SENATE—*Wednesday, February 16, 1983*

(Legislative day of Monday, February 14, 1983)

The Senate met at 10 a.m., on the expiration of the recess, in executive session, 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:

Blessed be the nation whose God is the Lord, the people He chose for his inheritance.—Psalm 33: 12.

Eternal God, we so easily embrace the form without the substance, we cling to the symbol and sacrifice the reality. Forgive us, Lord, for hollow worship, for failing to take Thee seriously, for pious words without meaning or content, for professing one thing and practicing its contradiction. Forgive prayer which is merely a formality or religious token or empty phrases, as though there were no God to whom we pray or from whom to expect a response.

Patient Lord, Thou didst warn Thy people Israel through the prophet and lawgiver Moses, that they would perish if they forgot the Lord their God. Thomas Jefferson declared, "God who gave us life give us liberty. Can the liberties of a nation be secure when we have removed a conviction that these liberties are the gift of God?" Righteous Sovereign, help us to hear the warning of these two great leaders, and hearing, repent of empty, cheap, meaningless piety. In the name of the God of Israel and His Son, our Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. PRESSLER). The majority leader is recognized.

Mr. BAKER. Mr. President, I thank the Chair.

ORDER FOR PRIVILEGE OF THE FLOOR DURING CLOSED SESSION

Mr. BAKER. Mr. President, I am advised, for reasons that appear adequate, that two names need to be added to the list of those who are qualified to be in the closed executive session. Therefore, Mr. President, I ask unanimous consent that Joel Lisker, the chief counsel and staff director of the Judiciary Committee on Security and Terrorism, and Victoria Toenfing, chief counsel of the Select Committee on Intelligence, be granted floor privileges during the closed session of the Senate today.

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

SENATE SCHEDULE TODAY

Mr. BAKER. Mr. President, as Members know, 10:30 a.m. today, under the order previously entered, the Senate will go into closed session for the purpose of hearing debate dealing with classified material. The time for that closed session is limited to 1 hour.

At 11:30 a.m., the Senate will resume open executive session and continue the debate on the nominations of Richard R. Burt and Richard T. McCormack. At 2 p.m. today, a rollcall vote already ordered will occur on or in respect to the Burt nomination. Thereafter, Mr. President, it is anticipated that a vote will occur, perhaps not a rollcall vote, on the McCormack nomination.

For the remainder of the day, Mr. President, it is the hope of the leadership that we can continue through the Executive Calendar. There are other nominations that appear to be noncontroversial.

It is also hoped, Mr. President, that sometime thereafter—this week—we can reach the Montreal protocols which also are on the Executive Calendar under treaties.

The Senate will be in session tomorrow, Mr. President. The outlook for Friday is uncertain at this point. I will have a further announcement to make in that respect later in the day.

D'AMATO: AT HOME IN THE SENATE

Mr. BAKER. Mr. President, I wish to call to my colleague's attention an article which appeared in this past Sunday's New York Times. Entitled "D'Amato: At Home in the Senate," it is an informative profile of my good friend, the junior Senator from New York, AL D'AMATO.

The article was written by Tom Goldstein, a writer who specializes in legal and political affairs. Mr. Goldstein has told the D'AMATO story in a candid and engaging manner, and has brought to light some of the extraordinary efforts that Senator D'AMATO has participated in since his election to the Senate in 1980.

I ask unanimous consent that the text of this article be printed in the RECORD.

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

D'AMATO: AT HOME IN THE SENATE

(By Tom Goldstein)

Day after day, night after night, the debate over legislation to raise the gasoline tax dragged on. Conservatives filibustered against the measure, which was intended to create a public works program. The Administration also disliked the plan, but gradually gave ground as Christmas approached. While larger political and economic issues were being played out around him, Alfonse M. D'Amato, New York's junior Senator, was keeping watch over a more parochial issue—the preservation of operating subsidies for public transportation, a matter of paramount importance to his constituents. This was *his* issue, the issue he had picked after his election two years before as a means to make his mark in the Senate. Now the Administration was trying to eliminate the subsidies, which helped pay the day-to-day costs of mass transit in New York City and keep the fares down.

D'Amato seldom left the Capitol. Late one night, he pulled off his trousers to preserve the crease, put on sweat pants and managed to get 25 minutes sleep on a couch in his office before he was awakened for a vote on the Senate floor. During another all-night session, aides wheeled in an upright piano they had discovered in the hallway, and for nearly an hour the Senator broke the tension by playing three songs—"Heart and Soul," "It's a Sin to Tell a Lie" and "Blue Moon"—over and over again.

D'Amato was signing papers in his office one afternoon when the debate on the floor, which he was monitoring on a squawk box, unexpectedly turned to mass transit. It sounded like trouble, and D'Amato grabbed an aide and a jacket and dashed down the long hallway to an elevator, a balding 45-year-old echo of the high-school hurdler he had once been. Minutes later, breathing hard, he rose on the floor to defend mass transit funds. "I am arguing equity here," he said. "For years, my state has been hurt by inequitable formulas. I cannot stand idly by and watch this occur again."

The speech was a turning point. An amendment to greatly reduce funding for mass transit was narrowly defeated. Largely because of his persistence, his horse trading with colleagues, his refusal to compromise at a time when others were caught up in the larger drama, D'Amato emerged victorious.

"He fought like a tiger," says Richard Ravitch, chairman of New York's Metropolitan Transportation Authority. "He was indispensable." The gratitude is understandable. Under the measure D'Amato attached to the gasoline tax bill, the M.T.A. will receive an extra $1 billion in Federal aid over the next four years.

D'Amato did not hesitate to claim credit. "It demonstrates to some people," he said, "that instead of being an ultraconservative philosophical demagogue, I can be conscien-

tious to detail, I can build coalitions that can pass important legislation."

When he bid for the Senate, D'Amato was presiding supervisor of Hempstead, a Long Island "town" that is actually a collection of small communities. He ran a shrill, rancorous campaign that left many voters with the image of a brash, unpolished, knee-jerk conservative. He seemed to his critics to lack the understanding of world and national issues displayed by his predecessors, Robert F. Wagner, John Foster Dulles, Herbert H. Lehman and, for 24 years, Jacob K. Javits. During the campaign, there were published reports questioning his integrity. His victory was widely attributed to the split of the moderate and liberal vote between his two opponents and to Ronald Reagan's unexpectedly strong race in New York.

Today, after two years in the job, many of the concerns about him seem wide of the mark. Al D'Amato has not turned into a picture-book Senator. His grammar remains imperfect, his voice high and scratchy. He's never lost the habit of greeting strangers, "Hi, babes." But he has by most accounts done a credible job. In part, that reflects a change in the man, in his adaptation to a new world. In part, it reflects a public misunderstanding of who he is and of the Senate.

There was a time when the upper house of Congress had some of the elements of an aristocratic club. No more. The aura of collegiality has faded. When Senate staffs were small, senators dealt directly with each other, but that changed when the staffs grew large. Today, turnover among senators is high, and the newcomers arrive with less experience in government than was once the case.

Political uncertainty is a particular problem for the 18 Republican senators who were swept into office in the Reagan landslide. Like many of them, D'Amato has been putting some distance between himself and a President whose ratings in the polls have been sliding.

D'Amato's term is up in 1986—a year when there is no Presidential election—and he will have no one's coattails to hang on to. At least a dozen Democrats have already expressed interest in challenging him. His strategy is to be a tenacious booster for New York State—getting Federal help for subways and senior citizens housing and small businessmen—and by letting people know just how he's doing.

The 1980 Republican Senate primary was a most strident campaign. In one debate, Javits told his opponent: "You're a young man in such a big hurry to get yourself elected that I don't know what you'd stop at." D'Amato questioned whether Javits, one of the last survivors of the progressive Republican tradition in New York, would live through another six-year term. After his victory, D'Amato went on to win the general election, defeating Javits, who ran on the Liberal Party line, and Representative Elizabeth Holtzman, the Brooklyn Democrat, in another bitter, personal campaign. D'Amato relentlessly attacked her votes in Congress against defense appropriations and in behalf of "ineffective" social welfare programs. On the evening of his victory, D'Amato was overheard telling supporters that Representative Holtzman had used "gutter tactics." He referred to his "enemies," saying: "We know who they are and we're going to get them."

The tone of the comments fed fears about D'Amato's ethics and judgment. There already had been rumors and newspaper stories questioning his honesty. Finally, there were three investigations. The Nassau County District Attorney's office explored D'Amato's role in the awarding of a cable television contract when he was presiding supervisor. The Federal Bureau of Investigation looked into the terms D'Amato had received on campaign loans from a bank in which he had deposited taxpayers's funds. The Organized Crime Strike Force in the Eastern District of New York explored charges that he had been involved in payoffs for construction contracts at the Town of Hempstead's garbage recycling plant.

In all three investigations, the Senator has been exonerated. "Not a single charge stands up to any scrutiny," says D'Amato's lawyer, Michael F. Armstrong, former counsel to the Knapp Commission, which investigated corruption in New York City a decade ago. But damage had been done, and D'Amato has been trying to build up his reputation ever since.

The most important appointments a Senator influences are Federal judgeships, which are for life. Following Senator Daniel P. Moynihan's example, he appointed a judicial screening committee that recommends candidates. He has nominated more than a dozen judges and prosecutors, and their place in the political spectrum has ranged from conservative to moderate. "The best" is how the Senator describes his picks, but the general feeling in the legal community is that, while the candidates, as a group, approach the intellectual and legal quality of those chosen by Javits, they are not as distinguished as those nominated by Moynihan.

"Al wants to show he is a class act," says Michael Armstrong, who is a member of the screening committee. "To appoint good judges and prosecutors is to show he is not a political hack."

As expected, the Senator has become a champion of some conservative positions. D'Amato opposed Medicaid payments for abortions for victims of rape and incest. He has favored restrictions on the ability of Federal courts to order busing. He supports a bill that would bar challenges to voluntary school-prayer programs. D'Amato has also generally favored reduced Government spending, a balanced budget and deregulation.

But, as his colleagues in the Senate have discovered, D'Amato is more pragmatic than ideological. "To build a record," D'Amato says, "is to do little things day by day."

D'Amato's voting record in the third of his term has reflected a greater concern with satisfying his New York constituents than with distinctions of right and left. "People expected someone fighting on issues like busing instead of mass transportation," he says. Then he adds: "There are more important things than busing."

Senator Alan J. Dixon, an Illinois Democrat who has served on two committees with D'Amato, has noticed the change. "From the campaign," Dixon says, "I got the impression he was an extreme right winger. I have found him more moderate."

After the 1980 election, The Rochester Times-Union editorialized: "New York has two U.S. Senators with brains, beliefs, class and clout. They are Sen. Jacob Javits and Sen. Daniel P. Moynihan. Next year it will have one." Fourteen months later, the paper suggested that while D'Amato needed "a sense of history" about foreign affairs, he seemed "genial, hardworking and eager to learn."

There was New York milk along with New York eggs, New York potatoes and New York beets and sauerkraut. There were ducks from Long Island and wine from upstate. Al D'Amato was that host as dozens of senators and representatives stopped by the Senate Caucus Room reception to celebrate New York Farm Harvest Day.

Senator Strom Thurmond of South Carolina arrived early and sampled egg cookies, apples and a blend of New York milk and Kahlua, the sweet coffee liqueur. "Hey," said D'Amato. "They got a special cow in New York who does Kahlua in his milk." Thurmond seemed impressed. "I did not realize New York was a farming state," he said. "I never would have known this had not Senator D'Amato sponsored this." The freshman and the 28-year veteran of the Senate bantered and embraced, and a photograph was snapped. "Anything he wants, I try to give him," said Thurmond. "That's right," responded D'Amato, "he gives me my judges." Thurmond is chairman of the Senate Judiciary Committee, which must approve nominations for Federal judgships.

As the lawmakers drifted back to work, they were given a bushel of New York agricultural products. Favored legislators, like Strom Thurmond, also received a jug of cider or a wheel of cheese.

Al D'Amato knows how to cut a political deal, a skill he picked up during nearly two decades as a local official, and he sees it as essential to the performance of his new job. "Not enough of us," he told a recent Senate committee meeting, "have been small-town mayors and supervisors."

The controversial Tennessee-Tombigbee Waterway does not seem to be a matter of much consequence to a New York Senator. D'Amato voted to continue funding the project, he says, in return for Southern support for a bill he was pushing that would provide funds to clean up a radioactive waste dump at West Valley, near Buffalo.

In addition to his deal-making abilities, D'Amato has brought great energy and doggedness to his new job. Paula Hawkins, Republican of Florida, another first-term Senator who sits behind D'Amato in the Senate chamber, says: "He's terrific. He's a sleeper. You should see him on the floor. He won't take no. He'll take them all on. He really cares. He's really sensitive. Maybe it's because he's Italian."

One of D'Amato's proudest achievements was his winning battle to preserve, nearly intact, industrial revenue bonds. The bonds, which are used by many New York communities, make tax-exempt financing available to small businesses as a way of creating new local jobs. Last summer, he introduced two amendments on the floor, one at 3 o'clock in the morning, and shepherded them until they were passed. "D'Amato really was one of the one or two key participants," says a former staff member of the Small Business Committee, on which D'Amato serves. "He was tremendously effective, and this is very important to New York."

In his Washington office, where photographs of his wife and their four children share space with a bust of Lincoln and some partially filled bookshelves, the theme of helping New York is constantly heard. One afternoon, his high-pitched voice rose even higher and his hand sliced down as though he was practicing a karate chop on the arm of his chair as he ticked off recent accomplishments for New York:

"We saved $37 million for senior citizen housing." Then he added: "If I don't do it, who will?"

"There's a new instrument landing system for Chemung Airport." And again, the refrain: "If I don't do it, who will?"

"There'll be a bicycle trail-way in Rochester." Pause. "If I don't do it, who will?"

Was that refrain an oblique reference to Senator Moynihan? "Unfair question," D'Amato replied. "I won't answer that."

Publicly, the two men speak about each other in platitudes. "Oh, Patrick is an absolutely marvelous engaging person," says D'Amato. And Moynihan says: "He is a fine colleague. We work well together." They have a polite but uneasy relationship. Their staffs cooperate when necessary.

Al D'Amato was born in Newark, in 1937, and, when he was 7 years old, the family moved to Island Park, a close-knit, largely Italian community in Nassau County near Kennedy International Airport. D'Amato still lives there today, around the corner from the parents. ("It is the second poorest in Long Island," he says. "People find that incredulous.")

Since his election, the Senator has traveled widely—to Lebanon, Tokyo, Taiwan and Panama, as well as to the three "I's" that are obligatory stops for a New York politician, Ireland, Israel and Italy. But D'Amato always returns to his roots in Long Island, to the split-level, shrimp-pink Cape Cod with the wrought-iron eagle on the front door. The four-bedroom house on a small lot shows family wear and tear; the Senator apologized to a recent visitor because a part of the door to one of the bathrooms had been scratched away by a family dog, now dead.

D'Amato earns $60,662 as a Senator, and last year he received an additional $50,000 for speaking engagements—an amount that puts him in the top ranks of his senatorial colleagues. Adding in his wife's salary as a teacher, income from her inheritance and some income from investments, he estimates the total at $140,000—but he says he still had to borrow money last year to pay his taxes. When the Senate is in session, he stays in a condominium he recently purchased in Virginia.

During one of the Senator's visits to Island Park, he carried out the garbage and chatted with the sanitation men, then dropped into his favorite chair in the living room. He was somewhat groggy, feeling the aftereffects of a whirlwind trip abroad.

Over the course of the morning, several old friends from the neighborhood visited. From across the room, Michael Masone, superintendent of public works for 20 years, volunteered that the Senate had not changed D'Amato. "He's still the same Tippy to us," said Masone.

D'Amato blushed at the sound of the nickname, and at first refused to tell how he came by it. Finally he relented. "Alfonse!" he squealed. "Growing up with that, I needed a nickname." His relatives found one, calling him Tippy after the family's active and excitable pet dog.

The Senator is the oldest of three children. His brother Armand, 37 years of age, a State Assemblyman, lives a few miles away. His sister, Joanne Ribiero, 35, is married to a concert violinist and lives in Florida.

D'Amato attended Syracuse University, first as an undergraduate, then as a law student, working part time as a janitor. At Syracuse, he met and married Penelope Collenburg and moved back to Island Park after graduation. Through a friend of his father, he got the clerk's job in the town attorney's office, and he has not been off a government payroll since.

In 1977, D'Amato became Presiding Supervisor of Hempstead, a political entity of 840,000 people. He held the most heavily weighted vote on the county's Board of Supervisors, but he did not have administrative responsibility over the police and fire departments or health services. Two years later, he recalls, he decided to make a bid for the Senate: "I was fairly certain Javits would be vulnerable to a primary. The Republicans felt estranged from him."

After his victory, D'Amato found himself an outsider in an insider's city. On his first trip to the capital after the election, he brought along just one adviser—Thomas A. Bolan, a founder of the state's Conservative Party and an early and influential Reagan supporter, but a man D'Amato hardly knew.

The two have since become close. Bolan, a law partner of Roy M. Cohn, serves as a middleman between the Senator and Reagan aides. Some of these aides now feel that D'Amato rode the President's coattails to victory in 1980 and has not shown the proper gratitude.

As chief of his staff of 50 people, D'Amato chose John R. Zagame, a friend of Armand D'Amato and a former State Assemblyman from Oswego. Zagame ran for Congress in 1980 and was defeated in the Republican primary. His only previous experience in Washington was as a Congressional page.

On many levels, the Senator has worked hard to adapt to his new job. His clothing, for example. "He's more spruced up," says his brother Armand. "He's not as Long Island-y." The suits come from a factory outlet, but they tend to be darker, more conservative.

As a freshman Senator, his most important adaptation, D'Amato says, has been what he calls "a more balanced viewpoint." He explains: "I am much more willing to listen. I don't cling tenaciously to the thought that I know everything." The Republican leaders in the Senate feel he has done what they require of a freshman Senator, that he has voted with the party on most key issues.

In the beginning, he made some embarrassing mistakes. The worst, he says, was his proposal that Federal housing funds be denied to those cities that refused to phase out rent control. The plan died, and D'Amato reaped nothing but ill will among the thousands of his constituents who live in rent-controlled housing. "I opened my big mouth before I understood the facts," he says.

When he headed the Appropriations subcommittee that supervises the District of Columbia, D'Amato endorsed a candidate to become police chief in the District. This breach of etiquette—it was not within the subcommittee's purview—particularly irritated the local political establishment because his man, who happened to be of Italian extraction, was the only white candidate in the field. (The Senator eventually won praise for his work on the subcommittee from The Washington Post and from local leaders, including Mayor Marion S. Barry Jr.)

D'Amato learned another lesson in the ways of Washington when he prematurely disclosed to the press that President Reagan had agreed to name John L. Behan, a Vietnam War amputee who lived on Long Island, to head the Veterans Administration. There had been a struggle over the appointment, and the early disclosure so embarrassed the White House that Behan was never given the post.

The education of Al D'Amato, who had spent his life as a local politician in a narrow corner of Long Island, resembles a cram course. He suddenly found himself involved in large, complex issues, without a full briefing from his predecessor, a standard procedure in the Senate. According to Javits, after the election he offered D'Amato the assistance of his staff and access to background papers to provide the newcomer with an "education in national issues." But the offer was never accepted.

On the Appropriations Committee, D'Amato votes on the allocation of funds for programs approved by all other Senate committees. On the Banking, Housing and Urban Affairs Committee, he faces a host of complicated questions.

"What did I know from Glass-Steagall or Steuben Glass?" asks D'Amato. The Banking Committee has been reviewing the Glass-Steagall Act, which governs how commercial banks may go about their business.

Now, says D'Amato, "There are few people who know more about it than I do." A lobbyist from a major bank, however, says of the Senator: "He is not to be confused with gang busters, but he is not all that bad. He has shown a willingness to learn." The leaders of Wall Street have been trying to prevent commercial banks from gaining the right to underwrite securities and, as head of the securities subcommittee, D'Amato has been under pressure from both bankers and brokers. Both groups are heavy campaign contributors. D'Amato expects there will be some legislation this year. "I'll try to be fair," he says. "What's going to happen? Both sides will be annoyed."

In the beginning, D'Amato was an unquestioning supporter of the Reagan Administration, at least on economic matters. In an admiring Op-Ed article in the New York Times in March 1981, during the battle over the President's first budget, the new Senator pleaded, "Let us not pick the Reagan package to pieces," and counseled that unless "even some meritorious programs" were cut from the budget, "no significant change in our present economic morass will be possible." His first break with the President came over the Administration proposal to sell Saudi Arabia an $8.5 billion package of military equipment, including AWAC radar aircraft. D'Amato, who received only 4 percent of the Jewish vote in 1980, placed himself firmly in Israel's corner from the start.

By early 1982, he was labeling President Reagan's proposed 1983 budget "an absolute disaster," and later in the year, he joined 20 other Republicans in voting to override a Presidential veto of a $14.1 billion supplemental spending bill—despite an 11th-hour telephone call from the White House.

The President told him, D'Amato says, that a defeat on the budget would send the wrong signal to the financial markets about Congress's determination to control Federal spending. According to D'Amato, he told the President that Republicans were starting to lose the support of middle-class people. He says he warned, "Mr. President, we're going to divide this country."

Since then, the Senator has taken pains to separate himself from the President on a variety of issues. "Don't lock me in with President Reagan," D'Amato told one audience. The Reagan military budget particularly raises his hackles. "You do yourselves a terrible disservice" he says, "if you say the military is sacrosanct. Any jackass who says you can't make cuts in a $250 billion military budget is a jackass. That's where this Senator is coming from."

The President and the Senator see each other only on formal occasions, and D'Amato's contacts with the White House staff are limited. Given the new budget presented last month by President Reagan, their relationship is not apt to improve quickly. The President wants to trim $1 billion in funds for mass transit. D'Amato said they were "more drastic" than the cuts sought by the Administration in 1982, and that he looked upon them with "disdain."

In general, D'Amato sees himself as a "mainstream Republican." The President, he says, is "a little more to the right," and Javits is "well to the other side." That leaves the Senator a long distance from the ultraconservative many New Yorkers thought they were voting for, or against, in 1980.

Today, Al D'Amato is still finding his way around Washington. Rushing from meeting to meeting, cheerfully greeting policemen and perfect strangers, he occasionally makes a wrong turn and must ask for directions. But as he sits in his office, there is a certain sense of comfort and confidence. D'Amato is a man of many moods, and they shift like mercury as his staff moves easily in and out of his office, many of them without knocking. One moment he snaps at a secretary for not removing empty coffee cups fast enough, the next moment he may be hugging her.

One day D'Amato complained to Ed Martin, his 28-year-old press secretary, that he disliked the italic typeface used on some press releases. "I hate this typewriter," said the Senator, with no trace of humor in his voice. "I have such a hard time reading this," he added. "No wonder they don't use the releases." (The typeface remains unchanged.)

On another afternoon, the Senator's mood was buoyant as he leaned back at his desk and spoke on the telephone with Michael Armstrong. The previous day, a growth, which was found to be nonmalignant, had been excised from D'Amato's chest. The dressing protruded a few inches, and earlier this day it had been removed.

The Senator made a sexual wisecrack, as he had several times earlier in the day, about the missing bump on his chest. He laughed at his remark, then looked around the room to make sure the aides and friends gathered there were laughing, too.

The phone conversation ended, and then Tanya Metaksa, the chief legislative aide, walked into the room. A quiet, efficient woman, she had worked for the National Rifle Association before joining D'Amato's staff. "Good news," she said. Prospects looked promising for a D'Amato amendment that would allow Federal funds to flow without interruption to seven new housing projects in New York State.

Some technical work needed to be done on the amendment, and the gathering in D'Amato's office broke up. Soon the Senator would be on the telephone to three radio stations in Poughkeepsie to announce that rehabilitation could begin on 58 units of Federal housing in that city.

D'Amato spends part of most days on the phone, gossiping with local and state political leaders back home. Many of the conversations center around Joseph M. Margiotta, the Nassau Republican leader who had given D'Amato's career several key boosts. While appealing a conviction on charges of mail fraud and extortion, Margiotta still holds his powerful party post. D'Amato is intensely interested, but he wants to stay out of the cross fire over whether his former mentor should resign. He prefers the role of mediator. For example, when Anthony Prudenti, Suffolk County party leader, and George L. Clark Jr., state party leader, were feuding, D'Amato invited them to dinner and patched it up.

The Senator insists he wants no formal role in state party politics, and says he is content to let others vie for statewide leadership. Potential leaders include Buffalo Congressman Jack F. Kemp; Lewis E. Lehrman, who lost a bid to be Governor last fall; Warren M. Anderson, majority leader of the State Senate, and State Comptroller Edward V. Regan. "I want to be Senator," says D'Amato. "I don't want to be state party chairman."

He does, however, want to keep his home-state image polished. When Congress is not in session, D'Amato is traveling around the state. During last fall's recess, when a third of the Senate was running for re-election, his schedule was so full it seemed that he, too, was running. In one 26-hour period in Buffalo, he met with Mayor James Griffin and more than two dozen civic and business leaders . . . held a press conference about the meeting . . . took an unscheduled tour of a new housing project for the elderly . . . kissed women customers during a tour of the Broadway Market, where Polish is the first language . . . spoke at a lunch in his honor at Andy's Lounge on Buffalo's West Side, a predominantly Italian neighborhood . . . visited the site of another housing project for the elderly . . . met with executives of The Buffalo News . . . taped a 30-minute televsion interview . . . met with local political leaders . . . responded to questions for 90 minutes at a town hall meeting in Amherst, an affluent suburb of Buffalo . . . returned to Andy's Lounge for a fundraiser for the local sheriff . . . slept for five hours . . . spoke at a breakfast of local Republicans . . . appeared on a live local television talk show . . . taped a radio show.

At stop after stop, his message was the same: "I'm a small-town boy. I understand the needs of neighborhoods and communities. Unfortunately, people become insulated and isolated in Washington." One local official after another praised the Senator for the Federal money he had steered to this decaying industrial city on the shore of Lake Erie.

At lunch, the Senator sat next to Representative John LaFalce, a respected young Democrat. "D'Amato does well here," LaFalce said "He pays attention to Buffalo. This is the time it counts when it is not an election year. Jack Javits wouldn't do this kind of stuff. He was a national legislator. There are lots of things I did when Carter was in office I can't do now with the Reagan Administration. When I need help for my district, I call Al."

Mr. BAKER. Mr. President, I yield the floor to the minority leader.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. Mr. President, I have no need for my time.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I may say that standing here and hearing the ring of natural voices without the benefit of microphones brings a feeling of nostalgia because when I first came to the Senate there were no microphones. I am not sure we have improved ourselves with that, but it is new and different. Since my voice is not being carried to offices around the Capitol, I am tempted to make unanimous-consent requests one right after the other, but I will refrain from that temptation.

Mr. President, the distinguished Senator from Pennsylvania (Mr. SPECTER) has a special order in his favor. I have no further need for my time under the standing order.

Mr. BYRD. I have none.

Mr. BAKER. Then, Mr. President, I am about to suggest the absence of a quorum. I ask unanimous consent, if the minority leader is agreeable, that the time consumed in the call of the roll for that purpose be charged against our leader time.

I make that request, Mr. President.

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

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

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

Mr. SPECTER. Mr. President, point of order. Are we in open session at the present time?

Mr. BAKER. We are.

RECOGNITION OF SENATOR SPECTER

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

S. 485—LAWYER'S DUTY OF DISCLOSURE ACT OF 1983

Mr. SPECTER. Mr. President, I am today introducing the Lawyer's Duty of Disclosure Act of 1983. It addresses the complex issues raised by last week's action of the house of delegates of the American Bar Association prohibiting lawyers from disclosing their clients' illegal plans.

The delegates' action would allow, though not require, disclosure to prevent a threat to one's life, but not to one's life savings. It thus creates a safe haven for white collar crime by requiring that an attorney keep silent. In my judgment such silence implicates the lawyer in his client's criminal scheme and should not be permitted.

There are important Federal interests involved in interstate commercial transactions, and specifically, for activities governed by the Federal Secu-

rities Act and prohibited by our mail fraud statute, which grants Federal jurisdiction over schemes to defraud through use of the mails. The public interest requires that the Congress not cede all authority on these questions to an association of attorneys, even one as prestigious as the Amercian Bar Association.

Hearings and extensive consideration will be necessary before there can be a resolution of the complicated issues raised in this proposed legislation. This bill can, however, provide the occasion and the Senate Committee on the Judiciary the forum for hearings and consideration of this important matter.

From my experience as district attorney of Philadelphia and assistant attorney general of Pennsylvania, I have prosecuted numerous cases involving criminal accusations against lawyers in situations touching on issues raised in the house of delegates action, such as charges of fraudulent misrepresentation, conspiracy, and obstruction of justice. An extensive investigation by the Philadelphia Bar Association into lawyers' practices in 1970–71 led to criminal prosecutions and the attorney general's investigation of Philadelphia's magisterial system in 1964–65 resulted in criminal charges against lawyers.

This bill would make it plain that a lawyer has an obligation upon discovering that a client whom he has assisted is intent upon criminal activity or has misappropriated his legal advice to aid in the perpetration of a crime or fraud to so inform Federal law enforcement authorities. Where the lawyer fails to make the requisite disclosures, he would be subject to Federal criminal liability.

The central issue is the lawyer's responsibility for his acts that are used in furtherance of criminal conduct by his client. There is no doubt that under existing law a lawyer may not knowingly give advice to a client on ways to violate the law—ABA, Code of Professional Responsibility DR 7-102(A)(7); ABA Commission on Evaluation of Professional Standards Rule 1.2(d).

The difficult issue arises when a lawyer has counseled a client in a matter which the lawyer later discovers to be part of his client's theretofore unknown criminal or fraudulent acts. I believe that the lawyer should have an obligation to come forward under such circumstances if necessary to prevent the crime or fraud from being perpetrated.

This bill does not affect the existing law regarding confidential communications between a client and his attorney concerning past conduct. Such a rule is consistent with our dedication to providing the criminal defendant with legal representation and insuring his rights to a fair trial.

The policy considerations implicated by this proposed bill are distinct from the confidential relationship necessary to a criminal defense. They are noted, in part, in the commentary of the ABA Commission on Evaluation of Professional Standards (Kutak Commission) accompanying the rule rejected by the ABA House of Delegates:

> The confidentiality rule is subject to limited exceptions. In becoming privy to information about a client, a lawyer may foresee that the client intends serious and perhaps irreparable harm to another person. To the extent a lawyer is prohibited from making disclosure, the interests of the potential victim are sacrificed in favor of preserving the client's confidences even though the client's purpose is wrongful. To the extent a lawyer is required or permitted to disclose a client's purposes, the client may be inhibited from revealing facts which would enable the lawyer to counsel against a wrongful course of action. A rule governing disclosure of threatened harm thus involves balancing the interests of one group of potential victims against those of another.

In my view, persons intent upon criminal or fraudulent activities cannot be allowed to use the fruits of the lawyer's work to commit future offenses. This bill would, accordingly, place upon the attorney an obligation to protect the public from fraudulent schemes of his client in which his legal advice is being misused. Criminal activity should not be hidden behind a shield of secrecy, fraudulent conduct cannot be condoned by lawyers who recognize their proper role in this society.

Such a legal duty is necessary because of the special role of lawyers in our society. Attorneys are officers of the court and lawyers are, more generally, vital participants in our legal system. If the American people are going to continue to have confidence in our judicial system, officers in that system must both act and appear to act beyond reproach; thus, lawyers bear a special responsibility to insure the integrity of our legal system. For an attorney to discover that a crime is about to be perpetrated and to remain silent is unacceptable. For a lawyer to discover that his professional efforts are being diverted to unlawful purposes and to stand mute would be for him to acquiesce in corruption.

In today's world a lawyer's assistance is a necessary component of many types of transactions. Lawyers derive their status from being necessary participants whose role is to insure compliance with legal requirements. They should not stand idly by while their skills and labor are used corruptly. To do so is to allow their work to assist the perpetrators of crime, to bring dishonor on those who are essential to the administration of justice and to undermine public confidence in our justice system.

The preamble to the final draft of the model rules of professional conduct recently considered by the ABA House of Delegates is entitled "A Lawyer's Responsibilities." It begins:

> A lawyer is an officer of the legal system, a representative of clients and a public citizen having special responsibility for the quality of justice.

I believe that as officers of the legal system, lawyers do have special responsibilities to the public and to insure the preeminence of the rule of law. They should not retreat, as the ABA House of Delegates' action suggests, from the traditional rule allowing lawyers to reveal a client's intent to commit a crime and to provide the information necessary to prevent it—ABA, Code of Professional Responsibility DR 4-101(c)(3). Instead, the proposed bill would recognize the lawyer's obligation to the public and the legal system by requiring him to come forward and report impending unlawful activities in an effort to prevent them. Similarly, he must prevent the corruption of his own legal activities when he knows that it occurs.

Recognize that the proposed legislation does not require that every attorney become an assistant prosecutor, impose investigative responsibilities on every lawyer with respect to every client's activities, or intrude unnecessarily into the attorney-client relationship. Rather, the point is that an officer of the legal system cannot know that a crime is about to occur and be allowed to stand by or retire behind a self-serving rule of professional conduct. If the legal system is to retain credibility, its officers must protect it and the public from such harm when they can.

The 188 to 127 vote of the American Bar Association's House of Delegates to prohibit the type of disclosure required by this bill led the ABA Commission on Evaluation of Professional Standards new chairman, Robert W. Meserve, to comment that the house of delegates actions "lets the client conscript the lawyer into supporting the client's misrepresentation and makes the lawyer an accessory to fraud." Permitting lawyers to support a client's misrepresentation or permitting lawyers to lawfully become accessories to fraud has grave consequences for commercial transactions in this country.

It is insufficient to permit the American Bar Association to decide such issues of overwhelming public importance. Similarly, when Federal policies are involved, it is insufficient simply to defer to the several States to consider the American Bar Association's conclusions on a State-by-State basis. A unform national rule is necessary on Federal matters that involve interstate commerce, the Federal Securities Acts, or fraudulent use of the mails.

Lawyers, like anyone else, can be guilty of the offense of misprision of a felony, which involves failure to

report the commission of a felony plus some affirmative action. When a lawyer acts in furtherance of the criminal conduct of his client, the lawyer may be guilty under existing law of the criminal charges of conspiracy, or aiding and abetting, or as an accessory after the fact.

A thoroughgoing examination of the proper role and obligations of the attorney who discovers his client is about to engage in criminal conduct is necessary. Likewise, the subsection of the bill that would require an attorney whose professional services were made the instrument of his client's crime or fraud to seek to mitigate the wrongdoing by coming forward may be controversial.

Although the attorney's services looked toward future activities when innocently rendered, I expect opposition to any notion that an attorney should make disclosures about information gained in the course of professional service regarding a client's completed conduct. In addition, a difficult professional dilemma many appear to be posed by requiring an attorney to make his disclosures in advance of a judicial determination of wrongdoing.

The proposed legislation contains two separate sections, one on prevention and one on mitigation, because the Kutak proposal did. The reasons for the prevention section are compelling because the social value of avoiding crime is great and since the situation concerns not completed but future conduct, there is no strong countervailing interest in confidentiality. The justification for the mitigation section is not as strong since it covers situations in which the crime has been completed although its full impact has not yet been felt by the victims. Since the crime cannot be prevented and the conduct has been completed, there is less social value in disclosure and perhaps greater interest in confidentiality. It may therefore be that this section should not be retained in the bill. It is worth consideration in hearings.

In examining these matters I look forward to working with my colleagues on the Judiciary Committee, the ABA and the distinguished members of the ABA's Commission on Evaluation of Professional Standards. We would welcome the comments of Federal law enforcement agencies, including the Securities and Exchange Commission, which not only has longstanding experience in this area, but has also been considering many of these same issues. I am confident that the members of the bar and the Congress share the common interests of insuring and protecting the integrity of our legal profession and can, by working together, achieve a practical solution to the problem while providing increased protection to the public.

Mr. President, I ask unanimous consent to have printed in the RECORD the proposals of the Kutak Commission and also the text of the bill.

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

PROPOSALS BY THE KUTAK COMMISSION

RULE 1.6 CONFIDENTIALITY OF INFORMATION

(a) A lawyer shall not reveal information relating to representation of a client unless the client consents after consultation, except for disclosures that are impliedly authorized in order to carry out the representation, and except as stated in paragraph (b).

(b) A lawyer may reveal such information to the extent the lawyer reasonably believes necessary:

(1) to prevent the client from committing a criminal or fraudulent act that the lawyer reasonably believes is likely to result in death or substantial bodily harm, or in substantial injury to the financial interests or property of another;

(2) to rectify the consequences of a client's criminal or fraudulent act in the furtherance of which the lawyer's services had been used;

(3) to establish a claim of defense on behalf of the lawyer in a controversy between the lawyer and the client, or to establish a defense to a criminal charge, civil claim or disciplinary complaint against the lawyer based upon conduct in which the client was involved; or

(4) to comply with other law.

As amended by the House of Delegates in New Orleans.

RULE 1.6 CONFIDENTIALITY OF INFORMATION

(a) A lawyer shall not reveal information relating to representation of a client unless the client consents after consultation, except for disclosures that are impliedly authorized in order to carry out the representation, and except as stated in paragraph (b).

(b) A lawyer may reveal such information to the extent the lawyer reasonably believes necessary:

(1) to prevent the client from committing a criminal or fraudulent act that the lawyer reasonably believes is likely to result in death or substantial bodily harm, or in substantial injury to the financial interests or property of another;

(2) to rectify the consequences of a client's criminal or fraudulent act in the furtherance of which the lawyer's services had been used;

(3) to establish a claim of defense on behalf of the lawyer in a controversy between the lawyer and the client, or to establish a defense to a criminal charge, civil claim or disciplinary complaint against the lawyer based upon conduct in which the client was involved; or

(4) to comply with other law.

USE OF KUTAK LANGUAGE

Pertinent parts of the Act showing incorporation of language (underlined) from Kutak Commission into language from Mail Fraud statute:

(a)(1) who has in the course of representing a client placed in any post office or authorized depository for mail documents that the attorney prepared or any other matter or thing whatever to be sent or delivered that could enable or assist the client to commit a criminal or fraudulent act, or

(2) who has prepared documents for or who has otherwise been instrumental in assisting a client who has placed in any post office or authorized depository for mail any matter or thing whatever to be sent or delivered in furtherance of a criminal or fraudulent scheme and who

(b) (1) upon discovering that his client intends to commit a criminal or fraudulent act fails to make timely disclosure to federal law enforcement authorities of such intended conduct in order to prevent such conduct, or

(2) upon discovering that his client has committed a criminal or fraudulent act fails to make timely disclosure to federal law enforcement authorities of his knowledge regarding such conduct in order to rectify the consequences of his client's criminal or fraudulent act in the furtherance of which the attorney's services were used, shall be fined not more than $5,000 or imprisoned not more than 1 year or both."

S. 485

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be called the "Lawyer's Duty of Disclosure Act of 1983."

SEC. 2. Chapter 63 of Title 18, United States Code, is amended by inserting immediately following section 1343 the following new section:

"SEC. 1344. AN ATTORNEY

(a) (1) who has in the course of representing a client placed in any post office or authorized depository for mail documents that the attorney prepared or any other matter or thing whatever to be sent or delivered that could enable or assist the client to commit a criminal or fraudulent act, or

(2) who has prepared documents for or who has otherwise been instrumental in assisting a client who has placed in any post office or authorized depository for mail any matter or thing whatever to be sent or delivered in furtherance of a criminal or fraudulent scheme and who

(b) (1) upon discovering that his client intends to commit a criminal or fraudulent act fails to make timely disclosure to federal law enforcement authorties of such intended conduct in order to prevent such conduct, or

(2) upon discovering that his client has committed a criminal or fraudulent act fails to make timely disclosure to federal law enforcement authorities of his knowledge regarding such conduct in order to mitigate the consequences of his client's criminal or fraudulent act in the furtherance of which the attorney's services were used shall be fined not more than $5,000 or imprisoned not more than 1 year or both.".

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, as in legislative session, there will now be a period for the transaction of routine morning business not to extend beyond 10:30 a.m.

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

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

LITHUANIAN INDEPENDENCE DAY

Mr. PERCY. Mr. President, I am pleased that this year the Senate is actually in session on February 16. So many years in the past on Lithuanian Independence Day we have been in recess and we have had to mark the occasion here as much as a week away from the actual anniversary.

Mr. President, today we mark a very special anniversary. Sixty-five years ago today, on February 16, 1918, Lithuanian patriots established a Lithuanian Republic which subsequently adopted a constitution which, among other rights, guaranteed freedom of speech, assembly, and religion.

The brave and inspiring experiment of the Lithuanian Republic came to a tragic end in 1940 when Soviet Russia annexed Lithuania by force, together with her Baltic sister States of Latvia and Estonia.

Freedom was extinguished in Lithuania. Lithuanians were deported to Soviet slave labor camps. A policy of "Russification" sought—and still seeks—to stamp out the Lithuanian language and ethnic and cultural heritage. Lithuanian prisoners of conscience still suffer in Soviet prisons for their efforts to keep alive their national heritage and traditions.

Nevertheless, against all odds and with great valor, the Lithuanian people have kept alive the spirit of Lithuanian independence.

Mr. President, in 1966, prior to a trip to the Baltic States, I met in my home with the leadership of the Lithuanian, Latvian, and Estonian communities of Chicago. I talked with them about the trip, to get the benefit of their own knowledge and impressions. They told me about the spirit and desire on the part of the Baltic people to keep alive their heritage, their mores, their customs, and their resistance to Russification of their nations.

How fortunate I was to be able to visit that area, to see with my own eyes the efforts of these peoples to keep alive their legitimate aspirations. They have never and will never accept the view that their independence will be forever suppressed. They look with tremendous favor upon any indication from the United States that their battle has not been lost, that their battle has not been forgotten. They feel that Radio Liberty, Radio Free Europe and the Voice of America which get the truth behind the Iron Curtain, are absolutely essential. They pointed out all the attempts the Soviets have made to jam the broadcasts, sometimes spending more money, two to three times as much money, to jam as we do to broadcast.

So I came back with a feeling that my constituents were very much conversant with what was going on, very realistic. It is for that reason that holding this ceremony each year serves an important purpose. Our voices will be heard over the Voice of America, Radio Liberty and Radio Free Europe in the Baltic States and the Soviet Union.

When I went to the Soviet Union and the Kremlin after my visit to the Baltic States, they said to me, "Oh, did you call on our Government in Latvia, Lithuania, and Estonia?" I said, "No." They said, "Why not? Our Government would have been very happy to receive you."

I said,

No, I did not, for one simple reason: We in the United States do not recognize those people sitting in those offices as the government. They are not a government elected by the people. They are self-imposed. They have imposed their will upon the free people of Latvia, Lithuania, and Estonia.

Certainly the Lithuanian spirit evidenced 65 years ago on February 16, 1918, when they established a Lithuanian Republic and gave to their people the rights of speech, assembly, and religion, rights that have lived in the hearts and minds of all Lithuanians, should be in the hearts and minds of all Americans.

We cannot take our freedom here for granted. Nor will we rest until those freedoms are available to other peoples, particularly those peoples that once had them and then lost them under foreign domination.

Lest we in America take for granted the basic freedoms—the freedom to speak and to write freely, to vote, to worship as we choose, to honor the traditions of our many ethnic heritages—let us reflect today on the courage of Lithuanians who are without these freedoms and do not have them today, yet continue to work and pray for the Lithuanian nation.

Certainly they symbolize the symbol on our 5-cent piece, "E Pluribus Unum"—of many tongues, nationalities, peoples, religions, races, heritages. We are one people. We are Americans. We should never lose our sense of appreciation for the heritages from which we came, which contribute so vitally to the strength of this country, and certainly the Lithuanians have contributed immensely to the strength of America, particularly the strength of my own home city of Chicago.

Earlier this month the Senate and the House of Representatives approved a joint resolution designating today as Lithuanian Independence Day. I was pleased to be a cosponsor. It is fitting that we in the U.S. Congress associate ourselves with the Lithuanian Republic and with the ongoing struggle to support the legitimate aspirations of the Lithuanian people.

Our own country has been enriched by the values that our citizens of Lithuanian descent have brought to our life in America. My own State of Illinois has been particularly fortunate in having an impressive population of Lithuanian Americans who have contributed much to our institutions, to our communities, and to our economy. I wish to pay special tribute to all of them today.

Finally, I pledge my continuing efforts to honor Lithuanian independence and to help keep alive the spirit and traditions of the Lithuanian nation and its people. We shall not forget them.

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

Mr. PERCY. I am happy to yield.

Mr. BAKER. Mr. President, I want to take this opportunity to commend the Senator from Illinois for his statement today and, most of all, to commend him for his unfailing dedication to this cause throughout his entire career.

Mr. PERCY. I thank my distinguished colleague whom we look upon as the Senator and law of Illinois.

Our citizens honor and respect the majority leader, honor and respect the memory of his beloved father-in-law, Senator Everett McKinley Dirksen, who himself never hesitated to speak out on behalf of the right of freedom, liberty, and justice for all people of all the world, particularly those in the Baltic States.

I thank my distinguished colleague.

Mr. BAKER. I thank the Senator.

CLOSED EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the hour of 10:30 a.m. having arrived, the Senate will now go into closed executive session for 1 hour, with the time to be equally divided and controlled by the majority and minority leaders.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. BAKER. Is the Chamber now prepared, Mr. President, to proceed with the closed session?

The PRESIDING OFFICER. Yes.

Mr. PELL. Mr. President, what level of security is this? Is it secret, top secret, codeword?

The PRESIDING OFFICER. Codeword.

Mr. BAKER. Mr. President, if the Senator will yield to me, I am advised by the Sergeant at Arms that since last evening, when the unanimous consent was granted, his office, in cooperation with other agencies and departments of the Government, has made the Chamber secure for top secret codeword material. That was

the purpose of my inquiry to the Chair: Is the Chamber now secure for that purpose?

As soon as I am assured of that by the Chair, I will be happy to designate the control of time on this side to the distinguished chairman of the Foreign Relations Committee and the minority leader, I believe, has done the same thing and designated the distinguished Senator from Rhode Island.

Is the Chamber now secure?

The PRESIDING OFFICER. The Chamber is secure.

Mr. BAKER. I thank the Chair.

(At 10:31 a.m., the doors of the Chamber were closed.)

OPEN EXECUTIVE SESSION

The PRESIDING OFFICER. The hour of 11:30 a.m. having arrived, the Senate now returns to open executive session.

Mr. PERCY. Mr. President, on behalf of the majority leader and at his request, I move that the Senate stand in recess until 12 o'clock noon.

Mr. MOYNIHAN. Mr. President, before the Senator makes that motion will he yield to me?

Mr. PERCY. I yield.

Mr. MOYNIHAN. I call to the attention of Members that there is a book from the Intelligence Committee on the desks of Senators which is a classified document. I ask them, however, to leave the report on their desks and the reports will be picked up by staff members and returned to the Intelligence Committee and returned to them upon their request.

RECESS UNTIL 12 O'CLOCK NOON

Mr. PERCY. Mr. President, I now review my motion that the Senate stand in recess until 12 o'clock noon.

The motion was agreed to and, at 11:32 a.m., the Senate recessed until 12 o'clock noon, at which time the Senate reassembled, when called to order by the Presiding Officer (Mr. COHEN).

The PRESIDING OFFICER. (Mr. COHEN). The Chair, in his capacity as the Presiding Officer, suggests the absence of a quorum.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, it appears that there is no great demand for time for further debate on the Burt or McCormack nomination. Indeed, I do not see a single Senator in the Chamber now seeking recognition for that purpose.

The vote will occur, under the order previously entered, at 2 p.m.

RECESS UNTIL 1:45 P.M.

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now stand in recess until 1:45 p.m. and that the time between 1:45 p.m. and 2 p.m. be divided equally between the majority and minority leaders or their designees.

There being no objection, the Senate, at 12:14 p.m., recessed until 1:46 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. MATHIAS).

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from Maryland, suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

NOMINATION OF RICHARD R. BURT, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF STATE

Mr. MATHIAS. Mr. President, last year when the nomination of Richard Burt to be Assistant Secretary of State for European Affairs was pending in the Senate I spoke in support of that nomination. It would be a reckless disregard of the cost of printing the CONGRESSIONAL RECORD for me to repeat all of the arguments that I made at that time in favor of Mr. Burt's confirmation. So I am not going to repeat what I said then.

But I think it is fair to say that I was present this morning during the closed session of the Senate in which there was a discussion of classified material which may have some relationship to Mr. Burt's confirmation. I believe I can say without breaching any confidence that I heard nothing new, nothing different, and nothing that would cause me to change the view that I expressed last year.

Mr. Burt was a reporter for the New York Times. He was an active and distinguished journalist. I did not always agree with the stories that he wrote, but I think they were usually well written and thoughtful, sometimes provocative. In other words, I think he was a good journalist.

In the course of his journalistic career he came upon some information. We do not know how he got it. In accordance with the ethics of the press, he has not told us where he got that information or from whom he got it. But he got it and he printed it.

I have speculated that it may have been the result of one of those so-called official leaks with which we are familiar in Washington. I have no basis in fact for that speculation beyond general knowledge that official leaks do occur and that they are in a sense a kind of instant declassification of otherwise classified material.

I do not condone the practice. I do not approve it. I would not encourage it. But I cite the fact that it has gone on in many administrations.

However that may be, I think one element that the Senate should call to mind before we vote on the Burt nomination is the fact that Mr. Burt is no longer a newspaperman. He has given up the quill, and at least for the moment renounced it.

Really, Mr. President, more than for the moment, because when he accepted the President's nomination to be Assistant Secretary of State for European Affairs, he signed an oath, and I am confident that he will abide by the terms of that oath, which includes the obligation to preserve the sanctity of any official secrets with which he is entrusted in the course of his official duties.

Finally, Mr. President, I think there is one piece of new evidence with regard to Mr. Burt. That is the evidence of his performance on the job. Pending confirmation of his nomination he has been on the job. He has been performing the duties of Assistant Secretary of State for European Affairs, and he has done so at a very critical moment. He was involved in the successful mission to Europe just completed by the Vice President of the United States, the President of the Senate, GEORGE BUSH. The Vice President told me that he feels that Mr. Burt made an important contribution to that trip; that his knowledge and his experience were important assets to the Vice President in an important and a very difficult assignment in the conduct of American foreign policy.

I think this is new evidence. It is fresh evidence. The Vice President, as we all know, is just back from Europe. He has Mr. Burt's qualifications and performance very much in mind at this time.

So, without repeating all the arguments I made last year in favor of the Burt nomination, I can say that I still support Mr. Burt for this post, and I think there is both an added urgency for confirming him and added evidence in favor of confirming him. It is my hope that the Senate will overwhelmingly approve his nomination and that he can go about his important duties of dealing with relationships between the United States and our European allies with the kind of confidence that a strong vote from the Senate will give him.

I hope the Senate will confirm Mr. Burt's nomination.

SOVIET SALT II VIOLATIONS: MR. RICHARD BURT HAS CAUSED A U.S. NATIONAL SECURITY AND CONSTITUTIONAL CRISIS

Mr. SYMMS. Mr. President, there is now conclusive evidence that the Soviet Union is flagrantly violating the second Strategic Arms Limitation Treaty—SALT II—in six significant cases, as well as other arms control agreements. This dangerous Soviet misbehavior gravely threatens U.S. national security and the preservation of world peace, because it contributes to the strengthening of Soviet strategic superiority. In stark contrast to this ongoing Soviet strategic buildup in violation of SALT II, the United States is complying strictly and unilaterally with the unratified SALT II Treaty. U.S. strategic forces have been constrained in nine significant but little publicized cases in order to comply unilaterally with the unratified SALT II Treaty. Further, this United States unilateral compliance with SALT II is occurring in violation of the U.S. Constitution and law. The Soviets thus have all the benefits of U.S. SALT II compliance, while themselves accepting no obligations. This situation is allowing already significant Soviet strategic superiority to grow dangerously, further shifting the world balance of power against the United States.

Mr. President, Mr. Richard Burt is the chief architect of both the U.S. policy denying the evidence of Soviet SALT violations and the U.S. policy of U.S. unilateral compliance with SALT.

A. SOVIET SALT II VIOLATIONS

In his recently published memoirs, "Keeping Faith," former President Carter declared that there was "an erroneous belief . . . that the Soviet leaders have habitually violated earlier SALT agreements, but that their defaults were somehow concealed by disloyal American leaders." (p. 214)

But in the same book, Carter contradictorily quotes former Secretary of State Henry Kissinger as conceding that the Soviets have violated or circumvented SALT Treaties:

> He [Kissinger] added that the Soviets . . . would honor the letter of an understanding, but that one had to be very careful because they would probe for every loophole in the language in order to gain some advantage, even if it violated the intent of the original deal. (p. 188)

According to the Washington Times of September 15, 1982, Henry Kissinger stated, "On actual violations, I'm familiar with one . . . " This Soviet SALT violation was SAM testing in and ABM-mode. Thus, according to Jimmy Carter, the Soviets have violated or circumvented SALT Treaties, by explicit admission of the chief architect of détente and SALT, Henry Kissinger. Many American leaders have authoritatively accused the Soviets of SALT violations, ranging from INF negotiator Paul Nitze, former Defense Secretary Melvin Laird, retired Adm. Elmo Zumwalt, Senators JAKE GARN, GORDON HUMPHREY, JESSE HELMS, former Senator James Buckley, former Congressman David Emery, defense analyst Colin Gray, and Ambassador Seymour Weiss.

The clear fact of massive Soviet violation of SALT Treaties under Carter and Kissinger was recognized by President Reagan's 1980 Republican Party platform. The 1980 Republican platform twice explicitly accused the Carter administration of a cover up of Soviet violations of SALT I, II, and other arms control agreements:

> The Republican party deplores the attempts of the Carter Administration to cover-up Soviet non-compliance with arms control agreements, including the now overwhelming evidence of blatant Soviet violation of the Biological Warfare Convention by secret production of biological agents at Sverdlovsk . . . We pledge to end the Carter cover-up of violations of SALT I and II, to end the coverup of Soviet violation of the Biological Warfare Convention . . .

The Soviets have been violating the SALT II Treaty ever since they signed it in 1979. President Reagan himself recognized the existence and danger of Soviet SALT II violations when he stated on May 9, 1982:

> So far, the Soviet Union has used arms control negotiations primarily as an instrument to restrict U.S. defense programs, and in conjunction with their own arms buildup, as a means to enhance Soviet power and prestige. Unfortunately, for some time suspicions have grown that the Soviet Union has not been living up to its obligations under existing arms control treaties.

President Reagan is right. The Soviets have been violating the SALT II Treaty flagrantly. The following examples of Soviet SALT II violations have been widely reported in the press, and are well known:

First, the reported Soviet rapid reload and refire exercises for their giant SS-18 cold-launched ICBM. This violates or circumvents all the SALT II ceilings on launchers, and specific provisions prohibiting such a capability. It enormously increases the already overwhelming Soviet counterforce capability.

Second, the reported Soviet covert deployment of 100 to 200 camouflaged and concealed mobile SS-16 ICBM's at the Plesetsk test range. This activity explicitly violates several provisions of SALT II prohibiting SS-16 deployment. It also violates the SALT II data exchange. It is similar to the Soviet illegal deployment of 18 SS-9 ICBM's at the Tyuratam test range during SALT I. It provides the Soviets with a significant, covert strategic reserve force. (See SALT II agreement, U.S. Dept. of State, selected document No. 12B, June 18, 1979, p. 37).

Third, the Soviet deployment of AS-3 "Kangaroo" long-range air-to-surface missiles on 100 TU-95 Bear intercontinental bombers, in explicit violation of several provisions of SALT II. This is also a Soviet falsification of the data exchange, an integral part of the treaty, calling into question all Soviet supplied data.

Fourth, Soviet deployment of long-range air-to-surface missiles on the intercontinental Backfire bomber. This deployment explicitly violates several provisions of SALT II, as well as the Brezhnev Backfire statement, an integral part of the treaty.

Fifth, as reported in the CONGRESSIONAL RECORD, page 32625, December 20, 1982, and May 13, 1982, the continued almost total encryption of telemetry signals from the following Soviet missile programs: The SS-NX-20 SLBM, the SS-NX-19 SLCM, the SS-18 Mod X ICBM, the SS-20 IRBM, and now reportedly even the new Soviet medium-heavy ICBM equivalent to the U.S. MX ICBM. Moreover, 4 more new Soviet ICBM's are reportedly ready for flight-testing at any time. These new missiles will almost certainly be completely encrypted as well. This almost complete Soviet encryption is in clear-cut, flagrant, conclusive violation of several provisions of SALT II, as will be seen below.

Sixth, the fact that the massive Soviet strategic camouflage, concealment, and deception program is intended to deliberately interfere with U.S. National Technical Means of SALT verification—satellite reconnaissance—and therefore constitutes another SALT II violation. This violation is confirmed by a Soviet military dictionary dated as early as 1966, which states explicity that all Soviet interference with U.S. satellite reconnaissance is deliberate.

Explanation of the Soviet camouflage, deception, and telemetry encryption violations is straightforward. SALT II Treaty states in paragraph 3 of article XV:

> Each Party undertakes not to use deliberate concealment measures which impede verification by national technical means . . .

More specifically, the Second Common Understanding to paragraph 3 states further that:

> Each party is free to use various methods of transmitting telemetric information during testing, including its encryption, except that, in accordance with the provisions of paragraph 3 of Article XV of the Treaty, neither Party shall engage in deliberate denial of telemetric information, such as through use of telemetry encryption, *whenever such denial impedes verification of compliance with the provisions of the Treaty.* (Emphasis added.)

In regard to the new Soviet missiles now undergoing testing, the United States needs to be able to verify launch-weight, throw-weight, number of warheads, number of stages, length, type of propellant, diameter of stages,

and procedures for releasing warheads.

All of these characteristics of the new Soviet missiles now being flight tested are reportedly concealed from U.S. verification monitoring by the almost total Soviet telemetry encryption.

The Carter administration would have immediately challenged as SALT II violations Soviet telemetry encrypton as complete as is now reported on the new Soviet medium-heavy ICBM and the SS-NX-20 Typhoon SLBM. The Soviets are reportedly encrypting 95 percent of the telemetry on these missiles. (See Evans and Novak, the Washington Post, December 15, 1982, "Of Hostages and Cheats," and New York Post, December 15, 1982, "Soviets Black Out New Missile Tests.") As former President Carter stated to a joint session of Congress on June 18, 1979, after returning from the Vienna SALT II summit:

> It is the SALT II agreement itself which forbids concealment measures . . . it forbids the encryption or the encoding of crucial missile test information. *A violation* of this part of the agreement—which we would quickly detect—*would be just as serious as a violation of the limits on strategic weapons themselves.* (Emphasis added.)

This statement means that complete Soviet encryption must be regarded as being just as serious a SALT II violation as exceeding the launcher ceilings, which the Soviets are also doing. The United States thus has grounds for declaring the SALT II Treaty null and void.

Moreover, a Carter administration State Department white paper on SALT II verification published in August 1979 stated:

> Deliberate concealment efforts are themselves a *violation*, and if detected *could be grounds for abrogating the Treaty*, even if we are not certain what activity is being concealed . . . concealment measures designed to impede verification would themselves be violations. (Emphasis added.)

Thus, the Carter administration pledged to abrogate SALT II if the Soviets used concealment measures such as almost complete telemetry encryption. The Reagan administration, in contrast, benignly tolerates and covers up Soviet SALT II violations, while charging the Soviets with violations of the BW and CW Conventions, the Kennedy-Khrushchev agreement, and the Threshold Test Ban Treaty.

B. UNCONSTITUTIONAL U.S. COMPLIANCE WITH THE UNRATIFIED SALT II TREATY

Regrettably, former President Carter and President Reagan have both defied the U.S. Senate's prerogatives in contravention of the treaty-making power of the Constitution. Both Carter and President Reagan committed the United States to compliance with the SALT II Treaty, without the advice and consent of the Senate.

This U.S. SALT II compliance policy began under the Reagan administration in March 1981, with a State Department announcement that the United States would not "undercut" the SALT II Treaty, as long as the Soviets "showed equal restraint." Mr. Richard Burt was the architect of this policy. But the U.S. Senate is supposed to have a voice in U.S. compliance with treaties. Moreover, the U.S. SALT II compliance policy is conditioned upon reciprocal behavior. But the U.S. Constitution says nothing about giving the Soviets a role in deciding whether or not the United States complies with a treaty.

Further, despite his suspicions of Soviet arms control violations expressed on May 9, on May 30, 1982, President Reagan himself stated:

> As for existing strategic arms agreements, we will refrain from actions which undercut them, *so long as the Soviet Union shows equal restraint.* (Emphasis added.)

The above listing of six Soviet SALT II violations clearly indicates that the Soviets are not showing any restraint at all. SALT II is an existing strategic arms agreement, although it is an unratified treaty. The U.S. Constitution states that:

> He [the President] shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur . . .

This constitutional language is being contradicted by President Reagan's policy that the United States not undercut SALT II contingent upon similar Soviet restraint. Mr. Richard Burt committed the President to this unconstitutional policy. Logically, in order not to undercut SALT II, the United States should abide precisely with all its provisions. This concept could even be further interpreted to mean that the United States is bound to comply not only with the precise provisions of SALT II, but also with the undefined "spirit" of SALT II, as interpreted by the President or even by the Soviets. Thus, the President's policy of not undercutting SALT II is in effect Presidential ratification of the SALT II Treaty, committing the United States to complete compliance with all of SALT II's precise provisions. But not only have the Soviets officially never informed the United States that they will not undercut SALT II, they are themselves in fact flagrantly undercutting SALT II with their many SALT II violations. Moreover, the Soviets have authoritatively informed the United States several times that they will not comply with SALT II until it is ratified.

Thus, the Soviets have all the benefits of U.S. compliance with SALT II, while they themselves have accepted no obligations.

The President's policy of compliance with the unratified SALT II Treaty has official, formal status as Department of Defense directives 5100.7, 5100.72, and Air Force regulation 28-1, which require U.S. compliance with the unratified SALT II Treaty. Further, these directives require quarterly reports from the military services on U.S. compliance with the unratified SALT II Treaty.

There are many significant examples of U.S. unilateral compliance with the unratified SALT II Treaty during the Reagan administration. The following is only a partial listing:

First, the U.S. unilateral deactivation of 292 strategic delivery vehicles—160 Polaris SLBM's, 54 Titan II ICBM's, 80 B-52D bombers—counted in the SALT II Treaty and in its data exchange, an integral part of the treaty. These delivery vehicles constitute about 13 percent of the delivery vehicles allowed the United States under SALT II, and they carry over 500 warheads. They constitute about 33 percent or one-third of existing U.S. deliverable nuclear firepower (megatonnage). Hence, this U.S. SALT II unilateral deactivation is extremely significant. Meanwhile, while the United States has cut these 292 delivery vehicles, the U.S.S.R. has added almost 100 more.

Second, U.S. cancellation of deployment of 50 (or 100) stockpiled Minuteman III MIRV'ed ICBM's, in compliance with the unratified SALT II Treaty's ceiling of 1,200 MIRV'ed missiles. This extremely cheap deployment costing only about $50 million was originally intended to partially compensate for the Titan II ICBM deactivation, and it would have increased U.S. counterforce capability by about 15 percent. Hence, here is another extremely significant case of U.S. unilateral compliance with the unratified SALT II Treaty.

Third, the U.S. modification of B-52 bombers to carry "strakelets" on those models which are being equipped with air-launched cruise missiles. These rather expensive "strakelets" costing about $80 million are supposed to be "functionally related observable differences" (FROD's) required by the unratified SALT II Treaty. This action demonstrates that the United States is willing to spend large sums to comply with SALT II, but not to increase U.S. strategic capabilities in the case of the canceled Minuteman III deployment.

Fourth, the redesigning of the United States of the B-1B bomber in order to carry 2 fewer air-launched cruise missiles—20 instead of the 22 each bomber is capable of carrying, in unilateral compliance with the unratified SALT II Treaty. This is about a 1-percent reduction in the B-1B's payload, a fairly significant constraint of an expensive system.

Fifth, the U.S. limitation of the throw-weight of the MX ICBM to only somewhat above 3,600 kilograms, in

compliance with the unratified SALT II Treaty.

Sixth, the U.S. limitation of the launch-weight of the MX ICBM to 90,000 kilograms, in compliance with the unratified SALT II Treaty.

Seventh, the U.S. limitation of the number of warheads on the MX ICBM to 10, instead of the 14 originally intended, in compliance with the unratified SALT II Treaty. This constitutes a reduction in the payload of the already expensive MX ICBM of about 30 percent, an extremely significant constraint.

Given the above seven examples, President Reagan's November 22, 1982, decision to deploy the MX ICBM in the "Dense Pack" basing mode is not surprisingly being justified as being in full compliance with the unratified SALT II Treaty. Both Defense Secretary Weinberger and Assistant Defense Secretary Perle argue that MX Dense Pack does not violate the unratified SALT II Treaty. The Reagan administration argues (unconvincingly) that the MX canister, not its silo, is the launcher, and that this launcher is mobile. Thus, in sum, the United States has already constrained its strategic forces in at least eight significant ways.

Given the fact that the United States has already constrained its strategic forces in eight important ways, in unilateral compliance with the unratified SALT II Treaty, we should again not be surprised by a recent ninth example.

On December 20, 1982, Senator GARY HART offered an amendment to the fiscal year 1983 extended continuing resolution appropriations bill. This amendment, which passed, is the ninth case of U.S. unilateral compliance with SALT II. The Hart amendment states:

> . . . no initial flight test of the MX missile may be conducted until *after* both Houses of the Congress have agreed . . . [to] a basing mode for such missile." (Emphasis added.)

The Congress may not agree by March 1, 1983, or at all on a basing mode for MX. Hence, MX flight-testing under the Hart amendment is delayed indefinitely and may in fact be completely prevented from ever beginning. The Hart amendment will delay MX flight testing indefinitely due to the U.S. unilateral policy of complying with the unratified SALT II Treaty. While the Hart amendment does not specifically mention the unratified SALT II Treaty as the reason for delaying indefinitely the first flight test of the MX ICBM, it is clear that the intent and purpose of the Hart amendment is to comply with SALT II. Indeed, the sole and only reason for the Hart amendment is to comply with the unratified SALT II Treaty.

This is because under the second agreed statement to paragraph 9 of article IV of the unratified SALT II Treaty, the United States should not flight test a new type ICBM which has a different number of stages than that of the first new ICBM type to be flight tested. In other words, once the United States initially flight tests the first MX—with its four stages—we could not under SALT II then legally test launch a second new ICBM type with three stages, which would probably be the number of stages on a small mobile ICBM.

For the past 6 years, the first flight test of the MX ICBM has been scheduled for January 1983. Now, under the Hart amendment, this test is delayed indefinitely, and perhaps permanently, all because of continued U.S. compliance with the unratified SALT II Treaty.

Beyond the above constitutional, legal, and political problems, the Hart amendment would also have the following deleterious effects on the MX program:

First, it delays MX R&D indefinitely, which the Congress, the President, and the Joint Chiefs of Staff all agree should go forward as soon as possible as a top priority.

Second, it will increase the cost of the MX program.

I believe that the Hart amendment is unconstitutional, as is each of the other eight cases of U.S. unilateral compliance with the unratified SALT II Treaty presented above. The evidence is growing ever greater that the constitutional treatymaking power and prerogatives of the U.S. Senate are being contravened and circumvented by the U.S. "interim" SALT II compliance policy. Someday, U.S. Senators may begin to challenge U.S. unilateral SALT II compliance directly, on the Senate floor. Mr. Richard Burt is the chief architect of this policy.

In addition to being unconstitutional, U.S. compliance with SALT II contradicts section 33 of the Arms Control and Disarmament Act of 1961. Section 33 states:

> No action shall be taken under this or any other law that will obligate the U.S. to disarm or reduce or to limit the armed forces or armaments of the U.S., except pursuant to the treaty-making power of the President under the Constitution, or unless authorized by further affirmative legislation by the Congress of the U.S.

Many of the nine cases of U.S. SALT II compliance described above are not only occurring without the "further affirmative legislation" stated above, but in at least one case it is being done in defiance of affirmative legislation. Deployment of 50 to 100 MIRV'ed Minuteman III ICBM's was authorized by Congress in both fiscal years 1981 and 1982, yet it is not being done, in order to comply with SALT II.

C. CONCLUSION: THE SOVIETS VIOLATE SALT II WHILE THE U.S. VIOLATES ITS OWN LAWS TO COMPLY WITH SALT II

In sum, we have seen how President Carter's denial that there had been a U.S. coverup of Soviet SALT violations has been first charged by the 1980 Republican platform, and then the coverup itself has been perpetuated under President Reagan. Carter at least told Congress that extensive Soviet telemetry encryption was as serious a violation of SALT II as breach of the weapons ceilings themselves. In contrast, President Reagan is allowing both Soviet complete missile testing encryption, as well as breach of the weapons ceilings in the form of SS-18 rapid refire and covert SS-16 capabilities. Thus, Carter pledged strong enforcement of Soviet compliance with SALT II, while Reagan has pledged strong enforcement, but instead has continued the coverup and engaged in no enforcement.

The nine cases of significant U.S. compliance with the unratified SALT II Treaty are indisputable. Thus, we have two concurrent crisis: One in U.S. national security and the other involving the Constitution. Mr. Richard Burt is responsible for both crisis.

Resolution of the constitutional crisis is simple but difficult enough—all the Senate has to do is vote its advice and consent to ratify the SALT II Treaty, or alternatively, vote to send the treaty back to the President as unratifiable. Such a weighty vote would be dramatic, but if the United States is going to comply with SALT II, some believe that we may as well do so in conformity with our Constitution.

Resolution of the national security crisis is also simple, but even more difficult. We could simply expose the many examples of Soviet SALT cheating, and begin to rebuild American strategic power to at least equality with the Soviets. The difficulty here is that challenging Soviet behavior in order to enforce compliance is extremely provocative. The Soviets will react with extreme hostility, and even with nuclear blackmail threats. We must be prepared to stand up to the Soviets, to live without SALT, in order to enforce their compliance with SALT.

There is a useful analogy to illustrate the American problem. One must be prepared to whip the big dog who has messed on the living room floor's rug, when the big dog knows that you know he did it. Thus far in the second decade of SALT, America has been both unable and unwilling to whip the big Soviet dog. Yet, we are willing to continue to negotiate arms control agreements with the Soviets, even in the face of their arrogant violations of all existing arms control agreements. Perhaps this continued American

blindness to the hypocrisy of arms control is proof of the overwhelming power of the Soviet Union.

Now, there is a further cause for concern. The fiscal year 1984 Defense budget severely reduces Trident I SLBM production, which is to be ended completely in 1985. The fiscal year 1984 Defense budget also completely stops air-launched cruise missile production. These are our only two strategic weapons systems currently in production. In sum, an administration which promised to close the window of vulnerability is actually opening it wider, by unilaterally cutting back both old and new strategic forces.

I submit for the RECORD an article from the Washington Post of February 16, 1983:

SOVIETS TEST NEW MISSILE, POSSIBLY VIOLATING SALT TERMS

The Soviet Union has fired a new intercontinental ballistic missile in a test that could raise questions about whether Moscow is violating the SALT II nuclear arms treaty, U.S. intelligence sources said yesterday.

Officials said a small solid-fuel missile was launched Feb. 8 from Plesetsk and that preliminary analysis of information picked up by American monitoring equipment suggests that it may have been the first successful test of a second new Soviet ICBM.

U.S. officials confirmed in December that the Soviets had test-fired a medium-sized solid-fuel ICBM.

The SALT II treaty specifies that the Soviet Union and the United States may flight-test and deploy only one new type of ICBM, which must be a light one, according to a June 21, 1979, letter signed by then-Secretary of State Cyrus R. Vance in submitting the treaty to President Carter.

There was no formal comment last night from either the Defense or State departments. Officials cautioned against jumping to the conclusion that the Soviets have broken the agreement.

Although the United States never ratified SALT II, the Reagan administration has said it will abide by it as long as the Soviets do the same.

● Mr. BIDEN. Mr. President, critics of Mr. Burt's nomination come close to identifying a chronic and important issue in Washington, the use of leaks to support political or policy interests. Moreover, there exists a related, but slightly different phenomemon. That is, there are cases where the Government official who discloses the information is sufficiently senior or highly placed that difficult legal and theoretical questions are raised about whether the information disclosed is not really leaked at all, but instead, "instantly declassified."

In any event, this whole case is extremely similar to the, as far as I know, unprecedented classified briefing that the Department of Defense gave to about a dozen journalists just this past December. This briefing was on the Soviet military buildup and current threat potential. The Department apparently felt that it would enhance these reporters' ability to write about the administration's proposals and budgetary plans for the U.S. military to have classified information on the Soviet military. In that instance, no attempt was made to assess formally the reliability of the reporters involved. The ground rules were so lax that virtually everyone involved had a different interpretation of what could and could not be done with the information disclosed. Yet no one has suggested that in that case the reporters had done anything wrong.

Several of us, however, felt strongly that Pentagon officials had done something wrong. We also felt that they had perhaps done something one-sided and made political use of classified information. Senators BYRD and HUDDLESTON and I wrote to the President in December requesting (a) a comprehensive report on this briefing, (b) an assessment of the potential damage caused by the release of this unarguably classified information, (c) an identification of the officials who authorized the disclosure, and (d) a statement of the administration's general policy concerning the release of classified information.

Apparently, however, the administration considers this such a trivial affair that their response, just received last week, to our December request, is a one-page, three-paragraph letter. This report superficially responds to several of our questions and wilfully ignores others. It does not even acknowledge the important question about this administration's policy toward the release of classified information. If this response is to be read as representative of their attitude to the disclosure of classified information by senior officials, then I must conclude that the administration is not greatly bothered by the question.

We have had over the last 2 years several instances of the selective release of classified national security information relating to contentious policy issues. There are several Members of this body who have significant experience in the area of national security information and who are extremely curious to know what exactly this administration's policy is toward the authorized, ad hoc disclosure of classified information. I would like to emphasize, Mr. President, that this is not a partisan political concern because we had these same, unanswered questions during the last Democratic Presidential administration.

The December 1982 Pentagon classified briefing to the press was again similar to the 1979 disclosures to Mr. Burt in that it was perhaps selective and put in an unfair position those people who disagree with opinions of those who disclosed the information.

People with different opinions but who respect classified information could not publicly disagree with the judgments or assessments disclosed to Mr. Burt and broadcast to the public through his articles. Similarly, people who disagree with some of the assessments expressed in the Pentagon briefing last December cannot, in good conscience, disclose classified information that supports this disagreement—not if they respect the system of classification.

By the administration's own admission, the information disclosed at the December Pentagon briefing was at least "Secret" level. Under the President's Executive Order on Classification, Secret level information is that information whose unauthorized disclosure could be expected to cause "serious damage to national security."

We have here, then, Mr. President, a situation where the White House quite blithefully notifies Members of the Senate that information whose disclosure could be expected to cause at least "serious damage to national security" has been systematically presented to the press under the most ambiguous of ground rules, expectations, and gentlemen's agreements.

I am as concerned as the opponents of Mr. Burt's nomination about the proverbial sievelike quality of the Federal Government and deplore the release of even confidential level information, the lowest level, almost as much as the release of Top Secret/Codeword material. However, the root of the problem continues to lie in accepted practices and attitudes within the Government that allow the irresponsible disclosure of classified information.

I submit for the RECORD correspondence relating to this matter.

The correspondence follows:

U.S. SENATE,
Washington, D.C., December 20, 1982.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: According to published reports, officials of the Department of Defense released a considerable amount of classified information to representatives of the media during an "authorized" Pentagon briefing last week. It is our understanding that the briefing was very similar to that which was provided to the Senate in closed session some months ago, a session marked by extraordinary security precautions prompted by expressions of concern lest any of the information provided to the Senate leak out.

The paradox of this state of affairs is obvious. The problem is compounded, of course, by the resulting situation whereby officials of your Administration may feel free to utilize, on a selective basis, whatever sensitive information may be considered helpful in attempting to convince the American people of the correctness of their particular point of view, whereas Members of Congress are constrained from using either the same or related sensitive information to facilitate a full public airing of all the relevant facts. We hope you would agree that public support for major policy decisions af-

fecting the security of the country should not be achieved in this fashion.

We trust that you had no advance knowledge of the December 14th briefing. We would therefore appreciate your looking into this matter and providing us with a comprehensive report of the facts and circumstances involved, including the level of classification of the information disclosed, assessment of potential damage resulting from the release, and identification of those officials who authorized the disclosures. It would also be helpful to have a statement of your Administration's general policy concerning the release of classified information.

Thanking you in advance for your cooperation.

Sincerely,

JOSEPH R. BIDEN, Jr.
ROBERT C. BYRD.
WALTER D. HUDDLESTON.

SELECT COMMITTEE ON INTELLIGENCE,
Washington, D.C., January 3, 1983.

Hon. BARRY GOLDWATER,
Chairman, Senate Select Committee on Intelligence, Washington, D.C.

DEAR MR. CHAIRMAN: Just prior to the Senate's adjournment sine die, officials of the Department of Defense, according to published reports, released a considerable amount of classified information to members of the press during an authorized Pentagon briefing.

Senator Byrd and I discussed this serious matter on the Senate floor on December 16, 1982. The view was there expressed that this briefing, while unacceptable for a variety of reasons, was especially objectionable because information may have been released to the press on a selective basis. Yet members of Congress who both respect classified information and have different assessments of the intelligence information at issue cannot, in good conscience, fully present their views to the press or to the American people if doing so would involve disclosure of classified information.

Senators Byrd and Huddleston joined me in writing to the President on December 20th, asking him to provide us a comprehensive report on the facts and circumstances involved in this briefing to the press. I request that the Committee staff discover the background of this briefing and the exact material included in it. I also request that the Committee keep abreast of the preparation of the report asked for in our December 20th letter. I think that at a suitable time the Committee might want to consider the information which comes to light.

Thank you for your attention.

Yours sincerely.

JOSEPH R. BIDEN, Jr.

THE WHITE HOUSE,
Washington, February 4, 1983.

Hon. JOSEPH R. BIDEN, Jr.
U.S. Senate, Washington, D.C.

DEAR SENATOR BIDEN: This will respond further to your letter to the President of December 20, 1982, co-signed by Senators Byrd and Huddleston concerning a classified briefing presented by the Department of Defense to senior Pentagon correspondents.

Following my earlier reply to you acknowledging receipt of your letter, the questions you raised were reviewed with appropriate officials of the Department of Defense. The Department advises that this briefing presented a description of Soviet military growth over the last decade. It also advises, however, that the briefing did not include sensitive all-source information provided to the Senate in closed session, and in response to specific questions.

The Department states that Secretary Weinberger authorized the briefing after careful deliberation and consultation with other officials, and that the briefing cannot be characterized as an attempt to utilize information on a selective basis to support a particular policy decision. Rather, it was a general briefing on Soviet military growth to educate the press. The Department indicates that the members of the press who attended were cleared and specifically agreed not to disclose the information. Also, Defense advises that the briefing was at the Secret noncompartmented level; there were no net assessments presented or discussion of U.S. military strength or weapons systems.

I hope this information is helpful, and will dispel the concerns you expressed about this matter.

Sincerely,

KENNETH M. DUBERSTEIN,
Assistant to the President.●

● Mr. HUDDLESTON. Mr. President, the debate over the nomination of Richard Burt to be Assistant Secretary of State has raised issues that go beyond his appointment. As my colleague, Senator BIDEN, has pointed out, the discussion of certain articles that Mr. Burt wrote in the New York Times several years ago suggests the real dangers created by leaks of classified information to promote particular policies. The problem is not caused by the press, which has a constitutional right to print the news, but by the Government officials who leak the information.

Intelligence leaks are particularly dangerous, because they can jeopardize sensitive intelligence sources and methods. For that reason, Senator BIDEN and Sentor BYRD and I sent a letter to the President on December 20, 1982, asking for a report on the Defense Department's apparent use of classified intelligence to brief reporters on the Soviet military threat. We expressed concern about the situation in which administration officials might feel free to release, selectively, very sensitive information that would help persuade the American people to support their policies, while Members of Congress cannot use similar information to support a different point of view.

Our letter asked for a comprehensive report of the facts and circumstances involved in the briefing of media representatives, and we observed that it would be helpful to have a statement of the administration's general policy concerning the release of classified information.

We have received a response from Mr. Kenneth M. Duberstein, Assistant to the President for Legislative Affairs, dated February 4, 1983. That response has been placed in the RECORD by Senator BIDEN. I am disappointed to have to say that it does not adequately address the issues raised by our letter.

Mr. Duberstein's response provides only brief conclusory assertions, rather than a comprehensive report of the facts and circumstances. It ignores the suggestion that the administration should state its general policy on "authorized leaks" of classified intelligence information. Its statement that the members of the press "specifically agreed not to disclose the information" is at variance with accounts reported by the news media.

Most important of all, the White House response disregards the indications that the briefing may have made a selective use of classified intelligence to "educate the press" for the purpose of winning support for the administration's general policies on military spending. Classified intelligence sources and methods may have been revealed, yet the White House response makes no mention of that possibility despite our specific request for an assessment of potential damage resulting from the release.

This matter cannot be allowed to rest without further action. I am pleased, therefore, that Senator GOLDWATER and Senator MOYNIHAN have authorized an Intelligence Committee inquiry in response to requests by Senator BIDEN and myself. I have had a longstanding concern about the political misuse of classified information. History shows that Presidents of both parties have made improper use of highly sensitive information to promote their policies, without taking into account the damage to national security. Disclosure of advanced "Stealth" technology by the previous administration is another example.

The Intelligence Committee should follow up on the White House response, obtain the full story of the Defense Department's actions in this case, and find out what the policy is for "authorized leaks" of classified intelligence. Given the importance of these issues to the interests of the Senate, I hope it will be possible to report the results of the Intelligence Committee's inquiry to the entire Senate.

I ask to have printed in the RECORD the letters to which I have referred.

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

U.S. SENATE,
Washington, D.C., December 20, 1982.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: According to published reports, officials of the Department of Defense released a considerable amount of classified information to representatives of the media during an "authorized" Pentagon briefing last week. It is our understanding that the briefing was very similar to that which was provided to the Senate in closed session some months ago, a session marked by extraordinary security precautions prompted by expressions of concern

lest any of the information provided to the Senate leak out.

The paradox of this state of affairs is obvious. The problem is compounded, of course, by the resulting situation whereby officials of your Administration may feel free to utilize, on a selective basis, whatever sensitive information may be considered helpful in attempting to convince the American people of the correctness of their particular point of view, whereas Members of Congress are constrained from using either the same or related sensitive information to facilitate a full public airing of all the relevant facts. We hope you would agree that public support for major policy decisions affecting the security of the country should not be achieved in this fashion.

We trust that you had no advance knowledge of the December 14th briefing. We would therefore appreciate your looking into this matter and providing us with a comprehensive report of the facts and circumstances involved, including the level of classification of the information disclosed, assessment of potential damage resulting from the release, and identification of those officials who authorized the disclosures. It would also be helpful to have a statement of your Administration's general policy concerning the release of classified information.

Thanking you in advance for your cooperation.

Sincerely,

JOSEPH R. BIDEN, Jr.
ROBERT C. BYRD.
WALTER D. HUDDLESTON.

THE WHITE HOUSE,
Washington, February 4, 1983.

Hon. JOSEPH R. BIDEN, Jr.,
U.S. Senate, Washington, D.C.

DEAR SENATOR BIDEN: This will respond further to your letter to the President of December 20, 1982, co-signed by Senators Byrd and Huddleston concerning a classified briefing presented by the Department of Defense to senior Pentagon correspondents.

Following my earlier reply to you acknowledging receipt of your letter, the questions you raised were reviewed with appropriate officials of the Department of Defense. The Department advises that this briefing presented a description of Soviet military growth over the last decade. It also advises, however, that the briefing did not include sensitive all-source information provided to the Senate in closed session, and in response to specific questions.

The Department states that Secretary Weinberger authorized the briefing after careful deliberation and consultation with other officials, and that the briefing cannot be characterized as an attempt to utilize information on a selective basis to support a particular policy decision. Rather, it was a general briefing on Soviet military growth to educate the press. The Department indicates that the members of the press who attended were cleared and specifically agreed not to disclose the information. Also, Defense advises that the briefing was at the Secret noncompartmented level; there were no net assessments presented or discussion of U.S. military strength or weapons systems.

I hope this information is helpful, and will dispel the concerns you expressed about this matter.

Sincerely,

KENNETH M. DUBERSTEIN,
Assistant to the President.●

The PRESIDING OFFICER. Under the previous order, the hour of 2 p.m. having arrived, the Senate will now proceed to vote on the nomination of Richard R. Burt. The question is, will the Senate advise and consent to the nomination of Richard R. Burt to be an Assistant Secretary of State? 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. BAKER. I announce that the Senator from Colorado (Mr. ARMSTRONG), the Senator from Iowa (Mr. JEPSEN), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Vermont (Mr. STAFFORD), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska (Mr. STEVENS) would vote "yea."

Mr. CRANSTON. I announce that the Senator from Arizona (Mr. DECONCINI), the Senator from Montana (Mr. EAGLETON), and the Senator from South Carolina (Mr. HOLLINGS) are necessarily absent.

The PRESIDING OFFICER (Mr. PRESSLER). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 81, nays 11, as follows:

[Rollcall Vote No. 2 Ex.]

YEAS—81

Abdnor	Garn	Metzenbaum
Andrews	Glenn	Mitchell
Baker	Gorton	Moynihan
Baucus	Grassley	Nickles
Bentsen	Hart	Nunn
Biden	Hatfield	Packwood
Bingaman	Hawkins	Pell
Boren	Hecht	Percy
Boschwitz	Heflin	Pressler
Bradley	Heinz	Proxmire
Bumpers	Huddleston	Pryor
Burdick	Humphrey	Quayle
Byrd	Inouye	Randolph
Chafee	Jackson	Riegle
Chiles	Johnston	Roth
Cochran	Kassebaum	Rudman
Cohen	Kennedy	Sarbanes
Cranston	Lautenberg	Sasser
D'Amato	Laxalt	Simpson
Danforth	Leahy	Specter
Dixon	Levin	Tower
Dodd	Long	Trible
Dole	Lugar	Tsongas
Domenici	Mathias	Warner
Durenberger	Matsunaga	Weicker
Exon	Mattingly	Wilson
Ford	Melcher	Zorinsky

NAYS—11

Denton	Helms	Symms
East	Kasten	Thurmond
Goldwater	McClure	Wallop
Hatch	Stennis	

NOT VOTING—8

Armstrong	Hollings	Stafford
DeConcini	Jepsen	Stevens
Eagleton	Murkowski	

So the nomination was confirmed.

The PRESIDING OFFICER. The question is on the nomination of Mr. McCormack.

Mr. BYRD. Mr. President, may we have order in the Senate? I daresay that half the Members do not know we were having a vote on the second nomination.

Mr. BAKER. Not only that, I was not aware of it, either.

Mr. President, has the result of the rollcall been announced?

The PRESIDING OFFICER. Yes, it has.

Mr. BAKER. Will the Chair announce it again, please?

The PRESIDING OFFICER. There were 81 yeas and 11 nays.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

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

The motion to lay on the table was agreed to.

NOMINATION OF RICHARD T. McCORMACK, OF THE DISTRICT OF COLUMBIA TO BE AN ASSISTANT SECRETARY OF STATE

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

The PRESIDING OFFICER. Under the previous order, following the disposition of the Burt nomination, the Senate will proceed to vote on the nomination of Richard T. McCormack to be an Assistant Secretary of State.

Mr. PRESSLER. Mr. President, today the Senate is considering the nomination of Richard McCormack to be Assistant Secretary of State for Economic and Business Affairs.

Among the many important responsibilities of the individual occupying that position is the supervision of the Department of State's Office of Telecommunications. As a result, if confirmed, Mr. McCormack will have a major role in the development and implementation of international telecommunications and information policy, which has significant economic consequences for the United States.

For example, in 1980, the United States exported $25 billion in information merchandise. High-technology products, in which the United States has a strong, but eroding competitive edge, accounted for approximately 70 percent of that figure. Exports of electronic equipment alone totaled over $4 billion in 1980, nearly 25 percent of the output of that industry in the United States. In addition, telecommunications and information services play a large role in exports of all services, which totaled $60 billion in 1980.

Recent growth trends indicate that the economic impact of these industries will increase significantly. From 1972 to 1978, U.S. computer service industry revenues rose from $198 million to $13.5 billion, with exports accounting for 15 percent of that figure. During the same period, revenues earned in this country from telephone traffic between the United States and Europe more than tripled, while earn-

ings from telex traffic between these regions increased 25 percent.

Despite these high stakes, the Federal Government and, particularly, the Department of State, has a checkered history in effectively formulating and implementing international telecommunications and information policy. Although there are 11 different bureaus and offices in the Department of State responsible for telecommunications matters, there has been no consistent attention given to this area by any policy level official within the Department.

Without such policy level guidance, State Department efforts have been uncoordinated and ineffective. As a result, we are not adequately preparing for the international telecommunications conferences scheduled throughout this decade. The decisions made at these conferences will affect every American and determine whether the United States will be able to meet its future telecommunications needs domestically and internationally.

The recent Plenipotentiary Conference of the International Telecommunication Union (ITU), held in Nairobi, Kenya, last fall, presents a very good example of the problems presented by our policymaking structure. Substantive preparations for that conference, including the appointment of a chairman and delegation, were not undertaken on a timely and systematic basis. The United States was successful in obtaining agreement on several significant proposals and helped defeat others that were adverse to our interests. However, politically motivated changes were made in the governing document of the ITU that will have far reaching and probably detrimental implications for the United States. Some of these changes could have been avoided if more time had been available for planning our preparations and discussions of our positions with other nations. We cannot allow our preparation and participation in future meetings to be subject to an ad hoc process that, at best, can be described as "damage control."

Members of the Committee on Commerce, Science, and Transportation have attempted to get the Department of State and the rest of the executive branch to focus on this problem and devise an appropriate solution. Thus far, we have had only limited and temporary success. I hope to explore these matters with my colleagues on the Committee on Foreign Relations, as well as those on the Committee on Appropriations. Together with the continuing interest of the Committee on Commerce, Science, and Transportation, we should be able to impress upon the Reagan administration and, particularly, the Department of State, that the Senate expects them to give more high-level attention to international telecommunications and information policy.

A good beginning would be for Richard McCormack, in his capacity as Assistant Secretary for Economic and Business Affairs, to take a personal and persistent interest in preparing the United States for the many issues we face in future international telecommunications forums.

Mr. BAKER. Mr. President, this is the McCormack nomination. It is not my intention to ask for the yeas and nays. I know of no requirement for a rollcall vote. If there is no request at this time, I hope the Chair will put the question.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. BYRD. We were about to vote on it, not even knowing that it was up for a voice vote.

Mr. BAKER. I am afraid that is right, and I was perhaps derelict in not listening better.

I want everyone to understand that we are not on the McCormack nomination. I know of no request for the yeas and nays.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Richard T. McCormack, of the District of Columbia, to be an Assistant Secretary of State?

The nomination was confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

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

The motion to lay on the table was agreed to.

THE EXECUTIVE CALENDAR

Mr. BAKER. Mr. President, may I have the attention of the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. RANDOLPH. Mr. President, a point of order. The Senate is not in order.

The PRESIDING OFFICER. The point of order is well taken. The Senate is not in order. The Senate will be in order.

Mr. BAKER. Mr. President, it is my hope now to continue working through the Executive Calendar on the nominations. There are nominations on page 2 and page 3 which appear to be cleared on my side. I have no indication that further rollcall votes will be required.

The order that put us in executive session provided for the consideration of specific nominees. I ask unanimous consent now that that condition may be removed and that we may continue to the consideration of nominations on page 2 and page 3 of the Executive Calendar, including nominations placed on the Secretary's desk.

Mr. BYRD. Mr. President, will the majority leader withhold that request until we can check further?

Mr. BAKER. I will withhold the request for the moment. I say to my friend the minority leader that I will keep us in executive session for the moment, and I hope we will be able to proceed with that matter.

The only other items on the Executive Calendar are the Montreal Protocol and the Constitution of the United Nations Industrial Development Organization. I will not try to do those today, but I should like to reach those tomorrow, if possible.

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

The PRESIDING OFFICER. The clerk will call the roll.

The 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. BYRD. Mr. President, will the distinguished majority leader yield for a question?

Mr. BAKER. Yes, indeed.

Mr. BYRD. My question is this: Would it be agreeable with the majority leader to call up the nomination of the first lady of West Virginia, Sharon P. Rockefeller, who has been nominated to be a member of the Board of Directors of the Corporation for Public Broadcasting? Will he be willing to call up that nomination out of turn?

Mr. BAKER. Yes, Mr. President, I would be very pleased to do that, not only because it is the wish of the minority leader, who has been such a champion not only of West Virginia's first lady, but also because I have such a high regard for her and for her father, who is a colleague of ours in the Senate. Mr. President, I would be delighted to do that.

If the minority leader will permit me, I ask unanimous consent, Mr. President, that the Senate proceed to the consideration of the remaining nominations on the Executive Calendar, beginning with the nomination of Sharon P. Rockefeller, Calendar No. 8, message 36-4.

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

CORPORATION FOR PUBLIC BROADCASTING

The PRESIDING OFFICER. The nomination will be stated.

The legislative clerk read the nomination of Sharon P. Rockefeller, of West Virginia, to be a member of the Board of Directors of the Corporation for Public Broadcasting.

Mr. BYRD. Mr. President, I thank the majority leader for his consideration in this regard. I know that my senior colleague, Senator RANDOLPH,

joins with me in supporting this nomination as we joined together in the hearing urging quick and unanimous approval by the committee on Mrs. Rockefeller's nomination. I am confident that my colleague will join in some remarks today.

I would like to say at this point that on Tuesday, the Senate Committee on Commerce, Science, and Transportation confirmed the nomination of Sharon Percy Rockefeller for another full term on the Board of Directors of the Corporation for Public Broadcasting. I urge, and in saying that "I urge" I have a very opinionated and positive feeling as to what the Senate will do with this nomination so I do not think it needs my urging to confirm Mrs. Rockefeller. But in any regard, I do urge my Senate colleagues to approve Mrs. Rockefeller for the second term. I have no doubt that the vote will be unanimous.

Sharon Rockefeller was confirmed for her first term on the Board of the Corporation for Public Broadcasting in 1977. At that time, I predicted that Sharon Rockefeller would bring a genuine aptitude and some very real talents to her work as a Board member, and that she would become one of the Board's most outstanding participants.

Mrs. Rockefeller did not disappoint me. Since 1977, Sharon Rockefeller has served the Board of Directors of the Corporation for Public Broadcasting as chairman of the education committee, chairman of the legislation and planning committee, and consequtively as vice chairman and then chairman of the entire Board of Directors. So that is quite an enviable record of performance. It certainly demonstrates a high dedication to duty and very great respect on the part of the other members of the Board for Mrs. Rockefeller.

During that same time, Mrs. Rockefeller has also served as a member of the board of trustees of Stanford University, a member of the advisory board of the National Women's Political Caucus, a member-at-large of the Democratic National Committee, and a member of the International Council of Museum of Modern Art in New York City.

That is no small array of achievements, and indicates the energy with which this lady approaches her work.

Her combined talents, education, and experience allowed Sharon Rockefeller to help American public broadcasting achieve some of the highest moments of excellence and acclaim in public broadcasting's history.

But her efforts for public broadcasting are not surprising. She is a member of one of America's most distinguished families; and her father, as the majority leader a moment ago said, is one of the outstanding Members of the Senate. She is married to the Governor of West Virginia—an up and coming, very energetic and able young Governor. And in her own right, Sharon Rockefeller is one of the most respected and accomplished women in our country. She is a cum laude graduate of Stanford University. She has been awarded honorary degrees by several other academic institutions. She is one of the most popular and best-loved first ladies in the history of West Virginia.

In addition, she has shared her time and her abilities with countless people in volunteer work in West Virginia and throughout America.

Sharon Rockefeller has served faithfully and expertly on the Board of Directors of the Corporation for Public Broadcasting since 1977. For the future of public broadcasting in our country, and for America's continued cultural growth, I know that the Senate will in short order and unanimously confirm for another full term, Sharon Percy Rockefeller to serve on the Board of Directors of the Corporation for Public Broadcasting.

I thank the distinguished majority leader again for calling up this nomination out of order.

I do have to go to a subcommittee meeting of the Senate Appropriations Committee. I should be there now, but for the moment I thought I should also be here.

Mr. BAKER. Mr. President, I thank the minority leader for his remarks. May I say I can attest firsthand to the qualifications of this nominee. I have known her for many years. I share with him the high regard and esteem that he has expressed.

Mr. RANDOLPH. Mr. President, I support the nomination of Sharon Percy Rockefeller, the first lady of the State of West Virginia, to be a member of the Board of Directors of the Corporation for Public Broadcasting. This nomination which has been reported favorably by the Committee on Commerce, Science, and Transportation will enable Mrs. Rockefeller to continue her service as a Director of the Corporation.

It was my privilege on February 4, 1983, to join our colleagues, Senator BYRD and Senator PERCY, in presenting Sharon to the committee and to endorse her reappointment. I am gratified that President Reagan has selected her for continuing service in this important position. In 1977, when she was initially named to the Board of the Corporation for Public Broadcasting, Senator BYRD and I presented Mrs. Rockefeller to the committee at that time also.

Sharon has demonstrated her dedication, her intense interest, and her constructive concern for the vital work of the Corporation, during the 6-year period that she has been in this position of leadership.

The last 2 years of this time she has served as its Chairman. It is timely to stress that there has never been a meeting of the Board in which she has not been present. She has not missed a committee or a task force session, except in July 1979 when her youngest child, Justin, was born.

I turn aside for another assessment of her career. I was with a group of West Virginia women a few weeks ago and they were praising Sharon. One of the women said "You know, we like Sharon, we admire Sharon." I responded "Give one reason, perhaps above all others, why you make this statement." The woman quickly replied, "She is the mother of four children."

I tell of this happening because her career in the home as well as in public service is of the quality admired by so many.

She has a genuine understanding, a deep sense of responsibility, for the processes of education, especially as that education relates to children and to youth. Her diligent study of program content has enabled her to make significant contributions to the CPB's efforts to bring quality programing and services to the American people.

It is appropriate to call attention to an editorial in U.S. News & World Report by Marvin Stone, the editor, who was graduated from Marshall University in Huntington, W. Va.

The editorial "TV: We Deserve Better" stresses the need for higher quality in commercial television and commends the advances made in public broadcasting. These, of course, are issues in which our nominee has perception, I ask unanimous consent that the editorial be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, so ordered.

(See exhibit I.)

Mr. RANDOLPH. Maintaining the high quality and level of service now expected by citizens generally from our public broadcasting stations is a critical task facing the CPB. I am confident that Sharon is prepared to continue to meet that challenge.

Mr. President, Sharon Rockefeller is a doer, a believer in progress for people—an activist in the right sense of the word and in a manner that inspires others to join in working for the public good. These qualities and abilities have been brought to bear on the development of the CPB's programs, thereby enriching the lives of all Americans. She is also a decisionmaker. Napoleon said: "Nothing is more difficult, and therefore more precious than to be able to decide." Sharon understands the precious value of being able to decide.

West Virginians feel fortunate to have Sharon serve on the Board of the CPB which, through public television and radio, reaches 100 million American children and adults. She is a

person who helps people. I have seen this demonstrated over and over in our State through her pursuits in education and cultural activities, in promoting arts and crafts organizations, and as a loving mother and a good wife and constructive partner of a capable and dedicated Governor.

Sharon Rockefeller gives unstintingly of her time, energy, and talent in public service activities in the highest tradition—activities which include her efforts as a Director of the Corporation for Public Broadcasting.

Mr. President, it is gratifying that the Senate is acting expeditiously on Sharon Rockefeller's nomination and it is a privilege to join in supporting this affirmative action.

[EXHIBIT I]

TV: WE DESERVE BETTER

(By Marvin Stone)

It is painful to watch the self-inflicted wounds of network television. After a rocket-like flight in profits over the last decade, to heights above 650 million dollars in 1981, the Big Three are looking back on a year when it was much harder to show net gains. From here out, they face rising costs of production, a shrinking share of the nation's viewers and the prospect of pouring out further millions to seek a foothold in cable, pay-TV and moviemaking.

In such a setting, a certain amount of panic is understandable, but still it seems that those are dollars enough to support some imagination and courage in programming. What a large segment of the public will remember, for example, is that the Big Three networks turned their backs on the Royal Shakespeare Company's four-part "Nicholas Nickleby" and, in some cases, for reasons of their own, pressed their affiliates to do the same.

Remembered, too, will be that it was left to the Public Broadcasting Service to run the tape of the Vienna State Opera's bouncy "Fledermaus" and introduce to American television Bayreuth's spirited and innovative version of the Wagner "Ring."

These are intellectual (read snobbish) exercises, in the established view of the marketplace, and PBS is "elitist."

Leaving aside for the moment the question of whether these treasures are, indeed, purely intellectual, a viewer has a right to inquire: If the nonintellectual is all that is to be courted by commercial television, where are the new romantic series and situation comedies to take the place of those that are wearing thin? What fresh inventions are there to engage viewers who have grown weary of "Love Boat" and "Fantasy Island" and Archie Bunker and Alice? And, the prime question, where can we turn the dial when we finally tune out the reruns of the reruns of "M*A*S*H"?

We all know and understand that the networks are prisoners of the popularity ratings. But questions about the intellectual will not die. "Nickleby" eventually appeared on a collection of stations put together by Mobil Corporation, which was trying to embellish its corporate image. "Nickleby" was pronounced a triumph. Aside from whatever value it might have as a Dickens masterpiece, it displayed acting more sincere and human qualities more genuine than your usual sitcom trash.

Reaction to "Nickleby" might indicate that commercial television is underestimating the brainpower of Americans and their capacity for enjoying TV's you-are-there presentations of works forbiddingly known as "classics." And they also may be overlooking a potential gain, at least in good will.

Network television now stands, in a sense, at the stage reached 10 years or so ago by the book industry. Traditionally, the big houses had included on their lists each year some titles useful just for their excellence and the reputation of the company. When production costs went out of sight, the business departments asserted their power: Nothing was to issue unless it promised big profits.

Well, publishing is a business. It is the paperback romances that rake in the green. But book publishing has lost luster. Moreover, if there is no high standard to emulate, where can the quality of the product and the level of public taste go but down?

Fortunately for television and its watchers, TV does have a yardstick: PBS. There is more to come in the season of public television—six further episodes of the Bayreuth "Ring," with its exciting young cast and direction; continued deep-investigative reporting; perhaps an hour-long news program, and other innovations.

On its tiny federal appropriation, together with private grants, the public network is gaining followers who sense that PBS is where it's happening. If only some of its quality could rub off on the people who mastermind commercial-television programming!

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BYRD. Mr. President, I do not want to move to reconsider this vote. I am afraid that a motion to reconsider might be misunderstood by some people but not by Sharon Rockefeller.

I move to reconsider the vote by which the nomination was confirmed.

Mr. BAKER. To make sure no one misunderstands, Mr. President, I will terminate this extensive debate by a motion to table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. BAKER. Under the order granted by the Senate we will proceed to the other nominees in turn on the Executive Calendar, beginning with the African Development Bank. But before that happens, so that I may confer with the minority leader, 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. ANDREWS). Without objection, it is so ordered.

Mr. BAKER. Mr. President, the remaining nominations on the calendar are the nominations of W. Allen Wallis, Calendar Order No. 4, continuing with the remainder of the nominations on page 2, "New Reports," and the "Nominations Placed on the Secretary's Desk in the Foreign Service" on page 3. I ask unanimous consent that these nominations be considered and confirmed.

AFRICAN DEVELOPMENT BANK

The PRESIDING OFFICER. Without objection, the clerk will read the first nomination.

The legislative clerk read the nomination of W. Allen Wallis, of New York, to be Alternate Governor of the African Development Bank.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nominee was confirmed.

Mr. BYRD. I move to lay that motion on the table. The motion to lay on the table was agreed to.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

The PRESIDING OFFICER. The clerk will read the nomination.

The legislative clerk read the nomination to Thomas A. Bolan, of New York, to be a member of the Board of Directors of the Overseas Private Investment Corporation.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nominee was confirmed.

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

CORPORATION FOR PUBLIC BROADCASTING

The PRESIDING OFFICER. The clerk will read the nominations.

The legislative clerk read the nomination of Richard Brookhiser of New York to be a member of the Board of Directors of the Corporation for Public Broadcasting.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The clerk will read the next nomination.

The legislative clerk read the nomination of Karl Eller of Arizona to be a member of the Board of Directors of the Corporation for Public Broadcasting.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nominee was confirmed.

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

The motion to lay on the table was agreed to.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE FOREIGN SERVICE

The PRESIDING OFFICER. The clerk will read the nominations.

The legislative clerk read the nominations placed on the Secretary's desk in the Foreign Service.

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

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

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

The motion to lay on the table was agreed to.

(All nominations confirmed today are printed at the end of the Senate proceedings.)

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

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

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I had announced earlier that tomorrow I would ask the Senate to turn to the consideration of the two treaties on the calendar. They are Montreal Aviation Protocols Nos. 3 and 4 and the Constitution of the United Nations Industrial Development Organization, which are Calendar Orders Nos. 1 and 2. I am advised that if I forbear to lay those down tomorrow, there is a possibility that we might be able to work out an orderly time and sequence for their consideration at an early date. I would like to do that if I can, obviously. I would like to accommodate the convenience of as many Senators as I can. I want to do these two items and do them before we get into the mainstream, so to speak, of legislative activity. But if the minority leader can indicate to me he thinks we might work something out on that, I, for one, would be glad to try to find a different time schedule.

Mr. BYRD. Mr. President, there are a number of Senators on this side of the aisle who are opposed to the Montreal Aviation Protocols. They would be rather vociferous, I would say, in their opposition at this point—maybe at any point.

In any event, in answer to the majority leader's question, I think if he could forgo taking up that item for a few days, there might be reasonable prospects for working out some kind of time agreement on the matter which, in the long run, might serve the interest of the Senate and the majority leader was well in his efforts to move the legislative process along.

Mr. BAKER. Mr. President, I thank the minority leader. In view of that, I shall not ask the Senate to turn to consideration of those items tomorrow. I shall confer further with the minority leader to see what the prospects are for a time agreement and an early time certain for their further consideration.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

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

MEASURES ON THE CALENDAR

Mr. BAKER. Mr. President, on today's Calendar of General Orders, I find four bills, Nos. 5, 6, 7, and 8, that are cleared for passage by unanimous consent on this side. May I inquire of the minority leader if he is prepared to consider those measures?

Mr. BYRD. Mr. President, those measures have been cleared on this side of the aisle for passage by unanimous consent, with the understanding that there be no amendments to them.

Mr. BAKER. I ask that the four items just identified be considered, that no amendments be in order, and that there be no time for debate.

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

PRINTING OF THE STANDING RULES OF THE SENATE

The Senate proceeded to consider the resolution (S. Res. 60) authorizing the printing of a revised edition of the "Standing Rules of the Senate," as a Senate document, which was considered, and agreed to, as follows:

S. RES. 60

Resolved, That the Committee on Rules and Administration hereby is directed to prepare a revised edition of Senate Document Numbered 97-10, entitled "Standing Rules of the Senate," and that such standing rules shall be printed as a Senate document.

SEC. 2. There shall be printed two thousand five hundred additional copies of the document specified in section 1 of this resolution for the use of the Committee on Rules and Administration.

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

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

The motion to lay on the table was agreed to.

SENATE MEMBERS OF CERTAIN JOINT COMMITTEES

The Senate proceeded to consider the resolution (S. Res. 58) providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library, which was considered, and agreed to, as follows:

S. RES. 58

Resolved, That the following-named Members be, and they are hereby, elected members of the following joint committees of Congress:

JOINT COMMITTEE ON PRINTING: Mr. Mathias of Maryland, Mr. Hatfield of Oregon, Mr. Baker of Tennessee, Mr. Ford of Kentucky, and Mr. Pell of Rhode Island.

JOINT COMMITTEE OF CONGRESS ON THE LIBRARY: Mr. Mathias of Maryland, Mr. Hatfield of Oregon, Mr. Warner of Virginia, Mr. Inouye of Hawaii, and Mr. DeConcini of Arizona.

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

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

The motion to lay on the table was agreed to.

EXPENDITURES BY THE COMMITTEE ON RULES AND ADMINISTRATION

The Senate proceeded to consider the resolution (S. Res. 59) authorizing expenditures by the Committee on Rules and Administration, which was considered, and agreed to, as follows:

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 1983, through February 29, 1984, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $1,304,056, of which amount not to exceed $5,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1984.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

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

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

The motion to lay on the table was agreed to.

GRATUITY TO KENNETH J. ASBURY AND CATHERINE ASBURY

The Senate proceeded to consider the resolution (S. Res. 61) to pay a gratuity to Kenneth J. Asbury and Catherine Asbury, which was considered, and agreed to, as follows:

S. RES. 61

Resolved, That the Secretary of the Senate is authorized and directed to pay, from the contingent fund of the Senate, to Kenneth J. Asbury and Catherine Asbury, parents of Kenneth R. Asbury, an employee of the Senate at the time of his death, a sum to each equal to one-half of the eight months' 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.

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

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

The motion to lay on the table was agreed to.

LITHUANIAN INDEPENDENCE DAY

Mr. THURMOND. Mr. President, I am pleased to be a cosponsor of Senate Joint Resolution 16 proclaiming February 16 as Lithuanian Independence Day.

Today marks the 65th anniversary of the establishment of the Independent Democratic Republic of Lithuania by the Lithuanian National Council in 1918.

However, 43 of these years have been marred by Russian occupation of Lithuania and the subsequent forcible incorporation of that country into the Soviet sphere. In 1940, a Communist-orchestrated election resulted in the establishment of Lithuania as a Soviet state and the beginning of a mass deportation of over 300,000 freedom-loving Lithuanians to Siberian labor camps.

During their years of subjugation, Lithuanians have been subjected to the same hardships and deprivation of rights imposed on other Baltic and East European countries included in the Soviet bloc. Industry and labor have been exploited, and religious leaders have been persecuted. In a continuing effort to indoctrinate the people, authorities from Moscow threaten the cultural, religious, and linguistic heritage of the Lithuanian people. Defiance of the totalitarian rule invariably means imprisonment and ostracism.

The atheist Soviet authorities obviously realized when they occupied Lithuania that nationalism is often closely linked to deeply held religious beliefs. For this reason, the Soviets have pursued the elimination of religion to undermine national resistance to Moscow's rule. This policy has resulted in blatant abuses of the Lithuanian Constitution, which guarantees freedom of conscience and equality of all citizens before the law. In reality, however, those who openly practice their religion are treated as second-class citizens and are denied educational opportunities and responsible positions in business and Government.

Despite the harassment and innumerable obstacles, nowhere in the Soviet Union today are resistance and dissent so well organized. Lithuanian spirit has resolutely survived Moscow's efforts of suppression. Demonstrations and petitions protesting religious persecution, as well as the publication of underground journals detailing discrimination and human rights violations, provide clear opposition to Soviet rule. Moscow has tried, unsuccessfully, to portray dissenters as landowners and members of the exploiter professions, when, in fact, many vocal resistance leaders spring from the working classes, representing the sentiments of a significant portion of the people.

It is appropriate that we recognize again the indomitable spirit of the Lithuanian people. During their brief history of independence from 1918 to 1940, the Lithuanians espoused the same desires which led to and are embodied in our own Declaration of Independence.

Mr. President, I am proud to once again lend my support to the courageous people of Lithuania, and to express my admiration for their continuing effort to obtain freedom from foreign oppression.

THE GENOCIDE CONVENTION: WHAT ARE WE WAITING FOR?

Mr. PROXMIRE. Mr. President, in 1946, the United States was instrumental in drafting the Genocide Convention. At that time, the human nightmare of the Holocaust fueled our desire to author the Convention and initiate the march toward an international human rights code. Yet, after an initial burst of energy, our efforts began to wane and we fell by the wayside, passively watching as over 80 nations ratified the Genocide Convention. A generation later, we are still at the wayside, we have failed to ratify a treaty we helped to write and should have been first to ratify.

The Genocide Convention is a noble treaty. It guarantees to all groups, no matter what their race, religion, or creed, the right to live free from the specter of systematic extermination. It is a treaty that can and should be among the foundation stones of an international, moral code. Until the United States ratifies the Convention, however, a vital link to the assurance of human right will be missing.

Given the fundamental importance of the Genocide Convention to the international community, one must ask what impedes our swift approval of its content? Indeed, Mr. President, what are we waiting for?

While there has been opposition to the treaty, the claims of its opponents have all been ill-founded. Some have contended that this treaty will override the Constitution. Yet, the American Bar Association has shown that contention to be invalid. Others have contended that this treaty will let Americans be tried abroad where their rights might be violated. Yet, the American Civil Liberties Union has shown this contention to be invalid. Still other opponents contend that this treaty will give the United Nations jurisdiction over our citizens and laws. Yet, the Defense and Justice Departments have shown this contention to be invalid as well.

In short, Mr. President, in the 37 years of its history, the Genocide Convention has been scrutinized and scrutinized again by experts from the legal, academic, and political communities. These authorities have found nothing improper or irregular about this treaty. In fact, they have urged ratification, as have all the Presidents since Truman.

There are no loopholes, no hidden clauses, no catches to the Genocide Convention. The treaty is meant as an international assurance of a fundamental human right. It in no way intends to restrict or alter the freedoms and laws we already know. Those who oppose this treaty do so in the very face of a third of a century of expert testimony and advice which have advocated ratification.

Mr. President, let us no longer remain by the wayside. Let us return to the mainstream of the movement for ratifying the Genocide Convention. Let us act as vigorously today as we did over 30 year ago when the specter of genocide loomed large and real over the peoples of Europe and Russia. Let us give our advice and consent to the Genocide Convention.

IS THE TRIAD ESSENTIAL FOR NUCLEAR DEFENSE?

Mr. PROXMIRE. Mr. President, one of the most stable elements in the rapidly changing, unpredictable and highly controversial debate on how best to strengthen the U.S. nuclear deterrent has been the general widespread agreement on the wisdom of relying on all three of the general modes of nuclear weapons deployment—land,

air, and sea. The triad has been as close to a given, fully accepted element in our nuclear defense as there is. Yesterday, in an article in the New York Times, Drew Middleton, the highly respected expert on our military forces reported:

For the first time in many years, the Triad concept is being questioned inside and outside the Department of Defense. "There is nothing sacred about the Triad," a Defense Department official said, it's not the Trinity; "it's simply a strategic concept that has developed out of our possession of particular weapons at a particular time."

Mr. President, this development has such a serious bearing on our budget consideration and the size and nature of the military budget that I call the article by Mr. Middleton to the attention of my colleagues and ask unanimous consent that it be printed in the RECORD.

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

[From the New York Times, Feb. 15, 1983]

FUNDAMENTAL QUESTION: "TRIAD" NUCLEAR DEFENSE

(By Drew Middleton)

The continuing controversy over the basing of the MX intercontinental ballistic missile, which is delaying the production of the missile itself, has provoked debate in the military establishment, raising questions about the soundness of the present division of responsibility for United States strategic nuclear forces.

For 20 years successive Administrations accepted the concept of a triad for such forces. The Air Force would have two legs, intercontinental ballistic missiles and bombers; the Navy would have the third, submarine-based ballistic missiles.

The Army had to be content with its Pershing 1 missiles in West Germany, which may be replaced later this year, if America's North Atlantic Treaty Organization partners agree, by Pershing 2's of much greater range. These, however, are still just intermediate-range weapons, outside the scope of the strategic triad.

For the first time in many years, the triad concept is being questioned inside and outside the Department of Defense. "There's nothing scared about the triad," a Defense Department official said, "it's not the Trinity; it's simply a strategic concept that has developed out of our possession of particular weapons at a particular time."

The debate over an MX basing plan has led American strategists toward new concepts in missiles. For example, Mr. Reagan's Commission on Strategic Forces is now considering recommending the development of an entirely new weapon; a small missile carrying one warhead, as against the MX's 10.

The proposed missile, dubbed "Midgetman" in the Pentagon, would weigh 22,000 pounds to the MX's 190,000 pounds. The two missiles' ranges would be about the same, 8,000 miles. No one on the commission has disclosed how much development of an entirely new missile would cost. But last Wednesday Mr. Reagan gave the commission another month to agree on a basing system for the MX and any other proposals for any changes in the American nuclear arsenal.

Technological advances in nuclear weaponry are one reason for the debate in the military establishment.

Development of the MX missile began in the last decade when it was realized that the Soviet Union's strategic nuclear forces were increasingly accurate and disposed of greater tonnage than those of the United States.

The problem is basing. President Carter's Administration put forward the "shell game" plan, which involved continuous movement of 200 of the missiles among more than 4,000 firing points. The plan to base the missiles in a bunch, known as dense pack, was proposed by the Reagan Administration.

While arguments have continued over these two alternatives for basing the MX, other technology has proceeded to the point where questions about other deployments are winning attention.

SEA-BASING A SORE SUBJECT

The first question is whether the MX could be sea-based. The question seems innocent enough. But in terms of inter-service rivalry, sea basing of the MX would deprive the Air Force of its most important contribution to the triad.

For the Air Force to acknowledge that its weapon, the MX, could possibly be based at sea rather than on land would relegate the Army to a position behind the Navy in the hierarchy of strategic nuclear power.

A retired Navy captain, John E. Draim, with great experience in maritime nuclear development, believes there is a "much simpler launch method," by which the missile is dropped from a containership, floats vertically and is fired from its container.

Whatever the virtues of this idea, and naval sources assert there are many, there is an evident strategic advantage to the United States in being able to launch an MX, or comparable weapon, from the sea.

SOVIET FLEETS RESTRICTED

In any naval war between opposing American and Soviet fleets, because of geography the United States has the ability to range the Atlantic and Pacific oceans at will while, at the outset of any general war, the Soviet Navy would have to crash through narrow points hampering the Northern, Pacific, Baltic and Black Sea fleets' ability to reach the high seas and engage NATO forces.

So, as naval sources propose, why not put the MX on container ships deployed in the seas around the Soviet Union and, in the event of a crisis, drop off the encapsulated missiles to be launched when appropriate?

Some naval sources assessing the confusion ask why a major national military priority should center entirely on that weapon. They argue that enhancement of the accuracy and range of the submarine-launched ballistic missile will in time produce a more secure and formidable weapon.

The Trident C-4 is the missile they have in mind. More than 216 of these have been deployed since 1980 in nuclear-powered submarines. The missiles have a range of over 4,600 miles and have what is known as a CEP, or Circular Error Probable, of a quarter of a mile. CEP is the radius of a circle centered on a target within which there is a 50 percent probability that a weapon aimed at the target will fall.

TRIDENT MORE ACCURATE

The Trident's CEP is much greater than that of the Minuteman 3, the most accurate of the Air Force's land-based missiles, which is set at 210 yards, or less than an eighth of a mile. But, as advocates of sea-basing argue, the present C-4 is not the final Trident.

A second such weapon is the Trident II/D-5 now being developed. This missile will have a longer range and greater accuracy. Stowed aboard Trident submarines on the Pacific or Atlantic coast, it could attack targets in the Soviet Union from Leningrad to Vladivostok.

However, the Navy does not expect that the weapon will be operational before 1989.

Meanwhile, those who oppose basing strategic missiles in submarines or special containers argue that a breakthrough in antisubmarine warfare would immediately reduce the effectiveness of either submarine-or container-launched missiles.

They anticipate a swift advance by both Russians and Americans in the technology for the detection and location of underwater weapons, whether in submarines or untended in containers. A canvass of NATO intelligence officers showed that they believed that neither East nor West appeared close to such a breakthrough.

What appears certain, however, is that the debate over the basing of the MX will widen into a general debate over sea-based and land-based missiles. In this, funds are likely to be a major concern. Supporters of sea basing, for example, insist that acquiring a few containerships to carry MX missiles to be loosen from the vertical floating position developed by the Navy will be far cheaper than the Trident submarine fleet of land-based MX's.

The debate, superficially courteous and high-minded, can be expected to cloak a long duel between the Air Force and the Navy for control of the United States' primary nuclear weapon. In a sense each service will be fighting for priority in the most sensitive area of national security.

BALANCED BUDGET CONSTITUTIONAL AMENDMENT

Mr. THURMOND. Mr. President, a great deal of misinformed criticism has been aimed at the proposed balanced budget constitutional amendment (S.J. Res. 5). Although I believe that most of this criticism was effectively dispelled during last year's debates on the amendment, I continue to hear attacks upon it from individuals who have clearly never taken the time to read the amendment or its report very thoroughly.

An excellent response to this criticism appears in the current issue of the Atlantic magazine by Nobel Prize-winning economist, Milton Friedman, who has played a major part in the development of this amendment. I believe that it provides a clear and succinct statement of what the proposed amendment is designed to do. I call this excellent article to the attention of my colleagues, and ask unanimous consent that it appear at this place in the RECORD.

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

WASHINGTON: LESS RED INK

Our elected representatives in Congress have been voting larger expenditures year after year—larger not only in dollars but as

a fraction of the national income. Tax revenue has been rising as well, but nothing like so rapidly. As a result, deficits have grown and grown.

At the same time, the public has demonstrated increasing resistance to higher spending, higher taxes, and higher deficits. Every survey of public opinion shows a large majority that believes that government is spending too much money, and that the government budget should be balanced.

How is it that a government of the majority produces results that the majority opposes?

The paradox reflects a defect in our political structure. We are ruled by a majority—but it is majority composed of a coalition of minorities representing special interests. A particular minority may lose more from programs benefiting other minorities than it gains from programs benefiting itself. It might be willing to give up its own programs as part of a package deal eliminating all programs—but, currently, there is no way it can express that preference.

Similarly, it is not in the interest of a legislator to vote against a particular appropriation bill if that vote would create strong enemies while a vote in its favor would alienate few supporters. That is why simply electing the right people is not a solution. Each of us will be favorably inclined toward a legislator who has voted for a bill that confers a large benefit on us, as we perceive it. Yet who among us will oppose a legislator because he has voted for a measure that, while requiring a large expenditure, will increase the taxes on each of us by a few cents or a few dollars? When we are among the few who benefit, it pays us to keep track of the vote. When we are among the many who bear the cost, it does not pay us even to read about it.

The result is a major defect in the legislative procedure whereby a budget is enacted: each measure is considered separately, and the final budget is the sum of the separate items, limited by no effective, overriding total. That defect will not be remedied by Congress itself—as the failure of one attempt after another at reforming the budget a process has demonstrated. It simply is not in the self-interest of legislators to remedy it—at least not as they have perceived their self-interest.

Dissatisfaction with ever-increasing spending and taxes first took the form of pressure on legislators to discipline themselves. When it became clear that they could not or would not do so, the dissatisfaction took the form of a drive for constitutional amendments at both the state and the federal levels. The drive captured national attention when Proposition 13, reducing property taxes, was passed in California; it has held public attention since, scoring successes in state after state. The constitutional route remains the only one by which the general interest of the public can be expressed, by which package deals, as it were, can be realized.

Two national organizations have led this drive: the National Tax Limitation committee (NTLC), founded in 1975 as a single-issue, nonpartisan organization to serve as a clearinghouse for information on attempts to limit taxes at a local, state, or federal level, and to assist such attempts; and the National Taxpayers Union (NTU), which led the drive to persuade state legislatures to pass resolutions calling for a constitutional convention to enact an amendment requiring the federal government to balance its budget. Thirty-one states have already passed resolutions calling for a convention. If three more pass similar resolutions, the Constitution requires Congress to call such a convention—a major reason Congress has been active in producing its own amendment.

The amendment that was passed by the Senate last August 4, by a vote of 69 to 31 (two more than the two thirds required for approval of a constitutional amendment), had its origin in 1973 in a California proposition that failed at the time but passed in 1979 in improved form (not Proposition 13). A drafting committee organized by the NTLC produced a draft amendment applicable to the federal government in late 1978. The NTU contributed its own version. The Senate Judiciary Committee approved a final version on May 19, 1981, after lengthy hearings and with the cooperation of all the major contributors to the earlier work. In my opinion, the committee's final version was better than any earlier draft. That version was adopted by the Senate except for the addition of section 6, proposed by Senator William Armstrong, of Colorado, a Republican. Approval by the Senate, like the sponsorship of the amendment, was bipartisan: forty-seven Republicans, twenty-one Democrats, and one Independent voted for the amendment.

The House Democratic leadership tried to prevent a vote on the amendment in the House before last November's elections. However, a discharge petition forced a vote on it on October 1, the last full day of the regular session. The amendment was approved by a majority (236 to 187), but not by the necessary two thirds. Again, the majority was bipartisan: 167 Republicans, 69 Democrats. In view of its near passage and the widespread public support for it, the amendment is sure to be reintroduced in the current session of Congress. Hence it remains a very live issue.

The amendment as adopted by the Senate would achieve two related objectives: first, it would increase the likelihood that the federal budget would be brought into balance, not by prohibiting an unbalanced budget but by making it more difficult to enact a budget calling for a deficit; second, it would check the growth of government spending—again, not by prohibiting such growth but by making it more difficult.

The amendment is very much in the spirit of the first ten amendments—the Bill of Rights. Their purpose was to limit the government in order to free the people. Similarly, the purpose of the balanced-budget-and-tax-limitation amendment is to limit the government in order to free the people—this time from excessive taxation. Its passage would go a long way to remedy the defect that has developed in our budgetary process. By the same token, it would make it more difficult for supporters of ever-bigger government to attain their goals.

It is no surprise, therefore, that a torrent of criticism has been loosed against the proposed amendment by people who believe that our problems arise not from excessive government but from our failure to give government enough power, enough control over us as individuals. It is no surprise that Tip O'Neill and his fellow advocates of big government tried to prevent a vote in the House on the amendment, and used all the pressure at their command to prevent its receiving a two-thirds majority.

It is no surprise, either, that when the amendment did come to a vote in the House, a substantial majority voted for it. After all, in repeated opinion polls, more than three quarters of the public have favored such an amendment. Their representatives do not find it easy to disregard that sentiment in an open vote—which is why Democratic leaders tried to prevent the amendment from coming to a vote. When their hand was forced, they quickly introduced a meaningless substitute that was overwhelmingly defeated (346 to 77) but gave some representatives an opportunity to cast a recorded vote for a token budget-balancing amendment while at the same time voting against the real thing.

I have been much more surprised, and dismayed, by the criticism that has been expressed by persons who share my basic outlook about the importance of limiting government in order to preserve and expand individual freedom—for example, the editors of The Wall Street Journal and a former editor and current columnist, Vermont Royster. They do not question the objectives of the amendment, but they doubt its necessity and potential effectiveness.

Those doubts are presumably shared by many other thoughtful citizens of all shades of political opinion who are united by concern about the growth of government spending and deficits. Here, for their consideration, are my answers to the principal objections to the proposed amendment that I have come across, other than those that arise from a desire to have a still-bigger government:

1. *The amendment is unnecessary. Congress and the President have the power to limit spending and balance the budget.*

Taken seriously, this is an argument for scrapping most of the Constitution. Congress and the President have the power to preserve freedom of the press and of speech without the First Amendment. Does that make the First Amendment unnecessary? Not surprisingly, I know of no one who has criticized the balanced-budget amendment as unnecessary—however caustic his comments on congressional hypocrisy—who would draw the conclusion that the First Amendment should be scrapped.

It is essential to look not only at the power of Congress but at the incentives of its members—to act in such a way as to be re-elected. As Phil Gramm, a Democratic congressman from Texas, has said: "Every time you vote on every issue, all the people who want the program are looking over your right shoulder and nobody's looking over your left shoulder. . . . In being fiscally responsible under such circumstances, we're asking more of people than the Lord asks."

Under present arrangements, Congress will not in fact balance the budget. Similarly, a President will not produce a balanced budget by using the kind of vetoes that would be required. The function of the amendment is to remedy the defect in our legislative procedure that distorts the will of the people as it is filtered through their representatives. The amendment process is the only effective way the public can treat the budget as a whole. That is the function of the First Amendment, as well—it treats free speech as a bundle. In its absence, Congress would consider each case "on its merits." It is not hard to envisage the way unpopular groups and views would fare.

2. *The President and Congress are guilty of hypocrisy in voting simultaneously for a large current deficit and for a constitutional amendment to prevent future deficits.*

Of course. I have long believed that congressional hypocrisy and shortsightedness are the only reasons there is a ghost of a

chance of getting Congress to pass an amendment limiting itself. Most members of Congress will do anything to postpone the problems they face by a couple of years—only Wall Street has a shorter perspective. If the hypocrisy did not exist, if Congress behaved "responsibly," there would be no need for the amendment. Congress's irresponsibility is the reason we need an amendment and at the same time the reason that there is a chance of getting one.

Hypocrisy may eventually lead to the passing of the amendment. But hypocrisy will not prevent the amendment from having important effects three or four years down the line—and from casting its shadow on events even earlier. Congress will not violate the Constitution lightly. Members of Congress will wriggle and squirm; they will seek, and no doubt find, subterfuges and evasions. But their actions will be significantly affected by the existence of the amendment. The experience of several states that have passed similar tax-limitation amendments provides ample evidence of that.

3. *The amendment is substantive, not procedural, and the Constitution should be limited to procedural matters. The fate of the prohibition amendment is a cautionary tale that should give us pause in enacting substantive amendments.*

If this amendment is substantive, so is the income-tax (sixteenth) amendment and so are many specific provisions of the Constitution. The income-tax amendment does not specify the rate of tax. It leaves that to Congress. Similarly, this amendment does not specify the size of the budget. It simply outlines a procedure for approving it: the same as now exists if total legislated outlays do not exceed an amount determined by prior events (the prior budget and the prior growth in national income); and by a majority of 60 percent if total legislated outlays do exceed that amount. The requirement of a supernormal majority is neither substantive nor undemocratic nor unprecedented. Witness the two-thirds majority necessary to override a presidential veto or to approve a treaty.

The prohibition amendment was incompatible with the basic aim of the Constitution, because it was not directed at limiting government. On the contrary, it limited the people and freed government to control them. The balanced-budget-tax-limitation amendment is thoroughly compatible with the basic role of the Constitution, because it seeks to improve the ability of the public to limit government.

4. *The amendment is unduly rigid, because it requires an annually balanced budget.*

This is a misconception. Section 1 of the amendment prohibits a *planned* budget deficit unless it is explicitly approved by three fifths of the members of the House and Senate. It further requires the Congress and the President to "ensure that actual outlays do not exceed the outlays set forth in [the budget] statement." But it does not require that actual receipts equal or exceed statement receipts. A deficit that emerged because a recession produced a reduction in tax receipts would not be in violation of the amendment, provided that outlays were no greater than statement outlays. This is a sensible arrangement: outlays can be controlled more readily over short periods than receipts.

I have never been willing to support an amendment calling for an annually balanced budget. I do support this one, because it has the necessary flexibility.

5. *The amendment will be ineffective because (a) it requires estimates of receipts and outlays, which can be fudged; (b) its language is fuzzy; (c) the Congress can find loopholes to evade it; (d) it contains no specific provisions for enforcement.*

(a) It will be possible to evade the amendment by overestimating receipts—but only once, for the first year the amendment is effective. Thereafter, section 2 of the amendment limits each year's statement receipts to the prior years's statement receipts plus the prior rate of increase of national income. No further estimates of budget receipts are called for. This is one of the overlooked subtleties in the amendment.

Any further fudging would have to be of the national-income estimate. That is possible but both unlikely and not easy. What matters is not the *level* of national income but the percentage *change* in national income. Alterations of the definition of national income that affect levels are likely to have far less effect on percentage changes. Moreover, making the change in income artificially high in one year will tend to make it artificially low the next. All in all, I do not believe that this is a serious problem.

(b) The language is not fuzzy. The only undefined technical term is "national income." The amendment also refers to "receipts" and "outlays," terms of long-standing usage in government accounting; in section 4, total receipts and total outlays are defined explicitly.

Nor is the amendment a hastily drawn gimmick designed to provide a fig leaf to hide Congress's sins. On the contrary, it is a sophisticated product, developed over a period of years, that reflects the combined wisdom of the many persons who participated in its development.

(c) Loopholes are a more serious problem. One obvious loophole—off-budget outlays—has been closed by phrasing the amendment in terms of total outlays and defining them to include "all outlays of the United States except those for repayment of debt principal." But other, less obvious, loopholes have not been closed. Two are particularly worrisome: government credit guarantees, and mandating private expenditures for public purposes (e.g., antipollution devices on automobiles). These loopholes now exist and are now being resorted to. I wish there were some way to close them. No doubt the amendment would provide an incentive to make greater use of them. Yet I find it hard to believe that they are such attractive alternatives to direct government spending that they would render the amendment useless.

(d) No constitutional provision will be enforced unless it has widespread public support. That has certainly been demonstrated. However, if a provision does have widespread support—as public-opinion polls have clearly shown that this one does—legislators are not likely to flout it, which brings us back to the loopholes.

Equally important, legislators will find it in their own interest to confer an aura of inviolability on the amendment. This point has been impressed on me by the experience of legislators in states that have adopted amendments limiting state spending. Prior to the amendments, they had no effective defense against lobbyists urging spending programs—all of them, of course, for good purposes. Now they do. They can say: "Your program is an excellent one; I would like to support it, but the total amount we can spend is fixed. To get funds for your program, we shall have to cut elsewhere. Where should we cut?" The effect is to force lobbyists to compete against one another rather than form a coalition against the general taxpayer.

That is the purpose of constitutional rules: to establish arrangements under which private interest coincides with the public interest. This amendment passes that test with flying colors.

6. *The key problem is not deficits but the size of government spending.*

My sentiments exactly. Which is why I have never supported an amendment directed solely at a balanced budget. I have written repeatedly that while I would prefer that the budet be balanced, I would rather have government spend $500 billion and run a deficit of $100 billion than have it spend $800 billion with a balanced budget. It matters greatly how the budget is balanced, whether by cutting spending or by raising taxes.

In my eyes, the chief merit of the amendment recommended by the Senate Judiciary Committee is precisely that it does limit spending. Section 1 requires that statement outlays be no greater than statement receipts; section 2 limits the maximum increase in statement receipts; the two together effectively limit statement outlays. Moreover, if in any year Congress manages to keep statement receipts and outlays below the maximum level, the effect is to lower the maximum level for future years, thus fostering a gradual ratcheting down of spending relative to national income.

A further strength of the amendment is the provision for approving an exceptional increase in statement receipts (hence in statement outlays). The spending-limitation amendment that was drafted by the National Tax Limitation Committee required a two-thirds majority of both houses in order to justify an exceptional increase in outlays. The amendment passed by the Senate requires only "a majority of the whole number of both houses of Congress." However, the majority must vote for an explicit tax increase. I submit that it is far easier to get a two-thirds majority of Congress to approve an exceptional increase in spending than to get a simple majority to approve an explicit increase in taxes. So this is a stronger, not a weaker, amendment.

Section 6, proposed by Senator Armstrong in the course of Senate debate, makes the debt ceiling permanent and requires a supermajority vote to raise it. That provision was approved by a narrow majority composed of a coalition of right-wing Republicans and left-wing Democrats—the one group demonstrating its hardcore conservatism, the other seeking to reduce the chances of adoption of the basic amendment.

I do not favor the debt-limit provision. Its objective—to strengthen pressure on Congress to balance the budget—is fine, and it may be that it would do little harm. But it seems to me both unnecessary and potentially harmful. I trust that it will be eliminated if and when the amendment is finally approved by Congress. I shall favor the amendment even if the debt-limit provision is left in, but less enthusiastically.

7. *The amendment introduces a new economic theory into the Constitution.*

It does nothing of the kind—unless the idea that there should be some connection between receipts and outlays is a new economic theory. The amendment does not even change the present budget process, *if* Congress enacts a balanced budget that rises by no greater a percentage than does

national income. But it does significantly stiffen the requirement for passing a budget that is in deficit or for raising the fraction of our income spent on our behalf by the government.

The amendment recommended by the Senate Judiciary Committee deserves the wholehearted backing of every believer in a limited government and maximum freedom for the individual.

S. 267, COAL SLURRY PIPELINE

Mr. SIMPSON. Mr. President, I am pleased to endorse the introduction of S. 267, the Coal Distribution and Utilization Act of 1983, into this session of Congress. This legislation is intended to facilitate the national distribution and utilization of coal through interstate coal pipelines. This proposed legislation comes at a very opportune time.

This type of legislation has been introduced in other sessions and a careful review of S. 267 again leads me to the conclusion that this legislation is important if we are to nurture the development of a proven transportation technology—and with it the healthy competition that is the driving force in our system of political economy. I also feel that the authorizing of the use of eminent domain for this emerging industry under the proper controls and scrutiny of the Secretary of Energy is a correct and proper function for Congress. The marketability of western coal resources for domestic and international uses will depend in good measure upon advancing reliable, efficient and competitive transportation systems.

The delegation of the sovereign authority which Government has for acquisition of private property and property rights through condemnation is a matter to which Congress must give its most careful and serious attention. In this arena, the U.S. Constitution is the fundamental and controlling document on the application of eminent domain by both State and Federal jurisdictions. Prior to the adoption of the 14th amendment the power of eminent domain by State governments was unrestrained by any Federal authority.

The just compensation provision expressed by the 5th amendment did not apply to the States. It is the 14th amendment that affords property owners the same measure of protection against the States as the 5th amendment does against the Federal Government. In addition to the Constitutional underpinnings of either State or Federal eminent domain, I also note that since the adoption of the Interstate Commerce Act authority for supervision of interstate coal pipelines has been vested with the Interstate Commerce Commission under the provisions of 49 U.S.C. 1(b). Congress has a responsibility to promote interstate commerce. Our national network of interstate railroads, petroleum, and natural gas pipelines and highways are tangible evidence of congressional effort to foster a national common market through interstate transportation.

My paramount concern over Federal legislation which would assure eminent domain authority for interstate coal pipelines, has been with the tests to be applied at the outset to insure that the interests of private property owners are always given the maximum protection under the U.S. Constitution. Foremost in protection here is an initial determination that eminent domain authority will only be exercised where there is a clear showing that—on balance—the taking is in the greater public interest. S. 267 places this responsibility with the Secretary of Energy or his successor, to make four determinations. I cite them:

First, it must be determined that the right-of-way to be acquired would advance the national need for coal distribution and utilization taking into consideration other routings. Second, it must be found that the proposed right-of-way would promote competition and serve new market outlets. Third, a determination must be reached that the coal pipeline distribution system would advance our national security by displacing imported petroleum with domestic coal. Finally, a finding must be made that the routing will not adversely affect the natural environment.

A key limitation on the exercise of eminent domain, set by S. 267, is that the procedure to be employed in any judicial determination, whether the case is tried in the Federal district court or in an appropriate State court, is that such actions shall "conform as nearly as may be practicable with the practice and procedure in similar action or proceedings in the courts of the State where the property is situated." This section borrows the procedures established by the States for determining such issues as whether or not good faith negotiations were conducted with the landowner, the method for determining compensation and damages, permission for surveys, attorney fees, and other key items associated with an individual State's procedures used in civil litigation. S. 267 also promotes the use of State courts as the forum for such actions.

In conclusion, Mr. President, I feel that support of this legislation should be based upon three fundamental elements. First, that limitations on eminent domain authority, State or Federal, rest with the Federal Constitution. Second, that Congress should properly oversee interstate coal pipelines as it now does in regard to interstate pipelines transporting other commodities. Finally, that the procedure in any judicial determination of eminent domain be performed according to the type of procedure prescribed by State legislatures. S. 267 meets all of those tests.

The bill also deals extensively with the critically important recognition and perservation of State authority to allocate water for use in any interstate coal pipelines. This is a matter of extreme importance to those of us who represent the arid Western States Provisions in S. 267 amount to a clear waiver of any possible Federal preemption of State authority to allocate water to interstate coal pipelines. This congressional waiver is consistent with the Interstate Commerce Act which denies jurisdiction over water pipelines to the Interstate Commerce Commission. Congress for 117 years has always deferred to the States in questions of water acquisition, development, and allocation. S. 267 is consistent with this approach to water and water rights and may well be the clearest expression of congressional respect for States rights in that field which could be adopted. It is a solid piece of legislation.

Thank you.

DEATH OF THOR TOLLEFSON

Mr. JACKSON. Mr. President, just recently a dear friend and former colleague, Thor Tollefson, passed away at the age of 81.

Thor served in the House representing Washington State's Sixth District, which includes the city of Tacoma, for 18 years. He was a dedicated, hard-working member of our State's delegation during those years.

Thor summed up his own career describing it as one dedicated to "fish and ships."

For years, he was the ranking Republican member of the House Merchant Marine and Fisheries Committee. Upon his retirement from Congress in 1964, Thor went home and began yet another career as director of the State fisheries department.

He served in that post during one of the most difficult and turbulent periods for fisheries in our State's history. It was during his term that Indian fishing rights disputes and violence reached a zenith. Thor always sought to calm the waters and was guided by his sense of fairness and an inherent dedication to preserving and enhancing the salmon fishery resource—a dedication characteristic of his Norwegian heritage.

Thor's hometown newspaper, the Tacoma News Tribune paid tribute to Thor upon his death, calling him one of the tall. Tacomans who "walked with the giants." All of us will miss him.

I ask unanimous consent that the text of the editorial be printed in the CONGRESSIONAL RECORD.

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

[From the Tacoma News Tribunes, Dec. 31, 1982]

THOR TOLLEFSON—AN INSPIRATION

He was a gentleman of the old school, a man dedicated to fish and ships, the law and public service, a man who never lost his poise or self-assurance—Thor C. Tollefson.

His death at age 81 brings back many rich memories of a bootstrap kid with a determined mother, of all the Tollefson "boys and girls" and their impact on Tacoma, of a man who became Pierce County prosecutor, a congressman for 18 years and state fisheries director for 10 years. He was truly one of the "tall" Tacomans who walked with the giants.

Tollefson was an anomaly, too, a Republican beloved by Democrats who was elected to Congress from the heavily Democratic Sixth District nine times, until swept out of office in the Goldwater-Republican debacle of 1964. He then joined the administration of Gov. Dan Evans in Olympia as fisheries director, retiring in 1975.

His term as fisheries director (he had been chairman of the House Merchant Marine and Fisheries Committee in Congress) was complicated by U.S. District Court Judge George H. Boldt's ruling requiring treaty Indians be guaranteed an opportunity to take more than 50 percent of the state's salmon catch.

The Tollefson family story, however, is truly a bit of Americana that needs to be retold to generations of Tacomans. He was born in Minnesota, the eldest of seven children, to Christian and Bertha Tollefson. His father was a Norwegian immigrant farmer and butcher. When Thor was 10, the family moved to Tacoma.

When he was 14 his father died and Thor quit school to help his mother support the family. After he worked seven years in various laboring jobs, his mother insisted he return to Lincoln High School, where he graduated two years later as valedictorian. His younger brothers, meanwhile, alternated working and going to school.

Thor then worked his way through the University of Washington Law School, graduating in 1930. He became a deputy county prosecutor in 1938, starting a 37-year career in public service, and later was elected prosecutor and in 1946 to the U.S. House of Representatives.

As to the other Tollefson brothers, Harold and Erling also went into law. Harold became a distinguished mayor of Tacoma, Erling a judge and the late Rudolph a banking executive. Bertha Tollefson, their very determined mother, became national Mother of the Year for reasons fairly obvious.

Thor Tollefson was never a flashy headline grabber. He worked quietly and effectively for the people of Tacoma, Pierce County and the state much of his life.

We are grateful to have had him among us.

THE CHALLENGE OF PEACE

Mr. JACKSON. Mr. President, I want to bring to the special attention of my colleagues an unusually profound article on the issue of international peace and security written by Prof. Philip H. Rhinelander and published in the winter 1982 issue of the Stanford magazine.

Professor Rhinelander is the Olive H. Palmer Professor of Humanities and Professor of Philosophy, both emeritus, at Stanford University. I had the privilege of a personal talk with him this month at his home on the Stanford campus, and came away believing that his perspectives on the peace issue should have widespread, thoughtful attention. He emphasizes that insuring peace and safety in today's world is a complex problem, and that narrowly focused, one-dimensional solutions can be counterproductive and dangerous to the preservation of human existence. He believes that if we fail to find new modes of thinking—a new rational orientation—disaster looms.

I am honored to request that Professor Rhinelander's 1982 article on "Peace: The Ultimate Challenge" be included at this point in the RECORD.

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

PEACE: THE ULTIMATE CHALLENGE

(By Philip H. Rhinelander)

ONE

In the year 1139 Pope Innocent II, alarmed by the inhuman potentialities of the recently developed crossbow, declared it "hateful to God and unfit for Christians" and forbade its use. We are told by historians that this edict was subsequently amended to permit the use of the weapon by Christians against Mohammedans, but that later this limitation broke down so that Christians began to use it against one another until the crossbow was itself superseded by more efficient and lethal devices. I mention this incident to show that efforts at arms control are not new and that, with relatively minor exceptions, they have generally proved ineffective.

What chiefly distinguishes the current situation from past conditions is the presence of two factors. One is, of course, the scale of destruction. Nuclear weapons not only threaten the lives of warriors but have the potential for the wholesale obliteration of civilian populations and even the extinction of the human race. This alarming prospect is unprecedented and is, to that extent, a new and terrible factor. But we would do well to remember, I think, that if efforts to meet the threat of primitive weapons were unavailing, we cannot expect the new danger to evaporate merely because the stakes are incalculably higher.

A second factor is that whereas in the twelfth century the Pope had considerable moral and religious authority in the Christian West, we lack today any comparable international agency or power. According to its charter, the United Nations was set up "to maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace . . . ," but it lacks power to intervene in matters lying within the domestic jurisdiction of any state and armaments fall within that category. Strong arguments have been advanced for the establishing of a new supranational authority, with police powers above those of the member nations, but few, if any, nations seem disposed to accept the limitations upon their sovereign rights of self-determination that such an arrangement would entail. Thus we are left to depend upon special dealings between or among separate nations, subject to the complications posed by the fact that the need for reliable agreements is greatest where there is least trust and most hostility and suspicion.

As Karl Jaspers, the German philospher and psychologist, pointed out more than twenty years ago in a wide-ranging and thoughtful book, "The Future of Mankind," we face an unprecedented challenge—a challenge calling, in his view, for a new orientation and new ways of thinking. If we fail to meet the challenge, we risk annihilation of the race. "Man either grows in freedom and maintains the tension of this growth," he wrote, "or he forfeits his right to live. If he is not worthy of his life, he will destroy himself." I shall return to this point later in connection with recent discussions of the prospect of human extinction, which some writers today seem to regard as displacing all other considerations. Jaspers took a different—and, I think, a more comprehensive—view.

TWO

Leonardo da Vinci, the great artist, was also a gifted engineer. Among his other technical projects was a design for a submarine, part of which he purposely kept secret, writing, "This I do not divulge on account of the evil nature of men, who would practice assassination at the bottom of the seas by breaking the ships in their lowest parts and sinking them together with the crews who are in them." His attitude exemplifies another way of dealing with supposedly devastating inventions, namely by suppressing knowledge of them. Such incidents are not unknown in the history of technology, but they have seldom been successful. If we refuse to accept the currently familiar doctrine that increased knowledge is always and necessarily good, we must nevertheless recognize, I think, as Jaspers did, that human beings are naturally inventive animals and that "if we affirm human existence . . . then we must recognize the way of technology as unavoidable. Without being able to calculate it beforehand, man uses technology to create his own situation—as today his extremity." In other words, as the classical Greeks were well aware, man's ingenuity, which is part of his rational nature, is dangerously ambivalent; it has its destructive as well as its constructive side, and the two are not readily separable.

We are told that some of the scientists who helped to develop the atomic bomb had second thoughts after the destruction of Hiroshima and Nagasaki and felt remorse for having participated in "the devil's work." And we know that some sectors of the public have turned against science and technology in general, and against nuclear power in particular (including its possible peaceful uses), on this account. But we must recognize, I think, that the investigations that led to the discovery of nuclear fission began before the outbreak of the Second World War and would presumably have run their course, though more slowly, if the pressure of war had not played a part.

Thus we should have been faced with the peril of nuclear destruction sooner or later even if the bomb had not been invented in 1945 or if, having been invented, it had not been used. The possibility of nuclear fission

(and fusion) was not created by human action; it had been present in nature from the beginning of time awaiting discovery and potential utilization. It is, therefore, idle to revile those who participated in the Manhattan Project and equally idle to suppose that their researches, once completed, could have been kept in perpetual secrecy. I am not here suggesting a fatalistic view of history but noting merely that whatever secrets nature possesses are equally available to all scientific inquirers and that new discoveries, though not predictable, are not preventable.

In short, if the most distinctive characteristic of human beings is rationality, as Aristotle claimed, we must accept the fact that it includes a high degree of ingenuity and inventiveness, including technical cleverness, which can work either for good or for evil. Perhaps the ultimate challenge, now brought to a head, is the need of humanity to cope with its own discomfortable powers. This is not a new idea, though faith in the inherent value of man's natural powers and in the continued progress of civilization has tended to displace it. In any case, it is evident that even if all nuclear weapons were dismantled, the threat would not be eliminated, since they could be reproduced again if the occasion arose. Thus, a nuclear "freeze," however desirable, would be significant only as a first step toward the establishment of the sort of international trust on which safety must in the long run depend.

THREE

One of the most prominent figures in the peace movements of the late nineteenth and early twentieth centuries was Baroness Bertha von Suttner. Describing an early meeting with Alfred Nobel, the inventor of dynamite and the founder of the Nobel Prize, including the Peace Prize, she quoted him as saying, "I wish I could produce a substance or a machine of such frightful efficacy for wholesale devastation that wars should thereafter become altogether impossible." It would seem in retrospect that modern thermonuclear weapons had fulfilled Nobel's speculative hope for an instrument of ultimate destructiveness, yet wars employing so-called "conventional" weapons have continued since 1945, including wars in Korea and Vietnam in which the United States was heavily involved. Still, there has not as yet been an active military conflict between Russia and the United States, the major nuclear powers, so that Nobel's vision of peace through terror has not been discredited and cannot be dismissed out of hand, as some current advocates of peace would have us suppose.

We may assume, I think, that neither side could hope to win an all-out nuclear war and that the survival of the human race would be at stake. Nobel's hypothesis obviously assumed such a situation. We may also grant that the unlimited stockpiling of nuclear weapons of various types to achieve or maintain theoretical parity at all points is self-defeating, since total destruction could occur but once. (We may recall here Max Beerbohm's satirical caricature of the bumbling, self-important political figure, called Fenning Dodworth, whose sententious essays included one entitled "The End of all Things—and After.") Yet we may nevertheless reject arguments to the effect that the possession of nuclear weapons is inherently wrong because it is "self-contradictory" or immoral to threaten to take action that it would be wrong to carry out in practice. Such claims are too facile.

It is on record that a number of scientists who were familiar with the preparation of the atom bomb submitted a petition to the American authorities urging that it not be used against Japan in 1945 without giving a prior demonstration of its lethal power and thereby allowing the Japanese to avoid its devastating impact by choosing to surrender. This advice was not followed; apparently it did not reach President Truman until too late to alter his decision even if he had been open to the suggestion. But those who made the recommendation, and those who regret that it was not followed, clearly believed that a threat put forward as a warning would have been morally preferable to an actual use of the bomb against Hiroshima without such warning. And if it should transpire, as it conceivably might do despite the odds, that nuclear terror has contributed to the avoidance of actual nuclear hostilities between the United States and Russia under present or future conditions, it is hard to see how the result could be condemned as morally objectionable because the threat of evildoing had been involved in bringing it about. If Nobel's vision was impractical, it was not, I think, logically or morally reprehensible.

We encounter here a textbook distinction, familiar to modern students of ethics, between so-called consequentialist theories of morality, under which the goodness or badness of an act is determined by its consequences for human welfare, and deontological theories (the word being derived from a Greek term signifying what is required, fitting, or obligatory), under which acts are judged by fixed rules rather than by their good or bad results in particular cases. I put the distinction more baldly than is strictly justified to stress a major difference as regards the relation of means to ends.

According to theories of the first type, the ends actually achieved are what count, so that generally speaking the end will justify the means. Utilitarian theories are the best known (though not the only) theories of this kind. On such a basis, policies of nuclear deterrence would be judged morally acceptable or unacceptable depending on their prospective outcome, so that if terror tactics served to prevent or to reduce the devastation of nuclear war, the tactics would be justified. But theories of the other type (typified by the views of Kant but including certain familiar theologically based views also) could yield very different conclusions. Here it stands as a central maxim that one may never do wrong in order that good may come; "fiat justitia, ruat coelum"—"let justice be done though the skies fall." On this basis, so the argument proceeds (in one version at least), it is wrong to engage in indiscriminate and wholesale destruction of human life; hence it is wrong to contemplate it, to prepare for it, or to threaten it; hence it is wrong to construct or possess nuclear weapons capable of bringing about such a result.

The broader question remains, however, whether to recognize any moral validity in schemes of nuclear deterrence is to commit ourselves to a consequentialist theory of ethics. I think not, because I believe that the familiar textbook distinction is too sharp and overly abstract. It calls for reconsideration. If we look at the functions that a moral code or set of principles must serve to be effective in practice, we shall soon discover, I believe, that such a code must combine elements of uniformity, with general rules to coordinate activities and expectancies, and elements of flexibility to allow for exceptional or unexpected situations and to meet ideals of development. Duties cannot be prescribed without regard for consequences, nor can concern for consequences eliminate the need for general rules covering normal and recurrent situations. The two aspects may be opposed theoretically but in practice each limits the other.

Because the quest for peace seeks to put an end to war, whereas efforts to control armaments deal with the conduct of war, it is sometimes assumed (if not claimed) that the two topics are distinct and call for separate consideration. But under modern conditions there are too many points of intersection and overlap to permit independent discussion. In "To End War," by Robert Pickus and Robert Woito of the World Without War Council, published in 1970, the authors took full notice of this circumstance and introduced a thoughtful discussion of the issues involved in the pursuit of peace, with some observations worth quoting:

"Ignoring the contemporary military discussion is one error. Focusing entirely on weapons and the consequences of their use is another. Many contemporary peace organizations concentrate on opposing the development of American military power or on explaining the consequences of nuclear war. Given the dangerously enlarged role of the military in American life, and the realities of nuclear warfare, such an emphasis is not wholly awry. Anti-militarism makes the most sense, however, when those rejecting military deterrence offer alternative proposals for meeting legitimate American security and value concerns. Those teaching the horror of nuclear war are most persuasive when they recognize and deal with the threat of military power in the hands of other nations' political leaders. They are more likely to gain a hearing if their strategy for peace suggests action that will move other nations, as well as our own, away from reliance on national military power."

The writers went on to identify twelve sets of relevant problems, with useful explanatory references to the extensive literature then available on each one, urging their readers to examine the issues in order to come to informed conclusions, and cautioning against narrow perspectives and the "dangerous combination of passion and ignorance" which they thought to be exercising increasing influence among peace advocates at the time. The great need, as they saw it, was for persuasion founded on intelligent understanding as opposed to militant protest, and a willingness to face complexities and ambiguities as opposed to a demand for superficial or simplistic remedies. Such cautions are, in my view, as appropriate today as they were when put forward twelve years ago. Though the particular lines of attack have altered somewhat, the prevailing tendency today is still toward one-dimensional perspectives and preoccupation with single causes, special villains, and the search for specific sovereign remedies, as if the threat of nuclear destruction were an intrusive visitation, like the plague, calling for an antidote that would leave normal human existence otherwise unchanged. If Jaspers was right, this sort of approach is inadequate.

FOUR

In the first decade of the present century, Wilfred Trotter, a British surgeon, published a pair of articles on the susceptibility of human beings to what he called the "herd instinct," a source of collective behavior that he saw as "irrational, imitative,

cowardly, cruel . . . and suggestible." Regarding this as a dangerous element in human affairs, he commented, "It needs but little imagination to see how great are the probabilities that after all man will prove but one more of nature's failures." I mention this observation as lending support to Jaspers's view that what is at stake today is man's fitness to survive.

Jonathan Schell, in his widely publicized New Yorker articles of last winter (subsequently published in book form as "The Fate of the Earth"), holds out the possibility of human extinction in a nuclear war as the ultimate catastrophe. Schell seems to believe (as I read him) that if the public awoke from its lethargy and realized the full enormity of the prospective termination of human existence, all other concerns and values would be put aside (including those of freedom and justice), and appropriate action would be taken (though he does not undertake to say just what should be done or how) to preserve the human race and the birth of future generations. Here the ultimate evil to be avoided at all costs seems to be, not the death or suffering of the immediate victims of a total nuclear disaster, deplorable as these might be, but the "more profound oblivion" that final and complete annihilation of humanity would bring about. Since life is the precondition of all human values, we have, therefore, an overriding obligation not to imperil the survival of mankind by nuclear maneuverings.

Like most seriously advanced arguments, this position has both strengths and weaknesses. (Max Lerner's review in the New Republic, April 1982, is worth serious attention.) I would note here merely that Schell's approach is wholly anthropocentric; he brushes aside the question of man's fitness to survive, which he takes for granted, and criticizes Jaspers, whom he mentions briefly but misquotes and misinterprets, for considering it. But the point is surely important. It is one thing to assume that human survival is the ultimate value to be protected at all costs and at any price. It is quite another thing to see mankind as facing a challenge to make good its capacity and fitness to survive in the face of its own self-destructive dispositions. In either case we are summoned to awareness and the need for action, but on the former basis the stress falls upon emotional arousal and "commitment" while on the latter basis it falls upon practical wisdom and judgment coupled with power to endure in the face of perilous uncertainties. The difference is profound.

FIVE

In 1910 William James published a notable article entitled "The Moral Equivalent of War." Speaking as a pacifist and antimilitarist he pointed out that what are called the "military virtues," or most of them, while particularly needed in war, are also essential to the well-being of vigorous peaceful civilizations. He had in mind such traits as courage, fidelity, loyalty, tenacity, heroism, self-discipline, and the capacity for self-sacrifice. "Militarism," he wrote, "is the great preserver of our ideals of hardihood, and human life with no use for hardihood would be contemptible. Without risks or prizes for the darer, history would be insipid indeed; and there is a type of military character which everyone feels that the race should never cease to breed, for everyone is sensitive to its superiority." His point was that advocates of peace should not discount or decry the military virtues, as if they could or should be separated out from those appropriate to the pursuits of peace, but ought to seek ways to develop them independently of war. For this purpose he recommended a general requirement of compulsory, universal service by young persons for a specfied period in the development of natural resources for the common good in times of peace.

Proposals of this sort have never been popular; the analogy to military conscription has operated as an objection rather than a recommendation, reflecting the very distrust of the military virtues that James wished to overcome. But the reasons that impelled him to recognize the need for a moral equivalent of war deserve consideration. The challenge of war calls forth some of the best potentialities of human nature as well as some of the worst. If this were not the case, wars could hardly have played so great and persistent a part in human history as they have done, nor would accounts of heroic exploits and gallantry against odds evoke public wonder and admiration. We need not conclude, as some have done, that war is inevitable or that a world without war would be dull and spiritless. What we must do, as James understood, if we are to work effectively for peace, is to come to terms with the paradox involved.

Since the days of Aristophanes and Euripides, the cruelty and irrationality of war have been forcefully portrayed and persistently attacked. Yet those who are sensitive to the horrors of war can also regard it with excitement and fascination. Is this due to apathy or deficient understanding or lack of human feeling? I think not. It reflects the fact that our minds are not limited to single perspectives. We can view the same phenomena in changing contexts and from various angles, and the appearances can differ according to the point of view. The penny which is round in one dimension is flat in another; the tower which looks small from a distance is huge from close at hand. Similarly, a given act or event can seem both noble and hateful according to the perspective and the context. The temptation is either to cling tightly to a single perspective as the only correct one, or, if that seems arbitrary, to give no preference to any. The task of practical intelligence is to avoid both extremes, recognizing the diversity of perspectives and bringing them together into a pattern of definite but shifting correlations. There is no contradiction in saying, with General Sherman, that war is hell and at the same time allowing the positive value of the military virtues, as James did. Like most human activities, war and peace have many facets and they are more closely intertwined than we are habitually willing to allow. We do well to heed Alfred North Whitehead's maxim: Seek simplicity, and distrust it.

If militarism is double-faced, so is pacifism. Pacifism can reflect a high-minded and selfless commitment to the cause of peace. But it can also reflect a sense of personal outrage against the human predicament—what Camus described as metaphysical rebellion—or a desire to avoid individual responsibility for the common welfare by refusing to become involved. Or it may serve as a ground of political or ideological protest against authority. Even where it is conscientious, a commitment to nonviolence poses difficult questions. If I am bound not to defend myself when attacked but to turn the other cheek, must I stand aside when others are endangered? If so, the principle of nonviolence would justify, perhaps require, acceding to preventable wrongs without interference. It has always seemed to me that the biblical injunction to nonresistance rests not on the idea that resort to force is inherently wrong, but on the idea that since human judgments are fallible, especially where passions are involved, we should be slow to take the law into our own hands but leave the determination to the higher authority of God. Had the Good Samaritan of the parable arrived on the scene in time to prevent the robbery, it is hard to believe that he should have withheld assistance until after the victim had been struck down and left for dead. It would be a strange kind of love that said, "We must go out of our way to mend the wounds of others but never exert even minimal force to prevent their being wounded. Nor must we look to others ever to use force on our behalf." Love does not make distinctions of this sort.

As to the example of Gandhi, which is often cited to show that passive resistance is an effective tactic against oppression, it has been pointed out by several writers (including Jaspers again) that Gandhi's success was dependent on the restraint of the British authorities. It seems clear that passive resistance is wholly ineffective against terrorism, or against the calculated barbarisms of a Hitler or a Stalin, or against ruthless fanaticism bent on eliminating all dissent. The more implacable the threat to basic human rights, the less the protective power of nonresistance. Here again we face complexities, not clarities.

SIX

After the development of the atom bomb, which he had favored for fear of its prior discovery by Hitler's forces, Albert Einstein wrote, "The unleashed power of the atom has changed everything save our modes of thinking and we thus drift toward an unparalleled catastrophe." He fully recognized the dimensions of the threat, including the possible extinction of all life on earth, and expressed the conviction that only an essentially new way of thinking could meet the danger. Similar views were expressed by many others, yet there has been no agreement on what the new modes of thinking should be. Where do we begin? How do we proceed? The ideal of a world without war is not new. Nor is concern for the limitation or elimination of lethal weapons. Variant theories as to the causes of war are also familiar, along with suggested remedies of different—and often conflicting—types. Our problem does not arise, as some would have it, from persistent indifference to imminent peril but rather from the babel of many voices. For more than thirty years thoughtful people have had to live with anxiety, without being unnerved by it.

What Jaspers recommended was not an immediate solution but an approach. We cannot rely, he believed, on the techniques of scientific inquiry or of conventional academic philosophy to help us; they deal only with specific aspects of the problem, not with its full complexity. The basic question to be faced, he thought, was not how to preserve life against extinction but what makes life itself worth living. Such a question takes us back to the shadowy realms of religion, myth, and metaphysics, but we cannot meet the current crisis without sacrifice, he felt, and we cannot hope to determine wisely what sacrifice we could, or should, make to meet the threat of annihilation without understanding the true nature and value of human existence itself. For Jaspers, as previously indicated, it is wrong to assume that mankind is necessarily a cosmic or evolutionary success; we are presently

challenged, as never before, to show that we can master the dangers to our survival posed by our own ingenious capacities for scientific and technical discoveries. The task requires a new breadth and depth of rationality capable of transcending limited cultural and ideological perspectives and of establishing a new basis of international communication and understanding. For this purpose, freedom of the human mind and human spirit is essential. Hence we cannot and must not endeavor to preserve human existence by submitting to totalitarianism. But at the same time we cannot and must not expect to be able to eliminate the threat of extinction while keeping our own ways of life otherwise unchanged. We are challenged to find new modes of thinking, a new rational orientation; if we fail, disaster looms.

Jaspers's book is diffuse and difficult. It may well be that I have not done justice to his views. It may also be objected that the position outlined is too abstract to be useful. What is important, I think, is the insistence that we must seek to understand the many dimensions of the problem of peace and safety in today's world before we venture to propose specific answers or seek to rally support for them. The language of force is sharp and universally understood. So is the language of submission. But the language of trust, on which peace and security ultimately depend, is subtle and difficult especially where it is most urgently required.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

EDUCATIONAL OPPORTUNITY AND EQUITY ACT OF 1983—MESSAGE FROM THE PRESIDENT—PM 16

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

To the Congress of the United States:

I am herewith transmitting proposed legislation entitled the "Educational Opportunity and Equity Act of 1983." This bill would provide for increased diversity in educational opportunity by providing tax relief for parents who choose to send their children to nonpublic schools. Substantially the same bill was favorably reported by the Senate Finance Committee late in the 97th Congress. I call upon the 98th Congress to give enactment of this legislation the highest priority.

Diversity in educational opportunity has been one of the great strengths of our Nation. It is a foundation of our pluralistic society and essential to a Nation which places a high value on individual freedom.

We are justly proud of our public schools which now offer a free education through the primary and secondary school levels to all American children willing to take advantage of it. At the same time, we must remember the important role that has been played since the beginning of our Nation by the diverse nonpublic schools which also offer an education to American children. Now, as they did prior to the establishment of our public school system, parents cherish their ability to choose from a wide range of educational opportunities for their children. It is of great importance to the continued vitality of our society that parents have a meaningful choice between public education and the many forms of private education that are available.

It is also important that there be innovation and experimentation in education. The existence of many private, as well as public, schools assures that new and possibly more effective teaching approaches will not go untested. It is also important that the differing needs and demands of students and their parents be met. Parents who, for whatever reason, are not satisfied by the education available in their local public schools should be able to seek an education better suited to their children elsewhere. Furthermore, the existence of a viable private alternative should maintain educational standards and meet student needs.

As we are all aware, the cost of education, both public and private, has risen dramatically in recent years. We all bear the burden of the rising costs of public education through State and local taxation, directly or indirectly. But those parents who wish their children to attend nonpublic schools must also bear the additional burden of paying private school tuition. This additional cost has always severely limited the ability of lower-income families to choose the nonpublic educational alternative for their children. Rising costs are now putting private schools beyond the reach of a growing number of middle-income Americans as well. If we are to provide a meaningful choice for those for whom it is in danger of becoming an illusion, we must find a way to lighten the "double burden" these families bear.

We must also bear in mind that private schools do more than offer alternative educational choices to students and their parents. Nonpublic schools also carry a significant part of the burden of providing primary and secondary school education in this country. If it becomes financially impossible for many of the families now sending their children to nonpublic schools to continue to do so, the resulting increase in public school attendance will place large and unwelcome new tax burdens on State and local taxpayers. The cost to taxpayers of offering some tax relief to parents, so that they can afford to keep their children in the private schools of their choice, is modest compared to the cost of educating their children in the public schools.

Thus, in order to promote diversity in education and the freedom of individuals to take advantage of it and to nurture the pluralism in American society which this diversity fosters, I am transmitting today a draft bill which provides Federal tax credits for the tuition expenses of children attending nonpublic primary or secondary schools. Starting in 1983, the Educational Opportunity and Equity Act of 1983, if enacted, would allow a tax credit for the tuition expenses of each student attending a private, nonprofit primary or secondary school. By 1985, when this new tuition tax credit would be fully phased in, a credit equal to 50% of tuition expenses paid during the year, but not to exceed $300, would be allowed for each student from a family with adjusted gross income of up to $40,000. The tax credit would be phased down for families with adjusted gross incomes between $40,000 and $60,000, and no credit would be available to families with income in excess of $60,000. Because the tax credit is designed to gradually phase out for those taxpayers making in excess of $40,000 a year, the proposal provides the greatest assistance to these lower- and middle-income taxpayers who are most severely affected by rising private school tuition expenses.

Today's proposal makes an important start by providing this relief where it is most necessary. I will be proposing other legislation in the near future to address the problem of financing higher education.

This administration will not tolerate the use of tuition tax credits to foster racial discrimination. Consequently, the bill contains strong provisions to ensure that no credits will be permitted for amounts paid to schools that follow racially discriminatory policies. These provisions are identical to those that were adopted by the Senate Finance Committee last Fall with broad bipartisan support.

I ask that the Congress move as quickly as possible to enact this much-needed legislation.

RONALD REAGAN.

THE WHITE HOUSE, *February 16, 1983.*

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on Labor and Human Resources:

Donald L. Dotson, of Pennsylvania, to be a member of the National Labor Relations Board for the term of 5 years expiring December 16, 1987.

(The above nomination was reported from the Committee on Labor and Human Resources, with the recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. SPECTER:

S. 485. A bill to amend title 18, United States Code; to the Committee on the Judiciary.

By Mr. SASSER (for himself, Mr. METZENBAUM, and Mr. SARBANES):

S. 486. A bill to amend chapter 13 of title 18 of the United States Code; to the Committee on the Judiciary.

By Mr. STENNIS:

S. 487. A bill for the relief of Lt. Col. Henry F. McGraw, U.S. Army, retired; to the Committee on the Judiciary.

By Mr. BENTSEN:

S. 488. A bill for the relief of Dr. Oscar Raul Espinoza Madariaga, his wife, Maria Inez, his son Felipe Andres and daughter Claudia Paola; to the Committee on the Judiciary.

S. 489. A bill for the relief of James A. Ferguson; to the Committee on the Judiciary.

By Mr. DIXON (for himself, Mr. HUDDLESTON, Mr. JEPSEN, Mr. DOLE, and Mr. BURDICK):

S. 490. A bill to amend the Agricultural Trade Development and Assistance Act of 1954 to improve certain agricultural commodity donation programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. THURMOND:

S. 491. A bill to amend the Agricultural Act of 1949 to modify the dairy price support program for the 1983 through 1985 fiscal years; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HATCH (for himself and Mr. THURMOND):

S. 492. A bill to amend the Bankruptcy Act regarding executory contracts, and for other purposes; to the Committee on Judiciary.

By Mr. KENNEDY (for himself, Mr. RANDOLPH, Mr. RIEGLE, Mr. EAGLETON, Mr. MATSUNAGA, Mr. PELL, Mr. DODD, Mr. LEVIN, Mr. SARBANES, and Mr. HART):

S. 493. A bill to provide additional authorizations for programs designed to increase employment including the community development block grant, youth employment and education, senior citizens employment, and other similar programs, to provide training and retraining assistance for dislocated workers, and to provide emergency assistance for the long-term unemployed, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. ZORINSKY:

S. 494. A bill to authorize the Commodity Credit Corporation to sell corn or other feed grain acquired through price-support operations to persons for conversion into alcohol for use as fuel; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BAUCUS:

S. 495. A bill to amend the Internal Revenue Code of 1954 to allow any taxpayer to elect to treat for income tax purposes any crop received under a Federal program for removing land from agricultural production as produced by the taxpayer, to allow any taxpayer to elect to defer income on any cancellation under such a program if any price support loan, and to provide that participation in such a program shall not disqualify the taxpayer for the special use valuation of farm real property under section 2032A of such code; to the Committee on Finance.

By Mr. COHEN:

S. 496. A bill to amend title 10, United States Code, to authorize the Secretary concerned to transport to the place of burial the remains of a member of the uniformed services entitled to retired or retainer pay who dies in a military medical facility; to the Committee on Armed Services.

By Mr. HUMPHREY:

S. 497. A bill to amend title 39 of the United States Code to provide that drug abuse oriented advertisements and shipments of drugs in response to drug abuse oriented advertisements shall be nonmailable matter; to the Committee on Governmental Affairs.

By Mr. D'AMATO (for himself, Mr. MURKOWSKI, Mr. BAUCUS, Mr. HATFIELD, Mr. INOUYE, Mr. SASSER, Mr. PROXMIRE, and Mr. MOYNIHAN):

S. 498. A bill to amend the Agricultural Act of 1949 to modify the dairy price support program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. D'AMATO (for himself, Mr. LEVIN, Mr. TSONGAS, and Mr. HUDDLESTON):

S. 499. A bill to require the usage of tax-exempt financing in connection with the Small Business Administration section 503 loan program; to the Committee on Small Business.

By Mr. MATHIAS (for himself, Mr. LEAHY, Mr. DOMENICI, Mr. SARBANES, and Mr. D'AMATO):

S. 500. A bill entitled the "Christopher Columbus Quicentenary Jubilee Act"; to the Committee on the Judiciary.

By Mr. DOLE (for himself, Mr. GORTON, Mrs. KASSEBAUM, Mr. HATFIELD, Mr. ANDREWS, Mr. DANFORTH, Mr. HEINZ, Mr. D'AMATO, Mr. COHEN, Mr. BAUCUS, Mr. METZENBAUM, Mr. DOMENICI, Mr. SYMMS, Mrs. HAWKINS, Mr. PERCY, Mr. BURDICK, Mr. WARNER, Mr. QUAYLE, Mr. PACKWOOD, Mr. PRESSLER, Mr. JEPSEN, Mr. GRASSLEY, Mr. ROTH, Mr. DIXON, Mr. MATSUNAGA, and Mr. BAKER):

S. 501. A bill to amend the laws of the United States to eliminate gender-based distinctions; to the Committee on the Judiciary.

By Mr. HEINZ (for himself and Mr. PROXMIRE):

S. 502. A bill to amend the Federal Reserve Act to authorize limits on loans to foreign countries, and for other purposes; to the Committee on Banking, Housing and Urban Affairs.

By Mr. HUMPHREY (for himself, Mr. DANFORTH, Mr. HATCH, Mr. EAST, Mr. ANDREWS, Mr. QUAYLE, and Mr. MATSUNAGA):

S. 503. A bill to make it unlawful to manufacture, distribute, or possess with intent to distribute, a drug which is an imitation of a controlled substance or a drug which purports to act like a controlled substance; to the Committee on the Judiciary.

By Mr. HUDDLESTON:

S.J. Res. 35. Joint resolution designating the week beginning March 20, 1983, as "National Mental Health Counselors Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MATHIAS (for himself, Mr. BAKER, Mr. DECONCINI, Mr. GARN, and Mr. MCCLURE):

S. Res. 66. Resolution to establish regulations to implement television and radio coverage of proceedings of the Senate; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 485. A bill to amend title 18, United States Code; to the Committee on the Judiciary.

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

By Mr. SASSER (for himself, Mr. METZENBAUM, and Mr. SARBANES):

S. 486. A bill to amend chapter 13 of title 18 of the United States Code; to the Committee on the Judiciary.

PENALTY FOR WILLFUL DAMAGE OF CERTAIN PROPERTY

● Mr. SASSER. Mr. President, I rise today to reintroduce legislation that I offered in the 97th Congress that would make the willful damage of a cemetery, a building used for religious purposes, or any religious article contained therein a Federal crime. Joining me as cosponsors are Senator METZENBAUM and Senator SARBANES.

As Americans there is no right that we cherish more dearly than the right to free exercise of our religious beliefs. That right is among the basic foundations of our Nation. And, there is no right more important to our future.

Some may believe that acts of destruction against religious buildings and cemeteries are isolated and harmless. I do not share that point of view. Few who have lived through World War II can forget that it was a few isolated ripples of violence toward religious minorities in Germany that led to a wave of violence directed toward Jews, Catholics, and Protestants.

America has a long and proud history of religious tolerance. However, at certain periods in our history we have experienced a rash of violence, committed by a handful of people, aimed at certain religious groups. I rise today because I am concerned about the continuing number of such incidents in our country.

In the past 2 years the States have taken the lead in reaffirming America's commitment to religious tolerance. Thirteen States have enacted laws to protect religious liberty. This increased attention to the problem has led to a drop in the number of reported incidents of religious hatred. Figures recently released by B'nai B'rith showed a decrease in the number of anti-Semitic incidents from 974 in 1981 to 829 in 1982.

This commendable effort by State and local governments indicates the gains that can be made when Government makes it clear it will accept no interference with religious freedom.

The Federal Government is charged with the responsibility of protecting the right of all Americans to freely exercise their religions. However, it does not have adequate power to investigate acts of violence against religious institutions. This power is needed if we are to meet fully that responsibility, for how can Americans worship freely if they must worship in fear and if they must fear violations of the sanctity of their religious institutions?

This bill, Mr. President, is a matter of concern to all Americans. No religious institution is safe if all religious institutions are not fully protected. The rights of all Americans to practice their religion freely is threatened if any American's right is so threatened.

This bill attempts to provide for this Federal responsibility by adding a new section to title 18 of the United States Code. That section would make it a Federal crime for any person to willfully damage a cemetery, a building used for religious purposes, or religious articles contained in those places. It would also make the attempt to commit such destruction a crime punishable by Federal law. The penalties are graded on the basis of the seriousness of such offenses. First, there is a general penalty of $10,000 and/or 5-years imprisonment; second, $15,000 in fines and/or 15-years imprisonment where bodily injury results. Finally, a maximum sentence of life imprisonment is imposed where death results.

Mr. President, this is a strong bill with stiff penalties aimed at curbing one of the most heinous of crimes. But, the time has come to put those who would destroy or dishonor sacred places on notice that they will be subject to prosecution by the Government of the United States.

Mr. President, I ask unanimous consent that the text of S. 486 be printed in the RECORD immediately following the conclusion of my remarks.

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

S. 486

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 13 of title 18 of the United States Code is amended by adding at the end the following new section:

"§ 247. Destruction or theft of property used for religious purposes

"Whoever, whether or not acting under the color of law, with the intent to injure, intimidate, or interfere with any person or any class of persons in the free exercise of religion secured by the Constitution or laws of the United States, or because of having so exercised the same, willfully vandalizes, sets fire to, tampers with, or in any other way damages or destroys any cemetery, any building or other real property used for religious purposes, or any religious article contained therein, or takes and carriers away, with intent to steal, any religious article contained in any cemetery, or any building or other real property used for religious purposes, or attempts to do any of the same, shall be fined not more than $10,000, or imprisoned not more than five years, or both; and if bodily injury results shall be fined not more than $15,000, or imprisoned not more than fifteen years, or both; and if death results, shall be subject to imprisonment for any term of years or for life.".

SEC. 2. The table of sections for chapter 13 of title 18 of the United States Code is amended by adding at the end the following new item:

"247. Destruction or theft of property used for religious purposes".●

By Mr. THURMOND:

S. 491. A bill to amend the Agricultural Act of 1949 to modify the dairy price support program for the 1983 through 1985 fiscal years; to the Committee on Agriculture, Nutrition, and Forestry.

DAIRY PRICE SUPPORT AMENDMENTS ACT OF 1983

Mr. THURMOND. Mr. President, today I am introducing the Dairy Price Support Amendments Act of 1983. The purpose of this legislation is twofold. First, it repeals the authority of the U.S. Department of Agriculture to collect an initial 50 cents per hundred weight assessment on commercially marketed milk that was scheduled for December 1, 1982, as well as a second deduction of an equal amount to be assessed in April of this year. The second provision of this bill trims the dairy price support level by 50 cents.

Mr. President, allow me to explain why the original assessment was not collected. In December of last year, a U.S. district court judge in South Carolina issued an injunction which prevented the USDA from collecting the initial 50 cents assessment. The basis for the court decision was that the Department of Agriculture failed to follow the Administrative Procedures Act in that it did not provide adequate time for public comment on this matter. However, subsequent to the court injunction, the Secretary of Agriculture announced that he would republish the required notice in the Federal Register for public comment, as well as his intention to collect the December assessment retroactively. Therefore, this bill would not only block the future asessment, but also the one that was due to be collected last December.

Mr. President, I am opposed to this assessment because I feel that it is unjust, ineffective, and unwise. It is an across-the-board deduction that applies to all milk producers in all dairy producing States. It does not take into account the definite distinctions and differences that exist in various regions of the country within the dairy industry. For example, the milk produced in South Carolina is consumed almost entirely in fluid form, and there are no Commodity Credit Corporation purchases. The dairy industry in my State is operated at no expense to the American taxpayer. Therefore, it is most unfair to ask the milk producers in my State, and others similarly situated, to pay for a program in which they do not participate, or to share in the cost of removing milk surpluses which they have not caused. I repeat, the farmers in my State are not responsible for the problems that exist within the dairy price support program. Yet, they have been forced to shoulder the burden caused by dairy farmers in other States.

Mr. President, there are those who feel that this assessment will cause a decrease in milk production. Many experts, however, feel that this theory is unfounded. I have been contacted by numerous dairy producers stating that they will not decrease their output to the assessment. In fact, they have communicated their intention to increase their output in an effort to offset the income loss they must absorb from the per hundredweight assessment. This will only exacerbate the problems of over production, thus increasing Federal purchasing and storage costs. The point is, Mr. President, this assessment will result in greater Government expenditures for this program.

Mr. President, the second provision of this bill provides a better alternative for addressing the problem of the current massive Federal expense of the milk price support program. By cutting the support price mechanism from $13.10 to $12.60 per hundredweight, we will reduce the incentive of dairy farmers in Federal milk marketing order areas to overproduce. This will result in fewer Government purchases of excess milk products, as well as lower Federal storage and handling cost of these commodities.

The answer to our dairy problems is to remove any artificial Government incentive for dairy farmers to overproduce. A cut in the price support will accomplish that goal, while on the other hand, the proposed assessment will be counterproductive.

Mr. President, I feel that my proposal is fair and just, and it does not place an undue burden on dairy producers in any area of the country. I am introducing this legislation today in order to provide a short-range solution to the immediate problems within the milk industry caused by the assessment and the high dairy price support level. The enactment of this legislation will provide that much needed short-term relief to our dairy farmers. For that reason, I urge the Agriculture Committee to act swiftly on this bill so that it can be brought before the full Senate as soon as possible.

In addition, I hope that the Senate and House Agriculture Committees will examine a broad range of concepts which might result in a reasonable, effective, and comprehensive solution to the long-range problems that face our Nation's dairy industry. For example, I believe careful consideration should also be given to the following:

First, placing a cap on total Federal expenditures for the milk price support program, with necessary flexibility for the Secretary of Agriculture to adjust the price support level in order to keep the Federal outlays from exceeding this cap.

Second, establishing an improved market promotion program that will expand market consumption of dairy products domestically and abroad.

Third, increasing the minimum standards for solid, nonfat content in fluid milk in order to increase utilization of raw milk.

Fourth, implementing a fair "milk base plan" for individual dairy producers in Federal order markets, similar to the base plan now used in a number of State-controlled milk markets, such as my State of South Carolina. As part of such a base plan, the Federal support for milk produced in excess of an individual dairy farmer's established base would either be eliminated or substantially reduced from current levels.

Fifth, developing new export markets for American dairy products and pressing for the removal of trade barriers which presently inhibit exports.

Mr. President, these are some of the ideas that dairy farmers in my State and others in the industry have suggested, which appear to be worthy of full and careful consideration. Again, I hope that the Agriculture Committee will act promptly on the legislation I have introduced today, and that they will work in the near future on devising a fair and reasonable solution to the overall problems faced by the milk industry.

By Mr. DIXON (for himself, Mr. HUDDLESTON, Mr. JEPSEN, Mr. DOLE, and Mr. BURDICK):

S. 490. A bill to amend the agricultural Trade Development and Assistance Act of 1954 to improve certain agricultural commodity donation programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURAL COMMODITY DONATION ACT OF 1983

Mr. DIXON. Mr. President, the continuing problem of chronic malnutrition throughout the world and in particular, nutritional deficiencies affecting children, has always been a matter of serious concern to the Congress. While a number of congressional initiatives have been enacted into law over the years to deal with these problems both at home and abroad, one of the most direct methods of combating malnutrition on the international scene is through title II of Public Law 480. Under this authority, donations of American commodities are used in a variety of programs throughout the world, providing both supplemental and primary sources of nutrition.

Of special importance in these programs is the provision of processed and fortified grain-based and dairy commodities. The use of processed and fortified products in maternal and child health feeding programs, school lunch programs, and a variety of other nutritional and supplemental feeding activities considerably enhances the scope and application of such commodities and helps to directly combat undernutrition and malnutrition. With title II of Public Law 480 being a targeted feeding program, the availability of these processed and fortified commodities provides an excellent opportunity for program managers to utilize the most appropriate food products for each program application.

We must also remember that in many feeding programs throughout the world, the United States is the only supplier of these processed and fortified products. Their importance in these programs is critical and is supplemented by the fact that their production in, and export from, the United States also provides a number of value-added benefits, such as increased employment, additional tax revenues, and wider use of U.S. transport facilities. A recent USDA report, entitled "Expanding the Processed Product Share of U.S. Agricultural Exports," indicated that if a 10-percent increase of current raw exports of wheat, corn, and soybeans were shipped as processed products, the GNP would increase by nearly $16 billion; personal income would rise by $3 billion; and more than 300,000 new jobs would be created. Consequently, I am introducing today, along with my distinguished colleagues Senators HUDDLESTON, JEPSEN, DOLE, and BURDICK, legislation to assure continued use of these processed and fortified commodities in title II of Public Law 480. This is particularly important at a time when commodity and freight prices are depressed and when there is a surplus of unallocated funds within the 1983 title II budget which can be used for increased provision of these important products.

The legislation that I am introducing today calls for a continued maintenance of a level of approximately 55 to 60 percent of title II commodities in processed and fortified form. This is very close to the current level of usage of such commodities in title II, and with more than adequate funding availability, maintenance of these levels does not appear to be a problem at this time. I recognize that in times of high prices, maintenance of these levels could cause some budgetary concerns; however, the importance of these commodities both to program uses overseas and to the U.S. economy as a result of their value-added characteristics is such that any budgetary concerns that might arise in future years can and should be remedied.

Mr. President, this legislation has other provisions which I think are quite important in the administration of our Public Law 480 activities. The bill I am introducing today also recognizes the work and responsibilities of American voluntary agencies in the administration of title II programs. In this regard, it is extremely important in order to satisfy the overall objectives of title II of Public Law 480, that these agencies have sufficient flexibility in the planning and administration of title II feeding activities. In this context, my bill calls for giving consideration to the nutritional and developmental objectives of those agencies as they plan and administer these programs. The opportunity to apply their own discretion and flexibility in setting program objectives gives these agencies the ability to meet program needs based upon their unique perspective and first-hand information. It also helps provide for the most efficient and effective use of the products provided by the United States under title II.

In this same context, I am also suggesting amendments to title III of Public Law 480 calling for the increased involvement of American voluntary agencies and cooperatives in food for development programs. Further, the bill also calls for an increase in the use of title III wherever possible up to a level of 20 percent of title I and calls upon the administration to report on the use of this authority. The proposed fiscal year 1984 budget for title III meets this level.

The bill also encourages the use of title III food for development programs to help lessen the severity of

food shortages in famine-prone countries, especially those in sub-Saharan Africa, emphasizing postharvest food conservation.

Mr. President, since the implementation of the Food for Peace Act, over $30 billion worth of U.S. farm products have been shipped overseas. The program has helped to alleviate hunger and malnutrition, and at the same time promote agricultural products. The bill that I am introducing today provides for the recognition of the importance of processed products and voluntary agencies in this program.

Mr. President, I ask that 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. 490

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 "Agricultural Commodity Donation Act of 1983".

FAMINE RELIEF

SEC. 2 (a) Section 201 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721) is amended by adding at the end thereof the following new subsection:

"(c)(1) In distributing agricultural commodities under this title, the President shall consider the nutritional assistance to recipients and value added benefits to the United States which would result from distributing such commodities in the form of processed and protein fortified products of such commodities.

"(2) In distributing agricultural commodities under this title, the President shall take all feasible steps to assure that approximately 55 to 60 percent of the total actual tonnage of such commodities distributed in each fiscal year (excluding conversion for grain equivalency) be in the form of processed and protein fortified products of such commodities. In selecting commodities to meet the tonnage target specified in this paragraph, the President shall consider the nutritional needs of the proposed recipients of the commodities and the purposes of this title.".

(b) Section 202(b) of such Act (7 U.S.C. 1722(b)) is amended by adding at the end thereof the following new paragraph:

"(4) In utilizing nonprofit voluntary agencies to distribute food commodities under this title, the President shall consider any nutritional and developmental objectives as established by such agencies that are based on their assessment of the needs of the people assisted.".

FOOD FOR DEVELOPMENT PROGRAMS

SEC. 3. Section 302 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1727a) is amended—

(1) by inserting "and of United States nonprofit voluntary agencies and cooperatives" after "agriculture" in subsection (c)(4);

(2) by adding at the end of subsection (c) the following new paragraph:

"(5)(A) The President shall, to the extent feasible, ensure that the aggregate value of all agreements entered into under this title in a fiscal year equals approximately 17 to 20 percent of the aggregate value of all agreements entered into under title I of this Act for such fiscal year.

"(B) If the aggregate value target specified in subparagraph (A) is not reached for a fiscal year, the President shall submit to Congress a detailed statement of the reasons for the lack of acceptable agricultural and rural development projects which qualify for assistance under this title and a detailed description of the efforts of the United States Government to assist eligible countries, pursuant to section 303(a), in identifying appropriate projects for assistance under this title."; and

(3) by adding at the end thereof the following new subsection:

"(d)(1) In order to help lessen the severity of food shortages in famine-prone countries, the agreements entered into under this title shall provide, to the extent feasible, that commodities made available under such agreements, or funds generated from the sale of such commodities in participating countries, will be used at the farm and village level in famine-prone countries, especially countries in sub-Saharan Africa, to establish rural projects that—

"(A) emphasize post-harvest food conservation; and

"(B) provide, to the maximum extent feasible, for participation in the development and administration of such projects by a representative number of the intended project beneficiaries.

"(2) Agreements entered into under this title to establish rural projects described in paragraph (1) shall specify the measures to be taken—

"(A) implement the requirements contained in paragraph (1); and

"(B) ensure that commodities made available under such agreements and funds generated from the sale of such commodities are used primarily to benefit the poor in participating countries.

By Mr. HATCH (for himself and Mr. THURMOND):

S. 492. A bill to amend the Bankruptcy Act regarding executory contracts, and for other purposes; to the Committee on the Judiciary.

EXECUTORY CONTRACTS

● Mr. HATCH. Mr. President, in the 97th Congress I introduced S. 3027, a bill to amend the Bankruptcy Act regarding executory contracts, and for other purposes. The issues that S. 3027 dealt with are still crucial, and need to be amended. Today I wish to reintroduce this bill.

Mr. President, since the early 1970's an industrial phenomenon has swept the United States. Americans finding the cost of full-time ownership in resort and vacation accommodations too expensive have shifted to purchasing timeshares in resort condominiums, hotels, campgrounds, and various other real estate. The timeshare industry has grown from as few as eight resorts in 1972, into a $1.5 billion industry soon to have 825 resorts with more than 25,000 units. A timeshare is a right, which the purchaser buys, to use a property for a designated length of time each year. There are two broad categories of timeshares. One where the person buys an ownership interest in real estate—the building and common areas—and another where the person buys a right to use the living space for a specific number of years but does not have ownership interest in the real estate. This latter category has been given the title of "right-to-use" timeshares.

This rapid growth of the timeshare industry in a relatively short period of time has left some of our traditional real estate laws incompatible with timesharing.

My bill specifically addresses one of these traditional laws and its incompatibility to timesharing. Section 365 of the Bankruptcy Code provides that a trustee in bankruptcy or debtor-in-possession may "assume or reject and executory contract or unexpired lease of the debtor." Last year in the case of *Sombrero Reef Club, Inc.* v. *Allman*, 18 B.R. 612 (Bkrtcy. S.D. Fla. 1982), the court held that the right-to-use timesharing contracts used at Sombrero Reef were executory and allowed the debtor-in-possession to reject them. That holding presents significant problems for the consumer who is thereby relegate to the position of a general, unsecured creditor of the resort. A consumer would practically forfeit his investment permitting the resort to sale the property without obligation. In the case of the Sombrero Reef Club, the consumer would lose their original purchase price of $1,000 to $3,000 plus a yearly fee of around $80.

The threshold question in a rejection case is if a contract is executory. The most widely accepted definition of an executory contract for bankruptcy purposes is a contract "under which the obligation of the bankrupt and other party is so far unperformed that the failure of either to complete performance would constitute a material breach excusing the performance of the other." The Sombrero Reef Club case clearly gave right-to-use contracts the status of executory. In other words, the courts ruling permits the resort to reject right-to-use contracts in bankruptcy cases.

Mr. President, in the interest of the consumer in this rapidly expanding industry my bill would do the following things:

First. Add section L to section 365 of the Bankruptcy Code providing for a separate treatment for timeshare situations.

Second. Clause 1 of section L would provide if the trustee rejects an executory contract of the debtor the purchaser may treat such contract as terminated and receive a lien on the interest in the timeshare for the price he has invested. In the alternative, the purchaser may continue to exercise his rights to use and occupy the timeshare premise to the extent provided for in the contract. This option howev-

er, must be exercised within a specific period of time.

Third. Clause 2 of section L provides that the purchaser may offset payments if after rejection any damages accrue due to the nonperformance of obligations of the debtor.

Fourth. Clause 3 of section L provides a definition of timeshare plan, timeshare interest, and timeshare premises.

Fifth. Amends section 365(F)(2) to provide in a situation where the trustee has assigned the contract to a third party that a purchaser may have the option to terminate his contract rather than participating with the assignee in the resort.

Sixth. Amends section 544(a)(3) to anticipate the argument that the trustee could attempt to void the contract containing the nondisturbance language as a transfer in real property, eliminating the protection preserved in section L(1).

Seventh. Makes the necessary amendment to section 365(a) for the insertion of (L) into the listed paragraph.

Mr. President, I feel the bill I am reintroducing today will update the Bankruptcy Code so that it may effectively handle this problem dealing with right-to-use timeshares. I feel it important to keep current with this rapidly growing industry so that the consumer may be fully protected where traditional laws may not provide adequate protection.

I am pleased to report, Mr. President, that the Subcommittee on Courts, in the process of diligently seeking a resolution to the current difficulties in the bankruptcy court system and with certain provisions of the current Bankruptcy Code, has already held hearings on the subject which my bill addresses. I heartily commend my colleague, Senator DOLE, and the other members of his subcommittee, particularly Senator HEFLIN, for expeditiously attending to the need for some bankruptcy reform and specifically for holding a hearing on the subject of this bill. Since the testimony presented at that recent hearing is particularly timely, I would ask unanimous consent that the statement of Mr. Carl Berry appear at the conclusion of my remarks along with the text of my bill.

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

S. 492

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 365 of title 11, United States Code, is amended—

(1) by striking from subsection (a) "and (d)" and inserting in lieu thereof ", (d) and (l)".

SEC. 2. Section 365 of title 11, United States Code, is amended by adding after subsection (k) the following:

"(l)(1) If the trustee rejects an executory contract of the debtor for the sale of a timeshare interest in a timeshare plan under which the purchaser has not relinquished the right to occupy and use the timeshare premises, such purchaser may treat such contract as terminated and receive a lien on the interest of the debtor in the timeshare premises for the recovery of any portion of the purchase price that such purchaser has paid less any portion of the purchaser price attributable to years prior to the contract rejection. In the alternative, such purchaser may continue to exercise his rights to use and occupy the timeshare premises to the extent provided in the timeshare plan contract or applicable state law, so long as such purchaser continues to make all required installment and maintenance payments.

"(2) If such purchaser continues to use and occupy the premises, such purchaser may offset against any installment and/or maintenance payments any damages occurring after the date of the trustee's rejection caused by the nonperformance of any obligation of the debtor after such date, but such purchaser does not have any rights against the estate on account of any damages arising after such date from such rejection, other than such offset. The amount eligible for such offset shall be fixed as a sum certain after notice and hearing.

"(3) For the purposes of this section, "timeshare plan" means any arrangement, plan, scheme, or similar device, but not including exchange programs, whether by membership, agreement, tenency-in-common, sale, lease, deed, rental agreement, license, right-to-use agreement, by any other means, whereby a purchaser, in exchange for consideration, receives right-to-use accommodations of facilities, or both, for a specific period of time less than a full year during any given year, but not necessarily for consecutive years, and which extends for a period of more than three years. A timeshare interest is that interest purchased in a timeshare plan which grants purchaser the right to use and occupy facilities or accommodations pursuant to a timeshare plan. Timeshare premises are those facilities and/or accommodations subject to a time share plan.".

SEC. 3. Section 365(f)(2) of title 11, United States Code, is amended by—

(1) striking out "and" at the end of subparagraph (A);

(2) striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; and"; and

(3) adding at the end thereof the following new subparagraph:

"(C) in the case of timeshare interest purchaser, the timeshare interest purchasers are given the option to treat their executory contracts as terminated pursuant to section 365(l)(1) of this title.".

SEC. 4. Section 544(a)(3) of title 11, United States Code, is amended by inserting after "exists" the following: "; however, nothing in this subsection shall be construed to grant the trustee the power to assert the rights and powers of a bona fide purchaser against the contractual or state-mandated rights of any timeshare interest purchaser in a timeshare plan as defined in section 365(l)(3)".

STATEMENT OF THE NATIONAL TIMESHARING COUNCIL OF THE AMERICAN LAND DEVELOPMENT ASSOCIATION

Mr. Chairman, my name is Carl Berry, and I am President of California Resorts Company. We are a timeshare development, management and consulting company based in San Francisco, California. I am here today as Chairman of the National TimeSharing Council of the American Land Development Association ("ALDA"). Accompanying me is Thomas C. Franks, ALDA's Director of Government Relations.

The American Land Development Association ("ALDA") represents leading national and international companies which develop timeshare resorts, recreational resorts and residential real estate, including vacation homes, condominiums, planned unit developments, new communities, mobile home parks, and recreational vehicle parks and campgrounds. ALDA's membership includes the real estate development subsidiaries of some of the nation's largest corporations as well as privately-held development companies.

The National TimeSharing Council is one of six councils within the American Land Development Association and was created especially to represent real estate developers, property owners, marketers, lenders, and others engaged in every form of timesharing.

I. INTRODUCTION

I appreciate this opportunity to appear here today to discuss the need for an important change to the existing bankruptcy law. This proposed bankruptcy law revision, which was made a part of last year's Senate Omnibus Bankruptcy Bill, and introduced in last year's session as Senate Bill 3027, provides the needed consumer protections in the fast-growing timeshare industry. We would like to extend our gratitude to Senator Orrin G. Hatch for introducing S. 3027, and to Chairman Strom Thurmond and Chairman Robert C. Dole for their key support in having these important amendments placed in the Omnibus Bankruptcy Bill last year.

Before addressing our specific problem and proposed solution, let me briefly explain the timeshare concept and industry.

II. BACKGROUND

Since the early 1970's, American consumers have increasingly turned to a new form of real estate purchase known as timesharing to satisfy their recreational and vacation accommodation needs. The timeshare industry has grown from as few as eight resorts in 1972, to over 800 resorts nationwide containing more than 25,000 units. It is now estimated that almost 500,000 American consumers have purchased a timeshare interest.

There are two broad categories of timeshare interests: fee-simple ownership of the week or weeks purchased in the timeshare project; or the "right-to-use" accommodations for a week or weeks for a specified number of years without acquiring an actual ownership interest in the project. Both types of timesharing (fee-simple and right-to-use) offer the consumer numerous advantages including reduced-cost recreational accommodations, certainty of accommodations, and opportunities for increased vacation opportunities via exchanges of accommodations with other timeshare owners throughout the world.

However, a recent decision by a Federal Bankruptcy Court in Florida jeopardizes the rights of consumers and threatens the viability of timeshare developers and financial institutions involved in the timesharing industry. Due to the detrimental impact of this decision, we are here today to urge you to amend the Federal Bankruptcy Code to protect the rights of timeshare comsumers.

III. THE PROBLEM

Last year in the case of *In re Sombrero Reef Club, Inc.*, 18 B.R. 612 (Bankr. S.D. Fla. 1982), the U.S. Bankruptcy Court held that "right-to-use" timeshare purchase contracts were executory and could be rejected by the debtor-in-possession developer, thereby allowing the sale of the resort property free and clear of the interest of the consumer purchasers. This adverse decision even affected those consumers who had paid for their interests in full, leaving all the timeshare purchasers with only a general, unsecured claim against the bankrupt estate.

Under the Bankruptcy Code, the threshold question before rejection is allowed is whether the contract is executory. Professor Vern Countryman, a noted bankruptcy expert and professor of law at Harvard University, has defined an executory contract as one "under which the obligation of the bankrupt and other party is so far unperformed that the failure of either to complete performance would constitute a material breach excusing the performance of the other". This definition was used by the *Sombrero* Court to reject all of the consumer contracts, even those which had been paid in full, because substantial services would still be required from the developer and annual service fees would be required from consumers. This decision that the consumer purchase contracts were executory permitted the bankrupt debtor-in-possession to reject the consumers' timeshare interests. It is important to note that this occurred even though Florida law prohibited such a sale. The Bankruptcy Court simply preempted the required Florida consumer protections. The Court's preemption of the state law makes it absolutely clear that the only way to resolve this problem is by amending the Federal Bankruptcy law.

The *Sombrero* decision has sent shock waves throughout the entire timeshare industry. Even now *Sombrero* case is being cited as precedent in bankruptcy proceedings in the states of Florida, South Carolina and Utah. Kenneth Harney, a nationally syndicated real estate columnist has sounded the alarm in his column for thousands of right-to-use timeshare consumers concerning the lack of protection for their interests in the event of a developer bankruptcy. Sombrero has forced consumers to consult their "crystal balls" in order to predict whether during the lifetime of their contracts, a period of twenty, thirty or more years, the developer will ever file for bankruptcy. Lenders are understandably more hesitant to grant loans secured by right-to-use receivables or to purchase such receivables because the duration of the underlying consumer interest could be cut short at any time by a developer bankruptcy. Unfortunately, this lender hesitancy is causing a shortage of available capital for use by "right-to-use" timeshare developers, thereby forcing the timeshare projects of these developers closer to the brink of bankruptcy and compounding consumer concern.

Let me emphasize that the Sombrero problem not only jeopardizes "right-to-use" timesharing but also jeopardizes all forms and aspects of timesharing through adverse publicity and the creation of a negative image in the minds of consumers. Such adverse publicity directly impacts the timeshare consumer by threatening the existence of his purchase and damaging the continued viability of the timeshare industry which is an integral part of the growing tourism industry. Timesharing alone accounted for an estimated billion and a half dollars in sales volume during 1982.

Mr. Chairman, I believe the foregoing explains the urgency of this matter and why it is imperative to address this consumer problem now.

IV. THE SOLUTION

The bankruptcy amendments we are advocating for your consideration and adoption are contained in last session's S. 3027, which is attached as part of my statement. The proposed amendments enlarge several sections of the Federal Bankruptcy Code to correct the Sombrero problem in a manner we think consistent with the philosophy and provisions of the existing Code.

The proposed amendments provide the same Section 365 protection for timeshare consumers as currently provided in Section 365(h)(i) and (j) for lessees and purchasers of real property. In other words, the resolution of this problem will require no departure from the philosophy of the existing Code, but instead represents recognition of and accommodation for a growing industry in the Federal Bankruptcy Code.

Sections One and Two of the proposed amendments modify Section 365 of the Bankruptcy Code to include timeshare interests and consumers within the existing protections of Section 365(h)(i) and (j) afforded to lessees and purchasers of real property. Like lessees and purchasers of real property, the proposed addition of subsection (L) would allow timeshare consumers to continue to exercise their rights under their contracts even after rejection by the trustee of debtor-in-possession. Alternatively as in the existing subsection (j) for purchasers of real property, the timeshare consumers would be allowed the option to treat their contracts as terminated and receive a lien against the estate for the value of the unused portion of their purchased interest.

This option is similar to the choice currently provided to purchasers of real property and serves to preserve the effect of any voluntary or state-required contractual obligations such as non-disturbance clauses whereby the seller agrees not to sell the underlying resort property unless the property remains subject to the rights of the timeshare consumers. The *Sombrero* Court specifically stated that the required Florida non-disturbance clause was of no use to the timeshare consumers because the federal bankruptcy law preempted the state law protection. This proposed amendment would give effect to such state law protections for the benefit of timeshare consumers.

In fairness to the debtor-in-possession, we are urging the inclusion of an additional amendment which will require the timeshare consumer to decide which alternative he wishes to elect within forty-five days of receipt of notice of his contract rejection.

Section Three of the proposed amendments modifies subsection (f) of Section 365 to allow timeshare consumers the option of treating their contracts as terminated if the contracts are assumed and assigned. Because resort management often depends on the individuals involved, timeshare consumers may feel uneasy about the new assignee. Adequate assurance in these cases would prove difficult. Rather than subject consumers to a prolonged fight over the adequacy of the assurance resulting in the inevitable hard feelings and negative publicity (whether in print or through disgruntled consumers), we suggest that terminating the contract is a painless option to grant consumers and clearly reflects the best interests of the consumers. This option grants consumers the right to choose to receive a refund for the unused portion of their contracts.

Section Four of the proposal amendments seeks to prevent the circumvention of the above described protections and alternatives by removing the trustee's ability to void the timeshare purchaser contracts through use of Section 544 of the Bankruptcy Code rather than rejecting the contracts through use of Section 365. Sections 365 and 544 are interrelated. Section 544(a)(3) allows a trustee to avoid a transfer of real property, while Section 365 permits the rejection of unexpired leases or executory contracts. To avoid a lease or executory contract is to terminate the lease or executory contract. Rejection of a lease or contract results in the cancellation of the covenants requiring performance by the debtor-seller in the future, but does not automatically terminate the contract or lease in such a way as to divest consumers of their interests. Once the lease or executory contract is avoided, none of the protections of the proposed amendments to Section 365 would apply. For this reason, it is important to amend Section 544(a)(3) to prevent the circumvention of the protections our proposed amendments would afford to the timeshare consumer.

V. CONCLUSION

Mr. Chairman, we respectfully urge the adoption of these proposed amendments. The major reasons why these amendments deserve your support are:

This proposal affords needed safeguards for consumers who have no protection in the event of a developer bankruptcy. It is inherently unreasonable to require consumers to predict the future with such accuracy in order to anticipate a timeshare developer's bankruptcy. Consumers deserve these protections to preserve some semblance of the benefit of their contractual bargains in a bankruptcy proceeding.

Lenders will be given greater security in their collateral, thus allowing them to make more financing available. Also, greater lender confidence will relieve severe cash flow problems and lessen the potential for future bankruptcies.

Timeshare project owners will benefit from greater consumer and lender confidence afforded by these amendments. This in turn will encourage greater economic vitality in the many states where recreational and resort development is a major employer and contributor to the economy.

In summary, I believe that after a careful examination of this proposal, you will arrive at the conclusion that this legislation serves the interest of consumers within the confines of the existing policies of the Bankruptcy Code and provides the needed certainty for a growing industry of our nation.

Mr. Chairman, I would like to thank you for this opportunity to testify on behalf of the National TimeSharing Council.●

By Mr. KENNEDY (for himself, Mr. RANDOLPH, Mr. RIEGLE, Mr. EAGLETON, Mr. MATSUNAGA, Mr. PELL, Mr. DODD, Mr. LEVIN, Mr. SARBANES, and Mr. HART):

S. 493. A bill to provide additional authorizations for programs designed to increase employment, including the community development block grant, youth employment and education, senior citizens employment, and other similar programs; to provide training

and retraining assistance for dislocated workers; and to provide emergency assistance for the long-term unemployed, and for other purposes; to the Committee on Labor and Human Resources.

EMERGENCY JOBS, TRAINING, AND FAMILY ASSISTANCE ACT OF 1983

● Mr. KENNEDY. Mr. President, I am pleased to introduce today the Emergency Jobs, Training, and Family Assistance Act, for myself and Senators RANDOLPH, RIEGLE, EAGLETON, MATSUNAGA, PELL, DODD, LEVIN, SARBANES, and HART.

This program will authorize $7.3 billion in additional funds for fiscal year 1983 and fiscal year 1984; it will put 750,000 unemployed Americans back to work, train 400,000 men and women in the skills of the future, and provide emergency shelter, food, and health care to thousands who are homeless and hungry.

Unemployment now stands at 10.4 percent. Despite the slight decline in the rate last month, 11.5 million Americans are still unable to find a job. By the administration's own projections, unemployment will remain above 10 percent through this year and into 1984. We must act now to provide jobs and assistance to workers who can no longer afford to wait for the promised recovery.

I am encouraged by the administration's recent change of heart and the President's willingness to support a jobs bill. But the White House proposal is inadequate in five key respects.

First, and most important, the administration's proposal is simply not an emergency program—it is too slow-starting to help the unemployed now, at the very time when they need the help the most. Second, not enough workers will be helped. Third, the program is not targeted to the regions of the country with the highest unemployment. Fourth, there is no requirement that unemployed workers be hired in the jobs that the legislation will create. Fifth, the proposal does not address the needs of unemployed women, youth, and older workers, since the majority of jobs are in construction.

Our alternative addresses all of these concerns, by targeting funds to quick-starting programs that will create the largest number of jobs for the unemployed as soon as possible, and in vital areas such as child care, home weatherization, housing rehabilitation, and public safety.

Our alternative is carefully designed to permit rapid implementation so that jobs will be created immediately. It establishes no new bureaucracy; all the projects will be funded through existing delivery systems; 75 percent of the sums must go for direct wages; 80 percent must be spent to hire persons who have been out of work at least 15 weeks.

The $6 billion of this program is directly comparable to the $4.3 billion compromise that the administration has offered to the Congress and that Senate and House Democrats are working to increase.

Our proposal also contains an additional $1.3 billion in two other vital areas—$1 billion to train unemployed workers for new industries; and $300 million more to provide essential services to the homeless and others in need. The administration's program does not address training at all, and does not adequately address the crisis of those who are truly needy.

This legislation now goes before the Senate Labor Committee. I intend to do all I can to insure that our committee fashions bipartisan legislation for the Senate that is truly a jobs—and jobs-now bill for enactment into law.●

● Mr. LEVIN. Mr. President, I am pleased to be a cosponsor to the Emergency Jobs, Training and Family Assistance Act introduced today by Senator KENNEDY.

As chairman of the task force of emergency human needs of the Senate Democratic Caucus, I welcome this legislation because it provides a most useful reference point for our deliberations. It does not preclude the task force from considering other elements for inclusion in an emergency package, and I would encourage all of my colleagues to let us their suggestions for emergency responses to our present economic plight.

This legislation sets out a reasonable and effective approach to providing the long-termed unemployed with jobs performing needed services for the community, such as housing rehabilitation, street repair, day care, meals for the elderly, and repair of sewer and water systems. Furthermore, provisions for youth and senior-citizen employment, training for displaced workers, and emergency food, shelter, and health assistance for the unemployed are the kinds of efforts which are essential if we are to meet our current economic crisis and to take the steps to adjust to the changing economic environment.

The unrelenting suffering which the deep recession has imposed on millions of our citizens requires a determined and cohesive congressional response. The Emergency Jobs Training and Family Assistance Act will help in formulating that response.●

By Mr. ZORINSKY:

S. 494. A bill to authorize the Commodity Credit Corporation to sell corn or other feed grain acquired through price-support operations to persons for conversion into alcohol for use as fuel; to the Committee on Agriculture, Nutrition, and Forestry.

SALE OF GRAIN FOR CONVERSION INTO ALCOHOL FOR USE AS FUEL

Mr. ZORINSKY. Mr. President, this bill authorizes the Commodity Credit Corporation to sell corn or other feed grain acquired through price-support operations to persons for conversion into alcohol for use as fuel.

The Department of Agriculture estimates that only 110 million bushels of corn will be used in the production of gasohol in the 1982–83 marketing year ending next October 1.

We ought to look upon our ability to produce such an abundance as one of our greatest assets, an advantage that should be put to constructive use. My State of Nebraska has been a pioneer in the production of alcohol from grain. The State government has established an agricultural products industrial utilization committee—gasohol. Farm organizations have supported the conversion of grain into motor fuel. Likewise, the people of Nebraska and all citizens of the United States recognize the great potential grain provides in our efforts to obtain energy self-sufficiency, particularly in motor fuel.

The production of alcohol from a renewable resource would lessen our dependence upon foreign sources in the satisfaction of our energy needs and would improve the balance of payments.

According to USDA, we have a grain abundance of all-time record levels in the carryover of corn. Beginning corn stocks, as of October 1, 1982, total 2,286 million bushels. If one adds to this amount 8.4 billion bushels produced in 1982 and 1 million bushels in imports, we have an estimated carry-in supply of nearly 10.7 billion bushels of corn.

Utilization of corn for feed from the 1982 crop is projected at 4.3 billion bushels. Moreover, USDA estimates 900 million bushels for food, seed, and industrial use. Exports are expected to be 2.1 billion bushels and total domestic use is forecast to be 7.3 billion bushels.

If one subtracts 7.3 billion bushels of utilization from 10.7 billion bushels of carry-in stocks, ending stocks will amount to nearly 3.4 billion bushels at the end of the 1982–83 crop year.

Market prices for the grains are already reacting to the forecasts of building surpluses. From January 1981 to January 1983, the average market price for corn has declined 87 cents per bushel, from $3.19 to $2.32. The average market price for milo declined from the January 1981 level of $5.48 per hundredweight to $4.14 per hundredweight.

Greater corn and milo utilization would help strengthen market prices while, at the same time, Government costs for farm and commercial storage

of grain could be substantially reduced.

According to USDA, for example, the average per bushel cost of storing grain owned by the Commodity Credit Corporation is roughly 36 cents in Nebraska.

The minimal storage cost for the 425 million bushels of corn already owned by CCC at the end of August is $149 million. Any additional corn channeled into CCC ownership would simply increase this cost.

In addition, there are currently 2.4 billion bushels of corn and 400 million bushels of milo stored on farms under the farmer-owned reserve program with an additional storage cost of $740 million.

The size and number of facilities to convert corn to alcohol would, of course, determine the amount of grain that could be utilized. I believe, however, that top priority should be given to a national commitment to maximize the use of grain used for alcohol production. Moreover, we should encourage private investment in alcohol production facilities.

My bill would provide that corn would be available for sale if used in the production of alcohol at the fuel conversion price as determined by the Secretary of Agriculture. The bill specifically provides that "the Secretary of Agriculture shall establish the price for corn sold under this act at such level as he determines will permit and encourage the purchase of such grain for conversion into alcohol for use as a fuel either by itself or in combination with another product and will permit such fuel to be competitive in price with petroleum-based fuels, taking into consideration the energy value of corn or other feed grain, the value of byproducts recoverable from corn, and, when applicable, the differences in octane rating, Federal and State tax incentives applicable to alcohol used for fuel, and such other factors and values as the Secretary considers appropriate."

The bill provides that, notwithstanding the provisions of existing law on the release price of CCC-owned grain, the Secretary would sell grain for the production of alcohol at an economically feasible level.

It is obvious that the fuel conversion price would vary, depending upon changes in the costs of production of both gasoline from crude oil and alcohol from grain. Therefore, the bill provides flexibility in determining an economically feasible price.

If this bill becomes law, our Nation will enjoy many benefits: First, greater self-sufficiency in the satisfaction of our energy needs, particularly motor fuel; second, a reduction in Government costs in the storage of grain; third, an improvement in the balance of payments; and fourth, a marketing opportunity for farmers that will hopefully result in profits from the sale of corn.

I would ask that my colleagues join me in supporting this legislation which promises to aid our Nation's farmers, as well as fulfill a portion of our energy needs.

By Mr. BAUCUS:

S. 495. A bill to amend the Internal Revenue Code of 1954 to allow any taxpayer to elect to treat for income tax purposes any crop received under the Federal program for removing land from agricultural production as produced by the taxpayer, to allow any taxpayer to elect to defer income on any cancellation under such a program of any price support loan, and to provide that participation in such a program shall not disqualify the taxpayer for the special use valuation of farm real property under section 2032A of such code.

PAYMENT-IN-KIND PROGRAM

Mr. BAUCUS. Mr. President, today I am introducing legislation to protect farmers who participate in the Department of Agriculture's payment-in-kind (PIK) program from being forced to pay an unfair tax.

These are hard times for American farmers. Declining demand, caused by the worldwide recession, giant surpluses, the lingering effects of the Soviet grain embargo, foreign protectionism and unfair competition, and the soaring price overseas of the dollar have undermined the stability of the farm economy.

America's farmers are in the midst of a depression unmatched since the thirties. My own State, Montana, has been particularly hard hit. Last year average farm income was only $32.

Several actions must be taken to revive America's farm economy. The first step is to reduce the giant surpluses that have helped hold prices at record lows.

Agriculture Secretary Block recently outlined the administration's PIK program, which he argues would accomplish this goal. As you know, this is a temporary land diversion program designed to reduce supply.

Farmers who enroll in the program will receive an amount of a commodity—that is, a payment-in-kind—in return for reducing the number of acres they cultivate.

But the PIK program does not go far enough. PIK does not cover barley, and does not feature a quality adjustment provision, a minimum payment provision, or a payment limit.

I already have urged members of the Agriculture Committee to consider changing these provisions. I hope to work with them during the year to do so.

But my immediate concern is that PIK will not be effective unless farmers participate. That is why I am introducing this bill.

The Treasury Department recently announced that farmers would be taxed for the grain they receive from the PIK program from the moment that grain is received.

Up to now, farmers generally have paid taxes on the grain they produce when it is sold, which frequently is not in the same year as it is produced. This precedent would not apply to the PIK program, according to the Treasury Department's announcement.

The bill I am introducing today, similar to a bill Mr. HARKIN has introduced in the House, restores the precedent. This legislation gives farmers who participate in the PIK program an option. They may elect to have the commodities they receive treated as income—and taxed—when they are received or when they are sold.

The legislation includes two other provisions. One would make clear that participation in the PIK program will not prevent farmers from using the special farmland estate tax valuation provisions.

The second makes clear that income farmers receive as a result of the cancellation of Commodity Credit Corporation loans can be treated the same, for tax purposes, as income farmers receive from the PIK program.

Mr. President, both the Agriculture and the Treasury Departments support legislation that would protect farmers in the PIK program from having to pay an unfair tax.

I ask unanimous consent that the full text of the bill be reprinted in the RECORD.

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

S. 495

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

SECTION 1. ELECTION TO TREAT CROP AS PRODUCED BY THE TAXPAYER; ELECTION TO DEFER INCOME ON CANCELLATION OF PRICE SUPPORT LOANS MADE BY COMMODITY CREDIT CORPORATION.

(a) IN GENERAL.—Section 451 of the Internal Revenue Code of 1954 (relating to general rule for taxable year of inclusion) is amended by adding at the end thereof the following new subsection:

"(f) PAYMENTS IN KIND, AND LOAN CANCELLATIONS, FOR REMOVING LAND FROM AGRICULTURAL PRODUCTION.—

"(1) PAYMENTS IN KIND.—If any amount would (but for this subsection) be includible in the gross income of the taxpayer for the taxable year by reason of the receipt of any agricultural commodity under a qualified Federal farmland removal program, the taxpayer may elect, in lieu of including such amount in income at the time of such receipt, to treat such commodity as if it were produced by the taxpayer, except that the unadjusted basis of such commodity in the hands of the taxpayer shall be zero.

"(2) CANCELLATION OF LOAN.—

"(A) IN GENERAL.—If any amount would (but for this subsection) be includible in the gross income of the taxpayer for the tax-

able year by reason of the cancellation under a qualified Federal farmland removal program of any qualified price support loan, the taxpayer may elect, in lieu of including such amount in income for such year, to include in each taxable year such year's proportionate share of the income from such cancellation.

"(B) YEAR'S PROPORTIONATE SHARE OF INCOME.—For purposes of subparagraph (A), a year's proportionate share of income from cancellation of a loan is an amount which bears the same ratio to the total income from the cancellation of such loan as the amount of the agricultural commodity which secured such loan and which is disposed of (or consumed) during such year bears to the total amount of the agricultural commodity which secured such loan.

"(3) DEFINITIONS.—For purposes of this subsection—

"(A) QUALIFIED FEDERAL FARMLAND REMOVAL PROGRAM.—The term 'qualified Federal farmland removal program' means any Federal program for removing land from agricultural production.

"(B) QUALIFIED PRICE SUPPORT LOAN.—The term 'qualified price support loan' means any loan made under the Agricultural Act of 1949 to support the price of any agricultural commodity.

"(C) AGRICULTURAL COMMODITY.—The term 'agricultural commodity' includes any interest therein.

"(4) ELECTIONS.—Any election under this subsection—

"(A) may be made separately with respect to each receipt of a commodity and each loan cancelled, and

"(B) shall be made at such time and in such manner as the Secretary may prescribe by regulations.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years ending after December 31, 1982.

SEC. 2. COORDINATION WITH ESTATE TAX TREATMENT OF PROPERTY USED AS A FARM FOR FARMING PURPOSES.

(a) IN GENERAL.—Subsection (e) of section 2032A of the Internal Revenue Code of 1954 (relating to valuation of certain farm, etc., real property) is amended by adding at the end thereof the following new paragraph:

"(15) PAYMENTS IN KIND, AND LOAN CANCELLATIONS, UNDER QUALIFIED FEDERAL FARMLAND REMOVAL PROGRAMS.—Nothing in this section shall be construed to prevent—

"(A) property from being treated as used as a farm for farming purposes, and

"(B) an individual from being treated as materially participating in the operation of the farm with respect to any property,

for any period merely because during such period, in lieu of producing a crop, such property was removed from production pursuant to a qualified Federal farmland removal program (within the meaning of section 451(f)(3)(A)).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to estates of decedents dying after December 31, 1982.

By Mr. COHEN:

S. 496. A bill to amend title 10, United States Code, to authorize the Secretary concerned to transport to the place of burial the remains of a member of the uniformed services entitled to retired or retainer pay who dies in a military medical facility; to the Committee on Armed Services.

TRANSPORTATION OF REMAINS OF MILITARY RETIREES

Mr. COHEN. Mr. President, I rise today to introduce legislation which, at minimal cost to the taxpayer, would correct an inequity in current law regarding retired military personnel.

At present, the uniformed services are without authority to transport the remains of a retiree who dies while receiving treatment at a military medical facility to his or her place of burial. Veterans and active duty personnel, on the other hand, are entitled to this benefit. The legislation I am proposing would establish uniformity of entitlement to all members of the Armed Forces, in all categories of service, who pass away in a medical facility of the Veterans' Administration or the military departments.

Specifically, enactment of this legislation would provide the relevant Secretary with authority to transport to the place of burial the remains of a retired member of the armed services who dies while a patient at a medical facility of the department. As an alternative to actual transportation, the Secretary concerned would be authorized to pay the costs of transporting the remains. However, transportation could not be to a place farther than the deceased's last place of permanent residence. Transportation, or the payment for such transportation, would not be authorized to foreign countries.

To avoid duplication of transportation benefits, the proposed legislation makes transportation available only in instances when such services are not available from the Veterans' Administration or from the uniformed services under other authority, and the retired member dies while hospitalized in a military medical facility. The total cost to the taxpayer of this legislation is estimated to be about $200,000 per year.

Companion legislation, H.R. 1104, has been introduced in the House of Representatives by Mr. WON PAT of Guam.

Mr. President, I do not believe it was the intent of current law to deal in an inequitable way with retired members of the Armed Forces. I urge my colleagues on both sides of the aisle to support passage of this bill, and ask unanimous consent that the bill be printed in the RECORD.

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

S. 496

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 75 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1490. Transportation of remains of members entitled to retired or retainer pay who die in a military medical facility

"(a) Subject to subsection (b), when a member entitled to retired or retainer pay or equivalent pay dies while properly admitted under chapter 55 of this title to a medical facility of the armed forces located in the United States, the Secretary concerned may transport the remains, or pay the cost of transporting the remains, of the decedent to the place of burial of the decedent.

"(b)(1) Transportation provided under this section may not be to a place outside the United States or to a place farther from the place of death then the decedent's last place of permanent residence, and any amount paid under this section may not exceed the cost of transportation from the place of death to the decedent's last place of permanent residence.

"(2) Transportation of the remains of a decedent may not be provided under this section if such transportation is authorized by sections 1481 and 1482 of this title or by chapter 23 of title 38.

"(c) In this section, 'United States' includes the Commonwealth of Puerto Rico and the territories and possessions of the United States.".

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1490. Transportation of remains of members entitled to retired or retainer pay who die in a military medical facility.".

SEC. 2. Section 1490 of title 10, United States Code, as added by the first section of this Act, shall apply with respect to the transportation of the remains of persons dying on or after the first day of the first month beginning after the date of the enactment of this Act.

By Mr. D'AMATO (for himself, Mr. MURKOWSKI, Mr. BAUCUS, Mr. HATFIELD, Mr. INOUYE, Mr. SASSER, Mr. PROXMIRE, and Mr. MOYNIHAN):

S. 498. A bill to amend the Agricultural Act of 1949 to modify the dairy price support program; to the Committee on Agriculture, Nutrition, and Forestry.

DAIRY PRICE SUPPORT SYSTEM

● Mr. D'AMATO. Mr. President, today I am introducing legislation which would repeal the Secretary of Agriculture's authority to deduct 50 cents from the hundredweight of milk marketed commercially by producers. This bill would also repeal the Secretary's authority to impose a second 50-cent assessment on April 1, 1983 should the Commodity Credit Corporation (CCC) projected purchases exceed 7.5 billion pounds of milk equivalent for the current marketing year. Such authority was granted to the Secretary in the Omnibus Reconciliation Act of 1982, which became Public Law 97-253 on September 8, 1982.

Mr. President, we are all well aware that the costs to the Federal Government of the dairy support program have escalated substantially in recent years. Although there is unanimous agreement amongst all concerned parties that the program is in dire need of comprehensive revision, Congress has been stymied in its attempts to formulate workable alternatives to the cur-

rent system. Under the pressures of the budget process, a frustrated Congress hastily devised the 50-cent deduction in a well-intentioned effort to curb the runaway costs of the dairy support program. Since enactment of the reconciliation bill, general agreement has been reached that the 50-cent assessment is a glaring mistake which only exacerbates the fundamental problems inherent in the price support program leaving future Congresses with bigger problems which sooner or later must be confronted.

The foremost problem facing this country's dairy industry is surplus dairy products that are piling higher and higher in Government warehouses at an enormous expense to the American taxpayer. As the dairy support program is currently constituted, it has become profitable for dairy farmers to produce with the sole intention of selling their products to the Federal Government. More than $3 billion of surplus butter, cheese, and dry milk purchased by the CCC is presently kept in Federal storage facilities at a cost of more than $100 million per year.

Instead of solving the surplus problem, the 50-cent assessment will only compound it. It is reported from around the country that dairy farmers are increasing their production in order to meet their current costs in light of the new 50-cent deduction. In New York, production has already risen merely in anticipation of this increased cost. Such a reaction will increase the quantity of surplus which the Government must purchase under the current program. In fact, the deduction will only curtail production by forcing the young and efficient farmers out of business due to their inability to meet heavy debt commitments at exhorbitant interest rates.

Additionally, the 50-cent deduction will not result in lower prices for dairy products in the commercial market. With prices remaining at current levels, no incentive will be provided to American consumers to purchase more dairy products, which would alleviate the multiplying accumulation of Government surplus.

It would seem that any logically formulated revision of the support program would have as its highest priorities the removal of existing surplus held by the Government and, more importantly, the trimming of future surplus production. The 50-cent deductions, however, would not accomplish either of these two goals. As Congress deliberates, the Secretary of Agriculture is moving forward to collect the assessments. In order to prevent needless hardships for dairy farmers, I urge the Congress to prevent the collection of these assessments. It is clear that the agriculture committees will put forward a plan that genuinely addresses the problems of the dairy industry and the cost to the taxpayers. In the interim, however, an unacceptable plan should not be allowed to go into effect. I ask my colleagues to give this their immediate attention.●

● Mr. MOYNIHAN. Mr. President, today Senator D'AMATO and I join six of our distinguished colleagues in introducing legislation that will repeal a provision of the Omnibus Reconciliation Act of 1982 that authorized the Secretary of Agriculture to collect two assessments from the proceeds of the sale of every hundredweight of milk marketed commercially.

These incremental 50-cent assessments, which I opposed when they were enacted last September, were intended to decrease the quantity of surplus milk products and lower costs to the Federal Government of the dairy price support program. But what will probably occur is that dairy farmers, to compensate for the assessments, will produce yet more milk, thereby increasing the supply and the cost of the price support program. Farmers will meet rising costs and present debt commitments by producing more. With the price of milk remaining at its present level, consumers will not be encouraged to buy more milk products. Only an increase in demand will reduce the overwhelming surplus the Federal Government now stores at a cost of $50 million a year.

In New York, the Nation's third largest milk producing State, dairymen are expected to lose as much as $92 million during the first year the new assessments are levied. The New York State Farm Bureau estimates that dairy farmers will increase production 3 to 4 percent in order to compensate for this lost revenue.

Certainly all agree that the price support system now in place must be revised. The cost of the program is far too great and the amount of surplus milk products far too huge. But this assessment plan, enacted with little consideration, is a deceptively simple remedy to a complex plan. A responsible, equitable, and effective solution must be sought and implemented. I hope to be involved in the creation of such a plan during the 98th Congress. Let us begin to set things aright now, and revoke the Secretary of Agriculture's authority to collect the 50-cent assessments.

Mr. President, to underscore the impact of, and reaction to, the dairy assessments, I submit two items to accompany my statement in the RECORD. The first is a letter from the New York State Assembly leadership to Secretary of Agriculture Block outlining major objections to the proposed fees. The second is an article which appeared in the agricultural publication RuraLife, in December of 1982, that highlights the degree of opposition emanating from various farm organizations and agricultural officials. I hope my colleagues will find these views enlightening, and I ask unanimous consent that they be printed in the RECORD.

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

THE ASSEMBLY,
STATE OF NEW YORK,
Albany, N.Y., November 23, 1982.

Hon. JOHN BLOCK,
Secretary of Agriculture,
Washington, D.C.

DEAR SECRETARY BLOCK: I am forwarding to you our comments on the Department of Agriculture's proposed assessment of 50 cents per hundredweight on all milk produced after December 1, 1982.

We respectfully submit that the proposal is both ill-advised and will prove counterproductive. A review of the material before us indicates that the proposed rule will fail to balance supply and demand. To the contrary, the end result will be increased production fueled by the need to offset the costly effects of the assessment. Department of Agriculture specialists estimate that total milk production will exceed 137.5 billion pounds during the market year ending September 30, 1983—3.2 billion pounds more than the current market year.

New York dairymen stand to lose 55 million dollars in income next year as a result of the Administration Proposal. The New York State Farm Bureau expects a 3-4% increase in farm production in order to compensate for the loss in income per unit. Additionally, the Commodity Credit Corporation will be required to purchase additional surplus dairy products at a cost of 760 million dollars.

By your own admission, the dairy program is not under control. Fundamental changes must be implemented on all levels in order to achieve the goal of decreased production. It is anomalous that the dairy price support program is unique in not limiting the amount of milk that may be produced. Equally disturbing is the fact that over 100 million dollars is spent annually for the transportation and storage of surplus products. Clearly, the problems manifested in the present system defy simple, hastily-drafted solutions. It is for all the above reasons that we stand opposed to the Department of Agriculture's proposal.

Would it not be much more beneficial and appropriate for the Federal government to help seek greater international markets for dairy products? Certainly increased consumption is the answer—not assessments and disguised penalties.

Sincerely,

STANLEY FINK,
Speaker.
DANIEL B. WALSH,
Majority Leader.
ROLLAND KIDDER,
Chairman, Agriculture Committee.

[From Rural Life, December 1982]

MANY OBJECT TO MILK TAX

To say that farmers agribusiness leaders, dairy cooperative members and politicians representing rural areas are merely unhappy with the Congress dairy deduction plan is gross understatement.

Instead they use words like angered, outraged, and frustrated.

A sampling of opinion from a variety of farming organizations and spokesmen includes: The National Grange. In a resolu-

tion passed by members during its 116th annual meeting, the Grange said "such a tax on the dairy farmer's source of income is unfair to the nation's thousands of dairy farmers. The reduction in the price farmers received for milk will not be reflected in the price paid by consumers." The New York Ayrshire Club Inc. "We feel this stop-gap measure is not in the best interest of dairy farmers," its members said in a resolution passed during a meeting in Syracuse.

"This program will inevitably result in more milk production to meet cash demands. Furthermore it will be a severe financial burden to all young dairy farmers faced with a heavy debt load," the Ayrshire Club claimed. Dairylea Cooperative Inc. Its president, Clyde E. Rutherford, said "this tax money will go directly from the farmer's check into the government pocket. It will not contribute in any way to a lowering of consumer dairy product prices." J. Roger Barber, New York commissioner of Agriculture and Markets. In a speech to delegates at the state Grange convention in Watertown he explained that "the most severe loss will be to businesses (that) service the dairy farmer . . . "

The $92 million Barber estimated New York dairymen could lose under the deduction program would have the most "disasterous" effect on "the industry that depends on the dairy farmer for its livelihood. Farmers will get along with that old tractor."●

By Mr. D'AMATO (for himself, Mr. LEVIN, Mr. Tsongas, and Mr. HUDDLESTON):

S. 499. A bill to require the usage of tax-exempt financing in connection with the Small Business Administration Section 503 Loan Program; to the Committee on Small Business.

SMALL BUSINESS INVESTMENT COMPANY ACT

● Mr. D'AMATO. Mr. President, that most of America's new jobs are created by small businesses is a well-known and oft-cited fact. Less well-known, however, is the Small Business Administration's role in this process. Over the past several years the SBA has achieved a preeminent role among those Federal agencies involved in promoting local economic development.

Section 503 of the Small Business Investment Company Act was designed to make the SBA an active partner with State and local governments and the private sector in making long-term capital available for small business expansion and job creation. It is a major reason for this new-found preeminence. The 503 loan program, enacted in July 1980, can play an important role in revitalizing local communities across the Nation.

Under section 503, banks are encouraged to make long-term loans available to small businesses under favorable terms. Without Federal guarantee programs such as 503, banks are often reluctant to make such loans to small companies.

Section 503 authorizes the SBA to guarantee debentures issued by certified development companies (CDC's) to finance the acquisition of land, plant, and equipment for small business expansion. The creation of a substantial number of new jobs is a requirement before any such loan can be made. SBA guarantees up to 40 percent of the project costs. Ten percent comes from the small business itself. And the remaining 50 percent comes from a private sector, third-party lender, such as a bank. Maturities on these loans can be for up to 25 years.

SBA began certifying CDC's in late 1980. At the end of fiscal 1982, 284 had been so certified. Ten of these are in my own State of New York. A majority of these development companies are just getting off the ground, but 133 of them had made a loan by the end of fiscal 1982 and 87 of them had made more than 1 loan. All told, 660 loans had been made, 32 of them in New York State.

The 40 percent of the project costs put up by the CDC's for these 660 loans totaled $115.1 million. Given the 28,846 documented jobs created as a result of these loans, the average SBA investment per job was only $3,990. Furthermore, this average investment per job has been steadily dropping since the inception of the 503 program. The vast majority of the jobs created are in the manufacturing and wholesale/retail industries.

In New York State, $6.08 million in loans had been guaranteed by the SBA by the end of the fiscal 1982; 1,422 jobs had been created. The average SBA investment per job was $4,668, but this figure is being brought down rapidly. The 1115 jobs created in fiscal 1982 required an average SBA guarantee of only $3,223 per job. The 305 jobs created during the last quarter of fiscal 1982 required an average investment by the SBA of only $3,045. Every quarter since the creation of the 503 program, more and more jobs are being created and the Federal commitment per job declines. Section 503 is a classic example of a Federal jobs program that works, and works well.

However, all is not perfect with the 503 program. The program is new. Many—both inside and outside of Government—are unfamiliar with it, the regulations governing the program still need fine-tuning, and the turnaround time on loan applications is still too slow. Nevertheless, I have been assured that the SBA is making a concerted effort to work out these bureaucratic entanglements, and I am confident that things will soon be running much more smoothly.

There is one problem with the program, however, that is in desperate need of legislative action. This is the fact that SBA, in complete and total contradiction of clearly expressed congressional intent, has refused to guarantee or participate in 503 loans for projects in which industrial development bond financing is used. This action has been taken as part of the administration's overall policy of discouraging the use of small-issue industrial development bonds (IDB's).

Since coming to the Senate, I have been one of the most vocal supporters of IDB's. Although I had not yet begun my service when the conference report on Public Law 96-302 was adopted, I totally agree with what it said about the 503 loan program:

SBA should not disapprove the guarantee of any debenture, or any loan made with the proceeds of a debenture issue, solely because the proceeds would be used in a project whose other sources of financing include, or are collateralized by, tax-exempt industrial revenue or development bonds.

This seems pretty clear to me, yet the SBA had refused to participate in any such project. A 1965 OMB circular, No. A-70, which states that it is not Government policy to provide a guarantee of a tax-exempt issue, has been cited as the reason for this intransigence. Never mind that under the section 503 loan program, the Government guarantees only the CDC portion of the project costs and provides no guarantee to any portion financed or collateralized by an IDB. Never mind that a 1980 expression of congressional intent should clearly supercede an outdated bureaucratic memorandum. Never mind that our economy desperately needs the new jobs that would result from more 503 projects. The SBA still refuses to participate in such loans and, as a result, over 60 percent of the loan guarantee authority provided by Congress for the 503 program has gone unused.

At a September 28, 1982, hearing before the Senate Small Business Committee, which I chaired, the SBA policy was universally condemned by all of the private sector witnesses. The point was made repeatedly that we are running a good program—a potentially excellent program—at less than half speed because the SBA has refused, thus far, to honor clearly expressed congressional intent. Loans which should be made, are not being made. Loan authority is going unused. And, most importantly, new jobs which could be created, are not being created.

The legislation I am introducing today, therefore, comes in direct response to this widely perceived need for congressional action. The bill requires that the SBA process section 503 loan applications without regard to whether or not other parts of the financing package include, or are collateralized by, industrial development bonds. This bill simply raises existing conference report language to the status of legislation.

No other solution has worked. Negotiations over the issue have broken down. Thus, the Congress must act. The 503 loan program must be allowed to achieve its full potential. The majority of the loan authority granted by

Congress for this program must not continue to go unused.

Mr. President, I urge the adoption of this legislation and I ask that the full text of the bill I am today introducing be printed in the RECORD at the conclusion of my remarks.

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

S. 499

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 503 of the Small Business Investment Company Act of 1958 is amended by adding at the end thereof the following new subsection:

"(e)(1) The Administration shall not decline to participate in a project under this section which otherwise meets the requirements of this section because other sources of financing for the project include or are collateralized by obligations described in section 103 (b) of the Internal Revenue Code of 1954.

"(2) Loans made with the proceeds of debentures guaranteed under this section may be subordinated to other obligations.

"(3) The Administration and any other agency of the Federal government shall not restrict the use of debentures guaranteed under this section with obligations described in section 103 (b) of the Internal Revenue Code of 1954 if the project being so financed otherwise complies with the regulations and procedures of the Administration."●

By Mr. MATHIAS (for himself, Mr. LEAHY, Mr. DOMENICI, Mr. SARBANES, and Mr. D'AMATO):

S. 500. A bill entitled the "Christopher Columbus Quincentenary Jubilee Act"; to the Committee on the Judiciary.

CHRISTOPHER COLUMBUS QUINCENTENARY JUBILEE ACT

● Mr. MATHIAS. Mr. President, October 12, 1992, will mark the 500th anniversary—the quincentenary—of the day land was sighted by one of the ships sailing on Christopher Columbus' maiden voyage to find a westward passage to the Orient. Instead of the Orient, however, Columbus reached a New World—what he called the other world. His contemporaries neither appreciated nor acknowledged the enormous contribution Columbus had made to the expansion of European civilization and to the creation of a new one. But we, who are the ultimate beneficiaries of his vision, courage, and travail, must see that the memory of Columbus and his achievement does not suffer the same fate in 1992 as it did in his lifetime.

Although the anniversary is still 10 years away, it is not too soon to begin to plan for the observance of such an unprecedented event—the discovery of the New World. Groups across the Nation are already gearing up to meet the challenge of this celebration. The Federal Government, too, must do all it can to see that this anniversary is observed thoughtfully and appropriately. To spur that effort, I am today introducing legislation to establish the Christopher Columbus Quincentenary Jubilee Commission.

This is the second time that I have had the honor of introducing this measure in the Senate. Last May, I introduced an almost identical bill, S. 2580, that passed the Senate on October 1, 1982. I look forward to working once again with my colleagues on the Judiciary Committee to report favorably this legislation and to bring it before the full Senate for consideration. I hope this can be done as quickly as possible because there is much to be done to get ready for this momentous anniversary.

This bill would establish a Christopher Columbus Quincentenary Jubilee Commission, charged with planning, encouraging, coordinating, and conducting local, national, and international observances and activities. Its 31 members, most of whom would be private citizens, would be responsible for preparing comprehensive programs to commemorate the quincentenary of the voyages Columbus embarked on in 1492. Books, films, lectures, exhibits, ceremonies, and all manner of celebrations would be planned and coordinated by the Commission. Columbus' travels are well-documented, and there is much to learn from him about the human spirit and the quest to discover new frontiers. The age of discovery is far from over.

A particularly important aspect of the observance must be to consult and work with our friends and neighbors in other nations of the Western Hemisphere who share with us the Columbian legacy. Their culture, scholarship, and creative art can contribute much to the value and significance of this event. Knowing also that Italy and Spain will wish to take a special role in our observance as they plan their own, this legislation invites each of their governments to appoint one individual to serve as a nonvoting participant on the commission.

We would do well to follow the lead of Spain in getting ready for this great event; the Spanish Government is off to a running start in its preparations for the quincentenary. In Spain, a commission for the 500th Anniversary of the Discovery of America has been in operation for some time now. During the November recess, a Senate delegation visited Spain where we expressed the hope that our observances and theirs were closely coordinated. We met with members of the 500th Anniversary Commission who briefed us on their plans for the observance and who took a special interest in our plans. Just as I was impressed by the Senate's timely passage last year of my legislation to establish the Christopher Columbus Quincentenary Jubilee Commission. Our delegation also met with King Juan Carlos, who expressed his pleasure at our report of the Congress determination to commemorate Columbus' voyages of discovery in a significant way.

The Italians are also greatly interested in the upcoming 500th anniversary of the voyage of a great son of Italy. Last September, the Biennial Conference of the National Italian American Foundation and His Excellency Paolo Pansa Cedronio, the Ambassador of Italy, expressed strong support for such a commission. Certainly, the large and dynamic Italian-American community in Baltimore is enthusiastic about the prospects of a commission to commemorate the triumphs of one of Italy's most famous sons. We have been assured of the active interest of John Volpe, former Governor, Ambassador and Cabinet member, and himself a leader of the National Italian American Foundation.

I ask that the Senate once again take expeditious action on this legislation. The House of Representatives will soon consider an identical measure, H.R. 1492. The Christopher Columbus Quincentenary Jubilee Commission has much to do; let us see that it is established as quickly as possible.●

By Mr. DOLE (for himself, Mr. GORTON, Mrs. KASSEBAUM, Mr. HATFIELD, Mr. ANDREWS, Mr. DANFORTH, Mr. HEINZ, Mr. D'AMATO, Mr. COHEN, Mr. BAUCUS, Mr. METZENBAUM, Mr. DOMENICI, Mr. SYMMS, Mrs. HAWKINS, Mr. PERCY, Mr. BURDICK, Mr. WARNER, Mr. QUAYLE, Mr. PACKWOOD, Mr. PRESSLER, Mr. JEPSEN, Mr. GRASSLEY, Mr. ROTH, Mr. DIXON, Mr. MATSUNAGA, and Mr. BAKER):

S. 501. A bill to amend the laws of the United States to eliminate gender-based distinctions; to the Committee on the Judiciary.

ELIMINATION OF GENDER-BASED DISTINCTIONS

● Mr. DOLE. Mr. President, today, I am pleased to reintroduce the "Sex Discrimination in the U.S. Code Reform Act." This legislation would cleanse the Federal code of approximately 100 sex discriminatory provisions which were identified in the March report of President Reagan's task force on legal equity for women. It has the strong, personal support of the President, who has welcomed it as a complement to the task force's efforts.

WHAT THE BILL WOULD NOT DO

It should be emphasized that this bill would not amend controversial code sections such as the combat and selective service provisions of the Military Code and certain provisions of the Criminal Code. Amendments of a sensitive nature were purposefully omitted to facilitate prompt congres-

sional action on this long overdue measure. Nor would the bill cleanse the code of all the sex-biased terminology. There are literally thousands of such references and, by necessity, they must be addressed on a more gradual basis.

WHAT THE BILL WOULD DO

What the bill would do is remove from the Federal code approximately 100 provisions which still substantively discriminate on their face. Generally, these provisions are obsolete, of extremely limited application, or have already been held to be unconstitutional. Amendments to a few of these provisions would have some real impact, for instance, in certain technical areas of the Social Security Act and Railroad Retirement Act. But for the most part, the bill is "housecleaning." An example: Some sections of the Military Code permit the widows, but not the widowers, of deceased military personnel to use commissaries. The bill would eliminate this distinction.

IMPORTANCE OF THE LEGISLATION

Emphasizing the limitations of this bill is not, of course, to trivalize its importance. Clearly these discriminatory provisions, regardless of how limited in scope, have no place in our Nation's laws. But to achieve true equality, of course, we must remove not only those laws which discriminate on their face, but also those, which while facially neutral, have a discriminatory impact.

TRUE EQUALITY

In this regard, with older women comprising the fastest growing poverty group in American society, I believe that the discriminatory aspects of our pension laws, in particular, require priority attention. I recently introduced S. 19, the Retirement Equity Act of 1983, which, by removing many unfair provisions in ERISA, should significantly improve the chances that both working and nonworking women will receive benefits under private pension plans. In addition, the social security compromise, contains four changes which will be of significant benefit to certain groups of women. It is clear, however, that much more extensive basic reforms are needed to make the system truly equitable.

SUPPORT FOR THE BILL

Mr. President, when I first introduced this bill last October, I stated then that I believed this to be legislation which should be expeditiously acted upon by the Senate—an important and necessary, but small step which we can quickly put behind us. Today, I reaffirm that belief.

The bill has won the support of the National Women's Political Caucus, the Women's Equity Action League, the National Federaton of Business and Professional Women's Clubs, the League of Women Voters, the National Woman's Party, the American Association of University Women and the Leadership Conference on Civil Rights.

The increasingly broad support which this legislation has received underscores its importance. There is no reason why these discriminatory provisions should remain on the books and it is time that we act in a comprehensive way to remove them.

Mr. President, I ask unanimous consent that a section-by-section analysis of the bill be printed in the RECORD.

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

SECTION-BY-SECTION SUMMARY—SEX DISCRIMINATION IN THE U.S. CODE REFORM ACT

MILITARY

Army: 10 U.S.C. 3683[1] (Section 101(a)) applies to nurses, women medical specialists and similar employees of the Army Medical Department who received special appointments during World War II. It identifies various periods of service which are creditable for retirement eligibility and for computing retirement pay. It applies only to service completed before January 1, 1949. DOD has indicated that the section is probably obsolete because all personnel with service prior to 1949 should have retired by now. The Act would repeal Section 3683, but contains a grandparent clause in the event that there may be persons still on active duty.

10 U.S.C. 3963[1] (Section 101(b)) also applies to nurses, women medical secialists and similar employees of the Army Medical Department who received special appointments during World War II. It provides that personnel in these categories who served before July 1, 1946 in a higher active duty grade, can be retired in that grade. Again, DOD has indicated that the section is probably obsolete as anyone with service prior to 1946 should have retired by now. The Act would repeal Section 3963, but contains a grandparent clause in the event that there may be persons still on active duty.

10 U.S.C. 4309 (Section 101(c)) allows "members of armed forces and able-bodied *males* capable of bearing arms" to use rifle ranges operated by the Secretary of the Army. The Act would amend Section 4309 by changing "males" to "persons".

10 U.S.C. 4651 (Section 101(d)) allows the Secretary of the Army to provide equipment to any school that does not have an ROTC unit but does have a course in military training and at least "100 physically fit *male* students". The Act would amend Section 4651 by deleting "male".

10 U.S.C. 4712(d) (Section 101(e)) contains the priority list for the disposition of effects of deceased military personnel by summary court martial. The list gives preference to a "son" over a "daughter" a "father" over a "mother" and a "brother" over a "sister". The Act would amend Section 4712(d) so that family members are treated on a sex-neutral basis.

10 U.S.C. 4713(a)(2) (Section 101(f)) contains the same priority list for the disposition of effects of certain deceased military personnel which have been held by the Army for three years after death. The Act would amend Section 4713(a)(2) so that family members are treated on a sex-neutral basis.

24 U.S.C. 52 (Section 105) allows the inmate of a soldier's home to have the inmate's pension paid to a "child, *wife*, or parent living". The Act would amend Section 52 by replacing "wife" with "spouse".

50 U.S.C. 1591-1598. (Section 104) All sections refer to P.L. 78-3509, which provided temporary appointments for Army Nurse Corps members, women medical specialists or similar employees of the Army Medical Department. They contain separate standards for these classes of female personnel in such areas as retirement grade and pay, computation of length of service, uniform allowance, rank, pay and travel allowances. P.L. 78-3509 was passed only for World War II and is now, therefore, obsolete. The Act would repeal these provisions, but contains a savings provision clarifying that the repeal is not in any way to affect the present status of women who received these appointments.

Navy: 10 U.S.C. 7601 (Section 102(a)) lists, among others, the *"widows"* but not the widowers of members of the Navy as persons who may use commissaries. The Act would amend Section 7601 by replacing "widows" with "surviving spouses".

Air Force: 10 U.S.C. 8683 (Section 103(a)) applies to nurses, women medical specialists and similar employees of the Air Force Medical Department who received special appointments during World War II. It identifies various periods of service which are creditable for retirement eligibility and for computing retirement pay. It applies only to service completed before January 1, 1949. DOD has indicated that the section is probably obsolete because all personnel with service prior to 1949 should have retired by now. The Act would repeal Section 3683, but contains a grandparent clause in the event that there might still be persons on active duty.

10 U.S.C. 8963 (Section 103(b)) applies to nurses, women medical specialists and similar employees of the Air Force Medical Department who received special appointments during World War II. It provides that personnel in these categories who served before July 1, 1946 in a higher active duty grade, can be retired in that grade. Again, DOD has indicated that the Section is probably obsolete as anyone with service prior to 1946 should have retired by now. The Act would repeal Section 8963, but contains a grandparent clause in the event that there may still be a few persons on active duty.

10 U.S.C. 9651 (Section 103(c)) allows the Secretary of the Air Force to provide equipment to any school that does not have an ROTC unit but does have a course in military training and at least "100 physically fit *male* students". The Act would amend Section 9651 by deleting "male".

10 U.S.C. 9712 (Section 103(d)) contains the priority list for the disposition of effects of deceased military personnel by summary court martial. As is the case with the Army, it gives priority to male family members. The Act would amend Section 9712 so that family members are treated on a sex-neutral basis.

10 U.S.C. 9713 (Section 103(e)) contains the same priority list for the disposition of effects of deceased military personnel by a Soldier's home and would be amended so that family members are treated on a sex-neutral basis.

Coast Guard: (The Coast Guard now allows women to participate in all components of the service.)

[1] Women in these classes of service received appointments to higher grades during WWII, but were then demoted after the war was over. Sections 3683, 3963, 8683 and 8963 were necessary to restore benefits lost as a result of the demotion.

14 U.S.C. 371 (Section 108(a)) provides that only "male citizens . . . may be enlisted as" and "male enlisted members of the Coast Guard . . . may be designated as aviation cadets". The Act would amend Section 371 by deleting "male". (The Coast Guard no longer has aviation cadets. However, because the Coast Guard may wish to resurrect the program in the future, the Section should be amended, not repealed.)

14 U.S.C. 487 (Section 108(b)) lists, among others, the "widows" but not the widowers of members of the Coast Guard as persons who may use commissaries. The Act would amend Section 487 by replacing "widows" with "surviving spouses".

46 U.S.C. 599 (Section 110(b)) allows for the allotment of a portion of sailor's wages to "his grandparents, parents, *wife, sister* or children". The Act would amend Section 599 to permit allotment of wages to the "sailor's grandparents, parents, *spouse, sibling,* or children".

46 U.S.C. 561 (Section 110(c)) allows for the apprenticing only of "boys" to the sea service. The Act would amend Section 561 by replacing "boys" with "youths".

Code of Military Justice: 10 U.S.C. 933 states that any commissioned officer who is convicted of conduct "unbecoming an officer and a gentleman" shall be punished as a court-martial may direct. The Act would strike out "and a gentleman."

10 U.S.C. 920 (a) and (b) are the rape and statutory rape sections of the military code. As currently written, the crimes can be committed only against women. The Act would amend these sections to make the offenses sex neutral.

Benefits for Spouses and Families: 5 U.S.C. 2108(3) (f) & (g) (Section 301) provide for benefits to be paid to "mothers" but not fathers of disabled veterans or other individuals who lost their lives during active duty under certain sets of circumstances. The Act would amend Section 2108(3) (f) & (g) so that both parents of the veteran would be eligible for benefits if they met the criteria specified in the statute.

30 U.S.C. 902(a) (Section 332) defines, for purposes of black lung benefits, a "dependent" as including "wife" and "widow" but not husbands and widowers. 30 U.S.C. 843(d), 902(e), 902(g), 921, 922(a), 922(b), 923(b), 924 (a) & (e), 931, and 934 also contain the sex-based references of "wife" and "widow" as a result of this definition of "dependent". These sections would be amended so that "husbands" and "widowers" are included as dependents as well. The Department of Labor has already so amended its regulations.

42 U.S.C. 1652 (Section 329) is a little used section of the Defense Base Compensation Act. It provides that compensation to "dependents" of aliens and nonnationals includes the "wife" but not the husband. The section would be amended by replacing "wife" with "spouse".

33 U.S.C. 771 and 772 (Sections 109 (a) & (b)) provide survivor's benefits for the "widows" but not the widowers of Lighthouse Service Personnel. The Act would amend Sections 771 and 772 by replacing "widows" with "surviving spouse". (The Lighthouse Service is no longer a separate service of the Coast Guard and the class of persons to whom Sections 771 and 772 applies is extremely small, if any.)

18 U.S.C. 3056 (Section 313) provides only for Secret Service protection of a former President's "wife" or "widow". The Act would amend Section 3056 by changing "wife" to "spouse" and "widow" to "surviving spouse".

28 U.S.C. 604 (Section 328) allows the Director of the Administrative Office of the U.S. Courts to regulate and pay annuities to "widows" of judges. P.L. 94-544 extended benefits to both the widows and widowers of judges on a sex-neutral basis, but failed to correct Section 604. The Act would amend Section 604 by replacing "widow" with "surviving spouse".

Immigration and Naturalization: 8 U.S.C. 1557 (Section 302(e)) prohibits the transportation in foreign commerce of "women and girls" for the purposes of prostitution and debauchery. The Act would amend Section 1557 by replacing "women and girls" with "adults and youths".

8 U.S.C. 1353 (Section 302(a)) authorizes payment of the transportation expenses of the "wives" and dependent children of employees of INS performing duties in foreign countries. The Act would amend Section 1353 by providing for the expenses of "spouses" of INS employees, consistent with current practice.

8 U.S.C. 1452 [2] (Section 302(c)) provides procedures to procure certificates of citizenship for persons who derived U.S. citizenship through the naturalization of a parent or "husband". The Act would amend Section 1452 by changing "husband" to "spouse".

8 U.S.C. 1451(e) [2] (Section 302(b)) provides that the revocation of a person's citizenship or naturalization shall not affect any right or privilege of the person's "wife" or minor child which would have derived if the revocation had not occurred. The Act would amend Section 1451(e) by changing "wife" to "spouse".

8 U.S.C. 1489 [2] (Section 302(d)) provides that notwithstanding any treaty or convention to the contrary no "woman" is to lose U.S. nationality because of marriage to an alien, or through residence abroad following such a marriage. The Act would amend Section 1489 by changing "woman" to "person".

22 U.S.C. 214 (Section 302(f)) excuses the payment of passport fees for a "widow" of a deceased number of the Armed Forces who is travelling abroad to visit the grave of the deceased. The Act would amend Section 214 by changing "widow" to "surviving spouse".

Social Security: [3] 42 U.S.C. 402 (b), (c), (e) and (f) (Section 201) provides for the payment of benefits to aged divorced wives and aged or disabled surviving divorced wives, but benefits are not provided for similarly situated men. These provisions have been held unconstitutional in a number of court decisions and benefits are currently also being paid to aged divorced husbands and aged surviving divorced husbands, based on their former wives' earnings. The Act would amend these Sections to conform to the court decisions.

42 U.S.C. 402 (b) and (g) (Section 206) provide benefits for a mother who has in her care a child of her retired, disabled, or deceased husband. Benefits are not provided for similarly situated men. This distinction was held unconstitutional in *Weinberger* v. *Wiesenfeld,* 420 U.S. 636 (1975), other court decisions and subsequent administrative decisions. Currently a similarly situated father can also qualify for benefits based on his retired, disabled, or deceased wife's past earnings. The Act would amend these Sections to conform to the court decisions.

42 U.S.C. 402 (e) and (f) (Section 202) provides that widows and widowers who remarry before age 60 are treated differently with respect to their eligibility for benefits based on their deceased spouses' earnings. A woman may qualify for benefits as a surviving spouse, even though she has remarried, so long as she is not married at the time she applies for benefits. A man on the other hand, currently loses forever his eligibility as a surviving spouse of his deceased working wife if he remarries before age 60. This distinction was held to be unconstitutional in *Mertz* v. *Harris,* 497 F. Supp. 1134 (S.D. Tex. 1980) and benefits are now paid to widowers who have remarried but are not married at the time of application. The Act would amend these Sections to conform to the court decisions.

42 U.S.C. 403 and 405 refer to benefit categories established by the preceding sections and would be amended to conform to the amendments made to those sections.

42 U.S.C. 416 (Section 203) relates to benefits for illegitimate children. In general, the determination of one's status as a parent or child for purposes of the Social Security program is based upon the intestate succession laws of the state in which the insured individual is domiciled. However, an illegitimate child may be eligible for benefits based upon a man's earnings, without regard to the appropriate state intestate laws, if, among other things, the man has been decreed by a court to be the father of the child, or the man is shown by evidence satisfactory to the Secretary to be the father of the child. Similar provisions do not currently apply when an illegitimate child claims a benefit based upon his mother's earnings. The Act would amend this Section so that illegitimate children would be eligible for benefits based on their mother's earnings as they are currently for benefits based on their father's earnings.

42 U.S.C. 417 (Section 207) permits the widow of a veteran, under certain circumstances, to waive her right to a civil service survivor's annuity and receive credit for military service prior to 1957 for purposes of determining eligibility for, or the amount of, Social Security survivor's benefits. The Act would amend this Section to extend the same option to widowers.

42 U.S.C. 422, 425, and 426 refer to benefits categories established by Section 402 (listed above and would be amended to accordingly).

42 U.S.C. 427. (Section 204) Under this provision, certain workers who attained age 72 before 1969 are eligible for Social Security benefits under transitional insured status provisions which require fewer quarters of coverage than would ordinarily be required. *Wives* and *widows* of eligible *male* workers who reached 72 prior to 1969 also are eligible for benefits under this provision, but husbands and widowers of eligible female workers are not. The Act would amend this Section to extend transitional insured status to such husbands and widowers.

42 U.S.C. 202 (c) and (d) (Section 205) pertain to benefits for spouses of disabled workers and childhood disability beneficiaries. Currently, in general, if a childhood disability beneficiary or disabled worker beneficiary marries a person getting certain

---

[2] These statutes are "protective" in nature. That is, they were designed to protect women from laws existing in the early part of the century in this country, and the customs and conventions of foreign countries, making the legal status of a woman dependent on that of her husband. Because there are no similar known laws, customs, or conventions affecting men, rephrasing the language of these statutes in sex-neutral terms will not bestow any additional citizenship rights, privileges, etc. that do not already exist under current law.

[3] None of the proposed changes would have a cost-impact greater than ½ million dollars.

kinds of social security dependent or survivor benefits, the benefits of each individual continue. If the beneficiary is a male and he recovers or engages in substantial work, and his benefits are terminated, his wife's benefits also end. If however, the disabled beneficiary is a woman, her husband's benefits are not terminated when her disability benefits end. The Act would amend these subsections so that the wife's benefits are treated the same as the husband's and thus would not be terminated.

42 U.S.C. 428 (Section 206) authorizes benefits for certain uninsured individuals who attained age 72 prior to 1972. In order for a couple to receive benefits under this section, both spouses must have attained age 72 prior to 1972. However, even though each spouse must meet the same eligibility requirements he or she would have to meet if not married, once the eligibility of both is determined, the couple is treated as if the husband were the retired worker and the wife were the dependent. The husband receives the same benefit as would a single individual, but the wife only receives ½. The Act would amend these sections so that the wife also receives the full benefit.

Welfare: 42 U.S.C. 633 (Section 214(a)) gives priority for placement in the WIN program first, to unemployed fathers, and then to mothers. The Act would amend Section 633 to giving a uniform category of preference to "unemployed parents". (The priorities are a vestige of the Aid of Dependent Children Unemployed Fathers Program under 42 U.S.C. Section 607. The courts found the sex-based distinction unconstitutional in *Westcott* v. *Califano*, 443 U.S. 76 (1979). As a result, that program is now the Unemployed Parents Program.

Department of Agriculture: 42 U.S.C. 1773(c) (Section 304) concerns the priority to be given to the selection of schools for participation in the school breakfast program. One of the factors listed to consider is whether there is a special need to improve the dietary practices of children of working "mothers". The Act would amend Section 1773(c) by changing "mother" to "households in which both parents work or from single-parent households in which the parent works".

Department of Transportation: 46 U.S.C. 331 (Section 311) abolishes customs and other fees for certain services to U.S. vessels. One of these services is the apprenticing of "boys" to the merchant service. The Act would amend Section 331 by changing "boys" to "youths".

46 U.S.C. 601 (Section 312) prohibits the attachment of a sailor's wages unless attached pursuant to a court order regarding the payment of support and maintenance for the sailor's "wife and minor children". The Act would amend Section 601 by replacing "wife" with "spouse".

Bureau of Indian Affairs: 25 U.S.C. 13 (Section 305) authorizes the Bureau of Indian Affairs to direct, supervise and expend monies for the benefit, care and assistance of Indians for a number of specified purposes, including the employment of "field matrons". This particular provision is obsolete. The Act would amend section 13 by deleting "field matrons".

25 U.S.C. 137 (Section 306) was enacted in 1875 and authorizes an agent distributing supplies on an Indian reservation to require "able-bodied Indian males" to perform certain services for the benefit of a tribe. The Act would repeal Section 137.

25 U.S.C. 181[4] (Section 307(2)) provides that a white man may not acquire a right to tribal property by marrying an Indian woman. The Act would amend Section 181 by providing that no "non-Indian" may acquire a right to tribal property by marrying an Indian.

25 U.S.C. 182 (Section 307(3)) provides that an Indian woman who marries a U.S. citizen also becomes a U.S. citizen, but does not lose any tribal property rights. Section 182 was made obsolete by the Indian Citizenship Act. The Act would repeal Section 182.

25 U.S.C. 183[4] (Section 307(4)) specifies the type of evidence which is required to prove a marriage between a "white man" and "Indian woman". The Act would amend Section 183 by changing "white man" to "non-Indian" and deleting "woman".

25 U.S.C. 184[4] (Section 308(1)) provides that the children of a marriage solemnized prior to June 7, 1897, between a "white man" and an "Indian woman" shall have the same rights and privileges as other members of the "mother's" tribe. The Act would amend Section 184 so that the children of marriages between a "non-Indian" and an "Indian" will have the rights and privileges of the "parent's" tribe.

25 U.S.C. 274 (Section 308(2)) authorizes the Commissioner of Indian Affairs to employ "Indian girls as Assistant matrons" and "Indian boys as farmers and industrial teachers". The Act would amend Section 274 by allowing the Commissioner to employ Indian "youths" as "dormitory aides" and "as farmers and industrial teachers", consistent with current practice.

25 U.S.C. 342 (Section 309) prohibits the removal of Southern Utes to a new reservation without the consent of the "adult male" tribal members. Section 342 is obsolete and would be repealed by the Act

25 U.S.C. 371[5] (Section 310) provides that illegitimate Indian children are the legitimate issue of their father for the purpose of determining descent of land. The Act would amend Section 371 to provide that illegitimate children are the legitimate issue of both parents for such purposes.

Homesteading:[6] 43 U.S.C. 161 and 162 (Sections 314 and 315) allows a citizen or a person intending to become a citizen, who has reached the age of 21, or who is "the head of a family" to be entitled to enter unappropriated public lands. Under state statutes, federal regulations and the common law, the "head of a family" customarily refers to the husband or the father. The Act would amend Sections 161 and 162 to clarify that either spouse or parent is entitled to entry.

43 U.S.C. 164 (Section 316) sets forth the rules for the issuance of certificates or patents. The provisions applicable when the enterer dies refer only to the "widow". The Act would amend Section 164 by replacing "widow" with "surviving spouse".

43 U.S.C. 166 (Section 317) provides that an unmarried female settler does not forfeit her rights to enter upon marriage so long as she does not abandon her residence. Section 166 also provides, however, that she forfeits her rights if the man she marries claims a separate tract under the homestead laws. The Act would amend Section 166 by eliminating the provision requiring the woman to forfeit her rights if her husband claims a separate tract, and extends to both sexes the requirement that they must continue to reside on the tract if they wish to make entry.

43 U.S.C. 167 (Section 318) provides that the marriage of two homesteaders does not impair either's right to a patent, but gives the husband the right to choose the family's domicile. The Act would amend Section 167 so that both husband and wife must elect together on which tract they wish to live.

43 U.S.C. 168 (Section 319) provides that the marriage of a female enterer to an alien does not impair the female's entitlement to a certificate or patent. The provision was designed to protect women from the once prevalent legal doctrine that if a female citizen marries an alien she forfeits her citizenship. Since this legal doctrine no longer applies, Section 168 is obsolete and would be repealed by the Act.

43 U.S.C. 170 (Section 320) provides certain protections to the "wives" of enterers who are deserted. The Act would amend Section 170 to provide the same protections to either spouse if they have been deserted.

43 U.S.C. 240, 243(a), 255, 272, 278 and 50 U.S.C. 563, 564 and 570 (Sections 321-326) permit service personnel and their families to count service time toward homestead entry requirements. All sections assume that service personnel are only male, referring only to the "wives" and "widows" of service personnel. The Act would amend the Sections by replacing "wife" with "spouse" and "widow" with "surviving spouse", and clarifying that service personnel includes persons of both sexes.

Department of Justice: 42 U.S.C. 1986 (Section 330) creates a cause of action for damages resulting from a wrongful conspiracy. The section provides that if death results from the conspiracy, the deceased's legal representative can recover damages for the benefit of the "widow" and if there is no widow, to the "next of kin". The Act would amend Section 1986 by replacing "widow" with "surviving spouse".

Railroad Retirement Board: 45 U.S.C. 231a(c)(1)(ii)(C) (Section 213) pertains to retirement benefits for the spouses of retired employees. Generally, the spouse of a retired employee will not be eligible for benefits unless the spouse has also reached retirement age. The exception is for a "wife" when the couple has dependent children in their care. The Act would amend this Section to also provide benefits to the husbands of female retired employees where the husband has not yet reached retirement age and the couple still has dependent children.

45 U.S.C. 231a(d)(1). This Section entitles a widow, surviving divorced wife, and surviving divorced mother to annuity benefits, but not to similarly situated males. These eligibility provisions are based on definitions contained in Section 216 of the Social Security Act, which, as previously mentioned, have been held unconstitutional. The Railroad Retirement Board currently pays benefits to widowers, surviving divorced hus-

[4] Sections 181, 183, and 184 were all designed to protect Indian women from tribal customs giving the non-Indian spouse all her tribal property rights, and divesting the children of such marriages of tribal property rights. Because there are no similar tribal customs applying to men, extending the same protections to men by rephrasing the language of these provisions in sex-neutral terms will have no substantive impact.

[5] Under the applicable tribal customs and common law principles, illegitimate children are also deemed the legitimate issue of the mother. Thus, rephrasing the language of Section 371 in sex-neutral terms will have no substantive impact.

[6] The Homesteading provisions amended by the Act now only apply to the state of Alaska, and will no longer be effective after 1986.

bands, and surviving divorced fathers. The Act would amend this Section to conform to current practice.

45 U.S.C. 231e(a)(2) was amended by the Omnibus Reconciliation Act in this Congress (P.L. 97-35) and the sex based distinction contained in it was simply a drafting error. A code section of the Social Security Act was used as a guide, even though the particular section used has been held unconstitutional. The section, as written, provides eligibility for lump-sum payments where an individual has died leaving no "widow, surviving divorced wife, or widower", but not requiring there to be no surviving divorced husband. The Act would amend this Section to include a requirement that there also be no surviving divorced husband.

Criminal Code: 18 U.S.C. 2032 provides that whoever, within the special maritime and territorial jurisdiction of the United States "carnally knows any female, not his wife, who has not attained the age of sixteen years" shall, for a first offense, be imprisoned not more than fifteen years, and for a subsequent offense, be imprisoned not more than thirty years. The Act would replace "female" with "person" and "wife" with "spouse".

18 U.S.C. 1153 makes a violation of Section 2032 (above) on Indian territory a federal offense. The gender based language would be amended in accordance with the amendments made to Section 2032.

18 U.S.C. 2198 makes it an offense to "seduce" a female passenger on an American vessel. Section 2198 would be repealed by the Act.

18 U.S.C. 3614 specifies the penalty for a violation of Section 2198 (above) and would also be repealed by the Act.

18 U.S.C. 2424 is an obsolete provision of the Mann Act which pertains to the filing of factual statements with the Immigration and Naturalization Service concerning "women and girls" who have been kept, maintained, controlled, etc., in this country for the purpose of prostitution or other immoral purposes. The Act would repeal Section 2424.

18 U.S.C. 245 prohibits interference with certain civil rights by force or threat of force. The Act would add "sex" as a protected category.

Miscellaneous: 24 U.S.C. 165 (Section 331(a)) provides that pensions of male inmates of St. Elizabeths may be used for the benefit of their "wives and minor children," but pensions of female inmates may be used only for the benefit of "minor children". The Act would amend Section 165 by allowing pensions to be used for the benefit of both the "spouse and minor children" of female inmates.

24 U.S.C. 191 (Section 331(b)) provides that St. Elizabeths may admit insane civilians of the Quarter Master Corps and "men" who were insane while in military service and become insane again after discharge. The Act would amend Section 191 by replacing "men" with "persons".

48 U.S.C. 1461 (Section 327) provides that no polygamist or bigamist or woman cohabiting with the same may vote or hold office in a U.S. Territory. The Act would repeal Section 1461.

41 U.S.C. 35 and 36 (Section 303(a)&(b)) establish minimum age levels for persons able to enter into contracts with executive departments, independent agencies, etc. The minimum age for males is 16 but for females, 18. DOL has already amended its regulation to provide the same minimum age of 16 for both sexes.

The Act would amend Sections 35 and 36 to conform to current practice.

CODE SECTIONS IDENTIFIED AS CONTAINING SEX BIAS WHICH WOULD NOT BE AMENDED BY THE ACT

A. CONTROVERSIAL CODE SECTIONS

Military: 10 U.S.C. 6015 (Department of Navy) prohibits women in combat.

10 U.S.C. 8549 (Air Force) prohibits women in combat.

50 U.S.C. App. 453-456, 466 Selective Service Provisions.

Immigration and Naturalization: 8 U.S.C. 1101(b)(1)(D), 1409, 1432 provide that children born out of wedlock are deemed to have acquired the nationality status of their mother, but not their father, and thus relates to the sensitive "Amerasian Children" issue.

8 U.S.C. 1101(a)(42), 1182(e), 1253(h)(1) all provide protections to aliens fleeing from countries because of persecution based on race, religion, nationality, etc. Sex is not a protected category. These Code Sections implement the U.N. Convention Relating to the Status of Refugees. (Adopted in 1951. U.S. became signatory in 1968.) The convention is not self-executing. To date, U.S. laws have been implemented and applied coextensively with the Convention, but have not gone beyond it. The legislative solution should entail a careful analysis of the policy implications of going beyond the convention, and resolution of the definitional problems arising as a result of including "sex" as a protected category.

Social Security: 42 U.S.C. 411. This Section currently provides that in community property states, all income from a business owned or operated by a married couple is deemed, for purposes of Social Security, to be the husband's unless the wife exercises substantially all the management and control. In all other States, such self-employment income is credited to the spouse who owns or is predominantly active in the business. Simple deletion of the sex-based distinction, i.e., so that the self-employment income of a married couple in a community property state is treated the same as such income in non-community property state, may not be the most equitable solution, and in any event, would be inconsistent with the recent case of *Edwards* v. *Schweicker,* a nationwide class action suit, where the court ordered that a pro-rata share of the income should be credited to each spouse, depending upon the contributions of that spouse. The legislative solution to the problem should entail a detailed analysis of the *Edwards* order and evaluation of SSA's experience in complying with it.

Criminal Code: 18 U.S.C. 2031 provides that "Whoever within the special maritime and territorial jurisdiction of the United States, commits rape shall suffer death, or imprisonment, for any terms of years or for life." Though the statute on its face contains no gender-based distinctions, it has been interpreted as incorporating the common law definition of rape, i.e., that it involves carnal knowledge of a female not the offender's wife by force or threat of bodily harm and without her consent. Efforts in Congress to cure this provision have met with opposition centered on such issues as the removal of the common law requirements that the victim and offender not be married, and that a victim's testimony must be corroborated.

18 U.S.C. 2421-2423, the Mann Act, is the principal federal statute dealing with prostitution. Section 2421 makes it an offense for a person to knowingly transport in interstate or foreign commerce any "woman or girl" for the purpose of prostitution, debauchery, or other immoral purposes. Section 2422, a companion statute, makes it an offense for any person to knowingly pursuade, induce, etc., any "woman or girl" to travel in interstate or foreign commerce for the purposes of prostitution, debauchery, etc. Section 2423, as amended by P.L. 95-225 is now phrased in sex-neutral terms and deals with the transportation of minors for prostitution purposes or to otherwise commercially exploit the sexual conduct of the minor.

Note: Section 2424 of the Mann Act which is obsolete would be repealed by the Act.

B. CODE SECTIONS ALREADY CURED OR CONTAINING NO FACIAL SUBSTANTIVE BIAS

Military: 10 U.S.C. 3504 repealed P.L. 96-513, Title II, Section 210, 12/12/80.

10 U.S.C. 3848 (Separate Section for women repealed 1960 P.L. 86-559.)

10 U.S.C. 3888 repealed 96-513 12/12/80.

10 U.S.C. 3927 repealed P.L. 96-513 12/12/80.

24 U.S.C. 44a repealed 94-454 10/2/76.

14 U.S.C. 372, 373 and 10 U.S.C. 6912, 6913 and 6915 provide benefits for aviation cadets. They contain no facial sex-bias. Presumably were listed because 14 U.S.C. 371 and 10 U.S.C. 6015 do not allow women to be aviation cadets, and therefore women would not be eligible for those benefits. (14 U.S.C. 371 would be cured by Act.)

33 U.S.C. 773, 774 and 775 contain no facial sex-bias.

Benefits for Spouses and Families: 28 U.S.C. 375 repealed P.L. 96-504 (1980).

Welfare: 42 U.S.C. 602, 602(a)(19)(A), and 602(a)(19)(G)(iv) have all been cured by P.L. 97-35 (Omnibus Reconciliation Act).

Department of Agriculture: 7 U.S.C. 1923 was cured by P.L. 97-98.

Department of Interior: 43 U.S.C. 271, 278 contain no facial bias.

U.S. Congress: 31 U.S.C. 97 43(b) were cured by P.L. 97-258.

Miscellaneous: 31 U.S.C. 125 was cured by P.L. 97-258.

42 U.S.C. 1395 mm(a)(3)(A)(iv) was cured by P.L. 97-258.

Remedial: 10 U.S.C. 8848(b) allows the Secretary of the Air Force to retain on active duty nurses, medical specialists and female line officers who are in the reserve grade of lieutenant colonel until the completion of 30 years of active service. Section 8848(b) is apparently remedial in nature as previously, these categories of female personnel were limited to 25 years (as opposed to 28 for their male counterparts).

Other: 10 U.S.C. 5896-99, 6403 generally provide for separate promotion consideration for certain classes of male and female personnel in the Naval and Marine Reserve. A DOD Task Force charged with responsibility of reviewing and proposing comprehensive reforms in the reserve system has recommended that such distinctions be eliminated. Amendments to these sections have been omitted based on the understanding that DOD will soon be proposing legislation to eliminate these discriminatory provisions as part of a package of broader reforms.●

By Mr. HEINZ (for himself and Mr. PROXMIRE):

S. 502. A bill to amend the Federal Reserve Act to authorize limits on loans to foreign countries, and for

other purposes; to the Committee on Banking, Housing, and Urban Affairs.

INTERNATIONAL LENDING REFORM ACT OF 1983

Mr. HEINZ. Mr. President, I am today joining with my distinguished colleague Senator PROXMIRE to introduce a bill which would make several necessary reforms in the way our bank regulators deal with international debt, the International Lending Reform Act of 1983.

Let me first, Mr. President, provide some background for this bill's introduction. Within a few days the administration will be sending Congress a bill authorizing a quota increase for the International Monetary Fund and the general arrangements to borrow based on recent negotiations with our allies and with the members of the IMF. The cost to the American people of that package of contribution increases will entail $8.4 billion of additional budget authority.

Secretary Regan, who presented the case for this package argued that—

It is crucially important to * * * our economic interests—to U.S. economic activity, jobs, production and investment—that these (debt) problems be dealt with in a constructive and orderly way, and the United States cannot escape playing a leading role in that effort.

I wholeheartedly agree with the Secretary. Clearly we cannot escape a leading role. With $100 billion owed, U.S. banks have the lion's share of the developing countries' debt. But our Nation also has the lion's share of the developing countries' export market, with nearly half. Indeed over the past decade the less developed world has been a faster growing and a more significant outlet for our exports than Europe, Japan, and the Communist countries combined. And when we recall that fully 20 percent of our industrial production, 40 percent of our farm acreage, and 1 of 6 jobs in our economy are dependent on exports for their existence, it is not hard to see why a swift and effective resolution of the current debt crisis is essential to our welfare and to our future economic growth. By instilling much-needed confidence into the international financial system and by providing the IMP with resources necessary to fund its financial adjustment programs, the U.S. contribution will be a major part of the resolution of the current debt crisis.

Having said that, however, Mr. President, I am still convinced that the current situation would not have fit the description of a crisis had our Nation's banks acted more conservatively and more prudently and our bank regulations more aggressively.

Even if we accept for the sake of argument the bankers' plea that no one could have foreseen the combination of factors which have led to the current debt crisis, with a 3 year developed country recession, record low commodity prices, and low or negative growth for world trade, coupled with record high real interest rates. We should still question why our Nation's largest banks, with reputations for steely eyed skepticism, would make multimillion-dollar loans to borrowers in the less developed world based on the assumptions that the prosperity and inflation of the past decade would never end.

I must admit that I was shocked to read reports that some of our largest banking institutions had loan exposures to individual countries approaching 100 percent of their shareholders' equity. That means, in effect, the officers of those banks had literally "bet the bank" on the continued economic health and prosperity of one country. I was also concerned when I read reports that more than twice the capital of the nine largest U.S. banks is committed to the less developed world.

These concerns led me to join with my colleague, Senator PROXMIRE, to draft legislation to provide our regulators with the mandate and the power necessary to impose discipline and prudent limits on our Nation's banks in their international lending. Some of those limits already exist, but the regulators have not vigorously enforced them. Our legislation would provide the necessary mandate and encouragement. I consider that legislation to be an integral part of the package that the Banking Committee will consider as it decides on increased quotas for the IMF. Mr. President, I think my colleagues will agree that none of us can go back to our constituents to justify an increase in the IMF quota, which involves $8.4 billion in additional budget authority, unless we can also tell them that we have passed legislation that will prevent a recurrence of the current debt crisis for U.S. banks.

I would remind my colleagues that short-term, balance-of-payments-type lending to sovereign borrowers on the scale I have been discussing is a comparatively recent activity for U.S. banks. Prior to the 1970's, hardly any of this type of lending was undertaken by commercial banks, unless it was in conjunction with a specific IMF program, or collateralized by gold, or guaranteed by a third party. So it is neither unreasonable nor unusual for the Congress, in conjunction with bank regulators, to establish rules to guide U.S. banks in their international lending. Ncr does the establishment of such rules mean that there must be a retreat from commercial bank lending to developing countries. It does mean, however, that guidelines should be in place to keep countries from living beyond their means and U.S. banks from getting involved in excessive foreign loan exposure.

First of all, the bill would empower the Federal Reserve to establish firm guidelines on country lending limits. However, the legislation does not attempt to arbitrarily assign those limits itself. This is in keeping with the advice which Secretary Regan gave to the committee when he testified earlier this week. He agreed that it is appropriate for Congress to require that country loan limits be established. But he also cautioned against Congress specifying precise limits. The bill would also provide additional power to enforce the new limits.

Obviously, there is a fallacy in assuming that debt risk problems can be adequately addressed by individual U.S. banks applying lending limits to each individual borrower within a given country when all of the borrowers come into jeopardy if the central bank cannot come up with the dollars with which to pay back loans owed to U.S. finanical institutions. This provision would address that problem.

Second, the bill would mandate that the Federal Reserve require banks to establish special loan loss reserves to be charged against bank capital whenever the Board determines that the aggregate amount of external debt incurred by the public and private borrowers in a country is at a level where there is a substantial likelihood that such debt cannot reasonably be expected to be repaid. It would be left to the Federal Reserve Board's judgment when such a point is reached and what the amount of those reserves should be. This provision should help to bring a greater degree of prudence and consistency to international loan operations.

Finally, the bill calls upon the Federal Reserve to promulgate regulations to require that fees resulting from loan reschedulings should be amortized over the life of the loan rather than taken and recognized as one-shot earnings. This provision would insure that earnings statements would more accurately reflect the quality of both bank earnings and assets and that banks would not look more healthy and robust just at the time when their asset portfolios had deteriorated the most, for example, at the time of reschedulings.

In each of these three provisions we have made it clear to our bank regulatory agencies what congressional intentions are, while still giving them the flexibility to implement these directives according to their special knowledge and experience.

Mr. President, I urge my colleagues to study this bill carefully. Upon reflection, I think that they will agree that it is entirely appropriate to impose prudent limits on our Nation's banks in their international lending practices and that this bill makes an important contribution to that objective.

I ask unanimous consent that the bill be printed at this point.

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

S. 502

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 "International Lending Reform Act of 1983".

SEC. 2. The Federal Reserve Act is amended by adding at the end thereof the following:

"COUNTRY LENDING LIMITS

"SEC. 32. (a) The aggregate amount of outstandng extensions of credit by an insured bank to public and private borrowers in a foreign country may not exceed the amount permitted under regualtions prescribed by the Board under this section.

"(b) Regulations of the Board under this section—

"(1) shall specify the maximum permissible amount of extensions of credit outstanding as a percentage of an insured bank's capital, as defined by the Board; and

"(2) Shall provide for different percentage limitations for specific countries on the basis of such factors as the Board determines are indicative of the ability of public and private borrowers in those countries to repay such extensions of credit.

"(c) Any insured bank which is not in compliance with the Board's regulations under this section shall submit to the Board a plan for achieving compliance. The Board shall not approve any such plan unless it determines that the insured bank is making a satisfactory effort to achieve compliance by the earliest practical date.

"(d) The Board, upon notification to the House Commitee on Banking, Finance and Urban Affairs, and the Senate Committee on Banking, Housing, and Urban Affairs, may waive the provisions of this section with respect to any country for one period of not to exceed one year if the Board determines that a waiver is essential to prevent a serious threat to the stability of the international monetary system. Any waiver made under this section with respect to any country may not be made again with respect to that country until one year has elapsed since the expiration of the last waiver unless the Congress, by concurrent resolution, indicates it has no objection to an earlier renewal of such waiver.

"(e) For the purpose of this section and sections 33 and 34—

"(1) all of the powers and authorities available to the Board with respect to member banks under section 8 of the Federal Deposit Insurance Act and section 29 of this Act shall be available to enforce compliance with the provisions of this section and sections 33 and 34 and the regulations under this section and sections 33 and 34 with respect to insured banks;

"(2) the term 'insured bank' has the same meaning given by section 3 of the Federal Deposit Insurance Act; and

"(3) the Board shall publish regulations not later than 90 days following the date of enactment of this section.

"LOAN LOSS RESERVES

"SEC. 33. Whenever the Board determines that the aggregate amount of external debt incurred by the public and private borrowers in a foreign country is at a level where there is a substantial likelihood that such debt cannot reasonably be expected to be repaid in accordance with its original terms and conditions without additional borrowing or a major restructuring of that debt, the Board shall, by regulation, require each insured bank to establish a loan loss reserve against the total amount of credit extended by that bank to public and private borrowers in that country. The amount of the reserve shall be indicative, in the judgment of the Board, of the degree of difficulty expected to be encountered by the public and private borrowers in that country in repaying external debt. Such a loan loss reserve shall be separately maintained and deducted from the bank's statement of assets and shall not be considered as part of its capital for regulatory or disclosure purposes.

"LOAN FEES

"SEC. 34. The Board shall, by regulation, require that all fees charged by any insured bank in connection with any loan or loan restructuring in excess of $1,000,000 shall be amortized over the life of the loan to the extent that such fees represent interest and not administrative expenses related to such loan or loan restructuring. Income for regulatory or disclosure purposes in excess of the amount permitted under regulations promulgated pursuant to this section shall not be reported by any insured banks.".

Mr. PROXMIRE. Mr. President, I am pleased to introduce with Senator HEINZ the International Lending Reform Act of 1983. Although this legislation is being introduced as a separate bill, it is our intention that it will ultimately be added to the IMF quota increase legislation that the administration will be submitting to the Congress within the next few days.

The bill we have introduced would require stiffer regulation of U.S. banks making foreign loans. The bill allows the Federal Reserve to set limits on how much banks can loan to one country. It also allows the Fed to require banks to establish loan loss reserves against shaky foreign loans and to amortize fee income from loans or loan reschedulings over the life of the loan.

I am pleased to join in this effort with Senator HEINZ who is the chairman of the Subcommittee on International Finance of the Senate Banking Committee.

Mr. President, I believe this legislation is an absolute prerequisite for passing the IMF quota legislation. Most Americans find it difficult to understand why the United States should loan the IMF an additional $8 billion when we have so many pressing needs at home. Many of the less developed countries now in financial difficulty were allowed to become swamped with debt extended by over eager U.S. banks. Perhaps we have no choice but to bail out these countries and their banks in order to preserve the stability of our international financial system. But if we are going to provide an additional $8 billion to bail out the system, the Congress must make sure that it does not happen again.

Where were our bank regulators when all this foreign debt was building up? Well, they were suggesting, advising and encouraging the banks to be more cautious. In fact, they did everything except regulate. The banks ignored those warnings and now the U.S. taxpayer is called upon to pick up the tab. One of the reasons the bank regulatory system has been such an abysmal failure is that authority is divided among three agencies—the FDIC, the Comptroller of the Currency in the Treasury, and the Federal Reserve Board. The legislation I have introduced with Senator HEINZ would remedy this problem by consolidating authority over foreign lending in the agency with the greatest expertise in international finance—the Federal Reserve Board. Under our legislation, the Board would be authorized to strengthen foreign lending in three ways:

First, the Board would be required to establish the maximum amount of money of a bank can loan to a single country including both public and private borrowers. These limits would be expressed as a percentage of the bank's capital and would be based on objective factors bearing on the ability of that country to repay its external debt. The percentage limitation could thus vary among countries depending upon the country's financial condition. Had realistic limits been in effect over the last several years, I am convinced we would not have had the half a trillion debt build up in less developed countries which some have characterized as a ticking time bomb over our international monetary system.

Second, the Board would be authorized to require the banks to establish a loan loss reserve against their loans to any country whenever the Board determines that the country cannot repay its external debt without additional borrowing or a major restructuring. The establishment of a loan loss reserve will cushion our banking system from any future losses that might ensue. It also forces the banks to show a loss on their reported profits. Our present system permits a bank to carry dubious foreign loans on their books almost indefinitely. Hopefully, the prospect of being required to record an actual loss will temper the eagerness of banks to make future loans without proper regard for the ability of the country to repay.

Third, the Board would be authorized to require that all fees charged on loans or loan rescheduling in excess of $1,000,000 would have to be amortized over the life of the loan. Present practice allows the bank to record the entire fee as profit when the loan or rescheduling is made. Thus some banks have actually shown an increase in their recorded profits after rescheduling their foreign debt even though the quality of the loan portfolio has deteriorated.

These reforms will not solve all the problems in international bank lending. But they will go a long way toward correcting some of the most

flagrant abuses that have crept into our system over the last several years.

I do not believe the IMF quota increase can pass the Congress unless banking reforms of the type we have introduced are enacted.

By Mr. HUMPHREY (for himself, Mr. DANFORTH, Mr. HATCH, Mr. EAST, Mr. ANDREWS, Mr. QUAYLE, and Mr. MATSUNAGA):

S. 503. A bill to make it unlawful to manufacture, distribute, or possess with intent to distribute, a drug which is an imitation of a controlled substance or a drug which purports to act like a controlled substance; to the Committee on the Judiciary.

IMITATION CONTROLLED SUBSTANCES ACT OF 1983

● Mr. HUMPHREY. Mr. President, today I, along with my colleagues Senators DANFORTH, HATCH, EAST, ANDREWS, QUAYLE, and MATSUNAGA, am introducing legislation to ban the manufacture and distribution of imitation controlled substances, commonly known as look-alike drugs.

In the 97th Congress I introduced a legislative package designed to provide jurisdiction and a clear mandate to certain Federal agencies to assist in the fight against look-alike drugs. During Senate consideration of the Violent Crime and Drug Enforcement Improvement Act of 1982, Senator DANFORTH and I worked together for passage of a look-alikes provision as an amendment to that bill. I have consolidated the previous legislation and the amendment into two bills, which I am introducing now with the hope that quick Senate and House approval of this much-needed weapon against drug abuse can be obtained.

I am particularly pleased that Senator DANFORTH has joined me as the principal original cosponsor of these bills. Last year, Senator DANFORTH played an important role in insuring that the provision banning look-alikes was amended to the crime package as it passed the Senate, and his support of this legislation and assistance in raising public awareness of the problem has been invaluable.

Look-alike drugs resemble or duplicate the appearance of certain highly abused controlled substances such as amphetamines, barbiturates, and tranquilizers. They contain combinations of substances commonly found in over-the-counter cold, allergy, and diet pills which, in multiple doses or in combination with aspirin or caffeine produce stimulant or depressant effects similar to the controlled substances they are designed to resemble.

Manufacturers and distributors are actively promoting these pills as the "legal way to get high" and have engaged in extensive advertising campaigns claiming their products to be both safe and legal. Look-alikes are sometimes advertised using the street terms for amphetamines and barbiturates such as black beauties, yellow jackets, speed, and white crosses, and are promoted through magazine advertisements, unsolicited literature from mail order firms, brochures at rock concerts, and flyers and business cards on college campuses and in schoolyards.

The industry is lucrative and growing. According to the Drug Enforcement Administration (DEA), mail order and storefront wholesale distributors grew from a mere handful in early 1980 to more than 150 outlets in November 1981, and production had increased to 30 million dosage units per week. The profits to distributors have been estimated to range from $100,000 per year for the small operator into the millions for a larger distributor.

As chairman of the Subcommittee on Alcoholism and Drug Abuse, the rapid expansion of this industry is extremely disturbing to me. First and most importantly, look-alikes are not safe. If taken in multiple doses or in combination with alcohol, there is a risk of severe hypertension, tachycardia, respiratory difficulty, or cerebral hemorrhage. To date the Food and Drug Administration (FDA) has documented at least 12 deaths attributed to look-alike drugs.

Additionally, the marketing of these legal drugs solely to encourage recreational mind alteration or experimentation supports the drug culture in our society and by encouraging teenagers to accept a climate of drug use, may lead to the later use of illegal drugs.

Finally, development of the look-alike industry seriously undermines the efforts of all of us, both in Government and the private sector, who are working to educate young people about the serious risks of drug use and reduce the drug problem in our society.

Especially distrubing is the apparent lack of effective Federal jurisdiction over this industry. DEA has jurisdiction over drugs which are illegally trafficked if the drug components are scheduled in the Controlled Substances Act. Since DEA's jurisdiction is limited to enforcement of the Controlled Substances Act, DEA has no power to restrict sales and distribution of look-alikes which do not contain controlled substances. DEA has been influential in the fight against look-alikes by developing and distributing to the States a Model Imitation Controlled Substances Act. Many States have passed some legislation dealing with look-alikes and legislation is pending in others. But the problem is national in scope. Individual statutes differ from jurisdiction to jurisdiction, and manufacturers only seek new locations more favorable to their activities.

Over-the-counter substances are regulated by the FDA under the Federal Food, Drug, and Cosmetic Act. The FDA has exerted jurisdiction under the counterfeit provisions of the act against those look-alikes designed to resemble specific controlled substances. In September 1981, the FDA seized materials and manufacturing equipment from nine manufacturers which produced and mislabeled counterfeit drugs, and is now proceeding to move against distributors under both its counterfeit and imitations provisions.

But as a result of these and other enforcement actions, manufacturers have become more sophisticated and are currently producing pills, tablets, and capsules that do not look like controlled substances and therefore are no longer subject to legal action under the Federal Food, Drug, and Cosmetic Act. Now that the market has been established among our young people, these non-look-alikes are being promoted and sold in the same manner to willing buyers. As so often happens, the drug abuse promoters remain one step ahead of exsiting law.

Last August the FDA announced that the triple combination of phenylpropanolamine, ephedrine sulfate, and caffeine—the ingredients commonly contained in look-alikes—will now be regarded as a new drug and will thus require an application to FDA for marketing approval. Regulatory letters were issued to 14 manufacturers of triple combination products informing them that shipment of these drugs in interstate commerce without FDA approval violates the law. But there is already evidence that the response of these manufacturers has been to simply delete one or more of the three ingredients and thus produce a product that already possesses FDA approval.

This is only further evidence of the ability of these manufacturers to modify their behavior to escape piecemeal Federal regulation, and of the need for a comprehensive Federal statute outlawing the manufacture and distribution of both look-alikes and non-look-alikes.

The U.S. Postal Service has also been involved in the look-alike drug enforcement effort. The Postal Service filed complaints against 41 distributors under its false representation statute and obtained false representation orders or consent agreements requiring postmasters to discontinue mail delivery to these distributors. The problem, however, continues. Most of the major promoters are evading the orders and agreements by restricting their business to telephone orders and payment by credit card, bank wire, or United Parcel Service c.o.d.

Also, look-alike distributors and manufacturers no longer claim their products are absolutely safe and occasionally enumerate side effects related

to consumption. Since the labels no longer misrepresent the nature of the product, the Postal Service is without jurisdiction to restrain use of the mails for product distribution.

The only other Federal agency which may have jurisdiction over the advertising and distribution practices exhibited by look-alike dealers is the Federal Trade Commission (FTC). I am informed the Commission is reviewing its jurisdictional posture, but to date has not prosecuted.

Thus, the look-alike industry appears to have circumvented ordinary regulation due to the unique characteristics of this product and the industry's innovative ability to make changes in order to frustrate law enforcement efforts. Existing Federal jurisdiction is fragmented and limited, and we are confronted with an industry promoting drug use and abuse in our youth which we have no direct ability to regulate.

Therefore, Mr. President, I urge my colleagues to support two bills which I believe will provide a national approach to a growing health and social problem. The first bill, the Imitation Controlled Substances Act of 1983, outlaws the creation, manufacture, and distribution of imitation controlled substances which look like or are represented to be controlled substances, and substances which purport to act like controlled substances, if they are marketed to encourage recreational drug use or abuse or any similar nonmedical use.

Our definition of imitation controlled substances is broad enough to include both look-alikes and non-look-alikes, so long as they are marketed, sold, or distributed to encourage recreational drug use or abuse—but narrow enough to make it clear that prescription drugs, over-the-counter drugs, and legitimate generic drugs are excluded. Exemptions are also included for placebos used in the course of professional practice and research.

The act imposes a felony sanction and intentional sales to minors would result in a doubled penalty. The act also imposes a misdemeanor sanction for advertisement of imitation controlled substances. Enactment of this legislation vests jurisdiction in the FDA to monitor and control the marketing practices of distributors.

Further, the act proposes to amend the Federal Food, Drug and Cosmetic Act to provide the FDA, acting through the U.S. attorney, with power to seek injunctions to restrain manufacturers of counterfeit drugs. Currently the FDA can seize materials and equipment used to manufacture counterfeits but they are unable to restrain the manufacturer from distribution. Thus, if the subject manufacturer has other warehouses stockpiled with counterfeits that are unknown to food and drug agents, the manufacturer can continue to distribute inventories until the FDA seizes it.

The omission of injunctive power does not make sense and probably was a legislative oversight. The FDA should be empowered to restrain distribution by counterfeit manufacturers until it can be assured that future distribution by the subject manufacturer is in compliance with Federal law.

The second bill amends the postal statute to make drug abuse oriented advertisements and shipments in response to those advertisements nonmailable. Currently the U.S. mails appear to be an important element of the marketing and distribution chain in this industry. Therefore, I propose to amend the postal statute to make drug abuse oriented advertisements and shipments in response to those advertisements nonmailable. Enactment of this legislation would restrict advertising and distribution and enable the Postal Service to seize, detain, or dispose of unlawful shipments.

Mr. President, enactment of this legislation will send a powerful signal that the Federal Government is firm in its resolve to shut down the look-alikes drug industry. Dr. Carlton Turner, Director of the President's Drug Abuse Policy Office, DEA, FDA, FTC, the National Institute on Drug Abuse, the U.S. Postal Service, the Internal Revenue Service, and the Consumer Product Safety Commission are now doing all within their power, through interagency meetings and cooperative efforts, to coordinate a Federal effort against these unscrupulous manufacturers and distributors.

It is important that the Congress assist these agencies in this effort with a clear and comprehensive Federal policy outlawing the manufacture, distribution, and sales of look-alike drugs for the purpose of fostering drug abuse. I urge my colleagues to support this legislation in order that we may protect our young people by moving quickly and decisively to put the look-alike drug industry out of business.

Mr. President, I ask unanimous consent that the text of the legislation I have introduced today be printed in the RECORD.

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

S. 503

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 "Imitation Controlled Substances Act of 1983".

SEC. 2. (a) Title III of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end thereof the following new section:

"IMITATION CONTROLLED SUBSTANCES

"SEC. 308. (a) For purposes of this section, the term—

"(1) 'imitation controlled substance' means any substance other than a controlled substance or prescription drug, or combination of such substances, which is marketed sold, or distributed to encourage recreational drug use or abuse or any similar nonmedical use and—

"(A) by representation or appearance (including color, shape, size, and markings) would lead a reasonable person to believe that the substance is a controlled substance; or

"(B) purports to act, either alone, in multiple doses, or in combination with a substance or substances, like a controlled substance, either stimulant or depressant as defined in section 102(9) of the Controlled Substances Act (21 U.S.C. 802(9));

"(2) 'distribute' means the actual, constructive, or attempted transfer, delivery, or dispensing to another of an imitation controlled substance;

"(3) 'manufacture' means the production, preparation, propagation, compounding, or processing of an imitation controlled substance, and includes any packaging or repackaging of such substance or labeling or relabeling of its container; except that such term does not include the preparation, compounding, packaging, or labeling of an imitation controlled substance in conformity with applicable State or local law by a practitioner as an incident to his administering or dispensing of such substance in the course of his professional practice; and

"(4) 'controlled substance' is used as defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

"(b)(1)(A) Except as provided in subparagraph (B), it shall be unlawful for any person knowingly or intentionally to create, manufacture, or distribute, or possess with intent to create, manufacture, or distribute an imitation controlled substance. Any person who violates this paragraph shall be sentenced to a term of imprisonment of not more than two years, a fine of not more than $10,000, or both.

"(B) Subparagraph (A) does not apply to the creation, manufacture, distribution, or possession of an imitation controlled substance by a person if the imitation controlled substance is created, manufactured, distributed, or possessed for use as a placebo in the course of the professional practice of a practitioner registered under part C of the Controlled Substances Act or in research conducted under section 505(i) of this Act or conducted in connection with an application filed under section 505(b) of this Act.

"(2) Any person at least 18 years of age who violates paragraph (1)(A) by distributing an imitation controlled substance to a person under 18 years of age shall be sentenced to a term of imprisonment of not more than four years, fined not more than $20,000, or both.

"(c) It is unlawful for any person to place any newspaper, magazine, handbill, or other publication, or to post or distribute in any public place, any advertisement or solicitation which a reasonable person would believe promotes the distribution of imitation controlled substances. Any person who violates this subsection is guilty of a crime and upon conviction may be imprisoned for not more than one year, fined not more than $5,000, or both.".

(b) Subsection (a) of section 302 of such Act is amended by striking out "paragraphs (h), (i), and (j)" and inserting in lieu thereof "paragraphs (h) and (j)".●

By Mr. HUDDLESTON:

S.J. Res. 35. Joint resolution designating the week beginning March 20, 1983, as "National Mental Health Counselors Week"; to the Committee on the Judiciary.

NATIONAL MENTAL HEALTH COUNSELORS WEEK

● Mr. HUDDLESTON. Mr. President, I am pleased today to offer a joint resolution to recognize the contributions of the thousands of mental health counselors who assist individuals in communities throughout the country in dealing with a variety of personal and adjustment problems.

As part of the health care team, mental health counselors provide up to 50 percent of all direct counseling services to clients in a variety of public and private settings. Through the American Mental Health Counselors Association, a professional division of the American Personnel and Guidance Association, and 37 States branches, mental health counselors are striving to improve the quality of mental health counseling in the Nation.

I am pleased to offer this joint resolution designating March 20, 1983, through March 26, 1983, as "National Mental Health Counselors Week."●

ADDITIONAL COSPONSORS

S. 1

At the request of Mr. DOLE, the name of the Senator from Wyoming (Mr. WALLOP) was added as a cosponsor of S. 1, a bill to implement the consensus recommendations of the National Commission on Social Security Reform.

S. 24

At the request of Mr. HUDDLESTON, the name of the Senator from Tennessee (Mr. SASSER) was added as a cosponsor of S. 24, a bill to provide emergency credit assistance to farmers, and for other purposes.

S. 32

At the request of Mr. MATHIAS, the name of the Senator from Nevada (Mr. LAXALT) was added as a cosponsor of S. 32, a bill to amend title 17 of the United States Code with respect to rental, lease, or lending of sound recordings.

S. 36

At the request of Mr. HUDDLESTON, the names of the Senator from Arkansas (Mr. BUMPERS), the Senator from South Dakota (Mr. ABDNOR), and the Senator from Maine (Mr. COHEN) were added as cosponsors of S. 36, a bill to authorize special payment-in-kind land conservation programs, to provide authority for activities to develop and expand markets for U.S. agricultural commodities, and for other purposes.

S. 39

At the request of Mr. BOREN, the names of the Senator from Georgia (Mr. NUNN), the Senator from North Dakota (Mr. BURDICK), the Senator from Arkansas (Mr. BUMPERS), the Senator from Wisconsin (Mr. KASTEN), and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 39, a bill to amend the Internal Revenue Code of 1954 to repeal the withholding tax on interest and dividends.

S. 103

At the request of Mr. BOREN, the name of the Senator from Kentucky (Mr. FORD) was added as a cosponsor of S. 103, a bill to amend the Highway Revenue Act of 1982 to repeal the increase in the highway use tax.

S. 117

At the request of Mr. CHILES, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 117, a bill to improve the effectiveness and efficiency of Federal law enforcement efforts.

S. 120

At the request of Mr. DOLE, the name of the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of S. 120, a bill to extend for 2 years the allowance of the deduction for eliminating architectural and transportation barriers to the handicapped and elderly.

S. 124

At the request of Mr. ZORINSKY, the name of the Senator from North Dakota (Mr. ANDREWS) was added as a cosponsor of S. 124, a bill to amend the Agricultural Act of 1949 to provide emergency relief for farmers, and for other purposes.

S. 137

At the request of Mr. ROTH, the name of the Senator from Pennsylvania (Mr. HEINZ), the Senator from Nebraska (Mr. EXON), the Senator from Texas (Mr. TOWER), the Senator from Vermont (Mr. LEAHY), and the Senator from Illinois (Mr. DIXON) were added as cosponsors of S. 137, a bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued.

S. 213

At the request of Mr. LUGAR, the names of the Senator from Oklahoma (Mr. BOREN), the Senator form Wyoming (Mr. WALLOP), the Senator from Nebraska (Mr. ZORINSKY), the Senator from North Carolina (Mr. EAST), the Senator form Iowa (Mr. JEPSEN), the Senator from North Dakota (Mr. BURDICK), the Senator from Minnesota (Mr. DURENBERGER), and the Senator from New Hampshire (Mr. HUMPHREY) were added as cosponsors of S. 213, a bill to amend title II of the Social Security Act to provide generally that benefits thereunder may be paid to aliens only after they have been lawfully admitted to the Unitd States for permanent residence, and to improve further restrictions on the right of any alien in a foreign country to receive such benefits.

S. 237

At the request of Mr. WALLOP, the name of the Senator from Idaho (Mr. SYMMS) was added as a cosponsor of S. 237, a bill to amend the Internal Revenue Code of 1954 to provide for the establishment of reserves for mining land reclamation and for the deduction of amounts added to such reserves.

S. 247

At the request of Mr. GORTON, the name of the Senator from Oregon (Mr. PACKWOOD) was added as a cosponsor of S. 247, a bill granting the consent of Congress to the Northwest Interstate Compact on Low-Level Radioactive Waste Management.

S. 338

At the request of Mr. COHEN, the name of the Senator form Alaska (Mr. STEVENS) was added as a cosponsor of S. 338, a bill to revise the procedures for soliciting and evaluating bids and proposals for Government contracts and awarding such contracts, and for other purposes.

S. 400

At the request of Mr. MATHIAS, the name of the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of S. 400, a bill to designate the birthday of Martin Luther King, Jr., a legal public holiday.

S. 421

At the request of Mr. PROXMIRE, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 421, a bill to require the Comptroller General of the United States to ascertain increases in the cost of major acquisition programs of the civilian agencies of the executive branch; to limit the obligation and expenditure of Federal funds to carry out any major civil acquisition program after there has been a major increase in the cost of such civil acquisition program until enactment of a law providing new authority to carry out such acquisition program, and for other purposes.

S. 423

At the request of Mr. MATHIAS, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 423, a bill to restrict the disposal by the Administrator of General Services of certain real property located at the Beltsville Agricultural Research Center.

S. 444

At the request of Mr. DURENBERGER, the names of the Senator from Rhode Island (Mr. CHAFEE), the Senator from Maryland (Mr. MATHIAS), the Senator from Vermont (Mr. STAFFORD), the Senator from Connecticut (Mr. DODD), and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 444, a bill to provide that registration and polling places for Federal elections be accessible to handicapped and elderly individuals, and for other purposes.

11-059 O-87-31 (Pt. 2)

S. 446

At the request of Mr. JEPSEN, the names of the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Mississippi (Mr. COCHRAN), the Senator from Wyoming (Mr. WALLOP), the Senator from Illinois (Mr. DIXON), the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from North Dakota (Mr. ANDREWS), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Texas (Mr. TOWER), the Senator from New Mexico (Mr. DOMENICI), the Senator from Indiana (Mr. LUGAR), the Senator from Oklahoma (Mr. NICKLES), the Senator from Arkansas (Mr. PRYOR), and the Senator from South Dakota (Mr. ABDNOR) were added as cosponsors of S. 446, a bill to amend the Internal Revenue Code of 1954 with respect to the tax treatment of agricultural commodities received under a payment-in-kind program.

S. 454

At the request of Mr. BYRD, the names of the Senator from Alabama (Mr. HEFLIN), and the Senator from Montana (Mr. MELCHER) were added as cosponsors of S. 454, a bill to provide for an accelerated study of the causes and effects of acidic deposition during a 5-year period, and to provide for grants for mitigation at sites where there are harmful effects on ecosystems resulting from high acidity.

S. 464

At the request of Mr. LONG, the names of the Senator from Lousiana (Mr. JOHNSTON), the Senator from Oklahoma (Mr. BOREN), and the Senator from Oklahoma (Mr. NICKLES) were added as cosponsors of S. 464, a bill to exempt newly discovered oil from the windfall profit tax.

SENATE JOINT RESOLUTION 16

At the request of Mr. D'AMATO, the names of the Senator from Kansas (Mr. DOLE), the Senator from Oklahoma (Mr. NICKLES), and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of Senate Joint Resolution 16, a joint resolution to provide for the designation of the 65th anniversary of the renewal of Lithuanian independence, February 16, 1983, as "Lithuanian Independence Day."

SENATE RESOLUTION 40

At the request of Mr. GRASSLEY, the name of the Senator from Pennsylvania (Mr. HEINZ) was added as a cosponsor of Senate Resolution 40, a resolution to express the sense of the Senate urging Presidential action in calling for an immediate domestic economic and trade summit to address the U.S. long-term trade policy by a bipartisan group of individuals from the Government, business, labor, agriculture, and the academic community.

SENATE RESOLUTION 66—PROVIDING FOR REGULATIONS TO IMPLEMENT TELEVISION AND RADIO COVERAGE OF THE SENATE

Mr. MATHIAS (for himself, Mr. BAKER, Mr. DECONCINI, Mr. GARN, and Mr. MCCLURE) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 66

Whereas on April 21, 1982, the Senate agreed to Senate Resolution 20, Ninety-seventh Congress, which provided for television or radio coverage, or both, of proceedings of the Senate, subject to the adoption of a resolution containing such regulations and such rules changes as are needed to implement television or radio coverage, or both, of proceedings of the Senate: Now, therefore, be it

Resolved, That (a) the Senate hereby authorizes and directs that there be both television and radio broadcast coverage (together with videotape and audio recordings) of proceedings in the Senate Chamber.

(b) Such broadcast coverage shall be—

(1) provided in accordance with the provisions of this resolution,

(2) provided continuously at all times when the Senate is in session (or is meeting in Committee of the Whole), except for any time when a meeting with closed doors is ordered, and

(3) provided subject to the provisions pertaining to the Senate gallery contained in the following Standing Rules of the Senate: Rule XIX, paragraphs 6 and 7, rule XXV, paragraph 1(n), and rule XXXIII, paragraph 2.

SEC. 2. The radio and television broadcast of Senate proceedings shall be—

(a) supervised and operated by the Senate,

(b) made available on a "live" basis and free of charge to (1) any accredited member of the Senate Radio and Television Correspondents Gallery, (2) the coaxial cable system of the Architect of the Capitol, and (3) such other newsgathering, education, or information distributing entity as may be authorized by the Committee on Rules and Administration to receive such broadcast.

SEC. 3. The television broadcast of Senate proceedings shall follow the Presiding Officer and Senators who are recognized to speak by the Presiding Officer (including Senators who are so recognized with the consent of another Senator to interrupt such other Senator).

SEC. 4. (a) The broadcast coverage by radio and television of the proceedings of the Senate shall be implemented as provided in this section.

(b) The Architect of the Capitol, in consultation with the Sergeant at Arms and Doorkeeper of the Senate, shall—

(1) construct necessary broadcasting facilities for both radio and television (including a control room and the modification of Senate sound and lighting fixtures),

(2) employ necessary expert consultants, and

(3) acquire and install all necessary equipment and facilities to (A) produce a broadcast-quality "live" audio and color video signal of such proceedings, and (B) provide an archive-quality audio and color video tape recording of such proceedings:

Provided, That the Architect of the Capitol, in carrying out the duties specified in clauses (1) through (3) of this subsection, shall not enter into any contract for the purchase or installation of equipment, for the employment of any consultant, or for the provision of training to any person, unless the same shall first have been approved by the Committee on Rules and Administration.

(c) The Sergeant at Arms and Doorkeeper of the Senate shall (1) employ such staff as may be necessary, working in conjuction with the Senate Recording and Photographic Studios, to operate and maintain all broadcast audio and color video equipment installed pursuant to this resolution, (2) make audio and video tape recordings of Senate proceedings, (3) make copies of such recordings available, upon payment to him of a fee fixed therefor by the Committee on Rules and Administration, to Members of the Senate and to each person described in subsection (b) (1) and (3) of section 2 of this resolution, and (4) retain for 90 days after the day any Senate proceedings took place such recordings thereof, and as soon thereafter as possible, transmit to the Librarian of Congress and to the Archivist of the United States copies of such recordings: *Provided*, That the Sergeant at Arms and Doorkeeper of the Senate, in carrying out the duties specified in clauses (1) and (2) of this subsection, shall comply with appropriate Senate procurement and other regulations.

(d) The Librarian of Congress and the Archivist of the United States shall each receive, store, and make available to the public, at no cost for viewing or listening on the premises where stored and upon payment of a fee equal to the cost involved through distribution of taped copies, recordings of Senate proceedings transmitted to them by the Sergeant at Arms and Doorkeeper of the Senate.

SEC. 5. (a) As soon as practicable after the necessary equipment has been installed, there shall begin a test period during which tests of radio and television coverage of Senate proceedings shall be conducted by the staffs of the Committee on Rules and Administration and of the Office of the Sergeant at Arms and Doorkeeper of the Senate. Such test period shall end on such date as may be agreed upon by the Majority Leader, the minority leader, the chairman of the Committee on Rules and Administration, and the ranking minority member of such Committee.

(b) During such test period—

(1) final procedures for camera direction control shall be established,

(2) coverage of Senate proceedings shall not be transmitted, except that, at the direction of the Chairman of the Committee on Rules and Administration, such coverage may be transmitted over the coaxial cable system of the Architect of the Capitol, and

(3) recordings of Senate proceedings shall be made and retained by the Sergeant at Arms and Doorkeeper of the Senate.

SEC. 6. The use of tape duplications of broadcast coverage of the proceedings of the Senate for political or commercial purposes is strictly prohibited; and any such tape duplication furnished to any person shall be made on the condition that it not be used for political or commercial purposes.

SEC. 7. Any changes in the regulations made by this resolution shall be made only by Senate resolution. However, the Committee on Rules and Administration may adopt such procedures and such regulations, which do not contravene the regulations made by this resolution, as it deems neces-

sary to assure the proper implementation of the purposes of this resolution and Senate Resolution 20, 97th Congress.

SEC. 8. Such funds as may be necessary (but not in excess of $3,500,000) to carry out this resolution shall be expended from the contingent fund of the Senate.

Mr. MATHIAS. Mr. President, today I am submitting a resolution, essentially the same as Senate Resolution 436 of the last Congress, to provide for TV and radio broadcasts of the Senate's floor proceedings.

To use a popular cliche, its time has come.

Consider, please:

As we all know, innovation does not come quickly to the Congress, especially to this body. We need not worry that we are rushing into this matter with undue haste. The idea has been with us in one form or another since the mid-1940's, when CLAUDE PEPPER, who was then a Member of the Senate and who is now a Member of the other body, introduced a joint resolution providing for radio broadcast coverage of the proceedings of the Senate and House. Surely we cannot be accused of the type of haste that makes waste.

As mentioned, its time has come.

As we all know, too, innovation does not come to this body without a great deal of consideration. The proposal to broadcast Senate floor proceedings has been studied and restudied by the Senate itself and others. Throughout the free world, legislatures have augmented our studies by putting to practice what we have been studying. It is interesting to note that once TV and radio broadcasts of legislative proceedings have been inaugurated in these various legislative bodies in the free world, no legislative body has turned back.

But even the most exhaustive studies must come to an end. We have studied enough. Again, I say, its time has come.

We pride ourselves—and rightly so, I think—in the sobriquet, "the world's greatest deliberative body." In fact, we have a passion for deliberating and discussing "at length," as the phrase goes. We certainly deliberated at length in this case. We had hearings during the 97th Congress and we had floor debate, and we improved the original version of the measure, and we asked the Rules Committee for operating guidelines, and we again discussed and debated and deliberated.

So, now, to repeat, its time has come.

We could speak at length today on the need to provide for the public a complete, readily available, unedited, undramatized, undistorted record of what we do here—that is, what we do on a day-by-day basis, as their elected representatives, to affect, for better or for worse, their security from foreign or domestic dangers, their taxes, their health, the education of their children, their jobs, their daily well-being.

We have already spoken at length about this aspect of the matter.

The record is clear, and the time has come.

This Congress is particularly crucial in the history of this Nation. Our citizens know this. More and more they are demanding an ever increasing voice in the decisions that affect their future. Through this resolution, we have an opportunity to help that voice speak from knowledge rather than from half truths or ignorance.

Finally, there is the matter of cost—a most important consideration. But true frugality lies not only in moratoriums on spending; true frugality lies in wise spending. Considering the multitude of benefits which would flow from the broadcasting of Senate floor proceedings, our enactment of this resolution will represent action wisely taken and money wisely spent.

Mr. BAKER. Mr. President, I am pleased to join with the chairman of the Rules Committee in submitting this resolution. Frankly, I had hoped that the Senate would have acted favorably on this proposal late last session, but consideration of the resolution had to be set aside to afford the Senate the opportunity to deal with important appropriation and fiscal matters.

It comes as no surprise to my colleagues, I am sure, that the implementation of television and radio coverage of Senate proceedings is most important to me. I have pushed for this legislation for several years, and I will continue to do so. I am most hopeful that this latest effort results in the adoption of such coverage.

I was pleased to observe that a number of my colleagues late last year appeared on the Senate floor to announce that they had changed their minds with regard to this issue, and were now in favor of televised proceedings. I want to thank them once again for their support.

It is both my hope and expectation that the Senate will move to consideration of this resolution as soon as this measure is reported from the Rules Committee, and I pledge my full support toward its adoption.

NOTICES OF HEARINGS

SUBCOMMITTEE ON GOVERNMENTAL EFFICIENCY AND THE DISTRICT OF COLUMBIA

Mr. MATHIAS. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Governmental Efficiency and the District of Columbia to receive a report from the Chesapeake Bay Foundation concerning the EPA Chesapeake Bay program. The hearing will be held on Tuesday, March 1, 1983, at 9:30 a.m., in room SD-626.

Those wishing to testify may submit a written statement for the hearing record to the Subcommittee on Governmental Efficiency and the District of Columbia, room SD-624, Washington, D.C. 20510.

For further information regarding this hearing, you may wish to contact Ms. Marion Morris at 202-224-4161.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH. Mr. President, the Senate Committee on Governmental Affairs will hold a nomination hearing for Barbara Mahone and John Miller to be members of the Federal Labor Relations Authority on Tuesday, February 22, 1983, at 3 p.m. in room 3302 of the Dirksen Senate Office Building. For further information, please contact Margaret Hecht at 224-4751.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. COHEN. Mr. President, I wish to announce that the Senate Oversight of Government Management Subcommittee will hold a hearing on S. 461, reauthorization of the Office of Government Ethics, on Thursday, February 24, at 9:30 a.m., in room SD-562.

The hearing will focus on extending the Office of Government Ethics for 5 more years, after its present scheduled expiration date of October 1983, and the financial disclosure provisions of the Ethics in Government Act of 1978.

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, on March 23, 1983, the Senate Small Business Committee will hold a hearing on "Umbrella Contracting and Its Impact on Small Businesses." The hearing will begin at 9:30 a.m. in room 428A of the Senate Russell Building. Senator RUDMAN will chair.

Mr. President, on February 17, 1983, the Senate Small Business Committee will hold a hearing on S. 499, a bill to require the usage of tax-exempt financing in connection with the Small Business Administration's section 503 certified development company program. The hearing will begin at 2 p.m. in room 428A of the Senate Russell Office Building. Senator D'AMATO will chair.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAKER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, February 17, at 2 p.m., to conduct a hearing on intelligence matters.

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

Mr. BAKER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the

Senate on Friday, February 18, at 2 p.m., to receive a briefing on intelligence matters.

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

COMMITTEE ON ARMED SERVICES

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, February 16, at 2 p.m., to hold a closed CIA intelligence briefing.

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 Wednesday, February 16, at 2 p.m., to hold a committee meeting to ratify the Agriculture Committee rules and subcommittee organization.

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

ADDITIONAL STATEMENTS

LITHUANIAN INDEPENDENCE DAY

● Mr. DOLE. Mr. President, the Senator from Kansas joins in the commemoration of Lithuanian Independence Day, the 65th anniversary of the establishment of the Democratic Republic of Lithuania on February 16, 1918.

On this day we join with over 800,000 Lithuanian-Americans, along with thousands of Lithuanian descent throughout the world, in marking a triumphant day in mankind's struggle against tyranny and injustice. For with the declaration of independence by the Lithuanian National Council in the city of Viltains, the Lithuanian people shook off first czarist Russian domination and then, 2 years later, the expansionist Bolshevik state yielded to the determined resistance of Lithuanian patriots and signed a treaty renouncing all Russian claims over the Lithuanian people and their lands.

But Lithuanian Independence Day, we may rest assured, will be studiously ignored by that nation's present rulers, the ideological descendants of Comrades Lenin and Stalin, for whom treaties were temporary diversions, occasional inconveniences on the path of Soviet political intimidation and armed aggression. I am sure that the tragic events that brought an end to Lithuanian independence on the eve of World War II are all too familiar to my colleagues gathered here. By means of murder, mass deportations, and rigged elections, Lithuania and its two Baltic neighbors, Latvia and Estonia, were swallowed up by Stalin's insatiable police state.

AN UNFORGOTTEN TRADITION OF FREEDOM

And yet, if "uneasy lies the head that wears a crown," how much more uneasy must be the usurpers of Lithuanian independence. For the fact is that the Lithuanian people have never forgotten their tradition of freedom, their rich national culture, and the deep religious heritage that has withstood the savage onslaughts of the atheistic Soviet state. Over the years this striving for national expression, for religious freedom and basic human rights has evolved into a burgeoning, undeniable force which the Kremlin has tried its utmost to suppress through its usual methods of repression and terror.

Of the four members of the Lithuanian Helsinki Group who remained in their homeland—one having been exiled—last year, only one is at liberty; two are in prison camp, and one member Father Bronius Laurinavicius, was killed in a suspicious traffic accident. A number of Catholic priests have suffered assaults and even death at the hands of brutal assailants. These incidents are suspected to have been unofficially condoned by the authorities, for such occurances are rare for ordinary citizens in the world's most regimented police state. Adults and even young people are harassed and punished for practicing their religious beliefs in accordance with their conscience. I have recently been informed that Soviet authorities have begun legal proceedings against Father Alfonsas Svarinskas, pastor of the Roman Catholic Church in the town of Vidukle. Father Svarinkas, a member of the Catholic Committee for the Defense of the Believers in Lithuania, has been accused of engaging in anticonstitutional and antistate activities. This is not the first time that Father Svarinskas has suffered for his religious activities and his patriotism, having previously spent a total of 16 years in Soviet prison camps.

DETERMINED RESISTANCE

But KGB repression has met determined resistance from the Lithuanian people. Thousands of Lithuanian Catholics have courageously affixed their names to petitions calling upon authorities to cease their repressive measures against the church. On one such petition, there appeared 18,341 names, an unheard-of expression of public dissent within the Soviet empire. In September 1982, Agency France Presse reported that several thousand people shouting nationalist slogans marched through the streets of Vilnius following a soccer match. A flourishing underground press keeps the population informed on such issues as religious repression, the attempted Russification of Lithuania, political prisoners, the dismal state of the Soviet-imposed Socialist economy, and lately, the callous use of Lithuanian soldiers as cannon fodder in Moscow's war of extermination against the Afghan people.

Mr. President, the Commission on Security and Cooperation in Europe, the advisory agency to the Congress that monitors compliance with the Helsinki Final Act of 1975, was recently asked if the final act alters the nonrecognition by the United States of the illegal seizure of Lithuania, Latvia, and Estonia by the Soviet Union. As Cochairman of that Commission, I take pride in stating unequivocably that the United States has never, and, I am confident, will never recognize such a clear violation of international law and naked display of armed aggression. I look forward to the day when the yellow, green, and red flag of free Lithuania will once again fly over its homeland.●

LITHUANIA INDEPENDENCE DAY

● Mr. TSONGAS. Mr. President, this day, February 16, 1983, marks the 65th anniversary of the reestablishment of an independent Lithuanian state. On this day 65 years ago, the brave people of Lithuania broke the chains of Russian rule under which they have lived for more than a century and declared Lithuania to be a free and independent state. This independence was short lived as Soviet troops seized Lithuania in 1940 and forceably incorporated it into the Soviet Union. After the recapture of Lithuania by the Red Army near the end of World War II, Sovietization was resumed and political opposition to Soviet rule was suppressed. The Soviet reign of terror against the Baltic States is well documented and the Soviet Government's disregard for human rights continues to this day.

The Lithuanian people's continued will and determination to achieve independence is worthy of our admiration and should be an inspiration for politically oppressed as well as free people throughout the world.

The U.S. Senate must not remain silent in the face of flagrant abuses of fundamental human rights. To remain silent would only encourage Soviet outrages to continue in Lithuania and other illegally and immorally occupied countries.

As a member of the Senate Foreign Relations Committee, I pledge to keep in the forefront of world attention the continuing Soviet wholesale disregard for fundamental, internationally accepted standards of human rights. I call upon Soviet Premier Andropov to reverse the years of oppression inflicted on Lithuania under previous Soviet leaders. Mr. Andropov can go a long way in improving the world opinion of the Soviet Union by demonstrating his willingness to allow Lithuania to once

again regain its freedom and independence.●

65TH ANNIVERSARY OF LITHUANIAN INDEPENDENCE

● Mr. HEINZ. Mr. President, February 16, 1983 marks an important date for all of us and I would like to join my Senate colleagues in commemorating the 65th anniversary of the establishment of the independent Democratic Republic of Lithuania. It is an occasion that we mark in tribute to the indomitable spirit of the Lithuanian people, a people who have dedicated their lives to the fight for freedom.

Like most Eastern Europeans, Lithuanians are neither free nor independent. Their story is all too familiar to those who know the history of Soviet domination in the Baltic. In 1939, the curtain of darkness began to descend on Lithuania as the Soviet Union forcibly took control. By August 3, 1940, any glimmer of light or hope was obscured from view, locked behind the closed door of Soviet domination. The Lithuanian Government and its people had been swallowed up by the darkness of Soviet oppression and have suffered ever since from the brutality of occupation.

Under Stalin, hundreds of thousands of Lithuanians were pushed to their physical and mental limits. Many died of sickness and malnutrition. Those fortunate to survive were either sentenced to live in the Arctic or Siberia, or forced to exist with constant fear under rigid laws. I am distressed to report that with the passage of time, the situation remains ostensibly unchanged.

Our Lithuanian brethren continue to be denied their most basic and fundamental human rights. Deportations, extensive interrogations, show trials, and denials of religious rights are just a few of the heinous acts committed by Soviet oppressors on people whose only wish is to live as decent and free beings. In essence, the Lithuanians have systematically been denied those same freedoms that we in America, and those in other democracies around the globe, take for granted. What we regard as an inalienable right, the Soviets regard as a crime against the State.

The results of harsh Soviet rule on Lithuania's national heritage are frightening and most disturbing. Their policies threaten the very existence of Lithuanian culture. Laws against teaching Lithuanian in the classroom and a continued reduction in the number of Lithuanian publications pose serious problems for the ultimate survival of the language. Suppression of religion through methods such as the closing of houses of worship, harassment and imprisonment of religious leaders, and severe punishment for those who choose to continue to practice discourage the exercising of any faith.

Mr. President, the news of continued persecution of brave Lithuanian patriots who dare to speak out in favor of civil liberties and a return to independence is always sad. I believe that on this 65th anniversary, and until Lithuania regains its freedom, it is important for us to do whatever we can to aid these courageous individuals. If we do not, I am afraid that their goals may become too difficult to achieve. It is our responsibility to speak out for men like Viktoras Petkas, Balus Gajavskas, Petras Plumpa, and Vytautas Skuodis, true advocates of freedom. We must recognize that these same freedoms that the Lithuanians are fighting for are the same freedoms on which our forefathers established this great Nation.

We all know that there are thousands more like these brave men in Soviet concentration camps. While they are silent, we in the free world must stand and make our voices heard. We need to exhibit the same faith and determination that has kept the Lithuanian people going. We must not remain silent, we must vigorously protest the gross injustices that have been perpetuated by each successive Soviet leader since Stalin and we must double our efforts with the new Soviet leader Yuri Andropov.

We cannot lose sight of the fact that the Lithuanian struggle for fundamental human rights serves as a grim reminder of our responsibility to speak out, to assure our friends and families in Lithuania and around the world, that we have not forgotten.●

LITHUANIAN INDEPENDENCE DAY

● Mr. LAUTENBERG. Mr. President, it is with pleasure that I join with my colleagues today in cosponsoring Senate Joint Resolution 16 commemorating the 65th anniversary of Lithuanian Independence Day.

It was on February 16, 1918, that Lithuanians declared their independence and ended centuries of tyranny at the hands of czarist Russia. During the next 42 years the Republic of Lithuania experienced unparalleled economic and political growth. During this period the standard of living in Lithuania dramatically improved and Lithuanians enjoyed cultural and political freedoms unknown under the czar.

In July 1940, the Soviet Union forcibly annexed Lithuania. Since that dark day, Lithuanians have been subject to constant infringement upon their basic human rights and freedoms—the right to express their opinions freely, to practice their own religions, to enjoy their own culture and literature, and to determine their own future.

The plight of Lithuania's political prisoners reminds us of the persisting need to support the rights of those subject to tyranny abroad. It also reminds us of the need to be ever vigilant in defending our own basic freedoms.

The longstanding commitment of the Lithuanian people to human freedom and dignity is well known and continues to provide an inspiring example to all peoples struggling to retain their cultural identity and aspiration for liberty. I welcome this opportunity to commend such a spirit, to reaffirm my support for freedom for Lithuanians, and to recognize the important contribution made by Americans of Lithuanian descent to our own society and culture.●

LITHUANIAN INDEPENDENCE DAY

● Mr. PELL. Mr. President, 65 years ago, on February 16, 1918, the Lithuanian people courageously broke the yoke of Russian rule and tyranny under which they had lived for more than a century and proudly declared Lithuania to be an independent state. As a cosponsor of the resolution which designated today as Lithuanian Independence Day, I am proud to join Lithuanians throughout the world in commemorating this important event.

The historic struggle waged by the Lithuanian people for freedom and self-determination did not come to an end with their declaration of independence. Bolshevik forces made repeated attempts to deal a death blow to the newly established republic. Nevertheless, Lithuanians successfully defeated these forces and in 1920, the Soviet Union signed a peace treaty recognizing Lithuania's independence and sovereignty and renouncing forever all claims to Lithuanian territory.

Lithuania's existence as a sovereign nation-state was tragically and illegally ended by the Soviet Union during the Second World War. Under a secret protocol to the Nazi-Soviet Nonaggression Pact, the Soviet Union laid claims to Lithuania and the other Baltic States of Latvia and Estonia. This agreement was a flagrant abrogation of the 1920 peace treaty with Lithuania. Having received the "green light" from Germany to occupy the Baltic States, the Soviet Union in October 1939 forcibly obtained the right to station Soviet forces on Lithuanian territory. The following June the Soviet Union orchestrated the downfall of the nationalist government and replaced it with a new pro-Soviet government. In August 1940, at the request of the new government and against the wishes of the Lithuanian people, Lithuania was formally incorporated into the Union of Soviet Socialist Republics. To this day, the United States

has consistently refused to recognize this unlawful annexation of Lithuania by the Soviet Union and has steadfastly supported the Lithuanian people in their valiant and unending struggle against Soviet repression.

Under Soviet domination, Lithuanians have been subjected to forced russification, ethnic dilution, and political and religious persecution. Freedom of religion is denied to all Lithuanians; but Catholics, in particular, have been the victims of intense discrimination. Governmental efforts to suppress the Catholic Church and its followers led to the development of a strong Catholic dissent movement which for many years has fought for freedom of religion for all Lithuanians, regardless of religious persuasion. Participants in the Catholic dissent movement have also played an important role in the struggle for survival of the national culture and for basic human rights. "The Chronicle of the Catholic Church in Lithuania," first published in 1972, gathers and publishes information not only on the plight of Catholics but also on all violations of human rights and fundamental freedoms. The Catholic Committee for the Defense of the Rights of Believers, established in 1978, continues to remain active and strong despite governmental efforts to curtail its activities.

The Lithuanian Helsinki Monitoring Group, on the other hand, has been severely shattered by the imprisonment and, in some cases, involuntary exile of its members. Today, only one member of the group, 76-year-old Ona Lukauskaite-Poskiene, has not been imprisoned by the Soviet authorities. Over the years, the monitoring group has published some 30 documents, interceded with the Lithuanian authorities on behalf of those whose rights have been deprived, and focused public attention on human rights violations. Although the demise of this group is a setback, I am confident that the Lithuanian people will continue their struggle for human rights and fundamental freedoms.

As a member and former cochairman of the Commission on Security and Cooperation in Europe, I am deeply concerned about violations of human rights in Lithuania. As a party to the United Nations Charter and various international covenants on human rights, and as a signatory of the Helsinki accords, the Soviet Union has pledged respect for human rights and fundamental freedoms and has accepted political and legal obligations in these areas. As we commemorate the 65th anniversary of Lithuanian independence, it is fitting and proper that we remind the Soviet Union of these obligations and that we reaffirm our own commitment to the principles of liberty and self-determination for Lithuanians and for all people who are forced to live in the absence of freedom.●

LITHUANIAN INDEPENDENCE DAY

● Mr. LUGAR. Mr. President, 65 years ago today, on February 16, 1918, Lithuania became independent.

Four years later, in 1922, Lithuania adopted an historic constitution which, among other rights, guaranteed freedom of speech, assembly, and religion.

Although Lithuanian freedom was brutally snuffed out a few years later, when the Soviet Union annexed Lithuania in 1940, Lithuanians the world over have not forgotten their heritage of freedom through all the years of Soviet repression and efforts to extinguish the Lithuanian ethnic heritage.

Today, Mr. President, we salute Lithuania's free past, and rededicate our efforts toward the return of freedom one day to that proud land.

We also salute today all Lithuanian-Americans, who have contributed so much to their adopted country of the United States, while keeping alive the proud traditions of their native land.●

LITHUANIA

● Mr. PRYOR. Mr. President, today is the 65th anniversary of the establishment of the Independent Democratic Republic of Lithuania by the Lithuanian National Council.

Since the unification of Lithuanian principalities into an independent kingdom in 1251 and even during 43 years of Soviet control, Lithuanians have continued to fight to maintain their political identity.

The United States has never recognized the illegal annexation of Lithuania by the Soviet Union, and the continued Soviet hegemony in Lithuania has been considered by U.S. administrations as destructive to the self-determination and pride of Lithuanians.

Although the Soviet Union has continued to deprive Lithuanians of their own government, Lithuanians have endured Communist oppression due to their firm belief in the principles of independence and their deep rooted desire for freedom.

Today Lithuanians throughout the world will unite with their countrymen in observing the 65th anniversary of Lithuanian Independence Day. In Hot Springs, Ark., the Lithuanian community will be holding a meeting and church service later in the week to celebrate this anniversary. I believe that it is appropriate that the U.S. Senate join with Lithuanian-Americans to show support for the 3.2 million Lithuanians living under Soviet tyrrany and demonstrate our common desire to advance the cause of freedom. Today, with the Soviets fighting in Afghanistan and casting their shadow over Poland, it is expecially important to keep the Lithuanian example before us.●

LITHUANIAN INDEPEDENCE DAY

● Mr. ZORINSKY. Mr. President, today marks the 65th anniversary of Lithuanian Independence Day. As has been my custom in past years, I would like to take this opportunity to say a few words about the ongoing struggle for independence of the Lithuanian people.

The 1918 declaration of Lithuanian independence ended centuries of tyranny and persecution at the hands of Czarist Russia. Equally important, it opened two decades of unparalleled economic and political progress, as trade was expanded, Lithuania's standard of living improved, and its political system was liberalized.

Unfortunately, in June of 1940, the Soviet Union used the spreading war in Europe to once again put Lithuania and Lithuanians under the heavy yoke of Soviet oppression. Soviet troops marched in, forced the resignation of the existing coalition government, and installed a new Soviet puppet regime that continues in power today.

To its credit, the United States has never recognized the Soviet annexation of Lithuania. And the Lithuanian people themselves have resisted with all their strength Soviet efforts to dominate them.

Thousands of Lithuanians have been slaughtered, deported, exiled, imprisoned in slave labor camps, or committed to psychiatric institutions, even as the Soviet Government has cynically joined in support of human rights documents like the U.N. Universal Declaration on Human Rights and the Helsinki Final Act.

Worse yet, the Soviets have continued to follow a policy of Russification first implemented by Czarist Russia. They have attempted to eliminate every vestige of Lithuanian culture and national identity, including the native language, religion, art, and music.

Despite such actions, the people of Lithuania continue the struggle to break the chains of Soviet rule. Their steadfast belief in independence and their deep-rooted desire for freedom have enabled them to endure Communist oppression. The free spirit of the Lithuanian people has not been broken.

Today, Lithuanians throughout the world, including more than 832,000 in this country, join in solidarity with their brethren behind the Iron Curtain in observance of Lithuanian independence. It is most appropriate that we join with them in marking this 65th anniversary of Lithuanian Independence Day. It is essential that the United States send a clear and strong

signal of moral support to the 3.2 million Lithuanians living under Soviet domination and that our Government continue to champion the cause of Lithuanian independence.●

APPROPRIATIONS FOR PRODUCTIVE EMPLOYMENT AND HUMANITARIAN ASSISTANCE

● Mr. HATFIELD. Mr. President, yesterday I introduced S. 484, a bill making appropriations for productive employment and humanitarian assistance for our Nation's needy. This is a "jobs bill" and to my knowledge, it is the first measure introduced in the Senate that will seek to provide immediate short-term relief for those out of work by accelerating existing programs and projects which yield tangible and lasting benefits for the Nation. There has been much speculation in the news media about the ongoing negotiations between the White House and the House Democratic leadership. Unfortunately, no one, outside of those directly involved in those discussions, has had the opportunity to examine exactly what they are considering. It is my hope that the bill I have introduced will bring into sharper focus some of the programs and activities which can immediately provide additional job opportunities, as well as basic food and shelter assistance to those in need.

Mr. President, there is no magic in constructing a "jobs bill." There are no secret formulas or solutions to our employment problems. Furthermore, there are only limited alternatives to any proposal to stimulate additional jobs quickly.

Because of the constrained timeframe, existing programs and administrative channels must be used. "Leafraking" programs have long since been discredited as meaningful job producing strategies so only programs which yield tangible benefits can be considered. Enormous increases over current program levels must also be avoided to keep from swamping the existing administrative structure; in other words, a broad array of activities must be selected for effective utilization of funds. Finally, to maximize the immediate impact of the program, and to minimize the budgetary impact in the outyears, programs which utilize funds rapidly must be emphasized.

Mr. President, the bottom line to these considerations is that secret negotiations and political posturing are the least productive approach to preparing a "jobs bill." What is needed is a full and comprehensive review of all the Federal programs which meet these criteria, subject to public debate and input.

I am pleased that the President has scheduled a new conference for this evening to discuss this proposal. I hope that he will be forthright and fully disclose the details of what has been negotiated with the House leadership. From what I already know of this proposal, it is quite similar to the bill I introduced yesterday. That is understandable since, as I noted before, our options are limited. But to the extent there are differences, this is an advantage, not a liability, since the bill which is ultimately enacted into law should incorporate the best ideas all of us can contribute.

It is with that intent that I have prepared and introduced S. 484. As chairman of the Committee on Appropriations, I realize that we will be called upon to closely examine all the proposals and suggested programs for job stimulus and humanitarian assistance. Fortunately, since almost all of these items are annually funded discretionary programs already within the committee's jurisdiction, we have a head start in this deliberative process. As I stated yesterday, I welcome the suggestions and concerns of my colleagues because I know this is the best manner to produce an effective jobs bill.

To this end, I request that S. 484 be printed in the RECORD following my remarks along with a list and summary of each of the items included in the bill. I hope that this will facilitate an understanding of the types of programs which I believe hold the greatest promise in effectively addressing our Nation's immediate employment needs.

The material follows:

S. 484

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in an effort to reduce unemployment cost, to increase the benefit of expenditures, provide humanitarian assistance to the needy, and to put people back to productive work, where the benefits of the efforts will be of value, the following sums are appropriated, in addition to amounts otherwise made available, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1983, and for other purposes, namely:

MAINTAINING AND PROTECTING PUBLIC INVESTMENT

FEDERAL BUILDINGS

In order to assist in reducing the backlog of needed maintenance and repair of Federal buildings across the Nation, $125,000,000 for payment to the "Federal Buildings Fund", General Services Administration, to remain available until expended, which shall be available under the subactivity "Alterations and repairs" for projects which do not require prospectuses.

REBUILDING AMERICA'S HIGHWAYS

To accelerate the construction and reconstruction of the Nation's highways, to improve safety on the Nation's highways, and to provide for productive jobs, an additional amount of $100,000,000, to remain available until expended, for "Interstate transfer grants—highways", Federal Highway Administration, Department of Transportation.

IMPROVING MASS TRANSPORTATION

To accelerate the improvement of urban mass transportation systems, and to provide for productive jobs, an additional amount of $25,000,000, to remain available until expended, for "Interstate transfer grants—transit", Urban Mass Transportation Administration, Department of Transportation.

IMPROVING THE SAFETY OF RAIL PASSENGERS

To ensure the safety of those traveling in the Nation's most heavily traveled rail corridor and to provide for productive jobs, $40,000,000, to remain available until expended, for the rehabilitation (including repair, reconstruction, replacement, or elimination) of highway bridges which cross over the Northeast corridor rail transportation properties conveyed pursuant to section 701(b) of Public Law 94-210: *Provided,* That a State identifies such bridge as constituting a potential danger to motorists, pedestrians, or rail operations.

REBUILDING RAILROAD INFRASTRUCTURE

To provide for the improvement of railroad rights-of-way, and to provide for productive jobs, the Secretary of Transportation shall make capital grants to the National Railroad Passenger Corporation of $90,000,000, to remain available until expended.

WASHINGTON METRO

For necessary expenses to carry out the provisions of section 14 of Public Law 96-184, $10,000,000, to remain available until expended.

IMPROVING FACILITIES AND SERVICES PROVIDED TO VETERANS

For an additional amount for "Medical care", Veterans Administration, $50,000,000, to create productive jobs to improve the facilities and care being provided to veterans throughout the country.

COMMUNITY DEVELOPMENT

For an additional amount for "Community development grants", to be made available to metropolitan cities and urban counties in accordane with the provisions of section 106(b) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), to create jobs in communities throughout the country through the funding of local community development programs and to produce real assets for the American people as a result thereof, $500,000,000, to remain available until September 30, 1985.

INCREASING SMALL BUSINESS ACTIVITIES

For additional capital for the "Business loan and investment fund", authorized by the Small Business Act, as amended, $2,000,000, to remain available without fiscal year limitation: *Provided,* That the administration may not decline to participate in a project under section 503 of the Small Business Investment Company Act of 1958 because other sources of financing for the project include or are collateralized by obligations described in section 103(b) of the Internal Revenue Code of 1954: *And provided further,* That loans made with the proceeds of debentures guaranteed under section 503 of said Act shall be subordinated to obligations described in section 103(b) of the Internal Revenue Code of 1954: *And provided further,* That the administration and any other agency of the Federal Government shall not restrict the use of debentures

guaranteed under this section with obligations described in section 103(b) of the Internal Revenue Code of 1954 if the project being so financed otherwise complies with the regulations and procedures of the administration.

PRESERVING THE NATIONAL FOREST SYSTEM

In order to provide jobs, to improve the growth rate of existing forested land inventories, and to decrease the number of deforested acres of Forest Service lands, there is appropriated an additional $35,000,000 for "National Forest System", Forest Service and in order to provide jobs to construct, improve, and maintain Forest Service facilities, there is appropriated an additional amount of $25,000,000, to remain available until expended, for "Construction", Forest Service.

IMPROVING NATIONAL PARKS AND RECREATIONAL FACILITIES

To provide jobs to sustain programs of improvement and maintenance of park service facilities which will receive an estimated three hundred and fifty-eight million visits in 1983, there is appropriated an additional $100,000,000 for "Operation of the National Park System", National Park Service.

IMPROVING INDIAN HEALTH FACILITIES

In order to provide for construction, repair and improvements, and other services to Indians and to create productive jobs which provide these increased levels of services, there is appropriated an additional amount of $39,000,000, to remain available until expended, for "Indian Health Facilities".

CONSTRUCTION OF BUREAU OF INDIAN AFFAIRS' SCHOOLS

In order to provide for the construction of the Hopi High School and personnel quarters, there is appropriated an additional $24,450,000, to remain available until expended, to the Bureau of Indian Affairs for "Construction".

IMPROVING INDIAN HOUSING

In order to provide for the construction, repair, and improvement of Indian housing, there is appropriated an additional amount of $30,000,000 for "Operation of Indian Programs".

IMPROVING FISH AND WILDLIFE SERVICE FACILITIES

In order to provide jobs for the necessary maintenance of wildlife refuges, fish hatcheries, and research facilities, thus increasing the natural resources across the Nation under the jurisdiction of the United Fish and Wildlife Service, Department of the Interior, there is appropriated an additional $20,000,000, for "Resource Management".

FEEDING PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For an additional amount to carry out the special supplemental food program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $100,000,000, to remain available until September 30, 1984.

AGRICULTURAL RESEARCH SERVICE CONSTRUCTION

To provide jobs for construction, repair, and maintenance of agricultural research facilities, there is appropriated an additional amount of $10,000,000, to remain available until expended, for "Buildings and Facilities", Agricultural Research Service.

FOOD AND DRUG ADMINISTRATION CONSTRUCTION

For design, construction, repair, improvement, extension, alteration, necessary offsite road work, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $39,000,000, to remain available until expended.

ASSISTING IN RURAL DEVELOPMENT

In order to provide assistance for basic human amenities, to alleviate health hazards, to promote stability of rural areas by meeting the need for new and improved rural water and waste disposal systems and to meet national safe drinking water and clean water standards and to create jobs to assist in achieving these objectives which increase the real wealth of this country, there is appropriated an additional amount of $125,000,000 for "Rural Water and Waste Disposal Grants", Farmers Home Administration, Department of Agriculture, to remain available until expended.

In order to assist eligible borrowers such as communities and others to provide assistance for basic human amenities, alleviate health hazards and promote the orderly growth of rural areas by meeting the need for the financing of new and improved rural water and waste disposal systems and meet the National Clean Water Standards and the Safe Drinking Water Act and to assist in achieving these objectives which create and conserve real wealth throughout the country, $400,000,000 for additional loans to be insured, or made to be sold and insured, under the "Rural Development Insurance Fund", Farmers Home Administration, Department of Agriculture in accordance with and subject to the provisions of 7 U.S.C. 1928 and 86 Stat. 661-664.

For an additional amount for "Salaries and Expenses", Farmers Home Administration, Department of Agriculture, $6,500,000.

INCREASING THE EFFECTIVENESS OF SOIL CONSERVATION ACTIVITIES

In order to assist in installing works of improvement; reduce damage from floodwater sediment and erosion; for the conservation, development, utilization and disposal of water; and for the conservation and proper utilization of land, there is appropriated an additional amount for "Watershed and Flood Prevention Operations", Soil Conservation Service, Department of Agriculture, and to assist in providing jobs which will increase and conserve the real wealth of this country, $75,000,000, to remain available until expended.

FEDERAL, STATE, AND LOCAL PRISON MODERNIZATION

In order to provide jobs in the construction industry and related trades, for planning, acquisition of sites and remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, for "Buildings and facilities", Federal Prison System, Department of Justice, $70,000,000, to remain available until expended: *Provided*, That of this amount, $10,000,000 shall be transferred to "Support of United States Prisoners", Legal Activities for the Cooperative Agreement Program for the purpose of renovating, constructing and equipping State and local jail facilities that confine Federal prisoners.

ENHANCEMENT OF WATER RESOURCE AND HYDROELECTRIC POWER BENEFITS

To improve flood control, shore protection, and other measures as authorized by law, to provide water resource and hydroelectric power benefits, to assist in the generation of productive jobs, an additional amount of $250,000,000, to remain available until expended, is hereby appropriated for "Construction, general", Corps of Engineers—Civil, Department of the Army.

To maintain harbor channels and other navigable waterways essential to the conduct of commerce, to preserve and operate existing river and harbor and flood control measures which will protect the real wealth of the Nation, and to assist in the creation of productive jobs, an additional amount of $115,000,000, to remain available until expended, is hereby appropriated for "Operation and maintenance, general", Corps of Engineers—Civil, Department of the Army.

To construct and maintain flood control measures and to assist in the generation of productive jobs, for the river system which drains more than two-fifths of the Nation, to perform necessary rescue work, and repair and restoration of flood control projects as authorized by law, an additional amount of $40,000,000, to remain available until expended, is hereby appropriated for "Flood control, Mississippi River and tributaries", Corps of Engineers—Civil, Department of the Army.

RECLAMATION AND IRRIGATION PROJECTS

To accelerate the completion of projects which will provide additional industrial and municipal water, irrigation water, and hydroelectric capability and to generate productive jobs, an additional amount of $65,000,000, to remain available until expended, is hereby appropriated for "Construction program", Bureau of Reclamation, Department of the Interior.

To accelerate hydrogenerator uprating, soil and moisture conservation operations on reclamation projects, levee construction, improvements of recreation areas, and to assist in creating new productive jobs, an additional $25,000,000, to remain available until expended, is hereby appropriated for "Operation and maintenance", Bureau of Reclamation, Department of the Interior.

To accelerate the rehabilitation, upgrading, and betterment of small reclamation projects; and for the construction of small irrigation projects, an additional $20,000,000, to remain available until expended, is hereby appropriated for "Loan program", Bureau of Reclamation, Department of the Interior.

EMPLOYMENT AND TRAINING ASSISTANCE

For an additional amount for "Employment and Training Assistance", $257,400,000, of which $125,000,000 shall be for carrying out title III of the Job Training Partnership Act (Public Law 97-300).

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

For an additional amount to carry out the activities for national grants or contracts with public agencies and public or private nonprofit organizations under paragraph (1)(A) of section 506(a) of title V of the Older Americans Act of 1965, as amended, $11,349,000.

For an additional amount to carry out the activities for grants to States under paragraph (3) of section 506(a) of title V of the Older Americans Act of 1965, as amended, $3,201,000.

GRANTS TO STATES FOR UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICES

For an additional amount for "Grants to States for Unemployment Insurance and Employment Services", $50,000,000 which

may be expended from the Employment Security Administration account, in the Unemployment Trust Fund.

SOCIAL SERVICES BLOCK GRANT

For an additional amount for carrying out the Social Services Block Grant Act, $500,000,000.

COMMUNITY SERVICES BLOCK GRANT

For an additional amount for carrying out the Community Services Block Grant Act, $41,375,000: *Provided*, That the Secretary of Health and Human Services may waive the requirements of section 138 of Public Law 97-276, relating to continuing appropriations for fiscal year 1983, for any State applying for such a waiver if—

(1) the State had, prior to October 1, 1982, submitted an application for fiscal year 1983 under the Community Services Block Grant Act, containing provisions for the use of assistance under that Act by political subdivisions; and

(2) the chief executive officer of the State certifies that, in an least 45 percent of the counties of the State, services assisted under the Community Services Block Grant Act were not available in fiscal year 1982 (other than a State for which the distribution of funds within the State for such fiscal year was contested by more than one eligible entity).

DEPARTMENT OF EDUCATION

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

For an additional amount for carrying out the Act of September 23, 1950, as amended (20 U.S.C. ch. 19), $60,000,000, to remain available until expended, which shall be for providing school facilities as authorized by such Act, of which not more than $20,000,000 shall be available for sections 14(a) and 14(b).

EDUCATION FOR THE HANDICAPPED

To carry out the provisions of section 607 of part A of the Education of the Handicapped Act, relating to the removal of architectural barriers in schools, $40,000,000, which shall remain available until expended.

STUDENT FINANCIAL ASSISTANCE

For an additional amount for "Student Financial Assistance", $110,000,000 to remain available until September 1984 for carrying out part C of title IV of the Higher Education Act of 1965, relating to the College Work Study Program.

LIBRARIES

To carry out the provisions of title II of the Library Services and Construction Act, $50,000,000, which shall remain available until expended.

CENTERS FOR DISEASE CONTROL LABORATORY CONSTRUCTION

For an additional amount for "Preventive Health Services", $15,560,000, which shall remain available until expended and shall be for construction and renovation of facilities.

FOOD DISTRIBUTION AND EMERGENCY SHELTERS

There is hereby appropriated $50,000,000 to the Federal Emergency Management Agency to carry out an emergency food and shelter program. Notwithstanding any other provision of this joint resolution or any other Act, such amount shall be made available under the terms and conditions of the following paragraphs:

The Director of the Federal Emergency Management Agency shall award a grant for $50,000,000 within forty-five days after enactment of this joint resolution to the United Way of America for the purpose of providing emergency food and shelter to needy individuals through private voluntary organizations.

As soon as practicable after enactment of this joint resolution, the United Way of America shall constitute a special board for the purpose of determining how the program funds are to be distributed. The special board shall consist of seven members. The United Way of America, the Salvation Army, the Council of Churches, the National Conference of Catholic Charities, and the Council of Jewish Federations, Inc. shall each designate a representative to sit on the board. The United Way of America shall name two other private voluntary organizations which shall also designate representatives to sit on the board.

Eligible private voluntary organizations should be nonprofit, have a voluntary board, have an accounting system, and practice nondiscrimination.

Participation in the program should be based upon a private voluntary organization's ability to deliver emergency food and shelter to needy individuals and such other factors as are determined by the special board.

Administrative costs shall be limited to 2 per centum of the total appropriation.

INCREASED DISTRIBUTION OF SURPLUS AGRICULTURAL COMMODITIES

For the period ending September 30, 1983, the Secretary of Agriculture shall distribute $500,000,000 in surplus agricultural commodities, in addition to that level programed as of December 31, 1982, for consumption by needy individuals, as authorized by the Commodity Credit Corporation Charter Act and section 32 of the Act of August 24, 1935 (7 U.S.C. 621c).

MODERNIZATION OF HOUSING UNITS FOR MILITARY FAMILIES

In order to accelerate the maintenance of family housing, to increase the quality of life of military personnel and their families, and to stimulate jobs in the construction industry and its related trades, there is appropriated for expenses of family housing for the Army for Maintenance, $125,000,000.

In order to accelerate the maintenance of family housing, to increase the quality of life of military personnel and their families, and to stimulate jobs in the construction industry and its related trades, there is appropriated for expenses of family housing for the Navy and Marine Corps for Maintenance, $25,000,000.

In order to accelerate the maintenance of family housing, to increase the quality of life of military personnel and their families, and to stimulate jobs in the construction industry and its related trades, there is appropriated for expenses of family housing for the Air Force for Maintenance, $100,000,000.

SCHOOLS AND HOSPITALS WEATHERIZATION ASSISTANCE

In order to create productive jobs in manufacturing and installation of weatherproofing products, there is appropriated an additional amount for "Energy conservation", Department of Energy, $300,000,000, to remain available until expended: *Provided*, That of this amount, $150,000,000 shall be available for schools and hospitals weatherization assistance as authorized by the National Energy Conservation Policy Act (Public Law 95-619) (42 U.S.C. 6371-6372) and $150,000,000 shall be available for low-income weatherization: *Provided further*, That funds for low-income weatherization activities appropriated under this Act shall be expended according to the regulations pertaining to the maximum allowable expenditures per dwelling unit which were in effect on October 1, 1982, and to the regulations pertaining to priority in providing weatherization assistance which were in effect on October 1, 1982.

SCHEDULED MOTOR VEHICLE PROCUREMENT

In order to assure the timely replacement of planned Federal motor vehicle replacement by American plants in accordance with established practices which will stimulate jobs in assembly plants and facilities of related suppliers, $50,000,000 for the General Services Administration to increase the capital of the General Supply Fund, established by section 109 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 756), for the purchase of motor vehicles: *Provided*, That the funds made available by this appropriation may be used only to procure domestically manufactured vehicles.

AVAILABILITY OF FUNDS

No part of any appropriation contained in this title shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

S. 484—JOBS PACKAGE

Agriculture Subcommittee:	
Rural water and waste disposal grants: Appropriations	$125,000,000
FmHA salaries and expenses	6,500,000
Watershed and flood prevention operations	75,000,000
Agricultural Research Service	10,000,000
Special supplemental food program (WIC)	100,000,000
Food and Drug Administration	39,000,000
USDA surplus food donations	(500,000,000)
Commerce-Justice-State-Judiciary Subcommittee:	
SBA small business guarantee program: Appropriation	2,000,000
Federal Prison System	60,000,000
Support of U.S. prisoners	10,000,000
Energy and Water Development Subcommittee:	
Corps of Engineers:	
Construction	250,000,000
Operations and maintenance	115,000,000
Mississippi River and tributaries	40,000,000
Bureau of Reclamation:	
Construction	65,000,000
Operations and maintenance	25,000,000
Loan program	20,000,000
HUD-Independent Agencies Subcommittee:	
VA hospital repair and maintenance	50,000,000
FEMA-emergency food and shelter	50,000,000
Community development block grants	500,000,000
Interior Subcommittee:	
Forest Service:	
Reforestation	35,000,000

Construction	25,000,000
National Park Service—Construction	100,000,000
Fish and Wildlife Service	20,000,000
Indian Health Service	39,000,000
Schools and hospitals	150,000,000
Indian education	24,450,000
Indian housing	30,000,000
Low-income weatherization	150,000,000
Labor-HHS Subcommittee:	
Dislocated workers	125,000,000
Jobs Corps	32,400,000
Job search assistance (State employment services)	(50,000,000)
Summer youth employment and training	100,000,000
Social services block grant	500,000,000
Community services block grant	41,375,000
Community service employment for older Americans	14,550,000
College work study	110,000,000
Impact aid construction	60,000,000
Removal of architectural barriers in schools	40,000,000
Library construction	50,000,000
Centers for Disease Control	15,560,000
Military Construction Subcommittee: Family housing	250,000,000
Transportation Subcommittee:	
Interstate transfer grants:	
Highways	100,000,000
Transit	25,000,000
Northeast Corridor overhead highway bridges	40,000,000
AMTRAK maintenance of way	90,000,000
Metro	10,000,000
Treasury Subcommittee:	
GSA Federal buildings fund	125,000,000
GSA motor vehicle purchases	50,000,000
Total program level	4,444,835,000
Budget authority	3,894,835,000
Limitation	(550,000,000)

Program: Rural Water and Waste Disposal Grants & Loans (USDA).

Amount Recommended: $125,000,000 (and $400,000,000 in loan authorization).

Jobs Created: 41,800.

Description: These grants are for the development costs of water and waste disposal projects in rural areas, and they are made to associations operating on a nonprofit basis, municipalities, public authorities, districts, certain Indian tribes, etc., generally designated as public or quasi-public agencies to assist eligible applicants to pay for part of the development cost of such projects if grants are necessary to reduce user charges to a reasonable level. A project must be designed and constructed so that adequate capacity will be or can be made available to serve the reasonably foreseeable growth needs of the area.

Loans are made to public bodies, organizations operated on a not for profit basis and Indian Tribes in rural areas which have a population of not more than 10,000 inhabitants. These loans are repayable in not more than 40 years or the useful life of the facility, whichever is less.

Program: Farmers Home Administration, *Salaries and Expenses* (USDA).

Amount Recommended: $6,500,000.

Jobs Created: 215.

Description: Augments existing administrative capacity of the Farmers Home Administration to better serve existing borrowers and to serve new accounts which will be created with the increase in the water and waste disposal loan and grant programs.

Program: Watersheds and Flood Prevention Operations (USDA).

Amount Recommended: $75,000,000.

Jobs Created: 7,500.

Description: The Watershed and Flood Prevention Operations provides technical and financial assistance to local organizations to install watershed protection, flood prevention, agricultural water management, recreation and fish and wildlife development, and other authorized features as specified in approved watershed projects and emergency measures necessary to safeguard lives and property as a result of natural occurrence. Funds would also be available for rehabilitation of existing projects.

Program: Agricultural Research Service—Construction (USDA).

Amount Recommended: $10,000,000.

Jobs Created: 300.

Description: The recommendation includes $10,000,000 for construction, alteration, maintenance and repair of Agricultural Research Service facilities. That agency had identified a backlog of $70,000,000 in needed repair and maintenance projects. In addition, several facility alteration and minor construction items are needed to provide for more efficient utilization of current space and for planned research initiatives.

Program: Special Supplemental Food Program (WIC).

Amount Recommended: $100,000,000.

Jobs Created: ———.

Description: This program makes funds available to local health clinics through State departments of health and to Indian tribes to provide supplemental foods to low-income pregnant and lactating women, infants and children up to 5 years of age. The participants must be determined by medical or nutritional professionals to be at nutritional risk due to low income and inadequate nutrition.

There has been growing concern that the Nation's depressed economic state and high unemployment may be causing even greater unmet demand for this program. Significant evidence of benefits and effectiveness indicate that these funds will lead to net savings in Government spending in medical care and other social programs.

Program: Food and Drug Administration.

Amount Recommended: $39,000,000.

Jobs Created: 1,000.

Description: The Food and Drug Administration needs several new facilities to replace obsolete and inefficient existing structures. The sensitive and precise scientific requirements of this agency's testing program of new drugs and chemical agents cannot be maintained without these improvements. Construction on each facility can be initiated this year.

Replacement of veterinary labs	$22,000,000
Diet preparation facility	2,000,000
Inhalation toxicology lab	500,000
Toxicology labs	14,500,000

Program: Distribution of Surplus Agricultural Commodities to the needy (USDA).

Amount Recommended: ($500,000,000).

Jobs Created: ———.

Description: The Department of Agriculture currently has an inventory of approximately $5 billion in surplus agricultural commodities. It furthermore, purchases perishable commodities under the Sec. 32 program. The Secretary of Agriculture has broad authority to dispose of these commodities, including donation to summer camps, schools, child care, and other institutions and directly low income households. Increasing the current level of donations will reduce Federal storage and handling costs and provide better nutrition to those in need who otherwise would not be able to purchase these items.

Program: Sec. 503, Certified Development Company Program (SBA).

Amount Recommended: $2,000,000 ($100,000,000 increase in guaranteed loan authorization).

Jobs Created: 6,700.

Description: Under this program, SBA guarantees debentures of the Certified Development Companies, which in turn use the proceeds to assist small businesses by financing part of long-term fixed asset projects, which include plant expansion, land acquisition, and purchase of equipment. Since the program was established by Congress in mid-1980, it is estimated that 23,000 jobs have been created or saved.

Program: Federal Prison System (DOJ).

Amount Recommended: $60,000,000.

Jobs Created: 2,000.

Description: Of the amount recommended, $13,000,000 if for urgently needed modernization and repair of existing buildings and facilities within the Federal prison system. The balance of the appropriation is for planning and site acquisition of two 500-bed Federal correctional institutions in the northeast region ($7,000,000) and for construction of a 500-bed metropolitan correctional center in Los Angeles, California ($40,000,000). This will accelerate the construction of new facilities requested by the Administration for fiscal year 1984.

Program: Support of United States Prisoners (DOJ).

Amount Recommended: $10,000,000.

Jobs Created: 300.

Description: Currently, insufficient space is available for confinement of Federal pretrial detainees in several areas of the country. In addition, the President's Task Force on Organized Crime has identified a requirement totaling $2,000,000,000 for modernization and expanding approximately 700 State and local jail facilities. The additional funds recommended will provide the resources necessary to enter into agreements with those State and local governments which have developed or can develop plans for construction, expansion or modernization of jail space. Such agreements would guarantee the Federal government with an aggregate increase in beds for Federal detainees.

Program: Corps of Engineers—Construction.

Amount Recommended: $250,000,000.

Jobs Created: 9,500.

Description: The amount recommended will (1) accelerate on-going construction projects including recreational facilities and small navigation and flood control projects, (2) initiate construction on 10 new water resource projects proposed by the President last year, and (3) initiate work on a major infrastructure modernization program for the inland waterway system and deep draft ports.

Program: Corps of Engineers—Operations and maintenance.

Amount Recommended: $115,000,000.

Jobs Created: 4,300.

Description: Provides for structural repairs, navigation facility maintenance, power plant repair and navigation channel dredging.

Program: Corps of Engineers—Mississippi River and Tributaries.

Amount Recommended: $40,000,000.

Jobs Created: 1,900.

Description: Of the $40,000,000 recommended, $10,000,000 is for levee repair and enlargement work related to recent floods in the Missouri, Arkansas, Mississippi, and Louisiana areas. The balance of the funds would be used for channel improvement including initiation of revetment plant work and an increase in stockpile materials for revetment work.

Program: Bureau of Reclamation—Construction.

Amount Recommended: $65,000,000.

Jobs Created: 1,500.

Description: These funds will allow the acceleration of ongoing construction activities, including water distribution and recreation facilities as well as restore contract awards for major water distribution systems in the southwest as was requested by the President last year.

Program: Bureau of Reclamation—Operations and Maintenance.

Amount Recommended: $25,000,000.

Jobs Created: 800.

Description: The recommended amount will provide for power plant repair, erosion control work, improvements at existing recreation facilities, and increases in general facility maintenance.

Program: Bureau of Reclamation—Loan program.

Amount Recommended: $20,000,000.

Jobs Created: 500.

Description: This amount will allow the initiation of work to rehabilitate and improve existing irrigation distribution systems as well as construction on 8 to 10 new projects proposed by the President for fiscal year 1983.

Program: VA hospital repair and maintenance.

Amount Recommended: $50,000,000.

Jobs Created: 1,250.

Description: These funds will provide urgently needed improvements and maintenance in VA facilities, including 172 hospitals, 16 domiciliaries, and 102 nursing homes. Nonrecurring maintenance and repair projects are essential to protect the government's investment in more than 5,000 separate VA buildings having nearly 115,700,000 square feet of floor space and for which the current replacement value is in excess of $20,000,000,000. Examples of such project categories include electrical, fire and safety, Joint Commission on Accreditation of Hospitals' deficiencies, exterior and interior maintenance, conservation of energy, and air conditioning and refrigeration systems. These projects cover necessary maintenance of real property and grounds maintenance outside the building perimeter, including roads and sidewalks.

Program: Food Distribution and Emergency Shelters (FEMA).

Amount Recommended: $50,000,000.

Jobs Created: ——.

Description: The prolonged and severe economic stresses, unparalleled since the Great Depression, have placed a heavy burden on private voluntary organizations addressing basic shelter and food needs of the poor. To supplement these private resources, $50,000,000 is recommended for the Federal Emergency Management Agency to serve as a pass through to the United Way of America. That agency, in turn, will constitute a special board to determine the most appropriate distribution of these funds. This is basically the same program endorsed by the House and Senate last year.

Program: Community Development Block Grant.

Amount Recommended: $50,000,000.

Jobs Created: 14,000.

Description: This recommended appropriation directed towards metropolitan areas and urban counties can be quickly used for the improvements in the following activities:

(1) Public Works and Public Facilities.

(2) Highway and Street Construction/Repair.

(3) Demolition and Site Improvement.

(4) Parks and Open Space, Historic Preservation.

(5) Redevelopment Improvement.

Program: Forest Service—reforestation (USDA).

Amount Recommended: $35,000,000.

Jobs Created: 2,350.

Description: The recommended funding of $35,000,000 for site preparation, reforestation and timber stand improvement activities on Forest Service lands will be expended on the very labor intensive activities associated with preparing sites and planting additional trees on deforested Forest Service lands, as well as thinning brush and other stand improvement activities intended to improve the growth of timber on FS lands. This recommendation includes $15,000,000 for site preparation work for reforestation and an additional $20,000,000 for timber stand improvement. These investments will return positive economic returns over the next 50 years, as growth rates improve on existing timber inventories and on deforested areas.

Program: Forest Service—construction (USDA).

Amount Recommended: $25,000,000.

Jobs Created: 850.

Description: The recommendation includes an additional $25,000,000 for facility construction, reconstruction and administrative facilities and associated water, sanitation, and other supporting utility systems. The Forest Service has identified $125,000,000 in facility construction, reconstruction, and repair needed to protect the health and safety of the recreation user of FS lands and the FS employees staffing those areas. The recommendation would provide for the highest priority items and can be readily expended through small business contracts in fiscal year 1983.

Program: National Park Service—Construction.

Amount Recommended: $100,000,000.

Jobs Created: 4,000.

Description: The amount recommended will augment the National Park Service repair and maintenance program. These funds are needed to address the need to reverse the trend of deteriorating Federal park facilities. This concern has been repeatedly expressed by the Secretary of Interior.

Program: Fish and Wildlife Service.

Amount Recommended: $20,000,000.

Jobs Created: 800.

Description: The amount of $20,000,000 recommended will permit the Service to contract for maintenance and rehabilitation of structures, roads, trails, and other facilities at wildlife refuges, hatcheries, and research stations of the U.S. Fish and Wildlife Service. There are many projects which have been deferred for which contracts with private firms can be let very quickly.

Program: Indian Health Service facilities.

Amount Recommended: $39,000,000.

Jobs Created: 1,200.

Description: The amount recommended, $39,000,000, is for the construction of sanitation facilities for existing homes and units built by the tribes and by the Bureau of Indian Affairs.

Program: Schools and Hospitals Weatherization (DOE).

Amount Recommended: $150,000,000.

Jobs Created: 12,000.

Description: Since this program's inception in 1978, some 15,400 schools and 1700 hospitals have received comprehensive energy conservation audits. With these additional funds, the Department of Energy has estimated some 7,185 schools and 315 hospitals can be weatherized, resulting in annual savings of 6,000,000 barrels of oil equivalent. This weatherization program is on a matching basis with the states and is very labor intensive while yielding very tangible results.

Program: Bureau of Indian Affairs—School Construction.

Amount Recommended: $24,450,000.

Jobs Created: 960.

Description: These funds will allow for the accelerated construction of the Hopi High School and personnel quarters. Funds for this project were originally requested last year by the Administration but were denied by Congress due to delays in planning and design. This preliminary work is nearing completion and construction funds can be utilized now rather than in FY 1984, as reflected in the Administration's budget request.

Construction on the Hopi High School will begin this spring. In addition to providing employment, the funds will fulfill the government's obligation to provide a secondary educational facility on the Hopi reservation.

Program: Operation of Indian Programs—Indian Housing.

Amount Recommended: $30,000,000.

Jobs Created: 1,200.

Description: There are an estimated 92,000 Indian families in need of housing assistance. In many instances, the other federal housing programs are unable to meet the needs of isolated reservation locations which require a relatively small number of units. These additional funds will provide for 1,600 repairs and the construction of 300 new units.

Program: Low Income Weatherization Program.

Amount Recommended: $150,000,000.

Jobs Created: 4,000.

Description: The recommended appropriation will permit weatherization of approximately 150,000 homes. This will not only create jobs but will yield energy savings for financially stressed low income households.

Program: Dislocated Workers.

Amount Recommended: $125,000,000.

Jobs Created: 25,000.

Description: Provides retraining and related employment services to individuals with limited opportunities for reemployment in the occupations in which they previously worked, such as unemployed auto and steel workers. Activities include: job search assistance, job development, training for jobs skills for which demand exceeds supply; prelayoff assistance and relocation assistance.

Start-up costs of $25,000,000 were appropriated in the fiscal 1983 Continuing Resolution.

Program: Job Corps.

Amount Recommended: $32,400,000.

Jobs Created: 2,500.

Description: Provides both basic education and job training services to disadvantaged youth, aged 16–21, leading to placement in private sector employment. Average enrollment is currently about 40,000 individuals, 90 percent of whom are successfully placed.

Current funding is $585,600,000; a supplemental of $32,400,000 would reach the authorization ceiling of $618,000,000.

Program: Job Search Assistance.

Amount Recommended: ($50,000,000) Trust fund authorization.

Jobs Created: 3,000.

Description: Provides an array of job counseling, testing, and placement services for unemployed individuals, financed primarily from unemployment trust fund resources. Currently, 24,800 Employment Service staff find jobs for an estimated 2,800,000 individuals through a network of more than 2,000 local Job Service offices. Total resources are currently $825,600,000 of which $22,200,000 are Federal funds.

Program: Summer Youth Employment and Training Program.

Amount Recommended: $100,000,000.

Jobs Created: 100,000.

Description: This program provides youth with summer jobs and employment training during the summer. The amount recommended will increase the current level for this activity by nearly 15 percent.

Program: Social Services Block Grant.

Amount Recommended: $500,000,000.

Jobs Created: 50,000.

Description: Provides a broad array of social services, as determined by the States, such as counseling, education, training, employment, adoption services, day care services, nutrition for the elderly, homemaker services, assistance for the blind, and family planning. While there is no data collected on the actual number of jobs created, these services are labor-intensive and require relatively low-skill employment. Current funding is $2,450,000,000. Since the fiscal 1981 appropriation was $2,991,100,000, it is apparent additional funding could be readily utilized.

Program: Community Services Block Grant.

Amount Recommended: $41,375,000.

Jobs Created: 4,100.

Description: Provides a variety of anti-poverty services, with 90 percent of the funding channeled through the States to a network of approximately 900 local Community Action agencies. Services include: employment and training, counseling, child care, emergency food and shelter, and community economic development. Impoverished individuals are often hired to provide many of the services to the low-income clientele. Current funding is $348,000,000; and additional $41,375,000 could be readily absorbed. In fiscal year 1981, the comparable funding level was $524,585,000.

Program: Community Service Employment of Older Americans.

Amount Recommended: $14,550,000.

Jobs Created: 2,800.

Description: Provides part-time jobs for unemployed low-income persons aged 55 and over in schools, libraries, hospitals, senior citizens centers and a variety of other community service work. Currently, $281,950,000 supports about 55,200 jobs. Twenty-two percent of the funds are distributed to the States, while seventy-eight percent is earmarked for national contractors such as the National Retired Teachers Association and the Farmers Union. Funding is for the program year July 1, 1983 through June 30, 1984.

Program: College Work Study.

Amount Recommended: $110,000,000.

Jobs Created: 150,000.

Description: This program is administered by the postsecondary institutions. It provides eligible students in need of financial assistance with part-time jobs at their schools, with federal, state or local agencies or non-profit organizations. Federal funds may be used to pay up to eighty percent of the student's wages. It is both an employment program and a means for increasing student financial assistance to those in need. It furthermore has the dual benefit of allowing students to continue pursuing an education which will prepare them for better employment opportunities, and also keep them from being forced immediately into an already saturated job market.

Program: Impact Aid Construction.

Amount Recommended: $60,000,000.

Jobs Created: 1,500.

Description: Public Law 81–815, as amended, authorizes direct grants for the construction and repair of urgently needed school facilities. Assistance is authorized for local educational agencies in federally affected areas which have had substantial increases in school membership as a result of new or increased federal activities. Funds can also go to local educational agencies which are financially distressed, having substantial federal lands and substantial numbers of "unhoused" pupils, including, but not limited to, military installations, low-income housing areas or Indian lands. There is a mounting backlog of eligible applications for Impact Aid construction assistance, exceeding $500 million at the end of fiscal year 1982. Many of these facilities are in such serious need of repair that they present health or fire hazards.

As the Impact Aid program is "current funded", the regulations are in place, and the Department's priority list is already well-established and updated constantly, the ability to move funds quickly to the most needy areas could be accomplished in a very short period of time.

Program: Grants for the Removal of Architectural Barriers in the Schools.

Amount Recommended: $40,000,000.

Jobs Created: 1,000.

Description: Section 607 of Part A of P.L. 94–142, the Education of All Handicapped Children Act, authorizes "such sums as may be necessary" for the removal of architectural barriers in the schools. Grants would be awarded by the Secretary of Education to pay all or part of the cost of altering existing buildings and equipment relating to architectural barriers.

This is a new program in the sense that it has never been funded before. However, there is increasing pressure on the schools to comply with Section 504 of the Rehabilitation Act (P.L. 93–112) which requires that schools and other public buildings be made accessible to the physically handicapped.

Program: Library Construction.

Amount Recommended: $50,000,000.

Jobs Created: 1,500.

Description: Program description: Title II of the Library Services and Construction Act authorizes state grants for public library construction including conversions of existing buildings, expansions, renovations and remodeling for handicapped access, energy improvements and new construction.

States and communities must match the federal contribution on a per capita income ratio basis. The required share ranges between 33 percent and 66 percent. It is expected that $50 million in federal appropriations will generate approximately $123 million in nonfederal sources, for a total of $173 million and 4,325 jobs.

The Library Services and Construction Act planning process requires that state library agencies develop state plans and programs for extending library service, including construction. Thus, states are continuously aware of construction needs and projects developed.

States recently reported that 2,800 public library construction projects are needed betweeen 1981 and 1985 with a total cost of $2.3 billion. Over $400 million is estimated to be needed in fiscal year 1983.

The regulations are on the books, and it is expected that construction could begin within 90 days of receipt of the funds.

Program: Centers for Disease Control—construction.

Amount Recommended: $15,560,000.

Jobs Created: 400.

Description: The recommendation includes $15,560,000 for the construction of a 21,000 square ft. laboratory adjacent to other CDC facilities in Atlanta. This will accelerate the availability of these funds since the President's fiscal year 1984 budget contains this amount. Funds for the design of the project were provided in fiscal year 1981.

This facility would be a highly specialized, multi-story laboratory and will serve as the only diagnostic laboratory for highly hazardous diseases in the nation. The existing "high containment" labs are located in temporary facilities. The new facility would provide much greater space under the highest containment conditions. Current capacity enables that investigation of 2 "Class IV" (highest risk) viruses. The new building will increase that capacity to 7.

In addition to space needs, the new lab will provide: decontamination of all waste; maximum employee protection; physical security.

Program: Military family housing improvements and maintenance (DOD).

Amount Recommended: $250,000,000.

Jobs Created: 9,000.

Description: The program provides for maintenance of military family housing in the United States. This maintenance ranges from new roofs to new kitchen sinks to exterior painting. All of the work is part of the growing backlog of repair which has been postponed over the years due to budget constraints.

It will provide our military members and their families with improved quarters which are vital to their quality of life. All of this plays an important role in the retention of qualified military personnel.

Following is a breakdown of $250 million by account and shows comparison with fiscal year 1982, 1983, and 1984. Note, however, that the $250 million is only for projects within the United States while other numbers reflect worldwide programs:

[In dollars]

	Enacted fiscal year 1982	Enacted fiscal year 1983	Proposed "jobs"	Requested fiscal year 1984
Army maintenance	315,281,000	342,639,000	125,000,000	495,365,000
Navy[1] improvements	24,070,000	29,121,000	16,053,000	13,240,000
Navy[1] maintenance	240,531,000	314,579,000	8,947,000	288,652,000
AF maintenance	299,099,000	352,507,000	100,000,000	335,738,000

[1] Includes Marine Corps.

Program: Interstate Transfer Grants (DOT).

Amount Recommended: $100,000,000 (highways) $25,000,000 (transit).

Jobs Created: 3,500.

Description: This increased funding of $125,000,000 is required to make a meaningful reduction in the large balance of unfunded authority for substituted highway and transit projects under State entitlements. As of September 30, 1982, the balance for substitute highway and transit projects was approximately $4.5 billion.

Information provided by the Federal Highway Administration indicates that an additional $4.5 billion (State plus Federal) in Interstate System withdrawals is anticipated before the September 30, 1983, deadline. Interstate transfer project requirements substantially exceed available funding for this program. The Federal Government has a "good faith" commitment to fund substitute Interstate projects within a reasonable timeframe and is recommending additional funds in an attempt to fulfill that commitment.

These funds will have to be provided the States at some point. Accelerating the availability of these funds will reduce out-year costs as well as provide improvements and jobs when they are most needed.

Program: Northeast Corridor Overhead Highway Bridges.

Amount Recommended: $40,000,000.

Jobs Created: 1,500.

Description: The responsibility for the repair of highway bridges over Amtrak railroad tracks in the Northeast corridor has been in longstanding dispute between the railroad and the states. These funds will allow for immediate rehabilitation of the 200 such structures and thereby remove this serious safety hazard to motor vehicle and rail traffic.

Program: AMTRAK Maintenance of track and track facilities.

Amount Recommended: $90,000,000.

Jobs Created: 2,000.

Description: This appropriation will address a growing backlog in needed maintenance work. The additional $90,000,000 will allow for 40 separate projects to maintain and rehabilitate Amtrak tracks and track-related facilities in the Northeast Corridor between Boston and Washington.

Program: METRO construction.

Amount Recommended: $10,000,000.

Jobs Created: 250.

Description: Washington Metropolitan Area Transit Authority subway construction has been slowed in past years to accommodate Federal budget reductions and, as a result, the construction is several years behind schedule and the cost of the project substantially increased. Funding of the system during times of lower construction costs will help recover the escalated cost of the subway due to delays caused by reduced Federal spending, while providing substantial employment benefits in the Washington metropolitan area.

Program: GSA Federal Buildings Fund repair and alteration.

Amount Recommended: $125,000,000.

Jobs Created: 5,000.

Description: Repair and alteration work, funded out of the Federal Buildings Fund in GSA, covers basic repairs on Federally-owned and leased facilities under the control of GSA. It includes the following major work areas: (1) basic work to correct deterioration, malfunction, and obsolescence; (2) improvement to space to promote utilization and operating efficiency; (3) special fire prevention, lifesafety and property protection; (4) special aids for the handicapped; (5) special environmental protection measures; and (6) special energy conservation measures.

Program: GSA Motor Vehicle Purchases.

Amount Recommended: $50,000,000.

Jobs Created: 500.

Description: Funds are provided to the GSA to purchase approximately 7,500 motor vehicles to update and replace older and fuel-inefficient vehicles in the federal fleet. Purchase of these vehicles would stimulate jobs in the ailing automotive and related industries. The appropriation is limited to the purchase of domestically produced vehicles.●

TURNING TIME IN KANSAS

● Mr. ARMSTRONG. Mr. President, it is often said that there is a bright side to everything, and the same is true even of the appalling erosion of our topsoil throughout the arid West. Although a good case can be made that our most precious natural resource, the one that puts food on the table, is being squandered by reckless policies. I would also like to point out that some fine literary work is underway as a result. I have previously mentioned some of the notable books on the subject, such as Neil Sampson's "Farmland or Wasteland," but I want to call the attention of my colleagues to an excellent poem that captures the essence of the plowing problem in one page as well as I have done in 10-page speeches in the past.

The poem was written by a friend of mine at the University of Colorado, Nancy Hill, a published and well-respected poet. In "Turning Time in Kansas," Nancy Hill hits the nail on the head about how shortsighted policies which encourage the plowing of fragile grasslands are, and I commend this short poem to the attention of all Senators.

The poem follows:

TURNING TIME IN KANSAS

More than tumbleweeds are turning in Kansas.
Up off the eye-widening fields
Lift the red dust clouds obscuring the sun,
Wheeling with westerlies to Missouri
While the corpse-grey remnant wanly waits
To give the winter wheat what bed it can.

The sower of the wind rides secure
In single majesty above the churning soil,
His tractor cab immune as city penthouse
To the wind's will as he works his way
Patterning the prairie in regulated rows—
An inverse Zeus stirring up clouds from below.

Save for the machine the farmer's shadow
Sends a familiar figure eons long
To our collective past and generates
Across what limited time our eyes can see
An image filled with continuity.
This peaceful planter of the fruitful grain
That spreads in sowed abandon o'er the plain
Is the essential base which can sustain
A nation in pursuit of greatness—and long fame.

Red International rules midwest,
Garnering the grain to feed a world,
Widening its compass every round
To pull more profit from the bleaching ground.

(The farmer speaks)

"The markets beckon from across the sea:
Selling to Russia means prosperity.
So down with wind-breaks, up with spaces free:
Let's plow every inch that the eye can see.
"We'll build up a surplus and bring them to their knees,
Say 'starve if you wish, or do what we please.'
Let food be a weapon to join in the fight
Between forces of darkness and the force of what's right.
"We're in this for keeps now the battle is joined
And we'll use every means that we've got:
Not just armies and airplanes, not just dollar and coin,
But the land that is ours, every plot.
"Let the wind blow for freedom! To that we will toil
Even if in the process we lose our topsoil.
We'd sacrifice plenty to save our great nation
Even—if need be—the next generation.
"There's always a substitute, something new that they'll learn,
So with trust in the future, let the plow turn."

—*Nancy L. Hill.*●

NOMINEES TO CORPORATION FOR PUBLIC BROADCASTING BOARD OF DIRECTORS

● Mr. PRESSLER. Mr. President, the Senate Commerce, Science, and Transportation Committee has approved three nominees for the Corporation for Public Broadcasting Board of Directors: Mrs. Sharon Percy Rockefeller, Mr. Karl Eller, and Mr. Richard Brookhiser. It is my hope that the Senate will move expeditiously on these nominations.

These particular nominees have a serious responsibility to maintain the integrity and quality of our Nation's public broadcasting system. The American public radio and television audience has grown dramatically in the last decade. Yet, in the past several years, public broadcasting has had to struggle with serious funding problems. These three nominees face difficult choices in the coming months. While there is strong congressional support for the goals of public broadcasting, CPB's Board of Directors must take the lead in insuring a continuation of the fine programing now available on public radio and TV networks. I am sure that these three nominees will fulfill their responsibilities conscientiously and diligently and I want to commend their willingness to give of their time and talents to this worthy endeavor.●

PATRICIA WALKER SHAW PROMOTED TO PRESIDENT OF UNIVERSAL LIFE IN MEMPHIS

● Mr. SASSER. Mr. President, it gives me much pleasure and a great deal of

pride to announce formally that Patricia Walker Shaw has been installed as president of Universal Life Insurance Co. of Memphis, Tenn.

Mrs. Shaw is an able, talented executive who has climaxed a brilliant career in business, public service, and community affairs with her selection as president of Universal Life.

Excellence has been the hallmark of her career and the foundation of her advancement. She is an outstanding person in her field and is certainly deserving of this high honor and ultimate responsibility.

Patricia Walker Shaw has come a long way since her birth in Little Rock, Ark. She attended Fisk University, Tennessee State University, the University of Chicago, and the University of Tennessee, providing a strong academic background.

She began her career at Universal Life in 1961 as a clerk and stairstepped to the top through promotions up through the ranks. Her success is a symbol of the American dream—she made it come true.

She currently holds a number of important positions on boards and associations in Memphis, nationally and statewide.

I am pleased to advise the U.S. Senate of this remarkable woman's career achievements.●

SOUTH PACIFIC ISLANDS

● Mr. EAST. Mr. President, four treaties involving islands in the South Pacific are pending before the Committee on Foreign Relations. I plan to testify before the committee on March 8 to present my views on the passage of the treaties in their present form.

Articles highlighting some of the problems that should be considered have appeared in Human Events and the Washington Times. I urge my colleagues to read these articles and evaluate the consequences regarding ratification of the treaties.

I ask that these articles be printed in the RECORD.

The articles follow:

[From Human Events, Jan. 22, 1983]

ANOTHER STATE DEPARTMENT GIVEAWAY—OUR SOUTH PACIFIC 'PANAMA CANAL'

(By M. Stanton Evans)

They may be slouches otherwise, but when it comes to giving away American property, the boys at the State Department are hard to beat.

Fresh from handing over the Panama Canal to the late Omar Torrijos a few years back, our diplomatists went to work on yet another giveaway. This one has received much less attention than the Panama dispute, but could have equally serious implications. And, if anything, it rests on even shakier legal grounds.

At issue are 25 small islands in the South Pacific, presently claimed by the United States but eagerly sought by other nations in the region. The islands are part of the system that became famous during World War II, extending from French Polynesia in the southeast to the Gilberts and Marshalls in the north and west. Of the disputed islands, Christmas Atoll is the largest and best known.

Newly arisen republics in the area would like to add the islands to their territory. To this the spirited response of the U.S. State Department is—let them. Our policymakers have devised a set of treaties relinquishing U.S. claims to sovereignty over the islands and parceling them out to the nations of Kiribati, Tuvalu, and the Cook Islands, plus a few thrown in for New Zealand, also.

A typical fighting statement by our officials is the testimony of former Deputy Secretary of State Warren Christopher, concerning the territory claimed by the Cook Islands: "The U.S. claim has virtually no legal merit and is not supported by any other nation. . . . These islands and these people have historically been part of the Cook Islands. Continued assertion of these claims is inconsistent with the U.S. interest of maintaining friendly relations with the people of the South Pacific."

Equally inspiring was the stand of former Secretary of State Alexander Haig concerning the islands to be remanded to New Zealand: ". . . the United States claim to these islands has no substantive basis under applicable principles of international law. Our claim is not supported by any other nation, including our closest allies. Continued assertion of these claims is inconsistent with the United States interest of maintaining relations with the people of the South Pacific."

(By way of brief digression, such verbiage is doubly interesting: First, because it shows the mind-set of capitulation that governs so much of our diplomacy; our State Department is arguing their position. Second, because the phrases used by Democrat Christopher and Republican Haig are so nearly identical. Obviously, the people who ran this show under Jimmy Carter are running it still.)

Our official spokesmen further contend that these islands are of no strategic value to use, and/or that whatever strategic interests we have are best protected through good relations with the receiving governments. The people of the area, say our officials, are friendly to the West and will not allow the Soviets in. Our interests are best served by packing up and clearing out.

This argument is full of holes—as pointed out in congressional testimony by Mark Seidenberg of the Society for the Protection of American Sovereignty. Seidenberg has done an impressive job of research on the history of these islands, and cites numerous facts that show American claims extending back to the early part of the 19th Century. The State Department, for instance, says our claim to the group of islands to be given to Kiribati dates only to 1939. Seidenberg shows U.S. claims to Canton and Christmas islands, both part of this group, going back to the 1820s.

As for strategic implications, it should be noted that 11 of these islands had military bases on them from the 1940s through the 1970s; that they are important as naval ports and waystations; and that the territorial waters are rich in manganese—which we now import heavily—and quite possibly oil. They are also of key importance to our tuna fishing industry.

Should the islands be relinquished, it will not take the Soviets long to move in. They have ships prowling the area now, and would almost certainly fill the vacuum caused by our departure. The State Department's assurance that the governments to whom we would give the islands is called into question by the political history of some of the leaders there. The head of Kiribati, for example, has said: "If the Russians come we will talk to them and not send them away."

As Adm. Thomas Moorer puts it: "These treaties are a surrender of the rights and capabilities of the United States to this island group. They would leave the door open to the Soviets to come in, as well as impacting on the U.S. fishing industry. This is another surrender like the Panama Canal treaties, which will weaken our global posture and harm our ability to conduct our responsibilities."

Despite all this, the treaties have inched forward in the Senate, with scarcely a word of debate or media attention. Unless some notice is given them soon, they will very probably slip through to ratification—another monument to our weak-kneed diplomacy.

[From the Washington Times, Feb. 7, 1983]

THE ISLAND GIVEAWAY

The U.S. State Department is still going on the theory that you can buy friends, and the Reagan administration, for reasons unclear, is buying the line. State's latest bid for popularity involves a string of some 25 strategically important islands in the South Pacific.

The Senate expects to hold hearings soon on four treaties that would relinquish control of these islands, dividing them up among New Zealand, Tuvalu, Kiribati, and the Cook Islands. New Zealand gets the smallest grant, Tokelau and one other small island, in return for recognizing complete U.S. sovereignty over Fwains, over which there is little dispute anyway.

The rest is straight decolonization. Kiribati receives 11 islands, two of which—Canton and Christmas Atoll—sustained valuable U.S. bases until 1979, when the Carter administration closed them down and began negotiating the pacts. Tuvalu picks up Funafut, site of America's main military hospital west of Hawaii, and Kukufurteau. The Cook Islands get several, including Tenrhyrn, long coveted by the Soviet Union because it bounds one of the two lagoons in the South Pacific large enough to hold the Soviet fishing fleet.

Along with the real estate, the U.S. would relinquish thousands of square miles of strategic air and sea space as well as substantial deposits of manganese and oil. In return, the U.S. gets "friendly relations with the people of the South Pacific," as former Deputy Secretary of State Warren Christopher put it. In fact, even though 11 of the islands were the sites of U.S. military bases, the countries will be free to use that infrastructure for any use they see fit. The Cook Islands won't even agree, as Kiribati and Tuvalu did, to at least "consult" with the U.S. before turning its former bases over to, say, the Soviet Union.

If New Zealand, an established Western ally with solid democratic traditions, were the sole object of the State Department's largess, there might be a case for the Reagan administration to go along. The other recipients, however, are shaky newcomers to self-government and the modern world, prey to the passions and influences that makes the rest of the Third World what it is.

A simple memo from Ronald Reagan to the Senate will see to it that those U.S. islands remain U.S. islands, at least for the

time being. And it's a safe bet we won't have any fewer friends than we have now.●

THE ECONOMICS OF EROSION

● Mr. ARMSTRONG. Mr. President, during the 97th Congress, the Agriculture Committee took a very close look at the serious soil erosion problem confronting our arid Western States. The Senate was persuaded that the problem needed to be dealt with before it was too late, and my "sodbuster" amendment was added to the Agriculture Appropriations bill for 1983. This amendment would have stopped the Government from encouraging the plowing of fragile grasslands that are not suited to sustained cultivation. But the House deleted this important language from the bill in conference.

The problem has not gone away and will not go away until Congress addresses the matter, and the longer we wait, the worse the erosion gets. The Record Stockman of Colorado recently reported, in an excellent piece by Mr. T. J. Gillis, that Government programs are having a more dramatic causal effect on this erosion than many in Congress suspected. Since I will be reintroducing the measure in the next few weeks, and since it is vital that Congress pass this bill before an entire new year of plowing occurs, I believe all my colleagues in the Senate should read Mr. Gillis' article. I ask that the article be printed in the RECORD.

The article follows:

THE ECONOMICS OF EROSION: HOW FARM POLICY DESTROYS THE RANGE

(By T. J. Gilles)

("It's all grass-side down now. The boosters say it's a better place, but it looks like hell to me."—Charles M. Russell, 1916)

NOTE.—Russell, the legendary cowboy artist who appreciated the aesthetics of Great Plains rangeland, proved to be prophetic as well as opinionated. A few years later, it looked a lot more hellish than Russell had seen it while the trails had been freshly plowed under.

Homesteader Philip Long described the scene in Russell's country during the 1920s and 30s:

"The prairie became a dust bowl as the dirt from the plowed fields drifted away in the hot winds. Many days those farmers would have to light lamps in the middle of the day in their houses as the heavy dust obscured the sun. Fences were drifted over, becoming only ridges stretching miles through that parched and drifting land of hell."

The dust clouds are gathering again. Last spring even suburban Denver shopping centers and motels had topsoil drifts piling against their doors.

Erosion is now robbing the United States of 5 billion tons of topsoil each year, according to Greg Walcher, legislative assistant to Sen. Bill Armstrong (R.-Colo). "It was 2 billion tons in 1934—the worst year of the Dust Bowl of the Dirty Thirties."

Armstrong and his staff have reason for concern. Colorado has five million acres of fragile grasslands now under the plow, leading second-place Nebraska by a million acres.

"Last year, 500,000 acres of grasslands in eastern Colorado were plowed up," according to Leon Silkman, president of the Colorado Association of Conservation Districts. "The plowout got pretty wild last year."

It should be apparent that most of this Colorado land is extremely susceptible to erosion. After all, Soil Conservation Service figures list Colorado as the number one state for erosion on range, pasture and forest land, losing an average of 5.81 tons of topsoil per acre. The national average for cropland is less than this, a severe 5 tons per acre, and cropland (being more exposed to the elements) is supposed to be more erodable. So when this highly erodable range has its grass cover removed, one can expect the worst.

(The rate of erosion is more than double what it was in 1934—the worst year of the Dust Bowl.)

So why does it continue? Not only in Colorado but in Nebraska, Montana, Texas and other Great Plains states? Why does the grass—much of it re-established in rehabilitation programs that over the decades erased the plow-scars of the homesteader era—continue to be turned under? With the high costs of fuel, machinery and land, what are the incentives?

"It's become pretty common in Colorado," Walcher told the Record Stockman. "It starts when a rancher retires or is forced to sell (because of economic conditions). The land is bought by a land speculator, a realtor or someone else and they hire someone to custom-farm it. They buy it, plow it, plant wheat and sell it to a land investor. They say it's worth a lot of money."

In the arid West, cropland is priced at more than twice what the same land would bring as rangeland. "There's economic pressure in agriculture to increase the rangeland's value by converting it to cropland, even though in many cases it may not support a crop year after year," says Silkman. Net farm income is the lowest since the first quarter of 1932 and the rate of farm failures and bankruptcies are the highest since the Depression.

The person or corporation buying, plowing and re-selling the land also cultivates our tax laws: The cost of breaking up and seeding the land is tax-deductible as business expense. The spread between the old land price and the new is "capital gains"—only half the profit is taxable.

In some cases, ranchers facing foreclosure have held on to the ranch by plowing it. Land values have been declining for more than a year, and often the inflation of land values has been the collateral for financing an operation. Ranchers could double their collateral and avoid getting turned down by the bank if they converted their grass to wheat, thus doubling their equity.

"We've had several cases where ranchers have called us and said their bankers have 'encouraged' them to plow it (the range) to avoid foreclosure," Walcher said.

To paraphrase a Vietnam-era contradiction in terms: It became necessary to destroy the ranch in order to save it.

Once a farm has yielded two grain crops, the farmer may enroll it in government programs. The basis of the government policy is that, if farmers agree to take a specified percentage of their grainland out of production, they qualify for "deficiency payments" on each bushel of wheat they grow. That's base on a "target price" for wheat of $4.05 per bushel ($4.30 for 1983). The government pays the difference between the market price and the target price, around 50 cents per bushel this year.

In return, the farmer agrees to reduce his wheat acreage by 15 percent and the government will pay $1.35 per "lost" bushel on another 5 percent of "wheat base" the farmer has established with his plow-down.

This "paid diversion" is based on an operation's average yields (if established) or a county-wide average. It can work both ways, says Yuma, Colo., rancher Bud Mekelburg, president of the National Association of Conservation Districts. If the new land is broken up during a dry cycle and the crops are near-failures, all the owner has to do is run the combine over it two years and the kernels retrieved constitute two crops. The amount of "lost" wheat which set the standard for crop insurance and "disaster payments" ($100,000 per customer limit) can be based on the county-wide average yields for that class of land.

However, Mekelburg says, if there's adequate rainfall those first few years, the new wheatland is likely to outyield the neighbors' soil.

When sod is first turned over, the earth is rich: "The humus, the organic matter, is high," he says. "The yields can be substantial for the first two or three years."

The bounty can decline quickly after several crops. "Often, the intake rate of the soil is low and when it rains, it just washes off," Mekelburg says. "Or it has a high pH (alkalinity) and in a few years it can't raise any kind of crop." The grass cover gone, the soil is more exposed to the wind, and the prairies—from Great Bend, Kans., to Browning, Mont.—are notorious for their violent, pervasive winds.

Those first few years often are the most opportune in which to sell the newly created grain farm. As the fertility reserves built up over the eons are expended quickly, no fertilizer need be applied early on although the new fields may be yielding better and are much more pleasing to the eye of the beholding buyer.

The benefits of joining the farm program are many. Walcher ran off a list of a few, in addition to the aforementioned deficiency payments, crop insurance and paid diversion.

This year, as a special enlistment incentive, farmers could get one-third of their estimated deficiency payments in advance right after sign-up.

The unsold grain can be put into the "farmer-held reserve" for three years, with the government paying 26½ cents per bushel per year for the storage. If the farmer doesn't have enough bins, the government will (at lower-than-market interest) loan him the money to build the bins to collect the storage payments while adding to the assets and the value of the farm.

All the wheat he doesn't sell, the farmer can mortgage at an above-market value of $3.55 per bushel (a dime higher next year) or $3.92 per bushel of the wheat's tied up for three years in the farmer-owned reserve. The interest rate is 12 percent.

The loan money can be used for anything: Farming expenses, paying off debts—or buying more rangeland to plow up and start all over again.

"They're farming the government programs, that's exactly what they're doing," says Mekelburg. "That kind of philosophy has really creept into the social fabric of the people over the past year."

Montana Agriculture Commissioner Gordon McComber contends: "If they're

breaking up (range) ground, they shouldn't be entitled to any federal benefits. When I drive down the road, I see a lot of sod being broken up. I'm going to keep seeing it if the feds don't stop subsidizing it."

Ending the incentives for plowing range was the goal of Sen. Armstrong's "Sod-Buster Amendment," which would have forbidden payment of government price supports (deficiency payments) and other benefits for land brought into production once the new law took effect.

It hasn't passed yet, deleted in the 11th hour be a conference committee working out the Ag Appropriations bill last week. So it appears that at least another crop year will blow with plowdown encouraged by what Leon Silkman calls "the incentives to destroy conservation."

"On the one hand we're paying to promote conservation," he complains. "But we almost mandate that the farmer be participating totally in this exploitation" of the soil and the U.S. Treasury.

Farm subsidies cost the government $12 billion in 1982, three times the original estimated pricetag.

"Anyone in the world can find a way to get around any law that's been passed," says Walcher. Foreign ownership can be disguised through complicated corporate organization of subsidiaries, or deficiency-payment limits and other restrictions can be circumvented by setting up a series of corporations—each receiving the legal limit.

It seems apparent that farm programs are not only not working but having effects opposite to their stated purpose. The farm policies in effect began being assembled in 1976.

The goals were to bolster prices by limiting wheat supplies through acreage cutbacks. The deficiency payments and other benefits were intended as incentives for those reducing their grain acreage.

Since then, the United States has amassed a record wheat surplus of 1½ billion bushels. In the country, wheat is selling for $3-$3.50 per bushel (depending on nearness to export facilities) this year, one-third less than its worth in 1976, according to lobbyist Margie Williams of the National Association of Wheat Growers, and "wheat acreage has increased 40 percent in the past five years."

WORST LAND IS DIVERTED

"Strip farming"—long, narrow fields planted at right angles to prevailing winds, alternating between crops and summer fallow—are a product of the 1930s.

It is the technological answer to the threats of dust blows and drought.

Cultivating the summer fallow will conserve 10-15 percent of the annual rainfall, enough to give the next crop a good start, and often the difference between a crop and a failure. While the fallow ground grows nothing and conserves moisture, the alternate strips of growing crop or stubble act as buffers, breaking the wind to curtail blowing of the fallow soil.

Since the farm program has incentives for taking some grainland out of production, one might think that in the case of newly broken range, an operator might use the farm program to subsidize his gradual conversion of the fields toward a normal 50-50 ratio of crops and fallow.

Not so, says Greg Walcher, staff assistant to Sen. Bill Armstrong (R-Colo). "What they'll do is take out the worst 15 percent (to comply with acreage reductions and qualify for incentives) and dump fertilizer on the rest of it to increase yields," Walcher told the Record Stockman.

Each bushel the farmer can get off his ever-reducing acreage can be sold at the market price or put into storage and mortgaged at low interest to the government. Also, each bushel nets the grower another 50 cents in deficiency payments.

If the average yield can be kept up, each acre put into the paid diversion program is worth that much more, since payments are based on the "lost" wheat those acres could produce.

Walcher said that when new land is brought into production, existing policy encourages the inclusion of some acreage that is wholly unsuited to crop growing. This will be the first to be removed from production once the operator enrolls in the farm program and starts reducing his grain acreage.●

MARTIN LUTHER KING, JR., HOLIDAY

● Mr. GLENN. Mr. President, I am pleased to cosponsor legislation to make the birthday of Dr. Martin Luther King, Jr., a national holiday. Although Dr. King died violently at the hands of an assassin, his courage, eloquence, and commitment to freedom and equality lives on as an inspiration to our peaceful pursuit of a more just society. Dr. King brought new life to the historic words that "all men are created equal," and by commemorating his birth we rededicate ourselves to that principle.

As a young man, Dr. King brought maturity to our Nation's development. he taught us that love can destroy hate and that peaceful means can resolve violent conflicts. He endured the temporary indignities of jail to advance his long-term goal of freedom for all. He organized a bus boycott to demonstrate the liberating effects of a simple act of integrity. As Dr. King proudly declared at the time:

We came to see that, in the long run, it is more honorable to walk in dignity than ride in humiliation. So in a quiet, dignified manner we decided to substitute tired feet for tired souls and walk the streets of Montgomery until the sagging walls of injustice had been crushed.

Some would tell us that racism and discrimination are ineradicable aspects of life in an imperfect world and that we should simply accept them. Dr. King's life taught us that the wellsprings of decency run deep in the American people and that we only weaken that sense of decency by refusing to act in the cause of liberty.

By celebrating Dr. King's birthday, we express our hopes for the future, not just our appreciation of the past. We signal our desire for an America in which every person realizes his or her full potential as a human being, an America in which race keeps no one from a job, an education, a home, or a meaningful role in our political process. This was Dr. King's dream, but much remains to be done.

We are not yet a world at peace as he dreamed we would be, and the mere passage of this legislation will not in itself right all the wrongs that still haunt our troubled world. But if he were here, Dr. King would counsel us not to despair. Even in the darkest times Dr. King projected an inner serenity and confidence that came from his unshakeable faith in himself, his fellow Americans, and his religion. No unfair laws can long survive that kind of combined moral power.

Mr. President, I sincerely hope that my colleagues will join with me to commemorate the birthday of this courageous American and man of peace. Because his life symbolized many of the ideals and principles fundamental to this Nation, let us resolve to make Dr. King's birthday a holiday. But even more, let us resolve to make an America full of freedom and equal opportunity.●

RULES OF PROCEDURE, COMMITTEE ON FINANCE

● Mr. DOLE. Mr. President, I request that the rules that have been adopted by the Committee on Finance be printed in full in the CONGRESSIONAL RECORD as required by Senate rule XXVI.

The rules of procedure of the Committee on Finance follow:

RULES OF PROCEDURE: COMMITTEE ON FINANCE, U.S. SENATE

(Adopted February 1, 1983)

COMMITTEE ON FINANCE

ROBERT J. DOLE, Kansas, Chairman.

Bob Packwood, Oregon; William V. Roth, Jr., Delaware; John C. Danforth, Missouri; John H. Chafee, Rhode Island; John Heinz, Pennsylvania; Malcolm Wallop, Wyoming; David Durenberger, Minnesota; William L. Armstrong, Colorado; Steven D. Symms, Idaho; Charles E. Grassley, Iowa; Russell B. Long, Louisiana; Lloyd Bentsen, Texas; Spark M. Matsunaga, Hawaii; Daniel Patrick Moynihan, New York; Max Baucus, Montana; David L. Boren, Oklahoma; Bill Bradley, New Jersey; George J. Mitchell, Maine; David Pryor, Arkansas.

Robert E. Lighthizer, Chief Counsel; Michael Stern, Minority Staff Director.

COMMITTEE ON FINANCE

I. Rules of procedure

Rule 1. *Regular Meeting Days.*—The regular meeting day of the committee shall be the second and fourth Tuesday of each month, except that if there be no business before the committee the regular meeting shall be omitted.

Rule 2. *Committee Meetings.*—(a) Except as provided by paragraph 3 of Rule XXVI of the Standing Rules of the Senate (relating to special meetings called by a majority of the committee) and subsection (b) of this rule, committee meetings, for the conduct of business, for the purpose of holding hearings, or for any other purpose, shall be called by the chairman. Members will be notified of committee meetings at least 48 hours in advance, unless the chairman determines that an emergency situation requires a meeting on shorter notice. The notification will include a written agenda together with materials prepared by the staff relating to that agenda. After the agenda for a committee meeting is published and

distributed, no nongermane items may be brought up during that meeting unless at least two-thirds of the members present agree to consider those items.

(b) In the absence of the chairman, meetings of the committee may be called by the ranking majority member of the committee who is present, provided authority to call meetings has been delegated to such member by the chairman.

Rule 3. *Presiding Officer.*—(a) The chairman shall preside at all meetings and hearings of the committee except that in his absence the ranking majority member who is present at the meeting shall preside.

(b) Notwithstanding the rule prescribed by subsection (a) any member of the committee may preside over the conduct of a hearing.

Rule 4. *Quorums.*—(a) Except as provided in subsections (b) and (c) seven members, including not less than one member of the majority party and one member of the minority party, shall constitute a quorum for the conduct of business.

(b) Notwithstanding the rule prescribed by subsection (a), one member shall constitute a quorum for the purpose of conducting a hearing.

(c) Once a quorum as prescribed by subsection (a) has been established for the conduct of business in executive session, the committee may continue to conduct business so long as five or more members are present, including not less than one member of the majority party and one member of the minority party.

Rule 5. *Reporting of Measures or Recommendations.*—No measure or recommendation shall be reported from the committee unless a majority of the committee is actually present and a majority of those present concur.

Rule 6. *Proxy Voting; Polling.*—(a) Except as provided by paragraph 7(a)(3) of Rule XXVI of the Standing Rules of the Senate (relating to limitation on use of proxy voting to report a measure or matter), members who are unable to be present may have their vote recorded by proxy.

(b) At the discretion of the committee, members who are unable to be present and whose vote has not been cast by proxy may be polled for the purpose of recording their vote on any rollcall taken by the committee.

Rule 7. *Order of Motions.*—When several motions are before the committee dealing with related or overlapping matters, the chairman may specify the order in which the motions shall be voted upon.

Rule 8. *Bringing a Matter to a Vote.*—If the chairman determines that a motion or amendment has been adequately debated, he may call for a vote on such motion or amendment, and the vote shall then be taken, unless the committee votes to continue debate on such motion or amendment, as the case may be. The vote on a motion to continue debate on any motion or amendment shall be taken without debate.

Rule 9. *Public Announcement of Committee Votes.*—Pursuant to paragraph 7(b) of Rule XXVI of the Standing Rules of the Senate (relating to public announcement of votes), the results of rollcall votes taken by the committee on any measure (or amendment thereto) or matter shall be announced publicly not later than the day on which such measure or matter is ordered reported from the committee.

Rule 10. *Subpoenas.*—Subpoenas for attendance of witnesses and the production of memoranda, documents, and records shall be issued by the chairman, or by any other member of the committee designated by him.

Rule 11. *Open Committee Hearings.*—To the extent required by paragraph 5 of Rule XXVI of the Standing Rules of the Senate (relating to limitations on open hearings), each hearing conducted by the committee shall be open to the public.

Rule 12. *Announcement of Hearings.*—The committee shall undertake consistent with the provisions of paragraph 4(a) of Rule XXVI of the Standing Rules of the Senate (relating to public notice of committee hearings) to issue public announcements of hearings it intends to hold at least one week prior to the commencement of such hearings.

Rule 13. *Witnesses at Hearings.*—(a) Each witness who is scheduled to testify at any hearing must submit his written testimony to the staff director not later than noon of the last business day preceding the day on which he is scheduled to appear. Such written testimony shall be accompanied by a brief summary of the principal points covered in the written testimony. Having submitted his written testimony, the witness shall be allowed not more than ten minutes for oral presentation of his statement.

(b) Witnesses may not read their entire written testimony, but must confine their oral presentation to a summarization of their arguments.

(c) Witnesses shall observe proper standards of dignity, decorum and propriety while presenting their views to the committee. Any witness who violates this rule shall be dismissed, and his testimony (both oral and written) shall not appear in the record of the hearing.

(d) In scheduling witnesses for hearings, the staff shall attempt to schedule witnesses so as to attain a balance of views early in the hearings. Every member of the committee may designate witnesses who will appear before the committee to testify. To the extent that a witness designated by a member cannot be scheduled to testify during the time set aside for the hearing, a special time will be set aside for that witness to testify if the member designating that witness is available at that time to chair the hearing.

Rule 14. *Audiences.*—Persons admitted into the audience for open hearings of the committee shall conduct themselves with the dignity, decorum, courtesy and propriety traditionally observed by the Senate. Demonstrations of approval or disapproval of any statement or act by any member or witness are not allowed. Persons creating confusion or distractions or otherwise disrupting the orderly proceeding of the hearing shall be expelled from the hearing.

Rule 15. *Broadcasting of Hearings.*—(a) Broadcasting of open hearings by television or radio coverage shall be allowed upon approval by the chairman of a request filed with the staff director not later than noon of the day before the day on which such coverage is desired.

(b) If such approval is granted, broadcasting coverage of the hearing shall be conducted unobtrusively and in accordance with the standards of dignity, propriety, courtesy and decorum traditionally observed by the Senate.

(c) Equipment necessary for coverage by television and radio media shall not be installed in, or removed from, the hearing room while the committee is in session.

(d) Additional lighting may be installed in the hearing room by the media in order to raise the ambient lighting level to the lowest level necessary to provide adequate television coverage of the hearing at the then current state of the art of television coverage.

(e) The additional lighting authorized by subsection (d) of this rule shall not be directed into the eyes of any members of the committee or of any witness, and at the request of any such member or witness, offending lighting shall be extinguished.

(f) No witness shall be required to be photographed at any hearing or to give testimony while the broadcasting (or coverage) of that hearing is being conducted. At the request of any such witness who does not wish to be subjected to radio or television coverage, all equipment used for coverage shall be turned off.

Rule 16. *Subcommittees.*—(a) The chairman, subject to the approval of the committee, shall appoint legislative subcommittees. All legislation shall be kept on the full committee calendar unless a majority of the members present and voting agree to refer specific legislation to an appropriate subcommittee.

(b) The chairman may limit the period during which House-passed legislation referred to a subcommittee under paragraph (a) will remain in that subcommittee. At the end of that period, the legislation will be restored to the full committee calendar. The period referred to in the preceding sentences should be 6 weeks, but may be extended in the event that adjournment or a long recess is imminent.

(c) All decisions of the chairman are subject to approval or modification by a majority vote of the committee.

(d) The full committee may at any time by majority vote of those members present discharge a subcommittee from further consideration of a specific piece of legislation.

(e) Because the Senate is constitutionally prohibited from passing revenue legislation originating in the Senate, subcommittees may mark up legislation originating in the Senate and referred to them under Rule 16(a) to develop specific proposals for full committee consideration but may not report such legislation to the full committee. The preceding sentence does not apply to nonrevenue legislation originating in the Senate.

(f) The chairman and ranking minority members shall serve as nonvoting *ex officio* members of the subcommittees on which they do not serve as voting members.

(g) Any member of the committee may attend hearings held by any subcommittee and question witnesses testifying before that subcommittee.

(h) Subcommittee meeting times shall be coordinated by the staff director to insure that—

(1) no subcommittee meeting will be held when the committee is in executive session, except by unanimous consent;

(2) no more than one subcommittee will meet when the full committee is holding hearings; and

(3) not more than two subcommittees will meet at the same time.

Notwithstanding paragraphs (2) and (3), a subcommittee may meet when the full committee is holding hearings and two subcommittees may meet at the same time only upon the approval of the chairman and the ranking minority member of the committee and subcommittees involved.

(i) All nominations shall be considered by the full committee.

(j) The chairman will attempt to schedule reasonably frequent meetings of the full

committee to permit consideration of legislation reported favorably to the committee by the subcommittees.

Rule 17. *Transcripts of Committee Meetings.*—An accurate record shall be kept of all markups of the committee, whether they be open or closed to the public. This record, marked as "uncorrected," shall be available for inspection by Members of the Senate, or members of the committee together with their staffs, at any time. This record shall not be published or made public in any way except:

(a) By majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements made.

(b) Any member may release his own remarks made in any markup of the committee provided that every member or witness whose remarks are contained in the released portion is given a reasonable opportunity before release to correct their remarks.

Notwithstanding the above, in the case of the record of an executive session of the committee that is closed to the public pursuant to Rule XXVI of the Standing Rules of the Senate, the record shall not be published or made public in any way except by majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements made.

Rule 18. *Amendment of Rules.*—The foregoing rules may be added to, modified, amended or suspended at any time.

II. Excerpts from the standing rules of the Senate relating to standing committees.

Rule XXV

Standing committees

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

(i) Committee on Finance, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Bonded debt of the United States, except as provided in the Congressional Budget Act of 1974.
2. Customs, collection districts, and ports of entry and delivery.
3. Deposit of public moneys.
4. General revenue sharing.
5. Health programs under the Social Security Act and health programs financed by a specific tax or trust fund.
6. National social security.
7. Reciprocal trade agreements.
8. Revenue measures generally, except as provided in the Congressional Budget Act of 1974.
9. Revenue measures relating to the insular possessions.
10. Tariffs and import quotas, and matters related thereto.
11. Transportation of dutiable goods.

Rule XXVI

Committee procedure

2. Each committee shall adopt rules (not inconsistent with the Rules of the Senate) governing the procedure of such committee. The rules of each committee shall be published in the Congressional Record not later than March 1 of each year, except that if any such committee is established on or after February 1 of a year, the rules of that committee during the year of establishment shall be published in the Congressional Record not later than sixty days after such establishment. An amendment to the rules of any such committee shall be published in the Congressional Record not later than thirty days after the adoption of such amendment. If the Congressional Record is not published on the last day of any period referred to above, such period shall be extended until the first day thereafter on which it is published.

5. (a) Notwithstanding any other provision of the rules, when the Senate is in session, no committee of the Senate or any subcommittee thereof may meet, without special leave, after the conclusion of the first two hours after the meeting of the Senate commenced and in no case after two o'clock postmeridian unless consent therefor has been obtained from the majority leader and the minority leader (or in the event of the absence of either of such leaders, from his designee). The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget. The majority leader or his designee shall announce to the Senate whenever consent has been given under this subparagraph and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion.

(b) Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in paragraphs (1) through (6) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session of order.

(e) Each committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting or conference whether or not such meeting or any part thereof is closed under this paragraph, unless a majority of its members vote to forgo such a record.●

STRATEGIC TRADE

● Mr. ARMSTRONG. Mr. President, as we in the Congress agonize over ways to squeeze money from our defense budget during a time of rising world tension, it is good for us to remind ourselves that we would not need to spend nearly so much for defense were if not for our reckless trade policies with the Soviet Union and her satellites. Soviet military might has been built, in large part, by U.S. technology. Our sale—often on concessionary terms—of militarily useful technology to the Soviets not only is dangerous to our security—it is very wasteful economically, because in order to counter weapons the Soviets could not have built without our assistance, we must spend many times the profits a few firms made by selling the technology to the Soviets in the first place.

Juliana Geran Pilon, a policy analyst at the Heritage Foundation, has written an excellent article for Reason magazine about the dangers to our security and our economy of strategic trade with the Soviet Union. I wish to have that article, which is entitled "Double Dealing," printed at this point in the Record. I urge all of my colleagues to read it carefully.

The article follows:

[From the Reason magazine, February 1983]

DOUBLE DEALING

(By Juliana Geran Pilon)

Unsuspecting Americans may have thought they had tuned in to a new episode of Star Wars, made more horrifying for mass consumption, when they heard in 1980 that the Soviets were developing a fantastic brand of laser weapons called killer satellites. The arms race having thereby escalat-

ed into the higher reaches of the stratosphere, US taxpayers soon learned that they would now have to foot an even more extravagant defense bill, required to meet the new Soviet challenge.

How could it have happened? A planned economy that cannot even deliver bread to its people seems hardly capable of outdoing the free world in strategic warfare. A few years earlier, when government officials were warned by General George Keegan that the Soviets were on the threshold of developing weapons capable of obliterating incoming missiles by throwing giant lightning bolts at them, the idea seemed altogether too unlikely. Met with skepticism bordering on ridicule, General Keegan had little choice but to resign from his post as head of Air Force Intelligence. Yet in 1980 Aviation Week & Space Technology published the news of the Soviets' killer satellites, essentially vindicating General Keegan. A new era in defense technology had thus begun, the price of initial complacency higher than even a seasoned spectator of galactic stunts could have anticipated.

But even with its more than $100-billion investment lead during the '70s, the Soviet military could never have achieved such success without help from the United States. Both illegally and what is even more disturbing, legally—indeed, with government approval and aid—US companies have for years been supplying the Soviet war machine with sophisticated technology and equipment. Usually on credit—at times from the Export-Import Bank (Ex-Im Bank), the government agency originally set up specifically to help finance US trade with the USSR—the products of US research in high-technology areas have been flowing to the Communist bloc and helping to improve its strategic capability.

Since subsequently our taxpayers are asked to spend more to modernize the US defense system in response to the new Communist threat, a demand to end this vicious cycle is very much in order. After all, rather than continually raising the federal defense bill, it would seem much wiser to apply the proverbial ounce of prevention and simply monitor, intelligently and consistently, the sale of those items that demonstrably contribute to advancing the Soviet military. To cite William Simon's book A Time for Action, "We must stop building the Soviet war machine with critical infusions of our technology." As it is, we now find ourselves in "the lunatic posture of creating a balance of power against ourselves."

Whether to control strategic trade seems hardly worth debating when one considers the military significance of strategic items compared with their negligible impact on the US balance of trade: in 1979, for example, even before the Carter grain embargo in response to the Soviet invasion of Afghanistan, sales to the USSR by US firms amounted to no more than 2 percent of all US exports that year, and high-technology goods imported to the Soviet Union accounted for only 0.05 percent of all US exports. But figures aside, at bottom is a theoretical question that must be addressed: Does the government have a right to disrupt free trade?

A good many economists, even those who concede that the US defense budget might be lower if the Soviets were denied access to technology from the industrialized Western countries, are nevertheless opposed to any US embargoes. Free trade, they argue, is as a rule the most profitable policy. If we don't sell, our European competitors will, and we will lose a lucrative market. As we shall see, however, in many areas US firms do still have a monopoly.

The free-trade proponent, moreover, has to confront a few other facts. In the first place, many strategic goods are properly subject to government authority because they were developed with taxpayers' money. Another complicating factor involves the financing of sales to the Soviet Union and its satellites. Indeed, the question of skyrocketing Eastern bloc indebtedness—a large chunk to Western governments—is a matter of grave importance, with explosive implications for Western security.

Financial considerations aside, however, at bottom the crucial issue is national security. For, useful as economic calculations may be in this discussion, a more fundamental consideration is the government's quintessential duty to protect its citizens. Because of this duty, if the sale of high-technology goods poses a clear and present danger to its citizens, the government must see to it that such traffic is curtailed.

Is there really any point in discussing the financial advantages of helping our principal adversary destroy us? With characteristic directness, the father of the free market, Adam Smith, wrote in his Wealth of Nations in 1776: "Defense . . . is of much more importance than opulence." The statement appears to have impressed Smith as self-evident.

Smith understood well the economic implications of an embargo and was willing to admit that it could be, at least in the short run, unprofitable. He cited "the Navigation Laws" as an example of trade regulation that was deleterious to profit and efficiency. One effect of those laws, he told his countrymen, was that "[we] are thus likely not only to buy foreign goods dearer, but to sell our own cheaper, than if there was a more perfect freedom of trade." The reason he would nevertheless endorse such a policy: "As defense, however, is of much more importance than opulence, the Act of Navigation is, perhaps, the wisest of all the commercial regulations of England." No one can accuse Adam Smith of having advocated the pursuit of profit at any cost; on the contrary, that pursuit can only take place in an atmosphere free of threat, in a liberal society master of its own fate.

Today, that is what hangs in the balance. Vladimir Bukovsky said it brilliantly in his article "The Peace Movement and the Soviet Union," published in Commentary magazine in May 1982: "The issue now is not 'peace versus war,' but rather 'freedom versus slavery.' Peace and freedom appear to be inseparable, and the old formula 'Better red than dead' is simply fatuous. Those who live by it will be both red and dead." The solution to the Soviet threat is not to keep increasing our own defense spending, but rather, not to make it easier for the Soviet Union to increase and improve its arsenal.

Several news events in the past few years have focused the spotlight on U.S. firms or individuals conducting illegal trade with the Soviet Union. For example, according to a document obtained by the Los Angeles Times in early 1980, investigators for the Department of Commerce had discovered that several companies were illegally exporting to the U.S.S.R. equipment of use to the Soviet military. Spawr Optical Research, Inc., of Corona, California, was convicted on December 13, 1980, of using a West German intermediary to sell the Soviets laser mirrors despite warnings that such equipment would be used in killer satellites. Two northern California companies pleaded guilty to the charge that they shipped semiconductor equipment to dummy firms in Canada, then had it reexported to Switzerland for eventual receipt by Moscow. NBC television exposed the "California connection" in a fair, if brief, three-part series on East-West trade broadcast on the nightly news in December 1980.

What is most interesting about the NBC report, however, is that it also featured Lawrence J. Brady, a man who has pointed to the main offender in transfer of strategic technology to the Eastern bloc: our own U.S. government. Previous to the NBC report, Brady had not exactly captured the front-page headlines. 60 Minutes, for example had scheduled an interview with him to be aired on March 2, 1980, but it never materialized. Yet Brady, former deputy director of the Office of Export Administration before he was unceremoniously (and illegally) fired for blowing the whistle on his superiors, had quite a story to tell.

In testimony before the House Armed Services Committee in May 1979, Brady explicitly charged the Commerce Department with failing to adequately protect the national security interests of the United States by neglecting to conduct full investigations of persistent reports of Soviet diversion of our technology to military uses. These charges came shortly after the appearance of a report from the Defense Intelligence Agency citing massive transfer of U.S. and other Western technology to the Communists.

Brady's charges also corroborated testimony by a CIA official regarding the military use of the largest truck plant in the world, Kama River, built in the USSR largely by American companies (with the help, incidentally, of taxpayer-funded Exim Bank credits). Astonishingly calm, then-Commerce Secretary Juanita Kreps responded to these charges by disclaiming responsibility on the ground that "military use of that plant would not constitute a diversion or violation of the law because the licenses contained no restrictions to the use of those trucks or engines."

There was evidence, however, indicating that U.S. companies did specify in their contracts that the Kama plant would be used only for civilian purposes. When confronted with two such contracts, the Commerce Department then backed off a bit and countered that only 19 of the 150 licenses reviewed for the plant had "end-use" clauses. So it seems that the Nixon administration—which made the original decisions concerning the plant—had indeed contemplated the plant's military use but had decided to keep this quiet. The blame, evidently, went considerably beyond the Commerce Department.

But Brady wasn't through. He came up with another explosive item: an internal Carter administration memorandum dated February 3, 1977, involving a similar American-built Soviet truck plant, the Zil factory. The memo, concerning the approval of a $6.1-million computer to be used by the factory, reads as follows: "Problem is that a quarter of the 200,000 trucks [the plant] produces annually goes to the military, including 100 missile launchers. State and Commerce support approval, on grounds that U.S. government, aware of [its] military production, has licensed exports to it several times during the 1970's, that [the number of missile launchers] is small, and that the remaining trucks for the military

are basically no different from heavy duty civilian trucks."

The evidence is irrefutable: neither the Commerce nor the State department objected to the military use of the Zil factory. And their willing accomplice was none other than Jimmy Carter, his noisy anti-Soviet rhetoric notwithstanding. For a full story of executive culpability we would have to have access to mostly classified documents. But one thing is clear: the White House knew it was helping to strengthen the Soviet war machine.

Strategic trade with the Soviet bloc virtually mushroomed during the Nixon era and continued to proliferate no less promiscuously during the Carter years. Shortly after the Republican victory of 1968, Congress had liberalized the Export Control Act, thus making it much easier to trade with the Soviets. By the time of the Soviet invasion of Afghanistan in late 1979, the list of strategic items sold to the Russians by U.S. firms had become truly staggering. According to the testimony of Lawrence Brady, who had been working in the Commerce Department, the list includes "semi-conductors, array transform processors, computers, machine tools, chemical processes, and turnkey projects combining non-strategic and strategic technology."

But even among those who find the situation deplorable, many come back to the old lament that if U.S. companies don't sell someone else will and that embargoes are therefore useless. The flaws of that argument, however, especially when considered together with the reality of Communist countries' indebtedness, should give them pause.

In the first place, the data base for deciding foreign availability is, according to Lawrence Brady and other experts as well, often "weak to nonexistent." But it is certainly noteworthy that the US government rather than its Western allies has become the chief offender in seeking waivers of the CoCom (Coordinating Committee for Multilateral Export Controls) embargo against strategic traffic with Soviet bloc nations. In 1962, out of 124 requests for exceptions, the United States was responsible for only 1.6 percent; by 1978, that number had escalated to 62.5 percent of a total of 1,050. (A cutback since that time is a matter of too little too late.)

But these figures are merely indicative. And no system for determining foreign availability is currently available. A study by a private research group submitted to the Department of Commerce in 1980 concluded that "a system for making foreign availability assessments during the decade of the 1970's did not exist and such assessments were made on an ad-hoc basis." Moreover, the report said that interviews with government administrators and industry representatives indicated that determination of foreign availability was not a significant factor in reaching decisions on export licensing cases. As a matter of fact, US firms still have the competitive edge over other Western producers in several areas, such as computers, machine tools, radar components, jet engines, satellite reconnaissance systems, and myriad seismic tools used in oil exploration, of which underwater listening devices are the most sensitive.

Another interesting fact is that the Soviet government often prefers to do business with US giants like IBM and Control Data, sometimes even when a European competitor offers them a lower price. As Marshall Goldman pointed out in his 1975 study, Defense and Dollars: Doing Business with the Soviets, in such cases as the Kama River plant the Russians were set on having us help them build it. In Goldman's words, they "simply felt that American equipment and engineering were the best available and they wanted the best for their industry, regardless of the cost." Besides, "only the U.S. came close to matching the size of the Soviet market. Discussions with Soviet officials always leave one impressed with how preoccupied the Russians are with the importance of size."

The Foreign availability argument is at times so thin as to raise serious suspicions about its validity when applied in other, less easily verifiable, instances. President Carter used it, for example, in the summer of 1978 to justify his approval of a controversial sale by Dresser Industries of a $144-million plant for the manufacture of deep-well oil-drilling equipment, even though a Defense Science Board task force headed by Texas Instruments president J. Fred Bucy had declared categorically that the technologies involved were "solely concentrated in the United States." Sen. Henry Jackson (D-Wash.) charged that the president, in ignoring the opposition of a National Security Council (NSC) task force, had succumbed to pressure from both the Commerce Department and Dresser Industries. The NSC opposition, by the way, was due partly to the fact that the Dresser sale included the transfer of a computerized electronic beam-welding machine that can be used to manufacture jet aircraft—to say nothing of its nuclear and even laser applications.

A good many corporate leaders appear quite ready to concede the shakiness of the foreign availability argument in many cases—computers, for example—but claim nonetheless that we should sell the Russians such sophisticated items because it will be profitable in the long run. After all, the Soviets, so the thinking goes, will need to buy maintenance equipment from us, and we will have a corner on that market for years to come.

The evidence, however, seems to point to an altogether different scenario. According to an article in the February 1980 issue of High Technology, for example, the Soviets had so far bought from US firms over 50 different models of computers, but most of them included the technological know-how enabling the Soviets to build their own. The amount of Western spare parts bought for those computers has been outright negligible. The reason is simply that the Soviets are, in fact, copying our machines. When some up-to-date integrated circuits exhibited by the Soviet Ministry of Electronics were examined closely a few years ago, they proved to be virtual copies of those made by Mostek Corp., an American pioneer in the business.

Nor are these computers insignificant to the Soviet military. The Eastern bloc's air defense system is believed to be built around IBM 360 and 370 computers. With an air traffic control system based on Western-manufactured radar devices and computers, the Soviets have air-defense control capabilities made possible by Western technology. We nevertheless go on supplying the Communist bloc with computers. Control Data alone has sold $50 million worth and is continuing to push vigorously for increased East-West trade.

Let not the idea of trade, however, obscure the highly singular character of commercial relations with the so-called nonmarket countries, whose ability to pay for the goods they need is, to put it mildly, very much wanting. Much of Eastern trade with Western firms, in fact, is subsidized by the taxpayers—this despite the already alarming debt of the Soviet bloc. It was alarming as far back as 1977 when its indebtedness to Western sources was only $40-$45 billion, as opposed to almost $90 billion today. The Wall Street Journal reported in February 1977 that many observers were becoming concerned about the possibility of Soviet blackmail. Today, the debt issue is clearly explosive.

And the USSR knows exactly what it is doing. The Soviet news agency TASS, on February 2, 1982, suggested that the Soviet bloc and the USSR had both the United States and Western Europe over a barrel on the debt repayment issue. Wrote TASS, "It should be recalled that Western Europe's business circles have long been at the existing situation from a notably more realistic viewpoint than Washington was until recently. The Times of London called on December 17 for displaying realism dictated by the West's own interests, for banks were 'hostages' to their debtors."

These Western credits, of course, are not simply private. Even when they are not explicitly guaranteed by the government, when crisis threatens the government steps in with taxpayers' funds. In the wake of the US government's bailout of banks over the Polish debt crisis in January 1982, it would be worth considering American investment specialist Felix G. Rohatyn's suggestion: "We should put the economic burden of the satellite states squarely back on the Soviet Union and point up the bankruptcy of the Communist system by declaring bankrupt one of its units. When the economic burden grows sufficiently heavy, the Soviet Union may become more accommodating and, together with the United States, may find it in its self-interest to reduce drastically defense budgets neither can really afford."

For surely it is bizarre for us to help the USSR in its aggressive designs—with obvious implications for our own safety, let alone our freedom.

The Soviet government, of course, is acting in a manner altogether sensible. Who, after all, can blame them for preferring not to pay if they don't have to? Even less can we object to their accepting with alacrity our generously offered gifts. US firms, for example, have trained hundreds of Soviet technicians in the United States. Teams of Soviet specialists—ostensibly looking into possible purchases—have been allowed to tour defense-related US plants. A member of one such group, which closely inspected the Boeing, Lockheed, and McDonnell-Douglas factories in 1973 and 1974, admitted privately to a Boeing official that purchases had never been contemplated—meaning, of course, that the group's real purpose had been industrial spying. Need we mention, too, those so-called student exchanges? In the words of a recent Office of Technology Assessment report, Technology and East-West Trade, "Since 1972, Soviet 'students,' who are usually experienced engineers, scientists, and managers of R&D establishments, have concentrated on study programs in the U.S. in semiconductor technology, computers, and other fields of applied research."

But if Soviet behavior is readily explicable, the same cannot be said for ours. Why do Western businesses and governments seem so anxious to overlook the cost of strategic trade with the Communist bloc? Part of the answer is that not quite everyone is losing—not, at least, losing equally—in this

game. To be sure, the higher defense budget prompted by more sophisticated Soviet technology is borne by every taxpayer, individual and corporate, but companies like Control Data and Dresser Industries still appear to come out ahead, at least in the short run. As for government help with financing, many an American business owner has been known to overlook the source of his income. Should it surprise anyone that the US Chamber of Commerce is warmly in favor of increasing the budget of Ex-Im Bank?

What is less clear is why taxpayers are putting up with all of this. The most likely explanation is that they are not really aware of what is going on. An NBC news spot on East-West trade, for example, could hardly be expected to provide sufficient impetus for a revolt. The media, moreover, will now have even less information on this issue, thanks largely to the efforts of Congress.

In 1980, Congress carried off a maneuver to keep the lid on data concerning East-West trade. The National Journalism Center had attempted to obtain precise information—collected by the Commerce Department—on who is selling what to the Russians. When the Commerce Department balked, the center, invoking the Freedom of Information Act, took the case to court. Consistently enough, the courts declared that, absent legislation to the contrary, the Commerce Department had to open its files. Not unexpectedly, Congress obliged and came up with the required cover-up legislation. The bill, touted as a "compromise," permits access to only the most general data about what is being shipped East and allows shippers to conceal their identity by requesting confidential treatment. US firms do not have to worry now about irksome protests from mere taxpayers nosy about their national security.

Notwithstanding their legitimate quest for profit, one might think that business owners would be no less concerned than anyone else about contributing to the growing power of a nation whose leader announced less than a decade ago that by 1985 "the Soviet bloc countries will have achieved most of their objectives in Western Europe and reached a decisive shift in the correlation of forces so that they will be able to exert their will wherever they need to." But it seems that US business executives do not believe such statements of Soviet goals.

On the contrary, it appears that some of our own weapons manufacturers are eager, even impatient, to do business with the Soviet government. According to John Markoff, writing in Inquiry magazine in July 1980, "Some of the corporations at the very heart of the defense establishment" were angry at Jimmy Carter's embargo on strategic goods to the USSR because they found themselves "having to forgo lucrative trade opportunities in the name of national defense." Lucrative indeed, when the United States in turn must improve its own defense capabilities to catch up with the Soviets who—with our help—keep updating their war machine. The full picture apparently escaped Markoff, who saw a paradox where none exists. Puzzled, he continued: "The development of socialist high technology markets has given rise to wonderful ironies: Major U.S. multinationals have set up pro-trade, pro-détente groups like the US—USSR Trade Council and the American Committee for East-West Accord, while at the same time retaining their charter memberships in anti-Communist defense spending organizations." What may seem ironic is by no means incomprehensible from a myopic pecuniary perspective.

The problem is actually of enormous proportions. According to a Washington-based confidential source, for example, one of the largest transnational corporations (for which he works) has been engaged in direct sales of electronic equipment to anti-West regimes. In one case, transmitting equipment was supplied to the Soviet puppet government in Afghanistan. It is no exaggeration to claim that the dimensions of this explosive item of information are immense.

If the evidence is presented to them, most taxpayers will readily see that they are, to put it politely, being had. But there are signs that the public, once its consciousness has been raised, is willing to stand up for its own safety and for its defense dollars. According to the Washington-based Investor Responsibility Research Center, shareholders in a number of companies have been asked in the last few years to vote on resolutions to terminate business and trade relations with Communist countries. One California group, Stockholders for World Freedom, proposed that Occidental Petroleum report the extent of its trade with the Communist bloc. A member of the group submitted a shareholder resolution asking Rockwell International (the Defense Department's 15th-largest military contractor) to cease all trade with Communist nations. The resolution reads in part: "Rockwell, as a prime defense contractor, ought not to be helping [Communist] threats to world peace and free societies. We should instead direct our resources toward our own economy and our Free World Allies. If you are considering voting against this proposal merely out of an abstract sense of political tolerance, consider further that you would be voting against the best long-run interests of yourself, your family, your corporation, and your free country."

All well and good. Yet the resolution contains a fatal flaw. In the words of Rockwell's board of directors: "To the extent that foreign trade with a particular country or countries is considered to be inconsistent with United States Government policy objectives, controls or embargoes are imposed. Decisions on these matters are properly in the domain of the Government and not, in our view, in the domain of corporations."

Without a doubt. Stockholders are entitled to expect a company to invest their money as profitably as possible. The business of business is surely business rather than foreign policy. This is not to say that Rockwell, any more than the rest of us, should be oblivious to the security of the United States. But the evaluation and implementation of national defense policy is the quintessential job of government.

It was John Locke who stated most plainly and eloquently, before this country was born, the principal reason why people form governments. "The great and chief end of men uniting into commonwealths and putting themselves under government, is the preservation of their property"—meaning, specifically, their "lives, liberties, and estates, which I call by the general name—property." Life, evidently, came first.

In truth, a great number of people would undoubtedly go along with the principle of an embargo on the sale of high-technology goods to the Communist countries were it possible to demonstrate beyond refutation that such a move would be absolutely effective in protecting our national security at a reasonable cost. Such rigid demonstration, of course, is impossible. All the evidence already adduced to illustrate the US contribution to the Soviet military cannot possibly provide proof of what would happen in the absence of that contribution. Yet to dismiss the evidence as irrelevant would be to abandon rationality altogether.

Opting for an embargo, however, is still a long way from imposing it effectively. The first problem is to determine with some degree of accuracy what items qualify as strategically significant enough to warrant controls. It has been argued, for example, that everything we sell, including wheat, contributes to the growth of the Soviet military insofar as assistance from us frees up funds for the Soviet war machine. While that argument is not without some merit, particularly if the wheat sales, for example, are subsidized, it is possible to make distinctions. Some items are clearly useful to the Soviets solely for military purposes (laser mirrors, for example). Others have a combined military and civilian usefulness (a truck plant, for example), and the strategic element must be carefully weighed. Still others contribute to the well-being of the Soviet population but are not of strategic significance.

It is high time we broke the vicious cycle of contributing to the Soviets' defense build-up and boosting our own defense spending to meet the challenge; of allowing, even encouraging, US firms to profit with the left hand from selling strategic technology to the Soviet government and with the right hand from building weapons for the US government. As American taxpayers face yet another grossly imbalanced federal budget in which defense appropriations are held sacred, the issue of strategic trade with the Soviet bloc cannot be ignored.●

PRIVATE SECTOR INITIATIVES

● Mr. DURENBERGER. Mr. President, for some time now I have worked on the development and implementation of a concept called private sector initiatives. It is also known by other names, such as public service options and alternative service delivery. And like so many new ideas, it is really an old concept with a new veneer. Basically, private sector initiatives means providing public services and meeting public needs by using not just government, but the resources of all sectors of society—government, business, individuals, and volunteer organizations.

From the business standpoint, this concept means that a business organization should take an active role in the health and well-being of the community in which it exists; not just through token philanthropy, but through public services, cooperative ventures, profit and not-for-profit projects, employee programs, and other activities that make a qualitative improvement in the community. Handled professionally, such projects often can prove profitable.

Few, if any representatives of the business sector have taken private sector initiatives to heart as has William Norris, chairman and chief executive officer of Control Data Corp.,

based in Minneapolis. Mr. Norris has applied this "new" concept to his corporate philosophy for some 15 years, including profit-motivated ventures in such areas as education and training, small business and urban revitalization.

Mr. Norris discussed his view of this corporate role in society, and its application at Control Data, at a Conference on Social Needs and Business Opportunities sponsored by Control Data and the American Academy of Arts and Sciences last September. His address paints a picture of one major corporation that has woven private sector initiatives into its strategy, and of the theory that holds that strategy together.

Mr. Norris' premise is that America has many unmet social needs that are steadily worsening despite increased action by government and private sector philanthropists.

Mr. Norris says:

Simply stated, corporations must use their vast resources more efficiently by taking the initiative, in cooperation with other sectors of society, to address major unmet needs as profitable business opportunities.

Control Data is one of the leaders in this area, using its manpower, brains, capital, and profit motivation to meet community needs and deliver services.

As Mr. Norris explains, this orientation requires some adjustment of traditional business theory. The type of profit these ventures can deliver is not always the kind of immediate, quarterly, hard-cash profits that keep accountants and stockholders smiling. But often, they are long-term benefits to the community, and so to the business within it.

Private sector initiatives is not a sly method of relieving government of its legitimate responsibilities. It is a method of improving the efficiency and quality of services, and improve the quality of life for employees and other citizens, by using all sectors of society to their best advantage. Mr. Norris speaks authoritatively from the corporate standpoint, and I ask that the text of his address be printed in the RECORD.

The address follows:

A NEW ROLE FOR CORPORATIONS

Important background for the central theme of this presentation is the relentless growth for decades in many major unmet societal needs. They have been worsening even in years when the economy performed well. They have defied government paternalism and private philanthropy. And they have reached ominous dimensions.

Fortunately, their growth can be stemmed, indeed reversed, if corporate America will assume a new role. Simply stated, corporations must use their vast resources more efficiently by taking the initiative, in cooperation with other sectors of society, to address major unmet needs as profitable business opportunities. The spectrum of needs I am talking about includes reduction in unemployment, especially for disadvantaged youth and the handicapped; more responsive education and training; revitalization of poverty-stricken urban and rural areas; a more viable small business sector; and lower cost and more efficient public services.

CONTROL DATA PROGRAMS

Control Data adopted such a strategy fifteen years ago, and it has proven sound.

Poverty Area Plants: We began by taking jobs to people by establishing manufacturing plants in blighted communities. The first plant was built on the north side of Minneapolis a few months after fires and rioting in that area in 1967. Since then we have built six additional plants and announced plans to build two more in depressed communities. Total employment in the seven plants now exceeds 2,000, with annual payrolls totalling nearly $40 million.

Education: Our most extensive program addresses the worldwide need for better, more available and less costly education and training. The only practical way to make significant progress in addressing this massive and urgent need is through the use of technology such as television, audio/video tapes, and telephone and satellite transmission, all coordinated in a network learning system with computer-based education.

Control Data has been engaged in developing such a system, called Plato Computer-Based Education, for 20 years. The effort includes scores of cooperative projects with the government, universities, foundations, large companies, small companies and individuals.

Most of the initial funding came from the National Science Foundation in support of a cooperative project between the University of Illinois and Control Data. After expenditures of approximately $25 million in Government funding, feasibility of the approach had been verified; since then, most of the funding, in excess of $900 million, has been provided by Control Data. The project with the University of Illinois continues to be financed by Control Data and is now only one of 40 projects with universities. In addition, there are many more cooperative projects with other organizations and individuals for the purpose of creating computer-based training and education courses.

To facilitate the delivery of Plato Courses, Control Data learning centers have been established as rapidly as feasible, and there are now more than 100 in the United States. We also operate 44 vocational training schools called Control Data Institutes, which offer courses in computer programming, operation and maintenance and a number of more specialized courses such as bank teller training. Soon to be added is robotics technician training.

Fair Break: Plato is also central to a program called Fair Break, which prepares disadvantaged persons to find and keep jobs—and helps make jobs more available to them. Fair Break centers have operated in more than 200 locations throughout the country; each center delivers innovative training in basic skills, job readiness, life management and job-seeking skills. Students also work part time to provide a source of income and to help identify any problems which should be resolved before attempting full-time employment. The program is delivered in cooperation with public schools—and with funding primarily from Government programs.

More than 10,000 students have enrolled at the centers since they started four years ago. Survey results indicate that 83 percent have successfully completed training with a job placement rate of nearly 80 percent.

Outreach: A program called Career Outreach builds on the Fair Break experience. Its objective is to help disadvantaged youths get started in careers by linking education and work experience. It is financed entirely by Control Data.

Students begin working in grade 10 or 11, part time during the school year and full time in the summer. Their eligibility for the program is certified by a unit of city or county government. During high school, they are given counseling similar to that offered under fair break to help them overcome barriers to employment. After high school, their vocational training or college is financed by a combination of a Control Data loan and job income.

Outreach began in St. Paul, Minneapolis, and Toledo in 1981. Twenty students were selected in each city.

Small Business: Having already launched major programs for taking jobs to people and getting people job-ready, we decided in 1975 to complete the employment spectrum with a program to create jobs by assisting small businesses to start up and achieve profitable growth.

You no doubt are aware that more than 80 percent of the new jobs created in the last 10 years has been provided by companies with 100 or fewer employees. Yet the environment for small business has been deteriorating because of increasing competition from large companies. Increasing Government regulation, and decreasing availability of technology and capital. At the same time, most of the technology, management and professional expertise and capital resources are in big business—and are underutilized.

Recognizing the need and opportunity, Control Data has developed a wide range of offerings for small enterprise including financial assistance, data processing services, education and training, management and professional consulting, and technology transfer. Another very important service is our business and technology centers (BTC's), which provide various combinations of consulting services, shared laboratory, manufacturing and office facilities, and other services to facilitate the start-up and growth of small businesses. Economies of scale make it possible to provide occupants of the centers and small companies located nearby with needed facilities and services of much higher quality and considerably lower cost than any would be capable of obtaining or providing for itself.

We also assist small business by fostering public/private cooperation over a broad front. More specifically, we are helping to launch and have been participating in the operation of community-based organizations with those objectives. I will describe two: The Minnesota Cooperation Office for Small Business and the Minnesota Seed Capital Fund.

MCO: The Minnesota Cooperation Office, or MCO, fosters the start-up and profitable growth of small businesses in the state of Minnesota. The MCO is a non-profit corporation being financed during the early years by contributions and grants—it is planned that the organization will eventually become self-supporting from client fees and funds generated by investments in client companies.

The MCO's board of directors consists of leaders from all major sectors of society. The approach is simple: an entrepreneur has an idea for a new product or service and wants to start a company—the MCO helps develop a business plan and obtain financ-

ing. The permanent staff is small. But the MCO draws on a volunteer advisory panel of engineers, scientists and executives for the specific expertise required to evaluate and help prepare business plans. Because these plans are expertly conceived, the chances of receiving adequate financing and achieving economic viability are substantially increased.

Minnesota Seed Capital Fund: Capital from more conventional sources such as venture capital companies and banks is often not available for new companies during their initial formation and early development stages. Because of this, the Minnesota Seed Capital Fund has been formed, with an initial capitalization of $10 million. It is receiving growing support. Recently, two pension funds became investors and several more are considering investment.

Job Creation Network: The MCO, the Seed Fund, and the BTC described a moment ago constitute what is called the Minnesota network for job creation, which provides the support needed by small enterprises to become successful. Unfortunately, in our present economic system, such assistance is left too much to chance, with an undue burden on the entrepreneur. As a consequence, a high percentage of new businesses fail.

On the other hand, through expanded initiatives and cooperation among industry, Government and universities, the necessary support can be provided to vastly increase the success rate for new enterprises and help assure the profitable growth of existing enterprises. The Minnesota network is being replicated in other communities.

Urban Revitalization: In the case of urban revitalization, Control Data has joined with other companies and two church organizations to form a for-profit consortium capitalized at $3 million, called City Venture Corporation. For the first time, adequate resources have been assembled in a unique and efficient pooling of the resources of individual organizations.

City Venture plans and manages comprehensive programs for the revitalization of urban centers. Its approach mandates that plans for restoring a community must be based primarily on meeting the needs of residents for high quality accessible, and affordable education and training—and, even more importantly, their needs for decent jobs. Small enterprises are a major source of those jobs. As well as an important means for building, rebuilding, and maintaining housing and commercial centers. Small businesses also participate in providing health care, education, and other social services.

City Venture is three years old. During that time, Government-funded contracts have been obtained for projects in many cities, including Minneapolis, Toledo, Philadelphia, Baltimore, St. Paul, Charleston, S.C., San Antonio, Benton Harbor, Michigan, Miami, the South Bronx and London Docklands in the U.K.

The most advanced City Venture project is in its third year in the Warren-Sherman Community in Toledo. Progress is evident in implementing a comprehensive plan that emphasized job creation, better, less costly education and training, linked with jobs and improved housing to provide further information on the Toledo project. Let me quote from a speech by Mr. George Haigh, the chief executive of Toledo Trust Inc. and one of the leaders responsible for the effort to revitalize the Warren-Sherman area in Toledo.

"The project began with a neighborhood that suffered unemployment in excess of 32 percent; inadequate, run-down housing; low household incomes; inadequate shopping facilities; lack of small business; and lack of recreational facilities. Crime, arson and pride-sapping neighborhood decay were all too evident.

"Using City Venture as a catalyst and gaining the trust and active decision-making involvement of neighborhood people, neighborhood organizations, the city of Toledo, and several private businesses, a unique program began to rapidly take shape. Not a program featuring handouts, but one that would provide improved neighborhood housing, training and education for hundreds, over a thousand additional neighborhood jobs, a business and technology center to help minority business, a new shopping center, new parks for recreational use—and the list goes on. Most importantly, however, is that these programs are all investments that are aimed to produce profit for the private sector, pride for the neighborhood, and real opportunities for people."

Rural Development: The need for rural development has been approached through another for-profit consortium called Rural Ventures Corporation: Like City Venture, it was capitalized at $3 million. Investors included businesses, church organizations, farm cooperatives, foundations, and individuals.

Rural Ventures main thrust is to increase the productivity and profitability of small farms and to assist in the start-up and profitable growth of small businesses in rural communities. With respect to small farms, it is evident that with proper selection and application of existing and emerging technologies, and with adequate ongoing R&D, small family farms can reduce the cost of food, make a significant contribution to food production, do it in more environmentally protective ways, and provide a decent living for the operators.

Computer technology is the centerpiece of the strategy. Data banks of agricultural technology are being assembled and computer-based education courseware is being written primarily through cooperative efforts between Control Data and a large number of universities and other organizations. Computer-optimized selection of crops, livestock, equipment, and other technologies are made for each small farm, and a full range of computer-based education and training programs are available and prepared to help individual farmers apply the technologies efficiently.

Many Rural Ventures contracts are underway. In New England, Rural Ventures is providing production and marketing assistance to small-scale sheep growers to assist them in rebuilding their region's once-flourishing sheep industry. In Alaska, Rural Ventures is managing two projects north of the Arctic Circle—the tundra is being cleared to grow food locally and thereby build a more self-sufficient society in these remote areas. The slide shows the first Eskimo farmer in history. In north-central Minnesota, 40 low-income farmers planted their first commercial vegetable crops under Rural Ventures guidance.

EVALUATION

By now, you must be wondering about results—reactions by our many constituents, profits, and other benefits.

Employees: High on the list of benefits to Control Data has been the favorable reaction by employees. Our programs provide the opportunity for employees to participate directly and visibly in serving society as part of their work responsibilities. As a result, they have a sense of pride and gain a special kind of enjoyment in being part of Control Data's broad-based effort to address unmet needs. Prospective employees, especially those just entering the work force, also view our strategy very favorably as demonstrated by a college recruiting success rate much higher than other companies.

Stockholders: Control Data has also enjoyed good support from its stockholders. We have always communicated the essence of our strategies, including the longer than average time required for most programs to achieve attractive profitability.

Security Analysts: On the other hand, our strategy was subjected to more than 12 years of criticism by many financial analysts, fund managers and other Wall Street types who judge corporate financial performance on a quarter-to-quarter basis and arrive at their long-range assessments primarily by projecting current earnings five years ahead. Some characterized Control Data's strategy with such expressions as "a passion for experimenting with business methods to solve social problems" or "good works that restrain profitability." More recently, however, rising profitability at Control Data and the debacle in Detroit is causing them to do some soul searching and have second thoughts about our strategy. Had the automobile manufacturers been cooperatively addressing the basic need for more energy efficient transportation instead of perceived wants, they could have avoided the crucial loss of market which resulted in staggering losses of billions of dollars and hundreds of thousands of jobs.

Poverty Area Plants: Further information about the myriad of reactions beyond employees. Stockholders and denizens of Wall Street can best be highlighted in connection with individual program evaluations. For example, by working closely with local community organizations, and with partial Government funding for training, Control Data has succeeded in making poverty-area plants as profitable as its conventional operations. At the same time the interests of each community are being served and a path provided for disadvantaged persons to enter the mainstream of industry.

In addition, local communities have a highly positive perception of the plants. In the early days of the program, there was some skepticism of Control Data's motives and we were characterized as "fat cats or rip-off artists." There were those who predicted our plants would be vandalized. The criticism has long since disappeared, and there has never been any vandalism—not even grafitti on the walls.

Education and Training: In education, our total program is not profitable—and will not be, by design, until 1984—because of continuing investments in courseware and new learning centers. However, based on estimated revenue growth, the total program will turn profitable during that year and rise steadily thereafter to become the largest producer of profit in the company. Although the total education program is not profitable, the Control Data Institutes are nicely in the black, with an operating profit rate higher than any other unit in the corporation.

We never thought for a moment being successful in education would be easy. History shows that more than 200 years went by after the book was introduced before it was used by teachers. Our plan provided for a few carefully chosen fields of entry where resistance to change would be the least and for a gradually increasing commitment of

resources for whatever length of time required to be successful.

The initial fields chosen were proprietary vocational education, business and industry training, education and training for the disadvantaged and handicapped, and engineering education.

Significant progress is being made with Plato in spite of continuing reservations by most of the educational establishment, and progress is accelerating as additional high quality Plato courseware becomes available and delivery costs continue to decrease. Using the small Plato micro computer as the delivery device, the hourly instructional cost averages about 75 cents. Also, Plato courseware is gradually becoming available for delivery by some of the more commonly used micro computers made by other companies for an average cost of 50 cents per hour.

The proliferation of personal micro-computers coupled with high quality Plato courseware will greatly enhance learning in the home. Parents will begin to put pressure on the public school system to speed up the introduction of cumputer technology into the educational process. In order to take full advantage of this technology, The management of schools should be contracted out to business, which has the expertise to use advanced technology efficiently. Such an arrangement need in no way abrogate the responsibility of teachers for diagnosing student needs, selecting curriculum materials, or any other teaching duty. Even more important, it provides time to nurture.

Small Business: With respect to small business, many of Control Data's services are producing attractive profits; however, overall profitability is being held down by rapid expansion in the number of locations offering them. Our willingness to devote substantial resources to assist small business enhances our company's image not only among small companies but also with the general public, especially in Europe, where countries are taking stronger initiatives than the United States to accelerate the creation of jobs by assisting small businesses.

We started a program of equity investments in small companies, most of them newly formed, three years ago. The program is not yet profitable, but there are enough obvious winners emerging to assure attractive profits. Even more important, many of the companies are developing products and services, especially computer-based education courseware, which will be marketed by Control Data in the years ahead. This type of program capitalizes on the strongest attributes of both large and small enterprise. The small company, inherently the more creative and flexible, with low overhead can develop new products and services sooner and for less cost. The large company, with its vast resources, can excel in marketing. By the year 2000, we estimate that small companies will supply 30% of Control Data's products and services.

Urban Revitalization: By far the toughest field is urban revitalization. From day one we knew the problems City Venture was setting out to solve would not be easy or they would have been solved long ago.

The initial phase of an urban revitalization project can be an adventure in a hornets' nest. Communities are often divided because numerous neighborhood organizations have differing perceptions of what should be done or how. It is difficult, sometimes impossible, to obtain a consensus. There are always a number of angry people who are abusive during meetings with outside organizations. Some neighborhood groups are corrupt—and many of the more activist types resort to unconscionable tactics. At times, it appears as if there is a conspiracy to undermine our private enterprise system.

On the other hand, the vast majority of neighborhood groups are dedicated to bettering their community; they are achieving results in spite of chronic deficiencies in resources and differing views. Lack of consensus also plagues business, government and other parts of the community. This is most often manifested by the absence of a true commitment to a revitalization effort.

One of the most important things to recognize about urban revitalization is that instant successes are not possible. Usually, at least two years are required to show tangible evidence of progress—much longer to reach job creation goals. This allows time for those in opposition to create doubts—and in two City Venture projects, in Minneapolis and Miami, to prevent them from progressing beyond the planning stage.

However, in spite of the many difficulties, City Venture has proven it can effectively serve in the role of catalyst and coordinator in helping to obtain a consensus and in working with a community in planning and implementing a revitalization effort.

On the other side of the coin, City Venture is not yet profitable; however, profitability is projected to be achieved next year. Reaching an attractive level of profitability is important in proving the concept of City Venture. Although the amount of profit relative to earnings of the corporate investors will not be significant for many years. Therefore, the main benefit to be derived from City Venture by corporate stockholders is the identification of new markets in their fields of interest. Unfortunately, this potential has yet to be perceived by many of the corporate stockholders, who, bless them, invested because "it was the right thing to do."

One consequence of that motivation has been the resignation of representatives of two corporations from the board of directors soon after adverse publicity when the City Venture project in east Minneapolis was not continued. Opponents, of course, claimed City Venture failed and the newspapers were only too eager to play up that aspect.

In the light of this and other experiences with stockholders, City Venture is engaged in designing procedures to assist corporate stockholders in identifying business opportunities in their fields of interest.

Rural Development: In contrast to City Venture, the corporate shareholders of Rural Ventures have a much better perception of the potential for new business opportunities. Also, Rural Ventures has had only relatively minor problems with neighborhood and community groups, presumably because they are fewer in number and not so well organized. Rural Ventures is making excellent progress and is projected to achieve profitability this year. And, in the very near future, Rural Ventures will commence a project overseas in the developing country of Jamaica.

Overall Profitability: It is time to complete the evaluation of Control Data's strategy, so I will do so with a few more words about profitability. As noted earlier, it is rising. It will continue to rise, because major and worldwide unmet needs are being served by Control Data products and services which are at the forefront of technology.

PROGRAMS BY OTHER ORGANIZATIONS

Control Data is not the only company actively involved in addressing social needs. A number of banks, insurance companies and industrial companies have established minority enterprise small business investment companies or MESBICs. By far the largest is Equico, owned by the Equitable Life Assurance Company; with paid-in capital of 10.5 million dollars.

In addition, banks and insurance companies have invested in commercial and housing construction and rehabilitation in poverty-stricken neighborhoods. One of the companies most aggressive in making such investments is Toledo Trust.

Plants have been established in inner cities by Lockheed, IBM, Digital Equipment Company, Owens Illinois and some other companies.

While these and other examples of investing could be cited and represent a considerable amount of activity, the aggregate is very small compared to the size of the needs. But it is a start.

PRIVATIZATION OF PUBLIC SERVICES

Further words need to be said about privatization of public services, Earlier, I mentioned that the management of schools should be contracted to business. With a fee structure based on performance, business could make attractive profits and the public would benefit from a more responsive and productive educational system.

Prisons are in critical need of better management—to reduce both the present staggering costs of operation and excessive recidivism. Given adequate incentives, business could provide the needed management and creativity. Control Data, in cooperation with City Venture, will soon be offering prison management services based on extensive experience accumulated from Plato education and training programs in prisons, manufacturing in a prison, leasing cars to ex-prisoners, and other programs.

State and local government should also spin-off programs for business to manage in many other areas such as childcare, assistance for senior citizens, recreation, rehabilitation for ex-prisoners and people discharged from State hospitals, and so on.

If public services were privatized, the role of Government would change from one of providing services to one of establishing standards, licensing, and monitoring. The size of the public bureaucracy would be dramatically reduced. The quality of the services would be dramatically improved. As an additional benefit, many new opportunities would be available for small business.

ULTIMATE POTENTIAL

Much more could be said about these and other programs. However, it is evident that jobs can be taken to poverty-stricken areas; education and training can be made responsive and affordable: disadvantaged and disabled people can be trained and placed in meaningful jobs; small businesses can be helped to startup and grow and create more new jobs; poverty-stricken urban and rural areas can be revitalized, and public services privatized. All of these actions can be accomplished efficiently and, in the long run, profitably through broad-based cooperation.

Appropriateness: However, the question is occasionally raised about the appropriateness of an investment strategy for every company. It is true that it is easier to visualize how the existing products and services of some companies, such as Control Data, can be applied in meeting needs than it is for

others. Still, it is clear to me that there are significant business opportunities for every company.

However, such opportunities may not, indeed normally will not be apparent without a dedicated effort to find them. The broad horizon of attractive opportunities for Control Data that we see today wasn't visible in 1967 when we took the first major step by establishing an inner city plant.

Skeptics ask how a steel company could possibly find an investment strategy meaningful. Considering just steel making and the dismal innovation record of most steel companies in recent years, it is clear that they could help themselves enormously by adopting an aggressive program of investing in small businesses. The proven creativity of small enterprise could point the way for badly needed innovation in many areas. Even small steel mills can be profitable.

Of course, many steel companies are vertically integrated and diversified, so there are opportunities beyond those just related directly to steel making. Again, cooperation with small companies can be profoundly beneficial not only for steel companies but for all large companies. In short, for any company, it is seek and ye shall find.

President's Program: Give evidence that an investment strategy works, that it is appropriate for every company, and that the market is enormous, will it become widely adopted? There are a number of reasons for my being optimistic that it will be.

(1) One reason is the existence of a conductive environment created by increasing public concern about growing needs and the shrinking Government resources available to address them.

(2) Another reason is that corporate America is increasingly embracing the concept of corporate responsibility, which is resulting in increased philanthropy. In addition, substantial contributions are being made each year by foundations.

(3) A third reason is the myriad of volunteer neighborhood and community-based organizations which have been spanned and are improving housing. Creating jobs and in other ways improving neighborhoods and helping the needy.

All of these are important, and much is being accomplished; however, the effort is fractionated and insufficient.

Furthermore, the status quo of nearly the past fifty years has been disrupted by President Reagan's cuts in Federal budgets for many human and economic development programs, The shifting of greater responsibilities to States, and the President's call for the private sector to provide alternatives consisting mainly of increased volunteering and contributing.

There has been much written and said about how the private sector should respond. Initially, the prevailing view was that corporations and individuals should increase their charitable contributions to bridge the gap. However, facts about giving make it clear that this is very unlikely to happen.

It is also not realistic to expect a substantial replacement of Federal dollars with State funds because of strong negative reactions to tax increases. Even in the unlikely event that Federal dollars could be replaced with State and private funds. The results at best would be to maintain the status quo—with no significant improvement in our social condition.

Mounting public concern, shrinking Government budgets, expanded community-based efforts, increasing acceptance of the concept of corporate responsibility and the disruption of the status quo has set the stage for business to provide the initiative, the focus and the additional resources through investment. What is lacking are a means of reducing both the risks and the longer than average period required to achieve adequate returns on investments.

The public-private partnerships which the President is advocating can provide these answers if expanded to include investing—along with volunteering and contributing and appropriate financial incentives. It is this possibility which caused me to accept President Reagan's invitation to be a member of his private sector initiatives task force. Let me briefly describe what I envision can be accomplished to effectively address the objectives of the task force by devising a structured program, with incentives, to expand investing, volunteering and contributing.

The objective of the President's Task Force on Private Sector Initiatives can be broadly stated as follows: "To facilitate the replacement of Government paternalism with public/private sector partnerships in every community for assisting needy persons and depressed areas."

At this point, I should make clear that public/private partnerships are equivalent to the broad-based cooperation I talked about earlier—just different words.

There are two ways of providing assistance to the needy: (1) By treating the symptoms of social ills; and (2) by addressing the underlying root causes.

At the present time, the first approach is the most common. Unfortunately, in the face of unprecedented need for permanent solutions, it is also the least effective. For a program to have lasting impact, it must treat underlying causes, which net down primarily to unemployment. Given enough jobs, most people and most communities can solve many of their other problems.

The magnitude of the need for expanded employment is so great that the only practicable way to achieve an adequate response is a focused approach by corporations, foundations, churches, labor unions, and individuals in cooperative programs consisting of volunteering, contributing and, most important as I stressed earlier, investing.

PROGRAM FOR EXPANDING EMPLOYMENT

Specifically, a program is being recommended for expanding employment that includes incentives for increasing:

1. Job-creating capabilities in every community,
2. Community development efforts,
3. The employment of disadvantaged youth,
4. The employment of the disabled,
5. Corporate investing, contributing, and volunteering,
6. Volunteering and contributing by individuals.

Implementation requires interaction among public/private partnerships focused on the greatest need in our society today—jobs. Only with this kind of focus will our always limited resources be applied in enough depth to make real progress toward permanent solutions. The concept is based on methodology proven sound by Control Data and many other organizations. Hence, implementation is essentially a matter of replicating what has worked.

Each part of the total program relies on partnerships of various types for implementation. In addition to partnerships which primarily address specific issues, a broadly-based partnership is needed with membership from different sectors of the community to assure that neighborhood goals are in consonance with those of the larger community—be it city, county, State, or region. There is also the matter of marshalling and allocating resources.

Many examples of successful broader-based partnerships can be cited. One is the Greater Milwaukee Committee for Community Development, which has members drawn from labor, education, and business. The Greater Toledo Economic Planning Council is another, with members drawn from business and city government. A third example is Minnesota Wellspring, a statewide organization with members from State and city government, education, labor, business, and foundations.

To help further articulate the essence of the program, I will elaborate briefly on major parts and identify incentives that will be needed to gain adoption nationwide.

Expansion of Job-Creating Facilities: Starting then with job creation, virtually every community needs a more effective means of creating jobs through the use of resources under local control as opposed to relying on large companies to expand existing operations or establish new ones. Since small businesses are the source of most new jobs, this can be best accomplished by establishing public/private partnerships in each community to assist in the startup and growth of small enterprises. In urban areas, the focus would be on small businesses, in rural areas, attention should be given to both small businesses and small farms.

The core elements constitute a job creation network identical to the Minnesota network described earlier. As noted earlier, the cooperation office in Minnesota is currently financed by contributions and grants, and the point to be added is that it has been very difficult and time-consuming to obtain the required level of support.

Hence, tax credits are needed both to stimulate contributions to efforts of this type and to induce corporations to volunteer the services of their professional and executive employees. Some States, such as Indiana, already provide tax credits for volunteer services.

Tax credits are also needed to stimulate investments in business and technology centers. The payout period for a BTC is typically 8 years, and this is perceived as too long by most investors.

Community Development: Small businesses can't flourish in an area where crime is rampant, housing is run down, streets are in disrepair, and so on. Conversely, a decent living environment can neither be established nor maintained where opportunities for employment are few and far between. Thus, community development is essential to creating a supportive atmosphere for small business, and small business is essential to community development.

Different communities have different needs. There is no single model for community development that can be applied across the board. It is suggested that communities be divided into two broad categories, more fortunate and less fortunate, and that a distinct approach be taken to each type.

For more fortunate communities where deterioration is not severe, the recommended approach is to simply replicate the network for job creation. When employment is at a reasonable level, communities can usually cope with most other problems.

For less fortunate communities where deterioration is severe and unemployment high, the recommended approach is that the replication of the network for job cre-

ation be supported by a comprehensive revitalization program. The Toledo Warren-Sherman Community Revitalization Program described earlier is an example of such a program which emphasizes expanded employment, more responsive education and training, and improved housing.

Financial Incentives: A comprehensive revitalization plan cannot be expected to succeed unless sufficient financial incentives are offered to both investors and lending institutions. Especially important is seed capital for small business.

In addition to not being generally available, as noted earlier, there is the added deterrent of the small businesses being located in high-risk areas. In order to stimulate investors to provide the needed seed capital, I am recommending a 100 percent writeoff for new equity investments in small businesses located in enterprize zone areas.

Also, to attract the large-scale investment required for inner-city commercial and residential projects, special tax incentives are being recommended.

THE EMPLOYMENT OF DISADVANTAGED

Getting the enormous numbers of disadvantaged persons in the United States job-ready and placed is a task of overwhelming dimensions. A more realistic approach is to concentrate on disadvantaged youth. Many adult members of the disadvantaged population have learned to cope somehow through welfare, assistance from neighbors, and other means; too many of the young are still at sea.

There is a growing public awareness that education and training must increasingly be linked with jobs. Outreach, described earlier, is an efficient way to get disadvantaged youth into meaningful jobs.

Incentives for Replication of the Outreach Program: Implementing Outreach requires an investment beyond the normal costs for employment and training. Therefore, the program will not be widely replicated unless participating businesses can both recover the extra costs incurred and realize a reasonable profit on the investment.

Tax credits would serve these purposes and at the same time represent a good investment for the Government. Studies have shown that, on the average, a job is conservatively worth some $52,000 per year to the Federal Government. If 25 percent of that $52,000 value were shared each year with employers of disadvantaged youths in the form of tax credits extending over a 10-year period, all parties would benefit handsomely. The employer would acquire an experienced employee and, in the process, make a reasonable profit, and the employee would be launched on a career. The program would be more than self-financing, resulting in a net gain to society as a whole.

THE EMPLOYMENT OF THE DISABLED

Current efforts aimed at providing employment for the disabled should be expanded. There are many fine organizations assisting disabled persons to gain employment, but they need more support in order to take advantage of recent technological advances.

Computer-based education, work terminals, robotic controls, and a variety of new sensory devices have opened new doors for the disabled. Equipment of many types exists for helping disabled persons to be productive. Personalized adaptations and training are invariably required, however, and these are expensive.

A tax credit could greatly expand employment for the disabled. It could be similar to the credit recommended earlier for disadvantaged youth. The amount would vary according to the type of disability and the corresponding costs of adapting equipment, education, and training to individual needs.

CONTRIBUTING AND VOLUNTEERING

Next, I will review tax credits being recommended to stimulate corporations and individuals to make contributions and volunteer time in support of the program.

Specifically, a tax credit should be made available to corporations and individuals contributing to community-based organizations supporting job creation activities, such as a cooperation office.

In addition, a credit should be provided to corporations to offset the salaries of employees who volunteer their professional and management assistance to small businesses during working hours. For individuals volunteering services on their own time, increased credits could be given for car mileage and for some percentage of the value of the time donated.

GETTING FROM HERE TO THERE

That completes the description of the program being recommended. The question is, will it be implemented? The answer is, yes, although budget constraints may dictate that it occur in steps. There are several reasons for my optimism.

One is that it is responsive to the wishes of the President. In speeches, he has said, "We want an American partnership that can and should be replicated in every community." What has been described meets that desire.

A second is the momentum building for enterprise zone legislation which, if properly structured, could provide a meaningful start toward establishing job-creating capabilities in poverty-stricken areas. Congressional leaders predict Federal enterprise zone legislation will be passed. In addition, eight individual States have already passed zone legislation or are considering it. Discussions with Governors have convinced me that State enterprise zone legislation will plan a significant role in revitalization—perhaps, in the long run, more important than Federal legislation.

Most important is the President's continuing promotion of his concept of less Government welfare and more private sector voluntary actions, which is increasing awareness of the need for, and advantages of, cooperation. This will be further magnified by the private sector initiative task forces being established by individual States. But there is also a growing awareness that increased volunteering and contributing isn't going to adequately address the root cause of social ills—lack of employment.

Therefore, with a nationwide perception of the need for cooperation established and a mechanism in place for sponsoring and coordinating cooperation, the stage is set, waiting for business to provide the initiative and make the investment.

CONCLUSION

It is time to conclude. One word, to a great extent, summarizes what I have been saying—cooperation. Without a vast increase in cooperation. Our Nation will sink further in the mire of festering social problems. But with widespread cooperation to achieve more efficient use of existing intellectual, physical, and financial resources, the decline can be arrested, followed by gradual improvement.

When I first began to advocate widespread cooperation more than 20 years ago, even before the formal adoption of our corporate strategy, the words sounded somewhat esoteric to me, and, to an extent, I felt like a preacher without a congregation. Spoken and unspoken reactions from my audiences confirmed these feelings. It wasn't that I didn't have the conviction of its merits, rather it was the realization of the difficulty, seemingly overwhelming at times, to achieve it.

However, the enormous benefits which Control Data has already enjoyed have long ago replaced that early uneasy feeling with one of determination to overcome whatever great difficulties stand in the way of establishing broad-based cooperative efforts.

Those cooperative efforts will come—and they will provide the basis for a new, exciting, and more productive role for corporations.

Thank you.●

SENATOR SIMPSON ON IMMIGRATION REFORM

● Mr. KENNEDY. Mr. President, one of the more important issues that will come before the Senate again this year is the question of immigration reform. And once again we will be looking forward to working with our distinguished colleague from Wyoming, Senator SIMPSON, chairman of the Subcommittee on Immigration and Refugee Policy, in moving forward an immigration bill that will begin to deal with some of the pressing immigration problems confronting our country.

I share Senator SIMPSON's view that "reform is imperative." This has been my view for many years, and the reason I joined with him and others in supporting the work of the Select Commission on Immigration and Refugee Policy—which filed its landmark report in 1981.

The legislation that Senator SIMPSON introduced last year, and which the Senate adopted last August, carried forward several of the Select Commission's recommendations. Although I could not support all of the bill's provisions, it was a serious effort to deal with some of the conflicting views on immigration policy and it involved some very difficult compromises. That task will be before us again, Mr. President, and I pledge my best efforts to work with Senator SIMPSON—to try and work out some of the contentious issues involved in immigration reform—and to be able to support the final compromise.

Recently, Senator SIMPSON reviewed a number of these issues in a Foreword he wrote for the current edition of the San Diego Law Review. I would like to draw this thoughtful essay by Senator SIMPSON to the attention of my colleagues, and I ask that it be printed at this point in the RECORD.

The essay follows:

[From the San Diego Law Review, No. 1 December 1982]

FOREWORD

(By Senator Alan K. Simpson)

No other country in the world so powerfully attracts potential migrants as does the United States. No other country approaches the United States in the number of legal immigrants accepted or refugees permanently resettled. I deeply believe most Americans are very proud of both our reputation and our record as truly being a land of opportunity and refuge—and I believe that reputation and that record have generally been very good for this country.

However, existing immigration policy is no longer adequate to deal with the growing immigration pressure on the United States. Immigration to the United States is out of control and it is so perceived at all levels of government and by the American people, and indeed by people all over the world.

Reform is imperative. This does not mean shutting ourselves off from the rest of the world. Immigration to America has been limited in various ways for more than a century and has been subject to various forms of numerical limitation for over sixty years. Immigration will continue to benefit the United States if the law is reasonably amended to be appropriate for contemporary conditions—*and* if the law can be enforced.

Last year in his Foreword to this annual issue on immigration Senator Edward M. Kennedy said: "[T]oday we are at a watershed in our Nation's effort to establish fair, humane and enforceable immigration and refugee policies. At no time in recent years has the opportunity for action on immigration proposals been more hopeful, or the consequences of inaction more dangerous." [1]

I agree with these sentiments and I am pleased that the legislation [2] which Congressman Romano Mazzoli (D-Ky.) and I cosponsored in the Congress and introduced on March 17, 1982, was characterized as "not nativist, not racist, not mean" [3] in the press. This is a major accomplishment. I am pleased also that for the first time in our history an immigration debate is taking place which is not wallowing in emotionalism, racism and guilt. This is not an accident. It is a tribute to the many witnesses who testified before the Senate Subcommittee on Immigration and Refugee Policy and the interest groups which have lobbied their positions before us. The press has also maintained a lofty tone. And finally, I am very proud of the manner in which the debate on these sensitive issues was conducted among my colleagues in the Senate. All were conscious of the past history in connection with immigration legislation and were determined not to duplicate in our deliberations the racism which characterized the 1880, 1924, or 1952 legislative enactments.

I was also conscious of the need both to make immigration a bipartisan issue and to balance two conflicting traditions within the United States: on the one hand, a desire to continue our tradition of immigration, of welcoming newcomers; and on the other hand, the need to control the influx of persons entering the United States. My counterpart in the House, Romano Mazzoli, chairman of the Subcommittee on Immigration, Refugees, and International Law, agreed with the bipartisan approach and viewed the issue in the same focus as I did. We met frequently and as a result an identical bill was introduced by a progressive Democrat in the House and by a progressive Republican in the Senate. In both Houses the members of the minority party endorsed the bill since we had submitted a balanced program permitting this country to once more control its borders and to still maintain its immigrant tradition.

As this is written, the bill has passed the Senate and has been reported out of the House Committee on the Judiciary. The bill is now awaiting action on the floor of the House. It is appropriate therefore to discuss in this Foreword the policy behind the bill, and the balance that I mentioned which led to the New York Times characterization.

The bill has three critical and distinct reform proposals: (1) increased control of illegal entrants accomplished in the bill through (a) employer sanctions, to inhibit future flows, (b) legalization, to regularize the undocumented aliens presently in the country, and (c) facilitating the entrance of temporary workers to reduce any employer dislocation that might occur as a result of employer sanctions and legalization; (2) reform of the asylum adjudication system by limiting the number of appeals available to the asylee applicant and increasing the stature and independence of the adjudicators; and (3) establishment of a numerical limit on legal immigation to the United States and, within that limit, some restructuring of the preference system in order to clarify the purposes of our immigration policy.

CONTROL OF ILLEGAL ALIENS

Employer sanctions

The primary motivation for aliens illegally coming to the United States is economic opportunity. Following the practice of other developed nations (Canada, France and West Germany) the Simpson-Mazzoli bill establishes for the first time as a matter of federal law that it is illegal to hire an illegal alien.

I think few would object to that policy. Given the difficult economic conditions in this country at present, it is more important than ever that we give priority in our economic system to persons who are legally here.

As recommended by the Select Commission on Immigration and Refugee Policy, the bill imposes civil penalties—fines—on employers who hire illegal aliens. This issue has been explored in considerable detail in this Review and other learned journals, and I shall only sketch out the basic issues of the debate.

Employers and employees, both citizens and others legally resident in the United States, are entitled to a system that can establish legality easily. Employers need a verification system which will permit them to obey the law without fear of being prosecuted for inadvertently hiring an illegal alien. Employees need a system which will permit them to establish employment eligibility without discrimination.

At present, unfortunately, most documents that are used in our society to establish identity are not "secure." Birth certificates, social security cards, driver's licenses and other identification documents are counterfeited on both sides of the border and are readily available to illegal aliens seeking documentation. We approached this portion of the legislation cautiously. Hispanics, especially, are concerned that a new verification system may result in discrimination against them or others who "look or sound foreign." As a matter of practice, most persons seeking a job are required to have a social security number, and for a variety of other reasons in our society, identification is required for such things as driving a car, cashing checks and establishing the right to receive certain benefits from the government such as food stamps. Forty-one states now have a system of issuing identification cards, primarily because of the need for identification by persons who do not have a driver's license. There is increasing pressure on all of these systems to make this identification more secure.

The Simpson-Mazzoli bill, therefore, does not preclude the opportunity to utilize new identifiers that are being developed—while at the same time pressing the federal government to establish an employment verification system which is secure. The bill provides that for the first three years after the passage of the Act, the identifiers used shall be existing ones: a document first to establish one's right to work in the United States, and second, an identifier to establish one's identity. The first may be accomplished by a birth certificate or social security card and the second by an alien identification card, or driver's license, or other identity document. The passport which provides evidence of both may be used without other documentation.

The bill requires the Executive to study the use of the existing identification system and within three years either modify the existing identifiers or come up with a new one so as to "establish a secure system for determining employment eligibility in the United States." [4] This was a compromise between the desire of the Congress for a new identifier—counterfeit and tamper resistant—and the preference of the Executive to use existing identifiers.

The bill provides for a report to the Congress every six months during the first three years on what type of system the Executive is developing and what is being learned from the operation of the existing system. A report is also required on the impact of employer sanctions in two other areas: the paperwork and record keeping burden on employers and the possible discriminatory impact of employer sanctions.

This latter concern—discriminatory impact—is most important since I am aware of the possibility of employment discrimination arising from use of employer sanctions both in hiring and in the process of employment verification. I was, therefore, quite pleased that various representatives of civil liberties organizations who testified before us indicated that, if an employer sanctions system were to be established, the identification system in the bill was as fair as one could devise. The key is that the verification system is required of all persons. Regardless of how well an employer may know a potential employee, the employer must examine the documents and attest that those documents have indeed been examined, and the employee must attest s/he is legally able to be employed in the United States. Failure to follow this procedure is a violation under the bill.[5]

---

[1] Senator Edward M. Kennedy, Foreword, 19 SAN DIEGO L. REV. 1, 1 (1981).

[2] S. 2222, 97th Cong., 2d Sess. (1982); H.R. 5872, 97th Cong., 2d Sess. (1982). The House bill was renumbered as H.R. 6514 after being reported out by the House Subcommittee on Immigration, Refugees, and International Law.

[3] N.Y. Times, Mar. 18, 1982, at 26, col. 1.

[4] S. 2222, *supra* note 2, § 101(a)(1).

[5] *Id.*

Finally, any new documentation or identification system developed under the legislation would only be required for work purposes. It would not be required to be carried on the person and it could not be required for any other use, including non-immigration law enforcement.[6] This is but another safeguard to avoid any possible civil liberties abuses.

Legalization

Complementing the employer sanction provision is the legalization provision. We must not only seek to control persons coming to the United States, but also be responsive to the undocumented population that is already here. Many have lived and worked here for long periods of time and have contributed much to their communities. Many are subject to exploitation and the existence of this furtive sub-society erodes our sense of ourselves as law-abiding people.

The legislation provides, as the Select Commission proposed, for the legalization of a portion of the undocumented aliens. The Simpson-Mazzoli bill's legalization provisions are generous but reasonable. We provided permanent resident status for persons who have resided here continuously in unlawful status since 1977.[7] For persons who have been here since 1980, we provided temporary resident status for three years and, after three years, an adjustment to permanent resident status. As a condition of both the adjustment to temporary resident status and to permanent resident status, the person must meet the normal exclusion requirements for immigration to the United States. This will exclude those who would present a danger to public health, public safety and those likely to become a "public charge."

In addition, those who obtain temporary resident status must have a minimum competency in the English language or be enrolled in a course of study to learn English before they may adjust to permanent resident status. The purpose of this provision is to encourage naturalization. For example, legal immigrants from Mexico have a very low rate of naturalization. Knowledge of the English language is one of the requirements for naturalization, and providing for a knowledge of English during the three-year temporary residence period may encourage those legalized to embrace this nation as citizens.

We—each Senator and each Representative who supports this bill—are aware that the provisions for legalization are controversial and generate contrary public opinion. But legalization is very much a necessary part of legislation designed to gain any control of our borders. If is not a "reward" for illegal activity.

Temporary workers

Some American industries, particularly agricultural labor in the southwest and west, have become dependent upon undocumented workers. These employers were concerned that they might not be able to obtain sufficient American workers to harvest their crops after employer sanctions become law and they therefore requested that we streamline the procedures presently in our laws for obtaining foreign temporary workers.

The role of temporary workers in our economy is hotly debated. The degree to which American workers are willing to take certain jobs under existing conditions or even under changed conditions is difficult to determine. With unemployment—especially among unskilled minority groups—very high at present, we chose to be very cautious. We provided the ability to import temporary workers consistent with the continued protection of American labor. We retained a requirement that a "certification" be requested from the Department of Labor that there are not sufficient workers in the United States capable of performing the job at reasonable wages. We did provide time limits to assure that bureaucratic delay did not bar employers from obtaining needed labor quickly. We also changed the criterion for Department of Labor review to make it more realistic in accordance with market recruitment. Thus, we focused the definition of available labor on the availability at the intended place of employment, rather than the entire United States.

ASYLUM

One of the continuing problems of recent years has involved the question of asylum. The need to clarify the definition of "asylee" and reform the adjudication procedures was dramatized by the entrance of Cubans during the Mariel boatlift and by the large numbers of Haitians who have entered the United States without documents in the last few years.

The asylum adjudication provisions of our current law were tailored to a limited number of rather patent cases. The phenomenon of the United States being a country of mass first asylum swiftly overloaded the system, causing it to collapse under its own ponderous weight.

The provisions of the Simpson-Mazzoli bill are intended to chart a careful course between the concerns of fairness on the one hand and expediency on the other. Both the government and asylum advocates agreed that asylum adjudication was in need of reform. The procedure is wholly convoluted. Presently one can plead asylum at the district director level. If that plea is turned down one can appeal to the Board of Immigration Appeals. If the applicant is once again turned down, the law provides for a petition of habeas corpus with a hearing *de novo* before the federal district court, and if that is turned down there is still another appeal to the circuit court of appeals.

It is hardly a procedure designed for the expeditious handling of large caseloads. When there were 2,000 to 5,000 asylum claims a year such a cumbersome system might have been tolerable. But when we suddenly have over 105,000 cases—the present backlog—then the procedure cries out for change.[8]

All sides recognized the problems of excessive delay in the procedure. The Executive, recognizing that delay was inherent in the process and that deportation was almost impossible, instituted a procedure of interdiction and detention to deter people from coming to our shores. Asylum advocates felt that the process was unfair, even though lengthy. The District Director, the immigration judge and the Board of Immigration Appeals were all under the umbrella of the Immigration and Naturalization Service and asylum advocates argued that one could not expect a fair review. They argued that even the district judge was bound to side with the Executive because the State Department could, in individual cases, make a finding of conditions in the foreign country which in large measure would be determinative of the factual situation in the case. It appeared that asylum advocates actually diligently sought delay since as long as the case was "pending" their client could remain in this country. If the case ever did reach a final determination, their client could be deported.

The bill was drafted to reform this system. To limit the delay the adjudication steps were reduced—limiting the process to two hearings: one very complete hearing at the trial stage and review at the appellate level. This expedited procedure responded to the government's objections. To address the charges of unfairness, the bill established a statutory United States Immigration Board with specially trained asylum judges. The Board and the immigration judges are outside the scope of control of the Immigration and Naturalization Service and yet within the Justice Department.[9] All judges are given senior civil service status.

These changes are designed to create a fairer and more efficient asylum adjudication process.

LEGAL IMMIGRATION

Finally, let me address the major change we made in the legal immigration system.[10] Perhaps the most important change was an overall numerical cap. To obtain control, we indicate we intended to count all persons who come into our country and then establish a reasonable limit on that number. We chose a limit based on last year's total of 155,000 immediate relatives who entered without any numerical limitation and the 270,000 quota immigrants admitted under current law—a total of 425,000 immigrant visas. Refugees were not included within the cap since present law provides a "consultation" mechanism which I believe constitutes a sufficient control.

The bill established a revised preference system to distribute the 425,000 visas. Present law includes both family reunification preferences and independent preferences. The legislation somewhat reduces the dominance of family reunification in the preference system. We established a family reunification quota of 350,000 and an independent immigrant quota of 75,000.

Regarding the family reunification preferences, we were well aware that the legalization would increase pressure on the "second preference" with many newly permanent residents petitioning for their immediate relatives. To avoid excessive backlogs, we altered that preference somewhat in order to limit it to spouses and minor children, rather than the present spouses and sons and daughters. We also increased substantially the percentage allocated to this preference.

A more significant change is the elimination of the "fifth preference." We felt it important to define the family as we in the United States have defined it, rather than using the "extended family" definition of many societies of older or developing nations. With present backlogs of over 700,000

[6] *Id.*

[7] The description of the legislation provisions in the text follow the bill as it passed the Senate and was reported out of the House Judiciary Committee. The bill as it was introduced used the dates 1978 and 1980 and had slightly different conditions for legalization.

[8] It does not console me very much that West Germany has a backlog of over 160,000 asylum cases and the asylum adjudication process there took, until recently, over seven years. But it does indicate our problems are not unique.

[9] Again, the text description follows the bill as it was finally passed by the Senate.

[10] S. 2222, *supra* note 2, §§ 201-213.

in the fifth preference we felt that the continuation of this preference for brothers and sisters of adult United States citizens represented a cruel blow to many who may have to patiently wait in line for a decade or more.

The bill increases the number of independent immigrant visas from 54,000 under current law to 75,000. This follows the recommendations of the Select Commission to provide for a more "new seed" immigrants. The independent preferences include persons of exceptional merit and ability in the arts, sciences and in business, as well as skilled workers in short supply in the United States. The bill also creates a new investor preference requiring a $250,000 investment and the employment of at least four American workers, not members of the investor's family.

I am pleased with the quality and the results of our work. I feel confident that we are creating a new immigration system which will achieve control of our borders while continuing our finest tradition of receiving immigrants who come to our shores to share our freedom and prosperity.

We feel we honestly address the full spectrum of this tough national issue—hopefully Congress will respond, if not now, then very shortly. It is an issue that will not "go away." It will be with us for the rest of our history.●

A HUMOROUS ODE TO THE NUMEROUS OWED

● Mr. DOLE. Mr. President, Edwin S. Cohen is a well-known tax attorney in Washington. In addition, he is a distinguished professor at the University of Virginia Law School and served this country as Assistant Secretary of Treasury and later as Under Secretary in that Department in the late 1960's and the early 1970's.

Mr. Cohen penned, in verse, a very clever review of developments affecting the Internal Revenue Code during the last five decades. The poem was presented to the Tax Forum in New York.

I ask that Mr. Cohen's paper entitled "Ode to the Code" be printed in the RECORD for the edification and amusement of my colleagues.

The material follows:

ODE TO THE CODE OR FOUR HUNDRED FIGHTS AT THE FORUM [1] OR WHAT DO YOU THINK YOUR SPOUSE HAS BEEN DOING ON THE FIRST MONDAY NIGHT IN THE MONTH? [2]

(By Edwin S. Cohen)

I was counseled that paper four hundred [3] and a half
Should be brief as could be and be good for a laugh,
But you never did think that in fullness of time
You would hear a tax thesis reduced to a rhyme.

O how great it would be if taxation parameter
Were defined by Congress in iambic pentameter! [4]
O how great it would be if each single clause
Were designed in verse in this paragon of laws!

When the Forum was founded in late 'thirty-five [5]
It was hard to imagine how well it would thrive.
There was trouble in finding a subject to pick
With the law [6] at the time but a quarter-inch thick.

This was the era before decentralization,
When all had to go to the capital of the nation
To settle their cases, no matter where pending,
Or appeal to the Board,[7] were the Bureau [8] unbending.

The Treasury was headed by Morgenthau père
And cases without Helvering [9] were known to be rare.
The Congress had passed section one twelve (b)(6) [10]
And the pyramid structure was in a dreadful fix.

A ban had been placed on consolidated returns
So intercompany dealings were major concerns;
Yet the problems, it developed, were but *in transitu* [11]
For the returns returned in nineteen forty-two.

That was the year when there were major extensions,
Including new rules for executive pensions. [12]
They changed many things, including matrimony,
Allowing deductions for monthly alimony. [13]

The rates zoomed upwards to an unprecedented extent
Until they even exceeded ninety percent;
Their later decline was an occasion for revel,
Though sadly never to their earlier level.

Soon we were treated to a novel introduction
Of something to be known as the marital deduction,[14]
With couples permitted their earnings to commingle
But only when married, not when they're single.

Then charities lost their previous sanctimony
When they went into business to sell macaroni.[15]
Subjected to tax on their earnings unrelated
To whatever it is for which they're created.

Hollywood produced the company collapsible;
'Twas soon to be censored and made fully taxable,
With a tortuous exception in subsection (e)—
An egregious model of complexity.

The Republicans thought, when they came to power,
They would draft a new statute for Eisenhower.
They rewrote the old law from beginning to end; [16]
There was hardly a rule that they didn't amend.

And thus was developed a new Revenue Code,[17]
To redo the law that would tell us what's owed.
The worst of it was that the numbers were changed;[18]
So whatever we knew was all rearranged.

Then small business finally won some redress,
With a special regime called Subchapter S;
It was cheerful to some, but to some it brought tears,
Till amendments were made after twenty-four years.[19]

In 'sixty-two came our investment tax credit
(Then so many offspring we may live to regret it);
As expense account living was curbed with some rancor,
So luxurious yachts were deprived of their anchor.

To the private foundations came a woe—and alas—
All the Model T rules had just run out of gas.[20]
There were stipends a plenty, so lush, never scant,
It was said in defense even Lincoln had a Grant.[21]

Our political figures were handed new rules
On the giving of papers to their favorite schools; [22]
But collectors of art were allowed to relax
And the bar was awarded the maximum tax.

When depletion was cut there were objections intense
That a gallon of gas might rise to thirty-six cents;
And the owners of stables were filled with remorse
When they reined in deductions for raising a horse.

In the '76 Act legatees found they'd lost
The advantages given by a step-up in cost;[23]
With new rules to restrict a net operating loss,
But the rules were deferred, so they're gathering moss.

The Long [24] arm of the law led a novel refrain
And reduced the rate on a capital gain;
To be sure that the bar had no time to relax,
They designed an alternative minimum tax.

The new President thought he would stir up a broth
With ingredients provided by Kemp and by Roth.
There was worry, of course, that receipts might decrease,[25]
And especially so from the safe harbor lease.

Thus the following year there was little surprise
When decisions were made to have revenues rise;[26]
They were forced to twist arms, to persuade and cajole,
So they dropped the new bill in the lap of Bob Dole.[27]

It is easy to see that the law's still in flux
With a heavy new levy on gas and on trucks;
And there's more yet to come in the years that we face
As the Code grows too big for the fattest brief case.[28]

We can hope soon there'll be a computerized [29] Code
Although that is a dream that's still far down the road;
So let Forum descendants prepare to be heirs
To these heated discussions of fiscal affairs.

FOOTNOTES

[1] These are scholarly brawls with an air of decorum.

[2] Despite all the drinks that are served at the Forum.

[3] With exception, of course, for the family Schapiro.

Footnotes at end of poem.

Where the risks are reduced to just about zero.
[3] Omitted are old authors, and the titles of their works,
In deference to the admission of new young Turks.
[4] Or any other meter that keeps our attention,
For a few at times doze, though their names I'll not mention.
[5] There are some who preferred olden days with much cause,
When the meal was topped off with Havana cigars.
[6] We are speaking right here of the '34 Act
'Cause the Code at the time was a statute we lacked.
[7] Recently created to permit one to sue
Without paying the tax alleged to be due.
[8] The Bureau, of course, was considered honest without fail—
Till three of our members sent the Commissioner to jail.
[9] Guy T. Helvering was Commissioner for ages,
And cases bore his name in their appellate stages.
[10] Later to be known as section three thirty-two,
But the shift in number brought little that was new.
[11] Letters and packages are often *in transitu*,
But laws, like ballerinas, can be *in transitu* too.
[12] But you can't give executives a life of ease
Without taking care of other employees.
[13] Of assistance to those who have married their mate,
But no help to the singles who cohabitate.
[14] Extending the rule of Napoleon's Code
Whatever the locus of one's final abode.
[15] After lengthy debate the Congress passed a
Brand new rule to put the bite on pasta.
[16] Some nine thousand numbers allowed room for the future,
But with so many incisions, it's in need of a suture.
[17] It was passed in August, midst rumbles and grouses;
In November they lost the control of both Houses.
[18] Said one of our members, who was long out of school,
"I couldn't care less if they change every rule;
But I've practiced too long, my mind to encumber
With the need to relearn each damn section number."
[19] When they started revising, the law was quite new;
It was finally finished in late 'eighty-two.
[20] Their officials contrived to incur Congress' wrath—
No Ford in our future, had it stayed on its path.
[21] An appropriate reference, we know you'll agree,
As we witness the birthday of Robert E. Lee.
It occurred on yesterday, but is often combined
With the late General Jackson's, two days behind.
[22] 'Twas unknown at the time, 'cause the news was belated,
At least one of the gifts was slightly backdated.
[23] But this law is a part of the lore we ignore,
'Cause Byrd didn't buy it, so it ain't so no more.
[24] The reference here is to the head of the Committee
Whose knowledge is so broad and whose words are so witty.
[25] The leadership found they just had to insert a
Lotta new goodies to win passage of ERTA.
[26] The Democrats smiled as the bill was unfolding, 'Cause Republicans embraced dividend withholding.
[27] If you want a bill passed, there is nothing so fast as
To ask the Senator from way out in Kansas.
[28] It'll be hard, to be sure, to simplify the tax
Without doing battle with a multitude of PACs.
[29] It will tell, *par example*, what's debt and what's stock,
Without seeking advice from H. and R. Block.●

REPORT TO CONGRESS ON FORCED LABOR IN THE U.S.S.R.

● Mr. ARMSTRONG. Mr. President, pursuant to Senate Resolution 449 enacted in the 97th Congress the State Department has reported to Congress on the use of forced labor in the Soviet Union. The report documents a brutal and systematic violation of basic human rights which appears to be a fundamental element in the Soviet political and economic system. I urge all my colleagues to study it carefully.

I ask that the State Department's "Report to the Congress on Forced Labor in the U.S.S.R." be printed in the RECORD.

The report follows.

U.S. DEPARTMENT OF STATE, UNDER SECRETARY OF STATE FOR POLITICAL AFFAIRS,
Washington, D.C., February 9, 1983.

Hon. WILLIAM L. ARMSTRONG,
U.S. Senate.

DEAR SENATOR ARMSTRONG: The Department of State is pleased to submit the accompanying report on forced labor in the USSR in compliance with Senate Resolution 449 and Conference Report No. 97/891 which accompanied H.R. 6956 of September 29, 1982.

Soviet forced labor practices have changed considerable since Stalin's day, but Soviet authorities still exploit forced labor on a large scale. The Soviet forced labor system gravely infringes internationally recognized fundamental human rights. Forced labor, often under harsh and degrading conditions, is used to execute various Soviet developmental projects and to produce large amounts of primary and manufactured goods for both domestic and Western export markets. As stated in our preliminary report of 5 November 1982, forced labor in the Soviet Union is a longstanding and grave human rights issue. The Soviet forced labor system, the largest in the world, comprises a network of some 1,100 forced labor camps, which cover most areas of the USSR. The system includes an estimated four million forced laborers, of whom at least 10,000 are considered to be political and religious prisoners.

In maintaining its extensive forced labor system to serve both the political and the economic purposes of the State, the Government of the Soviet Union—as discussed in the paper entitled "Legal Issues Relating to Forced Labor in the Soviet Union" (Tab 2)—is contravening the United Nations Charter and failing to fulfill its solemn undertakings in the Universal Declaration of Human Rights and the Anti-Slavery Convention of 1926.

Since our interim report on this issue was released in November, 1982, we have continued our efforts to gather information and have prepared several studies on particular facets of the issue. We have examined, for example, current Soviet forced labor law and practices as well as international law and agreements relating to forced labor. In addition, we have reviewed the human rights aspects of the issue and prepared an update of international labor activities regarding the Soviet forced labor issue. Finally, we have examined Soviet efforts to recruit voluntary workers to Siberia and explored the status of the growing number of Vietnamese workers in the USSR. Papers on these issues are included in the present report.

We also have followed closely the efforts of private organizations to develop further information. The International Society for Human Rights, based in Frankfurt, Germany held hearings on this issue in Bonn on November 18–19, 1982. Our summary of those hearings is included in this submission. The Society intends to release the full testimony, transcripts, and other documents early this year. We will ensure that this documentation is made available to the Congress.

We have examined further the Soviet authorities' use of broadly worded legislation against "anti-Soviet agitation," "hooliganism" and "parasitism" intended to intimidate, punish and exploit political dissidents and religious activists. As we stated in our earlier report, for nearly 30 years the International Labor Organization (ILO) has investigated allegations concerning these Soviet practices. The Soviet authorities refuse to provide responses satisfactory to the ILO. The United States believes that these issues need to be addressed and that the burden of proof is on the USSR. We reiterate, therefore, that to resolve this issue the Soviet authorities must open to impartial international investigation their entire forced labor system.

It is well known that forced labor has been used on pipeline projects in the past and we have evidence that it is being used now, as well, in domestic pipeline construction. As noted in our November, 1982 submission, a number of reports suggest that forced labor was used in the difficult and dangerous site preparation and other preliminary work related to the export pipeline. The media directed public attention to this matter, illuminating the Soviet Union's current forced labor practices. The publicity, we believe, has made Soviet authorities sensitive to the additional problems that would attend future exploitation of forced labor on the export pipeline project.

In early December, 1982 the USSR offered, and a delegation of Western trade unionists accepted, an invitation to observe ongoing construction of the export pipeline. While praising the visit, the official Soviet news agency TASS revealed on 10 December, 1982 that the delegation inspected only a single 300 kilometer section of the 4000 kilometer line; the inspection was performed largely by helicopter. One delegate—from a union ordinarily sympathetic to Soviet interests—later characterized the visit as a typical guided show tour of the USSR, and described the pipeline inspection itself as unsatisfactory.

The ILO has accepted "in principle" an invitation from the official Soviet trade union apparatus to send an on-site mission to examine charges of forced labor on the export pipeline. The ILO has received no formal invitation from the Soviet government itself, which bears official responsibility for Soviet international obligations. Whether such an invitation comes formally from the Soviet Government or from its official trade union apparatus, there is continuing concern that without assurances from the Soviet Government that it could conduct a full inquiry into the Soviet forced labor system, such a mission would not be in a position to secure full disclosure of the facts.

The situation of the growing number of Vietnamese workers in the USSR, under conditions which may violate agreed international labor standards, continues to be of concern. It appears that many of the workers enter the Vietnam/USSR labor program in order to escape the poverty and unemployment of present-day Vietnam. At the same time, however, there are reports that working conditions in the USSR are harsh and that net wages of the Vietnamese workers are lower than those paid Soviets doing comparable work. There is little doubt that a significant part of the Vietnamese workers' pay is sequestered to offset the Viet-

namese Government's official debts to the USSR. Also the workers' communication with their families probably is monitored and constrained. Further it is unclear whether Vietnamese contract workers, who must make a commitment for up to seven years, may quit their employment and return home freely.

We have obtained no convincing evidence that Vietnamese contract workers are employed on the export gas pipeline project. The secrecy with which both the Vietnamese and Soviet governments have surrounded this labor program has made it difficult to monitor. Considering its inherent potential for abuse and the human rights issues involved, we will continue to follow this program closely and to encourage greater international scrutiny.

We have included in this report two detailed graphic representations of forced labor installations in the Soviet Union. One depicts the site of a gas pipeline compressor station under construction, the other a manufacturing site which incorporates the grounds and building of a former church. These materials derive from intelligence sources. We will continue to make available to the Congress further intelligence regarding the use of forced labor in the USSR. This will be done through the Senate and House Select Committees on Intelligence.

The last major United Nations global survey on forced labor appeared in 1953. That report of the UN Ad Hoc Committee on Forced Labor, which focused on the exploitation of forced labor for political or economic purposes, is discussed in the Legal Issues paper at Tab 2. Since the exploitation of forced labor remains an important international issue and infringes fundamental human rights, the U.S. Government considers it appropriate that in 1983—the 30th Anniversary of the Ad Hoc Committee Report—the international community again review this issue and rededicate itself to eliminating such practice.

Yours very truly,

LAWRENCE S. EAGLEBURGER.

REPORT TO CONGRESS ON FORCED LABOR IN THE U.S.S.R.

NOTE.—From the Report of the Ad Hoc Committee on Forced Labor, UN Document E/2431, Economic and Social Council, Sixteenth Session, Supplement No. 13 (May 1953).

(Charts and graphs mentioned not reproduced in the RECORD.)

"A system of forced labor as a means of political coercion . . . is, by its very nature and attributes, a violation of the fundamental rights of the human person as guaranteed by the Charter of the United Nations and proclaimed in the Universal Declaration of Human Rights. Apart from the physical suffering and hardship involved, what makes the system most dangerous to human freedom and dignity is that it trespasses on the inner convictions and ideas of persons to the extent of forcing them to change their opinions, convictions and even mental attitudes to the satisfaction of the State.

"While less seriously jeopardising the fundamental rights of the human person, systems of forced labour for economic purposes are no less a violation of the Charter of the United Nations and the Universal Declaration of Human Rights."

FORCED LABOR ON SOVIET CONSTRUCTION PROJECTS

The Soviet Union has used persons under sentence of forced labor to construct crude oil and natural gas pipelines and pumping and compressor stations (such as the one shown in the accompanying graphic). It has been reported that political prisoners are sometimes used to perform heavy labor, normally in isolated areas where heavy equipment cannot be used.

Parolees (forced laborers released from camps to serve the remainder of their sentences at construction sites) and probationers (forced laborers sentenced directly to construction sites instead of incarceration) are often housed at construction sites in mobile trailers, sometimes in fenced areas. Mobile trailers are not known to be used to transport and house prisoners, because standard prison security practices are difficult to duplicate at construction sites. Trailers used to house parolees measure 12 meters long by 2 meters wide by 3.5 meters high. Parolees and their trailer lodging move as the actual pipeline or pumping station construction is completed. Trailer compounds associated with pumping and compressor stations normally stay semi-permanent during the construction period.

Prisoners used on pipeline installation projects would ordinarily be transported back and forth from nearby prison camps in trucks. Prisoners are guarded during transport and at the work sites by armed Ministry of Interior (MVD) militia.

The accompanying graphics, which derive from intelligence sources, detail the physical layouts of two Soviet forced labor installations; one built around a pipeline compressor under construction, the other incorporating the grounds and building of a former church.

U.S. DEPARTMENT OF STATE,
Washington, D.C.

REPORT ON LEGAL ISSUES RELATING TO FORCED LABOR IN THE SOVIET UNION

I. CURRENT SOVIET FORCED LABOR LAW AND PRACTICES

A. Introduction

The Soviet Union's forced labor system, involving more than four million laborers under various conditions of detention, functions primarily as an apparatus for punishment of crimes, both common and political, but also as an important means of economic production.

All societies have some form of incarceration and, indeed, most attempt to employ prisoners in some form of gainful activity. The vast Soviet forced labor system, however, is distinguished by its large scale and the harshness by which it operates to threaten and punish those who are convicted of violating Soviet law, including those who attempt to assert freedom of speech, assembly or religion.

The Soviet system of charges and sentencing in effect classifies as crimes many political, religious, and cultural activities cited for protection by the United Nations Charter and the Universal Declaration of Human Rights. The Soviet system of courts operates as an instrument of official policy at the direction of the Soviet Communist Party. Through these systems, the Government of the Soviet Union brings large numbers of individuals into its forced labor camp network in violation of their internationally recognized rights.

B. The role of corrective labor in Soviet law

Soviet policy on the use of corrective labor as punishment imposed by court sentence is set forth in the Soviet law entitled "Principles for Corrective Labor Legislation of the U.S.S.R. and Union Republics," which was approved by the U.S.S.R. Supreme Soviet on July 11, 1969.[1] This basic statute, as amended,[2] serves as a model for implementing legislation by Union Republics.

Soviet penal authorities regard corrective labor as an essential element of punishment in all sentences involving deprivation of freedom. The premise is that corrective labor rehabilitates the criminal and has a deterrent effect on others. The only exceptions to the general practice include minor misdemeanors involving very short terms in jail and a relatively small number of especially dangerous crimes the sentence for which specifies incarceration in a maximum security prison. Prison regimes are harsher than corrective labor camps and are reserved for recidivist hardened criminals and for some of the more important political prisoners.

Corrective labor may also be imposed as punishment without confinement to a camp; such sentences usually are imposed for lesser crimes or administrative offenses and involve terms ranging from one month to two years. The offender continues to work under close supervision at his usual job with a deduction of up to 20 per cent from his wages for the period of the sentence. He may be required to work elsewhere within his district of domicile. Of the unconfined individuals engaged in corrective labor, however, most by far are parolees, probationers, and individuals sentenced to penal "colony-settlements" who are usually sent to work in remote areas. They remain subject to incarceration if they violate the terms of their sentences.

Economic considerations play an important role in the Soviet corrective labor system. According to the official Soviet account, prisoners are expected to work so they will not be a burden on society while serving their sentences. Their pay is in theory commensurate with rates paid to free workers, but a substantial portion is deducted for food, clothing, and other expenses. Most corrective labor is performed in small manufacturing facilities within the confines of a camp, but it is also used routinely on major construction projects of all kinds, including dams, buildings, roads, railroads, pipelines, and timber cutting and hauling. Among the major projects on which forced labor has been used are military installations and to this extent forced labor plays a role in the Soviet defense effort.

We estimate the total Soviet penal population to be around 4 million—around 2 million incarcerated in labor camps, and another 2 million in the status of unconfined forced laborers (probationers, parolees released from labor camp, or individuals sentenced directly to a term of forced labor).

Most inmates in the Soviet penal system would in most any society be considered ordinary criminals convicted for common crimes. Some of the most comprehensive data on Soviet crime were provided by a former official in the Moscow Procurator's office. He has published in the West what appear to be official records on criminal convictions in the USSR: In 1976, Soviet courts sentenced 976,000 persons for serious crimes, and another 1,684,355 persons for lesser crimes and misdemeanors handled administratively or by "comrades' courts." The breakdown of serious crimes by category, however, does not provide a basis for esti-

---

Footnotes at end of articles.

mating the number of crimes that could be categorized as political or religious.

The total number of persons convicted for political or religious offenses is not known with any degree of assurance. A report by Amnesty International and two other studies agree on an estimate of at least 10,000, but other estimates range much higher. One specialist in the field has compiled a list of 848 political prisoners (as of May 1982) known by him to be in various categories of confinement. This, however, is only the visible tip of the iceberg.

Thus, the Soviet economy has at its disposal a huge labor force that is cheap, flexible, and subject to discipline. It is especially suitable for deployment as needed for projects in remote areas with difficult climatic conditions, where authorities find it difficult to attract and hold free workers. When authorities need convict labor, they expect the judicial system to supply it.

The reliance of the Soviet economy on the availability of convict labor has had an insidious effect on the Soviet judicial system, which has always in any event functioned as an instrument of official Soviet policy. Soviet criminal courts operate under pressure to produce findings of guilt. As a result, authorities tend to adopt the attitude that the law enforcement organs, including the militia (police), the KGB, the Prosecutor, and the judge can do no wrong when implementing official policy; any questioning of the correctness of criminal charges or of the case presented by the prosecutor in court, even by defense counsel during the trial, tends to be regarded as a challenge to state authority. Given the fact that criminal cases in Soviet "peoples' courts" are tried without jury by a judge and two lay assistants, defense attorneys find it extremely difficult to obtain an acquittal in cases of ordinary crime, and even more difficult to do so when the case involves a political element. (In the view of Western specialists in Soviet law, Soviet courts have greater freedom to base decisions on applicable law and evidence only in cases involving civil law.)

Statistics on the number of convictions by Soviet courts on criminal charges involving a miscarriage of justice are of course not available. The evidence suggests that this number is high, even though some convictions in ordinary criminal cases are reversed on appeal. Individuals denied an opportunity to prove their innocence in courts—regardless of whether they face charges for common crimes or prosecution essentially for political beliefs and activities—must be regarded as having been deprived of a basic human right.

Despite certain advantages of convict labor over free labor for work on large-scale construction projects in remote areas, its utilization presents some problems for the authorities. Soviet law and policy requires convicts who work outside the camp compound to be under constant guard and to be returned to the compound for the night. The authorities are also reluctant to permit persons convicted for serious crimes and "especially serious state crimes," including political prisoners, to work outside the camp compound. Such convicts are usually sentenced to "strict regime" or "special regime" camps and are not normally used for work outside the camp compound. The Law on Corrective Labor Legislation authorizes four categories of "correctional labor colonies" (i.e., forced labor camps); in order of increasing severity, these are: General regime (generally for first offenders), intensified regime (for first offenders serving terms of more than three years for premeditated felonies); strict regime (for individuals convicted of especially dangerous crimes against the State and for recidivists), and special regime (for especially dangerous male recidivists and men whose death sentences have been commuted).

In recent years, Soviet judicial authorities increased the practice of placing persons convicted for criminal offenses on probation instead of sentencing them to labor camp and assigning them to corrective labor in areas where their skills could be used. Procedures were also relaxed for paroling inmates of labor camps and converting their status to that of unconfined forced laborers. What the authorities needed was a more flexible category of forced laborers who could be used wherever needed without the restrictions applicable to convicts serving sentences in confinement. Therefore, this segment of forced labor began to expand.

In February 1977 the Soviet Government amended Par. 44 of the Statute for Corrective Labor Legislation to permit parole from a sentence of confinement, on condition that the parolee perform corrective labor "in locations designated by the appropriate organs empowered to execute the sentence." [3] This measure specifically did not apply to persons convicted for serious crimes, including "especially serious state crimes." The list of exclusions was further expanded by amendment of the Statute in July 1982.[4] Their effect was to disqualify from parole not only hardened criminals but persons convicted for political or religious offenses.

In effect, the penal system as presently constituted allows authorities to ship convicts to labor camps, where they are separated into categories. Ordinary criminals are usually kept in camp long enough to impress them with the rigorous conditions prevailing there; they are then offered the slightly more desirable option—on condition of their good behavior—to perform corrective labor without confinement in locations designated by the authorities. Their status becomes similar to that of indentured labor. Convicts deemed unsuitable for conditional release—a category including those sentenced for serious crimes, repeat offenders, and political prisoners—remain in labor camp for the duration of their sentence.

C. Political crimes, political prisoners

The Soviet regime denies that Soviet citizens are imprisoned for their political or religious beliefs or for exercising rights guaranteed under the Soviet Constitution. Nevertheless, citizens who express views contrary to official Soviet policies and views, or who act individually or as members of unofficial groups on behalf of their views, are subject to harassment, intimidation, and arrest. They frequently are charged with violating a number of vaguely-worded articles in the criminal codes of Soviet republics which severely restrict the exercise of basic political, religious, and civil rights, including those guarantees by the Soviet Constitution. Of course, all such constitutional guarantees are in any event expressly subject to the caveat that they may not be exercised "to the detriment of the interests of society or the state." (USSR Constitution, Article 39)

1. Political crimes:

Article 24 of the Criminal Code of the Russian Soviet Federated Socialist Republic ("RSFSR") [5] defines the offenses covered in Articles 64-73 as "especially dangerous crimes against the State." These include Treason (Art. 64), Espionage (Art. 65), Terrorist Acts (Art. 66), Sabotage (Art. 68), Wrecking (Art. 69), Anti-Soviet Agitation and Propaganda (Art. 70), and "Organizational Activity Directed to Commission of Especially Dangerous Crimes against the State and Participation in Anti-Soviet Organizations." (Art. 72).

Of these articles, only Article 70 is used frequently in prosecuting political dissidents, although others may be used in exceptional cases. For example, Anatoly Shcharansky, the Jewish activist and member of the Moscow Helsinki Watch Group, which was organized to monitor Soviet implementation of the Helsinki Final Act, was convicted on charges of treason (Art. 64) in July 1978 and sentenced to a term of 3 years in prison and 10 years of corrective labor. (Soviet authorities recently forced all Soviet Helsinki Watch Groups to disband.)

Article 70 defines "Anti-Soviet Agitation and Propaganda" as "agitation or propaganda carried on for the purpose of subverting or weakening Soviet authority or of committing particular, especially dangerous crimes against the State, or circulating for the same purpose slanderous fabrications which defame the Soviet State and social system, or circulating or preparing or keeping, for the same purpose, literature of such content." It prescribes punishment of "deprivation of freedom for a term of six months to seven years, with or without additional exile for a term of two to five years, or by exile for a term of two to five years." A record of previous convictions for "especially dangerous crimes against the state" increases the maximum sentence to ten years of imprisonment, plus exile for two-to-five years.

Prosecution of Soviet intellectuals in the 1960's under Article 70 proved awkward occasionally because it required the state to prove the defendant's intent "to subvert or weaken state authority." Consequently, Article 190 ("Failure to Report Crimes") was expanded in 1967 to include (190.1) "Spreading orally or in writing intentionally false fabrications harmful to the Soviet state and social system" and (190.3) "The organization or participation in group actions attended by obvious disobedience to legal demands by representatives of authority or which involve violation of the operation of transport, state or social institutions, or enterprises."

Article 190.1 did not require the state to prove intent to harm the system and was so loosely worded that it could be used to prosecute anyone making a statement deemed libelous by the state prosecutor. Conviction on such charges follows as a matter of course because, in practice in Soviet courts, the defense lacks the opportunity to rebut charges of libel through proof that the allegedly libelous statement was in fact accurate and truthful. For example, during the trial of Seventh Day Adventist Ilya Zvyagin in Leningrad in November 1980, the accused was charged under Article 190.1 with disseminating two Adventist documents, but these documents were not permitted to be read in court, nor was any description of their contents provided during the trial. The court simply accepted the prosecutor's charge that the documents libeled the Soviet system. The defendant was sentenced to two years in a general regime labor camp.

Similarly, charges under Article 190.3 could cover a wide range of challenges to the established order, including political demonstrations and strikes. Although the maximum sentence of three years' deprivation of freedom under 190.1 and 190.3 is

lighter than the maximum punishment under Article 70, the authorities now have more leeway than previously in arresting and prosecuting political activists.

2. Parasitism and hooliganism:

"Parasitism" (i.e., the failure to engage in socially useful work) was not initially incorporated into the Criminal Code and was treated as a misdemeanor punishable as an administrative offense. In 1975, however, parasitism was added to Article 209 (prohibiting vagrancy or begging) and became punishable by a maximum of 2 years of deprivation of freedom. In October 1982 the maximum punishment was increased to 3 years for repeat offenders.

Paragraph 206 of the Criminal Code defines "hooliganism" as an intentional violation of public order and disrespect for society, punishable by up to one year deprivation of freedom or a fine not exceeding 50 rubles. In practice, hooliganism is a catch-all category including such offenses as disorderly conduct, brawling, and vandalism. "Malicious hooliganism," defined as a charge against a person previously convicted for hooliganism, or involving resisting an officer of the law, or as "distinguished in content by exceptional cynicism or impudence," is punishable by a maximum of 5 years' deprivation of freedom.

Charges of parasitism or hooliganism are frequently leveled against political activists. For example, an applicant for emigration who is discharged from his job as a form of harassment and then fails to find new employment within the prescribed period may be so charged. The fact that he is unable to find new employment because he has been effectively blacklisted by the authorities does not constitute a valid defense in court. For example, Estonian Methodist activist Herbert Murd was arrested in March 1980 on charges of parasitism after being expelled from a music conservatory. The basis for the charge appeared to be the fact that he had engaged in Christian work among young people. Shortly after completing his one-year labor camp sentence, he was again arrested, this time for alleged non-payment of alimony even though he had had no income after his release because he was systematically dismissed from every job he managed to find. Individuals engaged in unofficial or unacceptable occupations (such as teaching Hebrew or engaging in unofficial literary or artistic endeavors) may also face charges of parasitism.

Similarly, activists may be charged with hooliganism for publicly demanding the right to emigrate, or for meeting in an apartment and then arguing with a militiaman or other representative of authority who knocks on the door and demands that they disperse. In June 1978, for example, Jewish activist Vladimir Slepak, who has repeatedly been denied permission to emigrate from the Soviet Union, was convicted on charges of malicious hooliganism for hanging a placard outside his apartment balcony demanding permission to emigrate.

D. Economic crimes

Article 162 imposes a maximum sentence of 4 years' deprivation of freedom with confiscation of property for "engaging in a trade concerning which there is a special prohibition." Even conceding a socialist state's interest in regulating economic activities by prohibiting specific forms of private enterprise, the enforcement of this article with respect to individuals who attract the attention of the authorities for their nonconformity often involves prosecution on technicalities carried to unreasonable limits.

For example, in September 1979 a Leningrad court sentenced physicist and art collector Georgiy Mikhaylov to 4 years of corrective labor on charges of engaging in a prohibited occupation and ordered the destruction of his art collection. Mikhaylov was accused of preparing and selling to friends several slides of unofficial art from his private collection. He was found guilty even though an expert witness for the prosecution refused to testify that Mikhaylov's act constituted a violation of Article 162. In another example, Orthodox nun Valeriya Makeyeva was convicted in April 1970 on charges under Article 162 because she made and sold belts embroidered with words from Psalm 90 ("He that dwelleth in the care of the Most High . . ."). [6] Political or religious activists who engage in illegal printing and publishing may be prosecuted under Article 162, although they can also be charged under Article 70 (anti-Soviet agitation and propaganda) or 190.1 (slandering the Soviet system).

In addition, there are economic "crimes" whose commission is an inevitable consequence of fundamental defects in the Soviet economic system, which often leaves citizens with no legal alternative if they wish to lead anything like a normal life. If, as frequently happens, there is no feed available for farm animals, "the purchase in state or cooperative stores of bread, flour, groats, and other grain products to feed livestock and poultry" renders a Soviet peasant liable to "deprivation of freedom for a period of between one and three years, with or without confiscation of his livestock," under Article 154.1 of the Criminal Code. Other such "crimes" include "private entrepreneurial activity and acting as a commercial middleman;" for example, in the manufacture of spare parts which cannot be procured through legal channels.

E. Religious crimes

Soviet leaders cite the guarantees found in the Soviet Constitution as evidence that religious believers in the USSR enjoy full religious freedom. Article 52 of the Constitution adopted in October 1977 guarantees freedom of conscience and the right "to conduct religious worship or atheist propaganda," separates church and state and prohibits "incitement of hostility or hatred on religious grounds." Article 34 guarantees citizens equality before the law "without distinction of origin, social or property status, race or nationality, sex, education, language, attitude to religion, type and nature of occupation, domicile, or other status."

At the same time, the 1929 RSFSR Law on Religious Association (comparable laws also exist in other Soviet republics), as well as a series of other statutes and administrative practices effectively circumscribe these constitutional guarantees and impose Draconian restrictions on religious believers in the USSR. The effect of these restrictions and controls has been to place individual believers and religious associations under full state control by making them dependent upon state authorities for the exercise of their activities (indeed, for their very legal existence) and to undermine the organizational integrity of each religious denomination.

Any attempt by religious believers to assert freedom of conscience outside the scope of these controls thus automatically brings them in conflict with the authorities. Thus, the question of whether Soviet religious believers can be arrested, prosecuted and sentenced to long terms of corrective labor for actions they regard to be essential for the practice of their religious beliefs hinges on how religious freedom is defined by the laws and administrative regulations of a regime committed to the implementation of atheism as state policy.

The Law of Religious Associations does not confer on religious denominations the status of public organizations as defined by the Soviet Constitution or the juridical status of a person-at-law.

Instead, the law reduces church-state relations to a local-level relationship between the state and each primary unit of believers (at least 20 persons acquiring official recognition through registration). This initial legal premise thus undermines the concept of an institutional church transcending a local area. Leaders of a religious denomination properly designated through the denomination's own internal procedures have no recognized status under the law, nor does the law require state authorities to deal with them, although in practice they may do so to the extent it serves regime interests. The law, moreover, is structured to inhibit church leaders from exercising effective control over affairs of the church, its hierarchy, or members. Church organizations cannot own property or inherit funds or property as other Soviet public bodies may. Religious "cults" [7] have no specific legal right to maintain seminaries, publishing facilities, or other institutions, such as monasteries—they exist only by special permission.

Notable provisions of the law include the following:

No individual may belong to more than one "religious cult group" (Article 2).

Religious associations may not function unless they register with local authorities (Article 4). The procedure for registering and satisfying all other official requirements is complex and allows authorities—by refusing to register a group—to deny legal status not only to individual groups but collectively to an entire religious denomination. This has been the fate of the Eastern Rite (Uniate) Catholic Church and the Jehovah's Witnesses. Congregations of some religious denominations, such as the Pentacostals and Seventh Day Adventists, are denied registration on the grounds that they do not accept the limitations imposed on believers by the Law on Religious Associations. A legally functioning religious group ceases to exist if authorities withdraw registration. In effect, Article 4 can prevent a Soviet citizen from practicing the faith of his or her choice.

Individual religious groups may organize general meetings or participate with other groups in conferences or councils only with official permission (Articles 12 and 20). By withholding such permission, state authorities have prevented denominations from holding a general conference (e.g., the Jews) or establishing central administrative bodies (e.g., Jews, Moslems). In other instances, authorities have required such meetings to be held for specific regime purposes (e.g., the irregularly convened Council—Synod—of the Russian Orthodox Church in 1961, and the irregularly convened Congress—Sobor—of the Eastern Rite Catholic Church in 1946 which approved the union of the Church with the Russian Orthodox Church under regime pressure).

Registered religious groups must elect their executive body by open ballot (Article 13). Individual members of a group may be removed "by the registering agencies" (Arti-

cle 14). These two articles provide authorities with the necessary leverage to control the composition and membership of each religious group and to manipulate its choice of leaders—hence, its activities and policies as well.

The law regards members of the clergy as persons hired by individual religious groups only for the performance of religious rites, a status which prevents the clergy from exercising a leadership role in a religious community. They also are wholly dependent on authorities for permission to practice their calling. Soviet law and administrative practices place at a special disadvantage those denominations (such as the Roman Catholic and Russian Orthodox Churches) where the priesthood is regarded as a sacrament, since official interference in ordination and appointment of clergy and in the discharge of their duties infringes on canon law.

Article 17 imposes a lengthy list of restrictions on the activity and rights of religious groups and members of the clergy: They may not engage in charitable, social, or "political" activities; organize prayer or study groups for adults or proselytize. Nor can they establish children's playgrounds, kindergartens, libraries, reading rooms, mutual aid societies, cooperatives, or sanatoriums. Neither the religious association nor its clergy can organize religious instruction for children; such instruction may be given only by parents to their children at home (Article 17).

The activity of clergy of a "cult" is restricted to the residential area of the religious association's members and the location of the "prayer premises" (Article 19).

Property necessary for the functioning of the "cult" is nationalized and under state control (Article 25).

Religious associations are denied property rights and may use "cult buildings" only by contractual agreement with Soviet authorities (Article 28).

"Prayer buildings" not under state protection as historical monuments may be used and reequipped for other purposes or demolished by Soviet authorities (Article 41).

All "cult property" is subjected to compulsory inventory by Soviet authorities (Article 55).

The performance of religious rites and ceremonies is not permitted in state, social, or cooperative institutions, although these rites and ceremonies may be held in "especially isolated premises" as well as at cemeteries and crematoria (Article 58).

Permission must be obtained from Soviet authorities before religious festivals can be held under an "open sky" or in the apartments or houses of believers (Article 59).

"Supervision" of religious associations is entrusted to the registering agencies (Article 64). Before the Law was amended in 1975, "surveillance" of religious associations, not "supervision," was entrusted to the "appropriate" Soviet authorities rather than "registering agencies."

The Law on Religious Associations prescribes relatively light penalties for violations: "Religious cult associations which have not fulfilled the requirements . . . shall be considered closed with the consequences provided for by the present Decree." A decree on "Administrative Liability for Violation of Legislation on Religious Cults" of March 1966 also imposes a fine not exceeding 50 rubles for violating enumerated prohibited activities. Persistent attempts by believers to organize religious groups and activities outside the provisions of the Law, however, may be prosecuted—and are in fact regularly prosecuted—under general articles of the Criminal Code dealing with deviant behavior. These include Article 70 (Anti-Soviet agitation and propaganda), Article 190.1 (Circulation of knowingly false fabrications), Article 190.2 (Organization of or active participation in group actions which violate public order), Article 162 (Engaging in a prohibited trade), Article 206 (Hooliganism), Article 209 (Vagrancy, begging and Parasitism), and Article 151 (Crimes against property of associations not constituting Socialist organizations).

In addition, Articles 142 and 227 of the Criminal Code are aimed specifically against religious activists. Violation of laws on separation of church and state and of church and school (Article 142) is punishable by three years deprivation of freedom for repeat offenders. A clarification by the Presidium of the RSFSR Supreme Soviet regarding the practical application of Article 142 explained that violations involving criminal responsibility shall include:

Compulsory collection of funds for the benefit of religious organizations or cult ministers;

The preparation for mass dissemination, or the mass dissemination of written appeals, letters, leaflets, and other documents calling for the nonobservance of the legislation on religious cults;

The commission of fraudulent actions for the purpose of inciting religious superstition among the masses of the population;

The organization and conduct of religious meetings, processions, and other cultic ceremonies which violate the social order;

The organization and systematic conduct of religious instruction to minors in violation of established legislation.

The infringement of rights of citizens under appearance of performing religious ceremonies (Article 227) carries a maximum punishment of 5 years deprivation of freedom. Religious actions infringing on the rights of citizens are defined to include:

Activities "carried on under the appearance of preaching religious beliefs and performing religious ceremonies" which can harm health or induce citizens "to refuse social activity or performance of civic duty, or draw minors into such a group . . ."

Active participation in such activities or "systematic propaganda directed at the commission of such acts."

Members of fundamentalist evangelical sects where religious practices may include faith healing, refusal of conventional medical treatments, trances, glossolalia, or other forms of religious exaltation are subject to charges under Article 142. Similarly, Article 227 allows the prosecution of believers who refuse to perform military service on religious grounds, or who induce others to do so, or who forbid their children to attend state schools.

The statutory limitations on freedom of conscience and religious activity impose on religious believers difficult moral choices. Many believers who attempt to stay within the letter of the law find the conflict between faith and law irreconcilable and choose to ignore the law. Such activists can be found in every denomination and some, such as the Roman Catholics in Lithuania and the Baptists exhibit a high degree of organization and achieve impressive results. In 1980, for example, Lithuanian Catholics sent Brezhnev a petition signed by 143,869 believers asking for the return of a church which had been constructed with official permission at the expense of Catholics in the town of Klaipeda and then confiscated by the authorities. (The petition evoked no response from the authorities.) In the early sixties, a sizeable group of Baptists broke with the officially-endorsed "All-Union Council of Churches of Evangelical Christians and Baptists" and established a rival—and illegal—"Council of Churches of Evangelical Christians and Baptists." The dissident Baptists could not accept State restrictions including the ban on religious instruction to children, State control over clergy and the content of sermons, and the prohibition against religious "propaganda." Despite arrests and harassments, they continue to defy the authorities and have even established a clandestine publishing house producing printed unofficial editions of religious literature as well as two monthly journals and a bulletin issued by a "Council of Prisoners' Relatives."

While all religious denominations without exception are bound by the restrictions enumerated above, enforcement of the law is carried out with especial severity against the Soviet Jewish community. Alone among the recognized religious groups in the USSR, Soviet Jews have no functioning seminary for the training of clergy, no authorized religious publications, no national organization, and no approved ties with coreligionists abroad.

F. Other grounds for prosecution

Because of the extensive restrictions Soviet laws place on the exercise of individual rights, a Soviet citizen can hardly achieve the status of a political or religious activist without running afoul of one of the political or religious articles of the Criminal Code, and for this reason Soviet citizens who incur official displeasure often face charges under such articles. However, their individual circumstances may also make them vulnerable to a variety of other charges. The authorities readily use a legal pretext, however flimsy the evidence, or fabricate a case if they decide to act against an activist.

For this reason, the political essence of some trials is not apparent from the formal criminal charges, which may involve common crimes such as assault, embezzlement, or theft of state property. Such cases, especially if they take place in provincial areas, may not come to the attention of Western observers or be reflected in statistical data. At the same time, the Soviet penal system often treats activists convicted for ordinary crimes as common criminals rather than political offenders. They may be directed to serve their sentence in "general regime" corrective labor camps and may in time even qualify for leniency, parole, or amnesty which is usually denied to political prisoners.

It is possible, of course, that criminal prosecution of an individual who happens to be an activist may be justified on the basis of evidence in matters unrelated to his nonconformist views or behavior. Dissidents are not necessarily above reproach. At the same time, a large body of evidence accumulated over the years regarding the disposition of individual cases indicates that trials of political and religious activists are preprogrammed to achieve conviction of the defendant regardless of the evidence at hand. Such trials involve flagrant violations of declared Soviet judicial procedure. Defendants are prevented from preparing or presenting an effective defense. Even the decision about the length of the sentence may have been made before the start of the trial. In short, if the regime chooses to take punitive

action against an individual, the question of his formal guilt or innocence is irrelevant.

G. Political prisoners, prisoners of conscience, and reform of "criminals"

Soviet authorities contend that Soviet citizens are never prosecuted for political views or religious beliefs, but only for criminal acts specified by the Criminal Code, and that therefore political prisoners do not exist in the Soviet Union in law or as a special category of the penal population. That contention is contradicted by evidence that activists convicted under the political or religious articles of the Criminal Code are treated differently during pretrial investigation and during the judicial process, and are subsequently singled out for especially harsh treatment during confinement:

The investigation of such cases is conducted by the KGB, which retains control over them and determines their disposition.

Persons convicted for "especially dangerous crimes against the State"—including those convicted for anti-Soviet agitation and propaganda (Art. 70)—are sentenced to "strict regime" (i.e., maximum security) corrective labor camps.

They are systematically denied packages, mail, and meetings with relatives to which they are entitled under prison regulations.

They run the risk of facing new criminal charges just before they complete serving a term of imprisonment if authorities do not wish to release them.

Upon completion of a term of corrective labor or internal exile, political and religious activists are often deprived of the right to return to their former city of residence. In effect, this perpetuates their exile status and they are forced to move from place to place in search of permission to establish legal residence. This has been the fate of Ida Nudel, the Jewish activist, who recently completed a four-year term of internal exile for "malicious hooliganism." She has been prevented from returning to Moscow.

Religious believers sentenced to a term of imprisonment are not permitted access to religious literature, not even the religious literature that is occasionally published in the Soviet Union with official permission. In 1982, Russian Orthodox activist Gleb Yakunin staged an unsuccessful hunger strike when he was denied permission to have a Soviet edition of the Bible in labor camp.

Life in corrective labor camps is made even more difficult for individuals who regard themselves as political prisoners or "prisoners of conscience" because they fail to meet the two basic criteria the penal system requires from inmates to qualify for privileges and leniency—admission of guilt and evidence of "reform." In the case of persons convicted essentially for political, religious, or nationalistic beliefs or other forms of intellectual nonconformity, "reform" in the eyes of the authorities would require renunciation of personal beliefs and public espousal of official ideology. Therefore, authorities regard those who refuse to do this as uncooperative and incorrigible, and not qualified to receive privileges, lenient treatment, early release, or consideration for pardon or amnesty.

An amnesty announced for the sixtieth anniversary of the U.S.S.R. in December 1982 carefully excluded not only serious common criminals, but also political and religious offenders. The amnesty did not cover:

Individuals convicted for especially dangerous state crimes (including Article 70) and recidivists (many political and religious activists, it should be noted, are repeat offenders);

Individuals convicted under Article 142 (separation of Church and State), Article 162 (engaging in a prohibited profession), Article 190.1-190.3 (slandering the Soviet system; organizing or participating in group activities violating social order), Article 206 (hooliganism), Article 209 (parasitism), and Article 227 (infringing on citizens' rights under guise of performing religious ceremonies).

The language of the amnesty demonstrates that an individual who organizes religious instruction for children or who circulates a petition protesting an official action is deemed more dangerous by Soviet authorities than one who commits assault, robbery, or rape.

The Soviet Government's official position regarding political prisoners was stated by First Deputy Chief Zagladin of the Central Committee's International Department at a press conference before the December 1982 amnesty was announced. He explained that the amnesty would not include political prisoners because there are none in the Soviet Union.

II. CONDITIONS UNDER WHICH SOVIET FORCED LABORERS WORK AND LIVE

Physical conditions in corrective labor colonies of the special regime, to which political prisoners often are sentenced, are usually harsh, and much more severe than the usual conditions in camps for common criminals. Political prisoners in an especially harsh special regime camp in the Mordovskaya region (see plate) are reported to be confined to cells holding between three and five prisoners each, with a bucket serving as a toilet. The wife of former Soviet political prisoner Alexander Ginzburg reported, after visiting him in 1978:

"The cell in which my husband and other prisoners are kept is so damp that water drips down the walls and the plaster is crumbling off. Mice run about in the cell." (*Prisoners of Conscience in the USSR: Their Treatment and Condition*, Amnesty International, London 1980, p. 111)

Barrack-type quarters are common in ordinary, reinforced, and strict regime camps. The norm is overcrowded conditions, lack of ventilation, lack of sufficient heating during the cold months, and inadequate or unsanitary toilet facilities. Clothing is strictly limited by official regulation, causing numerous instances of sickness when prisoners are not permitted to wear warm clothes in addition to the inadequate regulation clothing.

Soviet authorities use the prison diet as a means of punishment. The regular diet itself is a form of punishment but may also be reduced in response to infractions of prison rules.

Article 56 of the RSFSR Corrective Labor Code reads:

"Convicted people shall receive food ensuring the normal vital activity of the human organism. Food rations shall be differentiated according to the climatic conditions at the location of the corrective labour colony, the nature of the work done by the convicted person and his attitude to work. People who are put in a punishment- or discipline-isolation cell, in a punishment cell, in the cell-type premises of colonies with ordinary, reinforced and strict regime and in a solitary cell in colony with special regime shall receive reduced food rations."

The official Commentary to Article 56 goes further:

"Convicted persons who systematically and maliciously do not fulfil their output norms of work may be put on reduced food rations."

Prisoners are theoretically permitted to receive extra food in the form of packages from the outside or by purchasing a few items from the camp commissary. Yet penal authorities often withhold this privilege, especially in the case of political prisoners. For example, penal authorities have repeatedly rejected packages sent to imprisoned human rights activist Anatoly Shcharansky by his mother; the authorities have also prohibited her from visiting Shcharansky.

There are also numerous reports of poor or nonexistent health care in the camps. One from the Chronicle of Current Events (No. 5, December 31, 1968) regarding the experience of the former political prisoner Vladimir Bukovsky relates circumstances that are reported to continue to exist:

"In October Vladimir Bukovsky was concussed when a pile of timber collapsed on him. He was unable to work as a result, but was accused of malingering and put in a punishment cell. He started a hunger strike in protest. Against the usual rule he was put in a communal cell and his cellmates declared a ten-day hunger strike in support of him. Only after this was Bukovsky transferred to hospital for a while."

Additional information on conditions in Soviet forced labor camps is contained in a letter, dated October 25, 1982, from P. Paritskaya, wife of Soviet political prisoner Aleksandr Paritskiy:

"My husband Aleksandr Solomonovich Paritskiy, 44, a Jew, a refusenik, a scientist, candidate of technical sciences, having worked in the field of oceanology, was condemned by the Khar'Kov district court in November, 1981, and sentenced to three years in an ordinary-regime (corrective labor) camp.

"He was accused of having distributed slanderous fabrications denigrating the Soviet state and social system.

"Since February, 1982, he has been in camp no. 94/4 (near) the village of Vydrino in the Buryat autonomous Soviet socialist republic. Upon his arrival in camp, my husband was assigned very strenuous manual labor in a railroad tie factory.

"He was placed under special, constant supervision. Approximately 2,000 prisoners are held in the Vydrino camp. There, tuberculosis and (other) diseases are endemic. Last year, the death-rate reached 2 percent, and there were many traumatic cases since hygienic rules and techniques were not observed.

"The bodies of many prisoners were covered with perforated ulcers. Their clothing stuck to their bodies and had to be ripped off along with their skin. The prisoners are denied quality medical assistance.

"Forty-two kopecks a day are spent to feed (each prisoner). Their daily diet basically is about 700 grams of bread and three scoops (one scoop—200-250 grams) of porridge. At lunch soup is added to the porridge. Fat is almost, and vitamins are completely, absent from their diet.

"In the section of the barracks where my husband lives, about 75 persons are housed in one room.

"At the end of June, 1982, the chief of the zone Major N.N. Anikeyev called my husband in and demanded that he publicly recant and repudiate the idea of emigrating from the Soviet Union.

"When my husband refused to comply with this demand, Anikeyev cynically said that it made no difference, that he would force him to recant.

"Since the end of July, they have transferred my husband to work in the zone's so-called local industry and have assigned him to the job of transporting gun-carriage plates weighing as much as 200 kilos. Two unidentified persons travelled to the camp each day to ensure that my husband did only his work.

"On August 22, when my husband began to talk about himself at our meeting, they interrupted it, seized him, and put him in punitive, solitary confinement (SHNZO) for 15 days.

"Punitive solitary confinement occurs in a cell in the camp site. Food is provided every other day. All warm clothing and underwear are confiscated. Bed linens are not provided. During the day, the sleeping area is cleaned. There, it is very cold, and even at night it is impossible to get warm.

"At our meeting, my husband was able to say that his blood pressure had increased to such an extent that he could not do all of his work, and so he refused to continue working. He had changed so much that it was hard to recognize him. His face was pale and emaciated; he had lost a lot of weight.

"After releasing him from solitary confinement, they again assigned him to his old job and then threw him back into solitary confinement.

"When I went to camp authorities on September 7, Major Sautin told me that my husband had high blood pressure and had been complaining about heart pains.

"My husband had no warm clothing, but winter already had begun in Buryatia.

"Despite that the procurator had ordered that my husband be allowed to receive things from me, the camp chief director refused to allow it, saying that the procurator had not instructed him to do so.

"I declare that my husband is undergoing the tortures of hunger, cold, and work beyond his endurance.

"They threaten him now with a new trial and a transfer to a prison regime.

"During the last two months, I have not received any letters from my husband, although his correspondence is not restricted. Even a package of warm clothing sent to him was returned.

"They subject him to all these insults to force him publicly to repudiate emigration to Israel. My husband at present finds himself in the position of a hostage.

[signed] P. PARITSKAYA".

III. FORCED LABOR AND THE SOVIET UNION'S OBLIGATIONS UNDER INTERNATIONAL LAW

International law distinguishes between forced or compulsory labor on the one hand and slavery on the other. In countries that have established permanent and extensive systems of forced labor to serve the economic as well as political purposes of the government, however, the distinction becomes in large part academic.

In the 1920's and 30's, the League of Nations evinced strong interest in the dangers that slavery and forced labor posed to fundamental human rights. Two multilateral treaties dealing with such matters—the Anti-Slavery Convention of 1926 and ILO Convention 29, both discussed below—were concluded in that period; both were ratified by the Soviet Union, and both remain in force today.[8]

A. The Anti-Slavery Convention (1926)

The Convention on Suppression of the Slave Trade and Slavery ("Anti-Slavery Convention") deals primarily with slavery but also notes that "grave consequences" may result from exploitation of forced labor. Resulting from a recommendation of the Temporary Slave Commission established by the League of Nations, the Anti-Slavery Convention was adopted by the Assembly of the League on September 25, 1926.

Article 1 of the Anti-Slavery Convention defines slavery as "the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised." It would violate the Anti-Slavery Convention for a State party to enforce a private property right in an individual as a slave.

The international community, through the Anti-Slavery Convention, recognized that the large-scale use of forced labor tends inevitably to undermine universally acknowledged human rights and called attention to the comparability of forced labor abuses and the crime of slavery. Article 5 of the Anti-Slavery Convention states:

"The High Contracting Parties recognize that recourse to compulsory or forced labour may have grave consequences and undertake each in respect of the territories placed under its sovereignty . . . to take all necessary measures to prevent compulsory or forced labour from developing into conditions analogous to slavery."

The Soviet Union's forced labor system comprises approximately four million laborers and constitutes an important element in the Soviet economy. Most major construction projects in the Soviet Union involve exploitation of such laborers. Soviet forced laborers work under conditions of severe hardship and some of them political prisoners in particular, suffer deliberate maltreatment. The scope and economic purposes of the Soviet Union's forced labor system and the abuses inflicted on forced laborers there support the conclusion that the Soviet Union is failing to fulfill its solemn undertaking in Article 5 of the Anti-Slavery Convention.

B. Forced Labor Convention (1930)

At the time of its adoption of the Anti-Slavery Convention in 1926, the Assembly of the League of Nations also adopted a resolution calling on the International Labor Organization (ILO) to study "the best means of preventing forced or compulsory labour from developing into conditions analogous to slavery."

Four years later, on June 28, 1930, the ILO General Conference adopted Convention 29—Concerning Forced or Compulsory Labor.

The term "forced labor," as defined by Article 2 of ILO Convention 29, comprises "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily." Forced labor does not necessarily involve private property rights in individuals.

States parties to ILO Convention 29 undertake to suppress the use of forced or compulsory labor in all its forms within the shortest period possible. ILO Convention 29 requires, *inter alia*, the abolition of forced labor for work underground in mines. The Convention lists a set of strict determinations that the highest civil authority in a given territory must make before that authority allows recourse to forced labor. The Convention mandates that (1) an individual's forced labor term not exceed sixty days per year, (2) a forced laborer receive prevailing wage rates, including overtime pay, and (3) a forced laborer work no more than normal hours, and receive the benefit of days of rest and holidays. Also in ILO Convention 29 are standards governing workmen's compensation, safety and health, and age limits for forced laborers.

For a discussion of the ILO's formal reproaches against the Soviet Union for violations of ILO Convention 29, *see* the U.S. Department of State's November 1982 *Preliminary Report to the Congress on Forced Labor in the USSR*, Tab 2 ("The International Labor Organization: Forced Labor in the Soviet Union").

C. Report of Ad Hoc Committee on Forced Labor (1953)

In the decades following the initial signing of the Anti-Slavery Convention, it became increasingly clear that those human rights which the Anti-Slavery Convention and ILO Convention 29 were drafted to protect are subject to the most salient and persistent violation in countries that have established actual systems for exploiting forced labor. On March 19, 1951, the UN Economic and Social Council ("ECOSOC") acted to expose such violations through adoption of its Resolution 350(XII).

In that resolution, ECOSOC stated that it was "deeply moved by the documents and evidence brought to its knowledge and revealing in law and in fact the existence in the world of systems of forced labour under which a large proportion of the populations of certain States are subjected to a penitentiary regime." The resolution then invited the ILO to cooperate with ECOSOC to establish an ad hoc committee on forced labor "to study the nature and extent of the problem raised by the existence in the world of systems of forced or 'corrective' labour, which are employed as a means of political coercion or punishment for holding or expressing political views, and which are on such a scale as to constitute an important element in the economy of a given country, by examining the texts of laws and regulations and their application . . . and, if the Committee thinks fit, by taking additional evidence into consideration . . ."

and to report on the results of its study. According to the resolution, the Ad Hoc Committee's work was to be guided by the principles laid down in ILO Convention 29, "the principles of the [UN] Charter relating to respect for human rights and fundamental freedoms, and the principles of the Universal Declaration of Human Rights."

The resulting Ad Hoc Committee on Forced Labor, comprising individuals from Norway, India, and Peru, carried out its study for almost two years, issuing in May 1953 its comprehensive 600-plus page report on forced labor, UN Document E/2431. Economic and Social Council, Sixteenth Session, Supplement No. 13. The report is a meticulous review of the relevant legislation and the relevant judicial and penal practices of over 20 various countries against which allegations had been made regarding forced labor abuses.

After discussing the Soviet case in detail, the Committee report stated the following conclusions:

"Given the general aims of Soviet penal legislation, its definitions of crime in general and of political offences in particular, the restrictions it imposes on the rights of the defence in cases involving political offences the extensive powers of punishment it accords to purely administrative authorities in respect to persons considered to constitute a danger to society, and the purpose of political re-education it assigns to penalties of corrective labour served in camps, in colonies, in exile and even at the normal place

of work, this legislation constitutes the basis of a system of forced labour employed as a means of political coercion or punishment for holding or expressing political views and it is evident from the many testimonies examined by the Committee that this legislation is in fact employed in such a way.

"Persons sentenced to deprivation of liberty by a court of law or by an administrative authority, particularly political offenders, are for the most part employed in corrective labour camps or colonies on large-scale projects, on the development of mining areas or previously uncultivated regions, or on other activities of benefit to the community, and the system therefore seems to play a part of some significance in the national economy.

"Soviet legislation makes or places restrictions on the freedom of employment; these measures seem to be applied on a large scale in the interests of the national economy and, considered as a whole, they lead, in the Committee's view, to a system of forced or compulsory labour constituting an important element in the economy of the country."

The Committee report's general conclusions included the following:

A system of forced labour as a means of political coercion . . . is, by its very nature and attributes, a violation of the fundamental rights of the human person as guaranteed by the Charter of the United Nations and proclaimed in the Universal Declaration of Human Rights. Apart from the physical suffering and hardship involved, what makes the system most dangerous to human freedom and dignity is that it trespasses on the inner convictions and ideas of persons to the extent of forcing them to change their opinions, convictions and even mental attitudes to the satisfaction of the State.

"While less seriously jeopardizing the fundamental rights of the human person, *systems of forced labour for economic purposes* are no less a violation of the Charter of the United Nations and the Universal Declaration of Human Rights.

"Such systems of forced labour affecting the working population of fully self-governing countries result from various general measures involving compulsion in the recruitment, mobilisation or direction of labour. The Committee finds that these measures, taken in conjunction with other restrictions on the freedom of employment and stringent rules of labour discipline—coupled with severe penalties for any failure to observe them—go beyond the 'general obligation to work' embodied in several modern Constitutions, as well as the 'normal civic obligations' and 'emergency' regulations contemplated in international labour Convention No. 29." (Emphasis in original; footnotes deleted).

These conclusions led to the adoption by UN bodies of several resolutions condemning systems of forced labor such as that existing in the Soviet Union. In Resolution 740(VIII), adopted on December 7, 1953, the UN General Assembly, "considering that systems of forced labour constitute a serious threat to fundamental human rights and jeopardize the freedom and status of workers in contravention of obligations and proimportance which it attaches to the abolition of all systems of forced or 'corrective' labour, whether employed as a means of political coercion or punishment for holding or expressing political views or on such a scale as to constitute an important element in the economy of a country." In Resolution 842(IX), its condemnation of such systems of forced labor.

The international community, primarily through the ILO, has continued to highlight the importance of abolishing systems of forced labor, especially those used for political coercion or for economic purposes. The ILO has been the principal UN agency overseeing forced labor since ECOSOC adopted Resolution 524(XVII) (April 27, 1954) calling on the ILO to continue its consideration of forced labor and to take whatever further action it deemed appropriate toward its abolition. Indeed, the ILO Committee of Experts has conducted three general surveys on forced labor since the 1950's, the latest one published in 1979; all have been critical of relevant Soviet law. In addition, the ILO General Conference of 1977 adopted a Resolution calling for the strengthening of the ILO supervision system for the application of international labor standards, particularly human rights standards such as those relating to forced labor.

D. Conclusion

In the period since the Ad Hoc Committee on Forced Labour issued its report, changes have been made in the Soviet Union's forced labor laws and practices. Soviet penal legislation today, however, still aims to punish individuals for their political views and for peaceful actions of an essentially political or religious nature. Moreover, in practice, Soviet authorities continue to use such legislation for that purpose. In Soviet courts, the rights of the defense, especially when political charges are involved, remain severely restricted. Soviet administrative authorities continue to possess and exercise extensive powers of punishment and corrective labor camp penalties continue to have as a goal the coerced alteration of the personal opinions of political prisoners. Furthermore, the Soviet Union's forced labor system remains an important element in the Soviet economy and forced laborers in the Soviet Union are still subjected to exceedingly harsh conditions and maltreatment. Thus, notwithstanding the changes in the Soviet Union's forced labor system since the issuance of the Ad Hoc Committee's report in 1953, the Government of the Soviet Union is persisting in practices that contravene the UN Charter and failing to fulfill its solemn undertakings in the Universal Declaration of Human Rights and the Anti-Slavery Convention of 1926.

FOOTNOTES

[1] *Vedomosti Presidiuma Verkhovnogo Soveta SSSR*, No. 29 (1969), Art. 247.

[2] *Vedomosti SSSR*, No. 7 (1977), Art. 118; No. 33 (1981), Art. 967; No. 30 (1982), Art. 572; No. 42 (1982), Art. 793.

[3] *Vedomosti SSSR*, No. 7 (1977), Art. 118.

[4] *Vedomosti SSSR*, No. 30 (1982), Art. 572.

[5] Equivalent articles exist in the criminal codes of other Soviet republics, although their numerical designation may differ.

[6] *The Bible* (Russian-language edition of the Moscow Patriarchate, 1956).

[7] "Cult" is the disparaging Soviet statutory term for a religion.

[8] The United States is a party to the Anti-Slavery Convention, but not to ILO Convention 29. The United States Government has signed ILO Convention 29, but the Senate has not yet consented to ratification.

UPDATE ON ILO ACTIVITIES—DIRECT CONTACTS MISSION TO THE USSR

The International Labor Organization (ILO) has accepted "in principle" an invitation from the Soviet All Union Central Council of Trade Unions (AUCCTU) to send an on-site mission to examine charges of forced labor on the export pipeline. Arrangements for the ILO visit as well as its terms of reference have yet to be worked out. The invitation nevertheless marks the first time that the ILO may be permitted to conduct an on-site mission specifically concerning Soviet use of forced labor. The invitation should be viewed with caution, however, in light of the potential limitations, discussed below, on the mission's terms of reference.

BACKGROUND

On August 20, 1982 the International Confederation of Free Trade Unions (ICFTU) sent a letter to ILO Director-General Francis Blanchard requesting him to raise with the competent Soviet authorities the allegation that forced labor is used in the construction of the natural gas pipeline from Siberia to Western Europe. The ICFTU also requested that the matter be transmitted to the ILO Committee of Experts on the Application of Conventions and Recommendations.

The ICFTU letter did not constitute a formal complaint under Article 24 of the ILO Constitution, nor did it request that a direct contacts mission be established with the Soviet Union.

In response, the ILO informed the ICFTU on September 2 that its letter was being transmitted to the Soviet government with a request for comments on the issue. In addition, as requested by the ICFTU, the matter would be communicated to the Experts.

Later that month, while on a visit to the Soviet Union (September 24–October 4), ILO Deputy Director-General Bertil Bolin raised the matter of working conditions on the pipeline project. At that time Bolin was extended a verbal invitation by the official Soviet trade union organization to send a mission to examine working conditions and the life of workers on the Siberian gas export pipeline. The invitation was formally confirmed by an October 25 letter from Vasili Prokhorov, Vice-President of the Central Council of Soviet Trade Unions and worker member of the ILO Governing Body (See Appendix 1).

The terms of reference of the mission, as stipulated in the Prokhorov letter, would permit one senior ILO official accompanied by two advisers to visit only the export pipeline. No mention is made of visiting labor camps in close proximity to the export pipeline, or camps elsewhere in the Soviet Union. In addition, it is not clear whether ILO officials would be able to choose the sites for visit, or that they would be able to talk privately with pipeline workers.

THE ILO REACTION

A. The Office

On November 2 during an interview with United Nations television, ILO Director-General Blanchard was reported by Reuter to have announced an ILO request to send a mission to the Soviet Union. In response to press inquiries concerning the Blanchard statement, the U.S. Department of State said on November 2 that it considered the ILO's request for a mission appropriate in view of the controversy surrounding the use of forced labor in the USSR. The Department stressed at the same time, however, that it is incumbent upon the Soviet authorities to disprove the numerous and grave charges concerning their use of forced labor—including that of political prisoners—by opening *all* of their labor camps and involuntary labor sites to international inspection.

The ILO announced receipt of the Soviet trade union invitation on November 9. Director-General Blanchard, however, denied that the ILO had actually solicited an invitation for a mission. The ILO issued a press release on November 10 in which Blanchard stated only that "the ILO is more effective when it can make on-site visits, not to conduct inquiries in the judicial sense, but to examine problems where they may arise" (See Appendix 1).

Following the ILO's announcement on November 9 of receipt of the Soviet trade union invitation on that date, the Department noted that to be meaningful any invitation would have to have the full commitment of the Soviet Government to guarantee full access to the mission to investigate the charges.

In any event, the ILO must make a decision on how to deal with the Soviet trade union invitation. Many questions remain unanswered: Although Soviet trade unions are under total government control, it can be asked why the invitation did not come directly from the Soviet Government, which is responsible for the Soviet Union's international obligations? Would the Soviet Government disavow unfavorable conclusions on the basis that it was "not involved?" By contrast, would it exploit favorable conclusions as the "definitive statement" on forced labor in the Soviet Union? Will the mission be limited to preselected sites on the export pipeline?

There are considerable grounds for concern, as indicated already by the ICFTU and AFL-CIO, that as in the case of an ILO survey of the Soviet Union in 1959, a mission on Soviet forced labor would accomplish nothing or would be a "whitewash". (For conclusions of the 1959 Survey, see "History of the International Labor Organization," Antony Alcock, New York (1971), page 315). The U.S. Government, for its part, made clear in the statement by the Department of State on September 22, 1982 and in its transmittal letter to Congressional leaders on November 4, 1982, that in the light of the very serious allegations which remain unresolved, it is incumbent upon the Soviet Union to open to impartial international inspection its entire system of forced labor camps and projects.

B. The Committee of Experts

As stated above, the ICFTU's letter will be transmitted to the ILO Committee of Experts. Since the USSR ratified ILO Convention 29 on forced labor in 1956, the Experts examine Soviet application of this Convention on a biennial basis. The next session at which the Experts definitely will examine the issue of Soviet forced labor is in March 1984, by which time the biennial Soviet report is due.

However, as noted above, the ICFTU has asked the Committee of Experts to look into the matter which, if it so desires, it could do at its March 1983 session. The most that might normally be expected in 1983, however, would be a request from the Experts that the Soviet Government respond to the allegations by March 1984.

C. ILO June Conference

With regard to the annual ILO June Conference, it is possible that the issue of forced labor in the Soviet Union may be raised in June 1983 by a delegate during the general discussion on the application of standards. However, as a major discusion on freedom of association in all member States, including the Soviet Union and Poland, is scheduled for June 1983, the issue of Soviet forced labor may not be debated until the following Conference in June 1984.

RECENT CHRONOLOGY

June 18, 1982: Subcommittee on International Finance, Senator William Armstrong presiding, held hearings on Soviet labor practices.

August 1982: The German International Society for Human Rights (ISHR) issues a report entitled "The Use of Forced Labor on the Siberian Gas-Pipeline."

August 17, 1982: Senator Armstrong submits Resolution requesting the Department of State to investigate allegations concerning the use of forced labor on the Soviet pipeline.

August 20, 1982: The ICFTU sends a letter to ILO Director-General requesting that the ILO investigate allegations of forced labor on the Soviet pipeline.

September 2, 1982: ILO Director-General responds to ICFTU, indicating that it is transmitting ICFTU letter to Soviet government and to ILO Committee of Experts.

September 6, 1982: ICFTU publicizes its request of the ILO.

September 22, 1982: Department of State issues an official statement on the issue of Soviet forced labor, calling for the entire Soviet forced labor system to be opened to impartial international inspection.

September 29, 1982: Conference Report 97-891 directs the Secretary of State to report on allegations concerning the use of Soviet forced labor.

September 24-October 4, 1982: ILO Deputy Director-General Bertil Bolin visits the USSR and raises the issue of working conditions on the pipeline project.

October 25, 1982: Vasili Prokhorov, Vice Chairman of the Soviet All Union Central Council of Trade Unions (AUCCTU) sends a formal invitation to the ILO to send a mission to visit the pipeline.

November 2, 1982: ILO Director-General Blanchard holds interview with U.N. television.

November 3, 1982: Department of State issues public comment in response to inquiries concerning Blanchard's interview.

November 4/5, 1982: Department of State submits preliminary report to Congress.

November 10, 1982: ILO issues press release concerning invitation from Soviet trade union organization for a mission.

Appendix 1

[Press release of ILO, Nov. 10, 1982]

SIBERIA-EUROPE GAS PIPELINE

GENEVA (ILO News)—Following an interview given to United Nations television in New York on 2 November, during which he spoke, among other matters, of problems of conditions of work on the sites of the gas pipeline in the Soviet Union, Director-General Francis Blanchard of the International Labour Office wishes to make the following clarification:

Contrary to some of the comments to which this interview has given rise, among others from the United States, the Director-General limited himself exclusively to recalling the responsibilities of the International Labour Organisation, whose mandate is to watch over the application of international labour Conventions, and in particular the basic Conventions ratified by member States in the field of human rights.

Within the framework of this mandate it is the task of the International Labour Office to gather information from member States so as to enable the International Labour Conference and the supervisory bodies to discharge their responsibilities. The Director-General added, in this connection, that the ILO is more effective when it can make on-site visits, not to conduct inquiries in the judicial sense, but to examine problems where they might arise.

In this connection the Director-General wishes to publish the following letter, dated 25 October 1982, sent by Mr. Vassili Prokhorov, Vice-President of the Central Council of Soviet Trade Unions, to Mr. Bertil Bolin, Deputy Director-General of the ILO:

"In the course of our talks in Moscow a question was raised in regard to ICFTU General Secretary O. Kersten's letter alleging that in this country prisoners' forced labour is used for building the Siberia-Western Europe gas-main.

"With a view of initiating a dialogue between the ILO and the Soviet Trade Unions on this matter I have already expressed our readiness to arrange for you and one or two advisers who may accompany you, to visit the gas-main construction site.

"On behalf of the AUCCTU I formally confirm hereby the invitation to visit the construction site of the Siberian-Western Europe gas-main at any convenient time and to become acquainted on the spot with the conditions of labour and life of Soviet workers employed at the above-mentioned project."

SOVIET EFFORTS TO RECRUIT WORKERS TO SIBERIA

The Soviet regime has from its inception mounted an advertising campaign designed to attract workers to Siberia and other labor-short regions of the USSR. This effort has consistently fallen short of its goal of attracting and holding labor in the numbers needed for this resource-rich area.

Siberia has always been sparsely populated. Despite the vigorous attempts made by both the Imperial and Communist governments to settle it during the 19th and 20th centuries, the region continues to be characterized by low population density. Siberia includes about 30 percent of the territory of the USSR, but in 1979 only 8 percent of the total Soviet population lived there. Even more striking, the Far Eastern region which occupies another 28 percent of the country's territory, contained only 2.5 percent of the population. There has been a substantial increase in the number of people living in these areas since 1939, but because of population growth elsewhere, the increase in the proportion of the Soviet population living in Siberia and the Far East has been negligible.

The natural increase in Siberia's population has not been sufficient to meet the area's manpower needs, and these deficiencies can only be made up through migration. But if the area's experience to date is any guide to the future, it will be extremely difficult to attract and retain enough workers to satisfy the planners. For example, in Tyumen' Oblast where energy development is concentrated, the population of two administrative sub-units almost quadrupled since 1959, growing from one-tenth to one-fourth of West Siberia's total. This massive influx does not, however, represent permanent or even long-term settlement. About 80 percent of the immigrants to Tyumen' Oblast during 1965-75 left, and the exodus is said to be continuing at about the same rate.

Incentive program

For more than 50 years the Soviet government has provided financial and other incentives to recruit workers to Siberia. Extra

benefits for those willing to work in the northern regions were first made available by a 1932 decree for a "northern increment" to regular wages, longer annual leave, increased pension rights and certain privileges in housing and education. Wages were set 20-30 percent higher than the level prevailing in the European portions of the USSR. Other benefits included income tax exemptions for 5-10 years, free food and seed, home-building loans and the like. Despite the government's efforts, by 1959 it was found that the West-to-East resettlement program was not successful. The number of those leaving Siberia was greater than the number moving in.

A 1960 decree abolished the existing wage differentials, reducing benefits available to those thinking of moving to Siberia and to those already working there. This measure proved to be a mistake as it produced a mass exodus of workers; financial incentives to encourage migration were reintroduced by 1967. Further changes in 1969, 1972, 1973 and 1977 increased allocations for wages, pensions and other amenities, extending them to categories of workers not previously covered by the benefits, and making them applicable to all parts of Siberia and the Far East.

Those who leave for work in Siberia try to conclude contracts with particular establishments in advance, since in this case the law provides special benefits. Fundamental benefits include higher wages (1.5-4.0 times the national average), a bonus for a signing up, additional payments for seasonal unemployment, additional leave (1.5-2.0 times the national average), and extra time and money once every three years for a round-trip to a "place of rest." Supplementary benefits include special advantages in the calculation of pensions and disability payments, retention of the right to live in one's former place of residence, and payment of expenses (upon expiration of the labor contract or for some other valid reason) for the return trip of the worker and his family to his former place of residence. Agricultural resettlers in certain regions are offered similar incentives as well.

However, the promise of a better life and higher wages soon collides with the harsh realities of living in Siberia. The extreme weather and isolation, inadequate housing, limited social amenities, and high prices for food and consumer goods all contribute to worker dissatisfaction and high turnover.

Other employment alternatives

Because of Siberia's huge manpower needs required by the 1981-85 Five Year Plan, the Soviets will undoubtedly continue to rely on the traditional incentive approach to recruit workers to Siberia. However, the expense and limited success involved in establishing permanent settlements and the high turnover of workers have prompted the government to experiment with other employment schemes. They will increase the tour-of-duty and expedition methods of employment which rotate short-term workteams from established areas. These methods entail flying workers into makeshift settlements in the North from southern base cities (within Siberia for tour-of-duty method and from European U.S.S.R. for expedition approach) for a predetermined period and then returning them for rest and recreation before their next tour.

Other sources of labor for work in Siberia include some foreign workers, inmates from labor camps, and some unconfined parolees and probationers. There are, for example, forced labor camps located in West Siberia which are engaged in manufacturing and light industry. Recent evidence—including reports from the International Society for Human Rights—indicates that some unconfined forced laborers are used regularly in large construction projects—including domestic pipeline compressor stations.

"Help Wanted"

As an illustration of official Soviet recruiting efforts, the following is the complete text of an advertisement which was placed earlier this year in "Ekonomicheskaya Gazeta", a Soviet weekly which can be roughly equated with "Business Week", by a Soviet construction organization seeking to recruit engineers and skilled workers for pipeline construction work in the vicinity of the Urengoy gas field, the pipeline's Soviet terminus. The generous financial incentives offered free Soviet workers willing to sign up for such jobs, and the primitive living conditions they must endure, are graphically depicted in the ad.

(Begin Text) "In Tyumenskaya Oblast

The Priob'truboprovodstroy Trust is hiring for work on trunk pipeline construction in North Tyumenskaya Oblast

Experienced specialists: professionally qualified overhead welders, category 6 operators of semi-automatic machine tools to weld pipes 1020-1040 mm in diameter; category 6 machine operators-pipe layers (KATO, KOMATSU), category 6 operators of EO-4121 hydraulic excavators, KATO machine operators; bulldozer operators (imported and Soviet-made equipment), category 6 foremen for fitters' brigades, drivers of MAZ-543 and KrAZ-255 truck tractors' defectoscope operators for narrow gammagraphing; operators of Tyumen BT-361 marsh vehicles; TG-502 pipe layers;

Specialists with appropriate educational background and work experience: chief mechanics of administrative sections, deputy chief and senior engineer for the trust's Central Industrial Research Laboratory, heads and chief engineers of administrative sections, deputy chiefs of administrative sections, Mechanical Repair Shop mechanics, mechanics for imported equipment, radiography experts, budget engineers, senior engineers for the trust's wage and hour and administrative sections;

For line work on construction of trunk pipelines: senior foremen, foremen, experts, line mechanics to repair and operate construction equipment, automobile mechanics, convoy foremen and senior convoy foremen.

Specialists will be provided with housing for six months, and workmen will be provided with temporary living quarters in trailers or a dormitory on a first come first served basis.

The regional wage premium is 70 per cent, and the allowance for working in the North is ten per cent for every year of work. A lump sum payment of two months' salary is made upon signature of a three year contract, and additional preferential leave, including payment of travel costs, is granted once during the three years. Those working directly on the pipeline are paid a line bonus of 40 per cent, and housing is reserved for them at their place of permanent residence.

To be accepted for employment, send a certified copy of your labor book, a copy of your diploma and your personnel form.

Our address: Personnel Department of the Trust, pos. Igrim, Berezovskiy rayon, Khanty-Mansiyskiy autonomous okrug, Tyumentskaya Oblast 626806." (End Text)

FORCED LABOR AT THE SOVIET PIPELINE: HEARINGS HELD BY THE INTERNATIONAL SOCIETY FOR HUMAN RIGHTS (IGFM)

The German branch of the International Society for Human Rights (Internationale Gesellschaft fuer Menschenrechte, IGFM) based in Frankfurt and the International Sakharov Committee based in Copenhagen held hearings on November 18-19 in Bad Godesberg on Soviet use of forced labor to build gas pipelines.

The meeting was conducted jointly by its Honorary President, Alfred Coste Floret, a leader of the French International Society for Human Rights and former member of the Nuremberg War Crimes Tribunal, Dr. Reinhard Gnauck. President of the German IGFM, and Feldsted Andresen, President of the International Sakharov Committee.

The "Examining Commission" included two Americans: Senator William Armstrong of Colorado and Mr. James Baker of the Paris office of the AFL/CIO. Other members were: Marcel Aeschbacher, from the Swiss Labor Movement; Professor Raymond Aron from the Sorbonne; Professor Felix Ermacora, University of Vienna; Hans Graf Huyn, CSU member of the German Bundestag; Detlef Lutz, from the Christian Labor Movement in the FRG; Ludwig Martin, from the International Commission of Tourists; Carlos Ripa Di Meana, Italian Socialist member of the European Parliament; and Victor Sparre, Norwegian writer and publisher.

Three prominent exiles from the Eastern bloc served as expert witnesses: Georgij Dawydow, from Baku, in the West since 1980; Professor Andrzej Kaminski, from Warsaw, in the West since 1973; and Professor Michael Voslensky, formerly of the Soviet Academy of Sciences, living in the West since 1972. Represented by non-participating observers were, among others, Amnesty International, Freedom House, and The (Lutheran) Bishops Conference. The American, French, Dutch, and Belgian Embassies in Bonn were also represented. The International Press was fairly well represented, including West German television. There were in addition at most of the hearings some 100 to 150 others.

The IGFM distributed the following press release, in addition to the materials submitted earlier (The Use of Forced Labor on the Siberian Gas Pipeline: Documentation) for the August 1982 hearings. The IGFM expects to issue a report on the Bad Godesberg hearings in early 1983.

PURPOSE OF THE HEARING

This Hearing shall examine witness accounts about forced labor at the Soviet gas pipeline system. This huge network of pipelines is under construction for decades already and western countries participate with their technology and credits for many years. For decades pipes are supplied, for instance. The credit from German banks on February 1, 1970 of 1.2 billion DM for this gas-pipeline deal was probably not the first and the 4.0 billion DM credit of July 13, 1982 might not be the last one. Already since October 1, 1973 Soviet gas reaches the Federal Republic of Germany. Therefore, the witnesses will have to be questioned about forced labor at the gas pipelines during the last 10-15 years.

Building a network of pipelines does not consist only of welding tubes and laying them into the ground—this is only one step, usually done by complicated machines. Preparatory and other work for such a huge construction site has to be done also—cut-

ting trees, draining the ground, preparing roads and telephone connections, building shelter and factories, sewing workmen's clothes, unloading trucks etc. The witnesses shall report about these works also.

The results of this Hearing will be presented to all governments concerned and to the world public, in order that a moral decision can be reached about continuation of the cooperation with the USSR on this industrial project.

Dr. Med. REINHARD GNAUCK,
Chairman, IGFM.

(IGFM translation)

EXAMPLE OF TESTIMONY AT THE HEARINGS

Statement

I, Wladimir Grigorjewitsch Titow, was born 1938 in the village Wersebnewo, district Ljudinowski, area Kaluga. I had a higher technical education and completed a training in a KGB-school. I am a KGB-lieutenant. But my conscience did not allow me to commit unlawful acts and harm good people, i.e. to actually serve the KGB. Therefore I tried to leave the KGB. For attempting this I was sentenced to 10 years in prison and psychiatric confinement according to S 70 of the penal code of the RSFSR. Even after this 10 years I was persecuted cruelly. I was beaten to unconsciousness, my bones were broken, I had to be hospitalized. I was refused any job and I starved. The KGB tried to provoke me and watched me continuously, other people were instigated against me, relatives likewise. The only way out of this true hell was to emigrate from the USSR on invitation from Israel. The KGB promised mercy and would let me go. Israel sent another invitation for my wife and daughter. With great hope I started to collect the necessary documents for our emigration. But another torture was started by the KGB—again and again they tried to enlist me to work for them abroad. For 5 months I was dragged to conversations, instructions, had to take oaths and received promises from the highest ranks, the generals of the KGB. In September 1981 Lieutenant General Zwigun personally talked with me about working for the KGB abroad. The telephone number of the main agent, conducting this campaign, Juri Semenowitsch, Major for special services, is 2-23-00-23. Their friendly talks were mixed with threats to persecute my relatives in the USSR and to follow me abroad. I could not stand this devilish scheme and refused any cooperation. Once more I lost my job. I received an order from a psychiatrist and was declared mentally ill. My situation is desperate. These are the conditions here and such is our life in the USSR.

(Signed) Wl. Titow.

Moscow, October 1982.

(IGFM translation)

SUMMARY OF PRIVATE LETTERS OF W. TITOW SENT TO JU. BELOW, OCTOBER 1982

In 1963 i have been working on the construction line Buchara-Ural (gas supply pipes) as manager of a sector for mounting and installing controlling and measuring devices as well as automatic machines. Here, as nearly everywhere, prisoners are doing the hardest work. From 1980 to 1981 I have been working in the district of Tjumen on gas pipes installing controlling and measuring devices as well as automatic machines. Here as well prisoners did work coming of the concentration camps of Surgut, Nadym, and Urengoj. These camps are situated in impassable marshland. In summer they (the prisoners) will be transported in helicopters of the type MI-6 and MI-10 to the constructing line, squeezed together like "herrings", in winter with vehicles and helicopters. Among the prisoners there are many specialists with higher education, they are working as chief operators and brigadiers. Working with prisoners requires a special permit of the militia for those finding themselves in free working conditions. Unrestrained violence is the rule. Economic benefit is obvious.

When I have been for the last time on a reception on Dzerskinski place with high-ranking people of the KGB, they insulted me for some time because of my refusal to work for them abroad, and they told me: "We shall let you putrefy, we shall let you putrefy for a long time. Nobody will us declare the war because of you, all will be running down from us like water."

Within a short time they will arrest me. In what kind of torture-chamber they will bring me—I don't know.

On 11th November 1982 news came by telephone out of dissident circles at Moscow, that W. Titow has been arrested at the end of October and sent into the psychiatric clinic at Kaluga, department 7, where he will be subject to a forced treatment.

(IGFM translation and summary)

CONCLUDING STATEMENT

Statement of the International Commission on Human Rights in Conclusion of the Hearing "Forced Labour—Siberian Pipeline", November 18./19., 1982, in Bonn—Bad Godesberg (Stadthalle).

The Hearing was arranged by the International Society for Human Rights (ISHR), Frankfurt, in cooperation with the International Sakharov Committee, Copenhagen. Presiding was Mr. Alfred Coste Floret, a joint prosecutor for France at the Nuremberg trials.

Based upon the testimony of expert witnesses and upon the testimony and documents of former Soviet prisoners, the Commission finds:

1. The USSR continues the deplorable practice of forced labour in manufacturing and construction projects including the Siberian Gas Pipeline.

2. Prisoners, including political prisoners and those imprisoned for their religious beliefs, among them women and children, are forced to work under conditions of extreme hardship including malnutrition, inadequate shelter and clothing and severe discipline. Many prisoners have died.

The Commission calls upon the Soviet Union to end the vicious practice of forced labour and upon all nations and enterprises for support of our conclusion.

We have presented the truth to the world and no one can say: "I did not know."

(IGFM translation)

PRESS ACCOUNTS

Some of the press reports of the hearings:

"Witnesses: Forced Labor Building Gas Pipeline," Sueddeutsche Zeitung, November 19

—In Bonn on Thursday, the International Society for Human Rights (IGFM) addressed an appeal to European Governments to show restraint in the European-Soviet Gas Pipeline deal notwithstanding the lifting of U.S. sanctions. All Western Governments, banks and firms should be advised with even greater emphasis than before that they were participating in the exploitation of forced labor said IGFM Chairman Reinhard Gnauck (Frankfurt) at the opening of a two-day hearing on the alleged use of forced labor in the construction of Soviet gas pipelines.

—At the hearing, sponsored jointly by the IGM and the Sakharov Committee (Copenhagen), former Soviet prisoners and experts now living in the West reaffirmed statements already published by the Conservative Human Rights Society, that political as well as other prisoners are used in the construction of Soviet gas pipelines. Even female prisoners were required to work under the worst conditions in the construction of the gas pipelines, either directly or indirectly, by making prisoners' garments, reported a woman from Leningrad who had been imprisoned in a camp near Workuta (Siberia).

—Witnesses also reported on the bad food situation, insufficient clothing and accommodation as well as on lack of medical care. There were many dozens of camps alongside the gas pipeline, among them a number for women excusively, witnesses said. According to these reports, each camp has from 700 to 2,500 inmates, whose working hours total up to twelve hours per day, sometimes also up to 16 hours. Non-compliance with the work norm results in solitary confinement. Moreover, prisoners are not allowed to be visited by relatives or write letters. In many camps, prisoners were allowed access to a washroom only once a week. Often prisoners were compelled to wash themselves with the same water others had already used. Because of inadequate hygiene, prisoners were frequently vermin-ridden and there were epidemics to which many prisoners fell victim. Nourishment of the slave laborers was often totally inadequate. Also there was talk of "sexual terror" to which the women were exposed in camp.

(Abridged text)

"Human Rights Fighters Call for Restraint in Trading with the USSR," *General-Anzeiger,* November 19

The Bonn *General-Anzeiger* cited several exiled Russians who testified at the hearings on their use as forced laborers in the construction of the Siberian gas pipeline. Victor Gasko, an 81-year old exiled Russian who said that he worked "on the Siberian gas pipeline ten years ago," is quoted as having seen frequently "prisoner camps alongside the individual building sites." He also reported that "in some cities registered prisoners outnumbered residents four to one." Prisoners were often required to work 16 hours a day under most inadequate food conditions, Gasko said.

Forty-two year old author Julia Wosnessenskaja confirmed these statements, saying that she had to spend two years of confined labor because of "slanderous remarks" in her books. She said that about 40 other women were confined in the camp with her and "not one of them left it healthy." They had to work in bitter cold, "lightly dressed, without a sweater" and had also been subjected to "sexual terror." Wosnessenskaja said.

Statements by other witnesses spoke of many camp inmates falling victim to epidemics because of inadequate hygiene. Those who were weakened because of malnutrition and could not complete their work norm were subjected to special confinement. Visits by next-of-kin were stopped and no prisoner dared to register a complaint.

General-Anzeiger says that the organizers of the hearing thought it of special importance to prove that political prisoners were also used in preparatory work for the gas pipeline construction. Introductory statements by Georgij Davydov, who spent seven years as a prisoner, served this end. He con-

firmed use of political prisoners in all preparatory work for the gas pipeline. This applied especially to chemical and pre-metallurgic industries, Davydov said. He reported that the Soviets pardoned about 35 percent of the 10,000 prisoners in Estonia under the prerequisite of their signing up for work on the gas pipeline. According to Davydov, prisoners also "participated" in a similar way in the building sites for the Tallinn Olympic games.

Reinhard Gnauck, Chairman of the International Society for Human Rights, emphasized in his statement that all Western Governments, banks and firms should be advised that they were "exploiting slave laborers." Gnauck made an urgent appeal to all responsible authorities for restraint in gas pipeline supplies to the Soviets.

(Summarized by U.S. Embassy, Bonn)

Agence France-Presse Dispatch, "Detainees Working on Soviet Gas Pipeline," *La Suisse*, November 19

"Labor-camp inmates are working on the construction of the Siberia-to-Europe gas pipeline. Eyewitnesses testified at Bonn yesterday to an International Commission of Inquiry on the employment of political prisoners on the project. Prisoners sentenced to hard labor are working on the construction of the pipeline, said Mr. Machmet Kulmagambetov, in one of the first testimonies heard by the Commission, whose Chairman is French jurist Alfred Coste-Floret, former assistant prosecutor at the Nuremburg trials.

"Mr. Kulmagambetov was put onto the building of compressor stations when undergoing a period of internal exile for 'anti-Soviet agitation'. He said that detainees at the Surgut labor camp, between Urengoi and Tiumen, were brought daily in special vehicles to work on the gas pipeline sites.

"Mr. Kulmagambetov, a former Professor of Marxist-Leninist philosophy, worked for six years on gas-pipeline sites. As proof, he showed the Commission his official work permit, recording where he spent his internal exile.

"Earlier, the Commission had heard the testimony of Mrs. Julia Vosnessenskaya, a Soviet writer condemned in 1976 to five years' exile for 'defamation of the Soviet State.' She said she had personally known women sentenced to forced labor who were put into making clothes for detainees working on the gas pipeline. She also described conditions in the labor camps for women, where the inmates had to work twelve hours a day—suffering from cold and hunger but especially from the 'sexual terror' inspired on them by the guards."

(Abridged text)

J. B. Bilke, "Witnesses Confirm Forced Labor," *Die Welt*, November 19

Eyewitnesses have confirmed indications that forced labor is being used in the construction of the Soviet gas pipeline between Siberia and Europe. At a two-day hearing sponsored by the International Society for Human Rights (IGFM), former Soviet camp inmates pointed out in Bonn yesterday that working conditions for the slave laborers were frequently inhumane, the required work norm excessive and punishment for even the smallest misdemeanor was harsh.

Clarification of the special problem of the Soviet system of forced labor required an initial analysis of the accompanying circumstances from a historico-political point of view. Thus, at the start of the hearing, the three experts Georgij Davidov (Munich), Professor Andrzej Kaminski (Wuppertal) and Professor Michail Voslensky (Munich) discussed the legal and historical classification of forced labor in the Soviet Union, "Slave Labor in Totalitarian Regimes" in general and "Forced Labor in Practice."

Paragraph 60 of the Constitution of the USSR specifies the duty to work as "socially useful activity" for each Soviet citizen. In the Penal Code this had been reinterpreted as compulsory work. Compulsory work may entail hunger, cold, being kept from sleeping, physical terror and other privations.

The first witness called to testify was Julia Wosnessenskaja (Ruesselsheim), a civil rights activist, who departed from the USSR in July 1980. She reported on the inhumane working conditions in women's camps.

Civil rights activist Machmet Kulmagambetov (Munich), who comes from Kazakstan and left the USSR in September 1979 with an Israeli visa, presented as documentary evidence his work log with an official stamp revealing that he was used as slave laborer in the construction of the gas pipeline.

(Full text)

VIETNAMESE "EXPORT" OF WORKERS TO THE USSR AND EASTERN EUROPE

Summary

Reports have been received that some of the Vietnamese now working in the USSR are employed under harsh—and, in some cases, involuntary—conditions. The following brings together the information available to the Department of State on this issue.

Since 1981, the Government of Vietnam has sent Vietnamese citizens to work on a variety of projects in the USSR and Eastern Europe under unpublished intergovernmental agreements that are not part of long-standing training and study programs. Estimates from a variety of sources for the 1981-1985 period range from 100,000 to 500,000 workers. Communist media reveal that about 45,000 already are in place, including 11,000 in the Soviet Union. There is little doubt that the Vietnamese work for fixed periods—labor contracts are said to extend up to seven years—in a capacity similar to indentured status, with a substantial portion of their wages withheld to be credited against Hanoi's mounting deficits in these countries. The technical terms of employment evidently are spelled out beforehand when the worker signs a contract with the Hanoi government, although precise working and living conditions probably are not detailed.

There are a considerable number of reports which indicate that many of the Vietnamese youths working in the USSR and Eastern Europe have volunteered, though perhaps without full information, for that service. They hope for an improvement over the poverty and unemployment in Vietnam, although some express bitterness upon experiencing the reality of labor in the USSR. There are charges that dissidents from "re-education" camps are being forced into the program. However, other reports indicate that the Vietnamese authorities exclude such individuals as well as others who were associated with the US or with the former Republic of Vietnam.

Complaints have been reported from some Vietnamese workers in the USSR about the cold, hard work, surveillance, and the less-than-expected availability of goods. In addition, the workers live a largely segregated existence as do other foreign laborers. In addition to factory work, the Vietnamese are involved in construction projects in southern Siberia. It has been charged that they are working on the export gas pipeline, but this has not been substantiated.

New "Labor Cooperation" program

Since 1981, the Vietnamese government has been engaged in a new program of exporting labor under intergovernmental agreements. Although the program probably began earlier on an experimental basis, the first agreement was signed with the USSR on April 2, 1981, followed by a protocol in November presumably covering 1982. It was recently reported that another agreement is now under negotiation. Czechoslovakia first signed an accord with Vietnam in September 1981—although Prague probably also had received contingents—followed by Bulgaria in November and by East Germany in January 1982. Additional protocols were signed with the Czechoslovak Government in early November 1982 and with Bulgaria in January, 1983.

The Vietnamese regime apparently hopes to receive some training for its many unemployed youths, as well as to use some of their earnings to repay its debts to other communist countries. The number of workers has not been published officially. Estimates of the number of workers to be sent to the USSR and Eastern Europe through 1985 range from 100,000 (Vietnamese Embassy spokesman in Bangkok, 11/81 and pro-Hanoi publication in Paris 12/81) to 500,000 (East European source cited in London Economist 9/81). According to Soviet and Vietnamese media, the number already in the USSR has grown from 7,200 last spring to over 11,000 in October.[1]

Although the text of the April 1981 Soviet-Vietnamese accord on "labor cooperation" remains unpublished, descriptions of it by official Soviet and Vietnamese spokesmen a year later suggest that it covers wages and social benefits (allegedly comparable to those of their Soviet counterparts), living conditions, social benefits, vacations and length of service. A subsequent, published treaty signed in December 1981 defined the legal rights of Vietnamese in the USSR as well as those of Soviet citizens in Vietnam. It went into effect in September 1982. Each foreign resident is entitled to the same legal safeguards as the citizen of the country of employment, and the country in which a crime is committed has the sole right to try the offender.

Selection of workers

Participants in the program are recruited by the Vietnamese Ministry of Labor, and their backgrounds are checked by the Ministry of Interior. They must be relatively young (age ranges of both 17-25 and 17-35 have been given). The term of participation can be as long as seven years, an extraordinarily long period for a labor contract. There have been charges that "reeducation" camp inmates or parolees are among the participants in the program, but other reports say that those with personal backgrounds unacceptable to the authorities are specifically excluded. Recruits, if eligible, also reportedly must have fulfilled their military obligation.

[1] The number of Vietnamese in Eastern Europe, according to Communist press reports, include 7,500 in East Germany last spring and 26,000 in Czechoslovakia in December. No figures have been published for Bulgaria. There may be serious assimilation problems. For example, popular discrimination against the Vietnamese and instances of open hostility have cropped up in Czechoslovakia, according to official Prague press reports.

Once recruited, and having completed an orientation course in Hanoi, the candidates sign contracts which lay out their duties, rights and wages, including the fact that a considerable portion of their wages will be retained by the state. They are not allowed to choose their destination, but most reportedly hope for Czechoslovakia or East Germany, rather than Bulgaria or the U.S.S.R.

Reports that pressure has been applied in recruitment are countered by evidence that there is little difficulty in securing volunteers who perceive a chance to leave the poverty of Vietnam. Over two dozen refugees, who recently departed Vietnam legally, reported that places in the "work-study" program were sought by youths who believe they will be able to remit substantial goods and funds back to Vietnam. Similar opinions were offered by Southern boat refugees recently interviewed. When concern about the program is voiced, it is usually by skeptical Southerners—acquainted with "reeducation" camps—who fear a repetition under more frigid conditions.

Deductions to credit Vietnam's accounts

There is little doubt that, after a deduction for living expenses and a monthly allowance, at least one-third of the salary is credited against Vietnam's account in the U.S.S.R. or the East European country involved. Although the monthly allowance is low, there are reports that incentive bonuses are paid directly to the workers. In short, although communist spokesmen claim that the Vietnamese receive wages comparable to their Soviet counterparts, the actual salary after deductions probably is less, lending credence to complaints from some Vietnamese working there.

Both Moscow and Hanoi have labeled as "slander" reports that Vietnamese workers are laboring to pay off Vietnam's large scale indebtedness to the USSR. However, they have not directly denied it or denied that the labor is being credited against Vietnamese imports of Soviet goods which, in 1981 alone, ran almost 600 million rubles over Vietnam's exports to the USSR. Both sides claim that Vietnam's war debt was forgiven by Moscow in 1975, and Vietnamese Foreign Minister Thach said that further debts were forgiven in 1978. Nonetheless, although figures are not available, much of the Soviet aid since the war has been in the form of loans and credits, not grants.

Crediting labor against present or future imports has been standard practice in the case of East European and Finnish "guest workers" in the USSR, and the Yugoslav newspaper *Borba* (June 10, 1982) suggested that this was the arrangement for the Vietnamese as well. Furthermore, sources in Hanoi reportedly acknowledged (*Far Eastern Economic Review*, May 14, 1982) that an unspecified amount is withheld from the Vietnamese workers. Other reports estimate that between 30 and 70 percent of wages is withheld.

Living conditions

Most workers contract to work for five to six years after a period of language and technical training, depending on the job involved. A mid-way "home leave" in Vietnam, partially at Soviet expense, is said to be part of the arrangement. The April 1981 accord apparently provided that the Soviets arrange suitable housing, eating and social facilities. As implied in communist propaganda and reported back in letters from Vietnamese workers in the USSR, the Vietnamese generally live apart in dormitories or compounds and lead a segregated life, as do other foreign workers there (and as do Soviets in Vietnam). Although the official Soviet trade unions and youth organizations are said to be involved with the workers, it seems likely that the primary off-the-job supervision comes from the Vietnamese cadre who accompany the contingents.

Most groups appear to be sent to European Russia or to the Southern tier of Siberia which, to a Vietnamese, still would seem exceedingly cold in the winter. Adjustment to winter conditions appears to be a problem. The Soviets issue winter clothing which, according to some workers, is inadequate.

Letters complaining about the cold, working conditions, low allowances and surveillance by Vietnamese overseers reportedly have reached Vietnam as well as the West. There are a number of refugee reports that letters have been received by families in Vietnam, a fact which suggests that correspondence itself is permitted. However, it may be subjected to censorship by Vietnamese cadres in charge at the work sites. To avoid this, some Vietnamese purportedly have found ways to smuggle letters out.

Types of work

The April 1981 accord presumably also covered types of employment and training, as well as how wages were to be allocated and perhaps even the location of work. The Communist press claims that the Vietnamese are working in a variety of jobs which require some skill. This may reflect Vietnam's concern that some workers gain experience that will be useful later at home. However, we do not know the extent of training received. A considerable number clearly are engaged in manual labor.

Among the work sites mentioned by Soviet and Vietnamese media are textile and chemical factories, machine-tool factories, coal mines, land reclamation and transportation projects. The latter two undoubtedly absorb large amounts of manual labor. A letter from one worker, which appears authentic, tells of his "hard work" on the new railroad paralleling the Trans-Siberian line. In addition, a contingent of Vietnamese was observed working near a railroad in the Soviet Far East and subsequently another was seen in Khabarovsk by Western travelers—an area which has not been mentioned in communist media.

The Soviets, speaking through Soviet labor official Vladimir Lomonosov who negotiated the original agreement with Vietnam, have flatly denied that any Vietnamese are working on the Siberia-Western Europe pipeline. In Congressional testimony last summer, Vietnamese expatriate Doan Van Toai (a former supporter of the communist-led National Liberation Front) said he knew of nine Vietnamese working on the pipeline; he supplied names and their Vietnamese addresses. The U.S. government has no independent evidence to confirm that Vietnamese are working on the export pipeline.

The evidence we have regarding the Vietnamese-Soviet labor program is still incomplete; it is made difficult to gather by the closed nature of the Vietnamese and Soviet societies. Allegations of human rights violations in connection with the program, including the possibility that some of the workers may be indentured in some manner, are of concern to the U.S. Government. The program's secrecy and its inherent potential for abuse is obvious, especially when considered against the environment and history of known Soviet labor practices. The U.S. Government will continue to do its best to monitor the program, with close attention to the human rights issues involved, and to encourage greater international interest in this issue.●

AARP INCOME POLICY RECOMMENDATIONS

● Mr. PRYOR. Mr. President, our Nation made considerable progress in improving the income position of older Americans during the late 1960's and early 1970's.

However, many of these concrete gains have been wiped out in recent years.

In fact, older Americans find themselves on an economic treadmill. Numerous indicators make it abundantly clear that the elderly seem to be going backward economically.

Perhaps the most striking evidence is that more than 600,000 persons 65 or older have been added to the poverty rolls since 1978.

This represents the sharpest jump for a 3-year timeframe since poverty statistics were first tabulated more than two decades ago.

Nearly 3.9 million persons 65 or older lived in poverty in 1981, compared to more than 3.2 million in 1978.

Poverty is, of course, a barebones existence. Single persons 65 or older were considered poor in 1981 if their annual income was below $4,359 a year, or about $85 per week to pay for housing, food, medical care, transportation, clothing, and other everyday necessities. Aged couples were impoverished if their annual income was less than $5,498, or approximately $106 a week to pay for their basic necessities.

However, these figures represent only the tip of the iceberg. Another 2.5 million Americans 65 or older were marginally poor. They were not officially poor, but their incomes were not more than 25 percent above the poverty threshold.

The bottom line is that 6.4 million older Americans—1 out of every 4 persons 65 or older—either lived in poverty or so close to it in 1981 that they could not really appreciate the difference.

Poverty figures are not yet available for 1982, but experts generally expect the income position of the elderly to deteriorate further because of the recession.

The American Association of Retired Persons—the Nation's largest aging organization, with 14 million members—is keenly aware that a retirement income crisis already affects millions of older Americans and threatens to engulf many more.

The association's legislative council has made income policy a priority concern.

These policies take on added importance now as the Congress prepares to grapple with vital income issues.

Mr. President, AARP's income policy recommendations deserve close and

careful attention by all Members of Congress. This statement is a clear and thoughtful expression by persons who are knowledgeable about the problems and challenges confronting aged and aging Americans.

Mr. President, I ask that the AARP legislative council income policy statement be printed in the RECORD.

The statement follows:

INCOME POLICY

ELDERLY INCOME SITUATION DETERIORATING

The growth of government income support programs during the late 1960's and early 1970's increased the elderly's real income and dramatically reduced the incidence of poverty among them. But the high and sustained inflation rate has now begun to wipe away that progress.

By 1978, the elderly poverty rate, which had been 25% as late as 1969, had declined to 14%. In 1979, however, that poverty rate, under the influence of continuing inflation, jumped to 15.2% and in 1980 to 15.7%. Additionally, rates of near-poverty (defined as income within 125% of the poverty threshold) among the elderly rose substantially from 23.4% in 1978 to 25.7% in 1980. So many of the elderly are concentrated just above the poverty threshold that, in 1980, a drop in their income of less than $20–$24 a week would have caused the elderly poverty rate to escalate to over 25%.

Other statistics demonstrate how economically vulnerable the elderly are relative to the rest of the population. In 1980, the median income of all persons age 65 and over was approximately one-half that of non-elderly persons. In addition, while 56.2% of all elderly-headed households had annual incomes below $10,000, only 20.1% of non-elderly headed households were in this category. Even adding to their income levels the cash-value of the in-kind benefits they receive cannot change the fact that the elderly, as a group, subsist on low, and in many cases, extremely inadequate incomes.

As for the future, the situation for the elderly appears bleak. Data Resources, Inc. (DRI) forecasts that, even if current government programs remain in place with no legislated cutbacks, the elderly's share of income relative to that of the non-elderly will decline sharply beginning in 1981. While the reasons for this decline are complex, the major factor remains the continuing high rate of inflation.

Although in the past much progress was made in terms of improving the income status of the aged, the data now indicates that the elderly are sustaining large losses as a result of inflation. A continuation of high rate inflation could reduce the elderly to an economic situation worse than that which prevailed fifteen years ago when nearly one-third of them lived below the official poverty line. Any substantial cutbacks in income support program benefits will only accelerate the already rapid deterioration that is occurring in the elderly's real income situation.

ELDERLY CRITICALLY DEPENDENT ON COST-OF-LIVING INCREASES

Cost-of-living adjustments provided by social security and other income support programs are the only thing that stands between millions of older persons and poverty. A decade of high inflation has eroded the value of their fixed, non-indexed sources of income, such as private pensions, savings and other dollar-denominated assets, which account for about one-third of their total income.

Given the precariousness of the elderly's income status in the current economic environment, the Associations must vigorously oppose proposals to reduce or curtail cost-of-living protection presently available to the elderly under various government income support programs.

Many economists and members of Congress have argued that the current Consumer Price Index (CPI) has been yielding excessive cost-of-living increases for the elderly because of its alleged faulty treatment of housing costs and mortgage interest rates. While the most exhaustive analysis of the accuracy of the current CPI concluded that no major over or under compensation occurred over the period 1976 through 1980 as a result of the use of the CPI in adjusting benefits, this does not preclude significant over or under compensation from occurring in the future.

To compensate the elderly in the most accurate way for the effects of inflation in the purchasing power of benefits, and to avoid over or under compensation, a special CPI for the elderly should be constructed that reflects the market basket of goods and services that they consume. This index should then be used to adjust the benefits of all the major income support programs. In addition, since cost-of-living adjustments are provided long after inflation impacts on benefit purchasing power, these adjustments should be made on a more timely basis during periods of rapid inflation.

INFLATION AND PROSPECTS FOR THE FUTURE ELDERLY

A continuation of high rate inflation holds serious consequences for current workers. Inflation makes retirement planning difficult—if not impossible—because it creates large areas of uncertainty about the expected "real" income contribution of many traditional retirement income sources. Most private pension plans do not offer cost-of-living adjustments and many privately accumulated assets, cannot be relied upon to produce income that will keep pace with inflation. In addition, inflation encourages present consumption and discourages saving for retirement, a phenomenon which could foster greater dependence on government programs among the future elderly population. (See Tax Policy and the Private Pension section for futher discussion.)

Unless the inflation rate is brought down to tolerable levels (i.e. 2 to 3% per year) soon, the amount of resources available for income support of the growing elderly population will become wholly inadequate. To help avoid such a situation, today's workers should be strongly encouraged to save and plan for their retirement. In addition, fundamental changes should be made in the income support structure to accommodate and help reverse the early retirement trend among the elderly and, at the same time, assure the most equitable and least wasteful allocation of future resources possible. Such changes would give the future elderly reasonable prospects for achieving an adequate income, avoiding poverty and maintaining their living standards throughout their later years.

SHORT-TERM SOCIAL SECURITY FINANCING CRISIS

Social security faces a serious short-term deficit which is expected to persist throughout the 1980's. This situation is the result of adverse economic conditions. Higher than expected inflation rates have increased social security expenditures (by driving up benefit costs) while, at the same time, the combination of higher than expected unemployment rates and lower than expected real wage and real GNP growth rates have curbed revenue for the system.

Congress has little choice but to develop a remedy for the short-term deficit, since exhaustion of the reserves of the Old Age and Survivors' Insurance (OASI) Fund as well as the Hospital Insurance (HI) fund could occur within the next two to five years. Interfund borrowing, reallocation of the payroll tax rates or any other type of pooling of trust fund reserves cannot be relied upon to carry the system safely through this decade.

Unless social security's short-term problems is resolved in a prompt and thorough manner, further erosion of the confidence of current workers in the system's financial viability could occur. Social security's short term financial problems should not, however, be resolved in a way that would penalize older persons who are already on the benefit rolls or will be attaining beneficiary status in the near future. Given the elderly's increasing poverty rates, their precarious income situation, the magnitude of the inflation losses they are already sustaining and their general lack of options, they should not be asked to bear large cuts in benefits.

The Administration's May 1981 social security proposals would have reduced benefits by over $80 billion within five years primarily through: (1) sharp reductions in early retirement benefits beginning in 1982; (2) cutbacks in disability protection, particularly for older workers; and (3) delayed payment of the 1982 cost-of-living adjustment. Even though the cuts were focused on persons not yet retired (rather than on current beneficiaries), the Associations opposed them as excessive and far too abrupt. Workers' retirement plans should not be disrupted by "changing the rules of the game" as the last minute.

Rather than reducing expenditures through precipitous benefit curtailments, Congress should cushion the system by using limited and temporary amounts of general revenue—just enough to permit it to meet its short-term benefit obligations. In order to avoid increasing the general federal budget deficit, any general revenue used for social security purposes should come from either a reduction in other government spending or an increase in revenue from non-payroll tax sources (such as the windfall profits tax or the income taxes.) Once the social security system is stabilized, as is expected after 1990, any use of general revenues should automatically cease.

Removing social security programs from the federal unified budget has been advocated as a means for protecting social security from budgetary pressures to cut benefits. The Associations, however, do not agree with this analysis and support retaining social security within the federal unified budget. Since, over the next decade, the system will need additional revenue from outside the system (i.e., revenue other than payroll taxes) to meet its benefit obligations, removing social security from the unified budget and requiring it to stand alone could impose a barrier to bringing any general revenues into the system. Decisionmakers who believe that social security must "live within its means" could insist—once the system is removed from the unified budget—that benefit cuts or additional payroll tax increases be required to maintain the system's financial integrity.

Various proposals have been advanced during the last few years that would mandate social security coverage for public-employee groups to generate additional short-term revenue for social security. The Associations have consistently opposed such measures on the grounds that employee groups, which are not presently covered by social security, should not be forced into the system, especially in the obviously unfair manner contemplated by these proposals. Instead, all such groups should merely be given the option of electing coverage if they so choose.

Also surfacing in the context of the short-term financing problem are proposals to finance all or part of the Hospital Insurance (HI), Medicare Part A, program out of general revenue and, at the same time, shift part or all of the HI portion of the payroll tax to the cash benefit programs. The Associations view this proposal as an inappropriate and inadequate response to the system's financing dilemma. It would represent a large and long-term infusion of general revenues into social security, and this amount would grow rapidly as health care costs continue to outpace the general inflation rate.

Medicare is already being cut back under general budgetary pressures. This proposed financing change would likely lead to more significant benefit reductions or even to a "means testing" of the program for purposes of benefit eligibility. In addition, in the short-term, this proposed change could disrupt the effort to balance the budget, while over the long term, it would reduce financial pressures to pursue the thorough reforms needed in the social security cash benefits programs (i.e., Old Age and Survivors and Disability Insurance Programs).

It has been alleged that the conservative investment practices of the Social Security Board of Trustees have contributed to the system's short-term financing difficulties. While this may be true to a limited extent, it is clear that past investment practices have not been a significant cause of the system's financing problems. Nevertheless, social security trust fund investment practices should be improved. While the funds should continue to be invested in government securities, they should be invested in those government securities that would earn the highest possible rate of return without jeopardizing the liquidity or long-term security of the funds.

SOCIAL SECURITY LONG-TERM FINANCING DILEMMA: COMPREHENSIVE REFORM NEEDED

Social security faces a long-term deficit of serious proportions. Public recognition of this long-term deficit is increasing. Opinion polls continue to indicate that the overwhelming majority of today's workers have little confidence that social security will be able to provide them with income security in old age.

To restore worker confidence in the system, the Congress must begin to initiate long-term reforms. Such action is crucial to protecting the interests of today's elderly because their continued receipt of benefits is critically dependent on the continued willingness of current workers to pay the payroll taxes needed to finance those benefits.

Over the next 75 years, social security's cash benefit programs face an average deficit of 1.65 percent of taxable payroll. This means that, in order to bring the system into balance over the long term, payroll taxes would have to be increased by 1.65 percentage points for each of the next 75 years. In 1981 dollar terms, this represents $22 billion per year for the next 75 years or $1.6 trillion for the entire period. If Congress does not address this deficit in the near future, it grows larger with each passing year. For example, by 2030 the cash benefit programs' deficit will have nearly tripled, rising to 4.25 percent of taxable payroll.

The Medicare Hospital Insurance (HI) program also faces a long-range deficit of serious proportions. The HI fund is projected to have a 75-year deficit of 4.45 percent of taxable payroll. When the HI deficit is combined with that of the cash benefit programs, the total social security long-term deficit is projected to be 6.10 percent of taxable payroll—in 1981 dollar terms, this represents a $79 billion deficit for each of the next 75 years or nearly $6 trillion over the entire period.

The long-term deficit in social security results from the convergence of major demographic, economic and employment trends. Analysts anticipate that in the future, fewer workers will be supporting a relatively larger number of beneficiaries (i.e. members of the post-World War II "baby boom" generation). The ratio of workers to retirees, now 3.3 to 1, could drop to as low as 1.7 to 1 by the year 2025. Exacerbating this problem is the decline in elderly labor force participation which is fostering a high degree of dependence among older persons on government programs for income support. Increased longevity patterns also point to higher program costs, since benefits will have to be paid over a longer retirement life.

The long-term deficit of, and worker dissatisfaction with the system could increase as a result of a number of other factors that are difficult to predict with any accuracy. For instance, higher-than-expected inflation or lower-than-expected productivity and real economic growth could have a large negative financial impact on the system and cause an even worse financial imbalance. In addition, there are the changing family and social patterns which are causing the system's benefit and financing structures to be increasingly perceived as unfair, particularly by working wives and single workers.

The combined impact of all these factors will make it clearly undesirable to continue social security as presently structured into the next century. If that were attempted, either future workers will have to pay much higher payroll taxes or future retirees will have to subsist on much lower benefits—benefits distributed in a highly inequitable fashion.

To avoid having to choose between large payroll tax increases and large benefit decreases, the Associations recommend comprehensive changes in the system's benefit and financing structures. These changes should be aimed at improving public confidence in the financing and fairness of the system. These reforms must encourage older persons to increase their work effort and, at the same time, make the system more equitable and adequate for future retirees.

Any plan for changing social security to accommodate the trends and achieve these goals must be phased in gradually. Lengthy transition periods must be provided to protect the reasonable benefit expectations of people who are approaching beneficiary status or are already on the rolls.

The ultimate goals of changes in social security, as well as changes in the other components of the income support structure serving the elderly, must be the elimination of poverty and reasonably guarantees that older persons will be able to achieve and maintain an "adequate" income. To be adequate, an older person's income should be sufficient to maintain in the later years of life the optimum standard of living achieved earlier. Social security must continue to be relied upon to provide the chief component of the elderly's income. But to achieve the adequacy goal, social security must be supplemented by income from private sources, particularly employment, private pensions, savings and other income producing assets. To the extent that income from all sources is insufficient, then the underlying public assistance program should be relied upon to guarantee at least a minimum income above the poverty threshold.

CHANGING SOCIAL SECURITY SO THAT IT PROMOTES RATHER THAN DISCOURAGES ELDERLY WORK EFFORT

A number of social security changes need to be made to promote elderly labor force participation and thereby improve the elderly's income situation as well as the system's long-term financial status. (See Employment Section for further discussion).

When considering changes in social security that would encourage elderly employment, it is important to rule out proposals which appear to be work promoting, but are instead, merely benefit reductions. Raising the normal social security retirement age to 68 is such a proposal.

The Associations believe age 65 should be maintained as the normal, full-benefit retirment age. We oppose any proposal to raise that age to 68 because there are better policy options which have not been tried yet and which we believe would encourage older workers to delay voluntarily their retirement dates.

The age 68 plan should be avoided because it would unfairly penalize disadvantaged older workers who become involuntarily unemployed or who are physically unable to keep working. Supporters of the age 68 proposal argue that because older persons are living longer, they will be able to work longer. Despite the fact that life expectancy rates have been increasing for many years, many of the elderly, particularly women and minority groups, still find it necessry to "take early retirement" due to unemployment and health problems. One recent survey indicated that about half of the persons sampled who had recently retired cited impaired health as the reason for their retirement decision.

These trends indicate that the age 68 proposal runs the grave risk of substantially cutting social security benefits for a large, vulnerable segment of the future elderly population, thereby greatly increasing the likelihood of their living in poverty. Moreover, since raising the retirement age would cut the future benefits of current young workers (thus making social security a much less "good buy" for them), such a cut would likely undermine further their support for the programs.

To avoid raising the retirement age, the Associations recommend that Congress pursue an aggressive work promotion strategy that will encourage able-bodied older persons to continue working. This strategy requires that the social security benefit structure be changed so that it encourages and rewards older persons for continuing to work past age 65, and discourages able-bodied older workers from retiring early.

Components of this strategy should include: 1) the elimination of the earnings test

for persons age 65+; 2) the provisions of actuarially increased benefits for persons who delay filing for social security benefits until after age 65; and 3) a gradual increase in the early retirement penalty (from current 20% reduction to a 30% reduction at age 62).

The earnings test should be eliminated for persons age 65+ because it is a major and visible work disincentive. Having a factor in social security that causes people to limit their work effort imposes a significant net "cost" on society. The Associations have long maintained that the economic "cost" in terms of the value of the lost output of goods and services and the total of lost tax receipts that results from having the earnings test is far greater than the "cost" of the additional social security benefit outlays that repeal would entail.

In addition to the elimination of work disincentives like the earnings test, social security should be changed to provide strong incentives for older workers to delay their retirement dates. To this end, the Associations recommend, two alterations in the social security benefit structure, First, the delayed retirement credit (available to persons who elect to delay retirement past age 65) should be substantially increased. Under present law, workers receive a small 3% bonus for each full year they continue to work after age 65 and delay filing for benefits. By increasing the delayed retirement credit to the actuarially fair level of 8 to 10%, the credit would provide more adequate compensation for continued work and therefore provide a stronger incentive for persons to remain working full-time and delay filing for benefits.

Second, in order to provide a stronger incentive to keep working (and a stronger disincentive to retire) in the case of able-bodied workers between the ages of 62 and 65, the penalty for early retirement imposed at age 62 should be increased from its present level of 20% to 30%. With this change, older workers would receive a 10% increase in their benefit amounts for every year between age 62 and 65 they postpone filing for benefits. This 10% benefit increase is larger than the 6.6% increase provided by current law and should, therefore, act as a stronger financial incentive for capable older persons in this age group to remain employed.

Increasing the early retirement penalty, however, must be phased-in gradually over at least a 5-10 year period. At the same time, the disability and Supplemental Security Income programs should be made more accessible to ensure that older persons age 62-64 who are chronically ill or involuntarily unemployed have reasonable benefit options available to them.

The combined effect of this three-pronged package of social security work incentives would be to make it attractive for those older persons who are capable of continuing to work to postpone voluntarily their retirement decision. In the process, they would be contributing to their own financial well-being as well as the financial well-being of social security and other government programs through the increased payroll and income taxes they would be paying. Some of these increased taxes could go toward supporting those older persons who are less able or unable to continue to work.

SORTING OUT SOCIAL SECURITY'S DIVERGENT AND CONFLICTING FUNCTIONS

The current social security structure reflects a mix of earnings replacement and welfare/social adequacy functions. To carry out the earnings replacement function, benefits are loosely tied to prior earnings histories. To carry out the welfare/social adequacy functions, benefits are computed utilizing a heavily weighted formula which provides relatively higher benefits (in relation to prior earnings) to lower wage-earners (lower contributors) and relatively lower benefits to higher wage-earners (higher contributors). Special minimum benefits are also provided with the intention of assisting long-term, low wage-earners. In addition, benefits are provided to workers' dependents whether or not they have ever contributed to the system.

Certainly, the carrying out of both earnings replacement and welfare/social adequacy functions is appropriate within the context of programs that constitute social security. However, social security, as currently structured, attempts to perform these often divergent and conflicting functions utilizing one benefit structure and one tax mechanism—the regressive payroll tax. This intermingling of functions has led to many benefit and payroll tax inequities and generated much waste and duplication. Indeed, it has financially impaired the system's ability to achieve fully either of the goals of sufficient earnings replacement and the absence of poverty.

As a result of the intermingling of functions in the current structure, many higher-income persons, for example, receive unintended benefit subsidies from the system's welfare/social adequacy elements and, ironically, these benefits are largely financed by the tax payments of lower and middle-income workers and their working spouses. At the same time, many lower-income persons who are truly needy and who have borne a disproportionate share of the payroll tax burden throughout their working lives are unable to attain even a bare subsistence level of living on their social security benefits. These situations have led to the perception by an increasing number of workers, especially wives who work outside of the home and single workers, that the system's benefit and financing structures are unfair, wasteful, and do not yield a fair rate of return on their contributions.

In the past, social security mixed the earnings replacement and welfare/social adequacy functions without suffering any significant decline in public support. A favorable ratio of beneficiaries to workers and healthy economic growth rates made it financially possible for the system to provide large benefits in relation to what beneficiaries had contributed to the system throughout their working lives. In the future, however, beneficiaries may receive diminishing, and perhaps in some cases, negative rates of return on their social security contributions. This is likely to occur due to several factors: the dramatic age shift in the population, the large payroll tax increases that are already scheduled (and the additional ones that are expected), the possibility of large benefit cuts (such as raising the age for full benefits), unfavorable economic conditions, and the relative scarcity of resources.

Under these conditions, the system is bound to be scrutinized as to how well it functions, who pays the taxes and who receives the benefits. Therefore, to reduce the increasing benefit and tax inequities inherent in the present structure and assure that the system as a whole operates in a cost-effective manner and in a manner that is understandable to the individual, the Associations recommend that social security's earnings replacement function be clearly separated from its welfare/social adequacy functions. These functions should be retained within the social security system's total structure but sorted out between at least two separate benefit and financing mechanisms.

The earnings replacement function should be carried out through a benefit structure which utilizes a proportional (or uniform) benefit formula and stresses individual equity in awarding benefits. This benefit structure should be financed from payroll taxes. The welfare/social adequacy functions should be carried out through a benefit structure specifically designed to meet those objectives. This latter structure should be financed out of general revenues generated from progressive tax mechanisms. Since the escalating payroll tax burden, which is inherently inflationary and leads to higher unemployment, only aggravates current economic problems and makes them more intractable, it makes sense to shift the financing of social security's welfare/social adequacy functions to alternative and less economically damaging revenue sources.

Should healthy economic growth rates such as those the nation enjoyed in the 1960's fail to resume in the future or should the cost pressures that will accompany the aging of the post-war baby boom population prove more difficult to deal with than is presently anticipated, then a restructured system would allow future policymakers to make coherent and rational choices regarding the allocation of scarce resources. If necessary, government would be better able to target benefits on a more economically disadvantaged segment of the elderly population. This is something that is impossible to do under social security's current structure.

As a means for dealing with social security's long-term deficit, proposals have been advanced that would reduce the indexing present in the benefit formula used to calculate benefits for future recipients. The Associations oppose these proposals because they would greatly reduce future social security benefits. Since social security is, and is likely to continue to be, the primary source of income for the elderly, it is inevitable that these plans will not only cause a significant deterioration in living standards, but also a resurgence of high poverty rates among the future elderly.

In addition, the Associations believe this is the wrong way to deal with the long-term deficit. By uniformly cutting everyone's benefits across-the-board, these proposals would end up perpetuating the current social security benefit structure with all its inherent contradictions and inequities—a structure which in our view requires more fundamental, rational reform.

In attempting to deal with social security's long-term difficulties, Congress can choose between two reform strategies. Either it can risk an erosion of public support by attempting to perpetuate the system's present benefit and financing structures and thereby be forced either to raise payroll taxes or reduce (substantially) benefits. Or it can attempt to restructure the system so that the system, first, encourages (rather than tries to force) older persons to work longer and elect to delay their retirement, and, second, awards benefits in a more fair, efficient and equitable manner by using separate benefit and financing structures to carry out the system's divergent goals of earnings replacement and welfare/social adequacy.

The Associations support this latter reform strategy. Not only would it relieve

cost pressures on the system, but it would provide current young workers with the assurance that social security represents a "good buy" in terms of the rate of return on their investment, and that, in their later years, they will have good prospects for achieving income adequacy and avoiding poverty. This is an assurance that the system as presently structured does not provide.

SUPPLEMENTAL SECURITY INCOME PROGRAM RECOMMENDATIONS

While restructing social security as outlined above, changes must also be made in the underlying cash and in-kind support programs to assure that they will adequately perform the minimum-floor-of-income protection function.

The Supplemental Security Income (SSI) Program was created in 1972 to provide policymakers with a more effective instrument for reducing the extremely high incidence of poverty prevailing among the elderly. Even though social security benefits were increased substantially, especially during the late 1960's and early 1970's, SSI benefits have been needed by many elderly persons who either lack social security coverage or receive very low social security benefits.

However, even receipt of both social security and SSI benefits still fails to guarantee a minimum income above the poverty threshold. For aged families with SSI and social security income alone, 50% were living below the official poverty line in 1977; for single persons in these circumstances, 60% were in poverty. To address this situation, the Associations recommend several improvements in the SSI program.

With respect to payment levels, the federal portion of the SSI payment should be increased to at least 125% of the poverty level as defined by the Census Bureau. State supplements to the federal payment must also be encouraged so that recipients can be compensated for regional cost-of-living variations.

SSI's partial disregard of unearned income (usually social security benefits) should be made on a progressive rate basis (at least 20% disregard) rather than on a flat dollar ($20 per month) basis. Due to automatic cost-of-living increases in social security benefits, many SSI recipients have either lost their SSI eligibility or experienced a net reduction in total income from SSI and social security combined.

In order to encourage employment, SSI's $65 per month earned income disregard should be raised substantially and thereafter, automatically indexed to wages. Also, public service job opportunities and job training and referral mechanisms should be created specifically for SSI recipients.

The Associations also recommend elimination of the one-third SSI payment reduction imposed upon individuals who live in the household of another. This arbitrary reduction discourages elderly poor persons from living with relatives and often results in their premature institutionalization.

Finally, SSI's current assets limitations of $1,500 for individuals and $2,250 for couples should be substantially increased and eventually eliminated. An estimated 12% of elderly families with incomes below SSI payment standards were denied benefits because of the assets tests.

FOOD STAMPS

The participation rate of the elderly poor in the food stamp program has always been extremely low. In considering recently proposed cutbacks in this program, Congress recognized the disadvantaged income situation of the elderly poor, and therefore exempted them from the new requirement that their total income be below 130 percent of poverty. Nevertheless, Congress did cut back on present and future food stamp levels by freezing the program's inflation adjustments. This will cause a substantial number of elderly poor to suffer increasing reduction in their food stamp levels over the next several years. Many will lose their food stamp eligibility entirely.

In order to ensure that this truly needy segment of our society continues to receive adequate inflation-adjusted food stamp allotments and in order to address the low participation rate of the elderly poor in this program, food stamps should be cashed-out for SSI recipients.

ENERGY ASSISTANCE

Each year since 1975, increases in energy costs have exceeded cost-of-living adjustments in social security and SSI. Between 1975 and 1980, natural gas prices rose 155 percent, fuel oil prices rose 158 percent and electricity prices rose 70 percent. At the same time, the increase in social security and SSI payments rose only 32 percent.

This escalation in the cost of energy has caused many low and moderate income elderly persons to face severe financial (and physical) hardships. The elderly, who are living on relatively fixed incomes and already are using less energy on a per capita basis than other age groups, have little financial ability to absorb higher fuel costs and little flexibility to cut consumption significantly.

Federal programs created in the past to provide energy assistance to low and moderate income households have been shortsighted and under-funded; thus, they have not been able to reach all those in need. Given this situation, the various federal energy assistance programs should be consolidated into one national energy assistance program. Funding for this consolidated program should remain the same as the total outlay for all the prior categorical programs. Such consolidation would make current benefits more accessible, eliminate duplication and overlap, fill in the gaps to meet needs where current programs do not, reduce administrative costs and, within budgetary constraints, make it possible to reach more needy persons.

This energy assistance program should be in the form of a block grant to the states since energy needs differ from state to state. However, each state should be required to submit for approval a comprehensive state plan which fulfills four major criteria for national energy assistance: direct cash assistance, weatherization/conservation, outreach and coordination.

Direct cash assistance should be made available to the SSI population as well as to those with incomes at or below 150 percent of the official poverty threshold. This assistance should not be counted as income for eligibility in any other federal assistance program. Older persons should be allowed a special exemption for medical expenses in determining eligibility to take into account their higher out-of-pocket costs.

With respect to weatherization and conservation, the materials and incentives to weatherize and the necessary information should be made available, particularly to the elderly who tend to live in older dwellings which are poorly insulated. Over the long run, this would provide the most cost-effective method of energy assistance.

With respect to outreach and coordination, states should develop local outreach plans to assure broad dissemination of information on energy assistance, particularly to the elderly who tend not to participate in these types of programs. State plans should also include provisions for local coordination of all relevant social services as well as private, state and local sponsored energy assistance initiatives.

Until such time as this national energy assistance program is enacted, the Associations support the retention of and adequate funding for the Low Income Energy Assistance Program and the Department of Energy's weatherization and conservation programs.

EMPHASIZING EMPLOYMENT AS A SOURCE OF INCOME

Given current economic and demographic trends, government policy ought to permit and strongly encourage greater elderly labor force participation. Increased elderly employment activity would generate additional tax revenue for use at all levels of government. The economy in general would benefit from the added value of goods and services produced. The elderly would benefit by being able to supplement their incomes from other sources with income from employment, thus increasing their ability to maintain their standard of living and do it with a form of income (wages) that has better prospects for keeping up with inflation than most other forms of income. Any share of the elderly's total income that can be generated through the work effort of willing and able elderly individuals represents a share that need not be borne by other workers through taxes.

To reverse the elderly's declining labor force participation trend, a national, coordinated older worker employment strategy is needed. One component of such a strategy entails the elimination of existing elderly employment barriers, the greatest of which is mandatory forced retirement.

In 1978, Congress enacted amendments to the Age Discrimination in Employment Act (ADEA) that prohibit mandatory retirement before age 70, with a few exceptions, and protect most federal employees completely against age-based retirement. These amendments, however, do not go far enough. First, we recommend that forced retirement based solely on age should be completely prohibited under ADEA. Statutory sanctions which exist in current law, such as the bona fide occupational qualification provision, should be eliminated. Finally, the Equal Employment Opportunity Commission should enforce the ADEA as vigorously as possible to assure that the Act's full potential is realized in the case of middle-aged and older workers who continue to be victims of various discriminatory practices.

The second component of an older worker employment strategy involves the elimination of existing work disincentives and the creation of work incentives. Although the social security earnings limitation and other elements within the structure of social security have already been discussed, other factors exist which serve to discourage work effort by older groups. One such disincentive that must be addressed is a law which mandates that states reduce a person's unemployment compensation by the amount of any pension income received. Although the law was amended in 1980 to limit the applicability of the offset, a person's unemployment compensation will still almost

always be reduced by one-half of the amount of any social security benefits received. The Associations recommend that the unemployment compensation offset be repealed in its entirety.

The third component of an older worker employment strategy involves the creation of strong work incentives—some focused on older workers themselves, others on potential employers. For example, with respect to private pension plans, workers who continue to work past normal retirement age should be able to accrue additional pension credits. Additionally, credits against federal income tax liability could be established for older workers who avail themselves of job training or retraining programs that are designed to prevent skill obsolescence.

To provide employers with incentives to employ and/or retain older workers the federal tax structure appears to be the most appropriate vehicle. For example, the employer portion of the social security payroll tax that would otherwise have to be paid with respect to older workers could be reduced or eliminated. A tax credit for a certain portion of the older worker's wages could also be used to encourage employers to hire them. Such changes would effectively reduce the cost of hiring older workers, and would also tend to counter any disincentive effect that the minimum wage might have on an employer's willingness to hire to retain an older worker. In addition, the tax laws could be used to encourage employers to introduce a host of job training, retraining, part-time and flexi-time programs aimed at older workers.

To complement the older components of an older worker employment strategy, job opportunities must be made available to older workers through federal employment programs, such as the Senior Community Service Employment Program (SCSEP) under Title V of the Older Americans Act.

Title V is the only categorical program directed exclusively at the needs of older workers. It has been an extraordinarily successful program by any standard. The SCSEP has been free of fraud and abuse and has been administered effectively and efficiently. Nearly nine out of ten programs dollars have been spent for wages, supportive services and fringe benefits for older workers. As a consequence, administrative costs have been kept to a minimum.

Title V has also provided a dignified way for 85,000 low-income persons 55 or older to help themselves while helping others in their communities. Title V enables elderly persons who do not want to receive public assistance to be gainfully employed in productive and fulfilling work. It provides approximately 54,200 jobs.

The Associations support continuation of Title V as a separate categorical program. It should continue to be forward-funded to permit sponsors to have sufficient lead time to plan their activities and operations. In addition, the SCSEP should be fully funded. Over the long-term, the SCSEP should provide full-time jobs for older Americans as well as part-time employment.

THE PRIVATE PENSION SYSTEM: CURRENT INADEQUACIES AND FUTURE POTENTIAL

The Associations support reform and expansion of the private pension system so that it becomes, over time, a more universally available and more reliable source of significant amounts of income for the elderly. However, there are clearly many inadequacies in the private pension system as it exists today. Only about 25% of persons age 65 and over presently receive private pension benefits. Moreover, since less than half of all workers in the private sector are covered by a pension plan and only 25% of the total working population age 18 and over has acquired a right to receive benefits (i.e. has become "vested") from a pension plan provided by its current employer, the private pension system is likely to continue to fall far short of being the universally available source of supplemental retirement income that it should be.

In addition to lack of coverage, there are other serious inadequacies. Only about 5% of all private pension plans, for example, provide automatic inflation adjustments and even then the adjustments are usually limited to a maximum of around 3% a year. Although many more plans provide ad hoc adjustments, the private pension system as a whole provides very little in terms of compensation for the inflation losses recipients sustain with respect to their private pension benefits.

Clearly, many individuals are not being well served by the private pension system. Although the Employee Retirement Income Security Act (ERISA) set minimum vesting standards for pension plans, these standards do not guarantee that plan participants will actually acquire a right to a pension. Fortunately, as part of the 1981 Economic Recovery Tax Act, those people who are participants in private pension plans will be able to contribute to an Individual Retirement Account (see Tax Policy for further discussion). This will be particularly helpful for people who participate in plans but do not vest.

Even for those who acquire a vested right to a benefit plan, job change (i.e., "mobility") is still a problem. Pension rights and credits earned by a worker are very rarely transferable (i.e., are not "portable") from the pension plan of one employer to that of another.

The private pension system's failure to provide universal coverage, adequate inflation protection, early vesting and portability of pension rights and credits has seriously constricted its importance as a reliable source for a significant amount of supplemental retirement income. Clearly, social security has been far more successful in overcoming the inadequacies associated with private pensions. However, one major factor, social security's funding, makes it unlikely that social security alone could ever provide an adequate retirement income and displace the private pension system.

Social security is funded on a pay-as-you-go basis. That means that current payroll tax receipts are used to pay current benefits. However, in the case of private pension plans, assets are set aside in trust to cover benefit obligations as they accrue. Thus they are said to be advance funded.

Advance funding of a portion of the cost of providing an adequate income for the future elderly is increasingly desirable as a matter of public policy. That would assure that the post World War II baby boom population will, in effect, have savings of their own, and will not be totally dependent on a pay-as-you-go system for retirement income. A pay-as-you-go system, such as social security, would have to increase tax rates sharply to provide an adequate level of income for future retirees at a time when the proportion of active workers to retirees is diminishing. Additionally, since advance funding provides savings to finance investment, the private pension system is being looked upon increasingly as a mechanism for fostering economic growth.

While a portion of social security could be advance funded, there would be serious problems with this approach. Control of a tremendous pool of capital would be centralized in a single source, and investment decisions might end up being removed from marketplace considerations.

Given these factors, the Associations recommend that the private pension system be called upon to assume responsibility for providing a more significant and more universally available share of the income of the future elderly and that necessary changes be made to assure the full and efficient discharge of that responsibility. To start, present law (ERISA) should be amended to shorten vesting periods and a mechanism for pension portability should be designed and implemented. For example, a central clearinghouse could be created to act as a "bridge" between pension plans so that credits can be readily transferred when workers change jobs.

Additionally, ERISA's administrative requirements should not be so burdensome as to discourage small businesses for sponsoring pension plans. However, the basic protections for participants provided by the Act must not be lessened. Careful study should also be undertaken to determine whether the retirement planning tax incentives passed in 1981 (see TAX POLICY for further discussion) sufficiently expand private pension coverage. If not, serious consideration must be given to a proposal offered in 1981 by the President's Commission on Pension Policy to require employers to provide a minimum level of pension coverage for their employees.

If the future elderly are to be better able to maintain their living standards throughout their later years of life, ways must be devised to mitigate the effect of inflation on private pension benefits from the time they are awarded. Under the present legal framework, the Associations know of no mechanism or mandating cost-of-living adjustments without risking massive pension plan terminations by employers because of the large cost increases the making of such adjustments would entail. However, those employers should be induced to provide at least some inflation compensation to their retirees through, for example, tax breaks, the extension of federal labor law to specify that retirees' benefits are a mandatory subject of collective bargaining, and the issuance by the Federal government of indexed bonds that would be available to private pension plans and would guarantee a real rate of return on investment.

Also, retirees must have the opportunity to take part in their pension plan's decision-making process; for example, positions on the plan's board of trustees should be available to retirees. When investment returns make it affordable, retirees must be able to argue to plan sponsors that some portion of their plan's liberalizations should be devoted to cost-of-living protection for retirees.

In another respect private pension plans are going to have to change to treat older workers more fairly than they presently do. Under a current Labor Department interpretation of ERISA and the ADEA, employers do not have to provide additional pension credits to workers who stay on the job beyond age 65. This interpretation discourages older workers by denying them any additional deferred compensation despite extra years of work. Moreover, these older workers may actually lose some of their benefits if the plan's payments do not commence until the worker actually retires. The

Equal Employment Opportunity Commission, which enforces the ADEA, could change the interpretation in this area, but legislation appears needed to remedy the problem. Also, current laws which restrict a retiree's ability to work part-time without losing benefits and which prohibit plans from providing upward benefit adjustments to some people who work beyond their plan's normal retirement age must be changed.

Because women have a longer life expectancy than men, pension coverage could prove vital in supplementing social security benefits and such saving as may exist. However, due to the inequities built into the private pension system, women are much less likely than men to receive pension income. Moreover, those women that do receive pension income are likely to receive considerably smaller pension benefits on the average than men. The inequities inherent in the private pension system have contributed significantly to the fact that, in 1980, older women accounted for 71.5% of all elderly people in poverty. In order to improve the plight of older women, there is an increasing need to enact legislation addressing such areas of pension law as eligibility, vesting, breaks in service, and survivors' benefits.

In the present deregulatory atmosphere, particular scrutiny must by shown toward efforts to amend ERISA. ERISA provides important protections for workers and retirees which were not available prior to its passage in 1974. All efforts must be made so that ERISA can work efficiently for businesses and participants. However, deregulation must not jeopardize ERISA's basic safeguards.

OTHER PRIMARY RETIREMENT SYSTEMS

Although social security is generally thought of as the basic component of the elderly's income, other existing primary retirement systems, the railroad retirement system, and the approximately 6,000 state and local systems cannot be ignored because these supply the basic component of the income of the retirees they serve. Since many of the state and local systems are already integrated with social security, they would change as social security changes over time. With respect to non-integrated state and local retirement systems, the trend has been toward consolidation into large county, regional or statewide systems. That trend should continue.

Given the millions of retirees, their dependents and survivors who are served by the civil service, railroad and other non-social security federal retirement systems, their financial well-being is a matter of concern to the Associations. To the extent that these systems may face financial difficulties in the future, detailed knowledge of these difficulties and plans to avoid them should be made public well in advance to allow ample time to avoid any potential crisis.

Congress in 1981, failed to appropriate sufficient funds to pay the full dual benefit to railroad retirees. These funds must be restored to avoid further harm to railroad retirees. Additionally, full cost-of-living protection should be available to railroad retirees and to federal retirees. The Associations will continue to oppose legislation that would deliberalize any retirement system in a manner that defeats the reasonable benefit expectations of persons who are retired or about to retire.

Finally, with respect to the primary state and local retirement systems, there is an increasing need for national fiduciary standards to protect pensions funds and assure sound investment practices. The security of these benefits can be too easily jeopardized if assets are mishandled or not invested solely in the interest of employees and beneficiaries.

OTHER SOURCES OF INCOME

In addition to social security, employment and private pension plans, other savings and retirement income instruments, like Keogh plans and IRA's, must continue to be relied upon as potentially significant sources for supplementing income during the later years of life. (See Tax Policy for further discussion.) In addition, privately accumulated savings will have to be relied upon to contribute significantly to the income of the elderly.

However, private savings, as an important source of income are gravely threatened. High rate inflation is rapidly diminishing the value of small savings accounts which are widely held by the elderly but which continue to pay interest at rates that are artificially constrained at levels well below the inflation rate under the authority of the Federal Government's Regulation Q. Even though Regulation Q is scheduled to be phased out by 1986, the Depository Institutions Deregulation Committee continues to resist Congressional intent and public pressure to raise the interest ceilings on passbook accounts. The Associations therefore continue to advocate that this regulation be eliminated so that interest rates may rise to free market levels. Not only would interest income to present elderly small savers increase, but younger workers would be encouraged to save more for their retirement. In addition, higher interest rates would help make savings an attractive alternative to consumption and help dampen inflation at the same time.

While much can be done to encourage the growth and expansion of private savings and other sources of income on which the elderly have traditionally relied, new sources should also be explored. One potentially important new income source may be reverse equity. Under this type of financial arrangement, it would be possible for an older person, for example, to turn the appreciating value of his home into a steady source of income while still retaining both possession of the home and title to it during his lifetime.●

WALL STREET JOURNAL SAYS "AMEN" TO ALABAMA PRAYER DECISION

● Mr. HELMS. Mr. President, Federal Judge W. Brevard Hand's recent decision on school prayer in Alabama is beginning to get the attention it deserves. In today's Wall Street Journal is an editorial praising the soundness of that historic decision handed down on January 14, 1983.

What Judge Hand did was to place the Constitution itself above erroneous Supreme Court precedents in the matter of school prayer. In Jaffree against The Board of School Commissioners of Mobile County, Judge Hand rules that the first amendment to the Constitution does not bar and has nothing to do with voluntary prayer in the schools. In so doing, he rediscovered and applied the original meaning of the first amendment. I suggest that anyone entertaining any doubts about this should read Judge Hand's opinion appearing in the CONGRESSIONAL RECORD of January 26, 1983, at page S140.

In the rarefied atmosphere of modern constitutional adjudication—far removed from the intent of the Constitution's framers—the Hand decision no doubt comes as quite a shock. Countless lawyers and judges have assumed for years that the Supreme Court can interpret the Constitution in any way it wants, no matter how clearly erroneous, and get away with it. But with the Hand decision, it is clear that history cannot be totally banished and that such history is an invaluable tool in preserving the integrity of the Constitution. As Judge Hand himself said in the Jaffree case:

It is not what we, the judiciary want, it is what the people want translated into law pursuant to the plan established in the Constitution as the framers intended. This is the bedrock and genius of our republic. The mantle of office gives us no power to fix the moral direction that this nation will take. When we undertake such course we trample upon the law. In such instances the people have a right to complain. The Court loses its respect and our institution is brought low. This misdirection should be cured now before it is too late. We must give no future generation an excuse to use this same tactic to further their ends which they think proper under the then political climate as for instance as did Adolph Hitler when he used the court system to further his goals.

Mr. President, I ask that the editorial in the Wall Street Journal of February 16, 1983, entitled "Amen" be printed in the RECORD at the conclusion of my remarks.

The editorial follows:

AMEN

God is great. God is good.
Let us thank Him for our food,
Bow our heads we all are fed,
Give us Lord our daily bread.
Amen.

During the 1981–82 school year, Charlene Boyd, a public elementary schoolteacher in Mobile County, Ala., recited this prayer with her class every day before lunch. Was she violating the Constitution?

Ishmael Jaffree, a local agnostic, charged that she was. He sued Ms. Boyd, two other teachers who recited comparable prayers and local school officials for $115,000, claiming his three children, Jamael, Makeba and Chioke, suffered emotional harm for refusing to join in the prayers. In a preliminary hearing last August, Federal District Judge W. B. Hand denied a motion by defense lawyer Fob James III, son of the then-governor of Alabama, that the case be dismissed because only God—not the courts—has jurisdiction over prayer.

But Judge Hand has upheld the constitutionality of the prayers in a bombshell opinion that deliberately violates 21 years of Supreme Court precedent on school prayer, and a longer precedent of 14th Amendment interpretation.

His decision is almost certain to be reversed on appeal, and pending a decision by the circuit court, Supreme Court Justice Lewis Powell has issued an injunction against prayers in Alabama schools. But the

higher courts, and perhaps more importantly the public, would do well to examine carefully Judge Hand's arguements.

The First Amendment says that "Congress shall make no law respecting an establishment of religion." Until the 20th century, this clause was held to apply only to the federal government. State establishments actually existed in this country until 1833. But beginning in the 1920s, the Supreme Court gradually applied the Bill of Rights to the states, through a series of 14th Amendment reinterpretations. Citing historical studies by Raoul Berger and others, Judge Hand ruled that "the historical record clearly establishes that when the 14th Amendment was ratified in 1868," it "was not intended to incorporate the Bill of Rights (the first eight amendments) against the states." He therefore ruled that "the United States Constitution does not prohibit the state from establishing a religion."

This logic, though historically correct, would overturn thousands of court decisions over the last half-century, on subjects ranging from criminal law to freedom of speech. It would wreak so much havoc on modern jurisprudence that it will most likely be rejected out of hand. But on narrower and more practical grounds. Judge Hand's ruling also challenges the Supreme Court's interpretation of the term "establishment."

The "wall of separation between Church and State" cited in so many recent court opinions does not exist in the Constitution. It is, as Judge Hand points out, only a metaphor taken from a speech by Thomas Jefferson; what was meant by the establishment clause was simply that the federal government should not favor one religion over another. Moreover, the founders never intended the clause to imply, as the Supreme Court now holds, that government activity must "have a primary effect that neither advances nor inhibits religion."

On the contrary, Judge Hand observes that Presidents Washington, John Adams and Madison all issued prayer proclamations, that one of the earliest acts of the House of Representatives was to elect a chaplain, that even Jefferson, the strictest separationist among the Founders, signed into the law bills that provided federal funds for the propagation of the gospel among the Indians.

It's one thing to say the Constitution doesn't prevent school prayers. It is quite another to have them. Throughout much of the mid- to late-19th century, and well into the 20th, public schools in much of the country, especially the Midwest and the South, taught Protestant prayers—often with Protestant clerics as teachers—a violation of the "establishment" clause, even under Judge Hand's definition. Many religious leaders are afraid that any prayers acceptable to all denominations would be sterilized of most of their religious content; meanwhile many parents think their schools have more pressing problems than worrying about prayers. And even though the Supreme Court may have exaggerated the separationism of the Founders, it's worth remembering that Tocqueville attributed the vitality of American religious life to the separation of church and state—which, among other things, protected churches from the hostility citizens felt toward their government.

Still, Judge Hand has done the republic a service with his unusual opinion. He may have violated the principle of *stare decisis*, or adherence to precedent. But he has clarified constitutional issues that have become muddled during the past generation.●

EQUAL ACCESS TO VOTING RIGHTS

● Mr. MOYNIHAN. Mr. President, I am proud to join my distinguished colleague Senator DURENBERGER in proposing S. 444, legislation to insure equal access to voting rights for our Nation's elderly and handicapped. This legislation is designed to remove, in an inexpensive and entirely sensible manner, the physical barriers that currently prevent many of the 35 million elderly and handicapped Americans from exercising their right to vote.

In a fundamental sense, voting is the most precious of all constitutional rights. For it is the guardian of all other rights, the protector of all other freedoms. It insures each citizen's ability to participate in his government, and as such is the very foundation of our Republic.

Last year, this body recognized as much when we reauthorized the Voting Rights Act of 1965. In so doing, we reaffirmed our commitment to the principle that the American citizen's right to vote cannot be conditioned on his or her race, color, ethnic origin, or linguistic group.

It is now for us to insure that access to the voting booth is not prevented by physical impediments. Regrettably, millions of our Nation's elderly and handicapped each year are prevented from voting by physical rather than legal barriers. Some are discouraged from voting because certain polling facilities have been set up on the second or third floor of buildings that lack elevators. Others, who are confined to wheelchairs, are unable to vote where architectural barriers prevent them from entering the polling place. Others, who are visually impaired, cannot participate where ballots are printed only in small type. Still others, who have lost their hearing, are unable to vote because only oral, rather than written, instructions are provided at the voting booth.

Such barriers can and must be removed. Voting is not the privilege of the physically strong, nor of those with perfect vision and hearing. Quite to the contrary, it is the right of us all.

This legislation would remove physical barriers by requiring the Attorney General of the United States, in consultation with the Secretary of the Department of Health and Human Services, to set minimum standards of accessibility to insure that such obstacles do not prevent the elderly and handicapped from voting or registering to vote in Federal elections.

Our bill requires that, when practical, voting and registration facilities be located in buildings with either temporary or permanent ramp access. In addition, voting and registration sites would have to be located on the ground floor of a multistory building or on a floor accessible by elevator. Alternatively, special procedures such as curbside voting are to be instituted.

As a further measure, blind people would be allowed to choose a voting assistant of their own preference; voter information notices would be required to be printed in large type to assist the visually impaired; and telephone devices would be made available to the hearing impaired.

Equal access to voting rights transcends politics; it makes democratic government a reality and thereby makes politics possible. It is the foundation of our form of government, for it insures that elected officials are truly representative. The right to vote must not be abridged by either physical or legal barriers. To fail to remove the physical impediments preventing millions of our elderly and handicapped from exercising this fundamental right would be to commit a great wrong. I urge my colleagues to join me in supporting the Equal Access to Voting Rights Act.●

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I hope that on tomorrow, the Senate can turn to the consideration of Calendar Order No. 12, S. 55, a bill to amend the Communications Act of 1934 dealing with broadcast services. I believe we cannot obtain an agreement to that effect at this time, but Senators should be on notice that it will be the desire of the leadership to turn to that item as the item of legislative business first before the Senate tomorrow after routine matters are disposed of.

ORDER FOR RECESS UNTIL TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 12 noon tomorrow.

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

ORDER FOR RECOGNITION OF SENATOR MATTINGLY TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that tomorrow, after the recognition of the two leaders under the standing order, the distinguished Senator from Georgia (Mr. MATTINGLY) be recognized on special order for not to exceed 15 minutes.

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

PROGRAM

Mr. BAKER. Mr. President, the General Orders Calendar is clear now, with the exception of three or four items. Three of them deal with abor-

tion and will not be taken up at this time. The fourth deals with the Communications Act, and I hope we shall deal with that tomorrow. The Senate is keeping the calendar clear. I expressed my appreciation to all Members for that.

The Executive Calendar similarly is clear except for the two treaties on page 1, which have already been alluded to. As and when committees report business to the Senate that can be dealt with, it is our hope to deal with it as promptly as possible.

Tomorrow, Mr. President, the Senate will convene at 12 noon. After the recognition of the two leaders under the standing order, the Senator from Georgia (Mr. MATTINGLY) will be recognized on special order. It is anticipated there will be a period for the transaction of routine morning business provided for at that time. I do not anticipate that tomorrow will be a late day unless other matters develop that I am not aware of or other matters come to the calendar that qualify. I do not expect the Senate to be in session on Friday.

Mr. BYRD. The majority leader has answered my question.

ORDER FOR THE SENATE TO CONVENE AT 10 A.M. ON MONDAY, FEBRUARY 21, 1983, AND FOR RECESS ON MONDAY UNTIL TUESDAY, FEBRUARY 22, 1983, AT 11:30 A.M.

Mr. BAKER. Mr. President, I wish to do one other thing. As to Monday, provision has already been made for the distinguished junior Senator from Virginia (Mr. TRIBLE) to deliver the Farewell Address of President Washington. I ask unanimous consent that the Senate convene at 10 a.m. on Monday next for the purpose of hearing the Farewell Address of President Washington delivered by the Senator from Virginia. I ask unanimous consent that no further business be transacted and that, at the completion of the presentation of that Address, the Senate then stand in recess until the hour of 11:30 a.m. on Tuesday next.

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

RECESS UNTIL TOMORROW

Mr. BAKER. Mr. President, I see no Senator seeking recognition. I have no further business to transact if the minority leader does not—I see he does not. I move, in accordance with the order previously entered, that the Senate stand in recess until 12 noon tomorrow.

The motion was agreed to and, at 3:19 p.m., the Senate recessed until tomorrow, Thursday, February 17, 1983, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate February 16, 1983:

DEPARTMENT OF STATE

Edward J. Derwinski, of Illinois, to be Counselor of the Department of State, vice James L. Buckley, resigned.

IN THE COAST GUARD

The following-named commanders of the Coast Guard Reserve to be permanent commissioned officers in the Coast Guard Reserve in the grade of captain:

Clifford G. Spelman, Jr.
Thomas P. Noe
Peter J. Gaizutis
Joseph M. Harasta
Paul M. Hureau
Larry E. Helber
Robert C. Isham
John G. Donovan
Clinton R. Miller
Bobby G. Christian
David W. Proudfoot
William S. Haight
Larry D. Brooks
David Bernstein
Albert A. Wickley, Jr.
Frederick A. Smith
Jesse D. Turnbaugh
Bernard C. Taylor
Carl E. Kunkel
Gary D. Liming
Brian C. Thomas
William C. Heming
Herbert M. Hurst
Philip C. Johnson
Robert E. Myers
Clifton C. Demartini
Norman W. Lemley
Robert E. Sloncen
James E. Tasker
Michael T. Brock
Ernest A. Parada
David E. Buerle

IN THE COAST GUARD

The following lieutenant commanders of the Coast Guard Reserve to be permanent commissioned officers in the Coast Guard Reserve in the grade of commander:

William I. Norton
Richard R. Paton
Claude O. Fuller, Jr.
Melvin D. Willis
George M. Devanney
Lynn H. Degrow
George J. Munkenbeck
Lewis Miller
Wayne R. Till
David B. Lorenz
William F. Shields
Lewis K. Walton
James T. McCracken, Jr.
Mark E. Longmeier
Frederick D. Fisher
Robert P. Oconnor
John L. Stapleton
Harvey O. Fry, Jr.
Frederick H. Hammond
Thomas W. Dann
Harold E. Hughes
Howard E. Copeland
Henry J. Kofron, Jr.
Willis W. Moore III
James R. Comerford
Clayton M. Sturge
Jimmy L. Palmer
Walter F. Malec
David W. Boyle
Thomas V. Langlais
Allan A. Goldberg
John T. Greenfield
Alexander C. Brodie
Harry L. Smith, Jr.
Terry R. Hauck
William A. Erbeck
William Q. Bunting, Jr.
John J. Brogan, Jr.
Stephen E. Hart
Christian A. Wethe
Ralph W. Smith
Kris W. Barrett
Joel K. Belway
David L. Ayling
Richard H. Dewey
James A. Medeiros
James R. Lasher
Richard W. Parsons
James F. Audley, Jr.
Ronald K. Wagner
John R. Olson
Ernest T. Maxey
Patrick J. Murray
Carl V. Gilbow
Charles R. Nunn
William C. Beal
Robert L. Treat
Glen A. Worrell
Nicholas Stramandi
Glenn J. Pruiksma
Richard W. Schneider
James G. Soland
Paul Ibsen
Roger B. Streeter
Edward G. Martin, Jr.
Roger J. Beer
Terrence E. Sauvain
Joseph A. Goeke III
Laurence A. Gruver
Robert H. Savage, Jr.
Timothy W. Wright
Charles W. Turner
Peter L. Maier
William E. Lane
Douglas G. Wales
John C. Miller, Jr.
Malcolm B. Playfair
Robert W. Knuth
Lawrence R. Hagen
Eugene H. Ryan
Colon E. Durrell
Franklin D. Hoffman
James A. Haley
Jimmy L. Palmer
Frederick Oczkowski
Rudolph S. Quatrone
Robert P. Dick
Jack E. Call
Kurt J. Roessner
Gary A. Piepkorn
Ronald G. Magee
Nick A. Costas
Thomas R. Skaife
Ronald W. Hanley
Robert V. Masur
Ralph A. Hoekstra

IN THE NAVY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370.

To be vice admiral

Vice Adm. James R. Sanderson, xxx-xx-xxxx xxx-..../1310, U.S. Navy.

IN THE MARINE CORPS

The following-named brigadier generals of the Marine Corps for promotion to the permanent grade of major general, pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

Richard M. Cooke
Richard T. Trundy
Clyde D. Dean
Frank E. Petersen, Jr.
Dennis J. Murphy
Donald J. Fulham
Anthony Lukeman
Jacob W. Moore

The following-named colonels of the Marine Corps for promotion to the permanent grade of brigadier general, pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

John P. Monahan
Robert R. Porter
Richard A. Gustafson
Orlo K. Steele
Walter J. Donovan, Jr.
Robert J. Winglass
Jim R. Joy
Hollis E. Davison
James M. Mead
Robert F. Milligan
Gene A. Deegan

IN THE NAVY

The following-named Naval Reserve officers for permanent appointment in the line or staff corps of the U.S. Navy in the permanent grade of ensign, subject to qualification therefor as provided by law:

Huskins, Jeffrey S.
Moore, Steven A.
Nelson, Scott M.
Patterson, Charles L.
Quinlevan, Patrick C.
Timmerberg, James M.
Williams, Marion K., Jr.

The following-named chief warrant officers, W–3, to be appointed chief warrant officer, W–2, in the U.S. Navy, subject to qualification therefor as provided by law:

Absher, Donald R.
Castillo, Rodolfo R.
Hillhouse, David J.

The following-named chief warrant officers, W–4, to be appointed chief warrant officer, W–3, in the U.S. Navy, subject to qualification therefor as provided by law:

Copelof, Sylvan M.
Kroll, Robert J.

Chief warrant officer, W–4, Robert D. Allerdings, U.S. Navy, to be appointed permanent chief warrant officer, W–4, in the U.S. Navy, subject to qualification therefor as provided by law.

The following-named Navy enlisted candidates to be appointed permanent chief warrant officer, W–2, in the U.S. Navy, subject to qualification therefor as provided by law:

Buscher, Franklin D.
Caletina, Romeo T.

Comdr. Rudolf T. A. Bredderman, U.S. Navy, retired, to be reappointed a permanent commander from the temporary disability retired list, subject to qualification therefor as provided by law.

Lt. Charles T. Hardy, U.S. Navy, retired, to be reappointed a permanent lieutenant

from the Temporary Disability Retired List, subject to qualification therefor as provided by law.

The following-named medical college graduates to be appointed permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law:

Robert E. Arnold Ragland, Jerry J.

The following-named U.S. Navy officers to be appointed permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law:

Bearss, Rollin W. Menasha, Moussa Y.
Everhart, Charles W., Jr. Sander, James E.
Yeast, John D.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 16, 1983:

DEPARTMENT OF STATE

Richard R. Burt, of the District of Columbia, to be an Assistant Secretary of State.

Richard T. McCormack, of the District of Columbia, to be an Assistant Secretary of State.

AFRICAN DEVELOPMENT BANK

W. Allen Wallis, of New York, to be Alternate Governor of the African Development Bank for the term of 5 years.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Thomas A. Bolan, of New York, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1985.

CORPORATION FOR PUBLIC BROADCASTING

Richard Brookhiser, of New York, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring March 26, 1987.

Karl Eller, of Arizona, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring March 26, 1987.

Sharon P. Rockfeller, of West Virginia, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring March 26, 1987.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

FOREIGN SERVICE

Foreign Service nominations beginning Rolland E. Anderson, Jr., and ending Bryant H. Wadsworth, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 25, 1983.

Foreign Service nominations beginning Robert T. Curran, and ending Wesley D. Stewart, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 25, 1983.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, February 17, 1983, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 18

9:00 a.m.
Energy and Natural Resources
To hold oversight hearings, in closed session, on the world petroleum outlook for 1983.
S-407, Capitol

9:30 a.m.
Banking, Housing, and Urban Affairs
To resume oversight hearings on the Federal Reserve System's first monetary policy report for 1983.
SD-538

10:00 a.m.
Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1984 congressional budget.
SD-608

Finance
To hold hearings on unemployment issues.
SD-215

2:00 p.m.
Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1984 congressional budget.
SD-608

Select on Intelligence
Closed briefing on intelligence matters.
S-407, Capitol

FEBRUARY 21

10:00 a.m.
Energy and Natural Resources
To resume oversight hearings on the world petroleum outlook for 1983.
SD-366

FEBRUARY 22

9:00 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on S. 242, authorizing funds for fiscal year 1983 to provide additional employment opportunities in existing Federal or federally assisted labor intensive programs, to provide incentives for employers to hire the long-term unemployed, and to expand retraining opportunities for dislocated workers.
SD-430

9:30 a.m.
Appropriations
To resume hearings on the status of the national economy.
SD-192

Banking, Housing, and Urban Affairs
To resume oversight hearings on the Federal Reserve System's first monetary policy report for 1983.
SD-538

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed authorizations for fiscal year 1984 for the National Bureau of Standards, Department of Commerce, and the U.S. Fire Administration, Federal Emergency Management Agency.
SR-253

Rules and Administration
Business meeting, to consider committee resolutions requesting funds for operating expenses for 1983, and proposed regulations for Senate mass mailings.
SR-301

10:00 a.m.
Environment and Public Works
Business meeting, to consider those matters and programs in the President's budget for fiscal year 1984 which fall within the committee's jurisdiction, with a view toward submitting its views and budgetary recommendations to the Committee on the Budget.
SD-406

Finance
To resume hearings on recommendations of the National Commission on Social Security Reform.
SD-215

Foreign Relations
To hold hearings on the Amendment to the 1972 Protocol to the 1928 Convention Concerning International Expositions (Treaty Doc. 98-1).
SD-419

11:00 a.m.
Foreign Relations
Business meeting, to consider pending committee business.
SD-419

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for Indian programs.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Office of the Secretary of Energy.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Washington Metropolitan Area Transit Authority, and the Research and Special Programs Administration of the Department of Transportation.
SD-116

Environment and Public Works
Business meeting, to continue to consider those matters and programs in the President's budget for fiscal year 1984 which fall within the committee's jurisdiction, with a view toward submitting its views and budgetary recommendations to the Committee on the Budget.
SD-406

Foreign Relations
To hold hearings on the nomination of Morton I. Abramowitz, of Massachusetts, for the rank of Ambassador during the tenure of his service as the Representative of the United States of America for Mutual and Balanced Force Reductions Negotiations.
SD-419

Governmental Affairs
To hold hearings on the nominations of Barbara J. Mahone, of New York, to be a Member, and John C. Miller, of Ohio, to be General Counsel, both of the Federal Labor Relations Authority.
SD-342

FEBRUARY 23

9:00 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To continue hearings on S. 242, authorizing funds for fiscal year 1983 to provide additional employment opportunities in existing Federal or federally assisted labor intensive programs, to provide incentives for employers to hire the long-term unemployed, and to expand retraining opportunities for dislocated workers.
SD-628

10:00 a.m.
Energy and Natural Resources
Business meeting, on pending calendar business.
SD-366

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

Finance
To continue hearings on recommendations of the National Commission on Social Security Reform.
SD-215

Foreign Relations
To hold hearings on proposed authorizations for the International Monetary Fund and multilateral bank.
SD-419

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to examine the nature of organized crime as it exists today in the Mid-Atlantic region of the United States.
SD-342

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on the implementation of vocational education programs.
SD-430

*Veterans Affairs
Business meeting, to consider those items in the President's budget for fiscal year 1984 which fall within its legislative jurisdiction, and recommendations which it will make thereon to the Committee on the Budget.
SD-418

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Office of the Secretary of the Interior, and the Bureau of Reclamation, Department of the Interior.
SD-192

FEBRUARY 24

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on proposed legislation authorizing funds through fiscal year 1988 for the Office of Government Ethics, Office of Personnel Management, and to review the financial disclosure provisions of the Ethics in Government Act of 1978.
SD-562

Judiciary
Juvenile Justice Subcommittee
To hold hearings on the reauthorization of the Juvenile Justice and Delinquency Prevention Act (Public Law 93-415).
SD-226

Labor and Human Resources
Handicapped Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Rehabilitation Act of 1973.
SR-428A

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Office of Consumer Affairs, Consumer Information Center, and the Consumer Product Safety Commission.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Highway Traffic Safety Administration, Department of Transportation.
SD-138

Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold oversight hearings on the status of the Abandoned Mine Land Fund, Department of the Interior.
SD-366

Finance
To continue hearings on recommendations of the National Commission on Social Security Reform.
SD-215

Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings to examine the nature of organized crime as it exists today in the mid-Atlantic region of the United States.
SD-342

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To continue oversight hearings on the implementation of vocational education programs.
SD-430

10:30 a.m.
Foreign Relations
To hold hearings on the nominations of Thomas F. Ellis, of North Carolina, and Michael Novak, of the District of Columbia, each to be a Member of the Board for International Broadcasting.
SD-419

2:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings to receive testimony from the Secretary of Agriculture on the general agricultural outlook, and the overall budget for the Department of Agriculture.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Power Marketing Administrations, Department of Energy.
SD-192

Select on Ethics
To hold a general business meeting.
S-126, Capitol

FEBRUARY 25

8:30 a.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on S. 70, to delete certain IRS provisions which treat Members of Congress separately with respect to living expense deductions.
SD-215

9:30 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on S. 14, S. 18, S. 77, S. 100, title V of S. 124, S. 251, and S. 398, measures relating to agricultural export trade practices.
SD-106

Appropriations
Interior and Related Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1984 for Indian programs.
SD-192

Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1984 for the Consumer Product Safety Commission.
SR-253

10:00 a.m.
Foreign Relations
To hold hearings on development assistance and related programs.
SD-419

2:00 p.m.
Select on Intelligence
Closed briefing on intelligence matters.
S-407, Capitol

FEBRUARY 28

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Employment and Training Administration, Department of Labor.
SD-138

9:00 a.m.
Commerce, Science, and Transportation
To hold hearings on proposed legislation authorizing funds for fiscal year 1984 for the National Oceanic and Atmospheric Administration, Department of Commerce, focusing on ocean and coastal programs.
SR-253

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to review foreign assistance programs of the Department of State.
SD-192

1:30 p.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1984 for the National Transportation Safety Board, and to review the budget of the Civil Aeronautics Board.
SR-253

MARCH 1

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Labor-Management Services Administration, Pension Benefit Guaranty Corporation, Employment Standards Administration, and the Bureau of Labor Statistics, all of the Department of Labor.
SD-116

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Agricultural Cooperative Service, Agri-

cultural Marketing Service, Office of Transportation, and the Packers and Stockyards Administration, Department of Agriculture.
SD-124

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed legislation authorizing funds for the Hazardous Materials Transportation Act, Natural Gas Pipeline Safety Act, and the Hazardous Liquid Pipeline Safety Act.
SR-253

Governmental Affairs
Governmental Efficiency and the District of Columbia Subcommittee
To hold hearings to receive a report from the Chesapeake Bay Foundation concerning the Environmental Protection Agency's Chesapeake Bay program.
SD-626

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Department of State, focusing on international security assistance, international narcotics control, migration and refugee assistance, and antiterrorism.
S-126, Capitol

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Transportation Safety Board.
SD-138

Environment and Public Works
Environmental Pollution Subcommittee
To hold hearings on S. 431, authorizing funds for fiscal years 1983 through 1987 for clean water programs, and S. 432, extending the 1984 compliance date for certain requirements of the Clean Water Act.
SD-406

10:30 a.m.
*Veterans' Affairs
To hold hearings to receive legislative recommendations for fiscal year 1984 from the Paralyzed Veterans of America, Military Order of the Purple Heart, and World War I Veterans.
SR-418

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Bureau of Mines of the Department of the Interior, and the National Gallery of Art.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for nuclear fission, uranium supply and enrichment programs of the Department of Energy.
SD-192

MARCH 2

8:30 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of the Interior and related agencies.
SD-138

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Occupational Safety and Health Administration, Mine Safety and Health Administration, departmental management, and the President's Committee on Employment of the Handicapped, all of the Department of Labor.
SD-124

10:00 a.m.
Commerce, Science, and Transportation
Business, Trade, and Tourism Subcommittee
To hold hearings on S. 212, authorizing funds for fiscal years 1984 through 1986 for the U.S. Travel and Tourism Administration, Department of Commerce.
SR-253

Environment and Public Works
Environmental Pollution Subcommittee
To continue hearings on S. 431, authorizing funds for fiscal years 1983 through 1987 for clean water programs, and S. 432, extending the 1984 compliance date for certain requirements of the Clean Water Act.
SD-406

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume oversight hearings on the implementation of vocational education programs.
SD-430

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Peace Corps, and the Inter-American Foundation.
S-126, Capitol

Appropriations
Interior and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for the Department of the Interior and related agencies.
SD-138

MARCH 3

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Animal and Plant Health Inspection Service, Food Safety and Inspection Service, and the Federal Grain Inspection Service, Department of Agriculture.
SD-124

Governmental Affairs
Intergovernmental Relations Subcommittee
To hold oversight hearings on the Office of Management and Budget's Circular A-95, focusing on Federal planning requirements for Federal grant programs.
SD-342

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Agency for International Development.
S-126, Capitol

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the U.S. Coast Guard, Department of Transportation.
SD-138

Environment and Public Works
Environmental Pollution Subcommittee
To continue hearings on S. 431, authorizing funds for fiscal years 1983 through 1987 for clean water programs, and S. 432, extending the 1984 compliance date for certain requirements of the Clean Water Act.
SD-406

Judiciary
Agency Administration Subcommittee
To hold oversight hearings on the indemnification of and contributions to Government contractors.
SD-562

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To continue oversight hearings on the implementation of vocational education programs.
SD-430

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Agency for International Development.
S-126, Capitol

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for solar and renewables programs of the Department of Energy.
SD-192

MARCH 4

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Economic Regulatory Administration, Energy Information Administration, and the Office of Hearings and Appeals, all of the Department of Energy.
SD-192

MARCH 7

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of Education.
SD-138

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the U.S. Representatives to the United Nations, and voluntary contributions to international organizations and programs of the United Nations.
SD-192

MARCH 8

10:00 a.m.
*Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Export-Import Bank of the United States.
S-126, Capitol
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the U.S. Railway Association, and Conrail.
SD-138
Energy and Natural Resources
Energy and Conservation and Supply Subcommittee
To hold oversight hearings to review those items in the President's budget for fiscal year 1984 which fall within its legislative jurisdiction.
SD-366
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on the proposed Education for Economic Security Act, and to review math and science education programs in elementary and secondary schools.
SD-430
11:30 a.m.
Veterans' Affairs
To hold hearings to receive legislative recommendations for fiscal year 1984 from the Veterans of Foreign Wars.
SR-325
2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Holocaust Memorial Council, and the National Endowment for the Arts.
SD-192
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for energy research and environment programs of the Department of Energy.
SD-192

MARCH 9

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for elementary and secondary education, education block grant, and impact aid.
SD-124
10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to review the current status of the multilateral development banks of the Department of the Treasury.
SD-192
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Architectural and Transportation Barriers Compliance Board, and the Office of the Inspector General and the Office of the Secretary, Department of Transportation.
SD-138
Governmental Affairs
Permanent Subcommittee on Investigations
To hold closed hearings to investigate alleged involvement of organized crime and mismanagement of funds in the hotel and restaurant workers union (HEREIU).
SD-342
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To continue hearings on the proposed Education for Economic Security Act, and to review math and science education programs in elementary and secondary schools.
SD-430
Veterans' Affairs
To hold hearings on proposed legislation providing for veterans' health care services.
SR-418
2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Park Service of the Department of the Interior.
SD-192

MARCH 10

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for vocational and adult education, education for the handicapped, and rehabilitation services and handicapped research.
SD-192
9:00 a.m.
Commerce, Science, and Transportation
To resume hearings on proposed legislation authorizing funds for fiscal year 1984 for the National Oceanic and Atmospheric Administration, Department of Commerce, focusing on fisheries programs.
SR-253
9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on the current health and future prospects of defined benefit pension plans under the Employee Retirement Income Security Act.
SD-430
10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs under the subcommittee's jurisdiction.
S-126, Capitol
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Veterans' Administration.
SD-124
Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings on problems occurring from the manufacture and distribution of imitation controlled substances, known as look-alike drugs.
SD-628
2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs under the subcommittee's jurisdiction.
S-126, Capitol
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Geological Survey of the Department of the Interior.
SD-192
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Federal Energy Regulatory Commission of the Department of Energy, and the Nuclear Regulatory Commission.
SD-192

MARCH 14

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for student financial assistance, student loan insurance, higher and continuing education, higher education facilities loan and insurance, and educational research and training activities overseas.
SD-192
9:00 a.m.
Commerce, Science, and Transportation
To resume hearings on proposed legislation authorizing funds for fiscal year 1984 for the National Oceanic and Atmospheric Administration, Department of Commerce, focusing on weather and satellite programs.
SR-253

MARCH 15

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Institute of Education, education statistics, bilingual education, and libraries, all of the Department of Education.
S-126, Capitol

9:30 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Soil Conservation Service, and the Agricultural Stabilization and Conservation Service, Department of Agriculture.
SD-124

Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 336, to revise prohibitions against persons guilty of criminal offenses holding specified offices or positions, and clarifying the jurisdiction of the Department of Labor relating to the detection of and investigation of criminal violations relating to ERISA.
SD-430

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Interstate Commerce Commission.
SD-138

10:30 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Commodity Credit Corporation, Foreign Agricultural Service (including Public Law 480), Office of International Cooperation and Development, Department of Agriculture.
SD-124

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of the Interior, and the Department of Energy.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for departmental administration of the Department of Energy.
SD-192

MARCH 16

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for college housing loans, special institutions, Howard University, departmental management (salaries and expenses), Office for Civil Rights, and Office of the Inspector General, all of the Department of Education.
SD-192

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Civil Aeronautics Board.
SD-138

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on proposed legislation establishing a U.S. Academy of Peace.
SD-430

Veterans' Affairs
To hold hearings on proposed legislation providing educational assistance for certain members of the Armed Forces.
SR-418

2:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Capital Planning Commission, and the Navajo and Hopi Indian Relocation Commission.
SD-192

MARCH 17

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Railroad Retirement Board, ACTION (domestic programs), Corporation for Public Broadcasting, National Commission on Libraries and Information Science, and the Soldiers' and Airmen's Home.
SD-192

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Agricultural Research Service, Cooperative State Research Service, Extension Service, and the National Agriculture Library, Department of Agriculture.
SD-124

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Federal Railroad Administration of the Department of Transportation, and the National Railroad Passenger Corporation (Amtrak).
SD-138

10:30 a.m.
Veterans Affairs
To hold hearings to receive legislative recommendations for fiscal year 1984 from AMVETS and the Blinded Veterans Association.
SD-628

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Office of Surface Mining of the Department of the Interior, and the Advisory Council on Historic Preservation.
SD-192

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for atomic energy defense activities of the Department of Energy.
SD-192

MARCH 21

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Appalachian Regional Commission, and the Tennessee Valley Authority.
SD-192

MARCH 22

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Federal Mediation and Conciliation Service, National Labor Relations Board, National Mediation Board, Occupational Safety and Health Review Commission, Federal Mine Safety and Health Review Commission, and the President's Commission on Ethical Problems in Medicine.
SD-116

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Economic Research Service, Statistical Research Service, and the World Agricultural Outlook Board, Department of Agriculture.
SD-124

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Federal Highway Administration, Department of Transportation.
SD-138

Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on the broken family, focusing on its effects on children.
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Bureau of Land Management of the Department of the Interior.
SD-138

MARCH 23

9:30 a.m.
Labor and Human Resources
Handicapped Subcommittee
To resume hearings on proposed legislation authorizing funds for the Rehabilitation Act of 1973 and the Education of the Handicapped Act.
SD-430

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee

To hold hearings on proposed estimates for fiscal year 1984 for the Panama Canal Commission, and the St. Lawrence Seaway Development Corporation of the Department of Transportation.
SD-138

Labor and Human Resources
Aging, Family and Human Services Subcommittee
To continue hearings on the broken family, focusing on its effects on adults.
SD-538

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Pennsylvania Avenue Development Corporation, and the Smithsonian Institution.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs.
SD-192

2:30 p.m.
*Veterans Affairs
To hold hearings on proposed legislation providing for judicial review of certain matters relating to veterans affairs.
SR-418

MARCH 24

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Office of Governmental and Public Affairs, Office of the General Counsel, Office of the Inspector General, Office of the Secretary, and departmental administration, Department of Agriculture.
SD-138

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Office of Science and Technology Policy, and the Council on Environmental Quality.
SD-124

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for energy conservation programs of the Department of Energy.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs.
SD-192

APRIL 4

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of Health and Human Services.
SD-192

APRIL 5

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Health Resources and Services Administration, and the Office of the Assistant Secretary for Health, both of the Department of Health and Human Services.
SD-1124

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Food and Nutrition Service, and the Human Nutrition Information Service, Department of Agriculture.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Minerals Management Service, and the Institute of Museum Services.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs.
SD-192

APRIL 6

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Institutes of Health, Department of Health and Human Services.
SD-138

10:00 a.m.
*Veterans Affairs
To hold oversight hearings to review adverse health effects from exposure to radiation, and other related matters.
SR-418

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs.
SD-192

APRIL 7

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for the National Institutes of Health, Department of Health and Human Services.
SD-116

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Farmers Home Administration, Federal Crop Insurance Corporation, Office of Rural Development Policy, and the Rural Electrification Administration, Department of Agriculture.
SD-138

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Environmental Protection Agency.
SD-124

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Forest Service of the Department of Agriculture.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs.
SD-192

APRIL 8

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Social Security Administration, and refugee programs, both of the Department of Health and Human Services.
SD-192

APRIL 11

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Health Care Financing Administration, Department of Health and Human Services.
SD-192

APRIL 12

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the

Office of Human Development Services, Department of Health and Human Services.
SD-116

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Food and Drug Administration, Department of Health and Human Services, the Farm Credit Administration, and the Commodity Futures Trading Commission.
SD-138

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Federal Aviation Administration, Department of Transportation.
SD-192

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Bureau of Indian Affairs of the Department of the Interior.
SD-192

APRIL 13

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Office of Inspector General, Office for Civil Rights, policy research programs, and departmental management (salaries and expenses).
SD-192

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume oversight hearings on the implementation of vocational education programs.
Veterans' Affairs
Business meetings, to consider proposed legislation providing for certain veterans' health care services, proposed legislation providing educational assistance for certain members of the Armed Forces, and proposed legislation providing for judicial review of certain matters relating to veterans' affairs.
SR-418

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for the Bureau of Indian Affairs of the Department of the Interior.
SD-192

APRIL 14

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Centers for Disease Control, Department of Health and Human Services.
SD-116

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Science Foundation.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Urban Mass Transportation Administration, Department of Transportation.
SD-192

Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on proposed legislation authorizing funds for adoption services.
SD-628

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To continue oversight hearings on the implementation of vocational education programs.
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Endowment for the Humanities, and the Office of Federal Inspector, Alaska Natural Gas Transportation System.
SD-192

APRIL 15

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Alcohol, Drug Abuse, and Mental Health Administration, scientific activities overseas, and retirement pay for commissioned officers, all of the Department of Health and Human Services.
SD-192

APRIL 19

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Indian Health Service of the Department of Health and Human Services, and the Office of Indian Education.
SD-192

APRIL 20

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on the implementation of bilingual education programs by the Department of Education.
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for fossil energy research and development programs of the Department of Energy.
SD-192

APRIL 21

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Aeronautics and Space Administration.
SD-124

Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on proposed legislation authorizing funds for child abuse prevention and treatment programs.
SD-628

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To continue oversight hearings on the implementation of bilingual education programs by the Department of Education.
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the U.S. Fish and Wildlife Service of the Department of the Interior.
SD-192

APRIL 25

2:00 p.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for transportation related programs.
SD-192

APRIL 26

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for transportation related programs.
SD-124

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of the Interior.
SD-138

APRIL 27

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-138

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for transportation related programs.
SD-192

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Land and Water Conservation Fund.
SD-192

APRIL 28

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Federal Emergency Management Agency, and the Neighborhood Reinvestment Corporation.
SD-124

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Strategic Petroleum Reserve, and the Naval Petroleum Reserves, Department of Energy.
SD-138

APRIL 29

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

MAY 2

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Department of Labor, Health and Human Services, Education, and related agencies.
SD-192

MAY 3

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Department of Labor, Health and Human Services, Education, and related agencies.
SD-192

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for territorial affairs.
SD-138

2:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for territorial affairs.
SD-138

MAY 5

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Office of Revenue Sharing (New York City loan program), Federal Home Loan Bank Board, and the National Credit Union Administration.
SD-124

MAY 12

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of Housing and Urban Development.
SD-124

MAY 18

10:00 a.m.
Veterans Affairs
To hold oversight hearings to review adverse health effects from exposure to agent orange, and other related matters.
SR-418

2:00 p.m.
Veterans Affairs
To continue oversight hearings to review adverse health effects from exposure to agent orange, and other related matters.
SR-418

MAY 23

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs under the subcommittee's jurisdiction.
SD-124

MAY 24

10:00 a.m.
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs under the subcommittee's jurisdiction.
SD-124

JUNE 8

10:00 a.m.
Veterans Affairs
To hold hearings on proposed legislation providing for certain veterans' compensation.
SR-418

JUNE 15

10:00 a.m.
Veterans Affairs
To hold oversight hearings to review certain health care and other services provided Vietnam veterans.
SR-418

JUNE 22

10:00 a.m.
Veterans Affairs
To hold oversight hearings on certain health care services for veterans.
SR-418

JUNE 29

10:00 a.m.
Veterans Affairs
Business meeting, to consider proposed legislation providing for certain veterans' compensation.
SR-418

CANCELLATIONS

FEBRUARY 18

10:00 a.m.
Judiciary
Security and Terrorism Subcommittee
To hold hearings on the U.S. Attorney General's new domestic security investigating guidelines.
SD-226

JULY 20

10:00 a.m.
Veterans Affairs
To hold oversight hearings on the role of management in implementing automated data processing systems at multiple VA hospital sites.
SR-418