard equivalents in the 12 months ending November 1981—the first month in which a call on Red China was made on print cloth.

It may seem a little involved, but I have tried to relate this to the Senate and to make it part of the record. It is essential that all of us back off and consider this in terms of the hundreds of thousands of textile and apparel jobs that have been lost in the United States.

This Senator is growing a little weary of hearing all the protests, not only from Peking but also from some in the United States, that we need to let Red China have even more of the U.S. textile market than it now has. What those voices are saying is this: "Forget about our textile and apparel workers, the hundreds of thousands who have lost and are losing their jobs throughout this country. We want to court and appease a nation that uses slave labor, a nation that, by the records of the U.S. Government itself, has slaughtered more than 60 million of its own innocent citizens."

So I may be forgiven, I hope, if I wait a while before I shed too many tears about what the rulers of Peking are complaining about. Mainly, I wanted the RECORD to show, for Senators and others to see, a bit of both sides of this proposition which, up to now, in the major news media of this country, has been given short shrift.

THE FUTURE OF FARMERS

Mr. President, this week the State presidents of the Future Farmers of America are visiting Washington for their annual conference. This group includes outstanding young leaders of agriculture from all 50 States.

The Future Farmers of America is an organization of students of vocational agriculture who are preparing for careers in agriculture and agribusiness. Last November, I had the opportunity to address the national convention of this fine organization, and I can attest to the good work which they are doing.

The creed of the FFA organization begins with the words: "I believe in the future of farming." Thus, it is particularly appropriate that these FFA

leaders are in Washington this week, because the legislation we are considering is vital to the future of agriculture.

I urge my colleagues to think about the long-term best interest of agriculture. While it may be difficult in the short term to consider adjustments in target prices, that is outweighed by the fact that American agriculture will be better off in the long run if we make these legislative changes.

I ask my colleagues to think about the agricultural economy in future years. Will these young FFA members find themselves in a farm economy characterized by costly, Government-induced surpluses, or will they be part of a market-oriented agriculture?

If we continue to allow our farm-support mechanisms, such as target prices, to escalate, the consequences will be twofold: We will encourage additional surplus production in the United States and we will lose markets for our farm products overseas.

Escalating target prices will require large, costly Federal outlays for deficiency payments. The potential cost of these payments may also force the United States into massive production-control efforts which are complicated and difficult to administer, which reduce the economic base of agribusinesses and local communities, and which allow other exporting nations to take a larger share of world export markets.

The result of this policy is that surplus production is induced, U.S. farmers lose their competitiveness in world markets, costs to the consumer and taxpayer are increased, and resources are used inefficiently. In the face of such surpluses, our young farmers will have no opportunity for profitable market prices. We will do these young farmers a disservice in the long run if we send them a price signal that is incorrect.

If we maintain high price supports and massive production controls, that policy will ultimately result in our agricultural products—and those of future generations—being shut out of world markets. We do so at great cost to ourselves and our posterity.

Today, more than a quarter of U.S. farm income is derived from agricultural exports, nearly twice that of a decade ago. About a third of harvested acres are devoted to exports. We export more than three-fifths of our wheat, half of our soybeans and rice, and more than a third of our corn and cotton.

If we surrender our export markets, what happens to these commodities? Do they all become a huge surplus, further depressing prices in the United States? If so, how many farmers—young and old—will go out of business?

There will be calls for more stringent limits on production—perhaps mandatory controls—if we withdraw from export markets. Yet recent history shows that while the United States cuts production, other exporting countries are expanding production of the same crops. The net result is that prices remain low, and the United States gradually reduces its market share and our opportunity for profit.

And what about the impact on the general economy? More than 1 million people in the United States work in jobs related to farm exports, over half of these in nonfarm industries. In fiscal year 1982, our 39.1 billion dollars' worth of farm exports created about 30 billion dollars' worth of additional business in the nonfarm community, and contributed a net $23.7 billion surplus to our balance of trade.

Like it or not, our farm economy is geared to agricultual exports. If we withdraw from world markets, either directly through massive production controls or indirectly through Government programs that are inflexible and nonmarket oriented, we will slowly reduce our agricultural production base in the United States. That is a fancy way or saying that massive numbers of farmers will cease to exist, and young farmers will have no opportunity at all. I believe our farmers deserve better.

We simply must adjust our Government farm programs to make them more cost effective and market sensitive. At the same time, we can continue to provide income protection and we must increase our efforts to counter unfair foreign trade practices.

There is another reason why this legislation is important to the future of agriculture. Much attention is now being focused on the cost of Federal farm programs. The public and the press are noticing that farm program costs have increased fivefold since 1981, faster than any Government agency including defense. Farm program outlays for this year are estimated at an all-time high $21.1 billion.

If we do not make responsible adjustments to control the costs of our programs, we may provoke a consumer and taxpayer backlash which could endanger all farm programs. As one farm organization representative said: "Either we take the initiative to get our house in order or someone will come along and wipe out these programs altogether."

Our farm programs have worked well over the years to provide a degree of predictability and support in an inherently unstable business. We should explain to the public that these programs have become costly for several reasons, but we should also make necessary adjustments to preserve and extend these programs. If we do not, we may endanger these programs for future generations of farmers. The pending legislation is a good step toward adjusting these programs for their continued use.

Mr. President, this legislation also contains $600 million in farm export assistance for fiscal years 1984 and 1985. In addition, the legislation will provide financing for the agricultural export credit revolving fund, which can serve as an ongoing source of financing for U.S. agricultural exports.

These are investments in the future of agriculture. Money that is loaned out from the fund as export credits will be repaid to the fund with interest. Then these repayments will be loaned out again. This revolving fund would be made permanent by the legislation we are considering.

Future generations of farmers will benefit from the investment we can make today in building long-term demand for farm products. That is what our young farmers need: more customers for our commodities, so that farmers can make profits in the marketplace.

Mr. President, I salute the Future Farmers of America. In their spirit, I urge the Senate to put aside short-term, political gain and to enact this legislation which will put us back on track toward a market-oriented agriculture in the future.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BAKER. Mr. President, could I inquire, is the conference report on H.R. 2973 at the desk?

The PRESIDING OFFICER. It is.

Mr. BAKER. I thank the Chair.

Mr. President, that is the conference report on the repeal of the withholding of tax from dividends and interest. I think it is important that we proceed with that as soon as possible.

REPEAL OF WITHHOLDING TAX FROM INTEREST AND DIVIDENDS—CONFERENCE REPORT

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate the conference report on H.R. 2973.

The PRESIDING OFFICER. The clerk will report.

The acting assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2973) to repeal the withholding of tax from interest and dividends, having met, after full and free conference, have agreed to recommend and do recommend to their respec-

tive Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the conference report?

There being no objection, the Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of July 27, 1983, on page H5763.)

The PRESIDING OFFICER. The Chair recognizes the Senator from Kansas.

Mr. DOLE. Mr. President, I am pleased to ask the Senate to consider and approve the conference report to H.R. 2973.

I understand that Senator KASTEN would like to speak briefly and Senator DANFORTH and maybe others. I might say to those who are listening in their offices, there are requests for a rollcall vote. We hope to move rather quickly.

The conference report and the statement of the managers were filed on July 27, 1983, after a conference lasting more than a full week. I believe the final product represents a good agreement for the Senate, and a good package of legislation for the Nation.

I believe the President would not have signed any bill repealing withholding on interest and dividends unless it contained meaningful alternative compliance measures. I believe that the Senate's success in adding such provisions to the House bill, and its success in adding the President's Caribbean Basin Initiative, will persuade the President to sign this legislation. Although all of the Senate provisions were not accepted, we can feel proud of the Senate's role in formulating this legislation.

As I said before on the floor, I do not think the President would have signed this modification of withholding without something in exchange. We believe the compliance provisions will satisfy the President, maybe not as well as withholding would have satisfied the President. In addition to that, the adoption of what he considers to be and what is a very important policy matter for the administration—in fact to many Members of Congress on both sides of the aisle—to the Caribbean Basin—the Caribbean Basin Initiative. So it is my belief and hope—and I have been so assured—that the President will sign this legislation.

I think—notwithstanding the bitter fight at times we have had over the withholding issue—that the issue has been properly resolved. There has been give and take on both sides; obviously not as far as some would like to go. Some probably still will oppose the conference report for that reason.

REPEAL OF MANDATORY WITHHOLDING AND SUBSTITUTION OF COMPLIANCE IMPROVEMENT MEASURES

Mr. President, the conference agreed to most of the substance of the Senate compliance improvement package. I want to review the compliance package and to explain the changes to the package that were insisted upon by the House conferees.

First, however, let me remind my colleagues of why we must improve compliance in this area, what the substance of backup withholding is, and why it is responsive to the criticisms that were made against mandatory withholding.

CHEATING ON INTEREST AND DIVIDEND INCOME

Approximately $25 billion in interest and dividend income goes unreported, according to the Treasury Department. That translates, again according to the Treasury Department, into a revenue loss of about $8 billion every year. If we could only collect all of the tax that is owed on such income, we would be one third of the way toward meeting the 1984 budget reconciliation instruction. All of this underreporting, whether intentional or inadvertent, occurs, despite the fact that the United States has had a comprehensive information reporting system since 1962.

PROBLEMS WITH INFORMATION REPORTING

Study of the information reporting system shows two major problems. First, the system is not working well in the identification of taxpayers who fail to comply. Second, the system is not working well in following up tax noncompliance. Both of these problems are dealt with by the conference agreement.

HOW BACKUP WITHHOLDING RESPONDS TO CRITICISMS OF MANDATORY WITHHOLDING

Mandatory withholding, which also sought to deal with these two problems, was criticized on three principal grounds. First, mandatory withholding was criticized as overly broad. It affected all taxpayers, conscientious as well as unconscientious. Backup withholding, by contrast, is targeted to cheaters and to those who fail to comply with the requirements of the information reporting system.

Mandatory withholding was also criticized because it shifted part of the IRS's job to the banks. While some of us believe that such "privatization" might have been much more efficient and therefore desirable, the judgment of the Congress has been that the job of tax enforcement should be left in the hands of the IRS. Backup withholding does just that, requiring the IRS to identify tax cheats. The banks' only role is to withhold at a 20-percent rate against identified tax cheats on notice from the IRS. This task is substantially like that performed by banks today in the case of IRS levies on bank accounts, a matter that was raised in the conference by the distinguished Senator from Louisiana, Senator LONG.

I would like to emphasize, however, that relying solely on IRS efforts to improve compliance carries a price. In order to obtain the level of compliance anticipated by this legislation, $15 million of additional IRS appropriations will be necessary for fiscal year 1984. This Senator appreciates the efforts of the Appropriations Committee, and especially Senators HATFIELD and ABDNOR, who have included the necessary funds in the Treasury appropriations bill for fiscal year 1984.

This $15 million is critical if the compliance provisions of this conference agreement are, in fact, going to be effective in this coming year. In addition, further appropriations will be necessary in succeeding years. These appropriations, I am convinced, will be cost effective in increased compliance. However, absent these appropriations, my colleagues should be acutely aware that increased compliance will not be achieved.

Third, and finally, mandatory withholding was criticized as creating too much paperwork. Under backup withholding, a taxpayer must only give his social security number to his bank, certify that it is correct and indicate whether he is subject to backup withholding. No exemption certificates will be required or necessary.

AN OVERVIEW OF THE COMPLIANCE PACKAGE

The core of the compliance package for interest and dividend income in the Senate bill was backup withholding and increased penalties on banks and other payors who fail to comply with the information reporting system. Both backup withholding and such increased penalties were retained in the conference agreement. Moreover, despite initial opposition from the House conferees, these penalties will be self-assesssed. Thus, Members of the Senate should rest assured that we have a tough compliance package, much like that with which we went to conference.

With that summary of the differences between mandatory withholding and backup withholding and the overview of the compliance package, I want to highlight the principal changes made by the conference.

ATTACHMENT OF 1099'S TO TAX RETURNS

The most important single change that the House conferees insisted upon was the deletion of the requirement that the taxpayer attach his 1099 information returns to his tax return.

That requirement was supported by a number of Senators, principally by the distinguished Senator from Alaska, Senator MURKOWSKI. It was included in many of the earlier withholding compromise bills, and there were a number of bills. And, as I said in the conference, there were a

number of Senators and a number of House Members from both parties who were going to suggest that since we do not require attaching the information return, the 1099, that somehow we are not seeking strong compliance. But the House conferees were convinced, and I think many of the Senate conferees were convinced, that perhaps that was unnecessary paperwork, it did not add anything, and that what we did do in the conference would be more effective.

Perhaps the strongest statement of the need for the attachment of 1099's to tax returns came from the Senator from Alaska (Mr. MURKOWSKI). Senator MURKOWSKI argued very persuasively in this Senator's judgment that a requirement on payees to attach their 1099 information reports to their tax return would do more to cause taxpayers to be more careful about maintaining accurate records of the interest and dividend income they receive than any further grant of authority to the Internal Revenue Service.

This Senator argued in the conference, as did Senator BENTSEN, that the attachment requirement should be retained. The House conferees, however, argued that because the IRS would not process the paper information documents, the attachment was an unnecessary paperwork burden.

The House never really had the opportunity—I will use the word opportunity—to debate withholding as we did in this body. Perhaps many of the House conferees never truly understood the feeling of a lot of Members on attaching the 1099. But if, in fact, attachment would have put another burden on the IRS and created an additional cost to the taxpayer, but does not provide additional information which could not be made in a more efficient way, then information reports should not have been required to be attached.

As I suggested in the conference committee, if for some reason this plan does not work, I will bet there will be a number of my colleagues in both parties and on both sides of the Capitol that will feel they should have attached the 1099's.

I hope the IRS is listening and we can make back-up withholding work.

The House conferees did agree, however, to retain the requirement that the 1099 information report be required to be in official form, and added a requirement of a separate mailing of such documents. Moreover, the House conferees agreed that the form 1099 should contain a stern warning of the consequence of noncompliance.

This requirement was insisted upon by Senator DANFORTH and others. Now, rather than to match the 1099, there will be a separate mailing to the taxpayer. That will be a separate special form indicating the income is taxable and, "If you do not pay your taxes, you are subject to penalty." Perhaps in the long run that will be the best way to go.

EFFECTIVE DATES

The conference agreement significantly delays the effective date of the new provisions, implementing the new safeguards generally only on January 1, 1984, rather than 30 days after the date of enactment. Frankly, I do not think that this delay seriously impairs the package. In the long run, both rules substantially improve compliance, and that should be our principal concern.

CORE PRESERVED

This Senator will say, despite the deletion in the conference at the insistence of the House conferees of some new penalties and special rules, that he is satisifed that the core of the compliance package was preserved intact. No significant revenue raising element of the package was deleted, according to the revenue estimating staffs of the Treasury and the Congress. That fact should provide substantial assurance to all those of my colleagues who have serious concern that we must improve taxpayer compliance.

NEW PENALTY ON INTEREST AND DIVIDEND WITHHOLDING

Mr. President, I should call my colleagues' attention to two additions that were made by the House conferees, on the specific recommendation of the Treasury Department, that this Senator and the rest of his colleagues had previously affirmatively rejected. The first is a new 5-percent penalty on underreporting of interest and dividend income subject to information reporting. It is arguably a tougher standard that what the House conferees and the Treasury Department were willing to impose on large financial institutions that fail to file information returns with correct identification numbers. And it may be a rare taxpayer who can show by clear and convincing evidence that he was not negligent. Thus, the 5-percent negligence penalty could fall on a broader class of taxpayers, many with nominal amounts of underreporting. However, the threshold of underreporting anticipated by this legislation and the cost of collecting this penalty for small tax deficiencies should go a long way toward assuring that this penalty will not be abused by the IRS.

This penalty was insisted upon by the Treasury Department and the House conferees, and in the interest of concluding the conference, the Senate conferees receded, despite some reservations.

TERM WITHHOLDING

A second major change in the conference was the conversion of the Senate's backup withholding system into a term withholding system. Thus, for an underreporter subject to backup withholding, correction of the problem or establishment that there is a bona fide dispute with the IRS will not terminate backup withholding before the end of the calendar year. If the correction occurs after October 15, withholding will continue through the end of the following year.

These are rigorous rules, Mr. President. To mitigate their harshness, the Senate conferees insisted on making the hardship exemption of the Senate bill available. Thus, the hardship exemption will override the requirement of term withholding. This Senator believes that we have a workable compromise on term withholding.

We were reminded of the fact that in the case of some elderly person or someone who, inadvertently, failed to comply, that individual should not have term withholding, so we provided this escape hatch which we think will take care of most of those cases.

CONCLUSION

Mr. President, having described the substance of the conference agreement, let me conclude by reminding my colleagues of all of the careful thought and hard work that went into this compromise.

Let me begin by highlighting the work of the Senator from Wisconsin. Many Americans know him as the leader of the drive to repeal interest and dividend withholding. That he was. But more importantly, in the long run, I believe, the junior Senator from Wisconsin was one of the leading advocates of an alternative to mandatory withholding. In forging backup withholding and the increased penalties for payors who do not comply with the information reporting requirements, the Senator from Wisconsin sent a clear signal that he would not tolerate tax cheating. For that role, the Senator deserves the warm support of all honest taxpayers, and the sincere appreciation of his colleagues. Let me add, too, that although the Senator and I differed on the merits of mandatory withholding, I have enjoyed very much working with the Senator to reach an accommodation on this problem. Our success demonstrates indeed that we will hear more from the Senator from Wisconsin in this Chamber.

I would be remiss, however, if I failed to note the strong role played by many other Members of the Senate in forging this compromise. I previously noted the important role of the junior Senator from Alaska (Mr. MURKOWSKI). Sentor STEVENS and Senator BOSCHWITZ also made important contributions to this compromise, as did Senator COHEN.

I particularly thank the distinguished Senator from Texas, the distinguished Senator from Hawaii, and the distinguished Senator from Louisiana for helping us to conclude the con-

ference. There will be mortgage revenue bonds that will not end at the end of this year. We will work out a satisfactory compromise, in my view. The Senator from Texas indicated a willingness to reach a compromise. He understands we ought to tighten up the program to some extent.

Senator LONG and I have a bill introduced which we think properly addresses at least a part of that problem. It is my hope that we can work with all Senators who have an interest in mortgage revenue bonds and have a bill on the floor or an amendment on the floor that will receive the substantial support in the next 60 to 90 days.

The result is a compliance package that deserves the support of all of us. With the repeal of mandatory withholding and enactment of these tough new compliance measures, the Senate can put this difficult issue behind us. I urge my colleagues to support this compromise.

CARIBBEAN BASIN INTIATIVE

Mr. President, I am particularly pleased that the conferees agreed to accept, almost without change, President Reagan's Caribbean Basin Initiative (CBI). This important program will authorize the President to proclaim, for a 12-year period, duty-free treatment for most imports from Caribbean Basin countries. The legislation further would extend North American convention tax status to beneficiary countries that agree to exchange information necessary for the enforcement of our tax laws. There are safeguards in the bill and existing law to protect U.S. firms and workers from injurious surges of imports made duty free pursuant to these new authorities. Finally, several provisions of the bill specially benefit Puerto Rico and the Virgin Islands.

The negligible differences between the House- and Senate-passed versions by this legislation principally related to criteria-conditioning eligibility for benefits; scope of duty-free treatment; and several studies.

With regard to eligibility for benefits, the Senate amendment contained three provisions not in the House bill. They were: First, the Senate deleted Cuba from the list of countries eligible for benefits; second, the Senate included a criterion that a beneficiary country must cooperate with U.S. efforts to interdict unlawful narcotics imports; and third, the Senate included among the criteria that the President may waive in the national interest a provision regarding the unauthorized broadcast of U.S.-copyrighted material. The House bill included, among the provisions the President must consider with regard to eligibility, the consideration whether a country affords adequate and effective means for foreign nations to secure, to exercise, and to enforce exclusive rights in intellectual property.

The House conferees agreed to the additional Senate provisions, and we agreed to the House provision. These additional criteria represent important U.S. interests that are fairly made a part of the conditions determining whether a country is entitled to the substantial benefits the CBI offers. While the House amendment had no Senate counterpart, in the opinion of the Senate conferees, it too reflects an important facet of U.S. trade interests that should be fostered. It is particularly important to the U.S. publishing industry, which engages in much business in the region, and I believe it will be supported by all Members.

The CBI extends duty-free treatment to most products, if all conditions for that treatment are satisfied. Certain products are excluded from such treatment, however, including leather products, footwear, canned tuna, and textiles. The Senate amendment added to this list two additional exclusions. They were: First, bulk rum valued at below $3 per proof gallon, except that the first 200,000 gallons of such rum could enter duty free and that volume could be increased annually by 10 percent unless Virgin Islands shipments fell below 95 percent of the 1982 level; and second, watches or watch parts of whatever type containing any material that is the product of certain Communist countries. The House agreed to accept the latter exclusion, but refused to agree to the rum provision.

Mr. President, the Senate approved this exclusion for certain low-priced rum when it agreed to the Senate amendment on June 13. As an amendment I had worked out with Senator WEICKER during that debate, I felt an especial responsibility to seek House agreement to it. Unfortunately, the overall best interests of the Virgin Islands dictated otherwise for the following reason:

The Senate amendment also included another provision concerning Virgin Islands rum which was not in the House bill. It would provide a limited and conditional exemption for certain nontoxic rum stillage discharges from applicable provisions of the Federal Water Pollution Control Act (FWPCA). This provision was strongly supported by the Virgin Islands Government as essential to maintaining their remaining rum industry. Because Federal excise taxes on rum are transferred back to the Virgin Islands government, that industry indirectly provides a substantial share of the Government's revenues.

The dilemma for the conferees simply was that the House conferees refused to consider accepting both provisions benefiting the Virgin Islands industry. The House members on the one hand argued that rum was perhaps the single most important export product potentially benefiting from the CBI; on the other hand, representatives of the Virgin Islands Government conceded that the FWPCA exemption was the more important of the two provisions affecting their industry. In these circumstances, the Senate conferees reluctantly agreed to recede from our insistence on the product exclusion, but only on the condition that the House conferees agree to accept the FWPCA exemption. They did so agree.

Mr. President, while I am disappointed that we did not achieve all of what we sought, I note that the bill nevertheless contains a number of safeguards and benefits for the Virgin Islands, including some specifically applicable to the rum industry. Further, I will ask the Finance Committee to request the International Trade Commission to establish a monitoring system that will keep the Congress and the President currently informed of the effects of increased rum imports on the Virgin Islands and Puerto Rican industries. I am confident that these measures will provide substantially the same safeguards as having the product exclusion now deleted from the Senate bill.

The remaining differences reconciled by the conferees were principally technical in nature. These included: First, House agreement to include citrus concentrate among the agricultural products eligible for emergency import relief; second, Senate agreement to three studies sought by the House; third, House agreement to a Senate provision authorizing the President to waive, for civil tax law enforcement purposes only, the requirement that a country agree to exchange tax information as a condition of attaining North American convention tax status; and fourth, House agreement to a Senate provision embodying a sense of the Congress resolution that there should be no imports of sugar from Communist countries. A very few other technical changes, involving minor differences in the two bills' language, also were agreed to by the conferees.

In sum, the conferees were able to achieve agreement on a bill substantially reflecting the work of the Senate and the proposal of the President. It represents the conclusion of 18 months of bipartisan effort to implement a bold idea offering hope for our neighbors to the south that they can rely on the United States to provide a means of economic growth and political stability. I consider the conference agreement to represent a final consensus statement of support for the program, which I am pleased that we can finally launch.

We have also been promised by the distinguished chairman of the committee and by the distinguished ranking Democratic member of that commit-

tee, Congressman GIBBONS, that they will not only work on reciprocity, which was initiated in this Chamber by the distinguished Senator from Missouri (Mr. DANFORTH) and the distinguished Senator from Texas (Mr. BENTSEN), that they will not only have hearings, but will actually markup that legislation, perhaps as early as September.

ENTERPRISE ZONES

Mr. President, the House conferees refused to accept the provisions of the Senate amendment that would have authorized the designation of up to 75 enterprise zones over the next 3 years. These zones would be eligible for substantial Federal tax and regulatory relief in an effort to spur development of distressed areas by removing barriers to private initiative. I regret that we could not make more progress with the House on this proposal, because it has been approved twice by the Finance Committee, and was the subject of extensive Senate hearings over the past 3 years.

However, it is important to note for the record that we did not leave conference emptyhanded on this important issue. Chairman ROSTENKOWSKI made a firm commitment during the conferees' discussion of enterprise zones to hold a hearing on the administration proposal this fall in the Ways and Means Committee. That will mark the first time enterprise zones have received a formal examination in the House, and we hope it will pave the way for final action in the near future. Certainly President Reagan, Senator BOSCHWITZ, Senator CHAFEE, and others who are vitally interested in this legislation will continue to work for a final package that can be signed into law. So we have made progress, even if the result is less than we had hoped for.

MORTGAGE SUBSIDY BONDS AND MORTGAGE INDEBTEDNESS

Mr. President, by the second full day of conference, the conferees had reached agreement on all but the Senate's provision repealing the sunset of mortgage subsidy bonds. The House conferees were adamant in their refusal to accept the Senate provision, but the Senate conferees insisted on our provision, and held steadfast for 7 more days. The Senate finally receded, but only after receiving assurances from Chairman ROSTENKOWSKI that the House Ways and Means Committee would consider the mortgage subsidy bond issue in the fall.

In the final analysis, I believe the Senate conferees acted responsibly in receding on this issue. Although there are 5 months left before the scheduled sunset of mortgage subsidy bonds, the Congress had less than 10 days to act on the withholding bill when the Senate finally receded. I am confident there will be ample opportunities to enact mortgage bond legislation before the end of the year.

The Senate also receded on its amendment modifying the tax treatment of the discharge of mortgage indebtedness on an individual's principal residence. This Senate provision, added as a floor amendment, would have cost $400 million over the next 2 years. I believe the high cost of this provision led the House conferees to resist taking it on this bill.

Senators DECONCINI and DANFORTH both have concerns in this area and have sought legislative relief from the current IRS rule in this area. I hope the Senate Finance Committee will have an opportunity to consider this problem again in the near future.

CONCLUSION

In summary, Mr. President, the conferees' report reflects an agreement on several important tax and trade proposals that the Senate can be proud of. The conference report was approved today by the House by a vote of 392 to 18 with 6 voting present. I urge the Senate to approve the report and send the important legislation to the President.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. LONG. Mr. President, I am pleased to have participated in this conference and to have signed the conference report. I want to congratulate the chairman of the committee (Mr. DOLE) on the fine way he conducted the conference as chairman of the conferees on the two sides. I am happy he was able to provide the leadership that brought us together on what I believe is a fair compromise on the differences between the Senate and the House bills. This conference report will make it possible to act on the repeal of withholding on dividends and interest.

Mr. President, Senators all know that I strongly opposed the backup withholding provisions that were contained in the Senate amendment. I felt we should simply repeal the withholding provisions enacted last year.

However, the conference agreement on tax compliance eliminates most of the new tax penalties in the Senate amendment, reduces the paperwork required by that amendment and limits the use of so-called backup withholding. The conference agreement would rely primarily on improvement of IRS document matching capabilities to improve tax compliance. Document matching—that is, comparing interest and dividends reported on Forms 1099 with the taxpayer's income tax return—would be improved through additional IRS funding and through provisions designed to encourage banks and stockholders to obtain correct taxpayer identification numbers from their customers.

The Senate amendment's requirement of filing forms 1099 on magnetic media, by payors filing 50 or more such forms, would be delayed until 1984 reports are filed in 1985, and the IRS would have the authority to grant hardship exemptions from this requirement. Backup withholding would apply beginning in 1984, as already provided under the 1982 tax bill, to accounts where document matching cannot work because of missing or inaccurate taxpayer identification numbers. Backup withholding could otherwise be applied only in cases where the IRS felt that it would be helpful in its collection efforts, and then only after an individual had failed to respond to a series of at least four IRS letters requesting tax payments on his unreported interest or dividends.

Although I would have preferred that backup withholding be eliminated completely, I do feel that the conference agreement is a vast improvement compared with the additional paperwork and complexity that would have been required under the Senate compliance provisions. Because of this improvement, I signed the conference report and support the conference agreement.

I am particularly pleased, Mr. President, that, as a part of this measure, we were able to bring back to the Senate an agreement on the Caribbean Basin Initiative. This is something the chairman of the committee has supported in the past, and all of us have favored it in one respect or another. It was a matter of getting together on the details. This Senator has feared that this matter might impede the repeal of withholding on interest and dividends. I am pleased to say it did not. This matter, I am happy to say, will become law and has been worked out in a fashion which I believe will meet the approval of both Houses.

Mr. President, I urge that all Senators vote for the conference report. Again, let me congratulate the distinguished Senator from Kansas for the fine work he has done in connection with this matter.

Mr. KASTEN. Mr. President, I want to congratulate and thank the Senator from Kansas, the chairman of the Committee on Finance (Mr. DOLE), the Senator from Louisiana (Mr. LONG), and all the other members of the Finance Committee who have worked for this compromise.

I echo the words of the Senators from Kansas and Louisiana in saying that the Caribbean Basin Initiative is important to the administration and Congress. And I am glad to see that the CBI will be signed into law.

Mr. President, no one knows better than I that this has been a long battle. It has been a long crusade—a year, in fact—to repeal withholding on interest and dividends. But we now have reached a point where we have a bill

that will be adopted by both Houses, and a repeal measure that will be signed into law by the President. So we have met all our goals.

With regard to the compliance measures: I agree with the Senators from Kansas and Louisiana. The compliance measures that we have been able to work out are most important. They make sense. They are tough, and put the emphasis where it really belongs. That is with the IRS. These measures will force them to use the information they already have to find the 10 percent of Americans who are not now in compliance with the law. It was wrong to penalize the 90 percent of all honest American taxpayers with mandatory withholding on interest and dividends. The best procedure is to identify the people who are not complying with the law, and focus our emphasis on them. The compliance measures in this bill will do so in a way that I think will be workable.

Originally I felt that the single best compliance measure was to require that the 1099 information reporting forms be attached to the tax returns when filed. Now that we have given more consideration to the interest problem and dividend compliance and have found out that the IRS would throw away the forms if they got them, it is clear that we do not need to require this attachment. I think the compromise the conference committee has worked out is a good one.

So, Mr. President, I urge adoption of the conference report. I do so with a great deal of respect and regard for the work of the conference committee, the Finance Committee, and particularly the Senator from Kansas.

I think that, by including compliance as part of this compromise, the Treasury or the IRS will never again come to Congress to propose the idea of withholding on interest and dividends. Their reason for proposing withholding was that they believed it was the best way to find people who are not in compliance. This bill provides a better way, a more workable way to do this. Their reason for proposing withholding has been eliminated. The idea, I believe, will never be proposed again.

So, not only have we defeated withholding on interest and dividends that was scheduled to take place in July 1983, we have also defeated this idea forever. We now have a way that will find the people who are not in compliance, put the emphasis on them, while not penalizing the honest taxpayers across America with the burdensome problems and complications of mandatory withholding.

I urge the adoption of this conference report and, once again, express my gratitude to the Senator from Kansas. It has been a great privilege and pleasure for me to be working along with him as we have developed a workable, meaningful compromise on this issue.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr. President, as the clerk reported, this conference report was signed by all members of the conference committee, including the Senator from Missouri. I stand now on the floor not so much as a member of the conference committee but as a Senator from Missouri. When a Member of the Senate belongs to a conference committee, he serves in that function as a representative of the U.S. Senate. I signed the conference report because I believed, as a representative of the Senate, that it did approximate the will of the majority of the Members of this body. But, Mr. President, I now stand here as an individual Senator and, as an individual Senator, I shall vote against the conference report.

I shall vote against it because, while I do believe that it represents the will of an overwhelming majority of the Members of the Senate, I am also confident in my own mind that it is contrary to the best interests of the United States.

Mr. President, every day's newspaper brings reports of deficits in the Federal budget somewhere in the neighborhood of $150 billion to $200 billion a year forever. This year, the Federal debt reached $1.3 trillion. By 1986, it will reach $2 trillion; by 1988, it will double from what it is now to $2.6 trillion. The majority of the people of this country say in public opinion polls that they are concerned about the size of the deficit, that they believe that the deficit is bad for America, that it weakens our country. They are correct in that view. Deficits are responsible for high inflation rates; deficits are responsible for high interest rates, deficits are responsible for high unemployment rates. We as a country cannot maintain deficits of this size without borrowing from our own future, borrowing from generations to come, and crippling any economic recovery which we are now experiencing.

One of the concerns I have about statements now coming from the President and from the Secretary of the Treasury is that they have so emphasized the economic recovery that they have adopted a very rose-colored-glasses view of where we stand as far as the economic outlook is concerned. I do not believe that we can have deficits of this size without having immense problems for the American people in the future.

Most of us in Congress also talk from time to time about the problem of the deficit, but I think that what we are really saying is this: We are willing to work on the deficit, to talk about it, and to make speeches about it, provided any action on our part is not unpopular with any of our constituents. We realize that what many of our constituents do not want is any control of entitlement programs or any increase in taxation. So we engage ourselves in a make-believe exercise, telling ourselves that we can get at the enormous deficit by plugging a tax loophole here, cutting a ridiculous program there, or zeroing in on a little waste in one program or another.

But, Mr. President, when we have deficits of $150 billion to $200 billion a year, there is no way to reduce them to a manageable level with a laundry list approach to specific spending cuts or specific tax increases. We in the Congress, if we are going to get our economy and the Federal budget under control, are going to have to start doing some things which are politically unpopular. We are going to have to start taking some steps that public opinion polls tell us are suicidal politically.

What this withholding repeal demonstrates is that as of now we are not prepared to do anything in the least bit unpopular to reduce the size of the deficit. If we cannot even agree to collect taxes that people owe and do not want to pay, what will we agree to do? I think that is really the issue behind the repeal of withholding on interest and dividends. Will we be willing to take at least some thought-to-be unpopular steps in order to help our country?

I believe, Mr. President, that if we who have a public forum in the Congress of the United States or in the White House went to the American people and said to them, "Your country is in trouble and we as a people are going to have to make some sacrifices for our country," most people in America would say, "Right on; count me in."

But we do not do that. We instead move from interest group to interest group, bankers, savings and loans, you name it, and say, "Oh, we don't want to do anything that is unpopular with you."

So, Mr. President, I think we are reading the economy wrong; I think we are reading tax policy wrong; I think that we are reading the will of the American people wrong, despite all the mail that was drummed up by the banks and the savings and loans. I do not think most people are as selfish as the interest groups would have us believe. I do think they want to have a stake in the future of this country. It is because of that deeply held feeling, and the similar feeling that by repealing withholding on interest and dividends we are caving in to interest groups against the best interests of this country, that I am going to vote against this conference report.

Mr. President, when this bill was finally passed in the Senate not long ago, I, after voting against it consistently, finally voted for the bill. I did so because the reciprocity bill, the extension of mortgage revenue bonds, the urban enterprise zone bill, and the Caribbean Basin Initiative bill were all attached. In addition, the bill included significant measures for toughening compliance provisions on interest and dividends. Unfortunately, the bill was substantially changed by the conference committee from what it was when it left the Senate.

Just to review the figures: When we first started withholding on interest and dividends, the projections by the Treasury Department were that the American people right now are not paying 8 billion dollars' worth of taxes each year that are due and owing on interest and dividends. It was further projected that about $3 billion of the $8 billion would be collected by withholding. When the repeal bill passed the Senate, the compliance provisions of the repeal would have collected about $1 billion of unpaid taxes on interest and dividends instead of the $3 billion that would have been collected by repeal. The stripped down compliance provisions in the conference committee version would produce a meager half a billion dollars out of what was originally $3 billion.

In addition to that, we stripped the bill of the reciprocity bill, although I must say that the members of the House and Ways and Means Committee did agree to take that bill to the floor of the House of Representatives. We stripped the bill of extension of the mortgage revenue bond exemption. We stripped the bill of the urban enterprise zone bill, and we left only repeal of withholding with a very meager effort to increase the compliance provisions and the Caribbean Basin Initiative.

Mr. President, while the Caribbean Basin Initiative bill is fine and while it at least indicates to our neighbors to the south of us that we are interested in the improvement of their economy, I believe that we have oversold that to them because 87 percent of the products imported into America from the Caribbean Basin countries come in duty free already, and this will increase that from 87 percent to 97 percent.

The only other thing the bill does is to extend the tax deduction for conventions which are held in the Caribbean Basin countries. This is all of some benefit, yes, but I think that it is overselling the point to say that this is going to be some great turnaround for the Caribbean Basin countries.

So, Mr. President, while I think that the CBI provision is laudable, but probably not terribly important, it is really eclipsed by the main point, and that is that we are today repealing withholding on interest and dividends. By doing so, we are caving in to special interests. By doing that we are blowing yet a bigger hole in the Federal budget. This is not in the best interests of the American people, and I will vote against it.

Mr. President, I am pleased that we are finally going to see the Caribbean Basin Initiative become law. The Caribbean Basin, a diverse conglomeration of Central American and Caribbean countries, poses a troubling situation to policymakers in the United States. While civil strife saps the strength of El Salvador, Cuba and Cuban-backed Nicaragua seek to extend their influence in the area. Our goal in the region must be political stability, but political stability cannot be achieved by victory on the battlefield. Any fireman will tell you that the best way to fight a fire is through prevention.

With this in mind, the President's Caribbean Basin Initiative (CBI) is important for three reasons. First, the deteriorating economic and political situation in the countries of the Caribbean Basin demands our attention. It is something we cannot afford to ignore and hope will go away. Second, the best way to achieve political stability in the region is through economic stability and growth. Trade rather than aid is the long-term program that will strike at the root of the problem in this poverty-stricken region. Third, the stronger economies created by the Caribbean Basin Initiative will lead to increased U.S. exports, providing more job opportunities for workers in the United States.

I. DETERIORATING SITUATION DEMANDS OUR ATTENTION

The countries of the Caribbean Basin are at a historic crossroads. They may enter a new period of political pluralism, justice, improved human rights, and economic development, or they may be forced into the false promise of Marxism. The historically close relationship between the United States and the countries of Central America and the Caribbean demands that we address this deteriorating situation.

Many of the countries in the Caribbean Basin have been hurt by the worldwide economic recession. In 1981, Barbados experienced a 3.1-percent decline in its gross domestic product and a 14.6-percent rise in its Consumer Price Index. This stagnant situation exists in many other countries—Haiti, Honduras, and Jamaica, to name a few. Political instability is also a contributing factor to economic turmoil. In El Salvador, for example, the per capita income has dropped 33 percent in the past 5 years to a dismal $612. This economic situation cannot be expected to improve unless political stability is restored.

The spread of guerrilla activity in Central America is of obvious concern to the United States. The Caribbean Basin is our own backyard. That our country has an interest in the affairs of this hemisphere has been recognized since the Monroe Doctrine. Nearly half our trade, three-quarters of our imported oil, and over half our strategic minerals pass through the Panama Canal or the Gulf of Mexico. We import 90 percent of our industrial requirements of bauxite and alumina from the Basin countries and rely on them to a significant degree for nickel.

Our relationship with the Caribbean Basin extends even further: When our exports to the area dropped by $155 million last year, thousands of U.S. jobs were lost. Likewise, the recession in the United States last year caused a steep drop in revenue from tourism for the Caribbean Basin countries.

The relationship with the Caribbean is more clearly seen by the fact that poor economic conditions continue to cause increases in immigration to the United States. In 1980, the per capita GNP of Haiti was $260. That year, from the poorest country in the Americas, 20,000 undocumented Haitian immigrants came to the United States.

The Caribbean Basin Initiative will cost $70 million per year, whereas the United States has already spent over $1 billion on operations and services related to the 135,000 Cuban and Haitian refugees that arrived in this country in recent years. The CBI is a program that will hedge this massive immigration into the United States through the promotion of economic development.

The United States cannot do it alone. Several other countries have taken note of the deteriorating situation in the Caribbean Basin. Canada has begun a 5-year program for the area, valued at over $500 million. They also provide duty-free treatment or preferential access for 98 percent of their imports from the Caribbean Basin. Mexico and Venezuela are involved in a program which provides long-term concessional credits for government development projects. This program is valued at over $700 million per year. The European Community and Colombia have also pitched in, providing preferential access to their markets. This bill is part of the total package of assistance that includes the $350 million in aid that passed the Congress last year. It is a small part in our shared responsibility to the countries of the Caribbean Basin.

We must make a concerted effort to stabilize the situation in the Caribbean Basin. Since we have been involved in El Salvador, political violence has diminished somewhat. The number of civilian deaths has dropped. The land reform program has been actively resumed. And at the end of this year, El Salvador is committed to holding a Presidential election.

The 83 percent of the Salvadorans that voted last March proves that, when given a chance, people chose democracy over political instability. If we fail to fulfill our responsibility to this region, other nations will not have that choice. Inaction on our part will give our neighbors but one path to follow, the path of Nicaragua, that has not held the promised elections, is increasingly oppressing the Indians and suppressing the church, labor unions, business, and media.

II. ECONOMIES VITAL TO POLITICAL STABILITY

Once we have decided to act, the question is how do we best achieve political stability. Economic development is the best way to insure political stability in the long run. Aid is necessary for immediate relief to these countries, but increased trade is the only way to achieve enduring stability in the region. Putting an emphasis on the economies of the region, we must continue to emphasize economic rather than military aid.

From 1946 to 1982, we provided $2.3 billion in economic aid and only $296 million in military assistance to the region. In 1982, only 18.7 percent of the total aid to the Caribbean Basin was military assistance. Excluding the aid to El Salvador, that figure drops to 11.3 percent of the total aid to the region. Still today, we are providing approximately three times as much economic as military aid. The proportion of economic aid and potential trade benefits accruing from the President's Caribbean Basin Initiative will far outweigh the proportion of military aid being supplied to El Salvador.

An emphasis on economic reform should serve to broaden the base support for the moderates in El Salvador. The guerrillas in El Salvador do not seek head-on confrontations with the army, but they try to defeat the Salvadoran economy and the people's livelihood through the destruction of electric transmission lines, through dropping bridges, and through burning buses. The guerrillas know that destruction of the Salvadoran economy is the only way they will be able to seize power. Army Chief of Staff, General Edward C. Meyer, said recently that more economic aid to El Salvador is equally or more important than military aid. "Economic assistance", he said "is very critical because guerrilla war is based on the legitimate concerns of the people."

In looking at the situation in El Salvador, we should be reminded of Venezuela, who 20 years ago never managed to defeat its insurgents on the battlefield. Instead, they rendered the insurgents irrelevant as fighters when the government succeeded in a combination of military action, civic action in the countryside, and the creation of a democratic system. There can be no military solution to El Salvador's problems. But with programs such as the Caribbean Basin Initiative, the Government of El Salvador, as well as the other governments in the Caribbean Basin, can achieve political stability through revitalized economic strength.

III. STRONGER ECONOMIES MEAN JOBS FOR UNITED STATES

These stronger economies in the Caribbean Basin translate into more jobs for U.S. workers. I am convinced of this, based on the role of exports in our economy, and the safeguards that have been added to protect U.S. industries.

Exports are an integral part of our economy. Between 1977 and 1980, four out of five of all new manufacturing jobs created in the United States were related to exports. One out of six U.S. jobs are dependent upon exports. The Department of Commerce projects that 2,500 jobs result per $100 million in U.S. exports of manufacturers.

The developing countries have been the fastest growing market for U.S. exports, and in the first 3 months of 1983 bought 36 percent of all U.S. exports. CBI countries import more from the United States than from any other country. We export to this region more machinery and capital goods per capita than any other developing region in the world. The United States enjoys a trade surplus with all but four of the 27 potential beneficiary countries, excluding petroleum imports. The key to this relationship is that trade is not a zero-sum game. Both sides will benefit from increased trade.

The impact of increased imports to the United States is not likely to have a noticeable impact on our economy. Of the $8 billion imported from the Caribbean Basin countries in 1982, $4.9 billion would be excluded from free trade eligibility, $1.9 billion are duty free for all MFN countries, and $0.6 billion are duty free under the GSP program. The remaining $600 million that would be affected constitute only 8 percent of the total amount imported from the Caribbean Basin and 0.4 percent of the total U.S. imports. Considering this small addition of products that would be granted duty-free access, it is doubtful that there will be any substantial negative impact on the U.S. economy.

Even so, several safeguards have been added to make sure that the program will not hurt domestic industry. Several classes of products are statutorily exempt, such as petroleum and petroleum products, textiles, footwear, and leather products. A rule of origin clause assures that an article must be the growth, product, or manufacture of a beneficiary country, or a new or different article of commerce produced in it. Special provisions protect Puerto Rico and the Virgin Islands, as well. Finally, if any domestic industry is found to have been hurt as a result of increased imports, import relief provisions are available for them to use.

Compared with the lavish and expensive beginnings of the "Alliance for Progress" in the 1960's, the CBI does not look like much. But 12 years of duty-free access means a lot to a country like Haiti, whose trade with the United States accounts for 78 percent of its exports and 89 percent of its imports. For the entire region, exports to the United States accounted for 68 percent of its total exports to industrial countries. The business expense deduction for conventions should be of great help to countries whose natural resources constitute potential for a thriving tourist industry, once given a chance.

By stressing self-help and real economic growth, the Caribbean Basin Initiative offers a great deal. This program is vital to the long-term political stability of our neighbors in the Caribbean Basin.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, I do not know whether there are any other requests for time.

I appreciate the comments made by all Senators, and I appreciate the comments just made by the distinguished Senator from Missouri. I do not know that I disagree with him. I favored withholding and still do, but the facts were we did not have the votes, and we still do not have the votes. We were down to about 25 to 28 votes to sustain a veto. It seemed at that point the best course to follow was to try to salvage what we could. Now, much will depend on how much this Congress authorizes to add additional primarily clerical assistants to the IRS, not agents to harass people but clerical assistants so they can match up the numbers and do other things to make certain that people are reporting their interest and dividend income, a point I made in my earlier remarks.

The record will reflect that when Congress suggests, as it did overwhelmingly, that we should not have the banks do this, that it should be done by the IRS, they were telling us, in effect, that we have to beef up certain areas of IRS so that they can do the work. Fifteen million dollars of additional money has been appropriated by the Appropriations Committee for fiscal year 1984.

I hope that the Senate and the House in succeeding years will help us make certain that we can have this improved compliance. That is, the best way to keep this withholding issue behind us is to give the IRS the money it needs to do its job. Many of the banks, savings and loans, and credit unions suggested that withholding would not be necessary if the IRS did the job they should do.

On a related matter, I want to call attention to an important development in another major area of noncompliance.

I have received the figures on the impact of the new tip reporting law, and the news is overwhelmingly good. The new law has virtually doubled the reporting level of tips. Twice as many tips were reported in the first quarter of 1983 over the same period in 1982.

According to the Treasury Department's figures released today, despite the fact that wages have not increased, total tips reported in the hospitality industry increased $167.3 million in the first quarter of 1983, an increase of 87 percent over the first quarter of 1982. In bars and other beverage establishments alone, the increase was 133 percent. That improvement occurred with only the first phase of the new law. Individualized reporting begins only after April 1. Thus, the results for the second quarter of 1983 should be even more substantial.

At a time when various Washington special interests are seeking the effective repeal of the new law, these results prove that the new rules are working. Tip reporting rates are beginning to come much closer to compliance levels for ordinary wage earners. Statistical proof that the new rules are improving compliance demonstrate that we cannot afford so-called technical amendments which will effectively eliminate proven new rules.

While the new law is working well, the Internal Revenue Service should do everything it can to minimize the burden of these new information reporting requirements. I hope that the Internal Revenue Service will move promptly to finalize the new reporting rules. When those regulations are issued, I hope that the Internal Revenue Service recognizes, in particular, the right of employers to make the estimated unreported tip allocation on an annual basis.

These compliance measures are working. People are reporting income, and they will be paying taxes on income that they should have been paying for some time. It is not an effort to harass anyone. It is an effort to make the tax system fair. We are going to continue those efforts on the compliance side. In my view, there are a number of other areas that can be addressed.

Mr. BAUCUS. Mr. President, I rise to support the conference report on H.R. 2973, which finally kills interest and dividend withholding.

The withholding requirement, adopted in 1982 over my opposition, was a bad idea.

Everyone agrees that we should catch tax cheats. The question simply is whether withholding is a fair and efficient way to do so. The evidence indicates that it is not. The vast majority of taxpayers already pay taxes on the interest they earn. To catch the relatively few cheats who do not, the IRS should put its own house in order by improving and expanding information matching. Withholding, in contrast, would transfer administrative costs from the Federal Government to taxpayers and transfer substantial investment resources from taxpayers to the Federal Government. That would be a good deal for the Federal Government, but a bad one for taxpayers.

That is why I voted against withholding last year and cosponsored legislation to repeal it this year, and that is why I support today's conference report.

Let me explain a little more about the conference report bill. The bill utterly repeals withholding. At the same time, it directs the IRS to take several steps to improve the tax compliance rate for interest and dividend income. These steps include a system of so-called backup withholding for taxpayers caught underreporting, and a requirement that financial institutions that file 50 or more 1099 forms must do so on magnetic tape. These steps should increase compliance, and thereby reduce the Federal budget deficit, significantly.

Mr. President, some work remains. I and many of my colleagues will carefully monitor the implementation of these new compliance steps, especially backup withholding, to make sure that they are efficient and effective. We also will work to see that legislation reestablishing the mortgage revenue bond program, which was dropped from the conference report, is quickly considered again.

But, overall, I am happy that we have finally cut through all the legislative redtape and killed withholding. This is an important victory for the thousands and thousands of Montanans who have written me, called me, and talked to me back home, to decry withholding and demand its repeal.

Now, I urge the President to listen to these Montanans, reevaluate his support of withholding, and sign this bill into law.

Mr. D'AMATO. Mr. President, I am pleased that the House-Senate conferees have reached an agreement on repeal of the 10 percent withholding of dividends and interest which was to be effective August 1, 1983. I have long been an advocate of repeal with as few cumbersome reporting provisions as possible. In fact, I was an original cosponsor of S. 222 which would have mandated straight repeal with a minimum of reporting requirements.

The House-Senate conferees have agreed to add the following provisions to the repeal bill:

First, certification of taxpayer identification numbers on all new accounts opened after 1983.

Second, corporations and financial institutions will have to supply taxpayer 1099 forms to the IRS. However, individual taxpayers would not be required to attach 1099 tax forms to their tax returns.

Third, magnetic tapes must be supplied to the IRS for all interest and dividend returns after 1983.

Fourth, the IRS will be authorized to hire thousands of additional employees to review taxpayer returns and insure compliance.

Fifth, 20 percent backup withholding could be required for chronic noncompliance. In addition, a $50 fine may be levied for noncompliance at the discretion of the IRS.

I am happy with this part of the House-Senate compromise package. The small commercial banks and savings institutions in New York State will not have to incur the terrific costs connected with withholding of dividends and interest. I believe that the compromise will enhance taxpayer compliance. For this the conferees should be applauded.

I am very concerned, however, about a deal engineered in the conference by Congressman PICKLE of Texas. It is my understanding that, at a later date, he will attach to the mortgage revenue bond legislation that was unjustifiably deleted in the conference an anti-IDB bill. Both mortgage revenue bonds and IDB's play important roles in economic development. Mortgage revenue bonds provide reasonably priced financing to individuals and families who could not otherwise afford a home. It is disgraceful to complicate the extension of mortgage revenue bond legislation by attaching other bills.

Congressman PICKLE's IDB legislation, H.R. 1635, would destroy a program that provides thousands of jobs and expands the tax base. He may not be aware that in his home State of Texas, over $527 million of net new taxes were generated in the last 3 years by IDB's. This figure takes into account any loss to the Federal Treasury from tax exempt interest payments. I have difficulty understanding why anyone would attempt to kill a program that has been so beneficial to his State.

The jobs creation effectiveness of IDB's is well documented. In my home State of New York, over 130,000 new jobs have been created through IDB's. Similar results have been documented in many States throughout the Nation.

Congressman PICKLE seems determined to create an antimunicipal finance package. He intends to reduce the Federal deficit on the backs of our cities and States. In the end, local taxes will rise and essential services will be cut. Savings at the Federal level that shift costs onto the backs of

local government are imaginary savings. I intend to fight any efforts to further limit IDB's, mortgage revenue bonds, or other legitimate avenues of municipal finance.

Mr. President, I would once again like to congratulate the conferees on a job well done. I am pleased that withholding of dividends and interest income will not become a reality, but I am deeply saddened that the conferees failed to accept the Senate amendment extending mortgage revenue bonds beyond December 31, 1983—especially given my understanding of the reason why this extension was dropped. Mortgage revenue bonds are an excellent financial mechanism. They, like IDB's, must be preserved.

Mr. MELCHER. Mr. President, I am pleased to be here today when this conference is passed. It contains provisions for the repeal of the withholding of taxes on interest and dividends. There have been many times over the past 13 months when I wondered if we were ever going to be able to correct the mistake we made in enacting this provision as part of the 1982 tax bill.

In opposing the withholding provisions at that time, I was sure that the additional costs and redtape created by this provision more than outweighed the gains that were promised by the proponents of withholding. It did not take long for the taxpayers in Montana to come to the same conclusion. I received better than 25,000 pieces of mail in my office alone calling for the repeal of this bad tax law.

Some of the proponents of withholding of taxes and interest and dividends said that the outpouring in support of repeal was generated and orchestrated by the Nation's financial institutions. The banks, savings and loans, and credit unions in Montana may have taken the lead in getting out the word on withholding, but let me assure you that they simply did not have the physical capability of generating that kind of outpouring of mail. The bottom line was the commonsense of the average taxpayer told him that this was only one more instance where the IRS chose to place an additional burden on the 98 percent of all taxpayers who accurately and legitimately file their taxes rather than to make the additional effort needed to catch those who were cheating. They felt that that was an unnecessary burden on the ordinary taxpayer, and I agree with them.

Further, it became increasingly obvious as time went on that the proposed gain in revenues from withholding were vastly overstated, and that whatever gain was to be achieved by the Government was to result from a one-time early collection of taxes in 1983. All of this, the unfairness of the withholding provisions, the increased paperwork and redtape that it caused, and the fact that the Government was really not collecting additional revenue, lay at the base of the tremendous outpouring against the withholding provision.

The irony of this situation is that, even following this tremendous outpouring against withholding, it took not one but three separate major efforts to finally end up with language repealing this poor tax law. I, myself, took the floor in April of this year to offer a provision that would have delayed the implementation of withholding until the end of 1983. I did this because there seemed to be a very cynical attitude on the part of some of the proponents of withholding that, if they could just get past the July 1 implementation date, those who supported repeal would give up and fade away. Well, that was never the case and we would have only looked so much more foolish had withholding been implemented the first of July, only to be repealed 60 to 90 days later. I am pleased that we did not have to go through that exercise.

Once the pending conference report has been approved by both the House and the Senate, which I am hopeful will happen very quickly, there is only one step that remains in the process. That is, getting it signed by the President prior to the date now set for implementation on August 5. I am hopeful that the President has heard the public outcry on withholding and will quickly sign this provision into law.

I truly feel that we have taken up a great deal of Congress time to repeal a provision that never had the support of the majority of either the American people or the Members of Congress. I hope we do not have to repeat this kind of exercise in the future and that we pay attention to the American taxpayer and work harder to close up the many actual loopholes that now exist in the Federal Tax Code, such as giveaways like the foreign tax credit and foreign tax deferral, rather than trying to devise ways to get the taxman's hands into the pocket of the ordinary taxpayer. I believe this has been a good lesson, and I hope we in Congress have learned it.

Mr. BOREN. Mr. President, I am pleased to cast my vote in favor of repealing interest and dividend withholding. I would have preferred that the Caribbean Basin Initiative not be included with the repeal measure, but I will not oppose the conference report because it is included.

Since its inception, the withholding of taxes on interest and dividends was an ill-conceived idea. Had it been allowed to go into effect it would have acted as a disincentive to savings and investment, lowering the real rate of return on some investments by denying investors the use of their withheld funds. Further, this law would have had a serious impact on our financial institutions by forcing them to design and implement withholding systems the cost of which would undoubtedly have been passed on to depositors in the form of lower rates of interest, reduced dividends, and extra service charges. Finally, this law would have had a devastating impact on the elderly and lower income families since the burden was placed on the individual to exempt himself from withholding.

In addition, the conference report includes less onerous compliance measures than did the Senate version of the backup withholding provisions. I had concern with the Senate bill because I felt that it allowed the IRS to gain too much access to a citizens' private business matters. It is my understanding that the conference report requires compliance with the law without undue interference.

It is for these reasons that I join with my many other colleagues in voting for repeal.

Mr. STEVENS. Mr. President, I rise to thank my good friend from Kansas for putting forth a tremendous effort in solving the problem that Congress faced with respect to the interest and dividend withholding issue.

The conference report on H.R. 2973 represents the final product of many months worth of negotiation on the part of both opponents and supporters of withholding.

I do not believe anyone has won or lost this issue. Senator DOLE has done a good job of preserving the framework of the fallback withholding concept that he worked out with Senator KASTEN and myself, and which the Senate approved. The compliance provisions agreed to by the conferees will recoup part of the revenues we originally envisioned from withholding.

The underground economy produces a tax loss to the U.S. Treasury of about $100 billion a year. We need $73 billion dollars of new revenue from 1984 to 1987 to meet the budget resolutions mandate. I believe we can meet that mandate Mr. President without having to resort to tax increases. Again, I commend Senator DOLE, Senator KASTEN and their staffs, for providing a responsible legislative resolution to this matter.

Mr. JEPSEN. Mr. President, I would like to express my support for the conference report on the repeal of withholding on interest and dividend income, as well as the Caribbean Basin Initiative. Finally we are going to repeal this obnoxious threat to honest savers, investors, and financial institutions. As one who opposed interest and dividend withholding legislation from the very beginning, this repeal will not come a moment too soon.

The considerable delay in resolving this issue has already generated much confusion and unnecessary expense. The conference report will lay the matter to rest once and for all. It will

be a very long time before anyone tries to impose interest and dividend withholding again.

The conference report includes another good provision; that establishing the Caribbean Basin Initiative (CBI). Given the many serious economic and social problems of the Caribbean, the CBI will undoubtedly prove mutually beneficial. The lowering of U.S. trade barriers is one good way to promote more economic and social stability in this strategic region.

The inclusion of backup withholding and the CBI make a Presidential veto very unlikely. I am glad President Reagan has demonstrated flexibility and reasonableness on this legislation. We should quickly pass this conference report and sent it to the President for his signature. Once again, time is running out.

I urge my colleagues to join me in voting for the repeal of withholding on interest and dividend income.

Mr. DOLE. Mr. President, if there are no other requests for time, I ask for the yeas and nays on the conference report.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the conference report. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from New Mexico (Mr. DOMENICI) is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Ohio (Mr. GLENN) and the Senator from Colorado (Mr. HART), are necessarily absent.

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

The result was announced—yeas 90, nays 7, as follows:

[Rollcall Vote No. 234 Leg.]

YEAS—90

Abdnor	East	Levin
Andrews	Exon	Long
Armstrong	Ford	Lugar
Baker	Garn	Matsunaga
Baucus	Goldwater	Mattingly
Bentsen	Gorton	McClure
Biden	Grassley	Melcher
Bingaman	Hatch	Mitchell
Boren	Hatfield	Moynihan
Boschwitz	Hawkins	Murkowski
Bradley	Hecht	Nickles
Bumpers	Heflin	Nunn
Burdick	Heinz	Packwood
Byrd	Helms	Pell
Chafee	Hollings	Percy
Chiles	Huddleston	Pressler
Cochran	Humphrey	Proxmire
Cohen	Inouye	Pryor
D'Amato	Jackson	Quayle
DeConcini	Jepsen	Randolph
Denton	Johnston	Riegle
Dixon	Kassebaum	Roth
Dole	Kasten	Rudman
Durenberger	Laxalt	Sarbanes
Eagleton	Leahy	Sasser
Simpson	Symms	Wallop
Specter	Thurmond	Warner
Stafford	Tower	Weicker
Stennis	Trible	Wilson
Stevens	Tsongas	Zorinsky

NAYS—7

Cranston	Kennedy	Metzenbaum
Danforth	Lautenberg	
Dodd	Mathias	

NOT VOTING—3

Domenici	Glenn	Hart

So the conference report was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

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

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT REQUEST

Mr. BAKER. Mr. President, I indicated earlier, much earlier, over the last several days, that at some point I wanted to try to get to the Radio Marti bill. I think that time to make the effort has probably arrived.

Let me describe the situation at this moment. The motion to proceed to the consideration of the agriculture target price bill is now the pending measure before us, is it not?

The PRESIDING OFFICER. It is.

Mr. BAKER. Mr. President, perhaps most Senators already know, and if they do not I would like to advise them, that negotiations have been conducted this morning with the Secretary of Agriculture and principals with respect to this bill and these measures on both sides of the issue and on both sides of the aisle.

I am advised that it would be the better part of discretion, and perhaps the best investment of the Senate's time, to not pursue this matter until Monday. That is not to say that it is likely that we are going to get an agreement; maybe we will not get an agreement at all. But it sounds like there is at least a possibility that something might be worked out that would let us pass a target price bill that did not create great controversy. I do not know anything about the bill, Mr. President, except that which I hear in debates, so I cannot testify to that personally. But I am persuaded that it is probably worth a gamble to lay this aside temporarily and go to something else and then get back on it after another conference is held between the parties on Monday.

Now what I would like to do at this point, then, Mr. President, and I do now ask unanimous consent that the pending motion be temporarily laid aside, that a call for the regular order will not bring it back, and that the Senate now proceed to the consideration of the budget waiver to accompany the Radio Marti bill. That budget waiver is Calendar Order No. 259, Senate Resolution 160.

The PRESIDING OFFICER. Is there objection?

Mr. MELCHER. Reserving the right to object, will the majority leader yield for a question?

Mr. BAKER. Yes; I yield.

Mr. MELCHER. I take it from what the majority leader has just stated, if this unanimous consent is agreed to, that he would not call up the H.R. 2733 motion to proceed again until sometime on Monday?

Mr. BAKER. That is my intention.

Mr. MELCHER. I thank the Senator.

Mr. BYRD. Mr. President, reserving the right to object, I must say to the majority leader I will need to do a little bit of further checking on this. Would he withhold his motion or withdraw it for the moment?

Mr. BAKER. Yes, Mr. President, let me leave the request pending. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BAKER. Mr. President, I think I may have overcomplicated the issue by including one step too many in my unanimous-consent request. The request I put was that we temporarily lay aside the motion to proceed on the target price bill, that the call for regular order would not bring it back, and that the Chair lay before the Senate the budget waiver. I strike that third provision on the budget waiver and renew my request now that we temporarily lay aside the motion and that a call for regular order will not bring it back.

The PRESIDING OFFICER. Is there any objection? Without objection, it is so ordered.

BUDGET ACT WAIVER

Mr. BAKER. Mr. President, I advised the minority leader that I intended to proceed in this way.

Mr. President, I now move that the Senate proceed to the consideration of Senate Resolution 160, Calendar Order No. 259, which is the resolution waiving section 402(a) of the Congressional Budget Act with respect to the Radio Marti bill.

The PRESIDING OFFICER. The motion is not debatable.

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BAKER. Mr. President, let me explain once more to the Senator from Connecticut the situation. And it is

the situation I described to him just a moment ago. What has happened now is we have temporarily laid aside the motion to proceed to the target price bill. I have just moved that the Senate proceed to the consideration of the budget waiver to accompany Radio Marti. That motion, under the act, is not debatable. If the motion carries—and I hope it will—then, under the Budget Act, there will be 1 hour of debate on the budget waiver. If the budget waiver is adopted, then I will make a motion to proceed to the Radio Marti bill itself. Of course, the motion to proceed is debatable without limitation as to time.

Mr. WEICKER. Mr. President, I say to my good friend, the majority leader, I did discuss the matter with him. I have no objection to the unanimous-consent request laying aside the pending business and moving on to the budget waiver. It is my understanding now that the motion we have, the motion to proceed, is nondebatable and could require a rollcall vote if requested. It seems to me there is enough business to do here without inconveniencing the Members at this juncture.

I fully expect, however, to use the 1 hour's time, and there might be a motion made during the course of that. So, with that understanding, I am prepared to proceed at this time.

Mr. BAKER. I thank the Senator.

Mr. WEICKER. Have there been persons designated on this budget waiver? Who controls the time?

Mr. BAKER. The time would be under the control of the majority and minority leaders or their designees. As far as I am concerned, I will designate the chairman of the Foreign Relations Committee on this side. I wonder if the minority leader—we need some way or other to divide the other half of the time, I believe, to be controlled by the Senator from Connecticut.

Mr. WEICKER. Or Senator ZORINSKY.

Mr. BAKER. Or Senator ZORINSKY.

Mr. BYRD. I designate Mr. LEAHY on this side to control the time.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

The motion was agreed to.

Mr. BAKER. Mr. President, the matter before the Senate now is the budget waiver, is that right?

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A resolution (S. Res. 160) waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 602.

The Senate proceeded to consider the resolution.

Mr. BAKER. Mr. President, I have designated the distinguished Senator from Illinois to manage the time on behalf of the majority leader.

Mr. PERCY. Mr. President, the budget waiver is necessary because of an amendment that was offered by the distinguished Senator from Florida, Senator HAWKINS, to provide up to $5 million for compensation for damages that may be incurred by radio stations whose broadcasts may be interferred with because of Radio Marti.

At this time, if no one else would like to speak, I could give, on that particular budget waiver and the technicalities of it, a little background on the Radio Broadcasting to Cuba Act. Not seeing anyone who desires to speak immediately on the waiver itself, I will proceed to do that.

RADIO MARTI

Mr. President, the Senate is about to consider S. 602, the Radio Broadcasting to Cuba Act. The purpose of this legislation is to provide for the communication of accurate information and ideas to the people of Cuba. In introducing this legislation this year, Senator HAWKINS noted that—

When this legislation is enacted, the Cuban people will finally hear the truth. Access to accurate news reports and varied opinions is something that we in the United States take for granted. We forget sometimes that the truth is a precious and rare commodity in countries where the government censors every broadcast and news report. For decades, the United States has provided the people of Eastern Europe and the Soviet Union an alternative to government propaganda, and now, at long last, we can provide the same to the people of Cuba.

I support that interpretation fully. I support the notion that the Cuban people have a right to know the truth. Radio Free Europe and Radio Liberty have played important roles in bringing accurate information and the truth to the people of Eastern Europe and the Soviet Union. We know in times of crisis, Eastern European listenership increases tremendously. Eastern Europeans know that their own governments simply do not tell them the truth.

They cannot find out what is going on in their own country. In the Soviet Union itself, while the war was raging in Afghanistan, when an invasion had been made of a Third World country, when there were deaths occurring on all sides, it was as if nothing was happening. All the world knew about it, except the people of the Soviet Union who knew nothing of what was going on. Only Radio Free Europe and Radio Liberty carried the voice of truth and fact into the Soviet Union and into Eastern European countries as to what was actually going on.

Similarly, we are not sure that Cubans are even aware—and the same kind of condition exists in Cuba as exists in other countries in Eastern Europe and the Soviet Union—we are not sure that our own neighbors, very close to us, off the Florida coast, are even aware that their Government does not tell them the full story about what the Government of Cuba is doing.

We are not sure that Cubans are aware that their Government does not tell them the full story. We do know, from interviews with Cubans who have come to this country, who came during the massive Mariel exodus, that the Cuban people are painfully unaware of what is happening in the world or what their Government is doing around the world or of how their own lives compare with the quality of living elsewhere in Latin America. Radio Marti will make this information available to the Cuban people.

Mr. President, it is time for us to pass this bill. It has been before us for a long time. The radio broadcasting to Cuba bill was dealt with at length in the last Congress. The House Foreign Affairs Committee and the House Committee on Energy and Commerce held extensive hearings on Radio Marti. The full House voted favorably on the bill by a margin of 250 to 134 on August 19, 1982. In July and August of last year, the Foreign Relations Committee held 3 days of hearings on Radio Marti. After detailed discussion of the various issues involved, the committee adopted several amendments to the House-passed bill and reported it favorably by a vote of 11 to 5. In spite of heroic efforts, it was ultimately not possible to hold the vote on the bill in the final days of the last Congress.

This year the Foreign Relations Committee again held hearings on Radio Marti. In the interim months, the administration worked with members of the broadcasting community and with Congressmen and Senators and perfected its own proposal. The Radio Marti bill we have before us today is a streamlined version that has taken into account a number of the issues and concerns raised by Members of Congress. The Foreign Relations Committee made minimal changes in the bill and reported it favorably on June 8, 1983, by a vote of 13 to 4.

The bill that we are considering today establishes additional functions under the Board for International Broadcasting so that it may undertake to provide for radio broadcasting to Cuba. Radio broadcasting to Cuba is to be undertaken in the same spirit and with the same high standards as Radio Free Europe/Radio Liberty. Thus, such broadcasting is to be a consistently reliable and authoritative source of accurate, objective, and comprehensive news about Cuba itself.

The bill provides that any broadcasting to Cuba on the AM frequency, other than that provided through leasing of commercial or noncommercial educational radio broadcasting stations, shall be limited to the 1,180 kilo-

hertz frequency used by the Voice of America at Marathon, Fla., and provides that the VOA Marathon facility may be used for the purposes of Radio Marti broadcasting.

The bill also provides funds for compensating U.S. radio broadcasting licensees for equipment and engineering costs that result from interference from Cuba that can be attributed to Radio Marti Broadcasting.

This bill deals with the major issues that were of concern to broadcasters last year. It provides for a specific frequency for Radio Marti—one that is already used for broadcasting to Cuba and which has not received noticeable interference in recent years—and it provides for compensation of stations that may have to undertake some equipment and engineering expenses if Cuba chooses to increase its interference in U.S. broadcasting as a result of Radio Marti programing.

Mr. President, at an appropriate time, I will offer an amendment to this bill to authorize expenditure of funds by the Board for International Broadcasting to implement radio broadcasting to Cuba. Such funds were intended to be authorized under S. 1342, the State Department/BIB authorization bill. As that bill has not yet come to the floor, we will need to provide for funding of Radio Marti in this bill. Other Senators may have amendments that we can entertain, too. However, I believe that the bill before us requires very little perfecting.

In conclusion, Mr. President, let me say that Radio Marti is designed to respond to a basic human need—the need to have access to information on events and policies that affect the lives of individuals. Freedom of information is recognized by every responsible individual and government in the world. This right has been denied to the Cuban people since Castro came to power in 1959. Radio Marti will help restore it. I ask my colleagues to support the passage of S. 602 as reported by the Foreign Relations Committee.

Mr. President, the budget waiver deals specifically with section 6 of our bill.

At this time, I would like to insert into the RECORD and I will read, for the benefit of our colleagues who are here and those who might be listening, section 6 of the committee report on this bill. This section is entitled "Facility Compensation."

SECTION 6—FACILITY COMPENSATION

This section states, in subsection (a), that it is the intent of Congress that the Secretary of State seek prompt and full settlement of U.S. claims against Cuba that may arise from Cuban interference with broadcasting in the United States, and that pending settlement of such claims, there should be interim assistance to broadcasters adversely affected by Cuban radio interference.

Subsection (b) provides that the Board for International Broadcasting make payments to U.S. radio broadcasting station licensees that apply for expenses incurred or to be incurred in mitigating the effects of Cuban Government activites caused by radio broadcasting to Cuba undertaken to implement the authorities established in the bill that result in direct interference with U.S. broadcasting. The expenses covered under the section shall be limited to costs of equipment (replaced less depreciation) and associated technical and engineering costs.

Subsection (c) provides that not later than 180 days after enactment of the Act, the Board for International Broadcasting shall issue regulations and establish procedures for carrying out the intent of the section.

Subsection (d) authorizes an appropriation to the Board of International Broadcasting of $5 million for use in compensating U.S. radio broadcasting licensees as provided in subsections (a) and (b). The amount appropriated is to be available until expended.

Subsections (e) and (f) state that authorities for facility compensation established in the bill shall enter into effect beginning in fiscal year 1984 and funds shall be available for a period of no more than 4 years following the initial broadcast of radio broadcasting to Cuba programs.

Mr. PERCY. Mr. President, seeing no request for time on the other side, I am happy to recognize my distinguished colleague from Florida, Senator PAULA HAWKINS, who has worked so closely with the Senate Foreign Relations Committee in drafting this legislation. She introduced the original bill and we were pleased indeed to offer her original bill as the bill on which we would vote in the Foreign Relations Committee. I commend her for her tenacity and her desire to see that the people of Cuba have the right to know the truth of what is going on in their country and what their country is carrying on as activities of intervention and disruption around the world at their cost and expense.

The PRESIDING OFFICER. The Senator from Florida.

Mrs. HAWKINS. Mr. President, I thank the esteemed chairman of the Committee on Foreign Relations. He has been a steady source of guidance, support, assistance, and great sympathy for this cause we are involved in at this time.

I would like to concur in his remarks on the budget waiver, which is what we are discussing at this point. I intend to hold off on my remarks pertaining to the merits of Radio Marti until the proper time, when we are on the bill itself.

As far as my amendment goes, Mr. President, which requires the budget waiver, we have had interference in Florida for over 15 years. It is nothing new. This is an amendment that would merely set aside a small pot of $5 million for stations that sought and received permission from the FCC to alter their facilities to overcome the effect of Cuban interference.

Mr. President, it is a logical amendment. It gives some redress to the problems that we have experienced throughout our entire State of Florida. There are other stations throughout the United States that have the same problem, so it is not restricted to Florida. The amendment was an important addition to the bill, and I believe that the budget waiver was both appropriate and reasonable.

I yield back my time to the chairman.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Connecticut.

Mr. WEICKER. Mr. President, will the Senator from Vermont yield me 5 minutes?

Mr. LEAHY. Yes, I yield 5 minutes to the Senator from Connecticut.

Mr. WEICKER. Mr. President, I oppose the legislation now before the Senate. I shall not address my remarks specifically to the budget waiver; we may as well get into the substance of this matter. I inquire as to whether or not the expenditure of moneys involved here is worth it insofar as the interests of the American people are concerned.

First, to my good friend from Illinois, I say let us get one point clear. He says the Cuban people have the right to finally hear the truth. Several months ago, I happened to spend a week in Cuba. Every evening, I would turn on my transistor radio and, lo and behold, guess what I was hearing? Miami radio stations, New Orleans radio stations, New York radio stations. Certainly, my good friend from Illinois does not mean to imply that American radio stations, privately owned in the free sector, are doing anything but broadcasting the truth. And believe me, all those radio stations are heard in Cuba, to a greater or lesser degree, as is the Voice of America. So, in terms of what is being heard in Cuba, I can assure my colleagues that what is being heard is, in good measure, the voice of this country, either through the Voice of America or through the private sector, various stations broadcasting from various American cities.

Mr. PERCY. Will the Senator yield for a question?

Mr. WEICKER. I certainly do yield.

Mr. PERCY. I would be very interested in knowing what it was that the distinguished Senator from Connecticut heard on these radio stations from Florida. As to VOA, we know what you hear there. You hear what is happening in the United States of America. VOA, by charter, does not get into those areas that Radio Liberty or Radio Free Europe get into. They have an entirely different mission. It is a window on the United States. They can, and that is why Radio Marathon beams 5 hours a day to give the truth about what is going on inside the United States. But the mission of Radio Liberty, Radio Free Europe, and

Radio Marti would be an entirely different mission, to carefully research and find out what is going on in Cuba, what Cubans are carrying on around the world. That is an entirely different mission which the Board for International Broadcasting is uniquely qualified to carry out.

I repeat my original question—was it rock and roll music, was it baseball games? That is not really the intent and purpose of the legislation before us. What was it the distinguished Senator heard on the Florida radio stations?

Mr. WEICKER. What the Senator from Connecticut heard was exactly what the Senator from Illinois hears when he turns his radio on in his automobile or his home—the news broadcast by American broadcasters, rock and roll, sports; indeed, the picture of life in this country and around the world that we all get when we turn on our radio stations. That is what the Senator from Connecticut heard. Indeed, when I left this country for a week, I would have preferred to hear some other culture than our own for a week. I did not. I heard our own culture.

I heard those broadcasts emanating from our news media, which I do not think are tainted or biased. It was quite an experience.

I am not saying that the reception was all that the Senator or I would want all the time. But I think it terribly important to differentiate between the situation in Cuba and that in Eastern Europe.

First of all, we are talking about an island 90 miles off our shore. Obviously——

Mrs. HAWKINS. Will the Senator yield just for a question?

Mr. WEICKER. Of course I yield.

Mrs. HAWKINS. Were the broadcasts he heard in English or Spanish?

Mr. WEICKER. I heard both, English and Spanish.

To my good friend from Florida let me say this: I, as much as she, feel that there ought to be an accurate picture of life within the United States and throughout the world broadcast to the Cuban people. Indeed, I think the time has come for the United States of America to fill a vacuum created by the lack of the presence of the United States of America in Cuba, because only if that happens can we get the Soviet Union out of our hemisphere. The way to do that is to start talking and start being there.

I ask my good friend from Florida and my good friend from Illinois, Why do we not go to Cuba? Why do you not go to Cuba? Why do you not start talking?

I ask my good friend from Florida, she has the largest Cuban constituency in the United States. I think it is high time the Cuban people had a chance to talk to the Senator from Florida on Cuban soil and the other Senator from Florida and the chairman of our Foreign Relations Committee.

I know of no substitute for the human presence insofar as getting our point of view across. But certainly, I do not accept as a substitute for this Senator or for the views of the American people radio broadcasts from a Government agency.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. WEICKER. I ask for 1 more minute, then I shall yield to my good friend, Senator ZORINSKY.

Mr. LEAHY. I yield 1 more minute to the Senator.

Mr. WEICKER. Mr. President, let us understand at the outset of this debate that some of us feel very passionately that there should be an activist role for the United States of America in Cuba, in the Caribbean, in Central America, and in South America.

It is not a propagandist role. It is a people-to-people, face-to-face role. We think that in the course of our foreign policy we have done an excellent job in placing the Cuban Government and people into a vacuum; that we have isolated them.

Well, what we have succeeded in doing is to isolate ourselves. Everybody is in Cuba, not just the Soviet Union. Walk the streets of Havana. The Spanish are there, the Italians are there, the French are there, the Canadians are there, the British are there, the Japanese are there—everybody is there except the United States of America. The manifestation of our presence is some name calling across the Florida Straits, hardly a foreign policy and hardly designed to get the Soviet Union out of our hemisphere.

The PRESIDING OFFICER. The 1 minute yielded the Senator has expired.

Mr. WEICKER. I yield at this time. I suspect there will be plenty of time to get further views across during the course of this rather lengthy debate.

I thank my distinguished friend, the Senator from Vermont, for the time that he gave to me, and I now yield.

Mrs. HAWKINS. May I ask if I could take 1 minute out of our time to go back to the radio stations that the Senator from Connecticut said were heard. I do not want to discuss foreign policy right now. I would just like to discuss the radio stations he heard, since we are discussing the budget waiver for radio stations that are involved.

He said they were English and Spanish, and then prior to that I think I heard the Senator say that the broadcasts predominately reflected our culture. Was this our culture on the Spanish stations and did the Senator learn where the Spanish stations orginate?

Mr. WEICKER. No; our culture of truth. In other words, you can turn on the radio and hear everything and anything. I do not need to spend $5 million and entrust it to some Government agency to start propaganda. I am talking about no difference than if the Senator turned on her radio driving from Jacksonville to Miami at night. She is going to get everything from all over the United States of America.

Mrs. HAWKINS. All on commercial stations.

Mr. WEICKER. I believe you get commercial stations. Where you get all of them, I do not know, but you get a broad spectrum of commercial stations. And the last thing you need is to start another station. You need that as much as we need another team in the U.S. Football League down there.

The PRESIDING OFFICER (Mr. HECHT). Who yields time?

Mr. LEAHY. Mr. President, I yield myself such time as I may require.

Mr. President, I rise to join with my colleagues on both sides of the aisle to question this waiver of the budget resolution.

There is a reason why we have to go through this exercise—to waive the budget resolution provisions. This procedure forces us to remember the budget process itself, the restrictions, the provisions, the discipline of the budget process.

The purpose of the budget process that the Congress has designed for itself is to make us look very carefully at each and every bill that costs the American taxpayer additional tax dollars.

It is the discipline of the budget process that makes us take another look, to ask the hard questions. Is this new program, this new agency, this new benefit worth the impact it will have on our record high budget deficits?

After all, we are not dealing with balanced budgets these days. Things have gotten out of control in Federal spending. One statistic alone puts our current situation in perspective:

> If the present deficit projections continue under a second Reagan Administration, the deficit for the eight year period will be more than the combined deficits from the era of President Washington to President Carter.

So here we are today, discussing yet another budget waiver, considering another bill which will add to the deficit. Although this bill does not have a billion dollar price tag, we all know that every million adds up.

I would hope that we take the budget process seriously today. I would hope that all Senators take a careful look at S. 602. Is this a cost effective approach? Are there better, and less costly ways, to achieve the goals of S. 602? I think there is.

The most basic question is, Do we want to add to the deficit with a new

program? A new program, I might add, that may have unlimited costs. There is a certain vagueness about the costs involved in Radio Marti. Is it wise for us to waive these provisions of the budget act when we are unsure about the cost?

This Democrat is concerned about the deficit. I have agreed to cuts in programs I care deeply about, I have even offered amendments myself to hold the line on spending. Recently I offered an amendment to cut foreign aid, although I have been a long-time supporter of our foreign assistance programs. But I felt that, to be fair, all federally funded programs, all agencies, should share the burden of reducing the deficit. No agency, not even the State Department, should be immune from budget discipline.

Thus, Mr. President, I rise today to express a bipartisan concern about this budget waiver and the underlying bill on Radio Marti.

Mr. President, I will make a few points in amplication of my statement.

I find myself constantly called upon in the Senate to vote to cut programs that I happen to like, programs that I have long supported, programs of necessity to my own State of Vermont as well as in some instances the States of the other 99 Members of this body.

I do that because of the horrendous deficits this Nation is facing, deficits which under the President's budget have doubled in the course of his term in office. If you take all of the deficits from George Washington's time straight through President Carter's time and put them all together, they are double. And to continue to vote for things that add to that deficit is unwise.

Radio Marti is just another one of those examples. We could expand the Voice of America, if we are really serious about this. It has had a credible life. At least until of late it has been seen as an aboveboard, nonpartisan, factual news-reporting organization. But instead, we want to go to Radio Marti, which almost begs the Cubans to come out with something like Radio Lincoln to blast back at us. Because of the controversy it has created, it will be labeled as purely a propaganda tool. That will hurt its own credibility in Cuba, a country that already listens to American radio stations, which are, after all, only about 90 miles away, in the same way those of us who are from rural areas are used to listening to the radio stations of other areas.

The Senator from Connecticut made a very good statement—that we ought to expose them to our own views. We could do that. Spending more time talking to them does not mean we agree with them. We must tell them where we disagree. We must make it very clear, very open to the people of Cuba that we do disagree with their government, but we should not do it in this way, in a way that almost walks into the arms of the Castro government. It gives them a propaganda tool of their own. They will be able not only to block Radio Marti if they want, but in those times when the signal is able to get through they could label it for what it is, an extraordinarily expensive propaganda tool that will not be effective.

The other problem about it, of course, is that not only will they not be hearing Radio Marti, but people in the United States who happen to have a local radio station on the same frequency being used by Radio Marti will probably hear nothing when they turn on their radio station except static or extraneous noises, because Fidel Castro will have absolutely no compunction whatsoever about setting up jamming stations. They will jam not only the frequency used by Radio Marti but just about every other radio station in the United States using the same frequency.

So we are talking about $5 million to assist broadcasters in making technical adjustments to cover that kind of jamming operation. And that is only the tip of the iceberg. There is an awful lot more to it. The waiver does not consider the cost of operating Radio Marti. The administration requested $9,697,000 for fiscal year 1984 alone, and that is more than twice the cost of simply expanding the Voice of America program, something with some credibility.

The State Department recently declassified a document which said that in their judgment, if the decision is made to establish this radio system:

> We believe Cuba will retaliate by increasing its current level of interference with U.S. AM broadcasting operations. Potentially, about 20 percent or 1,200 U.S stations could be adversely affected. The economic loss generated by Cuban retaliation affecting 1,200 stations could itself run several hundred million dollars a year.

And who is going to pay for the several hundred million dollars a year in losses to our commercially owned radio stations, to our own free enterprise system? It is not going to be Fidel Castro. It is going to be, once again, the U.S. taxpayers. It will be the owners of those stations. It will be the people that they work for. It will ultimately be the taxpayers of the United States. And out of it we get nothing.

We have many boondoggles that come to the floor of the Senate. We have those who seem to work overtime to figure out useless ways to spend the taxpayers' money, but whoever dreamed up this idea ought to be given some compensatory time off. I cannot think of anything that would not only guarantee that we will spend far more money than we say we are going to but can guarantee that we will waste the money at the same time. It is not always that we get that perfect combination in our spending fever. Many times we spend the money but waste it. Other times we end up spending twice what we said we would. This time we do both. To that extent, this is the one respect in which Radio Marti is perfect. Other than that, it fails.

I notice my good friend from Nebraska is in the Chamber. Unless somebody on the other side is looking for time, I yield to my friend from Nebraska.

Mr. ZORINSKY. I thank the Senator from Vermont. I appreciate his yielding the floor to me.

Mr. President, I oppose the proposed waiver of the Budget Act for Radio Marti.

The waiver applies to $5 million authorized in the bill to assist broadcasters in making technical adjustments to overcome the Cuban interference expected as retaliation for Radio Marti. This $5 million, however, is the mere tip of the iceberg of the cost associated with this particular piece of legislation. The failure of the waiver resolution to include the total costs is deceptive in extreme.

The proposed waiver does not consider the costs of operating Radio Marti itself, for which the administration has requested $9,697,000 for fiscal year 1984. The outyear costs will be only slightly less.

I should point out that the $9,697,000 for Radio Marti is more than twice the cost of the alternative route for broadcasting to Cuba—and is, the expanded Voice of America programming.

I know the age-old argument, that that is not VOA's mission, that type of program. I have talked to a lot of people back home over several recesses, especially a few months ago, when VOA first reared its head on the floor of the Senate, and they said, "Well, don't we own Voice of America?"

I said, "Who owns Voice of America?"

They said, "The United States Government."

I said, "Yes."

They said, "Well, then, what are all these arguments that VOC can't broadcast that type of programming to Cuba?"

The last time I looked at my salary check, it bore the same words as the salary checks of the opponents to this bill. The words "United States Government, Department of the Treasury," are on their checks as well as on my check.

The missions can be changed by the Senate, by Congress, for one valid reason, and that is to save the money of some poor taxpayers who are having one terrible time in meeting their tax obligation to this Government, only because this Government

has forgotten how not to stop spending money foolishly.

We are looking at a $180 billion to $200 billion deficit in the 1984 budget. We have been spending, for many years, money we do not have. So what is a few more dollars to spend? Then we can turn around and say we need a separate radio station because that is not the primary mission of VOA, for which we already spent the money of these poor taxpayers. So let us reinvent the wheel, let us reinvent the radio station, let us spend more and more money, let us hire more people, and let us pay more Government pensions when those people in Radio Marti retire, and let us have the taypayers pay us more money.

I think the taxpayers are sick and tired of our inventing more ways for them to get rid of their money. I think what the people of America want today is reduced Federal spending, and we can accomplish this mission. If we ever get to that point, I have an amendment which proposes to do just that.

As my colleagues on the Foreign Relations Committee are fully aware, the amendment I proposed failed by one vote in committee. We lost that amendment by a vote of 9 to 8, which I think is just as close as you can lose that type of amendment in committee.

I believe that amendment may have a great deal of merit. When it comes time for that amendment, if the time does arrive on the floor of the Senate for me to offer that amendment, I will go into a great deal of depth with respect to that amendment, to fully explain to my colleagues how you can get the same results by spending half the money. I am sure you would get a God bless you from the taxpayers of this country for taking the opportunity to relieve them of a double tax burden.

The proposed waiver we are considering does not consider the cost of operating Radio Marti itself. I want to reemphasize that. The Cuban retaliation to Radio Marti is certain to do a gerat deal of damage to the U.S. AM broadcasters.

The National Association of Broadcasters has done a study of the effects of potential Cuban interference on just 17 stations and found that the lost advertising revenue alone could range from $50,000 per year for one station to $10 million per year for another station, depending on the density of the listener market.

Mr. LEAHY. Mr. President, will the Senator yield for a question?

Mr. ZORINSKY. I am happy to yield.

Mr. LEAHY. The figures that the Senator from Nebraska has just cited—that is above and beyond the amount he has already said the taxpayers would be saddled with on the operation, costs, salaries, maintenance, and everything else on Radio Marti, is it not?

Mr. ZORINSKY. Most certainly. This is the additional exposure and liability in the event there is retaliation with respect to Radio Marti.

Mr. LEAHY. And these are private owners whose livelihood, in effect, is being taken from them by actions over which they have no control. Is that correct?

Mr. ZORINSKY. This is due to the intervention of the good old U.S. Government, once again interfering in a marketplace where people who are in the broadcasting business have saved all their lives, amortized transmission equipment, hired people, paid them salaries, created American taxpayers to pay taxes to this Government. They have gone out, in fact, and signed long-term contracts for advertising and for broadcasting baseball games, football games, hockey games, any other type of sports and athletic events, and numerous other things that the broadcasting industry does.

All of a sudden, the Federal Government steps in and says, "Well, it's time for us to get the truth into Cuba, and we're going to expose you, as a taxpayer and businessman, to going out of business; and you will have to refund your advertising if it is not heard by the subscribers and the listeners of this station."

Mr. LEAHY. I thank the Senator.

Mr. ZORINSKY. A recently declassified State Department document reveals the Department's judgment that:

If the decision is made to establish a Radio Free Cuba (RFC), we believe Cuba will retaliate by increasing its current level of interference with U.S. AM broadcasting operations. Potentially about 20 percent, or 1200, U.S. stations could be adversely affected.

This is a judgment that was declassified by the U.S. State Department.

The economic loss generated by Cuban retaliation affecting 1,200 stations could run several hundred million dollars a year. In the end these costs almost surely will be borne by the taxpayers. Indeed it would be grossly unfair to ask private businessmen to absorb the costs of this foreign policy exercise.

Mr. President, the total costs of Radio Marti will run into the hundreds of millions of dollars. We should consider carefully whether we want to vote for this extravagance, especially at a time of record budget deficits and continued high unemployment. We should also consider whether we want to buy this gold-plated radio station when there is, in the VOA option, a much less costly means to accomplish the same objective.

It is outrageous, however, that the budget waiver does not consider the full compensation expenses likely to be borne by the taxpayer, or even the cost of setting up and operating the station. I urge this budget waiver be defeated so that the Foreign Relations and Budget Committees have the opportunity to study the issue and come forward with a waiver that accurately reflects the real costs of Radio Marti.

I do not think anyone on the opposition side to Radio Marti wants in any way to impair the truth from being heard in Cuba. I think we would like to have the truth heard throughout the world because that is what our society is all about.

I might point out with respect to the comments made by my colleague from Connecticut, Senator WEICKER, when he indicated that he had visited Cuba and heard on his transistor radio both in Spanish and in English the transmissions of numerous radio stations emanating from the U.S. geographical boundaries the fact that during the testimony of Radio Marti in the Foreign Relations Committee it was brought out that the mission of Radio Marti will be to expose to the Cuban people the true events taking place in Cuba. In deference to that my colleague from Illinois, the chairman of our Foreign Relations Committee, pointed out that the mission of VOA is different in that it transmits the happenings in the United States of America.

I simply wish to point out that in testimony in committee it was stated that the mission of Radio Marti would be to transmit such news, for instance, as the fact that Cuban soldiers are involved in Angola, which they intimated was being kept back from the Cuban people, and that there were Cuban soldiers being killed in Angola, and it was intimated in committee hearings that the Cuban people were not aware of this; therefore, we needed Radio Marti to tell them about that.

One of the places I quickly heard about involvement of Cuban troops in Angola was on the news on an American radio station, in addition, of course, to reading the printed news media and, as was stated in testimony in the committee, the fact that a member of the National Association of Broadcasters did the same thing LOWELL WEICKER did, went down, visited Cuba, in fact I entered that as testimony into the record in the Foreign Relations Committee, giving even the station call numbers and what cities they were from, so that whole log is in the record if any of my colleagues would take the time to look at it. They were hearing the normal, regular news, including the fact that Cuban troops were in Angola fighting and dying. The same thing for free for the American taxpayer was done by a private station as what we are attempting to reinvest by re-creating Radio Marti.

Mr. President, I yield the floor to the distinguished Senator from Vermont.

Mr. LEAHY. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. PERCY. Mr. President, if our intention is to move forward to a vote on the budget waiver, we could continue to fill up the time, but I just would be prepared to yield back the remainder of our time if the opposition would be willing to yield back the remainder of their time and just go to a vote.

Mr. ZORINSKY. Mr. President, how much time do we have remaining on our side?

The PRESIDING OFFICER. The Senator from Vermont has 3 minutes and 3 seconds remaining.

Mr. LEAHY. Mr. President, if I might hold just for a moment on that, I shall quote from the writings of Jose Marti:

". . . Even in the United States today there may be a prevalence of this most human and virile (although always egotistical and victorious) element of the rebellious colonist, . . . which consumed the native race, fomented and lived off the slavery of another race and reduced or robbed the neighboring countries—has been sharpened rather than softened by the continuous grafting of the European hordes, a tyrannical breeding of political and religious despotism whose only common quality is the appetite amassed by exercising over the rest the authority that was exercised over themselves. They believe in need, in the law of the jungle, as the the only law: "This will be ours because we need it." They believe in the invincible superiority of 'the Anglo-Saxon race over the Latin.' They believe in the inferiority of the Negroes, whom they enslaved yesterday and are criticizing today, and of the Indians, whom they are exterminating. They believe that the Spanish American peoples consist mainly of Indians and Negroes."

"The tyranny of the political sphere".

The Americans' "narrow, egotistical concept of life".

"The North (USA) had been dreaming about these dominions from the cradle, with Webster's 'great light of the North'; with Sewall's statement on everyone's lips, 'the entire continent is yours, without limits'; and with Douglas' 'trade alliance'. And when a thoroughly rapacious nation reared in the hope and certainty of possessing a continent reaches this state of mind spurred on by its jealousy of Europe, by universal ambition, by a need for the false production it believes must by maintained (and even increased) in order to keep its influence and high standard of living—then it is urgent to put as many restraints on it as can be concocted. . . ."

"The North has been grasping and unfair, . . . obdurate and full of hate".

"Brutal and turbulent North".

"I have lived in the monster and I know its entrails".

Mr. President, I state also that if we reach a point where we are voting on Radio Marti, at that time I will seek adoption of an amendment which says:

Nothing in the act will be construed as an endorsement by the United States Government or the American people of the anti-American statements, writings, or philosophies of Jose Marti.

I found his reference to us as a racist nation to be extremely objectionable and I do not wish to have those statements made without challenge.

Mr. WEICKER and Mr. PERCY addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. PERCY. Mr. President, if the Senator will yield for a moment, I did indicate before that I was prepared to yield back the remainder of my time, but the Senator from Florida (Mr. CHILES) has indicated a desire to speak. Before the distinguished Senator from Connecticut makes his motion would he permit the Senator from Florida to be heard?

Mr. WEICKER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WEICKER. Mr. President, what is the situation timewise?

The PRESIDING OFFICER. The Senator from Illinois has 14 minutes and the Senator from Vermont has 2 minutes and 35 seconds remaining.

Mr. WEICKER. I have no objection.

Mr. CHILES. Mr. President, I say to my distinguished chairman of the Foreign Relations Committee if we are about ready to go to a vote on this I do not mind. I know there will be other opportunities for me to speak in this area.

Mr. PERCY. I am afraid there will be.

Mr. CHILES. I do not need to prolong this vote, I do not think.

I would just say that this is on the budget waiver. I think this is perhaps not the place to fully debate the merits of this bill, although we have already sort of embarked into that. But I think there is every reason why the budget waiver should be adopted in this instance and that we should go forward and debate this bill on its merits.

Mrs. HAWKINS addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. PERCY. Mr. President, I think if the Senator from Connecticut wishes to make his motion he may do so now.

Mr. WEICKER. Mr. President, I move to recommit the pending resolution to the Committee on Foreign Relations and I ask for the yeas and nays.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the Budget Act there are 20 minutes of debate on the motion.

Who yields time?

Mr. PERCY. Mr. President, I shall be very brief. The motion to recommit the bill is absolutely unnecessary. I think it is the duty of Senators to face an issue up or down. This matter has been debated fully. As I have indicated previously we have had 3 days of hearings.

Every amendment that could be offered has been offered. Some have been accepted, some have been rejected, some accepted by substantial margins, some rejected by narrow margins such as the amendment offered by our distinguished colleague and member of the committee, the Senator from Nebraska. But we have had votes up or down. The bill still has been sent to the floor and it is now up to the Senate to make a decision yes or no. Do we go ahead with this program or not? The Foreign Relations Committee has done its work. It does not intend to hold any further hearings. There is nothing to be said that has not been already said and if there is something new to be said, it can be said here on the floor. The majority leader has now made available time for the Senate to do that.

I might say that he has done so because of the urgency he feels in this matter. But we have many other things to be done in the Senate. We have the State Department authorization bill, we have our whole military security assistance program, our foreign aid bill. That authorization must be acted on in order for the authorization process to work, and we certainly need to proceed to the work of the Senate, so that I would hope we would get to this measure, vote it up or down one way or the other. Let the die be cast. But to take the time of the Senate now to vote on a motion to recommit the bill to the committee when the committee does not want it back, when the committee has spent its time, its energy, its effort, has come to its decison and has made its recommendation to the Senate.

Now it is time for the Senate to operate. That is the way the committee process works. We are subverting that process with what I consider to be an unnecessary vote, and I shall certainly vote against recommittal, and I urge my colleagues if you believe in the committee system and you want to see the work of the Senate proceed that we vote against this motion to recommit the bill.

Mr. WEICKER. Mr. President, if I might, I yield myself such time as I may use.

To my distinguished friend from Illinois I will tell you why this motion was made. I do not believe in frivolous type amendments here on the floor. I

suggested this might be recommitted to his committee for the following reason: I note in the report of the Foreign Relations Committee on page 12—and you might want to avail yourself of a copy of your report on page 12—I wonder if I might get the attention of the chairman of the Foreign Relations Committee.

Mr. PERCY. The chairman is listening intently.

Mr. WEICKER. Page 12, the estimated costs to the Federal Government, you have in there fiscal year 1984, $5 million. In the bill which you have here before the Senate, "This act shall enter into effect on October 1, 1984," that would mean in other words, we are talking about fiscal year 1985. I was wondering, in other words, are we talking about an expenditure of funds in fiscal 1984 as called for by the report or an expenditure of $5 million in fiscal year 1985 as is in the legislation before the Senate? That is obviously a very serious discrepancy.

Mr. PERCY. Yes. It depends obviously on when the radio broadcast actually gets under way. It depends also on actions possibly taken by Cuba which may or may not be taken. We just simply do not know. Then it depends upon an analysis which is to be made by broadcasters as to what equipment they need to protect themselves against the interference signals being sent by Cuba. The figure $5 million was provided as the best estimate and reasonable judgment that could be derived by the distinguished Senator from Florida, concurred in by the committee by majority vote, the $5 million was an adequate sum to provide in the fiscal year beginning October 1, 1983.

Mr. WEICKER. But to my good friend from Illinois the report is supposed to jibe with the bill before the Senate maybe some staff errors occurred. Would the distinguished Senator from Illinois care to amend his legislation in order to have it properly set forth as to what we are talking about, fiscal year 1984 or fiscal year 1985?

Mr. PERCY. I would only repeat what I did indicate in my previous statements that I intend to offer an amendment to provide authorizing legislation for Radio Marti beginning in 1983.

Mr. WEICKER. So, in other words the Senate is discussing fiscal year 1984.

Mr. PERCY. For the operation of Radio Marti, that is correct.

Mr. WEICKER. Yet the bill calls for fiscal year 1985, so there is a mistake and that is why I am trying to be of assistance to my good friend from Illinois suggesting this bill be recommitted, obviously drawn up in haste for whatever reason, to accommodate the administration, to accommodate members of the committee, but obviously drawn up in haste and in error, and this will afford the committee an opportunity to square out the report with the bill before the Senate.

Mr. ZORINSKY. Will my colleague yield?

Mr. WEICKER. I yield to the distinguished Senator from Nebraska.

Mr. ZORINSKY. I agree, not so much with drawn up in haste but I think there is a lot of sloppy work done here inasmuch as the chairman—I would like to ask the chairman of our Foreign Relations Committee why was not also put in here the cost of operation of Radio Marti. You have the cost of the exposure in the event there is a jamming of the stations, but why was not the cost of operation put in here as in all well-prepared budget presentations?

Mr. PERCY. That provision can be taken care of and an amendment will be offered.

Mr. ZORINSKY. Well, everything can be taken care of after the—the point I make is this was either hastily drawn up or sloppily drawn up to the extent that is was not included and now can be taken care of which raises the question in my mind of how many other items will we have to rectify because the proper work was not done initially, so I think the recommittal effort is one that makes sense not only from the point of proper legislation but one in refinement that I think is very necessary because I am sure my colleagues in the Foreign Relations Committee did not intend for this type of sloppy work to appear on the Senate floor.

Mrs. HAWKINS addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. PERCY. I yield such time as the Senator may require.

Mrs. HAWKINS. I feel the conversation before us is rather frivolous and dilatory and I move the Senator from Connecticut's motion be tabled and I ask for the yeas and nays.

The PRESIDING OFFICER. A motion to table is not in order while time remains on the motion to recommit.

Mr. LEAHY. Parliamentary inquiry. Did I understand the chairman to say that the motion to table is not in order at this point?

The PRESIDING OFFICER. The motion to table is premature as time remains.

Mr. LEAHY. Would also the call for the yeas and nays be premature at this time?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. ZORINSKY. Will the Senator from Vermont yield me 30 seconds?

Mr. LEAHY. Yes.

Mr. WEICKER. I yield 1 minute.

Mr ZORINSKY. I would like to point out in all good faith there is no intent on my part to add any dilatory tactics at this point inasmuch as there is a time limit and we can consume, am I correct in asking the Chair, we do have 20 minutes to debate this subject?

The PRESIDING OFFICER. There are 20 minutes to the opposition.

Mr. ZORINSKY. So therefore it is not an open-ended debate and for us to be accused of open-ended dilatory tactics I think is not in keeping either with our intent at the present time under the rules of the Senate.

Mr. CHILES. Will the Senator yield?

Mr. ZORINSKY. Yes.

Mr. CHILES. I think dilatory was not the 20 minutes but I think dilatory was sending this bill back to the committee is where the dilatory was. I do not think it was the 20 minutes' debate. I think the Senator, both Senators, from Florida would be very happy to give 20 minutes of debate, make that 2 hours or make it 20 hours. I think our concern is whether or not we should have just a delay by sending this bill back to committee.

The PRESIDING OFFICER. The 1 minute has expired.

Mr. CHILES. As an attempt to keep the majority from working its will on the floor of the Senate.

The PRESIDING OFFICER. Who yields time?

Mr. WEICKER. I might add in explanation what is transpiring on the floor. So far the only dilatory tactic has been a motion made by the Senator from Florida that was clearly out of order to start with, so that we consumed all this time on something that should never have come to pass in the first instance.

Mr. CHILES. Well, the Senator from Connecticut would have to agree I think there has been no motion made.

Mr. WEICKER. Right.

I yield to my colleague from Nebraska.

Mr. ZORINSKY. I would just like to reply there has been quite obviously an omission in what has been presented to the Senate floor and I think that is why it makes good sense for recommittal to have the Foreign Relations Committee rectify what it has ommitted. There is no reason at all why the cost of this bill should not be in this budget, no reason at all. We discussed it for months and months, and it is either sloppy work or bad work or something that has not been presented to the U.S. Senate, and I think we are entitled to have something on the floor to debate or pass or turn down and, as you say, let the Senate work its will, but in its entirety instead of having to patchwork it here on the Senate floor.

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. WEICKER. Mr President, the Senator from Connecticut is not implying any omission of commonsense on the part of the Foreign Relations Committee. He is not implying any omission of fact or any omission of logic or any omission of sensible foreign policy. I am not implying any of these things.

The Senator from Connecticut is being very specific when he says there is an error between the report and the bill. The Senator from Nebraska is being very specific when he says there are certain costs that are not enumerated in the report. That is what we are talking about.

Mr. LEVIN. Mr. President, I am voting in favor of the motion to waive the Budget Act so that we will be able to consider the legislation to establish Radio Marti. I believe that the debate on this legislation should begin, and in order to be in a position to do that the Senate must waive the Budget Act.

I begin with the inclination to vote against this legislation. But I believe that both sides have the right to present their best case, and that we should have the benefit of hearing both sides.

The PRESIDING OFFICER. Who yields time?

Mr. CHILES. How much time remains, Mr. President?

The PRESIDING OFFICER. The Senator from Illinois has 6 minutes and the Senator from Connecticut has 30 seconds remaining.

Who yields time?

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

The PRESIDING OFFICER. The Senator has insufficient time to suggest the absence of a quorum, unless he asks unanimous consent to do so.

Mr. WEICKER. If no other Senator desires to speak, I have nothing further to say. I am really trying to protect the Senator from Illinois.

Mr. PERCY. Mr. President, if the other side has used up all of its time, I am prepared to yield back my time so we can go right to a vote.

The PRESIDING OFFICER. Does the Senator yield back his time?

Mr. PERCY. Has the other side used up all of its time?

The PRESIDING OFFICER. All time has been used up.

Mr. PERCY. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the motion to recommit. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. I announce that the Senator from New Mexico (Mr. DOMENICI), is necessarily absent.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from New York (Mr. MOYNIHAN), are necessarily absent.

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

The result was announced—yeas 33, nays 61, as follows:

[Rollcall Vote No. 235 Leg.]

YEAS—33

Andrews	Durenberger	Mitchell
Baucus	Eagleton	Pell
Biden	Exon	Proxmire
Bingaman	Ford	Pryor
Boren	Grassley	Randolph
Bumpers	Inouye	Riegle
Burdick	Jepsen	Sasser
Byrd	Lautenberg	Stafford
Cochran	Leahy	Tsongas
Danforth	Mathias	Weicker
Dixon	Melcher	Zorinsky

NAYS—61

Abdnor	Hecht	Nunn
Armstrong	Heflin	Packwood
Baker	Heinz	Percy
Bentsen	Helms	Pressler
Boschwitz	Huddleston	Quayle
Bradley	Humphrey	Roth
Chafee	Jackson	Rudman
Chiles	Johnston	Sarbanes
Cohen	Kassebaum	Simpson
D'Amato	Kasten	Specter
DeConcini	Kennedy	Stennis
Denton	Laxalt	Stevens
Dodd	Levin	Symms
Dole	Long	Thurmond
East	Lugar	Tower
Garn	Matsunaga	Trible
Goldwater	Mattingly	Wallop
Gorton	McClure	Warner
Hatch	Metzenbaum	Wilson
Hatfield	Murkowski	
Hawkins	Nickles	

NOT VOTING—6

Cranston	Glenn	Hollings
Domenici	Hart	Moynihan

So the motion to recommit Senate Resolution 160 was rejected.

Mr. ZORINSKY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. ZORINSKY. I yield to the Senator from Connecticut.

Mr. WEICKER. Mr. President, I move to recommit the pending resolution to the Budget Committee with instructions to consider the full budgetary impact of the committee amendment, and I ask for the yeas and nays.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. ZORINSKY. Mr. President, I yield 2 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut, having made the motion, controls the time.

Mr. WEICKER. Mr. President, I am sorry; I cannot hear the Chair.

The PRESIDING OFFICER. There will be order in the Senate.

The Senator from Connecticut as a proponent of the motion controls the time, which is 10 minutes.

Mr. WEICKER. Mr. President, I yield to myself 3 minutes.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. WEICKER. Mr. President, I wonder if we might have order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. WEICKER. Mr. President, I believe section 6 of S. 602 is in violation of the Budget Act, section 303(a)(4). This section of the Budget Act states that the "First Concurrent Resolution on the Budget must be adopted before legislation providing new budget authority, new spending authority or changes in revenues or public debt limit is considered." Section 303(a)(4) reads:

It shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution (or amendment thereto) which provides (4) new spending authority described in section 401(c)(2)(c) to become effective during a fiscal year; until the First Concurrent Resolution on the Budget for such year has been agreed to pursuant to section 301.

Mr. President, I do not think the Senate is in order.

The PRESIDING OFFICER. The Senate will be in order. Senators will take their seats.

Mr. WEICKER. I repeat, Mr. President, I do not think the Senate is in order.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Connecticut is recognized.

Mr. WEICKER. I thank the Chair.

In essence, section 401(c)(2)(c) describes an entitlement. I asked the American Law Division of the Congressional Research Service to analyze section 6 of S. 602 to verify my suspicions that this does, indeed, create a new entitlement.

This is an entitlement. Therefore, it is a violation of section 303(a)(4) because section 6(f) states, "this section shall enter into effect on October 1, 1984." This, of course, is fiscal year 1985, and we obviously have not agreed to the first concurrent resolution for fiscal year 1985.

Let me read the section, if I might, Mr. President, which we are discussing.

"(b) Accordingly, the Board for International Broadcasting shall make payments to the United States radio broadcasting station licensees upon their application for expenses which they have incurred or will incur in mitigating, pursuant to special temporary authority from the Federal Communications Commission, the effects of activities by the Government of Cuba which di-

rectly interfere with the transmission or reception of broadcasts by these licensees. Such expenses shall be limited to the costs of equipment (replaced less depreciation) and associated technical and engineering costs.

Mr. President, that in effect creates an entitlement, so let us understand that for all the talk as to how carefully prepared this was by the Foreign Relations Committee, we pointed out prior to the last vote that the report refers to fiscal year 1984, while the bill has in it language which authorizes the moneys in fiscal year 1985. By the same token, there was no estimate of the costs involved in the operation as was pointed out by the Senator from Nebraska (Mr. ZORINSKY).

Again, I have to repeat that in this particular instance obviously the substance of the Foreign Relations Committee report is not involved. It is the motion to recommit to the Budget Committee. But this is far more serious in terms of it creating an entitlement. This is something that is within the province of the Budget Committee's work, and I suggest has not properly been taken into account in the course of the preparation of the report or the bill itself.

Mr. President, I believe I yielded myself 3 minutes. Is that 3 minutes up?

The PRESIDING OFFICER. The Senator has used 3 minutes.

Mr. WEICKER. Does the Senator from Iowa care for time at this juncture?

Mr. GRASSLEY. In about 5 minutes.

Mr. WEICKER. Mr. President, I am greatly disturbed that this body is apparently quite prepared to take so lightly the creation of a new entitlement. I do not know, short of using the word "entitlement," that section 6(b) could be more clear or definite in creating an entitlement. Subsection (b) states:

Accordingly, the Board for International Broadcasting shall make payments to the United States radio broadcasting station licensees upon their application for expenses which they have incurred or will incur in mitigating, pursuant to special temporary authority from the Federal Communications Commission, the effects of activities by the Government of Cuba which directly interfere with the transmission or reception of broadcasts by these licensees. Such expenses shall be limited to the costs of equipment (replaced less depreciation) and associated technical and engineering costs.

This says "shall make payments." It does not say "may make payments." It says "shall."

In no way do subsections (c) and (b) take away from the strength of this entitlement. Subsection (c) merely points out that "the Board for International Broadcasting shall issue regulations and establish procedures for carrying out this section * * *." This does not suggest that the Board has any discretion whether or not to make payments, only that it shall decide how to carry out this mandate. Subsection (d) only sets out how much shall be available to carry out this obligation of the United States during fiscal year 1985. It does not in any way erode the force of subsection (b) which establishes an entitlement for broadcasters harmed by interference.

Therefore, I urge my colleague to send this resolution back to the Budget Committee so that they can reconsider this apparent violation of the Budget Act.

The PRESIDING OFFICER. Who yields time?

Mrs. HAWKINS. I yield to the Senator from Idaho.

Mr. SYMMS. Mr. President, the Senate has just spoken on this issue. We voted on a very similar motion just preceding this, and the vote was more than 2 to 1. In order to expedite things—it is obvious that we are in a delaying procedure, which is fine; my colleagues certainly are entitled to use the rules of the Senate—I will suggest that we vote on this issue immediately and get on with the procedural matter so we can get this very important matter before the Senate. Then we can actually have a full-scale debate on the issue. Unless the distinguished Senator from Florida wishes to say anything, my recommendation would be we bring this to a vote.

Mrs. HAWKINS. How much time remains, Mr. President?

The PRESIDING OFFICER. The Senator from Florida has 9 minutes remaining. The Senator from Connecticut has 5 minutes remaining.

Mr. SYMMS. I yield the floor.

The PRESIDING OFFICER. Who yields time?

If neither side yields time, time will run equally against both sides.

Mr. WEICKER. I yield myself 1 minute.

Mr. President, I want to point out to my colleagues that at any time during the course of this debate the proponents of this measure want to carry out this activity through the means of the Voice of America, I am sure that those of us who stand in opposition at this time could accommodate them. There is absolutely no necessity to set up a new entity, at enormous cost to the taxpayers, when we have that vehicle in the Voice of America.

Indeed, the House committee the other day insisted that the activities to be carried out will be carried out either through shortwave or the Voice of America. So it is not that there is not an alternative. There is, through an established medium.

The fact is that this narrow piece of legislation, which is rather broad in its expense, obviously has certain political ramifications. I do not think the people of the State of Connecticut or the other States of the Union should pay for the political aspirations of national and local candidates.

There is no necessity to create another vehicle to accomplish the ends desired by the majority of the Foreign Relations Committee.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. WEICKER. I yield myself 30 seconds.

So I repeat to my colleagues: At such time as anyone wants to arrive at an accommodation to achieve a particular purpose, to have it achieved through the Voice of America, speaking for this Senator, at least, I will be glad to accommodate that point of view.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. Mr. President, will the Senator from Connecticut yield?

Mr. WEICKER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. WEICKER. I yield 2 minutes to the distinguished Senator from Iowa.

Mr. GRASSLEY. I am not going to use my time. Mr. President.

The PRESIDING OFFICER. Who yields time?

Mrs. HAWKINS. Mr. President, I feel that any further statements made, even in answer to many of the arguments that have been made by the opposition which have been left unanswered, unnecessarily delay the Senate at this time.

I yield back my time.

The PRESIDING OFFICER (Mr. ABDNOR). The Senator from Connecticut has 2 minutes remaining.

Mr. WEICKER. Mr. President, in response to the comments made by the distinguished Senator from Idaho (Mr. SYMMS), this is in no wise the same subject discussed with respect to the last vote. The Senator from Idaho was not on the floor at the time of the debate and specifically referred to the fact that the Foreign Relations Committee had made an error—that is, in the report they stated the cost to be $5 million, which was to paid over in fiscal year 1984; whereas, in the bill before the Senator from Idaho, it says that the money should be paid in 1985. There is a difference between 1984 and 1985.

By the same token, as the Senator from Nebraska pointed out, there is a total omission of operating costs that were contained in the report. That is why we recommended that it be sent to the Foreign Relations Committee, a recommittal.

Now we are talking about a new entitlement, and it is an entitlement in here. It is clearly in the purview of the Budget Committee.

Mr. SYMMS. Mr. President, I make the point that the debate on this is going to take place when we finally get the measure before the full

Senate. There was a 2-to-1 vote on the last vote, and we think we have the votes to either table this motion or vote it down. What we are seeing now is a delaying tactic, and that is fine, if that is what the Senator wishes to do. Once we get it before the Senate, we will debate it.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the motion to recommit the resolution.

Mr. SYMMS. Mr. President, I move to lay that motion on the table.

The question is on agreeing to the motion to table.

Mr. WEICKER. Mr. President, I ask for the yeas and nays.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the motion to recommit. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Mexico (Mr. DOMENICI) is necessarily absent.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), and the Senator from South Carolina (Mr. HOLLINGS), are necessarily absent.

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

The result was announced—yeas 62, nays 33, as follows:

[Rollcall Vote No. 236 Leg.]

YEAS—62

Abdnor	Hawkins	Nickles
Armstrong	Hecht	Nunn
Baker	Heflin	Packwood
Bentsen	Heinz	Percy
Biden	Helms	Pressler
Boschwitz	Huddleston	Quayle
Bradley	Humphrey	Roth
Chafee	Jackson	Rudman
Chiles	Johnston	Sarbanes
Cohen	Kassebaum	Simpson
D'Amato	Kasten	Specter
DeConcini	Kennedy	Stafford
Denton	Lautenberg	Stevens
Dodd	Laxalt	Symms
Dole	Levin	Thurmond
East	Lugar	Tower
Garn	Matsunaga	Trible
Goldwater	Mattingly	Wallop
Gorton	McClure	Warner
Hatch	Metzenbaum	Wilson
Hatfield	Murkowski	

NAYS—33

Andrews	Eagleton	Moynihan
Baucus	Exon	Pell
Bingaman	Ford	Proxmire
Boren	Grassley	Pryor
Bumpers	Inouye	Randolph
Burdick	Jepsen	Riegle
Byrd	Leahy	Sasser
Cochran	Long	Stennis
Danforth	Mathias	Tsongas
Dixon	Melcher	Weicker
Durenberger	Mitchell	Zorinsky

NOT VOTING—5

Cranston	Glenn	Hollings
Domenici	Hart	

So the motion to lay on the table was agreed to.

Mrs. HAWKINS. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. WEICKER. I move to recommit the pending resolution to the Appropriations Committee with instructions to consider the impact of section 12, and I ask for the yeas and nays.

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

The yeas and nays were ordered.

Mr. WEICKER. Mr. President, I am going to suggest the absence of a quorum because it is my understanding that the majority leader wishes to confer on this matter. I would prefer not to pursue it to its ultimate at this juncture, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. WEICKER. Mr. President, have the yeas and nays been requested on the budget resolution?

The PRESIDING OFFICER. The yeas and nays have not been requested on the budget resolution.

Mr. WEICKER. Mr. President, I ask for the yeas and nays.

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

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. WEICKER. Mr. President, I ask unanimous consent that the yeas and nays be vitiated on my motion to recommit the pending resolution to the Appropriations Committee.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WEICKER. I am prepared to yield back the remainder of my time.

Mr. BAKER. Mr. President, does the Senator wish a voice vote on the motion or does he wish to withdraw the motion?

Mr. WEICKER. I am prepared to withdraw the motion and do so withdraw it. If unanimous consent is necessary, I request that.

The PRESIDING OFFICER. The Senator has the right to withdraw the motion.

Mr. WEICKER. I so request.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. BAKER. Mr. President, under this circumstance, the vote will occur on the budget waiver as soon as the time for debate has expired. If the parties are willing to yield back the time, we can get on this right away.

Mr. WEICKER. Mr. President, have the yeas and nays been ordered on the budget waiver?

The PRESIDING OFFICER. The yeas and nays have been ordered on the budget waiver.

Mr. ZORINSKY. Mr. President, I yield back the remainder of our time.

Mrs. HAWKINS. I yield back the remainder of our time.

The PRESIDING OFFICER. All time having been yielded back, the question is agreeing to the Budget Act waiver resolution. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. I announce that the Senator from New Mexico (Mr. DOMENICI) is necessarily absent.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), and the Senator from South Carolina (Mr. HOLLINGS), are necessarily absent.

The PRESIDING OFFICER (Mr. JEPSEN). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 64, nays 30, as follows:

[Rollcall Vote No. 237 Leg.]

YEAS—64

Abdnor	Heflin	Packwood
Armstrong	Heinz	Percy
Baker	Helms	Pressler
Bentsen	Huddleston	Quayle
Biden	Humphrey	Randolph
Boschwitz	Jackson	Roth
Bradley	Johnston	Rudman
Chafee	Kassebaum	Sarbanes
Chiles	Kasten	Simpson
Cohen	Kennedy	Specter
D'Amato	Lautenberg	Stafford
DeConcini	Laxalt	Stennis
Denton	Levin	Stevens
Dole	Long	Symms
East	Lugar	Thurmond
Garn	Matsunaga	Tower
Goldwater	Mattingly	Trible
Gorton	McClure	Wallop
Hatch	Metzenbaum	Warner
Hatfield	Murkowski	Wilson
Hawkins	Nickles	
Hecht	Nunn	

NAYS—30

Andrews	Baucus	Bingaman

Boren	Exon	Moynihan
Bumpers	Ford	Pell
Burdick	Grassley	Proxmire
Byrd	Inouye	Pryor
Cochran	Jepsen	Riegle
Danforth	Leahy	Sasser
Dixon	Mathias	Tsongas
Durenberger	Melcher	Weicker
Eagleton	Mitchell	Zorinsky

NOT VOTING—6

Cranston	Domenici	Hart
Dodd	Glenn	Hollings

So the resolution (S. Res. 160) was agreed to.

RADIO MARTI

The PRESIDING OFFICER. The question recurs on the motion to proceed to H.R. 2733.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. I ask unanimous consent that that measure be temporarily laid aside, that regular order not bring it back.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object——

Mr. BAKER. Mr. President, the request I made was that we once again temporarily lay aside the pending motion, and that no call for regular order bring it back.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAKER. Now, Mr. President, I move that the Senate proceed to the consideration of S. 602, the Radio Marti bill.

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

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, I feel certain that someone will wish to debate that, so I would not wish the Chair to put the question. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

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

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

Mr. BAKER. Mr. President, I see the distinguished junior Senator from Iowa on the floor, and I believe he will seek recognition in just a momemt.

Before I yield the floor, I also see the minority leader on the floor, and I rather expect he may have a question to put at this point. If he wishes, I will yield at this point.

Mr. BYRD. I first was going to ask whether or not the Chair has acted on the majority leader's request.

The PRESIDING OFFICER. The unanimous-consent request was granted.

PROGRAM

Mr. BYRD. Mr. President, I ask the majority leader if he can indicate at this point what the program is for the rest of today and tomorrow?

Mr. BAKER. Yes. Mr. President, I thank the minority leader.

First, Mr. President, I expect the Senate will continue in session this evening until approximately 6 p.m. I believe there is not an order for the Senate to convene yet on tomorrow. Is that correct?

The PRESIDING OFFICER. There is not an order.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

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

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

Mr. BAKER. Mr. President, when we finish our business around 6 p.m., we will go out on recess until 10 a.m. in the morning. I believe there are a couple of special order requests which I will put a little later. That means we will probably be back on the pending motion, which I anticipate will be the motion to proceed to the consideration of S. 602, the Radio Marti bill, sometime around 10:30 a.m. tomorrow or a little later. Debate will continue on that bill as long as necessary.

I would like to get it up, but from the signs and the temper of the times I am not optimistic that we will finish it in short order. But we will continue on that bill. It is entirely possible that a cloture motion may be filed on the motion to proceed if necessary on tomorrow.

Mr. President, during the day tomorrow I anticipate that we will receive—perhaps even this evening—from the House of Representatives the conference report on the supplemental appropriations bill. It is privileged, and it would be my intention, after first conferring with the minority leader, to ask the Senate to proceed to the consideration of this conference report when it is available to the Senate.

I expect tomorrow to be a full day, and we will continue on the matters at hand. I do not expect the day to be a very late day, but it will be a full day.

I do not anticipate the need for the Senate to be in session on Saturday. I anticipate, based on circumstances as they may develop tomorrow, that we will come in Monday, as we usually do, around 11 or 12 o'clock.

That is the best I can see at the moment.

Mr. BYRD. And on which measure is the cloture motion likely to be filed with respect to the motion to proceed?

Mr. BAKER. Mr. President, it would be on the motion to proceed on the Radio Marti measure.

Mr. BYRD. I thank the majority leader.

Mr. BAKER. Mr. President, I now believe the Senator from Iowa wishes to be recognized. I would first say that I do not anticipate any further rollcall vote this evening. That, of course, always excludes the possibility of a rollcall vote to require the attendance of absent Senators, but I do not anticipate that either. So I do not foresee any rollcall vote before the hour of recess which I estimate at 6 p.m. I now yield the floor.

RADIO MARTI

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, yesterday I received from the State Department their talking points on this issue now before the Senate, whether or not we ought to establish Radio Marti.

Implicit throughout their talking points is the message that the proponents of Radio Marti have taken great strides and made tremendous sacrifices in meeting the requests of our Nation's broadcasters. One of those broadcasters is WHO, located in Des Moines, Iowa, the same station at which President Reagan had his start in radio broadcasting. The prosperity of broadcasting in central Iowa has a great deal to do with the economy in my State and hence my interest. But my interest goes beyond that of WHO radio to certain property rights of broadcasters generally in our country, not out of respect for just the property rights of broadcasters but out of my respect for the constitutional protection of property generally.

These talking points from the State Department further implied that broadcasters had been unreasonable, that they keep shifting their position from one point to another. This is a clever tactic on the part of the State Department. But let me tell my colleagues in this body, Mr. President, about the shifting that the State Department did last year as we tried to reach a compromise on this issue.

And remember, Mr. President, that my position has always been that a compromise was possible. In fact, I think that my remarks will indicate to you that if the position of the State Department right now had been what it was last December, we would probably have a bill already passed and Radio Marti operating.

But last year, I helped negotiate and eventually agreed to a compromise amendment to Radio Marti which was later accepted by the Senate Foreign Relations Committee. Subsequent actions by the administration, its officials, and others in the Senate raised serious questions about the administration's intention to fully honor the

foundation and spirit of the agreement embodied in that compromise. That agreement was embodied in the frequency selection process which was developed by the House of Representatives a year ago.

These actions left me little choice but to join a filibuster last fall on the subject of Radio Marti. I feel that now we should go over the history of that evolution of events last fall, to clarify any misunderstandings created by misrepresentations of this controversy.

Initially, I recommended four alternatives to Radio Marti that I had hoped could be studied to find common grounds to resolve the concerns of broadcasters as well as to improve the viability of the Radio Marti effort. Several Senators on the committee were responsive to these ideas. Others, including the administration, adamantly opposed these suggestions upon the dubious grounds that they would undermine the purpose of Radio Marti, and they refused to offer any serious consideration of any other alternatives within the aspects of Radio Marti and the bill as introduced in 1982.

Although I viewed those alternatives superior to those contained in the bill, I recognized that this dogmatic opposition could eventually foil passage and enactment of my proposals. Therefore, I agreed to listen to administration suggestions.

Ultimately I negotiated a compromise amendment—or, more accurately, I should clarify that I helped negotiate a compromise amendment—that adds a fifth criterion to the frequency selection process established by the House of Representatives Commerce Committee and the full House of Representatives. That process involved a rulemaking by the National Telecommunications and Information Administration to select a frequency for Radio Marti.

Since the House Commerce Committee report language fully detailed the nature of this process and how it would be conducted, our negotiations were obviously based entirely upon the foundation that had already been constructed by the House of Representatives. The administration indicated no dissatisfaction with the frequency selection process for which it had bargained during the House deliberations. No one stated any desire to change the House Radio Marti legislation nor the House Committee report language.

Let me emphasize at this point that we are using as a point of departure during the summer of 1982 a position that the administration agreed to, which was adopted in the committee report of the House Commerce Committee. So I was starting there. I use that as a basis for any amendment compromise that I agreed to last year.

The fifth criterion we are talking about here, and which was negotiated, was a simple extension of the legislative work of the House of Representatives. So, again, we were following a pattern previously agreed to, and it was nothing more and certainly nothing less. It would be absurd to suggest anything to the contrary.

After securing written assurances of the administration's support of this amendment, I endorsed the compromise in lieu of my original proposals that were suggested in my testimony before the Senate Foreign Relations Committee in the summer of 1982. The Senate Foreign Relations Committee voted to approve that fifth criterion.

The chairman of the committee graciously offered me the opportunity to provide committee report language that explains the compromise amendment and the frequency selection process. This was an altogether reasonable offer, since I had been involved in these negotiations more closely than most others on the committee.

Furthermore, the subject of the amendment related to technical communications matters, as opposed to foreign policy concerns. We are talking about technical matters here and not matters of public policy.

My office had been working extensively with the attorney for radio station WHO, Mr. Kenneth D. Salomon, who had been involved in the negotiations for this frequency selection process in both the House and Senate.

It is worth noting that Mr. Salomon had formerly served as deputy chief counsel at the NTIA. His assistance assured an important continuum in the work of the House and the Senate on Radio Marti, and therefore he was instrumental in drafting appropriate, accurate, and consistent report language that I ultimately submitted to the committee.

Again, one should remember the relationship already pointed out between what the administration had already agreed to in 1982, in the House of Representatives and the House Commerce Committee language. Since this had been developed by the House Commerce Committee, naturally, we turned to that document as a guide.

The language offered to the Senate Foreign Relations Committee for its report—and this invitation had been given to me by the chairman of the committee—was virtually identical to that of the House.

I was surprised and I was dismayed when I learned that the administration—I am talking about the administration, not the staff of the Senate Foreign Relations Committee, not the chairman of the Foreign Relations Committee; I am talking about the administration—strongly objected to this language. I could not understand why, if the language was acceptable for the House Commerce Committee report, it was not now acceptable for the Senate.

I should have been informed that the administration no longer supported the frequency selection process as developed by the House, before we sat down to negotiate. Instead of coming to me to discuss their problems, certain administration officials attempted to convince others that this was not part of the agreement, that the junior Senator from Iowa was reneging on some sort of agreement. They even went so far as to manipulate others not as closely involved in these negotiations to agree that this was not part of the bargain before staff had an opportunity to fully explain the nuances of this complex, carefully constructed frequency selection process.

I hope I can again emphasize that we are talking about technical matters here that we were putting in the committee report. We are not talking about policy decisions as to whether or not we should have a Radio Marti, or even some of the more specific, corollary aspects of that initial and basic policy.

I, however, did fully understand the complexities of the frequency selection process and consequently recognized this action by the administration and others as an undeniable effort to undermine the strength and protections that this legislation and the committee report language provided broadcasting interests.

We all know that the administration prevailed at this report-writing level, and my report language was not adopted. Instead, it was included in the report only as "my understanding"—meaning the understanding of the junior Senator from Iowa. This action was disturbing and unacceptable. I did not bargain for meaningless words.

The only conclusion I can draw is that the report language that the administration accepted in the House Commerce Committee must at one time have been satisfactory to the administration, or they were Machiavellian in their approach to it and somehow felt that they did not have to go with that now. But that was the basis of my understanding as I worked with the administration in the summer and early fall of last year.

However, absent the foundation of the administration's previous agreement to the language in the House Commerce Committee report, what we agreed to as the fifth criterion had no substance, or at least much less substance.

In short, what the administration now found objectionable—or what they failed, for some reason, to mention during House deliberations, during our negotiations, and during the Senate Foreign Relations Committee markup, when this amendment

was explained—centered upon the report language reaffirming that this new frequency selection process would operate under the full cooperation of the Administrative Procedures Act. This act guarantees the private sector the constitutional right of due process.

I have to ask all my colleagues: In times of peace, in times of calm, in times when there is an opportunity to make the constitutional process work, what is wrong with the aspect of the Administrative Procedures Act which gives everybody the constitutional right of due process? It is basic to what we are working on here, the protection of people's interests.

It should go unquestioned. The report language explained that the new frequency selection procedure would be afforded a full rulemaking process under the APA. The hearing record from last year supports the position that this would be a full rulemaking process.

The term "rulemaking" is a term of art that clearly means full APA rulemaking process, not some sort of modified process.

No one offered any objection to this position during markup when Mr. Salomon, who I remind you was formerly high up in the NTIA, explained this provision. It was all laid out so everyone would know to what was being referred. And, of course, even more important and in support of this position, the committee transcript bears this point out.

Then we get to the lameduck session, after the election. I joined several of my colleagues, under the able leadership of the Senator from Nebraska, in a filibuster of Radio Marti. Not until it became clear that our filibuster was serious and effective did anyone from the administration bother to contact me to see if we could work out something.

When they came to the conclusion that I understood really what they were up to with the fifth criterion, that it was an empty agreement, that without the foundation of the House Commerce Committee report language there was really nothing there, and that was a return to the Machiavellian approach that previously must have been used in the House, then they wanted to talk. Although I felt it was somewhat late and also that I had negotiated in good faith throughout, I decided that I could at least listen to them at this point. This was sometime in early December of last year.

It was difficult to ascertain the real reason for the administration opposition to a full APA rulemaking, referring to the Administrative Procedure Act.

The rationale shifted from concerns about time delays to the desire to assure foreign policy immunity before any courts, to guaranteeing that at least one frequency could be selected, to allowing classified information to be used in selecting the frequency.

Remember this environment at this time. We were sitting down one on one between myself and some staff and with people from the administration to see what they wanted to do. Remember, the environment that goes back to last summer when there was no interest in the amendments that were proposed by this Senator and then their willingness to sit down and do something. The basis for that from my judgment was the House Commerce Committee report language. Then there was their refusal to go along with that report language in the Senate Foreign Relations Committee report. Then we reached a point where the bill eventually comes up where the administration still is sticking by the point of view that they won in the Senate Foreign Relations Committee report, to a filibuster, to people from the administration wanting to visit with me to see what we could work out, and then there was the shifting that goes on in those very meetings as you are trying to reach an agreement from concerns about time delays to their desire to assure foreign policy immunity before our courts, to guaranteeing that at least one frequency could be selected, to allowing classified information to be used in the selection of a frequency. All of these are legitimate concerns by our administration, and we explored all of them.

I was initially informed that the administration opposed a full rulemaking because it feared that it could become time consuming administratively and judicially in the event of a challenge.

Remember this: Back there in December after peddling around with this thing for 5 or 6 months they were concerned about something being time consuming, when just because of their inability or their desiring not to negotiate in good faith and to be very Machiavellian, a lot of time is eaten up. Remember, I said from the very beginning that if some of the efforts that have been put forth in the last 6 months had been put forth 12 months ago, I will be willing to gamble that Radio Marti would already be broadcasting.

Notwithstanding the fact that out of courtesy I should have been informed prior to negotiations of their full intentions to oppose full rulemaking procedure, I decided to work last December for a resolution of their concerns. First, I pointed out that the administrative part could be expedited and conducted within 3 to 4 months.

Second, if they followed the frequency selection criteria faithfully there would be no grounds for a court challenge based on the Administrative Procedure Act violation. In short, if they intended to honor the process to which they had agreed, there existed no reason to fear delay.

Nevertheless, I agree to negotiate an amendment that would provide an expeditious process but would retain the full APA rulemaking protection. This is something I agreed to last December.

The amendment I offered satisfied the time consideration. It did, of course, retain the protection of full rulemaking. We are talking about constitutional due process. At that point I was told that time was not the only problem. Now the full rulemaking protections were not satisfactory because they did not exclude foreign affairs functions from court review.

It was becoming clear what the administration had in mind. The frequency selection process, as established by the legislation, had nothing to do with foreign policy. This is the major reason why the House Commerce Committee in the last Congress developed this process and not the House Foreign Affairs Committee.

The establishment of Radio Marti and the type of material broadcast may fall within the realm of foreign policy, but certainly not the simple adherence to a set of criteria to select a frequency. That seems to me to be a very technical matter.

Eliminating the full rulemaking protections would open the frequency selection process to a cursory review and allow the selection of almost any frequency desired with little consideration for the criteria imposed by Congress.

That is what would happen if you did not have the protection of the APA. If a broadcaster challenged this selection in court the administation could simply plead foreign policy privileges and the court would refuse to hear the case.

Since the administration could offer no legitimate counter to the argument that a frequency selection was not a foreign policy issue, their concerns then shifted to the unlikely possibility that there may not exist a single frequency that could fit this criteria.

Of course, this was not my intention, taking the stand, as I have, that I did not oppose per se Radio Marti. So I offered to work on an amendment that would guarantee at least one eligible frequency.

At this point I was reminded of the purpose behind the compromise amendment, that it was aimed at providing the administration the flexibility to shift Radio Marti's frequency away from 1040 kilohertz, and that is WHO's frequency in Des Moines, Iowa, to another frequency.

I was at this point greatly intrigued by this revelation. This was the first and the last time I had heard any desire from the administration to shift the frequency from 1040 kilohertz.

Other high-ranking administration officials had stated we could not shift to another frequency because, and I would quote "We would lose face by submitting to Castro's blackmail." How many times have you heard that used? You know we just could not shift this from one frequency to another because then our State Department would be submitting to blackmail by this tinhorn dictator down there in Cuba.

But, in these negotiations, it was suggested that we might want to shift it, or that we could shift it.

In support of this wonderment on my part, the initial letter of commitment I received from the administration regarding the compromise contained a qualifier statement supporting—stating its support of and I quote "subject to the stipulation explained."

Since no stipulations had been discussed I inquired about the meaning of this. You understand we are sitting here in an office trying to negotiate a compromise. You think you get something negotiated down and then you receive a letter "subject to stipulation explained." The fact is, there had been no "stipulation explained."

Since none had been discussed, I inquired about the meaning of this. I was informed it meant that no assurances were given that a different frequency would be selected.

I should have known something was wrong when I received a revised letter of commitment only minutes before committee markup that offered only commitment to the "alternative language" when I had asked for specific commitments to that, as well as, to the "word and spirit of the new Radio Marti frequency process."

What was truly ironic was that they had apparently lost sight of the fact that I had stated from the beginning my concern was for all broadcasters, not just for WHO radio. The only reason I supported the compromise was I felt if the administration followed the selection process faithfully at least all broadcasters would be placed on an even footing and would be provided minimal protection.

It certainly did not assure anything for WHO radio and no one from the administration ever indicated that it would. They would not even agree to language that would strengthen protections by making the selection criteria mandatory as opposed to permissive.

In any event, the next administration suggestion, following this revelation, was that we turn to some of the alternatives that I had recommended in the first place in July. So, you see, we negotiate that fifth criterion. Four months later a filibuster takes place. They come to our office to negotiate something, and we think all the time that we are making considerable progress, and then we get letters that indicate there are stipulations in addition, stipulations not spoken to, and then you can imagine how astonished I was before Christmas when they somehow suggested that the alternatives that I had suggested way back there in July ought to be considered.

As I have stated so many times, the administration had summarily dismissed those proposals in the summer of 1982, last year. Now they were suggesting that they were acceptable. Unfortunately for them, another high-ranking official had indicated earlier that these original alternatives could serve as a "first step," that next year Congress could pass legislation to expand Radio Marti's broadcasting authority to suit the initial designs.

I responded by pointing out it was a little late to be offering these alternatives. I had offered them months ago in hopes of being of assistance, but regrettably the administration was not interested, and even if I had agreed at that late hour there was serious question as to whether broadcasters, whose concerns had been repeatedly ignored, were ready to agree. Furthermore there was certainly no guarantee that other Senators involved in the filibuster would be satisfied.

Consequently I recommended that we remain on our course of trying to resolve our differences over the frequency selection process, and that we develop an amendment that would satisfy the administration's most recently stated concern about the possibility that no frequency would be available under the process. For a person like me who has never said anything against Radio Marti per se, if I could assure them that I was willing to adopt an amendment that would assure the frequency, that a frequency would be selected, then why would not that solve their concern?

There was no need for another meeting. Although I had been led to believe that the foreign policy privilege issue had been resolved, I was informed the next day that any rulemaking that would not provide a foreign policy exclusion was unacceptable. You see another turnaround of administration position.

I was also informed that the administration would need an additional amendment to allow them to submit classified information for consideration with the frequency selection criteria. This information obviously would not be made available to the public, consequently, tying the hands of any broadcaster who might be forced to defend its interests in the courts. At no time did the administration offer to me any explanation of the nature of possible classified material that it might want to offer.

It is interesting to note that during our negotiations, rumors began circulating in the Senate that my concerns had been satisfied and that I was ready to support Radio Marti. Throughout these negotiations I took great pains to make certain no one held any false impressions about my continued unresolved concerns. These rumors obviously were concocted in hopes of breaking that filibuster last December.

I also learned that while I was meeting with administration officials to resolve our differences over the APA protections, work was underway to establish during Senate floor debate that the frequency selection process should not be afforded the protection of rulemaking under APA.

Radio Marti negotiations during the past few months have been no more forthright. I am talking now about 1983. While broadcasters worked in earnest with the administration to find a solution to broadcasting concerns, efforts to circumvent this progress were in motion. Attempts were made to misrepresent the position of broadcasters and to undermine their credibility.

I attended a meeting at the White House, I believe it was during the month of March, to discuss Radio Marti. We were told that broadcasting concerns had been satisfied. How many times have you heard that? Fortunately, I had just been on the phone with Eddie Fritts, president of the National Association of Broadcasters, prior to that meeting at the White House. Some of the people in the Chamber now were at that meeting. I was able to assure everyone that the fact of the matter was that broadcasters still had very serious problems with Radio Marti and that the administration and Congress should be interested in hearing what these concerns are before pushing ahead with legislation.

Not everyone shared my desire to hear from the broadcasters. In fact, there was considerable effort expended during this time to discourage broadcasters from publicly stating their position. The longer broadcasters could be dissuaded from taking a public position, the more time proponents would have to secure the necessary support in Congress. As long as broadcasters could be kept silent through numerous enticements to remain at the bargaining table, there was less of a chance that anyone could counter the repeated, erroneous contentions that broadcasters had been given everything they wanted but that they kept shifting their position by asking for more when accommodations were offered.

One of the points made time and again is that present Radio Marti legislation gives broadcasters everything they supported last year as embodied in the alternatives that I proposed. These contentions distort and mislead.

They attempt to discredit broadcasters and cloud the real issue.

There is no question that I offered alternatives last year, and I also offered what I viewed as good reasons why these alternatives were superior to that which was before us in this body last December.

Broadcasters also went on record stating these proposals represented a possible way of minimizing Radio Marti's potential for exacerbating the already intolerable Cuban interference problem, and they urged Congress to give serious consideration to these proposals.

The fact of the matter is that the Senate never did provide the necessary study of these proposals. And the principle reason little consideration was given was because of the strong opposition by the administration. It is incredible now to find these same people who so vociferiously opposed the consideration of these alternatives to try to convince us that the legislation they now offer adequately resolves the concerns of broadcasters simply because it adopts some of the suggestions made last year.

Congress may not have given sufficient consideration to these proposals, but broadcasters have since had the time to thoroughly review each of these alternatives. Through this review, they have found that some of the alternatives present serious problems for broadcasters. Consequently, they have taken a position against certain ideas, but at the same time have made quite clear precisely what they do want.

But instead of squarely facing the serious problems related to Radio Marti, proponents find it easier to attack the credibility of broadcasters for what simply amounts to taking a strong stand in protecting their interests. It became abundantly clear that the administration and Congress were not prepared to help sift through these options to find the best means of protecting broadcasters, so they were forced to do it themselves.

It is time to face reality. The key problem with Radio Marti is that it transforms our domestic broadcasting spectrum into a "chessboard" for foreign policy. It forces broadcasters and the American listening audience into the role of "pawns" to suffer the consequence of foreign policy maneuvering between the United States and Cuba. As with the Soviet grain embargo of the previous administration, any resulting harm will fall upon the private sector, not the Government.

Government assurances that Cuba will not counter with interference have been proven meaningless. Cuba's August 30, 1982, response to the tuning of the facility intended for Radio Marti dismissed any questions as to the ability and willingness of Castro to engage in the U.S. sanctioned "chessgame" on our domestic broadcasting spectrum.

Assurances that the Government holds several options to counter interference are equally insufficient. If these options are available and workable, they should have been implemented years ago to help the Florida broadcasters.

I repeat, they should have been used several years ago to help the Florida broadcasters.

And broadcasting engineers inform me that there is little that an individual broadcaster can do to overcome interference. Our domestic spectrum is so saturated with signals that even minimal adjustments of power or direction can have severe effects on other broadcasters.

Broadcasters did not ask for this battle. They did not ask to be thrown into the middle of a foreign policy debate. But they were forced into it, and have rightfully fought for their interests, first by asking Congress to consider several alternatives, but then by identifying and fighting for their preferred option once it became clear that Congress would not adequately address their concerns.

The blame for any delays or defeat of Radio Marti must fall squarely upon its proponents who have shown an unwillingness to be consistent in their pursuit of the proposal. Had the proposal been handled properly in the first place, Radio Marti would be broadcasting today.

Had the accepted, traditional shortwave spectrum been recommended for Radio Marti, or the use of off-band frequencies, or even a simple expansion of Voice of America broadcasts, U.S. broadcasters would not have been forced into this debate. Unfortunately, this is not the case and now Congress must make the decision as to whether they want to protect broadcasting interests while at the same time support Radio Marti, or whether they want to support Radio Marti at all costs.

Mr. KENNEDY. Mr. President, I support Radio Marti as an important contribution to freedom of information in this hemisphere. In keeping with the tradition established by Radio Free Europe and Radio Liberty, Radio Marti will provide objective news and information and promote the free exchange of ideas between the people of the United States and the people of Cuba.

The goals and purposes of Radio Marti are in full accord with the Universal Declaration of Human Rights. This new capability for open communication and full debate will enhance democracy and human rights and lead to greater understanding and peace.

Radio Marti will operate under the same strict standards of objectivity now maintained by the Board for International Broadcasting. Its primary responsibility will be to provide reliable, accurate and comprehensive information and alternative sources of news to the Cuban people, who are denied access to independent news coverage that is fair and impartial. The credibility and the effectiveness of Radio Marti depend on its scrupulous adherence to these standards of excellence, and I am confident that it will fulfill the important mandate and mission that Congress is giving it.

Throughout my career in the Senate, I have sought effective ways to encourage freedom of information in the Soviet bloc, in authorization regimes of the left or the right in Latin America, and in Asia and other parts of the world. My support today for Radio Marti and for the Radio Broadcasting to Cuba Act is a vote to accord this same freedom to all the people of Cuba.

Mr. BAKER. Mr. President, I announced earlier that we would go out about 6 p.m. Unless someone wishes to speak further on the motion at this time, I am prepared to put us into a period for the transaction of routine morning business.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business to extend no longer than 6:15 p.m. in which Senators may speak.

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

Mr. BAKER. Mr. President, I yield the floor.

A FLAGRANT SOVIET VIOLATION OF THE SALT I ANTIBALLISTIC MISSILE TREATY

Mr. McCLURE. Mr. President, I ask unanimous consent that an article in yesterday's New York Post entitled "New Soviet Radar Violates SALT Pact," by Rowland Evans and Robert Novak, be printed in the RECORD.

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

[From the New York Post, July 27, 1983]

NEW SOVIET RADAR VIOLATES SALT PACT

(By Rowland Evans and Robert Novak)

The Soviet Union is building an immense new radar system some 500 miles north of the Mongolian border in the central USSR that U.S. specialists are convinced is a dangerous new violation of the SALT I treaty that sharply limits anti-ballistic missile defenses.

A top-secret "warning" from the Intelligence Community was sent to the White House July 15. It said, "The new radar's location appears to be inconsistent with the provisions of the 1972 SALT I ABM [antiballistic missile] Treaty."

Article I of that treaty prohibits any ABM system "for the defense of the territory" of the U.S. or Soviet Union. But the treaty goes further. It even prohibits early-warn-

ing radars—not just the radars that control the firing of anti-missile missiles—from being built anywhere except "along the periphery" of Soviet [and U.S.] territory "oriented outward."

The discovery of the new radar system, called a phased array radar, was made by U.S. spy satellites in a routine sweep of that portion of the Soviet Union, 3000 or so miles from the Pacific Coast. No effort to conceal the construction appears to have been made by the Soviets.

What deeply disturbs U.S. officials is that the new radar, which is oriented toward Alaska, is "almost identical" with the large missile-tracking radars now being tested at Pechora in the Soviet Northwest, at Lyaki near the Caspian Sea and at two other known locations—all "along the periphery." The new construction is the first that appears to be an unambiguous violation of the "periphery."

The new radar, with a transmitter building nearly 500 feet long and 300 feet wide, would close a gap in Soviet coverage to the Northeast against incoming U.S. ICBMs targeted on Eastern Soviet territory and possible submarine-launched missiles from the Pacific.

Secret disclosure of the new system to the President and high administration officials reinforces the dilemma that has plagued every administration since the first SALT agreement: What should the U.S. do after detecting Soviet violations? The problem was raised directly with President Reagan in a June 22 letter signed by 34 Republican senators. They quoted Secretary of State George Shultz as testifying to the Senate Foreign Relations Committee on June 15 that Moscow has been "stretching a series of treaties and agreements to the brink of violation and beyond."

These suspected violations specifically include the phased array radars being built for only one discernible purpose: to protect the Soviet Union with an ABM system which both countries agreed not to build. In the hands of only one country, it could bestow an insurmountable advantage over the unprotected adversary.

Mr. McCLURE. Mr. President, this article published on July 27, 1983, contains the first information about a significant new Soviet violation of the Strategic Arms Limitation Treaty—SALT I—the Anti-Ballistic Missile Treaty signed in Moscow in May, 1972.

The SALT I ABM Treaty has long been regarded as the most successful strategic arms limitation treaty in history. It has been reviewed by the United States and the U.S.S.R. twice, in 1977 and 1982, and is the only strategic arms treaty still in effect—the SALT I Interim Offensive Weapon Agreement having expired in 1977, and the SALT II Treaty of 1979 being unratified. Thus, if the Soviets are flagrantly violating the only Strategic Arms Limitation Treaty in force, this is extremely significant as an indicator of Soviet intentions in negotiating a Strategic Arms Reduction Treaty (START) or an Intermediate-range Nuclear Force Reduction (INF) Treaty.

The Soviets are reportedly building a new large, ABM battle management radar in central U.S.S.R. which is about 500 and 3,000 miles from Soviet borders. In January, 1981, the Joint Chiefs of Staff stated:

Soviet phased array radars, which may be designed to improve impact predictions and target handling capabilities for *ABM battle management*, are under construction at various locations throughout the U.S.S.R. *These radars could perform some battle management functions* as well as provide redundant ballistic missile early warning coverage. The first of these radars is expected to become operational in the early 1980's (Emphasis added.)

Large radars of the battle management type are clearly the long lead-time element of an ABM system. They are the basis for a Soviet breakout from the ABM treaty, together with the following interceptor missiles: The SAM-5, SAM-10, and SAM-12, all tested illegally in an ABM mode, and the ABM-3 missiles and radar, which are illegally mobile.

The new Soviet radar being constructed in central U.S.S.R. violates the following provisions of the SALT I ABM treaty:

Article I, paragraph 2 of the SALT I ABM treaty states:

Each Party undertakes not to deploy *ABM systems* for a *defense of the territory of its country and not to provide a base for such a defense.* (Emphasis added.)

The new ABM battle management radars, which reportedly now number five or six, do constitute a base for an ABM defense of the territory of the U.S.S.R. Moreover, when coupled with SAM-5's, SAM-10's, SAM-12's in an ABM mode, and with the mobile ABM-3 now reportedly in mass production and being deployed around Moscow, it can be argued that the Soviets already have more than a base for a nationwide ABM defense. They are in fact already deploying a nationwide ABM defense.

Article II of the SALT I ABM Treaty defines ABM systems as—

Radars constructed and deployed *for an ABM role*, or of a type tested in an ABM mode . . . and includes those which are *under construction* (Emphasis added.)

The JCS statement of January 1981 indicates clearly that the radars in question in fact have the capability to be ABM battle management radars.

Article VI of the SALT I ABM Treaty, paragraph (b) states:

Each Party undertakes . . . not to deploy in the future radars for *early warning* of strategic ballistic missile attack except at locations along the *periphery* of its national territory and oriented outward. (Emphasis added).

The most flagrant aspect of this new radar, which is also an early warning radar, is the fact that it is in central U.S.S.R. Clearly, it is not on the periphery, and therefore it is a clearcut violation of article VI paragraph (b). Indeed, U.S. Unilateral Statement G to the SALT I ABM Treaty states that:

Soviet hen house radars, which are Soviet ballistic missile early warning radars, have a significant ABM potential.

The new ABM battle management radars are even more powerful than hen house radars, which are themselves defined by the United States as having ABM potential. And of course, both hen house and the new ABM battle management radars also have an inherent early warning capability.

In sum, this new Soviet battle management radar flagrantly violates three important provisions of the SALT I ABM Treaty. Article I of the treaty is widely regarded as the most significant constraint of the treaty, yet the Soviets are flagrantly violating this central constraint.

Mr. President, I also ask unanimous consent that a recent letter from Under Secretary of Defense Fred Ikle be printed in the RECORD. This letter is important, because it strongly implies that the Reagan administration is clearly aware of flagrant Soviet SALT violations, but is unable to do anything about them.

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

THE UNDER SECRETARY OF DEFENSE,
Washington, D.C., July 25, 1983.

Hon. JAMES A. MCCLURE,
U.S. Senate,
Washington, D.C.

DEAR JIM: I greatly appreciated receiving your introduction in the record to my article "After Detection—What?"

Thank you for your kind words about this 22 year old piece. My scepticism at that time about our ability to respond to violations was unfortunately an accurate forecast.

With warm regards and many thanks,

Sincerely,

FRED C. IKLE.

THE TOM ELLIS NOMINATION TO THE BOARD FOR INTERNATIONAL BROADCASTING

Mr. HELMS. Mr. President, at the outset I would emphasize that it is a worthy tradition of the Senate that we endeavor to hold each other in high respect and affection, even when we most strongly disagree on issues. I hope it may be said of me that I do my best to uphold that tradition. It is an important one, and it deserves to survive.

But there are times, Mr. President, when I find myself puzzled by the judgments and the actions of some of my colleagues. I readily acknowledge that I have displeased some of my friends in the Senate from time to time. It happens to all of us at one time or another. The only way to avoid controversy in the Senate is to do nothing and say nothing. But in the long run—and generally it is never very long—today's adversaries on one issue become tomorrow's joint participants in a different issue.

So it is with sadness, Mr. President, that I rise today to state for the RECORD that I was disappointed at the conduct of two of my colleagues during a hearing this past Tuesday involving the Foreign Relations Committee. A good American's name was tarnished deliberately and unjustifiably; a citizen who had been willing to serve his country without compensation or reward was rebuked—and, indeed, vilified—by two Senators, one of whom distributed a press release attacking the character of the nominee before the Senator had even heard the citizen's testimony.

What was involved, Mr. President, was President Reagan's nomination of Mr. Thomas F. Ellis, of Raleigh, N.C., to be a member of the Board of International Broadcasting.

Mr. Ellis is a prominent citizen of my hometown. He is a distinguished lawyer, a former judge, a veteran of World War II, a faithful and active member of his church, a loving husband and father, and very proud grandfather.

I have never heard a nominee subjected to more abuse by Senators. Epithets were hurled at him, sarcasm punctuated the criticism directed at Mr. Ellis. It was a discouraging episode in the history of this Senate.

And what, Mr. President, were the charges against Mr. Ellis? For the most part the characterization of Mr. Ellis's career was inaccurate and the stated conclusions reached by the Senators were irrelevant to the purpose of the hearing called by the Foreign Relations Committee—that is, President Reagan's nominees to the Board for International Broadcasting.

In the first place, Mr. President, only a handful of Senators were present. This is not unusual. All Senators have two or three committee meetings scheduled simultaneously. What was unusual was that one Senator boasted the day before the hearing that he was going to "nail" Mr. Ellis—a man the distinguished Senator had never met. Indeed the Senator had his aide distribute a press release—before the hearing began—calling on President Reagan to withdraw the nomination of Mr. Ellis.

To the credit of the White House and President Reagan, there was no interest in withdrawing the nomination following the attacks upon Mr. Ellis, by the two Senators.

But after the hearing, Mr. Ellis realized that his nomination was obviously a political weapon to be fired at President Reagan, and even though he himself could have survived the onslaught at the Foreign Relations Committee, Mr. Ellis was unwilling to allow the episode to be harmful to a President he admires, whom he has known as a personal friend for many years, and for whose candidacy Mr. Ellis had worked effectively in both 1976 and 1980.

So Mr. Ellis quickly made the decision to remove himself from that position. He reached the judgment that he would ask President Reagan to withdraw his nomination.

Mr. President, I am convinced that these attacks on a fine and decent man will backfire. I confess that I hope they will. Moreover, I hope that in some way all of us may have learned a little something about comity and fair play. Mr. Ellis will not serve on the Board for International Broadcasting, but I am convinced that this is the Nation's loss.

Again, I would emphasize my respect and affection for all my colleagues. While I am disappointed in this instance, I have learned that civility and grace usually await maturity. I am grateful to Tom Ellis for having been willing to serve his country. And, knowing him, I am confident he will bear no grudges even though he has been, in my judgment, seriously and intentionally maligned.

Mr. President, I ask unanimous consent that a copy of Mr. Ellis's letter to President Reagan be printed in the RECORD at the conclusion of my remarks, followed by the text of his letter to two Senators. Both letters are self-explanatory.

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

MAUPIN, TAYLOR & ELLIS, P.A.,
Raleigh, N.C., July 28, 1983.

President RONALD REAGAN,
White House,
Washington, D.C.

DEAR MR. PRESIDENT: I appeared on Tuesday before the Senate Foreign Relations Committee for consideration of my appointment to the Board for International Broadcasting. It became obvious to me from the outset of the questioning by Senators Tsongas and Biden that they would use that occasion to attempt to divert the hearing away from broadcasting the U.S. views of freedom behind the Iron Curtain into a personal attack on me by my political enemies.

As a matter of fact, Senator Tsongas had issued a press release prior to the hearing criticizing you and prejudging my qualifications. It was an obvious partisan political effort to drive a wedge between you and the black community using me as the instrumentality. I have attached a copy of my letter to Senators Tsongas and Biden.

Frankly, I do not mind taking whatever heat these two ultra-liberal senators want to generate in my direction. However, I believe it is vital to America that they and their ilk be denied the opportunity to use me to hinder your struggle to return economic stablility and provide an adequate national defense to our nation. Therefore, I am respectfully requesting that you withdraw my name from consideration for appointment to the Board for International Broadcasting.

Let me say in closing that I appreciate your appointing me to the Board. I did not seek the appointment but was most anxious to serve as I believe our only hope to survive the spread of Soviet slavery across the free world and to free the hostage people of the USSR is to broadcast the tenets of Christian belief through mass communication. I trust that the Board for International Broadcasting will carry out this task without fear of interference from some of those in public office who do not recognize the threat of Communist world domination.

God Bless you and Nancy,
Sincerely,

THOMAS F. ELLIS.

MAUPIN, TAYLOR & ELLIS, P.A.,
Raleigh, N.C., July 27, 1983.

Senator PAUL TSONGAS,
Senator JOSEPH BIDEN, JR.,
Senate Office Building,
Washington, D.C.

GENTLEMEN: I knew prior to the hearing on my nomination to the Board for International Broadcasting that my views of the Communist threat to the free world were diametrically opposed to yours, nevertheless, I had been under the impression that the Senate Foreign Relations Committee hearing yesterday was to determine my views on broadcasting the message of freedom behind the Iron Curtain. It turned into a personal attack on me on a subject totally unrelated to my views of the Communist world. I congratulate you on your tactics of diverting the hearing from a discussion of the real issues facing Radio Free Europe and Radio Liberty.

I have just been furnished with copies of Sen. Tsongas' press releases regarding hearing on my nominaiton to the Board of International Broadcasting that took place on July 26. I note that you believe that all the Democrat members of the Foreign Relations Committee and several Republican members will vote against my confirmation. I am amazed that so many will be voting against my nomination without the benefit of hearing my testimony or reviewing my background. However, I have never pretended to understand how Congress operates.

I would like to set the record straight in the few areas which you gentlemen appear to have focused your questions of me and your statements during that process, as well as Tsongas' press releases made before and immediately after the hearing.

The following facts were brought out:

THE PIONEER FUND

1. The Pioneer Fund was established in 1937 in Boston, Mass. Its stated purpose was to study "racial betterment." Its first trustees included prominent Boston attorneys.

2. Its charter provided for the study of "racial betterment." In 1937, I submit, the term "racial betterment" was synonymous with the "betterment of mankind".

3. It operated continuously from 1937 to date with distinguished trustees including former Justice John Marshal Harlan of the U.S. Supreme Court; a department head at Columbia University; and other prominent and distinguished Americans from the Boston and New York areas.

4. I was appointed a trustee in 1973 at the request of a prominent Harvard attorney, Harry Weyher. I had nothing to do with determining what institutions received funds from the trust. I would merely sign blank authorizations from Weyher indicating my faith in his selection of universities.

In conclusion, whether academic freedom should include permitting Stanford University, University of California at Berkeley and other universities to fund genetic studies by faculty members is not my decision to make—nor did I do so. If my participation in authorizing grants to these institutions

makes me a "racist", then I suppose it follows that the Boards of Trustees of those institutions stand indicted with me.

SOUTH AFRICA

My only connection with South Africa was agreeing to accept an invitation as a private citizen to visit that lovely country at the expense of their government. I was not a government official accepting a junket paid for by our government or theirs. I made no statement about this trip on my return. Senator Tsongas thought it odd that I refused to discuss this trip with the press, but I believe it to be a private matter. I would have chosen not to discuss it with the Senate Foreign Relations Committee, but answered his questions. I am sure you would have wanted me to condemn South Africa for its race relations policies, but I feel that is a matter for South Africa. I do not believe it is matter for private citizens of the United States, especially those of us, including me, who have so little depth of understanding of the entire picture.

Senator Tsongas inquired as to my owning South African gold mining stock. I addressed him that I felt it was a hedge against inflation in the United States caused by too much government spending and rising deficits. These "extensive holdings" amount to less than $100,000 acquired over a period of 20 years.

BLACK RACIAL INFERIORITY

Senator Tsongas states in his press release that I declined to denounce the theory of Black racial inferiority. Even the press following the hearing made no such allegation. As a matter of fact, they carried my statement that there were studies indicating Black racial superiority. And, further, that I knew about as much of Einstein's theory of relativity as I did genetics, and was therefore in no position to make a scientific judgment on that subject.

RADICALIZED BLACKS

Sen. Tsongas referred to an article in which I stated that radicalized blacks influence the Democratic Party power structure. I stated that by "radical" I meant those who believed in drastic change and that would include Julian Bond who supports changing our free enterprise economic system into a socialistic one. Bond even stated he'd like to see a picture of Jesse Helms in N. C. newspapers with a rifle's crosshair over his chest. He asked that I name other radical blacks within my definition and I named Jesse Jackson and Andrew Young. I have no problem in supporting my charge that the latter two gentlemen are pushing for drastic change in our society.

You even went back over 25 years into my views following *Brown* v. *Board*. Views I held as a Democrat and which I submit were no different from those held by Senators Ervin, Eastland and other southerners. This was a cheap shot at best.

I am afraid that I have been so opposed to your views of what is best for America that I am perfectly willing to personally take whatever heat you may be able to generate. However, when you use the Senate Foreign Relations Committee to distort facts in an effort to hurt President Reagan and Jesse Helms, you seriously damage American foreign policy. I feel sure that the countries behind the Iron Curtain will be pleased that you have so succeeded in distorting the issues that I have withdrawn my name from consideration for appointment to the Board for International Broadcasting.

Finally and personally, I believe you have overreached the bounds of propriety and fair play for purely partisan politics.

Sincerely,

THOMAS F. ELLIS.

NATIONAL HOSIERY WEEK

Mr. HELMS. Mr. President, the week of August 14-20 marks the 13th annual observance of National Hosiery Week. I am proud to pay tribute once again to this important industry, which has played such a vital role in our free enterprise system.

In so many instances, hosiery manufacturers are the major employers in their communities. They provide jobs, and revenue for operating State and local governments. But most important, they provide a way of life for the thousands of Americans, and quality products for the rest of us.

Mr. President, the average hosiery company is a small or medium-sized business. Many of them are still family owned. Most are in smaller towns and cities. Yet they employ 62,000 workers in 417 plants nationwide. Total retail sales amount to more than $6 billion a year. The hosiery business is clearly a vital part of our economy.

Mr. President, this commemorative week is of special significance to me since North Carolina is the leading textile State in the Nation. I am proud that 54 percent of all American-made hosiery is produced in North Carolina. Incidentally, the average hosiery plant produces more than 8.1 million pairs a year, and employs an average of 149 workers.

During National Hosiery Week, retailers across the country will join the celebration as stores display and demonstrate all types of hosiery for the entire family. Mr. President, the hosiery industry is a good example of how well the free enterprise system works, and what it means to the people of this country.

North Carolina is proud of its distinctive leadership in the hosiery industry, and we are grateful for the fine qualify of life this industry has provided for so many people.

On behalf of my fellow North Carolinians, I extend my sincere thanks and congratulations to the hosiery industry for the outstanding job it is doing for the people of our State and Nation.

STUDENT LOANS

Mr. TOWER. Mr. President, during consideration of the emergency supplemental appropriations bill for 1983, H.R. 1718, the Senate approved an amendment which added sense of the Senate language to the effect that Congress opposed the Reagan administration's 1984 education proposals. Only nine of my colleagues joined me in opposing this amendment.

At the time of that vote, I wish that my colleagues would have had the benefit of an essay which appeared in the June 24 issue of the New York Times. The article to which I refer was written by Jospeh D. Rodota, Jr. Mr. Rodota graduated with honors from Stanford University in 1982, and is a former intern with the Senate Republican Policy Committee. In my view, his essay is a frank and objective discussion of Federal student aid policy, from the perspective of a recent graduate who has done his homework.

I ask unanimous consent that Mr. Rodota's article be printed in the RECORD.

[From the New York Times, June 24, 1983]

LIMIT STUDENT LOANS

(By Joseph D. Rodota, Jr.)

WASHINGTON.—I just mailed a check for $60 to a bank in California. By October 1982, I will have repaid—with interest—federally guaranteed student loans totaling $5,000 that helped my family finance my bachelor's degree from one of the most expensive private universities in the country.

Self-appointed defenders of the "right" to student aid claim that the Reagan Administration's proposals to "slash" Federal aid to students threaten the ability of middle-class youth to get a college education. These "spokesmen" are flat wrong.

Student aid is a privilege, not a right. President Reagan seeks to eliminate abuses while preserving aid to the truly needy. Nothing in the Administration's plan bars a student from attending the school of his choice, as long as the student and his family are willing to make reasonable sacrifice toward that end.

I am working to earn money for graduate school. Student aid is still a "hot" issue in my immediate future. Moreover, my experience with student aid is not limited to cashing Federal checks. One of my part-time jobs was as an assistant to my school's director of financial aid.

What is most striking about the present debate is that the typical college student believes that lessons of the classrooms are irrelevant to policy questions surrounding Federal student aid. It is time that each student assessed student-aid reform by applying knowledge acquired in college courses in economics, political science, history and philosophy.

"We live in a world of scarce resources," the economics student would begin. Scarce resources of any sort should not be used to encourage harmful or inefficient behavior. Nor should funds be distributed to promote beneficial or efficient behavior that would have occurred even if that allocation had not been made. In short, put scarce dollars to work where they'll do the most good.

The policy implications are clear. For some families, guaranteed student loans at 7 percent were handy funds for investing in money-market funds yielding 15 percent. In 1981, Congress established a $30,000 income ceiling above which a "needs test" limits borrowing to families with genuine need. The test is not all that severe, and even a family making $50,000 and sending one child to an expensive private college would qualify for $1,000 guaranteed student loan. I would go further and extend the needs test to all borrowers, since it is safe to assume that at least some of the families below the

$30,000 mark do not seek guaranteed loans out of need.

Rigorous analysis also tells us that some forms of aid offer greater incentives to students to reach their degrees. Studies have shown that work-study is the only form of student aid positively correlated with persistence in school. The Reagan Administration's 1984 budget calls for a 60 percent boost in college work-study funds.

Will billions more in Federal student aid enable the higher-education "market" to function more efficiently? The number of 18- to 22-year-olds in this country is declining and will not begin to increase until the year 2000. Beefed-up aid budgets neither encourage individual institutions to operate efficiently nor assist America's orderly transition to a time when significantly fewer colleges will be needed.

"These programs were expanded not to meet economic needs but to cater to political expressions of wants," the student of polical science would say. The dramatic expansion of student aid in the last decade arose from a Congressional desire to establish programs that foster loyal—and dependent—constituencies.

"The road to hell is paved with good intentions," the history major would warn. Federal programs begin with vague goals and then grow substantially: Verifiable results and clearer objectives seldom accompany this growth.

The philosophy major would offer the most thought-provoking observation: "Student aid is a privilege, not a right." A "right" is vested in individuals or groups, but "privileges" are earned. The claim of a "right" to student aid subtly places the responsibility for an individuals' college education on some other actor or institution—in this case, the Government.

My university's financial aid program was administered on the principle that aid was a privilege disbursed according to need and earned by the student's admission to a competitive university and his willingness to commit personal resources to his education. The Administration's 1984 budget seeks to reinforce this commitment, by requiring an explicit self-help contribution from every student seeking a Federal grant.

Before the next student protestor leaves for Washington, he should do his student-aid homework. Uncritical acceptance of half-truths would earn low marks from a college professor. Should Federal policy makers be less discerning?

LSD FOUND TO BE REGAINING ITS POPULARITY

Mrs. HAWKINS. Mr. President, the most recent national drug use survey has revealed a frightening trend—LSD is regaining its popularity among teenagers and young adults. Almost 2 million Americans used a hallucinogenic drug other than marihuana during the month preceding the survey. About three-fourths were young adults between 18 and 25 years old.

Lysergic acid diethylamide (LSD) and phencyclidine (PCP) are the two hallucinogenic drugs of greatest concern. Domestic clandestine laboratories produced virtually all of the LSD and PCP offered for sale. After a continuing decrease through the late 1970's, LSD is now making a sharp comeback on college campuses and among the working and middle class in Boston, Philadelphia, New York, Miami, Los Angeles, and San Francisco. Emergency rooms in hospitals in 26 metropolitan areas monitored by the Drug Abuse Warning Network of the National Institute on Drug Abuse have admitted 4,378 people suffering from overdoses of LSD in the last 4 years. The Drug Enforcement Administration estimates that there are up to 10 times as many LSD overdoses now than during most of the 1970's when this dangerous drug was out of fashion.

The chief of the Dangerous Drug Unit in the DEA's Office of Intelligence indicated that LSD traffic now runs about $20 million a year and sharply rising.

I ask that a July 21, 1983, Washington Post article by Thomas O'Toole entitled "LSD Found to be Regaining its Popularity" and a July 7, 1983, San Antonio Light article by Mark Barabak entitled "A West Coast Revival of LSD Use is Predicted to Spread Across Nation" be printed in the RECORD.

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

[From the San Antonio (Tex.) Light, July 7, 1983]

A WEST COAST REVIVAL OF LSD USE IS PREDICTED TO SPREAD ACROSS NATION

(By Mark Barabak)

LOS ANGELES.—Young people, skeptical about "bad trip" drug stories from the psychedelic '60s, are starting an LSD renaissance in major cities that will spread across the nation, a drug expert says.

UCLA psychopharmacologist Dr. Ron Siegal said Tuesday that the resurgence in LSD popularity "appears to be ubiquitous throughout all classes of society and all age groups. But I would say the majority of the users we've seen are under 40.

"It's a recreational use, an infrequent use. They're used, but infrequently abused."

Los Angeles police said the highest abuse seems to be among high school students, attracted by the ease with which hallucinogens can be obtained, and by the convenience.

Greater sophistication among drug users, refinement of hallucinogens and fewer "bad trips" are responsible for the West Coast trend toward LSD, PCP and other psychedelics, Siegal said.

He predicted the trend "will spread gradually throughout the United States by the end of the decade."

"We are getting reports of a renaissance of LSD use in major cities such as New York and Chicago," Siegal said, noting users of the mind-altering drugs are cynical of the horror stories surrounding psychedelics.

Drugs such as LSD are more refined today than in the 1960s, making them safer, Siegal said.

The most popular form apparently is a single drop of LSD on a postage-stamp size piece of blotter paper that a user just pops into his mouth.

Among the horror stories that scared drug users away from psychedelics were tales of people who, under the influence of hallucinogenic drugs, exhibited bizarre public behavior, killed themselves or others, or suffered mental damage.

Some of the (current) users are aware of the history of LSD and they're aware a lot of the horror stories were just that, horror stories with little scientific validity," Siegal said.

Use of potent forms of marijuana, resulting in mild hallucinogenic experiences without ill effect, has "tempered the fear and anxiety many people have about experimenting with a hallucinogenic drug," Siegal said.

"Their own experience has convinced them these drugs could be used safely when handled properly," Siegal said.

Don Bays, an administrative assistant with the Los Angeles Police Department, said there recently has been an enormous increase in the confiscation of LSD.

So far this year police have seized 112,222 units of LSD—a 3,000 percent increase over the 3,462 units seized in the first six months of last year.

Detective Sal Nares, of the police juvenile narcotics division, said undercover officers have found it increasingly easy to obtain large quantities of hallucinogens from campus pushers.

[From the Washington Post, July 21, 1983]

LSD FOUND TO BE REGAINING ITS POPULARITY

(By Thomas O'Toole)

In row after row of padlocked drawers in an unmarked laboratory in McLean sit thousands of vials of green, yellow and purple tablets, LSD seized by Drug Enforcement Administration agents from Long Island to Los Angeles.

The pills are not remnants of the 1960s, when "acid" was often the hallucinogen of choice among college-age, artistic-minded and middle-class whites.

The LSD in the DEA's lab has been seized in the last four years, evidence that the drug is making a strong comeback on college campuses and among working- and middle-class whites in Boston, Philadelphia, New York, Miami, Los Angeles and San Francisco.

"There is a whole new generation of kids growing up today who refuse to believe the horror stories the generation before them suffered with LSD," said Dr. Edward Franzosa, chief chemist at the DEA.

They're finding out in growing numbers what the drug is like, authorities say. Emergency rooms in hospitals in 26 metropolitan areas monitored by the Drug Abuse Warning Network of the National Institute on Drug Abuse have admitted 4,378 people suffering from overdoses of LSD in the last four years. Three deaths from LSD overdoses have been reported in the past three years.

While those numbers do not compare with the thousands of deaths and mental hospitalizations attributed to LSD in the 1960s, the DEA estimates that there are five to 10 times as many LSD overdoses now than during most of the 1970s, when the drug was out of fashion.

One reason the number of LSD-related deaths remains low is that the doses of the drug sold on the street are much weaker than those available in the 1960s, when the average dose contained 180 micrograms. Nowadays, dosages run between 10 and 30 micrograms.

The strongest dose sold on the streets is a purple tablet containing 40 micrograms of lysergic acid diethylamide.

"These low dosages are still not safe," said Eric Rosenquist, chief of the Dangerous

Drugs Unit in the DEA's Office of Intelligence. "But they're probably why we're not seeing the incidents of really bizarre behavior we saw from use of the drug in the 1960s, when people thought they could fly and jumped out of windows."

Rosenquist said that there are about 1.2 million Americans who now use hallucinogenic drugs, including mescaline, peyote and LSD. He said his agency estimates that LSD traffic now runs about $20 million a year, nowhere near the sales of drugs like cocaine, marijuana, heroin, PCP and Quaaludes, but a number that is sharply rising.

Not only has the dosage of LSD changed, so has the method of its use. In the 1960s, people generally took LSD when they were alone or with one other person to experience "the trip," where colors swirl, the senses blend, music acquires an aroma and colors carry a sound.

In the 1960s, users took LSD as often as three or four times a week, which made the practice more dangerous because the drug can linger in the blood as long as a week and in fatty tissue even longer.

Today, LSD is generally regarded as a party drug by users who often take it once a week in combination with cocaine or alcohol.

The main reason that the DEA is alarmed over a comeback of LSD is that users develop a tolerance for the drug and may begin turning to higher doses, Rosenquist said. "The temptation is there right now among LSD users to increase their inputs. The time to really start worrying about LSD is when street doses start rising to tablets containing 100 to 150 micrograms."

AUGUST 21, 1968—A DAY OF SHAME

Mr. PERCY. Mr. President, August 21 marks the 15th anniversary of the Soviet invasion of Czechoslovakia. On this date in 1968, a half million Soviet and Warsaw Pact troops invaded that beautiful and peaceful nation and crushed Alexander Dubcek's reform movement, which had blossomed since the Prague spring of that year.

Indeed, this was already the second occasion since the birth of modern Czechoslovakia in 1981 that the Communists massively intervened in the affairs of the Czechoslovakia State. I felt great outrage and sadness when the Communists first toppled the government in 1948, and again when they brutally repressed the Czechoslovak people in 1968.

This anniversary is truly a Soviet day of shame. The Soviets, whose invasion was condemned in 1968 even by many Communists, vowed that their occupation would endure only until Czechoslovakia has achieved "normalcy." The Soviets announced the achievement of "normalcy" in 1971, but their troops remain on the ground in Czechoslovakia and they dictate the State's repressive, Soviet-style domestic and foreign policies.

All of us who cherish our own freedom must remember this sad anniversary. We should applaud all those in Czechoslovakia and expatriates in the United States who hold high the hope that someday their homeland will be free of Soviet repression and their government will be willing to uphold its own laws and international commitments to human rights. There must be no movement toward assisting Czechoslovakia economically, as is desired by the current Czechoslovak Government, until great progress is made in these areas.

On this anniversary, we pledge our continuing support of the aspirations of the Czechoslovak people for freedom and basic human rights. We pledge to remember the heroism and bravery of the proud Czechoslovak people. We honor those who work tirelessly for the rights of the Czechoslovak people, including my friends of the Czechoslovak National Council of America. We shall never forget this Soviet day of shame, August 21, 1968.

COMPREHENSIVE ORGAN DONOR NETWORK

Mr. ANDREWS. Mr. President, today I would like to take the opportunity to announce that after the Senate reconvenes in September, I will introduce legislation creating a comprehensive organ donor network.

As we all know, the greatest hindrance to all transplant programs is the lack of suitable donor organs for those individuals desperately awaiting surgery. Many of these patients may only breathe life for a few more days, weeks, or may linger for a matter of months—while their health is steadily declining moment by moment.

An immediate solution to this tragic dilemma is to have a well-informed public and medical community who comprehend the critical need for organ donation. The donation of an organ—the gift of life—must be offered when a family is dealing with a very traumatic situation—the death of a loved one.

I became aware and concerned of the need for this legislation through repeated contacts with Charles and Marilyn Fiske of Boston, Mass. The Fiskes are the parents of Jamie Fiske, who received a well-publicized liver transplant last year after her father made a nationwide plea for a donor at an appearance before the American Academy of Pediatrics convention.

Through courage, tenacity and the proper forum, Charles Fiske was able to find the vital organ needed to keep his little girl alive, but think of the thousands every year who are not so fortunate.

We must encourage organ donation and it is imperative that organ donations are discussed with family and friends. A cooperative relationship between an informed public and the medical community allows for effective implementation of a national organ donor network.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

DEFERRALS OF BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 70

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report, which was referred jointly, pursuant to the order of January 30, 1975, to the Committee on the Budget, the Committee on Appropriations, the Committee on Energy and Natural Resources, and the Committee on the Judiciary:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report three new deferrals of budget authority totaling $16,118,000.

The deferrals affect Energy Activities and the Department of Justice.

The details of the deferrals are contained in the attached reports.

RONALD REAGAN.

THE WHITE HOUSE, *July 28, 1983.*

PRESIDENTIAL APPROVALS

A message from the President of the United States reported that on July 15, 1983, that he had approved and signed the following joint resolution:

S.J. Res. 68. Joint resolution to authorize and request the President to designate July 16, 1983, as "National Atomic Veterans Day."

On July 19, 1983:

S.J. Res. 18. Joint resolution designating September 22, 1983, as "American Business Women's Day."

S.J. Res. 34. Joint resolution designating "National Reye's Syndrome Week."

On July 22, 1983:

S. 929. An act to amend the act of July 2, 1940, as amended, pertaining to appropriations for the Canal Zone Biological Area.

On July 25, 1983:

S.J. Res. 96. Joint resolution to designate August 1, 1983, as "Helsinki Human Rights Day."

On July 27, 1983:

S.J. Res. 77. Joint resolution designating "National Animal Agriculture Week."

MESSAGES FROM THE HOUSE

At 12:24 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2972) to authorize certain construction at military installations for fiscal year 1984, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. PRICE, Mr. DELLUMS, Mr. MONTGOMERY, Mr. KAZEN, Mr. WON PAT, Mr. DICKINSON, Mr. KRAMER, and Mr. WHITEHURST as managers of the conference on the part of the House.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill (H.R. 2973) to repeal the withholding of tax from interest and dividends.

The message further announced that the House has passed the following joint resolutions, without amendment:

S.J. Res. 56. Joint resolution to designate the month of August 1983 as "National Child Support Enforcement Month"; and

S.J. Res. 67. Joint resolution to designate the week of September 25, 1983, through October 1, 1983, as "National Respiratory Therapy Week."

The message also announced that the House has agreed to the following concurrent resolution:

S. Con. Res. 35. Concurrent resolution to authorize the printing as a Senate document of a revised edition of "The Capitol."

PETITIONS AND MEMORIALS

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

POM-343. A joint resolution adopted by the Legislature of the Northern Marianas Commonwealth; to the Committee on Energy and Natural Resources:

"H.J. RES. No. 33

"Whereas, the T.T.P.I. office of Social Security has been attempting to resolve the matter of funding the Prior Service Benefit Program for sometime; and

"Whereas, the T.T.P.I. office of Social Security has received final word from the U.S. Department of Interior that Prior Service Benefits will not be funded after the official conclusion of the Trusteeship Agreement; and

"Whereas, the T.T.P.I. office of Social Security initiated a U.S. Congressional lobby during March, 1983, to encourage official reconsideration of the prior service funding decision; and

"Whereas, the T.T.P.I. office of Social Security has requested the support of the 3rd Northern Marianas Commonwealth Legislature, through a joint resolution, in their lobbying effort; now, therefore,

"Be its resolved by the House of Representatives of the Third Northern Marianas Commonwealth Legislature, Third Regular Session, 1983, the Senate concurring, That the ongoing lobby to encourage official reconsideration of the prior funding decision be, and hereby is, fully supported by the Third Northern Marianas Commonwealth Legislature; and

"Be it further resolved, That the Speaker of the House of Representatives and the President of the Senate shall certify and the House Clerk and Senate Legislative Secretary shall attest to the adoption hereof and thereafter transmit copies of this house joint resolution to the President of the Senate, U.S. Congress; the Speaker of the House of Representatives, U.S. Congress; Secretary of the Department of Interior; the Honorable Janet McCoy, High Commissioner, T.T.P.I.; the Honorable James A. McClure, Senator; the Honorable Daniel K. Inouye, Senator; the Honorable Lowell P. Weicker, Senator; the Honorable Sidney R. Yates, Congressman; Mr. Jerold F. Facey, Social Security Administrator TTPI, Mr. Robert Myers, Consulting Actuary; and the Honorable Pedro P. Tenorio, Governor of the Commonwealth of the Northern Mariana Islands."

POM-344. A resolution adopted by the House of Representatives of the State of Illinois; to the Committee on Energy and Natural Resources;

"HOUSE RESOLUTION No. 373

"Whereas, Current federal and State regulatory schemes include secondary coal recovery operations in the definition of surface mining activities causing all the surface mine permitting provisions and performance standards of the State and Federal programs to be applied to secondary coal recovery operations; and

"Whereas, The application of these program requirements has caused approximately 20 secondary coal recovery operations in Illinois to cease operations and potential operations to not begin due to lack of the fiscal resources and technical staff or expertise for compliance; and

"Whereas, Program requirements have had a much greater and more devastating impact on secondary coal recovery operators than regular, small surface mine operators since secondary coal recovery operators do business in a limited market place where their product sells for only $5 to $6 per ton; and

"Whereas, It is virtually impossible to generate the resources to gather all the data and prepare all the engineering studies required to obtain a permit under the existing program and to subsequently comply with the performance standards of the existing program as the result of receiving a permit; and

"Whereas, Secondary coal recovery operations recover coal from abandoned coal waste piles (coarse refuse or gob) and slurry ponds and will be given high priority for reclamation under the Abandoned Mine Reclamation program authorized by Title IV of P.L. 95-87; and

"Whereas, If an affordable permitting and environmental control provision can be developed and implemented for secondary coal recovery operators, many of the abandoned mine problem sites in the coal producing regions of the State can be reclaimed by private enterprise, resulting in Title IV funds not being spent to reclaim those sites but being used to reclaim other priority sites; and

"Whereas, The Abandoned Mine Reclamation program under Title IV can be bolstered by secondary coal operators paying the 35¢ per ton of coal produced reclamation fee into the reclamation fund, a fiscal resource lost if the coal had been covered and revegetated under the Title IV program; and

"Whereas, In addition to reclaiming abandoned sites and paying into the reclamation fund, continuance of secondary coal recovery operations will directly provide several hundred jobs, thousands of dollars in federal, State and local taxes and several hundred jobs in associated industries; and

"Whereas, The utilization and conservation of the coal resource as mandated by Section 515(b)(1) of the Federal Act will be maximized by an increase in the number of secondary carbon recovery operations, without which much of this coal resource will be rendered unrecoverable under current economic conditions; and

"Whereas, There are no valid or logical reasons why these operations should be forced out of business and there are numerous reasons for taking action to allow these operators the opportunity to continue to operate; and

"Whereas, The Illinois General Assembly, representing all the citizens of the State of Illinois cannot unilaterally legislate a solution without federal executive branch approval; and

"Whereas, The Illinois Department of Mines and Minerals is seeking stopgap administrative assistance; therefore, be it

"Resolved, by the House of Representatives of the Eighty-third General Assembly of the State of Illinois, That we hereby request the United States Congress and the United States Department of the Interior assist and support the efforts of the State of Illinois to arrive at a solution which will repair existing environmental damage, conserve Abandoned Mine Reclamation Funds and create additional jobs and revenue; and, be it further

"Resolved, That a copy of this resolution be transmitted by the Secretary of State of Illinois to the President of the United States, the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, the Secretary of the Department of the Interior and to each member of the Congress from this State."

POM-345. A concurrent resolution adopted by the Legislature of the State of Texas; to the Committee on Environment and Public Works:

"HOUSE CONCURRENT RESOLUTION

"Whereas, The State of Texas, through the Texas Air Control Board ("TACB"), has long been a leader in implementing reasonable and effective air pollution control measures to protect the health and welfare of the citizens of the State; and

"Whereas, The federal Clean Air Act Amendments of 1977 required that the State of Texas prepare and implement a state implementation plan ("Plan") for attainment of federally promulgated National Ambient Air Quality Standards ("Air Quality Standards") by December 31, 1982, or by 1987 for areas such as Harris County where compliance could not be demonstrated by 1982, that extension being conditioned on the adoption of all Reasonably Available Control Measures and implementation of an Inspection and Maintenance Program for automobiles; and

"Whereas, The TACB, with the assistance of other state and local agencies and in consultation with the Environmental Protection Agency ("EPA"), has diligently devel-

oped an effective and reasonable Plan that meets the requirements of the Clean Air Act and in the development of that Plan has, among other things, performed extensive technical studies and analyses and implemented a pilot program for Inspection and Maintenance of automobiles; and

"Whereas, the TACB developed a Plan in 1979 that demonstrated attainment of the Air Quality Standards by December 31, 1982, for all areas of the State except Harris County (for which attainment could not be demonstrated by 1982 and for which an extension to 1987 was necessary), the Governor submitted that Plan to EPA on April 13, 1979, and EPA approved that Plan with certain conditions on December 18, 1979, and March 25, 1980, declaring that the Plan met the requirements of the Clean Air Act; and

"Whereas, The TACB, in compliance with the Clean Air Act and in consultation with the EPA, developed a 1982 Plan for Harris County demonstrating attainment of the Air Quality Standards by 1987, and included in that Plan an Inspection and Maintenance Program for private automobiles, developed after careful analysis and study and tailored to the specific circumstances existing in Harris County, and the Governor submitted that Plan to the EPA on December 9, 1982; and

"Whereas, The EPA on February 3, 1983, despite acknowledging the overall effectiveness of the Plan for demonstrating the attainment of Air Quality Standards and despite acknowledging significant air quality benefits of the State's proposed Inspection and Maintenance Program, proposed to reject the Texas Plan and impose severe sanctions on Harris County because of alleged deficiencies in the Inspection and Maintenance Program for automobiles; and

"Whereas, The EPA also has alleged that certain areas in Dallas, Tarrant, Cameron, Nueces, El Paso, and Harris counties have not achieved the Air Quality Standards for certain pollutants by December 31, 1982, as originally expected, and on February 3, 1983, proposed sanctions for these areas as well, even though the alleged noncompliance occurred without fault of the State of Texas or the TACB and despite full implementation of the approved Plan; and

"Whereas, the EPA has claimed that its actions and the proposed sanctions, which include a ban on new major industrial development and a threat to withhold federal funds from needed air pollution control programs, public highway projects, and possibly sewage treatment works, are required by Congress under the Clean Air Act; and

"Whereas, EPA disapproval and implementation of sanctions will create severe economic disruption to the citizens of the State of Texas including potential increases in unemployment and will do nothing to promote air pollution control or to protect the public health or welfare; now, therefore, be it

"Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the 68th Legislature hereby request the Congress of the United States of America to act to prevent EPA's proposed actions by instructing the EPA or if necessary by amending the Clean Air Act so that:

"(1) states are allowed a reasonable time to implement additional control measures in areas that are found not to meet the Air Quality Standards after December 31, 1982, despite the implementation of an approved Plan;

"(2) states have the flexibility to develop and adopt alternative inspection and maintenance programs for automobiles at their discretion as long as attainment of the Air Quality Standards can otherwise be demonstrated; and

"(3) no sanctions of any kind may be imposed where a state is making good faith efforts to comply with the mandates of the Clean Air Act and is making continued progress toward attainment of Air Quality Standards; and, be it further

"Resolved, That the Texas Secretary of State forward official copies of this resolution to the President of the United States, to the Speaker of the House of Representatives and President of the Senate of the United States Congress, and to all members of the Texas delegation to the Congress, with the request that the resolution be officially entered into the Congressional Record as a memorial to the Congress of the United States of America."

POM-346. A concurrent resolution adopted by the Legislature of the State of Texas; to the Committee on Finance:

"HOUSE CONCURRENT RESOLUTION No. 9

"Whereas, The steel pipe and tube industry provides thousands of jobs in Texas and other states; and

"Whereas, A reliable domestic supply of specialty pipe and tube products, including oil country tubular goods is essential to U.S. energy exploration and production; and

"Whereas, Rapidly increasing imports of steel pipe and tube products are a substantial cause of serious injury to steel pipe and tube producers in Texas and other states; and

Whereas, This injury will be compounded by the diversion of steel imports from the European Community to pipe and tube producers as a result of recently negotiated restrictions on the importation of other types of European steel products; and

Whereas, The provisions of a separate arrangement between the United States and the European Community on the importation of steel pipe and tube products cannot be adequately enforced to prevent such diversion without federal legislation; now, therefore be it

"Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the 68th Legislature hereto respectfully memorialize the Congress of the United States to enact legislation to prevent the unwarranted diversion of European Steel exports to the United States to pipe and tube products empowering the Secretaries of Commerce and the Treasury to enforce the terms of the October 21, 1982, steel pipe and tube arrangement between the United States and the European Community; and, be it further

"Resolved, That a copy of this resolution shall be forwarded by the Texas Secretary of State to the President of the United States, the President of the Senate, and the Speaker of the House of Representatives of the United States Congress, and all members of the Texas delegation to the Congress with the request that this resolution be officially entered into the Congressional Record as a memorial to the Congress of the United States of America."

POM-347. A resolution adopted by the County Board of Supervisors of the County of Fresno, Calif. urging Congress to pass the Wine Equity Bill of 1983; to the Committee on Finance.

POM-348. A petition from a citizen of Concord, N.H. requesting Congress to hold open hearings on the Missing in Action from Vietnam; to the Committee on Foreign Relations.

POM-349. A resolution adopted by the House of Representatives of the State of Illinois; to the Committee on Foreign Relations:

"HOUSE RESOLUTION No. 155

"Whereas, A plastic bullet of the type being used by British Security Forces in Northern Ireland is 3½ inches long and 1½ inches in diameter, weighs nearly 5 ounces and, when fired from a gun, travels toward its target with a muzzle velocity of 160 miles per hour; and

"Whereas, Far beyond simply disbursing mobs, these projectiles produce lethal results, as exemplified by the 1981 toll of the five children and two other persons who died, and the more than 160 others who suffered losses of eyes, multiple fractures and permanent disfigurement after being stuck by the bullets; and

"Whereas, From 1970 to 1980, British Security Forces fired 42,669 plastic bullets and 55,834 rubber bullets at Irish civilians—many of who were children and many of who were not involved in riot situations; and

"Whereas, In August 1981, the International Tribunal of Inquiry, convened by the Association of Legal Justice, concluded that plastic bullets were, indeed, lethal weapons, and on May 13, 1982, the European Parliament voted overwhelmingly to ban the use of plastic bullets in Common Market countries; and

"Whereas, That alternative methods exist for quelling riots is proven by the fact that the British only fire the plastic and rubber bullets into Nationalist crowds, opting for subtler means when dealing with Loyalist disturbances; therefore, be it

"Resolved, by the House of Representatives of the Eighty-Third General Assembly of the State of Illinois, That this house supports the effort currently being made in Congress to ban plastic bullets, and respectfully requests the United States State Department to urge our British allies to cease the use of plastic and rubber bullets against Nationalist civilians in Northern Ireland, and thereby assuage the pointless killing and maiming now taking place in that troubled land; and be it further

"Resolved, That suitable copies of this preamble and resolution shall be presented, respectively, to Secretary of State George Shultz, Vice President George Bush, in his capacity as President of the Senate, Speaker Thomas P. O'Neill and the members of the Illinois Congressional Delegation."

POM-350. A petition from a citizen of Concord, N.H. opposing House Resolution 427, 'the Gay Bill of Rights"; to the Committee on the Judiciary.

POM-351. A joint resolution adopted by the Legislature of the State of California; to the Committee on the Judiciary:

"ASSEMBLY JOINT RESOLUTION No. 37

"Whereas, The carnage and destruction left in California by persons driving motor vehicles while under the influence of alcohol is unacceptable; and

"Whereas, The federal Bankruptcy Act of 1978 does not authorize the discharge of an individual debtor from any debt for willful and malicious injury by the debtor to another entity or to the property of another entity; and

"Whereas, Certain federal courts, in bankruptcy proceedings, have determined that injuries caused by persons driving motor vehicles while under the influence of alcohol

are not willful and malicious injuries for purposes of bankruptcy law; and

"Whereas, The Congress presently is considering legislation to revise certain aspects of bankruptcy law; now therefore, be it

"Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to carefully consider the possibility of amending the bankruptcy law to discontinue the policy of permitting the debts of a person, including a personal injury judgment, resulting from that person's act of driving a motor vehicle while under the influence of alcohol to be discharged in a bankruptcy proceeding; and be it further

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

POM-352. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on the Judiciary:

"RESOLUTION

"Whereas the first action of the Alaska Territorial Legislature in 1913 was to give women the right to vote; and

"Whereas in 1972, shortly after the Equal Rights Amendment was passed by the United States Congress, Alaska was among the first states to ratify the proposed amendment; and

"Whereas, effective October 14, 1972, the Constitution of the State of Alaska was amended by a vote of the people to include a provision that no person is to be denied the enjoyment of any civil or political right because of sex; and

"Whereas the 1972 state constitutional amendment guaranteeing the rights of women has already enhanced the ability of all citizens, not just women, to achieve their full potential; and

"Whereas negative results predicted by opponents of the state provision guaranteeing the rights of women have not materialized; and

"Whereas the 1972 constitutional amendment has not presented difficulties but rather has eliminated some long-standing discriminatory practices against women in our state; and

"Whereas the people of a state are free and equal only when all citizens enjoy the same rights; and

"Whereas the people of the State of Alaska wish to have the Congress again propose an Equal Rights Amendment to the states for their consideration; and

"Whereas adoption of this resolution does not minimize the state's support of and belief in traditicnal American family values:

"Be it resolved By the Alaska State Legislature that Congress is respectfully requested to again propose an amendment to the United States Constitution guaranteeing equal rights to all women in our nation.

"Copies of this resolution shall be sent to the Honorable George Bush, Vice-President of the United States and President of the U.S. Senate; the Honorable Thomas P. O'Neill, Jr., Speaker of the U.S. House of Representatives; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STAFFORD, from the Committee on Environment and Public Works, without amendment:

S. 1696. An original bill authorizing three additional Assistant Administrators of the Environmental Protection Agency (Rept. No. 98-196).

By Mr. MATHIAS, from the Committee on Rules and Administration, without amendment:

S. J. Res. 103. Joint resolution to provide for the appointment of Jeannine Smith Clark as a citizen regent of the Board of Regents of the Smithsonian Institution (Rept. No. 98-197).

S. Res. 150. Resolution authorizing the printing of additonal copies of the Joint Committee print entitled "Changing Economics of Agriculture: Challenge and Preparation for the 1980's." (Rept No. 98-198).

By Mr. MATHIAS, from the Committee on Rules and Administration, without amendment:

S. Res. 184. An original resolution relating to the Senate page program (Rept No. 98-199).

By Mr. MATHIAS, from the Committee on Rules and Administration, without amendment and with a preamble:

S. Con. Res. 59. An original concurrent resolution to authorize the Librarian of Congress to study the changing role of the book in the future (Rept No. 98-200).

By Mr. MATHIAS, from the Committee on Rules and Administration, with amendments:

H.R. 3034. A bill to provide for appointment and education of congressional pages, and for other purposes (Rept No. 98-201).

By Mr. MATHIAS, from the Committee on Rules and Administration, without amendment and with a preamble:

H. Con. Res. 126. Concurrent resolution providing for the commemoration of the 100th anniversary of the birth of Harry S. Truman.

By Mr. MATHIAS, from the Committee on Rules and Administration, without amendment:

S. Res. 186. An original resolution to pay a gratuity to Katherine C. Ahlers.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of commmittee were submitted:

By Mr. TOWER, from the Committee on Armed Services:

Mr. TOWER. Mr. President, from the Committee on Armed Services, I report favorably the following nominations: Maj. Gen. Leo Marquez, U.S. Air Force, to be lieutenant general, Vice Adm. Thomas J. Bigley, U.S. Navy (age 55), to be placed on the retired list, Lt. Gen. Richard E. Merkling, U.S. Air Force (age 57), to be placed on the retired list, Maj. Gen. Clarence E. McKnight, Jr., U.S. Army, to be lieutenant general, Lt. Gen. Lynwood E. Clark, U.S. Air Force (age 54), to be placed on the retired list, and Maj. Gen. Bruce K. Brown, U.S. Air Force, to be lieutenant general. I ask that these names be placed on the Executive Calendar.

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

Mr. TOWER. Mr. President, in addition, in the Air Force there are five permanent promotions to the grade of colonel (list begins with Barry D. Guyse), James E. Cobean to be appointed to the grade of lieutenant colonel in the Air Force, in the Army Reserve there are 347 promotions to the grade of colonel and below (list begins with James P. Batista), in the Navy there are 866 promotions to the grade of commander (list begins with Dianne M. Abruzzo), in the Marine Corps there are 66 permanent appointments to the grade of colonel (list begins with Tommy L. Adair), in the Air Force Reserve there are 12 promotions from the Air National Guard to the grade of lieutenant colonel (list begins with David A. Beasley), in the Air Force Reserve there are 34 appointments to the grade of colonel and below (list begins with Karel B. Absolon), in the Air Force there are five appointments to the grade of second lieutenant (list begins with Scott L. Brummett), in the Army there are 28 appointments to the grade of major and below (list begins with James N. Stearns, Jr.), in the Army there are 12 permanent promotions/appointments to the grade of lieutenant colonel and below (list begins with Larry E. Caylor), in the Army there are six permanent promotions/appointments to the grade of colonel and below (list begins with Stanford W. Hickman), in the Marine Corps there are four permanent appointments to the grade of second lieutenant (list begins with Robert H. Caldwell), in the Naval Reserve there are 451 permanent promotions to the grade of captain (list begins with Gary W. Aaron), and in the Navy there are 1,643 promotions to the grade of lieutenant commander (list begins with Gerald P. Abbott). Since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of June 27, July 11, July 14, and July 21, 1983, at the end of the Senate proceedings.)

By Mr. ROTH, from the Committee on Governmental Affairs:

James Brian Hyland, of Virginia, to be Inspector General, Department of Labor.

(The above nomination was reported from the Committee on Governmental Affairs with the recommendation that it be confirmed subject to the nominee's commitment to respond to request to appear and testify before any

duly constituted committee of the Senate.)

By Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry:

Paul I. Enns, of California, to be a member of the Federal Farm Credit Board, Farm Credit Adminstration for a term expiring March 31, 1989;

Daniel G. Amstutz, of New York, to be a member of the Board of Directors of the Commodity Credit Corporation; and

Joseph Alison Kyser, of Alabama, to be a member of the Federal Farm Credit Board, Farm Credit Administration, for a term expiring March 31, 1989.

(The above nominations were reported from the Committee on Agriculture, Nutrition, and Forestry with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. MATHIAS, from the Committee on Rules and Adminstration:

Joan D. Aikens, of Pennsylvania, to be a member of the Federal Election Commission for a term expiring April 30, 1989; and

John Warren McGarry, of Massachusetts, to be a member of the Federal Election Commission for a term expiring April 30, 1989 (Exec. Rept. No. 98-17)

(The above nominations were reported from the Committee on Rules and Administration with the recommendation that they be confirmed subject to the nominees' commitment to respond to request to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mrs. KASSEBAUM:

S. 1693. A bill to amend the International Aviation Facilities Act in order to insure the continued preeminence of the U.S. air safety leadership role in the world and, in furtherance thereof, to facilitate and promote the sale of U.S. manufactured aerospace products in world commerce, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LAXALT (for himself and Mr. HECHT):

S. 1694. A bill to declare that the United States holds certain lands in trust for the Las Vega Paiute Tribe; to the Select Committee on Indian Affairs.

By Mr. CRANSTON (for himself, Mr. HECHT, Mr. LAXALT, Mr. SIMPSON, and Mr. ZORINSKY):

S. 1695. A bill to amend the National Trails System Act by authorizing for study the Pony Express Trail under the provisions of the act; to the Committee on Energy and Natural Resources.

By Mr. STAFFORD:

S. 1696. An original bill authorizing three additional Assistant Administrators of the Environmental Protection Agency; from the Committee on Environment and Public Works; placed on the calendar.

By Mr. HOLLINGS:

S. 1697. A bill to amend the Military Service Act to provide for the reinstitution of the registration and classification of persons under such act and to reinstate the authority of the President to induct persons involuntarily into the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. WILSON (for himself and Mr. CRANSTON):

S. 1698. a bill to amend the Internal Revenue Code of 1954 to provide an alternative method of allocation of property taxes for cooperative housing corporations; to the Committee on Finance.

By Mr. DOLE (for himself, Mr. DOMENICI, Mr. DURENBERGER, Mr. D'AMATO, Mr. JEPSEN, Mr. MATSUNAGA, and Mr. BAUCUS):

S. 1699. A bill to amend title XVIII of the Social Security Act to provide medicare coverage of hepatitis B vaccine for vaccine for end stage renal disease patients; to the Committee on Finance.

By Mrs. HAWKINS:

S. 1700. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to provide greater protection to spouses under private pension plans, and to amend such Code to repeal the earned income limitation on the deduction for retirement savings, to establish displaced homemakers as a targeted group for the purposes of computing credit for employment of certain new employees, and to provide a credit for household and dependent care services for individuals performing substantial volunteer services; to the Committee on Finance.

By Mr. McCLURE (for himself, Mr. JACKSON, Mr. BAUCUS, Mr. GORTON, and Mr. SYMNMS):

S. 1701. A bill to impose specific directions on the Bonneville Power Administration; to the Committee on Energy and Natural Resources.

By Mr. DOLE:

S. 1702. A bill to amend the Hostage Relief Act of 1980 to give the provisions of such Act permanent effect, and for other purposes; to the Committee on Finance.

By Mr. JEPSEN:

S. 1703. A bill to require the Commodity Credit Corporation to accept under certain conditions during fiscal years 1984, and 1985 offers to exchange needed strategic and critical materials for surplus dairy stocks; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROTH (for himself, Mr. CHAFEE, and Mr. INOUYE):

S. 1704. A bill to encourage the expansion of the international trade in services, and for other purposes; to the Committee on Finance.

By Mr. MOYNIHAN (for himself, Mr. D'AMATO):

S. 1705. A bill to modify Federal land acquisition and disposal policies carried out with respect to Fire Island National Seashore, and for other purposes; to the Committee on Energy and Natural Resources.

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

S.J. Res. 137. Joint resolution to designate April 7, 1984, as "World Health Day"; to the Committee on the Judiciary.

By Mr. ZORINSKY:

S.J. Res. 138. A joint resolution to establish a Commission on Teacher Education; to the Committee on Labor and Human Resources.

By Mr. MOYNIHAN (for himself, Mr. D'AMATO, and Mr. BAKER):

S.J. Res. 139. A joint resolution to commemorate the centennial of Eleanor Roosevelt's birth; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MATHIAS:

S. Res. 184. An original resolution relating to the Senate page program; from the Committee on Rules and Administration; placed on the calendar.

By Mr. DENTON (for himself, Mr. DECONCINI, and Mr. HATCH):

S. Res. 185. A resolution establishing a temporary Special Committee on the Family, Youth and Children; to the Committee on Rules and Administration.

By Mr. MATHIAS:

S. Res. 186. An original resolution to pay a gratuity to Katherine C. Ahlers; from the Committee on Rules and Administration; placed on the calendar.

S. Con. Res. 59. An original concurrent resolution to authorize the Librarian of Congress to study the changing role of the book in the future; from the Committee on Rules and Administration; placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. KASSEBAUM:

S. 1693. A bill to amend the International Aviation Facilities Act in order to insure the continued preeminence of the United States' air safety leadership role in the world and, in furtherance thereof, to facilitate and promote the sale of U.S. manufactured aerospace products in world commerce, and for other purposes; to the Committee on Commerce, Science, and Transportation.

UNITED STATES INTERNATIONAL AVIATION SUPPORT ACT OF 1983

Mrs. KASSEBAUM. Mr. President, today I am introducing legislation to enhance the international aviation programs of the Federal Aviation Administration (FAA). This legislation has been drafted in response to the growing concern of both Government and aerospace industry leaders about the ability of American aviation manufacturers to meet the challenge of foreign, government-subsidized competition.

The importance of sustaining the U.S. share of the world market for aviation products is self-evident in the fact that foreign sales of aircraft, engines, radars, computers, communication equipment, and engineering/design services has been, and still is the biggest single source of foreign exchange next to agricultural products.

Until recently, the United States enjoyed a near 90-percent share of the world aviation market. However, the traditional leadership of the United States in this area is now under seri-

ous challenge. The competitors are primarily located in Europe—large, State-assisted aerospace manufacturers—who, with considerable financial help from their governments for both developmental costs and purchase financing, have been able to market technically respectable products and services. Similar trends are in incipient stages in other parts of the world. The FAA can be a legitimate vehicle to support U.S. industry.

Traditionally, the FAA has set the standard for aviation safety regulation the world over. FAA certificates of all kinds have been literally prized throughout the world. Countries seeking to setup or enhance their air traffic control systems have wanted to know how we do it. Foreign airlines have sought FAA-certificated aircraft, pilots and repair stations because they know that if it is done according to the FAA book it is done right and that their flights will be safe and reliable. Moreover, once they establish such systems, they have asked us to assure that they continue to operate in concert with our standards. A current example of this desire to be a part of the FAA System emanates from Saudi Arabia, where the national airline has insisted that FAA regulatory practices govern their flight operations.

In addition to enhancing the safety and reliability of international aviation, this reliance on American regulatory standards has important ancillary benefits for U.S. manufacturers.

The reliance on American standards encourages and supports the use of American manufactured planes, parts, and related services. Foreign manufacturers seek American partners for their new projects, not only to spread the financial risk but also because they know the Americans, whose products must always meet FAA's high standards, know how to build safe and reliable airplanes.

Foreign aviation regulatory authorities are actively assisting their local aerospace industries in efforts to secure contracts the world over. Present legislation does not give FAA the freedom to act in behalf of U.S. firms, and provides no funds for such support.

In France, Sofereavia-Societe Francais d'Estudes et de Realisations d'Equipment Aeronautiques and the Aeroport de Paris are working hard to develop overseas markets for French exporters of aviation infrastructure equipment and services.

The range of Sofereavia's services is considerable, including feasibility studies and aviation system plans, turnkey contracts, flight inspection, and training of foreign nationals. Seventeen field offices support the provision of these services to 33 countries. The Aeroport de Paris is conducting similar technical cooperation programs in 11 countries.

Recently, Great Britain, witnessing the success of such programs in France, has instituted a similar approach to worldwide sales. The United Kingdom Department of Trade has helped to form a consortium of airport and airways equipment manufacturers to enhance the potential for export sales. The British consortium just announced its first contract—a $26 million order from Brazil for air traffic control equipment to be used on airports at Sao Paulo and Belo Horizante.

As in the Sofreavia-Aeroport de Paris examples, the Government is involved not only from the organizational standpoint but also in the crucial area of financing. Much of the financing for the Brazilian deal is covered by the U.S. Export Credits Guarantee Department and placed by the Lazard Brothers of London. As a result, the project will be financed over 10 years at a 7.75-percent interest rate—slightly over half of current U.S. prime.

The United States International Aviation Support Act of 1983 responds to these challenges. However, the challenges contemplated by the act do not constitute a significant change in American aviation policy. Federal law has always directed the Administrator of the FAA and its predecessor agencies to foster and promote civil aviation both domestically and internationally. Nor does it institute a program of heavy handed governmental intrusion, whether by regulation or subsidy, into the private sector. What it does do is provide the authority to the Secretary of Transportation to expand existing programs and create new ones which entail cooperative efforts between FAA and the U.S. firms seeking markets abroad. Further, it provides the Secretary with additional authority to meet the continuing demand for FAA technical assistance, thereby insuring that the FAA's worldwide regulatory preeminence is maintained. Finally, the legislation creates a funding mechanism whereby the beneficiaries of the international aviation programs will help support them, so the bill entails minimal new costs for the Government.

I am also submitting a detailed section-by-section analysis for the record specifying the legislative changes designed to meet these goals, and I ask unanimous consent that it be printed in the RECORD.

I hope my colleagues will agree that this legislation represents an important step in addressing the challenge to American aviation leadership and will work with me to seek its early enactment.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows;

SECTION-BY-SECTION ANALYSIS—THE UNITED STATES INTERNATIONAL AVIATION SUPPORT ACT OF 1983

SECTION 1

Provides that the Act may be cited as the "United States International Aviation Support Act of 1983."

SECTION 2

Provides a declaration of policy designed to assure the Administrator that agency programs undertaken to "foster and promote" are consistent with Congressional intent. Furthermore, the language is designed to reinforce the concept that such activities are not inconsistent with the agency's safety responsibilities nor existing trade and economic policy. All in all, the language is meant to convey the concept that a policy of "foster and promote" programs is not a new program, but rather is a reaffirmation of long-standing Congressional guidance. The importance of this proposal is that an undated approach to the challenge of increased competition is needed, and that we undertake these programs cognizant of our traditional policies and values, i.e., free trade and minimal government intrusion into the affairs of business.

SECTION 3

This section is meant to augment general authorities granted the Administrator through the Secretary under Section 303 of the Federal Aviation Act. It again reaffirms that the Administrator's actions are to be consistent with existing law and also "United States Foreign Policy Goals". This reference is intended to reinforce the long tradition of cooperation between the State Department and the FAA in the conduct of FAA international programs.

Subsection (1) authorizes the Secretary to add to the effectiveness of the FAA's technical assistance programs to foreign regulatory authorities, and to continue to provide FAA certificates to qualified non-U.S. citizens and facilities. This is designed to provide clear authority to expand such activities through, for example, the commitment of additional personnel and resources. By so doing, the agency will be in a better position to support U.S. products abroad.

Subsection (2) provides explicit authority for the Secretary to expand existing programs and institute new ones designed to assist U.S. firms in their efforts to export aerospace products and services. Subparagraphs (A), (B), and (D) suggest specific, but not exclusive ways in which to accomplish this goal.

Subparagraph (A) authorizes the Secretary to invite the active participation of U.S. firms in the agency's technical assistance programs with foreign governments. Activities contemplated under this subparagraph would include cooperative FAA-U.S. industry efforts to provide a full range of consultative and management services to requesting foreign aviation authorities.

Subparagraph (B) allows the Secretary to actively assist U.S. firms in their efforts to successfully bid on foreign projects. Such assistance could range from consultations regarding the appropriate personnel to contact in the foreign government or aviation concerns to technical assistance in the preparation of bids.

Subparagraph (C) allows the agency to continue, if the parties so desire, to play a role in the execution of a contract entered into between U.S. firms and a foreign government. For example, the FAA could, under this provision, agree to provide con-

tinuing regulatory oversight over a foreign operator of U.S. aircraft or air trafic control equipment.

Subparagraph (D) authorizes the Secretary to assist U.S. firms in developing training programs designed to enhance foreign sales. It is contemplated that such activities might include the provision of FAA personnel for training seminars or the provision of appropriate FAA studies which would be relevant to such efforts.

Subsection (b) provides explicit authority to allow the Secretary to establish such regulations as are necessary to carry out the policy and provisions of the Act.

SECTION 4

Amends certain provisions of the International Aviation Facilities Act in order to carry out the goals of the United States International Aviation Support Act of 1983.

Subsection (a) amends Section (5) of the International Aviation Facilities Act. This is the section of current law that allows the Secretary to accept payment for technical assistance and other international activities.

The amendments change current law in two basic ways.

First, the scope of the activities for which the Secretary can receive payments is broadened to include those new activities which are contemplated by the United States International Aviation Support Act of 1983. Further, the amendment allows Secretary to receive payment from "persons," thereby allowing him to charge private firms both foreign and domestic for international activities undertaken pursuant to this Act. The Secretary is also authorized, if he so finds, to provide services on a non-reimbursable basis or on a recovery of expense basis. This would permit assistance to U.S. firms in endeavors which exclusively would benefit that company if the manufacturer seeks the assistance of the FAA where such manufacturer is encountering competition from foreign manufacturers which are directly or indirectly supported by the foreign govenment. The amendment explicitly refers to activities undertaken pursuant to Section (3)(a)(2) of the Act, therefore contemplating that the cost of FAA international assistance programs aimed at enhancing U.S. sales opportunities abroad could be reimbursed by the beneficiaries of those efforts.

Secondly, the amendment defines the term "funds" (subparagraph (2)) in such a way as to include the provision of "in kind services" incident to the activities undertaken pursuant to this Act. This would allow FAA personnel to accept meals and lodging in the course of their duties undertaken pursuant to this Act. As the policy statements in Section 2 make clear, these activities are not seen to be in conflict with the safety regulatory mission of the FAA. Therefore the acceptance of such "in kind" services would not constitute an improper conflict or appearance of a conflict of interest on the part of those employees who were authorized to accept them.

This provision of law has always been permissive, i.e., the Secretary has never been required to charge for such services. The amendment does not change this policy. Indeed, subparagraph (3) is included to underscore the fact that in certain cases where the Secretary determines that the interests of safety and the prospects for the sale of U.S. firms would be enhanced by the activity, but payment is not feasible, then it need not be required.

Subsection (b) amends Section 11 of the International Aviation Facilities Act to include, in the protections of that section, any operators of U.S. registered aircraft. Current law applies only to air carriers. Thus, business or other privately owned aircraft which are discriminated against could avail themselves of the protections in Section 11.

Subsection (c) adds a new definition to the International Aviation Facilities Act, that of a "person." This, in turn, serves to clarify the amendments to Section 5, which, as discussed above, would allow the Secretary to accept payment from "persons." The Definition is patterned after that in the Federal Aviation Act.

SECTION 5

This section permits the FAA Administrator to establish an exchange of persons program with foreign aviation authorities and aerospace industries. It is a two-way street which will improve understanding and rapport in the international aviation community. Through the marketing of the competence of our systems, we will be selling foreign governments the quality of the U.S. products which support them.

SECTION 6

Creates a special fund in the U.S. Treasury to finance the activities undertaken pursuant to its provisions. The provision is patterned after the legislation creating the Airport and Airway Trust Fund.

Subsection (b) provides that funds received under the International Aviation Facilities Act (and therefore any funds received under activities undertaken pursuant to this Act) are to be deposited in the fund. This replaces existing language in Section 5 which provides that such funds are to be credited against current appropriations.

Subsection (c) allows the Secretary of State to make contributions to the fund from foreign assistance funds when he believes they may be utilized to carry out projects which would further the foreign policy goals of the United States. The provision allows the Secretary of State, in making such transfers, to require that they be spent on specific projects. Provision is also made to transfer some or all of the funds received in landing fees at the two Federally operated airports to the fund.

Subsection (d) modifies Section 45 of the Airline Deregulation Act to accommodate changes made in existing law by this Act. It is not intended to alter the current prohibition against charges for domestic certification activities but provides for deposit of funds received by the FAA certification services provided outside the United States in connection with airman, aircraft and air agencies.

Subsection (e) authorizes the acceptance and deposit of funds of private contributions given to further the purposes of the Act.

Subsection (f) provides that funds not needed to meet current withdrawals shall be invested. The language describing the types of investments that are permitted, subsection (g) regarding the sale of obligations and (h) regarding the deposit of interest to the fund track similar provisions regarding the Airport and Airways Trust Fund and are intended to have the same import as those provisions. (*See* section 208 of the Airport and Airways Revenue Act of 1970.)

Subsection (i) provides the authority for the Secretary of Transportation to make expenditures from the fund necessary to carry out the purposes of the Act, including salaries and related expenses.

By Mr. LAXALT (for himself and Mr. HECHT):

S. 1694. A bill to declare that the United States holds certain lands in trust for the Las Vegas Paiute Tribe; to the Select Committee on Indian Affairs.

LAS VEGAS PAIUTE TRIBE LANDS TRUST

● Mr. LAXALT. Mr. President, I introduce for appropriate reference a bill to transfer in trust to the Las Vegas Paiute Tribe some 3,840 acres of public domain lands in Nevada. I am joined by my distinguished colleague, Senator HECHT, in proposing this bill.

The Las Vegas Paiute Tribe needs an additional land base on which to provide for the future economic development of the tribe and for the housing and community service needs of its members.

The tribe has undertaken an ambitious and far-sighted planning effort for the future. However, its economic and development goals cannot be met within the confines of the present small 12½-acre colony area. The tribe, with the assistance of the Bureau of Indian Affairs, sometime back determined that a vacant tract of the public domain located northwest of Las Vegas, and comprising some 3,840 acres, would facilitate the tribe's efforts. That land is the subject of this bill.

I have been impressed by the ambitious and determined efforts of the tribe's leadership to provide economic opportunities, maintain the tribe's cultural and spiritual heritage, and provide for the housing and social services of its members. It is appropriate that the Federal Government, under its long-held trust responsibility to Indians, assist Indian communities where it can do so consistent with its responsibilities to the Nation.

The tribe has diligently worked to justify the transfer by submitting an overall plan for the land. It has worked closely with local and county governments and with all private parites with an interest in the land to insure that the tribe's goals are understood. There is a unanimity of support among the parties for this effort. All existing rights will be protected. The unanimity of local and State support for the tribe in this proposal has been most encouraging.

The land involved is part of the aboriginal lands occupied by the Paiutes prior to the coming of settlers and has historic and spiritual significance to tribal members.

The Congress can facilitate a worthy public purpose by giving the tribe an opportunity for growth through self-reliance and the development of the talents of its members through this legislation.●

By Mr. CRANSTON (for himself, Mr. HECHT, Mr. SIMPSON, and Mr. LAXALT):

S. 1695. A bill to amend the National Trails System Act by authorizing for study the Pony Express Trail under the provisions of the act; to the Committee on Energy and Natural Resources.

PONY EXPRESS TRAIL

Mr. CRANSTON. Mr. President, I introduce for appropriate reference a bill to authorize a study of the Pony Express Trail for possible inclusion in the national trails system.

The Pony Express represents an important segment in the development of our Nation. It was the first rapid transit and the first fast mail line across the continent from the Missouri River to the Pacific coast. The Pony Express, furthermore, is one of the best known symbols of courage, enterprise and the conviction that anything is possible when it is for the common good. The service provided by the Pony Express was instrumental in binding our young country together, in linking the far West to the more populous East at a time when overland travel was slow and cumbersome and when the impending Civil War made the rapid communication of news between these sections a necessity.

There were 190 stations spaced some 15 miles apart with 400 horses, as many stationmen and assistants, and approximately 80 riders served the Pony Express. It was like a giant relay. At each station the riders were given 2 minutes in which to transfer the saddlebags to fresh ponies and be on their way again. After riding a certain distance, one rider would hand the mail over to another and so on until the destination was reached. This relay continued day and night during both summer and winter through some of the wildest regions of the country.

The Pony Express Trail extended from St. Joseph, Mo., to Sacramento, Calif. In general, the route followed the well-known California-Oregon Trail by way of Fort Kearny and Scottsbluff (Nebraska); Fort Laramie, South Pass, and Fort Bridger (Wyoming); and Salt Lake City (Utah). From there the trail went around the southern end of the Great Salt Lake, by way of Fort Churchill and Carson City (Nevada), and Placerville to Sacramento (California).

The 22-day delivery time of the previous overland mail route was cut virtually in half by the Pony Express. Initially, its delivery schedule was set at 10 days for 8 months of the year and 12 days during the winter season. These times soon were lowered to 8 and 10 days respectively. An average speed of 10 miles, including stops, had to be maintained on the summer schedule. In the winter a speed of 8 miles an hour was sustained despite deep snows. The best record set by the Pony Express was in delivering a copy of President Lincoln's inaugural address across the country in March 1861. Lincoln's speech arrived in Sacramento, Calif., from St. Joseph, Mo.—a distance of 1,966 miles—in just 7 days and 17 hours.

Nonetheless, actual mail service via the Pony Express lasted a brief 19 months. Yet that period from April 3, 1860, when the first mail pouch and rider left St. Joseph, Mo. to October 24, 1861, when the Pony Express was officially ended, represents one of the most colorful episodes in American history. Certainly the deep impression the Pony Express made on the times belies its short duration. It marked the highest advancement in overland travel to its time and made clear that a central route across the continent would expedite the carrying of the mail to the west coast.

Over the years the progression of our postal service has been a vital force in the evolution of our country. This service followed the covered wagons with means of communication that maintained the early settlers' contacts with the families and friends they had left behind. It has been said that without this postal service, the development of the West may have been delayed for many years. The discovery of gold in California fueled the West's demand for rapid communication with the East, a demand that was intolerable of slow convoys or ships and that could not wait for railroad construction or the extension of the telegraph.

The Pony Express, however, proved the feasibility of a transcontinental railroad and paved the way for the first such rail to span the country 9 years later. The Pony Express demonstrated that such a line could be built and operated year round—a feat previously regarded as impossible. Not surprisingly, completion of the transcontinental telegraphic line long preceded the cross-country railroad. On October 24, 1861, it was the telegraph that escorted the Pony Express formally out of existence. On that date, the two telegraphic lines being built across the continent—one from Missouri and one from California—were joined. Messages could be sent from coast to coast and the need for the Pony Express no longer existed.

As the humming telegraph wires and roaring railroad took over its task, the Pony Express passed into legend. Nonetheless, it continues to be an exciting chapter in the Nation's history. The operation of the Pony Express was a supreme achievement of physical endurance on the part of men and their horses. Its history is truly a tribute to American courage and American organizing genius. The romance, courage, endurance, and individual exploits which the routine operations of the Pony Express involved, along with its relationship to issues of nationwide importance, make it well worth remembering. In view of its well-established historical and cultural values, Mr. President, I believe the Pony Express route merits study to determine the suitability and feasibility of its designation as a national historic trail and inclusion in the National Trails System.

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

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

S. 1695

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 5 (c) of the National Trails System Act is amended be adding at the end thereof the following: "( ) Pony Express Trail, extending from St. Joseph, Missouri through Nebraska, Wyoming, Utah and Nevada to Sacramento, California.

By Mr. HOLLINGS:

S. 1697. A bill to amend the Military Selective Service Act to provide for the reinstitution of the registration and classification of persons under such act and to reinstate the authority of the President to induct persons involuntarily into the Armed Forces, and for other purposes; to the Committee on Armed Services.

REINSTITUTION OF THE DRAFT

Mr. HOLLINGS. Mr. President, I rise today to introduce legislation reinstituting the military draft. We need the draft for many reasons—most importantly, we need it in order to remain true to the ideals which built this country.

President Reagan and Defense Secretary Weinberger may cite the success of the All-Volunteer Force in reaching all of DOD's recruiting objectives. I do not for 1 minute think that the American public and our military leaders are fooled by such statistical gimmicks. We are in a recession, and our young people need jobs. It is that simple. There is over 20 percent unemployment of our young people—it is over 50 percent for young blacks—where else can these people turn? The AVF is the employer of last resort. If the economy improves—the military will no longer be able to compete with private industry and higher education for the young.

The AVF is a product of the Vietnam mindset. Early in the 1970's, with America's morale sapped by our involvement in Vietnam, everyone wanted the easy way for America to defend itself without personal sacrifice. So we instituted the Volunteer Army, and with that problem moved beyond arm's length, we put the whole defense problem beyond arm's length. That Volunteer Army which no longer touches every neighborhood is forgot-

ten in appropriations and removed from everyday life in America as far as most citizens are concerned.

That attitude must change. I continually warned my colleagues when the AVF was begun in 1973 that the proposed AVF would only institutionalize the inequities of the draft—inequities which could have been remedied with much less dislocation. Specifically, the poor, the black, and the disadvantaged who fought in Vietnam would constitute the bulk of the Volunteer Force. This is precisely what happened, and it goes on today. Many Members of the Senate will chastise me for these remarks. They will speak proudly of how well the AVF works, that it draws from all walks of life. They do not fool me with their comments. They should not fool themselves. The decision of 1973 insured that our Nation's defense burden would rest with the poor, the black, and the disadvantaged for years to come. And without a cross-section of representation, we have no cross-section of support. Rather than an equal call on all, we perpetuated the rich man's undemocratic lie: "We will pay for it."

The fact is we can never pay it. We can appropriate to cure the pay deficiencies, as we did with the large pay and benefits packages of recent years, but the fact is these were only halfway measures that did not address our long-term needs. On one end we have the equivalent of a military Job Corps—fertilely bred by a failed Reagan economic program. On the other end, we have commissioned officers who take home paychecks larger than those of a U.S. Senator.

There are those who point out that in times like today, with unemployment high and the economy sluggish, we will meet our manpower requirements. I say it is a sad commentary when we have to bank on a recession in the economy to man America's fighting forces. Even bigger problems are just around the corner, for all the demographic indicators warn that the pool of 17- to 21-year-old males—the largest grouping of potential recruits—is going to fall off sharply. The baby boom is history, and the prognosis is for a rapidly shrinking recruiting pot. In 1980, there were approximately 11 million males in the 17- to 21-year-old category. By 1990, this group is projected to total less than 9 million.

In 1980, the AVF was attempting to recruit one of five males 17 to 21 years old. By 1993, it is estimated that the AVF must get one of two in this age group due to the competition from an improved economy and when higher education is once again within the economic means of most young people.

Mr. President, how will we meet such demanding goals? One out of two. You and I both know that answer. It is money. We will once again be on the treadmill of escalating pay and benefits for our troops while diminishing arms for our troops and lessening our capability to defend ourselves.

The quality of recent volunteers in the Army is a matter of grave concern. Fewer Army recruits in recent years have demonstrated reading skills above the eighth grade level. And this is after we have required a larger number of high school graduates. This is especially disconcerting because the military's technical operations and complex equipment demand greater skill and judgment of our servicemen. If we fail to face up to the quality problem today, we will depend more and more on less educated soldiers to carry the weight of our conventional military force tomorrow.

The all-volunteer approach has been a failure. It has failed to provide the necessary number of combat troops. It has failed to provide a quality defense force. And we have failed as a people to fairly and equitably distribute the burden of our national defense. Our volunteer forces are sadly unrepresentative of the society they serve. Over one-quarter of all new recruits are black—double their proportion in the population. The number of other minorities, especially Hispanics, is growing. The minority soldiers are overrepresented in combat formations such as tank, artillery, and infantry outfits, raising the specter of disproportionate casualties among minorities in wartime. And, more than a racial problem, it is a class problem. For even the white recruits are drawn from the poorer and less educated segments of society.

The cross-section approach of an equitable draft solves this problem. The burden would be shared by all. Exemptions can and must be kept to a minimum. Just prior to the institution of the All-Volunteer Force, and in response to the inequitable deferment and exemption standards which had been in place, we tightened eligibility standards and greatly limited deferments and exemptions. Under the proposal I am introducing today, we would observe those necessary and tightened standards. Specifically, deferments and exemptions would be limited to: First, persons on active duty, in the Reserves, or in advanced ROTC study; second, surviving sons or brothers of those killed in war or missing in action; third, conscientious objectors and ministers; fourth, professions necessary to national health, like doctors; fifth, judges of courts of record and elected officials; and sixth, for students, short-term postponements of their military obligation. Those in high school could be deferred until they graduate, but in no case extending beyond age 20. And those in college could continue studying until the end of the semester or, if in their senior year, until the end of that school year. We all share the benefits of life in America; under my plan, we insure that we all help shoulder the burden of defending it.

The cost, the concept, the civil wrong of a volunteer army are bad enough, but more than anything, it has required a civilianization. That process can keep the army content and happy in peacetime, but in war it fairly well guarantees that the soldier will not fight. Anyone who has ever served in war realizes that the motivation to kill, to defend, to advance, to hold an untenable spot all springs from a unit loyalty—a loyalty developed from working together, playing together, training together, staying together and sacrificing together. It is an inner discipline; it is a developed pride for the organization that you are a part of. But to give the Volunteer Army appearances of success and harmony, civilianization has taken over. Soldiers stay off camp or fort with their wives, weekends are off with their families, promotions are made with little regard to merit, and the commander that breaks down his barracks and finds drugs can only turn in the drugs and not the man because civilian law has taken over and a warrant is required. Turning the Army into a microcosm of the office down the street does not suffice. The kind of camaraderie needed to weld an effective fighting force cannot flourish in an atmosphere where the military is a part-time chore. Defending America is not a 9 to 5 job.

In fairness to ourselves as a people, we need the draft—a universal draft, not the kind with all the exemptions that caused so much bitterness during Vietnam—a draft that would reflect the true character of America's greatness. We must provide for the reinstitution of registration and classification and for the reinstatement of the President's authority to induct individuals. We cannot respond to crises around the world unless our forces are significantly improved. The Joint Chiefs tell us so.

Conscience tells us that we need a cross-section of America in our Armed Forces. Defense is everybody's business. It is everybody's responsibility. Even if we had the money to make the All-Volunteer Army work, a professional army is un-American. It is an anathema to a democratic republic—a glaring civil wrong. Not until it makes an equal call on rich and poor alike, educated and uneducated, white and black, will it be a true reflection of us as a people. America benefits when serving alongside the high school dropout is the Harvard graduate who goes on to win the Navy Cross. A free society defended by the least free is a dangerous contradiction.

The great need of the hour is not so much planes and tanks, pilots and sol-

diers, and military power. The great need for America in foreign policy is willpower. We lack credibility. Even since Vietnam, we have receded and withdrawn, refusing to commit. The lesson should have been learned by now that a President's commitment counts for little unless it reflects the commitment of the people.

The direction of our foreign policy, the power of our newest weaponry, and the number of dollars in the defense budget are meaningless unless we, as a people, are committed to the task of protecting a nation and aiding our allies—allies who by and large do maintain systems of military conscription.

From all of these standpoints then, Mr. President, the lack of military cohesiveness, extravagant cost, and primarily the unequal sharing of equal responsibilities—America needs the draft.

We should listen to the words once again of John F. Kennedy—"Ask not what your country can do for you: Ask what you can do for your country." Mr. President, there is no painless way that we can provide for the defense of freedom.●

By Mr. WILSON (for himself and Mr. CRANSTON):

S. 1698. A bill to amend the Internal Revenue Code of 1954 to provide an alternative method of allocation of property taxes for cooperative housing corporations; to the Committee on Finance.

CO-OP PROPERTY TAX EQUITY ACT

Mr. WILSON. Mr. President, along with my colleague from California, Senator CRANSTON, I am today introducing the Co-op Property Tax Equity Act, S. 1698. This bill would provide for fair and equitable taxation of owners of co-op housing.

A co-op, technically a "cooperative housing corporation," is similar to a condominium arrangement, but each resident does not own his own unit. Instead, each resident owns shares of stock in a corporation that owns the building. The current law, section 216 of the Internal Revenue Code, allocates the property tax deductions in proportion to each resident's stockholding interest in the corporation.

Before the adoption in California of a limitation on property taxes—proposition 13—this method allocated to each resident the amount of property tax actually assessed and paid on his or her unit. Proposition 13, however, freezes property tax assessments until a unit is sold and then requires the new owner to pay the full amount of the increased assessment. As currently written, section 216 splits up the deduction, including the increased assessment, on an equal, per share basis, among all the residents, including those whose assessments have not changed. As a result, some of the residents get a greater tax deduction than they should—and others less than they deserve.

The legislation I am introducing today would revise section 216 so that if a State law requires that the real property tax be allocated other than on the basis of the shareholding interests of each resident of a co-op, each resident would be entitled to deduct exactly as much real estate tax as he or she actually pays.

Mr. President, the bill I am introducing does not place any drain on the Federal Treasury. The fiscal impact is zero. Under present law, some people are getting too great a deduction for Federal income tax purposes, while others are getting too small a deduction. This legislation would merely reallocate these deductions for property taxes, while the aggregate would remain the same.

Mr. President, my bill is straighforward, noncontroversial, and cost-free to the Federal Government, and I hope that the Finance Committee will soon give it consideration.

By Mr. DOLE (for himself, Mr. DOMENICI, Mr. DURENBERGER, Mr. D'AMATO, and Mr. JEPSEN):

S. 1699. A bill to amend title XVIII of the Social Security Act to provide medicare coverage to hepatitis B vaccine for end stage rental disease patients; to the Committee on Finance.

COVERAGE OF HEPATITIS B VACCINE

● Mr. DOLE. Mr. President, the bill we introduce today would permit medicare coverage of vaccinations for hepatitis B for end stage renal disease (ESRD) patients. These patients, the majority of whom rely on hemodialysis for their survival, are at high risk of contracting the hepatitis B virus because of the nature of the treatment for their condition. This virus is transmitted primarily by contact with infected blood and blood products. Consequently, the populations most at risk include patients who receive blood or blood products. Although many dialysis patients will not become seriously ill with hepatitis, a significant number of them become permanent carriers of the virus, exposing their therapists and fellow patients to infection. The cases of clinically significant hepatitis B infections which do occur in dialysis patients result in prolonged illness, expensive hospitalizations, and death.

INCIDENCE OF HEPATITIS B VIRUS

According to the centers for disease control (CDC), about 200,000 people are infected with the hepatitis B virus each year, resulting in over 10,000 hospitalizations and 250 deaths. Moreover, many of those infected become carriers of the disease and develop chronic active hepatitis. Information provided by the CDC indicates that about 4,000 people die each year from hepatitis B related cirrhosis and more than 800 die from hepatitis B related liver cancer.

CURRENT COVERAGE LIMITATIONS

At present, end stage renal disease patients, because of their high risk of exposure to the hepatitis B virus, are monitored through monthly blood tests to screen for the virus. These tests are covered and paid for under the medicare program. However, the vaccine used to immunize people against the virus is not covered.

The availability of a safe, efficacious hepatitis B vaccine means that not only can the costs of monthly monitoring and hospitalization be avoided, but more importantly, the incidence of morbidity and mortality for high risk patients can be reduced. The vaccine is administered in three doses over a period of 6 months and has been shown to be effective in producing immunity in about 90 percent of those tested to date. The effectiveness rate for ESRD patients may be lower, and may vary inversely with age, but will probably still be in the range of 75 to 80 percent. Researchers believe the vaccine provides protection for at least 3 years.

The vaccine would cost about $215 to administer to each patient. Therefore, the cost during the first year of vaccinating the existing population of dialysis patients covered by medicare would exceed the cost savings derived from foregoing frequent blood tests. The Congressional Budget Office estimates a first year net cost of $2.2 million. However, in subsequent years the cost of vaccinating those continuing in the program and the approximately 20,000 new end stage renal disease patients entering the program each year would be greatly outweighed by the savings resulting from the reduced need for monthly monitoring and for the treatment of those contracting the virus. CBO estimates savings in the second year of $1.5 million and net savings over 5 years of $7.2 million.

CONCLUSION

Mr. President, the hazard of hepatitis B virus is especially high for ESRD patients. Medicare coverage of a vaccine which provides for safe and effective immunization can have a significant impact on the quality of life and general health status of ESRD patients. If program costs can be reduced in the process, all the better.●

By Mrs. HAWKINS:

S. 1700. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to provide greater protection to spouses under private pension plans, and to amend such code to repeal the earned income limitation on the deduction for retirement savings, to establish displaced homemakers as a targeted group for the purposes of computing credit for employment of

certain new employees, and to provide a credit for household and dependent-care services for individuals performing substantial volunteer services; to the Committee on Finance.

ECONOMIC PARITY ACT

● Mrs. HAWKINS. Mr. President, sometimes I wonder how many women survive in this day and age. I wonder how they make ends meet, considering the grievous inequities in earning power, the puny size of their pensions, the dearth of day-care benefits, and the tragic deficiencies of current child-support laws. Sometimes I wonder that if women could earn at least as much as men, these inequities would not seem so drastic and truly life threatening. Since it is not really my job to wonder why but to do something about these inequities, today I am introducing legislation entitled the Economic Parity Act, identical to H.R. 3554 introduced by my distinguished colleague from Florida, Representative TOM LEWIS. This legislation seeks to correct many of the inequities in the pension laws affecting women, and most important, not just employed women, but divorced and widowed women as well.

Mr. President, no woman in this country should be penalized for choosing homemaking as a full-time career, interrupting an active career to raise children or combining an active career with childrearing. Because employed women tend to be young, work part time or part year, and interrupt their service for family obligations, most working women receive no pension coverage. My legislation attempts to remedy this grave situation by adressing the differing needs of employed women. For example, my legislation recognizes that women between the ages of 20 and 24 have the highest labor force participation and it amends ERISA to require employers to offer pension benefits at age 21 or after 1 year of employment, instead of age 25. In addition, the legislation would modify breaks-in-service rules to give up to 20 hours per week credit for up to 1 year of employer-approved maternity or paternity leave, if the employee returns to the job. This change is important because only 41 percent of women working full time were vested in their pension plans, as opposed to 51 percent of the men. The difference is clearly due, in part, to time off for childbearing.

The Women's Economic Parity Act (WEPA), also seeks to improve the pension laws affecting women who work within their homes. For many years, widows or divorced women have been unfairly treated by the pension and tax laws. Because they choose careers as homemakers, they are often dependent upon their spouse's pension plan. Yet, under current law, joint or survivor benefits can be terminated without notice or consent by the spouse. WEPA would correct this inequity by making joint and survivor benefits automatic unless both the plan participant and the spouse agree in writing to waive this section. It also corrects the problem of survivor benefits being withdrawn if the plan participant dies before retirement. WEPA provides that the survivor benefit be paid to the spouse even if the plan participant dies before retirement, as long as he or she was vested.

A very important provision of this legislation would clarify the extent to which State courts can consider pension benefits in divorce, child support, and other domestic-relations cases. This is consistent with recent congressional action to amend the Social Security Act to provide pension benefits to divorced wives married 10 years. It is also consistent with passage of the Foreign Service Act of 1980, which made military and foreign-service pension benefits subject to alienation by the courts in domestic-relations cases. I feel that this provision recognizes marriage as the economic partnership which it indeed is.

Displaced homemakers who have spent years creating a home and binding together a family and who have subsequently lost their jobs through divorce, separation, or death often lack marketable skills and need special assistance to reenter the labor force. WEPA would assist in the reentry of this special group by amending the targeted jobs tax credit to include displaced homemakers. Employers would receive a tax credit when hiring this targeted group.

A homemaker is crucial to the survival of the family; her work is all the more priceless because no one can put a value on it. It is high time we attempted to correct certain inequities created by this situation.

Another important provision in the Women's Economic Parity Act would amend the individual retirement accounts. IRA's are a new and innovative way to encourage people to save for their retirement. An important segment of the population is being ignored, however. Since alimony and spouse support is not considered earned income, separated or divorced women whose sole source of income may be alimony or spouse support are prevented from taking advantage of this method of retirement savings. Since elderly women are the fastest growing poverty group in America—in fact, 81 percent of women over age 65 not living with relatives are below the poverty line—the small reduction in revenues caused by this provision is well justified.

Mr. President, there is a saying; "Women are not a minority; they're just treated like one." Well, women are a majority—no minority, and certainly not women, should be subject to economic indignities that threaten their self-esteem, their well-being, and the health and safety of their families. I feel that these reforms in pension and tax laws are long overdue, and I urge my Senate colleagues to join me in supporting this bill.●

By Mr. McCLURE (for himself, Mr. JACKSON, Mr. BAUCUS, Mr. GORTON, and Mr. SYMMS):

S. 1701. A bill to impose specific directives on the Bonneville Power Administration; to the Committee on Energy and Natural Resources.

DIRECTIVES TO THE BONNEVILLE POWER ADMINISTRATION

Mr. McCLURE. Mr. President, today I am introducing for myself and others a bill to impose specific directives on the Bonneville Power Administration. The text of this bill is identical to Section 317 of H.R. 3363, the Department of the Interior and related agencies appropriation bill for 1984 which is currently awaiting action by the Senate. The report accompanying H.R. 3363 (S. Rept. 98-184) contains language approved by the Senate Appropriations Committee which provides in addition to the language of the bill, the limitation and directives intended to be imposed upon the Bonneville Power Administration (BPA). This language is intended to be applicable to this bill, as well, and is, therefore, included at this point in its entirety:

SEC. 317. The Committee, through section 317 of the bill and the provisions contained in this report, imposes specific directives on the Bonneville Power Administration (BPA), a Federal power marketing agency. BPA does not receive appropriations because it is a wholly self-financed entity under the provision of the Federal Columbia River Transmission System Act of 1974 (Transmission Act), 16 U.S.C. 838-838K. BPA's costs are, therefore, borne by its customers, not by the U.S. Treasury or the U.S. taxpayer. However, under section 11(b) of the Transmission Act, BPA expenditures are subject to "specific directives and limitations * * * included in appropriations act." 16 U.S.C. 838i(b). This provision is a specific directive and limitation of this type.

Federal power marketing agencies have authority under the Flood Control Act of 1944 to acquire resources by net billings. The Public Works Appropriations Act of 1971 specifically affirmed BPA's authority to acquire the plant capability of WPPSS 1, 2, and 70 percent of 3. This acquisition was affirmed in the Transmission Act of 1974 which authorized BPA to expend funds for the "purchase of electric power, (including the entitlement of plant capability) * * * if such purchase has been heretofore authorized." These resources were defined as "Federal base system resources," for example, "resources acquired by the Administrator under long-term contracts in force on" December 5, 1980, the effective date of the Pacific Northwest Electric Power Planning and Conservation Act, (Regional Act), 16 U.S.C. 839a(10)(B). As Federal base system resources, these facilities play a critical role in carrying out the purposes of the Regional Act. Under section 2(f) of the Bonneville Project Act and section 9(a) of the Regional

Act the Administrator is authorized to "enter into contracts" or to "make expenditures, upon such terms and conditions and in such manner as he may deem necessary," 16 U.S.C. 832a(f); 16 U.S.C. 839f(a). These statutory authorities give BPA a variety of alternative means by which it can fulfill its obligations under the existing net-billing agreements and protect the Federal interest in the three net-billed WPPSS projects.

The Washington Public Power Supply System (WPPSS), a municipal corporation, is currently facing difficulties because of its apparent inability to pay when due financial obligations it incurred in constructing two power projects (WPPSS 4 and 5) which are now terminated and in which there is no Federal investment. These difficulties have affected WPPSS' ability to finance WPPSS 1, 2, and 70 percent of 3, which have not been terminated, but are in various stages of construction. The remaining 30 percent of WPPSS 3 is owned by four investor-owned utilities which have separately financed their interest in WPPSS 3. To date, WPPSS has financed the construction of WPPSS 1, 2, and 70 percent of 3 through conventional bond issues secured by BPA's revenues under net-billing agreements. Although additional construction funding for WPPSS 1 is not presently needed as construction on that project has been extended indefinitely, such funding is required for WPPSS 2 and 70 percent of 3, which are approximately 98 and 78 percent complete, respectively.

WPPSS does not believe that it can raise the funds required to complete WPPSS 2 and 3 through conventional bond issues. The Committee recognizes that BPA will directly fund some or all of the costs of completing WPPSS 2 or 3 from current revenues under its existing authorities. It is not anticipated that the use of payments from rates for costs of construction of WPPSS 3 would increase substantially from those budgeted for the preservation costs of that plant by the Administrator in the BPA's June 22, 1983 supplement budget submitted to the Committee.

This provision directs an additional method for construction financing for either WPPSS 2 or 3 through the formation of a new entity, established pursuant to State law, that would issue bonds, notes or other evidences of indebtedness, the proceeds of which would be used to continue construction of these projects. The security on which lenders would rely for repayment of funds provided to the new entity would be a contract between the new entity and BPA. This contract would commit BPA to pay the principal, interest, and related costs on the new borrowings directly to the new entity, its obligees or their trustees.

This arrangement has several benefits. First, an entirely new entity, rather than WPPSS, could be the issuer of the financing instruments. Second, the construction funds raised by the new entity could be paid by the entity under appropriate contractual arrangements, precluding any attempt by WPPSS' creditors to levy on or attach such funds. Such arrangements may be made between the entity and the suppliers, contractors, laborers, and others on these projects or between the entity and WPPSS. These arrangements must assure that such funds are used for project construction and related costs. Third, direct payment would eliminate lenders' concerns over the authority of third parties to make payments (for example, the participants under the net-billing agreements).

The Committee intends that this provision would not disturb or supplant the Administrator's authorities, rights or obligations under the existing net-billing agreements, other contractual arrangements or provision of law, related to these three projects. Instead this provision represents an additional method available to the Administrator to provide the security necessary to meet BPA's existing obligations with respect to WPPSS 1, 2, and 3.

Utilizing the arrangements contemplated by this provision, construction financing should be available on reasonable terms to enable continuation of construction, particularly on WPPSS 3, which otherwise would be subject to a construction delay occasioned by WPPSS' financing difficulties. The Committee believes that the clarification of the authority of the BPA to enter into such arrangements will provide it with additional flexibility to address the problems facing the region. However, this directive should not be interpreted to be the only clarification of authority or remedy needed to protect the Federal investment in the Federal base system resources. The committee is also concerned that this directive might create a climate in the region which might precipitate unwise decisions. Accordingly, as a condition precedent to the BPA entering into any arrangements or agreements to provide security for financing completion of the projects pursuant to his provision, an agreement must be reached among BPA and the project owners of WPPSS 3, providing for the schedule upon which WPPSS 3 will be constructed. In negotiating the agreement the BPA shall consider among other relevent factors the need for and marketability of the power. If such a schedule is agreed upon, only the may the BPA exercise such authority.

Further, the Committee intends the BPA to exercise its authority directed by this amendment in a prudent and business-like manner. BPA shall not enter into any contractual arrangements pursuant to this provision without due consideration of the effects on the ratepayers of the region, including consideration of the effects of the duration of indebtedness, the interest rate, and the terms upon which such financial agreements are likely to be refinanced if necessary.

The BPA should also take into consideration the following factors prior to making any contractual arrangements pursuant to this provision: *(a)* the Committee's concern over the effect of the arrangement on the ratepayers of the region as compared to other viable alternatives for the acquisition of power from generating resources; *(b)* the committee's expectation that the BPA will not enter into arrangements which will result in financial obligations unreasonably in excess of those which would have otherwise accurred assuming financing by WPPSS: and *(c)* the Committee's recognition that this provision does not create any authority for BPA to incur liability with respect to WPPSS 4 and 5 and the investor owned utilities' shares of WPPSS 3.

In addition to this financing arrangement the Committee envisions that BPA would pay directly to WPPSS for BPA's share of the projects capability in the event that any of the existing net-billing agreements are determined to be invalid or unenforceable and BPA elects to affirm its right to the capability in the projects by contracting directly with WPPSS.

In order to keep the Committee fully informed of BPA's activities in this regard, new contractual agreements between BPA and the new entity or entities described in the provision shall be furnished to the Senate and House Appropriations Committees in the form in which they are to be executed at least 30 days prior to their execution. In addition, BPA shall reflect the cost impacts of any undertaking which it proposes to enter into pursuant to the provision in any annual, amended or supplemental budget which it is required to submit to Congress.

The Committee adopted this provision upon receipt of requests or expressions of support for action by the Bonneville Power Administration, the Governor of the State of Washington, WPPSS, investor-owned utilities which own shares of WPPSS 3, and other interested parties.

I would like to briefly summarize at this point the combined effect of the proposed statutory language and the accompanying report language. I will also clarify for the record some important points which are not authorized by this bill. First, the statutory language clarifies BPA's authority to enter into alternative financing agreements for construction of WPPSS No. 2 and No. 3. The financing alternative would utilize an appropriate entity or entities established pursuant to State law. Financing could be from bonds, notes, or other evidences of indebtedness. Second, the report language provides the directives and limitations under which BPA may use the authority which include:

First, a condition precedent that a schedule for the construction of WPPSS No. 3 be agreed upon.

Second, a directive that the authority be used in a prudent and business-like manner.

Third, a requirement that effects of the terms of the financing on the ratepayers be considered.

Fourth, a prohibition on BPA incurring a liability for WPPSS No. 4 and No. 5 or the private ownership in WPPSS No. 3.

Fifth, a requirement to consider the new financing in relationship to the cost of other viable alternatives for generating resources and the cost of traditional financing through WPPSS.

Sixth, a requirement that the Appropriations Committees of the Senate and House receive all contracts proposed to be entered into 30 days prior to their execution. In addition all costs associated with the agreements will be reflected in BPA's budget submissions to Congress.

Third, this proposal does not authorize:

First, BPA to seek appropriated funds.

Second, BPA to borrow funds from the Federal Treasury or any other source.

Third, extending the full faith and credit of the United States to financing agreements entered into by BPA.

Fourth, BPA itself to establish the new entity or entities referred to in section 317 of H.R. 3363 and this bill. Such entity or entities must be estab-

lished by a non-Federal party pursuant to State law.

I would like to add at this point that introduction of this bill does not in any way prejudice or compromise the sponsors' belief that the inclusion of identical language in H.R. 3363 is appropriate under the rules and practice of the Senate and the express terms of section 11(b) of the Federal Columbia River Transmission Act which states that BPA expenditures are subject to "specific directives and limitations * * * included in appropriations acts." 16 U.S.C. 838i(b). It is the sponsors' intent that this bill be utilized to provide an opportunity for the Senate Committee on Energy and Natural Resources to hold a hearing on the proposal contained in the appropriations measure. To that end, in a separate official notice, it will be announced that the Energy and Natural Resources Committee will hold public hearings on this bill on Wednesday, August 3, 1983 beginning at 2 p.m. in room SD-366, subject of course to the proviso that permission for the committee to sit is granted by the Senate.

(Personal views of Senator McCLURE on need will follow.)

During the past few weeks, the newspapers have been filled with information—and misinformation—about the WPPSS situation, and about the effort mounted by myself and other Northwest Senators to provide a workable means of maintaining the construction schedules of those plants (WPPSS No. 2 and No. 3) in which there is a Federal interest by virtue of net-billing agreement which BPA has with the project participants.

It is important to differentiate the interest in these plants from the other WPPSS projects (No. 4 and No. 5) in which there is no direct Federal interest. I say direct because we all must be concerned about the effect of the recently announced default by WPPSS in its ability to make payments on bonds issued for WPPSS No. 4 and No. 5. That situation is of great concern not only within the region for public entities seeking to finance capital expenditures, but for similar entities throughout the Nation. The effect the default has and will have on private investors, many of whom are private individuals, is cause for alarm among us all.

However, as I said, this legislation does not attempt to solve that problem. It relates only to WPPSS No. 1, No. 2, and No. 3 in which the region has an interest in maintaining viable sources of power. WPPSS No. 1 is currently in a preservation state. It is not anticipated to be needed until 1991. WPPSS No. 2 is currently 98 percent complete and is scheduled to be operational in early 1984 and will begin generating not only power but revenues in that time frame. WPPSS No. 3 is 78 percent complete and was scheduled to be completed in early 1986. However, the inability of WPPSS to obtain conventional financing due to the spillover effect of its problems with units No. 4 and No. 5 has necessitated a ramp-down of activity for unit No. 3 eventually placing it in a preservation mode.

The forced decision to preserve unit No. 3 has immediate adverse consequences. Perhaps foremost is the loss of some 3,000 jobs in the State of Washington which, like other States in the Northwest, can ill afford more unemployment. Second, if no foreseeable alternative for further financing of WPPSS No. 3 becomes available in the near term, experienced personnel needed to complete the plant may be lost forever. Third, if the bondholders of the net-billed plants do not have some reasonable assurance in the near future that their interests are protected through eventual completion of the projects, the legal and investment climate may become one in which financing is even more difficult, expensive, or impossible.

The ratepayers of the region must also be concerned about not completing WPPSS No. 1, No. 2 and No. 3 as expeditiously as possible and at the least possible cost. As a recent favorable editorial in the Oregonian pointed out:

> Regardless of one's position on nuclear energy or the events that led this region down this path, it should be clear to ratepayers that two revenue-producing nuclear plants are better than one, and three would be better than two. Conversely, dry holes, such as the terminated plants 4 and 5, produce no revenue toward retiring the debt.

Parenthetically, I would note that while I appreciate the Oregonian editorial, it was erroneous in characterizing the plan as similar to loan guarantees to Chrysler Corp. although that plan seems to be paying off.

Lastly, the 20 year power plan adopted by the Northwest Planning Council clearly shows a need for all three of the net-billed plants within a decade. Current surplus will not last forever. Opportunities for the sale of any surplus which may exist are being aggressively pursued. The lead time involved in powerplant construction is very lengthy. Unless a method to finance that construction is provided now, ratepayers may end up with the worst of all results—3 dry holes, a multibillion dollar debt which they must pay, and a shortage of power.

Mr. GORTON. Mr. President, I am pleased to join my colleagues, Senators McCLURE and JACKSON, as a cosponsor of this legislation to impose specific directives on the Bonneville Power Administration. I would also like to associate myself with the comments of the distinguished chairman of the Energy and Natural Resources Committee regarding the need for this legislation.

The language in this bill is identical to a provision in H.R. 3363, the Department of the Interior and Related Agencies Appropriations Bill for 1984, which has been reported out of the full Senate Appropriations Committee and is currently pending before the Senate.

I commend the efforts of Senators McCLURE and JACKSON for introducing this proposal as a separate bill so that the Energy and Natural Resources Committee can hold a hearing on the proposal in the near future.

By Mr. DOLE.

S. 1702. A bill to amend the Hostage Relief Act of 1980 to give the provisions of such act permanent effect, and for other purposes; to the Committee on Finance.

HOSTAGE RELIEF ACT AMENDMENTS OF 1983

● Mr. DOLE. Mr. President, today the Senator from Kansas is pleased to introduce the administration's proposed Hostage Relief Act of 1983. This act would make permanent many of the provisions of the Hostage Relief Act of 1980.

BACKGROUND OF THE ACT

The Hostage Relief Act of 1980 was a temporary measure designed to provide immediate financial relief to the families of the individuals then held hostage in Iran. The act as passed was deliberately made temporary with the suggestion that a committee be appointed to study and make recommendations on appropriate permanent legislation to provide relief for U.S. hostages and their families. Accordingly, the President's Commission on Hostage Compensation was created by Executive order on January 19, 1981.

The Commission was asked to make recommendations to the President as to whether the United States should provide financial compensation to U.S. nationals held hostage in Iran on and after November 4, 1979. The Commission was also asked to make recommendations concerning payment of compensation to all U.S. nationals held in captivity outside the United States.

In carrying out this mandate, the Commission considered current statutory remedies that provide monetary benefits to U.S. nationals in a hostage situation, and Federal employment compensation presently available to the hostages and their families.

One of the recommendations of the Commission was that the Hostage Relief Act of 1980 be made permanent and that it be amended to apply to future hostage situations. The hostage Relief Act of 1983 incorporates many of the recommendations of the Commission's report, as well as the results of analyses by the Departments of State and Defense, and by the Office of Management and Budget.

PROVISIONS OF THE ACT

The Hostage Relief Act of 1983 would authorize—but not require—payments of medical expenses and limited VA-type educational expenses for American hostages and their families. The medical and educational expenses are authorized only to the extent that the agency employing the hostage does not currently pay such expenses. The bill would also allow the filing of a joint income tax return by a hostage's spouse, and the postponement of certain tax deadlines and civil actions. A special savings fund for the deposit of the portion of a hostage's pay not needed by dependents would be required. These provisions would generally be applicable only to Federal civilian and military personnel, although the deferral of tax deadlines and stay of civil actions would apply to any individual taken hostage in an action directed against the United States.

The bill also authorizes payment of a detention benefit of $10.50 per day to the hostages detained during the Iranian crisis. This amount was based in part on the recommendation of the President's Commission on Hostage Compensation with assistance from the State Department, Defense Department, and OMB. This bill would allow the President to authorize special detention benefits for future hostages.

The agencies that employ the hostages will pay the cost of the benefits, including the detention benefit, out of their operating funds.

RISKS TO U.S. CITIZENS SERVING ABROAD

Mr. President, the suffering of the hostages in Iran and their families served to highlight for us the risks and sacrifices of those military and civilian employees who serve this country abroad. Fortunately a hostage situation like the one involving Iran is an unusual one. However, we are all too aware of the growth of terrorist activities throughout the world in recent years, of which the recent bombing attack on the U.S. Embassy in Beirut is an example.

The Hostage Relief Act of 1983 is designed to provide, in the event of a future hostage taking, the special benefits that are needed by hostages and their families but not generally part of a U.S. Government employee's compensation package. It is hoped that, through this act, the agencies employing citizens who serve abroad will be better able to serve those employees who, in turn, have provided an incomparable service to this Nation and its citizens.

I ask unanimous consent that the text of this act and a general and technical explanation be printed immediately following this statement.

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

S. 1702

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Hostage Relief Act Amendments of 1983".

SEC. 2. Section 101 of the Hostage Relief Act of 1980 (94 Stat. 1967; 5 U.S.C. 5561 note) (hereinafter referred to as the "Act") is amended—

(1) by striking out "title" and inserting in lieu thereof "Act",

(2) by amending paragraph (2) to read as follows:

"(2) The term 'hostage period' means the period beginning and ending on a date determined by the Secretary of State and published in the Federal Register.", and

(3) by inserting "activities of" after "against" in subparagraph (A) of paragraph (4).

SEC. 3. Subsection (a) of section 102 of the Act is amended by inserting ", who remains in a captive status for 30 days or more," after "American hostage" the first time it appears.

SEC. 4. Section 103 of the Act is amended—

(1) by striking out "and" at the end of paragraph (1),

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and", and

(3) by adding after paragraph (2) the following new paragraph:

"(3) is not covered by other Government medical or health programs.".

Sec. 5. Section 104 of the Act is amended—

(1) by striking out "shall" in paragraph (1) of subsection (a) and inserting in lieu thereof "may",

(2) by amending paragraph (2) of subsection (a) to read as follows:

"(2) Payments may be made under this subsection for education or training of a spouse or child of an individual who is an American hostage or whose death is incident to being an American hostage, on the same basis as educational assistance benefits provided individuals made eligible under subparagraph (A) (i), (A) (iii), (B), or (C) of section 1701 (a) (1) of title 38, United States Code, except that in order to respond to special circumstances, the President may specify a date for purposes of cessation of assistance under this paragraph which is later than the date which would otherwise apply.",

(3) by striking out paragraph (3) of subsection (a) and redesignating paragraph (4) as paragraph (3) of subsection (a),

(4) by inserting in paragraph (3) of subsection (a) (as redesignated by paragraph (3)) ", or similar assistance under any other law" immediately before the period, and

(5) by inserting ", to the extent that such payments are not authorized by any other law" immediately before the period in paragraph (1) of subsection (b).

SEC. 6. Section 105 of the Act is amended—

(1) by striking out "an American hostage" in subsection (a) and inserting in lieu thereof "an individual who is placed in a captive status during a hostage period", and

(2) by striking out "American hostage" each time it appears in subsections (b) and (c) and inserting in lieu thereof "individual".

SEC. 7. Section 106 of the Act is repealed and section 107 is redesignated as section 106.

SEC. 8. Sections 201, 202, and 206 of the Act are repealed and sections 203, 204, and 205 are redesignated as sections 201, 202, and 203, respectively.

SEC. 9. Section 203 of the Act (as redesignated by section 8) is amended to read as follows:

"SEC. 203. HOSPITALIZED AS A RESULT OF CAPTIVE STATUS.

(a) IN GENERAL.—For purposes of this title, an individual shall be treated as hospitalized as a result of captive status if such individual is hospitalized as a result of injury or disease or physical or mental disability incurred or aggravated while such individual was in captive status.

(b) 2-YEAR LIMIT.—Hospitalization shall be taken into account for purposes of subsection (a) only if it is hospitalization—

(1) occurring on or before the day which is 2 years after the date on which the individual's captive status ends (or, if earlier, the date on which the hostage period ends), or

(2) which is part of a continuous period of hospitalization which began on or before the day determined under paragraph (1).".

SEC. 10. The Act is amended by striking out title III and inserting in lieu thereof the following new title:

"TITLE III—ADDITIONAL HOSTAGE BENEFITS "PRESIDENTIAL DISCRETION

"SEC. 301. (a) For any captive status occurring on or after November 4, 1979, the President may provide a payment to any American hostage or to the surviving spouse or dependent of any American hostage who dies in captive status. Such payment shall be in addition to any other benefit provided by law.

"(b) The President, in determining whether to make such a payment and its amount, may take into account unusually harsh treatment received by such hostage. The President shall prescribe regulations for the implementation of this section.".

SEC. 11. Any determination, authorization, regulation, order, agreement, or other action made, issued, undertaken, entered into, or taken under the authority of any provision of the Hostage Relief Act of 1980 repealed by this Act shall continue in full force and effect until modified, revoked, or superseded by appropriate authority. Any claim or appeal which was filed or made or is hereafter filed or made in timely fashion by an individual heretofore eligible to file or make such claim under any such provision shall continue to be governed by the repealed provision.

HOSTAGE RELIEF ACT OF 1983—GENERAL EXPLANATION

Prior Law: The Hostage Relief Act of 1980 (the "1980 Act") authorized the appropriate agencies (the Departments of State and Defense) to provide medical care and educational expenses for individuals held hostage in Iran and their families. In addition, the 1980 Act postponed certain tax filing deadlines for such individuals. The 1980 Act expired on January 1, 1983.

Proposal: A number of provisions of the Hostage Relief Act of 1980 would be made permanent.

Specificially, the bill would authorize the following measures for government civilian or military personnel and members of their families in the event of a future hostage-taking abroad in an action against the activities of the U.S. Government:

Deposit of a portion of the hostage's pay and allowances not needed by dependents in a special savings fund;

Payment of medical expenses not otherwise covered by the hostage's employing

agency to the hostage or his family as authorized by the agency;

VA-type education benefits for the education or training of a spouse or child of a hostage who had died or is missing in action;

Postponement of certain tax filing deadlines for a limited period, and the filing of a joint income tax return by a spouse of a hostage during the hostage's captivity;

Authorization of special detention benefits to future hostages in accordance with the regulations that may be issued by the President.

The agencies employing the hostages will pay the cost of the medical and educational benefits out of their operating funds. These benefits will be paid only to the extent that they are not authorized by the hostages' employing agency's ordinary educational and medical plans.

The bill also authorizes the payment of a detention benefit of $10.50 per day to hostages detained during the Iranian crisis. This amount was based in part on the report of the Presidential Commission on Hostage Compensation of September 21, 1981 and on the analysis of interested parties, particularly the State Department, Defense Department and Office of Management and Budget. The detention benefit will be paid by the affected agencies out of their operating funds.

The bill also extends the provisions of the Soldiers' and Sailors' Civil Relief Act to any individual (even if he or she is not a civilian or military employee of the U.S. Government) taken hostage abroad during an action directed against the United States. These provisions allow deferral of certain tax deadlines and permit a court to stay enumerated civil actions when an individual is prevented from performing due to captive status.

Revenue Effect: The revenue estimate for the Hostage Relief Act of 1980, which covered 73 hostages, was approximately $2 million, and a portion of that estimate represented decreased revenues under a section of the 1980 Act that will not be made permanent. Although the Joint Committee on Taxation has not made an estimate of the number of persons who will be taken hostage in the future and whether such persons will use any relief offered by the proposed legislation, it estimates that the revenue effect will not be significant.

HOSTAGE RELIEF ACT OF 1983: TECHNICAL EXPLANATION

A. PURPOSE

The Hostage Relief Act of 1983 (the "Act") makes permanent the Hostage Relief Act of 1980, by eliminating its January 1, 1983 termination date. The Secretary of State is authorized to define "hostage periods" by publishing the beginning and termination dates of such periods in the Federal Register. It is not intended that a period prior to November 4, 1979 shall be declared a "hostage period".

B. INDIVIDUALS COVERED

Except as noted in Section C(4) below, the benefits under the Act are available only to "American hostages". An "American hostage" is a Federal military or civilian employee or a citizen or permanent resident alien rendering personal services to the United States abroad similar to those performed by a civil officer or employee of the United States, as determined by the Secretary of State, who is placed in "captive status" during the "hostage period". Contractors, generally, as well as employees of contractors, will not be American hostages.

"Captive status" is defined as missing status arising because of a hostile action abroad directed against the activities of the United States.

C. BENEFITS PROVIDED

1. Savings Fund: The Act makes permanent the requirement that a special interest-bearing savings fund be established to allow allotments of a portion of the hostage's pay and allowances not necessary for the dependents' immediate support.

2. Medical Benefits: The 1980 Act is made permanent and amended to make it clear that medical payments authorized under the Act supplement rather than duplicate existing government medical health benefits.

Since the Act is permanent, payments authorized by the appropriate agency may continue to the Iranian hostages and their families after the 1983 termination date, until the end of the "hostage period."

3. Educational Benefits: The educational benefit provisions of the 1980 Act are amended to authorize, rather than require, payment of such benefits to the hostages and their families. Like the medical benefit provisions, the educational benefit provisions are amended to make clear that educational benefits supplement, not duplicate, other government educational programs.

The educational benefits that may be authorized under the Act are:

Payments for education or training of a spouse or child of an American hostage, or for a spouse or child of an American hostage whose death is incident to being a hostage. Payments to dependents of hostages in captivity are made only during the hostage period. Generally any educational assistance will not extend for a period greater than 45 months. In special circumstances the President may order an extension of the time for the payments.

In special circumstances the head of an agency may authorize payments for education and training of an American hostage after his captive status terminates and generally on or before the end of any semester or quarter beginning before the date which is 10 years after the hostage ceases to be in captive status.

4. Limitation on Civil Actions: The 1980 Act is amended to allow all individuals (as well as American hostages) the relief allowed under the Soldiers' and Sailors' Civil Relief Act of 1940, which permits a court to stay certain civil actions until the individual is in a position to respond.

5. Certain Tax Provisions Allowed for Iranian Hostages: Provisions in the 1980 Act allowing certain exemptions of pay and allowances from Federal income taxes for Iranian hostages are not allowed in the permanent 1983 Act.

6. Joint Returns: The 1983 Act makes permanent the rule that the spouse of an American hostage otherwise entitled to file a joint return may file such return for any taxable year beginning on or before the day which is 2 years after the hostage period ends.

7. Federal Tax Deferred: The Act makes permanent the rule exempting from certain tax filing deadlines American hostages in captive status or hospitalized outside of the United States due to the hostage-taking.

D. SPECIAL PAYMENTS

The Act authorizes a payment to Federal civilian and military personnel who were taken hostage during the Iranian hostage period or who may be taken hostage in the future. The president would invoke this authority when, in his judgment, the circumstances were appropriate, taking into account the treatment of the hostages. The amount and method of payment would be prescribed by regulation. It should be noted that for the Iranian hostages, the payment level has been set after taking into account the recommendation of the Presidential Commission on Hostage Compensation, and the input of the affected agencies, and the payments will be subject to taxation. Agencies will absorb the costs of these payments through current appropriation funding.

E. SAVINGS PROVISION

A new title is added to the Act, which makes clear that the provisions of the Hostage Relief Act of 1980 being repealed by this Act remain valid for individuals now covered by those provisions—the Iranian and other eligible former hostages and their families. Such former hostages with valid claims that are timely under the 1980 Act may continue to be granted benefits under the provisions proposed for repeal.●

By Mr. JEPSEN:

S. 1703. A bill to require the Commodity Credit Corporation to accept under certain conditions during fiscal years 1984 and 1985 offers to exchange needed strategic and critical materials for surplus dairy stocks; to the Committee on Agriculture, Nutrition, and Forestry.

SURPLUS DAIRY STOCKS

Mr. JEPSEN. Mr. President, today I am introducing legislation which, if enacted, would relieve us of a small part of our embarrassment of agricultural riches in exchange for critical and strategic minerals required for our national defense.

The bill would require the Department of Agriculture to barter surplus dairy products for minerals designated for priority acquisition for the strategic stockpile.

The heart of this bill is a requirement that the Department of Agriculture dispose of 15 percent of its surplus dairy products in each of the next 2 years by the sort of barter arrangement described above.

Here are some basic facts about the national defense stockpile:

Stockpile goals are set for a total of 61 family groups and individual materials at levels that will sustain the United States for 3 years in the event of a national emergency. The type of materials involved include bauxite, nickel, fluorspar, cobalt, quinidine, columbium, and many others.

Due to lack of funding, the stockpile is estimated to be $10.3 billion short of materials, many of which are only available from foreign sources. For example during 1978–82 our import dependency averaged 94 percent for bauxite; 73 percent for nickel; 85 percent for fluorspar; and 100 percent for columbium, quinidine, and rubber—these dependency figures are based on commercial as well as stockpile acquisitions.

With annual appropriations of around $120 million—the total for the current fiscal year—it will take close to a century to meet those goals.

In these times of tight budgets, simply trying to increase appropriations for the stockpile is not a viable option.

However, while the Government has this critical shortage in one area, there is a sizable surplus in another—namely, agricultural products, especially dairy products.

Currently, the dairy stocks owned by the Commodity Credit Corporation (CCC) are valued at over $3.25 billion. These stocks include over 476 million pounds of butter, 891 million pounds of cheese, and 1.33 billion pounds of nonfat dry milk.

Even with the movement of some of this dairy surplus through domestic and international donation programs, procurement and storage costs for the uncommitted dairy stocks continue to mount. Over the past year—July 16, 1982 to July 15, 1983—the butter stocks increased by 33 million pounds or 7.4 percent, the cheese stocks increased 107 million pounds or 13.6 percent, and the nonfat dry milk stocks increased 202 million pounds or 17.9 percent.

It seems to me and some of my colleagues that swapping some of our surplus dairy products for the strategic and critical materials that our country needs makes good sense.

We have been encouraging the administration to use the barter authority that exists and have introduced some measures that would strengthen or open up new methods of reaching a better balance in these two areas.

According to the U.S. Department of Agriculture (USDA), the barter authority included in the CCC Charter Act facilitated the barter of some 60 materials from 50 countries over the period of July 1, 1949 and June 30, 1973.

In 1973 the program was suspended for a number of reasons including changes in the strategic stockpile goals and an inability to match suppliers of strategic materials with those which needed grains. Generally, it was felt that barter was not a cost-effective way to expand U.S. agricultural exports.

I would like to remind you that during the 1970's our agricultural exports expanded at an unprecedented rate—total sales in fiscal year 1972 were $8.2 billion and by fiscal year 1982 the figure was $43.8 billion; that is 5-fold increase.

However, the world economic situation has taken its toll on our exports. This year USDA is projecting a second consecutive year of decline in total exports to perhaps $34.5 billion. Prior to 1982 our agricultural exports had increased every year since 1969.

Many of our current and potential customers for agricultural commodities, especially in developing countries, are facing serious debt problems. This has resulted in the inability of these nations to obtain the credit necessary to finance purchases from the United States. Consequently, these nations are either tightening already snug belts or they are benefiting from some enticing credit available from competing agricultural exporting nations.

Many of the countries that would like to buy farm products from us do have natural resources which are on our stockpile list.

Clearly, there appear to be the proper international market conditions for a return to barter transactions.

Under the current administration two separate barter arrangements have been worked out—both have been with Jamaica and both involve the exchange of Jamaican bauxite for U.S. dairy products.

The first agreement, signed in February 1982, encompasses 400,000 tons of bauxite for 9,115 metric tons of nonfat dry milk and butteroil. The General Services Administration will reimburse the CCC for the bauxite by the end of fiscal year 1984.

At this date the second agreement is being negotiated and the details have not been finalized by the two governments.

This bill does not place the burden of these transactions on the shoulders of the Government, but rather in the hands of private traders who are better equipped for trading.

The pricing structure requires that the dairy products be valued at not less than the current world price and the strategic materials at not more than the world price. This provides the margin necessary to interest private traders and to assure a reasonable return to them.

I believe this legislaton, similar to that introduced in the House by my colleague Representative COOPER EVANS, contains all the elements required to bring about the reduction of our dairy surpluses while enhancing our national security. I hope these two goals can be achieved.

I ask unanimous consent that a copy of my bill be printed in the RECORD at this point.

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

S. 1703

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding any other provision of law, during fiscal years 1984 and 1985, the Commodity Credit Corporation shall accept offers from individuals or commercial firms to exchange strategic and critical materials needed to meet unmet national goals established under the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.) for surplus dairy stocks owned by the Corporation if—

(1) such stocks will be exported;

(2) the value assigned to such stocks at the time of delivery is less than the world price at such time;

(3) the value assigned to such materials at the time of delivery is less than the world price at such time;

(4) the Secretary of Agriculture is reasonably assured that export markets for United States dairy products through commercial channels will not be displaced by such exchange; and

(5) such exchange will not result in the expenditure of funds by the Secretary or the Corporation other than for normal administrative costs.

(b) In carrying out subsection (a), the Corporation shall use in each of the fiscal years 1984 and 1985 a quantity of dairy products equal to—

(1) at least 15 percent of uncommitted surplus dairy stocks existing at the beginning of fiscal year 1984; or

(2) if the Corporation does not receive offers to exchange such quantity of dairy products, a quantity equal to the quantity of such stocks offered to be exchanged.

(c) The Corporation may—

(1) transfer strategic and critical materials acquired under this section to the National Defense Stockpile established under the Strategic and Critical Materials Stock Piling Act, and shall be reimbursed for such materials, in accordance with section 4(h) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714(h)); or

(2) retain possession of, and title to, such materials.

(d) No later than six months after the date of the enactment of the Dairy and Tobacco Adjustment Act of 1983, and each six months thereafter through fiscal year 1985, the Secretary of Agriculture shall submit a report to the Congress describing—

(1) exchanges made under this section during the previous six month period; and

(2) any offers for exchanges made under this section during such period which were rejected by the Corporation and the reasons for such rejection.

By Mr. ROTH (for himself, Mr. CHAFEE, and Mr. INOUYE):

S. 1704. A bill to encourage the expansion of international trade in services, and for other purposes; to the Committee on Finance.

TRADE IN SERVICES ACT OF 1983

Mr. ROTH. Mr. President, today I join my colleagues, Senator CHAFEE and Senator INOUYE, in introducing the Trade in Services Act of 1983. This bill is a bipartisan effort to improve the treatment accorded services in our international trading efforts and to move services issues to center stage in global trade discussions.

The services sector is a large and growing segment of the U.S. economy, and its positive contribution to our trade balance continues to increase. These so-called invisibles—engineering and construction, shipping, insurance, banking, transportation, accounting, communications, and tourist services, just to name a few—generate over half the Nation's gross domestic product

and provide jobs for over 54 million Americans. The Commerce Department estimates that U.S. international service activities rose from $92 billion in 1977 to over $140 billion in 1981. The United States earned a trade surplus on services in 1981 of $40 billion, Despite a worldwide recession in 1982, our exports of services again earned a surplus of an estimated $40 billion. These export earnings were sufficient to offset the deficits we suffered in goods trade in those years.

Services have enabled us to keep a foothold on the positive side of the international trade ledger.

Our recent strong performance in services trade is no cause for complacency, however. While exports of services continue to grow absolutely, the U.S. share of world invisibles trade has fallen from 25 percent in 1969 to 21 percent in 1979. Moreover, this general trend is repeated in specific sectors such as banking, construction, engineering, insurance, and transportation.

Other countries, attempting to build or protect fledgling services industries, have begun to devise methods to stem foreign services supplies. These rising overseas trade barriers could send our now internationally strong services industries down the path already trod by U.S. merchandise producers. Once the world's predominant merchandise supplier, we have seen our market share whittled away by foreign import barriers and unfair export practices.

We must avoid making the same mistake in services.

The rising barriers to services trade affect every sector. In the accounting area, for example, provisions regarding confidentiality in the European Community's eighth directive on auditors' qualifications could be used to bar U.S. firms from participation in EC markets. In the information transfer business, restrictions on the use of foreign data processing facilities bar U.S. computer software firms from selling their services in countries like West Germany.

Foreign countries' subsidization of construction operations has enabled overseas firms to capture third-country markets from traditional U.S. suppliers. U.S. motor carriers are virtually excluded from providing trucking services in Mexico. Our truckers face stringent restrictions in Canada. Moreover, our insurance firms encounter nearly impenetrable barriers in many developing countries that seek to retain control for domestic monopolies or national insurance companies.

At the same time, U.S. service markets remain relatively open to foreign suppliers. With the enactment of the Motor Carrier Act of 1980, for example, foreign truckers have easy access to the U.S. market. Canadian suppliers alone have received hundreds of licenses in the past several years to provide interstate services. Foreign insurers, too, find fewer difficulties penetrating the lucrative U.S. market.

Despite their importance to our domestic and global trade accounts, despite the rising barriers to trade overseas, services have often been treated as an afterthought in United States and international trade law. The Trade Act of 1974 was the first attempt to raise the issue of services trade in international consciousness. Notwithstanding that act's charge that the President negotiate barriers to both goods and services, however, little was accomplished in the latter during the 1975–79 Tokyo Round of multilateral trade negotiations.

Distortions in services trade continue to increase unchecked by international agreement.

It is time to reverse that trend. It is clear we must begin to work now if we are to guarantee a continuing predominant role for U.S. service industries in the world economy. We must lay the groundwork now for international discipline in the treatment of services trade.

The Trade in Services Act of 1983 represents an important step in the direction of insuring open markets for services trade. The bill charges the President with placing a high priority on, and developing a work program for, negotiations to reduce services trade barriers. Section 2 of the Trade in Services Act builds upon the existing provisions of section 102 of the Trade Act of 1974 by providing a clear congressional directive to place services issues on the front burner.

In addition, the legislation would clarify and expand the coverage of U.S. trade law to deal more effectively with trade in services problems. In the past, arguments have been made that establishment-related issues involve investment, not trade and are therefore not covered by the 1974 Trade Act's negotiating and retaliatory authority. Sections 2 and 3 of this bill would resolve any potential problem or confusion by expressly including barriers to the establishment and operation of U.S. businesses in foreign markets within the Trade Act's meaning of "barriers to trade."

Section 4 of this bill assures that the President can take action to remedy services trade problems under section 301 of the Trade Act, which deals with unfair trade practices, notwithstanding any other provision of law.

The bill would also improve the coordination in the services trade policymaking process and Federal-State communication in trade regulation. As chairman of the Governmental Affairs Committee, I strongly believe State and local governments should continue to exercise their traditional regulatory authority over a variety of services, such as banking insurance, and accounting. Therefore, section 2 of the Trade in Services Act provides that, before entering into any negotiations in a service sector over which the States have regulatory responsibility, the U.S. Trade Representative must consult with representatives of the States concerning negotiating objectives and methods of implementing any agreements reached. Section 5 provides for the establishment of non-Federal governmental trade advisory committees. In addition, the legislation calls for coordination with private sector advisory groups specializing in services trade matters.

The Trade in Services Act would establish a service sector development program, providing for much needed collection and analysis of domestic and international services information. The United States is heads and shoulders above its trading partners in its appreciation of the role of services in the international economy, but more work remains to be done to understand, quantify, and take into account services' full impact on trade and national accounts.

I believe this legislation is crucial in our efforts to expand our export performance in the services sector. It is time we stop treating services as an afterthought and begin to consider what international rules would best promote free trade in the ever-growing service sector.

Mr. CHAFEE. Mr. President, I am delighted to join my colleagues, Senators ROTH and INOUYE, in introducing the Trade in Services Act. These provisions have enjoyed wide support, indeed they passed the Senate twice this year. They were first passed as a part of S. 144, the International Trade and Investment Act, introduced by Senator DANFORTH, and which I also supported as an original cosponsor. They were again approved as a part of H.R. 2973.

However, in the absence of companion provisions from the House, the reciprocity and services provisions were not included in the conference bill on H.R. 2973. I understand that in the course of the conference on H.R. 2973, Chairman ROSTENKOWSKI and Chairman GIBBONS indicated they would seek to move reciprocity and services through the House in September.

Mr. President, these provisions are important for many reasons, as I think the Senate has clearly recognized in passing them earlier this year.

First, the bill recognizes the significance of trade in the service sector. Indeed, we often cite statistics revealing a dramatic balance-of-trade deficit. But, while our balance-of-trade problem is growing, the fact is that trade in services has over the years produced an overall trade surplus. Clearly services trade is vital to our economy, deserving recognition and integration

into our trade policies and international efforts.

This bill provides for effective coordination and implementation of U.S. trade policy with regard to services. The bill directs the USTR to coordinate the development of services trade policy and requires that he consult with Federal regulatory agencies and the States in those areas of the services sector that are subject to Federal and/or State regulation, such as insurance and banking.

The bill provides that, prior to the negotiation of any agreement on services, the USTR must develop negotiating objectives in consultation with the private sector service industry advisory groups and the States. The bill also authorizes the Department of Commerce to establish a services industries program to develop information on the flow of trade in services, analyze the impact of U.S. laws pertaining to services, and provide information to the States on U.S. policy on international trade in services.

The third and perhaps most important purpose of this legislation is to insure that U.S. service industries continue to have free access to foreign markets. The bill specifies the elimination of barriers to U.S. service sector trade in foreign markets and the elimination of practices which distort international trade in services as negotiating objectives. It clarifies and emphasizes the President's authority to take action against unfair practices either at home or abroad which affect U.S. service industries. The bill allows Federal regulatory agencies with authority over service industries to take into account the extent to which U.S. service industries are accorded access to foreign markets. These regulatory agencies must act in consultation with the USTR.

Mr. President, I believe this legislation is an important tool that can help us insure that the rapidly expanding world of trade in services remains free and open. I urge my colleagues to support it again, and I look forward to expeditious action on it.

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 1705. A bill to modify Federal land acquisition and disposal policies carried out with respect to Fire Island National Seashore, and for other purposes; to the Committee on Energy and Natural Resources.

FIRE ISLAND NATIONAL SEASHORE

● Mr. MOYNIHAN. Mr. President, I rise today, along with my distinguished colleague from New York, Senator D'AMATO, to introduce legislation to amend the Fire Island National Seashore Act (P.L. 88-587), passed in 1964. This bill is identical to one being introduced today in the House of Representatives by Congressman THOMAS DOWNEY.

The Fire Island National Seashore was established by Congress in 1964 for the purpose of conserving and preserving for use of future generations certain relatively unspoiled and undeveloped beaches, dunes, and other natural features within Suffolk County, N.Y., which possess high values to the Nation as examples of unspoiled areas of great natural beauty in close proximity to large concentrations of urban population. Fire Island, located just 50 miles East of New York City, is composed of sandy beaches, salt marshes, and sand dunes, which are among the highest in the Northeast. Within the boundaries of the seashore there are 17 small, heavily developed communities, primarily consisting of single-family homes and cottages and the businesses serving them and day visitors.

The 1964 act grants the Secretary of the Interior limited powers of condemnation in order to further the purposes of preserving the natural features of the seashore. In 1980, I joined Senator Jacob K. Javits, one of the prime sponsors of the legislation creating the seashore, in requesting that the General Accounting Office (GAO) review the National Park Service's land acquisition and management policies and practices for the Fire Island National Seashore. The GAO report (CED 81-78), issued on May 8, 1981, made several suggestions concerning ways to improve land acquisition and management policy at the seashore.

The legislation I introduce today is designed to perfect certain provisions of Public Law 88-587. The bill allows the Secretary of the Interior to sell certain acquired property, with covenants to insure future conforming uses, and to retain the proceeds from such sales for additional seashore acquisitions. Second, it permits the Secretary to apply for an injunction or temporary restraining order to prevent any use of, or construction upon, property after the commencement of a condemnation action taken pursuant to the Seashore Act. Finally, it clarifies the power of the Secretary to condemn property within the seashore that becomes the subject of a variance or exception under any applicable zoning ordinance.

The bill specifically implements two of the recommendations contained in the May 1981 GAO report. First, the GAO suggested that the National Park Service should sell unneeded land. This bill adds a new subsection to the law that provides for a turnaround provision that would direct that certain lands in the developed communities, acquired as nonconforming properties and not needed to further the purposes of the act, be sold. Properties thus sold would carry with them restrictions to insure that their use conforms to all applicable seashore regulations. The Park Service is currently in the process of identifying which of its present holdings may be eligible for such a turnaround. The revenues from the sale of these properties would be used to create a revolving fund to pay for future Park Service acquisitions within the seashore.

Second, the GAO pointed out a need to clarify land acquisition policy within the seashore's developed communities. This bill addresses that issue by amending section 3(e) of the current law. The new language provides that the Secretary's authority to condemn property in areas of the seashore with approved zoning ordinances would be reinstated only if a property becomes the subject of a zoning variance or exception and the Secretary finds that such an exception or variance results in the property being used in a manner that is inconsistent with the Secretary's guidelines issued pursuant to section 3. Currently, the Secretary does not make the latter finding. As the GAO observed, existing law "does not create a variance process that would permit the Park Service to certify if a nonconforming structure might harm the resource or not." The GAO went on to say, "The Secretary's authority to suspend condemnation is not discretionary." The new language in the bill will make it clear that a zoning variance is not, in and of itself, cause for condemnation. Instead, only a zoning variance that results in a use inconsistent with the purposes of the act would be cause for condemnation. This would put the Park Service back into the business of resource protection, where it belongs.

On January 18, 1983, the management of the Fire Island National Seashore presented a draft land protection plan for public review and comment. This plan will help clarify National Park Service intent with regard to its land management policies within the seashore. This bill is consistent with the management objectives contained in the draft land protection plan.

Mr. President, as I previously stated, the intent of this bill is to simply perfect the existing law (Public Law 88-587). This is necessary not only to make the operations of the seashore more efficient but also to help alleviate some very real concerns being expressed by Fire Island landowners about land acquisition policies within the seashore. It is for these reasons that I am today introducing this bill.

I should add that this matter was brought to my attention by the Honorable Thomas J. Schwarz, mayor of the village of Ocean Beach. Mayor Schwarz has long been dedicated to preserving the beauty of the natural features and comfortable settings that abound on Fire Island. I am confident that this legislation will serve to further such purposes.

11-059 O-87-3 (Pt. 16)

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

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

S. 1705

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Fire Island National Seashore Amendments Act of 1982".

SEC. 2. Section 2 of the Act entitled "An Act to establish the Fire Island National Seashore, and for other purposes", approved September 11, 1964 (16 U.S.C. 459e-1), is amended by adding at the end the following new subsections:

"(h)(1)(A) The Secretary shall sell any property described in subparagraph (B) of this paragraph acquired by condemnation under this Act—

"(i) to the highest bidder;

"(ii) at not less than the fair market value; and

"(iii) subject to covenants or other restrictions that will ensure that the use of such property conforms to the standards specified in regulations issued under section 3(a) of this Act which are in effect at the time of such sale and to any approved zoning ordinance or amendment thereof to which such property is subject.

"(B) The property referred to in subparagraph (A) of this paragraph is any property within the boundaries of the National Seashore as delineated on the map mentioned in section 1 except—

"(i) property within the Dune district referred to in subsection (g) of this section;

"(ii) beach or water and adjoining land within the exempt communities referred to in the first sentence of subsection (e) of this section; and

"(iii) property within the eight-mile area described in the second sentence of subsection (e) of this section; and

"(iv) any property acquired prior to October 1, 1982, that the Secretary determines should be retained to further the purposes of this Act.

"(2) Notwithstanding any other provision of law, all moneys received from sales under paragraph (1) of this subsection may be retained and shall be available to the Secretary, without further appropriation, only for purposes of acquiring property under this Act.

"(i)(1) Upon or after the commencement of any action for condemnation with respect to any property under this Act, the Secretary, through the Attorney General of the United States, may apply to the United States District Court for the Eastern District of New York for a temporary restraining order or injunction to prevent any use of, or construction upon, such property that—

"(A) fails, or would result in a failure of such property, to conform to the standards specified in regulations issued under section 3(a) of this Act in effect at the time such use or construction began; or

"(B) in the case of undeveloped tracts in the Dune district referred to in subsection (g) of this section, would result in such undeveloped property not being maintained in its natural state.

"(2) Any temporary restraining order or injunction issued pursuant to such an application shall terminate on the date the United States acquires title to such property or, if such proceedings are terminated without the United States acquiring title to such property, on the date of such termination.".

SEC. 3. Section 3(e) of the Act entitled "An Act to establish the Fire Island National Seashore, and for other purposes", approved September 11, 1964 (16 U.S.C. 459e-2(e)), is amended to read as follows:

"(e) If any property, including improved property but excluding undeveloped property in the Dune district referred to in section 2(g) of this Act, with respect to which the Secretary's authority to acquire by condemnation has been suspended under this Act—

"(1) is, after the date of the enactment of the Fire Island National Seashore Amendments Act of 1982, made the subject of a variance under, or becomes for any reason an exception to, any applicable zoning ordinance approved under this section; and

"(2) such variance or exception results, or will result, in such property being used in a manner that fails to conform to any applicable standard contained in regulations of the Secretary issued pursuant to this section and in effect at the time such variance or exception took effect;

then the suspension of the Secretary's authority to acquire such property by condemnation shall automatically cease.".●

● Mr. D'AMATO. Mr. President, I rise today to continue a long tradition of support by Members of the U.S. Senate from New York for a resolution of the problems unique to the Fire Island National Seashore. Specifically, I rise to cosponsor the legislation introduced by my colleague, Senator MOYNIHAN, and to commend him for his long involvement with this matter and his judicious resolution to a most pressing concern.

This legislation is vitally necessary to the communities located on Fire Island. Many residents of those communities are concerned with provisions of Public Law 88-587 that deal with land acquisition policies within the seashore. These concerns have prompted my colleague and I to introduce this legislation.

The bill would create a turnaround provision that would mandate that lands in developed communities within the seashore which were acquired as nonconforming lands and are not needed to further the purposes of the act be sold. Conveyed with these properties would be restrictions to insure that any future use conform with seashore regulations. The revenues from these sales would be used to create a revolving fund for the Park Service to purchase additional lands within the seashore. This is a well thought out and innovative solution to a long-standing problem.

Other sections of our bill address problems detailed by GAO in its 1981 assessment of the seashore, done at the request of Senator MOYNIHAN and Senator Javits. Specifically, section 3(e) of the current law would be amended to insure that the Park Service performs its proper role in assuring the continued viability of the seashore and that it interferes as little as possible with local governments, while still fulfilling its obligation to protect this valuable resource. I believe that this legislation offers a very just settlement to the concerns of the local residents and I urge my colleagues to adopt it.●

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

Senate Joint Resolution 137. A joint resolution to designate April 7, 1984, as "World Health Day"; to the Committee on the Judiciary.

WORLD HEALTH DAY

Mr. RIEGLE. Mr. President, today I am introducing for myself and Senator KENNEDY, Senate Joint Resolution 137 designating April 7, 1984, as "World Health Day."

April 7 is celebrated as "World Health Day" around the world to promote better health care for all people and to draw attention to the World Health Organization's goal of health for all by the year 2000. Good health is essential for people to be able to lead socially and economically productive lives.

Mr. President, given the quality of life enjoyed in this country, the view of a healthy world embodied in the call for "World Health Day" could easily be taken for granted. The goals of "World Health Day" are minimal, yet essential if we are to improve the health status of millions all over the globe. The objectives are simply the minimum requirements of safe water and adequate sanitary facilities; immunization against diphtheria, pertussis, tetanus, poliomyelitis, measles, and tuberculosis; local health care with 20 essential drugs on hand within 1 hour's travel; and trained personnel to attend childbirth and to care for infants and pregnant women.

Without the World Health Organization, the central agency of the United Nations directing international health activities, these goals would remain unrealized. The constant surveillance, control, and eradication of disease; the collection, dissemination, and exchange of health data; and collaborative research are all directed and supported by the World Health Organization. In this country, the American Association for World Health serves to heighten our awareness of the issues surrounding world health and works with the World Health Organization to make our participation in their efforts worthwhile.

Mr. President, health for all begins with each one of us becoming aware of how we we can improve our own health and which contributions we can make to the goals of "World Health Day" in other parts of the world.

In declaring April 7, 1984, as "World Health Day," it is my hope that we will increase our awareness of what must be undertaken to make ourselves and all people in the world healthier. Good health does not just happen. To

contribute to making health for all by the year 2000 a reality, I urge all my colleagues to join me in cosponsoring this resolution.

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

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

S.J. RES. 137

Whereas the health of a nation depends upon the health of its people;

Whereas improvement of the health of the people of our Nation contributes to world health, and world health contributes to the health of our Nation—a principle enunciated in the Constitution of the World Health Organization and accepted by the United States;

Whereas the United States is an active member of the World Health Organization and has both benefited from and contributed to the achievements of the Organization;

Whereas the countries of the world, acting through the World Health Orgnization, are committed to the goal of "Health for All by the Year 2000;"

Whereas primary health care is recognized as a key to the attainment of "Health for All by the Year 2000;"

Whereas health education and health awareness, prevention and treatment of common diseases and illnesses, basic sanitation, and adequate nutrition are essential elements of primary health care;

Whereas the World Health Organization has established April 7 of each year as World Health Day to call attention to what individuals and governments can do to further the health of human beings everywhere, and the American Association of World Health has sponsored and assisted in this endeavor; and

Whereas it has been the custom for the President to call attention to World Health Day each year in the form of a public message: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 7, 1984, is designated as "World Health Day," and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

● Mr. KENNEDY. Mr. President, I rise in support of my colleague, Mr. RIEGLE, as he introduces this resolution to declare the day of April 7, 1984, as "World Health Day."

"World Health Day" will be celebrated in the coming year on the 36th anniversary of the signing of the World Health Organization's (WHO) constitution. Yet on "World Health Day" we look beyond the admirable efforts of WHO to direct and coordinate international efforts to improve health on a global scale. On "World Health Day" we should remind ourselves that the responsibility for our Nations' health must also include responsibility for other nations. Disease, malnutrition, and pestilence honor no boundaries, economic, geographic, or political.

Tuberculosis, a disease which once posed a major threat in the United States, still afflicts almost 11 million people annually worldwide; 1 in 10 cases of the 30,000 cases of TB reported in the United States is fatal. Despite the tragedy of those deaths, there are areas of the world with far greater prevalences and TB mortality rates, such as Latin America where 1 in 5 of the 220,000 reported cases are fatal. As such, we must work in concert with other nations to improve health for all.

Vaccination against the diseases of childhood—diphtheria, measles, poliomyelitis, tetanus, tuberculosis, and whooping cough—has been a priority for State and local government in the past decade here in our own country. The diseases from which we have worked to spare our Nation's children are the same ones against which other countries are fighting to save their next generation. As we have strived to improve our Nation's health through education about health and diet so, too, must we help to educate the rest of the world. WHO has been working to educate people in all countries, especially those of the Third World, about the importance of sound nutrition especially for mothers and children.

Waterborne diarrheal disease is the cause of 80 million deaths annually. To reduce the threat of disease and death WHO has promoted programs for improved drinking water and sanitation systems. One such program underway is called oral rehydration, the distribution of kits to individuals which provide the requisite materials to increase that individual's ability to retain water and fight infection from the water.

"World Health Day" will call attention to some of the real victories the people of the world have accomplished in the field of health. Smallpox is perhaps the greatest example of what we are capable of in making the world a healthier place. For ages, smallpox was a disease which killed up to 40 percent of its victims. There were 250,000 victims in 1958 worldwide. By 1980, efforts by health care professionals to isolate and destroy the disease were so successful that smallpox had been eradicated. The smallpox eradication programs which achieved worldwide success in removing the threat of one fatal disease serve as a model for the current fight against malaria. While we here in the United States have eradicated malaria, other countries are still plagued by this disease. Eradication and control programs have been working in many countries and have been successful in checking the spread of malaria only when their efforts were coordinated on both the national and international levels.

On "World Health Day" we should look at our national achievements as being part of the global health effort. Yet we should not limit our view of world health to medical terms. The World Health Organization outlined that primary care including education about health, diet, and safety, in addition to medical treatment is one of the key elements in improving the world health. On April 7, 1984, "World Health Day," we should remember that our work to improve the health and the quality of life in the United States will also positively effect the health of the world.●

By Mr. ZORINSKY:

S.J. Res. 138. Joint resolution to establish a Commission on Teacher Education; to the Committee on Labor and Human Resources.

(The remarks of Mr. ZORINSKY and the text of the joint resolution appear earlier in today's RECORD.).

By Mr. MOYNIHAN (for himself, Mr. D'AMATO and Mr. BAKER):

S.J. Res. 139. Joint resolution to commemorate the centennial of Eleanor Roosevelt's birth; to the Committee on Energy and Natural Resources.

CENTENNIAL OF THE BIRTH OF ELEANOR ROOSEVELT

Mr. MOYNIHAN. Mr. President, October 11, 1984, will mark the 100th anniversary of the birth of Eleanor Roosevelt, one of the most remarkable women of the 20th century. Today, I am introducing a joint resolution to commemorate that centennial. This legislation is the outgrowth of a suggestion I received from Lucille Pattison, the energetic county executive of Dutchess County, N.Y.—the county in which Franklin and Eleanor Roosevelt's Hyde Park home was located.

Eleanor Roosevelt will, forever, be remembered as the dynamic First Lady and U.N. delegate who championed the cause of the underprivileged and the oppressed. She redefined the role of the American political wife, and, in her own right, had an enduring influence in domestic and international politics.

Eleanor Roosevelt was a niece of President Theodore Roosevelt and grew up in the narrow world of privileged New York society. Although she cultivated an interest in public affairs when her husband became a New York State senator, she developed a strong sense of public service only when Franklin Delano Roosevelt assumed subcabinet duties in Washington during World War I.

After F.D.R. was crippled by polio in 1921, Eleanor Roosevelt served as his surrogate in New York Democratic Party affairs. Though she had not been sympathetic to the suffrage movement, she became active in the League of Women Voters and the Women's Trade Union League. Uncomfortable at public speaking, she nonetheless accepted scores of speak-

ing invitations. She also established a furniture factory at Val-Kill, in Hyde Park, to aid the unemployed.

During F.D.R.'s 4-year term as Governor, she answered his mail and represented him in inspections of State institutions. When he became President, in addition to the usual social duties of First Lady, she promoted various New Deal projects, including subsistence homesteads, the National Youth Administration, and women's programs.

Her influence was such that she had her own weekly press conferences and syndicated daily newspaper column. During World War II she served briefly as cochairman of the Office of Civilian Defense. She corresponded with many servicemen overseas and toured several theaters of operations.

Following F.D.R.'s death, President Truman sought Eleanor Roosevelt's advice and she gave it freely, urging him in particular to appoint women to public service posts and to continue the Fair Employment Practices Committee. President Truman appointed her a delegate to the first U.N. General Assembly and later to the U.N. Human Rights Commission. In this latter post, she drafted and fought for adoption of the Declaration of Human Rights. A U.N. delegate until 1952, she forcefully urged the establishment of the State of Israel. She was reappointed a U.N. delegate by President Kennedy in 1961 and remained in the delegation until her death on November 7, 1962.

I knew Eleanor Roosevelt. In December of 1961, President Kennedy created a President's Commission on the Status of Women, with Mrs. Roosevelt as its chairman. I was an assistant to the Secretary of Labor at the time and represented him on the Commission. Mrs. Roosevelt was an energetic chairman up until the time of her death. She was gracious but firm minded and helped guide the Commission to its conclusion that the role of women in American economic affairs was artificially and unwisely restricted.

The resolution I am introducing will establish a commission to encourage and coordinate commemorations of the centennial of Eleanor Roosevelt's birth. Day-to-day staff assistance to the Commission will be provided by the Eleanor Roosevelt Institute, a nonprofit organization headquartered in New York City. The Eleanor Roosevelt Institute is legal successor to the Eleanor Roosevelt Memorial Foundation, a federally chartered organization under the provisions of Public Law 88-11, approved on April 23, 1963. Except for nominal travel and per diem payments to private members of the Commission when they attend meetings, the resolution will not entail any Federal expenditures over those otherwise authorized in law.

Section 5 of the resolution directs the Interior Department to substantially complete renovation of Val-Kill, the Eleanor Roosevelt National Historic Site, in fiscal year 1984. The renovation has been underway for some years and the purpose of this section is simply to make certain that the National Park Service has Val-Kill fully open to the public in time for the Eleanor Roosevelt centennial year.

When Eleanor Roosevelt died, Adlai Stevenson, the U.S. Ambassador to the United Nations and long-time friend of hers remarked, "She would rather light candles than curse the darkness, and her glow warmed the world."

Her life and work were a credit to the United States; she, in turn, devoted her life to our country and to the pursuit of our ideals of liberty and opportunity the world over.

I am pleased to be joined in introducing this resolution by my colleague, Senator D'AMATO. The majority leader has been most helpful in preparing this resolution and has assured me of his support for its adoption. I am most grateful. I urge other Senators to cosponsor this resolution. I ask that the text of the resolution be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows;

S.J. RES. 139

Resolved by the Senate and House of Representatives of the United States of American in Congress assembled, that the Congress finds and declares that—

(1) Eleanor Roosevelt, who was First Lady of the United States from 1933 to 1945, was one of the country's great First Ladies;

(2) Born into wealth and privilege herself, Eleanor Roosevelt nevertheless worked tirelessly to secure opportunities for disadvantaged Americans and to improve the lot of the needy elsewhere and particularly in developing countries;

(3) Both during and after her service in the White House, Eleanor Roosevelt campaigned indefatigably for human rights in the United States and throughout the world;

(4) Eleanor Roosevelt devoted her efforts especially to promoting the welfare of children.

(5) For this service, for her articulate and compassionate advocacy of the highest American ideals, and for demonstrating by personal example the capacities of American women to succeed in areas of daily life and work from which they were frequently excluded in her day, Eleanor Roosevelt earned a place of honor and respect in the hearts of the American people;

(6) October 11, 1984, marks the centennial of Eleanor Roosevelt's birth, and it is appropriate for Americans to mark this occasion with appropriate commemorations during 1984.

SEC. 2 (a) There is hereby established a Commission on the Eleanor Roosevelt Centennial.

(b) The membership of the Commission shall consist of the following:

(1) two members of the House of Representatives, designated by the Speaker of the House;

(2) two members of the Senate, designated by the President of the Senate;

(3) the Director of the National Park Service, ex officio;

(4) the Archivist of the United States, ex officio;

(5) the Librarian of Congress, ex officio;

(6) the Governor of the State of New York, ex officio;

(7) the county executive of Dutchess County, New York, ex officio;

(8) the surviving children of Mrs. Eleanor Roosevelt; and

(9) the chairman of the Eleanor Roosevelt Institute.

(c) Commission members shall designate one of their number as Chairman.

SEC. 3. The Commission established by section 2 of this Act shall—

(1) encourage and recognize appropriate observances and commemorations, throughout the United States, of the one hundredth anniversary of the birth of Eleanor Roosevelt;

(2) provide advice and assistance in establishing such observances and commemorations; and

(3) coordinate the activities of Federal agencies in support of such observances and commemorations.

SEC. 4. (a) The Commission shall meet no later than thirty days after enactment of this Act at a place and location determined by the Librarian of Congress, and at such intervals thereafter as the Commission may decide.

(b) The Administrator of General Services and the Director of the National Park Service shall provide the Commission such assistance and facilities as may be necessary to conduct its meetings.

(c) The Commission may accept donations of money and services to carry out its responsibilities.

(d) The Eleanor Roosevelt Institute, a not-for-profit organization incorporated in the State of New York, and successor organization to the Eleanor Roosevelt Memorial Foundation, chartered pursuant to Public Law 88-11, shall provide staff assistance to and coordinate policies and events for the Commission.

(e)(1) The private members of the Commission shall be reimbursed for their travel and compensated for their time engaged on Commission business at the daily rate established for employees at grade 18 of the General Schedule.

(2) The Secretary of the Interior is authorized, out of appropriations otherwise available to him, such sums as may be necessary to carry out the provisions of this paragraph.

SEC. 5. (a) In commemoration of the one hundredth anniversary of the birth of Eleanor Roosevelt, the Secretary of the Interior, acting through the Director of the National Park Service, shall complete the renovation of the Eleanor Roosevelt National Historic Site at Val-Kill in Hyde Park, New York, in fiscal year 1984 sufficiently to open it to full public visitation.

(b) The Secretary of the Interior is authorized, out of funds available to him in any fiscal year, such sums as may be necessary to carry out the purposes of this section.

Mr. D'AMATO. Mr. President, I rise today to join my distinguished colleague, Senator MOYNIHAN, in com-

memorating the 100th anniversary of the birth of Eleanor Roosevelt. A native of New York, Eleanor Roosevelt was a lady who accomplished a great deal as a woman in her own right, as well as in the capacity of the wife of our 32d President.

The chronicling of her accomplishments would be a task requiring many volumes. I wish to bring to attention only a few. Born into a situation which could have offered a life of leisure and ease, Mrs. Roosevelt, chose instead to reach out to those less fortunate with an indefatigable spirit and a compassion that left few unmoved. Long before any political advantage could be attributed as her motive, she joined many organizations in an effort to further the cause of those whose rights were less protected than her own. The question of equality for women and minorities found a place in the national spotlight as a direct result of her efforts.

As First Lady, she served a unique role in this country's history. President Roosevelt, because of his illness, could not travel around the country. Therefore, Mrs. Roosevelt acted as his eyes and ears, ceaselessly apprising him of the feelings of the people. In the midst of the steepest depression and most cataclysmic war in this country's history, she carried a beacon of hope whose light none of her critics could dim. Many soldiers, wounded and far from home, were comforted by her. The long hours she spent in this task and others too numerous to cite are legend born of fact.

After the tragic death of her husband, Eleanor Roosevelt continued to play a vital role in the affairs of our country. As American Ambassador to the United Nations, she was the guiding force behind the Universal Declaration of Human Rights and commanded the respect of the entire assemblage in a way none of her successors has been able to match.

Her final official capacity, in which she served until her death, was as chairman of President Kennedy's Commission on the Status of Women. She championed the cause of equality both in words and through the example she set.

Today, we accept as given many of the benefits for which Eleanor Roosevelt fought. Let us not forget, however, the dedication, toil, and, most of all, compassion of the woman who was their champion. She stood, often alone, for justice in America and the world. She remains the standard bearer of the conscience of our Nation. She will always be remembered by those who admire the select few whose deeds outstrip their words.

Mr. BAKER. Mr. President, I want to take this opportunity to commend my distinguished colleagues from New York for sponsoring this joint resolution, and I would like to add my name to the list of cosponsors.

History leaves no doubt as to the remarkable and unique and vital force that was Eleanor Roosevelt. Her legacy is as bright today as it ever was, and she will forever be a symbol of caring and unselfish devotion. It is all too fitting that we commemorate the 100th anniversary of her birth.

I am most pleased to learn Mr. President that the Eleanor Roosevelt Institute will be involved in the centennial celebration. The institute is a not-for-profit organization that has already distinguished itself through the expert work of its members, and I am confident that their assistance will be significant.

ADDITIONAL COSPONSORS

S. 617

At the request of Mr. STENNIS, the name of the Senator from Ohio (Mr. GLENN) was added as a cosponsor of S. 617, a bill to promote the use of energy-conserving equipment and biofuels by the Department of Defense, and for other purposes.

S. 1051

At the request of Mr. TOWER, the name of the Senator from Alabama (Mr. DENTON) was added as a cosponsor of S. 1051, a bill to amend the Internal Revenue Code of 1954 to allow certain prepayments of principal and interest to be treated as contributions to an individual retirement account, to allow amounts to be withdrawn from such account to purchase a principal residence, and for other purposes.

S. 1080

At the request of Mr. GRASSLEY, the names of the Senator from Illinois (Mr. DIXON), the Senator from North Dakota (Mr. BURDICK), and the Senator from Colorado (Mr. ARMSTRONG) were added as cosponsors of S. 1080, a bill to amend the Administrative Procedure Act to require Federal agencies to analyze the effects of rules to improve their effectiveness and to decrease their compliance costs, to provide for a periodic review of regulations, and for other purposes.

S. 1146

At the request of Mr. BENTSEN, the name of the Senator from Arizona (Mr. GOLDWATER) was added as a cosponsor of S. 1146, a bill to amend the Federal Aviation Act of 1958 to provide for the revocation of the airman certificates and for additional penalties for the transportation by aircraft of controlled substances, and for other purposes.

S. 1350

At the request of Mr. LAXALT, the name of the Senator from Alabama (Mr. DENTON) was added as a cosponsor of S. 1350, a bill to amend the Federal Election Campaign Act of 1971 to increase the role of political parties in financing campaigns under such act, and for other purposes.

S. 1575

At the request of Mr. SASSER, the name of the Senator from Massachusetts (Mr. TSONGAS) was added as a cosponsor of S. 1575, a bill to improve the highway bridge replacement and rehabilitation program.

S. 1634

At the request of Mr. WALLOP, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1634, a bill to amend the Mineral Lands Leasing Act of 1920 and for other purposes.

SENATE JOINT RESOLUTION 54

At the request of Mr. NICKLES, the names of the Senator from Arizona (Mr. DECONCINI), and the Senator from Connecticut (Mr. DODD) were added as cosponsors of Senate Joint Resolution 54, a joint resolution to authorize and request the President to designate the month of January 1984 as "National Eye Health Care Month."

SENATE CONCURRENT RESOLUTION 32

At the request of Mr. SPECTER, the name of the Senator from Massachusetts (Mr. TSONGAS) was added as a cosponsor of Senate Concurrent Resolution 32, a concurrent resolution to express the sense of the Congress concerning the legal minimum age for drinking and purchasing alcohol.

SENATE RESOLUTION 127

At the request of Mr. ANDREWS, the names of the Senator from South Carolina (Mr. THURMOND), the Senator from Wisconsin (Mr. KASTEN), the Senator from Connecticut (Mr. WEICKER), and the Senator from Kansas (Mrs. KASSEBAUM) were added as cosponsors of Senate Resolution 127, a resolution to make the Select Committee on Indian Affairs a permanent committee of the Senate.

SENATE CONCURRENT RESOLUTION 59—ORIGINAL RESOLUTION REPORTED RELATING TO THE CHANGING ROLE OF THE BOOK IN THE FUTURE

Mr. MATHIAS, from the Committee on Rules and Administration, reported the following original concurrent resolution; which was placed on the calendar:

S. CON. RES. 59

Whereas the Congress of the United States has built and nurtured a library preeminent in the world;

Whereas this library beginning as a small collection of books has now grown to over one hundred eighty million items in all formats encompassing all areas of knowledge;

Whereas eighteen million of these items are conventional books which throughout history have been the most powerful and democratizing learning device known to mankind;

Whereas the book is now among the least expensive and most widely accessible means to liberty and learning;

Whereas advances in technology over the last two decades have in many ways complemented the book as a learning tool;

Whereas rapidly advancing technologies and electronic printing and publishing are revolutionizing the world of learning and the role of the book in the future; and

Whereas the Congress in 1977 established the Center for the Book in the Library of Congress to study the development of the written record in our society: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) a timely study of the changing role of the book in the future is highly desirable;

(2) the Congress authorizes the Librarian of Congress, under the auspices of the Center for the Book of the Library of Congress, to conduct such an inquiry;

(3) in conducting such a study, the Librarian of Congress shall seek the advice and assistance of persons highly knowledgeable about the role of the book in civilization and the influence of new technologies on the future of the book;

(4) such persons should include scholars, authors, educators, publishers, librarians, scientists, and individuals in computer technology, industry, and labor; and

(5) the Librarian of Congress should transmit the results of such a study to the Congress of the United States not later than December 1, 1984.

SENATE RESOLUTION 184—ORIGINAL RESOLUTION REPORTED RELATING TO THE SENATE PAGE PROGRAM

Mr. MATHIAS, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 184

Resolved, That until otherwise hereafter provided for by law, there shall be paid out of the contingent fund of the Senate such amounts as may be necessary to enable the Secretary of the Senate to furnish educational services and related items for Senate Pages in accordance with this resolution.

SEC. 2. The Senate Page Program shall be administered by the Sergeant at Arms and Doorkeeper of the Senate and the Secretaries for the Majority and Minority of the Senate. All policy decisions regarding the operation of the Senate Page Program shall be made by the Senate Management Board, with the concurrence of the Majority and Minority Leaders of the Senate.

SEC. 3. In order to provide educational services and related items for Senate Pages, the Secretary of the Senate is authorized to enter into a contract, agreement, or other arrangement with the Board of Education of the District of Columbia, or to provide such educational services and items in such other manner as he may deem appropriate.

SEC. 4. The educational services under the Senate Page Program shall consist of an academic year comprising two terms, and a page serving in such program shall be in the 11th grade.

SEC. 5. This resolution shall take effect as of the date of its approval.

SENATE RESOLUTION 185—RELATING TO ESTABLISHMENT OF A SPECIAL COMMITTEE ON THE FAMILY, YOUTH, AND CHILDREN

Mr. DENTON (for himself, Mr. DECONCINI, and Mr. HATCH) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 185

Resolved, That (a)(1) there is established a temporary special committee of the Senate to be known as the Special Committee on the Family, Youth, and Children (hereafter in this resolution referred to as the "special committee"). The special committee shall be composed of eleven members appointed by the President pro tempore from the recommendations of the Minority and Majority Leaders. Six members shall be appointed from the majority party and five members shall be appointed from the minority party.

(2) The President pro tempore shall designate a member of the special committee recommended by the Majority Leader to serve as chairman.

(b)(1) A majority of the members of the special committee shall constitute a quorum for the transaction of business, except that the special committee may fix a lesser number as a quorum for the purpose of taking sworn testimony.

(2) Vacancies in the membership of the special committee shall not affect the authority of the remaining members to execute the functions of the committee, and shall be filled in the same manner as original appointments are made.

(3) The special committee shall adopt rules of procedure not inconsistent with the rules of the Senate governing standing committees of the Senate.

(c) Service of a Senator as a member or as chairman of the special committee shall not be taken into account for the purposes of paragraph 4 of rule XXV of the Standing Rules of the Senate.

(d) The chairman may establish such subcommittees of the special committee as he considers appropriate, but each such subcommittee shall be composed of not less than four members.

SEC. 2. (a) It shall be the duty of the special committee to—

(1) make a full and complete study and investigation of the matters pertaining to the family, childhood and adolescence, including but not limited to, the problems of health (including child development and adolescent pregnancy), welfare (including child pornography and obscenity), education, marital relations, employment, economic policy, recreation, nutrition, adoption, foster care, and other problems of childhood, adolescence, and the welfare of families generally;

(2) study the use of all practicable means of encouraging the development of public and private programs and policies which will assist the family, youth or children; and

(3) review and recommendations relating to the family, youth or children made by the President or by any department or agency of the Federal Government.

(b) The special committee shall report to the Senate on the results of any investigation and review conducted under subsection (a) not later than March 31, 1984. The special committee shall submit a final report on the results of the investigation and review conducted pursuant to subsection (a) not later than November 30, 1984.

(c) No proposed legislation shall be referred to the special committee, and such committee shall not have the power to report by bill or otherwise have any legislative jurisdiction.

(d) After submission of its report pursuant to subsection (b), the special committee shall have 30 days to close its affairs and on the expiration of such 30-day period shall cease to exist.

SEC. 3. (a) For the purposes of this resolution, the special committee is authorized (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) to hold hearings, (4) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (5) to require, by subpena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (6) to take depositions and other testimony, (7) to procure the services of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, and (8) with the prior consent of the department or agency of the Federal Government concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) With the consent of the chairman of any other committee of the Senate, the special committee may utilize the facilities and the services of the staff of such other committee of the Senate, or any subcommittee thereof, whenever the chairman of the special committee determines that such action is necessary and appropriate.

(c) The chairman of the special committee or any member thereof may administer oaths to witnesses.

(d) Subpenas authorized by the special committee may be issued over the signature of the chairman or any member of the special committee designated by the chairman, and may be served by any person designated by the member signing the subpena.

SEC. 4. Expenses of the special committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the special committee, except that vouchers shall not be required for the disbursement of salaries of employees paid an annual rate.

Mr. DENTON. Mr. President, I am pleased today to submitting with my distinguished colleagues, Senators DECONCINI and HATCH, a resolution to establish a Senate Special Committee on Family, Youth, and Children. The committee would be a temporary committee composed of 11 members appointed by the President pro tempore of the Senate on the recommendations of the minority and majority leaders. The committee would have no legislative jurisdiction.

As I am sure many of my colleagues are keenly aware, the Senate for too many years now has lacked any vehicle for a comprehensive examination of policies, legislation, and national trends as they effect the well-being of our Nation's families and children. Our attention to the needs of families has at best been fragmented among an assortment of different legislative

committees and subcommittees. At worst, we have essentially ignored those needs. Yet one way or another, the policies which our Federal Government establishes by law or by regulation can play a major role in promoting either family unity or family disintegration; either a positive environment for children growing into adulthood or a negative one.

The family is now in a worse period of crisis than ever before in our Nation's history. Roughly one out of every two marriages now ends in divorce, and according to one estimate, single parent families are forming at 20 times the rate of two-parent families. One result of that unfortunate trend is that more and more children go without attention from a parent during the day, as increasing numbers of single mothers are forced into the work force to provide for children without help from a husband. Indeed, estimates show that close to 1 million children under age 5 are left without any adult care during the day.

The percentage of female-headed households has almost doubled since 1970, so that 19 percent of all households are now headed by women. The number of children living with only one parent has doubled since 1960 so that, according to one estimate, 45 percent of all children born in 1977 will live in a single-parent home at some time before reaching age 18.

The formation of families and the successful rearing of children have become more difficult than ever before. As healthy parental influence has diminished, we have seen the results in rising rates of juvenile problems, including teenage alcohol and drug abuse, adolescent pregnancy, teenage suicide, and juvenile delinquency. We see great confusion among our young people about direction and purpose in their lives.

Mr. President, the special committee I am proposing today would make a comprehensive study of matters affecting the family, childhood, and adolescence including, but not restricted to, problems of health, including child development and adolescent pregnancy; welfare, including child pornography; education, marriage, employment, economic policy, recreation, adoption, foster care, and other issues and problems. It would encourage and promote public and private policies and programs that assist families, youth and children.

I urge its prompt consideration.

Mr. DECONCINI. Mr. President, today I join my colleague, Senator DENTON in introducing a resolution calling for a Senate Special Committee on the Family, Youth, and Children.

The problems facing the family in America today are multifaceted and complex and because the problems are not simple, neither are the solutions. I believe that this special committee will give the Senate the opportunity to truly focus on these problems and at least begin the search for meaningful solutions.

The committee's purpose is to make a comprehensive overview of the family in America today. The committee will look at problems of employment, education, health, welfare, and economic policy and will report back to Congress by the end of 1984 with its findings.

The crisis of the family is neither a conservative nor a liberal issue. It is an issue which crosses party lines and ideologies. That is why I call on all of my colleagues in the Senate to join me in support of this resolution.

SENATE RESOLUTION 186—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY TO KATHERINE C. AHLERS

Mr. MATHIAS, from the Committee on Rules and Administration, reported the following original legislation; which was placed on the calendar:

S. RES. 186

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Katherine C. Ahlers, widow of John C. Ahlers, an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

AMENDMENTS SUBMITTED

CRITICAL AGRICULTURAL MATERIALS

JEPSEN AMENDMENT NO. 2102

(Ordered to lie on the table.)

Mr. JEPSEN submitted three amendments intended to be proposed by him to the bill (H.R. 2733) to extend and improve the existing program of research, development, and demonstration in the production and manufacture of gauyule rubber, and to broaden such program to include other critical agricultural materials, as follows:

At the appropriate place in the bill, insert the following new section:

ANNOUNCEMENT OF ACREAGE LIMITATION AND SET-ASIDE PROGRAMS

SEC. . (a) Effective for the 1984 and 1985 crop of feed grains, the second sentence of section 105B(e)(1)(A) of the Agricultural Act of 1949 (7 U.S.C. 1444d(e)(1)(A)), as amended by section 124(1) of the Omnibus Budget Reconciliation Act of 1982, is amended by striking out "November 15" and inserting in lieu thereof "September 30".

(b) Effective for the 1985 crop of wheat, the second sentence of section 107B(e)(1)(A) of the Agricultural Act of 1949 (7 U.S.C. 1445b-1(e)(1)(A)), as amended by section 122(1) of the Omnibus Budget Reconciliation Act of 1982, is amended by striking out "August 15" and inserting in lieu thereof "July 1".

DAIRY PRICE SUPPORTS

JEPSEN AMENDMENT NO. 2103

(Ordered to lie on the table.)

Mr. JEPSEN submitted an amendment intended to be proposed by him to the bill (S. 1529) to stabilize a temporary imbalance in the supply and demand for dairy products, to enable milk producers to establish, finance, and carry out a coordinated program of dairy product promotion, to adjust the support levels for the 1983 and subsequent crops of tobacco, to make modifications in the tobacco production adjustment program, and for other purposes; as follows:

At the appropriate place in the bill, insert the following new section:

BARTER OF SURPLUS DAIRY PRODUCTS FOR STRATEGIC AND CRITICAL MATERIALS

SEC. . (a) Notwithstanding any other provision of law, during fiscal years 1984 and 1985, the Commodity Credit Corporation shall accept offers from individuals or commercial firms to exchange strategic and critical materials needed to meet unmet national goals established under the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.) for surplus dairy stocks owned by the Corporation if—

(1) such stocks will be exported;

(2) the value assigned to such stocks at the time of delivery is less than the world price at such time;

(3) the value assigned to such materials at the time of delivery is less than the world price at such time;

(4) the Secretary of Agriculture is reasonably assured that export markets for United States dairy products through commercial channels will not be displaced by such exchange; and

(5) such exchange will not result in the expenditure of funds by the Secretary or the Corporation other than for normal administrative costs.

(b) In carrying out subsection (a), the Corporation shall use in each of the fiscal years 1984 and 1985 a quantity of dairy products equal to—

(1) at least 15 percent of uncommitted surplus dairy stocks existing at the beginning of fiscal year 1984; or

(2) if the Corporation does not receive offers to exchange such quantity of dairy products, a quantity equal to the quantity of such stocks offered to be exchanged.

(c) the Corporation may—

(1) transfer strategic and critical materials acquired under this section to the National Defense Stockpile established under the Strategic and Critical Materials Stock Piling Act, and shall be reimbursed for such materials, in accordance with section 4(h) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714(h)); or

(2) retain possession of, and title to, such materials.

(d) No later than six months after the date of the enactment of the Dairy and Tobacco Adjustment Act of 1983, and each six months thereafter through fiscal year 1985, the Secretary of Agriculture shall submit a report to the Congress describing—

(1) exchanges made under this section during the previous six month period; and

(2) any offers for exchanges made under this section during such period which were rejected by the Corporation and the reasons for such rejection.

CRITICAL AGRICULTURAL MATERIALS

JEPSEN (AND KASSEBAUM) AMENDMENT NO. 2104

(Ordered to lie on the table.)

Mr. JEPSEN (for himself and Mrs. KASSEBAUM) submitted an amendment intended to be proposed by them to the bill H.R. 2733; as follows:

At the appropriate place in the bill, insert the following:

SEC. . (a) The Congress finds that—

(1) the United States balance of merchandise trade was a negative $31,800,000,000 in 1982;

(2) the United States share of world exports has declined from 15.4 per centum in 1970 to 13 per centum in 1982;

(3) one out of every eight United States manufacturing jobs is for export production and 20 per centum of our industrial production is exported;

(4) agriculture is the largest employer in the Nation providing for almost twenty-three million jobs, one million three hundred thousand of these being export related;

(5) the value of agricultural exports has dropped 18.9 per centum since 1981 and United States agricultural market share has dropped precipitously for such commodities as course grains, wheat, cottom, soybean meal and oil, rice, and poultry;

(6) increased ocean shipping costs will negate numerous United States efforts to promote exports;

(7) current world market conditions translate increased export prices into reduced income for domestic producers and lost United States sales abroad for such goods as agricultural products, coal, forest products, fertilizers, chemicals, ores and metals, and pulp and paper products;

(8) increased import costs for such goods as petroleum and other bulk materials will increase energy costs and production costs for the agricultural, fertilizer, iron and steel, rubber, textile, chemical, nonferrous refining, and paper industries;

(9) trade barriers have proven harmful to United States industry, labor, and consumers in the past;

(10) world bulk shipping capacity is currently in excess and is expected to remain so for at least the next decade;

(11) the effective United States controlled fleet, which is controlled by United States companies and subject to requisition by the United States Government, remains a strong and competitive force in the international ocean shipping industry;

(12) the United States merchant marine is uncompetitive in the world market with United States-flag bulk shipping costs as much as 300 per centum higher than the world average; and

(13) ocean shipping costs comprise a significant portion of import and export costs and these costs will be increased by expansion of cargo preference requirements.

(b) It is the sense of Congress that further expansion of cargo preference requirements, whether for commercial or other trade, is not in the interest of the United States and should not be imposed.

THURMOND AMENDMENT NO. 2105

(Ordered to lie on the table.)

Mr. THURMOND submitted an amendment intended to be proposed by him to the bill H.R. 2733, supra:

At the appropriate place in the bill, insert the following new section:

EXPANSION OF MILK MARKETING ORDERS

SEC. . Section 8c(17) of the Agricultural Adjustment act, as amended and reenacted by the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 608c(17)), is amended by adding at the end thereof the following new sentence: "An amendment to a milk order that would expand the production area specified in such order shall not be effective unless the Secretary of Agriculture determines, in addition to other required findings and determinations, that such amendment is approved or favored by at least (A) a majority of the producers who, during a representative period determined by the Secretary, have been engaged, within the area proposed to be added to the existing production area, in the production for market of milk, and (B) two-thirds of the producers who, during a representative period determined by the Secretary, have been engaged, within the area composed of the existing production area and the area proposed to be added to the existing production area, in the production for market of milk.".

Mr. THURMOND. Mr. President, I am today submitting for printing in the RECORD an amendment I intend to offer to H.R. 2733, the agricultural target price bill, at an appropriate time.

The amendment requires that, before an existing Federal milk order may be expanded, a majority of the dairy farmers in the area to be annexed, as well as two-thirds of the dairy producers in the entire area to be included within the order, must approve the expansion in a referendum. Under the current law, only the latter requirement—two-thirds of the producers within the total area of the expanded order—applies.

Mr. President, this amendment simply provides a measure of additional democratic protection to dairy farmers within a State or part thereof proposed to be included within an expanded milk order. It insures that the prevailing will of dairy producers in the area to be annexed is not overwhelmed by the collective will of dairy farmers already operating under a Federal milk order, especially in cases where the latter substantially outnumber the former. This amendment applies only to the expansion of milk marketing orders and would not affect other commodities.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Committee on Energy and Natural Resources on S. 1701, to impose specific directives on the Bonneville Power Administration. The hearing will be held on Wednesday, August 3, beginning at 2 p.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510.

For further information regarding this hearing you may wish to contact Mr. Gary Ellsworth of the committee staff at 224-5304.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, July 28, to continue the markup of S. 757, Solid Waste Disposal Act Amendments.

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

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, July 28, to consider the nominations of Paul Enns and Joseph Kyser to be members of the Federal Farm Credit Board.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, July 28, to conduct hearings with the House Committee on Energy and Commerce on local phone rate legislation.

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

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Friday, July 29, to conduct joint hearings with the House Committee on

Energy and Commerce on local phone rate legislation.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Friday, July 29, to hold a hearing on S. 905, the National Archives and Records Administration Act.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, July 29, to hold a code word briefing on the classified arms control issue.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management of the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Friday, July 29, to continue hearings on oversight of the management of the Synthetic Fuels Corporation.

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

ADDITIONAL STATEMENTS

BIRTHDAY TRIBUTE TO RED SKELTON

● Mr. QUAYLE. Mr. President, I am pleased for this occasion to bring to the attention of my Senate colleagues, a recent milestone in the life of one of Indiana's most favored sons: The 70th birthday of Red Skelton, a native of Vincennes, Ind., observed on July 18.

It is appropriate that we honor Red Skelton today and I am pleased to join him in a special visit to the White House to commemorate his birthday with the President.

Red Skelton has brought happiness and laughter to generations of Americans throughout a career that has spanned five decades. His comic talent was first enjoyed by audiences in vaudeville, carnivals, circuses, riverboats, and burlesque houses in the early years. Later, Red starred in radio and in over 40 motion pictures. From the 1950's through the 1970's, Red Skelton delighted new generations of TV audiences with his unique brand of humor, mime, and unforgettable characters. In addition, Red Skelton is a talented composer, short story writer, and a recognized painter. One of his favorite subjects: clown portraits, with shocking red hair.

Red Skelton has ably proved the adage that laughter is the best medicine. During World War II and the Korean war, he entertained U.S. troops overseas. He has been honored numerous times for his selfless contributions to the needy and disabled. Red Skelton's success in show business is equaled only by his universal appeal to all ages.

I believe it fitting that we pay tribute today to Red Skelton and I know my Senate colleagues join me in wishing him continued health, humor, and his special grace which brings us cheer.●

THE GUNS OF GUATEMALA

● Mr. INOUYE. Mr. President, in April of this year, the New Republic printed an article on Guatemala written by Allan Nairn. The events depicted in this article show a shocking disregard for human rights. Indeed, they demonstrate that many in positions of authority in Guatemala overtly dismiss the sanctity of human life. I am grateful to a constituent, Mr. Paul Henning of Waianae, Hawaii, for bringing this article to my attention. I believe each member of the Senate could benefit from a close reading of Mr. Nairn's article.

Therefore, Mr. President, I ask that the article, "The Guns of Guatemala," be printed in the CONGRESSIONAL RECORD.

The article follows:

[From the New Republic, Apr. 11, 1983]

THE GUNS OF GUATEMALA

(By Allan Nairn)

On April 20, 1982, government troops entered the village of Acul in Guatemala's northwest highlands. According to an eyewitness, "They searched the houses and pulled the people out, and took us to the churchyard. The lieutenant walked up and down, pointing at people, saying 'These will go to hell, these will go to heaven.' The ones he said would go to hell they took out to be shot. They tied them up and kicked them and gave them karate chops to the throat. One soldier had a big knife and he stuck it into their genitals and hacked them on the neck and on the back. The people were crying and crossing themselves. The soldiers pulled out one boy and put him up against the big tree. They said they were going to shoot him because he was against the government. They took the others to the cemetery with their hands tied behind their backs. They dug a big ditch and lined them up at the edge. We all had to come and watch. The lieutenant said they were going to be shot because 'you haven't educated your children, your children are going around with scum, and that doesn't suit us. But we're not going to throw their bodies on the roadside, we're just going to shoot them.' He said this was the new law of Ríos Montt. They shot each one with a bullet in the face from about a meter away. Parts of their brains spilled out and scattered into the ditch." By the end of the day twenty-four lay dead. The next day the troops killed twenty-two more.

According to figures compiled by Amnesty International, at least 12,000 unarmed civilians have died by violence in Guatemala since 1978. Last year Amnesty reported that 2,600 had been killed between July and March 23, when General Efrain Ríos Montt seized power in a military coup. By December, however, army massacres had become more sporadic and the pace of guerrilla raids had slackened. These developments were widely interpreted to mean that the government had begun to curb human rights abuses and had succeeded in crushing the guerrillas.

The interpretation was wrong on both counts. The number of massacres fell because the army had completed the first stage of a major operation designed to depopulate the rural villages that are the guerrillas' logistical and political base. The guerrilla's level of activity fell because their village support network had been disrupted. During this operation, I conducted interviews with several dozen soldiers and officers in the field, as well as with refugees and government officials. What they said points to the conclusion that Ríos Montt's strategy was based on organized killing, torture, and bombing of unarmed civilians—a round of carnage that can be expected to resume as soon as guerrilla activity reaches a sufficently threatening level. And far from crushing the guerrillas, the counterinsurgency drive has left their corps of armed combatants essentially intact, while sowing bitterness among the peasant survivors.

Ríos Montt, who was trained in counterinsurgency at Fort Bragg and served in 1973 as director of studies at the Pentagon's Inter-American Defense College in Washington, D.C., brought the Guatemalan Army back into the mainstream of international counterinsurgency theory. General Romeo Lucas García, whom Ríos Montt toppled in the coup, had attempted to fight the guerrillas with an uncoordinated series of rural massacres. In the urban areas Lucas undertook a campaign of assassinations that destroyed a powerful popular movement of trade unionists, professionals, clergy, students, slum dwellers, and moderate politicians; he recklessly continued these highly visible killings long after their political objective had been accomplished. Besides bringing international condemnation of Guatemala's human rights abuses, Lucas' actions actually increased guerrilla strength.

Ríos Montt curtailed the politically disastrous urban assassinations. He shifted to a program of centralized planning, local and international public relations, and, as an army strategy document put it, "establishment of a scheme for control of the population"—forced labor "civil patrols" used for road repair, surveillance, and army-led military forays. The cutting edge of the strategy was a series of province-by-province sweeps by massed troops to clear the tiny mountain villages and to resettle much of the population in army-controlled towns. The sweeps concentrated the killing in a few brief but fierce bursts. After the phalanx had run out of villages in one region and moved on to the next, it could be said that violence in the first region had diminished and human rights improved. By October this claim could be made for the country as a whole.

As the sweeps began, in provinces of Chimaltenango and Alta Verapaz and Baja Verapaz, the level of killing—the highest in Guatemalan history—shocked even traditionally reserved elements of the local establishment. "Not even the lives of old people, pregnant women, or innocent chil-

dren were respected," said Guatemala's Conference of Catholic Bishops in a May 27 pastoral letter. "Never in our history has it come to such grave extremes." In an unprecedented series of editorials in May, the conservative *El Gráfico*, the country's leading newspaper, stated: "Massacres have become the order of the day . . . How is it possible to behead an 8- or 9-year-old child? . . . We do not deserve aid as long as this keeps occurring."

At the same time, the United States Embassy was assuring visitors that human rights conditions had dramatically improved and that if abuses were occurring they were contrary to policy. By way of proof, they distributed copies of the army's "Code of Conduct Toward the Civil Population," a twelve-point guide to counterinsurgency etiquette that admonishes soldiers not to "flirt or take liberties with the women," and to "show special affection and respect for the aged and children."

On May 24 Ríos Montt set the stage for the sweeps through Quiché and Huehuetenango, the provinces with the heaviest guerrilla activity, by announcing that he would grant amnesty to all guerrillas and collaborators who turned themselves in before July 1. After the amnesty had expired, any resident of a village believed to be collaborating with the guerrillas would be considered fair game. On June 30 Ríos Montt declared on television that "today we are going to begin a merciless struggle," and issued a decree that ordered all men age 18 to 30 to present themselves for military service. The decree stated that the army would "proceed with a vigorous and firm military action to annihilate the subversion that has not understood the good intentions of the government."

According to soldiers and officers who participated in the action last July, August, and September, the sweeps were directed not at armed guerrillas but at civilians in villages suspected of guerrilla collaboration. Ríos Montt had outlined the rationale in a May 17 interview. "The problem of the war," he explained, "is not just a question of who is shooting. For each one who is shooting, there are ten working behind him."

According to Lieutenant Romeo Sierra, who commands a 20-man patrol base at La Perla, a northwest highlands plantation, the sweeps were directed from the top. Field commanders like Sierra receive their orders through a chain of command which places only three steps—the minister of defense, the army chief of staff, and a colonel in the provinical capital—between themselves and Ríos Montt. The commanders receive daily orders from the colonel, and maintain hourly radio contact with his headquarters. "I advise him that 'I'm going to Tutzuhil with twenty men.' He knows everything. Everything is controlled." All field actions must be reported in the commanders' daily "diary of operations," which is reviewed and criticized in monthly face-to-face evaluations. "We're on a very short leash," Serra said.

Sierra, who directed the sweeps through his patrol area of 20 square kilometers and 10,000 people, told me that thousands of civilians were displaced but that "in the time I've been here [two-and-a-half months] no subversives have fallen. Lots of unarmed people, women refugees, but we haven't had actual combat with guerrillas."

Each patrol officer, after describing the success of his sweep, would casually point to his local mountain and say that 50 to 75 guerrilla combatants were still at large. Lieutenant Sierra estimated that 70 guerrillas were moving in the mountains immediately surrounding La Perla. "There are lots of them around here," said Miguel Raimundo, a sergeant in Nebaj, a medium-sized army-occupied town south of La Perla. "It's hard to fight them. There are about 300 of them—the ones who fight."

Just outside Nebaj, more than 2,500 peasants had been resettled on an army airstrip. "They didn't want to leave voluntarily," explained Felipe, a corporal who manned the 50-caliber machine gun that dominated the town from the church belfry. "The government put out a call that they would have one month to turn themselves in. So now the army is in charge of going to get all the people from all these villages."

Sergeant Miguel Raimundo, who was guarding a group of 161 suspected guerrilla collaborators (which included 79 children and 42 women), said, "The problem is that almost all the village people are guerrillas." According to camp records, these peasants had been rounded up in army sweeps through the villages of Vijolom, Salquil Grande, Tjolom, Parramos Chiquito, Paob, Vixaj, Quejchip, and Xepium. Sergeant José Angel, who commands a 40-man platoon based at La Perla, explained the procedure. "Before we get to the village, we talk with the soldiers about what they should do and what they shouldn't do. They all discuss it so they have it in their minds. We coordinate it first—we ask, what is our mission?"

According to José Angel, "One patrol enters the village from one point, on another side another patrol enters. We go in before dawn, because everyone is sleeping. If we come in broad daylight they get scared, they see it's the army, and they run because they know the army is coming to get them."

The army has a policy about such behavior. "The people who are doing things outside the law run away," the sergeant said. "But the people who aren't doing anything, they stay." He said he had seen cases where "lots of them ran, most of a village. They ran because they knew the army was coming."

Miguel Raimundo cited three cases where villages fled en masse. "All the villages around here, like Salquil, Palob, or here in Sumal, they have a horn and there's a villager who watches the road. If the soldiers come, he blows the horn. It's a signal. They all go running."

For the soldiers, the killing of fleeing, unarmed civilians has become a matter of routine. I ask Felipe, the Nebaj corporal, how the villagers react when the troops arrive.

"They flee from their homes. They run for the mountain."

"And what do you do?

"Some we capture alive and others we can't capture alive. When they run and go into the mountains that obligates one to kill them."

"Why?"

"Because they might be guerrillas. If they don't run, the army is not going to kill them. It will protect them."

"Among those you have to kill, what kind of people are they? Are they men or women?"

"At times men, at times women."

"In which villages has this happened?"

"Oh, it's happened in lots of them. In Acul, Salquil, Sumal Chiquito, Sumal Grande."

"In those villages, about how many people did you kill?"

"Not many, a few."

"More than ten? More than twenty? More than a hundred?

"Oh no, about twenty."

"In each village?"

"Yes, of course. It's not many. More than that were captured alive."

José Angel, the sergeant at La Perla, recalled a similar experience in the village of Chumansan in the province of Quezaltenango. "When we went in, the people scattered," he said. "We had no choice but to shoot at them. We killed some. . . . Oh, about ten, no more. Most of them got away."

According to accounts from soldiers and survivors, the army follows a consistent step-by-step procedure after entering a village. First, Sergeant José Angel explained, "We go into a village and take the people out of their houses and search the houses." Among the items the soldiers look for are suspiciously large stocks of grain or beans. The army takes what it can use and burns the rest. Next, he said, "You ask informers who are the ones that are doing things, things outside the law. And that's when you round up the collaborators. And the collaborators—you question them, interrogate them, get them to speak the truth. Who have they been talking to? Who are the ones who have been coming to the village to speak with them?"

The interrogations are generally conducted in the village square with the entire population looking on. I asked José Angel how he questioned people. He replied, "Beat them to make them tell the truth, hurt them."

"With what methods?"

"This one, like this [he wraps his hands around his neck and makes a choking sound]. More or less hanging them."

"With what?"

"With a lasso. Each soldier has his lasso."

The day before, in Nebaj, an infantryman who was standing over the bodies of four guerrillas who had been executed a few hours before demonstrated the interrogation technique he had learned in "Cobra," an army counterinsurgency course for field troops. "Tie them like this," he said, "tie the hands behind, run the cord here [around the neck] and press with a boot [on the chest]. Knot it, and make a tourniquet with a stick, and when they're dying you give it another twist and you ask them again, and if they still don't want to answer you do it again until they talk." According to sergeants and infantrymen of Nebaj and La Perla, the tourniquet is the most common interrogation technique. Live burial and mutilation by machete are also used.

The director of an ambulance squad in one of Guatemala's largest provinces said that roughly 80 percent of the bodies recovered by his unit have their hands tied behind their backs and show signs of strangulation. The bodies are usually naked and have been finished off by 5.56 millimeter bullets (the kind used in the army's assault rifles) fired at close range into the chest, or by puncture wounds to the neck, generally consisting of four intersecting slices, characteristic of the army's four-flanged bayonet.

The soldiers said they expect those they question to provide specific information, such as the names of villagers who have talked with or given food to guerrillas. Failure to do so implies guilt, and brings immediate judgment and action. "Almost everyone in the villages is a collaborator," said Sergeant Miguel Raimundo. "They don't say anything. They would rather die than talk."

When I asked Miguel Raimundo about the interrogation method, he replied: "We say, if you tell us where the guerrillas are, the army won't kill you. . . . If they collaborate with the army, we don't do anything."

"And if they don't say anything?"

"Well, then they say, 'if you kill me, kill me—because I don't know anything,' and we know they're guerrillas.

They prefer to die rather than say where the compañeros are."

According to Sergeant José Angel, it is common for suspected collaborators to be pointed out, questioned, and executed all on the same day. Explaining how he extracted information so quickly, he said, "Well, they don't talk like that voluntarily. You just have to subdue them a little to make them speak the truth."

After the interrogations have been completed, the patrol leader makes a speech to the survivors gathered in the village square.

"We tell the people to change the road they are on, because the road they are on is bad," said José Angel. "If they don't change, there is nothing else to do but kill them."

"So you kill them on the spot?"

"Yes, sure. If they don't want the good, there's nothing more to do but bomb their houses."

José Angel said he had participated in operations of this kind in the provinces of Sololá and Quezaltenango in which more than 500 people were killed. He and other soldiers said that smaller villages are destroyed with Spanish, Israeli, and U.S.-made grenades. Boxes of these grenades could be seen stacked in the Nebaj ammunition dump. The soldiers said they also used a 3.5-inch U.S.-made shoulder-held recoilless rocket that was designed as an antitank weapon but is effective against people and straw huts. At the La Perla headquarters, one such launcher was sitting next to boxes of "explosive projectile" rockets from the Iowa Army Ammunition Plant.

For larger operations, José Angel said, patrols called in army planes and helicopters to bomb the villages. The helicopters are U.S.-manufactured Hueys and Jet Rangers. (Until January 1983, when the State Department rescinded the Carter Administration's 1977 ban, the sale of spare parts for the helicopters had been withheld on human rights grounds.) The bombs include U.S.-made 50-kilogram M1/61As, twelve of which were stacked in the base munitions dump in Nebaj. José Angel said he had seen such bombs dropped from Huey helicopters in Pujujil and the surrounding cantons in Sololá. The ambulance squad leader cited six cases in his province where survivors told of being bombed from planes and from blue and white (the color of the Jet Rangers) helicopters. He said he had observed craters, shattered houses, and trees marked with heavy shrapnel. On December 8, at the graduation ceremonies of the Military Aviation School, the army gave a public demonstration of bombing from Huey helicopters.

The American Embassy would neither confirm nor deny that U.S. helicopters were being used for bombing, but a senior diplomat said that if they were, it would not be a violation of U.S. intent. "If you're engaged in a war, you bomb and you strafe," the official said. "If you have a fort you've got to take out, you save lives. That's what we did in World War I and World War II."

Some Guatemalan officers contend that although helicopters are widely used for bombing, they are of greater tactical importance for surprise entry. "When you go in on foot," said Lieutenant Cesar Bonilla, the officer in charge of the villagers resettled at the Nebaj airstrip, "they see the patrol three kilometers away and know you're coming. But with air transport, you land different units in the area, all the units close in rapidly, and the people can't go running away."

Bonilla said that this type of operation could only be executed by several helicopters at once. "With just one helicopter you scare them away and there's no control." The United States' refusal to sell spare parts had grounded much of the fleet, so Lieutenant Bonilla was encouraged by reports that the Reagan Administration was considering a change in policy. "That would be wonderful," he said, "With six helicopters, for example, the airborne troops would land all at once before they could make a move. The nicest, the ideal, the dream, would be a surprise: suddenly, pow! Helicopters with troops!" As he spoke, he made machine-gun noises and waved his Galil toward the refugee shacks. "Ta, ta, ta, ta, ta! All at once from the air! Pow! No escape routes. That would be ideal."

The day before this conversation, a peasant family in Bonilla's camp, interviewed in their shack outside the view of soldiers, described such an assault on their village. "Two times they came there in helicopters," said one of the men. "They would come in and land and the people would retire and they would always kill a few. They flew over, machine-gunning people from the helicopter." The family said that five were killed in the strafing.

This family, like its neighbors, was moved out of its village and told that the army would provide for its security, food, and housing. This is the "beans" component of General Ríos Montt's heralded "beans and rifles" program. Removed from their houses and fields, the people must depend on the army. Such relocations are a standard counterinsurgency tactic. Ríos Montt, however, has succeeded in portraying them as part of an economic reform program. The relocations make the army the well-publicized partner of international organizations that answer the government's plea to aid the villagers. Many foreign observers, unfamiliar with how and why the army resettled the people, are impressed by the sight of an army feeding and housing a peasantry it has been accused of massacring.

By September the sweep was coming to an end, and the next stage of the operation was beginning. "Up here there aren't any villages anymore," said José Angel, speaking of the patrol areas around La Perla. "There used to be, but then the soldiers came. We knew that such and such a village was involved, so went to get them. We captured some and the rest of the people from the village ran away. They're hiding in the mountains. Now we're going to the mountains to look for them.

Going into the mountains to track down refugees meant going into guerrilla territory. According to the soldiers and refugees who have come down from the mountains, many villagers fleeing the army wander through the hills alone, armed only with machetes and an occasional hunting shotgun. But some make contact with guerrilla patrols that act as their guides, sometimes sending them toward the relative safety of the Mexican border.

In some regions, the army has abandoned armed pursuit in favor of a strategy of waiting until hunger and disease flush out the villagers, who must live off weeds, roots, and quick-growing vegetables while staying constantly on the move. This tactic scored its first major success in mid-October, when several thousand refugees from the San Martín Jilotepeque area in Chimaltenango, many of whom had been in the hills since February following a series of massacres during the Lucas period, came down and surrendered to the army, asking for food. Nobody knows how many refugees are in the mountains. In May, before the Quiché and the Huehuetenango sweeps, the Conference of Catholic Bishops estimated that the number of refugees (not all of whom are living in the mountains) exceeded one million. Guatemala's total population is seven million.

Major Tito Arías, commander of the Nebaj base, said in mid-September that 2,000 people from the area of Sumal Grande had fled to the mountains and would be pursued by foot patrols and helicopters. Sergeant José Angel said his platoon went on such operations frequently. I asked José Angel what his troops did when they find refugees.

"At times we don't find them. We see them but they get away."

"But when you do find them, what do you do?"

"Oh, we kill them."

"Are they a few people or entire villages?"

"No, entire villages. When we entered the villages we killed some and the rest ran away."

Under the army's policy, a peasant found outside the army-controlled towns can be in mortal danger. "We know the poor people from close up and far away," said Sergeant Miguel Raimundo. "If we see someone walking in the mountains, that means he is a subversive. So we try to grab him and ask where he's going; we arrest him. And then we see if he is a guerrilla or not. But those who always walk in the mountains, we know they are guerrillas. Maybe some of them will be children, but we know that they are subversive delinquents. I've been walking in the mountains for a year now, and just in the mountains, one by one, we've captured more than 500 people."

Like his fellow sergeants and lieutenants, Miguel Raimundo is comfortable with the army's assumptions. "A woman told me yesterday that the soldiers kill people, that the soldiers killed her husband. But I told her that if the soldiers killed her husband it was because he was a guerrilla. The soldier knows whom to kill. He doesn't kill the innocent, just the guilty. And she said, 'No, my husband wasn't doing anything.' So I said, 'And how do you know it was nothing? How do you know what he was doing outside?' 'No,' she said, 'because he never went anywhere.' 'Yes,' I said, 'That's because he was a collaborator.' "

It is possible that Ríos Montt's strategy will succeed in isolating and demoralizing the guerrillas. But it is more likely that it will end up strengthening them. For all the relative sophistication of Ríos Montt's approach, it has relied largely on violence directed at the civilian population. And it was such violence, after all, that made the guerrillas a threat in the first place. In 1967 and 1968, the Guatemalan Army, assisted by U.S. advisers, did succeed in defeating the guerrillas of the eastern provinces of Zacapa and Izabal with a campaign that took 5,000 to 10,000 civilian lives. But those insurgents numbered only a few hundred and were poorly organized. By 1978 the guerrillas had reorganized, established political links with the peasantry, and expanded their combat force. When the army began killing peas-

ants whom speculators were evicting from the land, the guerrillas were ready to take advantage of the resulting popular resentment. It was Lucas's counterinsurgency campaign that made the difference. His massacres and assassinations sent the guerrillas waves of new recruits and transformed them from a militarily marginal force into a powerful movement.

Severe as Lucas's spasms of violence were, however, they pale in comparison to the death and dislocation sown by Rios Montt's systematic sweeps. Today there are tens of thousands of Guatemalans roaming the mountainsides and living in the villages and camps who have lost husbands, wives, parents, children, friends, and homes, and who carry with them graphic memories of a brutal encounter with their government. Ríos Montt's destruction of the rural social structure has set back the guerrillas, but has left them alive to organize and fight another day.

On March 23, the anniversary of his coup, Ríos Montt modified the state of siege. Speaking on television in the wake of the Pope's visit, the General, who is an evangelical Protestant, said, "We know and understand that we have sinned, that we have abused power, and we want to reconcile ourselves with the people." Ríos Montt has talked this way before, even while directing the bloodiest of his military campaigns. And it is hard to see how any kind of reconciliation can be achieved without the kind of basic political and economic changes that have been steadfastly resisted ever since a C.I.A.-sponsored coup brought the military to power in 1954. It is equally hard to see how such changes can be made as long as the army and the oligarchs continue to rule.

Neither Efraín Ríos Montt nor the officers and politicians constantly plotting to replace him can expect ultimately to achieve a military victory. They are more likely to find themselves on a downward spiral—having to kill more and more to stave off the consequences of the killing they have done before. Whether the guerrillas succeed in using this situation to fashion a victory of their own is another question. But it appears that given the logic of the Guatemalan struggle, the war is theirs for the losing.●

A BAD IDEA FOR TESTING

● Mr. GOLDWATER. Mr. President, for anyone sitting outside the operation of the military, particularly the operation of the Pentagon, it is not difficult at all to come up with places where money might be saved. Even with all of my background in the military and with my association with the Pentagon, I could come up with ideas that I think might work. Some of them do, but most of them do not.

The case in point I want to address today appeared in Aviation Week and Space Technology July 25, and it is entitled, "A Bad Idea for Testing."

There is no question in my mind that any person who has never been close to, observed or participated in the testing of complicated military equipment can figure that there could be a better way to do it. Having lived through the process for a long time, I can say, flatly, that there is not, if you want to get the real results. Let us say we are going to test something that sounds as simple as a radio to handle communications. This sound simple, yes; but the most important part of our world, whether it is military or civilian, in communications then becomes the question of: How will this piece of equipment operate under all degrees of heat, under all degrees of usage, with the use of the equipment by people who have never even seen a radio set before?

I cite a radio because it is a common thing. But, when you get into a complicated piece of equipment like an airplane it is not all that simple.

I am not going to go into great lengths about the testing of an aircraft. This is laid out in great detail and at great length, by a myriad of engineers, academics, test pilots, and so forth, whose every movement and every movement of the aircraft is carefully recorded by telemetry which is studied and restudied. Books could be and have been written on what has been found out about the testing of any one aircraft.

I mention these things because I am acquainted with them. But, I think it would be well for the Members of the Congress to read the article by William Gregory on this subject pointing out that congressional monitoring of testing would be a very dangerous and a very bad mistake.

I ask that the article I refer to be printed in the RECORD.

The article follows:

[From Aviation Week & Space Technology, July 25, 1983]

A BAD IDEA FOR TESTING

(By William H. Gregory)

Independent testing of weapons systems as an idea buzzed around a small circle in Congress this spring as a new solution to the problem of waste in military procurement—something the services have been convicted of by consensus. In the throes of trying to get a Fiscal 1984 budget authorization out of the Senate before the August recess, and to save funding for the MX, Senate leadership accepted the independent test force idea as a compromise—at least for the moment.

There are a lot of things wrong with this palliative. The worst is that it will slow down systems development a year or two at least, and development already has become an excruciatingly long process. Ten years is the going average.

Part of the slowdown will come from grafting onto the testing process of one more agency that must at least go through the motions of doing the job Congress mandated it to do. A more insidious time waster will be the way the existence of such a super agency—the bill proposes to make it part of the Defense Dept.—will further paralyze the decision-making process. Program managers are being second guessed more than sufficiently now by the multilayered management system in the Pentagon, by Congress and by its investigative arm, The General Accounting Office. One more layer of review will encourage even less boldness by program directors than the existing system does.

CONGRESSIONAL MONITORING

One of the sponsors of the independent testing agency is Rep. James A. Courter (R.-N.J.), who is cochairman of the military Reform Caucus, which is not antidefense but which is generating its own personal favorite policies for how the country should be defended. Courter is calling on Congress to improve military testing procedures as a means of improving its own monitoring of the weapons-acquisition process.

"This can be done," Courter contends, "by creating a new office in the Defense Dept. which would issue reports to Congress and the secretary of Defense on the adequacy of testing in major defense programs before the decision to begin full-scale production is made. . . . The imposition of strict standards on operational testing, coupled with the knowledge that an independent report on testing will be made to Congress, will be a strong impetus to eliminate success-oriented test procedures."

Not only would Courter's idea paralyze the program manager in his decision making, but it would also strike at the introduction of new technology itself. Instead of eliminating success-oriented testing, as Courter suggests, the creation of a super agency to audit test programs would do just the opposite. It would place incentives for program managers, and the services generally to play the acquisition game just as safely as possible. The obvious way to play the acquisition game as safely as possible is to stick to well-proven technology.

There is a story told that the late aerodynamicist Theodore von Karman once wrote to a program manager of an advanced missile system to this effect: "I see that you have had six successful test flights in a row. This tells me that you are being too cautious." Six successful test flights in a row is exactly the goal every program manager would strive for, not to mention every service chief, if he knew he were to face a grilling by Congress on the conduct of a test program. For better or for worse, the independent test agency idea will inject Congress into the details of weapons testing.

FAILURE-ORIENTED TESTING

Courter is right about one thing. Success-oriented test programs are not the way to test weapons. Failure-oriented testing is the way to find out what is wrong before a weapon system goes into the field, but a super watchdog agency with a mandate from Congress is the last way in the world to encourage failure-oriented testing.

The services already do independent testing. The Navy has its operational evaluation squadrons with pilots drawn from the fleet, and the Air Force has its Air Force Test and Evaluation Center at Kirtland AFB, N.M., which reports to the Pentagon rather than to its acquisition command. The Navy's OpEval of the McDonnell Douglas F-18 was hardly a whitewash. Try finding a test pilot anywhere who minces words about an aircraft he is evaluating. Testing by the services has singled out the problems that Congress now complains about.

Much of the new-found expertise being passed about in Congress on weapons testing starts from a false premise: that testing in a noncombat situation can ever simulate precisely how a system will perform under fire. The whole history of World War 2 for the U.S. was a case of finding out in the first year what worked in combat and using that experience to develop the hardware that did finally win on the battlefield. Some weapons developed in peacetime do work in

battle and some do not, but the idea that testing can do the kind of winnowing combat does if only a super agency keeps tab on the testers is a delusion.

If Congress wants to do something useful in the weapons testing field, it could look at the question of user participation in the testing process. The services have supported such participation for years, but the reliability problems of advanced weapons systems raise the question of whether the difficulties in blending user requirements with advanced technology and development and production realities need further attention. Congress should look carefully at the independent testing it has before adding to the bureaucracy.●

COMPUTER EDUCATION FOR ALL CHILDREN

● Mr. LAUTENBERG. Mr. President, a number of newspapers in my State of New Jersey and around the country have recently commented editorially on the issue of equal access to programs of computer learning for all children, rich and poor alike. This is an issue which concerns me greatly. While great strides are being made in the development of educational programs using computers, and the number of schools which are equipped with computers is growing at a fast clip, these benefits are not evenly distributed across all schools. Evidence is already available to show that schools in poor areas are not keeping up with more affluent schools. This is a problem to which the Congress must be sensitive.

The Senate will soon be considering a bill to improve science and mathematics instruction, the Education for Economic Security Act. The bill will provide assistance to strengthen teachers' skills in computer education. It will be very important that teachers in disadvantaged areas make use of this assistance to prepare themselves to provide computer education programs in their schools. I believe that children in all socioeconomic groups can benefit greatly from computer education, to learn basic skills and prepare for their future. As the Christian Science Monitor recently noted metaphorically, ". . . children without water can hardly learn to swim."

Mr. President, I ask that a number of editorials discussing the need for computer education for all children be printed in the RECORD for the information of my colleagues.

The editorials follow:

[From the Trenton Times]

GETTING ON LINE

"The concept of computer illiteracy defines a new type of illiteracy, and the potential for new and distressing divisions in our society."

Sen. Frank R. Lautenberg, in his maiden speech in the U.S. Senate, took hold of a problem we are going to have to deal with.

Lautenberg cited U.S. Office of Technology studies that show that almost 70 percent of wealthy school districts now have microcomputers for students; 60 percent of poor school districts don't. The number of home computers doubled in the past year. "Those computers are being acquired by the affluent, reinforcing disparities of opportunity," he said. ". . . In a nation that is plugged into computers, questions of success and failure may become questions of who is online and who is off-line."

A computer represents a large investment for a school district or a home, and it does not have an immediate payback. But if being able to use one is the key to getting a job in the future, people unable to make the investment will be unemployed, society's wards.

Lautenberg was sounding a "theme," not offering detailed solutions in this first speech. It's a new theme. He promised during the campaign he would be taking a longer vision than is customary in Congress, and with this speech he surely did.

The problem he is pointing to won't hit with its full fury until this school generation is in the job market. By then we may have lost part of a generation to computer illiteracy. The time to act to prevent that is now.

As a matter of equality of opportunity, we have to be sure our schools are graduating people who are "on-line" with computers.

[The New York Times, June 12, 1983]

HAVE-NOTS OF THE NEW ERA

Twenty years ago, C. P. Snow foresaw a "gulf of mutual incomprehension" separating literary intellectuals and scientists. In his maiden speech in the Senate last week, Frank R. Lautenberg, Democrat of New Jersey, said a similar gulf now separates computer literates and illiterates—meaning, all too often, children in wealthy school districts and children in poor ones.

In describing "the potential for new and distressing divisions in our society," Mr. Lautenberg put before lawmakers what has so far been primarily a scholarly concern. He spoke as an expert, having founded the nation's larges data-processing firm.

The results of recent studies support Mr. Lautenberg's warning that in an age demanding computer literacy, students from low-income families may be disenfranchised. A 1982-83 survey, conducted by the Center for Social Organization of Schools at Johns Hopkins University, found 67 percent of public schools in wealthier districts (those with no more than 10 percent of families below the poverty line) had microcomputers; only 41 percent of schools in poorer districts (with 21 percent or more families living in poverty) had them.

[From the Christian Science Monitor, June 9, 1983]

COMPUTERS AND THE POOR

Americans have received fresh warning that a new class of poor people could be created by lack of equal opportunity for computer learning in America's public schools. At the same time they are hearing of organizations and individuals dedicated to preventing such an outcome.

A leader among these organizations is the Minnesota Educational Computer Consortium with its goal of ensuring equal access to computers for every student from rich suburbs to poor rural districts. The consortium and its ripple effects are described elsewhere in today's Monitor.

As for individuals, a senatorial champion with the highest relevant credentials has emerged to join the cry against leaving poor children out of the computer revolution. He is freshman Frank Lautenberg (D) of New Jersey, former head of Automatic Data Processing, who used his maiden speech this week to stake out the effects of "the information age" as a framework for his Senate tenure.

Without doubt Congress can benefit from the focus of such a qualified individual on the rising importance of information in all forms—both for those who draw on it and for those with the skills and resources to control and purvey it. Many matters beyond education—privacy, security, manipulation—have to be addressed as information technology burgeons. But Mr. Lautenberg was on the mark in warning at the outset that, without equal opportunity for "computer literacy," a new class of poor people could be created.

As it is, he noted, computers are proliferating in the homes and schools of the affluent, while schools in poor districts average 25 percent fewer computers than other schools. The urgency of correcting the situation is suggested by another event drawing attention to the need. It is the start of Project Athena, a $70 million academic-industrial experiment to overhaul university teaching, with computers as the textbooks of the future. The Massachusetts Institute of Technology—allied with two computer manufacturers in the venture—compares it to previous MIT projects revamping whole academic fields with new sets of texts. In some cases a computer disk might be packaged in the cover of a textbook; it could simulate processes otherwise requiring much time and expense.

Since MIT's faculty includes at least one notable skeptic about computer teaching, particularly for young children, Project Athena will no doubt take account of pitfalls as well as promise in its assignment. But its thrust toward computerization appears in one form or another on many campuses.

The point for us—and presumably Senator Lautenberg—is that computer skills, like reading skills, are soon going to be taken for granted in higher education as well as in a growing number of workplaces. Students at lower levels without access to learning these skills will be just as surely discriminated against as those suffering any other denial of equal opportunity.

Fortunately the challenge is not going unnoticed. More evidence has come in since our editorial, "Children and computers" and the Monitor's special education section on computers (April 15).

There are examples on our own Massachusetts doorstep. In the fall a Cambridge magnet school will teach computers from kindergarten to eighth grade. The University of Massachusetts offers scholarships and other incentives to science students in exchange for agreeing to teach in public schools.

All this may be news more to parents than to young people taking to computers like ducks to water. But it cannot be said too often that children without water can hardly learn to swim.

[From the Washington Post, July 2, 1983]

COMPUTERS COST, MR. PRESIDENT

(By Ellen Goodman)

BOSTON.—At times I have the unhappy feeling that the president of the United States is suffering from computer illiteracy. He doesn't seem to speak the lingo of LOGO. He keeps talking about going back to basics instead of forward to BASIC.

Anyone following his political teaching across the country these weeks—if this is Wednesday, it must be Louisville—would suspect that he is living in the Misinformation Age. He maintains our education problems won't be solved by more money but by getting our money's worth for what we already spend. The target may be excellence but it's not one he thinks we should throw dollars at.

From where I sit, however, in front of a video display terminal, the notion that he can cut the federal funds for education and raise the tide of mediocrity qualifies as Voodoo Education.

It's true that money can't buy the love of learning. There is much that can be done with no more loose change than a change of mind. But if you want a hint of the true cost of getting our education system up to date and up to speed, try computing it.

There's little doubt about the need and value of preparing the next generation for their high-tech futures. Even the president noted it in his State of the Union Address last winter.

Sen. Frank Lautenberg (D-N.J.), the high-tech son of a man who worked in a textile mill that doesn't exist any longer, also talked about it in a speech to the Senate this month. He brought it down to the academic level. "In an age that demands computer literacy," he said, "a school without a computer is like a school without a library."

At the moment, there are a lot of schools without these "libraries." For all the talk of an "explosion" of computer use in education, there are no more than 250,000 terminals and microcomputers for 45 million schoolchildren. If kids are to get skills in using computers as a tool—which is what a vast proportion will do as adults—they need more than a few minutes a week, more than one computer for every 180 students.

Marc Tucker of the Carnegie Project on Information Technology and Education calculates the idea formula this way: "Suppose we want a reasonably capable computer for every four students and we have 40 million children in public schools. We need, then, 10 million work stations. With that kind of market, the price of this machinery might go to, say, $1,000 a station. That adds up to $10 billion. Assume again, that the state and local people pay for half. The bill still comes to $5 billion."

This may be pie-in-the-sky stuff, but any significant plan is going to cost plenty. As Tucker says, "There is no way on God's green Earth that we'll be able to do this without very significant federal assistance."

Computers are obviously not the magic solution to the woes of education. It's as easy to misuse a computer as a slide projector. Computers are just machines, and schools are just day-care centers if they don't attract high-quality teachers and caring administrators. But they do offer one small, concrete example of real costs.

The cost of buying this hardware and software also says something about fairness, about the gap between rich kids and poor kids and how they are affected by the gap between rich schools and poor schools.

Lautenberg, who comes from a state with the third highest per-capita income and some of the poorest cities, notes that a full 70 percent of wealthy schools in the country have computers, while 60 percent of poor schools have none. Not surprisingly, the school systems in wealthy and technologically sophisticated areas are gaining an advantage, increasing their side of the gap.

What's the role of the federal government in this? Since the early '60s, the government has played a part in equalizing opportunities, narrowing the gap. The Reagan administration has turned away from that role in and out of education, but it's a part of our heritage and our future.

Most of us talk about computers as education tools and as part of the transforming economy. The two—national education and the national economy—are simply inseparable.

Ideally, as Marc Tucker fantasizes the future, "If they were the right sort of machines, designed to be used in schools, with trained teachers, we'd have an extraordinary improvement in reading and writing. Kids would be able to handle data, use it, analyze it, understand it, which would make an extraordinary contribution to our ability to compete with other countries."

You can't do what with mirrors.●

COMMENDATIONS FOR INTERCEPT OF DRUG SMUGGLERS

● Mr. CHILES. Mr. President, I would like to take this opportunity to applaud and commend the commanders and crew of the destroyer U.S.S. *Kidd* and the Coast Guard law enforcement team, known as a TACLET, who were aboard the *Kidd* when it recently intercepted, stopped, and secured a drug trafficking vessel ladened with approximately 35 tons of marihuana estimated to be worth $23 million.

I think it is important that all of us who are involved in the fight against drugs here at home take notice of this superb performance by the Coast Guard and the Navy. On very short notice and in a potentially sticky situation, a historical precedent was set and successfully carried out. This is the first case since we amended the Posse Comitatus laws where a U.S. military vessel, working under the tactical control of the Coast Guard, has used disabling fire on a vessel involved in drug smuggling.

During the current and planned manuevers in and around the Carribean, it is my hope that more Coast Guard TACLET teams are put to use aboard Navy vessels. While we are intercepting gunrunners, we might as well catch a few drugrunners, too.

Mr. President, I ask to insert in the RECORD a copy of the July 16, 1983, statement released by the U.S. Atlantic Fleet Headquarters of the Commander in Chief about this incident.

The statement follows:

[News release]

U.S.S. "KIDD" ASSISTS COAST GUARD

A U.S. Coast Guard TACLET embarked onboard U.S.S. *Kidd*, a United States Navy guided missile destroyer, stopped and boarded a vessel for suspected drug smuggling into the United States today. The vessel, the merchant ship *Ranger*, is a 70-foot-long steel-hulled cargo carrier.

After visual signals and voice communication failed to halt the *Ranger* early last night, the Commanding Officer of the U.S.S. *Kidd*, acting with the approval of the Commander, Coast Guard District Seven, in Miami, Fla., fired warning shots from the ship's 50-caliber guns to attempt in bringing the *Ranger* to a halt for boarding.

At approximately 7:30 a.m. this morning, when all other means failed to halt the *Ranger*, the Commanding Officer of U.S.S. *Kidd*, acting with the approval of the Commander of the Coast Guard District, took action to disable the vessel. Eighteen inert rounds from the ship's guns were directed at the rear of the vessel to bring the *Ranger* to a halt for boarding. Every effort was made to minimize property damage, and there was no report of personnel injury.

The *Ranger* was boarded by the Coast guard TACLET and seized when illegal drugs were found. The crew was arrested and the vessel seized approximately 450 miles east of Miami, Fla., at 8:35 a.m. this morning. U.S.S. *Kidd* was operating under tactical control of the Commander, U.S. Coast Guard District Seven at the time of the boarding. The boarding was conducted by the senior Coast Guard boarding officer, acting in accordance with current Coast Guard directives and policy.

This operation is a result of President Reagan's commitment to strengthen Drug Interdiction efforts through the South Florida Task Force, headed by Vice President Bush. The specific administrative and logistic details of Navy operations in support of the U.S. Coast Guard were coordinated by the Secretary of Transportation, the Secretary of Defense, and the Secretary of the Navy.

The *Ranger* will be escorted to San Juan, Puerto Rico by the Coast Guard Bouy Tender USCGC *Sagebrush* and will arrive at approximately noon on Tuesday, July 19.

U.S.S. *Kidd* is commanded by Navy Commander William J. Flanagan, Jr., and is homeported in Norfolk, Va. U.S.S. *Kidd* was flying the U.S. Coast Guard Ensign during the course of this operation.●

TUITION TAX CREDITS

● Mr. BOREN. Mr. President, I wish to focus the Senate's attention today on the issue of tuition tax credits for parents who send their children to private schools. I believe such credits would be bad policy for several reasons.

First, tuition tax credits will lead to the destruction of fundamental principles of equality in which Americans have always believed. The Equal Opportunity Act of 1983 is ironically named: Instead of contributing to an educational system that will serve as an "open door" through which all children regardless of race, creed, or economic background can pass, the educational system will become "two-tiered." If this legislation is adopted, the most promising and brightest students will be skimmed from our public schools and placed in private schools. Such skimming will defeat one of the primary purposes of the public school system—the goal of providing all children an equal chance to enter the mainstream of American life and to achieve success.

I am also opposed to tuition tax credits because of their excessive cost. At a time of record budget deficits and diminished Federal support for public education, it would be irresponsible to enact tuition tax credits and drain ad-

ditional billions of dollars from the Federal Treasury.

Recently, I received a letter from former Senator Sam Ervin, Jr., of North Carolina, in which he outlined his reasons for being opposed to tuition tax credits. While in the Senate, Sam Ervin was a strong supporter of public education.

In an open letter to the President last year, Senator Ervin discussed in some detail why he believes tuition tax credits are a bad idea. In the same letter, he makes a forceful argument challenging their constitutionality. He also discussed this latter point in remarks delivered to the National Press Club on March 16, 1983.

I believe the issues raised in these papers by Senator Ervin are important ones for the Senate to consider. I therefore ask that the letter and the remarks of Senator Ervin be printed in the RECORD.

The material follows:

SAM J. ERVIN, JR.,
Morganton, N.C., April 20, 1982.

AN OPEN LETTER TO PRESIDENT RONALD REAGAN FROM FORMER SENATOR SAM ERVIN

Re the tuition tax credit.

The PRESIDENT,
The White House
Washington, D.C.

DEAR MR. PRESIDENT: When they send their children to parochial and private schools which teach religion, parents are primarily motivated by their understandable desire to have them instructed in the religious faith of their churches.

No matter how worthy your motive for urging it may be, the proposal that Congress grant these parents credit on their federal income taxes for the tuition they pay to these schools is indefensible for three reasons. It is unwise; it is unjust; it is unconstitutional.

WHY THE PROPOSAL IS UNWISE

The proposal is unwise because it is repugnant to good government, sound economics, and true religion.

Government owes the people specific obligations, which require substantial taxes to finance them. The teaching or the financing of the teaching of religion is not one of them. But public education is.

Apart from its constitutional infirmities, the tax credit proposal is repugnant to good government.

The government's financial resources are limited. It has none beyond what it can exact from taxpayers without impoverishing them or crippling the economy.

Government should never dissipate its limited financial resources to finance non-government obligations. When it does, it offends both good government and sound economics because it impairs its capacity to perform its own obligations in an acceptable way.

If it should approve the tax credit proposal, Congress would diminish the nation's ability to finance the public schools, and public education would suffer accordingly.

This observation is always true. Its importance is much magnified, nowadays, however, because the nation is staggering under a national debt in excess of a trillion dollars, and is anticipating a deficit in the coming fiscal year exceeding one hundred billion dollars. It is no time for government to increase the deficit by financing a non-governmental and constitutionally forbidden undertaking.

Furthermore, the tax credit proposal is repugnant to true religion. Under God's plan, religion is dependent for its support on the persuasive power of the truth it proclaims, and not on the coercive power of governmental taxation.

The Man of Galilee affirmed this to be so when he said, "Ye shall know the truth, and the truth shall make you free" (John, c. viii, v. 32), and "render, therefore unto Caesar the things which are Caesar's, and unto God the things that are God's" (Matthew c. xxii, vs. 15–22).

Government is contemptuous of true religion when it confiscates the taxes of Caesar to finance the things of God.

If it is to be faithful to itself, religion must look to the voluntary contributions of its adherents and not to the involuntary taxes of Caesar for its support. Churches merit no praise for undertakings if their own members are unable or unwilling to finance them.

WHY THE PROPOSAL IS UNJUST

It is unjust for government to compel one taxpayer to pay taxes and to exempt another, either in whole or in part, from paying like taxes. Yet that is exactly what the tax credit proposal, if approved by Congress, would do.

Moreover, it would do this with a vengeance. While every man receiving as income the bare pittance which subjects him to federal income taxes would be compelled by it to pay his income taxes in full, the proposal would grant special exemptions from taxation, in whole or in part, to parents for tuition paid by them to schools teaching religion, even though their incomes total $75,000.00 a year.

Taxation to support the established church in Virginia was abolished by Thomas Jefferson's Statute of Virginia for Religious Freedom.

This Statute declares that it is both sinful and tyrannical for government to compel men to make contributions of tax moneys for the propagation of religious opinions they disbelieve.

It is just as sinful and tyrannical for government to do this in 1982 as it was in Thomas Jefferson's day.

Yet that is exactly what the tax credit proposal, if adopted by Congress, would do. Protestants and Jews and all other Americans who do not send their children to parochial and private schools for religious instruction would be compelled to pay taxes to propagate the religious doctrines these schools teach, even if they disbelieve them.

This is so because these Protestants, Jews, and other Americans would be compelled by law to supply the deficiency in treasury receipts the tax credit would occasion.

WHY THE PROPOSAL IS UNCONSTITUTIONAL

In times past government imprisoned the minds and spirits of men and women in intellectual and spiritual jails. It did so by denying them freedom of religion, and by compelling them to pay taxes to support churches established by it, even if they disbelieved the doctrines the churches proclaimed.

The Founding Fathers knew the history of these governmental tyrannies, and were determined that they would not be repeated in our land. They staked the very existence of America as a free Republic on their abiding conviction that the state must keep its hands off religion, and religion must keep its hands off the state in general and the public purse in particular.

To this end, they added the First Amendment to the Constitution, and thus forbade government to make any law "respecting an establishment of religion, or prohibiting the free exercise thereof."

The tax credit proposal is repugnant to both prohibitions of the First Amendment.

If it were adopted by Congress, the tuition tax credit would be a law "respecting an establishment of religion" because it would indirectly supply to parochial and private schools tax credits to aid them to teach religion.

If it were approved by Congress, the tuition tax credit would also be a law "prohibiting the free exercise of religion" because it would tax Americans who do not send their children to parochial and private schools for religious instruction to supply the deficiency in treasury receipts arising out of the tax credits to those who do.

SUMMARY

Tuition tax credits would be governmental rewards to taxpayers who send their children to parochial and private schools to be taught the religious faith of their churches. The rewards would be funded by imposing on taxpayers who send their children to public schools the burden of supplying the deficiency in treasury receipts the tax credits would cause, and by impairing the financial capacity of public schools to perform their essential public mission. Moreover, the tuition tax credits would confiscate taxes of Caesar to finance things of God.

As a Senator, I always endeavored to make the First Amendment a reality for all Americans. If it should make the tuition tax credit proposal a reality, Congress would mortally wound the First Amendment.

I pray Congress will not murder the First Amendment.

Sincerely yours,

SAM J. ERVIN, JR.,
Former U.S. Senator.

THE CONSTITUTION AND RELIGION

(Remarks prepared by former Senator Sam J. Ervin, Jr., of Morganton, N.C., for delivery to a conference commemorating the birthday of President James Madison at the National Press Club in Washington, D.C., at 1:30 p.m., March 16, 1983)

I entitle my remarks "The Constitution and Religion."

Religion is man's belief in and reverence for a superhuman power recognized as the creator and governor of the universe. Believers call this power God.

I am a Presbyterian, whose Scotch-Irish, English, and French Huguenot ancestors came to America before the Revolution. All of them were Protestants. Most of them dissented from the established churches in the lands of their origin.

Religious faith, which is tolerant of other beliefs, is, in my opinion, the most wholesome and uplifting power on earth. Religious faith is not a storm cellar to which men and women can flee to escape the storms of life. It is, instead, an inner spiritual strength that enables them to face those storms with courage and serenity.

The Constitution makes two references to religion. One appears in Article 6, section 3 of the original Constitution, and the other is found in the first words of the First Amendment and the Bill of Rights.

Article 6, section 3 provides that all legislative, executive, and judicial officers "of the United States and the several States

shall be bound by oath or affirmation to support this Constitution, but no religious test shall ever be required as a qualification to any office or public trust under the United States."

The First Amendment provides in pertinent part that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

If we are to understand the meanings of these provisions, we must understand the historic events which prompted the Founding Fathers to embody them in the Constitution.

RELIGIOUS INTOLERANCE

The ugliest chapters in history are those which reveal the religious intolerance of the civil and ecclesiastical rulers of the Old World and the religious persecutions it inspired. I quote two comments indicating their nature and history.

Blaise Pascal, the French mathematician and philosopher, was moved by them to proclaim this tragic truth more than 300 years ago: "Men never do evil so completely and cheerfully as when they do it from religious conviction."

Chief Justice Walter P. Stacy, of the North Carolina Supreme Court, epitomized them in these words in *State* v. *Beal*, 199 N. C. 278, 302 (1930):

"It would be almost unbelievable, if history did not record the tragic fact, that men have gone to war and cut each other's throats because they could not agree as to what was to become of them after their throats were cut. Many sins have been committed in the name of religion. Alas! the spirit of proscription is never kind. It is the unhappy quality of religious disputes that they are always bitter. For some reason, too deep to fathom, men contend more furiously over the road to heaven, which they cannot see, than over their visible walks on earth."

Religious intolerance was fostered in Great Britain and virtually all the nations of Europe by unholy alliances between governments and particular churches recognized and established by law as the sole custodians of religious truth.

The objective of the unholy alliance in each nation was to persuade or coerce the people to accept and practice the political and religious orthodoxy sanctioned by the state and the established church. As pragmatists, state and church sought to accomplish this objective by imprisoning the minds and spirits of the people within intellectual and spiritual jails.

The British Parliament made the Church of England the established church in Great Britain. It created the crime of seditious libel to punish those who spoke ill of the government or its officers, and the crime of blasphemous libel to punish those who spoke ill of the established church. Besides, the British Parliament enacted laws compelling the people to pay tithes or taxes for the support of the established church, and to attend its worship services; denying those who dissented from its doctrines the capacity to hold civil office in government; and forbidding ministers of dissenting congregations to administer the sacraments to their members.

As a consequence of these attempts to regulate relations between men and religion, dissenters from the established church were compelled to make contributions of money for the propagation of religious opinions they disbelieved; required to listen to the exposition of religious doctrines they rejected; and denied the right to hold civil offices in government. Besides, they sometimes had their marriages annulled and their children adjudged illegitimate for daring to speak their marital vows before ministers of their own faiths than clergymen of the established church.

ESTABLISHED CHURCHES IN THE COLONIES

While they were joined by many Germans and French Huguenots and smaller numbers of Dutch, Swedes, and Swiss, natives of the British Isles constituted by far the greater part of those who migrated from the Old World to the thirteen British colonies in America.

A substantial proportion of the colonists were dissenters from the churches established by law in the lands of their origins.

Like the colonists who conformed to the established churches, these dissenters came to America to better their economic lots. But they were also motivated by the hope that they would find in the New World the political and religious freedom denied them by the civil and ecclesiastical rulers of the Old.

When they reached America, however, they discovered to their disappointment that in many of the colonies predominant groups had set up established churches here, and that they were compelled, in such colonies, to pay taxes for the support of established churches whose doctrines they disbelieved. Moreover, most of the colonies had established religious qualifications in their oaths for public office holders. As a rule, these tests were designed to exclude dissenters, Catholics, Jews, Deists, or unbelievers.

There is more than a modicum of historical truth in this statement of Artemas Ward, a humorist of a by-gone generation: "The Puritans nobly fled from a land of despotism to a land of freedom, where they could not only enjoy their own religion, but could prevent everybody else from enjoying his."

The colonies of Virginia, North Carolina, South Carolina, Georgia, and Maryland had established churches, and the Anglican Church was the favorite under their laws.

In the colonies of Massachusetts, Connecticut, and New Hampshire, the Congregational Church was the established church.

In the colony of New York, the Dutch Reformed and Anglican Churches were, in turn, established by law.

The people in these nine colonies were compelled by law to pay taxes for the support of these established churches, and in some cases to attend their services.

The dissenters were outraged by these requirements. They believed it tyrannical for government to attempt to regulate by law the relationship between an individual and his God. Moreover, as they pondered verses 15 to 22 of the 22nd chapter of Matthew and its moral, "Render, therefore, unto Caesar the things that are Caesar's, and unto God the things that are God's," they concluded that in addition to being tyrannical, the attempt to regulate religion by law was also sinful.

SEPARATION OF CHURCH AND STATE IN THE STATES

As a consequence, they demanded the separation of church and state in America.

During the Revolution and the years immediately following it, the dissenters found staunch allies in their fight for separation of church and state among non-church members and those adherents of established churches who believed that it was abhorrent to reason as well as freedom for earthy government to regulate the relationship between human beings and religion.

The separation of church and state presented no problems in Rhode Island, where Baptists led by Roger Williams had settled under a royal charter granting complete religious freedom to all, or in Delaware, New Jersey, and Pennsylvania, where establishment never acquired a foothold.

When their revolt against Great Britain converted the thirteen colonies into self-governing states, Rhode Island retained separation under its original charter, and Delaware, New Jersey, and Pennsylvania did so under Constitutions adopted in 1776. North Carolina, New York, Georgia, and Virginia granted the right of freedom of worship to all and disestablished religion within their borders before the drafting of the First Amendment, and South Carolina did likewise before the Amendment was ratified.

Hence, the only states maintaining any financial and legal relationship to religion at the time the First Amendment became a part of the Constitution were Connecticut, Maryland, Massachusetts, and New Hampshire. These four states were able to do this after the adoption of the First Amendment because the Amendment applied originally to the federal government and not to the States.

But in those four states there was no single established church at that time. As a concession to those demanding complete separation of church and state, they had substituted for single established churches multiple establishments and were providing for an impartial use of taxes for the support of all churches they deemed respectable.

The last of these four states to terminate such relationship to religion was Massachusetts, which did so in 1833.

THE STATUTE OF VIRGINIA FOR RELIGIOUS LIBERTY

It is not surprising that James Madison loathed religious intolerance and loved religious liberty. As a student at what is now Princeton University, he sat at the feet of the great educator and patriot, John Witherspoon, the Scottish divine, who taught that a mere condescending tolerance of other religious views is not enough; that every man is entitled to worship God as he chooses or not at all; and that every church should be supported by the contributions of its own members and not by taxation.

On entering politics in his native Virginia, Madison adopted as his wise and trusted counselor Thomas Jefferson, the great apostle of liberty, who had sworn on the altar of God eternal hostility to all forms of tyranny over the mind of man.

Jefferson, the theorist, and Madison, the pragmatist, were an ideal combination. They led the fight for the disestablishment of religion in Virginia. Madison subsequently authored the religious clauses of the First Amendment. For these reasons, the fight for religious freedom in Virginia illuminates the meaning of these clauses, and merits detailing.

In 1776, Virginia, as an independent Commonwealth, adopted a new Constitution. James Madison was a member of the constitutional convention which drafted it, and he succeeded in writing into it the proposition that all men are equally entitled to the free exercise of religion according to the dictates of conscience.

Shortly after the adoption of the new constitution, the Virginia Legislature met, and a conflict ensued between the members who

demanded total separation of church and state in Virginia, and those who favored supplanting the single established Anglican Church by an establishment of all the churches deemed to be respectable.

As a member of this legislature, James Madison was able to persuade his colleagues to provide that no dissenters should be compelled to pay taxes to the Anglican Church, which had been established in Virginia in 1629. He also secured the enactment of a law which suspended for the time being the requirement that members of the Anglican Church should pay taxes for its support.

But the Legislature of 1776 expressly reserved for the future the crucial decision of whether general taxes should be levied for the support of all the denominations which the controlling element in the Virginia Legislature deemed to be respectable.

The conflict was renewed in the Virginia Legislature of 1779, when James Henry introduced a bill for a multiple establishment, and James Madison introduced a bill which was drafted by Thomas Jefferson, and which is known to history as the Virginia Statute for Religious Liberty.

James Henry's bill undertook to establish by law virtually all of the Christian churches of Virginia as the established churches of Virginia, and to levy taxes for the support of all of them on an impartial basis. It is significant that in this bill reference to an establishment appears at a number of points, in contexts which clearly show that James Henry and the others of his day understood the term "an establishment of religion" to mean an official connection between the state and one or more churches whereby the state recognized such church or churches and provided for taxation for its or their support.

The bill for religious freedom which was drafted by Thomas Jefferson and introduced by James Madison, is one of the great documents which preceded the writing of the Constitution. It was designed to effect complete separation of church and state in Virginia.

To this end, the bill laid down these propositions in its preamble: First, "Almighty God hath created the mind free"; second, "to compel a man to furnish contributions of money for the propagation of opinions he disbelieves is sinful and tyrannical"; third, "the proscribing any citizen as unworthy the public confidence by laying upon him an incapacity of being called to offices of trust and emolument, unless he profess or renounce this or that religious opinion is depriving him injuriously of those privileges and advantages in which in common with his fellow citizens he has a natural right"; fourth, such action "tends only to corrupt the principles of that religion it is meant to encourage by bribing with a monopoly of worldly honors and emoluments those who will externally profess and conform to it"; fifth, "to suffer the civil magistrate to intrude his powers into the field of opinion, and to restrain the profession or propagation of principles on supposition of their ill tendency is a dangerous fallacy, which at once destroys all religious liberty, because he being of course judge of that tendency will make his opinions the rule of judgment, and approve or condemn the sentiments of others only as they will square with or differ from his own"; sixth, "it is time enough for the rightful purpose of civil governments for its officers to interfere when principles break into overt acts against peace and good order"; and, seventh, "truth is great * * * and has nothing to fear from the conflict" with error, and "will prevail" over error, and error will cease "to be dangerous" unless by human interposition "truth is disarmed by her natural weapons, free argument and debate."

On the basis of these propositions, the bill proposed that the Virginia Legislature make these enactments: First, "that no man shall be compelled to frequent or support any religious worship, place or ministry whatsoever"; second, that no man "shall be enforced, restrained, molested, or burthened in his body or goods" or "otherwise suffer on account of his religious opinions or beliefs"; third, "that all men shall be free to profess, and by argument to maintain, their opinion in all matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities"; and, fourth, that "the rights hereby asserted are of the natural rights of mankind, and * * * if any act shall be hereafter passed to repeal the present or to narrow its application, such act shall be an infringement of natural right."

The opposing forces in the Virginia Legislature of 1779 were so nearly equal in power that it was impossible to secure the enactment of either the James Henry bill for a multiple establishment of religion or the Jefferson bill for complete religious freedom.

The contest was renewed in the Virginia Legislature of 1784, when James Madison again presented Jefferson's bill for religious freedom and Patrick Henry sponsored a new bill for a multiple establishment.

Patrick Henry's bill, which was entitled "A Bill Establishing A Provision For Teachers Of The Christian Religion", undertook to recognize the legal interest of Virginia in virtually all the Christian churches functioning within its borders, and to impose taxes on all Virginians for their support.

When the Legislature was apparently on the verge of passing Patrick Henry's bill, Madison persuaded it to postpone a final vote until its next session, which was scheduled for November 1785.

Between that time and the next meeting of the Legislature, Madison composed a most convincing and eloquent appeal for religious freedom, which he called "The Memorial and Remonstrance Against Religious Assessment." In it Madison said:

"It is proper to take alarm at the first experiment on our liberties . . . The same authority which can establish Christianity, in exclusion of all other religions, may establish with the same ease any particular sect of Christians, in exclusion of all other sects . . . The same authority which can force a citizen to contribute three pence only of his property for the support of any one establishment, may force him to conform to any other establishment in all cases whatsoever."

This document is crucial in determining what the Founding Fathers meant when they yield to the insistence of James Madison and wrote into the First Amendment the provision that Congress shall make no law respecting an establishment of religion.

In this document, which was a protest against the bill sponsored by Patrick Henry to levy taxes for the support of virtually all Christian churches in Virginia, Madison used the word "establishment" at least five times in contexts which showed that in his mind "an establishment of religion" meant an official relationship between the state and one church or many churches or all churches, and the imposition of taxation for the support of one church or many churches or all churches.

Madison caused "The Memorial and Remonstrance Against Religious Assessments" to be widely distributed throughout Virginia. By so doing, he insured his victory. When the members of the Legislature which was scheduled to convene in November 1785 were elected, those who supported Jefferson and Madison in their fight for religious freedom were in an overwhelming majority. Upon convening, they enacted into law Jefferson's bill for religious freedom.

THE FIRST AMENDMENT

After the Constitution of the United States was drafted and submitted to the States for ratification or rejection, many Americans were dissatisfied with it because it did not contain any bill of rights, or any provision relating to religious freedom other than Article 6 prescribing that no religious test should be required as a qualification for any office or public trust in the United States.

When New York, New Hampshire, and Virginia ratified the Constitution, they adopted resolutions which insisted that the Constitution should be amended by incorporating in it guaranties of religious freedom and freedom from taxation for the support of religion.

North Carolina and Rhode Island both postponed ratifying the Constitution, and their conventions resolved they would not ratify it unless it was amended to provide for the disestablishment of religion.

As a result of the actions of these five states and the demands of multitudes of Americans in the other original states, the Constitution was amended in these respects by the First Amendment which, as part of the Bill of Rights, was adopted by the requisite number of states by December 15, 1791.

The Constitution was so amended as a result of the efforts of James Madison, who was elected a Representative from Virginia to the First Congress which met after its ratification.

As soon as this Congress convened, Madision began his great fight to have the First Amendment added to the Constitution. Some of his colleagues did not want the Amendment to deny to government the power to support religion, and others insisted that the religious clauses of the amendment should merely prohibit a single established church.

But Madison contended at all times that the First Amendment should embody in it provisions that Congress should pass no law respecting an establishment of religion or prohibiting its free exercise.

He triumphed after much effort.

As has been observed, the First Amendment was originally an inhibition on the federal government and not on the states.

In July, 1868, the Fourteenth Amendment was added to the Constitution. Section 1 of this Amendment provides that no state shall deprive any person of liberty without due process of law.

The Supreme Court clearly adjudged for the first time in *Cantwell* v. *Connecticut*, 310 U.S. 296, which was decided in 1940, that the fundamental concept of liberty embodied in the Fourteenth Amendment embraced the liberties guaranteed by the First Amendment relating to religion, and that in consequence the First and Fourteenth Amendments in combination forbid the states as well as the federal government to make any law or take any action respecting the establishment of religion or prohibiting its free exercise, and thus secure to all people in the United States religious free-

dom. This ruling has been subsequently reaffirmed by the Supreme Court in many cases.

The First and Fourteenth Amendments do this by erecting a wall of separation between government and religion at all levels and in all areas of the United States. By prohibiting any official relationship between government and religion, they forbid government to undertake to control or support religion, and deny any religious group or groups the power to control public policy or the public purse.

The constitutional separation of government and religion is best for government and best for religion. It enables each of them to seek to achieve its rightful aims without interference from the other. Besides, it is wise. History reveals that political freedom cannot exist in any nation where religion controls government, and that religious freedom cannot survive in any nation where government controls religion.

Moreover, constitutional separation of government and religion is indispensable to the domestic tranquility of the United States "whose people came from the four corners of the earth and brought with them a diversity of religious opinion." As the Supreme Court revealed in *Abington School District* v. *Schempp* and *Murray* v. *Curlitt*, 374 U.S. 203, 214 (1963): "Today authorities list 83 separate religious bodies, each with a membership exceeding 50,000, existing among our people, as well as innumerable smaller groups." These organizations compete for the religious allegiance of the people.

By securing the absolute equality before the law of all religious sects and requiring government to be neutral in respect to them, the constitutional separation of government and religion makes the love of religious freedom and the other things which unite our people stronger than their diversities, and enables Americans of varying religious faiths to live with each other in peace.

As made applicable to the states by the Fourteenth Amendment, the religious clauses of the First Amendment accomplish their wholesome objectives in their entirety in these ways:

1. They prohibit the federal government and the states from establishing any religious test as a qualification for any public office at any level of government.

2. "The establishment of religion clause of the First Amendment means at least this: Neither a state nor the federal government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or nonattendance. No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. Neither a state nor the federal government can, openly or secretly, participate in the affairs of any religious organizations or groups or vice versa. In the words of Jefferson, the clause against establishment of religion by law was intended to erect a wall of separation between church and state." (*Everson* v. *Board of Education*, 330 U.S. 1, 15-16 (1947))

3. The free exercise clause of the First Amendment secures to every person the absolute right to accept as true the religious beliefs that appeal to his conscience and to reject all others; to practice the religious beliefs he accepts in any mode of worship not injurious to himself or others; to seek by peaceful persuasion to convert others to his religious beliefs and practices; and to be exempt from taxation for the support of religious activities or teachings. A person is denied religious freedom if he is taxed to support any religious faith, including his own.

OPPOSITION TO THE FIRST AMENDMENT

Numerous Americans of the utmost sincerity are not in intellectual and spiritual rapport with the First Amendment's separation of government and religion. Whether they are hostile to the principle of separation itself or do not understand what it entails, I do not know and will not surmise.

One group demands that the public schools of the states teach religion to the children attending them; and the other group demands that government provide public funds to aid and support private schools maintained by various churches to teach their religious doctrines to the children attending them. In so doing, the second group demands that the taxes of Caesar be used to finance the things of God.

While one is concerned with the public schools and the other with private religious schools, both groups base their demands on the assumption that governmental fidelity to the First Amendment frustrates the religious education of children.

This assumption is without foundation. While it forbids government to teach religion, the First Amendment leaves individuals, homes, and non-governmental institutions, such as Sunday schools, churches, and private schools, free to do so. Indeed it encourages them to do so by securing religious freedom to all.

Churches should look to their members and their friends only for the financing of their undertakings, and no church should engage in any undertaking, no matter how laudable it may be, which its members and friends are unable or unwilling to finance.

THE PUBLIC SCHOOLS

For generations before the school prayer cases, the public schools of various states conducted religious exercises each school day conforming to the religious beliefs which prevailed in the communities where the schools were located. The school prayer cases are *Engel* v. *Vitale, School District of Abington Township* v. *Schempp*, and *Murray* v. *Curlett*.

The *Engel* case, 370 U.S. 421 (1962), involved the constitutionality of a New York regulation requiring the following prayer to be said aloud by each class in a public school in the presence of a teacher at the beginning of each school day: "Almighty God, we acknowledge our dependence upon thee, and we beg thy blessing upon us, our parents, our teachers, and our country."

The *Abington School District* and *Murray* cases, which were consolidated for decision, involved the constitutionality of a Pennsylvania statute which required that "at least ten verses from the Holy Bible shall be read, without comment, at the opening of each public school on each school day", and a rule of the School Commissioners of Baltimore, Maryland, which required the holding of opening exercises in the schools of the city consisting primarily of "reading, without comment, of a chapter in the Holy Bible and/or the use of the Lord's Prayer."

It was provided in each instance that any child would be excused from participating in the prescribed religious exercises on the request of his parent or guardian.

By a vote of 6 to 1 in the *Engel* case and 8 to 1 in the *Abington School District* and *Murray* cases, the Supreme Court ruled that by using their public school systems to require these religious exercises, New York, Pennsylvania, and Maryland violated the Establishment Clause of the First Amendment, and that the regulation, statute, and rule requiring them were, therefore, unconstitutional.

The Court dismissed as immaterial the circumstance that any child was excused on request from participating in the exercises on the ground that governmental coercion is not an essential ingredient of government establishment of religion.

The rationale of the rulings was thus summarized in the opinion in the *Abington School District* and *Murray* cases: "They are religious exercises required by the state in violation of the command of the First Amendment that the government maintain strict neutrality, neither aiding nor opposing religion."

These rulings shocked sincere people throughout the nation. It is not surprising that this was so. The custom of holding religious exercises in public schools had been followed in many states for generations, and the school authorities in these states had acted on the assumption that it was proper for these schools to teach the religious beliefs which prevailed in the communities in which they operated.

Many sincere persons charge that the school prayer cases show the Supreme Court to be hostile to religion. This charge is untrue and unjust. In these cases the Supreme Court was faithful to its judicial duty. It enforced the First Amendment, which commands government to maintain strict neutrality respecting religion, neither aiding nor opposing it.

In these and other cases, the Supreme Court recognizes the supreme value of religious faith in the lives of individuals and through them in the life of the nation.

The First Amendment forbids the states to teach religion to the children attending their public schools. Without impairing this principle to any degree, the Supreme Court makes this observation in its opinion in the *Abington School District* and *Murray* cases:

"It might well be said that one's education is not complete without a study of comparative religion or the history of religion and its relationship to the advancement of civilization. It certainly may be said that the Bible is worthy of study for its literary and historic qualities. Nothing we have said here indicates that such study of the Bible or of religion, when presented objectively as part of a secular program of education, may not be effected consistently with the First Amendment." (374 U.S. 203, 225)

It is to be noted, moreover, that the school prayer cases do not question the soundness of the prior ruling in *Zorach* v. *Clauson*, 343 U.S. 306 (1962) where the Supreme Court held that the New York system of released time for religious instruction did not violate the First Amendment. Under this system, the state authorities in charge of public schools released from their customary studies an hour a week children, acting without any pressure from them, who desired to receive religious instruction in churches or church schools outside public school property.

Those who demand that public schools be made instruments to teach religion to the

children attending them suggest varying ways to achieve their objective.

Since the school prayer cases adjudged the religious exercises involved in them to be rupugnant to the First Amendment because they were required by state authorities, they propose initially that state authorities sanction voluntary religious exercises in public schools. Despite their good faith, this proposal is fatally defective. In the nature of things, religious exercises sanctioned by public authorities are not, in reality, voluntary.

They propose secondarily that Congress deprive federal courts of jurisdiction to hear and determine cases in which states are alleged to have taught religion to the children attending their public schools in violation of the First Amendment. If it should take such action, Congress would nullify the First Amendment in substantial part by abolishing judicial enforcement of one of the Amendment's commands.

They propose finally that Congress and the states amend the Constitution to authorize the states to teach religion to children attending their public schools. If consummated, this forthright proposal would repeal the First Amendment in substantial part insofar as it applies to the public schools.

As a general rule, those who demand that the public schools of the states be made instruments to teach religion are motivated by their desire to have the children attending them taught the religious beliefs of their particular sect of Christianity.

The word "religion" as used in the Constitution is not restricted in its meaning to any particular sect of Christianity, or to the Christian religion in general. It embodies Buddhism, Hinduism, Judaism, Mohammedanism, Shintoism, and all other religions; and the Constitution confers on all persons of all religious persuasions an equality of constitutional right. If those who demand that the public schools be made instruments to teach religion would pause and ponder these things, the ardor of their demand might abate.

PRIVATE SCHOOLS THAT TEACH RELIGION

The Supreme Court held in *Pierce* v. *Society of Sisters*, 268 U.S. 510 (1925), that a state statute requiring all children to attend the public schools was unconstitutional because the guaranty of liberty of the due process clause of the Fourteenth Amendment gave Catholic parents a constitutional right to send their children to a Catholic School to receive both secular and religious instruction from it.

Although multitudes of Catholics revere and understand the First Amendment in its entirety and oppose taxation of any Americans to support the teaching of any religion, Catholics comprise the majority of those who insist that government give financial aid to private schools which teach religion.

The Catholic Church establishes and operates its parochial schools to teach the children of Catholic parents its religious doctrines and observances. Since the First Amendment forbids the public schools to teach any religion, Catholic parents who desire their children to be taught the Catholic faith send their children to parochial rather than public schools. As taxpayers, these Catholic parents pay taxes to help the state to maintain the public schools; and as parents, they bear the added expense of the instruction of their children in the parochial schools.

Many of these parents and others demand that government should provide public funds either directly or indirectly to aid and support the parochial schools. They base their demand on the propositions that it is unjust to compel Catholic parents to pay taxes for the support of public schools and bear the additional expense occasioned by sending their children to the parochial schools, and that the Catholic Church saves government enormous outlays of money because Catholic children go to parochial rather than public schools.

Without questioning the validity of the unadorned facts underlying these assertions, these observations are of crucial import:

1. The Catholic parents voluntarily impose the additional financial burden on themselves by sending their children to the parochial schools to obtain instruction in the Catholic faith, instruction which the First Amendment forbids the public schools to give them.

2. The Catholic Church operates the parochial schools to insure that it rather than government will control the education of Catholic children.

Justices Jackson and Rutledge present irrefutable reasons in their dissenting opinions in the *Everson case* why government must refuse to give financial aid and support, either directly or indirectly, to parochial and other private schools which teach religion if the religious freedom the First Amendment establishes is to endure in the United States. Justice Jackson added the warning that government may regulate the private schools it subsidizes.

CONCLUSION

As Justice Jackson stated in his dissent in the *Everson* case, 330 U.S. 1, 22-28, the First Amendment occupies first place in the Bill of Rights because its objective occupied first place in the minds of the Founding Fathers. He made the objective of the Bill of Rights clear in the opinion he wrote for the Court in *West Virginia Board of Education* v. *Barnette*, 319 U.S. 624, 638 (1943):

"The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. . . . One's right to freedom of worship . . . and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections."

The Oklahoma Court proclaimed truth when it said in *Cline* v. *State*, 9 Okla. Crim. 40, 130 P. 510:

"The crowning glory of American freedom is absolute religious liberty; every American has the unquestioned and untrammeled right to worship God according to the dictates of his own conscience, without let or hindrance from any person or any source."

It is just as sinful and tyrannical now as it was in the day of Jefferson and Madison for government to tell people what they must think about religion, or to compel them to pay taxes for the propagation of religious opinions they disbelieve.

May America cherish the First Amendment and thus keep religious freedom inviolate for its people as long as time shall last.

NOTES

1. North Carolina embodied this declaration in its Constitution of 1776, "that all men have a natural and unalienable right to worship Almighty God according to the dictates of their own conscience," and added to it as an amendment in 1835 the words "and no human authority should, in any case whatever, control or interfere with the rights of conscience."

2. *Torcaso* v. *Maryland*, 367 U.S. 488 (1961)

3. The statement revealing the meaning of the Establishment Clause appears in the majority opinion in *Everson* v. *Board of Education*, 330 U.S. 1, 15-16 (1947), which was written by Justice Black. In this case the Supreme Court upheld the constitutionality under the Establishment Clause of a statute which required New Jersey to use state funds to reimburse the cost of transportation of children to the state's public schools and Catholic parochial schools. The state was not permitted, however, to reimburse the cost of transportation of children attending private schools operated for profit.

The majority and dissenting opinions illuminate the Establishment Clause. The Justices did not disagree as to its meaning. They disagreed only as to its application to the New Jersey statute.

The majority concluded that the expenditure required by the New Jersey statute was comparable to governmental expenditures for fire and police protection, and were for the public purpose of promoting the safety of the children traveling between their homes and the public and parochial schools. The dissenters maintained that the expenditure did nothing to increase the safety of the children over that of other patrons of the transportation system and was for the private purpose of aiding parochial schools to teach the Catholic faith to the children attending them.

Some years after the *Everson* decision, the Supreme Court explained in the first school prayer case, *Engel* v. *Vitale*, 370 U.S. 421 (1962) that the Establishment Clause is unlike the Free Exercise Clause in that governmental coercion is not an essential ingredient of it, and enunciated the several reasons why the Founding Fathers embodied the Establishment Clause in the Constitution. In so doing, the Court said:

"Although these two clauses may in certain instances overlap, they forbid two quite different kinds of governmental encroachment on religious freedom. The Establishment Clause, unlike the Free Exercise Clause, does not depend on any showing of direct governmental compulsion and is violated by the enactment of laws which establish an official religion, whether those laws operate directly to coerce nonobserving individuals or not. This is not to say, of course, that laws officially prescribing a particular form of religious worship do not involve a coercion of such individuals. When the power, prestige, and financial support of government is placed behind a particular religious belief, the indirect coercive pressure upon religious minorities to conform to the prevailing officially approved religion is plain. But the purposes underlying the Establishment Clause go much further than that. Its first and most immediate purpose rested on the belief that a union of government and religion tends to destroy government and to degrade religion. The history of governmentally established religion, both in England and in this country, showed that whenever government had allied itself with one particular form of religion, the inevitable result had been that it had incurred hatred, disrespect, and even contempt of those who held contrary beliefs. That same history showed that many people had lost their respect for any religion that had relied upon the support of government to spread its faith. The Establishment Clause thus

stands as an expression of principle on the part of the Founders of our Constitution that religion is too personal, too sacred, too holy, to permit its 'unhallowed perversion' by a civil magistrate. Another purpose of the Establishment Clause rested upon an awareness of the historical fact that governmentally established religions and religious persecutions go hand in hand. . . . It was in large part to get completely away from . . . religious persecution that the Founders brought into being our Nation, our Constitution, and our Bill of Rights with its prohibition against any governmental establishment of religion."

4. *Cantwell* v. *Connecticut*, 310 U.S. 296 (1940); *Jones* v. *Opelika*, 316 U.S. 584 (1942); *West Virginia Board of Education* v. *Barnette*, 319 U.S. 624 (1943); *Follett* v. *City of McCormick*, 321 U.S. 573 (1944); *Kovacs* v. *Cooper*, 336 U.S. 77 (1949); *Sherbert* v. *Verner*, 374 U.S. 398 (1963); *Flast* v. *Cohen*, 392 U.S. 83 (1968).

Justice Rutledge made the meanings of both the Establishment and Free Exercise Clauses plain in his dissent in *Everson* v. *Board of Education*, 330 U.S. 31-63 (1947). He said:

"Not simply an established church, but any law respecting an establishment of religion is forbidden. The Amendment was broadly but not loosely phrased. It is the compact and exact summation of its author's views formed during his long struggle for religious freedom. In Madison's own words characterizing Jefferson's Bill for Establishing Religious Freedom, the guaranty he put in our national charter, like the bill he piloted through the Virginia Assembly, was a 'model of technical precision, and perspicuous brevity.' Madison could not have confused 'church' and 'religion' or 'an established church' and 'an establishment of religion.' "

"The Amendment's purpose was not to strike merely at the official establishment of a single sect, creed or outlawing only a formal relation such as had prevailed in England and some of the colonies. Necessarily it was to uproot all such relationships. But the object was broader than separating church and state in this narrow sense. It was to create a complete and permanent separation of the spheres of religious activity and civil authority by comprehensively forbidding every form of public aid or support for religion. In proof the Amendment's wording and history unite with this Court's consistent utterances whenever attention has been fixed directly upon the question."

" 'Religion' appears only once in the Amendment. But the word governs two prohibitions and governs them alike. It does not have two meanings, one narrow to forbid 'an establishment' and another, much broader, for securing 'the free exercise thereof.' 'Thereof' brings down 'religion' with its entire and exact content, no more and no less, from the first into the second guaranty, so that Congress and now the states are as broadly restricted concerning the one as they are regarding the other."

"No one would claim today that the Amendment is constricted in 'prohibiting the free exercise' of religion to securing the free exercise of some formal or creedal observance, of one sect or many. It secures all forms of religious expression, creedal, sectarian or nonsectarian, wherever and however taking place, except conduct which trenches upon the like freedoms of others or clearly and presently endangers the community's good order and security. For the protective purposes of this phase of the basic freedom, street preaching, oral or by distribution of literature, has been given 'the same high estate under the First Amendment as . . . worship in the churches and preaching from the pulpits.' And on this basis parents have been held entitled to send their children to private, religious schools. *Pierce* v. *Society of Sisters*, 268 U.S. 510 (1925). Accordingly, daily religious education commingled with secular is 'religion' within the guaranty's comprehensive scope. So are religious training and teaching in whatever form. The word connotes the broadest content, determined not by the form or formality of the teaching or where it occurs, but by its essential nature regardless of those details."

" 'Religion' has the same broad significance in the twin prohibition concerning 'an establishment.' The Amendment was not duplicitous. 'Religion' and 'establishment' were not used in any formal or technical sense. The prohibition broadly forbids state support, financial or other, of religion in any guise, form or degree. It outlaws all use of public funds for religious purposes."

"Two great drives are constantly in motion to abridge, in the name of education, the complete division of religion and civil authority which our forefathers made. One is to introduce religious education and observances into the public schools. The other, to obtain public funds for the aid and support of various private religious schools. . . . In my opinion both avenues are closed by the Constitution. Neither should be opened by this Court. The matter is not one of quantity, to be measured by the amount of money expended. Now, as in Madison's day, it is one of principle, to keep separate the separate spheres as the First Amendment drew them: to prevent the first experiment upon our liberties; and to keep them from becoming entangled in corrosive precedents. We should not be less strict to keep strong and untarnished the one side of the shield of religious freedom than we have been of the other.

5. After pointing out that parochial schools are established and maintained by the Catholic Church to teach "Catholic faith and morals", and that its Canon Law prescribes that they shall be "schools where religious and moral training occupy the first place", Justice Jackson declared in his dissenting opinion in the *Everson* case, 330 U.S. 22-28:

"It is no exaggeration to say that the whole historic conflict in temporal policy between the Catholic Church and non-Catholics comes to a focus in their respective school policies. The Roman Catholic Church, counseled by experience in many ages and many lands and with all sorts and conditions of men, takes what, from the viewpoint of its own progress and the success of its mission, is a wise estimate of the importance of education to religion. It does not leave the individual to pick up religion by chance. It relies on early and indelible indoctrination in the faith and order of the Church by the word and example of persons consecrated to the task."

"Our public school, if not a product of Protestanism, at least is more consistent with it than with the Catholic culture and scheme of value. It is a relatively recent development dating from about 1840. It is organized on the premises that secular education can be isolated from all religious teaching so that the school can teach all needed temporal knowledge and also maintain a strict and lofty neutrality as to religion. The assumption is that after the individual has been instructed in wordly wisdom he will be better fitted to choose his religion. Whether such disjunction is possible, and if possible is wise, are questions I need not try to answer."

"I should be surprised if any Catholic would deny that the parochial school is a vital, if not the most vital part of the Roman Catholic Church. If put to the choice, that venerable institution, I should expect, would forego its whole service for mature persons before it would give up education for the young, and it would be a wise choice. Its growth and cohesion, discipline and loyalty, spring from its schools. Catholic education is the rock on which the whole structure rests, and to render tax aid to its Church school is indistinguishable to me from rendering the same aid to the Church itself."

"It is of no importance in this situation whether the beneficiary of tax-raised funds is primarily the parochial school and incidentally the pupil, or whether the aid is directly bestowed on the pupil with indirect benefits to the school. The state cannot maintain a Church and it can no more tax its citizens to furnish free carriage to those who attend a Church. The prohibition against establishment of religion cannot be circumvented by a subsidy, bonus or reimbursement of expense to individuals for receiving religious instruction and indoctrination . . ."

"I agree that this Court has left, and always should leave to each state, great latitude in deciding for itself, in the light of its own conditions, what shall be public purposes in its scheme of things. It may make public business of individual welfare, health, education, entertainment or security. But it cannot make public business of religious worship or instruction, or of attendance at religious institutions of any character. There is no answer to the proposition . . . that the effect of the religious freedom to our Constitution was to take every form of propagation of religion out of the realm of things which could directly or indirectly be made public business and thereby be supported in whole or in part at taxpayers' expense. That is a difference which the Constitution sets up between religion and almost every other subject matter of legislation, a difference which goes to the very root of religious freedom. . . . This freedom was first in the Bill of Rights because it was first in the forefathers' minds; it was set forth in absolute terms, and its strength is its rigidity. It was intended not only to keep the state's hands out of religion, but to keep religion's hands off the state, and, above all, to keep bitter religious controversy out of public life by denying to every denomination any advantage from getting control of public policy and the public purse. . . ."

"This policy of our Federal Constitution has never been wholly pleasing to most religious groups. They all are quick to invoke its protections; they all are irked when they feel its restraints. . . ."

"But we cannot have it both ways. Religious teaching cannot be a private affair when the state seeks to impose regulations which infringe on it indirectly, and a public affair when it comes to taxing citizens of one faith to aid another, or those of no faith to aid all. If these principles seem harsh in prohibiting aid to Catholic education, it must not be forgotten that it is the same Constitution that alone assures Catholics the right to maintain these schools at

all when predominant local sentiment would forbid them. *Pierce* v. *Society of Sisters*, 268 U.S. 510 (1925). Nor should I think that those who have done so well without this aid would want to see this separation between church and state broken down. If the state may aid these religious schools, it may therefore regulate them. Many groups have sought aid from tax funds only to find that it carried political controls with it. Indeed this Court has declared that 'It is hardly lack of due process for the government to regulate that which it subsidizes.' "

"But in any event, the great purposes of the Constitution do not depend on the approval or convenience of those they restrain."

Justice Rutledge made these observations in his dissent in *Everson* v. *Board of Education*, 330 U.S. 58-60 (1947):

"No one conscious of religious values can be unsympathetic toward the burden which our constitutional separation puts on parents who desire religious instruction mixed with secular for their children. They pay taxes for others' children's education, at the same time the added cost of instruction for their own. Nor can one happily see benefits denied to children which others receive, because in conscience they or their parents for them desire a different kind of training others do not demand."

"But if those feelings should prevail, there would be an end to our historic constitutional policy and command. No more unjust or discriminatory in fact is it to deny attendants at religious schools the cost of their transportation than it is to deny them tuitions, sustenance for their teachers, or any other educational expense which others receive at public cost. Hardship in fact there is which none can blink. But, for assuring to those who undergo it the greater, the most comprehensive freedom, it is one written by design and firm intent into our basic law."

"Of course discrimination in the legal sense does not exist. The child attending the religious school has the same right as any other to attend the public school. But he foregoes exercising it because the same guaranty which assures this freedom forbids the public school or any agency of the state to give or aid him in securing the religious instruction he seeks."

"Were he to accept the common school, he would be the first to protest the teaching there of any creed or faith not his own. And it is precisely for the reason that their atmosphere is wholly secular that children are not sent to public schools under the *Pierce* doctrine. But that is a constitutional necessity, because we have staked the very existence of our country on the faith that complete separation between the state and religion is best for the state and best for religion."

"That policy necessarily entails hardship upon persons who forego the right to educational advantages the state can supply in order to secure others it is precluded from giving. Indeed this may hamper the parent and the child forced by conscience to that choice. But it does not make the state unneutral to withhold what the Constitution forbids it to give. On the contrary it is only by observing the prohibition rigidly that the state can maintain its neutrality and avoid partisanship in the dissensions inevitable when sect opposes sect over demands for public moneys to further religious education, teaching or training in any form or degree, directly or indirectly. Like St. Paul's freedom, religious liberty with a great price must be bought. And for those who exercise it most fully, by insisting upon religious education for their children mixed with secular, by the terms of our Constitution the price is greater than for others."

"The problem then cannot be cast in terms of legal discrimination or its absence. This would be true, even though the state in giving aid should treat all religious instruction alike. Thus, if the present statute and its application were shown to apply equally to all religious schools of whatever faith, yet in the light of our tradition it could not stand. For then the adherent of one creed still would pay for the support of another, the childless taxpayer with others more fortunate. Then too there would seem to be no bar to making appropriations for transportation and other expenses of children attending public or other secular schools, after hours in separate places and classes for their exclusively religious instruction. The person who embraces no creed also would be forced to pay for teaching what he does not believe. Again, it was the furnishing of 'contributions of money for the propagation of opinions which he disbelieves' that the fathers outlawed. That consequence and effect are not removed by multiplying to all-inclusiveness the sects for which support is exacted. The Constitution requires, not comprehensive identification of state with religion, but complete separation."●

THE AIR TRAVELERS SECURITY ACT OF 1983

● Mr. WARNER. Mr. President, yesterday, the Senator from Tennessee (Mr. SASSER) and I appeared before the Aviation Subcommittee of the House Public Works and Transportation Committee to testify in favor of the Air Travelers Security Act (H.R. 2053 and S. 765).

This is one of the most important proderegulation, proconsumer rights, procompetition bills to come before the Congress in some time. It is a bill which insures that the consumer is protected from fraud in the marketing of travel accommodations while at the same time the opportunities for competition in the marketing of travel accommodation are made unlimited.

So that all Senators may have the opportunity to gain a broader understanding of this important measure, I ask that the statements made by the Senator from Tennessee (Mr. SASSER) and myself be printed in full in the RECORD.

The statements follow:

SENATOR JIM SASSER—STATEMENT ON H.R. 2053 BEFORE THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, SUBCOMMITTEE ON AVIATION

Mr. Chairman, I want to thank you for this opportunity to discuss, along with Senator Warner—with whom I co-chair the Senate Tourism Caucus, my views on H.R. 2053.

I suppose I could sum up what I have to say, Mr. Chairman, by posing as a question the title of a popular song of the 1960's, "Do You Know The Way to San Jose?"

I am sure that you do. But someone from my home state of Tennessee probably wouldn't know. They would probably contact their local travel agent in order to learn the quickest way. Likewise, the people from your home district in San Jose would probably have to contact their travel agent if they wanted to visit the "Home of the Blues" on Beale Street in Memphis or the Grand Ol' Opry in Nashville.

The problem is this: the ability of people to find the way to San Jose, or to Memphis, or to Nashville, is going to be seriously threatened come January 1984—if we don't set aside last year's narrow CAB decision. H.R. 2053 would do just this, vacate that decision and provide immunity for the current relationship between travel agents and the airline industry.

Other witnesses this morning will more than cover the many arguments related to H.R. 2053 and its Senate companion, S. 764. My brief remarks focus on what I believe will be the outcome . . . if immunity from antitrust statutes is not maintained for the Air Transport Conference.

Let's take the precedent of so-called rate deregulations. I supported deregulation of the airline industry and the sunset of the Civil Aeronautics Board. I had hoped that deregulation would encourage a healthy competition among carriers. I had hoped that short-haul carriers would fill in on those routes that were less-than-lucrative for major airlines.

That's what I had hoped. What we got was: a suicidal rate war among the airlines in which cut-rate prices made it attractive to go from Washington to Miami—but both costly and inconvenient to go from Washington to Chattanooga; a rate war that contributed to the demise of Braniff airlines; a rate war that still threatens the basic stability of the industry.

No one in the Congress really wants to regulate once again the routes or rate structures of airlines. But there is strong sentiment toward that direction—unless the airlines can exercise restraint and common sense on their own.

That kind of industry self-restraint, that kind of working and workable arrangement, is already in operation in the relationship among travel agents and the airlines. I say: let it continue to work.

The last thing we need is another episode of suicidal competition among airlines and travel agents. But I submit that this is exactly what could happen should the CAB ruling be allowed to stand.

I am concerned, too, about the economic impact to my state should the CAB decision be effected.

The more than 1,000 people working at travel agencies in Tennessee were responsible last year for $195 million in airline bookings. The payroll derived from booking commissions and the tax revenues these agencies generated for federal, state and local governments represent scores of millions more in positive economic impact for our state.

So, it comes down to this: common sense tells us it would be illogical not to act on the CAB ruling; economic sense tells us it would be too costly not to act.

I therefore urge this subcommittee to act, and to act favorably and quickly on H.R. 2053.

TESTIMONY OF SENATOR JOHN W. WARNER BEFORE THE AVIATION SUBCOMMITTEE, HOUSE PUBLIC WORKS COMMITTEE

Thank you, Mr. Chairman.

I appreciate the courtesy you have extended Senator Sasser and me, as the primary Senate sponsors of the Air Travelers

Security Act, to testify before the Aviation Subcommittee on this very important travel and tourism, consumer rights legislation.

There are some critical issues surrounding this measure which I feel must be examined more fully. The general public and the parties interested in the outcome of this debate must have every opportunity to completely understand these issues. They are:

(1) "Exclusivity," and

(2) Antitrust immunity.

EXCLUSIVITY

The Air Transport Conference program contains three provisions which, collectively, have been termed "exclusivity." The word, "exclusivity," is potentially confusing because the Conference program does not exclude qualified travel agents, and there are no quotas or other inappropriate barriers to entry into the travel marketplace.

In his decision, the Civil Aeronautics Board's administrative law judge found that the program merely prevented non-accredited persons from acting as agents for Conference airlines. But the judge also found that the program should not bar people from having other relationships with the airlines.

Further, the CAB's administrative law judge determined that elimination of this recognition by the Conference of its agents would endanger the viability of the present worldwide transportation marketing system.

He determined that elimination of this recognition would undermine intercarrier confidence in the travel agent network and in the reliability of interlining, ticket interchangeability and refundability.

He determined elimination of this recognition would reduce the universality of carrier representation by travel agents;

Threaten the competence and professionalism of the travel agency industry as a whole;

Undermine consumer confidence in the competence, professionalism and universal representation of such agents;

Reduce consumer use of the travel agent marketing system and competition within it; and

Reduce the availability of travel agents representing all carriers providing consumers with complete and reliable information on all travel options.

Clearly, the Conference certifies travel agents for purposes of consumer convenience and confidence. But if a consumer does not want to purchase travel accommodations through a travel agent, he or she has several other alternatives available.

The consumer can pick up the phone and shop from one airline to another until he or she finds just the right flight, at the right time and at the right price.

Or the consumer can go to a tour broker, purchase travel accommodations in a package, and obtain either regular schedule transport, charter service.

Finally, a consumer can, in some areas of the country, buy airline tickets from automated dispensing machines representing a limited number of carriers, or directly from an airline ticket office.

As far as the travel agencies are concerned, as a competitive force in the marketplace there are over 22,000 of them.

Virtually all are small businesses with fewer than 10 employees. Over half of these agencies are owned by women, and as employers of minorities, travel agencies have one of the finest records of any enterprise in our nation.

The travel agency business grows by an average 1,000 new agencies a year. That's over 1,000 new entrepreneurs a year who enter the marketplace to make it or break it on their own, in competition with other travel agencies, in competition with every customer who chooses to take the time and effort to arrange their own travel, in competition with tour brokers, and in competition with the automated ticketing machines and airline ticket offices operated by the airlines themselves.

The only thing exclusive about a travel agent is that a travel agent is a promoting force in the marketplace and because of that, the airlines remunerate travel agents with commissions for the tickets they sell.

Other market forces, if they can demonstrate and are able negotiators in the free marketplace, also may obtain remuneration in the form of customer discounts, and other nonfinancial benefits.

So let's be perfectly frank, Mr. Chairman. Let's recognize once and for all that the term, "exclusivity," is nothing more than a smoke screen behind which certain interests are hiding in the hopes of radically changing the present marketing system so that they do not have to meet certification requirements.

The present marketing system is highly competitive. It affords the consumer confidence, convenience, and the broadest selection possible. It has evolved over the past 40 years . . . responding to the demands of the marketplace; doing so without complaint or objection from the traveling public or the industries it represents.

ANTITRUST IMMUNITY

Antitrust immunity is a very important aspect of the Air Travelers Security Act. It is, in my estimation, the cornerstone of the Air Transport Conference. Without it, I am convinced the Conference will be forced out of existence. The travel marketing system—as we know it and as it is evolving during CAB sunsetting—will collapse, and in its place will come a highly decentralized, totally chaotic marketplace in which the battle cry will be "Buyer, beware."

Let me clarify one thing in light of this statement.

Supporters of this legislation are not anti-deregulation.

On the contrary, I believe I can safely speak for at least all of the Senate cosponsors of this legislation when I say, we believe that Congress made the right decision, and we would not for a moment attempt to re-regulate the airlines industry.

And that, Mr. Chairman, is why we are so amazed by the CAB's split decision to strip the Conference of its immunity effective January 1, 1985.

With the protection of immunity, the Conference will be able to act, as we believe the present administration would desire, and as we believe Congress intended after CAB sunset, as the industry's self-regulating mechanism.

The Conference would be capable of seeking the continued cooperation of industry members and agents, ensuring that the consumer continues to enjoy the best possible service in the most universal fashion obtainable.

And the Conference could do that free of government interference—but only if the Conference continues to have antitrust immunity.

Without antitrust immunity, the Conference would be forced into the regulatory environment of the courts and the U.S. Justice Department.

The CAB itself, in its order instituting the Competitive Marketing Investigation, recognized the importance of antitrust immunity, and wrote:

"Without immunity * * * it is likely that neither the IATA (International Air Transport Association) nor the ATC (Air Transport Conference) conference systems could have been developed."

In the course of the Congressional debate, as they did during the CAB's debate on this issue, the few opponents of the present system have publicly attempted to downplay the importance of the antitrust aspects of the Conference agreements.

But, for the airline members of the Conference, antitrust litigation would spell continued, deep financial hardship, especially during these times when the airlines are not in strong financial condition.

For the travel agencies, antitrust litigation could spell bankruptcy, especially since most of them are only small businesses, and many are barely able to meet their day to day expenses, let alone the cost of prolonged and expensive antitrust law suits.

And for everyone else who, at this time, thinks the way to attain a more rewarding financial relationship with the airlines is by stripping the Conference of its antitrust immunity, that kind of litigation can only spell higher cost air travel and a higher cost of doing business.

Mr. Chairman, the antitrust aspects of this legislation go far beyond simply the working relationships of the airlines with one another and the travel agents with the airlines.

The antitrust aspects of this issue go to the heart of the consumers' ability to have a meaningful choice and the consumers' ability to shop with confidence in the travel marketingplace.

The antitrust aspect of this issue effect all forms of accommodation in the travel and tourism industry, and they effect the millions of persons who not only consume, but who are employed throughout the industry.

That is why, almost without exception, people who understand the agency-carrier system believe it should remain intact.

The system relies heavily on collective agreements, on common rules and standards. But without immunity, these agreements and standards are strongly disfavored by the federal antitrust courts. Therefore, the system must receive antitrust immunity if it is to continue.

A final point, Mr. Chairman, from a foreign relations perspective. The State Department advised the CAB that without antitrust immunity, foreign governments which participate in bilateral agreements for the marketing of air travel would consider those agreements as empty gestures, tantamount to disapproval.

At at time when international tensions are so high, and our balance of payments is so distorted, it seems to me we ought to be doing more to encourage international travel . . . the understandings and commerce it generates . . . rather than discouraging it. The Air Travelers Security Act would help achieve that goal.

In the end, Mr. Chairman, it is the consumer who has the most at stake here.

The choices for Congress, it seems to me, are quite clear.

Is it the will of Congress to allow the present, highly competitive, extremely adaptable, totally consumer oriented travel marketing system to continue—protected as it must be by antitrust immunity to insure that when a consumer chooses to use a travel agent that agent is indeed a bonafide

representative for all travel accommodations?

Or is it the will of Congress to destroy the present, highly competitive, extremely adaptable, totally consumer oriented travel marketing system . . . subjecting the consumer to unnecessary risk, fraud, chaos, and inconvenience; subjecting member firms of the travel industry to unnecessary and arbitrary litigation and the inherent costs involved?

Mr. Chairman, there is an old adage: "If it ain't broke, don't fix it."

The present system certainly is not broken. It serves the public interest efficiently and effectively while promoting unlimited competition.

If Congress accepts the CAB's fix, neither the public's interest, nor the interests of the very few who oppose our legislation will be served.

I urge support of the Air Travelers Security Act of 1983.●

REHABILITATION AMENDMENTS OF 1984

● Mr. STAFFORD. Mr. President, I would like to add support to S. 1340, the Rehabilitation Amendments of 1983. I commend my distinguished colleagues, Senator WEICKER and Senator RANDOLPH, on their leadership in developing this legislation and their commitment to handicapped individuals of this Nation.

The vocational rehabilitation program has been in effect for 63 years, providing restorative services to handicapped individuals as well as job training and placement. The focus of the rehabilitation State grant program is to train disabled people so that they are able to enter the job market.

According to the Rehabilitation Services Administration, persons rehabilitated in fiscal year 1980 are expected to pay to Federal, State, and local governments an estimated $211.5 million more in income, payroll, and sales taxes than they would have paid had they not been rehabilitated. In addition, another $68.9 million will be saved as a result of decreased dependency on public support payments and institutional care. The estimated total first year benefit to Federal, State, and local government will be $280.4 million. The vocational rehabilitation program is cost effective.

Mr. President, three issues need to be highlighted.

REPORTS

Currently, the Rehabilitation Services Administration is required to submit to Congress an annual report which includes data on services and activities provided to their clients. Due to the reduction in paper work order, there has been a lack of available data. Senate Bill 1340 specifies the type of data RSA is to collect and include in its annual report. Under the amendments, the Rehabilitation Services Administration is mandated to include demographic data on clients; costs and types of services provided, and the earnings of a client when they become employed. This information is necessary for Congress to properly assess the rehabilitation program.

EVALUATION

Besides the State grant program, the rehabilitation act authorizes several discretionary programs, including the projects with industry and independent living programs. The Congress is interested in the performance of this program which it has authorized. Therefore, under the amendments, RSA is required to develop standards for evaluating these programs authorized by the Rehabilitation Act.

INDEPENDENT LIVING

In the 1978 amendments to the Rehabilitation Act, Congress established the independent living program to serve severely handicapped individuals. Since that time, over 154 independent living centers have been established across the country. The services most frequently offered by the programs are: Information and referral; personal care attendant programs; peer counseling; housing assistance; transportation assistance; independent living skills, and advocacy services. These services give severely handicapped individuals an opportunity to live as independently as possible. The staff of these centers is primarily comprised of disabled individuals. The Vermont Center for Independent Living was established in August of 1980. In Vermont, the center has served 248 individuals in their peer advocacy counseling program, while the information and referral program responded to 1,319 contacts last year.

This legislation increases the authorization for this program, and provides for an evaluation of the program.●

● Mr. STEVENS. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD this notice of a Senate employee who proposes to participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The Select Committee has received a request for a determination under rule 35 which would permit Ms. Kathy Stoner of the staff of Senator JESSE HELMS, to participate in a program sponsored by Tunghai University, in Taipei, Taiwan, from August 9–17, 1983.

The committee has determined that participation by Ms. Stoner in the program in Taiwan, at the expense of Tunghai University, to discuss United States-Taiwan relations, is in the interest of the Senate and the United States.●

MAMMOTH SITE A NATIONAL TREASURE

● Mr. PRESSLER. Mr. President, it is with great pride that I rise today to talk about one of the most important archaeological discoveries in North America. I am referring to the Mammoth Site of Hot Springs, S. Dak., which was discovered in 1974. The Mammoth Site is a historical gold mine which contains the remains of some 100 giant mammoths, and countless other prehistoric animals. The remains date back over 26,000 years before the time Christ walked the Earth. It contains possibly the largest concentration of these ancient animals to be found in North America. In recognition of the Mammoth Site's importance, the U.S. Department of the Interior designated it as a national natural landmark in 1980.

This treasure of scientific knowledge will provide us with a unique insight into the history and evolution of this wonderful and fascinating planet we call Earth. I am extremely proud that we have this vitally important find in my home State of South Dakota. I also take great pride in the way the local community of Hot Springs, S. Dak., and the entire State have reacted to and cared for this invaluable historical laboratory.

In the spirit of volunteerism and dedication to learning for which South Dakota is so famous, a nonprofit organization—the Mammoth Site of Hot Springs, S. Dak., Inc.—was created to preserve and develop the site. Hundreds of thousands of dollars of local money have been raised for the benefit of the entire scientific world. We are now in the process of fighting for a Federal grant to help defray some of the costs of this project. We are working to build a protective shelter for the site, a museum and visitors center to educate visitors, a laboratory, and other necessary facilities.

In addition to its great scientific and educational value, the Mammoth Site holds great potential for the economic well-being of Hot Springs and the entire State. It will bring more tourists, educators, scientists and other interested parties into the State. It will stimulate businesses and provide jobs for many unemployed South Dakotans.

In the past 2 years, 50,000 visitors have toured the site, despite its limited facilities. With increased development, those numbers will quickly mushroom. As chairman of the Senate Subcommittee on Business, Trade and Tourism, I know well what an important site like this means to the State's economy.

I strongly urge my colleagues to join me in support of this great treasure. I am very proud that we in South Dakota have been entrusted with its care, and will do every thing possible

to see that it receives proper recognition as one of the greatest discoveries of our century.

SENATE JOINT RESOLUTION 136—VOLUNTEER FIREMEN RECOGNITION DAY

● Mr. D'AMATO. Mr. President, I rise today to cosponsor Senate Joint Resolution 136, to help recognize the excellent job performance of the volunteer firemen of this country. Being a volunteer fireman myself, I well know the sacrifice that all these men and women must endure. These unsung heroes risk their lives every time they respond to a call.

Over 80 percent of the firefighters in the United States are volunteers. They protect a large percentage of the rural towns in the United States; 337 volunteer firefighters have lost their lives in the line of duty during the last 5 years, with 68 such deaths in 1982 alone. Their job is becoming increasingly more dangerous and difficult. Towns are rapidly expanding in size, and fire departments are forced to cover ever larger areas without increases in funds or manpower. Sadly, the firemen in America face one of the highest fire death tolls in the world.

Mr. President, it is for this reason that we must all respect and admire the hard work of the U.S. volunteer fireman. I wholeheartedly support "Volunteer Fireman Recognition Day" and I urge quick action by the Senate to pass this joint resolution.

TRIBUTE TO THOMAS D'ALESANDRO, JR.

● Mr. SARBANES. Mr. President, the people of Baltimore have been well served indeed by one of the most remarkable public servants it has ever been my privilege to call my friend, Thomas D'Alesandro, Jr.

The son of immigrant parents from central Italy and one of 14 brothers and sisters raised in Baltimore's Little Italy, "Big Tommy" as he is respectfully known, was elected to the Maryland House of Delegates in 1926, served in the Baltimore City Council from 1935 to 1938, followed by five terms in the House of Representatives, where he was chairman of the District of Columbia Committee, and then three terms as mayor of Baltimore from 1947 to 1959. On the eve of his 80th birthday this week, Tommy D'Alesandro lives in Little Italy, near St. Leo's Church where he was educated. This remarkable man, who has worked with and advised Presidents Roosevelt, Truman, Kennedy, and Carter, as well as a host of Senators, Governors, and Congressmen, remains an enthusiastic leader of our community.

His outstanding record of public service and leadership has inspired many to emulate and follow his example. Members of his own family have followed in his distinguished footsteps. "Young Tommy" D'Alesandro III also served as mayor of Baltimore with distinction and remains active in law practice, and daughter Nancy D'Alesandro Pelosi is a leader in the Democratic Party in California.

Mr. President, this unique and respected public servant will celebrate his 80th birthday this week. I ask that excerpts from a recent biography of "Big Tommy" D'Alesandro be printed in the RECORD at this point.

The material follows:

[From the Baltimore Magazine, July 1982]

THOMAS D'ALESANDRO, JR.

(By Robert Douglas)

One August morning in 1979 President Carter boarded an Amtrak Metroliner and came to town, the lastest track in his whistle-stop tours. He visited East Baltimore, proffered advice on energy, and spoke at the national convention of the Sons of Italy at the newly opened Convention Center.

Around noon the president's motorcade pulled into South High Street in Little Italy, the compact neighborhood of row houses and restaurants on the eastern edge of the Inner Harbor. But Carter had a visit to make before lunch at Chiapparelli's. He and his wife, Rosalynn, stepped into the crowd and walked around the corner to Albemarle Street. It was a route most local politicans had taken, but few members of the presidential press corps knew where it led.

"Where's he going?" shouted one national correspondent.

"To Tommy D'Alesandro's home," a member of the crowd replied.

"*Whose* home?" said the correspondent, flipping open his notebook.

Carter was following in the footsteps of virtually every major Democratic politician who had visited Baltimore during the past forty years. Thomas D'Alesandro Jr.—"Mr. Democrat" to local party members, "Dad" to another former Baltimore mayor, and just plain "Tommy" to several presidents—was the mentor to see. And there in the home at 245 Albemarle Street, beneath framed pictures of D'Alesandro and Roosevelt, D'Alesandro and Truman, and D'Alesandro and Kennedy, Carter posed for his addition to that lineup.

Then Carter and D'Alesandro and their entourages walked the thirty yards to Chiapparelli's and a chicken cacciatore lunch with other prominent Democrats (among them Senator Paul Sarbanes, Mayor William Donald Schaefer, then-Attorney General designate Benjamin Civiletti, City Councilman Dominic "Mimi" DiPietro, Governor Harry Hughes, and Senator Charles McC. Mathias).

But high-powered politics apparently were not what Carter wanted to hear that day. Before the white wine had been sipped, the conversation shifted to tales of rough ward politics and the brutally honest observations permitted an older man—one who began his campaigning known as a "goddamn dago." Tommy D'Alesandro held center stage with his salty political yarns. Jimmy and Rosalynn Carter listened entranced.

In an age of media consultants, campaign polls, and voter profile analyses, Tommy D'Alesandro is an expert on basic politics.

His own political career spanned thirty-three years, beginning in 1926 when he was elected to the House of Delegates. He served on the City Council from 1935 to 1938, then in the House of Representatives for a decade (where, as chairman of the District of Columbia Committee, which then ran the District, he became known as the "mayor of Washington"). He was mayor of Baltimore from 1947 to 1959.

But after the series of victories came two losses. Republican J. Glenn Beall beat him by seven thousand votes for a U.S. Senate seat in 1958. The second, and perhaps more painful, loss came the next year to J. Harold Grady in the Democratic primary for mayor of Baltimore, Grady arguing in his campaign that D'Alesandro had been in office too long.

At 78 D'Alesandro has been retired from active politics for almost two decades, but his sharp political eye has not dulled at all. And the national and local politicians (Harry Hughes, up for renomination, is among them) who come to share a meal and the stories at Chiapparelli's come because "Old Tommy" bridges two political and social eras.

The mayoral era of Old Tommy (so called to distinguish him from his son, Thomas III, who served as mayor beginning in 1967) was the start of a new Baltimore, a planning and building campaign geared to give the city the status he describes simply as "major league." D'Alesandro also is a man born and reared during the heyday of political machines. That makes Old Tommy—and only Old Tommy—the son of old Baltimore and the father of the new. In him many find where Baltimore started or where it's going.

But in the Baltimore of 1982 D'Alesandro finds a lot he does not understand. During four hours of interviews in his home—part shrine, and part museum—D'Alesandro touches upon the issues of today and of simpler times.

For example, his was an era when, as he told Time magazine in 1955, keeping the streets blacktopped helped big-city mayors pave their way to victory at the polls. D'Alesandro still regards the "inch-inch" method of paving as one of his greatest achievements as mayor. By that method road crews covered streets with a thin coating of asphalt rather than digging up the entire surface. Repairs were finished in a few days without greatly disrupting travel or business.

D'Alesandro says he's told Mayor Schaefer he can't understand the current state of the city's roadways. "There're a lot of axles being broken now. I told the mayor, 'I thought Rome was the Holy City when I became mayor, until I found out Baltimore was the Holey City. It's full of potholes. Now, you better get a loan through and start fixing these streets. That's the only thing you'll have to do, and you'll walk in. These streets are bad.'"

He admits to amazement at Schaefer's success during an era of higher taxes and fewer municipal services. "I don't understand. When I was mayor, we had a million and some people. The population made us the sixth largest city in the country. Today, it's dropped to eighth or almost ninth. The population has decreased, but taxes went up and more people are working for the city government. I don't understand it.

"Yet the government and mayor go on. I had an average [property] tax rate over ten years of $2.98 [per $100 of assessed value]. He's got one of $6 [actually, $5.97]. He gets reelected; they love him. Just like 'You beat me, daddy. I love it. Beat me again!'"

Although D'Alesandro professes not to understand the success of Schaefer, there are many parallels between the two. Both worked hard to improve the city's image. Both gained national reputations through their achievements and their ability to generate positive publicity (and both shared a talent for hamming it up in front of press photographers). Both have stayed in their boyhood neighborhoods.

But, says D'Alesandro, his duties as a family man added pressures today's bachelor mayor never has had to face. "The difference between me and Schaefer? I had a gang of kids. I had to send them to college and school and all. He has nobody but his mother and a cat, and I don't think the cat even hollers meow."

Although his children have presented public relations problems, D'Alesandro says they also were an asset in the early years. "When I was running for Congress, my wife and them made a song. My opponent was walking down the boardwalk at Ocean City, and my kids had a sign and a song." D'Alesandro places both hands atop his cane and taps out march time on the floor as he sings, to the tune of "The Notre Dame Fight Song":

Cheer, cheer for Tommy D'A,
He is the winner of every fray.
Cast your vote for Tommy D'A,
The defender of the USA.

Unlike politicians today D'Alesandro has not moved from his roots. He still lives in the small row house near the main corner of Little Italy—the one with Chiapparelli's, Sabatino's, Capriccio, and Trattoria Petrucci restaurants on the four corners. It is "sacramental ground," he says, just three blocks from President Street, where he was born in August 1903.

And unlike most former politicians nowadays, he is not eager to tell all; he is not searching for a ghostwriter to expose his true story as a best-seller. During interviews D'Alesandro appears content to keep any secrets he has, fending off questions about past political bosses with a quick retort: "I'm still around. They're not around."

He shows signs of age. He walks cautiously with the help of a cane, complains about the medicine he has to take at prescribed times, worries aloud about eating on the proper schedule. "I feel a little weak," he admits. "I lost some weight, but I'm getting along nice."

Nice enough to keep what amounts to a campaign pace. "I get out. Saturday night I'm going to the Italian American Charities banquet. I was one of the original organizers of it. Sunday I'm going to St. Leo's party. I go to different places. On the ninth I'm going to go to Italian American Charities [for its monthly meeting]. I went to the races one day, got tired, and had to stay and sit down. I won't go to the Preakness because it's too crowded, and everybody wants to talk and hello and then you'r Joed out and no good. If you get a winner, that helps."

The dapper style that impressed photographers has not gone. He still wears smart-looking suits. He is reluctant, though, to pose for photographers now because he lost nearly thirty pounds while hospitalized briefly this spring. (He checked in for treatment of a bleeding ulcer, a bladder infection, and diabetes—all miseries of aging.)

The first floor of the row house where he, his wife, and two of their sons live still looks as though it were designed to receive large groups. The first-floor dining and living rooms are unusually spacious. Along one wall is an antique cabinet displaying many of the gifts the couple received four years ago for their fiftieth wedding anniversary. Nearby, along the wall of the stairs leading to the second floor, are the pictures that mean the most: D'Alesandro and presidents, D'Alesandro and the local politicians of the past, D'Alesandro and the famous. With little effort he remembers all the names.

The drawers of several tables and desks are filled with mementos. From this collection he pulls out a large brochure. He opens it, exposing dozens of color pictures showing the projects either started or completed during the first ten years he was mayor. The pictures are the baby photos of Baltimore today. There are views of Friendship Airport (now Baltimore-Washington International) with a crowd gathered around a bulky prop plane, Memorial Stadium, Liberty Dam, the Ashburton filtration plant, the new Lexington Market, the Jones Falls Expressway, the City Hospitals infirmary building, and a score of other, now familiar, buildings.

D'Alesandro discusses his other successes—the building of the Civic Center, the fluoridation of the drinking water, the installation of 16,500 electric street lamps to replace the ancient gas ones, the $2.88 property tax rate. "Fifty years of progress in a decade," D'Alesandro says as he folds the brochure, closing in his hands a time when—as the brochure boasts—small-town Baltimore became major league.

It was a time of great planning and extraordinary cooperation between City Hall and business leaders, who founded the Greater Baltimore Committee. The GBC's formation stemmed from an insult. "I went to Pittsburgh one time and saw the work that Mellon did," D'Alesandro recalls. "And they had me down to the Baltimore Association of Commerce one day to speak, and I told them the difference between Baltimore and Pittsburgh is that they have Andy Mellon in Pittsburgh, and we got watermelon for business leaders here. That started the GBC to go to town."

That inauspicious event may not have been the actual birth of Baltimore's renewal, but there is no doubt that major changes began in the next few years. The Inner Harbor was transformed from a decaying backwater to a waterfront park, clearing the way for later development. More important, after D'Alesandro's speech to business leaders, work began on Charles Center, the first new portion of glass-and-concrete Baltimore.

In 1952, the mayor helped form a syndicate of local buyers for a professional football franchise. Later, when the Colts were struggling, he stepped in to save the team. "I sent out twenty telegrams to twenty people to come to my office and asked for $20,000 apiece. . . . Nineteen showed up. One didn't, but he called me up and he pledged the other $10,000 to $20,000. I know they wouldn't do that today."

For two years D'Alesandro cajoled major-league baseball owners, trying to convince them to bring a franchise to sports-hungry Baltimore. He succeeded when the St. Louis Browns moved to Baltimore in 1954 and became the Orioles. (A tidbit from those days: Richard Nixon threw out the ball at the Orioles' opening day in 1954 when D'Alesandro was in the hospital.) The man who brought baseball to Baltimore says he is not afraid that Washington superlawyer Edward Bennett Williams, the team's present owner, may be the man to take them away.

But current Colts owner Robert Irsay, who periodically threatens to move the team, is a horse of a different color, D'Alesandro says. "You know what I would do? I'd give him a one-way ticket to Alabama and tell him to get the hell out. One day he's one way; the next day he's another way. I really don't understand the man."

A product of rugged East Baltimore machine politics, in which absolute loyalty always reaped rewards, D'Alesandro is disillusioned with today's breed of politician. "I don't want to say some of them are liars, but in the olden days your word was your bond. . . . They just sometimes say they're for you, and they're half-hearted for you and they're half for somebody else. . . . They take a chance on two horses in the race, and one of them has to come in first."

The hedging on bets may reflect changed political realities. "Anybody's got a chance today. It ain't like it used to be in the old days when I could go down in my cellar and name a ticket and the whole ticket would win. Today, political clubs are has-beens. The radio and television and newspapers, civic leagues, and community associations have taken their place."

In the "old days" when D'Alesandro began campaigning at age 21, political machines ruled the city. Power was divided among political camps, which retained their ascendacy through simple and direct back-scratching—helping those who had helped bring in the votes (see box, page 58). Loyalty was the most important attribute anyone brought to politics. At 23, when he became the youngest member of the Maryland House of Delegates, D'Alesandro aligned himself with the machine of political boss Willie Curran and then-mayor Howard Jackson.

When he became mayor twenty-one years later, D'Alesandro didn't forget the nuts and bolts of machine politics. "I'd come home with a pocketful of favors: Get me a job, get this, get that done. . . . Sometimes I would walk out of the house, and there was a line of people wanting to go to work. I'd put them in the limousine and drive them uptown and try to get them a job with the city. . . . . They'd be loyal to you, most of them working in the campaign and voting."

Throughout D'Alesandro's twelve years as mayor, it was rumored that James "Jack" Pollack, Northwest Baltimore's machine boss, had a direct line to City Hall for patronage in return for his support. However, D'Alesandro insists the late Pollack "never took a nickel."

(In 1959 J. Harold Grady, a fast-rising former FBI agent who had tied his political campaign to fund-raiser Irvin Kovens, beat D'Alesandro in the Democratic mayoral primary. Below the surface lurked the issue of D'Alesandro's friendship with Pollack.)

By 1967, when D'Alesandro actively campaigned for his son to become mayor, he had found a vastly different world. And when "Young Tommy" was elected, the new mayor inherited a city tense with racial animosity. The riots following the 1968 assassination of Rev. Martin Luther King, Jr., D'Alesandro remembers, put out the political fires in his son.

"My son was a great mayor; then they had the riot. I think it took the heart out of him. I think he went through it all right, but it took the heart out of him. He wanted to get out, and I said, 'Don't do that, and don't say you want to. You'll be a lame-duck mayor. Nobody'll pay any attention to you.' He said 'I don't care, I want to get the hell out.'" His son, now a private lawyer, indeed

did not seek reelection in 1971. D'Alesandro denies any regret over his son's decision, but adds that Young Tommy still could have been mayor today. "He was off to a good start."

D'Alesandro does blame the animosity of some city blacks for Young Tommy's move. "They were threatening his life, his kids' life, they were behind the trees at his house, and all that kind of stuff. And there was no call for it. Tommy was good for the minorities." Racial politics still are a powerful force in the city, he says, adding that the root of the city's economic and social problems today started with the 1968 riots. He refuses, though, to answer any questions on the matter.

For D'Alesandro much about today's realities are unsettling. "The nation is lopsided. I don't know what they are doing. The state's trying, the city's trying, and the federal government has cut them off." And now the nation has a president who acts as if he doesn't even want to be president, he says. "I doubt he [Reagan] even wants it, because I think he's fed up already . . . getting shot. He's trying. I like his smile and his waving. He acts like he's on the way to Mandalay."

Matters are just as topsy-turvy in the city, he says. "I built them [schools], and he's closing them," he says of Schaefer. "They tell me the teachers can't read and write, so I don't know what the pupils are going to do. . . . They want to be doctors without going to school, lawyers without going to law school."

The city buses, he says, are just as bad. "I never ride them. I got on once, but I'll never get on again. You have to fight your way in and your way out." Asked what he thinks of the subway, he says, "Well, about all we can do is think. It's been taking a hell of a time. . . . Where it starts or where it ends or where it's going to stop I don't know."

His assessments of local politicians are just as blunt. Hughes looks "like he's ahead" in his face for a second term, and "he's becoming a leader," D'Alesandro says. Republican gubernational candidate Robert Pascal is in trouble "because he has Ronald Reagan for president. If Reagan were strong, he'd be a strong candidate for governor. But the weaker Reagan gets, the weaker Pascal gets." And state Senator Harry McGuirk, also a candidate for governor, has "no chance at all."

D'Alesandro says he can't understand why City Council President Walter Orlinsky was indicted for allegedly accepting kickbacks on sludge-dumping contracts. "He's only got one vote in the City Council and only one vote on the Board of Estimates. How he can do anything for anybody I don't know." He dismisses City Comptroller and self-styled poet Hyman Pressman as a good "yodeler."

Still, D'Alesandor may have saved his most candid assessment for himself: "I hope you get the story printed in time for me to read it."

For him there is time now to enjoy his friends and family. All his sons are healthy and employed, several in the city courthouse, a once-popular haven for patronage jobs. His daughter, Nancy, is a Californian on the National Democratic Committee. His wife is able to move around with little difficulty now after her hip replacement operation.

His main source of excitement is gambling—handicapping horses and putting his well-known address to another use he likes to play 245, his house number, in the Maryland State Lottery. He interrupts one interview to ask, "What time is it?" It is 7:30 p.m., time for the lottery's daily drawing. He rushes to the TV, only to discover he has lost.

At the end of the interview he invites me to Chiapparelli's to sit below the second-floor dining room where he so richly entertained Jimmy and Rosalynn Carter. "When you are in Little Italy," he says, "you are my guest."

As soon as we enter the dining room, Old Tommy disappears down the side aisle and into the kitchen, walking carefully with his cane. He wants to see who is cooking this night. If it is someone he does not trust, he says, we will go elsewhere.

He returns, satisfied, and tells me the spaghetti with clam sauce looks good. We both order it, and when dinner arrives, I discover his portion is half again as big as mine.

"MR. PREZ, IF THE BOYS COULD ONLY SEE US NOW": D'ALESANDRO WITH ROOSEVELT AND KENNEDY

Tommy D'Alesandro, an honors graduate of the pragmatic school of politics, always said that loyalty should be repaid by those in power. This code applied to him when he was in office, and he expected it of those above him—even two of the most powerful presidents of the twentieth century.

As a U.S. representative, D'Alesandro remembers, he supported Franklin Delano Roosevelt's New Deal policies, but found another Maryland politician at the head of the line when federal appointments were being handed out.

"I got mad one day. I was always supporting Roosevelt, and [Senator Millard] Tydings was getting all the patronage. So I wrote him a letter and said, 'Mr. President, we believe in you and support you and your philosophy, but have received a political smack in the face when the distribution of political patronage comes around. Senator Tydings vilifies you and always votes against you and gets all the patronage.'"

D'Alesandro fired off the letter and got back to work on congressional matters. One bit of extracurricular horseplay involved a joke he and several colleagues were playing on a New York representative, Arthur Klein, who was awaiting word on whether he had been appointed a federal judge. D'Alesandro and friends invented bogus messages from Jim Rowan, then an important White House staffer, to keep the anxious Klein jumping. But the trick almost backfired on D'Alesandro.

"Later on I'm sitting in my [House of Representatives] seat, and a page comes up to me and says, 'Mr. D'Alesandro, the White House is calling.' I thought somebody was pulling a Darby [joke] on me and said, 'You take this message to the president. Tell him if he wants to talk to me to come to Little Italy. I'll talk to him, but not unless he comes down there.'

"So when I got back to my office, the secretary said, 'Did you get the call from the White House?' I said, 'What?' and she said, 'Mr. Rowan called, the president wants to see you.'

"So I called Jim Rowan, and he's laughing. He said the president got a kick out of it. So I got an appointment the next day, and I got into the White House. I remember he had a beautiful suit on. I said, 'That's a nice suit, Mr. President.' So he put his hand in his pocket and got his silver cigarette case out and gave me a cigarette, then he took one. He got a lighter to light mine, and I said, 'No, after you, Chief.' I could see the glitter in his eye. He's smiling, and I'm smiling.

"So what do you think slipped out of my mouth? I said, 'Mr. Prez, if the boys could only see us now.'" They did. Roosevelt had a picture taken of the meeting, and D'Alesandro used it in his next congressional campaign. More to the point, Roosevelt also handed D'Alesandro several patronage jobs that day.

Back-scratching was an art that cemented relationships with many powerful politicans, even with the Democratic Party's progressive new leader for the '60s, John Kennedy. While running for president in 1960, Kennedy contacted D'Alesandro in Ocean City, where he was vacationing.

For D'Alesandro, who was out of office, it was a chance to renew his political activity. His spectacular string of elective victories had been broken by two successive losses, but Kennedy still wanted D'Alesandro's help.

Kennedy, he says, "came down to Ocean City to see if I'd campaign for him. I said OK and let it go. "Two days later he called and said, 'When are you coming up?' I said, 'After the season.' He said, 'Noooooo, I want you to come up now.' So I went up the next day."

D'Alesandro set up a meeting between Kennedy and state Democratic leaders and also accompanied the candidate on several speaking engagements in the Baltimore area. After the election local newspapers reported that D'Alesandro was in line for an appointment with the Kennedy administration. But D'Alesandro says he was waiting impatiently for confirmation from Washington.

"I started getting endorsements, and nothing was happening. So I sent a telegram to the president. I got it upstairs. It's a beautiful, long telegram. I said, 'You mentioned my name, got me out on a limb, and you left me there. What are you going to do about it?' And then I got a call. I was at a banquet at the Belvedere, and I got a call to come."

D'Alesandro says he went to the White House the next day, and during his interview Kennedy suddenly walked into the room, put his arm around him, and said, "Hello, Tomatso." "And I said, 'Hello, Johnny.' I was kidding him and he laughed and that was it." D'Alesandro received an appointment to the powerful renegotiation board, an independent government agency that settles cost overrun disputes on federal contracts. He served from 1961 to 1969.●

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, there is a little bit of wrap-up to do tonight, matters we can dispose of, I believe, by unanimous consent.

Before I do that, however, I should make an announcement, I suppose. I talked to the distinguished minority leader of the House of Representatives a few minutes ago to get from him an estimate as to when we might have the supplemental appropriations conference report from the House. It was his best estimate that we are not likely to have that over here until after 3 p.m. in the afternoon.

Senators should not be under any misapprehension that that means we do not have to stay and deal with it tomorrow afternoon. We have very serious problems if we do not have that

bill on the President's desk before next Monday. Senators should know that we will continue to debate the Radio Marti, but as soon as we receive the conference report on the supplemental appropriations bill we will take it up.

As I said, I do not expect that conference report now before 3 p.m. in the afternoon. That means we will be in until 5 or 6 p.m. tomorrow in order to complete action on that measure.

ORDER FOR THE RECOGNITION OF CERTAIN SENATORS ON TOMORROW

Mr. BAKER. Mr. President, I am advised that there are requests for special orders for tomorrow. I ask unanimous consent that on tomorrow, after the recognition of the two leaders under the standing order, three Senators be recognized on special orders of not to exceed 15 minutes each as follows: Senators RIEGLE, BYRD, and WILSON, in that order.

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

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

Mr. BAKER. Yes.

Mr. BYRD. Mr. President, I ask unanimous consent that my time under the order just entered by the majority leader be given to Mr. RIEGLE.

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

THE CALENDAR

Mr. BAKER. Mr. President, there is one item on the Calendar of Business for today that has been cleared on this side for action at this time by unanimous consent. I inquire of the minority leader if he is prepared to consider at this moment Senate Concurrent Resolution 58, Calendar Order No. 318?

Mr. BYRD. Mr. President, this side had cleared that item for action.

Mr. BAKER. I thank the minority leader.

CORRECTIONS IN ENROLLMENT OF S. 272

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate Senate Concurrent Resolution 58.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 58) correcting the enrollment of S. 272.

The concurrent resolution (S. Con. Res. 58) was considered and agreed to, as follows:

S. CON. RES. 318

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (S. 272) to improve small business access to Federal procurement information, and for other purposes, the Secretary of the Senate is hereby authorized and directed, in the enrollment of said bill, to make the following corrections, namely, strike the matter relating to subparagraph (D) of section 8(e)(1) of the Small Business Act in its entirety and insert in lieu thereof "(D) the procurement is made from another Government department or agency, or a mandatory source of supply;"; in the matter relating to section 8(e)(1)(G) of such Act strike out "from an educational institution"; in the matter relating to section (8)(e)(4) of such Act after the phrase "or section 9 of this Act" insert "or unless a Federal department's need for the property, supplies, or services is of such unusual and compelling urgency that the Government would be seriously injured if the provisions of this paragraph were complied with"; in the matter relating to section 8(e)(4) of such Act after the phrase "for the award of a sole source contract" insert "or a contract that results from an unsolicited proposal"; and in the matter relating to section 8(e)(4)(B) of such Act strike out "sole source"; and in the matter relating to section 8(e)(4) of such Act add at the end thereof the following: "Annually, each department shall report to the Congress on each negotiation above the stated amount if the head of the procuring activity or his deputy did not approve the authority to enter into such contract.".

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

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR STAR PRINT

Mr. BAKER. Mr. President, I ask unanimous consent that the Report of the Committee on the Judiciary to accompany S. 52 (No. 98-190) be star printed to reflect the change which I send to the desk.

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

PROGRAM

Mr. BAKER. Mr. President, that concludes the items in my folder for unanimous consent at this time. Tomorrow, the Senate will convene at 10 a.m. After the recognition of the two leaders under the standing order, special orders totaling 45 minutes will be available for Senators as previously ordered. After the discussion of the special orders, a time for the transaction of routine morning business will be provided for.

At the expiration of the time for the transaction of routine morning business, the Senate will resume the consideration of the unfinished business, which will be the motion to proceed to consideration of the Radio Marti bill.

It is anticipated that, during the day, the Senate will receive from the House of Representatives the conference report on the supplemental appropriations bill. As and when that occurs, it is the intention of the leadership on this side to ask the Senate to turn to the consideration of that conference report.

It is anticipated that the Senate will be in session for a full day tomorrow, I would now estimate about 5 or 6 p.m., perhaps even later.

Mr. President, I have nothing further to place before the Senate. I inquire of the minority leader if there is anything he wishes to address at this time.

THE ATTORNEY GENERAL'S REMARKS CONCERNING THE PRESIDENT'S STATEMENT BEFORE THE ILA

Mr. BYRD. Mr. President, I thank the majority leader. I will take advantage of the opportunity to speak a few words.

On the UPI wire, Washington, I find the following:

Attorney General William French Smith said Thursday if groups are to be condemned by the White House for the criminal activities of their leaders, the administration might "have to terminate all of our relationships with Congress."

Apparently caught off guard at a news conference on the President's new crime commission, both Smith and FBI Director William Webster sidestepped questions about the propriety of President Reagan appearing before the International Longshoremen's Association last week and his frequent political contact with Teamsters Union leaders.

Both Unions are among the handful that supported Reagan's Presidential campaign and both have been identified repeatedly by Federal prosecutors as having links to organized crime.

In his ILA speech, Reagan praised union President Thomas "Teddy" Gleason as a man of integrity, despite Senate and grand jury testimony that his union is controlled by organized crime.

Thirty-four ILA leaders have been convicted of racketeering in recent years as the result of FBI investigations into the links between organized crime and the union.

"You have to make a distinction between the individual who may have engaged in some illegal activity and the organization, Smith told reporters at the White House.

Mr. President, as one of the elected leaders in Congress, I do find it shocking to read what the Attorney General said, and I repeat these words from the wire:

Attorney General William French Smith said Thursday if groups are to be condemned by the White House for the criminal activities of their leaders, the administration might "have to terminate all of our relationships with Congress."

Now, while the report does not quote Mr. Smith as having used the word "leaders," it must have been very clear to a reporter or else the wire should not have used it.

I do not know what leaders he may have in mind, whether it is Senator BAKER or the Speaker or Minority Leader MICHEL of the House or myself or whips or other elected leaders in

either party. But I am shocked by that kind of statement, and I think the Attorney General should put up or shut up. If he is talking about a leader or leaders, he should publicly state which leader he has in mind. In any event, I would call upon him to publicly retract his statement, and he ought to apologize for it. It is shocking that the chief legal officer of the Government should speak so contemptuously of the Congress.

That is all I have to say, Mr. President.

● Mr. NUNN. Mr. President, on behalf of Mr. BIDEN and myself, I wish to state that the Attorney General's recent comments raise some very serious questions which he has apparently left unanswered. The criminal activities of certain Teamsters and ILA leaders are well documented not only in extensive hearings before the Senate Permanent Subcommittee on Investigations, but also in the files of the U.S. Department of Justice.

The Attorney General should disclose what information, if any, he has indicating criminal activities by the leaders of Congress who are generally recognized to be Senators HOWARD BAKER and ROBERT BYRD, and Representatives TIP O'NEILL, JIM WRIGHT, and ROBERT MICHEL. If he has no such information or charges against the leaders of Congress, then he should retract his statement and immediately apologize.●

Mr. BAKER. Mr. President, I have nothing further.

RECESS UNTIL 10 A.M. TOMORROW

Mr. BAKER. Mr. President, I move, in accordance with the order previously entered, that the Senate stand in recess until 10 a.m. tomorrow.

The motion was agreed to; and the Senate, at 6:21 p.m., recessed until Friday, July 29, 1983, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate July 28, 1983:

IN THE ARMY

The Army National Guard of the United States officer named herein for appointment as Reserve Commissioned Officer of the Army, under the provisions of title 10, United States Code, sections 593(a), 3385, and 3392:

To be brigadier general

Col. Arthur V. Episcopo, xxx-xx-xxxx

The U.S. Army Reserve officers named herein for appointment as Reserve Commissioned Officers of the Army, under the provisions of title 10, United States Code, sections 593(a), 3371, and 3384:

To be major general

Brig. Gen. Robert O. Bugg, xxx-xx-xxxx
Brig. Gen. James E. Harrell, xxx-xx-xxxx
Brig. Gen. Walter K. Tagawa, xxx-xx-xx... xxx...

To be brigadier general

Col. James D. Ball, xxx-xx-xxxx
Col. Edwin Cox, xxx-xx-xxxx
Col. Jackson L. Flake, Jr., xxx-xx-xxxx
Col. Daniel W. Fouts, xxx-xx-xxxx
Col. Rudolph E. Hammond, xxx-xx-xxxx
Col. Jefferson S. Henderson, II, xxx-xx-x... xxx...
Col. Alvin W. Jones, xxx-xx-xxxx
Col. John W. Knapp, xxx-xx-xxxx
Col. Michael A. Schulz, Jr., xxx-xx-xxxx
Col. Robert P. Sy, xxx-xx-xxxx
Col. Robert L. Wick, Jr., xxx-xx-xxxx

The Army National Guard of the United States officers named herein for appointment as Reserve Commissioned Officers of the Army, under the provisions of title 10, United States Code, sections 593(a), 3385, and 3392:

To be major general

Brig. Gen. William J. Jefferds, xxx-xx-x... xxx...
Brig. Gen. Lawrence A. Keller, xxx-xx-x... xxx...
Brig. Gen. Edward W. Waldon, xxx-xx-x... xxx...

To be brigadier general

Brig. Gen. Dayle E. Williamson, xxx-xx-x... xxx...
Col. Robert L. Blevins, xxx-xx-xxxx
Col. Robert C. Dechert, xxx-xx-xxxx
Col. James D. Delk, xxx-xx-xxxx
Col. Larry H. Della Bitta, xxx-xx-xxxx
Col. Averill E. Hawkins, xxx-xx-xxxx
Col. Robert L. Helmer, xxx-xx-xxxx
Col. John V. Hoyt, xxx-xx-xxxx
Col. Dan E. Karr, xxx-xx-xxxx
Col. Joseph G. Martin, Jr., xxx-xx-xxxx
Col. Patrick J. McCarthy, xxx-xx-xxxx
Col. James M. Miller, xxx-xx-xxxx
Col. Curtis W. Milligan, xxx-xx-xxxx
Col. Robert B. Pettycrew, xxx-xx-xxxx
Col. James A. Ryan, xxx-xx-xxxx
Col. Harry R. Taylor, xxx-xx-xxxx
Col. Teddy E. Williams, xxx-xx-xxxx
Col. Bobby G. Wood, xxx-xx-xxxx

IN THE ARMY

The following-named officers for permanent promotion in the U.S. Army, and appointment into the Regular Army as appropriate, in accordance with the appropriate provisions of title 10, United States Code:

To be colonel

Abney, Robert O., xxx-xx-xxxx
Acklin, James M., III, xxx-xx-xxxx
Adams, Bobby R., xxx-xx-xxxx
Adams, Charles L., xxx-xx-xxxx
Adams, James L., xxx-xx-xxxx
Adams, Ronald E., xxx-xx-xxxx
Adderley, David L., xxx-xx-xxxx
Aikman, Larry P., xxx-xx-xxxx
Ailinger, Lawrence G., xxx-xx-xxxx
Akam, George R., xxx-xx-xxxx
Alexander, Leester, xxx-xx-xxxx
Alix, Richard R., xxx-xx-xxxx
Allen, Harold F., xxx-xx-xxxx
Anderson, Raymond L., xxx-xx-xxxx
Andre, David J., xxx-xx-xxxx
Andrews, Roger L., xxx-xx-xxxx
Arflack, Kenneth B., xxx-xx-xxxx
Arnold, Edward D., xxx-xx-xxxx
Arrington, Robert D., xxx-xx-xxxx
Asbury, David L., xxx-xx-xxxx
Bahm, John F., Jr., xxx-xx-xxxx
Bailey, Robert N., xxx-xx-xxxx
Baker, Ronald L., Jr., xxx-xx-xxxx
Barkman, Ralph A., Jr., xxx-xx-xxxx
Barnes, Darvin E., xxx-xx-xxxx
Barrett, Thomas P., xxx-xx-xxxx
Barron, Nicholas xxx-xx-xxxx
Barron, William M., Jr., xxx-xx-xxxx
Bates, Jared L., xxx-xx-xxxx
Bates, Thomas J., xxx-xx-xxxx
Battey, Bruce T., xxx-xx-xxxx
Baumgarten, John R., xxx-xx-xxxx
Beach, Dwight W., xxx-xx-xxxx
Beale, Richard E., Jr., xxx-xx-xxxx
Becker, Robert A., xxx-xx-xxxx
Beerthuis, Mark A., xxx-xx-xxxx
Belcher, Bill G., xxx-xx-xxxx
Bendele, James C., xxx-xx-xxxx
Bender, Charles D., xxx-xx-xxxx
Berry, Roy C., xxx-xx-xxxx
Biddinger, Dennis C., xxx-xx-xxxx
Bila, Ronal V., xxx-xx-xxxx
Bitler, William D., xxx-xx-xxxx
Blackwell, Paul E., xxx-xx-xxxx
Blackwood, Jerry D., xxx-xx-xxxx
Blase, James W., xxx-xx-xxxx
Blundell, James D., xxx-xx-xxxx
Boberek, Frank M., xxx-xx-xxxx
Bohannon, William H., xxx-xx-xxxx
Bombel, George A., xxx-xx-xxxx
Boone, Howard E., xxx-xx-xxxx
Boose, Donald W., Jr., xxx-xx-xxxx
Born, Howard P., xxx-xx-xxxx
Bouley, Eugene E., Jr., xxx-xx-xxxx
Bowker, Lewis W., Jr., xxx-xx-xxxx
Boyd, Wayne C., xxx-xx-xxxx
Boyer, Ernest F., xxx-xx-xxxx
Brady, Edward J., xxx-xx-xxxx
Brinkley, Ulyus O., xxx-xx-xxxx
Broderick, Edward S., xxx-xx-xxxx
Brokovich, Michael J., xxx-xx-xxxx
Brooks, Billy T., xxx-xx-xxxx
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