SENATE—*Thursday, March 24, 1983*

(Legislative day of Monday, March 21, 1983)

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

PRAYER

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

Let us pray.

Eternal God, our Heavenly Father, we pray for weary men and women, emotionally drained—experiencing physical fatigue after a very strenuous session. They need rest, relaxation and recreation—and their spouses and children need them. We thank Thee Father for the efficient, thoughtful, cool direction given by the leadership and we pray for them a special dispensation of Thy peace. Help the Senate to finish its work today so the Senators may get to their homes.

Grant that during this recess the Senators will take time to be refreshed in body, mind, and spirit. May it be a time when family relationships are renewed and strengthened. In their sense of accountability to their constituency, help them to remember as well their responsibility for their own health and the welfare of their loved ones. And, Heavenly Father, we include in this prayer all the men and women who give such devoted, untiring service on the Hill. We pray this in the name of Him who invited, "Come unto me all ye who labor and are heavy laden and I will give you rest * * *" Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

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

SENATE ACCOMPLISHMENTS

Mr. BAKER. Mr. President, after all the Senate has been through during the past several weeks, some of my colleagues might be surprised to hear me today singing the praises of our proceedings of late, but that is exactly what is on my mind.

To a large degree, the Senate has accomplished what it had to accomplish during the past month. True, there were times that I questioned whether we would accomplish anything at all, and true there were a couple of surprises along the way, but the end results make up for them all. The Senate considered significant and far-reaching pieces of legislation during this period; that there were differences of opinion and controversies that were worked out is all too fitting the behavior and character of this institution.

Our action last night on the social security bill, like those actions in the House last week, were historic. We have, once again, defied the skeptics who said that such a package could not survive. In doing so, we have redefined bipartisanship, and we have reaffirmed the confidence and security of millions of Americans.

Our action last week on the jobs bill was additionally impressive. At this very moment, actions are taking place to decrease the deleterious unemployment that is plaguing our country, and once again the efforts of both Chambers of Congress and both parties proved essential.

I thank President Reagan for his support and conviction throughout these deliberations; obviously, without his leadership, none of this would have been possible. I also wish to thank Speaker O'NEILL, House Minority Leader MICHEL, and of course, Senate Minority Leader BYRD for their efforts. I know that they join with me in the sense of accomplishment.

DR. BARNEY CLARK

Mr. BAKER. Mr. President, on behalf of the entire Senate, I wish to send my deepest sympathies to the family of Dr. Barney Clark. Dr. Clark passed away last night after living for over 100 days on an artificial heart.

Barney Clark was a hero during a time with few heros, He was a medical and personal inspiration to the entire world, and his experience will foster the developments of medical research. When Dr. Clark appeared on television earlier this month, his face wore not only the pains of a struggle for life, but also the pleasure of a renewed existence. His wife, by his side, affirmed the faith in the medical team that extended Dr. Clark's life and expressed her gratitude to the thousands of supporters and well-wishers across the country.

Today, Mr. President, everyone that knew or believed in Barney Clark can feel that his journey was worthwhile; his courage, remarkable; and his impact, unequaled.

PRESIDENT REAGAN'S SPEECH ON THE STATE OF OUR NATIONAL SECURITY

Mr. BAKER. Mr. President, last night President Reagan delivered a forceful and wide-ranging report to the American people on the state of our national security. I applaud the President on his remarks and I ask unanimous consent that the text of his address be printed in the RECORD.

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

[From the New York Times, Mar. 24, 1983]

PRESIDENT'S SPEECH ON MILITARY SPENDING AND A NEW DEFENSE

Thank you for sharing your time with me tonight. The subject I want to discuss with you, peace and national security, is both timely and important—timely because I have reached a decision which offers a new hope for our children in the 21st century—a decision I will tell you about in a few minutes—and important because there is a very big decision that you must make for yourselves. This subject involves the most basic duty that any President and any people share—the duty to protect and strengthen the peace.

At the beginning of this year, I submitted to the Congress a defense budget which reflects my best judgment, and the best understanding of the experts and specialists who advise me, about what we and our allies must do to protect our people in the years ahead.

That budget is much more than a long list of numbers, for behind all the numbers lies America's ability to prevent the greatest of human tragedies and preserve our free way of life in a sometimes dangerous world. It is part of a careful, long-term plan to make America strong again after too many years of neglect and mistakes. Our efforts to rebuild America's defenses and strengthen the peace began two years ago when we requested a major increase in the defense program. Since then the amount of those increases we first proposed has been reduced by half through improvements in management and procurement and other savings. The budget request that is now before the Congress has been trimmed to the limits of safety. Further deep cuts cannot be made without seriously endangering the security of the nation. The choice is up to the men and women you have elected to the Congress—and that means the choice is up to you.

NOT ABOUT ARITHMETIC

Tonight I want to explain to you what this defense debate is all about, and why I am convinced that the budget now before the Congress is necessary, responsible and deserving of your support. And I want to offer hope for the future.

But first let me say what the defense debate is not about. It is not about spending arithmetic. I know that in the last few weeks you've been bombarded with numbers

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

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and percentages. Some say we need only a 5 percent increase in defense spending. The so-called alternate budget backed by liberals in the House of Representatives would lower the figure to 2 to 3 percent, cutting our defense spending by $163 billion over the next five years. The trouble with all these numbers is that they tell us little about the kind of defense program America needs or the benefits in security and freedom that our defense effort buys for us.

What seems to have been lost in all this debate is the simple truth of how a defense budget is arrived at. It isn't done by deciding to spend a certain number of dollars. Those loud voices that are occasionally heard charging that the Government is trying to solve a security problem by throwing money at it are nothing more than noise based on ignorance.

We start by considering what must be done to maintain peace and review all the possible threats against our security. Then a strategy for strengthening peace and defending against those threats must be agreed upon. And finally our defense establishment must be evaluated to see what is necessary to protect against any or all of the potential threats. The cost of achieving these ends is totaled up and the result is the budget for national defense.

WHAT TO ELIMINATE

There is no logical way you can say let's spend X billion dollars less. You can only say, which part of our defense measures do we believe we can do without and still have security against all contingencies? Anyone in the Congess who advocates a percentage or specific dollar cut in defense spending should be made to say what part of our defenses he would eliminate, and he should be candid enough to acknowledge that his cuts mean cutting our commitments to allies or inviting greater risk or both.

The defense policy of the United States is based on a simple premise: The United States does not start fights. We will never be an aggressor. We maintain our strength in order to deter and defend against aggression—to preserve freedom and peace.

Since the dawn of the atomic age, we have sought to reduce the risk of war by maintaining a strong deterrent and by seeking genuine arms control. Deterrence means simply this: Making sure any adversary who thinks about attacking the United States or our allies or our vital interests concludes that the risks to him outweigh any potential gains. Once he understands that, he won't attack. We maintain the peace through our strength; weakness only invites aggression.

CURRENT ROLE OF DETERRENCE

This strategy of deterrence has not changed. It still works. But what it takes to maintain deterrence has changed. It took one kind of military force to deter an attack when we had far more nuclear weapons than any other power; it takes another kind now that the Soviets, for example, have enough accurate and powerful nuclear weapons to destroy virtually all of our missiles on the ground. Now this is not to say the Soviet Union is planning to make war on us. Nor do I believe a war is inevitable—quite the contrary. But what must be recognized is that our security is based on being prepared to meet all threats.

There was a time when we depended on coastal forts and artillery batteries because, with the weaponry of that day, any attack would have had to come by sea. This is a different world and our defenses must be based on recognition and awareness of the weaponry possessed by other nations in the nuclear age.

We can't afford to believe we will never be threatened. There have been two world wars in my lifetime. We didn't start them and, indeed, did everything we could to avoid being drawn into them. But we were ill-prepared for both—had we been better prepared, peace might have been preserved.

For 20 years, the Soviet Union has been accumulating enormous military might. They didn't stop when their forces exceeded all requirements of a legitimate defensive capability. And they haven't stopped now.

THE SOVIET GAINS

During the past decade and a half, the Soviets have built up a massive arsenal of new strategic nuclear weapons—weapons that can strike directly at the United States.

As an example, the United States introduced its last new intercontinental ballistic missile, the Minuteman III, in 1969, and we are now dismantling our even older Titan missiles. But what has the Soviet Union done in these intervening years? Well, since 1969, the Soviet Union has built five new classes of ICBM's, and upgraded these eight times. As a result, their missiles are much more powerful and accurate than they were several years ago and they continue to develop more, while ours are increasingly obsolete.

The same thing has happened in other areas. Over the same period, the Soviet Union built four new classes of submarine-launched ballistic missiles and over 60 new missile submarines. We built two new types of submarine missiles and actually withdrew 10 submarines from strategic missions. The Soviet Union built over 200 new Backfire bombers, and their brand new Blackjack bomber is now under development. We haven't built a new long-range bomber since our B-52's were deployed about a quarter of a century ago, and we've already retired several hundred of those because of old age. Indeed, despite what many people think, our strategic forces only cost about 15 percent of the defense budget.

MEDIUM-RANGE NUCLEAR ARMS

Another example of what's happened: In 1978, the Soviets had 600 intermediate-range nuclear missiles based on land and were beginning to add the SS-20—a new, highly accurate mobile missile, with three warheads. We had none. Since then the Soviets have strengthened their lead. By the end of 1979, when Soviet leader Brezhnev declared "a balance now exists," the Soviets had over 800 warheads. We still had none. A year ago this month, Mr. Brezhnev pledged a moratorium, or freeze, on SS-20 deployment. But by last August, their 800 warheads had become more than 1,200. We still had none. Some freeze. At this time Soviet Defense Minister Ustinov announced "approximate parity of forces continues to exist." But the Soviets are still adding an average of three new warheads a week, and now have 1,300. These warheads can reach their targets in a matter of a few minutes. We still have none. So far, it seems that the Soviet definition of parity is a box score of 1,300 to nothing, in their favor.

So, together with our NATO allies, we decided in 1979 to deploy new weapons, beginning this year, as a deterrent to their SS-20's and as an incentive to the Soviet Union to meet us in serious arms control negotiations. We will begin that deployment late this year. At the same time, however, we are willing to cancel our program if the Soviets will dismantle theirs. That is what we have called a zero-zero plan. The Soviets are now at the negotiating table—and I think it's fair to say that without our planned deployments, they wouldn't be there.

CONVENTIONAL FORCES

Now let's consider conventional forces. Since 1974, the United States has produced 3,050 tactical combat aircraft. By contrast, the Soviet Union has produced twice as many. When we look at attack submarines, the United States has produced 27, while the Soviet Union has produced 61. For armored vehicles including tanks, we have produced 11,200. The Soviet Union has produced 54,000, a nearly 5-to-1 ratio in their favor. Finally, with artillery, we have produced 950 artillery and rocket launchers while the Soviets have produced more than 13,000, a staggering 14-to-1 ratio.

There was a time when we were able to offset superior Soviet numbers with higher quality. But today they are building weapons as sophisticated and modern as our own.

As the Soviets have increased their military power, they have been emboldened to extend that power. They are spreading their military influence in ways that can directly challenge our vital interests and those of our allies. The following aerial photographs, most of them secret until now, illustrate this point in a crucial area very close to home—Central America and the Caribbean Basin. They are not dramatic photographs but I think they help give you a better understanding of what I'm talking about.

LARGEST IN THE WORLD

This Soviet intelligence collection facility less than 100 miles from our coast is the largest of its kind in the world. The acres and acres of antenna fields and intelligence monitors are targeted on key U.S. military installations and sensitive activities. The installation, in Lourdes, Cuba, is manned by 1,500 Soviet technicians, and the satellite ground station allows instant communications with Moscow. This 28-square mile facility has grown by more than 60 percent in size and capability during the past decade.

In western Cuba, we see this military airfield and its complement of modern Soviet-built MIG-23 aircraft. The Soviet Union uses this Cuban airfield for its own long-range reconnaissance missions, and earlier this month two modern Soviet antisubmarine warfare aircraft began operating from it. During the past two years, the level of Soviet arms exports to Cuba can only be compared to the levels reached during the Cuban missile crisis 20 years ago.

This third photo, which is the only one in this series that has been previously made public, shows Soviet military hardware that has made its way to Central America. This airfield with its MI-8 helicopters, antiaircraft guns and protected fighter sites is one of a number of military facilities in Nicaragua which has received Soviet equipment funneled through Cuba and reflects the massive military build-up going on in that country.

GRENADA'S LARGE AIRFIELD

On the small island of Grenada, at the southern end of the Caribbean chain, the Cubans, with Soviet financing and backing, are in the process of building an airfield with a 10,000-foot runway. Grenada doesn't even have an air force. Who is it intended for? The Caribbean is a very important passageway for our international commerce and military lines of communication. More than half of all American oil imports now pass through the Caribbean. The rapid

build-up of Grenada's military potential is unrelated to any conceivable threat to this island country of under 110,000 people, and totally at odds with the pattern of other eastern Caribbean States, most of which are unarmed. The Soviet-Cuban militarization of Grenada, in short, can only be seen as power projection into the region, and it is in this important economic and strategic area that we are trying to help the governments of El Salvador, Costa Rica, Honduras and others in their struggles for democracy against guerrillas supported through Cuba and Nicaragua.

These pictures only tell a small part of the story. I wish I could show you more without compromising our most sensitive intelligence sources and methods. But the Soviet Union is also supporting Cuban military forces in Angola and Ethiopia. They have bases in Ethiopia and South Yemen near the Persian Gulf oilfields. They have taken over the port we built at Cam Ranh Bay in Vietnam, and now, for the first time in history, the Soviet Navy is a force to be reckoned with in the South Pacific.

QUESTION OF SOVIET INTENTIONS

Some people may still ask: Would the Soviets ever use their formidable military power? Well, again, can we afford to believe they won't? There is Afghanistan, and in Poland, the Soviets denied the will of the people and, in so doing, demonstrated to the world how their military power could also be used to intimidate.

The final fact is that the Soviet Union is acquiring what can only be considered an offensive military force. They have continued to build far more intercontinental ballistic missiles than they could possibly need simply to deter an attack. Their conventional forces are trained and equipped not so much to defend against an attack as they are to permit sudden, surprise offensives of their own.

Our NATO allies have assumed a great defense burden, including the military draft in most countries. We are working with them and our other friends around the world to do more. Our defensive strategy means we need military forces that can move very quickly—forces that are trained and ready to respond to any emergency.

Every item in our defense program—our ships, our tanks, our planes, our funds for training and spare parts—is intended for one all-important purpose—to keep the peace. Unfortunately, a decade of neglecting our military forces had called into question our ability to do that.

SITUATION IN JANUARY 1981

When I took office in January 1981, I was appalled by what I found: American planes that could not fly and American ships that could not sail for lack of spare parts and trained personnel and insufficient fuel and ammunition for essential training. The inevitable result of all this was poor morale in our armed forces, difficulty in recruiting the brightest young Americans to wear the uniform and difficulty in convincing our most experienced military personnel to stay on.

There was a real question, then, about how well we could meet a crisis. And it was obvious that we had to begin a major modernization program to insure we could deter aggression and preserve the peace in the years ahead.

We had to move immediately to improve the basic readiness and staying power of our conventional forces, so they could meet—and therefore help deter—a crisis. We had to make up for lost years of investment by moving forward with a long-term plan to prepare our forces to counter the military capabilities our adversaries were developing for the future.

I know that all of you want peace and so do I. I know too that many of you seriously believe that a nuclear freeze would further the cause of peace. But a freeze now would make us less, not more, secure and would raise, not reduce, the risks of war. It would be largely unverifiable and would seriously undercut our negotiations on arms reduction. It would reward the Soviets for their massive military buildup while preventing us from modernizing our aging and increasingly vulnerable forces. With their present margin of superiority, why should they agree to arms reductions knowing that we were prohibited from catching up?

A CHANGE IN DIRECTION

Believe me, it wasn't pleasant for someone who had come to Washington determined to reduce Government spending, but we had to move forward with the task of repairing our defenses or we would lose our ability to deter conflict now and in the future. We had to demonstrate to any adversary that aggression could not succeed and that the only real solution was substantial, equitable and effectively verifiable arms reduction—the kind we're working for right now in Geneva.

Thanks to your strong support, and bipartisan support from the Congress, we began to turn things round. Already we are seeing some very encouraging results. Quality recruitment and retention are up, dramatically—more high school graduates are choosing military careers and more experienced career personnel are choosing to stay. Our men and women in uniform at last are getting the tools and training they need to do their jobs.

Ask around today, especially among our young people, and I think you'll find a whole new attitude toward serving their country. This reflects more than just better pay, equipment and leadership. You the American people have sent a signal to these young people that it is once again an honor to wear the uniform. That's not something you measure in a budget, but it is a very real part of our nation's strength.

It will take us longer to build the kind of equipment we need to keep peace in the future, but we've made a good start.

BOMBERS AND SUBMARINES

We have not built a new long-range bomber for 21 years. Now we're building the B-1. We had not launched one new strategic submarine for 17 years. Now, we're building one Trident submarine a year. Our land-based missiles are increasingly threatened by the many huge, new Soviet ICBM's. We are determining how to solve that problem. At the same time we are working in the Start and I.N.F. negotiations, with the goal of achieving deep reductions in the strategic and intermediate nuclear arsenals of both sides.

We have also begun the long-needed modernization of our conventional forces. The Army is getting its first new tank in 20 years. The Air Force is modernizing. We are rebuilding our Navy, which shrank from about 1,000 in the late 1960's to 453 ships during the 1970's. Our nation needs a superior Navy to support our military forces and vital interests overseas. We are now on the road to achieving a 600-ship Navy and increasing the amphibious capabilities of our marines, who are now serving the cause of peace in Lebanon. And we are building a real capability to assist our friends in the vitally important Indian Ocean and Persian Gulf region.

This adds up to a major effort, and it is not cheap. It comes at a time when there are many other pressures on our budget and when the American people have already had to make major sacrifices during the recession. But we must not be misled by those who would make defense once again the scapegoat of the Federal budget.

CHANGE IN SPENDING PATTERN

The fact is that in the past few decades we have seen a dramatic shift in how we spend the taxpayer's dollar. Back in 1955, payments to individuals took up only about 20 percent of the Federal budget. For nearly three decades, these payments steadily increased and this year will account for 49 percent of the budget. By contrast, in 1955, defense took up more than half of the Federal budget. By 1980, this spending had fallen to a low of 23 percent. Even with the increase I am requesting this year, defense will still amount to only 28 percent of the budget.

The calls for cutting back the defense budget come in nice simple arithmetic. They're the same kind of talk that led the democracies to neglect their defenses in the 1930's and invited the tragedy of World War II. We must not let that grim chapter of history repeat itself through apathy or neglect.

Yes, we pay a great deal for the weapons and equipment we give our military forces. And, yes, there has been some waste in the past. But we are now paying the delayed cost of our neglect in the 1970's. We would only be fooling ourselves, and endangering the future, if we let the bills pile up for the 1980's as well. Sooner or later these bills always come due, and the later they come due, the more they cost in treasure and in safety.

APPEALS TO CONGRESS

This is why I am speaking to you tonight—to urge you to tell your Senators and Congressmen that you know we must continue to restore our military strength.

If we stop in midstream, we will not only jeopardize the progress we have made to date—we will mortgage our ability to deter war and achieve genuine arms reductions. And we will send a signal of decline, of lessened will, to friends and adversaries alike.

One of the tragic ironies of history—and we've seen it happen more than once in this century—is the way that tyrannical systems, whose military strength is based on oppressing their people, grow strong while, through wishful thinking, free societies allow themselves to be lulled into a false sense of security.

Free people must voluntarily, through open debate and democratic means, meet the challenge that totalitarians pose by compulsion.

It is up to us, in our time, to choose, and choose wisely, between the hard but necessary task of preserving peace and freedom and the temptation to ignore our duty and blindly hope for the best while the enemies of freedom grow stronger day by day.

The solution is well within our grasp. But to reach it, there is simply no alternative but to continue this year, in this budget, to provide the resources we need to preserve the peace and guarantee our freedom.

HOPE FOR THE FUTURE

Thus far tonight I have shared with you my thoughts on the problems of national security we must face together. My predeces-

sors in the Oval Office have appeared before you on other occasions to describe the threat posed by Soviet power and have proposed steps to address that threat. But since the advent of nuclear weapons, those steps have been directed toward deterrence of aggression through the promise of retaliation—the notion that no rational nation would launch an attack that would inevitably result in unacceptable losses to themselves. This approach to stability through offensive threat has worked. We and our allies have succeeded in preventing nuclear war for three decades. In recent months, however, my advisers, including in particular the Joint Chiefs of Staff, have underscored the bleakness of the future before us.

Over the course of these discussions, I have become more and more deeply convinced that the human spirit must be capable of rising above dealing with other nations and human beings by threatening their existence. Feeling this way, I believe we must thoroughly examine every opportunity for reducing tensions and for introducing greater stability into the strategic calculus on both sides. One of the most important contributions we can make is, of course, to lower the level of all arms, and particularly nuclear arms. We are engaged right now in several negotiations with the Soviet Union to bring about a mutual reduction of weapons. I will report to you a week from tomorrow my thoughts on that score. But let me just say I am totally committed to this course.

SPECTER OF RETALIATION

If the Soviet Union will join with us in our effort to achieve major arms reduction we will have succeeded in stabilizing the nuclear balance. Nevertheless it will still be necessary to rely on the specter of retaliation—on mutual threat, and that is a sad commentary on the human condition.

Would it not be better to save lives than to avenge them? Are we not capable of demonstrating our peaceful intentions by applying all our abilities and our ingenuity to achieving a truly lasting stability? I think we are—indeed, we must!

After careful consultation with my advisers, including the Joint Chiefs of Staff, I believe there is a way. Let me share with you a vision of the future which offers hope. It is that we embark on a program to counter the awesome Soviet missile threat with measures that are defensive. Let us turn to the very strengths in technology that spawned our great industrial base and that have given us the quality of life we enjoy today.

Up until now we have increasingly based our strategy of deterrence upon the threat of retaliation. But what if free people could live secure in the knowledge that their security did not rest upon the threat of instant U.S. retaliation to deter a Soviet attack; that we could intercept and destroy strategic ballistic missiles before they reached our own soil or that of our allies?

A LONG EFFORT

I know this is a formidable technical task, one that may not be accomplished before the end of this century. Yet, current technology has attained a level of sophistication where it is reasonable for us to begin this effort. It will take years, probably decades, of effort on many fronts. There will be failures and setbacks just as there will be successes and breakthroughs. And as we proceed we must remain constant in preserving the nuclear deterrent and maintaining a solid capability for flexible response. But is it not worth every investment necessary to free the world from the threat of nuclear war? We know it is!

In the meantime, we will continue to pursue real reductions in nuclear arms, negotiating from a position of strength that can be insured only by modernizing our strategic forces. At the same time, we must take steps to reduce the risk of a conventional military conflict escalating to nuclear war by improving our nonnuclear capabilities. America does possess—now—the technologies to attain very significant improvements in the effectiveness of our conventional, nonnuclear forces. Proceeding boldly with these new technologies, we can significantly reduce any incentive that the Soviet Union may have to threaten attack against the United States or its allies.

AN IDENTITY OF INTERESTS

As we pursue our goal of defensive technologies, we recognize that our allies rely upon our stategic offensive power to deter attacks against them. Their vital interests and ours are inextricably linked—their safety and ours are one. And no change in technology can or will alter that reality. We must and shall continue to honor our commitments.

I clearly recognize that defensive systems have limitations and raise certain problems and ambiguities. If paired with offensive systems, they can be viewed as fostering an aggressive policy and no one wants that.

But with these considerations firmly in mind, I call upon the scientific community who gave us nuclear weapons to turn their great talents to the cause of mankind and world peace: to give us the means of rendering these nuclear weapons impotent and obsolete.

Tonight, consistent with our obligations under the ABM Treaty and recognizing the need for close consultation with our allies, I am taking an important first step. I am directing a comprehensive and intensive effort to define a long-term research and development program to begin to achieve our ultimate goal of eliminating the threat posed by strategic nuclear missiles. This could pave the way for arms control measures to eliminate the weapons themselves. We seek neither military superiority nor political advantage. Our only purpose—one all people share—is to search for ways to reduce the danger of nuclear war.

My fellow Americans, tonight we are launching an effort which holds the purpose of changing the course of human history. There will be risks, and results take time. But with your support, I believe we can do it.

SENATE SCHEDULE

Mr. BAKER. Mr. President, this morning there are three special orders in favor of Senators DOMENICI, THURMOND, and HATCH, to be followed by 1 hour for a period for the transaction of routine morning business in which Senators are permitted to speak for not more than 10 minutes each.

Mr. President, I anticipate that the principal business, perhaps the only business, of the Senate today will be to await the action of the House of Representatives on a conference report on the social security bill if and when that measure is passed.

After the special orders are executed, after the time for the transaction of routine morning business and perhaps other matters, including the possibility of another of the valued speeches of the minority leader on the history of the Senate, it would be the intention of the leadership to ask the Senate to recess subject to the call of the Chair while we await further developments from the conferees and the House of Representatives.

Mr. President, could I inquire of the minority leader if he does intend to make one of his speeches today on the history of the Senate?

Mr. BYRD. Mr. President, I am prepared to do so and to yield the floor at any time any Senator wishes to make a statement or introduce legislation or any time the majority leader wishes to transact any business. I appreciate his question and his efforts to support this endeavor of mine.

Mr. BAKER. I thank the Senator.

Mr. President, I am glad he is continuing that historic series of presentations on the history of the Senate. Once again I look forward to the time when we can publish at least the first volume of those remarks so that they will be available generally in one place instead of throughout the CONGRESSIONAL RECORD.

ORDER FOR RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BAKER. Mr. President, let me put this request now. I ask unanimous consent that, as to the minority leader, the 10 minute limitation of time not apply during the time for the transaction of routine morning business. I further ask unanimous consent, Mr. President, that, if the distinguished minority leader has not finished his presentation at the end of the time provided for the transaction of routine morning business, the time be extended for an appropriate amount of time. I further ask unanimous consent that during the extension of time, if any, that no business be transacted by the Senate except the presentation of the remarks by the minority leader and at the conclusion of those remarks the Chair place the Senate in recess subject to the call of the Chair.

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

Mr. BYRD. I thank the distinguished majority leader.

Mr. BAKER. I thank the minority leader.

That leaves us, then, to recapitulate, three special orders which would consume 45 minutes, an hour for the transaction of routine morning business, in which Senators may speak for 10 minutes each, and the possibility that that time will be extended as need be to provide for the presentation of the history of the Senate address by the minority leader. If other

Senators have additional requirements for time, I will be glad to entertain such request, but, as of this moment, at the conclusion of the speech by the minority leader the Senate will be automatically recessed subject to the call of the Chair while we wait further developments from the social security conference and the action by the House.

Mr. President, I yield back the remainder of my time.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

DEMOCRATIC RESPONSE TO PRESIDENT REAGAN'S ADDRESS ON NATIONAL DEFENSE

Mr. BYRD. Mr. President, the distinguished Senator from Hawaii, Mr. DANIEL INOUYE, has delivered the official Democratic response to President Reagan's address to the Nation on our Defense budget. For the information of all my colleagues on both sides of the aisle, I ask unanimous consent that this important statement be placed in the RECORD.

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

SENATOR DANIEL K. INOUYE: DEMOCRATIC RESPONSE TO PRESIDENT REAGAN'S DEFENSE ADDRESS

My fellow Americans, my name is Dan Inouye and I am a United States Senator from Hawaii. In the Senate, I serve on the Commerce, Intelligence, and Appropriations Committees. In fact, I am speaking to you this evening from the Appropriations Committee room in the United States Capitol Building. In this room, the Appropriations Committee makes decisions on defense spending—on spending for education or health—on spending for all programs of the federal government.

My fellow Democrats in the Congress have asked me to speak to you this evening—to present our response to the President's speech on defense spending, which he gave last night.

We are deeply troubled. Last night, the President attempted to instill fear in the hearts of the American people, to raise the specter of a Soviet armed nuclear attack, and to divert our attention from the dismal failure of his economic policies.

The President spoke of Soviet advances in the development and deployment of missiles armed with nuclear warheads. He left the impression that the United States had stood still while the Soviets accelerated and vastly expanded their nuclear arsenal. Indeed, he left the impression that the United States is at the mercy of the Soviet Union.

Most respectfully, Mr. President, you know that is not true. Our scientists, our engineers, our generals, are not dunces. You could have—but chose not to mention the superiority of the submarine-based missiles we have developed to counter the Soviets. You could have—but chose not to mention our superior, indeed our singular—development of cruise missiles which can penetrate all known Soviet defenses.

If your urgency to defend your defense budget, with its huge increases, against the more moderate proposals which have received bipartisan support in the Congress, we believe that you have failed to present an honest picture—here it is—Soviet land-based intercontinental missiles outnumber those of the United States. But the warheads on these missiles are more than offset by our warhead advantage in sea-based submarine missiles, and our bombers and cruise missiles. This graph—on your right—shows the total of warheads the Soviets have (7,339) and the total we have (9,268).

The President knows these figures, just as he knew a week ago, a year ago—even two years ago—that Cuba has MIG 21 and MIG 23 aircraft. The question is, why did the President choose this time to declassify aerial photographs of these planes in Cuba? Why did he suggest American inferiority? I believe he did so because he is afraid that his excessive defense budget will be trimmed by the Congress and because he wants to take our attention off the economic disasters brought on by his policies.

As a member of the Intelligence Committee, I deplore the selective declassification of information for political effect. It may be that the President, to bolster his views, has compromised sources of highly sensitive intelligence information.

Our national strength does not depend solely on the number of missiles we have. Of greater significance, is the character and qualifications of our people. We must also weigh in the balance the strength of our economy. If we accept a defense budget which puts a crushing burden on our economy, which drives us closer to the precipice of economic collapse—if we accept a defense budget which dramatically increases to deficit and, in turn, prolongs unemployment, high interest rates, and low productivity—are we a stronger nation? I think not. A gathering majority of the Senate and the House of Representatives feels the same and is preparing to reduce the extraordinary defense expenditures proposed by the President.

President Reagan says he wants a stronger America. So do we Democrats. We differ on how to achieve the goal. In the last three years, defense expenditures have soared. But private investment in factories and machinery has fallen and so has the number of Americans at work. America is getting weaker on the Reagan program.

We are concerned with our national defense. We think it must be strengthened. But, we also believe that our strength is enhanced by programs which strengthen the education and the health of our people. We are concerned that 70 million Americans have difficulty reading and writing well enough to apply for a job.

We were deeply shocked by a recent Department of Education report that indicated that 56 percent of adult Hispanic Americans were functionally illiterate, that 47 percent of adult Black Americans were functionally illiterate, and 17 percent of "White Americans" are functionally illiterate. How can these Americans truly enjoy the fruits of our democracy, if they have difficulty in filling out a job application form?

The President closed his speech last night with a "Star Wars scenario." He spoke of laser technology and other exotic techniques which would be used to destroy incoming missiles. We Democrats would like to suggest that if the United States is to develop, deploy, and man these "Buck Rogers" devices and equipment, we will need an army that is highly trained and knowledgeable in mathematics, sciences, electronics, and computer technology. But what is the picture today? Before the Reagan recession, when unemployment was not too bad, 20 percent of those who volunteered and were accepted into our volunteer army were functionally illiterate. Now, it is true that because of the recession, many high school graduates are seeking employment in our army and the number of functional illiterates has been reduced. But the technology proposed by the President as the answer to our defense requirements would require that more college graduates volunteer to serve in our Armed Forces. Do you know of any college graduates who have volunteered to serve in the army? Prior to the recession, more than 30 percent of U.S. Navy warships were not ready for combat because there were insufficient trained personnel to make them seaworthy and combat-ready. Don't you believe it is tragic that we have to rely on recession and high unemployment to attract better qualified personnel into our armed services?

Last night, President Reagan spoke of our children in the 21st century—we are concerned about them as well, but we are also concerned about the children of today. Since he has been in office, the President has cut child nutrition programs by 33 percent—he has cut programs which educate our people by 30 percent. I would submit that this does not make our nation strong.

Mr. President, let us not look for peace in yet another generation of destructive weapons. Let us begin now, with this generation of Americans, to destroy weapons. In the long sweep of history, the fundamental lesson is that civilizations do not rise or fall on strength of arms alone.

Democrats have a desire for peace. We recognize that our national defense must be strengthened. We ask only that the needs of our people be equally attended to.

We ask that our leaders bring us together, not huddling together in fear, but in hope for the future. We ask that our leaders attend to the needs of the least fortunate among us. Our strength is that we are "one nation under God, united." Each of us on the foundations of his own joys and suffering builds for all—that is our strength.

Mr. BYRD. Mr. President, I yield back my time.

RECOGNITION OF SENATOR DOMENICI

The PRESIDING OFFICER (Mrs. KASSEBAUM). Under the previous order, the Senator from New Mexico (Mr. DOMENICI) is recognized for not to exceed 15 minutes.

Mr. DOMENICI. I thank the Chair.

Madam President, I am joined on the floor by Senator GRASSLEY. I am hoping that the distinguished Senator from Arizona (Mr. DECONCINI) will soon join us.

EQUAL ACCESS TO JUSTICE ACT

Mr. DOMENICI. Madam President, in the 96th Congress the Senate passed the Equal Access to Justice Act by a margin of 94 to 3. This law provides that when an individual or small businessman litigates against the Fed-

eral Government on either the administrative or judicial level and prevails, if the Government cannot substantially justify its purpose in pursuing the litigation then the citizen is entitled to recoup his legal expenses and costs.

What we are introducing today is basically a reauthorization of the original Senate-passed version of the Equal Access to Justice Act.

To further refresh the memory of my colleagues, the purpose of this law was twofold. First, in this era of pervasive Federal regulation it was meant to rekindle the individual American spirit of fight capricious and arbitrary regulation. Before the enactment of this law, the average citizen was in a dilemma. If he fought to vindicate his rights, the expense of litigation was many times the cost of the actual fine imposed. Hence, it was logical to knuckle under to Government overregulation. Now if he fights and wins it will be at no cost. This has imbued Americans with a sense that, in the old language of the cities, now "you can fight city hall."

The second purpose was to put the agencies on notice that in bringing the resources of the Government to bear on an individual or small businessman they had better be sure that their case is meritorious. If it is not, then the cost of the litigation will come from that agencies budget. Even in the promulgation of regulations, agencies must now be circumspect rather than previous attitude of "Let's see how far we can go in expanding our regulatory jurisdiction." This approach is working. I have seen internal memos from at least three agencies, including IRS, cautioning the employees to be overly cautious in litigation because Equal Access to Justice is now law. That in itself is justification for the reenactment of this bill.

During the course of the debate prior to enactment of Public Law 96-481, critics charged that the eventual cost to the Government could exceed $500 million annually. My response was that if in fact the Government was irresponsible and the courts awarded $500 million in damages, then that would be the cost in realining the tension between the bureaucracy and the citizens of this country. however, for the record I stated that I doubted whether the actual costs would exceed $10 million. After the first year the costs appear to total approximately $1 million.

I do not mean to say that that will continue because, obviously, litigation is lengthy and ultimate decisions require a long time. But basically, the prophets of gloom with reference to cost were wrong.

At this point, Madam President, I ask unanimous consent that three articles which indicate how Equal Access to Justice has worked be printed in the RECORD.

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

FIGHTING A U.S. AGENCY WITH ITS OWN MONEY

(By Mary Thornton)

Last summer a small Washington, D.C., printing and typesetting firm submitted the low bid to the Government Printing Office for a contract to publish the Federal Personnel Manual. But instead of getting the contract, the company, Photo Data Inc., received a terse letter from the GPO stating that the bid was considered "nonresponsible."

Scott Watkins, president of the company, decided to fight in court, and the GPO eventually agreed to award the contract to the firm. But Watkins did not stop there. Using a law that went into effect last Oct. 1, he has convinced a federal judge that the GPO should pay nearly $6,000 in legal costs that the firm incurred during the dispute.

Although a number of similar cases are before the courts, Photo Data is believed to be the first plaintiff to be awarded fees under the Equal Access to Justice Act. It requires federal agencies to pick up the legal fees and costs when they lose a case and can't prove that they had a good reason to bring (or contest) it.

Except for the largest corporations and the wealthiest individuals in America, almost anyone who wins a lawsuit against the government is eligible to collect.

The court has the authority to order the government agency to pay up to $75 per hour in attorney fees, costs for expert witnesses and other incidental expenses.

The law is designed to discourage the government from bringing frivolous or unwarranted cases that individuals or small businesses may not be capable financially of fighting.

In the case of Photo Data, GPO decided to try to settle the case after the company filed suit. The GPO then reexamined Photo Data's presentation, declared the company responsible and accepted its low bid.

Two weeks after receiving the contract, the company filed under the act to collect more than $10,700 in attorney fees and expenses.

U.S. District Judge John Garrett Penn, in an opinion last month, cut back the allowed amount to just under $6,000, saying that the attorneys had charged more than $75 per hour and that they had not justified the number of hours worked. He called the GPO behavior "precisely the type of government action that small businesses do not ordinarily have the resources to contest, and the act is therefore intended to prevent."

Photo Data doesn't have the money yet, however, because the GPO is deciding whether to appeal.

Watkins sees the award as a victory for all small businesses. "In the past, rather than fight it, you'd just let the government do what it wanted to do," he said. "Now the law tells the small contractor, 'If you're right and you know you're right, you can afford to fight them.'"

[From the Washington Post]

TO SOME VICTORS GO THE LEGAL FEES

(By Ruth Marcus)

Pentagon whistle blower A. Ernest Fitzgerald recovered $200,000 in legal fees after he won his lawsuit against the government to get his old job back.

A Colorado company accused of unfair labor practices was awarded more than $14,000 to cover its legal bills after the government lost the case.

Even the Ku Klux Klan may win some money from the government to pay for the cost of a suit it brought.

They all took advantage of the Equal Access to Justice Act, a nine-month-old federal law that allows small businesses, nonprofit groups and individuals who win legal disputes with the government to recover up to $75 an hour in lawyer's fees and other court costs if the government's position was not "substantially justified."

The law was designed to discourage agencies from bringing frivolous or unwarranted cases and enable people to fight out their battles with the government rather than give up when faced with the prospect of skyhigh legal bills.

Since it took effect last Oct. 1, the law has spawned at least 40 federal court decisions and an equal number of rulings by agencies' administrative law judges, with even more requests for fees still to be decided.

But the amount of money private parties have won since then is far below the $125 million the Justice Department and other opponents had warned the law would cost in its first year alone.

So far, courts have awarded about $680,000 and agencies another $32,000 in legal fees and costs, although the exact amount of several additional awards remains to be determined and the government has appealed many of the assessments against it.

There's "no question" that the act isn't being used as much—or costing as much—as expected, said Stephen L. Babcock of the Administrative Conference of the United States, which monitors the law. "In fact, the awards this year will never even get to $1 million."

Why have successful litigants made so little use of the law, and tended to lose when they did ask for fees, recovering costs in just 16 of about 80 cases decided so far?

"People suspected the government was acting improperly in a lot more cases than they actually were," Babcock speculated.

In addition, he suggested, "it's also possible that because the act exists government agencies are taking a harder look at the cases they bring"—the chilling effect forecast by those who opposed the law, since agencies that lose cases must pay the costs out of their own tight budgets, unlike most other fee awards, which come out of a general fund appropriated by Congress.

"I've gotten lots of calls from agencies expressing great concern about the possibility of bankrupting themselves," Babcock said.

So far that doesn't seem likely to happen, although agency lawyers said the law was still too new to gauge its eventual effect.

"It is very difficult to consider litigation these days without considering the impact of the Equal Access to Justice Act on our budgets," said Justice Department attorney Susan Herdina, who is monitoring such cases for the department's civil division, which represents many government agencies when they are sued.

Even when the government doesn't have to pay for fees, Herdina and other government lawyers note, merely having to spend time fighting fee requests puts a strain on agency resources.

Stuart Weisberg of the National Labor Relations Board, which has accounted for half of the cases that were decided at the agency level, said that "there's been no change of policy at all in the general counsel's office to date, but one can only specu-

late what would happen in the future if, indeed, a significant number of these cases are lost."

Some fee requests "have really been staggering," Weisberg said. "I personally have some trouble with the concept that a company that can afford to pay $125,000 or $150,000 in legal fees essentially to keep out a union would square with my definition of a small business."

The law covers companies with net worths of under $5 million and individuals whose net worth is less than $1 million, along with nonprofit groups and agricultural cooperatives regardless of their wealth.

The biggest victor so far was the Greater Los Angeles Council on Deafness, which won $436,000 to cover its successful suit against several agencies. The group charged that the government had discriminated against the handicapped by failing to require a Los Angeles public television station to provide sign language interpreters for deaf viewers.

The award, which is currently on appeal, was made under both the Equal Access to Justice Act and another federal law allowing legal fees to be recovered in handicapped discrimination cases. The court paid the lawyers $175 an hour for their time, far above the $75 cap set by the new law.

Other cases have involved everything from a horse repossession under the Interior Department's Adopt-a-Horse program to tax quarrels with the Internal Revenue Service.

In the Ku Klux Klan case, currently pending before a Louisiana federal court, the Klan sued to recover its legal fees after successfully challenging a school board regulation, supported by federal agencies, that banned any group that advocates discrimination from using school facilities.

The fee request reached the Supreme Court, which sent the case back to the lower court to reconsider in light of the new law.

If not for the act, whistle blower Fitzgerald would not have been able to recover any of the costs of his decade-long battle for reinstatement. Before the law was passed, Fitzgerald's lawyers had lost their fee requests; after it was in place they settled with the Air Force for $200,000.

A fee is "only going to be collectible where it should be collected," said Fitzgerald's lawyer, John Bodner. "If the statute works properly, I think the government will correct its own actions so that it will not suffer the liability."

But Juan A. del Real, general counsel of the Health and Human Services Department, a defendant in the Klan and handicapped discrimination cases, worried that the cost of the law "may well turn out to be a substantial sum, depending on how many of these claims for attorneys' fees get made. As time goes on, there seems to be a progression in the numbers that are being filed."

[From the Wall Street Journal, Monday, May 24, 1982]

NEW LAW MAY MAKE IT EASIER TO FIGHT FEDERAL GOVERNMENT

(By Robert E. Taylor)

Small businesses that battle successfully to reverse wrongheaded decisions of federal bureaucrats are beginning to obtain fresh financial help—from the government itself.

The aid is provided by the Equal Access to Justice Act, which took effect Oct. 1. The law requires Uncle Sam to pay the legal costs of small businesses, nonprofit groups and most individuals who can show they were unjustly treated by the federal government on matters ranging from federal contracting to paying taxes.

So far, the awards total only a trickle, less than $50,000 solely due to the new law. But some federal officials fear this trickle might swell to a $120 million-a-year flood. The Reagan administration, hoping to staunch the flow in advance, plans to ask Congress to restrict who can recover, and limit how much they can get.

The law's supporters oppose any changes. They note that in the past, small companies often have been reluctant to take on Uncle Sam because of litigation costs. "The government is at a great advantage because of the number of attorneys and other resources it has," says George Ramonas, a Senate staff member who helped draft the legislation. The law, he says, "enables the little guy to fight the government."

One who did successfully is Scott Watkins, president of Photo Data Inc., a small, Washington, D.C., printing company. He also is one of the first to be awarded legal costs from the government.

Last summer, Photo Data was the lowest bidder on a two-year contract with the Government Printing Office. But a GPO contracting officer ruled that Photo Data wasn't a responsible company and gave the contract to the next-lowest bidder. Mr. Watkins took his protest to court. He argued that federal law requires the GPO to refer the question of Photo Data's competence to the Small Business Administration, which it hadn't done.

Without admitting any mistakes, the GPO quickly backed down. A month later Photo Data got the contract at its original bid of about $750,000.

Federal Judge John Garrett Penn, noting that the GPO never attempted to justify its action, said: "This is precisely the type of government action that small businesses don't ordinarily have the resources to contest, and the (Equal Access) Act is therefore intended to prevent." Judge Penn ordered GPO to pay Photo Data $5,710 of the $10,831 in legal costs it claimed.

Such awards aren't available to just anyone. Congress limited eligibility to persons whose net worth doesn't exceed $1 million and businesses with no more than $5 million net worth and 500 employes. Charitable and religious tax-exempt organizations qualify if they have 500 or fewer employes.

Also, the law grants legal fees only to parties that overcome the government position in court, administrative proceedings or in a settlement. Even then, the government agency isn't required to pay if it can show that its original decision was substantially justified."

Some Reagan administration officials say the cost of the act probably will exceed $400 million before it must be renewed in three years. Private attorney Jere Glover, formerly a Small Business Administration official, dismisses such estimates as "an absolute joke." He and Sen. Pete Domenici, the New Mexico Republican who sponsored the law, predict costs of less than $40 million annually as bureaucrats become more careful. If the bill comes anywhere near the $400 million estimate, Mr. Glover says, "the heads of the agencies ought to be fired" for turning out so many indefensible decisions.

But administration officials who must pay the bill worry that, as one puts it, attorney-fee recovery provisions are becoming "attorneys' subsidy statutes" that don't mainly help clients.

The administration plans to propose that Congress cut off payments in contingency-fee cases where the attorney only gets paid what he can recover from the government. It also would prohibit payments to nonprofit or government-funded groups whose primary purpose is to provide legal services. And it would limit fees that exceed the benefit of winning the case.

One goal, an administration official says, is to freeze out legal groups that "hunt up clients" to challenge the government.

It isn't yet clear what agencies will trigger the most costs under the Equal Access Act. The U.S. Chamber of Commerce contends the Equal Employment Opportunity Commission will be a leader.

Even most winners of court awards are finding their battles aren't over. One problem is bureaucratic—an interagency dispute over where the money should come from. Another is legal—court appeals can delay payment indefinitely, or nullify it. Largely due to the appeals, the only party that actually has been paid under the Equal Access Act is the Florida Farm Workers Council, which recovered costs of almost $13,000 from the Labor Department.

Photo Data's Mr. Watkins grumbles as the Justice Department considers an appeal of his case. If he doesn't get paid, he says, "they can throw the act out of the window."

Mr. DOMENICI. Madam President, the basic question answered by this legislation is: "Who Regulates the Regulators?" The standard answer is: "Why the Congress." In fact the bureaucracy has consistently thwarted the will of Congress by drafting the regulations that go far beyond congressional intent. In our system of checks and balances it is the duty of the courts to decide whether or not the executive branch has exceeded the authority delegated by the legislative branch.

However, the courts have developed a presumption of expertise on the part of regulation writers, and that if there is warrant in the record, then a regulation is deemed valid.

As Justice Cardozo stated:

> The practice has peculiar weight when it involves a contemporary construction of a statute by the men charged with the responsibility of setting its machinery in motion, of making the parts work efficiently and smoothly while they are yet untried and new (288 U.S. at 315).

The formulation of this presumption has paralleled the development of administrative law in the country. There have been three stages of development. The first focus was on the constitutional underpinnings of the administrative process, with a good deal of emphasis on separation and delegation of powers. The next focus was on the judicial review and the relationship between the agencies and the judicial branch of Government.

The last major stage was the formalization of procedures for adjudication and rulemaking. This process was necessary to establish the system of administrative law—a system by which modern government may reasonably exercise discretionary power and the need for speedy, inexpensive, and procedurally simple adjudication. The

courts, recognizing the need for such a system, help nurture it by deferring to the judgments of those, as Cardozo said, who are responsible for setting the machinery in motion and working efficiently and smoothly.

We have now, however, entered an age of pervasive Federal regulation. It is time for a new stage of development. We must insure that the regulators are regulated.

Equal access to justice requires that when in litigation the agency bears the burden of proving that its regulations are within the Congressional mandate rather than the individual proving they are not.

In this way we readjust the relationship between the Government and its citizens without hindering the duties of the agencies.

I thank my colleagues for joining with me in making this act a permanent law of the land. In closing, I hope as the Albuquerque Journal the newspaper in my hometown stated in an editorial about this legislation:

It could be labeled in time, as the "Little Magna Carta" for its calculated effect of protecting Americans from arbitrary and oppressive government.

Madam President, I ask unanimous consent to have the text of the bill which will reauthorize the equal access to justice printed in the RECORD. I send it to the desk for proper referral. I am joined by the distinguished Senator from Arizona (Mr. DECONCINI) and the distinguished Senator from Iowa (Mr. GRASSLEY).

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

S. 919

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 504 of title 5, United States Code, is amended—

(1) by striking clause (i) from subsection (b)(1)(B) and inserting in lieu thereof the following: "(i) any individual whose net worth exceeding $1,000,000 at the time of the adversary adjudication was initiated, and any owner of an unincorporated business, or any partnership, corporation, association, or organization whose net worth exceeded $5,000,000 at the time the adversary adjudication was initiated; except that a cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)) may be a party regardless of the net worth of such cooperative association, and ";

(2) by striking subsection (d)(1) and inserting in lieu thereof, "Fees and other expenses awarded under this subsection shall be paid by any agency over which the party prevails from any funds made available to the agency, by appropriation or otherwise, except that no sums may be appropriated to any such agency specifically for the purpose of paying fees and other expenses under this section. The court shall specify the agency or agencies that shall be responsible for payments of the awards."; and

(3) by striking out paragraph (2) of subsection (d).

SEC. 2. Section 2412 of title 28, United States Code, is amended—

(1) by striking from subsections (a) and (b) "or any agency and any official of the United States" each place it appears and inserting in lieu thereof "or any agency or any official of the United States";

(2) by striking out all of subparagraph (B) of subsection (b)(2) after the word "filed," in clause (i) and inserting in lieu thereof the following: "or (ii) any owner of an incorporated business or any partnership, corporation, association, or organization whose net worth did not exceed $5,000,000 at the time the civil action was filed, but 'party' does not include any owner of an unincorporated business, or a partnership, corporation, association and organization having more than five hundred employees at the time the civil action was filed; except that a cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)) may be a party regardless of the net worth of such cooperative association; and";

(3) by striking out all of subparagraph (A) of subsection (d)(4) and inserting the following

"(4)(A) Fees and other expenses awarded under this subsection shall be paid by any agency over which the party prevails from any funds made available to the agency, by appropriation or otherwise, except that no sums may be appropriated to any such agency specifically for the purpose of paying fees and other expenses under this section. The court shall specify the agency or agencies that shall be responsible for payment of the awards."; and

(4) by striking out section (c)(4)(B).

SEC. 3. Section 203(c) of the Equal Access to Justice Act (Public Law 96-481) is repealed.

SEC. 4. Section 204(c) of the Equal Access to Justice Act is repealed.

SEC. 5. Section 207 of the Equal Access to Justice Act, is repealed.

SEC. 6. Effective March 1, 1983, section 7430 of the Internal Revenue Code of 1954, as added by subsection (a) of section 292 of the Tax Equity and Fiscal Responsibility Act of 1982, is repealed.

Mr. DOMENICI. I yield to Senator GRASSLEY.

Mr. GRASSLEY. Madam President, I thank the Senator from New Mexico. I am happy to participate in the introduction of this bill to reauthorize the Equal Access to Justice Act.

This concept first appeared as legislation in the 95th Congress when Senator PETE DOMENICI introduced a bill similar to the act before us today. The bill was finally enacted into law in 1980 with an effective date of October 1981.

The bill was designed with two purposes in mind. The initial aim was to force Government agencies to be responsible for their conduct. Adopting the rule that a Government entity must be held accountable for attorneys' fees where it could not show that its actions were substantially justified would provide incentive for agencies to thoroughly examine actions contemplated against private citizens. Rather than holding the losing agency automatically liable for attorneys' fees, and therefore perhaps discouraging valid agency actions, allowing the agency to prove it acted with justification seemed the appropriate course to follow.

In addition, the act was designed to provide those of modest means with access to the judicial process, hence the title—Equal Access to Justice Act. In order to allow small businesses and private individuals, those who were being injured most through arbitrary Government action and regulation, to pursue litigation against the Government, the sections relating to limitation of income and corporation size were included in the bill. These sections allowed the little guy to fight city hall and to actually come out ahead if he prevailed in litigation instead of facing bankruptcy due to the high cost of litigation.

We have now experienced the act for a year. Its effectiveness was demonstrated through hearings held last December before the Subcommittee on Agency Administration which I chaired. On the whole the testimony presented at that hearing indicated that the act is being implemented as intended therefore generally obtaining the desired results.

However, there are some sections of the law which are in need of clarification and we will be exploring those further in hearings scheduled before the Subcommittee on Administrative Practice and Procedure.

At this point I would like to indicate that I was in the past, evidenced by my position on H.R. 5612 in the 96th Congress, am presently, and will continue to be a strong supporter of this act. I am pleased to join Senators DOMENICI and DECONCINI in introducing its reauthorization. I appreciate their activity on behalf of the act and look forward to working with them as we shepherd this bill through the Congress this session. The regulatory noose has been around this country's neck for too long. Extension of this act will allow us to breathe a little easier.

Regulation costs each American family of four $2,290 annually. Serious changes have to take place now if we want the burden to ease.

Mr. DOMENICI. I thank my good friend from Iowa.

Madam President, I close my discussion on this bill by thanking the distinguished Senator from Arizona (Mr. DECONCINI) for his diligent work on this legislation. Senator GRASSLEY has properly indicated how it proceeded. Obviously, I could not have accomplished the goal without the help of the distinguished Senator from Arizona.

I am most appreciative of what Senator GRASSLEY has done because basically, the hearings that were held clearly indicate that we cannot let the basic provisions of this law expire. We have to have time to follow its course

through Congress. We always have difficulty in the House. I thank him for giving us that hearing and thus clearly demonstrating that what we are doing here today is moving in the right direction and that with the changes he contemplates and is concerned about, we ought to move ahead to make this permanent law. I thank the distinguished Senator for that.

BUREAU OF LAND MANAGEMENT GRAZING ADVISORY BOARDS

Mr. DOMENICI. Madam President, today I introduce a bill which would remove the expiration date of the Bureau of Land Management Grazing Advisory Boards and establish them on a permanent basis in the Federal Land Policy and Management Act of 1976.

These boards are currently authorized through December 31, 1985. There is no doubt in my mind as to the importance of these advisory boards in maintaining input into our system from one of the major users of the public lands of this Nation.

During the late 1970's, I watched the implementation of FLIPMA, as well as the implementation of certain court decisions. Sometimes we forget that in the West, this time period was known as the Sagebrush Rebellion. That rebellion was not limited to those who grazed the public land. It included State and local elected officials, business leaders, and many others. However, I feel that the rebellion could have been further aggravated without advisory boards such as the ones authorized by FLIPMA.

That is why I hope my colleagues will join me in this legislation, which does nothing more than give permanent status to these grazing boards.

I think it is important to our Nation that we have these boards to promote a better understanding between our Federal agencies and one of the major users of the public lands. As we move closer toward the 21st century the problems and issues regarding public lands will continue. This extension will insure that we will have in place a mechanism to meet those issues in a rational manner.

Madam President, I ask unanimous consent to have the bill printed in the RECORD.

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

S. 920

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 403 (f) of the Federal Land Policy Management Act of 1976 (43 U.S.C 1753) is repealed.

Mr. DOMENICI. Madam President, if I have any remaining time, I yield that time back at this point.

RECOGNITION OF SENATOR THURMOND

The PRESIDING OFFICER. Under the previous order, the Senator from South Carolina (Mr. THURMOND) is recognized for not to exceed 15 minutes.

Mr. THURMOND. I thank the Chair.

VOLUNTARY SCHOOL PRAYER

Mr. THURMOND. Madam President, I am reintroducing today, by request, the administration's proposed constitutional amendment relating to voluntary school prayer. This amendment was originally introduced last year as Senate Joint Resolution 199 and was the subject of 3 days of hearings by the Senate Judiciary Committee. I would anticipate that further action will be taken on this amendment by the committee in the near future.

As with an increasing number of constitutional proposals, the school prayer amendment represents a response to a controversial Supreme Court decision that many believe to have substantially altered the traditional understanding of the Constitution. In my view, the proposed amendment is necessary to restore the meaning of the first amendment that had existed throughout most of the Nation's history, only to be abruptly upset by the Court in 1962 and 1963 rulings.

Until these rulings, the religion clauses of the first amendment had been understood primarily to prohibit the Congress from establishing any state church, or from favoring any particular church or denomination as a matter of general public policy. It was designed, further, to insure that the distinction between the sphere of the church and that of the state not be altogether obscured in the American sociopolitical system. As Justice Story has observed in his "Commentaries on the Constitution."

> The real object of the First Amendment was . . . to prevent any national ecclesiastical establishment which would give to an hierarchy the exclusive patronage of the national government.

Similarly, Professor Edward Corwin, the great constitutional scholar, has written,

> The historical record shows beyond peradventure that the core idea of an "establishment of religion" comprises the idea of preference; and that any act of public authority favorable to religion in general cannot, without manifest falsification of history, be brought under the ban of that phrase.

During most of the Nation's history, this understanding of the first amendment controlled the development of public policy. While the Constitution took scrupulous pains to avoid the establishment of a theological republic, and even greater pains to insure freedom of worship for all citizens, it did not undertake to create an absolute and wholly unbridgeable division between the secular state and all things of a spiritual character. Indeed, there was a profound awareness of the religious roots of our Nation and a desire to insure that the religious impulse remain a part of the Nation's constitutional and political fabric.

What has emerged, however, in recent years has been a constitutional doctrine that has no serious basis in the historical development of the organic law of the country. In two significant Supreme Court decisions, *Engel* v. *Vitale,* 370 U.S. 421 (1962) and *Abington School District* v. *Schempp,* 374 U.S. 203 (1963), the Court gave expression to the idea that the establishment clause of the first amendment constructed an absolute "wall of separation" between church and state. The theory of these cases was that the constitutional direction to Congress to "make no law respecting an establishment of religion" not only prohibited preference being given to denominational religious doctrine but utterly banned religious expression from the public life of the Nation. The original intent that Congress be neutral as between religious views—as well as that it avoid obscuring the distinction between church and state—was transformed into a notion of neutrality between religion and irreligion.

Specifically, in Engel, the High Court ruled unconstitutional a requirement of the State of New York that each schoolday begin with a brief prayer. The New York prayer read:

> Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers, and our country.

In Abington, a year later, the Court ruled unconstitutional a requirement of the State of Pennsylvania that each schoolday begin with a brief reading of Bible verse, including the Lord's Prayer. In both of these decisions, the State requirements were deemed to be in violation of the establishment clause of the first amendment.

It is interesting to note that the Court, in these cases, chose to use the first amendment as a limitation upon State legislative enactments despite the fact that the amendment is explicit in referring only to "Congress". It is not my intent to argue the merits of the 14th amendment incorporation theory of the Bill of Rights except to note that the intent of the first amendment was originally to limit Congress, not the States. As former Justice Potter Stewart remarked in dissent in Abington,

> • • • it is not without irony that a constitutional provision evidently designed to leave the States free to go their own way should now have become a restriction upon their autonomy.

Since the decisions in Engel against Abington, despite the opposition of overwhelming numbers of American citizens of all religious views, the "wall of separation" interpretation of the establishment clause has led to a total prohibition upon legal prayer in the public schools, no matter how voluntary, no matter how interdenominational, and no matter how much accommodation is made for students of minority religions and those who reject any religious values altogether.

Given the integral part that compulsory public schooling plays in the development of the values of our citizenry, I have become convinced—and I believe that the great majority of people in this country share my view—that these Supreme Court decisions have created a situation in which the state has become antagonistic toward religious values. The average child is placed in the public school classroom for 8 hours a day in which he is developed intellectually, physically, and emotionally, but in which even a moment of structured personal reflection and introspection is treated as unconstitutional. This child is taught political theory, he is taught sex education, he is taught hygiene, he is taught baseball and football, he is taught music and art, he is taught virtually everything that goes into the building of individual character, but he is absolutely forbidden from a brief moment of prayer at the outset of his school day.

Of course, the primary responsibility for the teaching of religious values, rests with the family. In my view, the primary responsibility for most of any child's education rests with the family. That does not mean, however, that a brief period of silence or prayer in the schoolroom is wrong. Such a period is nothing more than an effort to insure that what time the child does spend in the classroom offers a reasonable opportunity for him to develop and mature in a well-rounded and balanced manner. Those who feel that religious values are frivolous or destructive ought to be free to withdraw their children from such prayer, in the same manner that they are free to withdraw their children from sex education courses. They should not be free, however, to deny to all children a personal experience that was important in the development of the character of millions of schoolchildren from the outset of our Nation.

We rewrite history, as well as the Constitution, when we ignore or make light of the fundamental and enduring contribution made by religion to American society. Ours is a secular nation, but it is not one in which secularism has yet been raised to a religious status itself.

Madam President, the amendment that I am introducing today reads,

Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in prayer.

Although I am introducing this amendment by request, and expect to be looking at modifications of language as it is processed by the Judiciary Committee, I believe that this is a reasonably sound amendment.

The amendment would insure that the establishment clause of the first amendment no longer poses a presumed barrier to exercise of voluntary prayer in the public school classroom. It would, however, not create any corollary right in any person to require that prayer be allowed in the public school classroom. The amendment would simply leave these decisions to the discretion of the State or local school district. There would be no obligation on their part to allow prayer, but merely an ability to do so if that is their choice.

The amendment would also insure that no one is required to participate in structured group prayer against their desires. As the second sentence of the amendment makes clear, reasonable accommodation would have to be made for any individual who, for whatever reason, chose not to engage in such prayer.

Madam President, it is my understanding that Senator HATCH, chairman of the Subcommittee on the Constitution, has indicated his commitment to proceed with 1 or 2 days of hearings this spring on the proposed amendment. This would supplement the 3 days of hearings that were held on this matter during the 97th Congress. Following these hearings, it is my intention to expedite the passage of the immediate resolution through the full Judiciary Committee. During this process, we will be taking a careful look at the provisions of the administration's amendment with an eye toward making it the most concise and the most reasonable amendment that we can develop.

In particular, there are two matters that I expect to be the focus of my own attention: (a) insuring that the amendment I clear that reasonable accommodation will be made to those schoolchildren who choose not to participate in group or individual prayer; and (b) addressing the issue of how the content of any group prayer will be established. While I believe very strongly that the idea of a school prayer amendment is one that is absolutely critical to the reestablishment of a sound value structure in this country, I am extremely sensitive to the need to do this in a way that is fully consistent with the values of our Constitution. Because I believe that the great majority of American people want to achieve this kind of balance, I am confident that a school prayer amendment can work. I do not share the distruct of many opponents of this amendment toward local school boards and decentralized decisionmaking.

I strongly urge my colleagues to join me on this extremely important measure, and welcome their thoughts on how we can improve its specific provisions.

Madam President, I ask unanimous consent that the amendment, which is very brief, be printed in the RECORD.

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

S.J. RES. 73

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress:

"ARTICLE ——

"Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in prayer.".

Mr. HATCH. Madam President, I should like to compliment the distinguished Senator from South Carolina for his leadership in the area of constitutional law and constitutional amendments in past Congresses and in the present Congress, and for his leadership in putting forth the amendment he has presented here today.

RECOGNITION OF SENATOR HATCH

The PRESIDING OFFICER. Under the previous order, the Senator from Utah (Mr. HATCH) is recognized for not to exceed 15 minutes.

THE RADIOGENIC CANCER COMPENSATION ACT

Mr. HATCH. Madam President, the Radiogenic Cancer Compensation Act, which I am introducing today, has been 4 years in the making. It has evolved from legislation introduced in the 96th and 97th Congresses, and from a succession of committee drafts developed in the Judiciary and Labor and Human Resources Committees. This new legislation deals with specific subjects that have been the topics of multiple hearings over two Congresses. The underlying issues of radiation and health have been the subjects of many more hearings conducted within the last decade by an array of House and Senate committees and subcommittees. Thus, this new legislation represents hundreds of hours of effort, and

a refinement that has taken years to accomplish.

The effort of which the Radiogenic Cancer Compensation Act is the latest product was begun in 1979 when the House Committee on Interstate an Foreign Commerce and the Senate Judiciary and Labor and Human Resources Committees held joint hearings in Salt Lake City on the health effects of the atmospheric nuclear testing program that was operated at the Nevada test site between 1951 and 1962. The hearings were conducted because evidence had accumulated suggesting that the people who lived immediately downwind of these nuclear bomb tests were experiencing an exceptional incidence of certain cancers. These first hearings concentrated on whether people had been harmed by the atomic blasts, and whether the Government was negligent in the paltry efforts that were made to protect downwind citizens from radiation exposure. Later hearings dwelt on whether existing legal remedies were sufficient to provide justice to fallout victims.

Four years later, these issues are not much in question. Even the Department of Defense now admits that people developed cancer from the nuclear fallout. The hearing record amply chronicles the gross inadequacy of Federal efforts to monitor, warn, and protect those Americans who lived directly in the path of the fallout. Expert testimony had been heard outlining the extraordinary difficulty a true fallout victim would encounter in an effort to prove in court through a preponderance of the evidence that his exposure to radioactive fallout 20 to 30 years ago is the proximate cause of the cancer he now has.

My colleagues should realize that most of the fallout victims were children at the time of the tests. They were children who were left outside in the playgrounds while radioactive clouds billowed over their schools. They were children who romped in the fallout dust, pretending it was snow. Some of these children developed radiogenic cancer while still children, and others have developed radiogenic cancer as adults. Some have already died.

These people now want justice and the families of those victims who have already died want justice. The point is that the necessity of legislation to provide a proper remedy for the fallout victims should no longer be an issue.

The questions that are now paramount concern the legislation itself: whether it is a fair and wise means of providing a proper legal remedy. I strongly believe that it is. The Radiogenic Cancer Compensation Act uses what the scientific community and administration representatives consider to be the best available methodology for determining the merits of radiogenic cancer liability cases. This radioepidemiological method was the subject of a Joint Judiciary and Labor and Human Resources Committee hearing last March. The consensus of witnesses from the scientific community and the Departments of Energy, Defense, and Health and Human Services was that the radioepidemiological method is the best available. The legislation is designed so that each case will be considered individually, and a definite but not excessive benefit of the doubt will be given to each plaintiff. The liability of the Government will be proportionate to the harm that is scientifically estimated to have occurred. The remedy is designed to be fair whatever the facts of the cases turn out to be. The Radiogenic Cancer Compensation Act entails two major innovations that are absolutely necessary if the courts are to provide proper relief for fallout victims. The first is the requirement that the radioepidemiological tables and formulas currently being developed by the Department of Health and Human Services be used as a standard for judging the merits of the cases. The second is a provision that allows damages to be paid to plaintiffs whose probabliity of harm from the fallout is less than 50 percent.

For any individual, the link between a given radiation dose and the development of a cancer can be drawn only statistically. This is because no doctor can distinguish a radiogenic cancer from a cancer derived from other causes. The finding upon which the statistical links are based come from population studies that have been carried out all over the world. These data are massive. National and international scientific organizations have spent years and countless meetings in analyzing and compiling the necessary statistics, but these organizations have never compiled them in a form that would be useful to the courts.

An effort to compile these necessary statistics into a form that will be functional for plaintiffs, defendants and the courts is currently being undertaken by the Department of Health and Human Services. In a year's time, we should have a compendium that includes the best scientific estimated of the likelihood that various cancers have been caused by various doses of radiations for men and women of all ages. Although these estimates cannot be exact, they should be sufficiently precise for the purposes of distinguishing between more and less credible radiation/cancer liability cases.

If, in terms of these radioepidemiological tables, a plaintiff meets the usual standard of proof for a tort case, that is if he demonstrates that he has more than a 50 percent probability of having a fallout-generated cancer, then the Government will accept responsibility for his cancer and he will receive actual damages up to a maximum of $500,000. However, because so many people get cancer from causes other than radiation, most of the people who have developed cancer from the Nevada fallout will be unable to meet the 50-percent standard.

Thus, we face a dilemma. To compensate most of the fallout victims we must set a standard that will insure that compensation is paid to more people than were actually harmed. There is no perfect solution to this problem, but this legislation strikes a balance by coupling the lowering of the usual standard of proof with a prorating of limits to individual awards so that more people get awards but the awards are proportionately smaller. Plaintiffs with probabilities of causation between 10 percent and 50 percent will receive actual damages up to the product of their probability times $500,000. Therefore, people with a 10-percent probability of causation, who have a 1-in-10 chance of having a fallout-generated cancer, are eligible for up to $50,000, and people with a 25-percent probability, who have a 1-in-4 chance, are eligible for up to $125,000.

A Defense Department scientist has suggested that this standard will lead to compensation for several times the number of people who have developed cancer from the nuclear testing. But there are three things to remember. First, at least as far as the deadly cancers are concerned, several times the people harmed is not likely to number more than a few hundred. Second, the Government will not accept full responsibility for an individual's cancer when the individual has a probability that is less than 50 percent, because the Government is not likely to have caused his cancer. However, the Government will accept some responsibility because a substantial portion of cancer victims with probabilities that are between 10 and 50 percent do have fallout generated cancers. Finally, the civilian remedy covers only people who allege their cancer was caused by radiation from 1951–62 Nevada testing programs and from uranium mining prior to 1962.

In addition to the Nevada testing fallout victims, this legislation provides for two other groups of radiation victims. Under certain circumstances, uranium miners are given a right of action that is identical to the fallout victims' remedy. The bill covers all persons who mined uranium in Colorado, New Mexico, Arizona, and Utah from 1947 through 1961. These uranium miners are included for a variety of reasons. First of all, they were subject to the same sort of callousness that characterizes the plight of the fallout victims. The miners' complaint is a product of the same era. For technical, legal reasons, most of the miners with radiogenic cancer, most of whom

are American Indians, have a claim on neither the mining companies nor State workers compensation programs.

But the simple fact is that the miners were sent into inadequately ventilated mines with virtually no instruction regarding the dangers of ionizing radiation. These miners sometimes ate their lunches in these mines, and often failed to bathe when they returned in the evening. They had no idea of the danger. Consequently, many miners inhaled Radon Daughters that eventually yielded substantial doses of ionizing radiation. As a result, these miners have a substantially elevated cancer rate. The uranium that they mined was used to fuel our Federal nuclear program, and it is only fitting that these miners also be given a proper legal remedy.

The atomic veterans are a third group of Americans that suffered harm from our early nuclear bomb testing program. The atomic veterans are servicemen who staged and monitored the Pacific nuclear tests or who marched under the mushroom clouds at the Nevada test site to practice maneuvers on a nuclear battlefield. Unlike the civilian fallout victims and the uranium miners, the atomic veterans have recourse to the Veterans' Administration, which is responsible for providing care and compensation for all injuries that result from duty in the armed services. The legislation entails no dilution or circumvention of this special responsibility of the Veterans' Administration. However, the veterans feel justifiably frustrated at the obscure and convoluted methods that the VA employs to determine whether a veteran's cancer has been caused by his service-connected exposure to ionizing radiation. Therefore, the VA will be required to use the radioepidemiological tables being developed by HHS as a standard for judging the merits of atomic veterans' cases. This method should make these procedures both simpler and fairer.

We are now well into the nuclear age, and it is high time we addressed fairly the legitimate grievances of those Americans who bore a special burden during the early development of our nuclear weapons programs. We must provide a proper remedy for justice's sake, but also so that the American people can rest assured that their Government meets its responsibilities. If the potentials of nuclear technologies are to be used to the best advantage of the Nation, the public must believe that the Government is honest in acknowledging the dangers involved and prompt in redressing those damages that are unforeseen or unavoidable. I acknowledge that the issue of radiogenic cancer liability is difficult. But difficulty must not dissuade us from our clear duty. The scientific community has given us a means to devise a reasonable and fair remedy, and we should make use of this means by supporting the passage of this legislation that I am introducing today.

Madam President, I ask unanimous consent to have printed in the RECORD a summary of Radiogenic Cancer Compensation Act.

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

SUMMARY OF RADIOGENIC CANCER COMPENSATION ACT

1. PURPOSE

This legislation provides a necessary legal remedy for two classes of civilians, and refines a remedy that is already available to veterans. In each of these three cases, the question at issue is whether a person's cancer was caused by this prior exposure to ionizing radiaion. For each of the three, this legislation attempts to place the determination of liability on a sound scientific basis.

A special legal remedy will be made available to:

(a) *Fallout victims:* Persons who believe their cancer was caused by their exposure to radioactive fallout from the 1951 to 1962 atmospheric nuclear tests that were conducted at the Nevada Test Site.

(b) *Uranium miners:* Persons who believe their cancer was caused by their exposure to radiation from uranium mining between 1947 and 1961, when the U.S. Government purchased and controlled all uranium from American uranium mines.

In addition, this legislation requires the Veterans Administration to use a scientifically based standard being developed by Health and Human Services in the former's determintion of whether an (c) atomic veteran shall be granted "service connected disability" benefits when the veteran claims that his cancer was caused by radiation exposure that he received while in the armed services.

2. RADIOEPIDEMIOLOGICAL TABLES AND FORMULAS

The Radiogenic Cancer Compensation Act bases the award of compensation to cancer victims upon the likelihood that determined radiation doses caused their cancers as determined by the facts of each case and the radioepidemiological tables and formulas that are being developed by the Department of Health and Human Services.

The Orphan Drug Act (P.L. 97-414) requires the Department of Health and Human Services to develop tables and formulas from which can be derived a probability that a person with a radiogenic cancer developed that cancer from a prior dose of ionizing radiation. These tables and formulas should represent a compilation of the best scientific assessments of the probabilities that various cancers have been caused by various doses of ionizing radiation. Presently, only a probabilistic connection can be drawn between a person's cancer and his prior dose of radiation, since a radiation caused cancer is clinically indistinguished from a cancer that developed from other causes. This probabilistic connection must be based on the science of radioepidemiology.

3. STANDING TO SUE

Action may be taken by or on behalf of any resident of the United States during the 1951-1962 Nevada atmospheric nuclear tests, or any uranium miner who worked in a uranium mine in Colorado, New Mexico, Arizona or Utah between 1947 and 1961 . . . if this person has or had a radiogenic cancer.

(a) Civilian workers at the Nevada Test Site will not be denied a standing to sue merely because they are employees whose exposure was work related.

(b) A person must have a radiogenic cancer to have a standing to sue. A radiogenic cancer will be defined as a cancer that the Secretary of HHS has deemed to be causally linked to radiation. Radiation has not been shown to be a causal factor in the development of all cancers.

4. ATOMIC VETERANS AND SERVICE-CONNECTED DISABILITY

The Veterans Administration will use the formulas being developed by HHS as a standard for determining whether a veteran's post service cancer is a service connected disability on the basis of his exposure while a serviceman to ionizing radiation. These formulas will allow the best scientific estimate of the probability that the veteran's cancer was caused by his service connected dose of radiation. When this probability is 10 percent or greater, the Veterans Administration will grant the veteran "service connected disability" benefits.

There will be no interference with the Peres Doctrine, except that under certain circumstances, outlined below, evidence of a service connected dose will be admissible in what is predominantly a case involving damages done to a civilian. The Veterans Administration will maintain full control of all determinations of fact regarding service connected injuries and all determinations of service connected disability. The Peres Doctrine states that a veteran will have recourse only to the VA for injuries that occurred to him while he was in the armed services.

5. COMBINATION OF DOSES

Under this legislation the federal government assumes responsibility for cancer damages caused by radiation from the Nevada fallout and pre-1962 uranium mining. In addition, the federal government has been responsible for cancer damages caused by radiation to which servicemen have been exposed. However, one person could have received radiation exposure from both the Nevada fallout and uranium mining, or he could have received exposure both as a civilian and as a serviceman. The scientific community holds that the cancer risk associated with ionizing radiation is cumulative; that is if a cancer victim received 10 rem while a soldier, and another 10 rem while a civilian from the Nevada fallout, any assessment of his risk should be based 20 rem and not 10. Combining doses is easy for uranium miners who might also be fallout victims since the courts will handle the claims of both uranium miners and fallout victims. The legislation requires these doses from uranium mining and the Nevada fallout to be combined for the purposes of determining federal liability for damages.

The major problem arises with the veterans because the Veterans Administration has exclusive jurisdiction over any claim that alleges service connected damages. Sighting the above example, under existing law the Veterans Administration can consider the 10 rems that the person received while in the military, and the civilian courts can consider the 10 rems the person received while a civilian, but neither the VA nor the courts can consider the whole 20 rem dose.

This legislation allows the veteran to apply both to the VA and to the courts if he

is willing to keep separate the doses he received as a serviceman from the doses he received as a civilian. In this case, the VA will not consider the civilian dose, and the courts will not consider the service connected dose.

If the veteran wishes his civilian and service connected doses to be combined, he must apply to either the VA or the courts, his selection depending on whether his civilian dose or his service connected dose is the greater. If the veteran's civilian dose is larger, the courts can take into account his smaller service connected dose in judging whether to grant him damages and in determining the size of the damages. If the veteran's service connected dose is larger than his civilian dose, the Veterans Administration can take into account his smaller civilian dose in judging whether the veteran shall be granted service connected disability benefits.

The ultimate decision regarding whether the civilian dose from pre-1962 uranium mining and/or the Nevada fallout is greater or smaller than the service connected dose will be made by the VA and the courts. If they disagree, the courts' opinion will prevail.

The Veterans Administration alone will make the official determination of a veteran's service connected dose of ionizing radiation. Upon request, the VA will supply this determination to the veteran or to the courts. When adding a smaller service connected dose to the civilian dose, or when determining which is greater, the courts must use the VA's estimate of the service connected dose. However, the VA will have the option of using its own estimate or a court determined estimate of the civilian dose from uranium mining or the Nevada fallout when this dose is used to help determine whether a veteran gets service connected disability benefits for cancer caused by radiation.

6. AWARD OF DAMAGES (CIVILIAN CASES)

The award of damages is keyed to the probability that the plaintiff developed his cancer from radiation he received from (1) the 1951-1962 Nevada atomic bomb tests, (2) pre-1962 uranium mining, and under special circumstances, (3) radiation exposures received while in the armed services. There will be two classes of awards: the first for persons whose "probabilities of causation" are greater than 50 percent, and the second for persons whose "probabilities of causation" are between 10 and 50 percent.

(a) A person with a "probability of causation" in excess of 50 percent has met the usual standard of proof in torts cases. He has established that it is "more likely than not" that his cancer resulted from the fallout. Accordingly, the court will rule that the government did cause his cancer and will award him actual damages up to a maximum of $500,000.

(b) A person with a "probability of causation" between 10 percent and 50 percent has not met the usual standard of proof, but has demonstrated that he is a member of a class that has a substantial number of radiation generated cancers. In this class, the maximum award will be calculated for each individual by multiplying his "probability of causation" by $500 thousand. For example, a person with a 20 percent "PC" will be eligible for actual damages up to a maximum of $100,000, since $100,000 is 20 percent of $500 thousand. The smallest award ceiling will be $50,000 for those persons who have a "PC" of 10 percent which is the cut off point for the award of damages.

7. ESTIMATE OF PLAINTIFF'S DOSE (CIVILIAN CASES)

The dose that will be used to calculate the plaintiff's "probability of causation" will be the "best estimate" of his dose. This dose must be demonstrated through a preponderance of the evidence. If the plaintiff does not do this, the court can determine in light of the evidence what is the "best estimate" of his dose. Scientific evidence of dose is to be judged solely on its scientific merits. The court shall take into account internal and external doses, and any evidence of somatic symptoms of radiation exposure such as radiation sickness or loss of hair.

8. UPDATING THE RADIOEPIDEMIOLOGICAL TABLES

The tables will be updated every four years or sooner if the Secretary of HHS deems it necessary. If within ten years an updating of the tables gives a plaintiff a higher "probability of causation" the court can adjust his award upward in keeping with the limits determined by his new "PC". Similarly, if within ten years an updating of the tables pushes a veteran's service connected "PC" to 10 percent or higher, the veteran will become eligible for service connected disability benefits.

9. ACCESS TO FEDERAL DATA (CIVILIAN CASES)

Plaintiffs are given special rights of access to federal data and reports, and the Department of Energy is charged with developing a descriptive bibliography of these relevant materials. Classified materials can be used "in camera" on behalf of the plaintiff without revealing this material to the public.

10. LIMITATION OF ATTORNEY'S FEES (CIVILIAN CASES)

An attorney cannot charge more than 10 percent of the award for the first $100,000 and no more that 5 percent for any amount the plaintiff receives over $100,000.

11. INSURANCE COMPANIES

No award made under this legislation will have any bearing on the liability of an insurance company to meet its obligations to a subscriber. Insurance companies will be liable for such things as medical bills even if the subscriber wins an award under this legislation. Some insurance contracts have clauses requiring the insurer be repaid if the subscriber receives compensation from another source. The damages paid under this legislation are not to be used to compensate insurance companies which paid claims years ago, and which adjusted their rates to meet those claims.

12. LIMITATION ON THE COLLECTION OF DAMAGES ON BEHALF OF A DECEASED PERSON (CIVILIAN CASES)

Damages can be collected on behalf of a deceased person or his estate only if this person suffered damages from the cancer in question. If this cancer did not contribute to his death and was asymptomatic and undetected during his lifetime, no damages will be awarded.

13. STATUTE OF LIMITATIONS (CIVILIAN CASES)

The statute of limitations shall be 2 years from the time the remedy becomes available, or 2 years from the time a person's cancer is diagnosed.

Mr. HATCH. Madam President, I also ask unanimous consent to have printed in the RECORD a series of questions and answers as well as a full printing of the bill.

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

QUESTIONS AND ANSWERS

1. What are the injuries that are caused by exposure to ionizing radiation?

Two classes of injury are associated with ionizing radiation: (a) organ injury and (b) single cell injury. Organ injury is caused by high level ionizing radiation that kills immediately a sufficient number of an organ's cells to impair its function. Symptoms of organ injury follow quickly after exposure to ionizing radiation, and it is usually obvious from these symptoms that radiation is the culprit.

The second class of injury, single cell injury, can take years to manifest itself. The most striking result of single cell injury is cancer. Scientists theorize that single cell injury is caused by a single charged particle hitting a cell in just the right way so that a process is initiated that may ultimately result in the development of cancer. That only a "single hit" is required is the reason that *any* level of radiation may cause a radiogenic cancer, including normal background radiation. Thus, *no* threshold of radiation dose exists below which there is absolute safety from cancer. A given charged particle's scoring just the right hit to initiate a cancer followed by the proper conditions for the development of that cancer are rare and substantially random events. However, the probability of these events occurring increases as the radiation dose increases, since more shots are being fired at the cells—so to speak. The process is stochastic, i.e. it is a random process that can be measured only statistically. No set level of radiation dose can be determined in advance to cause a cancer. The link is probabilistic. Using statistics, epidemiologists can estimate the number of radiogenic cancers that will occur in a population as a result of its exposure to a given level of radiation, but these scientists cannot predict who the cancer victims will be or determine at any time after the exposure which cancer victims developed their cancer as a result of this exposure. The epidemiologists can determine which persons are *most likely* to have radiation induced cancer, that is the scientists can narrow down the field of potential victims. Unfortunately, the field can rarely be so narrowed that the usual standard of proof for torts cases can be met.

2. What is the major problem with existing tort law regarding radiation/cancer liability cases?

Almost every person *with* cancer caused by low level ionizing radiation cannot meet the "preponderance of the evidence" or "more likely than not" standard of proof for torts cases.

(a) Physicians cannot determine through direct examination or testing of a cancer patient whether radiation caused the cancer.

(b) Only statistically can a person's cancer be linked to radiation. However, for the probability to be 51 percent that a person developed his cancer from radiation, 51 percent of persons like himself with similar cancers and radiation doses must be determined to have developed their cancers from the radiation; and this event is highly unlikely when the doses of radiation are low. Cancer is too common a disease. Although lower levels of radiation may contribute to the incidence of certain cancers, this radiation will virtually never account for as many as 51 percent of the cancers within any population.

(c) Still, 10 percent or 20 percent or 30 percent of the cancers within a class of cancer victims can represent a substantial harm. But, even if this harm were huge, even if 49 percent of each type of cancer for each class of victims in New York City were fallout generated, no one should be able to win damages under current tort law. A probability of causation of 49 percent does not meet the "more likely that not" standard.

3. What are the pressures for change?

The scientific community maintains that lower levels of ionizing radiation from our various nuclear programs have caused cancer in only a small fraction of the people exposed. But, the inability of these relatively few persons to win compensation is an injustice. The weight of this injustice has grown over the years as the public has become increasingly skeptical over claims that nuclear programs are "completely safe" and that compensation for low level radiation injury is never warranted.

Clearly, there is an increasing impetus for change. We live in a nuclear age. If the nation is to receive the optimal benefit of nuclear technologies, the public must rest assured both that proper safety precautions are taken and that the people who are harmed receive justice.

Change in the legal remedy for putative radiation victims can come either through legislative revision of the law or judicial reinterpretation of existing law. The longer legislative revision is delayed, the more likely "judicial legislation" becomes, since the courts must regularly consider radiation/cancer liability cases. Currently, fourteen hundred nuclear fallout/cancer liability cases are or will be pending in Federal court in Utah. Any judicial expansion of tort law is likely to be more general and expansive than a legislative revision, since the courts do not have the means to develop a scientifically based method for determining the merits of radiation/cancer liability cases. The courts could devise some "mere possibility" standard or effectively reverse the burden of proof, or require a "no fault" remedy. All of these alternatives might have dire and unfair consequences for nuclear energy and defense programs. Clearly, the Congress, should develop a proper remedy.

4. How does the Radiogenic Cancer Compensation Act remedy the inadequacy of current tort law regarding radiation/cancer liability?

This legislation requires a radioepidemiological approach for determining the merits of radiation/cancer liability claims. It mandates the proper use of the only evidence, aside from animal studies, that links people's cancer with low level radiation doses. This method is considered the best available by both the scientific community and administration representatives from the departments of Health and Human Services, Defense, and Energy (see March 12, 1982 Labor and Human Resources Committee hearing on issue).

The award of damages is based on a person's "probability of causation", that is on the likelihood that he developed his cancer from the radiation dose in question. The persons who meet the usual 51 percent probability tort standard win normal tort damages, except that there is an upper limit of $500 thousand. However, for reasons already stated, this remedy will not cover most of the people who have been harmed. Thus, there is also a remedy for persons with between 10 percent and 50 percent probabilities.

The immediate problem with compensating persons with "probabilities of causation" that are less than 50 percent is that one is sure to be compensating at least several times the number of persons estimated to have been harmed. At this point, there is no other way to be reasonably sure that the actual radiation victims are compensated. Still, this would seem to represent an unfair burden for a defendant if he were required to pay full tort damages to persons with between 10 percent and 50 percent "probabilities of causation". Therefore, the Radiogenic Cancer Compensation Act prorates the maximum damages that can be awarded a person with a "probability of causation" that is between 10 percent and 50 percent. If the plaintiff's court determined "PC" falls within this range, he will receive damages up to a maximum that is determined by multiplying his "probability of causation" times $500 thousand.

5. What is radioepidemiology?

Radioepidemiology is the scientific study of the prevalence and incidence of radiation generated diseases within populations.

6. How is radioepidemiology used to determine whether people have developed cancer as a result of radiation exposure?

Radioepidemiologists compare populations that have been exposed to a given level of radiation with similar populations that have not been exposed to determine whether the incidence of cancer is higher in the former than in the latter. The additional cancers that the exposed populations develop above the number of cancers the unexposed populations develop are termed "excess cancers", and are deemed to have been caused by the radiation exposure. An unexposed population of 100,000 people has a normal yearly incidence for cancer X of 9 people; while an exposed population of 100,000 has a yearly incidence for cancer X of 10 people. In this situation, the exposed population is deemed to have "excess cancer", and if all the relevant variables have been carefully controlled, scientists will conclude that the radiation exposure received by the exposed population of 100,000 did cause cancer.

7. Why do the courts now have trouble with radioepidemiological evidence?

Radioepidemiology deals with populations, and is highly credible in assessing whether a population has been harmed by radiation. However, radioepidemiology cannot definitively determine which individuals developed their cancer from radiation exposure and which individuals developed their cancer from other sources. In the example cited above, only one person who develped cancer X in the exposed population in a given year has the "excess cancer"; yet there were 10 people who developed cancer X. Which of the ten is the person with the radiation caused cancer? Science cannot tell us.

Science can only tell us how likely it is that any one of these cancer vicitms has the radiation caused cancer. Thus, the evidence is probabilistic. The courts are far more comfortable with "clincial evidence", i.e. with expert testimony based upon physical examination of the patient. Unfortunately, in this situation, physical examination of the patient is of little consequence except to establish the fact that the plaintiff does indeed have cancer.

8. What is a "probability of causation"?

The idea of "probability of causation" is a variant of the concept of "attributable risk" which has been a standard concept of epidemiology for at least ten years. The idea is simply to use population data to determine the likelihood that an individual with cancer has an "excess cancer", that is a radiation caused cancer. A cancer victim's "probability of causation" is the probability that he developed his cancer as a result of his prior exposure to a given level of ionizing radiation. The size of this "probability of causation" will vary in accordance with a number of factors such as the age, and sex of the person, his cancer, the size of his radiation dose, and the length of time between his exposure and the onset of his disease.

But, the idea of "probability of causation" can be described simply: 10 people in our hypothetical exposed population develop cancer X in a year, and 1 of these 10 developed his cancer X from a given dose of radiation. What is the probability that any one of these 10 persons has the "excess cancer"? 10 percent. Thus, all 10 persons with cancer X have, in this admittedly oversimplified scheme, a "probability of causation" of 10 percent.

9. What is the advantage of basing the award of damages upon a person's "probability of causation"?

In this imperfect world in which we cannot determine which individuals have been harmed by radiation, "probabilities of causation" can indicate who is more likely to have been harmed. If the awards are prorated relative to the "probability of causation", we will be able to get the largest awards to those people who are most likely to have been harmed.

10. Why are the radioepidemiological tables and formulas being developed by the Department of Health and Human Services important?

These tables and formulas will free the courts from dependence upon haphazardly selected epidemiological "experts". Judges are not scientists, and it is unlikely that they would become competent in radioepidemiology via the conflicting testimony in what is essentially an adversary procedure or a tort case. Ultimately, scientifically based assessments will have to be made in each case, but the range of scientific questions can and should be limited. HHS's radioepidemiological tables should represent a consensus among the best scientists in the field.

The tables will create a standard specifically tailored for liability cases. The needs of the courts in judging liability cases are different from the needs of the Nuclear Regulatory Commission in setting safety standards. Liability cases require the best possible estimates of risk; whereas, estimates that err on the side of safety are often considered suitable for the development of safety standards. Since policy makers and regulatory agencies have been preoccupied with safety standards and little thought has been given to liability cases, definitive works such as BEIR III (Biological Effects of Ionizing Radiation) have included some assumptions that would be considered questionable if one were strictly interested in making the most scientifically justifiable estimates. Existing legislation (Orphan Drug Act) requires the use of the best available science to determine the best estimates of the probabilities of causation.

The tables should give the public a realistic impression of just how carcinogenic radiation is, and just who is most likely to be at risk when exposed to radiation. The tables will indicate which cancers are more and which cancers are less likely to develop from radiation exposure. For a person who has a cancer and who has been exposed to ioniz-

ing radiation, the tables will provide a good indication of how good that person's case is.

11. If a cancer victim who had received a 5 rem dose of ionizing radiation is found to have a "probability of causation" of 10 percent, does that mean that everyone who has received the same 5 rem dose has a 10 percent chance of developing the same cancer?

No. A "probability of causation" is the likelihood that a cancer victim developed his cancer from a given amount of radiation; it is not the likelihood that a given dose will cause cancer in a given individual. For example, 5 rem may cause cancer in 1 of 100,000 people and 9 of the same cancer may occur "naturally" in the same population. If all 100,000 people are exposed to 5 rem, one might expect 10 cases of this cancer with each of the cancer victims having a 10 percent "probability of causation" . . . that is there is 1 chance in 10 that any one of the 10 cancer victims has the cancer caused by the 5 rem, or put differently, there is 1 chance in 10 that any one of the 10 cancer victims is the 1 person in 100,000 to get the cancer from the 5 rem of ionizing radiation!! The "probability of causation" figure in entirely different and always much higher than an "absolute risk" figure.

12. If 500 people win damages under this legislation, does this imply that the federal government caused cancer in 500 people?

No. Damages will be paid to persons who demonstrate at least a 10 percent "probability of causation" as a result of their exposure to the Nevada fallout, uranium mining or both. One would expect only one radiation cancer among ten persons with 10 percent "PC"s. and one radiation cancer between two persons with 50 percent "PC"s. Since damages are being paid to every plaintiff who has a "PC" between 10 percent and 100 percent, one would expect that at least several times the number of people actually harmed will be compensated. The legislation is designed to accomplish just this end.

13. In some instances making awards to people with at least a 10 percent "probability of causation" will result in a situation in which a person receives damages who has received a radiation dose that is allowable under current Environmental Protection Standards. Would this result lead inexorably to a tightening of these safety standards to a point where the nation's civilian and military nuclear programs would not be able to function?

No. First of all, it is unclear what is meant by "compensation that is associated with doses that are allowable under current safety standards". These standards allow an occupational exposure of 3 rem a quarter of 12 rem a year. A person who works in a nuclear industry for 20 years is thus allowed a cumulative dose of 240 rem! This is hardly a low level dose. Even a 5 rem a year limit, which is the current de facto limit for the nuclear industry, 20 years of such exposure would yield a cumulative dose of 100 rem. Can this legislation be faulted because it allows compensation for cancer victims who have received less than 240 or 100 rems? It should be realized that a great many cancer victims who have been exposed to 240 or 100 rems would have above a 50 percent "probability of causation", that is the likelihood that their radiation exposure caused their cancers would be in excess of 50 percent.

What about compensation for doses that are in excess of the yearly dose limits? For occupational exposure, the formal EPA limit is 12 rems; whereas a consensus has centered on a 5 rem a year occupational limit. Certainly, it would be a rare event for 5 rem or even 12 rem to cause a cancer. But, rare events do occur, especially when the people who have been occupationally exposed to ionizing radiation number in the millions. Compensating even several times the few people who have developed cancer from these very low doses should still not amount to many people, considering the large numbers of persons who have been exposed occupationally.

Compensation for these relatively few cancer victims could pose no problem to the safety standard regarding radiation exposure unless it is presumed that these standards should be so strict that no risk is possible. These would indeed be impossible standards. The point is that the purpose of radiation dose standards is to make working with nuclear materials relatively safe, not absolutely safe which is an impossible goal. The private and public agencies that work with these standards acknowledge that harm is done to people even when the standards are met. But, currently, the nuclear industry is considered to be about as safe as the retail trade, and understandably, this is considered safe enough.

On the other hand, it should be realized that this extraordinary safety results primarily because most nuclear workers receive far less radiation than is officially allowed. In 1975 there were over a million nuclear workers. Two thirds of them received no measurable occupational dose. The mean dose for the one third who were actually exposed was .35 rem which is no where near the 12 rem allowed. Only .15 percent of this workforce received more than 5 rem.

The January 23, 1981 edition of the Federal Register contains the following passage from the Environmental Protection Agency:

"Based on the observations, risks due to occupational exposure to radiation do not appear to be unreasonably high for the average worker. They are comparable to risks of accidental death in the least hazardous occupations. However, a worker exposed to the current maximum allowed dose year after year would sustain a substantial risk."

The following passage come from a paper by the Swedish scientist, Bo Lindell, who delivered it at the 1981 meeting of the National Council on Radiation Protection and Measurement. The passage deals with the dose limit recommendations of the International Council on Radiation Protection and epitomizes the recent change in the thinking regarding dose limits:

"The previous dose limits were seen as the upper boundaries of safe levels (the threshold thinking dominated) and were recommended as target points 'for purposes of planning and design'. It was perfectly acceptable to work up to the dose limits and there was no encouragement further to reduce doses which were already below the dose limits.

The present dose limits are rather the low boundaries of totally unacceptable levels. To be below the dose limits is not a sufficient condition for acceptability. The main recommendation is to keep all doses as low as reasonably achievable. For most workers this leads to a much safer situation than the introduction of lower dose limits without any incitement not to stay at the dose limit."

Increasingly, what is known as the ALARA principle (As Low as Reasonably Achievable) has become an axiom for specialists in radiation exposure managment. These specialists acknowledge that any level of radiation dose poses some danger, and therefore, that any dose can be justified only when there is a counterbalancing social need for the product or service in question. As the dose approaches the allowable limit, this need must be compelling.

ALARA is an implicit corollary of the current safety standards. The significance of this relationship rests in the fact that the standards are as generous as they are only because the regulators presume that relatively few nuclear workers will receive doses that approximate the limits. If substantially more workers fell into this group, the standards would likely be tightened.

There are relatively few key jobs in the civilian nuclear power industry, in the nuclear weapons program and in medicine that entail doses in excess of 5 rem a year. Apparently, it is the holders of these jobs (a subset of the 0.15 percent of the workers with a greater than 5 rem annual dose) who most concern those persons who would worry about this legislation's impact on nuclear safety standards. But, these workers are exposed to more than 5 rem a year because their work is important, and not because their doses are as safe as sitting at a desk job. That this legislation acknowledges the risks associated with these exposures should have little impact on regulators who already acknowledge these risks. The greatest threat to the jobs of these workers comes from a proposed EPA regulation that would limit lifetime occupational exposure to 100 rem. The Radiogenic Cancer Compensation Act would have little bearing on this proposed standard.

The EPA has estimated that occupational exposure to radiation in 1975 will "not lead to more than 15-36 premature cancer deaths". Realizing that the number of nuclear workers has increased over the years, if we take the lower number of 15 and multiply it by the 37 years of nuclear age, we get 555 "excess" cancer deaths—not many considering the several million people who have worked in nuclear programs. Since the method of this legislation is designed to cover several times the predicted number harmed, if this legislation were applied to the entire nuclear establishment from 1945 to the present, and if as a result, several thousand cancer victims were compensated, this would only be in keeping with the projected harm that the nuclear regulators already acknowledge. In an April 16th, 1982 letter to Santor Hatch, the Defense Nuclear Agency estimated that if the method of the Radiogenic Cancer Compensation Act were extended to cover all civilian and defense nuclear programs since 1945, several thousand people would be covered. Clearly, this legislation will not make the sky fall in on the radiation exposure standards.

Finally, it would be false and misleading to assume that this legislation would compensate people for 10 rem or 20 rem or any dose of ionizing radiation.

Just as steeplejacks do not receive workers compensation for working in high places, downwind citizens would not receive compensation for receiving fallout. Steeplejacks receive compensation when they fall, and under this legislation people will receive compensation when they can demonstrate that there is a substantial and quantified likelihood that their cancer was caused by the Nevada fallout. Most of the downwind citizens have not and will not develop cancer from the fallout. Most of the people who receive 10, 20 or even 100 rem doses will not develop cancer from these doses, just as most steeplejacks do not fall off buildings. But, when you fall, you fall. For a person to

meet the criteria for compensation set forth in the Radiogenic Cancer Compensation Act, there must be a confluence of rare events: the person must have received a much higher than average dose from the fallout; in most cases, he must have been young when he received this dose; and in most cases, he must have a relatively rare cancer. If the scientists can discern those relatively few people who are most likely to have fallout generated cancer, these victims should be compensated.

14. What kind of precedent might this legislation establish for other cases involving liability for radiation exposure and for cases involving environmental toxins other than ionizing radiation?

The radioepidemiological method can be applied to all cases in which it is alleged that ionizing radiation has caused cancer and in which doses can be estimated. The notion of prorated damages is also applicable to other radiation/cancer liability cases, althought it should be noted that this legislation does not require any prorating of an atomic veteran's service connected disability benefits. In fact, the Radiogenic Cancer Compensation Act has been designed specifically to attend to specific damages caused by the federal government early in the atomic era, i.e. damages to the downwind citizens, uranium miners and atomic veterans. This legislation is not intended for greater application. . . . However, if its methods were broadly applied, the results would likely be beneficial to both our nuclear programs and to radiogenic cancer victims. Most scientists believe that relatively few people have been harmed. To compensate several times this number would not be too expensive and might be a good deal all around. All of our nuclear programs are currently operating under a cloud of public mistrust, in large measure because the public realizes that harm is done by ionizing radiation, but has no means of putting this harm in perspective. The harm has rarely been acknowledged in the tangible form of compensation for victims. A proper method of judging radiation/cancer liability cases would educate the public, through the results, regarding the scope of the risk and harm, and regarding the types of cancer and the types of cancer victims that are associated with exposure to ionizing radiation. A proper compensation scheme would alleviate some of the urgency over safety standards. There is a crying need for a proper precedent. The Radiogenic Cancer Compensation Act contains what is currently the only feasible means for judging the merits of radition/cancer liability cases. A precedent is literally something that "precedes", and surely, it is important that a bill the Radiogenic Cancer Compensation Act "precedes" a general solution to the dilemma of radiogenic cancer liability.

For the foreseeable future, the method of the Radiogenic Cancer Compensation Act cannot be applied to cases involving toxins other than ionizing radiation and cigarettes, nor can it even be applied to cases involving damages from radiation other than cancer. For benzene, asbestos, DDT, PCB, Agent Orange and all the rest, people cannot be compensated for more or less than a 50 percent "probability of causation" of harm, because these probabilities cannot be determined regarding these other toxins. No one can be compensated for a 20 percent probability of harm from Agent Orange, since no one can determine who has this 20 percent probability! This legislation's method requires extensive data on the health effects of various doses without which one cannot determine who has what probability of harm. Reasonably credible dose estimates are also necessary, and the risks associated with doses should be cumulative. For the most part, the other toxins do not qualify for a "probability of causation" method because the science regarding them is insufficiently advanced. The science regarding the cancer effects of radiation is far better developed for two reasons: (a) Exposure to manmade radiation has been a widely experienced phenomenon; (b) The cancer effects of ionizing radiation have been extensively studied due to the global preoccupation with nuclear hazards since 1945. The Federal government alone has spent over $2 billion to study the health effects of ionizing radiation. But, a lack of money and attention are not the only problems regarding the other toxins, the effects of some of them are harder to discern, and some of them have been visited upon only a relatively few persons.

S. 921

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 "Radiogenic Cancer Compensation Act of 1983".

DEFINITIONS

SEC. 2. For purpose of this Act the term—

(1) "individual" means any person who resided within the United States or its territories during any one of the open air atomic bomb tests that were conducted at the Nevada Test Site between January 1, 1951, and July 31, 1962, or any person who worked in a uranium mine in Colorado, New Mexico, Arizona, or Utah between January 1, 1947 and December 31, 1961, who is not either currently a member of the Armed Forces or a person within the definition of section 101 (2) of title 38, United States Code, who was in active military, naval, or air service during the time such person worked in a uranium mine in Colorado, New Mexico, Arizona, or Utah between January 1, 1947 and December 31, 1961 or at the time of any test determined to make such person otherwise eligible for an award of damages pursuant to the provisions of this Act;

(2) "radiation related cancer" means any form or type of malignant neoplasm in humans which the Secretary, pursuant to section 7 of the Orphan Drug Act (Public Law 97-414), determines has been scientifically demonstrated to be positively correlated with the exposure of a human population to any level of ionizing radiation, including lung cancer demonstrated to be positively correlated with the exposure of uranium miners to uranium;

(3) "probability of causation" means the likelihood, determined in accordance with the science of radioepidemiology and expressed as a percentage, that an individual with a radiation related cancer, whose organ or organs wherein such cancer developed received a dose of ionizing radiation prior to the onset of such cancer, developed such cancer as a result of such dose;

(4) "dose" means the amount of ionizing radiation received by a person's organ or organs wherein a radiation related cancer developed;

(5) "individual dose" means the best estimate of the dose from fallout, including rainout, from the open air atomic bomb tests that were conducted at the Nevada Test Site from January 1, 1951, to July 31, 1962, and from uranium mining as received by individuals who worked in a uranium mine in Colorado, New Mexico, Arizona, or Utah between January 1, 1945 and December 31, 1961, received via any route by an individual's organ or organs wherein a radiation related cancer developed;

(6) "individual's probability of causation" means the percentage that is determined using that formula from the compilation of formulas developed pursuant to section 7 of the Orphan Drug Act (Public Law 97-414) that is applicable to the individual according to the relevant facts that he has established, and using as the value for the dose the individual does that he has established that he received;

(7) "Secretary", unless otherwise specified, means the Secretary of Health and Human Services;

(8) "uranium miner" means a person who worked in a uranium mine in Colorado, New Mexico, Arizona, or Utah between January 1, 1947, and December 31, 1961;

(9) "veteran" shall have the same meaning as such term is given in section 101 (2) of title 38 of the United States Code;

(10) "active military, naval, or air service" shall have the same meaning as such term is given in section 101 (24) of title 38 of the United States Code;

(11) "current member of the Armed Forces" means a person in active military, naval or air service as defined in title 38 of the United States Code;

(12) "former member of the Armed Forces" means a veteran as such term is defined herein; and

(13) "service-connected" shall have the same meaning as such term is given in section 101 (16) of title 38 of the United States Code.

STANDING

SEC. 3. A civil action may be instituted in an appropriate United States district court against the United States pursuant to the provisions of this Act by or on behalf of—

(1) any individual, as defined in this Act, who has or has had a radiation related cancer that was diagnosed after January 1, 1952, or any individual who was a uranium miner who has or has had such cancer that was diagnosed after January 1, 1948; or

(2) the estate of a deceased individual who had a radiation related cancer that was diagnosed after January 1, 1952, or any individual who was a uranium miner had such cancer that was diagnosed after January 1, 1948.

ACTIONS BY THE SECRETARY

SEC. 4. In addition to the actions required by the Secretary pursuant to section 7 of the Orphan Drug Act (Public Law 97-414), at the time such Secretary publishes the radioepidemiological tables, formulas, and methods required to be devised and published pursuant to such Act, he shall also publish a list of radiation related cancers.

ACTIONS BY THE VETERANS ADMINISTRATION

SEC. 5. (a) In carrying out the provisions of this Act, the Administrator of Veterans Affairs shall use the radioepidemiological tables, formulas, and methods developed by the Secretary pursuant to this Act and section 7 of the Orphan Drug Act (Public Law 97-414) to determine pursuant to section 6(c) whether cancer which has developed in any veteran after the discharge or release of such veteran from active military, naval or air service is due to exposure to ionizing radiation while such veteran was in active military, naval or air service. For the purposes of laws administered by the Veterans'

Administration, any disability resulting from such cancer shall be deemed to be service-connected if such veteran's probability of causation is 10 per centum or greater.

(b) As the tables, formulas, and methods developed by the Secretary are updated pursuant to the Orphan Drug Act, the Administrator shall use such updated tables, formulas, and methods for purposes of subsection (a). Notwithstanding section 4004 (b) of title 38, United States Code, for a period of ten years after the date of enactment of this Act if, by the updating of such tables, formulas or methods, a veteran's probability of causation is revised upward after the Veterans' Administration has completed such case, the Veterans' Administration has completed such case, the Veterans' Administration shall, upon a petition by or on behalf of such veteran, reopen such case and use such updated tables, formulas, and methods in redetermining such veteran's service-connected disability.

PROCEDURES

SEC. 6. (a)(1) Subject to the provisions of this section any person who has, or has had a radiation related cancer who is an individual as defined in this Act, and who is also either a current or former member of the Armed Forces, shall, as an individual, have standing to bring an action pursuant to the provisions of this Act for radiation such individual received while not a member of the Armed Forces, and, subject to the provisions of this Act, shall also have recourse for compensation through the Veterans' Administration for radiation received while such person was a member of the Armed Forces.

(2) The provisions of this section allowing a former member of the Armed Forces to maintain two actions apply only if such veteran does not use a combined dose, as provided in this section, in either action.

(b) When a current or former member of the Armed Forces files a claim for benefits under the laws administered by the Veterans' Administration or files a claim for damages in an appropriate court of the United States, the Veterans' Administration shall have the authority to determine the dose that such person received while performing in active military, naval, or air service.

(c)(1) For all former members of the Armed Forces with radiation related cancer who file a claim for benefits under the laws administered by the Veterans' Administration, the Veterans' Administration shall determine the dose of radiation such person obtained by including both the dose of radiation received by such person while such person was in the Armed Forces and the dose he received as a civilian from the open air atomic bomb tests that were conducted at the Nevada Test Site between January 1, 1951, and July 31, 1962, and from working in a uranium mine in Colorado, New Mexico, Arizona, or Utah between January, 1, 1947, and December 31, 1961.

(2) In determining the claim referred to in paragraph (1), if the Veterans' Administration determines that the dose such person received as a civilian is greater than the dose such person received while in the service, the Veterans' Administration shall consider only the dose received by such person while he was in the service.

(3) In determining the claim referred to in paragraph (1), if the Veterans' Administration determines that the dose received by such person while he was in the service is larger than the dose he received as a civilian then the Veterans' Administration shall take into account the dose such person received in the service combined with the dose such person received as a civilian.

(4) Any current or former member of the Armed Forces who is aggrieved by the final determination of the Veterans' Administration regarding whether the dose received by such person while a civilian was larger or smaller than the dose such person received while a member of the Armed Forces may request an appropriate court of competent jurisdiction to make a determination. Such court shall use only the determination of the Veterans' Administration regarding what dose such person received as a member of the Armed Forces. If the court determines that the dose such person received as a civilian is smaller than the dose such person received while in the Armed Forces the Veterans' Administration shall abide by the court's finding only in determining which dose is larger. The Veterans' Administration shall, for purposes of determining the combined dose, treat the dose such person received as a civilian as the smaller dose. Notwithstanding any such determination by the court, the Veterans' Administration shall make and shall be authorized to use its determination of the size of the dose such person received as a civilian in determining the claim referred to in paragraph (1).

(d) (1) Any former member of the Armed Forces who during part of the time of the open air atomic bomb tests, or during part of the time he was a uranium miner was a member of the Armed Forces, and during another part of such time was a civilian shall have recourse for compensation through the Veterans' Administration pursuant to this section. In addition, such individual shall have standing to bring an action in an appropriate civilian court of competent jurisdiction.

(2) In any case before the court pursuant to this subsection, the court shall consider the total dose such person received combining the dose such person received as a civilian uranium miner and with the dose such person received, as a civilian, from the open air atomic bomb tests conducted at the Nevada Test Site between January 1, 1951 and July 31, 1962, as well as, subject to the provisions of this subsection, the dose such person received as a member of the Armed Forces, as determined by the Veterans' Administration.

(3) Upon a request made to the Administrator of the Veterans' Administration pursuant to section 3302 of title 38 of the United States Code, such Administrator shall provide to the court, or to any person described in this subsection who is a party to a civil action pursuant to this Act, their determination of the dose such person received while such person was in active military, naval or air service. Such determination shall be made and issued pursuant to subsection (b) of this section. The court shall have no jurisdiction to make any determination regarding the dose a current or former member of the Armed Forces received while such person was in the Armed Forces, and shall use the determination made and provided by the Veterans' Administration.

(4) If, after receiving the determination made by the Veterans' Administration regarding the dose such person received while such person was in active military, naval or air service, the court determines that the dose received by such person as a civilian is larger than the dose received while such person was in active military, naval or air service, then the court shall combine both doses received by such person for purposes of awarding damages.

(5) If the court determines that the dose received by such person while such person was in active military, naval or air service is larger than the dose such person received as a civilian, then the court shall not combine the doses for purposes of awarding compensation for damages but shall only use the dose such person received while such person was a civilian in determining damages.

DISCOVERY OF INFORMATION RELATIVE TO DOSE

SEC. 7. (a) Except as provided in subsection (b), information, data, and records which have been developed by or are under the control of any Federal agency shall be discoverable by any party to such action pursuant to the Federal Rules of Civil Procedure if such information, data, and records are significantly relevant an action initiated under this section to determine an individual dose.

(b) Before making any information, data, or records available to a party pursuant to a discovery request made under this Act, the Secretary of the agency which developed or controls the information shall delete any information that is—

(1) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy, and

(2) in fact, properly classified pursuant to such Executive order.

(c)(1) Except as provided in this subsection, upon a motion by a party to an action before the court, under this section, the court may undertake an in camera inspection of such information, data, and records exempt from discovery under this section. If the court, in its discretion determines that the request for information includes exempted and deleted information which is indispensable to a determination of such individual's dose, the court may examine the contents of exempt agency records in camera to determine whether—

(A) such information, data, and records or any part thereof are discoverable due to the agency's failure to demonstrate that the information is exempt under this section, or

(B) information, although in fact exempt under this section, demonstrates a reasonable likelihood that the dose received by the party leads to a determination of a probability of causation compensable under this Act.

(2) If the court determines by an in camera inspection of the information exempted under this section that such information demonstrates a reasonable likelihood that such individual's dose leads to a determination of probability of causation compensable under this Act, the court may determine that dose.

(3) Notwithstanding any other provision of this Act, nothing in this section shall be construed as allowing any court to make an in camera inspection of information, data or records in any action brought to determine the dose a person received while such person was in the Armed Forces.

(d) Within six months after the date of enactment of this Act, the Secretary of Energy shall prepare and publish a descriptive bibliography of the materials described in subsection (a).

AWARD OF DAMAGE

SEC. 8. (a)(1) Any individual who has brought an action, pursuant to this Act and section 7 of the Orphan Drug Act (Public Law 97-414), and who has established that he has an individual probability of causation in excess of 50 per centum shall receive

an award of damages from the United States in an amount which the court, in its discretion, deems appropriate to compensate for actual damages sustained by such individual, except that such award shall not be in excess of $500,000. Any individual who has established that he has an individual probability of causation between 10 per centum and 50 per centum shall receive an award of damages from the United States in an amount which the court deems appropriate to compensate for actual damages sustained by such individual, except that such award shall not be in excess of the product of his individual probability of causation times $500,000.

(2) In determining an individual's probability of causation the total of the radiation received from the open air atomic bomb tests and from uranium mining shall be combined and considered.

(3) Notwithstanding paragraph (1) if a claim is being brought on behalf of a deceased individual or his estate the damages to be awarded pursuant to paragraphs (1) and (2) shall not be awarded unless it is demonstrated that such individual suffered damages that are symptomatic of the cancer and were detected during such person's lifetime.

(b) (1) Except as provided in this subsection, the acceptance by the claimant of such award, compromise, or settlement shall be final and conclusive on the claimant, and shall constitute a complete release of any claim against the United States and against any employee of the Government whose act or omission gave rise to the claim, by reason of the same subject matter, however, for a period of ten years after the date of enactment of this Act if, by an updating of the Health and Human Services tables or formulas developed pursuant to section 7 of the Orphan Drug Act (Public Law 97-414), an individual probability of causation is revised upward after such case is completed, the United States shall, as the court deems appropriate, pay such individual or the estate of such individual an additional award to which such claimant would be entitled to under such updated tables except that such total award shall not exceed the amounts provided for in subsection (a).

(2) This section shall not be construed as prohibiting a person who, pursuant to this Act, may maintain an action for an award of damages based upon radiation such person received as a civilian, as well as a separate action based upon radiation such person received while in the Armed Forces, from maintaining and recovering in both actions.

(c)(1) In accordance with section 5 of this Act, in the case of any veteran who has established that his individual probability of causation of cancer is 10 per centum or greater, any disability resulting from such cancer shall be deemed to be service-connected for purposes of any law administered by the Veterans' Administration.

(2) The Administrator of the Veterans' Administration shall use the updated tables, formulas, and methods as provided in section 5.

STANDARD OF PROOF

SEC. 9. (a) For purposes of this Act, an individual must demonstrate his individual dose by a preponderance of the evidence.

(b) If in the judgment of the court an individual fails to meet the standard of proof established by subsection (a), the court may determine the individual dose based upon the evidence presented.

(c) In determining an individual dose, the court shall consider the probable dose from external exposure and also internal exposure from radioactive isotopes that have been inhaled or ingested. The court shall consider measured levels of fallout in that these measurements are valid and credible and reconstructions of dose based upon these measurements and estimates of fallout levels inferred from data developed after the individual's exposure in that those reconstructions are valid and credible. In addition, the court shall consider evidence of somatic symptoms of radiation exposure on the part of the individual following his alleged exposure to ionizing radiation, symptoms such as radiation sickness, loss of hair, or skin lesions. The credibility of scientific data and findings shall be assessed strictly on a scientific basis.

EXCLUSIVE REMEDY

SEC. 10. (a) Except as provided in this section the provisions of this Act shall be the remedy available to any individual who alleges to have cancer caused by nuclear fallout from open air nuclear bomb tests that were conducted at the Nevada Test Site between January 1, 1951, and July 31, 1962, notwithstanding any remedy provided for in section 1346, and chapter 171 of title 28, United States Code, (commonly known as the Federal Tort Claims Act). With the exception of the Federal Tort Claims Act, the right to bring a civil action pursuant to this Act, and to recover in such action, however, is in addition to and not in lieu of, any other benefit provided by any other Federal law or program providing assistance to persons with disabilities or illnesses. The filing of an action under this Act does not affect the rights of any person under any such Federal law or program, except as provided in this section.

(b)(1) Except as provided in paragraph (2), the provisions of this Act shall be the remedy available to any person who alleges to have cancer as a result of working in a uranium mine in Colorado, New Mexico, Arizona or Utah between January 1, 1947, and December 31, 1961, notwithstanding any remedy provided for in section 1346, and chapter 171 of title 28, United States Code (commonly known as the Federal Tort Claims Act). The filing of an action under this Act does not affect the rights of any person under any other Federal law or program except as provided herein.

(2) The remedy provided for in this Act shall not be available to any uranium miner described in this section who has received a workman's compensation award for cancer determined to have developed as a result of such uranium mining.

(c) The provisions of this section are not intended to preclude a current or former member of the Armed Forces from pursuing remedies available through the Veterans' Administration if such remedy is not otherwise precluded by section 6 or any other provision of law.

STATUTE OF LIMITATIONS

SEC. 11. Notwithstanding section 2401 of title 28, United States Code, any action commenced pursuant to this Act shall be barred unless such individual has commenced such action within two years after the date of enactment of this Act, or within two years after the date on which such individual is diagnosed as having radiation related cancer, whichever is later.

ATTORNEY FEES

SEC. 12. (a) No Attorney shall charge, demand, receive, or collect for services rendered pursuant to an action for damages brought in a civil court pursuant to this Act, fees in excess of 10 per centum of the first $100,000 of any judgment rendered under this Act, and 5 per centum of any excess.

(b) Any attorney who charges, demands, receives, or collects, for services rendered in connection with such claim, any amount in excess of that allowed under this section shall be required to make restitution of any such excess and may be fined not more than $5,000, or imprisoned not more than one year, or both.

INSURANCE COMPANIES

SEC. 13. An award of damages made in accordance with this Act shall not be considered as any form of compensation or reimbursement for a loss for purposes of making any individual receiving such an award liable, on the basis of such receipt, to repay such insurance company; or shall an award or claim affect any future or pending insurance claim.

CONFORMING AMENDMENTS

SEC. 14. Section 1346 of title 28, United States Code, is amended by inserting at the end thereof the following:

"(g) The district courts shall have exclusive, original jurisdiction of any civil action brought pursuant to the Radiogenic Cancer Compensation Act of 1983.".

EFFECTIVE DATE

SEC. 15. The provisions of this Act shall become effective upon the date of enactment.

Mr. HATCH. I thank the Chair.

Madam President, I ask unanimous consent that I may be permitted to proceed for such time as I may require for the purpose of making another statement.

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

EFFECTIVENESS OF U.S. DEFENSE SPENDING

Mr. HATCH. Madam President, one of the most significant issues facing this body today is the question of the effectiveness of U.S. defense spending. An endless stream of reports regarding cost overruns, mismanagement, conflicts of interest and poor performance of weapons systems has raised serious questions about our Nation's defense posture. More than ever before in our history, there is a pressing need that Congress and the American public be assured that our limited defense dollars are being spent wisely and effectively.

The public's front line of defense against wasteful and corrupt practices by defense contractors is the Defense Contract Audit Agency (DCAA), the Pentagon's audit arm. Onsite DCAA auditors report to the Secretary of Defense on all of our major weapons contracts. They should have no ax to grind. They should be oblivious to political considerations. They must be honest, professional and competent. Their only goal should be to insure that the country is getting what it is supposed to get under each defense contract. The sanctity of this auditing system is vitally important to an effective defense posture. So any tampering

with the system should be a cause for considerable concern—by the Office of the Secretary of Defense, Congress, and the American public.

Such concern has been raised by the recent treatment of George Spanton, a veteran auditor for DCAA at the site of the Pratt & Whitney Aircraft plant in Palm Beach, Fla. Mr. Spanton raised the hackles of defense industry and of his DCAA superiors last year when he wrote a report criticizing Pratt & Whitney for paying what he considered excessive labor rates under defense contracts. I am not in a position to comment on whether or not Mr. Spanton was correct in this projections, because that matter now is under study by the General Accounting Office and the House Government Operations Committee. But I do know that the treatment accorded Mr. Spanton by his DCAA superiors leaves much to be desired.

Unhappy with Mr. Spanton's report and the publicity it received from the news media, the DCAA has proposed the transfer of Mr. Spanton from Palm Beach to either Boston, Philadelphia, or the agency's headquarters here in Washington, D.C. It would appear to be a punitive transfer. Mr. Spanton has 60 days to accept the transfer or punitive action will be taken, possibly including dismissal. This is incredible to me in view of Mr. Spanton's announcement to his superiors that he plans to retire in Florida at the end of this year. The DCAA's proposal smacks of intimidation. Its message is clear to other DCAA auditors who might tangle with defense contractors in the future: Do not make waves or you will be sorry.

This message is reinforced by DCAA's acquiesence to a demand by Pratt & Whitney that it release documents only to Mr. Spanton's superiors and not to Spanton himself. That is simply not acceptable. Individual onsite auditors know more about these matters than their superiors do. They must not be circumvented if the system is to work properly.

I am happy to state that the Merit Systems Protection Board has come out tentatively in favor of Mr. Spanton. That is a step in the right direction. But I wish to see my good friend Mr. Weinberger, the Secretary of Defense, go a bit farther to make sure that the all-important DCAA audit system is working as fully and freely as it is supposed to.

Madam President, no other Member of this body is more supportive of a strong national defense than I am. So it is in the interest of a strong defense posture that I ask the Secretary of Defense to fully investigate and report back to me on the DCAA's handling of the Spanton matter and the implications it raises about the integrity of the Pentagon's audit system. I urge the Secretary to give this matter urgent priority, Madam President. Nothing less than the continued confidence of American taxpayers lies in the balance.

I thank the Chair and yield the floor.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order there will now be a period for the transaction of routine morning business for not to exceed 1 hour with statements therein limited to 10 minutes each.

TO COMPENSATE VICTIMS OF HAZARDOUS CHEMICALS

Mr. STAFFORD. Madam President, for 5 years the Congress has been struggling to formulate a means of compensating the victims of hazardous waste and other poisonous chemicals. Today, I am introducing a bill which will renew those efforts.

The bill is built in large part on the work which has gone before it. Most of its provisions were contained in S. 1480, which was introduced in the 96th Congress by Senators MUSKIE and CULVER, as well as Senators CHAFEE, RANDOLPH, and myself. S. 1480 was approved, with amendments, by the committee but its victims compensation proposals were eliminated before the bill was brought to the floor.

S. 1480 had, in its turn, been built upon the work that went into S. 2900 of the 95th Congress. It passed the Senate but died when the Congress adjourned.

We all know that legislative struggles often span not one but several Congresses. Usually, the more complex and important the task, the longer the time it takes to complete. Having already spanned three Congresses, I hope that the time has now come for a victim compensation program to become law.

The toll which hazardous wastes and toxic chemicals are taking in this Nation is growing steadily.

Sometimes only one or two persons are involved and their deaths will pass with no mention in the press. At other times, there are thousands who are threatened and their personal agonies are brought into the American homes in the living color of evening news.

But whether the victims are at Times Beach or a small chemical plant in California, the list of those who are victims of a modern chemical society grows relentlessly.

The bill which I am introducing would attempt to help these innocent victims. As I have said, most of its principles are built upon S. 1480 of the 96th Congress, which was approved by the Senate Committee on Environment and Public Works. That bill went on to become what is now commonly called the Superfund law, but without the victim compensation provisions. Those had to be dropped as the price of enacting the Superfund.

It is the provisions which were left by the roadside 2 years ago that I propose to now reincorporate into the Superfund law.

They represented good public policy 2 years ago and when measured against events since then, look even better.

Had this bill been law, there would have been no hesitation in removing the families at Times Beach from the dioxin danger zone.

Nor would the residents of Triana, Ala.—where the body levels of DDT are the highest in the world—have been without medical care.

Nor would the fishermen along the James and Hudson Rivers—to name but two of the many bodies of water closed because of poisonous chemicals—have lost their livelihood.

These are but three examples of the victims left in the wake of a modern technological and chemical society. There are many others, including the Vietnam veterans exposed to agent orange, the shipyard workers felled by asbestosis, and the many citizens of the Southwest once surrounded by the fallout from the testing of nuclear weapons.

I have heard those opposed to a system of victim compensation assert that it is an attempt to create a zero risk society.

My reply is that risk will remain, but its costs will be shifted to those who created it, not remain with the men, women, and children whose only connection to a waste is that they were poisoned by it.

The risks created by hazardous wastes and chemicals properly belong to those who create them. This bill is an attempt to assure that risk is properly placed and that victims are adequately compensated. This bill has four major provisions. They are as follows:

First, Federal cause of action. The bill creates a right of action under Federal law for persons injured by hazardous substances and wastes.

Second, a "no fault" compensation system. The bill expands the Superfund so that it can be used to compensate victims for their economic losses.

Third, liberalized statute of limitations. In some States, the statute of limitations begins running on the date a person is exposed to a toxic substance, not the date the injury occurs. The bill establishes a 6-year statute of limitations which begins running at the time of discovery rather than exposure.

Fourth, expansion and extension of the fund. The bill establishes the termination date for the tax as 1990 rather than the current date of 1985.

The bill also doubles the size of the fund to $3.2 billion rather than the current limit of $1.6 billion.

The bill also contains some proposed changes relating to the admission into evidence of animal tests, epidemiological studies and other information relating to the toxicity of chemicals. The bill would also shift the burden of going forward in a courtroom trial.

There is yet another significant change which I may propose after the Easter recess. That would be to create an independent agency to administer the Superfund law.

Frankly, I have mixed feelings as to whether the Superfund's administration should be lodged with an independent agency. On the one hand, it would minimize the possibility that the program could be tainted with politics. It might also assure that some of the law's provisions—such as those requiring the Department of Health and Human Services to establish or designate a toxic agency—would be implemented.

On the other hand, there is much to be said for having the administration of the Superfund law integrated with other pollution statutes at the Environmental Protection Agency.

There are good arguments on both sides. Which approach is correct is unclear. What is certain is that this alternative should be carefully examined because many of the law's provisions have been poorly implemented, if at all.

Madam President, I am sure there will be no lack of good ideas and suggestions regarding the direction the Congress should take in this field. For myself, I begin this process believing that the trail we blazed first with S. 2900 and followed with S. 1480 is the right one. But whatever direction we move, I hope that at long last we will come to an end this Congress.

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

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

S. 917

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 "Victim Compensation and Pollution Liability Act."

FINDINGS

SEC. 2. The Congress hereby finds that—

(1) the population of the United States is involuntarily exposed to an array of hazardous wastes and other toxic substances;

(2) many of these wastes and substances are known to cause serious illness, disease and injury including, but not limited to, cancer, birth defects, genetic mutation, behavioral abnormalities, physiological malfunctions (including malfunctions in reproduction), physical deformations, and death;

(3) an increasing number of humans are being exposed directly and indirectly to levels of such wastes and substances sufficient to cause such serious diseases, illnesses and injuries;

(4) the entire population of the United States is regularly exposed to and carries body burdens of such pollutants and poisons in small quantities;

(5) many persons who suffer disease, illness, or injury resulting from exposure are uncompensated;

(6) most persons whose risk of disease, illness or injury is increased due to exposure are uncompensated;

(7) injuries inflicted on the environment due to such pollutants and contaminants are not redressed;

(8) that those responsible for causing such illnesses, diseases, and injuries to the people and environment of the United States are often not held legally liable or otherwise responsible; and

(9) a significant reason for the lack of liability and compensation is that the current legal system contains identifiable barriers to recovery as well as remedies which are inadequate.

PURPOSES

SEC. 3. The purposes of this Act are to—

(a) Provide adequate compensation for illnesses, diseases and injuries (including injuries to natural resources) and increased risks thereof caused by releases of hazardous wastes and substances as these terms are defined herein and by the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (P.L. 96-510);

(b) Assure that the costs of such illnesses, diseases, and injuries (including injuries to natural resources) are borne by those who create or contribute to the risk; and,

(c) By so doing, encourage a higher standard of care, thereby minimizing the risk to the public and the environment posed by hazardous wastes and substances.

DEFINITIONS

(a) Section 101 of the Comprehensive Environmental Response, Compensation and Liability Act is amended as follows:

(1) In paragraph (6), by inserting "economic loss or personal" immediately before "injury";

(2) In paragraph (9), inserting "or pollutant or contaminant" following "hazardous substance";

(3) Striking paragraph (10) and renumbering subsequent subsections accordingly;

(4) In paragraph (14), striking in subparagraph (C) "but not"; and

(b) Section 104(a)(2) is amended by substituting "Act" for "section".

LIABILITY

SEC. 5. (a) Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 is amended by—

(1) inserting in subsection (a)(4) a new subparagraph (D) as follows:

"(D) all damages for economic loss or loss due to personal injury or loss of natural resources resulting from such a discharge, release, or disposal, including—

"(i) any injury to, destruction of, or loss of any real or personal property, including relocation costs;

"(ii) any loss of use of real or personal property;

"(iii) any injury to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury, destruction, or loss;

"(iv) any loss of use of any natural resources, without regard to the ownership or managment of such resources;

"(v) any loss of income or profits or impairment of earning capacity resulting from personal injury or from injury to or destruction of real or personal property or natural resources, without regard to the ownership of such property or resources;

"(vi) all out-of-pocket medical expenses, including rehabilitation costs or burial expenses, due to personal injury; and

"(vii) any direct or indirect loss of tax, royalty, rental, or net profits share revenue by the Federal Government or any State or political subdivision thereof, for a period of not to exceed one year."

(2) striking subsection (c) (1) and (2) and inserting in lieu thereof new paragraphs as follows and by redesignating subsection (c)(3) accordingly:

"(c)(1) LIABILITY FOR MEDICAL EXPENSES.—A person liable for the discharge, release, or disposal of any hazardous substance under this section shall be liable for medical expenses as defined in subsection (a)(4)(D) of this section where such expenses were incurred in the treatment of injury or disease which such discharge, release or disposal caused or to which it significantly contributed.

"(2) relevancy exclusions.—In connection with any claim for medical expenses under paragraph (1) of this subsection, the court may admit as relevant to the issue of causation evidence tending to establish that the hazardous substance in question causes or contributes to injury to disease of the sort claimed to have been suffered by the claimant, including, but without limitation, evidence indicating (A) an increase of incidence of such injury or disease in the exposed population above that which is otherwise probable, (B) results of pertinent epidemiological studies (without regard to the size of the sample), (C) results of pertinent animal studies, (D) results of pertinent tissue culture studies, (E) results of pertinent microorganism culture studies, and (F) results of laboratory or toxicologic studies.

"(3)(A) PRESUMPTION OF CAUSE.—In connection with any claim for medical expenses brought pursuant to subparagraph (1) of this subsection, where the claimant introduces evidence sufficient to enable the trier of fact to find (i) that the claimant was exposed to a hazardous substance found in a discharge, release, or disposal which the defendant caused or to which he contributed, (ii) such exposure was in a quantity or for a duration with respect to which there is a reasonable likelihood that it is sufficient to cause or significantly contribute to injury or disease of the class or type of which the claimant complains, and (iii) that there exists a reasonable likelihood that exposure to such substance causes or significantly contributes to injury or disease of the class or type which the claimant claims to have suffered, then it shall be presumed that defendant caused or significantly contributed to that infury or disease.

"(B) The presumption defined in subparagraph (A) of this paragraph affects only the burden of going forward with the presentation of the case. Nothing in this paragraph shall affect the burden of proof which shall remain with the claimant in accordance with rule 301 of the Federal Rules of Evidence."

(3) Striking subsection (i) and inserting in lieu thereof the following new subsection:

"(i) No person (including the United States, the Fund, or any State) may recover under the authority of this section, nor may any money in the Fund be used under section 111 of this Act for the payment of any

claim, for damages specified under subsection (a)(4)(D) (i), (ii), (iii), (iv), (vii), or (v) (other than for loss resulting from personal injury) of this section, nor may any money in the Fund be used under section 107(a)(4)(D) (v) or (vi) of this Act, where such damages and the release of a hazardous substance from which such damages resulted have occurred wholly before the enactment of this Act.

"(2) No person (including the United States, the Fund, or any State) may recover under the authority of this section, nor may any money in the Fund under section III of this Act for the payment of any claim, for damages specified under subsection (a)(4)(D)(vi) of this section, or under subsection (a)(4)(D)(v) of this section (for loss of income or profits or impairment of earning capacity resulting from personal injury), where the exposure of the claimant to a release of a hazardous substance has occurred wholly prior to January 1, 1977, and the claimant has discovered or has knowledge of his injury or disease prior to such date.

"(3) No person (including the United States, the Fund, or any State) may recover under the authority of this section, for damages specified under subsection (a)(4)(D)(vi) of this section, or under subsection (a)(4)(D)(v) of this section (for loss of income or profits or impairment of earning capacity resulting from personal injury), where the exposure of the claimant to a release of a hazardous substance has occurred wholly prior to January 1, 1977, but the claimant has not discovered or had knowledge of his injury or disease prior to such date.

"(4) For the purposes of this subsection, the costs of temporary of permanent relocation of residences and provision of alternative water supplies shall be deemed costs of removal and not damages specificied in subsection (a)(4)(D) of this section.

"(5) Nothing in this Act shall diminish in any way the obligations or liability of any person under any other provision of State or Federal law, including common law, for damages, injury, or loss resulting from a release of any hazardous substance or for removal or the costs of removal of such hazardous substance."

"(4) Striking subsection (j) and inserting in lieu thereof the following new subsection:

"(j) The liabilities and responsibilities of this Act may be enforced or otherwise applied both at law and equity."

"(5) Inserting a new subsection (1) as follows:

"(1) Payment of any claims, whether by the Fund or by a party liable under this section, shall be limited to those filed within six years of the time of discovery by a claimant of exposure, the resulting damage, and the causal relationship between the two."

COMPENSATION

SEC. 6. (a) Section 111 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 is amended as follows:

(1) in subsection (a)(1), following "of" inserting "damages under section 104(a)(4)(D) and";

(2)(A) in subsection (c), striking "and" at the end of paragraph (5);

(B) substituting "; and " for the period at the end of paragraph (6); and,

(C) adding new paragraphs as follows:

"(7) the reasonable costs of expert witnesses employed by claimants in actions to recover damages under section 107 of this Act, to the extent authorized by the court, and the costs of neutral expert panels which may be established in such actions by the court, sua sponte or on the motion of any party;

"(8) payment of any claim for any capital loss or loss of income by an agricultural producer or processor due to destruction or loss of value of any livestock products, any poultry or eggs, any agricultural commodities (including grain, feed, or produce), or any orchard or cropland, forestland, rangeland, or pastureland taken out of production, where such destruction or loss of value results from condemnation or restriction on use determined by a public health agency to be necessary because of contamination resulting from a release of a hazardous substance, or where such destruction or injury results directly from a release of a hazardous substance, and such release occurs or has occurred after January 1, 1974; and

"(9) payment of any claim for any capital loss or loss of income by a harvester or processor of fish or seafood due to destruction or loss of value of any fishery stock, any harvested fish or seafood, or any fish or seafood product, where such destruction or loss of value results from condemnation or restriction on use determined by a public health agency to be necessary because of contamination resulting from a release of a hazardous substance, or where such destruction or injury results directly from a release of a hazardous substance, and such release occurs or has occurred after January 1, 1978."

MISCELLANEOUS

SEC. 7. Section 115 of the Comprehensive Environmental Response Compensation, and Liability Act is amended by adding the following new sentence: "None of the authorities of sections 102, 103, 104, 105, 106, 107, 108, 111, or 112 of this Act may be delegated to any officer of a Federal agency with respect to a facility or release for which said Agency is or may be responsible."

CONFORMING AMENDMENTS

SEC. 8. (a)(1) Section 221(b)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act is amended by striking subparagraphs (D) and (E) and substituting the following:

"(D) 1984, $88,000,000

"(E) 1985, $88,000,000

"(F) 1986, $88,000,000

"(G) 1987, $88,000,000

"(H) 1988, $88,000,000

"(I) 1989, $88,000,000, and

"(J) 1990, $88,000,000 plus an amount equal to so much of the aggregate amount authorized to be appropriated under subparagraphs (D) through (J) as has not been appropriated before October 1, 1989.".

(2) Section 223(b) of such Act is amended by striking "next 5 fiscal years" and substituting "next ten fiscal years after the date of the enactment of this Act".

(3) Section 303 of such Act is amended to read, "Unless reauthorized by the Congress, the authority to collect taxes conferred by this Act shall terminate on September 30, 1990."

(b) Section 4611(d) of the Internal Revenue Code of 1954 is amended by—

(1) striking "1985" and substituting "1990";

(2) striking "1983" and substituting "1988"; and,

(3) striking "1984" and substituting "1989";

(4) striking "$900,000,000" and substituting "1,800,000,000"; and,

(5) striking "500,000,000" and substituting "1,000,000,000".

PRIVATE PENSION REFORM ACT OF 1983

Mr. HATFIELD. Madam President, today I am joined by Senator EDWARD KENNEDY in introducing legislation which will make much-needed reforms in private pensions. The language of this legislation has also been incorporated in the Economic Equity Act (S. 888), which was recently introduced by myself and Senators DAVE DURENBERGER and BOB PACKWOOD.

It is no secret to the older woman that she is now a member of the fastest-growing poverty group in America. In fact, some 81 percent of women over 65 not residing with relatives live below the poverty line. Inequities in pension laws are part of the reason for that dismal statistic.

Under private pension systems, women are penalized if they leave the labor force to rear children and/or if they divorce. Because employed women tend to be young, work part-time or part-year, are concentrated in sales and service jobs, and interrupt their service for family obligations, most working women receive no pension coverage. In fact, only 21 percent of women workers are covered by pension plans, compared to 49 percent of men. And just 13 percent of all working women actually receive their pension benefits.

The 1974 Employees Retirement Income Security Act (ERISA) was passed to insure that workers who participate in pension programs receive the benefits for which they are eligible. While the law contains significant improvements for pension recipients by providing minimum standards for participation, vesting, funding, and administration of pension plans, it fails to address the differing needs of women.

Women in the 20 to 24 age bracket have the highest labor force participation rate among women—68.3 percent in 1978, projected to increase to 76.8 percent by 1985. Yet, existing pension law fails to take into account the fact that women enter the labor force at an earlier age than men. The existing law requires employees with qualified plans to allow an employee to participate in the pension plan on the latter of two dates: the day the employee reaches age 25 or the day the employee completes 1 year of service. An employee who begins work at age 18, for example, must work a minimum of 7 years with the same employer before acquiring the right of pension participation. Conversely, one who enters the labor force at 24 must work only 1 year for the same right.

The legislation being introduced today would lower the minimum age of participation in pension plans from 25 to 21. This would have a dramatic impact on women's ability to insure adequate pension coverage.

Because of inequities that employed women face in the pension system or in careers as homemakers, most women are largely dependent on their spouse's pension to insure adequate retirement income. But survivor's annuities pay only if a set of conditions are met, taking into account marital status, retirement age, and age of death. Because these conditions must be met, only 5 to 10 percent of surviving spouses actually receive the benefits, according to the National Women's Political Caucus.

Current law requires private pension plans to offer optional joint and survivor annuities. There is no requirement, however, that the spouse be consulted or even informed of the wage earner's decision to terminate the survivor benefit. Because benefits under the joint plan are lower in order to compensate for the survivor annuity, many workers opt for the single annuity and thus fail to provide for the spouse.

Under the proposed pension reform legislation, the joint and survivor option will be automatic unless both spouses agree in writing not to elect the joint and survivor option.

Another provision of the bill requires that a survivor's benefit shall be paid to the participant's spouse, if the participant is vested and dies before retirement. This annuity shall not be less than the amount the survivor would have received if the vested participant had died after retirement. Currently, if a participant dies before he retires, the survivor benefit can be withdrawn by the insurance company. Many women suffer tremendously because of this law.

A similar provision concerns survivor benefits in a nonaccidental death. The law presently states that if a participant in a pension plan dies from a nonaccidental death within 2 years of his joint and survivor election, those survivor benefits can be denied. The proposed legislation eliminates this 2-year waiting period rule and guarantees that survivors receive their benefits.

Many women take extended "breaks in service" from a particular job in order to tend to family responsibilities. Even if they return to the same job they lose pension credits which they had accumulated before leaving. Today, over 50 percent of mothers work outside the homes, as compared to 8 percent in 1940. As the percentage of mothers in the labor force rises, the issue of pension rights becomes paramount. This portion of the bill would modify breaks-in-service rules to give 20 hours per week credit for up to 1 year of employer-approved maternity or paternity leave, provided the worker returns to his/her job.

A final provision recognizes marriage as an economic partnership and establishes pensions as a legitimate property right. A similar protection was granted to spouses and former spouses under the 1965 amendment to the Social Security Act.

The President's Commission on Pension Policy report noted that the existence of one pension benefit often was the difference between poverty and nonpoverty in the elderly. Of the elderly poor, 72 percent are unmarried women; that is, single, widowed, separated, or divorced. It is time we end this needless suffering under the weight of inequitable pension laws. I hope that the administration and Congress will grasp the urgent need for pension reforms and take positive action on this legislation.

PRIVATE PENSION REFORM ACT OF 1983

Mr. KENNEDY. Madam President, I am pleased to join with Senator HATFIELD in introducing the Private Pension Reform Act of 1983. The provisions of this bill are embodied in the Economic Equity Act, a comprehensive package of legislation which marks a critical beginning to our efforts to eliminate economic discrimination for all women. Congresswoman GERALDINE FERRARO has introduced identical pension legislation in the House of Representatives.

In 1974, Congress enacted the Employment Retirement Income Security Act (ERISA), the first law providing comprehensive protection for workers who participate in private pension programs. While ERISA significantly improved the operation in that system, the law did not adequately address the special needs of women.

As recently as 1980, no more than 10 percent of women age 65 or over were receiving private pensions, while 27 percent of men in this age group were receiving benefits. The median payment received by women was less than half of that received by men.

These disparities reflect the differing employment patterns of men and women. Often, women begin work at a younger age than men; they work part time or part year; they are concentrated in sales and service jobs; and they interrupt their careers for family obligations. As a result, they frequently do not qualify for pension benefits.

For this reason, too many women must depend on their spouse's pension to insure adequate retirement income. Yet current rules on the right of a survivor or nonworking spouse to receive benefits are so strict that all too often, women are denied pension income.

The Private Pension Reform Act addresses each of these problems:

Under ERISA, employers do not have to provide pension coverage for their employees until they reach age 25. Since the highest labor force participation rate by women occurs between the ages of 20 to 24, this policy may leave women workers without pension protection for a major portion of their careers. Our bill lowers the minimum age requirement from 25 to 21, so that women—and all workers—may participate in pension plans and accrue benefits continuously from age 21.

Family responsibilities often interrupt women's working careers. Yet under current law they may lose all their accumulated pension credits, even if they subsequently return to the same job. In order to correct this inequity, the bill amends ERISA to provide full pension credits for up to 1 year of maternity leave.

Although ERISA requires employers to offer joint and survivor annuities, there is no requirement that a spouse be consulted or even informed of a wage earner's decision to reject the survivor benefit. Earned pension benefits may also be forfeited if the wage earner dies before retirement or within 2 years of electing to provide a survivor benefit for his spouse. These harsh rules have caused needless suffering for thousands of women who have no other source of income. To correct this manifest injustice, our pension bill makes survivor protection automatic for married couples, unless both spouses consent in writing to waive the option. These amendments will guarantee that a husband's pension cannot be unfairly denied to his wife and family.

ERISA also prohibits the assignment of workers' pension benefits. Our bill provides a limited exception to this rule, so that State courts in divorce proceedings may consider pension credits earned during a marriage.

The pension reforms we introduce today are sensible and fair. But more than that, it is essential that these reforms be enacted into law. The passage of ERISA in 1974 was an historic milestone in bringing fairness to our pension laws. But it is now clear that ERISA itself must be reformed to insure that women share fully in its protection. Let us work together to guarantee basic pension protection for all Americans, women as well as men.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 918

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Private Pension Reform Act of 1983".

SEC. 2. JOINT AND SURVIVOR ANNUITY REQUIREMENTS.

(a) AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) SURVIVOR ANNUITY REQUIREMENTS WITHOUT ELECTION.—

(A) IN GENERAL.—Section 205 of the Employee Retirement Income Security Act of 1974 (relating to joint and survivor annuity

requirement) (29 U.S.C. 1055) is amended by striking out subsections (b) and (c) and inserting in lieu thereof the following new subsection:

"(b)(1) A plan which provides that the normal form of benefit is an annuity shall not be treated as satisfying the requirements of this section unless the plan provides, with respect to any participant described in paragraph (2), a survivor annuity for the participant's surviving spouse (if such spouse is living on the survivor annuity starting date)—

"(A) which begins on the survivor annuity starting date and continues for the life of such spouse, and

"(B) the payments under which are not less than the payments which would have been made under the survivor annuity to which such spouse would have been entitled if the participant had terminated employment on his date of death, had survived and retired on the survivor annuity starting date, and had died on the day following such date.

"(2) A participant referred to in paragraph (1) is described in this paragraph if the participant—

"(A) dies before an annuity starting date under the plan with respect to the participant, and

"(B) is credited under the plan with at least 10 years of service for purposes of determining under section 203 nonforfeitable rights to accrued benefits.".

"(B) SURVIVOR ANNUITY STARTING DATE.—SECTION 205(g) of such Act (29 U.S.C. 1055(g)) is amended by adding at the end thereof the following new paragraph:

"(4) The term 'survivor annuity starting date' means, in connection with a participant who dies before an annuity starting date under the plan with respect to the participant—

"(A) the date which would be the participant's annuity starting date if the participant had retired, prior to death, on the date on which the participant would have attained the earliest retirement age under the plan,

"(B) the date of death of the participant (if later than the date specified in subparagraph (A)), or

"(C) any other date, subsequent to the dates specified in subparagraphs (A) and (B), selected by the participant's surviving spouse in accordance with plan procedures, except that such date may not be later than the date on which the participant would have attained normal retirement age under the plan had the participant lived to such date.".

(C) CONFORMING AMENDMENT.—Section 205(d) of such Act (29 U.S.C. 1055(d)) is amended by striking out "(whether or not an election has been made under subsection (c))".

(D) DIVORCES AFTER ANNUITY STARTING DATE.—Section 205(d) of such Act is further amended by adding at the end thereof the following new sentence: "In the case of an individual who was the spouse of the participant on the annuity starting date and who survives the participant, a plan shall not be treated as satisfying the requirements of this section unless the plan treats such individual as if such individual were the spouse of the participant on the date of death of the participant (whether or not divorced after the annuity starting date).".

(2) REQUIREMENTS FOR ELECTION NOT TO TAKE JOINT AND SURVIVOR ANNUITY.—Subsection (e) of section 205 of such Act (29 U.S.C. 1055(e)) is amended to read as follows:

"(e) A plan shall not be treated as satisfying the requirements of this section unless, under the plan—

"(1) each participant has a reasonable period (as prescribed by the Secretary of the Treasury by regulations) before the annuity starting date during which the participant may elect in writing (after such participant has received a written explanation of the terms and conditions of the joint and survivor annuity and the effect of an election under this subsection) not to take such joint and survivor annuity, and

"(2) such an election will not be effective unless the spouse of the participant (as of the time such election is made) consents in writing to such an election and such consent is witnessed by a plan representative or a notary public.".

(3) REPEAL OF ALLOWANCE FOR DELAYED EFFECTIVE DATE FOR ELECTION.—Subsection (f) of section 205 of such Act (29 U.S.C. 1055(f)) is repealed.

(4) CONFORMING AMENDMENT.—Section 205(h) of such Act (29 U.S.C. 1055(h)) is amended by striking out "under an election made under subsection (c)".

(5) SURVIVOR'S BENEFIT ELECTION FOR CERTAIN PARTICIPANTS.—Section 205(i) of such Act (29 U.S.C. 1055(i)) is amended to read as follows:

"(i)(1) Except as provided in paragraph (2), this section shall apply only if—

"(A) the annuity starting date did not occur before the effective date of this section, and

"(B) the participant was an active participant in the plan on or after such effective date.

"(2) A plan shall not be treated as satisfying the requirements of this section unless the plan provides that any participant who is not a participant described in paragraph (1)(B) may elect to receive benefits in the form of a joint and survivor annuity if such election takes place before the annuity starting date.".

(b) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1954.—

(1) SURVIVOR ANNUITY REQUIREMENTS WITHOUT ELECTION.—

(A) IN GENERAL.—Paragraph (11) of section 401(a) of the Internal Revenue Code of 1954 (relating to qualified pension, profit-sharing, and stock-bonus plans) is amended by striking out subparagraphs (B) and (C) and inserting in lieu thereof the following new subparagraph:

"(B)(i) A plan which provides that the normal form of benefit is an annuity shall not be treated as satisfying the requirements of this paragraph unless the plan provides, with respect to any participant described in clause (ii), a survivor annuity for the participant's surviving spouse (if such spouse is living on the survivor annuity starting date)—

"(I) which begins on the survivor annuity starting date and continues for the life of such spouse, and

"(II) the payments under which are not less than the payments which would have been made under the survivor annuity to which such spouse would have been entitled if the participant had terminated employment on his date of death, had survived and retired on the survivor annuity starting date, and had died on the day following such date.

"(ii) A participant referred to in clause (i) is described in this clause if the participant—

"(I) dies before an annuity starting date under the plan with respect to the participant, and

"(II) is credited under the plan with at least 10 years of service for purposes of determining under section 411 nonforfeitable rights to accrued benefits.".

(B) SURVIVOR ANNUITY STARTING DATE.—Subparagraph (G) of section 401(a)(11) of such Code is amended—

(i) in clause (ii), by striking out "and";

(ii) in clause (iii), by striking out "participant." and inserting in lieu thereof "participant, and"; and

(iii) by adding at the end thereof the following new clause:

"(iv) the term 'survivor annuity starting date' means, in connection with a participant who dies before an annuity starting date under the plan with respect to the participant—

"(I) the date which would be the participant's annuity starting date if the participant had retired, prior to death, on the date on which the participant would have attained the earliest retirement age under the plan,

"(II) the date of death of the participant (if later than the date specified in subclause (I)), or

"(III) any other date, subsequent to the dates specified in subclauses (I) and (II), selected by the participant's surviving spouse in accordance with plan procedures, except that such date may not be later than the date on which the participant would have attained normal retirement age under the plan had the participant lived to such date.".

(C) CONFORMING AMENDMENT.—Subparagraph (D) of section 401(a)(11) of such Code is amended by striking out "whether or not an election described in subparagraph (C) has been made under subparagraph (C))".

(D) DIVORCES AFTER ANNUITY STARTING DATE.—Subparagraph (D) of section 401(a)(11) of such Code is further amended by adding at the end the following new sentence: "In the case of an individual who was the spouse of the participant on the annuity starting date and who survives the participant, a plan shall not be treated as satisfying the requirements of this paragraph unless the plan treats such individual as if such individual were the spouse of the participant on the date of death of the participant (whether or not divorced after the annuity starting date).".

(2) REQUIREMENTS FOR ELECTION NOT TO TAKE JOINT AND SURVIVOR ANNUITY.—Subparagraph (E) of section 401(a)(11) of such Code is amended to read as follows:

"(E) A plan shall not be treated as satisfying the requirements of this paragraph unless, under the plan—

"(i) each participant has a reasonable period (as prescribed by the Secretary by regulations) before the annuity starting date during which the participant may elect in writing (after such participant has received a written explanation of the terms and conditions of the joint and survivor annuity and the effect of an election under this subsection) not to take such joint and survivor annuity, and

"(ii) such an election will not be effective unless the spouse of the participant (as of the time such election is made) consents in writing to such an election and such consent is witnessed by a plan representative or a notary public.".

(3) REPEAL OF ALLOWANCE FOR DELAYED EFFECTIVE DATE FOR ELECTION.—Subparagraph (F) of section 401(a)(11) of such Code is repealed.

(4) SURVIVOR'S BENEFIT ELECTION FOR CERTAIN PARTICIPANTS.—Subparagraph (H) of

section 401(a)(11) of such Code is amended to read as follows:

"(H)(i) Except as provided in clause (ii), this paragraph shall apply only if—

"(I) the annuity starting date did not occur before the effective date of this section, and

"(II) the participant was an active participant in the plan on or after such effective date.

"(ii) A plan shall not be treated as satisfying the requirements of this paragraph unless the plan provides that any participant who is not a participant described in clause (i)(II) may elect to receive beneifts in the form of a joint and survivor annuity if such election takes place before the annuity starting date.".

(c) EFFECTIVE DATES.—

(1) Except as provided in paragraph (2), the amendments made by this section shall apply with respect to plan years beginning more than one year after the date of the enactment of this Act.

(2) The amendments made by subsections (a)(5) and (b)(4) shall take effect on the date of the enactment of this Act.

SEC. 3. PROHIBITION AGAINST ASSIGNMENT OF BENEFITS NOT TO APPLY IN DIVORCE, ETC., PROCEEDINGS.

(a) AMENDMENT OF THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Subsection (d) of section 206 of the Employee Retirement Income Security Act of 1974 (relating to form and payment of benefits) (29 U.S.C. 1056(d)) is amended by adding at the end thereof the following new paragraph:

"(3) Paragraph (1) shall not apply in the case of a judgment, decree, or order (including an approval of a property settlement agreement) relating to child support, alimony payments, or marital property rights, pursuant to a State domestic relations law (whether of the common law or community property type), which—

"(A) creates or recognizes the existence of an individual's right to receive all or a portion of the benefits to which a participant or a participant's designated beneficiary would otherwise be entitled under a pension plan,

"(B) clearly identifies such participant, the amount or percentage of such benefits to be paid to such individual, the number of payments to which such judgment, decree, or order applies, and the name and mailing address of such individual, and

"(C) does not require such plan to alter the effective date, timing, form, duration, or amount of any benefit payments under the plan or to honor any election which is not provided for under the plan or which is made by a person other than a participant or beneficiary."

(b) AMENDMENT OF THE INTERNAL REVENUE CODE OF 1954.—Paragraph (13) of section 401(a) of the Internal Revenue Code of 1954 (relating to qualified pension, profit-sharing, and stock bonus plans) is amended by adding at the end thereof the following new sentence: "The preceding provisions of this paragraph shall not apply in the case of any judgment, decree, or order pursuant to a State domestic relations law (whether of the common law or community property type) if such judgment, decree, or order is described in section 206(d)(3) of the Employee Retirement Income Security Act of 1974."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 4. EXEMPTION FROM ERISA PREEMPTION FOR JUDGMENTS, DECREES, AND ORDERS PURSUANT TO STATE DOMESTIC RELATIONS LAW.

(a) GENERAL RULE.—Section 514(b) of the Employee Retirement Income Security Act of 1974 (relating to exemptions from preemption) (29 U.S.C. 1144(b)) is amended by adding at the end thereof the following new paragraph:

"(7) Subsection (a) shall not apply with respect to any judgment, decree, or order pursuant to a State domestic relations law (whether of the common law or community property type) if such judgment, decree, or order is described in section 206(d)(3).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 5. LOWERING OF AGE LIMITATION FOR MINIMUM PARTICIPATION STANDARDS.

(a) AMENDMENT OF EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Subparagraphs (A)(i) and (B)(ii) of section 202(a)(1) of the Employee Retirement Income Security Act of 1974 (relating to minimum participation standards) (29 U.S.C. 1052(a)(1)(A)(i) and (B)(ii)) are each amended by striking out "25" and inserting in lieu thereof "21".

(b) AMENDMENT OF INTERNAL REVENUE CODE OF 1954.—Subparagraphs (A)(i) and (B)(ii) of section 410(a)(1) of the Internal Revenue Code of 1954 (relating to minimum participation standards) are each amended by striking out "25" and inserting in lieu thereof "21".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning more than ninety days after the date of the enactment of this Act.

SEC. 6. COUNTING YEARS OF SERVICE AFTER AGE 21 FOR VESTING.

(a) AMENDMENT OF EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 203(b)(1)(A) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(b)(1)(A)) is amended by striking out "22" and inserting in lieu thereof "21".

(b) AMENDMENT OF INTERNAL REVENUE CODE OF 1954.—Section 411(a)(4)(A) of the Internal Revenue Code of 1954 (relating to minimum vesting standards) is amended by striking out "22" and inserting in lieu thereof "21".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning more than 90 days after the date of the enactment of this Act.

SEC. 7. CONTINUATION OF BENEFIT ACCRUALS WHILE THE EMPLOYEE IS ON APPROVED MATERNITY OR PATERNITY LEAVE.

(a) Amendment of Employee Retirement Income Security Act of 1974.—

(1) MINIMUM PARTICIPATION STANDARDS.—Subsection (b) of section 202 of the Employee Retirement Income Security Act of 1974 (relating to minimum participation standards) (29 U.S.C. 1052(b)) is amended by adding at the end thereof the following new paragraph:

"(5)(A) For purposes of this section, for each week of an approved maternity or paternity leave of an employee, the employee shall be deemed to have performed 20 hours of service for the employer.

"(B) For purposes of subparagraph (A), the term 'approved maternity or paternity leave' means any period (not to exceed 52 weeks) during which the employee is absent from work if—

"(i) such absence is by reason of pregnancy or the birth of a child of the employee or for purposes of caring for a child of the employee, and

"(ii) such absence is approved by the employer.

"(C) Subparagraph (A) shall not apply unless the employee continues to perform service for the employer after the end of the appoved maternity or paternity leave or offers to do so but is not reemployed by the employer.".

(2) MINIMUM VESTING STANDARDS.—Subsection (b) of section 203 of such Act (relating to minimum vesting standards) (29 U.S.C. 1053(b)) is amended—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph:

"(4)(A) For purposes of this section, for each week of an approved maternity or paternity leave of an employee, the employee shall be deemed to have performed 20 hours of service for the employer.

"(B) For purposes of subparagraph (A), the term 'approved maternity or paternity leave' means any period (not to exceed 52 weeks) during which the employee is absent from work if—

"(i) such absence is by reason of pregnancy or the birth of a child of the employee or for purposes of caring for a child of the employee, and

"(ii) such absence is approved by the employer.

"(C) Subparagraph (A) shall not apply unless the employee continues to perform service for the employer after the end of the approved maternity or paternity leave or offers to do so but is not reemployed by the employer.".

(3) BENEFIT ACCRUAL REQUIREMENTS.—Section 204 of such Act (relating to benefit accrual requirements) (29 U.S.C. 1054) is amended—

(A) by redesignating subsection (h) as subsection (i); and

(B) by inserting after subsection (g) the following new subsection:

"(h)(1) For purposes of this section, for each week of an approved maternity or paternity leave of an employee, the employee shall be deemed to have performed 20 hours of service for the employer.

"(2) For purposes of paragraph (1), the term 'approved maternity or paternity leave' means any period (not to exceed 52 weeks) during which the employee is absent from work if—

"(A) such absence is by reason of pregnancy or the birth of a child of the employee or for purposes of caring for a child of the employee, and

"(B) such absence is approved by the employer.

"(3) Paragraph (1) shall not apply unless the employee continues to perform service for the employer after the end of the approved maternity or paternity leave or offers to do so but is not reemployed by the employer.".

(b) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1954.—

(1) MINIMUM PARTICIPATION STANDARDS.—Subsection (a) of section 410 of the Internal Revenue Code of 1954 (relating to minimum participation standards) is amended by adding at the end thereof the following new paragraph:

"(6) APPROVED MATERNITY OR PATERNITY LEAVE.—

"(A) IN GENERAL.—For purposes of this section, for each week of an approved maternity or paternity leave of an employee, the employee shall be deemed to have performed 20 hours of service for the employer.

"(B) APPROVED MATERNITY OR PATERNITY LEAVE DEFINED.—For purposes of subparagraph (A), the term 'approved maternity or paternity leave' means any period (not to exceed 52 weeks) during which the employee is absent from work if—

"(i) such absence is by reason of pregnancy or the birth of a child of the employee or for purposes of caring for a child of the employee, and

"(ii) such absence is approved by the employer.

"(C) SERVICE REQUIREMENT AFTER THE LEAVE.—Subparagraph (A) shall not apply unless the employee continues to perform service for the employer after the end of the approved maternity or paternity leave or offers to do so but is not reemployed by the employer."

(2) MINIMUM VESTING STANDARDS.—Subsection (d) of section 411 of such Code (relating to minimum vesting standards) is amended by adding at the end thereof the following new paragraph:

"(7) APPROVED MATERNITY OR PATERNITY LEAVE.—

"(A) IN GENERAL.—For purposes of this section, for each week of an approved maternity or paternity leave of an employee, the employee shall be deemed to have performed 20 hours of service for the employer.

"(B) APPROVED MATERNITY OR PATERNITY LEAVE DEFINED.—For purposes of subparagraph (A), the term 'approved maternity or paternity leave means any period (not to exceed 52 weeks) during which the employee is absent from work if—

"(i) such absence is by reason of pregnancy or the birth of a child of the employee or for purposes of caring for a child of the employee, and

"(ii) such absence is approved by the employer.

"(C) SERVICE REQUIREMENT AFTER THE LEAVE.—Subparagraph (A) shall not apply unless the employee continues to perform service for the employer after the end of the approved maternity or paternity leave or offers to do so but is not reemployed by the employer."

"(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning more than one year after the date of the enactment of this Act.

PRESIDENT REAGAN'S PROPOSAL FOR PEACE THROUGH DEVELOPING BIGGER AND BETTER NUCLEAR DEFENSE

Mr. PROXMIRE. Madam President, President Reagan in his speech last night proposed research and development on a defensive system to guard against missile attack. At first glance, this is an appealing proposal, but actually it could be a very dangerous development. Ironically, defensive measures, if completely effective, are the most destablizing factor in the nuclear age. If a country can guarantee against missile attack with a space-based laser, for example, that means it can dictate to its enemy—it can fire first and cut off any retaliation.

Second, the President will be forcing us into an arms race in space. Here is how it could go. First, we deploy a space-based laser ABM. Incidentally, that would be in violation of the ABM treaty. Then the Soviets must do the same to keep up. But in addition they must be able to neutralize ours. So they put up a space mine—a satellite that is in the same orbit as the laser. The mine can be programed to go off and destroy the laser. Then we put a mine next to their mine to destroy their capability to knock out our laser ABM. Then both sides, of course, start developing offensive and defensive systems for their mines and their ABM's. Then we develop space battlestations combining these features. And the nuclear arms race careens on to catastrophe.

WHY THE NUCLEAR FREEZE PROVIDES THE BEST APPROACH TO PEACE

Mr. PROXMIRE. Madam President, the nuclear freeze has one major advantage over a program that would attempt to achieve "peace through strength" that would rely for peace on new and improved defensive nuclear armaments. The freeze has the same advantage over attempts to combine arms control designed to reduce offensive, threatening nuclear arms while encouraging defensive, deterrent nuclear weapons. That advantage for the freeze lies in the simplicity of its principles. The freeze would not try to stop some selected nuclear weapons and let the nuclear arms technology work to produce others. It would not present arms controllers with a constant, confusing blizzard of choices between defensive weapons and offensive weapons, or mostly defensive or mostly offensive. The line of distinction between offensive and defensive nuclear weapons blurs and confuses. Some can even argue that the best defense is a strong offense. President Reagan argued for such an emphasis in our military policy last night. He called for a supremely successful defensive program capable of shooting down the other side's missiles but he admitted such a program could be viewed as paving the way for a first strike which the other side could not answer because our antiballistic missiles could intercept their counterattack and demolish it.

No matter how we twist or turn, any continuation of the nuclear arms race leads to this kind of nightmarish future. The freeze on the other hand would provide a clear, simple basis for an agreement that would avoid the confusion and the terrible danger of any kind of race to perfect ever more complex nuclear weapons of any kind. It would freeze. It would stop. It would end production, deployment, or testing of any, that is any, any kind of nuclear weapons defensive or offensive. All of us—the military experts, the Russian and American leaders, the public—all of us can understand the simple principle.

And it has two massive advantages. Certainly enforcement of the principle will be easier than a selective arms control agreement that permitted some kind of nuclear weapons but banned others. Enforcement, verification—to make the ban work is always difficult between sovereign countries, especially when one of those sovereign countries—the U.S.S.R.—is a closed society, a very closed society indeed, and the other—the United States—is very much of an open society. If we have to monitor the U.S.S.R. to determine whether a new deployment of nuclear weapons which they represent as defensive is truly defensive and does not constitute an offensive threat we have trouble that could go on and on. If we try to define the precise defensive weapons permitted in advance, we may find the defensive weapons can be converted later to devestating offensive uses, perhaps that conversion can be simple and easy. But enforcing such a distinction could be very difficult. Now let's consider the prize. A freeze is a freeze. It means no, I repeat, no nuclear weapons, none could be produced or deployed. Monitoring and inspecting that kind of agreement would be far simpler. But there is a second even more urgent reason why the freeze represents a far better basis for preventing nuclear war. Grim as the possibility of nuclear war between the United States and the U.S.S.R. may be, many regard the prospect as relatively remote. Our countries have never been at war with each other. A nuclear war between the two superpowers could destroy both. We know that. They know that. So it may not happen. With nuclear arms proliferation the prospect of a nuclear war starting with other countries is far more likely. And here is where the freeze has special advantages.

While a freeze would be aimed at stopping the nuclear arms technology progress by both superpowers, it would cut off the prospect of new nuclear war breakthroughs by the U.S.S.R. or the United States that other countries could pick up. But an attempt to shift the emphasis of the nuclear arms race to defensive nuclear weapons would continue research in nuclear weaponry which would ultimately become available to the increasing number of countries that are developing the capability to fight a nuclear war. The shift to defensive nuclear war strategy feeds that proliferation. The freeze stops it. Yes, indeed, a nuclear weapons freeze carries great dangers and risks, but it also provides the best chance of stopping either a superpower war or a further proliferation of nuclear weapons that would make nuclear war most likely.

TOTALITARIAN IDEOLOGY AND INDIVIDUAL RIGHTS

Mr. PROXMIRE. Madam President, I am sure that there is no question among my colleagues that totalitarian regimes such as the Soviet Union have dismal human rights records. These governments have little regard for the individual or for human rights. They try to justify disregarding the individual by claiming to be in pursuit of some "higher good." Happily, it has been the doctrine of the United States to defend the rights of all people, and thus, to be the ideological adversary of these regimes. We believe that individuals are endowed with certain inalienable rights. No objective, no matter how desirable, justifies taking these rights away from anyone. This contrast cannot be more clearly illustrated than by the courageous story of Walter Polovchak.

Michael and Anna Polovchak and their three children, Natalie, Walter, and Michael, arrived in Chicago in January 1980. They were from the small Ukrainian town of Sambir, and were here to be reunited with the father's two sisters.

Soon after their arrival, Michael Polovchak began to discuss returning to the Soviet Union. Anna, his wife, went along with the decision. However, Natalie, the eldest child, strongly opposed returning to the Soviet Union. Said Natalie, "From the first day here, I made up my mind that I would never go back to the Soviet Union."

In July of 1980, Natalie moved into the apartment of her cousin in America, and young Walter insisted on going along. Within a week, Walter Polovchak was granted political asylum. Natalie, who had her own passport, was unchallenged in her decision to remain in the United States.

Since Walter's decision to stay in America nearly 3 years ago, many complicated legal battles have arisen regarding his legal right to stay here. To listen to Walter, however, makes it clear that he must be allowed to stay. On July 28, 1982, Walter told a congressional panel that he did not want to return to the Soviet Union, and that if he was forced to, he would probably spend the rest of his life in prison. He continued in a later interview:

> I have more freedom here. I can believe in God, go to church, and all that. In the Soviet Union, when you go to church, you get in trouble.

Walter went on to talk of the myriad freedoms he found in the United States which he had never had under the totalitarian Soviets. He made it clear that seeking asylum in the United States was entirely his own decision, and that he has no desire to return to the Soviet Union.

Walter has been under both systems of government, and has found the United States to be more humane. He was willing to give up his family, friends, and everything else in pursuit of the basic freedoms he was denied under the Soviet form of government. The denial of these freedoms by totalitarian governments constitutes one of the worst types of human abuse—the suppression of the human spirit. Walter's story brings to mind the millions who are suppressed in this way. The fact that Walter gave up all that he knew, all that he was familiar with, for a chance at a life with these basic freedoms, illustrates the need for the United States to speak out on behalf of all oppressed people. Let us not force all those who are denied their freedom to give up everything, as did Walter, to be free. We must do all that we can to insure that such oppression ends. One very basic thing we can do to show that we are unequivocally committed to the defense of human rights is to ratify the Genocide Convention. This would give full weight to our condemnation of oppression. Ratification will guarantee that we no longer have a basic weakness in our position as human rights leader. No longer will countries doubt the strength of our commitment to human rights. Madam President, I believe we truly live in a country committed to the defense of human rights. Let us show the strength of our commitment through ratification of the Genocide Convention. I urge my colleagues to join me in seeking ratification of this essential treaty.

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

The PRESIDING OFFICER (Mr. WILSON). The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

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

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

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

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

Mr. BAKER. Mr. President, there is a messenger at the door and I yield so that the Chair may admit him.

MESSAGES FROM THE HOUSE

At 1:18 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following joint resolutions, each without amendment:

> S.J. Res. 32. Joint resolution to provide for the designation of May 1983 as "National Arthritis Month"; and
>
> S.J. Res. 64. Joint resolution to commemorate the two hundredth anniversary of the signing of the Treaty of Amity and Commerce Between Sweden and the United States.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

> S. Con. Res. 20. Concurrent resolution making corrections in the enrollment of H.R. 1718.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

> H. Con. Res. 91. Concurrent resolution revising the congressional budget for the United States Government for the fiscal year 1983 and setting forth the congressional budget for the United States Government for the fiscal years 1984, 1985, and 1986; and
>
> H. Con. Res. 94. Concurrent resolution providing for an adjournment of the House from March 24 to April 5, 1983, and an adjournment of the Senate from March 24 or March 25 to April 5, 1983.

Mr. BAKER. Mr. President, the message just received is the adjournment resolution. I might give the Senate a status report.

As I understand the situation, the House and Senate conferees on the social security bill are still in session. It is now estimated that they will complete their work and have that report to the House of Representatives, which must act first, at approximately 4 p.m. That means that it will be sometime after that, I would guess 5 p.m. or perhaps 6 p.m. before the Senate can act on the social security conference report.

As soon as the other business of the Senate is attended to, as I announced earlier, it is the intention of the leadership to stand in recess subject to the call of the Chair, since there is no other business to be transacted except that and other routine matters that might be agreed to by unanimous consent.

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

The PRESIDING OFFICER. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

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

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

HOUSE CONCURRENT RESOLUTION 94—ADJOURNMENT OF THE TWO HOUSES OF CONGRESS

Mr. BAKER. Mr. President, through staff, I have conferred with the minority leader who has indicated that he has no need to be on the floor at the time the Senate proceeds to the consideration of the adjournment resolution just received from the House of Representatives.

In that view, Mr. President, I ask that the Chair lay before the Senate the adjournment resolution.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

H. Con. Res. 94, a concurrent resolution providing for an adjournment of the two houses of Congress.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The concurrent resolution (H. Con. Res. 94) was considered and agreed to.

The concurrent resolution reads as follows:

H. CON. RES. 94

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, March 24, 1983, it stands adjourned until 12 o'clock meridan on Tuesday, April 5, 1983, and that when the Senate adjourns on Thursday, March 24, 1983, or Friday, March 25, 1983, pursuant to a motion made by the Majority Leader in accordance with this resolution, it stand adjourned until 12 o'clock meridian on Tuesday, April 5, 1983.

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

Mr. HELMS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TEXTILE ATTITUDES FROM JAMES CHAPMAN

Mr. THURMOND. Mr. President, in my review of the March issue of Textile Executive magazine, I was pleased to note a feature article concerning Mr. James Chapman, chairman and chief executive officer of Inman Mills, in Inman, S.C.

Next month, Mr. Chapman will succeed Mr. William Klopman, chief executive officer of Burlington Industries, as president of the American Textile Manufacturers Institute. The position of president of ATMI is very demanding of both time and energy. In this trying economic period when most textile executives find their days consumed with managing their operation, as well as trying to compete with massive foreign imports, Mr. Chapman has unselfishly volunteered his services in an effort to improve conditions for the entire domestic textile industry.

The past year, in his capacity as first vice president of ATMI, Mr. Chapman displayed a unique ability to work smoothly with elected representatives in Congress, Cabinet officials, and other Federal agency personnel. He is an articulate spokesman for the textile industry who has developed innovative ideas deserving of consideration. I am confident that he will carry out his duties as president of ATMI in an outstanding manner.

Mr. President, Jim Chapman is a fine American, and a dedicated and capable executive who deserves to be commended. I ask unanimous consent that the article that appeared in Textile Executive magazine be printed in the RECORD.

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

ATMI SPECIAL INTERVIEW: TEXTILE ATTITUDES FROM JAMES CHAPMAN

(By Ed Lowe)

Most of you will be happy to hear that the upcoming president of the American Textile Manufacturers Institute is a thinker as well as a communicator. Others have been, as well. But this year may be different. Certain economics professors pushing microchip technology and certain foreign countries who export to America may well wish, fervently, that James Chapman had never ascended to a position where he can take action.

Take note, left-wingers and import-flooders: Jim Chapman has even had practice at helping to run the country's largest textile association, thanks to the generosity of the chairman of the country's largest textile firm. As ATMI president, Bill Klopman delegated much responsibility to Chapman in this past year, and Chapman may be the best qualified-at-the-start ATMI president ever to grace a speaker's podium.

The tall, friendly and urbane Chapman, second-generation chairman of Inman Mills, Inc. in Inman, S.C., is blunt when need calls for it, and eloquent when time permits.

He impresses a visitor as the sort of man one would not relish being on the down side of a debate with, and the 1983-84 ATMI year will doubtless hold many debates for its new president.

Jim Chapman spoke to TE from his "working" office at Inman, next door to a scrupulously neat adjacent "formal" office. At the time of the interview, Chapman was merely ATMI's first vice president, but he gave the impression that his actions as president are well-planned.

Asked the inevitable question about ATMI projects under his leadership, Chapman surprised a reporter by answering that no big changes are in the works. "Don't forget, ATMI had offices in Charlotte, Atlanta, and New York, and before that even at Clemson, South Carolina. We also had public relations people in Atlanta, Columbia and Charlotte. We started consolidating offices five or six years ago. We operate ATMI with a much smaller staff than we did several years ago. I think we've got a good staff. It's lean; it gets things done. That's what we ask them to do. So, it's not time for a big change because we just made a big change."

Changes related to the textile industry's image, Chapman says, are made "almost on an ad hoc basis," although there will be no lessening of the P.R. function under Chapman's leadership. "We've got a full complement of experts working under Jim Morrisey. But there are all kinds of things that keep coming up with which we have to deal," Chapman says. "I remember a number of years ago, Lewis Morris, then immediate past chairman of Cone Mills, came into the ATMI board meeting and said 'Gentlemen, there's a new word. It's not a new word, actually, but it's going to be new to all of us. It's *byssinosis.*' He said 'You're not only going to know how to pronounce it, you're going to know how to spell it. You're going to know exactly what it means.' Thus, we created the Safety & Health Committee. I was a member of that first committee, and Morris was its first chairman. I think the then-president of ATMI thought it was a good idea, since Lewis knew the name of the new word," Chapman recalls with a laugh.

While discussing ATMI, Chapman took a moment to debunk the long-standing rumor that newly-chosen ATMI second vice presidents are chosen solely from the chairmanship of committees. "I happen to have been on the executive committee when they picked me," Chapmen says, "but I hadn't been a committee chairman in some years. However, it's not often that we get a second vice president who has not at some time served as a committee chairman. After all, that's where leadership has been demonstrated. I happen to know the new second vice president (who hadn't been named at press time), and he's been committee chairman several times, but he doesn't happen to be one now," Chapman said.

Bill Klopman, Chapman says, "has used his expertise as a manager of the largest textile complex in the world to great advantage in ATMI. He believes that ATMI, or anything, is too big for one man, so he's been great about calling Martin or myself and thrashing out the issues."

Klopman has been an excellent ATMI leader, Chapman believes. "The first Monday after he was elected president on Saturday, he and Martin and I were in the ATMI office with (executive vice president) Ray Shockley. He asked Ray to bring in each senior staff person, to discuss with them just what they felt their area of responsibility was in ATMI. It was great," Chapman remembers.

"He's also done some unsung things, like using some great Burlington people, with resources that an Inman, for instance, doesn't have. He has had studies done at his own expense. Take the linkage study. It's where you take the fiber, textile, apparel and retail industries and link them, and when a link is weak, you protect it. Korea, for instance, is a great user of linkage," Chapman said.

As a child, Chapman had rheumatic fever, and later was not accepted into the armed forces in World War II. Having to stay at home while his two brothers "jump into the service" was an emotional wrench for the young Chapman, who "decided to make cloth for the war effort," returning to the family textile firm from a potential medical career. Chapman graduated from Davidson College with a degree in chemistry, and took pre-med courses. "I think I would have made a fair to average doctor," he says with a laugh, "but my mother would have preferred one of us to become a Presbyterian preacher."

As a young textile employee, Chapman took part in an experiment in South Carolina textiles whereby returning servicemen with non-textile degrees could be trained in textiles. "It must have worked, because they hired a lot of people who hadn't been to textile school," Chapman recalled.

Chapman took a pay cut to start working for his father at Inman, "but I felt like my long-term chances might be enhanced a little bit, though," he says with a smile. The 26-year-old plant superintendent began his textile career in manufacturing in 1946, and made the jump to the office next to his father's in 1954. "I had kind of an inroad, being the oldest son, and it's what I wanted to do," Chapman says.

Six Chapman family members operate Inman Mills, including four brothers and a cousin. Brother Marshall Chapman is Inman president and chief operating officer,

while Jim Chapman holds the chairmanship. Talking about the imminent ATMI annual meeting where he will become president, Chapman says jokingly that "I bring my own cheering section with me."

Inman Mills is the largest employer in Inman, large enough for mail to be delivered just to "Inman Mills, Inman, S.C.," Chapman says. Its creation by Chapman's grandfather's uncle and brother was most casual. When a "starving young lawyer" who was Chapman's grandfather looked around and noticed "Doctor Liggon had built a mill, and Montgomery had built a mill, and it seemed to be the thing to do. They seemed to be making a little bit off it," Chapman relates. The first mill was put in the center of 600 prime cotton-growing acres.

The Inman community treats the Chapman family "very nicely," Chapman says. "We try to keep in close touch with the community." He says when he has banking business at the local branch, "lots of people come over and ask me how the mill's doing. They are interested, and we do have the largest payroll. They're very encouraging and very sympathetic when we are not able to run full time. They used to tell me they could tell by the expression on my face about how business was: I've tried to disguise that since then," he laughs.

Every industry in this country, Jim Chapman will tell you, needs a better image, not just textiles. "Look at all the money they spend on automobile advertising and what kind of image do they have?"

The national press, Chapman is sure, is inflicted with a malaise he terms the "Norman Rae syndrome." Lots of people get it, Chapman says. "I took my daughter to see the movie (Norma Rae) while she was here working in our test lab, and she watched all that lint and she laughed and said out loud, 'I've never seen a mill like that.' The audience laughed, too."

The nation's liberal press, though, he adds, isn't just after textiles, "but they're after all of us. I've been happily married for 37 years, and that's not news. If I'd had about three wives, that'd be put on the front page."

Print cloth problems with Chinese imports, Chapman said in February, have eased somewhat. "It's slacked off right now because of the countervailing duty thing. With that in the air, they (China) know that if they put in a big order for print cloth, they are going to be liable for any duty that's assessed. We got a 4-0 decision in our favor by the International Trade Commission that harm has been done. We're very pleased with that, although it takes a while for things to work their way through government," ATMI's president-elect said. "But, the print cloth market still stinks, though," Inman Mills' chief executive said.

American apparel retailers, the thorn on the rose for domestic textile companies, must stop using imported fabrics and garments, Chapman believes. "What they're doing is creating jobs for people who aren't their customers, and costing jobs for people who are their customers," he says firmly. "And I think, net-net-net, they're short-sighted." An importer in this country, Chapman relates, "takes something that would cost him $3 in the United States and he sells it for $6. He can get it for $1.50 in Taiwan, and he still sells it for $6. And he and the importers are the ones making the money off of imports."

This country has "some real problems," he adds, "and we've got to make up our minds what we're going to do. I'm not speaking just of the textile industry. Can this country afford to have a weak steel industry, a weak automobile industry, a weak textile and apparel industry, a weak computer industry? As Bob Coleman (past ATMI president) once said, we can't all make Boeing 747s. Think of a real military crisis. At the beginning of World War Two, when Henry Ford told President Roosevelt he'd have a Liberator bomber coming off the assembly line once an hour, that was unheard-of. That was our great, strong auto industry able to do that.

"It was like (Japanese) Admiral Tojo said after they bombed Pearl Harbor and all the Japanese were jumping up and down dancing with glee, 'We have awakened the slumbering giant.' And we were still a giant then in all those areas. Without America's great industrial base, America couldn't have won World War Two. You can't win it with knives and sticks," Chapman said.

Jim Chapman still thinks of the American economy as "number one." The reasoning, he says, is simple. "Take the talk about the Arab dollars, that if you don't keep high interest rates, this money will move some where else. Where is it going to move? There is no other economy in the world other than this one, which can absorb that money."

Though not as big a market as Western Europe, "we're homogeneous, and the Japanese know that. They know that they can sell the same coat in Los Angeles that they can to Macy's in New York. So, everybody wants a piece of our market."

A pressing concern of Chapman's, he told TE, is the relationship between the yen and the dollar. "I think it's one of the biggest barriers to international trade. The yen is undervalued. If properly valued, it would probably be under 200 to the dollar. This valuation is causing us to lose business in Hong Kong even under the present (trade) situation. If the yen were properly valued, a Toyota automobile would cost $6,500 in this country, instead of $5,000. Their cloth going into Hong Kong would then cost 20 per cent more, and we would be competitive with them."

The United States has conferred several times over recalcitrant currency valuations, Chapman recalls, "but it always drifts back." Chapman is fairly sure the valuation is purposely low. "The classic example," says Chapman, who recently returned from a Tokyo trip, "is that I had planned to listen to some educational tapes while flying. I planned to stop at a discount store in New York and pick up a Walkman Two, made by Sony. I could get it in New York for $69.00, but my plane left before I could get to the store. So I bought it in the downtown Tokyo Sony outlet store, for $84.00."

What Japan is doing, Chapman vehemently says "is the typical classical Japanese operation. We can't put our telephones in Japan, and they're coming in here and underbidding everybody and replacing some of our American made equipment."

High-tech-pushing economics professors who espouse computers over textiles tend to cause Chapman's normal vocabulary to stall. "Professors like that are overeducated and stupid, with a closed mind. An educator is supposed to have an open mind . . . let me read you part of this news story . . . 'The Japanese government has arbitrarily fired a rifle shot attack that threatens to destroy American producers in the skyrocketing field of microelectronics . . . the study said the Japanese are undercutting the U.S. industry, priced to expand their market share . . . U.S. companies are being drained of funds they need to develop new and more sophisticated chips.' Does that sound like the way to go?"

Jim Chapman says he foresees a "real Renaissance in the American textile machinery industry." It's been long in coming, he admits, but it's here.

"The American machinery industry was enjoying good business in the 1940's, and didn't put much money into research. The Swiss, for example, during World War II, were doing a lot of that while the rest of us were trying to kill each other." Chapman said.

"Then, some of these machinery companies started to be gobbled up by the congolomerates. The classic example was, of course, Rockwell, which was going to use its space-age technology to show us how to make weaving machines. But, they weren't willing to stick with the textile industry with the ups and downs of their customers. So, finally, they just turned out to be a big supply house."

Chapman is "very encouraged" by recent American machinery events, "particularly since some of my friends bought Draper. I think they've got some good ideas. We're going to see the Draper loom back and competing. Hollingsworth and Platt should be strong. We have other areas, like dyeing, finishing, warping and slashing, where we've been strong."

If there is reincarnation, Jim Chapman wants to return as "a textile executive who is either a professional hired by a completely public company, or else I want to own 100 percent of the stock. I don't want anything in between." Either way, sir, and all of our reincarnated textile selves will welcome you back.

CENTENNIAL OF THE COLLEGE OF NURSING OF THE MEDICAL UNIVERSITY OF SOUTH CAROLINA

Mr. HOLLINGS. Mr. President, I take deep pride in rising today to recognize the College of Nursing of the Medical University of South Carolina on the observance of its 100th anniversary. Formal celebration of the centennial will take place in Charleston on April 8 and 9.

The College of Nursing has, over the years, lived through several name changes and locations. But, as was the case when it was founded, it continues to emphasize patient-centered care and the tradition of excellence in practice lives in its graduates.

The College of Nursing of the Medical University of South Carolina had its origin in 1883, making it one of the oldest programs of its kind in the South. Recognizing the need for professional nurse training, the City Council of Charleston approved a request by the City Hospital for $2,000 and the State contributed $5,000 to establish a Training School for Nurses. Its mission was to offer those interested an opportunity to acquire a profession and to improve the care of the sick. The training school continued until the City Hospital was destroyed

by an earthquake in 1886. The school was reestablished as the Charleston Training School in 1895 and its curriculum was changed to provide a 2-year program of instruction in anatomy, physiology, obstetrics, surgery, and medical nursing.

The next important step in the evolution of the College of Nursing took place in 1916. At that time, the board of commissioners of the Roper Hospital proposed the incorporation of the training school with the Medical College. This was accomplished in 1919 and the school's name became the School of Nursing of the Medical College of the State of South Carolina. World War I and World War II caused a shortage of nurses and challenged the strength of the already overworked hospital staffs around the country. Meeting this challenge and responding to the increased demand for nursing personnel was Roper Hospital. During World War I, 18 local graduates went to serve with the American Red Cross Nursing Service and as many as 83 alumnae served our country in the Armed Forces during World War II.

September 1966, the school began the process of establishing a 4-year collegiate program offering the bachelor of science in nursing degree. Three years later when the Medical College was redesignated as "The Medical University of South Carolina," the school became one of the six colleges composing the university and received its accreditation by the National League of Nursing in 1971.

The decade of the seventies was one of growth for the College of Nursing. In 1973, the college initiated a program which led to a certificate in nurse-midwifery which continues to meet the increasing demand for maternal health services in South Carolina. In 1978, the college began a satellite nursing program for registered nurses on the campus of Winthrop College in Rock Hill, S.C. And, in 1979 the College of Nursing accepted graduate students in its program leading to the master of science in nursing degree for the first time.

Continuing their successful nursing education programs, the college has enjoyed still further growth, expanding with another satellite program on the campus of Francis Marion College in Florence, S.C., just last year. An evenings and weekends program for registered nurses is also offered at the College of Nursing in Charleston providing advanced educational opportunities to registered nurses at modest cost, with minimum commuting distances, and minimum interference with their present careers.

The rapid advances in medicine and the changing nature of health care has greatly accelerated the demand for registered nurses. The intensity of care has increased with more RN's needed to carry out such activities as monitoring vital functions, ventilation therapy with infusion pumps, and the application of many new technologies. Modern advances in treatment of patients such as bone transplants, radical surgical interventions, burn therapy, neurosurgery, and cardiac surgery require RN-intensive care on a 24-hour basis. Expansion and increases in these kinds of settings have particularly increased the need for nurses with advanced preparation to serve as nursing service administrators, teachers of nursing, nurse practitioners, and clinical specialists. I take great pride in the fact that the College of Nursing has continued to advance and meet these changing needs of the nursing profession.

Let me close by saying that there is no question in my mind that the Nation's professional nurses are the backbone of our health care system. These unselfish and caring individuals are in daily contact with patients; comforting them in pain and supporting families in times of stress. Whether they work in hospitals, nursing homes, community health centers, public health clinics, physicians' offices, schools, industry, or public administration, we in South Carolina are most proud of the record of achievement of the College of Nursing of the Medical University of South Carolina in training these outstanding professionals. We congratulate the college on its centennial and wish for it continued success and service to the citizens of South Carolina and the Nation.

ALICE MANUFACTURING'S ELLISON McKISSICK

Mr. THURMOND. Mr. President, I recently received the March issue of Textile Executive magazine. The cover story in this particular publication profiled Mr. Ellison S. McKissick, chairman and chief executive officer of the Alice Manufacturing Co. in Easley, S.C.

Ellison McKissick was an excellent choice for this feature because he is a hardworking and capable executive, as well as a fine patriot.

Mr. McKissick and his family have operated Alice Manufacturing Co. for the past 59 years. The major product manufactured by his firm is printcloth. Unfortunately, for the past few years, Mr. McKissick, as well as other domestic printcloth producers, have been forced to compete with massive imports of cheaply produced and often subsidized imports from mainland China. These printcloth imports have effectively destroyed the price structure of our domestic market for this product, increasing economic hardship for American textile employees.

In the face of these difficult circumstances, Mr. McKissick is determined to keep his firm viable and profitable, while continuing to employ 2,000 workers.

Mr. President, Ellison McKissick deserves to be commended for his accomplishments and success as a textile executive. Toward that end, I ask unanimous consent that the article which appeared in Textile Executive magazine be printed in the RECORD.

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

ALICE MANUFACTURING'S ELLISON McKISSICK—EXECUTIVE INTERVIEW

(By Ed Lowe)

("The Cat only grinned when it saw Alice. It looked good-natured, she thought: still it had very long claws and a great many teeth, so she felt that it ought to be treated with respect. 'Cheshire-Puss,' she began, rather timidly, as she did not know at all whether it would like the name: however, it only grinned a little wider. 'Come, it's pleased so far,' thought Alice, and she went on. 'Would you tell me, please, which way I ought to go from here?' 'That depends a good deal on where you want to get to,' said the Cat. 'I don't much care where—' said Alice. 'Then it doesn't matter which way you go,' said the Cat. '—so long as I get somewhere,' Alice added as an explanation. 'Oh, you're sure to do that,' said the Cat. 'If you only walk far enough.' "—Alice in Wonderland.)

Ellison S. McKissick's family has certainly walked far enough to get somewhere in the textile industry: they've owned Alice Manufacturing Company for 59 years. They have been in the print cloth business for 59 years. They have supported education, community service, medical care and quality jobs in Pickens County, South Carolina for 59 years.

Since 1923, when McKissick's father and grandfather purchased Alice Manufacturing from the Shanklin family, Alice has been in a kind of Wonderland, with no forced layoffs during any recession or Depression, and with some profits annually. Ellison S. McKissick, Jr., however, did not just inherit Alice: he has expanded it, burnished it, improved it, so that today it bears his own mark, a fitting legacy for passing along, some day, to some other McKissick.

But that day is far afield. Alice Manufacturing's president is an energetic, thoughtful, incisive, progressive and humorous man who seems to consider his control of five mills and 2,000 employees lovingly and gratefully, despite his lineal rights to them.

TE spoke with Ellison McKissick prior to the American Textile Manufacturers Institute annual meeting, to get his thoughts on the state of textiles as well as the state of Alice. Like many top textile leaders, McKissick has a healthy stockpile of opinions. His years of textile leadership, coupled with his membership in ATMI's International Trade Committee, provide him with keen insight into the thought processes of American textile executives in times that are still troubled from within and without.

Following are McKissick's comments on the state of the world, the nation, the industry and Alice. The italic quotations taken from *Alice in Wonderland* do not necessarily represent his own views, but serve mainly as introductory matter.

"Suddenly she came upon a little three-legged table, all made of solid glass: there was nothing on it but a tiny golden key."

Asked if domestic textiles' future lay mainly over seas, McKissick answered "No, I don't think the market here is saturated yet, although I do see some expansion overseas. The per capita consumption of textiles in the United States is at a level of about 50 pounds, and in Europe, I think it is around 40 pounds. They're having an opportunity over there to increase their per capita consumption by about 25 per cent. I think this is the key for certain firms to export goods to Europe. I think the American industry can be very competitive in the European market." In this country, McKissick believes there still can be long runs, "provided you still have a demand for that much product. That's the way you get your unit costs down to its lowest level. As long as there's demand, you want to operate at the most efficient level you can." As far as the long-standing rumor about European markets not wanting large lots, McKissick laughs. "The experience our company has had with exporting goods to Europe is that they are accepting goods in container lot shipments, which is ideal. They are taking those lots and shipping them in fifty-'leven directions."

"There were doors all round the hall, but they were all locked and when Alice had been all the way down one side and up the other trying every door, she walked sadly down the middle, wondering how she was ever to get out again."

McKissick is vehement on the subject of America continuing to hold a vital manufacturing base. "The United States has got to maintain a strong manufacturing base. One out of every eight employees in America is an industrial employee. What will they do without industrial work? I like the phrase Bob Coleman (Riegel Textiles chairman) used, that it's great having a strong computer industry, but who in the hell are we going to sell them to if we don't have a manufacturing base? I mean, after you sell Wendy's and Hardee's, what are you going to do?"

"Alice went timidly up to the door, and knocked. 'There's no sort of use in knocking,' said the Footman, 'and that for two reasons. First, because I'm on the same side of the door as you are: secondly, because they're making such a noise inside, no one could possibly hear you.' 'Please, then,' said Alice, 'how am I to get in?' 'Are you to get in at all?' said the Footman. 'That's the first question, you know.'"

In order to get inside the door on competition, McKissick says, American textile firms must go on modernizing. "You've seen a tremendous amount of modernization in textile mills in this country in the last 10 years, and I think you're going to see that pace accelerated during the next 10 years. It's going to take a tremendous amount of capital, but it's going to be necessary not only from the standpoint of overseas people, but in our own domestic market. Unfortunately, we will see some companies that don't make this commitment which won't survive. But that's been true for 50 years."

"'Have some wine,' the March Hare said in an encouraging tone. Alice looked all round the table, but there was nothing on it but tea. 'I don't see any wine,' she remarked. 'There isn't any,' said the March Hare. 'Then it wasn't very civil of you to offer it,' said Alice angrily."

"Take a Communist country like China," McKissick suggests. "In this country, we have done a fantastic job of keeping textile costs down, to be competitive with free countries. "With a state-controlled country, they can send gravel over to the United States and the rock quarries just can't compete with them, if they're just wanting to get U.S. dollars. Print cloth (which Alice makes) situation is a little better now with the unilateral action the U.S. government has taken against China. If we could just get reasonable controls from China and let them grow as our market grows, it would be just fine. That has been the position of the ATMI all along." McKissick says. Alice manufacturing's chief executive adds that China's recent "retaliation" in cotton, man-made fiber and soybean curbs from American exporters to China "actually wasn't any retaliation at all. In fact, on cotton, they (China) had a bumper crop this past year. In fact, they sold a million bales to Japan at under the world market price. On polyester fiber, they cut off American suppliers six or eight months ago because they're building their own polyester plants . . . You know, it's mighty easy for us to cut off something we're not getting anyhow. I mean, I can tell China that I'm not going to buy any more chopsticks from them, but I don't buy any chopsticks from them in the first place," McKissick laughs.

"Alice sighed wearily. 'I think you might do something better with the time,' she said, 'than wasting it in asking riddles that have no answers.'"

"We've spent a tremendous amount of money into getting in compliance with OSHA regulations," McKissick muses. "Now, all our plants are in compliance as a far as dust levels. I think sometimes OSHA went to extremes on those regulations. One of our fellows here said that he'd rather be a little hard of hearing than hungry. The air is, in fact, cleaner inside the plant than outside in Pickens County. If OSHA had regulations governing outside air, everyone in Columbia, South Carolina would have to wear a dust mask walking down the street."

"'Curiouser and curiouser,' cried Alice (she was so much surprised, that for the moment she quite forgot how to speak good English)."

Japan is definitely a surprising threat to the U.S. economy, McKissick feels, "In my opinion, what they've been doing is investing in other countries like Korea and China, to get goods from those countries and either fabricate them there or ship them straight into the United States. They also don't seem to be too interested in getting our goods shipped to Japan. They are absolutely still an enemy. They can do us more harm than China can. You know Japan has been dumping goods into this country. I think it's a one-way street as far as they're concerned. I doubt very seriously whether we can get fair trade with Japan. They have such a restrictive maze of barriers. They want all the marbles and they don't want you to have any. The United States has been to generous in giving our markets away to them. What they do in Japan would be illegal here, with the trading companies owning the banks and shipping and automotive companies. It's just difficult to compete with those things." They're doing now what they couldn't do during World War II.

"'If everybody minded their own business,' the Duchess said, in a hoarse growl, 'the world would go round a deal faster than it does.'"

Prospects are looking up for American textile machinery makers, McKissick says, who are minding their own business like never before. "There are signs that there is a recovery in American textile machinery. One of the greatest things to happen lately is when Hollingsworth bought back Platt from the British. They are developing a friction spinning device that is going to revolutionize the spinning and yarn manufacturing industry in this country. We're also hoping that the new Draper Company will be successful with their air jet loom conversion, and later with an air jet they build from the ground up. We'd like to see American machinery makers grow and prosper. Although many of the overseas machinery makers are becoming more American in their actions. Some of the larger companies like Sulzer are buildings plants in the United States, and they say they feel that the greatest potential for their machinery is here. I think if the dollar weakens a bit more against other currencies, you're going to see a real opportunity for American machinery people to export, despite the subsidizing the foreign firms get from their governments."

"They all crowded around it, panting and asking 'But who has won?' This question the Dodo could not answer without a great deal of thought . . . At last the Dodo said 'Everybody has won, and all must have prizes.'"

"I think the ATMI has done a fantastic job, for the industry, both internationally and domestically. I'm just thrilled to death with the work they've done. I think if they just do more of what they're doing now, it would be great. I believe Bill Klopman (ATMI president) has been great not only for ATMI, but I admire his entire philosophy of manufacturing. Despite what some say, I think Bill is a great communicator. He gets right to the point, with government officials, and there's no fence-straddling," McKissick said, adding he looks forward to greater things in 1983 from ATMI.

"'I don't think they play at all fairly,' Alice began, in a rather complaining tone. 'And they all quarrel so dreadfully one can't hear oneself speak—and they don't seem to have any rules in particular—at least, if there are, nobody attends to them.'"

"I think at times there are people in the press who have a negative view of the textile industry. They relate to the industry back to the Norma Rae days, It's most difficult for them to take an objective look. A lot of these people haven't had the chance to really go through a modern textile plant, and I think they should. I think the more they know about it, the more intelligently they can write about it," McKissick said in answer to a question about media treatment of textiles. "It's hard to convince the media on some points. Like on the China trade thing, they say the consumers were going to save so much money . . . in the dumping of Chinese print cloth, they were selling for about three cents a yard under the American market. We had to keep cutting our prices to the point where the mills couldn't make it for what they were selling if for. And China couldn't make it for that price, either. It would have made a difference in an average ladies' dress of nine cents. Now, for that nine cents, it is worth putting Americans out of work and letting them draw welfare and food stamps and stop paying county, state and federal taxes?"

"'Thinking again?' the Duchess asked, with another dig of her sharp little chin. 'I've got a right to think,' said Alice sharply, for she was beginning to feel a little worried."

"I think," McKissick told TE, "that some of the biggest importers into this country are the garment manfacturers themselves. The whole 809 thing (ATMI's short-lived Proposition 809) was to try at least to get American fabrics into some of these gar-

ments. One of the most encouraging things I've heard of lately has to do with the Arrow Shirt Company. They found it was going to be more economical, with their new automated plants, to start making their dress shirts in the United States. To my thinking, they are one of the very first companies to do this, and I'm sure other shirt companies are going to take a very close look at this. If you get shirts back, then undershorts and pajamas and everything else, that's when you get capital-intense in the garment industry."

"'I could tell you my adventures—beginning from this morning,' said Alice a little timidly, 'but it's no use going back to yesterday, because I was a different person then.'"

"I couldn't imagine being in a public company," McKissick says in talking about his philosophy. "They'd fire me first thing if we went public. Besides, we make plenty of mistakes, but it's a lot easier when nobody else knows about them," Ellison McKissick is all-American in his outlook, and doesn't pause to give the interviewer any doubts: "I think two of the greatest examples of free enterprise in the world are in the United States, and they're the textile industry and farmers. This is real free enterprise, when you look at the largest textile company in the country that controls just a small percentage of the total market, and a well-run small company can be competitive with the biggest companies in the business."

McKissick says he "may be foolish, but I'm just optimistic about America and the direction the country's going in. I think we're on the right track."

We cannot speak for the rest of us, Mr. McKissick, but you surely seem to be on the right track.

PIZZA HUT TAKES THE INITIATIVE

Mrs. KASSEBAUM. Mr. President, I want to take note of an event next week that demonstrates the confidence and entrepreneurial spirit that still exists among America business men and women.

On Monday, Pizza Hut, which is headquartered in Wichita, and in which I have some parochial pride, I must admit, will launch a major business expansion that is expected to create 20,000 new jobs.

Pizza Hut has invested $60 million in new equipment that will speed up its service and make it fully competitive with other fast food restaurants.

I am proud to see a Kansas corporation take this kind of initiative in expanding its own business and creating jobs without asking for additional Federal money. If more businesses followed this example, we would see a quick end of our economic recession.

I ask that a statement by Arthur G. Gunther, president and chief executive officer of Pizza Hut, Inc., be printed in the RECORD at this point:

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

WICHITA, KANS., March 24.—Pizza Hut, the nation's largest pizza restaurant chain, announced today that it is hiring more than 20,000 new employees to handle its expanded lunch business.

The company said the 20,000 new workers will be needed because sales are expected to increase dramatically when Pizza Hut introduces its new lunch pizza, Personal Pan Pizza, March 28. In test markets, Personal Pan Pizza increased lunch business dramatically.

"Our business growth will enable us to extend employment opportunities to people throughout the country," said Arthur G. Gunther, President and Chief Executive Officer of Pizza Hut, Inc., a unit of PepsiCo's Food Service Division. The Pizza Hut system currently employs 68,000 in its 3,839 U.S. restaurants. "We intend to maintain our excellent service standards as we increase our lunch business," Gunther added.

The 25-year-old company, headquartered in Wichita, expects each restaurant to hire an average of four to seven new employees to handle the expected increase in lunch business.

"Some markets have already introduced Personal Pan Pizza and the results are terrific."

Test market data show that people want pizza for lunch—if they can get it quickly. "On the average, people who eat out spend 30 minutes for lunch," Gunther explained. "This means they need their food fast. After two and a half years of research and testing, we're confident we can serve pizza quickly, without compromising quality or taste. Personal Pan Pizza is the right size and value and is served within five minutes after the order is placed."

The Pizza Hut system has invested more than $60 million for conveyorized ovens, dough handling and hold hot equipment for its restaurants.

JUDGE JOSEPH M. HOCKLANDER

Mr. HEFLIN. Mr. President, on Friday, March 18, 1983, Alabama lost a truly outstanding citizen when retired Mobile County Ciruit Judge Joseph M. Hocklander passed away. I lost one of my closest friends. Judge Hocklander had retired on December 1, 1981, shortly after he learned he had been stricken by lung cancer.

Joseph Monroe Hocklander was one of Alabama's most honored and respected jurists. During his 20 years as a judge, he won the admiration and respect of the attorneys, court personnel, and other judges with whom he worked.

There was no question that Judge Hocklander was a great legal scholar. He had a fine and keen analytical mind. He possessed a perceptive insight that was almost unbelieveable. His memory was superb, and his integrity beyond reproach. All these qualities, combined, made Joseph Hocklander an outstanding trial judge.

Judge Hocklander launched his public service career as city attorney for various municipalities in north Mobile County, Chickasaw, Satsuma and Mount Vernon. In 1958, he was elected to represent Mobile County in the Alabama House of Representatives, where he served with distinction.

In 1961, he was appointed to his position as circuit judge. In 1970, his colleagues on the bench chose Judge Hocklander to serve as presiding judge.

Shortly after being named to the bench, Hocklander won a well deserved reputation as a "nononsense judge." In a time of burgeoning and expanding caseloads, he was always careful to keep his backlog of criminal cases to a minimum. In fact, in 1973, he achieved a goal practically unheard of in the present day when he completely cleared his docket of all pending cases.

As presiding judge, Hocklander was charged with closely monitoring and supervising Alabama's second largest circuit, averaging over 1,500 civil and criminal cases annually. As a presiding judge he had no peer. Despite this time-consuming commitment, he still found time to serve as a member of the court of the judiciary, the State's judicial review body, and to hold numerous offices in professional organizations.

During my service as chief justice of the Alabama Supreme Court, I had the privilege of closely observing Joe Hocklander. I found him to be, without a doubt, a most effective administrator and one of the best judges I had ever observed.

Judge Hocklander was an early advocate of the unified court system, in Alabama, and his support and counsel proved instrumental in the final passage of Alabama's judicial article. During the hectic transition to the new judicial system my staff and I frequently called for his advice in solving many of the complex problems which developed as we refined Alabama's court system into a streamlined and successful one.

Two small honors given Judge Hocklander illustrate the esteem in which he was held by those who worked with him. First, in March 1982, when the Mobile County Bar Association opened its first permanent headquarters, it designated a "Judge Joseph M. Hocklander Room," and placed his portrait there. Also, on the day after his death, the formation of the Joseph M. Hocklander Legal Memorial Fund was announced.

Judge Hocklander will be sorely missed by all who knew him. Alabama has lost a great citizen. The law has lost a great servant. I have lost a close friend.

Mr. President, I ask unanimous consent that two newspaper articles concerning Judge Hocklander be printed in the RECORD.

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

[From Mobile Press Register, Mar. 19, 1983]

CIRCUIT JUDGE HOCKLANDER DIES FRIDAY

(By Anne Reeks)

Retired Mobile County Circuit Judge Joseph Monroe Hocklander, a leader among jurists during his 20 years on the bench,

died Friday afternoon at Mobile Infirmary after a long battle with lung cancer.

Hocklander was just five days from his 57th birthday and battled the disease since September 1981.

Circuit Judge Robert E. Hodnette, who succeeded Hocklander as presiding judge here, said, "He was a personal friend and associate on the bench for many years and he was a credit to the bench. He was a leader in reforming the judiciary of the state."

Hodnette noted that Hocklander was "highly respected among the bench and the bar" and he termed his passing "a great loss."

Circuit Judge Ferrill D. McRae, who had served on the bench with him since 1965, called Hocklander the "best judge Mobile County has ever had. I've lost my best friend, also."

McRae said he had visited Hocklander Friday afternoon an hour or so before his death.

Arrangements were incomplete Friday night and will be announced by Radney Funeral Home.

Hocklander is survived by his wife, Lucille Sullivan Hocklander; a son, Joseph M. Hocklander Jr.; and two daughters, Ashley Hocklander Johnston and Leann Hocklander.

Presiding judge of circuit court for the last 10 of his 20 years on the bench, Hocklander stepped down Dec. 1, 1981, in the middle of his fourth term, citing health reasons.

He remained active, however, retaining an office in the courthouse and trying cases occasionally.

Though he remained on the 13th Judicial Circuit throughout his judicial career, Hocklander was a contender for several higher appointments, including the Alabama Supreme Court post that went to Oscar W. Adams, Jr. in October 1980 and the Mobile federal judgeship President Reagan named Emmet R. Cox to in 1981.

Cox was sworn in a day after Hocklander was named.

A member of the Court of the Judiciary, the state's judicial review body, Hocklander held numerous offices in professional organizations, including a post on the executive committee of the National Conference of Trial Judges, in which he served on its Fair Trial and Free Press Committee.

He began his career as city attorney for various north Mobile municipalities—Chickasaw, Satsuma and Mount Vernon—and served a stint in the Alabama House of Representatives.

Hocklander was born in Tuscaloosa but his family moved to Mobile when he was 2, and he attended public schools, graduating from Murphy High School and serving in World War II as a corporal in the 82nd Airborne Division. He went to the University of Alabama, where he obtained the juris doctor degree.

Hocklander was viewed as a model jurist—always patient and circumspect but quick to cut through lawyers' rhetoric when it threatened to bog down the proceedings.

When Mobile County Circuit Judge Robert L. Byrd was being sworn in to serve out the remainder of Hocklander's term in December 1981, Justice Richard L. Holmes of the Alabama Court of Civil Appeals said, "The man he is succeeding, Joe Hocklander, is the finest circuit judge in this state, bar none."

On the day he announced his impending retirement, Hocklander said no one event stood out when he reviewed his career. Rather, he said, the experience was "a whole series of highlights."

"Every time I participated in a trial that brought a just result, I considered it a highlight," Hocklander said. He derived the "greatest feeling of accomplishment," he said, from cases in which the so-called "little guy" came before him confused and overwhelmed by the system and left his courtroom "feeling justice had been done."

In an interview in January 1982, a month after his retirement, Hocklander said he rated himself as a "good judge," but: "I wish I'd done a little better job, looking back over the years. I worked hard at it. I may have stayed five years too long. . . .

"They say, 'It's not how old you are, it's how much pressure you're taken that wears you out.' Oh yes, there's pressure every day here.

"You have the little guy who has his one day in court—probably the only time he'll ever be in court. And you try and give him the idea that he's getting a fair shake."

When the Mobile County Bar Association opened its first permanent headquarters in the historic LeVert Office in March 1982, it designated a "Judge Joseph M. Hocklander Room," placing a portrait of the retired judge there.

Hocklander, accepting the distinction, said, "All of us like to be remembered."

[From the Mobile Register, Mar. 22, 1983]

HOCKLANDER PROVIDED "OUR DAY IN COURT"

When retired Mobile Circuit Judge Joseph Monroe Hocklander died Friday afternoon after an 18-month battle with lung cancer, the judicial system of this entire country lost one of its most outstanding members. With the greatest of dignity and unbelieveable courage.

Although he won most of his admiration and respect from other judges, attoneys and court personnel with whom he worked for the past 20 years as judge, Hocklander's greatest legacy is one of dedication to the people served by the court. He did not take lightly our constitutional guarantees of a "day in court."

He once said in an interview: "You have the little guy who has his one day in court—probably the only time he'll ever be in court. And you try and give him the idea that he's getting a fair shake." And Hocklander confirmed that he derived the "greatest feeling of accomplishment" during his remarkable career from cases in which the so-called "little guy" came before him confused and overwhelmed by the system and left his courtroom "feeling justice had been done."

Tragically, justice was not done in the case of this outstanding individual.

He was stricken by terminal illness at an age when he should have been able to look forward to a lessening of the pressures which had been upon him as he fought to imporve the court system to make the courts ever more accessible to the average citizen.

Since the time in September, 1981, when the fatal illness was diagnosed, Hocklander was engaged in a personal fight which he uncomplainingly conducted without bitterness. He did not want sympathy; his example in itself produced universal admiration and respect.

His close friend and peer, Circuit Judge Ferrill D. McRae, called Hocklander the "best judge Mobile County has ever had."

And when Mobile Circuit Judge Robert L. Byrd was being sworn in to serve out the remainder of Hocklander's term in December 1981, Justice Richard L. Holmes of the Alabama Court of Civil Appeals said, "The man he is succeeding, Joe Hocklander, is the finest circuit judge in this state, bar none."

A fitting epitaph for a remarkable man.

[From the Mobile Press Register, Mar. 20, 1983]

JUDGE HOCKLANDER TO BE BURIED MONDAY MORNING

Services will be held Monday morning for retired Mobile County Circuit Court Judge Joseph M. Hocklander who died Friday afternoon after a lengthy bout with cancer.

Mobile County Circuit Court Judge Robert E. Hodnette, who successed Hocklander as presiding judge of the court here, announced Saturday, that all activity in Mobile County courts will be halted from 9:30 a.m. until noon Monday.

Hodnette said he has ordered all circuit court activity stopped as a tribute to Hocklander and to allow court personnel to attend the services for the highly respected jurist.

Also Saturday, it was announced that a Joseph M. Hocklander Legal Memorial Fund has been established. Contributions to the fund can be made to the Mobile County Circuit Court.

The Hocklander family will receive friends at Radney Funeral Home beginning at 5 p.m. Sunday. Services for the longtime jurist will be held at 10:30 a.m. Monday from St. Paul's Episcopal Church. Burial will follow at Spring HIll Cemetery.

Hocklander 56, retired from the Mobile County Circuit Court Dec. 1, 1981, just a few months after learning he had lung cancer. Hocklander was credited during his 20 years as a judge with initiating and developing numerous reforms in the state's judicial system.

His stamp is firmly planted on the Mobile Circuit. Quickly after his appointment to the bench in 1961, Hocklander won a reputation as a "no-nonsense" judge who carefully watched his caseload.

In 1973, he recorded a remarkable feat when he cleared his docket of all pending cases. Myrtle Trott, who spent 58 years in charge of the court's criminal division said, "That's the first time in my memory such a feat has been accomplished."

In addition to being extremely active in the legal community of Mobile, Hocklander had far-reaching involvement in civic and business affairs. He served as a member of the board of directors of several companies and as chairman of the board of Doctors Hospital.

Hocklander maintained an active interest in politics here and his guidance and counsel was often sought by elected officials and those hoping to gain election to public office.

REPRESENTATIVE ED ZSCHAU ADDRESSES THE FEDERAL ROLE IN THE HIGH TECHNOLOGY REVOLUTION

Mr. WILSON. Mr. President, I wish to bring the attention of my colleagues to remarks which I think particularly appropriate on a concern which many of them have recently with respect to America developing the full potential of our high technology.

Mr. President, some two months ago, I had my first opportunity to sit in the House Chamber during the joint session of Congress, assembled to hear President Reagan deliver his 1983 address on the state of the Union. The President first reviewed the problems that our country will face in the remaining years of the 20th century and proposed bold solutions for them. He then shifted his perspective on the future—from our concerns to our hopes.

The President invoked the spirit that carried forward our industrial revolution and made the United States, as he put it, "the industrial giant of the 20th century." He went on to say that a renewal of that spirit today is evident in the birth of our second industrial revolution, the high technology revolution. As a representative in Congress of the State from which this revolution is being lead, I was particularly gratified to hear the President express his commitment to it.

Also sitting at his first joint session of Congress was the Representative of the 12th Congressional District of my home State of California, ED ZSCHAU. Congressman ZSCHAU comes to Congress after spending the past 16 years as president and chief executive officer of a high technology company, System Industries. Having founded a company in the midst of Silicon Valley before the age of the pocket calculator and, indeed, before many people had ever heard of a thing called a computer, and having built his company into the largest independent producer of computer disk storage systems, Congressman ZSCHAU is, in my mind, the most able Member of Congress to assess the high-tech revolution and the need for innovative Federal programs designed to further it. Indeed, his Republican colleagues in the House, at the very start of the 98th Congress, chose him to chair a high technology task force within the House Republican Conference.

In order to bring to this body Congressman ZSCHAU's particularly well informed insights into this complex field, I ask unanimous consent to have printed in the RECORD an article he wrote for the San Jose Mercury News, which appeared this past January 30.

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

[From the San Jose Mercury News, Jan. 30, 1983]

THE REAGAN CONVERSION TO HIGH-TECH APOSTLE—ZSCHAU: VOWS OF LEADERSHIP EASIER SAID THAN CARRIED OUT

(By Edwin Zschau)

President Reagan in his State of the Union message last Tuesday presented a realistic assessment of our current economic status and indicated his desire to work with Congress to find practical programs, that would enable the United States to regain its economic strength.

Our economy is on the mend, but recovery can continue only if federal deficits are reduced substantially so interest rates can fall. The president's new willingness to consider decreases in the growth of defense spending, structural changes in the entitlement programs and tax increases, if necessary, indicates that he now sees deficit spending as a principal cause of our economic problems. Although there will be much debate over how to reduce the deficits, there is no longer any disagreement that they must be reduced.

Perhaps the most unexpected part of the speech was the president's glowing reference to high technology and its potential for the future. "This administration is committed to keeping America the technological leader of the world now and into the 21st century," the president announced. These were welcome words to those of us who have long felt that America's technological leadership is perhaps our most valuable national resource.

Over the past several years, a variety of studies have documented the importance of technological innovation on our economic growth, productivity, job opportunities, and trade competitiveness. A study by the Massachusetts Institute of Technology estimated that 80 percent of the growth in GNP of the United States between 1909 and 1949 was due to technical change. Further, a recent Brookings Institute study determined that more than one-half of the productivity increase in the United States between 1948 and 1969 were the direct result of technological innovation. In recent years, while the overall export performance of the United States has been mediocre, exports of research and development-intensive products have shown excellent growth. From 1960 to 1979, these industries increased their export surplus from $5.9 billion to $29.3 billion. During the same period the trade balance of industries without technological bases declined from near zero to a negative $16.5 billion. It's clear that our technological leadership in the past has enabled the United States to create many new jobs to employ our growing work force.

The President's commitment to spur technology may have come in the nick of time. Despite its importance to our economy, U.S. technological leadership has eroded in recent years. It hasn't been squandered like some other resources through overuse and waste. It's been frittered away through neglect.

Over the past 20 years, research-and-development expenditures as a percent of the gross national product have declined in the United States. During the same period our two most aggressive trading partners—Japan and West Germany—were increasing these expenditures.

So it's no surprise that our leadership in technical contributions has fallen as well. In the 1950s the United States was credited with 80 percent of the major inventions made during that period. During the 1970s, our share of major inventions dropped to 60 percent. In addition, from 1974 to 1979, the U.S. patents granted to U.S. citizens rather than to foreign inventors dropped from 88 percent to 62 percent.

Although the president's recent discovery of the importance of high technology was important and most welcome, he may not fully appreciate the implications of his commitment to keep America the world's technological leader. Changes in our rate of technological innovation will come slowly. Innovation can't be forced, it can only be fostered. It is fostered by creating an environment that emphasizes freedom of scientific and industrial activities and that offers incentives to the innovators, entrepreneurs and investors who have the talent and resources to advance technology. It is fostered by a strong base of fundamental technology and by a population that is well educated in science and its application.

Maintaining our place in technological leadership is easier said than done. Basic federal policies would include:

Increasing federal funding of basic research carried out in universities. Such research provides the foundation on which high-technology enterprises and new products will be based.

Changing our antitrust laws to permit the establishment of multicorporation research, joint ventures which will enable U.S. companies to pool their resources and thereby compete more effectively against the consortia that have already been established in foreign countries.

Adopting a technology-oriented tax policy including lower capital gains taxes, the extension and improvement of research-and-development tax credits, and improved tax treatment of stock options to encourage risk-taking by entrepreneurs. innovators, and investors.

Ensuring an adequate supply of trained technical people. The future demand for engineers and technicians is predicted to far outstrip the supply. The shortage can only be solved with more money. We need tax incentives for private contributions to college and universities to fund teaching in addition to research. We need federal grants, perhaps on a matching basis, for increasing engineering department capacities.

Establishing an aggressive trade policy aimed at achieving free but fair trade and tax incentives that encourage exports and foreign operations.

But above all, we need a healthy economic climate, free of inflation and high interest rates. This means that the substantial projected budget deficits for the next several years must be reduced significantly in order to remove the upward pressure on interest rates and inflation.

For the past two decades the Santa Clara Valley has been a living example of what high technology can do to create jobs and opportunities. Now our secret is out. The potential of high technology has been discovered by our nation's leaders. More importantly, the challenge of maintaining our technological leadership has been identified. As a nation, we must act to meet that challenge. It requires far more than anyone appreciates, but if we're successful, we will have preserved our most valuable national resource and created the foundation for long-term economic growth. However, as we proceed we must make sure that our enthusiasm for the new and exciting does not cause us to forget the needs and opportunities of our basic industries or to inadvertently destroy the environment of freedom and incentives so critical to innovation.

RESEARCH AND DEVELOPMENT

Mr. WARNER. Mr. President, last night President Reagan, in a nationally televised address, announced a comprehensive and intensive effort to define a long-term research and development program to begin to achieve our ultimate goal of eliminating the

threat posed by strategic nuclear missiles.

This program, which will challenge the scientific community in America, would capitalize on our technological capacity to develop a means by which we could intercept and destroy strategic ballistic missiles before they reach our own soil or that of our allies.

Mr. President, the Senate has been taking over the past 3 years an increased interest in this area.

I note the chair in the Senate today is occupied by the distinguished Senator from Wyoming (Mr. WALLOP), and on a number of occasions Mr. WALLOP has worked with me and other members of the Armed Services Committee of the Senate both in committee and in the Chamber because of his interest in this area.

The comments of the President coincided yesterday with a hearing that I chaired as chairman of the Subcommittee on Strategic and Theater Nuclear Forces of the Armed Services Committee on strategic defense as a part of the review of the Department of Defense authorization bill. Mr. John Gardner, Director of Defensive Systems, Office of the Under Secretary of Defense—Research and Engineering—furnished an overview of the initiatives currently programed for enhancing America's strategic defense capabilities. His testimony was complemented by that of Maj. Gen. Grayson Tate, program manager for the ballistic missile defense program; Maj. Gen. Donald Lamberson, director of directed energy program coordination; and Maj. Gen. Bruce Brown, Vice Commander-in-Chief of the North American Aerospace Defense Command.

Obviously, much of the testimony on this subject is classified and therefore not available to the general public.

I think it is very important and timely that we put in the RECORD today as much material as we can, declassified and otherwise, obtained on this important subject.

Mr. President, later today I will submit a more complete statement for the RECORD.

THE RECOMMENDATION TO ELIMINATE THE VETERANS' ADMINISTRATION

Mr. EXON. Mr. President, this morning's Washington Post newspaper contained an article which disturbed me greatly. It was entitled, "Cost Task Force Urging Elimination of VA." At this time, I ask unanimous consent that the entire article be printed immediately following the completion of my remarks.

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

(See exhibit 1.)

Mr. EXON. Mr. President, I believe that we must immediately oppose any such proposal to eliminate the Veterans' Administration. I realize that this recommendation is in an early stage and is in the form of a draft report to the President by his private sector survey on cost control. It is not yet official Reagan administration policy. However, this is not the first time we have heard of such a proposal. I might also add that this private sector cost control group has made other recommendations to the President which eventually have become official administration policy. This idea needs to be killed before it gathers any momentum at all.

Under this draft recommendation, the VA would be abolished and its functions distributed to the Defense Department, the Social Security Administration, the Department of Housing and Urban Development, the Education Department, and the private sector.

Mr. President, the VA was established in 1930 for a very sound reason—to insure that our veterans programs receive the attention they deserve and to provide our veterans with a focal point in dealing with their Government.

Our veterans programs are not simply just another social program. This Nation has a debt and moral obligation to those who have served and their families. Hundreds of thousands of our citizens have died in defense of the United States. That number and more have been disabled as a result of their service. We simply cannot and should not turn our backs on those who have sacrificed to keep us free. To even seriously consider a step such as dismantling the VA, in my view, shows a lack of judgment and understanding about the functions of Government.

I want to put the Reagan administration on notice that this Senator will oppose any such move. I believe that my judgment is shared by an overwhelming majority of my colleagues in both House of Congress on both sides to the aisle. Further work on developing this proposal should cease immediately.

The President's private sector survey on cost control should either begin working on something useful or consider disbanding.

[EXHIBIT 1]

[From the Washington Post, Mar. 24, 1983]

COST TASK FORCE URGING ELIMINATION OF VA

(By Pete Earley)

A task force of the President's Private Sector Survey on Cost Control has recommended that "serious consideration" be given to eliminating the Veterans Administration and transferring its functions to other agencies, according to a six-page "working draft report" obtained this week by a subcommittee of the House Veterans' Affairs Committee.

The report, addressed to J. Peter Grace, head of the advisory panel and chairman of W. R. Grace & Co., said the government, "particularly in the absence of future wars," could divide all of the VA's programs except its hospitals among the Departments of Defense, Education, Housing and Urban Development and the Social Security Administration.

The nation's two largest veterans' groups immediately criticized the report, which was made public by Rep. Douglas Applegate (D-Ohio), chairman of the subcommittee on veterans' compensation, pension and insurance.

Meanwhile, Murray Sanders, a spokesman for the advisory panel, played down the significance of the report, calling it "an early draft paper." Anyone drawing conclusions from it might be making "assumptions that are not valid," Sanders said, "because it may well be heavily adjusted on route" to the executive committee of the panel.

VA Administrator Harry N. Walters also tried to quiet the fears of veterans' groups by saying "A draft report from a voluntary group is no basis for speculating that serious consideration would be given to eliminating the VA."

President Reagan created the Grace committee last June as part of a pledge to bring businesslike management to the federal government. It includes 150 executives from some of the nation's largest corporations and financial institutions. The committee, in turn, supervises the activities of more than a thousand private businessmen in "task forces" assigned to look into the activities of specific agencies.

Democratic members of Congress said the draft report on the Veterans Administration proved that the private-sector committee has overstepped its role as a management efficiency advisor and is delving into policy matters.

The VA report was written by William C. Douce of Phillips Petroleum Co., Hans W. Wanders of Wachovia Bank and Trust Co. and William L. Wearly of Ingersol-Rand Co.

The report's authors suggested that the Defense Department take over the VA's compensation program, that the Social Security Administration take over its pension and burial programs, that HUD take over its loan guarantees and that the Education Department take over all VA education programs. Responsibility for the VA's insurance programs, budgeted at $6.7 billion in fiscal 1983, should be turned over to private firms, they said.

The report said, "In line with the general theme of the president and the commission, we started conceptually with the premise that the VA could be disbanded."

But the authors said they had not tried to determine if such a breadup was feasible or advisable.

The VA's extensive hospital network is being examined by a separate task force. Its report has not been made public, but a copy was obtained by Rep. Robert W. Edgar (D-Penn.), who chairs a Veterans' subcommittee on VA hospitals.

A spokesman for Edgar said that report recommends consolidating the VA's 172 hospitals, where possible, with Defense Department hospitals. When that is not possible, they could be turned over to communities.

"The decision was made in 1930, when Herbert Hoover was in the White House, that veterans' programs should be pulled together so . . . veterans could receive one-stop service," said Robert Lyngh of the American Legion. "I can't see offhand why anyone would want to transfer the VA programs to already bloated agencies such as DOD and Social Security."

Among the task force's other recommendations were a reduction in the VA's field staff and using private debt collectors to recoup bad debts.

The Grace committee will hold six public meetings, beginning April 15, to consider reports from its various task forces before making a final recommendation to Reagan, Saunders said. He said leaks of draft reports were undermining the process.

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

The PRESIDING OFFICER. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

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

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

The distinguished minority leader is recognized.

Mr. BYRD. I thank the Chair.

ORDER OF BUSINESS

Mr. BYRD. Mr. President, I have made 55 previous speeches on the subject of "The United States Senate," going back to March 21, 1980, and will now continue, this being part 2 of "The Senate During the Civil War."

THE UNITED STATES SENATE

THE SENATE DURING THE CIVIL WAR, 1859-1865 (Part II)

Mr. BYRD. Mr. President, in continuing my remarks on the Civil War Senate, I would like to focus attention on one of the most remarkable and productive congressional sessions in history—the first session of the 37th Congress. Meeting in the brief period between July 5 and August 6, 1861, members of that session passed sixty-seven public laws, all related to the military emergency, under the most trying circumstances. The atmosphere in which that Congress met was hardly conducive to reasoned debate and thougtful legislation, yet members certainly rose to the occasion. Through the open windows, senators could hear the commands of officers and the footsteps of marching soldiers as a hundred thousand troops streamed into the beleaguered city. The glint of sunlight on a hundred score gun barrels and a profusion of colorful uniforms certainly must have served as a great distraction.[1]

After the fall of Fort Sumter in mid-April of 1861, President Lincoln decided to delay calling Congress into session. He believed that Congress would only complicate and frustrate the unilateral actions he considered necessary to meet the immediate crisis. In swift succession, he called for 75,000 volunteers, expanded the regular army, declared a blockade of southern ports, and suspended the writ of *habeas corpus* in certain locations.

Lincoln knew that he could summon congressional leaders individually for advice, and he did so without hesitation. Furthermore, the president delayed his call to Congress as he could not be sure that Washington would be a safe meeting place for its members. Only the Potomac River separated the Union Capitol from the Confederacy. Lincoln feared that Confederate forces might sweep through the isolated capital city much as the British had nearly a half century earlier.[2]

Lincoln's selection of the 85th anniversary of American independence as the initial date for the new congressional session was hardly a coincidence. As well as a day of great patriotic significance to members of Congress, the Fourth of July has traditionally been a festive time in Washington and 1861 proved to be no exception. Although rebel forces surrounded the city and their spies and sympathizers freely circulated within, Washingtonians made the most of their holiday. The day began with a grand parade of 20,000 militiamen, mostly New York state volunteers. As their units swept down a steaming Pennsylvania Avenue, members of Congress took pride in the assembled military force and the fact that most of the marching men were volunteers in the grand tradition of Lexington and Concord. Yet that pride had to be tempered with the stark realization that these troops were under obligation to the government for only three months. Within a few weeks, enlistments would expire. Further, beneath the panoply of colorful uniforms and blaring bands was the reality of a military force that was ill-trained, poorly equipped, and badly led by officers who owed their posts to political influence.

Even more depressing to the men who assembled in the Senate and House chambers on that festive holiday was the nation's sorry financial situation. The Treasury was nearly empty. At the beginning of the previous congressional session, there had not even been sufficient funds to pay members of Congress. Revenues were inadequate for a peacetime economy and the necessities of war threatened the country's financial system with collapse.[3]

The Senate met only briefly on the Fourth of July. Its ranks depleted by southern defection, the body's 40 remaining members welcomed two senators from the new state of Kansas, as well as one from California and, sadly, a replacement for Stephen Douglas of Illinois. Scarcely a month earlier, the 48-year-old Democratic leader had died of "acute rhematism," depriving the Senate's Democrats of an outstanding leader. The following day was set for the reading of the president's emergency message to Congress.

Before discussing the issues that awaited the Senate of the 37th Congress, I shall mention the Senate's composition and principal leaders. As I have previously noted, Republicans controlled the chamber by a margin of more than two to one. Most of the Democratic party's rising leaders in the Senate on the eve of the Civil War had been men of the South. The departure of Mississippi's Jefferson Davis, and of Virginia's Howell Cobb and Robert M. T. Hunter had deprived the party of its younger and more promising talent. With Douglas gone and Kentucky's John Breckinridge so strongly allied to the southern cause as to make his expulsion a virtual certainty, the Democrats simply drifted, hoping that the recent 1860 elections would prove to be but "a temporary derangement from the normal and natural Democratic national majority." Unfortunately for the Senate's Democrats, that "temporary derangement" lasted longer than they feared. Not until 1879 would that party resume control of the Senate, and then only briefly.[4]

The impact of Republican control was reflected in the way that committee assignments were made. Since 1840s, the majority had arranged the division of committee seats, allowing the minority to name its members to the available vacancies. In 1861, the new Republican majority withdrew that courtesy and took the liberty of arbitrarily designating Democratic members for vacant seats. Furthermore, Democrats were permitted only two seats on seven-member committees and but a single seat on the five and three-member panels.[5]

I suppose they should not have expected more than one seat on a three-member panel.

Within the Senate's Republican majority, control rested overwhelmingly with its New England members. Overnight, the Senate had been transformed into a truly sectional body. New Englanders chaired half of the Senate's twenty-two standing and joint committees. This gave New Englanders control of the principal war-related committees, including Military Affairs, Naval Affairs, Finance, and Foreign Relations. Even the crucial Judiciary Committee fell under the domination of Connecticut-born Lyman Trumbull of Illinois.[6]

As was customary in the days before the election of specifically designated floor leaders, the Senate of the 37th Congress drew its leadership from chairmen of these and other major committees. Foremost among those leaders was Charles Sumner of Massachusetts, the newly designated chairman of the Foreign Relations Committee. I have spoken often of Sumner in

Footnotes at end of article.

this series. He was a fascinating figure whom one observer has labeled "polished, arrogant, oracular, vain, and totally devoid of a sense of humor." [7]

That last phrase sounds like an often-read description in the press of Senator ROBERT C. BYRD of West Virginia; "no sense of humor," "dour." They simply have not seen me unwind my fiddle.

After ten years in the minority, Sumner relished his new status as chairman of the Foreign Relations Committee with its guarantee of immediate access to the president and oversight of activities within the Departments of State and War. Initially, as chairman, Sumner tried to moderate his earlier stridency on the subject of abolition of slavery and sought to get along with his committee's more conservative members. Sumner, in 1861, seemed to be observing Senator Jacob Collamer's admonition regarding responsibilities of majority parties, that "whenever a party is the dominant party, and in the possession of power, it may require a very different measure of duty from each individual that composes that party from what it would when they were in the minority." [8]

What a profound observation. That would be equally true today.

Sumner conducted committee meetings with dignity and went so far as to order removal of the committee's liquor cabinet and ever-present box of malodorous black cigars.

I would say that Sumner and I would have disagreed on the removal of the black cigars.

Early in the Lincoln administration, the president found himself drawn to Sumner for counsel on foreign policy matters in preference to his own secretary of state, William Henry Seward. By the end of 1861, Sumner had, in effect, established his own little State Department on Capitol Hill.[9]

Sumner's Massachusetts colleague, Henry Wilson, moved into the chairmanship of the vital Committee on Military Affairs in 1861. Known as the "Natick Cobbler," a throwback to his pre-Senate vocation, Wilson lacked Sumner's polish and formal education, but he quickly earned a reputation as a tireless and constructive legislator. Born to an improverished New Hampshire farm family, Wilson was given the name Jeremiah Jones Colbath, after a rich bachelor neighbor in the vain hope of an inheritance if Mr. Jones died without heirs. At age ten, Jeremiah was bound out to a nearby farmer who agreed to feed and educate him in return for the lad's labor until his twenty-first year. During his indenture, Jeremiah read avidly, "inwardly digesting" nearly one thousand volumes including the best in American history and biography. When he turned twenty-one, he received his liberty along with six sheep and a yoke of oxen. Wishing to dissociate himself from his difficult early years, the young man celebrated his majority by changing his name to Henry Wilson. After serving as senator, he became vice president under President Grant and, as I have mentioned earlier, he died in the Vice President's Room outside this chamber in November 1875.[10]

During the 1861 session, Wilson made major contributions to the development of American military forces. General-in-Chief of the Army Winfield Scott declared that, in that brief session of Congress, Wilson had done more constructive work "than all the chairmen of the military committees had done for the last twenty years." Wilson grew impatient with his colleagues who questioned his judgment on military matters. At one point, his frustration with their slow pace in the face of military necessity erupted as he complained that if he introduced the Lord's Prayer, senators would attempt to amend it.[11]

Elsewhere in New England, the state of Maine provided the chairman of the Finance Committee. Senator William Pitt Fessenden has been described by historian Allan Bogue as follows: "His level gaze, high-bridged nose, and firm lips and chin identified a man who would be intimidated by none; although known as a genial friend and a speaker who on occasion enlivened the chamber with humorous sallies, he was also capable of devastating sarcasm and a remorseless recall and logic that left colleagues rash enough to question either his motives or his acts, licking their wounds in frustrated fury." Widely considered the Republican party's principal floor leader, Fessenden revered the Senate's precedents and deplored the efforts of Sumner and others to circumvent them through appeals to action based on the more abstract authorities of "Truth, Justice, and Liberty." [12] Fessenden was an able debater, speaking in a quiet manner with a magnificent command of simple English. A friend once told him that his only weakness in debate was that he illustrated his points too exhaustively. Fessenden responded, "That fault I acquired in addressing juries where I always tried to adapt my argument to the understanding of the dullest man of the twelve." [13]

Fessenden patiently and constructively shaped legislation to increase tariffs, institute personal income taxes, and expand federal borrowing to meet the war's insatiable demands for revenue. He also oversaw the appropriations process in those days before creation of a separate appropriations committee. During the July 1861 session, Fessenden reflected the pervasive war-induced tension and frustration within the Senate by observing, "When a man feels as if he could cut everybody's throat and that everybody could cut his, he is in pretty bad condition. The truth is," continued the Maine senator, "that no man can be found who is equal to this crisis in any branch of the government." [14]

Another New England chairman of consequence was Vermont's Jacob Collamer. At age seventy, he was the Senate's oldest member in 1861, and he served as principal spokesman for the body's Republican conservatives. As chairman of the Committee on Post Offices and Post Roads and, incidentally, the Senate Democratic leader's office today is a former office of the Committee on Post Offices and Post Roads. It has been painted over, but if you look over the door it can still be discerned—Collamer had great patronage resources, but his Senate influence came largely through his exhaustive attention to countless legislative details, his abundant good judgment, and his calm determination in the face of crisis. Considered the best lawyer in the Senate, he supported his arguments with detailed legal citations and carefully reasoned analyses. Lacking oratorical power, the gentle Collamer was listened to in the Senate, as one colleague noted, "with profound attention as one who never offered counsel that was not needed."[15]

Vermont's other senator was Solomon Foot, who served as president pro tempore in the vice president's absence from early 1861 until April 1864. Distinguished by this white hair, massive head, and pleasant smile, Foot was regarded as the "most senatorial of senators." He presided with fairness that endeared him to all factions within the Senate.[16]

Turning from New England to the midwest, I shall mention four other key senators who guided major Senate committees during the war years. Even among this group, the New England influence abided, as three of them were raised in the region. From Ohio came two of the Senate's most notable Civil War era members—John Sherman and Benjamin Franklin Wade.

John Sherman was only thirty-eight when he began his thirty-two-year Senate career in the July 1861 session. As I have already noted Sherman had risen to prominence in the House where border-state animosity had blocked his nearly successful bid for the speakership in 1859. There he had become an expert in public finance, serving two years as chairman of the Committee on Ways and Means. Tall and scholarly, Sherman impressed other senators with the "quiet elegance of his manners." He hoped, on arriving in the Senate, that he would have the leisure to study and analyze legislation. Although that wish went unfulfilled, Sherman became a leader within the Senate Finance Committee, second only to Chairman Fessenden,

and he contributed greatly to shaping wartime financial legislation.[17]

Ben Wade, along with Solomon Foot and Charles Sumner, had the distinction of having the longest continuous service among the Senate's Republicans in 1861. Considered the leader of his party's radical faction—I wonder who that would be today—Wade had been characterized as "a man of uncommon downrightness." There was, one observer recalled, "even a sort of fascination about his profanity." A newspaper correspondent once described him as customarily thundering into the Senate chamber as "grim as a bear in ill health." [18] A staunch foe of slavery since his arrival in the Senate a decade earlier, Wade along with Senators Sumner and Michigan's Zachariah Chandler held fast against compromise with southern Democrats throughout the 1850s.

The depth of Wade's feeling became apparent in 1858 when Senators James Green of Missouri and Simon Cameron of Pennsylvania traded insults on the Senate floor. When Green threatened to settle the matter by force, Cameron sought the counsel of Wade and Chandler. The latter two decided the time had come to put an end to such threats of violence. Together they prepared a secret written compact in which they agreed to "resent any repetition of this conduct by challenge to fight, and then to carry the quarrel into the coffin." [19] Fortunately, Wade and Chandler never had an occasion to carry out the terms of that deadly pact. By 1861, from his platform as chairman of the Senate Committee on Territories and the Joint Committee on the Conduct of the War, Wade had become one of the most belligerent men in the Congress, demanding swift and decisive military action from the president and his generals.

Wade's ally, Zach Chandler of Michigan, served as chairman of the Commerce Committee with its powerful jurisdiction over river and harbor appropriations. Lincoln's biographer Stephen Oates describes Chandler as a "restless, rawboned New Englander who'd migrated west to make money and history (who was) smooth-shaven and wore an eternally grim expression"—it sound like Robert C. Byrd again—with his mouth turned down at the corners." [20] A millionaire merchant, Chandler had been one of the original founders of the Republican party and was considered more influential in its councils than he was on the Senate floor. A natural leader, Chandler possessed supreme self-confidence and was absolutely fearless. Frequently violent and intemperate in debate, Chandler worked against compromise as war neared and calmly welcomed its onset observing that, "Without a little blood-letting, this Union will not be worth a rush." [21] I shall have more to say of Chandler and Wade shortly.

Lyman Trumbull of Illinois chaired the Judiciary Committee at a time of profound testing for the Constitution. Noted for this stern and unbending legalism, and his respect for the prerogatives of the legislative and executive branches, Trumbull stoutly opposed Lincoln's extraordinary arrogation of power prior to the July 1861 session.

He declared, "I am disposed to give the necessary power to the administration to suppress this rebellion, but I am not disposed to say that the administration has unlimited power and can do what it pleases after Congress meets."[22] Trumbull's deceptively mild and frail appearance belied his strong political conscience and his resourcefulness in committee and on the Senate floor. A former Democrat—which may have shown some weakness—Trumbull exercised moderation on every significant issue except secession. When confronted with the South's attempt to destroy the Union, the Illinois senator was uncompromising in his demand that Lincoln move swiftly to bring the rebellious states to their knees.[23]

When the Senate convened on July 5, 1861, Trumbull was pleased with the tone and scope of Lincoln's emergency message. Speaking as one aware that he would be judged by the public opinion of the world as well as of the nation, the president displayed calm and moderation in his appeal to Congress. Appealing to reason, rather than passion, he coolly recounted the calamitous events since the time of his election and his response to them. Then, Lincoln put forth the central issue—the future of constitutional government and "the fate of these United States." Said the president:

> It presents the whole family of man the question, whether a constitutional republic, or democracy—a Government of the people by the same people—can or cannot maintain its territorial integrity against its own domestic foes. It presents the question, whether discontented individuals, too few in numbers to control administration, according to organic law, in any case, can always, upon the pretenses made in this case, or on any other pretenses, or arbitrarily, without any pretense, break up their Government, and thus practically put an end to free government upon the earth. It forces us to ask: "Is there, in all republics, this inherent and fatal weakness?" "Must a Government, of necessity, be too *strong* for the liberties of its own people, or too *weak* to maintain its own existence?"
>
> So viewing the issue, no choice was left but to call out the war power of the Government; and so to resist force employed for its destruction, by force for its preservation.[24]

Then Mr. Lincoln asked Congress for the only two elements necessary rapidly to prosecute the war—money and men. When reprinted in newspapers across the nation, his message renewed the Union's wartime fervor as had no event since the fall of Fort Sumter. Members of the Senate moved quickly to grant the chief executive's request, immediately introducing legislation providing for 400,000 men and $400 million. Over the course of the thirty-day session, both chambers cleared measures to reorganize the army, enlarge the navy, and develop massive new sources of revenue. In the latter category, Congress enacted the nation's first personal income tax, a measure that applied a three percent tax against all annual incomes greater than $800. Tariffs were added to imports that had previously been duty free and new taxes were applied to the sale of distilled spirits, beer, ale, wine, and tobacco.[25]

It is indeed a moving experience to read through the collected statutes of that short session. Plainly evident within the seventy-two printed pages that contain the session's legislative product is the struggle of a Congress seeking to meet the emergency needs of a nation totally unprepared for war. The earlier statutes in these pages address the needs of organization and preparation. Funds are appropriated to pay militia and volunteers, to buy books on tactics for novice soldiers and their equally ill-prepared officers. There are measures funding the purchase of horses and surgical supplies. Provision is made to allow female nurses to replace soldiers "when it is expedient to do so" at a compensation of forty cents per day. Throughout that statute book, one finds appropriations for regimental bands. There are even funds to compensate the band stationed at Fort Sumter for the loss of its instruments as a result of the hasty withdrawal from that garrison.[26]

Following the first major engagement of the war, the tone of the statutes becomes more desperate with provisions for allowances to widows and children coming three days after the Battle of Bull Run. We also find procedures for courts-martial and penalties for disobedience of presidential orders. There are even funds for special security lighting arrangements for the Capitol and White House.

Midway through this flurry of legislative activity, on July 21, 1861, Union forces suffered a disastrous defeat in the Virginia countryside not far from Washington. As I have just suggested, the outcome of that engagement at Bull Run quickened Congress' pace and altered its view of the measures required for a successful outcome. One observer concluded that "for the first time people began to realize that we were to have war with bloody fighting and much suffering, with limitless destruction of property, with costly sacrifice of life. The young men who had enlisted for a summer excursion suddenly found that they were engaged in a bloody war in which comrades and

friends had been slain by their side, and in which they saw nothing before them but privation, peril, loss of health, and possibly loss of live."[27]

The Battle of Bull Run was not supposed to have ended so disastrously. Word of the impending battle reached the capital on Saturday, July 20. The Senate was in session that day and many members fought to obtain passes across the Potomac for access to the Virginia countryside. Demand for picnic lunches exceeded the ability of local chefs to prepare them. Churchgoers decided that they could risk missing one Sunday's attendance to be present at what they presumed would be the war's first and last engagement. By late Saturday, it was impossible to find a carriage for hire, even at scalpers' prices.

Historian Margaret Leech, in her enjoyable book *Reveille in Washington*, beautifully describes the start of that fateful Sunday:

In the tranquil loveliness of the summer morning, the army of the sight-seers crossed the silver Potomac, and drove through the wooded hills, the deserted farms and the ripening cornfields of the Virginia countryside. The gentlemen were dressed in thin summer clothing. They carried spyglasses, rifles and revolvers. In their comfortable carriages, they had stowed rich lunches, bottles of wine and flasks of Monongahela and bourbon. There were a few adventurous ladies among them. Negroes looked from the doors of their cabins, as they jolted over the road plowed up by artillery and army wagons. The muffled pounding of artillery began to be heard in the distance, growing heavier and louder as the carriages rolled toward Fairfax.[28]

Among those festive travelers were Senators Ben Wade and Zach Chandler. Armed with Maynard rifles and Navy revolvers, the two members hired a carriage and, in the company of the Senate Sergeant-at-arms, George Brown, rode off to view the battle.

Although outnumbered by Union troops, Confederate forces had the advantage of early warning thanks to their effective spy network close to the highest councils of government. Additionally, they were able to fight from a stationary position, while Union forces had to advance over unfamiliar terrain against force of unknown size. During the march, northern troops became badly disorganized and their officers, generally inferior to those leading southern forces, were unable to bring them back to order. The result, as I have indicated, was devastating defeat for the North.

Historian Allan Nevins has painted a vivid picture of the rampage that occurred between the battlefield at Manassas and the safety of Alexandria. He wrote:

The fields were dotted with fugitives, mounted officers outstripping privates afoot. Down the Centreville highway poured a river of wagons, ambulances, soldiers belaboring mules, and dirty, disheveled troops. Every vehicle was jammed with men, who threw out even ammunition to make room. The ground was covered with provisions, overcoats, knapsacks, blankets, muskets, canteens, and cartridge boxes. Drivers whipped their teams; reeling soldiers clung to stirrups and wagon gates; and at every interruption of traffic masses of troops yelled frantically with rage: "The cavalry is on us! Get along, get along!" Over the crossroads rose columns of dust, for here, too, masses of troops were fleeing as from some unknown terror. As the flight roared northward, its noise like that of a great river, more amd more men fell out from exhaustion. At Centreville some fresh reserve regiments formed line on a good defensive slope, and the fleeing forces might well have considered themselves safe. But when a neighboring battery opened fire, the thud and flash precipitated a fresh panic.[29]

Senators Wade and Chandler encountered this fleeing multitude. Furious at such display of cowardice, Senator Wade determined to stop the retreat at all costs. Quickly, he drew his carriage across the escape route at a point where alternate passage was impossible. There the sixty-year-old senator staged his bold stand against the raging onslaught of panic-stricken federal forces. For a few grim minutes, he held off the multitude. Finally, reinforcements arrived to relieve him of his hopeless mission. Then, the senators angrily turned their carriage back to Washington and headed directly for the White House.[30]

As the dust of retreat settled along the highways from Virginia, senators reflected on the new seriousness of the war situation. In action taken before Bull Run, the Senate had approved a resolution offered by Tennessee's Andrew Johnson declaring that the principal objective of military action was simply to restore the Union without tampering with state institutions. Among these "institutions" was slavery, which the Constitution protected within the existing states. When the Senate met on the day following the battle, the mood had changed dramatically. Members realized that the war would not soon be over and many believed an expansion of objectives was necessary. As one observer put it, "if national government did not interfere with slavery, slavry would seriously interfere with the national government." [31]

(At this point Mr. WALLOP assumed the chair.)

Mr. BYRD. Mr. President, the Senate's frustration became apparent as members took up a pending measure providing for confiscation of "property used for insurrectionary purposes." Judiciary Committee chairman Lyman Trumbull immediately proposed an amendment to include "persons" as well as property in cases where those persons happened to be slaves used to aid insurrection or to otherwise help the South's cause. At Bull Run the Confederates had used slaves by the thousands to build earthworks, to drive teams, to do the cooking, and to undertake many other forms of camp drudgery.[32]

Military Affairs Committee chairman Henry Wilson, who had been among those senators to witness Sunday's disaster spoke eloquently in support of the amended measure. He said:

The idea that men who are in arms destroying their country shall be permitted to use others for that purpose, and that we shall stand by and issue orders to our commanders, that we should disgrace our cause and our country, by returning such men to their traitorous masters, ought not longer to be entertained. The time has come for that to cease; and, by the blessing of God, as far as I am concerned, I mean it shall cease. If there is anybody in this Chamber that chooses to take the other path, let him do it; let him know what our purpose is. Our purpose is to save this Government and save this country, and to put down treason; and if traitors use bondsmen to destroy this country, my doctrine is that the Government shall at once convert those bondsmen into men that cannot be used to destroy our country.[33]

In opposition, border-state and midwestern Democrats complained that the confiscation act was a thinly-disguised emancipation act, but its supporters successfully responded that the measure's only purpose was to weaken Confederate military forces to end the war rapidly. From that point on, the war was to be prosecuted with severe military means and those in rebellion could expect no protection under the Constitution. Of greatest significance, however, the confiscation act, as passed, provided the first means since the beginning of our republic by which a slave could obtain his freedom. It was a small but auspicious beginning on a long and tortuous road out of bondage.[34]

A demonstration of increased senatorial resolve to move ahead swiftly with the war occurred in this chamber shortly after the Bull Run fiasco. It involved a confrontation between Kentucky Senator Breckinridge and Oregon Senator Edward Dickinson Baker. For weeks Breckinridge had continued his vituperative attacks on the North and the Lincoln administration, charging that their response to southern secession would forever doom the operation of constitutional government. Finally, the Republicans had had enough of the Kentucky Democrat's harassment. Into this highly charged climate stepped Baker of Oregon.

Edward Dickinson Baker had come to the Senate from Oregon less than a year earlier. Born in England, he had moved to the United States in 1815. By the mid-1830s he had become a successful lawyer in Springfield, Illinois, earning a reputation on a par with such other Illinois lawyers as Lincoln, Stephen Douglas, and Lyman Trumbull. He defeated Lincoln for a term in the House in the mid-1840s, but agreed

to step aside two years later so that Linclon could take the following term. As a mark of his respect, Lincoln named his second son after Baker.[35]

Baker served with distinction in the Mexican War and in 1852 moved to California, where he became prominent as a lawyer and a gifted orator. One of his most memorable addresses took place in 1859 at the funeral of Senator David Broderick. Killed by California's chief justice, Broderick has the dubious distinction of being the only senator ever to die in a duel while still in office. Moving to Oregon in 1860, Baker soon won election to the Senate, becoming the only Republican from the Pacific coast sent to support the new Lincoln administration.[36] On March 4, 1861, Baker had the honor of presiding at Lincoln's inaugural, as did another Oregon senator, our colleague Senator Hatfield, at the swearing in of another Republican president 120 years later.

On August 1, 1861, Senator Breckinridge took the Senate floor to oppose a bill providing for the use of martial law to suppress sedition and insurrection. For nearly thirty minutes the forty-year-old senator spoke forcefully about the measure's threat to constitutional liberties. Meanwhile, Senator Baker had entered the chamber dressed in the blue uniform of a Union army colonel. In addition to his Senate duties, Baker had undertaken to raise, train, and lead a militia unit known as the "California Regiment." Baker sat quietly listening to the Kentuckian's words. When Breckinridge finished, Baker began to speak, calmly at first, but more heatedly as his oratorical brilliance came into play. Challenging Breckinridge's councils of moderation, Baker asked:

> What would he have? Would he conduct this war so feebly, that the whole world would smile at us in derision? What would he have? These speeches of his, sown broadcast over the land, what clear distinct meaning have they? Are they not intended for disorganization in our very midst? Are they not intended to dull our weapons? Are they not intended to destroy our zeal? Are they not intended to animate our enemies? Sir, are they not words of brilliant, polished treason, even in the very Capitol of the Confederacy? [37]

Mr. President, at that point, the galleries erupted into applause and tumult. After order was restored, Baker continued with these dramatic lines:

> What would have been thought if, in another Capitol, in another Republic, in a yet more martial age, a senator as grave, not more eloquent or dignified than the Senator from Kentucky, yet with the Roman purple flowing over his shoulders, had risen in his place, surrounded with all the illustrations of Roman glory, and declared that advancing Hannibal was just, and that Carthage ought to be dealt with in terms of peace? What would have been thought if, after the battle of Cannae, a senator there had risen in his place, and denounced every levy of the Roman people, every expenditure of its treasure, and every appeal to its old recollections? [38]

Then came another brief interruption, as Senator Fessenden, who sat near Baker, whispered audibly in answer to Baker's rhetorical question, "He would have been hurled from the Tarpeian Rock." (This was in reference to a peak on the Capitoline Hill in ancient Rome from which condemned criminals were hurled.) In his labored response, Breckinridge assumed that Sumner had uttered the whispered remark, and he verbally attacked the Massachusetts Republican, much to the latter's consternation. Accustomed to such abuse, Sumner let it pass. When Breckinridge read the transcript of this exchange the following day in the *Congressional Globe* he compounded his insult by failing to apologize to Sumner. Such were the passions of the hour. [39]

The Baker-Breckinridge exchange became the talk of Washington and the Nation in the closing days of the congressional session. Preoccupied with the military situation. Lincoln was relieved that Congress finished its work on August 6. In the final hours, Congress had approved a resolution validating all of the president's emergency actions, although it specifically refused to mention suspension of *habeas corpus,* viewing that act as a congressional prerogative. Until the December session, management of the war and the nation's destiny would remain exclusively with the president.[40]

As the first session of the 37th Congress ended in the deep gloom of Bull Run, the second session began in the shadow of another grave military disaster—the pointless Battle of Ball's Bluff. On October 21, 1861, Union general Charles P. Stone dispatched part of his division on a mission across the Potomac River forty miles north of Washington to probe the strength of Confederate forces near Leesburg, Virginia. Stone sent a larger party than the circumstances demanded. At once, Confederate forces ambushed his remaining hapless troops, including a unit under the command of Senator Edward Dickinson Baker. In the horror that followed, Union soldiers were swept down a steep bluff and trapped without means of escape between the bluff and the Potomac River. Many were shot or drowned as they tried in vain to swim to the Maryland shore. When the engagement ended, Union losses amounted to 200 dead and 700 captured. Among the dead was Senator Edward Dickinson Baker.[41]

As Union bodies floated down the Potomac, word of Baker's tragic death reached the president who was at the War Department. With tears streaming down his face and hands pressed firmly against his chest, Lincoln left the war office, stumbled as he stepped into the street, and returned to the White House without a word. Later, the president said that Baker's loss "smote like a whirlwind." That night, as Lincoln paced in his office with the rain pelting at the windows, his ten-year-old son Willie set down the following verse on tear stained pages:

> There was no patriot like Baker,
> So noble and so true:
> He fell as a soldier on the field,
> His face to the sky of blue . . .
> No squeamish notions filled his breast,
> The Union was his theme,
> "No surrender and no compromise,"
> His day thought and night's dream.
> His country has her part to play,
> To'rds those he left behind,
> His widow and his children all—
> She must always keep in mind.[42]

A fierce outcry echoed across the nation in the wake of the humiliating rout at Ball's Bluff. Of little military significance, the engagement had great political consequences. As citizens rallied to the colors and enlistments exceeded the 500,000 authorized by Congress, Senators Wade, Chandler, and Trumbull paid a call on the president. They told him they could not support further drift and delay. In their judgment, the nation demanded action—a major and decisive drive against rebel forces near the capital. They suggested that perhaps Lincoln's commander, George McClellan, was hesitating because he was a Democrat with secret southern sympathies. The three senators also had their doubts about Lincoln. After they left the White House, Wade called the president "a fool," and Chandler and Trumbull agreed that the new chief executive was weak and inefficient. By the start of the Senate's December session, other congressional Republicans shared the view that Lincoln was too inexperienced for his job.[43]

The senators decided to take the initiative. Shortly after Congress convened, Chandler offered a resolution to launch an investigation of the Ball's Bluff disaster. Other members urged that the inquiry be expanded to cover the entire subject of military operations and on December 10 Congress established the Joint Committee on the Conduct of the War. Radical Republicans then moved quickly to take control of that panel and succeeded with the appointment of Senator Wade as its chairman.

Mr. President, the Joint Committee on the Conduct of the War quickly came to be labeled a sinister and dangerous body of inquisition. Its opponents then and in the years to follow have seen the committee as an example of the worst kind of congressional interference in military matters. They have noted that it held its meetings in secret in the Capitol basement, and that it forced the resignation of top Union generals. As recently as the early 1940s, Senator Harry Truman, in

taking over a similar Senate committee to investigate United States' conduct of World War II, promised not to repeat the errors of the Civil War Panel.[44]

Recent studies have demonstrated that this view is less than accurate. The committee operated, under limits placed by Congress, to force Lincoln to revamp the military command structure, and it served as a vehicle for adding abolition of slavery to the stated war objectives. As was the case with Senator Truman's World War II committee, the joint committee succeeded in uncovering corruption and inefficiency in the conduct of military and supporting operations. Finally, the committee served as a vital propaganda agency bringing enemy atrocities to public attention to strengthen morale in desperate times. Far from intimidating Union commander General George McClellan, the committee received that officer's unceremonious rebuke on one notable occasion when Senator Wade arrived on the battlefield for a personal inspection. Seeking shelter from a rainstorm, the chairman and his party were chased from a house by troops with orders to discourage such congressional visitations. By war's end, the joint committee had compiled an impressive investigative record, performing as a significant organ of persuasion, rather than coercion.[45]

Mr. President, establishment of the Joint Committee on the Conduct of the War at the start of the second session of the 37th Congress signaled a significant deterioration of relations between Congress and the Lincoln administration. During the short and remarkably productive first session, Senate Republican leaders had gone out of their way to respond fully to the president's requests for the men, money, and executive authority he needed to bring the war to a speedy and successful conclusion. By December, Radical Republicans had lost patience with Lincoln's General-in-chief George McClellan and his strategy of procrastination. Senator Zach Chandler conveyed that frustration in charging that "General McClellan's forte is digging, not fighting. Place him before an enemy and he will burrow like a woodchuck. His first effort is to get into the ground."[46]

The second session, which ran from December 1861 to July 1862, brought remarkable legislative accomplishments in the non-military realm. While the administration was preoccupied with the war effort, the Senate and House moved ahead with an extensive legislative program that had been at the heart of the Whig-Republican agenda of the late 1850s. Withdrawal of forceful southern opponents to that agenda cleared the way for its advancement. During the remainder of the 37th Congress, Congress clearly dominated the executive in the formulation of policies designed to effect the nation's development for decades to come.

One of the most pressing issues awaiting senators of the 37th Congress was the revitalization of the nation's antiquated financial system to provide adequate funding for the war. At the beginning of the conflict the federal government had been totally divorced from the country's banking and financial system. All payments from or to the central government had to be made in specie rather than in paper currency. By 1861 there were 7,000 different types of state and local bank notes in circulation. Many were counterfeit and others were similarly worthless because their issuing banks had gone out of business. Even the notes of sounder banks circulated at a discount producing chaos and uncertainty barely tolerable even in a peacetime economy. To provide a sound currency to meet the war's growing demands, Congress passed the Legal Tender Act early in 1862. This measure authorized the printing of $150 million in paper money that soon became known as "Greenbacks."[47]

In expressing the banking community's opposition to the measure, one of its members claimed that abandonment of specie was immoral. He said, "By common consent of the nations, gold and silver are the only true measure of value. These metals were prepared by the Almighty for this very purpose." Senate Finance Committee Chairman Fessenden shared this view, adding, "It shocks all my notions of political, moral, and national honor." Yet he concluded, despite these reservations, that the nation had little alternative. This act did not establish a specific gold reserve to support the new currency, and it did not set a date for redemption. To ensure the greenbacks' negotiability, Congress simply declared these notes "legal tender in payments of taxes, internal duties, excises, debts, and demands of every kind," except duties on imports. Thus, under the exigencies of war, the nation gained a uniform currency to meet the demands of an expanding economy.[48]

In May 1862, Congress established the Department of Agriculture to provide useful information on topics related to agriculture throughout the nation. Within several days, the president also approved the Homestead Act to promote western agricultural expansion by providing a minimum of 160 acres of public lands at $1.25 per acre to any citizen over 21 years of age who occupied and improved that land for five continuous years. The House had passed this measure repeatedly in the 1950s only to see it founder on southern opposition in the Senate. It has been a major plank in the Republican party's 1860 platform and undoubtedly accounted for that party's great victory in the Northwest. As western states enjoyed proportionally greater representation in the Civil War Senate than they did in the House, the Homestead Act passed by a margin of five to one with little debate. Republicans from that region were simply unwilling to face the 1862 elections without redeeming that important promise.[49]

As with the Homestead Act, measures to finance construction of a transcontinental railroad had circulated through Congress for many years, winning endorsement in the Republican party's 1860 platform as well as in both Democratic party platforms. In 1855 and 1859 the Senate passed bills providing for government aid in constructing three separate transcontinental lines simultaneously, but the House had refused to act. Late in 1860 the House approved a measure for two routes, but the Senate adopted a number of amendments unacceptable to the House. With the withdrawal of southern members in the 37th Congress, the element of sectional jealousy that impeded earlier versions was removed.

Railroad legislation became tied to military necessity and the Senate established the Select Committee on the Pacific Railroad to expedite its consideration. This measure quickly ran into sectional opposition within the Senate. Finance Committee Chairman Fessenden, whose Maine constituents had little interest in such a rail line, blocked the attempt of California Senator James McDougall to have the bill made a special order. Fessenden was interested in completing work on a pending tax measure, and the Senate, by a sectional vote of 17 to 19 refused to go along with McDougall. After extended delays and numerous amendments, however, the measure finally cleared the Senate late in June 1862. The House moved quickly and the president completed action on July 1.[50]

The Pacific Railway Act authorized the Union Pacific Railroad to build westward from the 100th meridian across the Rockies while the Central Pacific proceeded eastward across the Sierra Nevadas. Connection would be made at the California-Nevada border. Each railroad received a 400-foot right of way and five alternate sections of land adjacent to the line for every mile of track laid. To finance construction, the act provided loans in United States bonds ranging from $10,000 to $48,000 per mile depending on terrain. Additional acts were required to put this system into full operation and considerable financial abuses occurred in the years ahead, as I shall describe later. Nonetheless, with this act the 37th Congress took a major step toward binding the nation together.

The railroad would make possible development of the Great Plains and would forever end the threat that the Pacific coast states might leave the Union. It was a bold and farsighted act demonstrating Congress' vitality and resilience in times of grave national crisis.[51]

Mr. President, I shall conclude my discussion of major nonmilitary legislation devised exclusively within Congress with a brief reference to the Land Grant College Act, considered the most important instance of federal aid to education in American history.

For five years Representative Justin Morrill of Vermont had been urging passage of a bill to grant public lands to states for establishment of colleges to "benefit the agricultural and mechanical arts." As introduced in the Senate, the measure provided for grants to states of 30,000 acres for each member of the Senate and House. States were then to sell this public land using the proceeds to invest in bonds yielding at least 5 percent interest. The income could be applied to all costs except for erection of buildings and the colleges had to be established within five years. Western senators generally opposed the bill, fearing that it would tie up their public lands, placing their states in the hands of "absentee landlords." In response to these fears, the Senate adopted an amendment of Senator James Lane of Kansas prohibiting the location of more than a million acres of land grants in a single state. With that amendment, serious western opposition in both chambers disappeared and the measure received the president's signature on July 2, 1862.[52]

Mr. President, at the start of the third session of the 37th Congress in December 1862 the Senate's attention once again turned to the president's conduct of military operations. On September 17, 1862, Union and Confederate forces engaged in the bloodiest single-day battle of the war at the Battle of Antietam near Sharpsburg, Maryland. Each side lost over 2,000 dead and 9,000 wounded. Although the battle itself proved inconclusive, it convinced the British and French governments to abandon their plans to recognize the Confederacy. Union troops forced General Robert E. Lee to pull back into Virginia. This victory allowed the president to issue his preliminary Emancipation Proclamation freeing as of January 1, 1863 all slaves in areas still in rebellion against the United States.

Two weeks after the third and final session of the 37th Congress convened, Union forces suffered a shattering defeat at the Battle of Fredericksburg. Lincoln had finally replaced General McClellan with General Ambrose Burnside as commander of the Army of the Potomac. At Fredericksburg, Burnside failed to use his overwhelming troop strength to good effect. Poor coordination among the various federal units gave Confederate forces time to concentrate behind Fredericksburg on the heights overlooking the Rappahannock River. Belatedly, Burnside threw his forces across the river. Confederate artillery concentrated on the half mile stretch of open ground over which Union forces had to pass. The result was incredible slaughter claiming more than 12,000 Union casualties as against less than 5,000 for Lee's forces. The wounded suffered indescribable agonies during the freezing December night following the battle. After a truce to allow both sides to bury their dead, Union troops pulled back across the river. Nothing had been accomplished.[53]

Several days passed before word reached the capital of the disaster's magnitude. Lincoln commented, "If there is a worse place than Hell, I am in it."[54] Generals and members of Congress alike confessed their doubt that the war could be won, and many expected an armistice during 1863. When the Senate adjourned on December 16, its Republican members caucused in the Senate Reception Room and focused their anger on Secretary of State Seward. They believed him to be the "evil genius" and the "unseen hand" undermining Lincoln's leadership. In two long meetings every member of the Republican caucus but one voted to request a reorganization of the cabinet to deal more effectively with problems of planning for emancipation and appointment of army connanders. Exclaimed Senate Republican leader Fessenden, "I am heartsick when I think of the mismanagement of our army. The simple truth is, there never was such a shambling, half and half set of incapables collected in one government before or since the world began."[55] Aimed at Secretary Seward, the resolution was inspired by his cabinet rival, Secretary of the Treasury Salmon P. Chase, a close associate of Radical Republican Senators, who coveted the presidency for himself.

Lincoln saw in the Senators' request the beginnings of a basic constitutional confrontation. If he agreed to their plan, he believed he would lose control of his administration and would be dragged into a parliamentary form of government. In dispair, Lincoln grieved to a friend, "What do these men want? They wish to get rid of me, and I am sometimes half disposed to gratify them. Since I heard last night of the proceedings of the caucus I have been more distressed than by any event of my life. We are now on the brink of destruction. It appears to me that the Almighty is against us, and I can hardly see a ray of hope."[56]

The Republican caucus voted to send a delegation of its members to negotiate with the President. Conservative Jacob Collamer served as chairman accompanied by Ben Wade, Charles Sumner, Lyman Trumbull, William Fessenden, and four others. Lincoln received the delegation at 7:00 o'clock on the evening of December 18.

Senator Collamer began by reading to the President a statement on the necessity of reconstituting his cabinet. Ben Wade then charged that Republicans had done poorly in the recent mid-term elections because the President had "placed the direction of our military affairs in the hands of bitter and malignant Democrats." Sumner complained that Seward had made a fool of himself in diplomatic circles. Lincoln listened politely. As the meeting drew to a close, he promised the Senators he would give careful attention to their arguments. In the hours that followed, the president became convinced that the principal troublemaker was Secretary Chase and not the senators. But he also recognized that he could ill afford to alienate Senators such as Sumner, Turmbull, and Fessenden, and he certainly had no desire to start with a new cabinet in the depths of national crisis.[57]

On the following evening, Lincoln invited the Senate delegation back to the White House. When the senators arrived at 7:30, they were surprised to find the whole cabinet, except for Seward, in attendance. They were also unaware that the president carried Seward's resignation in his pocket. Mr. Lincoln had decided to set a trap for Secretary Chase. The meeting began with a tactful but firm presidential address. Lincoln asserted that he consulted his cabinet regularly, but that he alone made the final decisions. He added that he valued Seward's counsel. Then he turned to the cabinet for confirmation of his assessment. All eyes focused on Chase. If Chase denied the president's claim, he would have destroyed his relationship with the chief executive. If he agreed, he would lose face with his senatorial allies. Chase mumbled an endorsement of the president's statement, while lamely expressing regret that the cabinet did not discuss major decisions more fully. The meeting ended at 1:00 o'clock the following morning.

Greatly embarrassed, Chase returned to the White House on the following day and handed his own resignation to the president. Lincoln smiled. The trap had sprung. Now he had the resignations of both protagonists. Republican senators could not have the hated Seward's resignation without also losing their ally Chase. Rejecting both resignations, Lincoln exulted, "Now I can ride; I have a pumpkin in each end of my bag." The crisis had passed. Lincoln demonstrated his political skill in handling it without incurring the wrath of those whose support he dearly needed. As one observer put it, the murky politi-

cal situation cleared, and Lincoln was clearly in command of his administration.[58]

As the abbreviated third session of the landmark 37th Congress drew to a close in March 1863, the Senate's Republican majority could look with satisfaction on several pieces of urgent legislation, including the National Banking Act and the Enrollment Act, which they had passed. Designed to replace the corrupt, decentralized, and inefficient system of state banks and banknotes, the National Banking Act was largely the work of Secretary Chase and Senate Finance Committee member John Sherman. It had three objectives. They included creation of a market for war bonds, reestablishment of the central banking system destroyed during the Jackson administration, and development of a stable banknote currency. As amended in 1864, the Banking Act permitted banks to obtain federal charters and issue national banknotes up to 90 percent of their holdings of United States bonds. With modifications, this system remained the backbone of the nation's monetary structure until creation of the Federal Reserve System in 1913.[59]

In the final hours of the 37th Congress, the Senate and House established a national system for enlisting into military service able-bodied males between the ages of 20 and 45. In the Enrollment Act, Congress sought to encourage men to volunteer at a time when enlistments of large numbers of Union soldiers were about to expire. The measure assigned to each congressional district a quota from which would be subtracted the number of men already serving. Each district was given fifty days to fill its quota with volunteers, otherwise the deficit would be made up through the draft. Most districts actively worked to fill their quotas to avoid the stigma of the draft. The principal failing of this act was its provision allowing a man to avoid service by paying a $300 bounty or by finding a substitute for a three year enlistment. Discriminating against the poor, that provision contributed to the bloody New York City draft riots of July 1863.[60]

Nine months passed before the Senate of the 38th Congress convened on December 7, 1863. By then the war situation had taken a dramatic turn for the better from the Union's point of view. In May the battle of Chancellorsville, not far from Fredericksburg, proved to be the darkness before the Union's dawn. In that engagement, both sides continued to suffer staggering losses, although the nominal victory went to Robert E. Lee.

Two months after that battle, the 4th of July again proved to be a day of both symbolic and substantive importance for the Union. That day brought rejoicing for the North with major victories at Gettysburg in Pennsylvania and Vicksburg in Mississippi. These decisive engagements led both Great Britian and France to suspend construction of naval vessels for the Confederacy. By the time Congress met in December, Confederate hopes for foreign recognition and aid were irretrievably shattered.

Mr. President, the Senate of the 38th Congress began with a particularly appropriate prayer by its chaplain, the Reverend Byron Sunderland. As the forty-two senators present stood in silence, the Reverend Mr. Sunderland prayed:

> . . . and we do beseech and pray Thee that the statue of Liberty that now crowns this temple of the nation, uplifted in the utmost majesty of human undertaking, as it shall greet all eyes, may betoken forever that grander and mightier spirit which shall walk in the air we breathe, and march upon the mountains and the plains, upon the streams and lakes of all the land, and dwell in all the households and hearts of the people—the spirit of a nobler justice and a freer franchise towards all the tribes of men.[61]

In his message, the Senate chaplain had referred to a recent event of towering symbolism. Five days earlier, on December 2, 1863, the fifth and topmost portion of the Statue of Freedom had been slowly lifted by a steam hoisting apparatus to its crowning place atop the newly completed Capitol dome. When the last section of the bronze figure settled into place, an artillery battery to the east of the Capitol fired a thirty-five gun salute, representing the number of states in the Union including those of the Confederacy. As the last volley echoed across the Potomac plain, twelve forts surrounding the city answered with their own thunderous roar of exploding artillery shells.[62]

Atop the grand new statue, an American flag unfurled in the cold December breeze. The Capitol extension project, begun in 1851 to accommodate the increased number of members from newly admitted states had come to a glorious completion. Daniel Webster had delivered the address at the cornerstone laying on July 4, 1851, when the extention construction was begun. In the presence of men who had witnessed the original cornerstone laying of the oldest section of the Capitol fifty-eight years earlier, Webster deposited in the new cornerstone this handwritten note. His words on that occasion must have been a source of inspiration to those who witnessed the December 1863 completion ceremony. He had written:

> If, therefore, it shall be hereafter the will of God that this structure shall fall from its base, that its foundation be upturned, and his deposit brought to the eyes of men, be it then known, that on this day the Union of the United States of America stands firm, that their Constitution still exists unimpaired, and with all its original usefulness and glory; growing every day stronger and stronger in the affections of the great body of the American people, and attracting more and more the admiration of the world. And all here assembled, whether belonging to public life or to private life, with hearts devoutly thankful to Almighty God for the preservation of the liberty and happiness of the country, unite in sincere and fervent prayers that this deposit, and the walls and arches, the domes and towers, the columns and entablatures, now to be erected over it, may endure for ever![63]

Mr. President, the historian David Donald has drawn a useful distinction between the activities of the 37th and the 38th Congresses. He observed that like the just completed Capitol Building, members of the new 38th Congress in December 1863 had a sense that "their work too was finished. They had raised armies and equipped navies; they had mobilized the economy of the nation; they had set the country upon an anti-slavery course. Though there was much detailed legislative work to be done, there was no need for bold new policies." As Senator Charles Sumner commented at the time, "Never before since I have been in Congress has it come together in such tranquility. The battle of ideas has been fought in the last Congress. It only remains that we should carry forward the ideas that have been adopted."[64]

As the Senate of the 38th Congress got down to work, members had increasing reason for confidence in Daniel Webster's vision of the Union's future. Despite staggering casualties on both sides, Union forces were clearly prevailing on the battlefield. In the Senate attention turned to planning for restoration of the departed states. On the second day of the new Congress, President Lincoln unveiled his own reconstruction plan. It provided amnesty for southerners who took a prescribed loyalty oath and executive recognition for governments in states where 10 percent of those qualified to vote in 1860 took a loyalty oath and where the state had agreed to emancipation. Lincoln's plan failed, however, to address the question of seating individuals sent to Congress as representatives of the newly constituted state governments. Such recognition was within the exclusive domain of the Senate and House.

To Senator Ben Wade the very idea of a presidential reconstruction plan was anathema. In his view, such matters were to be settled only by Congress. Wade's objection grew from both constitutional and political considerations. "Since when did 10 percent of the electorate constitute a majority," Wade asked. Further he feared that 10 percent of the electorate might simply restore pre-war conditions, bringing an end to Republican ascendancy and little hope for liberated slaves.

Responding to the president's move, Wade joined with Baltimore Repre-

sentative Henry Winter Davis to devise a plan of congressional reconstruction, that became popularly known as the Wade-Davis bill. Their proposal required that 50 percent of the voters in seceded states take an oath of allegiance before a new state government could be formed. Each state would have to abolish slavery forever and suffrage would be granted only to those who could meet stringent loyalty tests. Wade skillfully maneuvered his bill through the Senate, dodging potentially fatal amendments from all sides, including one that would have given the vote to blacks. Wade believed the president would sign the measure.[65]

On the final day of the first session, July 4, 1864, Mr. Lincoln came to the President's Room to handle the usual last minute rush of bills awaiting his approval. Throughout the morning, he signed bill after bill. After some delay, Senator Chandler entered the room to inquire whether the chief executive had signed the Wade-Davis reconstruction bill. Mr. Lincoln responded with a flat "no." Senator Chandler suggested that he ought to reconsider. Mr. Lincoln countered, "Mr. Chandler, this bill is placed before me a few minutes before Congress adjourns. It is a matter of too much importance to be swallowed that way." The senator warned that a veto would hurt the Republican party in the forthcoming presidential and congressional elections, particularly in Chandler's Michigan and Wade's Ohio. Lincoln turned aside arguments of congressional prerogative in this matter, reminding Chandler of the longstanding reluctance of Congress to interfere with slavery in the states. When Chandler pointed out that the president enjoyed no greater authority in that regard than did Congress, Lincoln said, "I conceive that I may in an emergency do things on military grounds which cannot be done constitutionally by Congress." With that he placed the unsigned measure in his pocket.[66]

The president subsequently issued a proclamation explaining his pocket veto, noting that a uniform plan would only destroy the fragile governments of Louisiana and Arkansas that he was trying to guide back to the Union. In response, Wade and Davis published a blistering manifesto. In a classic defense of congressional prerogative, they charged that:

A more studied outrage on the legislative authority of the people has never been perpetrated.

Congress passed a bill; the President refused to approve it, and then by proclamation puts as much of it in force as he sees fit, and proposes to execute those parts by officers unknown to the laws of the United States and not subject to the confirmation of the Senate!

The President, after defeating the law, proposes to appoint without law, and without the advice and consent of the Senate, *Military* Governors for the rebel States!

He has already exercised this dictatorial usurpation in Louisiana, and he defeated the bill to prevent its limitation . . .

The President has greatly presumed on the forbearance which the supporters of this Administration have so long practiced, in view of the arduous conflict in which we are engaged, and the reckless ferocity of our political opponents.

But he must understand that our support is of a cause and not of a man; that the authority of Congress is paramount and must be respected; that the whole body of the Union men in Congress will not submit to be impeached by him of rash and unconstitutional legislation; and if he wishes our support, he must confine himself to his executive duties—to obey and execute, not make the laws—to suppress by arms armed rebellion, and leave political reorganization to Congress.[67]

Seldom has a president been attacked so sharply by congressional leaders of his own party in the midst of an election campaign.

Mr. President, I shall leave the story of the Senate's continuing battle with the executive over reconstruction policy to a later statement in this series. That struggle underscored and reinforced fundamental constitutional distinctions between the branches of our government.

The Civil War Senate met in one final regular session beginning on December 5, 1864, and ending on March 3, 1865. During that short session, the Senate's most notable achievements included the Thirteenth Amendment abolishing slavery, a measure creating the Freedmen's Bureau to "provide food, fuel, and land for refugees and freedmen from rebel states," authorization for a $600 million loan to meet the staggering costs of war, and a 10 percent tax to drive state banknotes out of circulation.[68] As the 38th Congress ended, Lincoln took his oath for a second term, therein suggesting, "With malice toward none; with charity for all," a lenient reconstruction policy. A month later Lee surrendered; within a week after that surrender, the president was dead.

Mr. President, the Civil War began and ended with Congress in adjournment. To be sure the story of that tragic conflict can be well told from the presidential and military perspective. But there is another and equally important perspective—that of the United States Congress, and particularly of its Senate. In a world turned upside down, the Senate continued to function with a minimum of disruption. Exercising its constitutional and historic prerogatives, the Senate devised and passed legislation of fundamental importance to a rapidly industrializing Nation.

The Senate's resilience and steadfastness can be explained in part through the genius of its rules and precedents. Speaking at war's end, Senator Charles Sumner provided a memorable assessment of that genius. With his quotation, I shall close—for now—my discussion of the Civil War Senate.

On my next occasion to deliver a statement in this series, I shall talk about the two first U.S. Senators from West Virginia, a State which was born during that period of great civil strife.

Mr. Sumner said:

Accustomed as we have become to the rules which govern legislative proceedings, we are hardly aware of their importance in the development of liberal institutions. They were unknown in antiquity, and they were unknown also on the European continent until latterly introduced from England, which was their original home.

I have spoken of the development of the rules of the Senate at a much earlier time during this series of statements—

They are among the precious contributions which England has made to modern civilization. And yet they did not assume at once their present form. But now, at last, these rules have become a beautiful machine by which business is conducted, legislation is molded, and debate is secured in all possible freedom.

The Senate may appear to be very disorderly from the outside, at times, but in fact, the Senate generally knows where it is going because it is governed by the rules and precedents and will continue to be so.

From the presentation of a petition or the introduction of a bill, all proceeds by fixed processes until without disorder the final result is reached and a new law takes its place in the statute book. Hoe's printing press, or Alden's type-setter is not more perfect in its operations. But the rules are more even than a beautiful machine; they are the very temple of constitutional liberty.[69]

As they were then, Mr. President, so are the rules of this body today. May they always be so.

NOTES TO "THE SENATE DURING THE CIVIL WAR, 1859-1865" (PART II)

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[10] Richard H. Abbott, *Cobbler in Congress, The Life of Henry Wilson, 1812-1875* (Lexington: The University Press of Kentucky, 1972), pp. 3-5, 121-24; *Dictionary of American Biography*, Vol. 20, pp. 322-25.

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[13] Blaine, *Twenty Years*, Vol. I, p. 316; Donald, *Charles Sumner and the Rights of Man*, pp. 143-44; Charles A. Jellison, *Fessenden of Maine, Civil War Senator* (Syracuse, New York: Syracuse University Press, 1962), pp. 131-37.

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[16] Bogue, *Earnest Men*, p. 32.

[17] *Dictionary of American Biography*, Vol. 17, pp. 84-85; Sherman, *Recollections*, Vol. 1, pp. 251-267.

[18] George W. Julian, *Political Recollections, 1840 to 1872* (Chicago: Janson, McClurg and Co., 1884), p. 356; Bogue, *Earnest Men*, p. 38.

[19] Hans L. Trefousse, *Benjamin Franklin Wade, Radical Republican From Ohio* (New York: Twayne Publishers, 1963), p. 110.

[20] Stephen B. Oates, *With Malice Toward None, The Life of Abraham Lincoln* (New York: Harper and Row, 1977), p. 252.

[21] Blaine, *Twenty Years*, Vol. 1, p. 319; T. Harry Williams, *Lincoln and the Radicals* (Madison, Wisconsin: University of Wisconsin Press, 1941), p. 6.

[22] *Congressional Globe*, 37th Congress, 1st sess., p. 392.

[23] Mark M. Krug, *Lyman Trumbull, Conservative Radical* (New York: A. S. Barnes and Co., 1965), pp. 189-92; Ralph J. Roske, *His Own Counsel: The Life and Times of Lyman Trumbull*, (Reno, Nevada: University of Nevada Press, 1979), pp. 73-74.

[24] *Congressional Globe*, 37th Congress, 1st sess., pp. 1-2.

[25] Sherman, *Recollections*, p. 257; 12 *U.S. Statutes at Large* 255-327.

[26] 12 *U.S. Statutes at Large* 255-327.

[27] Blaine, *Twenty Years*, Vol. 1, pp. 314, 338.

[28] Margaret Leech, *Reveille in Washington, 1860-1865* (New York; Harper and Brothers, 1941), pp. 99-100.

[29] Nevins, *War for the Union*, Vol. 1, pp. 218-19.

[30] Trefousse, *Benjamin Franklin Wade*, pp. 150-51.

[31] Blaine, *Twenty Years*, Vol. I, p. 341.

[32] Krug, *Lyman Trumbull*, pp. 192-96.

[33] *Congressional Globe*, 37th Congress, 1st sess., p. 219.

[34] Nevins, *War for the Union*, Vol. 1, pp. 190-95; Oates, *With Malice Toward None*, pp. 252-54; Blaine, *Twenty Years*, Vol. I, 341-43.

[35] Oates, *With Malice Toward None*, p. 64; *Dictionary of American Biography*, Vol. 1, pp. 517-18.

[36] *Congressional Globe*, 37th Congress, 2nd sess., pp. 50-55.

[37] Ibid., 1st sess., p. 378.

[38] Ibid.

[39] Ibid. Blaine, *Twenty Years*, Vol. I, pp. 344-45.

[40] Nevins, *War for the Union*, Vol. I, pp. 198-99.

[41] Leech, *Reveille*, pp. 116-17.

[42] Oates, *With Malice Toward None*, pp. 263-64

[43] Ibid., pp. 264-65.

[44] Trefousse, *Benjamin Franklin Wade*, pp. 156-57.

[45] Hans L. Trefousse, "The Joint Committee on the Conduct of the War, A Reassessment," *Civil War History* 10 (March 1964): 5-19.

[46] *Congressional Globe*, 37th Congress, 2nd sess., 3386-92; Trefousse, *Benjamin Franklin Wade*, p. 175.

[47] James M. McPherson, *Ordeal by Fire, The Civil War and Reconstruction* (New York: Alfred A. Knopf, 1982), pp. 200-205.

[48] Ibid.; Curry, *Blueprint*, pp. 188-97.

[49] Ibid., pp. 101-108.

[50] *Congressional Globe*, 37th Congress, 2nd sess., pp. 2081-82.

[51] Curry, *Blueprint*, pp. 125-33.

[52] Ibid., pp. 108-114.

[53] McPherson, *Ordeal*, pp. 303-306.

[54] Ibid., p. 306.

[55] Donald, *Charles Sumner and the Rights of Man*, pp. 91-93; Trefousse, *Benjamin Franklin Wade*, p. 191; Oates, *With Malice Toward None*, p. 327.

[56] McPherson, *Ordeal*, p. 306.

[57] Donald, *Charles Sumner and the Rights of Man*, pp. 91-93.

[58] Ibid.; Oates, *With Malice Toward None*, pp. 327-30; McPherson, *Ordeal*, pp. 306-307.

[59] *Congressional Globe*, 37th Congress, 3rd sess., pp. 505, 666, 703; Curry, *Blueprint*, pp. 197-206.

[60] McPherson, *Ordeal*, pp. 356-57.

[61] *Congressional Globe*, 38th Congress, 1st sess., p. 1.

[62] Background information from files in the Office of Senate Curator; *Washington Star*, December 2, 1941.

[63] Daniel Webster, *The Works of Daniel Webster* (Boston: Charles C. Little and James Brown, 1851), Vol. 2, pp. 604-605.

[64] Donald, *Charles Sumner and the Rights of Man*, pp. 141-42.

[65] Trefousse, *Benjamin Franklin Wade*, pp. 217-24; Michael Les Benedict, *A Compromise of Principle, Congressional Republicans and Reconstruction, 1863-1869* (New York: W. W. Norton and Co., 1974), chapter 3.

[66] Trefousse, *Benjamin Franklin Wade*, p. 223.

[67] *New York Tribune*, August 5, 1864; Trefousse, *Benjamin Franklin Wade*, pp. 226-27.

[68] 13 *U.S. Statutes at Large* 468, 484, 507-508, 567.

[69] *Congressional Globe*, 39th Congress, 1st sess., pp. 1911-12.

(During the address by Mr. BYRD on the history of the Senate, the following occurred:)

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

Mr. BYRD. I yield to the distinguished Senator from Arkansas.

Mr. PRYOR. I thank the very distinguished minority leader for yielding to me.

Mr. President, I must say that I have been thoroughly enjoying the statement that the distinguished Senator, and I must say one of the great historians of this body, has been delivering.

I have enjoyed what I call the Byrd lectures now for 4 years, I believe, and once again I hope that we will one day see those Byrd lectures bound and distributed to schools and other interested parties because of their great and historical significance.

Mr. WILSON. Mr. President, will the distinguished Senator yield?

Mr. PRYOR. I would be glad to yield.

Mr. WILSON. Mr. President, I would join in the observations made by the distinguished Senator from Arkansas, but only take exception to the statement of the distinguished minority leader, the Senator from West Virginia, when he said that he was lacking a sense of humor. I think he has made known to anyone who has listened to him that he does have a sense of humor. I can say as one who has sat in the chair as Presiding Officer and has observed and listened to the distinguished minority leader that he indeed has an adequate sense of humor.

Mr. BYRD. Believe me, it does not hurt my feelings because I know myself a little better than that.

Mr. PRYOR. I thank the distinguished Senator.

Mr. BYRD. Mr. President, I yield to the distinguished Senator from Mississippi (Mr. STENNIS), who looks like a Senator, who talks like a Senator, and who acts like a Senator, with the understanding that my speech not show an interruption in the RECORD.

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

Mr. STENNIS. Mr. President, I thank the Senator for accommodating me at this time.

Mr. BYRD. Mr. President, may I say to the distinguished Senator, I do not mean to be facetious. I was saying what I have often said outside the Chamber about a man who has certainly been a great inspiration to me, and I am sure to all of us.

Mr. STENNIS. I thank the Senator very much.

(The remarks of Mr. STENNIS relating to nuclear builddown are printed later in today's RECORD.)

Mr. BYRD. Mr. President, for the reasons I have previously stated, I suggest the absence of a quorum so that the majority leader can come into the Senate and change the order and transact any other business that he sees fit.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

VITIATION OF ORDER FOR RECESS

Mr. BAKER. Mr. President, the minority leader has concluded his remarks, and under the order previously entered, the Senate will stand in recess at this point.

I ask unanimous consent that that order be vitiated.

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

Mr. BAKER. Now, Mr. President, in a moment I expect to be able to present to the Senate certain routine matters that will have been cleared on both sides for action by unanimous consent, but in the meantime let me put another unanimous-consent request that I believe has been cleared by the minority leader.

ORDER FOR CERTAIN ACTION DURING THE EASTER RECESS AND UPON RECONVENING OF THE SENATE

Mr. BAKER. Mr. President, I ask unanimous consent that during the adjournment of the Senate over until Tuesday, April 5, messages from the President of the United States and the House of Representatives may be received by the Secretary of the Senate and appropriately referred, and that the Vice President, President pro tempore, and acting President pro tempore may be authorized to sign duly enrolled bills and joint resolutions.

Further, I ask unanimous consent that during the adjournment of the Senate over until April 5, committees be authorized to file reports on Thursday, March 31, 1983, between the hours of 10 a.m. and 3 p.m.

And finally, Mr. President, I ask unanimous consent that when the Senate reconvenes on Tuesday, April 5, the reading of the Journal be dispensed with, no resolutions come over under the rule, the call of the Calendar be dispensed with, and following the time allocated to the two leaders under the standing order, there be a period for the transaction of routine morning business not to exceed 30 minute in length, with Senators permitted to speak therein for not more than 5 minutes each and provided further that the morning hour be deemed to have expired.

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

AUTHORITY FOR SENATE LEGAL COUNSEL TO APPEAR AS AMICUS CURIAE

Mr. BAKER. Mr. President, I have a resolution in respect to authority for legal counsel to appear as amicus curiae. I inquire of the minority leader if he is prepared to proceed to the consideration of this item.

Mr. BYRD. Mr. President, I am prepared to do so.

Mr. BAKER. I thank the minority leader.

Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 99) to direct the Senate legal counsel to appear as amicus curiae in the case of *Anne Gaylor* v. *Ronald Reagan, et al.*

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

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

YEAR OF THE BIBLE

Mr. BAKER. Mr. President, in 1982, the 97th Congress passed Senate Joint Resolution 165 which authorized and requested the President to designate 1983 as a national "Year of the Bible." The President approved the joint resolution, which became Public Law 97-280, and, on February 3, 1983, the President proclaimed 1983 to be the Year of the Bible. I ask unanimous consent that, at the conclusion of these remarks, the President's proclamation be printed in the RECORD.

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

(See exhibit 1.)

Mr. BAKER. Mr. President, the President and the 97th Congress have been named as defendants in a lawsuit in the U.S. District Court for the Western District of Wisconsin. The plaintiff alleges that Public Law 97-280 violates the first amendment to the U.S. Constitution.

The Department of Justice has appeared for the President and will defend the constitutionality of Public Law 97-280 and the President's proclamation. However, no one has appeared for the 97th Congress, which is not a suable entity. Indeed, the Department of Justice, on behalf of the President, has suggested to the district court that the court lacks jurisdiction over the congressional defendant. The following resolution would direct the Senate Legal Counsel to appear as amicus curiae in the name of the Senate. The purpose of the appearance would be to support the suggestion of the Department of Justice that the court lacks jurisdiction over the Congress.

EXHIBIT 1

PRESIDENTIAL DOCUMENTS

Proclamation 5018 of February 3, 1983—Year of the Bible, 1983

(By the President of the United States of America)

A PROCLAMATION

Of the many influences that have shaped the United States of America into a distinctive Nation and people, none may be said to be more fundamental and enduring than the Bible.

Deep religious beliefs stemming from the Old and New Testaments of the Bible inspired many of the early settlers of our country, providing them with the strength, character, convictions, and faith necessary to withstand great hardship and danger in this new and rugged land. These shared beliefs helped forge a sense of common purpose among the widely dispersed colonies—a sense of community which laid the foundation for the spirit of nationhood that was to develop in later decades.

The Bible and its teachings helped form the basis for the Founding Fathers' abiding belief in the inalienable rights of the individual, rights which they found implicit in the Bible's teachings of the inherent worth and dignity of each individual. This same sense of man patterned the convictions of those who framed the English system of law inherited by our own Nation, as well as the ideals set forth in the Declaration of Independence and the Constitution.

For centuries the Bible's emphasis on compassion and love for our neighbor has inspired institutional and governmental expressions of benevolent outreach such as private charity, the establishment of schools and hospitals, and the abolition of slavery.

Many of our greatest national leaders—among them Presidents Washington, Jackson, Lincoln, and Wilson—have recognized the influence of the Bible on our country's development. The plainspoken Andrew Jackson referred to the Bible as no less than "the rock on which our Republic rests." Today our beloved America and, indeed, the world, is facing a decade of enormous challenge. As a people we may well be tested as we have seldom, if ever, been tested before. We will need resources of spirit even more than resources of technology, education, and armaments. There could be no more fitting moment than now to reflect with gratitude, humility, and urgency upon the wisdom revealed to us in the writing that Abraham Lincoln called "the best gift God has ever given to man . . . But for it we could not know right from wrong."

The Congress of the United States, in recognition of the unique contribution of the Bible in shaping the history and character of this Nation, and so many of its citizens, has by Senate Joint Resolution 165 authorized and requested the President to designate the year 1983 as the "Year of the Bible."

Now, therefore, I, Ronald Reagan, president of the United States of America, in recognition of the contributions and influence of the Bible on our Republic and our people, do hereby proclaim 1983 the year of the Bible in the United States. I encourage all citizens, each in his or her own way, to reexamine and rediscover its priceless and timeless message.

In witness whereof, I have hereunto set my hand this third day of February, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and seventh.

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

The resolution (S. Res. 99) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 99

Whereas, Senate Joint Resolution 165 of the 97th Congress, Public Law 97-280, authorizes and requests that the President designate 1983 as a national "Year of the Bible";

Whereas, in the case of *Anne Gaylor* v. *Ronald Reagan, et al.*, Civil Action No. 82-C-985, the plaintiff has challenged the constitutionality of Public Law 97-280 and has named as a defendant the "97th Congress of the U.S.A.";

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978 (2 U.S.C. §§ 288b(c), 288e(a), and 288l(a) (Supp. V 1981), the Senate may direct its Counsel to appear as amicus curiae in the name of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to appear as amicus curiae in the name of the Senate in *Anne Gaylor* v. *Ronald Reagan, et al.*

Mr. BAKER. Mr. President, 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.

JENNINGS RANDOLPH: AN EXAMPLE TO US ALL

Mr. PRYOR. Mr. President, at this time I would like to make a statement about a man this body loves. That man is JENNINGS RANDOLPH of West Virginia who, in a few months from now, will retire from the U.S. Senate.

Mr. President, at the close of the 98th Congress, we will bid a fond adieu to one of our colleagues. JENNINGS N. RANDOLPH of West Virginia will retire from the Congress.

Five decades ago, JENNINGS was sworn into the House of Representatives. He is the only remaining

Member of Congress who was sworn in with Franklin Delano Roosevelt at a most crucial time in our Nation's history. It was JENNINGS RANDOLPH and men like him who led us out of that dark period in our history. It is that kind of courage to which we all look today.

I am proud to call this man my friend. He is an inspiration to all of us, and particularly to those of us who are relatively new to this body. He has instilled in me the need to be both patient and persistent in the pursuit of legislative goals. He has also instilled in me the need to be a team player, to respect adversaries, and to remain true to the ideals that brought us to this body in the first place.

Mr. President, like many of my colleagues, I have established an intern program for deserving college students during the summer and throughout the year to provide an opportunity to come to Washington and observe firsthand the workings of our Government.

Senator JENNINGS RANDOLPH, who has been in this Senate for many years, has always been that Senator that my interns wanted to meet. They want to meet him not only for the great spirit that he has but also for the very youthful approach that he takes to the problems of our country and our world. JENNINGS RANDOLPH has always taken the time to visit with these Arkansas young people, and without fail, Mr. President, they have mentioned their exposure to this great American as one of the highlights of their internship.

In seeing Senator RANDOLPH talk with these young people from across our State, I, too, have become inspired by his leadership and by his life. I am proud to call this man my friend, Mr. President. He is an inspiration to all of us. He has instilled in me the need to be patient and persistent in the pursuit of legislative goals, and he has instilled in me the need to also be a team player and to respect our adversaries, and to remain true to the ideals that brought us to this body in the first place.

We all have learned from this soft spoken, yet tenacious, public servant. He will be missed. But I think we can all understand that this man should be allowed to reserve some time for himself, to return to West Virginia and to the people who in their great wisdom have shared him with us for five decades. I join my colleagues in saluting this hard-working Senator and distinguished American.

MOBILITY AIRLIFT

Mr. PRYOR. Mr. President, on December 16, 1982, I addressed the Senate regarding my support for the continued development of the C-17 mobility airlift aircraft program. I believe this program is absolutely necessary to avoid a serious problem with our mobility airlift forces. Without question, we need to be able to transport outsized cargo, such as tanks and helicopters, in and out of some very short landing fields. It is equally clear that an excellent candidate for such "intra-theatre" operational requirements would be the C-17 aircraft.

The technology for the C-17 has already been proven and we have invested almost $1 billion in the C-X and Advanced Medium Short Take-Off and Landing Transport programs. More than 1,500 flight-hours were flown on four prototype aircraft with the "augmented wing lift" concept. The design concepts for the proposed C-17 are indeed tested realities. The time to proceed with the continued research and development of the C-17 is now upon us.

I have recently written the Secretary of the Air Force, Verne Orr, urging that the request for the reprograming of the $60 million that was appropriated in fiscal year 1983 be immediately submitted. I ask unanimous consent that a copy of that letter be placed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. PRYOR. I believe we are not paying enough attention to the needs of our conventional combat forces, the forces that will be called into action should an international "flashpoint" occur. It is these forces which must be given adequate training time, combat vehicles, weapons, and logistical support in order to accomplish their mission. My fear is that readiness problems may make us more inclined to rely on some of our more awesome strategic and tactical nuclear forces in order to resolve the problems at hand.

Only proper planning and proper allocation of resources to conventional combat forces, including mobility airlift resources, can provide the ability to make our response to a worldwide crisis appropriately limited, but sufficiently firm to make our intentions clear. A strong national defense requires enhanced military airlift capacity and this reality should be recognized and acted upon by the Congress and the administration.

I ask unamimous consent that an article on combat airlift from Air University Review by Col. Alan L. Gropman be placed in the RECORD following my remarks.

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

[From the Air University Review, July-August 1982]

THE COMPELLING REQUIREMENT FOR COMBAT AIRLIFT

(By Col. Alan L. Gropman)

The requirement for combat airlift is grounded in official statements by the national command authorities, threats to United States interests, and the history of international conflict since World War II. To achieve policy objectives, fighting forces must be carried to a potential war or battle site. This may be done by a combination of assets, but carrying a force part of the way—even if it is most of the distance—will not accomplish the political objective. Deterring or winning is the goal of the U.S. military, and the mission, given the guidance of the national leadership, is clear.

THE MISSION

In his inaugural address President Ronald Reagan warned our adversaries and, in so doing, charged the U.S. Armed Services. He admonished current and future opponents not to mistake American forbearance for a failure of will and pledged action in defense of U.S. security interests. The President implicitly directed the U.S. military to be capable again of supporting neighbors and allies free from foreign domination and to build the strength to win. It is clear that the new administration will seek to defend U.S. interests more assertively than in the most recent past. This restored tenor comes at a time when American interests are expanding in scope, and the United States is becoming increasingly dependent on resources from distant continents. These factors require the U.S. military to place greater emphasis on force projection capabilities than in the past.

Guidance from the Department of Defense and Joint Chiefs of Staff, while more detailed, is equally clear. The Secretary of Defense recognizes that U.S. military forces serve to defend U.S. interests. The most central interests are to maintain both a secure America and ensure that allies and friends do not live under the shadow of overwhelming threat. It is clear that while the basic interest of the United States—the protection of national sovereignty, territory, and well-being—will continue to dominate military planning, U.S. regional interests (driven by economic, political, and geographic factors) will grow in significance during the next two decades. Essential to protecting U.S. regional interests is the military's role in preventing intimidation.

The Secretary of Defense recognizes that the 1980s will be a decade of global concern principally because of the continuing and massive growth in the military power of Soviet Union and its demonstrated willingness to project and apply that strength. The disquiet is deepened by our increasing dependence on imported resources (especially petroleum), our access vulnerability, the even greater needs of our allies for raw materials, and indigenous instabilities in key regions that can be exploited by U.S. adversaries. Only the capability to apply force in distant regions in a timely fashion can continue to secure our interests.

Obviously, if this country cannot maintain forces everywhere in the world where U.S. interests can be threatened, it must then acquire the mobility resources to meet global challenges. U.S. forces stationed in Europe and Korea, furthermore, would require massive, rapid reinforcement should U.S. opponents attack with little or no warning, a ca-

pability that our adversaries have fashioned well.

Creation of the Rapid Deployment Force underscores the recognition by the Defense Department that the United States and its allies are increasingly vulnerable in locations other than Europe and Korea. The mission of the Rapid Deployment Force is to deploy quickly and employ effectively U.S. military forces wherever needed. Present attention focuses on Southwest Asia because of concentration on petroleum, but the Western Hemisphere is of growing concern, and other areas, such as Africa south of the Sahara, are certain to loom larger in our future. Mobility, while not the only required capability necessary to secure U.S. interests, is a key ingredient in improving the U.S. position in these regions.

Further Defense Department guidance directs the armed forces to develop the mobility capabilities to support concurrently the demands of a worldwide NATO-Warsaw Pact conflict and those of a non-NATO contingency. In building this mobility capability, the Department of Defense requires that the force be able to operate in an austere environment and support airdrop, over-the-beach, and other specialized operations. Execution of the U.S. force projection strategy urgently demands greater stress on combat airlift and fast sealift. The Defense Department recognizes that increased lift requirements have been created by an army that is becoming heavier and bulkier.

The Joint Chiefs of Staff have promulgated a strategy to support the directives of the President and Department of Defense. In building its strategy, the Joint Chiefs direct military forces to deter attacks against vital American interests worldwide, including sources of essential raw materials and associated lines of communication. The military must also be prepared to prevent political and economic coercion of the United States, its allies, and its friends by any enemy. Ultimately the United States must be capable of fighting and winning at any level of intensity. The Joint Chiefs direct the armed services to be visibly capable of rapidly responding to a wide spectrum of contingencies to deter would-be aggressors. They recognize that the key ingredient is a mobility capability to project forces overseas rapidly as well as sustain logistic support, which enables the United States to act independently to protect its vital interests when friendly support is not available or forthcoming.

THE THREAT

Over the next twenty years, United States regional interests are not likely to remain fixed. The probable shift in our regional interests will come in an era marked by the increased possibility of theater warfare, particularly at the lower levels of conflict in the developing world. This will happen because of increased Soviet global adventurism, continued ethnic and national rivalries, and increasing population pressures combined with rising political and economic expectations. Often such conflicts will threaten the interests of the United States. Planning, therefore, must take into consideration both the expanding interests of the United States in global politics and economics and the shifting focus of those interests.

Strategists now view the developing world, location of so many of the resources necessary to keep the free world economically sound, as the cockpit of crises for the 1980s and 1990s. If one takes that viewpoint, the geographical proximity of the Soviet Union to countries of the developing world is disconcerting. The geostrategic location of the Soviet Union when combined with their burgeoning force projection capabilities (and the evident willingness to use them) properly causes alarm. This situation suggests that the United States may continue to have a greater need than the Soviet Union for very-long-range airlift capability, but the Soviets are enhancing theirs at a rate greater than the United States. The accompanying chart indicates the degree of geographic asymmetry vis-à-vis the Soviet Union (and it does not treat the increasingly important subject of U.S. strategic mineral deficiencies):

RESOURCES CLOSER TO THE U.S.S.R. THAN TO THE UNITED STATES

[Percent closer to U.S.S.R.]

	of world total	of developing world
Land (less Antarctica)	62	69
Population	81	82
Gross national product	65	67
Proven oil reserves	86	90
Natural	81	85

Over the last several years, the Soviets have been increasing their capability to move men and materiel into countries in the developing would by sea and air. The Soviets continue to add large cargo aircraft to their fleet, and their sealift capabilities are much greater and more responsive than those of the United States. They have demonstrated their airlift capability, and an apparently increasing propensity to use it in crisis situations, by airlifting military aid to the Middle East and to several African destinations and by transporting Cuban forces and military equipment to Angola and Ethiopia. The airlift to the Middle East in 1973 was a stunning achievement, demonstrating a Soviet capacity previously thought lacking.

Given the new Soviet lift capabilities and their proximity to the Persian Gulf, the heightened threat to the petroleum-producing regions of Southwest Asia is disquieting. The Soviets could surpass the U.S. capability to airlift men and equipment to the region if they could realize a utilization rate for their airlift fleet greater than 18 percent of whatever utilization rate the United States could achieve. If they could equal U.S. utilization rates, they could carry to a war five times the equipment and men the United States could bring to a conflict. Time is as critical a factor in war as any. Distance is a less serious obstacle because of modern mobility capabilities, but time remains unconquerable. It cannot be expanded, accumulated, mortgaged, hastened, or retarded. Airlift yields time, and even a cursory examination of crises in the recent past will demonstrate the value of airlift's timeliness.

War is politics by other means, and securing political objectives is the military's reason for being. The examples cited will demonstrate how timely airlift helped secure political objectives in activities all over the globe. In the face of a U.S. manpower shortage they will only worsen over the next decade, enhanced mobility permits the U.S. Armed Services to support the assertive foreign and military policies of the Reagan administration. Because the United States does not have the people or money to position troops and equipment in every country in the world in which it has interests, the United States must rely on a capability to deploy forces rapidly to every inhabited continent to protect its interests and those of its friends and allies.

One should not draw an artificial line between so-called strategic or intertheater airlift and tactical or intratheater airlift. Such a demarcation is too often a false distinction. Combat airlift is indivisible because airlift does more than deploy forces: it fights. That point must be understood in order to put both airlift and sealift in proper perspective. It is not that airlift can deploy some men and equipment to the battle faster than sealift that makes airlift essential, because sealift can deliver much more; it is also that airlift can move equipment and men around the battlefield in response to the demands of combat. Sealift is vital especially for the long-term sustaining of a combat force, but only airlift will permit a small U.S. force to fight outnumbered and win. It was airlift, after all, that allowed U.S. forces in Vietnam to be a mobile fighting force rather than remain static in garrison.

Given the nature of the nuclear capabilities of the two superpowers, furthermore, an open armed clash between Soviet and U.S. forces is not likely (even though possible). What is more probable is the likelihood of U.S. forces' being engaged in assisting friendly governments in putting down coups, insurgencies, or attacks by regional neighbors. Airlift is critical in such low-level conflicts and essential when geography completely rules our sealift, such as in Chad Zambabwe, Bolivia, Paraguay, Austria, Laos, and Afghanistan. Sealift is severely restricted by geography in such important countries as Zaire, Jordan, and Iran.

Airlift was essential, for example, in landlocked Berlin in 1948 and 1949. During 15 trying months the United States Air Force and Royal Air Force carried more than 2,225,000 tons of coal, food, raw materials, and consumer goods to sustain the population of Berlin. The aim was more than subsistence, and the goal was achieved. The Soviets gave up the blockade when they became convinced that Berlin could not be taken short of military attack, that the population could be provisioned entirely by air, and that the United States was determined to preserve its political position in Europe. The Berlin Airlift is a prime example of airlift used politically.

The earliest combat use of massive airlift in the post-World War II era was during the Korean War. In that conflict, airlift was crucial in the opening days to evacuate U.S. advisory troops and their dependents and to fly reinforcements into the Pusan area. It was critical to maintain at least a toehold on the country or an invasion would be required. Although not all the troops that were carried into the defensive stronghold were airlifted (most came by sea), substantial numbers were, and for the first few days all ammunition sent to Korea went by air because sealift was not available. After the breakout from the Pusan perimeter, which occurred simultaneously with the Inchon landing that was supported by airdrops, airlift supplied the troops as they moved up the Korean peninsula all the way to the Yalu. Airlift also rescued thousands and supported thousands more as U.N. forces retreated in front of the Chinese. Had it not been for the airlift during the retreat in 1950 and 1951, much more of the armies would have been lost and the tide perhaps permanently turned.

Later in that decade, President Dwight Eisenhower used airlift as a political instrument to deter hostile forces bent on taking

over Lebanon. Lebanon's absorption by Syria and Egypt could potentially jeopardize Israel's security and also establish a negative political trend for the entire region. The Muslim population in Lebanon had been encouraged by Radio Cairo to riot against the incumbent regime that favored neutrality in Mideastern affairs. Syria was sending supplies and troops into Lebanon to support insurgent forces hostile to the government.

After a violently anti-Western group successfully overthrew the government in Iraq, murdering the king and crown prince, Eisenhower took action. He feared that the loss of Lebanon, too, might lead to the complete elimination of Western influence in the Middle East. He sensed a compelling need to dispel the Arab belief, as he saw it, that Americans were capable only of words. Thus, when invited by the constituted Lebanon government to send troops, he did so.

A small detachment of U.S. Marines from the Sixth Fleet secured Beirut Airport to be followed in the next three days by the airlifting of thousands of American troops from West Germany with tanks and Honest John nuclear artillery. Evenually, the total American force reached 14,000 (half of them airlifted). A consolidated air strike force had been simultaneously airlifted to nearby Turkey to be ready for ground support operations, should such missions be required. Eisenhower, however, did not think it would be necessary to fight if U.S. actions were seen as decisive and strong. He wanted to show the flag: to demonstrate clearly that the United States was prepared to defend its interests in the Middle East. Political influence, not military victory, was his goal; and he acted out of a clear sense of the strategic value of Persian Gulf oil. It is, of course, impossible to say what might have been the consequences of U.S. inaction, but Arab leaders were suitably impressed and deterred with the decisive buildup of strength. In less than 110 days after the arrival of the first C-130, the troops were removed, having suffered no combat casualties.

In the next decade President Lyndon Johnson used airlift as a deterrent, similar to Eisenhower's use in Lebanon. A political crisis in the Dominican Republic flared into revolution in late April 1965, and it appeared that a new Cuba might be created in the Caribbean. In a seven-day period more than 1702 airlift sorties carried elements of the 82d Airborne Division into San Isidro Airport. These American forces were able to stabilize the political situation rapidly and were soon withdrawn. It is significant that in the almost 16 years since that timely reaction by the United States, the political left has been unable to cause major trouble in the Dominican Republic.

Since the end of World War II, U.S. airlifters have been instrumental in moving U.N. forces to keep peace in the Congo several times in the 1960s, in Cyprus in the 1970s, and in the Middle East in the 1960s and '70s. In the Congo in 1960, airlift prevented the possible takeover of the country by hostile forces. In the late 1970s, airlift was again instrumental in preventing the loss of Zaire's (formerly called the Congo) most productive raw-materials-producing area, this time carrying Belgian and French forces to assist the Zairian government.

In all the previous cases, airlift's role was to deploy forces to prevent political loss. In Vietnam, however, airlift from the start of the conflict responded to the tide of battle and contributed constantly to preserving the tenuous hold that the Saigon government had on the country. In an insurgency the ruling government is at a disadvantage because it must appear capable of securing the entire population and thus spreads thin its defensive forces. Insurgents, on the other hand, can mass at the point of their choosing to overwhelm defenders in static positions. Even with a smaller force overall, guerrillas can wreak havoc for extended periods, and—over time—make the government appear impotent. It was airlift that helped hold the Communists at bay for more than a decade, carrying everything imaginable in response to the needs of the forces. The best example of timely missions was during the Tet offensive of 1968, in which airlifters were able to carry as much as 92,500 tons monthly in response to the needs of the battle, and 70 percent of that tonnage was carried by the C-130.

During that protracted countrywide battle, intratheater airlifters repositioned tens of thousands of troops to defeat widespread attacks and routinely delivered by airland, air-drop, and extraction thousands of tons of ammunition and supplies to sustain isolated forces, Airlift was essential because the enemy had thoroughly cut the ground lines of communication. Often troops were carried from one small austere airfield to another—missions that the C-141 and C-5 are incapable of performing. The successful repulse of the Communist attack during January, February, and March 1968 is in large measure the product of timely combat airlift.

During the first days of the offensive, Communist forces in II Corps seized the civilian airfield at Ban Me Thuot and threatened the military airfield. Tactical airlifters began an emergency airlift of ammunition and supplies to the cut-off garrisons, and later troops were lifted directly into the battle to retake the area. In the next days several airlifters made night airdrops to a beleaguered force north of Ban Me Thuot at Kontum that was desperately short of ammunition, saving the position. Also in the central region, Pleiku and Dak To II had been cut off from road resupply and had to be sustained entirely by airlift until air strikes and ground attacks from the government-controlled positions could defeat the enemy.

Activities in IV Corps were similar. Soc Trang was running out of fuel for its helicopter force until tactical airlifters began regular fuel shuttles to keep it supplied. The base was similarly supplied with ammunition. Previously, in the Delta region, the troops had relied overwhelmingly on the road supply, but durring Tet this proved impossible, and airlift was there to sustain the force. Soc Trang, Can Tho, Vinh Long, and numerous other fields might have been lost had it not been for the air resupply. The most vicious fighting, however, and the most critical airlift missions came in I Corps.

The enemy reserved its best-equipped and best-trained forces for attacks in the northern-most provinces. Here enormous and prolonged pressure was put on Quang Tri, Hue, and other important cities. Combining airlanding and airdropping the intratheater airlift force sustained beleaguered forces all over I Corps, preventing the permanent loss of any outpost or the capture of any major body of troops. In February alone, intratheater airlifters made 1500 landings at Hue Phu Bai to support the allied troops in their successful attempt to recapture the northern capital. The rapid movement, mostly by C-130s, of a brigade of the 101st Airborne and its equipment from III Corps to I Corps at the outset of the campaign was instrumental in stemming the enemy advance. As the Tet offensive faded out, tactical airlifters helped allied forces pursue the enemy by airdropping munitions and food to troops as they forced the enemy out of the A Shau valley. That area had been the major route for the attack on I Corps cities.

Perhaps the best known airlift mission of the Vietnam War was Khe Sanh. Here 6000 Marines held off an enemy of more than 20,000 for months. Road resupply to Khe Sanh had been impossible since mid-1967, and the enemy began a sustained artillery and ground assault during January 1968, yet the Marines, supplied by air (and supported by air strikes), were able to hold out despite daily assaults on their position.

Khe Sanh looms large in the campaign because of the psychological and political success the Viet Minh gained from the defeat and capture of a similar outpost at Dien Bien Phu in 1954. At Khe Sanh the same Vietnamese general was in command, and President Johnson took a direct interest in the daily situation. Intratheater airlifters, mainly C-130s, airlanded until the field was in such poor shape that landing was impossible; they then airdropped and extracted munitions and food into the outpost until the siege was broken three months after it began. It is important to note that while the Marines were almost unreinforcable during the attack, Communist forces, with their extensive road net, were able to bring in reinforcements and replace those who were killed or wounded.

Khe Sanh was only 30 minutes by air from a major aerial port, Da Nang, but that became a long 30 minutes. The airland and extraction missions performed by the C-130 could not have been accomplished by the C-141, then in the inventory, nor the C-5 that arrived later. In other words, getting loads 99.9 percent of the distance from the West Coast of the United States to Khe Sanh accomplished nothing until intratheater airlifters brought the munitions and supplies to the battle. During the last two weeks of February 1968, C-130s delivered by airdrop and extraction 148 tons of critical supplies daily (90 percent of everything reaching Khe Sanh). Khe Sanh would have fallen without such support. From 20 January 1968 until the siege was broken at the end of March, the U.S. Marines suffered fewer than 200 killed and 1,000 wounded, and probably more than 10,000 enemy troops died trying to take the camp.

Similarly, in 1972, intratheater airlifters, mainly C-130s, sustained another beleaguered force, again avoiding the serious political consequences of a major defeat. In that campaign the enemy attacked An Loc in III Corps with the openly stated intent of making the city the seat of government for a "liberated" province. In many ways the lift to An Loc was a greater challenge than Khe Sanh because the force to be supplied was Vietnamese, because there were no U.S. ground controllers to guide the aircraft in foul weather, no USAF detachment on the ground to support the mission, no airstrip within the defended perimeter, and the enemy used the entire panoply of antiaircraft artillery including surface-to-air missiles to defeat the lift. For nearly three months, 20,000 defenders at An Loc were supported entirely by air against a sustained Communist attack that included tanks in good tank terrain. Without the C-130 resupply, the garrison of An Loc could not have

survived, and the psychological and political implication of a defeat would have been great.

The most dramatic example of timely airlift after Vietnam was the emergency resupply of Israel in 1973. Israel, its armory depleted and its forces pressed on two fronts by enemies supplied by the Soviet Union, was desperate. The first C-5 landed at Lod Airport on 14 October, after the Soviets had already air-delivered about 4,000 tons of supplies to Israel's attackers. Between 14 October and mid-November, MAC delivered in 145 C-5 and 422 C-141 sorties more than 22,000 tons of essential military equipment and supplies, and the war ended before the first sealift supplies from the United States could reach Israel.

This survey has omitted air evacuations of which there were many—Kham Duc, Saigon, Phnom Penh, etc.—and the lifesaving aeromedical evacuations performed by airlifters both in wartime and peace. It has also left out the numerous lifts of men and equipment in response to domestic violence in the United States such as during the civil rights era that demonstrated the federal government's resolve and prevented more widespread bloodshed. Also omitted were the rapid lifts to Korea in response to several provocations such as during the *Pueblo* incident in the late 1960s and the tree-cutting episode in the late 1970s. Airlift also played a major role in the rapid buildup during the Cuban missile crisis. Also not mentioned were the numerous humanitarian lifts that are often used for political purposes, such as carrying Muslim pilgrims to Mecca, disaster relief, and carrying emergency snow removal equipment around the United States during winter crisis, etc. Also omitted were pre-1945 uses of timely airlift, such as the German lifts of Francisco Franco and his troops during the Spanish Civil War and the successful but very costly airborne invasion of Crete.

Given the national guidance, the world into which we are moving, and the experience with successful airlifts in the past, combat airlift is essential. Given the assertiveness of the administration, the Lebanon, Dominican Republic, and Vietnam examples are especially pertinent, the United States needs an enhanced airlift capability because of its far-flung interests, the clear call by the new administration that these interests will be protected, and the demonstrated yields of a capable airlift fleet. But what type of airlift enhancements?

The United States needs more than air freighters: it needs airlifters that can fight. The C-130, soon to be the only fighting airlifter in the inventory, is an aging aircraft built using 1950s technology, and it is becoming more and more constrained by an army that is becoming heavier and bulkier. While the C-130 can operate into small, austere airfields close to the battle, it cannot lift outsized loads. Enhancing the airlift fleet by building an outsized-capable airlifter that cannot be used in a combat tactical role is a mistake. Building an aircraft that can move cargo into small, austere airfields brings the supplies closer to the battle, vastly expands the number of available airfields, reduces major debarkation congestion, eliminates transshipment of cargo, and compounds the enemy's interdiction problem. An outsized-capable airlifter with tactical capabilities is crucial to support the foreign and military policies of the Reagan administration in the threatening world of today and tomorrow.

EXHIBIT 1

U.S. SENATE,
Washington, D.C., March 10, 1983.

Hon. VERNE ORR,
Secretary, Department of the Air Force, The Pentagon, Washington, D.C.

DEAR VERNE: I am writing to inquire as to the status of the authorization reprogramming for the C-17 aircraft.

It is my understanding that the United States Air Force has identified the C-17 mobility airlift as a critical component in the solution to our very important long-term airlift mission. The Air Force contracted for an initial C-17 research and development effort prior to authorizing full scale engineering and development of the C-17. We in Congress indicated our agreement and appropriated $60 million in fiscal year 1983 in order to insure an orderly progression for the development of the C-17.

The time has come for us to move ahead with the development of this aircraft. As you know, the Congressionally-mandated Mobility Study clearly shows our mobility airlift requirements. I would certainly hope that we can promptly take the appropriate action of moving ahead with the C-17 program. I hope that you will do all that you can to see to it that the reprogramming request is promptly submitted.

Sincerely,

DAVID PRYOR.

AMERICAN AGRICULTURE AND AGRICULTURAL TRADE

Mr. PRYOR. Mr. President, I want to take a few minutes and speak to the Senate about American agriculture, and in particular, agricultural trade. Agriculture is the backbone of our Nation's economy. Our farmers are the most efficient in the world, responsible for about 20 percent of our gross national product, but they are literally hanging on by a thread.

Farmers today are experiencing their most trying battle for survival since the Great Depression. Farm foreclosures, once only rare occurrences, have increased sharply as more and more farms are put on the auction block. It is a terrible distressing situation and I am sure that this tragedy has touched every State and congressional district in the country.

Mr. President, the men and women who are involved in agriculture are more than willing to do their part in an effort to improve farm income and the condition of rural America. They have suffered the last few years through an embargo, drought, and a period of severely depressed prices. Nevertheless, they have responded with enthusiastic support for the payment-in-kind (PIK) program. Some might say this overwhelming support for PIK is contrary to a farmer's thinking—that all available land should be planted. One thing I know it shows for sure is that the farmers of this country are willing to do their part to improve prices. Given this willingness by the farmers, the question then becomes: What action should the Federal Government take to make sure markets for agricultural products are available where farmers can compete?

Farmers do not want preferential treatment, but they do want a fair shake—an opportunity to compete fairly in world markets. The key word is "fairly" because what we are currently experiencing in many parts of the world is simply not fair. I am confident that if there is fair competition among agricultural producers, American farmers will see exports increase and prices improve because American farmers are more efficient than producers in other countries and our products are of extremely high quality.

The problems that currently exist are due to the fact that many countries are subsidizing their exports or imposing quotas or prohibitive tariffs. These actions caused our agricultural exports to decline 11 percent in 1982 to a level of $39 billion. The previous year they exceeded $43 billion. This decline is even more troubling when you consider the figures; that every $1 billion in agricultural exports equals about 35,000 jobs in this country.

Certainly there are other factors that have helped cause the decline in exports. The worldwide recession, the strength of the dollar, and the market decline in the Soviet Union as a result of the 1980 grain embargo have made exports decline. However, it is the subsidies and unfair trade practices of other countries that have really placed our agricultural products at an unreasonable and unfair disadvantage in world markets.

A few examples from the testimony of witnesses who recently appeared before the Senate Agriculture Committee dramatically illustrate the point. Mr. Robert Delano, president of the American Farm Bureau Federation, told the committee of his recent trip to Japan. In that country, which ships cars and televisions by the boatload to the United States, quotas and tariffs are imposed on a variety of agricultural products. The result is that sirloin steak sells for somewhere between $12 to $18 per pound, and an apple can cost as much as $1.

Mr. William W. Gaston, president of Goldkist, Inc., told the committee about Brazilian subsidies on soybeans. He referred to tax incentives, subsidized export financing, rebates, and credits. The result of these has been an increase in the Brazilian share of the world soybean meal market from 22 percent in 1973 to 55 percent today. During that time our share has dropped from 78 percent to 39 percent.

Finally, Mr. Lee Campbell, president of the Poultry & Egg Institute, told the committee of the subsidies for French producers in the poultry trade. These include interest-free loans, deferral of taxes, and free training for employees. Taken together, these ac-

tions amount to a subsidy of about 9 cents per pound, an enormous sum in the poultry business. These chickens then go into export markets at lower prices and displace our products. Our whole broiler exports dropped 71 percent in 1982 and we have virtually lost the lucrative whole broiler market in the Middle East. The European Economic Community (EEC) has almost 60 percent of the Middle Eastern market and the Brazilians have almost 40 percent. We have only about 1 percent.

We are faced with these barriers and subsidies, farm exports are falling, and I think it is time the United States took steps to increase exports. Obviously, we have to continue discussions with our foreign competitors, but we cannot allow the American farmer to take a beating while farmers in other countries are enjoying the fruits of increased exports. Therefore, I propose that we take the following steps:

First. Enact the so-called export PIK legislation promptly. This bill will provide surplus commodities to processors, exporters, and foreign purchasers. It will help us regain markets and gain a foothold in markets we might not otherwise have. It will also provide export assistance to many industries, including the poultry industry.

Second. Continue the use of blended credit export sales. The recent wheat flour sale to Egypt shows our resolve in the trade area, and the use of blended credits will make our products more attractive.

Third. Enter into a long-term grain agreement with the Soviet Union. The 1980 grain embargo was devastating to only one group—the American farmers. Signing another agreement, rather than just extending the existing agreement, will be a good signal to our farmers. Our share of the Soviet grain market went from about 70 percent before the embargo to about 17 percent afterward. Now, we are back up to about 30 percent. Talks are scheduled for today and a new agreement would be very helpful to our farmers.

Fourth. Make sure that those countries needing food know that we are a reliable source. Past embargoes and unfortunate rhetoric often lead many nations to doubt our reliability as a food supplier. We now have the so-called contract sanctity provision in the law which will insure shipment, provided it occurs within 270 days after an embargo. However, we need to do more to assure other nations that we will carry through on our commitments.

Fifth. Use barter contracts to acquire oil and strategic minerals from countries who do not have sufficient currency to buy our products. We have used this program in the past and I believe it could be started again without displacing our normal export markets. The Senate Agriculture Committee has included barter language in the export PIK bill and I hope it will soon become law.

Sixth. Create an Under Secretary of State for Agricultural Affairs. Farmers have no voice in the development of our foreign policy, and we have seen what the consequences of State Department actions can be for farmers. I am certainly not in favor of creating another tier in the Federal bureaucracy, but I think it is imperative that the voice of our farmers be heard in every foreign policy decision.

Seventh. Create a blue ribbon agricultural export panel. This panel should be composed of persons knowledgeable in agricultural trade, and should include farmers. This panel could then advise the President and the Congress on other steps that could be taken to increase our agricultural exports.

Mr. President, these seven actions could be taken in a relatively short period of time to improve our exports. Agriculture—the backbone of our Nation's economy—is under an enormous strain. Prices must be improved and the farm debt must be reduced. The trade measures I have outlined will go a long way toward providing some relief to hard-working men and women of this country.

CUTTING OFF HEAT AT FORT POLK, LA.

Mr. PRYOR. Mr. President, last night we watched the President of the United States talk to our country about defense, about our need for preparedness. A large portion of the President's address, I think, was pinpointed to what we might term as futuristic or "Star Wars" weaponry needed to defend our country during the remainder of this century.

I think it is fine to consider these items, Mr. President, and to listen to the President with great interest. But I think it is also very important that we talk about what is going on in this world today. For example, this morning my office received a call from a distraught mother who is the wife of a serviceman stationed at Fort Polk, La. Her small child was running a fever, and because of exceeding the budget allocation for energy use, all heat has been cut off at Fort Polk except in the hospital, nurseries, schools, and homes where there are children under the age of 6 months.

When we suggested taking her child to the hospital, she informed us that children were only being admitted there if their temparature reached a certain level.

Now, I am sure all my colleagues are well aware that regions of the South are suffering unseasonable cold spells. The temperatures at Folk Polk range in the mid- to upper-thirties. This is uncomfortable for anyone who is without heat, but is especially harmful to small children and elderly dependents at a time when colds, flu, and pneumonia are affecting many people.

I would also like to think that when we continue, without blinking an eye, to appropriate $10 million a day to the Pentagon for consultant use or to appropriate millions for many weapons that do not work, or millions of dollars for our military bands that we all enjoy so much, or $18,000 couches or sofas that go on aircraft carriers, we might also think, Mr. President, about just a little extra allocation in our budget somewhere to supply a little heat to at least the homes on the base of Fort Polk, La., especially those homes with preschool children or elderly dependents.

Mr. President, I ask unanimous consent at this point in the RECORD to have printed a letter Senator BUMPERS and I have written today to the Secretary of the Army asking not only for compassion but also for such an exemption.

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

DEAR MR. SECRETARY: It is our understanding that because of excessive energy consumption all heat has been cut off at Fort Polk, Louisiana. Exceptions, we're told, have been granted to the hospital, nurseries, schools and homes where there are children under the age of six months.

Mr. Secretary, while we certainly understand the commitment to conservation, we think these regulations are insensitive and place an unfair burden on families with small children over the age of six months and on those with elderly dependents.

Presently, weather conditions in Arkansas, Louisiana and surrounding areas require many families to use heat at night. As you well know, there are many people now with colds, flu and pneumonia.

Mr. Secretary, we respectfully request that you personally review this policy and ask that you extend the exemption at least to homes with pre-school children and to homes where there are elderly dependents.

Sincerly,

DAVID PRYOR,
U.S. Senator.
DALE BUMPERS,
U.S. Senator.

THE COHEN-NUNN NUCLEAR BUILD-DOWN PROPOSAL

Mr. STENNIS. Mr. President, I shall not detain the Senate but a few minutes. My speech is brief. I believe it is on a very important subject, and it is a subject that I have dealt with a long time. I date my connection with our missile program back to the days when the first small base was authorized in the military contruction authorization bill. I happened to be chairman of the Senate committee at that time.

Mr. President, I have long believed that we must find some way to limit the growth of nuclear weapons in the

world. Together, the United States and the Russians have tens of thousands of these weapons today and the possibility for the future is continued growth. We do not know what the impact of exploding a few of these weapons would have on the world and society as we know it, but we do know exploding thousands would effectively be the ultimate catastrophe for mankind. Simply piling nuclear weapon on top of nuclear weapon adds to the risk that this potential catastrophe could someday become real.

When President Reagan took office, I met with him to discuss this important matter. I just wanted to tell him that, in my humble belief, it was the most important problem he had before him in his 4 years as President, this matter of arms control and arms limitation.

I believe that some movement in this direction is proper. I believed it then and I urged the President to make as a first priority the achievement of some agreement or some means of limiting nuclear weapons on both sides in a verifiable way. We must continue to deter Russian military strength with our military power, but we must also find ways to limit the deterrence that is necessary by avoiding buildup after buildup of these weapons.

The President set out to negotiate with the Russians on these matters and I compliment him for these efforts. Our nuclear negotiations have been in two main fields—the so called START talks, which relate to limiting strategic nuclear weapons, and the so called INF—intermediate range nuclear forces covering limitations on the theater nuclear weapons.

There have been some negotiations and give and take, some talk with the Russians on these matters, but thus far there has been no agreement. The START talks appear to be waiting for some progress in the INF talks before anything more can be done. There has been no movement in the INF talks on the so-called zero-zero option proposed by the President. Our allies in Europe have been calling for another American proposal as a basis for an interim agreement.

I have been involved with nuclear weapons for our side for decades. I have seen these weapons build up from the few hundred, which gave America great security in the 1950's, to the thousands we have now which seem to give us less security. Everything is now under review again—the MX missile, the B-1 bomber, the Titan submarine, new cruise missiles, and even the President's new proposal last night for a high technology missile defense in the future.

We must not weaken our forces but we must find a way to make them more effective without simply piling one on top of another in endless repetition. For this reason I want to endorse and join in the proposal made by Senators NUNN and COHEN for a nuclear build-down. This proposal may not be fully worked out, and certainly the language needs perfecting, but some steps must be taken in this field. This proposal is a start at least. It is within reach and it contains an idea that could lead to a reduction of nuclear weapons on both sides while improvement in the deterrence can continue. We must find something like this if we are going to make progress.

I commend Senators NUNN and COHEN for their work on this matter and I urge them to pursue it further and wish them success.

Mr. President, I view this problem as a continuing one. There is no quick solution to it. There is no way that we can wave a wand or anything like that and make it go away. But there must be some movement forward. This is one that I think would have meaning and would lead to further steps that might finally find a solution.

As I say Mr. President, I am glad to join with my colleagues and I urge them to consider this point as a major matter and as a possible way out of this confusion and uncertainty and what could be the terrible consequences that could follow.

WITHHOLDING TAXES ON DIVIDENDS AND INTEREST

Mr. DANFORTH. Mr. President, Peter MacCarthy is not only the president of Centerre Trust Co., he is my lifelong friend. Imagine, then, my dismay when he sent a form letter to my daughter, Eleanor, urging her to write her Senator protesting withholding on interest and dividends. Why did I deserve this treatment? After all, I had not dispatched form letters to Peter's children exhorting them to send irate mail to their dad.

Eleanor has not yet acted on Peter MacCarthy's request. She may feel that the 119,102 coupons, cards and letters I have received on this subject are sufficient. However, she has shared Peter's letter with me, and I would like to share it with the Senate. It is fairly typical of the efforts of financial institutions in their opposition to withholding. I would then like to respond to Peter's letter point by point.

Mr. President, I ask unanimous consent that Peter MacCarthy's letter be printed at this point in the RECORD.

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

CENTERRE TRUST CO.,
St. Louis, Mo.

DEAR CENTERRE CUSTOMER: This letter is to inform you generally about the impact on your account of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) and Centerre Trust's opposition to it.

HOW TEFRA WILL AFFECT YOU

Beginning July 1, 1983, this new law will require, for the first time, that 10% be withheld from dividends and interest that you earn, including the income earned by your account at Centerre Trust Company. This means that your income checks from your account will be smaller. It also means that we are obligated to deprive you of the use of part of what is rightfully yours in order to pay a tax not otherwise due until the following year. In most cases, the tax must be withheld even if you have deductions or credits that would cause no tax to be due. In effect you are making an interest-free loan to the Government.

While cracking down on unreported dividends and interest is certainly a good idea, this could be largely accomplished if the IRS merely utilized the information it already receives through the 1099 information returns presently submitted by banks and corporations. Instead, this new law punishes everyone for the sins of relatively few. It discourages savings and investment habits at the very time that creating incentives for savings and investment to strengthen our economy is supposed to be one of our national priorities.

This new law also forces us to act as the Government's collection agency, and to absorb the costly administrative burden that results. This new cost, like all other rising costs, will ultimately be reflected in the fees you pay.

WHAT YOU CAN DO ABOUT IT

If you, as we do, believe that this new law should be repealed, please take the time now to write your U.S. Senators and Congressman. We suggest you tell them that you think the dividend and interest withholding provisions of TEFRA should be repealed before they take effect on July 1, and encourage them to support H.R. 500 sponsored by Rep. Norman D'Amours and S. 22 sponsored by Sen. Robert Kasten, which would effect this repeal.

Your United States Senators: The Hon. , United States Senate, Washington, D.C. 20510.

Your United States Congressman: The Hon. , House Office Building, Washington, D.C. 20515.

Please make your views known to your elected Representatives as soon as possible. This law is scheduled to go into effect July 1, 1983.

Sincerely,

JOHN PETERS MACCARTHY
President and Chief Executive Officer.

Mr. DANFORTH. The letter states:

This letter is to inform you generally about the impact on your account of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) and Centerre Trust's opposition to it.

My response is that TEFRA was passed as part of a congressional commitment to reduce the Federal deficit by $379 billion over a 3-year period. The budget resolution required Congress to put in place $281 billion in spending cuts and $98 billion in revenue increases in 1983, 1984, and 1985. In meeting this mandate to raise substantial new revenue, the Senate Finance Committee reasoned that better collection of taxes already owing was preferable to imposing new taxes on the American people. It is estimated that $8 billion is lost to the Treasury each year by people who cheat on their taxes due from income on inter-

est and dividends. Withholding on interest and dividends was the largest single component in TEFRA. To repeal withholding would undermine the credibility of the budget process, signal that Congress does not live up to its commitments and increase the deficit by $11 billion over 3 years. And by $20 billion over 5 years. Ironically, financial institutions have been in the forefront of those complaining about large deficits and have blamed deficits for high interest rates.

The letter states:

Beginning July 1, 1983, this new law will require, for the first time, that 10 percent be withheld from dividends and interest that you earn, including the income earned by your account at Centerre Trust Company.

My response is that the new law may or may not require withholding on interest and dividends depending on whether or not you fall in one of five exempt categories. For example, about 90 percent of people over 65 years old are exempt from withholding. So are low income taxpayers. So are people whose interest from a financial institution is less than $150 per year. All it takes to claim this exemption is to file a simple form containing your name, address, social security number, bank account number and signature.

The letter states:

This means that your income checks from your account will be smaller. It also means that we are obligated to deprive you of the use of part of what is rightfully yours in order to pay a tax not otherwise due until the following year. In most cases, the tax must be withheld even if you have deductions or credits that would cause no tax to be due. In effect you are making an interest-free loan to the Government.

My response is that withholding in no way deprives you of what is rightfully yours, nor is your tax not due until the following year, nor are you making an interest-free loan to the Government. Right now, your wages are withheld and interest and dividend income is subject to quarterly estimated tax payments. The amount to be withheld on interest and dividends can be offset by reducing either your wage withholding or your quarterly estimated tax payment. The economic effect for the honest taxpayer who has paid taxes on interest and dividends will be nil. The only people who will be deprived are those who have been cheating on their taxes to the tune of $8 billion a year.

The letter states:

While cracking down on unreported dividends and interest is certainly a good idea, this could be largely accomplished if the IRS merely utilized the information it already receives through the 1099 information returns presently submitted by banks and corporations. Instead, this new law punishes everyone for the sins of relatively few. It discourages savings and investment habits at the very time that creating incentives for savings and investment to strengthen our economy is supposed to be one of our national priorities.

My response is that cracking down on unreported dividends and interest cannot be accomplished by "merely" utilizing form 1099. Form 1099 is useful in about 86 percent of the cases where it is matched by a corresponding form 1040. However, about 5 to 6 million people for whom 1099's are filed do not file form 1040, and about 19 million people provide the 1099 filing institution with the wrong social security number. Therefore, to resolve the discrepancies between the two forms would require literally millions of individual audits at a great inconvenience to the taxpayer and at a great expense to the Government.

As previously stated, the habit withholding discourages is not savings and investment, but cheating.

The letter states:

This new law also forces us to act as the Government's collection agency, and to absorb the costly administrative burden that results. This new cost, like all other rising costs, will ultimately be reflected in the fees you pay.

My response is that every corporation and small business in the country already acts as the collection agency for the Government by withholding taxes on salaries and wages. Retail stores collect sales taxes. That is how the system works. The financial institutions complain of the difficulty they will experience in collecting taxes for the Government, yet they appear to have no difficulty whatever in collecting service charges on your account. Moreover, in order to compensate for complained-of costs in administration of the program, Congress gave financial institutions a 30-day "float" or interest free use of collected money in order to offset the costs of "gearing up" for their new responsibility.

The letter concludes:

Please make your views known to your elected Representatives as soon as possible. This law is scheduled to go into effect July 1, 1983.

I conclude that if you believe that Congress must fight the battle of the budget, if you believe that the deficit must be reduced, if you believe that before Congress raises taxes it should collect taxes already due, then you should speak out. Do not let the banking lobby do your thinking for you. Speak out for lower deficits and for making the cheaters pay their fair share.

HOUSE FINAL ACTION ON H.R. 1718, THE JOBS BILL

Mr. HATFIELD. Mr. President, today the House adopted the final amendment in disagreement on H.R. 1718, the jobs bill, thereby clearing the measure for the White House. I am very pleased that we have concluded our actions on this measure, and that the bill is now ready to be implemented—providing needed new employment opportunities and humanitarian assistance to those out of work. The bill also provides a $5 billion urgent supplemental to the unemployment trust fund to assure the continuation on unemployment compensation payment to the jobless. Funding for this purpose has been exhausted and must be provided immediately.

Mr. President, this measure has a long history. It started with our consideration of the continuing resolution in December of last year. At that time the administration was adamantly opposed to providing additional funding for the jobless, and when confronted with the extreme circumstance of possibly hazarding the disruption of all Federal programs, the Congress relented to the President's demands. At the time, many of us felt that such a package should be the first order of business in this new session of Congress.

When Congress convened, we discovered that the White House had changed its position and was now negotiating with the House leadership on a new jobs package. I introduced a proposal similar to what was being discussed, S. 484. Finally, the House began its consideration of the jobs package in H.R. 1718. The Senate received this bill on March 3. It was reported by the Senate Appropriations Committee on March 7. Floor debate began on March 9, and the measure finally passed on March 17. Conference action was concluded in one day, March 21.

This final action by the House today comes none too soon. Twelve States will exhaust all funds available to pay unemployment compensation by the end of the day. Many more will similarly run out of funds in the next few days.

Our ability to complete action on this measure in a timely fashion is also critical to the early provision of new employment opportunities and humanitarian assistance to those out of work and the needy.

Mr. President, over and above the difficult time constraints within which this bill was considered, I am especially pleased that we have accomplished so much in one measure. There are 72 individual program appropriations in this bill, totaling $15.6 billion. It is a complex measure, which will do much to meeting immediate employment, and humanitarian needs as well as provide urgently needed supplemental appropriations. It is not a total answer by any means, but is a remarkable piece of legislation nonetheless.

We have enacted a new formula which targets much of the funds in the jobs title of the bill to areas and States suffering from high and long-term unemployment. We have enacted

new comprehensive legislation to initiate a new surplus food distribution program. The bill contains $100 million for emergency food and shelter assistance to help those in our society who are without the most basic of human needs. Also contained in this measure are funds to accelerate a broad array of Federal construction activities which will yield valuable and long lasting benefits for our people.

Mr. President, I need not mention that much of the credit for the quality of this measure belongs not to those of us who vote on the House and Senate floor, but rather to our staff. We would have precious little to be acting on were it not for the dedication, expertise, and plain hard work of our staff.

Mr. President, I would also like to thank the members of my own personal office staff for their contributions on this measure. They were called on to augment the committee staff on this bill since my initial proposal was drafted as a separate Senate bill and only then referred to the committee. I would especially like to call attention to the excellent work of Mr. Jim Towey who undertook the extremely difficult task of framing a workable and effective targeting strategy for the bill. It is principally through his efforts, and inspiration, that we have reached agreement on an equitable formula.

FOREIGN MILITARY SALES CREDITS FOR EL SALVADOR

Mr. CRANSTON. Mr. President, I oppose the action of the Senate Foreign Relations Committee to give qualified approval to half of the Reagan administration's request to reprogram foreign military sales credits for El Salvador.

While I fully support the goals expressed by a majority of my colleagues on the Foreign Relations Committee in a letter I have signed with them regarding the use of these funds, I must oppose the action taken by the committee in approving the reprograming of $30 million in additional military aid to El Salvador for fiscal year 1983. Strict conditions have not been placed upon the use of this aid and upon the use of American advisers in El Salvador. The terms and conditions established by the committee are, in my opinion, too weak. And the El Salvadoran Government's willingness to enter into unconditional negotiations with the opposition is not made an explicit condition of future aid.

The efforts by Senator DODD and Senator KASSEBAUM to build a bipartisan committee consensus to cut the administration's request in half represent an important tactical victory. This is the first time that the Foreign Relations Committee has ever blocked a reprograming request. And it is another effort to restrain the Reagan administration's unqualified support of the El Salvadoran military.

I oppose any further U.S. military aid to El Salvador unless substantial political, social, and economic reforms are undertaken in that country and an offer for unconditional negotiations with the opposition is forthcoming from the El Salvadoran Government.

What our Government should be doing is working with key democratic allies in the region—such as Mexico and Venezuela—to encourage negotiation of an unconditional cease-fire and progress toward the inclusion of all Salvadorans in the political life of that country.

I deplore the efforts of the Reagan administration to portray the Salvadoran civil war as a struggle between the Kremlin and Washington. This is a conflict born of injustice, repression, and underdevelopment. If we are to achieve the U.S. national interest in promoting democratic development in El Salvador, we must press continually for key reforms in that nation.

The Reagan administration has now asked for $363 million in aid to El Salvador for this year alone. They have asked for nearly $1 billion for El Salvador for the 4 year period of fiscal years 1982-85. The latest Reagan administration proposal represents a fourfold increase in military aid to El Salvador in fiscal year 1983, even though fiscal year 1983 is less than 6 months old. The Reagan proposal also seeks twice as much military aid as economic assistance.

Thus, in sum, I oppose any approval of additional military aid to El Salvador unless and until strict conditions on such funds are established by Congress. I will work with my colleagues to see that such strict conditions are attached to subsequent Reagan administration requests for El Salvador for fiscal years 1983 and 1984.

EXCESSIVE MILITARY SPENDING

Mr. CRANSTON. Mr. President, Ronald Reagan is trying to pressure Congress into excessive military spending by spreading fear among the American people of Russia's alleged military supremacy.

He hypes the Soviet's power and ignores their weaknesses. In strange behavior for an American President, he poor mouths America's equal or superior military strength, which the Joint Chiefs of Staff say they would not exchange for the Russians.

He seeks to escalate the arms race into the outer reaches of space and of finance in a policy of spend, spend, spend.

The only hope for peace he offers us is that the Soviets—who will match us dollar for dollar, weapon for weapon—will go broke before we do.

It is likely to be a close call.

I predict Ronald Reagan's strategy of fear, hyperbole, and confrontation with the Soviets will fail.

Congress will not be panicked into an irresponsible military budget.

And the American people will not be frightened.

The American people suffer from unemployment, bankruptcies, foreclosures and recession and from Ronald Reagan's extravagant overspending for defense. He is creating deeper and deeper deficits that are stunting our economic growth.

Instead of offering to cooperate with Republicans and Democrats in Congress who are seeking sensible ways to increase defense spending without further wrecking our economy, President Reagan holds out the vision of even higher military spending—higher by tens of billions of dollars in so-called defensive technologies.

President Reagan gives the impression that Congress wants to cut overall defense spending. That is not true. The debate in Congress is simply over how large an increase is justified and how much of the President's proposed $2 trillion defense budget for the next 5 years is necessary.

More than a decade ago, President Nixon and Congress abandoned as incredibly expensive and hopelessly unworkable a less ambitious kind of ABM or antiballistic missile system that Ronald Reagan is now trying to sell the American people as the new hope for the future.

Ronald Reagan's hope is in reality a nightmare of more and more spending that will make us more insecure militarily and weaker economically and will increase the danger of a nuclear holocaust.

STRATEGIC DEFENSE

Mr. WARNER. Mr. President, last night, President Reagan, in a nationally televised address, announced a comprehensive and intensive effort to define a long-term research and development program to begin to achieve our ultimate goal of eliminating the threat posed by strategic nuclear missiles. This program would capitalize on our technological capacity to develop means by which we could intercept and destroy strategic ballistic missiles before they reached our own soil or that of our allies.

The Senate, over the past 3 years, has been taking increased interest in this area. The initiatives of the President will be received and studied with great interest.

Yesterday, the Subcommittee on Strategic and Theater Nuclear Forces, which I chair, held hearings on strategic defense. As a part of the review of the Department of Defense authorization bill. Mr. John Gardner, Director of Defensive Systems, Office of the

Under Secretary of Defense (research and engineering) furnished an overview of the initiatives currently programed for enhancing America's strategic defense capabilities. His testimony was complimented by that of Maj. Gen. Grayson Tate, Program Manager for the ballistic missile defense program; Maj. Gen. Donald Lamberson, Director of directed energy program coordination; and Maj. Gen. Bruce Brown, Vice Commander-in-Chief of the North American Aerospace Defense Command.

Understandably much of the testimony on the subject is classified and therefore not available subject to release. However, I believe it important and timely to provide for the record as much information as possible on this important subject. I submit for the RECORD two statements from that hearing which provide information as to the current status of the directed energy program and the Air Force's Space Command.

I begin with some impressions obtained over several years of intensive study of this subject. First, the potential contribution of directed energy weapons is significant. For example, they could deny the use of space for collecting and distributing crisis management and targeting information while protecting our space assets that warn against a surprise attack; engage and defeat limited nuclear strikes using ballistic missiles by engaging such missiles in the vulnerable boost phase; provide response options that neutralize or disrupt enemy targets in a measured, selective manner without breaking the nuclear threshold; selectively thin out the attacking missiles and aircraft and disrupt any attempt at a disarming first strike; aid U.S. strategic force retaliatory strikes by suppressing air defenses; and continually attrite reserve strategic forces in a nuclear war and deny targeting information essential to the effective use of such forces.

Directed energy weapons might be used as a stand-alone defense, or more likely, as part of a defense-in-depth concept. Second, considerable research and development is underway on laser and particle beam-related systems with potential for defensive weaponry. A brief description of each may be worthwhile.

LASERS

Laser beams, particularly the chemical laser, will likely be the first deployable beam weapons developed. A laser is a beam of very intense, single wavelength electromagnetic waves, either of light or high energy X-rays. Such a weapon can be focused very precisely because either the light or X-ray wavelengths all have the same frequency and phase. The five different types of lasers, which can be applied to fusion energy as well as beam weapons, are all being researched at U.S. laboratories.

The chemical laser, which could be developed for military deployment uses a gaseous medium in which a chemical reaction is induced. The product of the reaction emits laser light.

The gas laser, a burning gas such as a hydrogen and fluorine mixture is suddenly compressed, and the energy distribution that results from the compression is then stimulated to emit single-frequency light waves at very high energy.

An electron discharge laser uses replaceable energy from an electron beam to create the source of laser light. Such a laser would be very efficient for use in space because its energy source is electricity, not an exhaustible chemical fuel.

Two other types of lasers, X-ray lasers and free-electron lasers, yet to be perfected technologically, have greater advantages of energy density and flexibility then those listed above. The X-ray laser has promise for long-range ballistic missile defense, based in space. The X-ray laser, which is just a single pulse, is by far the most energy-dense, delivering thousands of times more energy per pulse than conventional lasers. In addition, the target absorbs the X-rays very efficiently, making this weapon capable of very efficient destruction of missiles. I met with Dr. Edward Teller in February of this year to discuss the potential of this type of laser.

PARTICLE-BEAM WEAPONS

Particle beams also deliver energy in a highly controlled pulse traveling at near the speed of light. But instead of a pulse of intense electro-magnetic radiation, the particle beam consists of subatomic particles, electrons or protons, neutral atoms, usually hydrogen, or usually magnetized macroscopic particles accelerated to high speeds. A particle beam destroys its target, the triggering mechanism, by creating a very intense shock wave within the mechanism, like a very small, but extremely heavy and powerful hammer striking down on the target.

Electron beams can be generated in the range of millions of volts. Scientists researching the electron beam for military or civilian energy use have discovered that the electron beam becomes a complex structure of electrons and a magnetic field. Such structured beams are capable of carrying higher currents and more energy for much longer distances at much greater levels of power output.

Proton beams, which have been researched intensively for the past 30 years, use an electron beam as a seed and then are accelerated in their own right. As protons are 2,000 times heavier than electrons, a proton beam of the same velocity has 2,000 times the energy of an electron beam.

Neutral particles eliminate many of the problems of charged-particle beams, which can degrade both the efficiency and controllability of the beam. This spring, U.S. researchers hope to produce a beam of protons at an energy of 2.5 million electron volts, capable of traveling at 99 percent of the speed of light.

Control and targeting of a macroscopic particle beam would be more difficult, but the unparalleled power density of the beam—due to the large mass of the particles—gives it considerable potential as a beam weapon.

The Department of Defense is pursuing development efforts related to a space-based, air-borne, and ground-based laser systems for antisatellite, antiaircraft and possibly antiballistic missile defense missions. Serious work is also being performed on particle beam weapon systems.

In addition, nonnuclear ballistic missile defense systems are being researched by the Army. Such systems could provide a capable, point-defense of national assets in the 1990's.

The private sector has also offered proposals—largely drawing upon the technologies under development by the Department of Defense—intended to give the United States an enhanced strategic defense capability. One such proposal, called "High Frontier," would involve three components.

The first system would be a ground-based defense of missile silos that would consist of rapid-fire guns able to launch a cloud of projectiles and destroy incoming warheads before they reach their target.

The second system would be a global ballistic missile defense that would consist of 432 satellites, all hardened to minimize the effect of nuclear explosions outside the Earth's atmosphere. These satellites would be constantly orbiting at about 300 miles altitude, each armed with 40 to 50 intercept devices similar to the air-to-air missiles now carried by U.S. fighter aircraft.

The third system would be a second generation global ballistic missile defense whose specific configuration would depend upon the rate of technological advance. It might simply be an upgrading of GBMD-I, or, depending on the solution to problems of directed-energy beam weaponry, could be an entirely new system.

Uncertainties exist about the cost, technical feasibility and arms control implications of each of these approaches. One hearing on the subject of strategic defense has been held by the Strategic and Theater Nuclear Force Subcommittee and further detailed consideration of this highly important subject and related considerations by the subcommittee will be occurring this spring.

Just as important as the technical capabilities of these approaches are the provisions and goals of existing and future arms control treaties. I can not emphasize too strongly the need to coordinate the technical development of these weapons within the framework of the existing arms control agreements and the future agreements the world hopes and prays for.

For convenience of reference, included in this statement are two of the most important treaties. They are the treaty on the limitations of antiballistic missile systems and the outer space treaty. Accompanying the texts of these treaties are brief descriptions of the agreements found in a book published by the U.S. Arms Control and Disarmament Agency (ACDA) entitled "Arms Control and Disarmament Agreements."

In conclusion, I believe that the President is correct in his recognition of the potential offered by American technology for our national security. His assessment that, "years, probably decades, of effort on many fronts is required" is also correct. I believe that his call for increased attention to our technological capability will lend an impetus that may provide positive dividends. The precaution and responsibility that we have is not to raise hopes and expectations too early.

I will continue to provide reports to the Senate on a periodic basis, as my subcommittee continues to exercise oversight over the military aspects of this important subject.

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

STATEMENT BY MAJ. GEN. BRUCE K. BROWN

Mr. Chairman: On behalf of General Hartinger, I would like to thank you and the members of your committee for the support you've given us during the past year. I appreciate the opportunity to provide an update on our strategic defense modernization efforts, and in addition, I would like to give a brief report on the Air Force's newest command, Space Command, and its impact on strategic defense. It has been a great year for us in Colorado Springs with the establishment of our new command. First however, I would like to discuss the three mission areas of air defense, space defense and missile warning.

Underpinning our improvements in these areas is President Reagan's five-point strategic modernization program. Two of his five points apply to strategic defense: command, control and communication systems, including missile warning, and improved air defense.

MISSILE WARNING

Missile warning remains as our number one priority due to the magnitude of the threat and the very short timelines involved. We have several important improvement programs which are essential if we are to increase the quality and survivability of our missile warning systems.

We have programed several upgrades to the satellite early warning system. This system, made up of infra-red satellites, provides the first information on a missile or space launch. We are pursuing improvements to both the follow-on satellites and ground processing stations to increase survivability and to assure the continued availability of the satellite data.

A second program, designed to insure unambiguous warning of ICBM launches from the Eastern Hemisphere, is BMEWS. BMEWS is a 20-year old ground-based radar system which operates from sites in Alaska, Greenland, and England. To improve this system, we currently are replacing the mission computers at each site and have a BMEWS modernization program which will allow the radars to more accurately count incoming warheads.

In the Western Hemisphere, we have two Pave Paws phased array radars which confirm SLBM launches. These radars are located in the Northwest at Beale AFB, Calif., and in the Northeast at Otis AFB, Mass. We still need some improvements to insure full dual phenomenology coverage for realiability and quality warning information. You recommended funding for the Southeast and Soutwest Pave Paws sites in the fiscal year 1982 budget. Major funding for these two sites began in fiscal year 1983 and continues in the fiscal year 1984 budget. We need 6DB power upgrades to our existing Pave Paws sites so they also will more accurately count incoming warheads.

ATMOSPHERIC DEFENSE

To revitalize strategic defenses, the President's program calls for an upgrade to our North American air surveillance network, the procurement of 12 additional AWACS aircraft, and the modernization of our active interceptor force with F-15s.

As a first step, we need an improved atmospheric early warning system to let us see bombers and cruise missile carriers at extended ranges. To get the early warning we need off our coasts, we are going to deploy over-the-horizon backscatter (OTH-B) radars. OTH-B eliminates the line-of-sight limitations of conventional radars by reflecting its energy off the ionosphere, giving it all-altitude bomber detection out to about 2,000 NM. We plan to deploy an OTH-B on each coast by the middle 1980's, and later, to fill the void to the South, we are looking at deploying a southern looking OTH-B.

Since an OTH-B looking North would be degraded by auroral interference, which disturbs the ionosphere, we are pursuing an improved DEW line. This upgrade consisting of minimally attended and gap filler radars will give us an all-altitude bomber detection capability to the North. These programs are contained in the President's 1984 budget.

We feel that with OTH-B and the improved DEW line we will be able to deny the Soviets that no-warning bomber option that might be attractive to their war gamers; and with the system, be able to more intelligently and efficiently employ those limited numbers of interceptors and AWACS aircraft now at our disposal.

We are also modernizing in the airspace control area by replacing the region control centers associated with the old sage system with new centers. This system will provide primary command and control in a wartime scenario as long as it survives; however, as it is not survivable, we are depending on AWACS to give us war-fighting survivability.

This control will be assisted by our damage limiting and assessment capability which is embodied in our interceptors. We currently have 19 squadrons which include Air Force and Air National Guard F-106s and F-4s, Canadian F-101s and the F-15. The F-15 squadrons at Langley AFB, Va., and Elmendorf AFB, Alaska represent the first steps in the modernization of our interceptor force. The Canadians are replacing their CF-101s with the much improved CF-18, and we are looking at replacing the Air National Guard F-106s and perhaps some of their F-4s with an air defense version of the F-16.

Hand-in-hand with these improvements is the need to preserve the flow of critical missile warning information to the users. We must have an unduring C^3 system to sustain our war fighting capability. For that reason. I strongly support development of jam-resistant secure communications, the ground wave emergency network, Milstar, and efforts to emp-harden critical facilities.

In the interim, we at Norad have done three things. First, we are developing a rapid emergency reconstitution team called rapier to reconstitute at preselected locations in the rockies with communications gear.

Second, within the Colorado Springs area, we have completed an emp-hardening project that runs from Cheyenne Mountain to Peterson AFB, to Norad Headquarters, and to General Hartinger's quarters. This project includes an AFSATCOM terminal, interbase radio system, microwave system and fiber optic cable telephones—all of which insure connectivity between Cheyenne Mountain and General Hartinger anywhere in the Colorado Springs area.

Third is the BUF (Back-up facility) on Peterson AFB which will also be part of the hardened system and which replaces our inactivated alternate command post at Malmstrom AFB, Mont.

SPACE COMMAND

Next, I'd like to spend a few minutes on the Air Force's newest major command, Space Command.

Establishment of the Space Command on 1 September 1982, I think marked a crucial milestone in the evolution of military space operations. The space command will give the Air Force an organization to take advantage of the countless opportunities that space afford the military.

Why did the Air Force establish a space command? Our perception of space has changed. Space is just a place—like the land, the sea, and the air—another dimension. And it was just a matter of time until we started treating it as such. We have had an on-going study in the Air Force looking at when we would need an operational space command and several factors converged in 1982 which led to that decision.

These factors included the Soviet threat in space, our Nation's increasing dependence on space systems, an ever increasing national space resource commitment, and the need to take full advantage of the Space Shuttle to enhance man's presence in space. Lastly, on July 4, 1982, President Reagan announced that the most important goal of the U.S. space program was to strengthen national security. As a result, we now have a policy which underscores the need to move Air Force space programs out of the research and development community into the operational world.

The space command agenda is far-reaching. In general, the Air Force has an operational command to manage, control and protect operational space assets. Space Command is promoting a much closer relationship between the research and develop-

ment community and the operational world. The command is providing a focus for centralized planning, consolidated requirements, and an operational advocate for Air Force space systems. In general, we will provide the operational pull to go along with the technology pull which has been the dominant factor in the space world since its inception.

In particular, Space Command will: Develop space doctrine and strategy; promote a comprehensive documentation of the Soviet space threat; strengthen the softest link in the space system cycle—the statement of operational needs; incorporate space activities in Air Force and joint exercises; advocate a sound survivability program; promote and oversee space education, training and career development; and give clearer focus to the Air Force space medicine program.

The bottom line is that the establishment of Space Command means that the Air Force is going operational in space. We think we have the right time, we think we have the right place, we think we have the right people and we are all excited about it. The Space Command is a giant step toward meeting the President's policy of having a space program that will strengthen national security.

THE FUTURE

I want to conclude with two observations. First, the Air Force's Space Command is the initial step which could lay the foundation for the eventual integration of space systems into the unified/specified command structure.

Second, as we look to the future of strategic defense for increased capability and survivability, everything points to space. More and more missile, space and air defense business will be done using space based systems. Space may provide viable options for a more strategic defense oriented national strategy which could create a more stable world.

THE DOD DIRECTED ENERGY PROGRAM AND ITS RELEVANCE TO STRATEGIC DEFENSE

I. INTRODUCTION

The Department of Defense maintains an extensive program that is developing directed energy technology for eventual application to weapon systems. Such weapons may ultimately take many forms and be applied in many specific missions—perhaps as many as missiles and guns. Of these missions, some of the most promising are as part of a defense-in-depth of the United States against strategic attack. The technology is emerging. While the concepts have been discussed for several decades, it is only within the last decade and a half that discoveries have occurred that promise viable weapon systems. There are no deployed directed energy weapons to date and we expect that there will be another decade of development before such weapons enter the operational inventory.

To address the applicability and potential availability of such weapons, this statement will outline the general characteristics and capabilities of directed energy weapons, how this technology relates to America's strategic defense posture, and the goals and progress of our current directed energy technology programs.

II. CHARACTERISTICS AND CAPABILITIES OF DIRECTED ENERGY FOR STRATEGIC DEFENSE.

What is a directed energy weapon? A directed energy weapon generates radiant energy or energetic particles and focuses it into a narrow beam pointed at targets. This energy may come from chemical fuel, electrical power, intense heat sources or high explosives. These beams consist of charged or neutral atomic particles or electromagnetic radiation and are capable of near-instantaneous delivery of very intense energy densities to targets. Directed energy weapons have a wide array of different possible applications depending on the ability of the beam to propagate through the air, the ionosphere, or space. Thus, one can talk about endoatmospheric applications at ranges of 10 km and about exatmospheric application at ranges of 10,000 km and still be discussing directed energy weapons. Directed energy weapons may be ground-, sea-, air-, or space-based depending on the size of the weapon, the mission that it must perform, and the ability of the beam to propagate to the target.

The potential contributions of directed energy weapons to deterrence of strategic attack—the primary goal of both strategic offensive and defensive forces of the U.S.—are significant. They could introduce new vulnerabilities to a potential enemy's arsenal of strategic weapons and therefore introduce new uncertainties in his ability to achieve his objectives in a strategic attack. For example, they could—

Deny the use of space for collecting and distributing crisis management and targeting information while protecting our space assets that warn against a surprise attack.

Engage and defeat limited nuclear strikes using ballistic missiles by engaging such missiles in the vulnerable boost phase.

Provide response options that neutralize or disrupt enemy targets in a measured, selective manner without breaking the nuclear threshold.

Selectively thin-out the attacking missiles and aircraft and disrupt any attempt at a disarming first strike.

Aid U.S. strategic force retaliatory strikes by suppressing air defenses.

Continually attrit reserve strategic forces in a nuclear war and deny targeting information essential to the effective use of such forces.

A single directed energy weapon could be designed with the capability of negating tens of targets in a relatively short amount of time. Directed energy weapons might be used as a stand-alone defense, or, more likely, as part of a defense-in-depth concept. For example, a constellation of space laser platforms might by themselves defend U.S. satellites from attack and also might possess the capability to negate, say, 50 percent of a large-scale ICBM attack on U.S. strategic forces by engaging several hundred missiles in boost phase as the first layer of a ballistic missile defense-in-depth.

III. DEVELOPMENT STATUS

While directed energy technologies offer promise of broad application in strategic defense, we have not yet achieved feasible, cost effective weapon systems using these new technologies. The technical maturity of these concepts vary from early in the proof-of-concept phase to approaching the maturity necessary to enter the validation phase of a formal weapon development program. As in most development programs, we are focused on two basic issues—are such weapons feasible, and, if they are, can they be made cost effective? Our efforts to resolve these issues are extensive. Unlike familiar weapon forms such as guns, we are addressing these issues for the first time. We recognize that defensive applications could be a very attractive and competitive use of directed energy weapons. In strategic defense the payoff could be particularly high. Accordingly, we need and have a prudent and aggressive DoD program to resolve the critical uncertainties associated with these two basic issues.

The first basic issue is that of technical feasibility. A directed energy weapon, in general, would consist of an energy source, a device such as a laser or particle accelerator, optical systems to direct and focus the beam, and ATP to acquire, track, and point at several targets in the span of seconds. Another critical issue involved in technical feasibility is the ability to propagate over the ranges required to be effective. Other issues include, for example, weapons control, damage assessment, surveillance, adequate C^3, the ability to launch and assemble the weapon, and exhaust management. These issues have somehwhat lower priority in establishing technical feasibility but must be addressed in advanced technology demonstrations and prototype weapons development.

The other basic issue concerning directed energy weapons development is whether such weapons can be made cost effective. Several different critical issues are being addressed such as weapon lethality, system survivability to mission completion, utility in the face of countermeasures, system conceptual designs, and system cost. Because the technology of directed energy weapons is rather immature in comparison to conventional systems such as missiles, airplanes, and guns, our goals in this area are rather modest. These goals are, basically, to resolve and bound the uncertainties sufficiently to provide the Secretary of Defense with enough information to enable an informed decision to proceed with advanced development, testing, and engineering phases if and when the technology for directed energy weapons is ready.

IV. DEVELOPMENT EFFORTS SUPPORTED BY THE PROPOSED FISCAL YEAR 1984 BUDGET

While most of the DoD directed energy program supports technology developments relevant to the many potential strategic defense concepts, this statement will describe three types of efforts as samples of what the program is doing and plans to do. They are the space-based laser, ground-based laser antisatellite, and particle beam efforts.

The DOD space laser program

There are some obviously attractive benefits for using laser weapons in space. Outside the atmosphere, the laser beam is not disturbed from the weapon to target. Thus, lasers have the potential to transmit damaging energy at the speed of light over very long distances. Furthermore, lasers are not weapons of mass destruction. They direct energy to a prescribed target area and nowhere else. Basing such weapons wholly or partially in space can take advantage of these attributes to maximize their values as a deterrent to attack at all levels of conflict. In particular, space based lasers may be able to perform all of the specific missions cited in Section II of this statement.

Last year, the Secretary of Defense approved the DoD Space Laser Program Plan, formulated by DARPA, the Air Force, and the Army. This plan deals with resolving, by fiscal year 1988, basic uncertainties that prevent making an informed decision on whether or not to proceed to the validation phase of weapon development. The program defined by the plan has three basic objectives:

Define the concept of a multimission space laser deployment that can survive

until its mission is completed and assess cost effectiveness of such deployments.

Demonstrate the technical feasibility of the most critical elements of this conceptual space laser weapon deployment.

Pursue technology paths that could provide a growth in performance to accomplish more demanding missions and overcome a responsible threat.

In the recent past, at the direction of Congress, the DoD has examined the opinions on program pace spanning the spectrum from a technology only program to a "Manhattan project" type accelerated effort. These studies, for the first time, clearly define the scope of the remaining uncertainties concerning whether an effective weapon system can be achieved and the size of the risk involved in a greatly accelerated program. The resulting DoD Program Plan is an investment of about $900 million dollars over the fiscal year 1982-1988 time period designed to vigorously address the most critical issues to be resolved in order to reduce the risk to a prudent level prior to proceeding to expensive on-orbit demonstrations.

Approximately two-thirds of the space laser funding is going to resolve issues of basic technical feasibility of performing the primary functions of an effective laser weapon. Most of this effort goes into the three programs which constitute the Darpa Space Laser Triad: Alpha, Lode, and Talon Gold. Alpha is examining the feasibility of generating high laser power in a space compatible configuration at mid-infrared wavelengths. Lode examines whether it is feasible to provide beam control at high brightness levels and addresses whether it is feasible to produce very large primary mirrors for the beam director that are figured to very stringent tolerances. Talon Gold is examining issues of whether it is feasible to stabilize, with extraordinary precision, a beam spot on a dynamic target from space. Most of the technology being examined in Lode and Talon Gold, while addressing mid-IR wavelengths, have substantial legacy in short (sub-micron) wavelength lasers. Triad is planned to demonstrate the technology that can be scaled to levels appropriate for strategic defense applications. Currently, the Triad programs have successfully passed preliminary design reviews and demonstrated limited brass-board scaling. At this time they are on schedule to support the 1988 decision milestones.

The Air Force part of the space laser program is concentrating on target vulnerability and hardening, system concepts, utility, and survivability of a multimission (counterspace, counterair and limited BMD) force. All of these efforts require a preliminary system definition. The uncertainties in these areas are broad and, as a result, opinions on the practicality of space lasers can vary widely. Air Force efforts are designed to insure such opinions are based on fact and not speculation, on data and not on instinct. Since the fiscal year 1983 funds for these efforts were denied by Congress, we have been forced to postpone the milestone for a decision on initiation of validation from 1987 to 1988. There efforts are currently underway using fiscal year 1982 funds. We hope to meet these new milestones if the present efforts are funded to the level of the DOD Space Laser Plan.

The Army space laser efforts are, of course, focused on ballistic missile defense. It is a modest program that takes advantage of the DARPA and Air Force efforts and supplements them—principally in short wavelength activities. The most critical uncertainty in cost effectiveness of BMD concepts appears to be the extent to which ballistic missiles can be hardened to laser radiation. Without an answer to this question, cost effectiveness in BND missions cannot be reliably ascertained.

Another critical area of research that complements the mid-IR efforts of the Triad is short (sub-micron) wavelength technology. The content and pace of these efforts are based on the fact that these technologies are about one decade less mature than present mid-infrared laser technology. We are pursuing research and exploratory development efforts aimed at determining whether we can scale the technology to performance levels needed for the advanced weapons concepts associated with this technology. Assuming that one can achieve high power short wavelength laser devices and an order of magnitude improvement in optics and ATP over the Traid performance levels, short wavelength laser technology may offer a significant improvement in effectiveness over mid-infrared wavelength lasers of similar dimensions. We are currently pursuing several programs in short wavelength technology which total over $50 million per year, including an additional $10 million appropriated by Congress for fiscal year 1983.

The DOD is conducting research into high power and high beam quality laser devices—in excimer, free electron, and chemical lasers. In addition, we have programs in atmospheric compensation, short wavelength mirror coating, and ultra-high precision inertial references. Furthermore, the Lode and Talon Gold programs are providing a substantial legacy that supports short wavelength technology development for weapons systems for strategic defense.

Ground-based laser antisatellite

In addition to the space laser program, the DoD is pursuing directed energy technology efforts that could support development of a ground-based laser antisatellite weapon. Recent technology developments have been encouraging in this potential application. Accordingly, fiscal year 1984 funds provide for a number of options at several wavelengths which appear promising for antisatellite applications. We hope to examine these options over the next few years.

Particle beam technology program

Particle beam technology is currently the least mature of the directed energy technology efforts. In the long term, they hold the promise of being excellent strategic defense weapons. Unlike laser radiation, high energy particles can penetrate to the insides of targets and cause great damage through several direct and indirect mechanisms. Thus, for example, re-entry vehicles, which may not be very vulnerable to laser irradiance, could be damaged more easily by an intense beam of high energy particles. We have two types of particle beam weapons under development—charged particle beams and neutral particle beams. Both these efforts are in the proof-of-concept level of technology at the present.

Charged particle beams could be useful for endoatmospheric, point defense applications such as defending high priority targets against bombers, cruise missiles, and terminal en-entry vehicles. The primary emphasis of our present program is on the 50 MeV electron accelerator at Lawrence Livermore National Laboratory known as the Advanced Test Accelerator (ATA). The Advanced Test Accelerator has been assembled, is currently undergoing initial checkout tests, and has, in several key performance parameters, exceeded design specifications. Key issues being examined relate to the pulse forming network for high-powered, high-repetition rate operation. This involves the storing of energy in a cylindrical three-conductor transmission line, called a Blumlein, which acts very much like a large-scale capacitor and can rapidly deliver large amounts of energy into accelerating millicoulomb level electron pulses to 50 million volts per electron.

With the successful operation of the ATA, we have a charged particle beam facility that can examine issues of target damage effects and atmospheric propagation. An additional use of the ATA will be as a means of assessing the technical feasibility of weapons level accelerators involving very energetic (several hundred MeV and higher) particle beams with high duty factor. Another program currently under consideration is the feasibility and design of an experiment that would use the ATA as the electron source for a free electron laser.

Applications of particle beam technology for space-based weapons for boost phase and mid-course BMD and for counterspace missions are focused on neutral particle beams. The neutral particle beam program is being examined with the Accelerator Test Stand at the Los Alamos National Laboratory. The accelerator permits experiments in the generation of intense atomic beams. If successful, work on a more advanced neutral beam device could be underway later in this decade.

Because of the relative immaturity of the technology, efforts in system effectiveness have generally been confined to lethality studies of materials and system components. As the technology matures, it will become appropriate to define weapons system concepts and establish cost-effectiveness of these concepts.

V. SUMMARY

To summarize, the DoD believes that directed energy weapons offer promise of making major contributions to the U.S. defense posture. They are brand new weapon forms that have never been developed and deployed before and, therefore, have no history of employment and measurement of effectiveness. DoD plans, over the next decade, to bring the most mature forms of these technologies to decisions on whether or not to initiate weapon development at the validation phase. Our program is dedicated to determining whether directed energy weapons, deployed in concert with other strategic defense systems, can more nearly balance the offense-defense scale which has been dominated by the offense since the introduction of nuclear weapons.

We believe that, in light of the relative immaturity of the technology and within the resources allocated to the program, we have fashioned a series of prudent and aggressive technology risk reduction efforts in several diverse aspects of directed energy technology. These efforts have decentralized execution by the Army, Navy, Air Force, and DARPA. The Office of the Assistant for Directed Energy Weapons has been established to provide centralized oversight and coordination. These efforts are unlikely to have significant impact on our strategic defense in the 1980s but could provide the technology base to develop a strategic defense using directed energy weapons in the 1990s or beyond.

TREATY ON PRINCIPLES GOVERNING THE ACTIVITIES OF STATES IN THE EXPLORATION AND USE OF OUTER SPACE, INCLUDING THE MOON AND OTHER CELESTIAL BODIES

Signed at Washington, London, Moscow, January 27, 1967.

Ratification advised by U.S. Senate April 25, 1967.

Ratified by U.S. President May 24, 1967.

U.S. Ratification deposited at Washington, London, and Moscow October 10, 1967.

Proclaimed by U.S. President October 10, 1967.

Entered into force October 10, 1967.

The States Parties to this Treaty.

Inspired by the great prospects opening up before mankind as a result of man's entry into outer space.

Recognizing the common interest of all mankind in the progress of the exploration and use of outer space for peaceful purposes.

Believing that the exploration and use of outer space should be carried on for the benefit of all peoples irrespective of the degree of their economic or scientific development.

Desiring to contribute to broad international co-operation in the scientific as well as the legal aspects of the exploration and use of outer space for peaceful purposes,

Believing that such co-operation will contribute to the development of mutual understanding and to the strengthening of friendly relations between States and peoples.

Recalling resolution 1962 (XVIII), entitled "Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space," which was adopted unanimously by the United Nation General Assembly on 13 December 1963.

Recalling resolution 1884 (XVIII), calling upon States to refrain from placing in orbit around the Earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction or from installing such weapons on celestial bodies, which was adopted unanimously by the United Nations General Assembly on 17 October 1963.

Taking account of United Nations General Assembly resolution 110 (II) of 3 November 1947, which condemned propaganda designed or likely to provoke or encourage any threat to the peace, breach of the peace or act of aggression, and considering that the aforementioned resolution is applicable to outer space.

Convinced that a Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, will further the Purposes and Principles of the Charter of the United Nations.

Have agreed on the following:

ARTICLE I

The exploration and use of outer space, including the moon and other celestial bodies, shall be carried out for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development, and shall be the province of all mankind.

Outer space, including the moon and other celestial bodies, shall be free for exploration and use by all States without discrimination of any kind, on a basis of equality and in accordance with international law, and there shall be free access to all areas of celestial bodies.

There shall be freedom of scientific investigation in outer space, including the moon and other celestial bodies, and States shall facilitate and other celestial bodies, and States shall facilitate and encourage international co-operation in such investigation.

ARTICLE II

Outer space, including the moon and other celestial bodies, is not subject to national appropriation by claim of sovereignty, by means of use of occupation, or by any other means.

ARTICLE III

States Parties to the Treaty shall carry on activities in the exploration and use of outer space, including the moon and other celestial bodies, in accordance with international law, including the Charter of the United Nations, in the interest of maintaining international peace and security and promoting international co-operation and understanding.

ARTICLE IV

States Parties to the Treaty undertake not to place in orbit around the Earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction, install such weapons on celestial bodies, or station such weapons in outer space in any other manner.

The moon and other celestial bodies shall be used by all States Parties to the Treaty exclusively for peaceful purposes. The establishment of military bases, installations and fortifications, the testing of any type of weapons and the conduct of military maneuvers on celestial bodies shall be forbidden. The use of military personnel for scientific research or for any other peaceful purposes shall not be prohibited. The use of any equipment or facility necessary for peaceful exploration of the moon and other celestial bodies shall also not be prohibited.

ARTICLE V

States Parties to the Treaty shall regard astronauts as envoys of mankind in outer space and shall render to them all possible assistance in the event of accident, distress, or emergency landing on the territory of another State Party or on the high seas. When astronauts make such a landing, they shall be safely and promptly returned to the State of registry of their space vehicle.

In carrying on activities in outer space and on celestial bodies, the astronauts of one State Party shall render all possible assistance to the astronauts of other States Parties.

States Parties to the Treaty shall immediately inform the other States Parties to the Treaty or the Secretary-General of the United Nations of any phenomena they discover in outer space, including the moon and other celestial bodies, which could constitute a danger to the life or health of astronauts.

ARTICLE VI

States Parties to the Treaty shall bear international responsibility for national activities in outer space, including the moon and other celestial bodies, whether such activities are carried on by governmental agencies or by non-governmental entities, and for assuring that national activities are carried out in conformity with the provisions set forth in the present Treaty. The activities of non-governmental entities in outer space, including the moon and other celestial bodies, shall require authorization and continuing supervision by the appropriate State Party to the Treaty. When activities are carried on in outer space, including the moon and other celestial bodies, by an international organization, responsibility for compliance with this Treaty shall be borne both by the international organization and by the States Parties to the Treaty participating in such organization.

ARTICLE VII

Each State Party to the Treaty that launches or procures the launching of an object into outer space, including the moon and other celestial bodies, and each State Party from whose territory or facility an object is launched, is internationally liable for damage to another State Party to the Treaty or to its natural or juridical persons by such object or its component parts on the Earth, in air space or in outer space, including the moon and other celestial bodies.

ARTICLE VIII

A State Party to the Treaty on whose registry an object launched into outer space is carried shall retain jurisdiction and control over such object, and over any personnel thereof, while in outer space or on a celestial body. Ownership of objects launched into outer space, including objects landed or constructed on a celestial body, and of their component parts, in not affected by their presence in outer space or on a celestial body or by their return to the Earth. Such objects or component parts found beyond the limits of the State Party to the Treaty on whose registry they are carried shall be returned to that State Party, which shall, upon request, furnish identifying data prior to their return.

ARTICLE IX

In the exploration and use of outer space, including the moon and other celestial bodies, States Parties to the Treaty shall be guided by the principle of co-operation and mutual assistance and shall conduct all their activities in outer space, including the moon and other celestial bodies, with due regard to the corresponding interests of all other States Parties to the Treaty. States Parties to the Treaty shall pursue studies of outer space, including the moon and other celestial bodies, and conduct exploration of them so as to avoid their harmful contamination and also adverse changes in the environment of the Earth resulting from the introduction of extraterrestrial matter and, where necessary, shall adopt appropriate measures for this purpose. If a State Party to the Treaty has reason to believe that an activity or experiment planned by it or its nationals in outer space, including the moon and other celestial bodies, would cause potentially harmful interference with activities of other States Parties in the peaceful exploration and use of outer space, including the moon and other celestial bodies, it shall undertake appropriate international consultations before proceeding with any such activity or experiment. A State Party to the Treaty which has reason to believe that an activity or experiment planned by another State Party in outer space, including the moon and other celestial bodies, would cause potentially harmful interference with activities in the peaceful exploration and use of outer space, including the moon and other celestial bodies, may request consultation concerning the activity or experiment.

ARTICLE X

In order to promote international co-operation in the exploration and use of outer space, including the moon and other celestial bodies, in conformity with the purposes of this Treaty, the States Parties to the Treaty shall consider on a basis of equality any requests by other States Parties to the Treaty to be afforded an opportunity to ob-

serve the flight of space objects launched by those States.

The nature of such an opportunity for observation and the conditions under which it could be afforded shall be determined by agreement between the States concerned.

ARTICLE XI

In order to promote international co-operation in the peaceful exploration and use of outer space, States Parties to the Treaty conducting activities in outer space, including the moon and other celestial bodies, agree to inform the Secretary-General of the United Nations as well as the public and the international scientific community, to the greatest extent feasible and practicable, of the nature, conduct, locations and results of such activities. On receiving the said information, the Secretary-General of the United Nations should be prepared to disseminate it immediately and effectively.

ARTICLE XII

All stations, installations, equipment and space vehicles on the moon and other celestial bodies shall be open to representatives of other States Parties to the Treaty on a basis of reciprocity. Such representatives shall give reasonable advance notice of a projected visit, in order that appropriate consultations may be held and that maximum precautions may be taken to assure safety and to avoid interference with normal operations in the facility to be visited.

ARTICLE XIII

The provisions of this Treaty shall apply to the activities of States Parties to the Treaty in the exploration and use of outer space, including the moon and other celestial bodies, whether such activities are carried on by a single State Party to the Treaty or jointly with other States, including cases where they are carried on within the framework of international inter-governmental organizations.

Any practical questions arising in connection with activities carried on by international inter-governmental organizations in the exploration and use of outer space, including the moon and other celestrial bodies, shall be resolved by the States Parties to the Treaty either with the appropriate international organization or with one or more States members of that international organization, which are Parties to this Treaty.

ARTICLE XIV

1. This Treaty shall be open to all States for signature. Any State which does not sign this Treaty before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland and the Union of Soviet Socialist Republics, which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force upon the deposit of instruments of ratification by five Governments including the Governments designated as Depositary Governments under this Treaty.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification of and accession to this Treaty, the date of its entry into force and other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

ARTICLE XV

Any State Party to the Treaty may propose amendments to this Treaty. Amendments shall enter into force for each State Party to the Treaty accepting the amendments upon their acceptance by a majority of the States Parties to the Treaty and thereafter for each remaining State Party to the Treaty on the date of acceptance by it.

ARTICLE XVI

Any State Party to the Treaty may give notice of its withdrawal from the Treaty one year after its entry into force by written notification to the Depositary Governments. Such withdrawal shall take effect one year from the date of receipt of this notification.

ARTICLE XVII

This Treaty, of which the English, Russian, French, Spanish and Chinese texts are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

TREATY ON PRINCIPLES GOVERNING THE ACTIVITIES OF STATES IN THE EXPLORATION AND USE OF OUTER SPACE, INCLUDING THE MOON AND OTHER CELESTIAL BODIES

The treaty on outer space and celestial bodies was the second of the so-called "nonarmament" treaties; its concepts and some of its provisions were modeled on its predecessor, the Antarctic Treaty. Like that treaty it sought to prevent "a new form of colonial competition" and the possible damage that self-seeking exploitation might cause.

In early 1957, even before the launching of Sputnik in October, developments in rocketry had led the United States to propose international verification of the testing of space objects. And the development of an inspection system for outer space was part of a Western proposal for partial disarmament put forward in August 1957. The U.S.S.R., however, in the midst of testing its first ICBM and about to orbit its first Earth satellite, did not accept these proposals.

Between 1959 and 1962 the Western powers made a series of proposals that would bar the use of outer space for military purposes. Their successive plans for general and complete disarmament included provisions to ban the orbiting and stationing in outer space of weapons of mass destruction. Addressing the General Assembly on September 22, 1960, President Eisenhower proposed that the principles of the Antarctic Treaty be applied to outer space and celestial bodies.

Soviet plans for general and complete disarmament between 1960 and 1962 included provisions for insuring the peaceful use of outer space. The Soviet Union, however, would not separate outer space from other disarmament issues. It declined to agree to restrict outer space to peaceful uses unless American foreign bases, where short-range and medium-range missiles were stationed, were eliminated also.

The Western powers declined to accept the Soviet approach; the linkage, they held, would upset the military balance and weaken the security of the West.

After the signing of the limited test ban treaty, the Soviet Union's position changed. It ceased to link an agreement on outer space with the question of foreign bases. On September 19, 1963, Foreign Minister Gromyko told the General Assembly that the Soviet Union wished to conclude an agreement banning the orbiting of objects carrying nuclear weapons. Ambassador Stevenson stated that the United States had no intention of orbiting weapons of mass destruction, installing them on celestial bodies or stationing them in outer space. The General Assembly unanimously adopted a resolution on October 17, 1963, welcoming the Soviet and American statements and calling upon all states to refrain from introducing weapons of mass destruction into outer space.

The United States supported the resolution, despite the absence of any provisions for verification; the capabilities of its space-tracking systems, it was estimated, were adequate for detecting launchings and devices in orbit.

Seeking to sustain the momentum for arms control agreements, the United States in 1965 and 1966 pressed for a treaty that would give further substance to the U.N. resolution.

On June 16, 1966, both the United States and the Soviet Union submitted draft treaties. The American draft dealt only with celestial bodies; the Soviet draft covered the whole outer space environment. The United States accepted the Soviet position on the scope of the treaty, and by September agreement had been reached in discussions at Geneva on most treaty provisions. Differences on the few remaining issues—chiefly involving access to facilities on celestial bodies, reporting on space activities, and the use of military equipment and personnel in space exploration—were satisfactorily resolved in private consultations during the General Assembly session by December.

On the 19th of that month the General Assembly approved by acclamation a resolution commending the treaty. It was opened for signature at Washington, London, and Moscow on January 27, 1967. On April 25 the Senate gave unanimous consent to its ratification, and the treaty entered into force on October 10, 1967.

The substance of the arms control provisions is in Article IV. This article restricts military activities in two ways:

First, it contains an undertaking not to place in orbit around the Earth, install on the moon or any other celestial body, or otherwise station in outer space nuclear or any other weapons of mass destruction.

Second, it limits the use of the moon and other celestial bodies exclusively to peaceful purposes and expressly prohibits their use for establishing military bases, installations, or fortifications; testing weapons of any kind; or conducting military maneuvers.

In the years since the treaty came into force, space exploration has been conducted in an increasingly cooperative spirit, as manifested in United States and Soviet collaboration in jointly planned and manned space enterprises.

OUTER SPACE TREATY

Country	Date of signature	Date of deposit of ratification	Date of deposit of accession
Afghanistan	1/27/67		
Argentina	1/27/67	3/26/69	
Australia	1/27/67	10/10/67	
Austria	2/20/67	2/26/68	
Bahamas, The			8/11/76
Barbados			9/12/68
Belgium	1/27/67	3/30/73	
Bolivia	1/27/67		
Botswana	1/27/67		
Brazil	1/30/67	3/5/69	
Bulgaria	1/27/67	3/28/67	
Burma	5/22/67	3/18/70	
Burundi	1/27/67		
Byelorussian S.S.R	2/10/67	10/31/67	
Cameroon	1/27/67		
Canada	1/27/67	10/10/67	
Central African Republic	1/27/67		
Chile	1/27/67	10/8/81	
China (Taiwan)	1/27/67	7/24/70	
Colombia	1/27/67		
Cyprus	1/27/67	7/5/72	
Czechoslovakia	1/27/67	5/11/67	
Denmark	1/27/67	10/10/67	
Dominican Republic	1/27/67	11/21/68	
Ecuador	1/27/67	3/7/69	
Egypt	1/27/67	10/10/67	
El Salvador	1/27/67	1/15/69	
Ethiopia	1/27/67		
Fiji			7/14/72
Finland	1/27/67	7/12/67	
France	9/25/67	8/5/70	
Gambia, The	6/2/67		
German Democratic Republic	1/27/67	2/2/67	
Germany, Federal Republic of	1/27/67	2/10/71	
Ghana	1/27/67		
Greece	1/27/67	1/19/71	
Guyana	2/3/67		
Haiti	1/27/67		
Holy See	4/5/67		
Honduras	1/27/67		
Hungary	1/27/67	6/26/67	
Iceland	1/27/67	2/5/68	
India	3/3/67	1/18/82	
Indonesia	1/27/67		
Iran	1/27/67		
Iraq	2/27/67	12/4/68	
Ireland	1/27/67	7/17/68	
Israel	1/27/67	2/18/77	
Italy	1/27/67	5/4/72	
Jamaica	6/29/67	8/6/70	
Japan	1/27/67	10/10/67	
Jordan	2/2/67		
Korea, Republic of	1/27/67	10/13/67	
Kuwait			6/7/72
Laos	1/27/67	11/21/72	
Lebanon	2/23/67	3/31/69	
Lesotho	1/27/67		
Libya			7/3/68
Luxembourg	1/27/67		
Madagascar			8/22/68
Malaysia	2/20/67		
Mali			6/11/68
Mauritius			4/7/69
Mexico	1/27/67	1/31/68	
Mongolia	1/27/67	10/10/67	
Morocco			12/21/67
Nepal	2/3/67	10/10/67	
Netherlands	2/10/67	10/10/69	
New Zealand	1/27/67	5/31/68	
Nicaragua	1/27/67		
Niger	2/1/67	4/17/67	
Nigeria			11/14/67
Norway	2/3/67	7/1/69	
Pakistan	9/12/67	4/8/68	
Panama	1/27/67		
Papua New Guinea			10/27/80
Peru	6/30/67	2/28/79	
Philippines	1/27/67		
Poland	1/27/67	1/30/68	
Romania	1/27/67	4/9/68	
Rwanda	1/27/67		
San Marino	4/21/67	10/29/68	
Saudi Arabia			12/17/76
Seychelles			1/5/78
Sierra Leone	1/27/67	7/13/67	
Singapore			9/10/76
Somalia	2/2/67		
South Africa	3/1/67	9/30/68	
Spain			11/27/68
Sri Lanka	3/10/69		
Sweden	1/27/67	10/11/67	
Switzerland	1/27/67	12/18/69	
Syrian Arab Republic			11/19/68
Thailand	1/27/67	9/5/68	
Togo	1/27/67		
Tonga			6/22/71
Trinidad & Tobago	7/24/67		
Tunisia	1/27/67	3/28/68	
Turkey	1/27/67	3/27/68	
Uganda			4/24/68
Ukrainian S.S.R	2/10/67	10/31/67	
Union of Soviet Socialist Republics	1/27/67	10/10/67	
United Kingdom	1/27/67	10/10/67	
United States	1/27/67	10/10/67	

OUTER SPACE TREATY—Continued

Country	Date of signature	Date of deposit of ratification	Date of deposit of accession
Upper Volta	3/3/67	6/18/68	
Uruguay	1/27/67	8/31/70	
Venezuela	1/27/67	3/3/70	
Vietnam			6/20/80
Yemen, People's Democratic Republic of (Aden)			6/1/79
Yugoslavia	1/27/67		
Zaire	1/27/67		
Zambia			8/20/73
Total	89	59	21

THE PRESIDENT TURNS A NEW PAGE IN DEFENSE

Mr. HELMS. Mr. President, the President of the United States turned a historic page last night when he called for development efforts for defensive systems against nuclear missiles. For the first time, a President of the United States has turned away from the incongruous doctrine known as MAD—Mutual Assured Destruction—and chosen to develop systems that can defend the American people.

The doctrine of MAD is a doctrine that should never have had any place in American thinking. It is a doctrine that is not only fundamentally unsound, but also immoral. The essence of the doctrine is that we build enough nuclear weapons on both sides so that neither side can escape retaliation against a nuclear threat. In effect, we were putting up our own people as hostages.

However, Mr. President, any doctrine that implicitly aims weapons of mass destruction at innocent civilians as the primary target is a doctrine that is morally unacceptable. Moreover, it is a doctrine that is militarily impracticable, and fundamentally unsound from the standpoint of strategy. In fact, it is an illusion based upon the false premise that both superpowers have an identical view of a potential conflict.

That premise has never been correct. The Soviet view of military strategy long ago rejected the MAD doctrine. Soviet strategists have always held that nuclear weapons should be targeted primarily on military targets. This is a doctrine found in Soviet writers from the days of Marshal Sokolovsky, whose book, "Military Strategy" has been the fundamental backbone of Soviet planners. The Sokolovsky doctrine is that nuclear weapons should be used to destroy military targets, not people. That is the way to win.

Moreover, the MAD doctrine assumes that the Soviets have the same attitude toward human life that we do. But historic fact is that the Soviets have not shrunk from destroying millions of their own people for ideological and political reasons. Even U.S. calculations are that in a nuclear exchange the Soviets would lose fewer of their citizens than Stalin starved to death to establish the collective farm system. How can we assume that such losses would be unacceptable to them even today, if the world is the prize?

By turning to defensive weapons, President Reagan can lead us out of this indefensible strategy. Moreover, by putting defensive systems in space, the President can drastically reduce the threat of Soviet nuclear weapons. He can make the Soviet arsenal—and our own—virtually obsolete.

It should be noted that the placement of defensive systems in space does not mean a dangerous advance in weapons technology. These defensive systems need not be nuclear. They could destroy ICBM's without any nuclear explosion. They could make it possible actually to achieve real reductions in nuclear systems.

There are of course many competing ideas to employ such technology. But the most attractive, and probably the least expensive, is the high frontier concept which has been pioneered by the former Defense Intelligence Agency Director, Maj. Gen. Daniel O. Graham (retired). General Graham has assembled a team of scientists and strategists which has worked out a comprehensive plan using technology which is virtually off the shelf. It needs very little development, and could be in place within 5 years. This does not mean that we could not go on to explore further phases of defensive development, such as lasers or particle beam weapons. But it does mean that we could start now, and begin to throw enormous doubt into Soviet confidence that might lead to a first strike.

By turning the page, the President has at last given the signal to the military bureaucracy that it is permissible to think about defensive systems. I hope that high frontier will now get closer attention. I congratulate the President for taking this bold initiative.

Mr. President, I might also point out that a high frontier systems does not envision the emplacement of weapons in space. The defensive system could not be used to attack anything in the atmosphere. They would only work in exo-atmospheric systems. Moreover, they would not violate existing space of ABM treaties.

Mr. President, I ask unanimous consent that a chapter from the high frontier manual on existing treaties be printed in the RECORD at the conclusion of my remarks.

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

TREATY CONSIDERATIONS

GENERAL

The High Frontier concepts and programs cannot be implemented without an impact on arms control negotiations, past, present,

and future. At the core of High Frontier is a fundamental change from Mutual Assured Destruction (MAD) toward Assured Survival. We cannot make this strategic change without also rethinking our approach to arms control.

U.S arms control efforts to date have been rooted in two basic precepts of MAD: stability depends upon a balance of terror to be sustained by a negotiated equality (or parity, equivalence, sufficiency, etc.) in *punitive* nuclear weapons and the inescapable corollary of that doctrine, strategic *defensive* weaponry, is destabilizing and provocative.

The MAD-based approach to arms control negotiations was articulated clearly by Secretary of Defense Robert S. McNamara in the mid-1960s. He stated:

"We think it is in our interest, and theirs, to limit the deployment of defensive weapons, and we're quite prepared to discuss possible limitations in the deployment of offensive strategic nuclear weapons as well. (Pentagon News Conference, Washington, D.C., May 18, 1967.)

Mr. McNamara calculated that the Soviets would be unlikely to embrace balance of terror as a basis of arms control negotiations as long as the United States maintained a superior position in strategic nuclear offensive power. He asserted that strategic stability and the conditions for effective SALT negotiations would be improved if the Soviets were allowed to increase their nuclear attack capabilities to a level where they would be certain of inflicting intolerable destruction on the United States in a retaliatory strike. He moved forcefully within the Department of Defense to derail strategic programs, defensive or offensive, which could thwart the achievement of this presumably desirable balance of terror.

THE INFLUENCE OF MAD ON SALT

The results of SALT negotiations thus far quite clearly demonstrate the effects of these MAD precepts. The only treaty resulting from SALT is the ABM Treaty which is designed to outlaw strategic defense, at least as far as defense against ballistic missiles, the most threatening of offensive systems. On the other hand, our attempts to negotiate limits on offensive systems, the Interim Agreement of 1972, the Vladivostok Accords, and SALT II, resulted in the ratcheting upward of the level of offensive nuclear weapons. Americans were urged to accept this "progress" in SALT on the basis of the MAD theory that nuclear war would be so apocalyptically destructive that its deterrence is independent of the numbers of weapons involved.

The U.S. has entered negotiations on offensive systems attempting to fix limits consistents with MAD theory—that is, at or below existing U.S. inventories and hoping to avoid any increase. The Soviets, on the other hand, enter negotiations determined to fix levels high enough to accommodate an entirely different strategy, which insists that nuclear war would destroy capitalist nations but that the socialist camp—despite widespread destruction—would emerge triumphant. The Soviet SALT negotiators insist that levels be high enough to encompass their ongoing weapons programs designed to support that strategy. Invariably, both sides are accommodated. The Soviets are allowed to pursue the war-winning capabilities consistent with their doctrines, while the United States is permitted to add to its retaliatory-only capabilities consistent with MAD theory.

The inevitable effect of negotiations based on these two fundamentally divergent strategic views has been an intolerable growth of Soviet nuclear first strike capabilities and a dangerous weakening of the U.S. deterrent. Western arms control advocates have been unwilling to accept the obvious reality that the Soviet Union rejects, in word and in deed, the MAD doctrine which underpins Western devotion to the SALT process. The Soviets have from the inception of the assured destruction theory branded it as "bourgeois naïveté," They have not elected to leave their homeland defenseless against U.S. nuclear retaliation, as MAD theory demands, but have poured more resources into strategic defenses, active and civil, than the U.S. has invested in its entire deterrent force. They have created offensive systems obviously designed to destroy as much as possible of the U.S. retaliatory force in a first strike.

This incontrovertible evidence of the Soviet strategic perspective and its incompatibility with the U.S. approach to SALT negotiations is swept aside by many arms control advocates by a farfetched assumption that there are Western-style "hawk" and "dove" factions in the Kremlin. According to this assumption, Brezhnev and other "civilians" really do accept MAD theory but are opposed by a powerful group of Soviet "militarists" who insist that nuclear war is not only thinkable but winnable.

To accept this view of the Soviet leadership, one must make himself believe that the omnipotent Communist Party, headed by Marshal of the Soviet Union, Leonid Brezhnev, cannot control its comrades in the Red Army and indeed must reluctantly imperil the entire economy of the USSR to meet the demands of a Russian "military-industrial complex." If one can bring himself to believe this, he can then argue, as many arms control advocates do, that the U.S. should accommodate to intransigent Soviet positions in arms control negotiations in order to strengthen the hand of Kremlin "doves" in their difficult task of restraining the military "hawks." It would also follow that the key alliances in the arms control process are, on the one hand, between peace loving adherents of MAD theories in the U.S. and USSR and, on the other hand, between the "militarists" in the Pentagon and their counterparts in the Soviet Ministry of Defense.

As long as the MAD theory remains the basis for the U.S. approach to arms control, the SALT process will continue to undermine the security of the Free World. No SALT agreement agreed upon by U.S. negotiators attempting to establish and maintain a balance of terror and Soviet negotiators determined to establish and maintain strategic nuclear dominance will ever be ratified by the Senate of the United States.

Further, the longer MAD theory and arms control advocacy remain interlocking concepts among Western intellectuals, the more contrived will be the excuses provided for Soviet behavior whether in the SALT process or elsewhere.

CURRENT TREATIES

The High Frontier strategy of Assured Survival can be adopted and pursued without regard for further arms control agreements with the Soviets. Indeed, one of the salient advantages of High Frontier is that it provides security to the West quite independently of any trust or distrust of the leaders of the Soviet Union. The usefulness of High Frontier's spaceborne strategic defenses are not affected by Soviet compliance with past arms control agreements. This important advantage should not be affected by any future arms control agreements.

This is not to say that the High Frontier strategy excludes all consideration of arms control. In fact, the reemphasis of strategic defenses central to the High Frontier approach have received support from an unexpected quarter. Mr. Anders Boserup, a Danish activist in the international disarmament movement, states:

"The adoption by states of a defense approach to security need not lead to an arms race. On the contrary, it can lead to disarmament, and is probably the only viable approach to it. (Bulletin of the Atomic Scientists, December 1981).

It would be naive indeed to predict that Mr. Boserup and his colleagues in the disarmament lobby would applaud U.S. adoption of the High Frontier strategy. They are much more likely to condemn it as the initiation of a "new arms race in space." Nevertheless, what he wrote is true.

Ironically perhaps, the employment of effective spaceborne defenses will accomplish, through unilateral U.S. action, that same result which the disarmers have so fruitlessly pursued over 15 years of SALT talks—the checking of the growth of nuclear offensive weapon inventories on both sides. Effective strategic defenses can negate the paramountcy of the nuclear ballistic missile in the strategic equation and eliminate the imperative on both sides to have more weapons with even greater destructive power. The U.S.-USSR competition would be shifted from a numerical contest in nuclear offense to a technical contest in defensive systems in space where nonnuclear technologies show great promise.

Even if nuclear weapons come to play a role in the defensive competition in space, the threat of their use, hundreds of miles above the Earth, would certainly be preferable to the threat they now pose in the form of ballistic missile warheads aimed at terrestrial targets.

The adoption of the High Frontier strategy, despite these advantages for the real world of peace and security from nuclear devastation, will require a fundamental change in the U.S. approach to arms control negotiations, which is certain to engender controversy. MAD theories will not die easily, in or out of government. There is no bias among bureaucrats stronger than that bias toward the rectitude of positions taken in the past. A myriad of interlocking policies and positions taken in the State Department, Department of Defense, and the Arms Control and Disarmament Agency would require drastic revision if the U.S. approach to arms control is to be based on a search for Assured Survival rather than for a perpetual balance of terror.

Of immediate concern in the area of arms control are those treaties which address the uses of space and strategic defensive systems—the Outer Space Treaty, negotiated under UN aegis in 1967, and the ABM Treaty between the U.S. and USSR signed in May 1972. (Pertinent extracts from these agreements are in the annex to this chapter.)

With regard to the UN treaty on outer space, nothing in the High Frontier concept contradicts its language. The prohibition against "weapons of mass destruction" in orbit is not violated by any of the High Frontier military programs involved and the nonmilitary programs can be fairly depicted as beneficial for all countries.

Even so, the United States government would have to prepare for a polemical buffeting by the Soviet Bloc and its Third World clients for engaging in "space imperialism." The linchpin for such a propaganda assault has already been set by the Soviets in their proposed new UN treaty outlawing all space weaponry.

A more serious problem for High Frontier is presented by the ABM Treaty. As the only real treaty to emerge from the SALT process, it is of great symbolic value to arms control advocates. It also represents the legalistic refuge for adherents of the Mutual Assured Destruction doctrine. Finally, it was negotiated, ratified, and applauded by many influential figures from many quarters of the U.S. body politic.

High Frontier represents a direct refutation of the philosophical basis underlying the ABM Treaty. The defensive systems advocated by High Frontier do not necessarily conflict with the specific provisions of the treaty, but they can and will be construed as conflicting with both the spirit and the letter of it.

There are three basic legitimate answers to real or alleged conflict between High Frontier and the ABM Treaty: abrogate, assert compliance, or amend.

ABROGATION

The ABM Treaty provides for withdrawal by either party in the event that its "supreme interests" are jeopardized. The U.S. Senate was assured in 1972, prior to ratification, that failure to achieve progress in offensive strategic weapons limitation agreements would be grounds for U.S. withdrawal. Certainly the case can be made that SALT negotiations have failed to check the unprecedented growth of Soviet nuclear offensive power and that this jeopardizes U.S. supreme interests. Add to this the strong evidence of Soviet violations of this treaty and the case for abrogation is clear.

ASSERTION OF COMPLIANCE

The definitions of what constitutes an ABM system within the context of this treaty are rather rigid. The spaceborne ballistic missile defense systems involved in the High Frontier concept can be fairly described as "ABM systems based on other physical principles." Limitations on such systems become the subject of discussion between the signatories. Such discussion can be initiated without hindrance to U.S. action to acquire such systems.

A case can also be made, although less clearly, that certain point defense options in the High Frontier layered defense concept also fall outside treaty definitions of ABM. In any case, at least 100 U.S. ICBM silos could be protected against a first strike without violation of the treaty.

AMENDMENT

The 1972 ABM Treaty provides for review and amendment every five years. The last review in 1977 was only perfunctory. In the upcoming 1982 review the U.S. negotiating team should propose amendments to permit unfettered U.S. acquisition of defensive systems if the options of abrogation or asserted compliance are rejected or appear inadequate to support the High Frontier efforts.

DR. BARNEY B. CLARK

Mr. HATCH. Mr. President, today with deep sadness I would like to bring to the attention of the U.S. Senate the death of Dr. Barney B. Clark. Dr. Clark passed away yesterday in Salt Lake City, Utah, at the University of Utah Medical Center.

Dr. Clark was the first person in history to have received an artificial heart. He lived on this heart system for 112 days, which is simply a modern day miracle. Prior to the implantation of the artificial heart, Dr. Clark's physical condition had deteriorated to such a point that imminent death was certain. On December 1, 1982, under the skilled hands of Dr. William C. DeVries, Dr. Clark's natural heart, which was diseased, was removed and the "Jarvik-7" artificial heart was implanted. However, I do not intend to speak today about the medical wonders unfolded in Dr. Clark's operation. I would simply like to pay a personal tribute to this great man. Our Nation is in need of heroes—men of unlimited courage—men who can triumph over pain and discouragement. Barney Clark is that kind of hero. Few in recent years have shown such spirit and such a positive, optimistic outlook toward life.

Barney Clark was successful in his profession. He was a leader in his community. He married a wonderful woman, Una Loy Clark. He was the father of a great family.

I would like to quote four paragraphs from this morning's Washington Post concerning the death of Dr. Clark:

But Clark's life following the implant was a tough struggle punctuated with hope, despair and days of little or no improvement.

Clark suffered the pain and repeated operations described on the consent form.

Despite them, he told DeVries in a taped interview March 1 that he would tell other potential recipients, "It's worth it if the alternative is they either die or they have it done."

"All in all it's been a pleasure to be able to help people and then, you folks have learned something," he told the doctors.

Today, Mr. President, I humbly speak for myself and thousands of Americans in saying, thank God for men like Dr. Barney B. Clark. Because of him, others shall live. We extend our heartfelt sympathy to his family and his many personal friends.

THE EQUAL ACCESS TO JUSTICE ACT

Mr. DECONCINI. I am pleased to join Senators DOMENICI and GRASSLEY in introducing a bill to reauthorize the Equal Access to Justice Act. The act makes it easier for Americans to get a fair shake when they square off with the Federal Government—either in court or in an agency-level proceeding. The act requires the Government to pick up the legal costs for a private citizen—and in particular, a small businessman—when the Government loses a court case or agency level dispute and cannot substantially justify its action.

The maze of bureaucracy and regulation is no less confusing to the average citizen today than it was in 1979 when the act was originally passed by the Senate. The cost of the legal assistance necessary to challenge the Government has grown as well. Now, more than ever, we need the reforms embodied in the Equal Access to Justice Act so that a citizen or small business may stand up to arbitrary or unfair Government action. Without the act, where the cost of contesting a Government order exceeds the amount at stake, the Government wins by tyranny of the dollar and the public interest in eliminating unreasonable regulation is ignored.

The Equal Access to Justice Act is not a makeshift response to this inequity. It is a well-considered piece of legislation. The idea began as S. 2354 in the 95th Congress. This bill came to the Subcommittee on Improvements on Judicial Machinery, which I then chaired. After hearings, a revised bill that reflected the objections and suggestions of administration witnesses and others was reported to the full Judiciary Committee. S. 256 of the 96th Congress was based on this revised bill. It passes the Senate on July 31, 1979, with overwhelming approval, 94 to 3.

The Equal Access to Justice Act not only addresses an area of great need, but it does so very effectively. The act allows fees only to those citizens who can show that the Government was not substantially justified in its actions and who do not have the financial resources to take on the Government. Basically, the fees are available to individuals with net worth of $1 million or less, businesses with a net worth of $5 million or less, and all nonprofit organizations. The source of fee awards is chosen to maximize accountability. The payment comes directly from the budget of the agency whose unjustified action resulted in the award. This creates a strong incentive for agencies to look carefully at new regulations and lawsuits to see that they are justified prior to imposing them on American citizens. Through this formula, the citizen becomes the watchdog of the Federal bureaucracy.

As enacted, the Equal Access to Justice Act contained a 3-year sunset provision repealing its amendments on October 1, 1984. The Administrative Conference of the United States was assigned the task of monitoring the act's implementation and costs and reporting back to Congress. In the first annual report, dated September 22, 1982, the cost of awards was less than $1 million. When the act was passed, the Department of Justice estimated costs for the first year of $125 million and the CBO projected $92 million.

The act seems to be one of the few clear bargains around.

A sufficient safeguard against regulatory abuse is a necessary part of our Federal Government. Through the device of fee shifting, the Equal Access to Justice Act improves our citizens' access to courts and administrative proceedings. It encourages them to vindicate their rights and not to acquiesce in a ruling or sanction which they believe arbitrary, misguided, or unfair. I believe this act makes the Government more accountable in the excercise of its regulatory powers and more responsive to its citizens' needs.

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.)

MESSAGES FROM THE HOUSE

At 1:18 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following joint resolutions, each without amendment:

S.J. Res. 32. Joint resolution to provide for the designation of May 1983 as "National Arthritis Month"; and

S.J. Res. 64. Joint resolution to commemorate the two hundredth anniversary of the signing of the Treaty of Amity and Commerce Between Sweden and the United States.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 20. Concurrent resolution making corrections in the enrollment of H.R. 1718.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 91. Concurrent resolution revising the congressional budget for the U.S. Government for the fiscal year 1983 and setting forth the congressional budget for the U.S. Government for the fiscal years 1984, 1985, and 1986; and

H. Con. Res. 94. Concurrent resolution providing for an adjournment of the House from March 24 to April 5, 1983, and an adjournment of the Senate from March 24 or March 25 to April 5, 1983.

At 5:57 p.m., a message from the House of Representatives, delivered by Mr. Berry, announced that the House agrees to the further amendment of the Senate to the bill (H.R. 1718) making appropriations to provide emergency expenditures to meet neglected urgent needs, to protect and add to the national wealth, resulting in not make-work but productive jobs for women and men and to help provide for the indigent and homeless for the fiscal year 1983, and for other purposes.

At 8:40 p.m., a message from the House of Representatives, delivered by Mr. Berry, announced that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 1718. An act making appropriations to provide productive employment for hundreds of thousands of jobless Americans, to hasten or initiate Federal projects and construction of lasting value to the Nation and its citizens, and to provide humanitarian assistance to the indigent for fiscal year 1983, and for other purposes; and

S.J. Res. 64. A joint resolution to commemorate the two hundredth anniversary of the signing of the Treaty of Amity and Commerce between Sweden and the United States.

The enrolled bill and joint resolution were subsequently signed by the Vice President.

At 11:25 p.m., a message from the House of Representatives, delivered by Mr. Berry, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2112) to extend by 6 months the expiration date of the Defense Production Act of 1950.

The message also announced that the House has passed the following bill, without amendment:

S. 926. An act to establish uniform national standards for the continued regulation, by the several States, of commercial motor vehicle width on interstate highways.

The message further announced that the House has agreed to the following resolution:

H. Res. 153. A resolution electing Jim Wright as Speaker pro tempore during the absence of the Speaker.

At 12:07 a.m. (Friday, March 25, 1983), a message from the House of Representatives, delivered by Mr. Gregory, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1900) to assure the solvency of the social security trust funds, to reform the medicare reimbursement of hospitals, to extend the Federal supplemental compensation program, and for other purposes.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2369. An act to prevent the temporary termination of the Federal Supplemental Compensation Act of 1982.

HOUSE CONCURRENT RESOLUTION REFERRED

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 91. Concurrent resolution revising the congressional budget for the U.S. Government for the fiscal year 1983 and setting forth the congressional budget for the U.S. Government for the fiscal years 1984, 1985, and 1986; to the Committee on the Budget.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary reported that on today, March 24, 1983, he had presented to the President of the United States the following enrolled bill and joint resolution:

S. 366. An act to settle certain claims of the Mashantucket Pequot Indians.

S.J. Res. 64. Joint resolution to commemorate the 200th anniversary of the signing of the Treaty of Amity and Commerce between Sweden and the United States.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-647. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a foreign military assistance sale to Norway; to the Committee on Armed Services.

EC-648. A communication from the Director of Defense Security Assistance Agency transmitting, pursuant to law, a report of a foreign military assistance sale to Saudi Arabia; to the Committee on Armed Services.

EC-649. A communication from the Director of Defense Security Assistance Agency transmitting, pursuant to law, a report on a foreign military sale to Saudi Arabia; to the Committee on Armed Services.

EC-650. A communication from the Director of Defense Security Assistance Agency transmitting, pursuant to law, a report on a foreign military sale to Greece; to the Committee on Foreign Relations.

EC-651. A communication from the Secretary of Defense transmitting, pursuant to law, a report on DOD civilian strength; to the Committee on Armed Services.

EC-652. A communication from the General Counsel of the Department of Defense transmitting a draft of proposed legislation relative to Armed Forces rations; to the Committee on Armed Services.

EC-653. A communication from the Comptroller General of the United States transmitting, pursuant to law, a certification of revenues for fiscal year 1984 for the Panama Canal Commission; to the Committee on Armed Services.

EC-654. A communication from the Acting Assistant Secretary of the Army for Manpower and Reserve Affairs transmitting

a draft of proposed legislation to extend the time period for all elements of a National Guard unit to complete a training assembly; to the Committee on Armed Services.

EC-655. A communication from the Under Secretary of Defense for Research and Engineering transmitting, pursuant to law, a report on independent research and development and bid and proposal costs; to the Committee on Armed Services.

EC-656. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, an Analysis of the President's Credit Budget for fiscal year 1984; to the Committee on the Budget.

EC-657. A communication from the Secretary of Energy transmitting, pursuant to law, a report on the use of alcohol in fuels; to the Committee on Energy and Natural Resources.

EC-658. A communication from the Chairman of the National Park Foundation transmitting, pursuant to law, the annual report of the Foundation for 1982; to the Committee on Energy and Natural Resources.

EC-659. A communication from the Director of the Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on a refund of excess royalty payments to Marathon Oil Company; to the Committee on Energy and Natural Resources.

EC-660. A communication from the Director of the Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on a refund of excess royalty payments to Union Oil Co. of Calif.; to the Committee on Energy and Natural Resources.

EC-661. A communication from the Director of the Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on a refund of excess royalty payments to Transco Exploration Co.; to the Committee on Energy and Natural Resources.

EC-662. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report on the deferment of the 1982 construction repayment installment due the United States from the Almena Irrigation District, Pick-Sloan Missouri Basin Program; to the Committee on Energy and Natural Resources.

EC-663. A communication from the Chairman and Commissioners of the Tennessee Valley Authority, transmitting, pursuant to law, the forty-ninth annual report of the Authority for fiscal year 1982; to the Committee on Environment and Public Works.

EC-664. A communication from the President of the Overseas Private Investment Corporation, transmitting, pursuant to law, the annual report of the Corporation for fiscal year 1982; to the Committee on Foreign Relations.

EC-665. A communication from the Assistant Secretary of State for Congressional Relations, transmitting an amendment to the proposed "International Security and Development Cooperation Act of 1983"; to the Committee on Foreign Relations.

EC-666. A communication from the Secretary of State, transmitting a draft of proposed legislation to authorize supplemental international security and development assistance for urgent purposes for the fiscal year 1983, and for other purposes; to the Committee on Foreign Relations.

EC-667. A communication from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to add a representative of Indian tribal governments to the membership of the Advisory Commission on Intergovernmental Relations; to the Committee on Governmental Affairs.

EC-668. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, notice of his approval of a proposed Airway Science Curriculum Demonstration Project; to the Committee on Governmental Affairs.

EC-669. A communication from the Chief Planning Officer of the Navajo and Hopi Indian Relocation Commission, transmitting, pursuant to law, the seventh annual report of the Commission covering fiscal year 1982; to the Select Committee on Indian Affairs.

EC-670. A communication from the Acting Director of Central Intelligence, transmitting a draft of proposed legislation to authorize appropriations for fiscal year 1984 for intelligence and intelligence-related activities of the United States Government, for the Intelligence Community Staff, for the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Select Committee on Intelligence.

EC-671. A communication from the Chairman of the Board of Directors of the Tennessee Valley Authority, transmitting, pursuant to law, the annual report of the Authority on activities under the Freedom of Information Act for calendar year 1982; to the Committee on the Judiciary.

EC-672. A communication from the Chairman of the National Capital Planning Commission, transmitting, pursuant to law, the annual report of the Commission on activities under the Freedom of Information Act during calendar year 1982; to the Committee on the Judiciary.

EC-673. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report of the Department on activities under the Freedom of Information Act for calendar year 1982; to the Committee on the Judiciary.

EC-674. A communication from the President of the American Academy and Institute of Arts and Letters, transmitting, pursuant to law, the annual report on the activities of the Academy for calendar year 1982; to the Committee on the Judiciary.

EC-675. A communication from the Secretary of Education, transmitting a draft of proposed legislation to amend the Rehabilitation Act of 1973 to increase flexibility and simplify grant programs to States for vocational rehabilitation, to improve rehabilitation services for the severely handicapped, to modify certain discretionary grant programs providing essential services and resources specifically designed for handicapped individuals, and for other purposes; to the Committee on Labor and Human Resources.

EC-676. A communication from the Secretary of Education, transmitting, pursuant to law, a notice of proposed rulemaking for the 1984-85 Family Contribution Schedules for the Pell Grant Program; to the Committee on Labor and Human Resources.

EC-677. A communication from the Acting Secretary of Health and Human Services, transmitting a draft of proposed legislation to extend various health authorities, and for other purposes; to the Committee on Labor and Human Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-60. A resolution adopted by the Assembly of the State of New York; to the Committee on Agriculture, Nutrition, and Forestry:

SENATE No. 31

"Whereas, The United States Department of Agriculture has imposed an assessment of fifty cents per hundredweight on milk produced after December first, nineteen hundred eighty-two, an assessment designed to reduce the excess production of milk nationwide; and

"Whereas, This assessment will reduce the income of New York dairy farmers by approximately fifty-five million dollars in nineteen hundred eighty-three alone; and

"Whereas, Many dairy farmers in New York State are forced to operate on narrow financial margins due to conditions beyond their control, this assessment will have a severe impact on the cash flow of these dairy farmers and may cause financial losses for many in this State; and

"Whereas, Dairy farmers constitute the major portion of the agricultural sector of the economy of the State; and

"Whereas, What affects one sector of New York State's economy affects all, the impact of this assessment will be felt not only by dairy farmers but by the State's economy as a whole; and

"Whereas, Excess production of milk nationwide, which this assessment is intended to reduce, is not contributed to be dairy farmers in this State; and

"Whereas, This assessment is nonetheless applied to dairy farmers in New York State, inequitably penalizing them for a national situation of which they are not the cause; and

"Whereas, As a result of this assessment, many dairy farmers in this State will be forced to increase production of milk in order to achieve adequate cash flows; and

"Whereas, This unavoidable result is contrary to the goal of reduced production which imposition of this assessment seeks to achieve; now, therefore, be it

"Resolved, That this Legislative Body express its opposition to this assessment and express its desire that the United States Department of Agriculture rescind this assessment and seek an equitable solution to the national problem of overproduction without unfairly penalizing the dairy farmers of this State; and be it further

Resolved, That a copy of this Resolution, suitably engrossed, be transmitted to the Honorable John Block, Secretary, United States Department of Agriculture, Washington, D.C. and to the Honorable Ronald Reagan, President of the United States, Washington, D.C.; Clerk, United States House of Representatives and Clerk, United States Senate."

POM-61. A concurrent resolution adopted by the General Assembly of the State of Arkansas; to the Committee on Finance:

"RESOLUTION

"Whereas, the Highway Revenue Act of 1982 is scheduled to go into effect on April 1, 1983; and

"Whereas, under the Highway Revenue Act, there will be a substantial increase in the excise tax on the retail sale of trucks and certain parts and accessories installed on trucks after purchase of the vehicle; and

"Whereas, the increase in the excise tax on a single truck which retails for $80,000 will amount to $1,600; and

"Whereas, the Highway Revenue Act of 1982 also levies increased excise taxes on

the use of large trucks, which increase may amount to in excess of $1,000 per year; and

"Whereas, the various increases in the cost of trucks and the operation thereof imposes a serious burden on small trucking businesses and may well result in making it impractical for such small businesses to continue to operate; and

"Whereas, the increase in the various taxes on heavy trucks imposed in the Highway Revenue Act of 1982 may have the effect of slowing down the economic recovery of the nation and in an increase in unemployment rates in the country; and

"Whereas, it is in the best interest of the nation that the U.S. Congress reexamine the Highway Revenue Act of 1982 for the purpose of determining the need for revising such Act prior to its effective date or as soon as is practical thereafter to alleviate inequities contained in the Act, Now therefore, be it

"Resolved by the House of Representatives of the 74th General Assembly of the State of Arkansas, the Senate concurring herein:

"That the Arkansas General Assembly hereby respectfully urges the U.S. Congress to reexamine the Highway Revenue Act of 1982 for the purpose of determining the extent to which such Act imposes an inequitable and unfair burden on small trucking businesses and the extent to which such Act may contribute to the slowdown of the economic recovery of the country, and further urges the U.S. Congress to take such action as it deems appropriate to alleviate any inequitable and unfair burdens imposed on small businesses by the Highway Revenue Act of 1982. Be it further

"Resolved that the General Assembly hereby respectfully urges the members of the Arkansas Congressional Delegation to initiate and support necessary action to bring about a reexamination of the Highway Revenue Act of 1982 for the purposes set out above.

"Be it further resolved that upon adoption of this Resolution, a copy shall be transmitted to the presiding officers of the U.S. Senate and the U.S. House of Representatives and to each member of the Arkansas Congressional Delegation."

POM-62. Joint resolution adopted by the Legislature of the State of California; to the Committee on Finance:

RESOLUTION

"Whereas, The Office of the United States Trade Representative is presently studying the feasibility of lowering the tariff on canned and marinated artichokes from Spain for a four-year period to compensate for restrictions imposed several years ago on imports of Spanish cookwear; and

"Whereas, California grows 100 percent of this nation's artichokes; and

"Whereas, Artichokes are the eighth ranking crop in Monterey County, which grows about 88 percent of this state's total artichoke crop; and

"Whereas, The total gross value of artichokes to Moneterey County is about $36,500,000; and

"Whereas, For every one dollar returned to the grower, approximately three dollars are generated in the agricultural industry through the creation of related jobs and services, resulting in a $100 million total impact on the local area; and

"Whereas, Exports of Spanish artichoke products to the United States more than doubled last year; and

"Whereas, Because of devaluation of the Spanish peseta, Spanish artichokes sell in this country for 85 percent of what American producers must charge, and

"Whereas, A growing inventory of artichoke products has appeared, causing this country's canned artichokes to be sold at lower-than-market price to clear the shelves for 1982 production; and

"Whereas, Imports from Spain have caused serious losses in sales of United States processed artichokes, resulting in only one remaining domestic producer of canned and marinated artichoke products; and

"Whereas, If that remaining producer went out of business, that could cause a domino effect resulting in the loss of 1,000 jobs and giving imported processed artichokes a monopoly in the United States market; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature respectfully memorializes the United States Trade Representative not to propose lowering the present tariff on canned and marinated artichokes which are imported from Spain; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to each Senator and Representative from California in the Congress of the United States, to the United States Trade Representative, and to the Chairman of the International Trade Commission."

POM-63. A resolution adopted by the City Council of Plainfield, N.J., urging Congress to repeal subtitle A of title II of the Tax Act of 1982, which relates to the withholding tax on earned interest and dividends; to the Committee on Finance.

POM-64. Joint resolution adopted by the Legislature of the State of California; to the Committee on Foreign Relations:

"Whereas, The United States and Greece have enjoyed harmonious relations throughout history as democratic nations committed to peace and international cooperation. These relations have included mutual action on behalf of freedom in World Wars I and II and the present membership of both nations in the NATO alliance; and

"Whereas, Our nation has links with Greece not only through a mutual belief in democracy, but also through the human bond formed by the millions of Greek Americans who have contributed so much to the advancement of our nation and, specifically, our state; and

"Whereas, The foreign policy of the United States has for many years wisely sought to preserve good relations with our allies by maintaining the balance of power between Turkey and Greece in the established aid ratio of 10:7 for the respective countries; and

"Whereas, The administration now proposes to the Congress a drastic change in the aid ratio whereby military aid to Turkey would be more than doubled, thus further destabilizing the region, endangering Greek security, and undermining NATO; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to reject the above-mentioned proposal; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of State of the United States, to each Member of Congress, to the Foreign Relations Committee of the United States Senate, and to the Foreign Affairs Committee of the House of Representatives.

POM-65. Joint resolution adopted by the Legislature of the State of West Virginia; to the Committee on the Judiciary:

JOINT RESOLUTION NO. 28

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. For purposes of representation in the Congress, election of the President and Vice President, and article V of this Constitution, the District constituting the seat of government of the United States shall be treated as though it were a State.

"SEC. 2. The exercise of the rights and powers conferred under this article shall be by the people of the District constituting the seat of government, and as shall be provided by the Congress.

"SEC. 3. The twenty-third article of amendment to the Constitution of the United States is hereby repealed.

"SEC. 4. This article shall be inoperative, unless it shall have been ratified as an amendment to the Constitution by the legislatures of three fourths of the several States within seven years from the date of its submission. Therefore, be it

"Resolved by the Legislature of West Virginia: That the Legislature of the State of West Virginia hereby ratifies this proposed amendment to the Constitution of the United States; and, be it

"Resolved further, That the Secretary of State of the State of West Virginia notify the Administrator of General Services, Washington, D.C., the President of the Senate of the United States and the Speaker of the House of Representatives of the United States of this action by forwarding to each of them a certified copy of this Joint Resolution adopted by the West Virginia Legislature."

POM-66. Joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Commerce, Science, and Transportation:

JOINT RESOLUTION

Whereas, a study funded by the Federal Railroad Administration, the State of Nevada, and various local entities of this state, has determined that a train traveling at speeds of up to 250 mph between Las Vegas, Nevada, and Los Angeles, California, is feasible; and

Whereas, This high-speed train, powered by electromagnetic levitation, is capable of showing a profit upon completion; and

Whereas, The economy of each affected state would be stimulated by providing thousands of new jobs; and

Whereas, Such a train would bring the United States to the forefront of modern technology and demonstrate to other states and countries that there is a market for al-

ternative high-speed systems of transportation; now, therefore, be it

Resolved by the Assembly and Senate of the State of Nevada, jointly, That the Nevada legislature respectfully requests the Congress of the United States to support the construction and operation of a high-speed train between Las Vegas and Los Angeles; and be it further

Resolved, That copies of this resolution be prepared and transmitted forthwith by the legislative counsel to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and to each member of the Nevada congressional delegation; and be it further

Resolved, That this resolution shall become effective upon passage and approval.

POM-67. Joint resolution adopted by the Legislature of the State of California; to the Committee on Energy and Natural Resources:

RESOLUTION

Whereas, The Sacramento-San Joaquin Delta is a very valuable resource to the entire State of California; and

Whereas, The delta provides a diversity of resources and has a multiplicity of uses; and

Whereas, The delta provides about 7,000,000 people with 12,000,000 visitor days each year, and estimates project an increase to 14,000,000 visitor days in 1990; and

Whereas, The delta supports 550,000 irrigated acres with an average annual gross value of $375,000,000; and

Whereas, The delta is an essential link in the transport of State Water Project and Central Valley Project water to beneficial users south of the delta, and increased salinity levels in the delta could create a reduction or cessation of water deliveries; now, therefore, be it

Resolved, by the Assembly and Senate of the State of California, jointly, That the Legislature hereby respectfully memorializes the President and Congress of the United States to grant immediate federal financial and manpower assistance to halt the damage to the levees in the Sacramento-San Joaquin Delta; and be it further

Resolved, That the Congress of the United States is urged to authorize participation in a comprehensive delta rehabilitation program that will provide for the needs of the Sacramento-San Joaquin Delta and other areas of California; and, be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM-68. A concurrent resolution adopted by the Legislature of the State of Idaho; to the Committee on Foreign Relations:

A CONCURRENT RESOLUTION

Whereas, Taiwan is of great strategic importance in the defense of East Asia and the Pacific; and

Whereas, the people of Taiwan are and have been among the most trusted friends of the people of the United States; and

Whereas, the commercial, cultural and other nongovernmental relations between the American people and Taiwan are now and have always been excellent and mutually beneficial; and

Whereas, the people of Idaho wish to conduct and carry out numerous economic and cultural programs, transactions and other relations with the people of Taiwan; and

Whereas, the products of Idaho's fields and forests are continually essential for maintaining the trade patterns which are developing between the United States and Taiwan; and

Whereas, the Legislature has strong reason to believe that it is the will and pleasure of the people of this State that Taiwan be adopted as a sister state.

Now, therefore, be it resolved by the members of the First Regular Session of the Forty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that Taiwan is hereby adopted as Idaho's sister state.

Be it further resolved that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Resolution to the President of the United States of America, to the President of the United States Senate, to the Speaker of the House of Representatives of the United States, to the Chief Executive Officer of the Government of Taiwan, to the Speaker of the Provincial Legislature of Taiwan, and to the Governor of the State of Idaho.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SIMPSON, from the Committee on Veterans' Affairs:

Special Report entitled "Legislative and Oversight Activities During the 97th Congress by the Senate Committee on Veterans' Affairs (Rept. No. 98-34).

By Mr. PERCY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 695. A bill to amend the Bretton Woods Agreements Act to authorize consent to and authorize appropriations for an increase in the United States quota in the International Monetary Fund and to authorize appropriations for increased U.S. participation in the IMF's General Arrangements to Borrow (with minority views) (Rept. No. 98-35).

By Mr. PERCY, from the Committee on Foreign Relations:

Special Report entitled "Legislative Activities Report of the Committee on Foreign Relations, United States Senate, Ninety-seventh Congress" (Rept. No. 98-36).

By Mr. PERCY, from the Committee on Foreign Relations, with an amendment:

S. 822. A bill to expand markets for U.S. agricultural commodities, expand authority for the use abroad of Commodity Credit Corporation stocks, require the export sale of Commodity Credit Corporation dairy products, improve programs under Public Law 480, and for other purposes (Rept. No. 98-37).

Mr. Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry:

Special Report entitled "Legislative Review Activities During the 97th Congress (Rept. No. 98-38).

By. Mr. COHEN, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 461. A bill to extend the authorization of appropriations for the Office of Government Ethics for five years.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. STAFFORD (for himself and Mr. RANDOLPH):

S. 917. A bill to amend the Comprehensive Environmental Response, Compensation and Liability Act of 1980, commonly referred to as the Superfund law, so as to provide compensation for the victims of environmental pollutants and poisons; to the Committee on Environment and Public Works.

By Mr. HATFIELD (for himself, Mr. KENNEDY, Mr. MATSUNAGA, and Mr. RIEGLE):

S. 918. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to provide greater protection to women under private pension plans; to the Committee on Finance.

By Mr. DOMENICI (for himself, Mr. DECONCINI, and Mr. GRASSLEY):

S. 919. A bill to amend the Equal Access to Justice Act, and for other purposes; to the Committee on the Judiciary.

By Mr. DOMENICI:

S. 920. A bill to make the Grazing Advisory Boards established under the Federal Land Policy Management Act of 1976 permanent; to the Committee on Energy and Natural Resources.

By Mr. HATCH:

S. 921. A bill to provide a remedy against the United States for damages to certain individuals resulting from nuclear test at the Nevada Test Site, and for other purposes; to the Committee on the Judiciary.

By Mr. COCHRAN:

S. 922. A bill to amend the Congressional Budget Act and Impoundment Control Act of 1974, to provide for budgetary planning every two years; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977 with instructions that if one Committee reports, the other Committee has thirty days of continuous session to report or be discharged.

By Mr. HUDDLESTON (for himself, Mr. INOUYE, and Mr. FORD):

S. 923. A bill to provide financial assistance for the improvement of instruction in mathematics and science, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DOLE (for himself and Mrs. KASSEBAUM):

S. 924. A bill to designate the Veterans' Administration Medical Center in Leavenworth, Kansas, as the "Dwight D. Eisenhower Veterans' Administration Medical Center"; to the Committee on Veterans Affairs.

By Mr. PACKWOOD:

S. 925. A bill to make certain technical corrections in the Atlantic Salmon Convention Act of 1982; to the Committee on Commerce, Science, and Transportation.

By Mr. BAKER (for Mr. PACKWOOD):

S. 926. A bill to establish uniform national standards for the continued regulation, by the several States, of commercial motor vehicle width on interstate highways; considered and passed.

By Mr. DURENBERGER (for himself, Mr. BOREN and PERCY):

S. 927. A bill relating to a fishing tackle excise tax; to the Committee on Finance.

By Mr. DURENBERGER (for himself, Mr. BAUCUS, Mr. ANDREWS, Mr. ABDNOR, Mr. BOSCHWITZ, Mr. BURDICK, Mr. MELCHER and Mr. PRESSLER):

S. 928. A bill entitled the "Railroad Bonding Act."; to the Committee on Finance.

By Mr. GOLDWATER (for himself, Mr. JACKSON and Mr. GARN):

S. 929. A bill to amend the Act of July 2, 1940, as amended, pertaining to appropriations for the Canal Zone Biological Area; to the Committee on Rules and Administration.

By Mr. GOLDWATER (for himself, Mr. JACKSON and Mr. GARN):

S. 930. A bill to authorize the Smithsonian Institution to purchase land in Santa Cruz County, Arizona; to the Committee on Rules and Administration.

By Mr. BOSCHWITZ:

S. 931. A bill for the relief of Nehad M. Abu-ras; to the Committee on the Judiciary.

S. 932. A bill for the relief of Fadia A. Salem; to the Committee on the Judiciary.

S. 933. A bill for the relief of Maria Elena Rodriguez-Huitzil; to the Committee on the Judiciary.

S. 934. A bill for the relief of Maria Leticia Rodriguez-Huitzil; to the Committee on the Judiciary.

S. 935. A bill for the relief of Vasanta Senerat; to the Committee on the Judiciary.

S. 936. A bill for the relief of Daniel Hon Ying Ng; to the Committee on the Judiciary.

S. 937. A bill for the relief of Ching Hon Pui; to the Committee on the Judiciary.

S. 938. A bill for the relief of Charles Jabbra; to the Committee on the Judiciary.

S. 939. A bill for the relief of Bing Tao San; to the Committee on the Judiciary.

S. 940. A bill for the relief of Bayani Bauetista Magsino; to the Committee on the Judiciary.

S. 941. A bill for the relief of Elenita Reyes Magsino; to the Committee on the Judiciary.

S. 942. A bill for the relief of Joel Reyes Magsino; to the Committee on the Judiciary.

S. 943. A bill for the relief of Sobhi Ibrahim Youssef; to the Committee on the Judiciary.

By Mr. PERCY (by request):

S. 944. A bill to authorize supplemental international security and development assistance for urgent purposes for the fiscal year 1983, and for other purposes; to the Committee on Foreign Relations.

By Mr. MITCHELL (for himself and Mr. RANDOLPH):

S. 945. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide compensation for medical expenses caused by hazardous substance releases, and for other purposes; to the Committee on Environment and Public Works.

S. 946. A bill to amend the Comprehensive Environmental Response, Compensation and Liability Act of 1980 to provide compensation for medical expenses caused by hazardous substance releases, and for other purposes; to the Committee on Environment and Public Works.

By Mr. ABDNOR:

S. 947. A bill to authorize the U.S. Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States and for other purposes; to the Committee on Environment and Public Works.

By Mr. BIDEN (for himself, Mr. THURMOND, Mr. BAKER, Mr. NUNN, Mr. LAXALT and Mr. LEAHY):

S. 948. A bill to reform Federal criminal and civil forfeiture; to the Committee on the Judiciary.

By Mr. CHILES (for himself and Mr. RANDOLPH):

S. 949. A bill to provide a program to increase the literacy of the American public in the fields of mathematics, science, and technology, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. RIEGLE (for himself and Mr. LEVIN):

S. 950. A bill to impose quotas on the importation of automobiles from Japan during 1983, 1984, 1985, and 1986; to the Committee on Finance.

By Mr. DOLE (for himself, Mr. DURENBERGER, Mr. HEINZ, Mr. SPECTER, Mr. ROTH and Mr. BRADLEY):

S. 951. A bill to provide health care coverage for the unemployed; to the Committee on Finance.

By Mr. EAST (for himself, and Mr. HUMPHREY):

S. 952. A bill to prohibit the growing of marihuana on federal land; to the Committee on the Judiciary.

By Mr. LAXALT:

S. 953. A bill to amend the Internal Revenue Code of 1954 to permit elections under section 2032A to be made on amended returns; to the Committee on Finance.

S. 954. A bill to amend the Internal Revenue Code of 1954 to exempt from the windfall profit tax certain charitable organizations which provide assistance to patients; to the Committee on Finance.

By Mr. HOLLINGS (for himself, Mr. HEFLIN, Mr. GORTON, Mr. INOUYE, Mr. FORD, Mr. RIEGLE and Mr. LAUTENBERG):

S. 955. A bill to maintain the preeminence of the United States in space, to promote the peaceful exploration and utilization of space, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LAXALT:

S. 956. A bill for the relief of Oikos, Incorporated, and the Nevada Opera Association, both of Reno, Nevada; to the Committee on Finance.

By Mr. BYRD (for himself and Mr. BAKER):

S. 957. A bill to provide for an increase in the number of members of the Congressional Award Board, and for other purposes; considered and passed.

By Mr. TRIBLE (for himself and Mr. WARNER):

S. 958. A bill to amend chapter 54 to title 5, United States Code, to reform the merit pay system; to the Committee on Governmental Affairs.

By Mr. GORTON:

S. 959. A bill for the relief of Clive Anthony Lewis, Karen Lewis, Sean Martin Lewis, Anthony Conan Lewis, and Gail Alison Lewis; to the Committee on the Judiciary.

By Mr. ARMSTRONG:

S. 960. A bill to assist women in making career choices in the home or in the labor force, and for other purposes; to the Committee on Finance.

By Mr. MATSUNAGA:

S. 961. A bill to amend the Internal Revenue Code of 1954 to provide a credit against income tax for contributions to profit-sharing plans, and for other purposes; to the Committee on Finance.

S. 962. A bill to amend the National Foundation on the Arts and Humanities Act of 1965 to provide for the Office of Poet Laureate of the United States; to the Committee on Labor and Human Resources.

By Mr. HATCH (by request):

S. 963. A bill to extend various health authorities, and for other purposes; to the Committee on Labor and Human Resources.

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

S. 964. A bill to require the Secretary of Health and Human Services to arrange for the conduct of a study with respect to the use of live animals in biomedical and behavioral research; to the Committee on Labor and Human Resources.

By Mr. LEVIN:

S. 965. A bill to establish a National Industrial Development Board for purposes of formulating policy recommendations for industrial development in the United States; to the Committee on Governmental Affairs.

By Mr. McCLURE (for himself, Mr. DOMENICI, Mr. WALLOP and Mr. GARN):

S. 966. A bill to amend the Act of October 20, 1976 (90 Stat. 2662), as amended; to the Committee on Energy and Natural Resources.

By Mr. THURMOND (for himself, Mr. HATCH, Mr. CHILES, Mr. ABDNOR, Mr. NICKLES, and Mr. HELMS) (by request):

S. J. Res. 73. A joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer; to the Committee on the Judiciary.

By Mr. GARN:

S.J. Res. 74. A joint resolution to express the sense of the Congress that the United States should promote the goal of strategic stability and reduce the risk of nuclear war through a balanced program of force modernization together with negotiations to achieve substantial, verifiable and militarily significant reductions to equal levels in the nuclear arsenals of both superpowers; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. DOLE (for himself, Mr. STAFFORD, Mr. RANDOLPH, Mr. HATCH, Mr. ARMSTRONG, Mr. BOSCHWITZ, Mr. HATFIELD, Mr. WEICKER, Mr. CRANSTON, Mr. INOUYE, Mr. MATTINGLY, Mr. HOLLINGS, Mr. HUMPHREY, Mr. DURENBERGER, Mr. BUMPERS, Mr. DOMENICI, Mr. GORTON, Mr. PROXMIRE, Mr. LUGAR, Mr. STEVENS, Mr. QUAYLE, Mr. PERCY, Mr. KENNEDY, Mr. GARN, Mr. NICKLES, Mr. JEPSEN, Mr. DECONCINI, Mrs. HAWKINS, Mr. LEAHY, and Mr. DIXON):

S. Con. Res. 22. A concurrent resolution expressing the sense of the Congress with respect to implementing the objectives of the United Nations Decade of Disabled Persons (1983-1992); to the Committee on Labor and Human Resources.

By Mr. ARMSTRONG:

S. Con. Res. 23. A concurrent resolution to support the President's call for a more humane and ethical strategic policy; to the Committee on Armed Services.

By Mr. BAKER (for himself and Mr. BYRD):

S. Res. 99. A resolution to direct the Senate Legal Counsel to appear as amicus

curiae in the case of Anne Gaylor v. Ronald Reagan. et al.; considered and agreed to.

By Mr. WALLOP:

S. Res. 100. A resolution relating to the building of weapons for deployment in space; to the Committee on Armed Services.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STAFFORD (for himself and Mr. RANDOLPH):

S. 917. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, commonly referred to as the Superfund law, so as to provide compensation for the victims of environmental pollutants and poisons; to the Committee on Environment and Public Works.

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

By Mr. HATFIELD (for himself, Mr. KENNEDY, Mr. MATSUNAGA, and Mr. RIEGLE):

S. 918. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to provide greater protection to women under private pension plans; to the Committee on Finance.

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

By Mr. DOMENICI (for himself, Mr. DECONCINI, and Mr. GRASSLEY):

S. 919. A bill to amend the Equal Access to Justice Act, and for other purposes; to the Committee on the Judiciary.

By Mr. DOMENICI:

S. 920. A bill to make the Grazing Advisory Boards established under the Federal Land Policy Management Act of 1976 permanent; to the Committee on Energy and Natural Resources.

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

By Mr. HATCH:

S. 921. A bill to provide a remedy against the United States for damages to certain individuals resulting from nuclear tests at the Nevada test site, and for other purposes; to the Committee on the Judiciary.

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

By Mr. COCHRAN:

S. 922. A bill to amend the Congressional Budget and Impoundment Control Act of 1974, to provide for budgetary planning every 2 years; pursuant to the order of August 4, 1977, referred jointly to the Committee on the Budget and the Committee on Governmental Affairs.

TWO-YEAR BUDGETARY PLANNING ACT OF 1983

Mr. COCHRAN. Mr. President, the optimism of the Congress when it passed the Budget Act of 1974 was that budget priorities would be set effectively and efficiently and runaway spending would be controlled. We have struggled through this process for the past 8 years. There are parts of this process which work well, and others which have created a time-consuming system which is difficult to work through. It is time to refine our budget procedure in order to achieve those original goals.

Today, I am introducing the Two-Year Budgetary Planning Act of 1983. It is a bill to amend the Budget Act by providing a streamlined 2-year budget process with planning at the beginning of a Congress and execution of that plan through the annual appropriations cycles. Under my bill, there would be only one budget resolution, adopted at the beginning of the odd numbered years, using the timetable now used for the concurrent budget resolution. The resolution would have totals for each year of the 2-year fiscal period, starting in October of that odd-numbered year. The bill would permit, but not require, a revision of that budget resolution during the 2-year fiscal period, but only after approval by a three-fifths vote of each House. Thus, for any 2-year period, we would have only one budget resolution adopted at the start of the process.

In testimony before the Committee on Finance, the Director of the Congressional Budget Office, Dr. Alice Rivlin, discussed the advantage of biennial budgeting. She said such a plan would, "reduce the legislative burden, encourage oversight, and enhance the quality of deliberation." All laudable objectives for which my bill is a workable means.

Mr. President, it is time to untangle our budget process. I am convinced that a 2-year budget cycle, with one budget resolution, is a functional option to the process which we have been stumbling through. I urge my colleagues to consider this legislation which I believe is a worthy alternative budget procedure.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

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

S. 922

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 "Two Year Budgetary Planning Act of 1983".

STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act—

(1) to provide for one concurrent resolution on the budget for a two-year period;

(2) to streamline the budget process so that the process will be an effective mechanism for the planning of major budget priorities; and

(3) to improve the legislative and budgetary processes by providing additional time for congressional oversight and other vital legislative activities.

AMENDMENTS TO THE CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974

SEC. 3. (a)(1) Section 2(2) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 (2)) is amended by striking out "each year" and inserting in lieu thereof "every two years".

(b) Section 3(4) of such Act (2 U.S.C. 622(4)) is amended to read as follows:

"(4) The term 'concurrent resolution on the budget' means—

"(A) a concurrent resolution setting forth the congressional budget for the United States Government for a two-fiscal-year period as provided in section 301; or

"(B) a concurrent resolution on the budget revising the congressional budget for the United States Government pursuant to section 304.".

(2) Section 3 of such Act is further amended by adding at the end thereof the following new paragraph:

"(6) The term 'two-fiscal-year period' means a period of two consecutive fiscal years beginning on October 1 of any odd-numbered year.".

(c) Section 202(f)(1) of the Congressional Budget Act of 1974 (2 U.S.C. 602(f)(1)) is amended—

(1) by inserting "odd numbered" before "year" the first place it appears in the first sentence;

(2) by striking out "the fiscal year" in such sentence and inserting in lieu thereof "each fiscal year in the two-fiscal-year period";

(3) by striking out "such fiscal year" in such sentence and inserting in lieu thereof "such two-fiscal-year period"; and

(4) by striking out "such fiscal year" in the second sentence and inserting in lieu thereof "each fiscal year in such two-fiscal-year period".

(d) Section 300 of such Act (2 U.S.C. 631) is amended to read as follows:

"TIMETABLE

"SEC. 300. The timetable with respect to the congressional budget process for any fiscal year is as follows:

"First Session

On or before:	Action to be completed:
November 10	President submits current services budget.
15th day after Congress meets.	President submits budget.
March 15	Committees and joint committees submit reports to Budget Committees.
April 1	Congressional Budget Office submits report to Budget Committees.
April 15	Budget Committees report concurrent resolution on the budget to their Houses.
May 15	Committees report bills and resolutions authorizing new budget authority for the first fiscal year of the two-fiscal-year period.

"First Session—Continued

On or before:	Action to be completed:
May 15	Congress completes action on concurrent resolution on the budget.
7th day after Labor Day.	Congress completes action on bills and resolutions providing new budget authority for the first fiscal year of the two-fiscal-year period.
October 1	Two-fiscal-year period begins.

"Second Session

15th day after Congress meets.	President submits proposed revisions in the budget for the two-fiscal-year period in progress.
May 15	Committees report bills and resolutions authorizing new budget authority for the second fiscal year of the two-fiscal-year period.
7th day after Labor Day.	Congress completes action on bills and resolutions providing new budget authority and new spending authority for the second fiscal year of the two-fiscal-year period.".

(e)(1) Section 301(a) of such Act (2 U.S.C. 632(a)) is amended—

(A) by inserting "of Each Odd-Numbered Year" after "May 15th" in the subsection heading;

(B) by inserting "odd-numbered" before "year" the first place it appears in the first sentence of the matter preceding paragraph (1);

(C) by striking out "the fiscal year" in such sentence and inserting in lieu thereof "the two-fiscal-year period"; and

(D) by inserting a comma and "for each fiscal year in such period" after "set forth" in the second sentence of such matter.

(2) Section 301(b) of such Act is amended—

(A) by striking out "first" in the matter preceding paragraph (1);

(B) by inserting "referred to in subsection (a)" before "may also" in such matter;

(C) by striking out "require" in such matter;

(D) by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) contain the specifications and directions described in section 301(a); and";

(E) by inserting "require" before "any other procedure" in paragraph (2); and

(F) by striking out the last sentence.

(3) Section 301(c) of such Act is amended—

(A) by inserting "odd-numbered" before "year" in the matter preceding paragraph (1);

(B) by striking out "the" the second place it appears in paragraph (2) and inserting in lieu thereof "an"; and

(C) by striking out "the fiscal year" in paragraph (2) and inserting in lieu thereof "each fiscal year in the two-fiscal-year period".

(4) section 301(d) of such Act is amended—

(A) by striking out "first" before "concurrent resolution" in the first sentence;

(B) by striking out "fiscal year" in such sentence and inserting in lieu thereof "two-fiscal-year period";

(C) by inserting "odd-numbered" before "year" the first place it appears in the third sentence;

(D) by striking out "first" before "concurrent resolution" in such sentence;

(E) by striking out "fiscal year" in such sentence and inserting in lieu thereof "two-fiscal-year period";

(F) by inserting "for each fiscal year in such two-fiscal-year period" after "the committee" in paragraph (1);

(G) by inserting "for each such fiscal year" after "those estimated" in such paragraph;

(H) by inserting "for each fiscal year in such two-fiscal-year period" after "total new budget authority" the first place it appears in paragraph (2);

(I) by inserting "for each such fiscal year" after "total new budget authority requested" in such paragraph;

(J) by inserting "for each fiscal year in such two-fiscal-year period," after "new budget authority" in paragraph (3);

(K) by inserting "for each fiscal year in such two-fiscal-year period" after "concurrent resolution" in paragraph (4);

(L) by striking out "five" in paragraph (6) and inserting in lieu thereof "six";

(M) by striking out "such fiscal year" in such paragraph and inserting in lieu thereof "the first fiscal year of such two-fiscal-year period,";

(N) by striking out "such period" in such paragraph and inserting in lieu thereof "such six-fiscal-year period"; and

(O) by inserting "for each fiscal year in such two-fiscal-year period" before the semicolon in paragraph (7).

(5) Section 301(e) of such Act is amended—

(A) by striking out "set for" in paragraph (1) and inserting in lieu thereof "set forth";

(B) by striking out "first" each place it appears before "concurrent resolution on the budget";

(C) by inserting "referred to in subsection (a)" after "concurrent resolution on the budget" in paragraph (1); and

(D) by striking out "for the fiscal year" after "concurrent resolution of the budget" in such paragraph and inserting in lieu thereof "referred to in subsection (a) for the two-fiscal-year period".

(6)(A) The section heading for section 301 of such Act is amended by striking out "FIRST".

(B) The item relating to section 301 in the table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 (note)) is amended by striking out "first".

(f)(1) Section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)) is amended—

(A) by inserting "for a two-fiscal-year period" after "concurrent resolution on the budget"; and

(B) by inserting "for each fiscal year in such period" after "estimated allocation".

(2) Section 302(c) of such Act is amended by striking out "or 310".

(g)(1) Section 303(a) of such Act (2 U.S.C. 634(a)) is amended—

(A) by striking out "first";

(B) by striking out "for such year" and inserting in lieu thereof "referred to in section 301(a) for the two-fiscal-year period in which such fiscal year occurs"; and

(C) by striking out "pursuant to section 301".

(2) Section 303(b) of such Act is amended by striking out "fiscal year" each place it appears in paragraphs (1) and (2) and inserting in lieu thereof "two-fiscal-year period".

(3)(A) The section heading for section 303 of such Act is amended by striking out "FIRST".

(B) The item relating to section 303 in the table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 (note)) is amended by striking out "First concurrent" and inserting in lieu thereof "Concurrent".

(h)(1) Section 304 of the Congressional Budget Act of 1974 (2 U.S.C. 635) is amended—

(A) by striking out "first" before "concurrent resolution on the budget";

(B) by striking out "for a fiscal year" before "has been agreed to" and inserting in lieu thereof "referred to in section 301(a) for a two-fiscal-year period";

(C) by striking out "pursuant to section 301";

(D) by striking out "such fiscal year" the first place it appears and inserting in lieu thereof "such two-fiscal-year period";

(E) by striking out "for such fiscal year" the second place it appears; and

(F) by inserting before the period "for such two-fiscal-year period if the concurrent resolution on the budget making such revisions and any conference report thereon, is agreed to by a rollcall vote of three-fifths of the Members of each House of Congress, duly chosen and sworn.

(2) The section heading for section 304 of such Act is amended by striking out "OF" the second place it appears and inserting in lieu thereof "ON".

(i)(1) Section 305(a)(3) of such Act (2 U.S.C. 636 (a)(3)) is amended—

(A) by striking out "first" before "concurrent resolution on the budget"; and

(B) by striking out "for a fiscal year" and inserting in lieu thereof "referred to in section 301(a) for a two-fiscal year period".

(2) Section 305(b) of such Act is amended—

(A) by striking out ", except that, with respect to the second required concurrent resolution referred to in section 310(a), all such debate shall be limited to not more than 15 hours" in paragraph (1);

(B) by striking out "first" before "concurrent resolution on the budget" in paragraph (3); and

(C) by striking out "for a fiscal year" in such paragraph and inserting in lieu thereof "referred to in section 301(a) for a two-fiscal year period".

(j) Section 307 of such Act (2 U.S.C. 638) is amended—

(1) by striking out "as" before "set forth";

(2) by striking out "for such fiscal year" before "in the most recently agreed"; and

(3) by striking out "that year" the second place it appears and inserting in lieu thereof "the two-fiscal year period in which such fiscal year occurs".

(k)(1) Section 308(a) of such Act (2 U.S.C. 639 (a)) is amended—

(A) by striking out "such fiscal year" in paragraph (1)(A) and inserting in lieu thereof "the two-fiscal year period in which such fiscal year occurs"; and

(B) by inserting "for such fiscal year" after "new budget authority" in such paragraph;

(C) by inserting a comma after "a projection" in paragraph (1)(B);

(D) by striking out "5" in such paragraph and inserting lieu thereof "6";

(E) by inserting a comma after "such fiscal year" in such paragraph;

(F) by striking out "as" after "existing law" in paragraph (2)(A);

(G) by striking out "for such fiscal year" in such paragraph and inserting in lieu thereof "referred to in section 301(a) for the two-fiscal-year period in which such fiscal year occurs";

(H) by inserting "for such fiscal year" after "set forth" in such paragraph;

(I) by striking out "year" the last place it appears in such paragraph and inserting in lieu thereof "two-fiscal-year period";

(J) by inserting a comma after "a projection" in paragraph (2)(B);

(K) by striking out "5" in such paragraph and inserting in lieu thereof "6"; and

(L) by inserting a comma after "such fiscal year" in such paragraph.

(2) Section 308(b) of such Act is amended—

(A) by inserting a comma after "during such fiscal year" in paragraph (1);

(B) by striking out "such fiscal year" in such paragraph and inserting in lieu thereof "the two-fiscal-year period in which such fiscal year occurs";

(C) by inserting "for such fiscal year" after "estimated outlays" the second place it appears in such paragraph;

(D) by striking out "such fiscal year" in paragraph (3) and inserting in lieu thereof "the two-fiscal-year period in which such fiscal year occurs";

(E) by inserting "for such fiscal year" after "revenues" the first place it appears in such paragraph;

(F) by inserting "fiscal" before "year" the last two places it appears in such paragraph;

(G) by striking out "such fiscal year" in paragraph (4) and inserting in lieu thereof "the two-fiscal-year period in which such fiscal year occurs"; and

(H) by inserting "for such fiscal year" after "the public debt" in such paragraph.

(3) Section 308(c) of such Act is amended—

(A) by striking out "Five" in the subsection heading and inserting in lieu thereof "Six"; and

(B) by striking out "5" and inserting in lieu thereof "6".

(l) Section 309(1) of such Act (2 U.S.C. 640 (1)) is amended—

(1) by striking out "such year" the second place it appears and inserting in lieu thereof "the two-fiscal-year period in which such fiscal year occurs"; and

(2) by striking out "section 310(c)" and inserting on lieu thereof "section 310(b)".

(m)(1) Section 310(a) of such Act (2 U.S.C. 641 (a)) is amended—

(A) by striking out the matter preceding paragraph (1) and inserting in lieu thereof the following:

"SEC. 310. (a) SPECIFICATIONS AND DIRECTIONS.—A concurrent resolution on the budget for a two-fiscal-year period shall, to the extent necessary—";

(B) by striking out "such fiscal year" each place it appears in subparagraphs (A) and (C) of paragraph (1) and inserting in lieu thereof "each fiscal year in such two-fiscal-year period";

(C) by inserting "for each fiscal year in such two-fiscal-year period" after "revenues" in paragraph (2);

(D) by striking out "that" before "the committees" in such paragraph;

(E) by inserting "for each fiscal year in such two-fiscal-year period" after "public debt" in paragraph (3); and

(F) by striking out the last sentence.

(2) Section 310 of such Act is further amended by striking out subsection (b) and by redesignating subsections (c), (d), (e), and (f) as subsections (b), (c), (d), and (e), respectively.

(3) Section 310(b) of such Act (as redesignated by paragraph (2) of this subsection) is amended by striking out "is agreed to in accordance with subsection (a)" and inserting in lieu thereof "on the budget is agreed to".

(4) Section 310(c) of such Act (as redesignated by paragraph (2) of this subsection) is amended—

(A) by striking out "subsection (c)" and inserting in lieu thereof "subsection (b)"; and

(B) by striking out "September 25 of each year" and inserting in lieu thereof "sixty days after the date on which the concurrent resolution on the budget containing the specifications and directions for such reconciliation bill or reconciliation resolution is agreed to".

(5) Section 310(d) of such Act (as redesignated by paragraph (2) of this subsection) is amended by striking out "subsection (c)" each place it appears in paragraphs (1) and (2) and inserting in lieu thereof "subsection (b)".

(6) Section 310(e) of such Act (as redesignated by paragraph (2) of this subsection) is amended—

(A) by striking out "the concurrent resolution on the budget required to be reported under subsection (a) for the fiscal year beginning on October 1 of such year, and if a" and inserting in lieu thereof "any";

(B) by striking out "is" before "required to be reported"; and

(C) by striking out "subsection (c) for such fiscal year, unless the Congress has completed action on that bill or resolution, or both" and inserting in lieu thereof "subsection (b) for a two-fiscal-year period".

(7)(A) The section heading for section 310 of such Act is amended by striking out "SECOND REQUIRED CONCURRENT RESOLUTION AND".

(B) The item relating to section 310 in the table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 (note)) is amended by striking out "Second required concurrent resolution and reconciliation" and inserting in lieu thereof "Reconciliation".

(n) Section 311(a) of the Congressional Budget Act of 1974 (2 U.S.C. 642 (a)) is amended—

(1) by striking out "section 310(a) for fiscal year" after "reported under" in the matter preceding paragraph (1) and inserting in lieu thereof "section 301(a) for a two-fiscal-year period";

(2) by striking out "such fiscal year" the first place it appears in such matter and inserting in lieu thereof "such two-fiscal-year period";

(3) by striking out "section 310(c)" in such matter and inserting in lieu thereof "section 310(b)";

(4) by striking out "such fiscal year" the second, third, and fourth places it appears in such matter and inserting in lieu thereof "any fiscal year in such two-fiscal-year period";

(5) by inserting "for such fiscal year" after "total budget outlays" in the matter following paragraph (3);

(6) by striking out "such fiscal year" after "concurrent resolution on the budget for" in such matter and inserting in lieu thereof "the two-fiscal-year period in which such fiscal year occurs";

(7) by inserting "for any such fiscal year" after "revenues" the first place it appears in such matter; and

(8) by inserting "for such fiscal year" after "revenues" the second place it appears in such matter.

(o) Section 401(b)(2) of such Act (2 U.S.C. 651 (b) (2)) is amended by striking out "such fiscal year" the second place it appears and inserting in lieu thereof "the two-fiscal-year period in which such fiscal year occurs".

(p) Section 403(a) of such Act (2 U.S.C. 653 (a)) is amended—

(1) by striking out "4" in paragraph (1) and inserting in lieu thereof "five"; and

(2) by striking out "four" in paragraph (2) and inserting in lieu thereof "five".

(q) Section 904(b) of such Act (2 U.S.C. 621 (note)) is amended by striking out "title III or IV" and inserting in lieu thereof "title III (except section 304) or title IV".

AMENDMENTS TO RULES OF THE HOUSE OF REPRESENTATIVES

SEC. 4. (a)(1) Clause 1(b)(4) of rule X of the Rules of the House of Representatives is amended by striking out "fiscal year" and inserting in lieu thereof "two-fiscal-year period".

(b) Clause 4(a)(1)(A) of rule X of the Rules of the House of Representatives is amended by inserting "odd-numbered" after "each".

(c) Clause 4(a)(2) of rule X of the Rules of the House of Representatives is amended by striking out "such fiscal year" and inserting in lieu thereof "the two-fiscal-year period in which such fiscal year occurs".

(d) Clause 4(b)(2) of rule X of the Rules of the House of Representatives is amended—

(1) by striking out "first"; and

(2) by striking out "fiscal year" and inserting in lieu thereof "two-fiscal-year period".

(e) Clause 4(g) of rule X of the Rules of the House of Representatives is amended—

(1) by inserting "odd-numbered" after "each";

(2) by striking out "fiscal year" the first place it appears and inserting in lieu thereof "two-year fiscal period"; and

(3) by striking out "that fiscal year" and inserting in lieu thereof "each fiscal year of such two-fiscal-year period".

(f) Clause 4(h) of rule X of the Rules of the House of Representatives is amended by striking out "fiscal year" and inserting in lieu thereof "two-fiscal-year period".

(g) Clause 2(l)(1)(C) of rule XI of the Rules of the House of Representatives is amended—

(1) by striking out "as" before "set forth";

(2) by inserting "for such fiscal year" before "in the most recently agreed"; and

(3) by striking out "that year" the second place it appears and inserting in lieu thereof "the two-fiscal-year period in which such fiscal year occurs".

(h) Clause 1 of rule XLIX of the Rules of the House of Representatives is amended—

(1) by striking out the comma after "301" and inserting in lieu thereof "or"; and

(2) by striking out ", or 310".

AMENDMENTS TO TITLE 31, UNITED STATES CODE

SEC. 5. (a) Section 1101 of title 31, United States Code, is amended by adding at the end thereof the following new paragraph:

"(3) 'two-fiscal-year period' shall have the same meaning as in section 3(6) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(6)).".

(b)(1) The matter preceding paragraph (1) of section 1105(a) of title 31, United States Code, is amended to read as follows:

"(a) The President shall transmit to Congress during the first 15 days of the first regular session of each Congress the budget for the two-fiscal-year period beginning on October 1 of the year in which such session occurs. The budget shall include a budget message and summary and supporting information. The President shall include in the budget the following:".

(2) Section 1105(a) of such title is further amended—

(A) in paragraph (5) striking out "the fiscal year for which the budget is submitted and the 4 fiscal years after that year" and inserting in lieu thereof "each fiscal year in the two-fiscal-year period for which the budget is submitted and projections for the 4 fiscal years immediately following the second fiscal year in such two-fiscal-year period";

(B) in paragraph (6) by striking out "the fiscal year for which the budget is submitted and the 4 fiscal years after that year" and inserting in lieu thereof "each fiscal year in the two-fiscal-year period for which the budget is submitted and the 4 fiscal years immediately following the second fiscal year in such two-fiscal-year period";

(C) in paragraph (9)(C) by striking out "the fiscal year" and inserting in lieu thereof "each fiscal year in the two-fiscal-year period";

(D) in paragraph (12)(A) by striking out "the fiscal year" and inserting in lieu thereof "each fiscal year in the two-fiscal-year period";

(E) in paragraph (12)(B) by striking out "each of the 4 fiscal years after that year" and inserting in lieu thereof "each of the 4 fiscal years immediately following the second fiscal year in such two-fiscal-year period";

(F) in paragraph (13) by striking out "the fiscal year" and inserting in lieu thereof "each fiscal year in the two-fiscal-year period";

(G) in paragraph (14) by striking out "that year" and inserting in lieu thereof "each fiscal year in such two-fiscal-year period";

(H) in paragraph (15) by inserting "for each fiscal year in such two-fiscal-year period" before the period at the end thereof;

(I) in paragraph (16) by striking out "the fiscal year" and inserting in lieu thereof "each fiscal year in the two-fiscal-year period";

(J) in paragraph (17)—

(i) by striking out "the fiscal year following the fiscal year" and inserting in lieu thereof "each fiscal year in the two-fiscal-year period following the two-fiscal-year period following the two-fiscal year period"; and

(ii) by striking out "that following" and inserting in lieu thereof "each such";

(K) in paragraph (18)—

(i) by striking out "the prior fiscal year" and inserting in lieu thereof "each of the 2 most-recently-completed fiscal years";

(ii) by striking out "for that year" and inserting in lieu thereof "with respect to that fiscal year"; and

(iii) by striking out "in that year" and inserting in lieu thereof "in that fiscal year";

(L) in paragraph (19)—

(i) by striking out "the prior fiscal year" and inserting in lieu thereof "each of the 2 most-recently-completed fiscal years";

(ii) by striking out "for that year" and inserting in lieu thereof "with respect to that fiscal year"; and

(iii) by striking out "in that year" each place it appears and inserting in lieu thereof "in that fiscal year";

(M) in paragraph (21) by inserting "for the two-fiscal-year period beginning on October 1, 1985, and for each two-fiscal-year period thereafter," before "a horizontal budget";

(N) in paragraph (22) by inserting "for each fiscal year in such two-fiscal-year period," before "a statement"; and

(O) by adding at the end thereof the following new sentence:

"During the first fifteen days of the second regular session of each Congress, the President shall transmit to the Congress any revisions the President considers appropriate in the Budget transmitted in the first regular session of that Congress.".

(c) Section 1105(b) of title 31, United States Code, is amended by inserting "even-numbered" before "year".

(d) Section 1105(c) of title 31, United States Code, is amended—

(1) by striking out "fiscal year for" each place it appears and inserting in lieu thereof "two-fiscal-year period for";

(2) by inserting "or current two-fiscal-year period, as the case may be," after "current fiscal year"; and

(3) by striking out "that year" and inserting in lieu thereof "that period".

(e) Section 1105 (d) of title 31, United States Code, is amended by striking out "fiscal year" and inserting in lieu thereof "two-fiscal-year period".

(f) Section 1106 (a) of title 31, United States Code, is amended—

(1) in the matter preceding paragraph (1)—

(A) by inserting "odd-numbered" before "year" the first place it appears; and

(B) by striking out "fiscal year" and inserting in lieu thereof "two-fiscal-year period"; and

(2) in paragraph (1) by striking out "that fiscal year" and inserting in lieu thereof "each fiscal year in that two-fiscal-year period";

(3) in paragraph (2) by striking out "the 4 fiscal years following the fiscal year" and inserting in lieu thereof "each fiscal year in the first 2 of the two-fiscal-year periods following the two-fiscal-year period"; and

(4) in paragraph (3)—

(A) by striking out "future fiscal years" and inserting in lieu thereof "each fiscal year in the first 2 of the two-fiscal-year periods following the two-fiscal-year period for which the budget is submitted"; and

(B) by striking out "the fiscal year for which the budget is submitted" and inserting in lieu thereof "such two-fiscal-year period".

(g) Section 1106(b) of title 31, United States Code, is amended—

(1) by inserting "odd-numbered" before "year" the first place it appears in the first sentence;

(2) by striking out "the fiscal year" in such sentence and inserting in lieu thereof "each fiscal year in the two-fiscal-year period"; and

(3) by inserting "of any odd-numbered year" after "July 16" in the third sentence.

(h) Section 1109(a) of title 31, United States Code, is amended—

(1) by striking out "each year" and inserting in lieu thereof "each even-numbered year (beginning with 1984)";

(2) by striking out "the following fiscal year" and inserting in lieu thereof "each fiscal year in the two-fiscal-year period beginning in the following odd-numbered year"; and

(3) by striking out "that fiscal year" and inserting in lieu thereof "each such fiscal year".

(i) Section 1109(b) of title 31, United States Code, is amended by inserting "odd-numbered" before "year".

EFFECTIVE DATE

SEC. 6. The provisions of this Act and the amendments made by this Act shall take effect on October 1, 1984.

FISCAL YEAR 1985

SEC. 7. Notwithstanding the provisions of sections 3, 4, 5, and 6 of this Act and the amendments made by such sections—

(1) the provisions of the Congressional Budget and Impoundment Control Act of 1974 (as such provisions were in effect on the day before the effective date of this Act) shall apply with respect to concurrent resolutions on the budget for such fiscal year, bills and resolutions providing new budget authority or new spending authority for such fiscal year, bills and resolutions authorizing the enactment of new budget authority for such fiscal year, the rescission and deferral of budget authority for such fiscal year, and the responsibilities of the Director of the Congressional Budget Office for such fiscal year; and

(2) the provisions of chapter 11 of title 31, United States Code, shall apply with respect to any amendments or revisions made by the President in the Budget submitted for such fiscal year pursuant to section 1105 of such title.

By Mr. HUDDLESTON (for himself, Mr. INOUYE, and Mr. FORD):

S. 923. A bill to provide financial assistance for the improvement of instruction in mathematics and science, and for other purposes; to the Committee on Labor and Human Resources.

MATHEMATICS AND SCIENCE EDUCATION ASSISTANCE ACT OF 1983

Mr. HUDDLESTON. Mr. President, I am pleased to be introducing today, on behalf of myself, the Senator from Hawaii (Mr. INOUYE), and my colleague from Kentucky (Mr. FORD), the Mathematics and Science Education Assistance Act of 1983.

We are all aware of the shortage of qualified math and science teachers. The legislation I am introducing will address this problem by offering a program of incentives for providing immediate short-term assistance to help resolve our math and science education problems.

As has been noted by the National Academy of Sciences and the National Academy of Engineering, 43 States in our country had reported a shortage of qualified mathematics and science teachers in 1981. This shortage is evident in my home State of Kentucky where the number of people preparing to teach in these areas has rapidly declined. In 1971, Kentucky had 194 students graduating from colleges and universities who were certified science teachers. By 1981, this number had declined to 66.

Additionally, many of our current math and science teachers are not prepared to teach in these areas. A survey completed by the National Science Teachers Association indicates that among newly employed science and math teachers, 50.2 percent were unqualified to teach science and math.

Efforts are being made in a number of States to help identify the deficiences in our math and science education programs and provide solutions to this growing problem. I am proud to say that Kentucky was one of the first States in the Nation to pass legislation to attract and retain qualified teachers in the math and science fields for grades 7 to 12.

If any one fact stands out when examining our math and science teacher shortage, it is that the shortage is with us now. The shortage is not just beginning and will not occur in 5 to 10 years; it is present in 1983.

Consequently, Congress must provide immediate incentives for training new math and science teachers and improving our math and science programs. The bill I am introducing today authorizes a three-part program to help achieve this objective.

The greatest need for qualified math and science teachers lies in our junior high and high schools. We are finding that many times, junior high teachers have an elementary school teaching certificate with little training in mathematics or the sciences. We also see that there are too few teachers in our high schools to meet the demands of courses such as biology, physics, and chemistry.

This bill would help correct the teacher shortage by providing a combination grant and loan program for teachers who take a sabbatical to earn a degree in mathematics or one of the sciences. Secondary school teachers who have a certification in other subject areas and who wish to earn a degree in math or science would also be eligible for participation in the program. Priority would be given to teachers from areas of the State having the greatest need for math and science teachers.

Teachers who participate would receive a grant for 80 percent of their current salary and a loan for the cost of their tuition, fees, and books at the college or university they will be attending. The grant would be an incentive to work for the new degree and would insure that the teacher has an adequate means to maintain a livelihood while studying. A maximum limit of $2,000 will be placed on each loan for each year of study.

Twenty percent of the loan can be forgiven for each year that a person teaches math or science after acquiring the degree. Since all requirements for the degree would have to be completed within 2 years, new math and science teachers would be ready to teach soon after enactment of the legislation.

The second part of the bill would provide grants to the States for the acquisition, by local school districts, of new math and science books, materials, and equipment. Many teachers have complained about the lack of materials to use in their classes and the grants provided by this title would be a necessary partner to the program for teacher retraining. The funding is earmarked solely for upgrading existing equipment or for purchasing new equipment, books, and materials.

Seventy-five percent of the funding under this section would go to junior high and high schools where these materials are used the most. The remaining 25 percent would go to elementary schools. Language is included in the bill to insure that the areas of each State that are in the greatest need will benefit from the funds.

The third part of the bill calls for the establishment of State councils on education in mathematics and science. This provision will insure that we continue to meet the demand for students educated in the high technology fields by having members of our business and education communities work together for the improvement of math and science education programs.

The enact composition of the council will be determined by each State, however, at least one classroom teacher from each of the elementary, secondary, and college levels must be on the council as well as appropriate representatives of the business community.

The council's agenda will include a study of the needs of the State for students educated in the math and science areas and a set of specific recommendations for improving math and science education programs in the schools.

The time is now for Congress to provide some assistance to help remedy the decline in our math and science programs. I look forward to working with my colleagues in developing a comprehensive bill that will once again insure that we will have qualified individuals educated in mathematics and the sciences to meet the challenges associated with the increasing use of high technology.

Mr President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 923

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 the "Mathematics and Science Education Assistance Act of 1983".

STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act to improve the instruction in mathematics and science in elementary and secondary schools of local educational agencies by—

(1) providing a program of assistance to elementary and secondary school teachers of mathematics or science;

(2) providing financial assistance to local educational agencies for the acquisition of instructional equipment and materials for use in mathematics and science education; and

(3) establishing a State Council on Education in Mathematics and Science for each State.

DEFINITIONS

SEC. 3. As used in this Act—

(1) the term "elementary school" has the same meaning given that term under section 595(a)(7) of the Education Consolidation and Improvement Act of 1981;

(2) the term "Governor" means the Chief executive of any State;

(3) the term "institution of higher education" has the same meaning given that term under section 1201(a) of the Higher Education Act of 1965;

(4) the term "local educational agency" has the same meaning given that term under section 595(a)(4) of the Education Consolidation and Improvement Act of 1981;

(5) the term "secondary school" has the same meaning given that term under section 595(a)(7) of the Education Consolidation and Improvement Act of 1981;

(6) the term "Secretary" means the Secretary of Education;

(7) The term "State" means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico;

(8) the term "State Council" means the State Council on Education in Mathematics and Science established in accordance with title III of this Act; and

(9) the term "State educational agency" has the same meaning given that term under section 1001(k) of the Elementary and Secondary Education Act of 1965.

TITLE I—GRANTS TO STATES FOR THE IMPROVEMENT OF SKILLS OF TEACHERS OF MATHEMATICS AND SCIENCE IN ELEMENTARY AND SECONDARY SCHOOLS

PROGRAM AUTHORIZED

SEC. 101. (a) The Secretary is authorized to make grants to States for training of elementary and secondary school teachers who wish to earn a degree in mathematics or science in accordance with the provisions of this title.

(b) There are authorized to be appropriated $100,000,000 for the fiscal year 1984 and for each succeeding fiscal year ending prior to October 1, 1986.

ALLOTMENT TO STATES

SEC. 102. (a)(1) From the sums appropriated to carry out this title for each fiscal year, the Secretary shall reserve not to exceed 1 per centum for payments to Guam, American Samoa, and the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands, to be alloted in accordance with their respective needs.

(2) From the remainder of such sums the Secretary shall allot to each State an amount which bears the same ratio to the amount of such remainder as the school age population of the State bears to the school age population of all States.

(b) For the purpose of this section—

(1) the term "school age-population" means population aged five through seventeen; and

(2) the term "States" includes the fifty States, the District of Columbia, and the Commonwealth of Puerto Rico.

(c) The amount of any State's allotment under subsection (a) for any fiscal year to carry out this title which the Secretary determines will not be required for that fiscal year to carry out this title shall be available for reallotment from time to time, on such dates during that year as the Secretary may fix, to other States in proportion to the original allotments to those States under subsection (a) for that year but with such proportionate amount for any of those other States being reduced to the extent it exceeds the sum the Secretary estimates that State needs and will be able to use for that year; and the total of those reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amounts reallotted to a State under this subsection during a year shall be deemed a part of its allotment under subsection (a) for that year.

USES OF FUNDS

SEC. 103. Grants under this title may be used for grants and loans for elementary and secondary school teachers in the State who wish to pursue a course of study in mathematics, or science, or both, in institutions of higher education leading to a degree specializing in mathematics, or science, or both, in accordance with the plan approved under section 104 and other provisions of this title.

STATE PLAN

SEC. 104. (a) Each State desiring to receive a grant under this title shall submit a plan to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary deems reasonably necessary. Each such plan shall—

(1) designate an agency of the State to be determined by the Governor to administer the teacher assistance program authorized by this title;

(2) provide for a State program for making grants and loans to elementary and secondary school teachers within the State who wish to pursue, full time, a course of study at an institution of higher education in mathematics, or science, or both, leading to a degree specializing in mathematics, or science, or both, under which—

(A) the State will make stipends to each such teacher in an amount equal to 80 percent of the compensation paid to the teacher for the year prior to the year for which the assistance is made under this title for each year of study, but in no event for a period of more than 2 years;

(B) the State will make a loan to each such teacher in an amount not to exceed $2,000 for each year of study to be used for the costs of tuition, fees, and books required for attendance at the institution of higher education, but in no event for a period of more than 2 years;

(C) the State will establish procedures for an equitable distribution of teacher assistance under this title throughout the State giving priority to teachers from local educational agencies within the State having the greatest need for elementary and secondary school teachers of mathematics and science;

(D) the State will provide assurances that each teacher receiving assistance under this title will enter into an agreement with the State under which the teacher will, within one year after completing the degree for which assistance is furnished under this title, teach for a period of not less than 5 years in an elementary or secondary school in the State as a mathematics or science teacher;

(E) the State will provide procedures designed to assure that the State will cancel the loan made to any teacher, who complies with the provisions of the agreement entered into under clause (D), for each complete year of service, after the date on which the agreement described in clause (D) is entered into, as a full time science or mathematics teacher in any academic year in any elementary or secondary school in the State, in an amount equal to 20 percent of such loan for each year of such service; and

(F) the State will establish procedures for the prompt repayment of any loan (together with interest and penalties) in the case of any teacher who fails to comply with the agreement entered into pursuant to clause (D) or such portion thereof that is subject to the failure to comply;

(3) describe the procedures under which the State will encourage and evaluate applications from elementary and secondary school teachers within the State for assistance under this title;

(4) provide assurances that the State will not expend more than 5 percent of the allotment of the State for administrative expenses under the State plan;

(5) provide such fiscal control and funds accounting procedures as may be necessary to assure the proper disbursal and accounting for Federal funds paid to the State under this title; and

(6) provide that a report will be prepared and submitted to the Secretary at the end of each fiscal year containing—

(A) the number of elementary and secondary school teachers participating in the assistance program authorized by this title;

(B) the local educational agencies within the State at which such teachers were teaching prior to participating in the program assisted under this title; and

(C) such other relevant matters as the Secretary may reasonably require.

(b) The Secretary shall approve any State application plan which meets the requirements of subsection (a).

PAYMENTS

SEC. 105. From the amount allotted to each State pursuant to section 102, the Secretary shall, in accordance with the provisions of this Act, pay to the State an amount equal to the amount needed for the purposes set forth in the State plan approved under section 104.

WITHHOLDING

SEC. 106. Whenever the Secretary, after reasonable notice to any State and opportunity for hearing within the State, finds that there has been a failure to comply with any provision set forth under section 104 the Secretary shall notify the State that further payments will not be made under this title until the Secretary is satisfied that there is no longer any such failure to comply. Until the Secretary is so satisfied, no further payments shall be made under this title.

TITLE II—GRANTS TO LOCAL EDUCATIONAL AGENCIES FOR THE ACQUISITION OF MATHEMATICS AND SCIENCE EQUIPMENT AND MATERIALS

PROGRAM AUTHORIZED

SEC. 201. (a) The Secretary is authorized to make grants to States to pay for the acquisition of instructional equipment and materials suitable for use in providing elementary and secondary education in mathematics and science in accordance with the provisions of this title.

(b) There are authorized to be $30,000,000 for the fiscal year 1984 and for each of the succeeding fiscal years prior to October 1, 1986.

ALLOTMENT TO STATES

202. (a)(1) From the sums appropriated to carry out this title, the Secretary shall reserve not to exceed 1 per centum for payments to Guam, American Samoa, and the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands, to be allotted in accordance with their respective needs.

(2) From the remainder of such sums the Secretary shall allot to each State an amount which bears the same ratio to the amount of such remainder as the school age population of the State bears to the school age population of all States.

(b) For the purpose of this section—

(1) the term "school age-population" means population aged five through seventeen; and

(2) the term "States" includes the fifty States, the District of Columbia, and the Commonwealth of Puerto Rico.

(c) The amount of any State's allotment under subsection (a) for any fiscal year to carry out this title when the Secretary determines will not be required for that fiscal year to carry out this title shall be available for reallotment from time to time, on such dates during that year as the Secretary may fix, to other States in proportion to the original allotments to those States under subsection (a) for that year but with such proportionate amount for any of those other States being reduced to the extent it exceeds the sum the Secretary estimates that State needs and will be able to use for that year; and the total of those reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amounts reallotted to the State under this subsection during a year shall be deemed a part of its allotment under subsection (a) for that year.

USES OF FUNDS

SEC. 203. Grants under this title may be used for grants to local educational agencies within the State for the acquisition of instructional equipment and materials suitable for use in providing elementary and secondary education in mathematics and science.

STATE PLAN

SEC. 204. (a) Each State desiring to receive a grant under this title shall submit a plan to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary deems reasonably necessary. Each such plan shall—

(1) designate the State educational agency to administer the program authorized by this title; and

(2) provide a State program for the acquisition of instructional equipment and material suitable for use in providing education in mathematics, or science, or both, for use by children and teachers in elementary and secondary schools under which—

(A) the State will provide assurances that the instructional equipment and material will be used for instructional purposes only:

(B) the State will, whenever assistance is sought for the repair and maintenance of

instructional material and equipment, describe the purposes for which such assistance is sought;

(3) provide assurances that the State will distribute 95 percent of the allotment of the State among local educational agencies within the State on the basis of the need for such instructional equipment and material together with a decription of the manner in which the funds will be distributed;

(4) provide assurances that each local educational agency within the State receiving payments pursuant to this title will use 75 percent of the payments in the secondary schools of such agency and 25 percent in the elementary schools of such agency;

(5) provide assurances that the State will not expend more than 5 percent of the allotment of the State for administrative expenses under the State plan;

(6) provide such fiscal control and funds accounting procedures as may be necessary to assure the proper disbursal in accounting of Federal funds paid to the State under this title.

(b) The State shall approve any State application which meets the requirements of subsection (a).

PAYMENTS

SEC. 205. From the amount allotted to each State pursuant to section 202, the Secretary shall, in accordance with the provisions of this Act, pay to the State the costs of the State plan approved under section 204.

PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS

SEC. 206. The provisions of section 557 of the Education Consolidation and Improvement Act of 1981 shall apply to the financial assistance made available under this title.

TITLE III—STATE COUNCILS ON EDUCATION IN MATHEMATICS AND SCIENCE

AUTHORIZATION OF APPROPRIATIONS; STATE ALLOTMENT

SEC. 301. (a) In order to permit each State to establish a State Council on Education in Mathematics and Science, there are authorized to be appropriated $3,000,000 for the fiscal year 1984 and for each of the succeeding fiscal years ending prior to October 1, 1986.

(b)(1) From the amounts appropriated pursuant to subsection (a) for each fiscal year, the Secretary shall allot $50,000 to each State.

(2) If the sums appropriated pursuant to subsection (a) for any fiscal year are insufficient to make the allotment required under paragraph (1) of this subsection, the Secretary shall reduce the amount of the allotment to each State as necessary.

ESTABLISHMENT OF STATE COUNCILS

SEC. 302. (a) Any State which desires to receive financial assistance under this title shall establish a State Council on Education in Mathematics and Science in accordance with the provisions of this title.

(b) Each State Council shall be appointed by the Chief State School Officer of the State, subject to the approval of the State Board of Education if there is such a Board in the State. The Council shall be composed of representatives of educational agencies and institutions within the State, major business concerns in the State, small business concerns within the State, and developing industries within the State. In selecting members of the State Council, the Chief State School Officer shall include at least one classroom teacher of mathematics or science who teaches in an elementary school in the State, one such teacher who teaches in a secondary school in the State, and one such teacher who teaches in an institution of higher education in the State, and representatives of business concerns which apply technology in the production of goods and services and business concerns which employ personnel who as a condition of employment must have training in technology.

(c) Each State Council receiving assistance under this title shall—

(1) examine the needs of public agencies, nonprofit private organizations, and business concerns within the State for personnel who are well trained in mathematics and science;

(2) assess the need for the improvement and strengthening of elementary and secondary education programs in the fields of mathematics and science; and

(3) recommend the means by which such programs can be improved.

APPLICATIONS

SEC. 303. No payment may be made under this title unless the State submits an application to the Secretary at such time and containing or accompanied by such information as the Secretary may reasonably require.

By Mr. DOLE (for himself and Mrs. KASSEBAUM):

S. 924. A bill to designate the Veterans' Administration Medical Center in Leavenworth, Kans., as the "Dwight D. Eisenhower Veterans' Administration Medical Center"; to the Committee on Veterans' Affairs.

DWIGHT D. EISENHOWER VETERANS' ADMINISTRATION MEDICAL CENTER

Mr. DOLE. Mr. President, it is my pleasure to send to the desk a bill to designate the Veterans' Administration medical center in Leavenworth, Kans., as the "Dwight D. Eisenhower Veterans' Administration Medical Center." Senator KASSEBAUM joins me as cosponsor on this bill. It is a fitting tribute to the 34th President of the United States, and to the distinguished five-star general who led Allied armies to victory in Europe that we should place his name on a Veterans' Administration medical center, to which many veterans of the Second World War come for treatment.

Dwight Eisenhower grew up in the small town of Abilene, Kans. There he went to school, starred in high school athletics, and worked to assist an older brother with college expenses. By our standards now, his family was poor. One book about his life states that during a visit to Abilene after World War II, Eisenhower said:

> I have found out in later years that we were very poor, but the glory of America is that we didn't know it then. All we knew was that our parents could say to us that opportunity was all about us. All we had to do was reach out and take it.

That Eisenhower did. During high school he worked at the town creamery in addition to doing well in most of his studies. He was an outstanding athlete. He played right field and was the leading hitter on the baseball team. In football he played end. He and his brother Edgar graduated together, although Edgar was a year older, having lost a year to illness. They both wanted to go to college. That was in 1909. Not every young man with the desire could attend college in those days. Financial considerations made it impossible for them to both start together. So they came to an agreement: One would enter college for a year, and the other would find a job and send him money. They flipped a coin. Edgar went to college and Dwight went to work as night foreman at the creamery. He worked an 84-hour week, and during the year he sent his brother $200. A small fortune in that day.

A year later a new door opened. A close friend, Swede Hazlett, stopped by the creamery to tell Ike about his own plans to go to the Naval Academy, and to suggest that Ike try it also. He clinched it with "Here's a chance for an education and you don't have to pay for it." Ike decided that it was too good an opportunity to pass up. He wrote his Senators, and finally was accepted for a competitive examination. He enlisted Swede's help as a tutor, and crammed for the examination in addition to continuing with his job. When the exam results were announced he stood first in the competition for West point and second for Annapolis. However, Ike was too old for the Naval Academy or we might be honoring him as Admiral Eisenhower today. At any rate he buckled down again to prepare for the West Point examinations. He reentered Abilene High and boned up on algebra, geometry, history, geography, and English. In January 1911 he took the exams, passed them and, 6 months later, in June 1911, entered West Point with the class of 1915.

Graduating 64th in a class of 164 cadets, Ike squeezed his way past the final physical despite a damaged knee, and started a career that was spectacular even for the class the stars fell on; 59 of them were to earn the stars of a general officer in the Army. They provided in large measure the leadership of the Army during World War II. Ike shown the brightest of all.

Ike renewed his acquaintance with Kansas when he attended the Command and General Staff Course at Leavenworth during 1925–26, graduating first in his class. In the following years Ike studied his profession and prepared himself for the war that a few farsighted people felt was inevitable. During that period he met George C. Marshall, who was to assess his potential, and later select him from below many more senior officers for high command.

Receiving his first star in September 1941, he was in his office Sunday

afternoon, December 7, when the word of the Japanese attack reached him. Five days later he received word to report immediately to Washington. Marshall wanted him for work in the War Plans Division. There he struggled with the problems of trying to sustain Army forces in the Philippines, and to map out a strategy for eventual victory in the face of overwhelming Japanese strength in those early days of the war. Following the fall of Bataan, he turned to the European Theater of Operations and drew up plans for the future Army operations aimed at the defeat of Germany and Italy.

In June 1942 he assumed command of American forces in the new theater. Following extended planning the joint American-British invasion of North Africa took place in November 1942. In May 1943 German and Italian forces finally surrendered. The invasion of Sicily followed, the predecessor for the move into Italy. In June 1944 the Normandy invasion took place, the greatest amphibious operation in history. Dwight Eisenhower's place in history would rest secure upon that achievement alone, had he accomplished nothing else.

However, he went on to lead American, British, and French forces to victory in Europe in May 1945. He returned to the United States to serve as Army Chief of Staff from 1945 to 1948. He retired that year, and became the president of Columbia University in 1949. However, the Korean war interrupted his new civilian career. In December 1950 President Truman asked him to return to Europe as Supreme Commander of the North Atlantic Treaty Organization.

Prior to the 1948 elections, there had been talk of Ike running for President, but he had dismissed it. During late 1951 and early 1952 the movement to nominate him became too strong to dismiss. He defeated Robert Taft for the Republican nomination, and went on to win decisively in the election. His December 1952 visit to Korea presaged his successful effort to end the fighting in Korea.

His two terms as President were a time of relative calm, as we look back from our vantage point today. The Korean war ended with an armistice which remains in place, sometimes uneasily, even today. The trauma of the Vietnam war was yet to come. He was even able to achieve a balanced budget by the third year of his first term, a goal many of us envy today. However, he dealt with a number of problems, foreign and domestic. He was able to conclude the joint occupation of Austria, and to restore its sovereignty. The Suez crisis of 1956, following nationalization of the Suez Canal, tested his abilities as a national leader in international affairs. On the national scene, he sent Federal troops into Little Rock, Ark., in 1957 to insure that court orders on desegregation were observed. Throughout, he maintained his calm approach to life and crises which had marked his career. A motto he had adopted many years before, "Take your work seriously, but never yourself" sustained him. He was truly a great American, a great soldier, and a great President. As a Kansas Senator, I am delighted to be able to introduce this measure, in company with Senator KASSEBAUM, to honor Dwight David Eisenhower, of Abilene, Kans.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 924

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Veterans' Administration Medical Center located in Leavenworth, Kansas, is designated and shall hereafter be known as the "Dwight D. Eisenhower Veterans' Administration Medical Center", in honor of the late Dwight D. Eisenhower, General, United States Army (Retired), and Thirty-fourth President of the United States. Any reference to such Center in any law, regulation, map, document, record, or other paper of the United States shall be held and considered to be a reference to the "Dwight D. Eisenhower Veterans' Administration Medical Center".

By Mr. DURENBERGER (for himself, Mr. BOREN, and Mr. PERCY):

S. 927. A bill relating to a fishing tackle excise tax; to the Committee on Finance.

FISHING TACKLE EXCISE TAX

● Mr. DURENBERGER. Mr. President, as the senior Senator from Minnesota, a State renowned for its numerous scenic fishing holes, it is a privilege to reintroduce the fishing tackle excise tax deferral bill.

In a nutshell, this bill is designed to match the payment of the fishing tackle excise tax with the manufacturers income stream. The fishing tackle industry is highly seasonal, but it tries to maintain a consistent level of employment by granting dating terms to vendors. These vendors tend to be small bait and tackle shops, which pay manufacturers after they have sold the fishing tackle. Payment occurs as an average of 4.4 months after the time of shipment.

Current Treasury Department regulations require the fishing tackle manufacturers; over 97 percent of whom are small businesses, to pay the excise tax on their products based upon the time of shipment instead of when the products are sold. This means that these small businesses must arrange expensive short-term financing to pay a tax that they voluntarily support. It is rare enough to see a voluntarily supported tax, but to expect small business people to borrow unnecessarily to pay it is going too far in my opinion.

This 10-percent excise tax is supported almost universally because the money collected goes for the Federal aid to fish restoration program, commonly known as the D.J. fund, named for Congressmen DINGELL and JOHNSON. The D.J. fund, has provided $368 million to the States for conservation and fish restoration. Those funds have allowed State fish and wildlife agencies to construct over 275 new lakes, develop new management techniques, protect fish from various pollution sources, and provide public access to over 80,000 acres of lakes and habitats. Obviously, the industry has an enlightened self-interest in preserving our natural environment that meshes with the public good.

The manufacturers prefer to maintain a steady level of employment but the present tax collection timetable work against this. The result is seasonal unemployment that is an unnecessary drain on the unemployment system and economic disruption in the towns where the fishing tackle manufacturers are located. We certainly cannot afford any further unnecessary economic dislocation in our current circumstances.

I today propose a simple solution. Defer the payment of this excise tax for a minimum of 90 days and a maximum of 180 days. All excise tax payment would be due and payable at the end of the quarter immediately following the quarter when shipment was made except for the fourth quarter shipments for which the excise tax will be paid as usual in order to avoid any revenue or budgetary effects on the D-J program.

Treasury stated in hearings on April 21, 1982, that this legislation would have no revenue impact so budgetary concerns are not a problem. In fact, we would be eliminating an unfair burden and quite possibly increasing revenue by allowing a steady employment level by these small businesses. This is a commonsense proposal that should be passed quickly.

I ask unanimous consent that this bill be printed in full in the RECORD.

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

S. 927

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

That (a) section 6302 of the Internal Revenue Code of 1954 (relating to mode or time of collecting tax) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

"(d) TIME FOR PAYMENT OF MANUFACTURERS EXCISE TAX ON RODS, CREELS, ETC.—The tax imposed by section 4161(a) (relating to man-

ufacturers excise tax on rods, creels, etc.) shall be due and payable—

"(1) in the case of articles sold during the quarter ending December 31, on March 31,

"(2) in the case of articles sold during the quarter ending March 31, on June 30,

"(3) in the case of articles sold during the quarter ending June 30, on September 24, and

"(4) in the case of articles sold during the quarter ending September 30, at such time as the Secretary may by regulations prescribe."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to articles sold on or after the first day of the first calendar quarter beginning after the date of the enactment of this Act.●

By Mr. DURENBERGER (for himself, Mr. BAUCUS, Mr. ANDREWS, Mr. ABDNOR, Mr. BOSCHWITZ, Mr. BURDICK, Mr. MELCHER, and Mr. PRESSLER):

S. 928. A bill entitled the "Railroad Bonding Act of 1983"; to the Committee on Finance.

RAILROAD BONDING ACT OF 1983

● Mr. DURENBERGER. Mr. President, State governments now have the authority to issue tax-free industrial revenue bonds for a variety of transportation purposes, including construction of airports, docks, and mass transit facilities. This morning, on behalf of myself and Senators BAUCUS, ANDREWS, PRESSLER, BOSCHWITZ, ABDNOR, BURDICK and MELCHER, I am introducing legislation expanding that authority to include rail line rehabilitation.

It is impossible to overstate the degree to which the economics of rural America depend on continued access to rail line service. Railroads determined the settlement patterns throughout much of the West and Midwest as towns sprung up along key branch lines and junctions. Even today, thousands of rural communities and businesses that support them owe their existence to railroad access. For these communities, the capital shortage afflicting the Nation's rail system is both a social and economic crisis.

The ramifications of that crisis on agricultural production are every bit as severe. Railroads are the lifelines that link America's agricultural regions with national and international markets. If we cannot maintain their carrying capacity, the export potential we have labored so hard to develop will remain nothing more than potential. The same is true for coal-fired utilities, heavy equipment manufacturers, and a host of other industries whose futures depend on the long-haul efficiencies of rail.

The rural rail crisis has a special impact on State governments. For just as railroads are struggling to preserve their route systems, State and local governments are struggling against growing financial presssure to preserve the integrity of the Nation's highway system. Deferred maintenance on the Nation's highways actually exceeds the cost of maintenance deferrals on the railroads. And with each rail line abandonment, thousands of traffic tons are shifted to rural highways. In analyzing the impact of the Milwaukee Road bankruptcy, Minnesota discovered that loss of rail service to a single coal-fired utility would be at least 500 trucks a day on Interstate 94. The consequences of that transfer would be catastrophic. Rail line rehabilitation is far less expensive than highway construction, and few have a stronger stake in rail rehabilitation than the users of the Nation's highways.

Against this background of public necessity the needs of the Nation's rail system are immense. The U.S. Department of Transportation projects that the industry will suffer a capital shortfall between now and 1985. Passage of the Rail Deregulation Act has enabled the industry to meet some of that shortfall. But sizable needs remain, and we know from sad experience that when facing a capital shortage, railroads invariably starve lower density branch lines first.

It would be naive to suggest that all or even most of the 5,463 miles of branch line now slated for potential abandonment can be preserved. But it would be equally naive to deny that a timely investment could salvage many of these lines. My own State of Minnesota provides an excellent example of how that process works.

Two Milwaukee branch lines in southern Minnesota were slated for abandonment. Neither carried a volume of more than 300 cars per month. But through the efforts of shippers along those lines, a compact was formed between the State, shippers, and the Milwaukee Railroad to rehabilitate both lines. With the help of State guarantees, shippers invested more than $250,000 of their own funds. Rehabilitation is now complete, and the results are remarkable. Volume on the lines has increased more than 400 percent. They are generating a cash flow profit, and the shippers' investment will soon be paid back in full. This process can be repeated on other lines, and in other parts of the country. The key factor is the availability of capital.

Only limited portions of that capital will come from the rail industry, which has rarely achieved better than a 1-percent rate of return in recent years. Federal involvement will continue, but certainly at a reduced rate so long as current budgetary and economic conditions prevail. The future of the rail system depends largely on the ingenuity of the States in developing alternative capital funding sources to replace the declining pool of Federal dollars. The bill we introduce this morning offers a workable mechanism to bridge that gap.

States are presently permitted to issue industrial revenue bonds under section 103 of the U.S. Internal Revenue Code. Normally, interest earned on those bonds is subject to the Federal income tax. However, IDB's issued for construction of facilities that have a public purpose—facilities such as airports, docks, and mass transit—have been granted a tax-exempt status under section 103 of the code. But paradoxically, current Federal law does not extend this exemption to bonds for railroad rehabilitation. This has limited their usefulness as a mechanism for raising the funds necessary to promote rail rehabilitation at the State level.

The legislation we introduce today will alter that situation. Specifically, it amends title 26, section 103(A)(4) of the United States Code by adding obligations issued to finance certain railroad improvement projects, including the construction, repair, and upgrading of rail beds, trackage, depots, and switching and signaling equipment to the list of tax-exempt facilities.

The reasons for making this change are compelling. The bill will provide State governments with an effective mechanism to meet the capital crisis created by steadily deteriorating lines and decreasing Federal assistance.

Moreover, the approach suggested by the bill is consistent with the progressive shifts in responsibility from the Federal to the State level. It encourages States to prioritize their own rail needs and better utilize State resources to address them.

It is impossible to overlook the absurdity of a system which allows localities to use their bonding power for airports, docks, and industrial plants, but precludes its use for rail rehabilitation on which the communities' commercial existence may depend. It is not our intention to suggest when and if the use of this authority is appropriate. But it is our intention to grant States and localities the power to make that judgment.

Mr. President, this legislation becomes all the more significant when the administration's fiscal year 1984 budget for the railroad rehabilitation improvement financing, redeemable preference share, and the local rail service assistance programs are taken into consideration. These three programs were essential components of Minnesota's successful efforts to protect small business and rural communities across the State from certain abandonment. As our Nation's farmers prepare to begin marketing the vast stores of surplus grain they have been holding these past 2 years, Congress must take the steps necessary to insure they have access to rail service.

This legislation provides one more effective tool for the States to use in combating the capital shortage that

afflicts the Nation's rural transportation system. I urge all Senators to consider the proposal and give it their full support.

I ask unanimous consent that the bill be printed in full in the RECORD.

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

S. 928

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (b) of section 103 of the Internal Revenue Code of 1954 (relating to industrial development bonds) is amended by redesignating paragraph (9) as paragraph (10) and by inserting after paragraph (8) the following new paragraph:

(9) RAILROAD REHABILITATION.—Paragraph (1) shall not apply to any obligation which is part of an issue substantially all of the proceeds of which are used to provide financing for—

(A) railroad rehabilitation, including the acquisition, construction, reconstruction, or erection of any roadbed, track, trestle, depot, switching and signaling equipment, or any related equipment, but not including rolling stock, or

(B) acquisition of land or rights-of-way in connection with railroad rehabilitation.

(b) Paragraph (10) of section 103(b) of such Code (relating to exceptions), as redesignated by subsection (a), is amended by striking out "and (7)" and inserting in lieu thereof "(7), and (9)".

SEC. 2. The amendments made by the first section of this Act shall apply to obligations issued after September 30, 1983.●

● Mr. BAUCUS. Mr. President, I am pleased to join my colleague from Minnesota, Mr. DURENBERGER, in reintroducing the Railroad Bonding Act.

This legislation would give States the authority to issue tax-free industrial development bonds to finance certain railroad improvement projects. These projects would include the construction, repair, and upgrading of railbeds, tracks, depots and switching and signaling equipment.

Under section 103 of the U.S. Internal Revenue Code, States are currently permitted to issue tax-exempt IBD's for the construction of facilities that have a public purpose—such as airports, docks, and mass transit. Our bill would extend this exemption to bonds issued for railroad rehabilitation.

The need for this legislation is clear. The bill would provide State governments with an effective mechanism to meet the capital shortfall created by steadily deteriorating lines and decreasing Federal assistance.

As more Federal transportation responsibilities are shifted to the States, this legislation would provide the States with a way to finance repair of deteriorating branch lines. This approach would also encourage States to prioritize their own rail needs and better utilize State resources to address them.

Thousands of rural communities and businesses depend on continued access to rail line service. In my own State of Montana, we are facing several emergency situations resulting from Burlington Northern's branch line abandonments.

Recently, the Burlington Northern Railroad placed an embargo on the Lewistown-Geraldine Line due to a problem on the Indian Creek Trestle. Thousands of bushels of wheat and barley are now waiting to be shipped out of the area by truck. These trucks will have to run on State and Federal highways, increasing the burden on the repair and maintenance of the highways and the highway roadbed.

The cost of repairing this rail line has yet to be accurately determined, but estimates run into the several millions of dollars. The State of Montana does not have the resources to cover this kind of emergency situation without the authority that would be given them under this legislation.

We also have a continuing problem with the Bainville-Opheim Burlington Northern branch line in northeastern Montana. Again, the State simply does not have the resources to intervene in all of these proposed rail line abandonments. We must give States the flexibility to determine which branch lines they want to keep in operation.

Montana is not alone in facing this problem of branch line abandonments. States across the Midwest and the West have similar problems. This legislation provides one more effective tool for the States to use to raise the capital they need to support the rural transportation system.

I urge my colleagues to consider the pressing need for this legislation.●

By Mr. GOLDWATER (for himself, Mr. JACKSON, and Mr. GARN):

S. 929. A bill to amend the act of July 2, 1940, as amended, pertaining to appropriations for the Canal Zone Biological Area; to the Committee on Rules and Administration.

CANAL ZONE BIOLOGICAL AREA

● Mr. GOLDWATER. Mr. President, on behalf of the Senate Regents of the Smithsonian Institution, I introduce a bill relating to the Smithsonian Tropical Reserch Institute (STRI), the United States leading tropical biology research center. The Institute is located in the Republic of Panama. STRI's goals are to conduct and to promote fundamental and advanced scientific research in the ecology, evolution, and behavior of tropical organisms; to share knowledge of their biology; and to develop an awareness of the importance of tropical environments through an active public education program. It has a staff of 86; a fiscal year 1984 budget request of $3.3 million; and facilities which encompass marine and terrestrial sites located on the Atlantic and Pacific Oceans and on Barro Colorado Island in Gatun Lake.

In 1923 Gov. James Morrow of the then Canal Zone declared Barro Colorado Island (BCI) a biological reserve. The operation of the island was placed under a scientific committee of the National Academy of Sciences of which the Smithsonian is a member. In recognition of its scientific importance and growing use by the U.S. scientific community, legislation was enacted in 1940 (54 Stat. 724) setting aside BCI as the "Canal Zone Biological Area" in order to preserve and conserve its natural features for research purposes. The legislation also authorized the appropriation of $10,000 for expenses related to the island. Under the 1946 Reorganization Plan No. 3, responsibility for the Canal Zone Biological Area was transferred to the Smithsonian in recognition of the Institution's growing role in scientific research on the island.

In 1958 the Smithsonian's Board of Regents, exercising its general authority under 20 U.S.C. 41 et seq., voted to establish the Smithsonian Tropical Research Institute in recognition of the Institution's expanded activities throughout the isthmus, including those on Barro Colorado Island, and to promote research on all segments of tropical biology, including comparative studies in Old World tropics. Over the next two decades marine laboratories were established on both coasts of the isthmus, and a central administrative and scientific complex was developed in the Ancon section of the former Canal Zone in order to manage and coordinate activities at the new locations and on BCI.

Approval and subsequent implementation of the Panama Canal treaties created a new status for BCI. Further protection of the island as a scientific reserve was afforded by adopting the provisions of the Western Hemisphere Convention on Nature Protection and Wildlife Preservation of 1940 and designating BCI, as well as several adjacent mainland peninsulas on the east and west banks of the Panama Canal, as the "Barro Colorado Nature Monument." Custodianship of the Nature Monument was assigned to the Smithsonian Tropical Research Institute on behalf of the United States, Panama, and other nations of the Americas.

The area of the Nature Monument is nearly 5,000 hectares (BCI alone is 1,642 hectares), and is forested, posted, protected by fences, and patrolled by a game warden force.

In 1965 and 1979 the Smithsonian requested and received approval to raise the appropriations ceiling for BCI. Public Law 89-280 amended the 1940 authorization from $10,000 to $350,000 and Public Law 96-89 further amended it to $750,000. Current obligations for BCI are within the statutory limit, but its more intensive use, along with the rest of the Nature

Monument, for scientific purposes; the need for improvements; and the pressure of Central American inflation make the existing spending limit unrealistic fiscally and administratively.

The separation of the Barro Colorado Island budget from the rest of STRI operations is an historical anomaly resulting from its former status as an independent entity. By abolishing the sepatate spending limit on Barro Colorado Island, as provided in our proposed legislation, and incorporating the BCI budget entirely within that of the Smithsonian Tropical Research Institute, consistency and flexibility would be available for overall managment of the most significant tropical moist forest under U.S. custodianship. Therefore, I am proposing today on behalf of the Senate Regents of the Institution that we implement this request, which was agreed to at the last Regents' meeting.●

By Mr. GOLDWATER (for himself, Mr. JACKSON, and Mr. GARN):

S. 930. A bill to authorize the Smithsonian Institution to purchase land in Santa Cruz, Ariz.; to the Committee on Rules and Administration.

PURCHASE OF LAND IN SANTA CRUZ, ARIZ.

● Mr. GOLDWATER. Mr. President, the Smithsonian is seeking to purchase 2 acres of land from the Tubac School District in Santa Cruz County, Ariz., and 2 acres of adjacent land from private owners for a total price not exceeding $150,000. The 4 acres will be used for the permanent headquarters of the Fred Lawrence Whipple Observatory, which has occupied the property under a lease arrangement for the past 13 years. I am introducing a bill today on behalf of Senate regents to carry out this purpose.

Research activities of the Whipple Observatory are conducted on a 4,744-acre site at the 7,600-foot level of Mount Hopkins, which is leased from the U.S. Forest Service and reached by a limited-access secondary road that originates at the headquarters location in Amado, Ariz.

The headquarters site is midway between the cities of Tucson to the north and Nogales to the south and offers easy access from a nearby interstate highway for visitors and for the delivery of research equipment and supplies. On the property is a one-level school building and a residence, which have been converted to office use. There are also various automotive service, repair, and storage buildings with gravel parking and driveway areas, as well as space for a motor pool which provides daily access to the mountain site, continual road maintenance, and winter snow removal.

The school building serves as the base office and staging area for mountain research activities and includes a small, informal visitors' center which has been remodeled to include displays on the history of astronomy and audio-visual presentations describing Smithsonian research. A public affairs specialist is assigned to the Whipple Observatory complex, and local residents serve as headquarters volunteers, greeting visitors, answering telephone queries, and responding to mail requests for information.

Smithsonian ownership of the property would allow the erection over several years of permanent facilities in a planned and coordinated fashion that would respect the integrity of the neighboring community and protect the local environment. Because current and projected needs of the observatory necessitate a larger headquarters facility, leasehold improvement is not economical. Of eight sites studied and analyzed, the Amado one was chosen because it is accessible and visible from Interstate 19, contains all necessary utilities, is flat and conducive to appropriate development, can be developed to meet the Smithsonian's present and future need with minimum disruption to the current operations, and can be developed cost effectively.

Mr. President, it is my understanding that funding for acquisition of the acreage will be sought in the Institution's budget request for fiscal year 1985. However, because the Congressional Budget Act of 1974 requires authorization of new budget authority a year in advance of enactment of that authority, I am introducing legislation at this time to carry out the request of the Smithsonian and urge its early approval.●

By Mr. PERCY (by request):

S. 944. A bill to authorize supplemental international security and development assistance for urgent purposes for the fiscal year 1983, and for other purposes; to the Committee on Foreign Relations.

SPECIAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1983

● Mr. PERCY. Mr. President, by request, I introduce for appropriate reference a bill to authorize supplemental international security and development assistance for urgent purposes for the fiscal year 1983.

This legislation has been requested by the State Department, and I am introducing the proposed legislation in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with a section-by-section analysis of the bill and the letter from the Secretary of State to the President of the Senate dated March 19, 1983.

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

S. 944

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 "Special Security and Development Cooperation Act of 1983".

MILITARY SALES AND RELATED PROGRAMS

SEC. 101. (a) In addition to amounts otherwise made available for the fiscal year 1983 for loan guaranties under section 24(a) of the Arms Export Control Act, $425,000,000 of loan principal are authorized to be so guaranteed during such fiscal year.

(b) In addition to amounts otherwise made available for the fiscal year 1983 to carry out the provisions of chapter 2 of part II of the Foreign Assistance Act of 1961, there is authorized to be appropriated $187,000,000 to carry out such provisions for such fiscal year.

ECONOMIC SUPPORT FUND

SEC. 102. In addition to amounts otherwise authorized to be appropriated for the fiscal year 1983 to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, there is authorized to be appropriated $142,000,000 to carry out such provisions for such fiscal year.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 103. In addition to amounts otherwise made available for the fiscal year 1983 to carry out the provisions of chapter 3 of part I of the Foreign Assistance Act of 1961, there is authorized to be appropriated for the fiscal year 1983 $4,500,000 to carry out such provisions, for payment to the International Atomic Energy Agency.

DEVELOPMENT ASSISTANCE PROGRAMS

SEC. 104. In addition to amounts otherwise made available for the fiscal year 1983 to carry out the provisions of chapter 1 of part I of the Foreign Assistance Act of 1961, there is authorized to be appropriated $5,000,000 to carry out such provisions for such fiscal year.

SECTION-BY-SECTION ANALYSIS OF THE PROPOSED SPECIAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1983

I. INTRODUCTION

The proposed Special Security and Development Cooperation Act of 1983 contains freestanding provisions in order to authorize supplemental international security and development assistance to meet urgent needs for fiscal year 1983.

II. PROVISIONS OF THE BILL

Section 101. Military sales and related programs

This section authorizes an increase of $425,000,000 in the limit established in P.L. 97-377 on the total principal amount of loans for which guarantees may be issued during fiscal year 1983 under section 24(a) of the AECA.

In addition, this section authorizes an increase in appropriations of $187,000,000 for fiscal year 1983 above the amount made available in P.L. 97-377 to carry out the military assistance program. The President's budget for fiscal year 1984 requested a supplemental appropriations of $167,000,000 to carry out the military assist-

ance program for fiscal year 1983, with $25,000,000 of this amount proposed for reimbursement of the Department of Defense for defense articles, defense services and military education and training previously drawn down pursuant to section 506(a). The President has increased his request to $187,000,000 for supplemental appropriations for fiscal year 1983 to carry out the military assistance program. Because no part of this amount is now intended for reimbursement to the Department of Defense, the existing authorization of appropriations under section 506(c) is no longer relevant to this request.

Section 102. Economic support fund

The President's budget for fiscal year 1984 requested a supplemental appropriation of $294,500,000 for the Economic Support Fund for fiscal year 1983. The President has increased his request to $354,500,000. ($150,000,000 of this amount would be authorized by the proposed "Lebanon Emergency Assistance Act of 1983".)

This section authorizes a supplemental appropriation of $142,000,000 for fiscal year 1983 for economic support pursuant to Chapter 4 of part II of the Foreign Assistance Act of 1961, as amended. This authorization is in addition to amounts otherwise authorized for that Chapter by P.L. 97-113. The amounts appropriated in P.L. 97-377 for this Fund for fiscal year 1983 were $62,500,000 less than the amount authorized by P.L. 97-113.

Section 103. International organizations and programs

This section authorizes an increase in appropriations of $4,500,000 for fiscal year 1983 above the amount made available in P.L. 97-377 to carry out the provisions of Chapter 3 of part I of the Foreign Assistance Act of 1961, as amended. These funds will be used for payments to the International Atomic Energy Agency.

Section 104. Development assistance programs

This section authorizes an increase in appropriations of $5,000,000 for fiscal year 1983 above the amount made available in P.L. 97-377 to carry out the provisions of Chapter 1 of part I of the Foreign Assistance Act of 1961, as amended.

THE SECRETARY OF STATE,
Washington, D.C., March 19, 1983.

Hon. GEORGE BUSH,
President of the Senate.

DEAR MR. PRESIDENT: I herewith transmit, on behalf of the President, a bill to authorize supplemental international security and development assistance for urgent purposes for the fiscal year 1983, and for other purposes. This bill, the "Special Security and Development Cooperation Act of 1983," supersedes the "Special Security Cooperation Act of 1983" that I transmitted to you on February 19, 1983.

The proposed Special Security and Development Cooperation Act of 1983 would authorize additional security and development assistance appropriations for fiscal year 1983. An effective foreign assistance program requires adequate funding levels, the flexibility to allocate funds to meet priority needs, and the ability to respond to unforeseen contingencies. When we forecast future needs far in advance, as we must, we cannot assure that circumstances will be exactly as projected. Reduced funding levels, coupled with extensive and detailed legislative earmarking for country programs, prevents the Administration from executing the security assistance program in a manner consistent with our most important interests.

The Special Security and Development Cooperation Act of 1983 differs from that transmitted on February 19, 1983, in that it increases the proposed authorization for the military assistance program and economic support funds over the levels in the previous bill. It also authorizes additional appropriations for development assistance. These changes reflect the President's recent decision to provide additional assistance to Central American countries in fiscal year 1983 to address immediate and long-term political, economic and military needs in this critical region of the world. We will provide a detailed explanation and supporting data separately to the committees of the House of Representatives and the Senate that have jurisdiction over this legislation.

The Special Security and Development Cooperation Act of 1983 increases by $187,000,000 the authorization of appropriations for the military assistance program; it increases the authorization for economic support funds by $142,000,000 to allow for a supplemental appropriation of $204,500,000; it authorizes a supplemental appropriation for development assistance of $5,000,000. It authorizes $425,000,000 in off-budget loan guarantees under the Foreign Military Sales Program. In addition, it would authorize $4,500,000 for our 1983 voluntary contribution to the International Atomic Energy Agency.

I urge prompt enactment of this bill.

The Office of Management and Budget advises that enactment of the legislation would be in accord with the program of the President.

Sincerely yours,

GEORGE P. SHULTZ.●

By Mr. MITCHELL (for himself and Mr. RANDOLPH):

S. 945. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide compensation for medical expenses caused by hazardous substance releases, and for other purposes; to the Committee on Environment and Public Works.

S. 946. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide compensation for medical expenses caused by hazardous substance releases, and for other purposes; to the Committee on Environment and Public Works.

SUPERFUND VICTIM COMPENSATION LEGISLATION

● Mr. MITCHELL. Mr. President, I am today introducing two pieces of legislation to redress the imbalance that currently exists in the Comprehensive Environmental Response, Compensation and Liability Act, known as the Superfund law.

Both bills will provide compensation to persons injured by toxic chemicals, relief that is not now available. The law passed in 1980 by the Congress makes no provision for medical expensed incurred when human beings are harmed by hazardous substances, but permits recovery of expenses incurred when natural resources are damaged by those same substances.

Giving a higher priority to things than to people is misguided, inequitable and unacceptable. Good health is irreplaceable. When one party acts in way harmful to another's physical well-being, he or she should be held responsible for the harm.

Yet, in the law as it is now written, that is not the case. Not only is the guilty party held free from responsibility for taking away a person's health, but the law also does not provide any recourse to the industry-financed fund to compensate for health care.

But the law does place legal responsibility upon those who damage Federal or State natural resources with toxic chemicals.

Thus, we now have a law that elevates things above people. A victim of chemical poisoning cannot seek from the fund out-of-pocket medical expenses for an illness resulting from the action or inaction of another party; indeed, as to the fund, a guilty party cannot be held accountable for any damage it has inflicted on a person.

Under the law now, if a toxic waste discharge injures both a tree and a person, the tree's owner, if it is a government, can promptly recover from the fund for the cost of repairing the damage, but the person cannot.

I am introducing two bills for the purpose of initiating a discussion within the Congress as to alternative mechanisms through which victim compensation for injury from toxic chemicals can be provided. In my view, the question before us is not whether we should provide victim compensation, but rather how we should accomplish it.

My first bill is identical to the one I introduced in 1981. It redresses the imbalance in the current law in two ways.

First, any person whose health is damaged by exposure to a hazardous substance may recover his or her medical expenses from the Superfund, which is financed primarily through a tax on those who make chemicals. This is an extension of the existing law which now permits recovery for the expense of cleaning up hazardous wastes and for damage to Federal and State natural resources. Without this source of compensation, an individual, made temporarily ill or permanently impared by chemical exposure, is burdened with medical bills, because of the action of another party.

Second, any person harmed as a result of exposure to a hazardous substance will be given a Federal cause of action against a responsible party. This is simply an extension of the cause of action provided in current law to pursue those who damage federally or State owned natural resources, and those who do not fulfill their legal re-

sponsibility to clean up releases of hazardous substances into the environment. Without this change in the law, persons whose health is impaired by these wastes must bear the financial burden of health care made necessary by circumstances out of their control.

The second bill I am introducing implements the recommendations of the study mandated by section 301(e) of the Superfund law of the adequacy of existing common law and statutory remedies in providing legal redress for injuries caused by hazardous substances. The study was conducted by a group of twelve attorneys, representing the American Bar Association, the American Law Institute, the Association of American Trial Lawyers and the National Association of State Attorneys General. The study group produced a comprehensive document, and reached the following conclusion:

> This review of existing causes of action and barriers to recovery has shown that although causes of action do exist for some plaintiffs under some circumstances, a private litigant faces substantial substantive and procedural barriers in an action to recover damages for personal injury or property damage due to hazardous wastes, particularly where the individual claims are relatively small.

The group made 10 recommendations, which are discussed at length in its report. I believe these recommendations should be a part of our deliberations.

The study recommends a two-tier compensation system for persons injured by toxic substances. The first tier would be an administrative compensation remedy to provide full coverage of medical expenses, limited coverage of loss of earnings, and death benefits. The system would be administered principally by the States in accordance with Federal law. Claims approved under the tier 1 system would be paid from an expanded Superfund.

The second tier consists of the common law and statutory remedies which could be pursued in State courts. The report recommends that the States remove several procedural and substantive barriers to recovery for personal injuries from hazardous substances. These barriers include statutes of limitations, joinder of parties, apportionment and proof of causation, according to the study group.

The two bills I introduce today cover a broad range of alternatives. I reiterate: the question is not whether we should enact a victim compensation regime, but what is the best way to do so?

I approach this issue with no preconceived notion as to the best mechanism for accomplishing this goal, only with an unwaivering commitment to the enactment of victim compensation legislation during this Congress. Only then will we have addressed the real tragedy of chemical poisons—injury to human beings.●

By Mr. ABDNOR:

S. 947. A bill to authorize the U.S. Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Environment and Public Works.

WATER RESOURCES DEVELOPMENT ACT OF 1983

● Mr. ABDNOR. Mr. President, the time has come in this country to recognize the extent to which we, the Congress, have neglected a basic element of our Nation's infrastructure—our water resources. There has been no major water resources development legislation since 1976. One result of that failure has been a steep decline in the construction program of the Corps of Engineers.

In 1976, the year in which the last Water Resource Development Act was passed by Congress, the corps construction budget in today's dollars was $2 billion, plus $222 million for the construction activities associated with the Mississippi River and tributaries flood control program. In fiscal year 1984, the President has recommended a construction program for the corps of $945 million, plus $206 million for construction in the Mississippi River flood control program.

Together, this represents a 48-percent cut in constant dollars in just 7 years. What is more, the fiscal year 1984 figure is down 72 percent below what it was 17 years ago.

These figures and trends are a sad commentary on our Nation's commitment toward water resources development, to our infrastructure needs. It must be kept in mind that it is from these two accounts that the corps protects communities against floods, develops new hydropower resources, improves navigation, augments water supply, and protects our beaches.

Mr. President, this decline must be reversed or we will lose many of the opportunities this Nation has for economic development. The 97th Congress focused most of its attention on the major fiscal issues confronting the Nation. Within that context, our Committee on Environment and Public Works wrestled with the need for continued development of our Nation's water sources. We wrote and reported several innovative bills. Sadly, none of these bills was enacted.

It is my hope that, during the 98th Congress, we can move aggressively on several issues related to water resources development. I am, for example, hopeful that we will resolve the issues of port and waterway development. I also believe we must work to pass a major water project authorization bill, probably with more realistic cost-sharing requirements.

These are difficult issues. They will require interest and involvement from our committee, and the Senate as a whole. As chairman of the Subcommittee on Water Resources, I have committed myself to working out these complex issues this year. I intend to do all that I can to see that we consider and pass an omnibus water resources bill in this Congress.

We must resolve such construction issues as cost sharing, user charges, and other difficult questions involving Federal and non-Federal roles and responsibility.

Some of the problems appear to grow from the chaotic methods Congress has used historically to authorize and fund water resource projects. We simply lack any national approach.

For that reason, I am today introducing legislation that is intended to augment water project planning and accelerate construction. This would be facilitated by establishing a single authorization limitation on the corps' construction and its Mississippi River and tributaries projects for each of the next 5 fiscal years.

The establishment of a realistic limitation on each year's program would permit the consideration and implementation of new project authorizations without the fear that such authorizations might greatly inflate spending for that year or the next. It would assure to the Appropriations Committee the full responsibility for selecting projects to be funded, within the annual cap on spending. This bill would not, in any way, alter the existing system for line-item appropriations for projects.

Mr. President, this bill would also authorize for construction 100 new water resources projects of the Corps of Engineers in 38 States, with a total Federal cost of $6 billion in October 1982, prices.

The projects contained in this bill are modern projects which address current problems. Half of the projects address vital flood control needs around the country. Each of these projects has been thoroughly reviewed by the Corps of Engineers, has cleared the Board of Engineers for Rivers and Harbors, and has been approved by the Chief of Engineers.

In introducing this bill today as chairman of the Water Resources Subcommittee, I am acting on the presumption that projects which have cleared the Chief's office are indeed worthy and of high priority for development. I do not presume the projects contained in my bill are the only projects worthy of authorization, and I am not necessarily opposed to projects which are not among those listed. I do believe, however, unless substantial evidence to the contrary is presented to the committee that these projects should be authorized, and that those who would urge the inclusion of additional projects should bear the burden of proof, both from the

overall budgetary standpoint and with respect to individual project merit.

I make that statement, Mr. President, both as subcommittee chairman and as a Senator from South Dakota, which as my colleagues will note, has not one project included in my bill at this point, although the Gregory County hydropower project is nearing approval by the Chief and may be included later.

Mr. President, we need to move forward on water resources. We need to renew the confidence of the American people in our system of Federal investment. This bill will begin the march toward that goal.

As chairman of the Subcommittee on Water Resources of the Committee on Environment and Public Works, I anticipate we will schedule hearings on this high-priority legislation in the latter part of April. It is my intention to focus these hearings not just on the projects in this bill, but also on those policy questions which have stood as impediments to project authorization in recent years, particularly cost sharing.

In this context, Mr. President, I plan to have the subcommittee utilize a new method that I hope will expedite the hearing process. While the subcommittee will generally limit the witness list during the initial round of hearings to those who wish to oppose specific projects, I anticipate we will hear from both proponents and opponents of specific navigations projects, within the context of overall navigation policy.

Each of the projects in the bill has been thoroughly reviewed by the Corps of Engineers. It will be assumed that they are worthy of the support of the committee and the Congress, in the absense of direct opposition. If a project does receive objection, we will then ask the corps, as well as any supporters, to provide their views.

Written statements for the record will, of course, be welcome at any time.

Mr. President, we may not be able to complete committee action on this proposal by May 15. But I intend to do all that I can to obtain action on a bill sometime this summer.

In that light, I would urge all Members to refrain from the temptation of adding project authorizations to appropriation bills, or to other extraneous legislation. This would simply complicate and delay our process.

Mr. President, I believe that the time is ripe to resolve the issues which have plagued the continued development of sound water resources projects. I believe that we can enact this legislation this year, and in doing so go far toward satisfying our Nation's pressing water resources needs.

Mr. President, I ask unanimous consent 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. 947

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 "Water Resources Development Act of 1983."

TITLE I

Notwithstanding any other provision of law, the Secretary of the Army, acting through the Chief of Engineers (hereinafter in this Act referred to as the "Secretary"), shall obligate no sums in excess of the sums specified in this Title for the combined purpose of the "Construction General" account and the "Flood Control, Mississippi River and Tributaries" account:

(1) For the fiscal year ending September 30, 1984, the sum of $1.5 billion.

(2) For the fiscal year ending September 30, 1985, the sum of $1.6 billion.

(3) For the fiscal year ending September 30, 1986, the sum of $1.6 billion.

(4) For the fiscal year ending September 30, 1987, the sum of $1.6 billion.

(5) For the fiscal year ending September 30, 1988, the sum of $1.6 billion.

TITLE II

The following works of improvement of rivers and harbors and other waterways for navigation, flood control, and other purposes are hereby adopted and authorized to be prosecuted by the Secretary in accordance with the plans and subject to the conditions recommended in the respective reports hereinafter designated:

(a) DEEP-DRAFT NAVIGATION.—

(1) Mobile Harbor, Alabama: Report of the Chief of Engineers dated November 18, 1981, at a Federal cost of $408,000,000;

(2) Kodiak Harbor, Alaska: Report of the Chief of Engineers dated September 7, 1976, at a Federal cost of $13,400,000;

(3) San Francisco Harbor, California, Fisherman's Wharf Area: Reports of the Chief of Engineers dated February 3, 1978 and June 7, 1979, at a Federal cost of $13,500,000;

(4) Oakland Outer Harbor, California: Report of the Chief of Engineers dated January 7, 1980, at a Federal cost of $36,040,000;

(5) Richmond Harbor, California: Report of the Chief of Engineers dated August 8, 1982, at a Federal cost of $48,400,000;

(6) Sacramento River, Deepwater Ship Channel, California: Report of the Chief of Engineers dated November 20, 1981, at a Federal cost of $77,000,000;

(7) New Haven Harbor, Connecticut: Report of the Chief of Engineers dated July 26, 1982, at a Federal cost of $23,000,000;

(8) Jacksonville Harbor (Mill Cove), Florida: Report of the Chief of Engineers dated February 12, 1982, at a Federal cost of $5,700,000;

(9) Manatee Harbor, Florida: Report of the Chief of Engineers dated May 12, 1980, at a Federal cost of $10,600,000;

(10) Tampa Harbor, East Bay Channel, Florida: Report of the Chief of Engineers dated January 25, 1979, to assume maintenance;

(11) Savannah Harbor (Widening), Georgia: Report of the Chief of Engineers dated December 19, 1978, at a Federal cost of $11,700,000;

(12) Grand Haven Harbor, Michigan: Report of the Chief of Engineers dated October 9, 1979, at a Federal cost of $12,900,000;

(13) Monroe Harbor, Michigan: Report of the Chief of Engineers dated November 25, 1981, at a Federal cost of $68,700,000;

(14) Wilmington Harbor Northeast Cape Fear River, North Carolina: Report of the Chief of Engineers dated September 16, 1980, at a Federal cost of $7,740,000;

(15) Gowanus Creek, Channel, New York: Report of the Chief of Engineers dated September 14, 1982, at a Federal cost of $2,000,000;

(16) Kill Van Kull & Newark Bay Channels, New York and New Jersey: Report of the Chief of Engineers dated December 14, 1981, at a Federal cost of $178,000,000;

(17) San Juan Harbor, Puerto Rico Phase I GDM: Report of the Chief of Engineers dated December 23, 1982, at a Federal cost of $72,800,000;

(18) Charleston Harbor, South Carolina: Report of the Chief of Engineers dated August 27, 1981, at a Federal cost of $76,100,000;

(19) Brazos Island Harbor, Texas-Brownsville Channel: Report of the Chief of Engineers dated December 20, 1979, at a Federal cost of $26,700,000;

(20) Norfolk Harbor & Channels, Virginia: Report of the Chief of Engineers dated November 20, 1981, at a Federal cost of $446,000,000;

(21) Crown Bay Channel-St. Thomas Harbor, Virgin Islands: Reports of the Chief of Engineers dated April 9, 1982, at a Federal cost of $3,500,000; and

(22) Blair & Sitcum Waterways, Tacoma Harbor, Washington: Report of the Chief of Engineers dated February 8, 1977, at a Federal cost of $30,000,000.

(b) INLAND AND SHALLOW-DRAFT NAVIGATION.—

(1) Helena Harbor, Phillips County, Arkansas: Report of the Chief of Engineers dated October 17, 1980, at a Federal cost of $42,000,000;

(2) White River Navigation to Batesville, Arkansas: Report of the Chief of Engineers dated December 23, 1981, at a Federal cost of $20,500,000;

(3) Lake Pontchartrain, North Shore, Louisiana: Report of the Chief of Engineers dated February 14, 1979, at a Federal cost of $850,000;

(4) Greenville Harbor, Mississippi: Reports of the Chief of Engineers dated November 15, 1977 and February 22, 1982, at a Federal cost of $27,700,000;

(5) Vicksburg Harbor, Mississippi: Report of the Chief of Engineers dated August 13, 1979, at a Federal cost of $54,700,000;

(6) Atlantic Intracoastal Waterway Bridges, North Carolina: Report of the Chief of Engineers dated October 1, 1975, at a Federal cost of $8,000,000;

(7) Olcott Harbor, New York: Report of the Chief of Engineers dated June 11, 1980, at a Federal cost of $5,320,000;

(8) Bonneville Lock and Dam, Oregon and Washington-Columbia River and Tributaries Interim Report: Reports of the Chief of Engineers dated March 14, 1980 and February 10, 1981, at a Federal cost of $177,000,000;

(9) Memphis Harbor, Memphis, Tennessee: Report of the Chief of Engineers dated February 25, 1981, at a Federal cost of $43,000,000; and

(10) Gallipolis Locks and Dam Replacement, Ohio River, Ohio and West Virginia: Report of the Chief of Engineers dated April 8, 1982, at a Federal cost of $313,000,000;

(c) FLOOD CONTROL.—

(1) Village Creek, Jefferson County, Alabama: Report of the Chief of Engineers dated December 23, 1982, at a Federal cost of $20,700,000;

(2) Eight Mile Creek, Paragould, Arkansas: Report of the Chief of Engineers dated August 10, 1979, at a Federal cost of $14,500,000;

(3) Fourche Bayou Basin, Little Rock, Arkansas: Report of the Chief of Engineers dated September 4, 1981, at a Federal cost of $19,700,000;

(4) Little Colorado River at Holbrook, Arizona: Report of the Chief of Engineers dated December 23, 1981, at a Federal cost of $7,730,000;

(5) Cache Creek Basin, California: Report of the Chief of Engineers dated April 27, 1981, at a Federal cost of $21,100,000;

(6) Redbank and Fancher Creeks, California: Report of the Chief of Engineers dated May 7, 1981, at a Federal cost of $57,200,000;

(7) Santa Ana River Mainstem, Including Santiago Creek, California: Report of the Chief of Engineers dated January 15, 1982, at a Federal cost of $1,180,000,000;

(8) Fountain Creek, Pueblo, Colorado—Phase I GDM: Report of the Chief of Engineers dated December 23, 1981, at a Federal cost of $6,600,000;

(9) Metropolitan Denver & South Platte River & Tribs. Colorado, Wyoming, and Nebraska: Report of the Chief of Engineers dated December 23, 1981, at a Federal cost of $9,080,000;

(10) Oates Creek, Georgia: Report of the Chief of Engineers dated December 23, 1981, at a Federal cost of $8,360,000;

(11) Agana River, Guam: Report of the Chief of Engineers dated March 14, 1977, at a Federal cost of $5,820,000;

(12) Big Wood River and Tributaries, Idaho, Interim Report—Little Wood River, Vicinity of Gooding & Shoshone, Idaho: Report of the Chief of Engineers dated November 2, 1977, at a Federal cost of $3,750,000;

(13) Rock River at Rockord and Vicinity, Illinois, Loves Park Interim: Report of the Chief of Engineers dated September 15, 1980, at a Federal cost of $22,800,000;

(14) Halstead Kansas: Report of the Chief of Engineers dated May 8, 1979, at a Federal cost of $6,130,000;

(15) Atchafalaya Basin Floodway System, Louisiana: Report of the Chief of Engineers dated February 28, 1983, at a Federal cost of $195,000,000;

(16) Bushley Bayou, Louisiana, Phase I GDM: Reports of the Chief of Engineers dated April 30, 1980 and August 12, 1982, at a Federal cost of $42,800,000;

(17) Louisiana State Penitentiary Levee, Mississippi River: Report of the Chief of Engineers dated December 10, 1982, at a Federal cost of $20,500,000;

(18) Quincy Coastal Streams, Massachusetts (Town Brook Interim): Report of the Chief of Engineers dated December 14, 1981, at a Federal cost of $25,100,000;

(19) Redwood River at Marshall, Minnesota: Report of the Chief of Engineers dated November 16, 1981, at a Federal cost of $3,130,000;

(20) Root River Basin, Minnesota: Report of the Chief of Engineers dated May 13, 1977, at a Federal cost of $8,150,000;

(21) South Fork Zumbro River Watershed at Rochester, Minnesota: Report of the Chief of Engineers dated February 23, 1979, at a Federal cost of $77,800,000;

(22) Horn Lake Creek and Tributaries, Including Cow Pen Creek, Tennessee & Mississippi: Report of the Chief of Engineers dated January 4, 1983, at a Federal cost of $2,450,000;

(23) Robinson's Branch of the Rahway River at Clark, Scotch Plains, and Rahway, New Jersey: Report of the Chief of Engineers dated October 10, 1975, at a Federal cost of $13,500,000;

(24) Rahway River and Van Winkles Brook at Springfield, New Jersey: Report of the Chief of Engineers dated October 24, 1975, at a Federal cost of $12,300,000;

(25) Green Brook Sub-basin, Raritan River Basin, New Jersey: Report of the Chief of Engineers dated September 4, 1981, at a Federal cost of $72,900,000;

(26) Middle Rio Grande Flood Protection, Bernalillo to Belen, New Mexico: Report of the Chief of Engineers dated June 23, 1981, at a Federal cost of $39,200,000;

(27) Puerco River & Tributaries, Gallup, New Mexico: Report of the Chief of Engineers dated September 4, 1981, at a Federal cost of $3,220,000;

(28) Cazenovia Creek Watershed, New York: Report of the Chief of Engineers dated September 8, 1977, at a Federal cost of $1,910,000;

(29) Mamaroneck and Sheldrake Rivers Basin and Byram River Basin, New York and Connecticut: Report of the Chief of Engineers dated April 4, 1979, at a Federal cost of $44,100,000;

(30) Hocking River at Logan and Nelsonville, Ohio: Report of the Chief of Engineers dated June 23, 1978, at a Federal cost of $6,180,000 for Logan and $6,460,000 for Nelsonville;

(31) Miami River, Little Miami River, Interim Report Number Two, West Carrollton, Holes Creek, Ohio: Report of the Chief of Engineers dated December 23, 1981, at a Federal cost of $5,950,000;

(32) Muskingum River Basin, Ohio: Report of the Chief of Engineers dated February 3, 1978, at a Federal cost of $3,500,000 for Mansfield and $6,420,000 for Killbuck;

(33) Scioto River at North Chillicothe, Ohio: Report of the Chief of Engineers dated September 4, 1981, at a Federal cost of $9,070,000;

(34) Mingo Creek, Tulsa, Oklahoma: Report of the Chief of Engineers dated November 16, 1981, at a Federal cost of $87,800,000;

(35) Parker Lake, Muddy Boggy Creek, Oklahoma: Report of the Chief of Engineers dated May 30, 1980, at a Federal cost of $4,980,000;

(36) Harrisburg, Pennsylvania-Phase I GDM: Report of the Chief of Enginers dated May 16, 1979, at a Federal cost of $102,000,000;

(37) Lock Haven, Pennsylvania-Phase I GDM: Report of the Chief of Engineers dated December 14, 1981, at a Federal cost of $65,500,000;

(38) Saw Mill Run, Pittsburgh, Pennsylvania: Report of the Chief of Engineers dated January 30, 1978, at a Federal cost of $7,020,000;

(39) Big River Reservoir, Rhode Island: Report of the Chief of Engineers dated March 9, 1983, at a Federal cost of $40,900,000;

(40) Nonconnah Creek, Tennessee & Mississippi: Report of the Chief of Engineers dated December 23, 1982, at a Federal cost of $19,200,000;

(41) Buffalo Bayou & Tributaries, Texas: Report of the Chief of Engineers dated June 13, 1978, at a Federal cost of $75,000,000;

(42) Boggy Creek, Austin, Texas: Report of the Chief of Engineers dated January 19, 1982, at a Federal cost of $13,800,000;

(43) Lake Wichita, Holliday Creek, Texas: Report of the Chief of Engineers dated July 9, 1979, at a Federal cost of $14,900,000;

(44) James River Basin, Richmond, Virginia-Phase I GDM: Report of the Chief of Engineers dated November 16, 1981, at a Federal cost of $79,600,000;

(45) Chehalis River at South Aberdeen & Cosmoplis, Washington: Report of the Chief of Engineers dated February 8, 1977, at a Federal cost of $19,300,000; and

(46) Yakima Union Gap, Washington: Report of the Chief of Engineers dated May 7, 1980, at a Federal cost of $8,640,000.

(d) HYDROPOWER DEVELOPMENT—

(1) South Central Railbelt Area, Alaska (Hydroelectric Power), Valdez and Copper River Basin: Report of the Chief of Engineers dated October 29, 1982, at a Federal cost of $40,500,000;

(2) Murray Lock and Dam (Hydropower), Arkansas: Report of the Chief of Engineers dated December 23, 1981, at a Federal cost of $92,900,000;

(3) Metropolitan Atlanta Area Water Resources Management Study, Georgia: Report of the Chief of Engineers dated June 1, 1982, at a Federal cost of $24,500,000;

(4) Lucky Peak Dam and Lake, Idaho, Modification Study: Report of the Chief of Engineers dated March 17, 1980, at a Federal cost of $98,700,000;

(5) Libby Reregulation Dam Power Units, Kootenai River, Montana-Design Memorandum One—GDM, Phase I: Report of the Chief of Engineers dated July 18, 1977, at a Federal cost of $74,000,000;

(6) W. D. Mayo Lock & Dam 14 (Hydropower), Oklahoma: Report of the Chief of Engineers dated December 23, 1981, at a Federal cost of $112,000,000; and

(7) McNary Lock and Dam Second Powerhouse, Columbia River, Oregon & Washington-Phase I GDM: Report of the Chief of Engineers dated June 24, 1981, at a Federal cost of $600,000,000;

(e) SHORELINE PROTECTION.—

(1) Charlotte County, Florida: Report of the Chief of Engineers dated April 2, 1982, at a Federal cost of $1,440,000;

(2) Indian River County, Florida: Report of the Chief of Engineers dated December 21, 1981, at a Federal cost of $2,300,000;

(3) Panama City Beaches, Florida: Report of the Chief of Engineers dated July 8, 1977, at a Federal cost of $26,200,000;

(4) St. Johns County, Florida: Report of the Chief of Engineers dated February 26, 1980, at a Federal cost of $7,660,000;

(5) Jekyll Island, Georgia: Report of the Chief of Engineers dated March 3, 1976, at a Federal cost of $5,870,000;

(6) Atlantic Coast of Maryland & Assateague Island, Virginia: Report of the Chief of Engineers dated September 29, 1981, at a Federal cost of $21,000,000;

(7) Atlantic Coast of New York City from Rockaway Inlet to Norton Point, New York: Report of the Chief of Engineers dated August 18, 1976, at a Federal cost of $2,970,000;

(8) Presque Isle Peninsula, Erie, Pennsylvania: Report of the Chief of Engineers dated October 2, 1981, at a Federal cost of $17,200,000; and

(9) Folly Beach, South Carolina: Report of the Chief of Engineers dated March 17, 1981, at a Federal cost of $1,110,000.

(f) MITIGATION.—

(1) Fish & Wildlife Program for the Sacramento River Bank Protection Project, California, First Phase: Report of the Chief of

Engineers dated September 1, 1981, at a Federal cost of $2,030,000;

(2) Richard B. Russell Dam & Lake Savannah River, Georgia & South Carolina, Fish and Wildlife Mitigation Report: Report of the Chief of Engineers dated May 11, 1982, at a Federal cost of $18,700,000;

(3) West Kentucky Tributaries Projects, Fish and Wildlife Mitigation Plan, Obion Creek, Kentucky: Report of the Chief of Engineers dated September 16, 1980, at a Federal cost of $3,980,000;

(4) Cape May Inlet to Lower Township, New Jersey-Phase I GDM: Report of the Chief of Engineers dated December 23, 1981, at a Federal cost of $15,600,000; and

(5) Cooper Lake & Channels Project, Texas Report on Fish and Wildlife Mitigation: Report of the Chief of Engineers dated May 21, 1982, at a Federal cost of $7,570,000.

(g) DEMONSTRATION.—

(1) Cabin Creek, West Virginia, Demonstration Reclamation Project: Report of the Chief of Engineers dated March 1, 1979, at a Federal cost of $32,800,000;

(2) Lava Flow Control, Island of Hawaii, Hawaii: Report of the Chief of Engineers dated July 21, 1981, at a Federal cost of $3,950,000.●

By Mr. BIDEN (for himself, Mr. THURMOND, Mr. BAKER, Mr. NUNN, Mr. LAXALT,, and Mr. LEAHY):

S. 948. A bill to reform Federal criminal and civil forfeiture; to the Committee on the Judiciary.

COMPREHENSIVE FORFEITURE ACT OF 1983

● Mr. BIDEN. Mr. President, along with my distinguished colleagues Senator THURMOND, Senator BAKER, Senator NUNN, Senator LAXALT, and Senator LEAHY, I am introducing today the Comprehensive Forfeiture Act of 1983. The language of this bill is almost identical to the forfeiture provisions contained in the Violent Crime and Drug Enforcement Improvements Act of 1982 which passed the Senate by a vote of 95 to 1 on September 30, 1982. Unfortunately, that bill was vetoed by the President.

In July 1980, as chairman of the Senate Judiciary Subcommittee on Criminal Justice, I chaired hearings on the subject of the Government's efforts to obtain the assets of major drug traffickers. In April 1981, the General Accounting Office released a report that was done at my request entitled "Asset Forfeiture—a Seldom Used Tool in Combating Drug Trafficking." The central conclusion of both of these endeavors was that since enactment in 1970 of the racketeer influenced and corrupt organizations statute, commonly know as Rico, and the Comprehensive Drug Prevention and Control Act, which contained the first Federal criminal forfeiture statutes, the Federal Government's record in taking the profit out of organized crime, especially drug trafficking, has been far below Congress expectations. For example, although drug trafficking is estimated to be a $60 billion a year business, in its report the GAO found that between 1970 and 1980 only $2 million in assets had been turned over to the U.S. Treasury. The GAO also concluded that a major reason for the failure of these statutes—which were in 1970 proclaimed as the ideal weapon for breaking the backs of sophisticated narcotics operations—is that the Justice Department has largely ignored the legislation. In addition, when Justice did get around to pursuing forfeitures, it ran into unanticipated legal snags.

The bill I am introducing today is intended to remove those legal snags, simplifying and streamlining the process of forfeiture, while at the same time taking into account the requirements of due process. In addition, passage of this bill will serve as a signal to the Department of Justice that when these statutes were passed in 1970 Congress meant business. Congress did not put those statutes on the books to be ignored. Congress put them there to be taken seriously by the Justice Department.

The bill is divided into four parts. First, the bill would amend RICO. Most importantly, it would:

First, make clear that the proceeds of racketeering activity are subject to criminal forfeiture, thereby overcoming appellate court decisions holding that "proceeds" and "profits" are not "interests" within the meaning of RICO;

Second, provide a fuller definition of the types of "property" subject to RICO forfeiture;

Third, provide that title to forfeitable property vests in the United States upon commission of the act giving rise to forfeiture;

Fourth, add a section providing that if forfeitable property cannot be located, or has been transferred or sold, substitute assets belonging to the defendant can be forfeited;

Fifth, provide judicial power to issue appropriate protective orders to maintain availability of potentially forfeitable property; and

Sixth, provide for orderly consideration of third-party claims, taking into account the requirements of due process.

The second major section of the bill would add a criminal forfeiture statute to the Comprehensive Drug Abuse Prevention and Control Act, which would in almost all respects parallel the RICO statute as amended.

Third, the bill would create a forfeiture fund for the Department of Justice to permit efficient administration of the forfeiture program.

Finally, the bill would amend the civil forfeiture provisions of the Tariff Act to allow the U.S. Customs Service and the Drug Enforcement Administration to process civil forfeiture actions more efficiently, and to allow those agencies to transfer forfeited property to State and local law enforcement agencies who assist them in order to boost Federal-State cooperation. It would also create a forfeiture fund for the U.S. Customs Service.

As many believed in 1970, I still believe that a strong forfeiture statute that is actively implemented is the most effective weapon we have for breaking the backs of sophisticated drug traffickers. I believe the bill we are introducing today will serve that purpose.

I ask unanimous consent that the bill and a summary and analysis of the bill be inserted in the RECORD at this point.

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

S. 948

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 "Comprehensive Forfeiture Act of 1983".

PART A—AMENDMENTS TO R.I.C.O.

SEC. 2. Section 1963 of title 18, United States Code, is amended to read as follows:

"§ 1963. Criminal penalties

"(a) Whoever violates any provision of section 1962 of this chapter—

"(1) shall be fined not more than $25,000 or imprisoned for not more than twenty years, or both; and

"(2) shall forfeit to the United States any property, irrespective of any provision of State law—

"(A) constituting, or derived from, any interest in or contribution to an enterprise he has acquired, maintained, established, operated, controlled, conducted, or participated in the conduct of, in violation of section 1962 of this chapter;

"(B) constituting a means by which he has exerted influence or control over any enterprise he has acquired, maintained, established, operated, controlled, conducted, or participated in the acquisition, maintenance, establishment, operation, conduct or control of, in violation of section 1962 of this chapter; and

"(C) constituting, or derived from, any proceeds which he obtained, directly or indirectly, from racketeering activity or unlawful debt collection in violation of section 1962 of this chapter.

The court, in imposing sentence on such person, shall order, in addition to any other sentence imposed pursuant to this section, that he forfeit to the United States all property described in paragraph (2).

"(b) Property subject to criminal forfeiture under this section includes—

"(1) real property, including things growing on, affixed to, and found in land; and

"(2) tangible and intangible personal property, including rights, privileges, interests, claims, and securities including, but not limited to—

"(A) any position, office, appointment, tenure, commission, or employment contract of any kind which the incumbent acquired or maintained in violation of section 1962 of this chapter, through which the incumbent conducted, or participated in or facilitated the conduct of, the affairs of an enterprise in violation of section 1962 of this chapter, or which afforded the incumbent a source of influence or control over the affairs of an enterprise which was exercised in violation of section 1962 of this chapter;

"(B) any compensation, right or benefit derived from a position, office, appointment, tenure, commission, or employment contract described in subparagraph (A) which the incumbent obtained, directly or indirectly, through a pattern of racketeering activity or unlawful debt collection in violation of section 1962 of this chapter, or which accrued to the incumbent during the period that he controlled, influenced, conducted, or participated in or facilitated the conduct of, the affairs of the enterprise in violation of section 1962 of this chapter; and

"(C) any amount payable or paid under any contract for goods or services which was awarded or performed through a pattern of racketeering activity or unlawful debt collection.

"(c) All right, title, and interest in property described in subsection (a)(2) vests in the United States upon the commission of the act giving rise to forfeiture under this section. Any such property that is held in the name of, or possessed by, a person other than the defendant may be the subject of a special verdict of forfeiture and thereafter shall be ordered forfeited to the United States: *Provided*, That the Attorney General shall not direct disposition of any such property if, in a proceeding under subsection (h), the person establishes to the Attorney General by evidence contained in a petition, or the Attorney General otherwise has reason to know, that—

"(1) the person was a bona fide purchaser of the property for value; and

"(2) the person was reasonably without cause to believe that the property was of the type described in subsection (a)(2).

"(d) If any of the property described in subsection (a)(2)—

"(1) cannot be located,

"(2) has been transferred to, sold to, or deposited with, a third party,

"(3) has been placed beyond the jurisdiction of the court,

"(4) has been substantially diminished in value by any act or omission of the defendant, or

"(5) has been commingled with other property which cannot be divided without difficulty.

the court shall order the forfeiture of any other property of the defendant up to the value of any property described in paragraphs (1) through (5).

"(e)(1) Upon application of the United States, the court may, after a hearing with respect to which any adverse parties have been given reasonable notice and opportunity to participate, enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property described in subsection (a)(2) for forfeiture under this section—

"(A) upon the filing of an indictment or information charging a violation of section 1962 of this chapter and alleging that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section; or

"(B) prior to the filing of such an indictment or information, if the court determines—

"(i) that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and that the property is in the possession or control of the party against whom the order is to be entered, and

"(ii) that the party against whom the order is to be entered has failed to demonstrate that the entry of the requested order would result in substantial and irreparable harm or injury to him that outweighs the need to preserve the availability of the property through the entry of the requested order.

An order entered pursuant to subparagraph (B) shall be effective for not more than ninety days, unless extended by the court for good cause shown or unless an indictment or information described in subparagraph (A) has been filed.

"(2) Upon application of the United States, a temporary restraining order to preserve the availability of property described in subsection (a)(2) for forfeiture under this section may be granted without notice to the adverse party or his attorney if—

"(A) an indictment or information described in paragraph (1)(A) has been filed or if the court determines that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and that the property is in the possession or control of the party against whom the order is to be entered; and

"(B) the court determines that the nature of the property is such that it can be concealed, disposed of, or placed beyond the jurisdiction of the court before the adverse party may be heard in opposition.

A temporary order granted without notice to the adverse party shall expire within such time, not to exceed ten days, as the court fixes, unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period. If a temporary restraining order is granted without notice to the adverse party, a hearing concerning the entry of an order under paragraph (1) shall be held at the earliest possible time and prior to the expiration of the temporary order.

"(3) The court may receive and consider, at a hearing held pursuant to this subsection, evidence and information that would be inadmissible under the Federal Rules of Evidence.

"(f) Upon conviction of a person under this section, the court shall enter a judgment of forfeiture of the property to the United States and shall also authorize the Attorney General to seize all property ordered forfeited upon such terms and conditions as the court shall deem proper. Following the entry of an order declaring the property forfeited, the court may, upon application of the United States, enter such appropriate restraining orders of injunctions, require the execution of satisfactory performance bonds, appoint receivers, conservators, appraisers, accountants, or trustees, or take any other action to protect the interest of the United States in the property ordered forfeited. Any income accruing to or derived from an enterprise, or an interest in an enterprise, ordered forfeited under this section may be used to offset ordinary and necessary expenses to the enterprise which are required by law, or which are necessary to protect the interests of the United States or third parties.

"(g) Following the seizure of property ordered forfeited under this section, the Attorney General shall direct the disposition of the property by sale or any other commercially feasible means, making due provision for the rights of any innocent persons. Any property right or interest not exercisable by, or transferable for value to, the United States shall expire and shall not revert to the defendant, nor shall the defendant or any person acting in concert with him or on his behalf be eligible to purchase forfeited property at any sale held by the United States. Upon application of a person, other than the defendant or a person acting in concert with him or on his behalf, the court may restrain or stay the sale or disposition of the property pending the conclusion of any appeal of the criminal case giving rise to the forfeiture, if the applicant demonstrates that proceeding with the sale or disposition of the property will result in irreparable injury, harm or loss to him. The proceeds of any sale or other disposition of property forfeited under this section and any moneys forfeited shall be used to pay all proper expenses for the forfeiture and the sale, including expenses of seizure, maintenance and custody of the property pending its disposition, advertising and court costs. The Attorney General shall forward to the Treasurer of the United States for deposit in the general fund of the United States Treasury any amounts of such proceeds or moneys remaining after the payment of such expenses.

"(h) With respect to property ordered forfeited under this section, the Attorney General is authorized to—

"(1) grant petitions for mitigation, or remission of forfeiture, restore forfeited property to victims of a violation of this chapter, or take any other action to protect the rights of innocent persons which is in the interest of justice and which is not inconsistent with the provisions of this chapter;

"(2) compromise claims arising under this chapter;

"(3) award compensation to persons providing information resulting in a forfeiture under this section;

"(4) direct the disposition by the United States of all property ordered forfeited under this section by public sale or any other commercially feasible means, making due provision for the rights of innocent persons; and

"(5) take appropriate measures necessary to safeguard and maintain property ordered forfeited under this section pending its disposition.

A person who has filed a petition for remission or mitigation of forfeiture under this subsection, and who is dissatisfied with the Attorney General's decision regarding his petition, may obtain review of the Attorney General's decision in the district court in which the order of forfeiture was entered. The court shall set aside the decision of the Attorney General if it finds, based on the record of the petition proceedings, that the decision is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

"(i) the Attorney General shall within one hundred and eighty days of the enactment of this Act promulgate regulations with respect to—

"(1) making reasonable efforts to provide notice to persons who may have an interest in property ordered forfeited under this section;

"(2) granting petitions for remission or mitigation of forfeiture;

"(3) the restitution of property to victims of an offense petitioning for remission or mitigation of forfeiture under this chapter;

"(4) the disposition by the United States of forfeited property by public sale or other commercially feasible means;

"(5) the maintenance and safekeeping of any property forfeited under this section pending its disposition; and

"(6) the compromise of claims arising under this chapter.

Pending the promulgation of such regulations, all provisions of law relating to the disposition of property, or the proceeds from the sale thereof, or the remission or mitigation of forfeitures for violation of the customs laws, and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as applicable and not inconsistent with the provisions hereof. Such duties as are imposed upon the Customs Service or any other person with respect to the disposition of property under the customs law shall be performed under this chapter by the Attorney General.

"(j) Except as provided in this section, no party claiming an interest in property subject to forfeiture under this section may—

"(1) intervene in a trial or appeal of a criminal case involving the forfeiture of such property under this section; or

"(2) commence an action at law or equity against the United States concerning the validity of his alleged interest in the property, prior to or during the trial or appeal of the criminal case, or during the period in which any petition for remission or mitigation of forfeiture is pending before the Attorney General.

"(k) The district courts of the United States shall have jurisdiction to enter orders as provided in this section without regard to the location of any property which may be subject to forfeiture under this section or which has been ordered forfeited under this section.

"(l) In order to facilitate the identification or location of property declared forfeited and to facilitate the disposition of petitions for remission or mitigation of forfeiture, after the entry of an order declaring property forfeited to the United States the court may, upon application of the United States, order that the testimony of any witness relating to the property forfeited be taken by deposition and that any designated book, paper, document, record, recording, or other material not privileged be produced at the same time and place, in the same manner as provided for the taking of depositions under rule 15 of the Federal Rules of Criminal Procedure.".

PART B—AMENDMENTS TO CONTROLLED SUBSTANCES ACT AND OTHER DRUG LAWS

Sec. 3. Part D of the Controlled Substances Act (21 U.S.C. 841 et seq.), is amended by adding at the end thereof the following new section:

"CRIMINAL FOREFEITURES

"Sec. 413. (a) Any person convicted of a violation of this title or title III punishable by imprisonment for more than one year shall forfeit to the United States, irrespective of any provision of State law—

"(1) any property constituting, or derived from, any proceeds he obtained, directly or indirectly as the result of such violation;

"(2) any of this property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation; and

"(3) in the case of a person convicted of engaging in a continuing criminal enterprise in violation of section 408 of this title (21 U.S.C. 848), he shall forfeit, in addition to any property described in paragraph (1) or (2), any of his interest in, claims against, and property or contractual rights affording a source of control over, the continuing criminal enterprise.

The court, in imposing sentence on such person, shall order, in addition to any other sentence imposed pursuant to this title or title III, that he forfeit to the United States all property described in this subsection.

"(b) Property subject to criminal forfeiture under this section includes—

"(1) real property, including things growing on, affixed to, and found in land; and

"(2) tangible and intangible personal property, including rights, privileges, interests, claims and securities.

"(c) All right, title, and interest in property described in subsection (a) vests in the United States upon the commission of the act giving rise to forfeiture under this section. Any such property that is held in the name of, or possessed by, a person other than the defendant may be the subject of a special verdict of forfeiture and thereafter shall be ordered forfeited to the United States: *Provided*, That the Attorney General shall not direct dispostion of any such property if, in a proceeding under subsection (i), the person establishes to the Attorney General by evidence contained in a petition for remission or mitigation of forfeiture, or the Attorney General otherwise has reason to know, that—

"(1) the person was a bona fide purchaser of the property for value; and

"(2) the person was reasonably without cause to believe that the property was of the type described in subsection (a).

"(d) If any of the property described in subsection (a)—

"(1) cannot be located,

"(2) has been transferred to, sold to, or deposited with a third party,

"(3) has been placed beyond the jurisdiction of the court,

"(4) has been substantially diminished in value by any act or omission of the defendant, or

"(5) has been commingled with other property which cannot be divided without difficulty,

the court shall order the forfeiture of any other property of the defendant up to the value of any property described in paragraphs (1) through (5).

"(e)(1) Upon application of the United States, the court may, after a hearing with respect to which any adverse parties have been given reasonable notice and opportunity to participate, enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property described in subsection (a) for forfeiture under this section—

"(A) upon the filing of an indictment or information charging a violation of this title or title III for which criminal forfeiture may be ordered under this section and alleging that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section; or

"(B) prior to the filing of such an indictment or information, if the court determines—

"(i) that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and that the property is in the possession or control of the party against whom the order is to be entered, and

"(ii) that the party against whom the order is to be entered has failed to demonstrate that the entry of the requested order would result in substantial and irreparable harm or injury to him that outweighs the need to preserve the availability of the property through the entry of the requested order.

An order entered pursuant to subparagraph (B) shall be effective for not more than ninety days, unless extended by the court for good cause shown or unless an indictment or information described in subparagraph (A) has been filed.

"(2) Upon application of the United States, a temporary restraining order to preserve the availability of property described in subsection (a) for forfeiture under this section may be granted without notice to the adverse party or his attorney if—

"(A) an indictment or information described in paragraph (1)(A) has been filed or if the court determines that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and that the property is in the possession or control of the party against whom the order is to be entered; and

"(B) the court determines that the nature of the property is such that it can be concealed, disposed of, or placed beyond the jurisdication of the court before the adverse party may be heard in opposition.

A temporary order granted without notice to the adverse party shall expire within such time, not to exceed ten days, as the court fixes, unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period. If a temporary restraining order is granted without notice to the adverse party, a hearing concerning the entry of an order under paragraph (1) shall be held at the earlist possible time and prior to the expiration of the temporary order.

"(3) The court may receive and consider, at a hearing held pursuant to this subsection, evidence and information that would be inadmissible under the Federal Rules of Evidence.

"(f) The Government may request the issuance of a warrant authorizing the seizure of property subject to forfeiture under this section in the same manner as provided for a search warrant. If the court determines that there is probable cause to believe that the property to be seized would, in the event of conviction, be subject to forfeiture and that an order under subsection (f) may not be sufficient to assure the availability of the property for forfeiture, the court shall issue a warrant authorizing the seizure of such property.

"(g) Upon entry of an order of forfeiture under this section, the court shall authorize the Attorney General to seize all property ordered forfeited upon such terms and conditions as the court shall deem proper. Following entry of an order declaring the property forfeited, the court may, upon application of the United States, enter such appropriate restraining orders or injunctions, require the execution of satisfactory performance bonds, appoint receivers, conservators, appraisers, accountants, or trustees, or take any other action to protect the interest of the United States in the property ordered forfeited. Any income accruing to or derived from property ordered forfeited under this section may be used to offset ordinary and necessary expenses to the property which are required by law, or which are necessary to protect the interests of the United States or third parties.

"(h) Following the seizure of property ordered forfeited under this section, the Attorney General shall direct the disposition of the property by sale or any other commercially feasible means, making due provisions for the rights of any innocent persons. Any property right or interest not exercisable by, or transferable for value to, the United States shall expire and shall not revert to the defendant, nor shall the defendant or any person acting in concert with him or on his behalf be eligible to purchase forfeited property at any sale held by the United States. Upon application of a person, other than the defendant or a person acting in concert with him or on his behalf, the court may restrain or stay the sale or disposition of the property pending the conclusion of any appeal of the criminal case giving rise to the forfeiture, if the applicant demonstrates that proceeding with the sale or disposition of the property will result in irreparable injury, harm, or loss to him.

"(i) With respect to property ordered forfeited under this section, the Attorney General is authorized to—

"(1) grant petitions for mitigation or remission of forfeiture, restore forfeited property to victims of a violation of this chapter, or take any other action to protect the rights of innocent persons which is in the interest of justice and which is not inconsistent with the provisions of this chapter;

"(2) compromise claims arising under this chapter;

"(3) award compensation to persons providing information resulting in a forfeiture under this section;

"(4) direct the dispostion by the United States, in accordance with the provisions of section 511(e) of this title (21 U.S.C. 881(e)), of all property ordered forfeited under this section by public sale or any other commercially feasible means, making due provision for the rights of innocent persons; and

"(5) take appropriate measures necessary to safeguard and maintain property ordered forfeited under this section pending its disposition.

A person who has filed a petition for remission or mitigation of forfeiture under this subsection, and who is dissatisfied with the Attorney General's decision regarding his petition, may obtain review of the Attorney General's decision in the district court in which the order of forfeiture was entered. The court shall set aside the decision of the Attorney General if it finds, based on the record of the petition proceedings, that the decision is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

"(j) Except to the extent that they are inconsistent with the provisions of this section, the provisions of section 511(d) of this title (21 U.S.C. 881(d)) shall apply to a criminal forfeiture under this section.

"Bar on Intervention; Exhaustion of Administrative Remedies

"(k) Except as provided in this section, no party claiming an interest in property subject to forfeiture under this section may—

"(1) intervene in a trial or appeal of a criminal case involving the forfeiture of such property under this section; or

"(2) commence an action at law or equity against the United States concerning the validity of his alleged interest in the property, prior to or during the trial or appeal of the criminal case, or during the period in which any petition for remission or mitigation of forfeiture is pending before the Attorney General.

"(1) The district courts of the United States shall have jurisdiction to enter orders as provided in this section without regard to the location of any property which may be subject to forfeiture under this section or which has been ordered forfeited under this section.

"(m) In order to facilitate the identification and location of property declared forfeited and to facilitate the disposition of petitions for remission or mitigation of forfeiture, after the entry of an order declaring property forfeited to the United States, order that the testimony of any witness relating to the property forfeited be taken by deposition and that any designated book, paper, document, record, recording, or other material not privileged be produced at the same time and place, in the same manner as provided for the taking of depositions under rule 15 of the Federal Rules of Criminal Procedure.".

SEC. 4. Section 304 of the Controlled Substances Act (21 U.S.C. 824) is amended by adding at the end of subsection (f) the following sentence: "All right, title, and interest in such controlled substances shall vest in the United States upon a revocation order becoming final.".

SEC. 5. Section 408 of the Controlled Substances Act (21 U.S.C. 848) is amended—

(a) in subsection (a)—

(1) by striking out "(1)";

(2) by striking out "paragraph (2)" each time it appears, and inserting in lieu thereof "section 413 of this title"; and

(3) by striking out paragraph (2); and

(b) by striking out subsection (d).

SEC. 6. Section 511 of the Controlled Substances Act (21 U.S.C. 881) is amended—

(a) in subsection (a) by inserting at the end thereof the following new subsection:

"(7) All real property, including any right, title, and interest in the whole of any lot or tract of land, and any appurtenances or improvements on such property, which is used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, a violation of this title punishable by more than one year's imprisonment, except that no property shall be forfeited under this paragraph, to the extent of an interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner.";

(b) in subsection (b)—

(1) by inserting "civil or criminal" after "Any property subject to"; and

(2) by striking out in paragraph (4) "has been used or is intended to be used in violation of" and inserting in lieu thereof "is subject to civil or criminal forfeiture under";

(c) in subsection (c)—

(1) by inserting in the second sentence "any of" after "Whenever property is seized under"; and

(2) by inserting in paragraph (3) ", if practicable," after "remove it";

(d) in subsection (d) by inserting "any of" after "alleged to have been incurred, under";

(e) in subsection (e)—

(1) by inserting "civilly or criminally" in the first sentence after "Whenever property is"; and

(2) by striking out in paragraph (3) "remove it for disposition" and inserting in lieu thereof "and dispose of it"; and

(f) by inserting at the end thereof the following new subsections:

"(h) All right, title, and interest in property described in subsection (a) shall vest in the United States upon commission of the act giving rise to forfeiture under this section.

"(i) Pending, or upon, the filing of an indictment or information charging a violation of this title or title III for which criminal forfeiture may be ordered under section 413 of this title, and alleging that property would, in the event of conviction, be subject to criminal forfeiture, any civil forfeiture proceeding concerning such property commenced under this section shall, for good cause shown, be stayed pending disposition of the criminal case.".

SEC. 7. Part A of the Controlled Substances Import and Export Act (21 U.S.C. 1001-1016) is amended by adding at the end thereof the following:

"CRIMINAL FORFEITURES

"Sec. 1017. Section 413 of title II, relating to criminal forfeitures, shall apply in every respect to a violation of this title punishable by imprisonment for more than one year.".

SEC. 8. The table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended—

(a) by adding immediately after the item for section 412 the following new item:

"Sec. 413. Criminal forfeitures."

and

(b) by adding immediately after the item for section 1016 the following new item:

"Sec. 1017. Criminal forfeitures.".

PART C—DRUG ASSETS FORFEITURE FUND

SEC. 9. (a) Section 511(e)(1) of the Controlled Substances Act (21 U.S.C. 881) is amended by adding after "retain the property for official use" the following: "or transfer the custody or ownership of any forfeited property to any Federal, State, or local agency pursuant to section 616 of the Tariff Act of 1930 (19 U.S.C. 1616)".

(b) Section 511(e) of the Controlled Substances Act (21 U.S.C. 881(e)) is further amended by striking out all that follows "moneys forfeited under this title shall be" and inserting in lieu thereof the following: "deposited in the Drug Assets Forfeiture Fund.".

SEC. 10. Part E of the Controlled Substances Act (21 U.S.C. 871 et seq.) is amended by adding at the end thereof the following:

"§ 517. Drug assets forfeiture fund

"(a) There is hereby established in the Treasury of the United States a special account that shall be entitled the 'Drug Assets Forfeiture Fund'. This account shall be available without fiscal year limitations for the following purposes of the United States Department of Justice:

"(1) the payment of all expenses necessary to inventory, safeguard and maintain property under seizure, detention, or forfeited pursuant to any provision of this Act. Expenses of maintenance may include payments for contract services and payment to reimburse any Federal, State, or local agency for any expenditures made to perform the foregoing functions;

"(2) the payment of awards for information or assistance leading to a civil or criminal forfeiture under, or regarding any violation of, this Act, at the discretion of the Attorney General; and

(3) the payment of valid liens and mortgages against any property that has been forfeited pursuant to any provision of this Act, subject to the discretion of the Attorney General to determine the validity of any such lien or mortgage and the amount of payment to be made.

"(b) The Drug Assets Forfeiture Fund shall be initially funded by any sums not otherwise obligated from the 1981 and 1982 fiscal year appropriations of the United States Department of Justice.

"(c) All proceeds from the sale or other disposition of property forfeited under any provision of this Act and any seized and forfeited currency shall be deposited to the Drug Assets Forfeiture Fund.

"(d) At the end of each calendar quarter, any sums in the Fund in excess of ten million dollars shall be transferred to the general fund of the Treasury of the United States.

"(e) Amounts in the Fund which are not currently needed for the purposes of this section shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

"(f) Within sixty days of the end of each fiscal year, the Attorney General shall report to the appropriate oversight committee of the Congress on the receipts and disbursement of the Drug Assets Forfeiture Fund.

"(g) The provisions relating to payments to and disbursements from the Drug Assets Forfeiture Fund established by this section shall apply to all property disbursed of or in Department of Justice custody on or after the effective date of the Violent Crime and Drug Enforcement Improvements Act of 1983.".

PART D—AMENDMENTS TO TARIFF ACT OF 1930

SEC. 11. Section 607 of the Tariff Act of 1930 (19 U.S.C. 1607) is amended to read as follows:

"§ 607. Seizure; value $100,000, or less; prohibited articles; transporting conveyances

"If—

"(1) the value of such seized vessel, vehicle, aircraft, merchandise, or baggage does not exceed $100,000;

"(2) such seized merchandise consists of articles the importation of which is prohibited; or

"(3) such seized vessel, vehicle, or aircraft was used to import, export, or otherwise transport or store any controlled substances, the appropriate customs office shall cause a notice of the seizure of such articles and the intention to forfeit and sell or otherwise dispose of the same according to law to be published for at least three successive weeks in such manner as the Secretary of the Treasury may direct. Written notice of seizure together with information on the applicable procedures shall be sent to each party who appears to have an interest in the seized article.".

SEC. 12. Section 608 of the Tariff Act of 1930 (19 U.S.C. 1608) is amended by striking out "$250" in the second sentence and inserting in lieu thereof the following: "$2,500 or ten percent of the value of the claimed property, whichever is less,".

SEC. 13. Section 609 of the Tariff Act of 1930 (19 U.S.C. 1609) is amended by striking out "after deducting the actual expenses of seizure, publication, and sale in the Treasury of the United States." and inserting in lieu thereof the following: "into the Customs Forfeiture Fund.".

SEC. 14. Section 610 of the Tariff Act of 1930 (19 U.S.C. 1610) is amended by striking out "If the value of any vessel, vehicle, merchandise, or baggage, so seized is greater than $10,000," and substituting in lieu thereof the following: "If any vessel, vehicle, aircraft, merchandise, or baggage is not subject to the procedure set forth in section 607,".

SEC. 15. Section 612 of the Tariff Act of 1930 (19 U.S.C. 1612) is amended by—

(1) inserting "aircraft," immediately after "vehicle," wherever it appears in the section;

(2) striking out "and the value of such vessel, vehicle, merchandise, or baggage as determined under section 605 does not exceed $10,000," in the first sentence and inserting in lieu thereof the following: "and the article is subject to the provisions of section 607 of this Act,"; and

(3) striking out "If such values of such vessel, vehicle, merchandise, or baggage exceeds $10,000," in the second sentence and inserting in lieu thereof the following: "If the article is not subject to the provisions of section 607 of this Act,".

SEC. 16. (a) Section 613(a) of the Tariff Act of 1930 (19 U.S.C. 1613(a)) is amended by striking out "disposed of as follows:", in clauses (1), (2), and (3), and inserting in lieu thereof the following: "deposited in the Customs Forfeiture Fund".

(b) Section 613(b) of the Tariff Act of 1930 (19 U.S.C. 1613(b)) is amended by striking out "(a)(1) and (2) of this section" and inserting in lieu thereof "(a)(4) of section 613a of this Act (19 U.S.C. 1613a(a)(4)).".

SEC. 17. The Tariff Act of 1930 is amended by adding a new section immediately after section 613 (19 U.S.C. 1613) to read as follows:

"§ 613a. Customs forfeiture fund

"(a) There is hereby established in the Treasury of the United States a special account for the United States Customs Service that shall be entitled the 'Customs Forfeiture Fund'. This account shall be available without fiscal year limitations for the following purposes of the United States Customs Service—

"(1) the payment of all expenses necessary to inventory, safeguard, and maintain property under seizure, detention, or forfeited pursuant to any law enforced or administered by the United States Customs Service, including payments for expenses of maintenance, contract services, and to reimburse any Federal, State, or local agency for any expenditures made for the maintenance of property;

"(2) the payment of awards of compensation to informers under section 619 of the Tariff Act of 1930, as amended;

"(3) the payment by appropriate customs officers for the purchase of information concerning violations or possible violations of any law enforced or administered by the Customs Service; and

"(4) the payment to persons whom the appropriate customs officer determines hold valid—

"(A) liens for freight, charges, and contributions in general average, notice of which has been filed with the appropriate customs officer according to law; and

"(B) liens against property that has been forfeited pursuant to any law enforced or administered by the United States Customs Service,

subject to the condition that no payment to a lienholder shall exceed the net proceeds of the sale or, where the property is retained or transferred for official use, the appraised value less all applicable expenses.

"(b) The Fund shall be initially funded by any sums not otherwise obligated from the 1981 and 1982 fiscal year appropriations of the United States Customs Service.

"(c) All proceeds from the sale or other disposition of property forfeited, including any seized and forfeited currency, under any law enforced or administered by the Customs Service shall be deposited to the Customs Forfeiture Fund.

"(d) At the end of each calendar quarter, any sums in the Fund in excess of $10,000,000 shall be transferred to the general fund of the Treasury of the United States.

"(e) Amounts in the Fund which are not currently needed for the purposes of this subsection shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

"(f) Within sixty days of the end of each fiscal year, the Commissioner of Customs will report to the appropriate oversight committee of the Congress on the receipts and disbursement of the Customs Forfeiture Fund.

"(g) The provisions relating to payments and disbursements from the Fund established by this section shall apply to all property disbursed of or in the custody of the Customs Service on or after the effective date of this Act.".

SEC. 18. A new section, section 616, is added to the Tariff Act of 1930 (19 U.S.C. 1616) to read as follows:

"§ 616. Disposition of forfeited property

"(a) Notwithstanding any other provision of law, the Commissioner is authorized to retain forfeited property for official use or to transfer such forfeited property on such terms or conditions as he may determine to—

"(1) any other Federal agency; or

"(2) any State or local governmental agency which routinely assists in the enforcement of the laws of the United States or participated in any of the acts which led to the property being seized.

The United States shall not be liable in any action arising out of the use of any property the custody of which was transferred pursuant to this section to any non-Federal agency.

"(b) The Secretary of the Treasury is authorized to order the discontinuance of any Federal forfeiture proceedings in favor of the institution of forfeiture proceedings by State or local authorities under an appropriate State or local statute when he determines that such action is in the best interest of the United States. After the filing of a complaint for forfeiture in a United States district court, the appropriate attorney for the Department of Justice shall also have the authority to seek a voluntary dismissal of the complaint in favor of State or local action when he deems it to be in the best interest of the United States.

"(c) Whenever forfeiture proceedings are discontinued by the Federal Government in favor of State or local proceedings, the Secretary is authorized to transfer custody and possession of the seized property to the appropriate State or local official immediately upon the initiation of the proper actions by such officials.

"(d) Whenever forfeiture proceedings are discontinued by the Federal Government in favor of State or local proceedings, notice shall be sent to all known interested parties advising them of such a decision. The United States shall not be liable in any action arising out of the seizure, detention, and transfer of seized property to State or local officials.".

SEC. 19. Section 619 of the Tariff Act of 1930 (19 U.S.C. 1619) is amended by striking out "$50,000" wherever it appears and inserting in lieu thereof "$250,000".

SEC. 20. (a) The Tariff Act of 1930 is amended by adding a new section to read as follows:

"§ 589. Arrest authority of customs officers

"Subject to the direction of the Secretary of the Treasury, an officer of the Customs Service as defined in section 401(i) of this Act, as amended, may—

"(1) carry a firearm;

"(2) execute and serve any order, warrant, subpena, summons, or other process issued under the authority of the United States for arrest, search or seizure, or production of evidence;

"(3) make an arrest without a warrant for any offense against the United States committed in the officer's presence or for a felony, cognizable under the laws of the United States committed outside the officer's presence if the officer has reasonable grounds to believe that the person to be arrested has committed or is committing a felony; and

"(4) perform any other law enforcement duty that the Secretary of the Treasury may designate.".

(b) Section 7607 of the Internal Revenue Act of 1954 (26 U.S.C. 7607) is repealed.

SEC. 21. Sections 602, 605, 606, 608, 609, 611, 613, 614, 615, 618, and 619 (19 U.S.C. 1602, 1605, 1606, 1608, 1609, 1611, 1613, 1614, 1615, 1618, and 1619) of the Tariff Act of 1930 are amended by inserting the word "aircraft," immediately after the words "vehicle" or "vehicles," wherever they appear.

SUMMARY AND ANAYLSIS OF COMPREHENSIVE FORFEITURE ACT OF 1983

I. PARTS A AND B

This bill is designed to enhance the use of forfeiture, and in particular the sanction of criminal forfeiture, as a law enforcement tool in combatting two of the most serious crime problems facing the country: racketeering and drug trafficking.

There are presently two types of forfeiture statutes in Federal law. The first provides for civil forfeiture, a civil in rem action, brought directly against property which is unlawful or contraband, or which has been used for an unlawful purpose. The majority of drug-related property, including drug profits, must be forfeited civilly under 21 U.S.C. 881. While this civil forfeiture statute has been an extremely useful tool in the effort to combat drug trafficking, a significant drawback is the requirement that a separate civil suit be filed in each district in which forfeitable property is located. Where the property to be forfeited is the property of a person charged with a drug violation, and that violation constitutes the basis for forfeiture, a more efficient way of achieving forfeiture would be to employ the second type of forfeiture statute, a criminal forfeiture statute.

Criminal forfeiture is relatively new to Federal law, although it has its origins in ancient English common law. It is an in personam proceeding against a defendant in a criminal case, and is imposed as a sanction against the defendant upon his conviction. Criminal forfeiture is now available under two statutes: The Racketeer Influenced and Corrupt Organizations statute (18 U.S.C. 1961 et seq., hereinafter referred to as RICO) and the Continuing Criminal Enterprise statute (21 U.S.C. 848, hereinafter referred to as CCE), which punish those who engage in racketeering enterprises or drug trafficking organizations.

In the last decade there has been an increasing awareness of the extremely lucrative nature of drug trafficking and of the illicit economy which it generates and through which it is sustained, and thus, of the importance of effective tools for attacking the economic aspects of such crime. A similar awareness with respect to racketeering led to the enactment of the RICO and CCE statutes more than ten years ago.

Both civil and criminal forfeiture hold significant promise as important law enforcement tools in separating racketeers and drug traffickers from their ill-gotten profits and the economic power bases through which they operate. However, because of limitations of and ambiguities in present forfeiture statutes, the law enforcement potential of forfeiture in those areas has not been fully realized. This bill is designed to address these problems.

This bill is divided into four parts. Part A sets forth an amended version of 18 U.S.C. 1963, the provisions of current law governing the penalties, including criminal forfeiture, for violations of the RICO offenses described in 18 U.S.C. 1962. The most significant of the proposed changes in the current RICO forfeiture provisions are in two areas. First, language is included to make it clear that property which constitutes, or is derived from, the proceeds of racketeering activity punishable under 18 U.S.C. 1962 is subject to an order of criminal forfeiture. Although the Department of Justice has taken the position that such proceeds are already subject to forfeiture under 18 U.S.C. 1963, several courts have rejected this position. Second, the section 1963 amendments are designed to address the problem of defendants defeating forfeiture actions by removing, concealing, or transferring forfeitable assets prior to conviction. These amendments include a provision expanding to the pre-indictment stage a court's authority to enter restraining orders, a provision setting out clear authority voiding such transfers in the context of criminal forfeiture actions, and a provision permitting the court to order the defendant to forfeit substitute assets when the property originally subject to forfeiture is no longer available at the time of conviction.

Part B of the bill makes several amendments to the Comprehensive Drug Abuse Prevention and Control Act of 1970. The most significant of the amendments is the creation of a new criminal forfeiture statute that would be applicable in all cases involving major criminal violations of the Act. This new statute would provide for criminal forfeiture of the proceeds of drug offenses as well as property used in the commission of such offenses, and would reduce the need to pursue parallel criminal prosecutions and civil forfeiture actions. This forfeiture statute would also include several of the improvements proposed to the RICO criminal forfeiture statute in Part A. Part B would also amend the civil forfeiture provisions of the narcotics laws (21 U.S.C. 881) to allow, in certain new circumstances, the forfeiture of real property, and to require the stay of civil forfeiture proceedings pending disposition of a criminal case in those instances where the criminal prosecution and forfeiture action cannot, or should not, be consolidated.

SECTION-BY-SECTION ANALYSIS OF PARTS A AND B

Part A

Part A amends 18 U.S.C. 1963, the provision which sets out the penalties for a violation of the RICO statute (18 U.S.C. 1962). The current penalties of fine and imprisonment are retained, but the provisions relating to criminal forfeiture have been amended and expanded. Each of the subsections of 18 U.S.C. 1963, as it would be amended, is discussed below:

18 U.S.C. 1963(a) sets out the penalties for a violation of 18 U.S.C. 1962. Paragraph (1) carries forward the current fine and imprisonment levels. Paragraph (2) describes the property of the defendant that is subject to an order of criminal forfeiture. The substantive change worked by paragraph (2) is that it will specifically provide for forfeiture of profits generated by racketeering activity. Several courts have held that such profits are not currently forfeitable under RICO, and this limiting interpretation has significantly diminished the utility of the statute's criminal forfeiture sanction. The criminal forfeiture provisions of the criminal code reform bill also provided for the forfeiture of proceeds. See S. Rept. No. 97-307, page 948.

18 U.S.C. 1963(b), as amended emphasizes that property subject to civil forfeiture may be either real property or tangible or intangible personal property, and underscores an intent, consistent with current law (see, e.g., *United States* v. *Rubin*, 559 F. 2d 975 (5th Cir. 1977)), that the concept of "property" as used in section 1963 is to be broadly construed.

18 U.S.C. 1963(c), as amended, is a codification of the "taint" theory long recognized in forfeiture cases. Under this theory, forfeiture relates back to the time of illegal acts which give rise to the forfeiture. From that time forward, the property is tainted and remains subject to forfeiture regardless of any subsequent disposition. Absent such a principle, a defendant could avoid forfeiture simply by transferring his property prior to conviction. This subsection makes it clear, however, that in the case of a transfer to a bona fide purchaser for value, the Attorney General may not proceed with disposition of the property. Such persons may obtain a return of their property by filing a petition for remission or mitigation of forfeiture.

18 U.S.C. 1963(d) is new to the law. It provides that where property found to be subject to forfeiture has been removed, concealed, transferred, or substantially depleted, the court may order that the defendant forfeit substitute assets. This section addresses one of the most serious impediments to significant forfeitures. Presently, a defendant may avoid the impact of forfeiture simply by transferring his assets to another, placing them beyond the jurisdiction of the court, or taking other actions to render such property unavailable at the time of conviction. Section 1963(d) addresses this problem. See S. Rept. No. 97-307, pages 948-949.

18 U.S.C. 1963(e), as amended, expands the current authority of the courts to enter restraining or protective orders with respect to property that may be subject to forfeiture. The current restraining order authority, set out in 18 U.S.C. 1963, is limited to the post-indictment period. However, defendants often become aware, prior to indictment, of a criminal investigation and will move to conceal or alienate their forfeitable assets at that time. To address this problem, amended section 1963(e) describes certain circumstances under which the government may obtain a pre-indictment restraining order. This section also articulates the circumstances in which an ex parte restraining order may be issued. Such an order is limited to a term of ten days, and may be issued only when it appears that the giving of notice will result in the transfer or

removal of the property before an order could be issued.

18 U.S.C. 1963(f), as proposed, governs matters arising during the period from the entry of the order of forfeiture until the time that the Attorney General directs disposition of the property. For the most part, these provisions are drawn from current law and practices, and have been formulated to provide necessary flexibility.

18 U.S.C. 1963(g) concerns matters regarding the disposition of property, and is drawn largely from current law. A new aspect of this provision is that is specifically authorizes the court to stay disposition of the forfeited property pending an appeal of the criminal case if a third party claiming an interest in the property demonstrates that such disposition will result in irreparable injury, harm, or loss to him. Once the property has been disposed of, the proceeds are to be used to pay the expenses of the forfeiture and sale, including costs arising from the seizure, maintenance, and custody of the property. The remaining amounts are to be deposited in the general fund of the Treasury.

18 U.S.C. 1963(h) sets forth several aspects of the authority of the Attorney General with respect to property that has been ordered forfeited. This authority is in essence carried forward from existing law, although in a more straightforward manner. This provision also improves on current law in that it articulates a standard for judicial review of the Attorney General's decision with respect to a petition for remission or mitigation of forfeiture, the mechanism whereby innocent third parties may obtain relief from a forfeiture of property in which they may have a legitimate interest.

18 U.S.C. 1963(i). Under current 18 U.S.C. 1963(c), the procedures for most post-seizure matters are governed by the customs laws. In some respects, however, these customs laws provisions have been inadequate in addressing some of the complex issues that arise in RICO cases, where forfeited property may include complex interests in ongoing businesses. Subsection (i) therefore requires the issuance of regulations to govern certain post-seizure matters which may be drafted to address some of the unique problems arising in RICO forfeiture cases.

18 U.S.C. 1963(j) codifies the currently recognized limitations on the commencement of legal actions by third parties claiming an interest in property subject to forfeiture. See *United States* v. *Mandel*, 505 F. Supp. 189 (D. Md. 1981).

18 U.S.C. 1963(k) emphasizes the current jurisdiction of the court to enter orders under Part A of this title without regard to the location of the property—a principle which distinguishes criminal forfeiture from in rem civil forfeiture actions.

18 U.S.C. 1963(l), as amended, authorizes the court to order the taking of depositions to facilitate the identification and location of property that has been ordered forfeited and to facilitate the disposition of petitions for remission or mitigation of forfeiture. The taking of such depositions will provide for a more orderly and fair consideration of these matters and will permit the development of a more complete record.

Part B

Part B of the bill sets out various amendments to the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801 et seq.).

The first section creates a new generally applicable criminal forfeiture statute for all felony violations of Titles II and III of the Comprehensive Drug Abuse Prevention and Control Act. This statute is, in virtually all respects, identical to the RICO criminal forfeiture statute as amended by this bill, and will appear as a new section 413 of the Act. Section 413 is divided into the following subsections.

Subsection (a) of section 413 provides for the sanction of criminal forfeiture upon a defendant's conviction for a felony drug offense. Property which is subject to criminal forfeiture under this provision includes the proceeds of the drug violation (now subject to civil forfeiture under 21 U.S.C. 881(a)(6)), property used or intended to be used to commit the violation (such property is largely subject to civil forfeiture under current 21 U.S.C. 881), and the property already subject to criminal forfeiture under the Continuing Criminal Enterprise statute (21 U.S.C. 848).

Subsection (b) of section 413, like the analogous provision of 18 U.S.C. 1963, as amended by this bill, emphasizes that the term "property", as used in section 413(a), is to be broadly construed.

Subsection (c) of section 413—see analysis of section in Part A above that refers to new 18 U.S.C. 1963(c).

Subsection (d) of section 413—see analysis of section in Part A above that refers to the analogous substitute assets provision of new 18 U.S.C. 1963(d).

Subsection (e) of section 413—see analysis of section in Part A above that refers to the analogous protective order provision of new 18 U.S.C. 1963(e).

Subsection (f) recognizes that in drug cases forfeitable assets frequently take the form of cash, precious metals and gems, and other property that is easily moved or concealed. With respect to such property, a restraining or protective order may not be sufficient to assure the availability of the property for forfeiture. Therefore, this section provides for the issuance of a warrant of seizure if the government demonstrates that a protective or restraining order will not be sufficient.

Subsection (g) of section 413—see analysis of section in Part A that refers to the analogous provision of new 18 U.S.C. 1963(f), governing certain matters arising in the period between the entry of the order of foreiture and the disposition of the property.

Subsection (h) of section 413—see analysis of section in Part A that refers to the analogous provision of new 18 U.S.C. 1963(g), which governs matters concerning the disposition of property ordered forfeited.

Subsection (i) of section 413—see analysis of section in Part A that refers to the analogous provision of new 18 U.S.C. 1963(h), enumerating the authorities of the Attorney General.

Subsection (j) of section 413 retains the current application of the customs laws to certain matters arising under forfeitures effected under titles 21, United States Code. See 21 U.S.C. 881(d).

Subsection (k) of section 413—see analysis of section in Part A that refers to new 18 U.S.C. 1963(j).

Subsection (l) of section 413—see analysis of section in Part A that refers to new 18 U.S.C. 1963(k).

Subsection (m) of section 413—see analysis of section in Part A that refers to new 18 U.S.C. 1963(l).

The second section of Part B incorporates in 21 U.S.C. 824(f) (relating to the forfeiture of controlled substances held by a dispenser or manufacturer whose registration has been revoked) the "taint" theory discussed above.

The third section of Part B deletes the separate criminal forfeiture provisions of the Continuing Criminal Enterprise statute (21 U.S.C. 848). Criminal forfeiture arising out of a violation of this statute will be governed by the new criminal forfeiture statute set out above

The fourth section of Part B amends certain provisions of 21 U.S.C. 881, which provides for the civil forfeiture of a variety of drug related property, and which also governs certain procedural matters both in civil and criminal forfeitures under the CCE statute.

The first amendment would add to the list of property subject to civil forfeiture real property which is used in a felony violation of title 21. An "innocent owner" exception like that now included in other provisions of section 881 (a)— is included.

The amendment to subsection (b), (c), (d), and (e) of section 881 are essentially technical and conforming amendments. In addition, two new subsections are added to 21 U.S.C. 881. The first codifies the "taint" theory now clearly applicable in civil forfeiture actions. The section provides for a stay of civil forfeiture proceedings where a criminal action including criminal forfeiture of the same property is commenced.

The fifth section of Part B adds a new section at the end of Title III of the Comprehensive Drug Abuse Prevention and Control Act to make it clear that the new criminal forfeiture statute applies in cases of felony violations involving the import or export of controlled substances.

The sixth section of Part B carries necessary conforming amendments.

II. PARTS C AND D

Part C would create a forfeiture fund for Justice. Part D would amend the civil forfeiture provisions of the Tariff Act to allow Customs and D.E.A. to operate more efficiently while providing the same rights for claimants of seized property. Furthermore, for the first time Customs and D.E.A. would be allowed to transfer forfeited property such as cars, planes, boats, radio equipment, etc., directly to state and local law enforcement agencies who assist them in the enforcement of the laws of the United States. This would be a boost to federal/state cooperation.

The major feature of Parts C and D is the establishment of forfeiture funds both for the Department of Justice (to be used for controlled substance violations only) and for Customs. The primary purposes of such special operating funds are: (1) to remove certain "contingency appropriations" from the agencies' budgets, thereby resulting in budget savings, (2) to provide for greater efficiency in the handling of seized and forfeited property, and (3) to eliminate the irony that the agencies' operating funds for enforcement actions are decreased by the amount of monies spent as expenses on forfeitures, which has the net effect of reducing Customs' funds for more direct law enforcement purposes.

Included in the Customs and D.E.A. appropriation are amounts for care and storage of seizure property and purchase of information and/or evidence. However, by their very nature, these expenditures are not subject to agency control or prediction (i.e., Operation Florida). Establishment of the forfeiture funds logically removes consideration of these items from the budget and places control of the funds in the ap-

propriate Congressional oversight committee. This would have eliminated $9.5 million in Customs budget request for fiscal year 1981.

Under present law the costs of handling each seizure are deducted from the proceeds of that seizure, if any. The resulting "net proceeds" are then transferred to the General Fund in the Treasury. But if the proceeds do not exceed the expenses, the agency must cover the expenses out of its regular budget. In other words, the net proceeds from the sale of one seizure cannot presently be used to offset the unrecouped costs of another seizure. The new fund would allow the agencies to balance all proceeds against all expenses, with the over-all net proceeds being transferred to the General fund of the Treasury. The agencies would only maintain a balance of ten million dollars in their funds for operating purposes.

The current procedure requiring the agencies to account separately for costs associated with each individual seizure is inefficient, both in costs and manpower, but would no longer be required under the proposed forfeiture funds. The establishment of the special accounts would also encourage more efficient maintenance, storage and inventory procedures than are feasible under current requirements, such as possible national inventory and property maintenance control through computerization.

The establishment of funds would also give greater protection to innocent lienholders since they could be paid immediately on their liens without the necessity of waiting for a sale or a transfer to another agency. It would also allow the agencies to pay the costs of maintenance of the properties on a regular basis without regard to the sale or transfer date of the property and without the need of contracting for services on a contingency basis. The net effect would be to relieve the agencies of the financial restrictions and complications of having to deal with each and every seizure on a separate basis, but would maintain the accountability on an over-all basis. The agencies would be required to furnish a complete accounting of these deposits and expenditures to the Congress.

Another major provision contained in the amendments is the change in the current law to allow D.E.A. and Customs to transfer seized property directly to state and local law enforcement agencies once it has been forfeited. The amendment would also allow them to do this indirectly by merely declining to pursue forfeiture actions in favor of state action. The Act would be changed so as to amend 21 U.S.C. 881(e) and create a new section 19 U.S.C. 1616 in order to accomplish this goal. The new provisions could result in many vehicles and other properties being transferred from the seizing agency to another federal agency or to a state agency without the necessity of utilizing the present cumbersome procedure of going through G.S.A. Under the current procedure there is no way to insure that the property will be transferred to any particular agency, federal or state. The new authority would provide incentive to the state and local police to cooperate more with the federal agencies while providing them with the equipment necessary for their duties. Federal-state-local cooperation would be greatly enhanced.

Part D would amend the Tariff Act of 1930 to enable Customs and D.E.A. to more quickly and efficiently process civil forfeiture actions without altering the rights of the claimants. First, the properties that are subject to the summary forfeiture provisions (19 U.S.C. 1607) would be vastly increased by excepting all vehicles used in transporting contraband as well as other property valued at less than $100,000. This means that if no one files a claim for seized property that falls within the exceptions just stated, the agency could summarily declare the property forfeited and dispose of it according to law. Of course, proper notice to interested parties is required before such action could be taken. There would be no denial of a right to trial in District Court since the claimant could still pursue such action by the filing of a cost bond with the court. The net effect of the changes would be merely to allow the agencies to proceed with those cases that would result in a default judgment in Federal court. For example, of the 600 cases now pending in the Southern District of Florida, over 25 percent will end in default judgment if past experience is repeated. The new amendment would relieve the agencies, the courts, the U.S. Attorneys and the U.S. Marshals of the burden of these needless lawsuits, resulting in savings of time, costs and manpower. It would also save a lot on maintenance expenses since the properties are incurring dockage or other storage fees, costs of guards, and upkeep costs while awaiting a judicial default. It can take up to more than six months just to get a default judgment in Court.

In conclusion, administrative forfeiture in accordance with current Treasury Regulations and the provisions of the new section 607 (19 U.S.C. 1607) would fully protect lien holders and innocent owners while relieving court congestion and unnecessary burdens upon the U.S. Attorneys, Marshals and the agencies. It would also result in reduced storage and maintenance costs and attorneys fees by providing quicker disposition of cases.

The other important provision in the amendment would create a new Section 589 of the Tariff Act (19 U.S.C. 1589) to set forth the arrest authority of Customs officers. Under existing law, a Customs officer has authority to make arrests without a warrant for violations of the narcotic drug and marijuana laws under section 7607 of the Internal Revenue Code and for violation of the customs or navigation laws or any law respecting the revenue under section 581 of the Tariff Act, where the violation is committed in the officer's presence or where the officer has reason to believe that the person to be arrested has committed or is committing such violation. In addition, miscellaneous conservation, fisheries and pollution laws also confer arrest authority on Customs officers in various situations. (16 U.S.C. 3405; 16 U.S.C. 3405; 16 U.S.C. 772d, 916g, 959(b); and 33 U.S.C. 413)

The present law requires customs officers making arrests for export violations and assaults on Customs officers to rely on the various state laws conferring arrest authority on private persons, unless state law confers peace officer status on them. This reliance on fifty different state laws is both confusing and inconsistent with the authority conferred upon other Federal law enforcement officers. See *U.S.* v. *Swaroviski*, 557 F. 2d 40 (2d cir., 1977) and *U.S.* v. *Heliczer*, 373 F. 2d 241 (2d Cir., 1967), cert. den., 388 U.S. 917 (1967). The proposed amendment creating a new section 589 in the Tariff Act merely confers upon Customs law enforcement officers the same kind of authority that other Federal law enforcement officers have.

Customs officers are now engaged in Federal enforcement programs not heretofore within the sphere of Customs activity. Their limited arrest authority has proven to be clearly inadequate and potentially compromises and hinders the Customs Service's role in the efficient enforcement of such Federal programs. For example, customs officers in the cargo security program frequently observe violations of non-customs laws, such as thefts from interstate shipments (18 U.S.C. 659). Also, fugitive felons and persons in possession of stolen property have been encountered entering the United States by customs inspectors who have access to the National Crime Information Center. In both of these instances, Customs officers presently must call upon other law enforcement officers to make arrests. In remote border areas and late at night, these other law enforcement officers may be unavailable. In addition, Customs officers engaged in protecting Federal property and employees, like those who participated in the Federal air security program and the so-called "Cuban Freedom Flotilla" program, had to be sworn in as deputy United States Marshals to enable them to carry out their duties. This procedure has proven to be inefficient, cumbersome and inadequate.

The proposal would grant the additional arrest authority to officers of the customs as those officers are defined in section 401(i) of the Tariff Act of 1930, as amended (19 U.S.C. 1401). It would incorporate present authority contained in section 7607 of the Internal Revenue Code of 1954 for Customs officers to carry firearms, execute and serve search and arrest warrants, and serve subpoenas and would, in addition, authorize an officer of the Customs Service to make arrests without a warrant for any offense against the United States committed in the officer's presence, or outside the officer's presence if the office has reasonable grounds to believe that the person to be arrested has committed, or is committing, a felony.

An enactment of subsection (2) at this time would also make it clear that Customs officers may serve search and arrest warrants for any federal offense. This would eliminate the problem raised in *U.S.* v. *Harrington*, 520 F. Supp. 93 (E.D. Cal., 1981). That case questioned Customs authority to serve search warrants in joint DEA-Customs investigations away from the border.

The bill would also authorize customs officers to perform any other law enforcement duties that the Secretary of the Treasury designates. This provision would codify present practice and permit maximum utilization of Customs personnel in other Treasury activities, such as protective details and inspector general investigations.●

By Mr. CHILES (for himself and Mr. RANDOLPH):

S. 949. A bill to provide a program to increase the literacy of the American public in the fields of mathematics, science, and technology, and for other purposes; to the Committee on Labor and Human Resources.

MATHEMATICS, SCIENCE, AND HIGH TECHNOLOGY SKILLS ACT OF 1983

● Mr. CHILES. Mr. President, I am pleased to introduce the Mathematics, Science, and High Technology Skills Act of 1983, for myself and my distinguished colleague from West Virginia, Senator RANDOLPH.

It looks like having a math and science bill has become a requirement for membership in the U.S. Senate this year, when you consider the number of bills that have been offered. I seldom feel the urge to jump on the bandwagon and submit my own version of legislation to authorize education programs. However, I think the need for adequate Federal support for this critical priority is very great. And my work on the Budget and Appropriations Committees, as well as on the Governmental Affairs Committee where we consider intergovernmental relations and how to best support State and local efforts in areas like this, leads me to be very concerned about how we design a new initiative.

I would like to take a moment to explain why I believe the situation we are facing in math and science education and technology training merits a Federal priority. Then I will point to the issues of prime concern to me, and what I hope my bill will contribute to the deliberations of the authorizing committee and the Senate on the subject.

THE NEED FOR THE LEGISLATION

We can see some disturbing trends in math and science education and their impact on the supply of workers with highly technical skills in industry and business:

A decade ago, 25 to 30 percent of the college-bound high school seniors indicated they planned to prepare for careers as teachers. Currently, only about 5 percent of the same students are saying that teaching would be their chosen profession. Even more alarming is the fact that only 1.3 percent of high school seniors going to college plan to be math or science teachers.

Our Nation's schools and institutions of higher education are experiencing critical shortage of teachers in certain areas of math and science. The qualified teachers we have are abandoning the classroom for careers in private industry and Government, where the pay, the mobility, and intangible rewards like job satisfaction and prestige are greater.

Surveys of elementary school children show that most of them "don't like" science by third grade and are turned off by math by eighth grade. Furthermore, elementary children, particularly girls and minorities, say they "aren't good" at math and science. Yet few children are bored at the National Air and Space Museum. They find quality science programs on TV as exciting as "The Dukes of Hazzard" or "CHIPS." I am sure a number of my colleagues here have teenagers at home, as I do, who are teaching them how to use a home computer to balance the checkbook or are beating them nightly at video games. Somehow that natural aptitude and enthusiasm for math and science is getting stifled in the early grades. And we are paying the price in everything from national test scores, to how many math and science courses the kids take in high school, to the number of math and science teachers of engineers we educate.

The children growing up in countries like Japan and Germany and the Soviet Union—our economic competitors in world markets—are taking more than twice the math and science courses in high school, vocational school, and colleges than American young people are. Their school days and school year are longer, and the courses more rigorous. These differences are reflected in the relative numbers of engineers and technicians being trained for industry and defense in our country versus other industrialized nations.

Our economy is in a rapid transition from an industrial, to a technological and service-oriented basis. We read every day about college-educated young people in liberal arts and business who cannot get jobs. We see adult and older workers being dislocated from jobs and declining industries, without the skills to compete for new jobs in new industries. In the coming decades, as the baby boom generation ages, we are going to have to provide the training and the job opportunities women, minorities, and the disadvantaged are so anxiously seeking.

THE PURPOSE OF THE LEGISLATION

The bill I am introducing today does not reinvent the wheel when it comes to the things we should be doing to address these national concerns. Like the other fine bills on this subject that have been introduced in the Senate, and the legislation that has passed the House, it seeks to provide Federal support and encouragement to the vital activities the States, local education agencies, higher education institutions, and the private sector are undertaking to address our critical needs in math and science education.

My bill does offer two concepts that I hope the education committees and the Senate will give a good deal of thoughtful attention to: One idea is that we cannot just look at the symptoms of the problem we are facing in math, science, and technological training. We have to take a comprehensive approach that addresses the root causes of the problem and directs our solutions to each cause.

We cannot promote financial incentives alone for teachers of math and science to enter and stay in the classroom, we also must recognize that motivation of teachers is equally related to mobility, to those intangible factors like professionalism, to preservice and inservice training, to the curriculum he or she has to work with, and even back to the kind of math and science education he or she received in the early grades and the role models that were available.

It will not work to concentrate on math and science as simply academic subjects, without better incorporating these subjects into the total curriculum, teaching youngsters, and teachers about how the new technologies will affect their lives and work, and linking math and science skills with vocational training programs.

We cannot just focus on secondary and postsecondary math and science education. Interest and aptitude in these subjects is being lost in the early elementary grades. That requires better training of elementary teachers in math and science and a curriculum for young children that fits the learning process of the average student and the disadvantaged.

Just as there are interrelationships between teacher training, curriculum, and access for underrepresented groups to math and science education and careers within the educational system, there are close relationships between what we need to be doing in education and industry's need for skilled workers and professionals.

Matching our labor market needs with our need for more qualified teachers and a more adequate curriculum leads to some dynamic opportunities to address both needs at once. The same activities that allow teachers to work in or collaborate with industry, thus providing them financial and professional rewards and increased proficiency in their fields, can help industry fill their gaps in skilled professionals. Thus the impact of a project to link education and industry can be felt in teacher recruitment and retention, teacher qualifications, industry's need for workers, and an improved curriculum for the next generation of workers and teachers.

To reap the benefits of a Federal initiative that really promotes change and improvement, we have to take a comprehensive approach that examines how all the activities, all the national priorities, and all the current and proposed programs fit together to solve the problem. A farmer would not plant only half or one-fourth of his fields and hope that the wind blows or the birds carry the seed to the rest of the acreage. Likewise, we cannot afford to tackle the math, science, technical skills gap in a piecemeal or shortsighted fashion.

My bill offers a comprehensive framework that we can use to see what the national priorities are, what the potentially effective interventions are, and how Federal, and ultimately State and local, programs stack up to address them. As I said, I did not try to reinvent the wheel with my legislation. There are other comprehensive bills, and I do not claim that mine is all inclusive. Yet I hope the frame-

work will be valuable, to the authorizing committee and the Senate, in sorting out the priorities, and in matching the activities we support and the programs we enact, to where we are and where we should be going as a nation in math, science, and technological education.

The second concept I propose with the bill is that we need to adopt a mechanism for Federal support that truly supports what the States, local education agencies, higher education institutions, and private sector are doing in this area. We seem to alternate between extremes—the shotgun approach and the firehose approach.

The shotgun approach is when you load up with loads of money, take aim at the sky or the side of a barn, and hope that enough of the funds fall in the right place to be effective. That is what we do with block grants sometimes. In the well-intentioned effort to take all the strings, burdens, and paperwork out of Federal programs, we give the States a laundry list of what can be done with the money. All the things that can be done are great activities that bear some relation to the problem we are trying to address. But it does not require any prioritizing on the part of the grantee, or process for deciding which of those activities is more critical in terms of the State and local needs, or goals to be met through the use of Federal funds.

We have a good example of that in what is happening with the chapter II block grant under the Education Consolidation and Improvement Act. I supported that block grant because I thought States and local education agencies ought to be free to decide whether their greatest concern and need was arts and metric education, career education, emergency desegregation efforts, or something else. The States and locals ought to be able to plug the Federal funds into their needs and the gaps in training, service and equipment they define.

Yet we know very little about how these funds are being used. And what we do know tells us that the funds are not necessarily going to the neediest school districts, that the funds are being spent on things like computers, equipment, and audiovisual materials. It boils down to general aid to education. I am a firm supporter of Federal support for national priorities in education—access to quality education for the disadvantaged, the handicapped, minorities, and women; vocational training for current and future jobs; research, demonstration, and capacity-building; and now this math and science initiative. But I would not take the responsibility for basic education from the States and local education agencies. I cannot support general aid for education from the Federal Government.

Math and science are subjects that are being taught in every classroom and school in this country. We have the responsibility to make the quality that teaching and training a national priority before it becomes a national crisis, if it has not become one already. But we had better avoid taking over math and science or any other area in education at the Federal level. Whether we spend $50 million or $500 million or $5 billion on the effort, there will never be enough resources to do the job if it is defined as a Federal responsibility alone. Though it seems the least restrictive, general education aid opens the door for more Federal interference in the classroom and intrusion on State and local responsibilities than a narrowly defined categorical program. Let us avoid the shotgun approach, as it is wasteful of limited dollars and intrusive as general aid to education.

The firehose approach is another way we miss the mark in Federal aid to education priorities. You know if you put a very narrow nozzle on a firehose, you get a very directed, and very forceful, stream of water. It can be so forceful, that if you aim at someone whose clothing is on fire, you can knock him right off his feet. That is what happens when you take aim at a national priority and target the funds well, but do it with such force and direction that the States and education institutions are hamstrung in their efforts.

Each and every State is at a different place in math and science education. How the national priorities stack up—teacher recruitment and retention, teacher qualifications, curriculum, access for women and minorities, industry needs—are different in each State and region. So if the program we enact requires specific amounts to be spent on teacher training, so much on curriculum, so much on projects with industry, there is no way each State is going to be able to allocate the funds in the most efficient manner to its most critical needs or its most effective instructions.

The same things happens when you force each State to send an equal proportion of the funds, on a uniform formula basis, to each and every type of institution able to affect change in math and science education. Again, the money is spread too thinly to do the job. Again, you hamstring the States and its institutions in most effectively targeting the dollars to solutions.

All the educational institutions and agencies, governmental units, and private concerns should be fully involved in the process of defining State needs, priorities, and goals in math and science education. The State should have to show, in its plan for using the funds, that the plan reflects the needs and capacities of these institutions to participate. The States should have to justify the allocation of funds among the institutions according to their needs and capabilties. But we are mistaken if we think we in Washington can come up with the perfect mix of funds to recipients in the State that will reflect the States situation or the most effective way to spend the money.

What we can do is enact a process that will give the States the responsibility for defining and addressing their greatest needs, and the flexibility to use the most effective and efficient points of intervention. If the process is designed correctly, then we have a system of checks and balances among the needs and interests in the States that fits the diversity of the States. Let us avoid knocking the States and the entities within the States who are our front line in addressing the math and science issue off their feet, stifling their effort and capacity to solve the problem.

My bill offers a mechanism and a process for striking the balance between responsibility and flexibility. I do not claim the process is perfect in its current form. But I offer my bill as a forum of discussion, and I look forward to working with my colleagues on the authorizing committee and in the Senate, as well as the many groups that are interested in this initiative, toward perfecting the process.

Before I submit the bill itself for the record, I would like to share a quote from H. G. Wells I have been using quite a bit lately: "History is the race between education and catastrophe." The relevance of that quote to our current deliberations on math and science education is twofold:

First, we should treat something like math and science education, and technological training, as national priorities before we face a national crisis. We should never have abandoned the post-Sputnik emphasis on supporting improvement and innovation in math and science education. We are paying the price for our short-sightedness. And if we do not act quickly and effectively to support what the States, education institutions, and the private sector are trying to do, we are going to pay a much higher price.

A second message in what H. G. Wells had to say is that the need for haste does not call for careless or ineffectual action, just to be "doing something." We are talking about a brand-new, full-scale Federal initiative here, not simply a little demonstration program. It offers us the opportunity to learn from both the successes and the failures of our current and past Federal education programs and to follow the patterns of success.

We are in a different time than when we passed the National Defense Education Act, the Vocational Educa-

tion Act of 1963, or title I for the disadvantaged, or the Education for All Handicapped Act, and this math and science initiative is different from those programs: Math and science education is going on in every school in the country; our task is to support improvements and innovations. We are not only trying to bridge the gap one or more underserved groups are facing in math and science education and careers, but to improve the quality of education for the average student as well. Thus we should explore new mechanisms that reflect these differences and our past experiences.

In some of even our successful education programs, the American people have questioned whether we are "throwing money at problems" or involving the Federal Government in something that can and should be left to the States and education institutions or the private sector. In addition, we are facing deficits in the hundreds of billions, a situation we did not face in the 1960's or the 1970's.

Those of us who believe, as I do, and I am sure you do, that this is a critical national priority, and that addressing it effectively is cost-beneficial in the short run and the long run, must take the responsibility for seeing that our effort is effective, efficient, and appropriate to the Federal role in education. We will be held accountable, as we should be, for the impact the program has at the State and local level. My concern over the years with paperwork reduction, regulatory reform, and flexible grant mechanisms prompts me to offer what I hope are positive and productive suggestions for avoiding a rigid, burdensome Federal program. My work on the funding committees leads me to be concerned that we realize the full potential in cost-benefit from a program like this, through targeting the funds to the problem and phasing up gradually to the maximum spending level.

The math and science initiative, and the great interest that has been generated in it in the educational community, the States, and here in Congress, is a positive sign that we can work together to design a program that averts a catastrophe. I am confident that education is going to win the race once again.

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

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

S. 949

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 "Mathematics, Science and High Technology Skill Act of 1983".

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STATEMENT OF POLICY AND PURPOSE

SEC. 2. In order to—

(1) increase the literacy of the American public in the fields of mathematics, science, and technology;

(2) strengthen mathematics, science, and technological education and improve the quality of mathematics and science education at the elementary, secondary, and postsecondary levels;

(3) increase the supply of highly skilled technicians in the workforce; and

(4) provide access to adequate mathematics, science, and technological training and careers for women, minorities, and other underrepresented groups in these fields;

it is the purpose of this Act—

(A) to alleviate the critical shortage of qualified teachers of mathematics, science, and technology;

(B) to upgrade the skill and proficiency of teachers of mathematics and science at the secondary and postsecondary level, as well as improve the mathematics, science and technological competency of elementary teachers and secondary school teachers of academic and vocational subjects other than mathematics and science;

(C) to improve the mathematics and science curriculum for the average student and underserved groups, such as women and minorities, and to provide all students a better understanding of the impact of science and technology on their lives and work;

(D) to improve vocational and technical training designed to provide adequate numbers of workers with high degree of technological skills and provide access to training in these skills for displaced workers, and new and underserved entrants to the job market, such as women, the disadvantaged, and minorities; and

(E) to improve the overall quality of education through the integration of mathematics and science in the curriculum, and increased emphasis on the impact of science and technology on work and society.

DEFINITIONS

SEC. 3. As used in this Act—

(1) the term "Director" means the Director of the National Institute of Education;

(2) the term "elementary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965;

(3) the term "equipment" has the same meaning given that term by section 198(a)(8) of the Elementary and Secondary Education Act of 1965;

(4) the term "Foundation" means the National Science Foundation;

(5) the term "Governor" means the chief executive of any State;

(6) the term "Institute" means the National Institute of Education in the Department of Education;

(7) the term "institution of higher education" has the same meaning given that term under section 1201(a) of the Higher Education Act of 1965;

(8) the term "local educational agency" has the same meaning given that term under section 198(a)(10) of the Elementary and Secondary Education Act of 1965;

(9) the term "secondary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965;

(10) the term "Secretary" means the Secretary of Education;

(11) the term "State" means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico, Guam, American Somoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands;

(12) the term "State educational agency" has the meaning given that term under section 198(a)(17) of the Elementary and Secondary Education Act of 1965; and

(13) the term "underrepresented group" with respect to individuals means individuals of limited English-speaking proficiency, individuals who are educationally or economically disadvantaged, and individuals who are handicapped to the extent such individuals are determined to represent a smaller proportion of individuals participating in mathematics, science, and technologi-

cal education and careers than their proportion in the general population.

TITLE I—GRANTS TO STATES FOR THE IMPROVEMENT OF INSTRUCTION IN MATHEMATICS, SCIENCE, AND TECHNOLOGY

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. (a) There are authorized to be appropriated to carry out part A of this title, relating to basic grants for the improvement of instruction in mathematics, science, and technological literacy, such sums necessary for the fiscal year 1984, and for each of the succeeding fiscal years ending prior to October 1, 1988.

(b) There are authorized to be appropriated to carry out part B of this title, relating to incentive grants for the improvement of instruction in mathematics, science, and technological literacy, such sums necessary for the fiscal year 1984, and for each of the succeeding fiscal years ending prior to October 1, 1988.

PART A—BASIC GRANTS FOR THE IMPROVEMENT OF INSTRUCTION IN MATHEMATICS, SCIENCE, AND TECHNOLOGY

PROGRAM AUTHORIZED; ELIGIBILITY

SEC. 111. (a) The Secretary shall, in accordance with the provisions of this part, make payments to States to pay the Federal share of the costs of activities described in the State plan approved under section 115.

(b) No basic grant may be made under this part unless the State—

(1) has prepared and submitted an assessment of the status of education in mathematics, science, and technology which meets the requirements of section 113; and

(2) has prepared and submitted a State plan in accordance with sections 114 and 115.

ALLOTMENT TO STATES

Sec. 112. (a)(1) From the sums appropriated to carry out this title in any fiscal year, the Secretary shall reserve—

(A) not to exceed 1 percent for the payments to Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands; and

(B) 0.5 percent for payments for children enrolled in Indian schools to be allotted in accordance with their respective needs.

(2) From the remainder of the amount appropriated for this part, the Secretary shall allot to each State—

(A) an amount which bears the same ratio to one-half of such remainder as the school age population of the State bears to the school age population of all States; plus

(B) an amount which bears the same ratio to one-half of such remainder as the number of children in the local educational agencies of the States counted under section 111(c) of the Elementary and Secondary Education Act of 1965 for the year prior to the year for which the determination is made, bears to the total number of such children in all States.

(b) For the purpose of this section—

(1) the term "school age population" means the population aged 5 through 17; and

(2) the term "States" includes the fifty States, the District of Columbia, and the Commonwealth of Puerto Rico.

ASSESSMENT OF EDUCATION IN MATHEMATICS, SCIENCE, AND TECHNOLOGY

SEC. 113. (a) Each State which desires to receive a basic grant under this part shall prepare and submit with the State plan required under section 115 an assessment of education in mathematics, science, and technology in accordance with subsections (b) and (c).

(b) Each such assessment shall include—

(1) the status of the availability of mathematics and science teachers at the secondary and postsecondary education levels within the State by location and field;

(2) the status of the qualifications of teachers in mathematics and science at the elementary, secondary, and postsecondary education levels, both specialists in these subjects and nonspecialists, by location and field;

(3) the adequacy of the curriculum in the fields of mathematics, science, and technology, and equipment and materials designed for use in the fields of mathematics, science, and technology;

(4) the availability of workers with mathematics, science, and technological skills needed by private industry in the State and region, and the capacity of the educational system within the State to meet the demands for such workers;

(5) the degree of access to quality instruction in the fields of mathematics, science, and technology and to careers in such fields by women, minorities, and other underrepresented groups of individuals; and

(6) the quality of education in the fields of mathematics, science, and technology within the State as evidenced by test scores, national standings, and job placements.

(c) Each such assessment shall describe the unmet needs identified in each area of subsection (b); the on-going or existing programs, initiatives, and resource commitments by the State in each of the following areas of educational activity to address such unmet needs; and objectives for addressing the remaining need in the following areas of educational activity:

(1) Teacher recruitment and retention including—

(A) financial incentives for current and prospective teachers to enter and remain in the field of teaching mathematics and science;

(B) efforts to upgrade the professional and personal incentives for current and prospective mathematics and science teachers to enter and remain in the field;

(C) coordination between the secondary schools and postsecondary educational institutions, and between private industry and the educational system to identify and motivate potential teachers of mathematics and science and retain teachers who are teaching mathematics and science; and

(D) use of retired professionals and employees in private industry to fill critical shortages of teachers in the fields of mathematics, science and technology.

(2) Improving teacher qualifications and skills including—

(A) efforts to upgrade the skills of teachers of mathematics and science in secondary schools and postsecondary educational institutions;

(B) efforts to upgrade the mathematics and science skills of elementary school teachers and secondary school teachers of academic and vocational subjects other than mathematics and science;

(C) efforts to increase the understanding of all current and prospective teachers of the impact of science and technology on society and work; and

(D) coordination between the elementary and secondary and postsecondary educational levels to upgrade the qualifications of teachers in mathematics and science, and between the educational system of the State and private industry to increase teacher competency in mathematics and science.

(3) Curriculum improvement including—

(A) efforts to interest students in elementary schools, secondary schools, and postsecondary educational institutions in mathematics, science, and technology through a more adequate and relevant curriculum;

(B) increasing the understanding of students of the impact of science and technology on their lives and work;

(C) improving student performance in mathematics and science through a more adequate and relevant curriculum, particularly for the average to below-average student;

(D) developing more rigorous skill and course requirements in the mathematics and science curriculum;

(E) improving the integration of mathematics, science, and technology training with the total curriculum of such schools; and

(F) fostering collaboration of curriculum specialists, mathematicians, scientists, and representatives of private industry, as well as teachers in curriculum improvement.

(4) Meeting the skill needs of private industry within the State including continuing linkages between the elementary and secondary schools, postsecondary educational institutions, and private industry to increase (A) the adequacy of mathematics, science, and technology training in light of industry needs, and (B) the supply and qualifications of current and future workers.

(5) Access for women, minorities, and other underrepresented groups of individuals in careers in mathematics, science, and technology, including—

(A) teaching skills designed for teaching handicapped students, students who are economically or educationally disadvantaged, and students with limited-English proficiency;

(B) identification of underrepresented groups of individuals and efforts to motivate and prepare them for careers in the fields of mathematics, science, and technology; and

(C) efforts to overcome financial and educational barriers facing such underrepresented groups of individuals.

(6) Improvement in the quality of mathematics, science, and technology education including—

(A) statewide elementary and secondary school improvement efforts;

(B) improving the secondary schools of local educational agencies to ease the school-to-work transition in technical fields and entry into postsecondary educational institutions for technological training;

(C) linkages between elementary and secondary education, postsecondary education including vocational and technical schools and community colleges, and private industry; and

(D) efforts to raise course requirements and the skills of students in the fields of mathematics, science, and technology.

PREPARATION OF STATE PLAN

SEC. 114. (a) Each State desiring to participate in the basic grant program under this part shall prepare a plan for the five-year period following the submission of the plan and shall submit the plan in accordance with the provisions of section 115. Each State plan shall be developed in consultation with the Governor, the State legislature, local educational agencies within the State, and representatives of—

(1) vocational secondary schools and postsecondary vocational institutions,

(2) institutions of higher education and other postsecondary educational institutions,

(3) teachers and teacher training programs,

(4) private industry, and

(5) the general public,

within the State.

(b) Any State which, prior to the preparation of the State plan required by this part, has developed an educational plan addressing the needs, initiatives, programs, and resources in the fields of mathematics, science, and technology in the State may use the State plan so developed as a basis for the State plan required by this section and section 115, to the extent the prior State plan meets the requirements of this section and section 115.

STATE PLAN

SEC. 115. (a) No funds appropriated for any fiscal year to carry out the provision of this part may be paid to any State unless the State submits a State plan for a five-year period which is prepared in accordance with section 114 and which meets the requirements of this section and other provisions of this part. Each such plan shall—

(1) designate the State educational agency and such other State agencies as the Governor may select to administer the State plan, either directly or through appropriate arrangements with State and local public agencies;

(2) describe the educational activities for which assistance is sought together with—

(A) a description of what goals, consistent with the assessment required by section 113, are to be achieved within the State with the Federal funds, in addition to the commitments made in each of the categories described in the assessment required by section 113;

(B) a precise description of the activities, by category, as authorized under section 116; and

(C) a description of the manner in which the activities for which assistance is sought will carry out the objectives described in such assessment and in subclause (A) of this clause;

(3) provide assurances that the State will continue to carry out the educational activities described in the assessment under section 113(c) until the objectives described under section 113 are met;

(4) provide assurances that the State will use the basic grants made under this part—

(A) to supplement the level of funds that would in the absence of such funds be made available from non-Federal sources for the purposes of the program for which assistance is sought; and

(B) in no way to supplant such funds from such non-Federal sources;

(5) provide a description of the arrangements to be made with recipients of payments described in section 118, including public agencies, nonprofit private organizations, educational agencies and institutions, business concerns, and private associations, together with a justification of the capacity of the recipients to contribute, as required by section 118, to the achievement of the goals stated in the assessment under section 113 and the provisions of the State plan; and

(6) provide a description of the evaluation procedures described in subsection (c) for determining the effectiveness of the assistance sought in carrying out the objectives described in the assessment required by section 113 and the goals described in subsection (a)(2)(A) of this section.

(b) The assessment of needs, initiatives, programs, and resources committed to such needs; and objectives for addressing remaining needs required by section 113 shall be submitted with the State plan.

(c) The Secretary shall establish procedures, allowing maximum discretion by the States, for determining the effectiveness of the assistance sought in carrying out the objectives described in the assessment required by section 113 and the goals described in subsection (a)(2)(A) of this section.

(d) The Secretary shall approve any State plan, and any modifications thereof, which meets the requirements of subsection (a) of this section, section 114, and the other provisions of this title, and shall not disapprove any plan without first affording the State notice, opportunity for a hearing, and technical assistance to correct deficiencies in the plan.

USES OF FUNDS

SEC. 116. (a) Grants made under this part may be used, pursuant to the State plan approved under section 115, for—

(1) teacher recruitment and retention including—

(A) special loans or scholarships for individuals who agree to teach in the field of mathematics, science, or technology, pursuant to regulations established by the Secretary.

(B) compensation to or training of individuals who agree to serve as technical assistants on a districtwide, schoolwide, or departmental basis in elementary schools, secondary schools, or postsecondary education institutions to strengthen teacher competence or the curriculum in mathematics, science, and technology;

(C) stipends or tuition fees for teachers in elementary schools, secondary schools, or postsecondary educational institutions in the State who participate in—

(i) workshops,

(ii) summer institutes,

(iii) continuing education courses, or

(iv) programs with private industry.

designed to improve their skills or proficiency in teaching in mathematics, science, or technology;

(D) programs of special recognition, including financial awards (subject to subsection (b)), for outstanding teachers and students in mathematics and science;

(E) programs of collaboration among elementary and secondary schools, institutions of higher education and other postsecondary educational institutions, and private industry to increase the availability of and retention of teachers through sabbaticals, summer and holiday work for teachers, part-time teaching or technical assistance by employees of private business concerns or employees of institutions of higher education; and

(F) programs of early identification and motivation of students with potential to become mathematics and science teachers through guidance and counseling, career education, and participation in special projects between secondary schools, postsecondary educational institutions, and private industry:

(2) improving teacher qualifications and skills including—

(A) workshops, summer institutes, continuing education courses designed to (1) increase the proficiency of both mathematics and science teachers in secondary schools and postsecondary educational institutions, and (ii) to improve the skills of teachers in elementary and secondary schools and postsecondary educational institutions of subjects other than mathematics and science in the relationship between mathematics and science and the relevant area of instruction;

(B) programs in elementary and secondary schools and postsecondary educational institutions to increase the understanding of teachers of the impact of science and technology on society and work;

(C) programs of collaboration among elementary and secondary schools, institutions of higher education and other postsecondary educational institutions and private industry to increase the proficiency of mathematics and science teachers through sabbaticals, summer and holiday work for teachers, part-time technical assistance by employees of private industry or employees of higher education institutions; and

(D) use of districtwide, schoolwide, or departmental specialists to provide technical assistance to elementary and secondary schools and postsecondary educational institutions to achieve the purposes described in subclauses (A) and (B) of this clause;

(3) curriculum improvement including—

(A) workshops, summer institutes, projects with institutions of higher education and private industry to improve the curriculum in mathematics, science, and technology designed to—

(i) integrate mathematics and science with the total curriculum,

(ii) make the curriculum more accessible for the average to below-average student and underserved groups,

(iii) increase understanding of the impact of science and technology on life and work, or

(iv) increase student interest, motivation, and skills in mathematics, science, and technology;

(B) use of districtwide, schoolwide, or departmental specialties to achieve the purposes described in subclause (A) of this clause; and

(C) fostering collaboration among curriculum specialists, teachers, and academicians in mathematics and science, and representatives of the private sector to improve curriculum through linkages among elementary and secondary schools, postsecondary institutions, and institutions of higher education, and private industry;

(4) meeting the skill needs of private industry in the State or region including programs of collaboration among elementary and secondary schools, institutions of higher education and other postsecondary institutions, vocational education schools, and private industry to ease the school-to-work transition and relate mathematics, science, and technology training to jobs in the private sector;

(5) activities designed to improve access for women and minorities and other underrepresented groups to a more adequate education and training in the fields of mathematics, science, and technology; to private industry in careers requiring aptitude or training in such fields; and especially to careers in teaching in such fields (including special attention to teacher recruitment and retention);

(6) Improvement in the quality of mathematics, science, and technical education in the State including—

(A) statewide or local school improvement projects, including, but not limited to, model schools, academic and technical specialization schools, adopt-a-school demonstrations with private industry, laboratory schools by institutions of higher education and the departments of such institutions specializing

in mathematics and science and teacher training;

(B) projects of collaboration between secondary schools, postsecondary educational institutions, and private industry to ease the school-to-work transition; and

(C) programs to raise course requirements and the skills of students in mathematics and science.

(b) No payment may be made under this part for differential compensation for teachers to teach mathematics, science, or other subjects in the field of technology or for the payment of regular compensation for teachers to teach mathematics, science, or other subjects in the field of technology.

PAYMENT; FEDERAL SHARE

SEC. 117. (a) From the amount allotted to each State pursuant to section 112, the Secretary shall, in accordance with the provisions of this part, pay to the State an amount equal to the Federal share of the cost of the program to be assisted under the State plan approved under section 115.

(b) The Federal share with respect to activities described in the State plan shall be—

(1) 60 percent of the amount available for carrying out activities described in the State plan which are authorized under section 116(a)(1);

(2) 60 percent of the amount available for carrying out activities described in the State plan which are authorized under section 116(a)(2);

(3) 60 percent of the amount available for carrying out activities described in the State plan which are authorized under section 116(a)(3);

(4) 0 percent of the amount available for carrying out activities described in the State plan which are authorized under section 116(a)(4);

(5) 80 percent of the amount available for carrying out activities described in the State plan which are authorized under section 116(a)(5); and

(6) 80 percent of the amount available for carrying out activities described in the State plan which are authorized under section 116(a)(6).

WITHIN STATE PAYMENTS

SEC. 118. No payment from any allotment of a State may be made under a State plan unless the appropriate agency designated under clause (1) of section 115(a) determines that the recipient of the payment is—

(1) a local educational agency within the State;

(2) an institution of higher education in the State, including a community college;

(3) a vocational or technical school or center;

(4) any other private educational institution;

(5) a nonprofit private organization;

(6) a business concern; or

(7) a private association,

which is capable of furnishing the services or activities for which the payment is made and of achieving the goals assigned to the recipient of the payment pursuant to the assessment made under section 113 and the State plan submitted under section 115.

WITHHOLDING

SEC. 119. Whenever the Secretary, after reasonable notice to any State and opportunity for hearing within the State, finds that there has been a failure to comply substantially with any provision set forth under sections 113 and 115, the Secretary shall notify the State that further payments will not be made under this title until the Secretary is satisfied that there is no longer any such failure to comply. Subject to the last sentence of this section, until the Secretary is so satisfied, no further payments shall be made under this title. The Secretary may authorize the continuance of payments with respect to any projects assisted under this Act which are being carried out by a State and which are not involved in noncompliance.

PART B—INCENTIVE GRANTS FOR THE IMPROVEMENT OF INSTRUCTION IN MATHEMATICS, SCIENCE, AND TECHNOLOGY

PROGRAM AUTHORIZED

SEC. 131. From the amounts appropriated pursuant to section 101(b) for each fiscal year, the Secretary is authorized to make incentive grants to States for the improvement of the quality of education in the fields of mathematics, science, and technology within the State in accordance with the provisions of this part.

USES OF FUNDS

SEC. 132. Grants made under this part may be used for—

(1) demonstration projects and innovative programs designed to improve the recruitment and retention of secondary school teachers of mathematics, science, and of teaching personnel in institutions of higher education in the fields of mathematics, science, and technology;

(2) programs which are developed with other States to improve the portability of retirement benefits and to advance the application of uniform certification standards for secondary school teachers of mathematics and science;

(3) cooperative agreements with business concerns under which—

(A) the personnel of the business concerns are used to increase the available number of secondary school teachers in the fields of mathematics and science; and

(B) the personnel of business concerns are used to improve the curriculum and the quality of education in the fields of mathematics, science, and technology in the secondary schools of the State;

(4) cooperative agreements with institutions of higher education for the advancement of the quality of education in the fields of mathematics, science, and technology;

(5) demonstration projects to improve the curriculum relating to the effect of science and technology on society and work in elementary schools, secondary schools, institutions of higher education, and other postsecondary educational institutions within the State;

(6) projects designed to raise the requirements for the courses of study in the fields of mathematics and science and the skills of the students taking the courses of study in the elementary schools, secondary schools, institutions of higher education, and other postsecondary educational institutions within the State;

(7) projects designed to raise the standards for the certification of elementary and secondary school teachers in the fields of mathematics and science;

(8) demonstration projects designed to integrate training in mathematics, science, and technology into the curriculum of elementary schools, secondary schools, institutions of higher education, and other postsecondary educational institutions within the State;

(9) experimental projects establishing model schools to increase the quality of public education; and

(10) demonstration projects designed to improve the access for women, minorities, and underrepresented groups who can successfully compete in the fields of mathematics, science, and technology.

APPLICATION

SEC. 133. (a) Each such application shall—

(1) designate the State educational agency to administer the incentive grant program authorized by this part, either directly or through appropriate arrangements with State and local public agencies;

(2) describe the educational activities for which assistance is sought, including—

(A) a description of the relationship between the incentive grant program and the assessment submitted by the State required by section 113 and the activities for which assistance is sought under the State plan approved under section 115; and

(B) the manner in which the State will use the assistance to serve the goals described in the State plan approved under section 115; and

(3) provide a description of the arrangements to be made with the recipients of payments described in section 134.

WITHIN STATE PAYMENTS

SEC. 134. No payment from any incentive grant made to a State under this part may be made unless the State agency determines that the recipient of the payment is—

(1) a local educational agency within the State;

(2) an institution of higher education in the State, including a community college;

(3) a vocational or technical school or center;

(4) any other private educational institution;

(5) a nonprofit private organization;

(6) a business concern; or

(7) a private association,

which is capable of furnishing the services or activities for which the payment is made.

TITLE II—INCENTIVE GRANTS TO LOCAL EDUCATIONAL AGENCIES FOR THE IMPROVEMENT OF INSTRUCTION IN MATHEMATICS, SCIENCE, AND TECHNOLOGY

AUTHORIZATION OF APPROPRIATION

SEC. 201. There are authorized to be appropriated to carry out this title, to authorize incentive grants to local educational agencies for the improvement of mathematics, science, and technical literacy, such sums necessary for the fiscal year 1984 and for each of the succeeding fiscal years ending prior to October 1, 1988.

PROGRAM AUTHORIZED

SEC. 202. From the amounts appropriated pursuant to section 201, the Secretary is authorized to make incentive grants to local educational agencies for the improvement of the quality of education in the fields of mathematics, science, and technology within the State in accordance with the provisions of this title.

USES OF FUNDS

SEC. 203. Grants made under this title may be used for—

(1) demonstration projects and innovative programs designed to improve the recruitment and retention of secondary school teachers of mathematics and science;

(2) cooperative agreements with business concerns under which—

(A) the personnel of the business concerns are used to increase the available number of secondary school teachers in the fields of mathematics and science; and

(B) the personnel of business concerns are used to improve the curriculum and the quality of education in the fields of mathematics, science, and technology in the secondary schools of the State; cooperative agreements with institutions of higher education for the advancement of the quality of education in the fields of mathematics, science, and technology;

(3) cooperative agreements with institutions of higher education for the advancement of the quality of education in the fields of mathematics, science, and technology;

(4) demonstration projects to improve the curriculum relating to the effect of science and technology on society and work in elementary schools, secondary schools of the local educational agency.

(5) projects designed to raise the requirements for the courses of study in the fields of mathematics and science and the skills of the students taking the courses of study in the elementary schools and secondary schools of the local educational agency;

(6) demonstration projects designed to integrate training in mathematics, science, and technology into the curriculum of elementary schools, secondary schools of the local educational agency;

(7) experimental projects establishing model schools to increase the quality of mathematics, science, and technology education; and

(8) demonstration projects designed to improve the access for women, minorities, and underrepresented groups who can successfully compete in the fields of mathematics, science, and technology.

APPLICATION

SEC. 204. (a) Each such application shall—

(1) describe the educational activities for which assistance is sought, together with—

(A) a description of the relationship between the activities assisted under this part and the portions of the State plan approved under part A of title I conducted by the local educational agency; and

(B) the manner in which the local educational agency will use the assistance sought to serve the goals described in the State plan approved under section 115;

(2) provide such other assurances as the Secretary may require to carry out this title.

(b) In approving applications under this section, the Secretary shall consider—

(1) the shortage of teachers of mathematics and science in the elementary and secondary schools of such agency;

(2) the relative scores of students in elementary and secondary schools of each such agency in the subjects of mathematics and science;

(3) the relative number and proportion of children who are counted for the purposes of chapter I of the Elementary and Secondary Education Act of 1965 of each such agency;

(4) the degree of economic distress in the areas served by the local educational agency; and

(5) the potential effectiveness of the projects in improving instruction in mathematics, science, and technology.

TITLE III—GRANTS TO INSTITUTIONS OF HIGHER EDUCATION FOR THE IMPROVEMENT OF THE QUALITY OF INSTRUCTION IN MATHEMATICS, SCIENCE, AND TECHNOLOGY

AUTHORIZATION OF APPROPRIATIONS

SEC. 301. There are authorized to be appropriated to carry out the provisions of this title, relating to grants to institutions of higher education for the improvement of the quality of instruction in mathematics and science, such sums necessary for the fiscal year 1984 and for each of the succeeding fiscal years ending prior to October 1, 1988.

PROGRAM AUTHORIZED

SEC. 302. From the amounts appropriated pursuant to section 301 in each fiscal year, the Secretary is authorized to make grants to institutions of higher education in accordance with the provisions of this title.

USES OF FUNDS

SEC. 303. Grants under this title may be used for—

(1) demonstration projects designed to develop innovative recruitment and retention techniques for elementary school teachers and secondary school teachers in the fields of mathematics and science;

(2) arrangements under which the institution will collaborate with other institutions of higher education—

(A) to increase the number of elementary and secondary school teachers in the fields of mathematics, science, and technology;

(B) to improve the qualifications of such teachers;

(C) to improve the curriculum in the fields of mathematics, science, and technology; and

(D) to improve the materials and equipment designed for use in the fields of mathematics, science, and technology;

(3) projects for the development of linkages within the various departments of the institution of higher education relating to the fields of mathematics, science, and technology, including any college or department of education located within the institution;

(4) demonstration projects under which the institution will use the technical expertise of private industry to improve the materials, equipment, and facilities designed for use in the fields of mathematics, science, and technology;

(5) the improvement of the curriculum of the institution relating to science and technology in society and work;

(6) the improvement of the training available in the fields of mathematics, science, and technology to elementary and secondary school teachers who do not specialize in the teaching of mathematics and science;

(7) training programs for special consultants who would serve as technical assistants to increase the competence of teachers and to improve the curriculum in the fields of mathematics and science;

(8) the development of linkages with elementary and secondary schools in the community served by the institution for early identification of potential teachers in the fields of mathematics and science, together with in-service and preservice training for such teachers; and

(9) the operation of laboratory schools or academic high schools in cooperation with appropriate local educational agencies in the community in which the institution of higher education is located to enhance instruction in the fields of mathematics, science, and technology.

APPLICATION

SEC. 304. (a) No grant under this title may be made unless the institution of higher education submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. Each such application shall—

(1) describe the activities for which assistance is sought;

(2) describe the manner in which the institution will use the assistance sought to enhance the goals described in the appropriate State plan approved under section 115 of this Act; and

(3) contain such other assurances as the Secretary may reasonably require.

TITLE IV—RESEARCH ACTIVITIES RELATING TO THE IMPROVEMENT IN THE QUALITY OF INSTRUCTION IN THE FIELDS OF MATHEMATICS, SCIENCE, AND TECHNOLOGY

AUTHORIZATION OF APPROPRIATIONS

SEC. 401. There are authorized to be appropriated such sums necessary for the fiscal year 1984 and for each of the succeeding fiscal years ending prior to October 1, 1988, to carry out the provisions of section 405 (1) of the General Education and Provisions Act, relating to grants to institutions of higher education for the improvement of the quality of instruction in mathematics, science, and technology.

RESEARCH PROGRAM ESTABLISHED

SEC. 402. Section 405 of the General Education Provisions Act is amended by adding at the end thereof the following new subsection:

"(l)(1) From funds appropriated pursuant to section 401 of the Mathematics, Science and High Technology Skill Act of 1983, the Director is authorized, through the Institute, to conduct educational research designed to—

"(A) develop curriculum in the fields of mathematics and science to meet the training needs of average students, minority students, students of limited English-speaking proficiency, women students, students who are economically or educationally disadvantaged; and

"(B) examine the learning process and improve teaching methods in the fields of mathematics, science, and technology together with the motivation of teachers to enter the field of teaching mathematics, science, or technology.

"(2) No educational research may be undertaken pursuant to paragraph (1) of this subsection unless the Director establishes criteria for the conduct of such research and submits the criteria for the approval of the National Science Foundation.

"(3) To the extent practical, the Director is authorized to use laboratories and centers which receive financial assistance under subsection (f) of this section to carry out the provisions of paragraph (1) of this subsection.

"(4) The Director, through the Institute, shall monitor the status of education in the fields of mathematics, science, and technology, and evaluate the effectiveness of activities and services furnished with assistance under the Mathematics, Science and High Technology Skill Act of 1983.".

TITLE V—VOCATIONAL AND ADULT EDUCATION PROGRAMS IN THE FIELDS OF MATHEMATICS, SCIENCE, AND TECHNOLOGY

AMENDMENT TO THE VOCATIONAL EDUCATION ACT OF 1963

SEC. 501. Part B of the Vocational Education Act of 1963 is amended by redesignating subpart 3 and subpart 4 as subparts 4 and 5, respectively, and by inserting after subpart 2 the following new subpart:

"Subpart 3—Vocational Training for Technological Skill Development

"STATEMENT OF PURPOSE

"SEC. 175. It is the purpose of this subpart to provide assistance for vocational instruction to improve the technological skills of men and women who are preparing for technical positions in industry for which advanced academic degrees are not required.

"AUTHORIZATIONS OF APPROPRIATIONS

"SEC. 176. There are authorized to be appropriated such sums as necessary for the fiscal year 1984 and for each of the succeeding fiscal years ending prior to October 1, 1988, to carry out the provisions of this subpart.

"AUTHORIZATION OF GRANTS

"SEC. 177. (a) From the sums made available pursuant to section 175 for each fiscal year, the Secretary is authorized to make grants to and enter into contracts with appropriate State agencies, local educational agencies, postsecondary eductional institutions, private nonprofit vocational training institutions, and to other nonprofit organizations especially created for the purpose of this subpart, for the purpose of furnishing training in new and emerging occupations requiring a high degree of technological skills, and to enter into contracts with private for-profit organizations, to assist them in conducting such training.

"(b) The Secretary shall pay to each applicant which has an application approved under section 179 an amount equal to the total sums expended by the applicant for the purposes described in section 178 and set forth in that application.

"USES OF FUNDS

"SEC. 178. Grants and contracts under section 177 may be used in accordance with applications approved under section 179, for—

"(1) training programs designed to prepare individuals who have completed or left secondary school or who have left postsecondary eductional institutions for employment opportunities requiring a high degree of technological skills;

"(2) retraining programs for workers whose skills have become outmoded or whose jobs have been eliminated for employment opportunities requiring technological skills; and

"(3) training programs designed to improve the access of women students, minority students, students with limited English-speaking proficiency, and students who are economically or educationally disadvantaged to such employment opportunities.

"APPLICATIONS

"SEC. 179. (a) A grant or contract for assistance under this subpart may be made only upon an application made to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary deems necessary. Each such application shall—

"(1) provide that the activities and services for which assistance is sought will be administered by or under the supervision of the applicant;

"(2) set forth a program for carrying out the purposes described in section 178; and

"(3) provide a description of the degree to which the assistance sought under this subpart will address the national priority areas described in the State plan approved under section 115 of the Mathematics, Science and High Technology Skill Act of 1983.

"(b) No grant or contract may be made under this subpart directly to a local educational agency or a postsecondary educational institution or a private vocational training institution or other eligible agency or organization unless that agency, institution, or organization has submitted the application to the State board established under section 104 of this Act, or in the case of a State that does not have such a board the similar State agency, for comment and includes the comment of that board or agency with the application.

"(c) In approving application for assistance under this subpart, the Secretary shall consider—

"(1) the degree to which the application reflects cooperation among local educational agencies, postsecondary educational institutions, private vocational training institutions, institutions of higher education, and private industry in the area served by the applicant to develop midlevel technical career opportunities and courses of study; and

"(2) the degree to which the purpose for which assistance is sought serves the unmet needs described in the State plan of the appropriate State approved under section 115 of the Mathematics, Science, and High Technology Skill Act of 1983".

AMENDMENT TO THE ADULT EDUCATION ACT

SEC. 502. (a) Section 304 of the Adult Education Act is amended by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following new subsection:

"(b) In carrying out programs pursuant to clause (2) or clause (3) of subsection (a), the State shall, to the extent practicable, emphasize training in the adaptation of science and technology to society and work.".

(b) Section 306(b)(4) of such Act is amended by striking out "and" at the end of subclause (B) and by inserting before the semicolon at the end thereof a comma and the following: "and (D) the manner in which assistance sought under this Act will serve to achieve the goals described in the State plan approved under section 115 of the Mathematics, Science, and High Technology Skill Act of 1983".●

By Mr. RIEGLE (for himself and Mr. LEVIN):

S. 950. A bill to impose quotas on the importation of automobiles from Japan during 1983, 1984, 1985, and 1986; to the Committee on Finance.

QUOTAS ON IMPORTATION OF AUTOMOBILES

Mr. RIEGLE. Mr. President, today I am introducing legislation, for myself and Senator LEVIN, that calls for the imposition of an absolute quota of Japanese automobiles of 1.28 million in 1984 and 1985, and 14 percent of the total number of new automobiles sold in the United States in 1986 and 1987. These temporary restraints will remain in effect long enough to allow our domestic industry to complete its investment in new products and machinery.

This legislation requires the Secretary of Commerce each quarter to prepare an estimate of U.S. auto sales for the subsequent six quarters and for the calendar year during which the estimate is being made. The bill would then limit the total number of Japanese vehicles entering the market during calendar years 1984 through 1987. The import limitations would be adjusted each quarter to reflect changes in projected U.S. sales.

The need for this legislation is obvious. Since 1974, the Japanese have increased their market share in the United States from 9.4 percent to over 24 percent in the first 2 months of 1983. Clearly, we cannot afford to continue to rely upon the Japanese to voluntarily restrain their exports and reduce their market share in the United States.

Auto worker unemployment in America has reached staggering levels. In February, 264,750 person were unemployed, 8 percent more than last year. Actual unemployment is far higher, however, since thousands of workers are simply not counted. More importantly, for every auto worker who is laid off, 2.2 workers in supplier industries lose their employment as well.

Mr. President, no other nation would sit idly by in the face of the economic threat that is posed by Japanese auto imports. Other nations have taken firm action to limit these imports, long before their own industries have been crippled or extinguished. The temporary, but effective import limitations which this bill would establish must be part of any national strategy to revitalize the U.S. auto industry.

I commend this legislation to my colleagues, and ask unanimous consent that the text of the bill be printed in the RECORD at this point.

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

S. 950

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

SECTION 1. DEFINITIONS.

For purposes of this Act—

(1) The term "automobile" means an on-the-highway, four-wheeled, passenger automobile provided for in item 692.10 of the Tariff Schedules of the United States (19 U.S.C. 1202).

(2) The term "entered" means entered, or withdrawn from warehouse, for consumption within the customs territory of the United States.

(3) The term "Secretary" means the Secretary of the Treasury or his delegate.

SEC. 2. 1.28 MILLION AUTOMOBILE IMPORT LIMIT DURING 1984 AND 1985.

During each of the calendar years 1984 and 1985, the aggregate quantity of automobiles that may be entered from Japan shall not exceed 1.28 million.

SEC. 3. QUANTITATIVE RESTRICTIONS ON IMPORTS OF JAPANESE AUTOMOBILES DURING 1986 AND 1987.

(a) ESTIMATES.—At the beginning of the calendar quarter beginning January 1, 1986 and each calendar quarter thereafter ending before January 1, 1986, the Secretary of Commerce shall prepare and submit to the Secretary an estimate of the total number of new automobiles which will be sold in the United States during—

(1) the six-calendar-quarter period beginning with such calendar quarter, and

(2) the calendar year with or within which such calendar quarter ends.

(b) RESTRICTIONS.—During each of the calendar years, 1986 and 1987, the aggregate quantity of automobiles that may be entered from Japan shall not exceed 14 percent of the total number of new automobiles which the Secretary of Commerce estimates under subsection (a)(2) will be sold during such calendar year.

(c) REVISION OF LIMITATION.—Each calendar quarter the Secretary shall revise the quantitative limitation under subsection (b) to reflect any changes in the estimates of the Secretary of Commerce made under subsection (a) for such quarter.

SEC. 4. ADMINISTRATION.

The Secretary shall take such action as may be necessary to ensure that the quantity of passenger automobiles which may be entered during calendar years 1984, 1985, 1986, and 1987 does not exceed the limitation established for that year under this Act.

By Mr. DOLE (for himself, Mr. DURENBERGER, Mr. HEINZ, Mr. SPECTER, Mr. ROTH, and Mr. BRADLEY):

S. 951. A bill to provide health care coverage for the unemployed; to the Committee on Finance.

HEALTH BENEFITS FOR THE UNEMPLOYED

Mr. DOLE. Mr. President, the Senator from Kansas offers this legislation because there is a need for some protection for unemployed workers—protection from health care costs they can no longer afford and against which they no longer have insurance.

We have a problem. It is a problem that I hope will be shortlived, but one that must be dealt with while it is with us.

As a result of the unusually high rates of unemployment in the United States today, a growing number of workers and their families have lost their employment-based group health insurance, and their employers' contributions toward the purchase of such coverage.

In February of 1982 the unemployment rate in the United States was 10.4 percent. The number of Americans estimated to be out of work was 11.5 million. Granted, this is an improvement over December, when the unemployment rate stood at 10.8 percent, and the number of unemployed at 12 million, but there are still a great number of people who need assistance.

A January 1983 report prepared by a House committee pointed out that loss of group health insurance for those who have lost their jobs is not a new problem, but the growth of the numbers of workers who have lost their jobs and the duration of such unemployment is unprecedented in modern times and makes the matter of particular national concern. It is certainly not a new issue to the Finance Committee. In March of 1975 the committee staff prepared a report for committee use in examining the issue of health insurance and the unemployed.

That report pointed out that during a period of high unemployment there is a probable high loss of group health insurance coverage, but that the exact dimensions of that situation were unknown. Unfortunately, that is still true today. Very little solid information on the actual number of people we know to have lost their benefits is scarce.

We know, however, that the majority of the labor force in the United States is covered under group health insurance through their place of employment. This coverage is generally inexpensive because group coverage is substantially less in cost than individually-purchased insurance, and because the employer frequently pays most or all of the premiums.

In recent months, many Americans lost coverage under their former employer's group health plan within 1 or 2 months of being laid off. At a time when they can least afford it, laid-off workers must turn to nongroup coverage and that coverage is more expensive and often less comprehensive than that which was provided through their employment. The simple fact is that they cannot afford such coverage and they certainly cannot afford the cost of care when it is needed—particularly when that care requires a hospital admission.

OPTIONS FOR ASSISTANCE

This Senator has raised the question before—How do we provide some element of protection for these Americans? Certainly we could require that employer plans extend coverage to the unemployed for longer than the 1- or 2-month coverage most now offer. That, however, imposes a direct financial burden on employers and it is those employers that we look to for new hires and rehires as we get the economy moving again. Clearly any added financial burden on the employers of the Nation at this time is not an appropriate solution.

We could establish open enrollment for medicare, but that program is hardly healthy, given its current increasing beneficiary population and rising costs. Medicare is designed to be a benefit related to retirement, not temporary job loss.

There is always the option of medicaid, but to open up the entitlement to that program means an enormous commitment of State and Federal funds that we are unable to finance at this time. Yet there are aspects of the medicaid program that could prove quite useful, for example, their claims administration and provider agreements, and the fact that they are used to individuals going on and off the rolls within a relatively short period of time.

And finally, there is the possibility of subsidizing the purchase of private insurance for those who lose their employment-based coverage. But this change would require some time to put into operation and would not be very useful for those currently in need.

PRIVATE SECTOR HELP

In recent years, many of the States—all of which regulate health benefit plans to some extent—have enacted various laws that are intended to deal statutorily with the gaps in health benefit protection that can occur because of events like divorce, death, and unemployment.

As in the case of death, several States require that separated workers—and dependents—be afforded the opportunity to convert from group to individual protection without proof of medical insurability. Several other States have approached the unemployment issue through a continuation law. In general, these statutes are directed toward those who are involuntarily separated from their jobs. Ordinarily, the separated worker is required to pay whatever premiums are needed to continue his previous coverage.

For those unemployed who remain out of the workforce for a prolonged period of time the ability to finance such coverage becomes increasingly more difficult—and they are often forced to forego coverage, leaving them unprotected.

THE FOCUS OF OUR EFFORTS

The purpose of the bill we are offering today is to provide some protection to those individuals who are not able to finance the purchase of private coverage during a period of unemployment and have no other coverage available to them.

This is not a bill which creates a program of national health insurance. It is not a program designed to address the needs of every individual who does not currently have health care coverage.

It is a program designed to assist those who are currently out of work and need some limited assistance to get them through this difficult time. The bigger problems will have to be addressed at some time in the future, but our inability to deal with them now, because of our current fiscal crisis, should not stop us from addressing one problem in some limited fashion.

OVERALL CONCEPT

Under the proposal we are offering today, title XX of the Social Security Act would be amended to provide that certain unemployed workers and their immediate families would be eligible for inpatient and outpatient hospital services, physician services, except for nursing home care, and prenatal and postpartum care. Coverage under the program which would be State administered, would be voluntary on the part of the States, and voluntary on the part of the unemployed workers, and their dependents.

The program would begin on June 1, 1983, with all States entitled to at least 80 percent, and no more than 95 percent, Federal matching payments to finance the program through September 1983. Beginning on October 1, 1983, only States with insured unemployment rates—determined on the basis of a 3-month moving average—at or above 4 percent could elect to continue to receive Federal matching at 80 percent. States with insured unemployment rates at or above 5 percent would receive Federal funds at a 95-percent matching rate.

The program would end on May 31, 1985, with any fund allocation balances remaining available for 6 months to finance program benefits for those still on the eligibility rolls.

FUNDING

The $750 million would be available for each of the two 12-month periods the program is in effect to pay for benefits; $150 million would be available in each period for program administrative costs.

States would be entitled to Federal matching payments for the costs of benefits for enrolled unemployed workers, and their dependents, up to a maximum payment amount for each State determined by a special allocation formula. The allocation formula takes into account State-insured unemployment rates in comparison with the national insured unemployment rate and other factors.

Unemployed workers, and their immediate family members, who are entitled to receive benefits under a State unemployment compensation system and who were enrolled in an employer or other group health benefit plan when they lost their jobs, would be eligible to enroll in the program. Entitlement to unemployment compensation means entitlement to receipt of regular State unemployment benefits, Federal supplemental program benefits, or benefits provided under the extended benefits program.

This provision would allow States to provide coverage to anyone who had received Federal supplemental benefits in the past and those who would again receive these benefits as a result of the FSC extension contained in S. 1. So those who have, as of the date of enactment, exhausted regular unemployment compensation benefits and extended benefits, but had received FSC benefits, would be eligible. This could cover people who had received benefits as far back as December 1979.

Coverage under the program would end no later than 6 months following the date on which the eligible worker is no longer entitled to compensation benefits, or for a lesser period at the option of the State, or 1 month after reemployment, whichever occurs first.

PREMIUMS AND COST SHARING

Unlike the medicaid program, the plan permits the State to establish a premium for health care coverage equal to an amount no greater than 8 percent of the individual's weekly unemployment compensation benefit.

The proposal would also permit a State to impose cost sharing, that is deductible and coinsurance requirements after public hearings for which adequate notice and opportunity for public participation have been provided. Cost sharing requirements could not, on the average, exceed 10 percent of the State's average monthly unemployment benefit. Further, no cost sharing could be required for prenatal or post-partum care.

ADMINISTRATION

We felt it was very important to utilize existing systems for the administration of this 2-year program so as to avoid unnecessary delays in implementing the program and high start-up costs. Clearly, the two systems most familiar with this kind of program and those eligible to enroll are the medicaid program, which has expertise in administering health benefits, and the unemployment compensation system, which has expertise in identifying and working with unemployed individuals.

State unemployment offices would be responsible for determining program eligibility.

Upon initial application for unemployment compensation benefits, or after enactment for those already on the unemployment compensation rolls, a worker would be informed of his potential eligibility for health benefits under the open enrollment opportunity provided his working spouse or parent, and under the State-administered program. He would then be allowed a 4-week period in which to elect or decline coverage under the State program.

The State medicaid agency would be responsible for the administration of the health benefits portion of the program.

The program would be required to report to the Department of Health and Human Services (HHS) by March 1, 1984, on the program's implementation and impact on the target population. A final report due in January of 1986 would be required of all States that participate in the program after September 30, 1983.

BENEFIT DOLLARS ALLOCATION FORMULA

The Secretary of HHS is directed to allot amounts appropriated under the act for services for any year among the States as follows:

First. One-half on the basis of the number of insured unemployed in each State to the total number of insured unemployed in all States;

Second. One-half on the basis of the number of persons unemployed for 26 weeks or more in each State to the total number of such persons in all States.

Allotments are to be determined on the basis of the most recent 12-month period, preceding the month of the determination, for which adequate data are available.

As indicated earlier, the State would know at the beginning of the 12-month period how much money it would be allotted, and it would then have the opportunity to determine how best to utilize those dollars within the guidelines provided by our program.

PRIVATE SECTOR PROVISION

In addition to providing some limited public sector assistance for unemployed individuals, we also expect the private sector to continue its efforts to help fill the gaps in coverage.

Under the proposal, employer-sponsored health benefit plans would be subject to a loss of 50 percent of the deduction for employer-provided health care costs if they fail to provide an open enrollment for a specified period of time for persons to change from self-only to family coverage, or to commence coverage for the employee and the employee's family.

OPEN ENROLLMENT

By providing these opportunities to certain workers, we are hoping to avoid the situation where a worker or a worker's family loses, or will lose, group coverage because the second worker in the family is laid-off or involuntarily separated from their job—other than for cause. The bill would permit such open enrollment for a 1-month period following the date of notification to the employer of the second worker's eligibility for receipt of unemployment compensation. Since the determining event, namely, job loss, is unrelated to the health status of either the dependent or the laid-off worker, virtually no adverse selection should develop for the employer of the dependent person.

COORDINATION OF BENEFITS

Any benefits for which an individual or family is eligible under the new health benefit program for the unemployed would be reduced to the extent that support or payments for items and services are, or could be, made under any other group health insurance plan, public program providing benefits to such individual or family member, or by any third party. An assignment of rights, to any support or payments for medical care from any third party must be made at the time coverage is elected.

CONCLUSION

In conclusion, I would like to stress that this proposal is not intended to be a backhanded approach to national health insurance, nor is it intended to provide health insurance coverage for all persons who do not currently have insurance. Rather, the legislation I am offering today would address, in a lim-

ited fashion, the immediate and temporary needs of those Americans who are eligible for certain types of State unemployment benefits, and who have lost their group health insurance as a result of separation from employment—for reasons other than cause. I would hope my colleagues will join me in offering this solution to this very disturbing aspect of the current high unemployment problem.

Mr. President, I ask that a summary and text of the bill be printed in the RECORD immediately following this statement.

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

SUMMARY: HEALTH BENEFITS FOR THE UNEMPLOYED

I. GENERAL CONCEPT OF PROPOSAL TO COVER THE UNEMPLOYED

Under the proposal, Title XX of the Social Security Act would be amended to provide certain unemployed workers and their immediate families with inpatient and outpatient hospital services, physician services (except for nursing home care), and prenatal and post-partum care. Coverage under the State administered program would be voluntary on the part of unemployed workers (and their dependents). States could require payment of an enrollment premium for such coverage.

States would be entitled to Federal matching payments for the costs of benefits for enrolled unemployed workers (and their dependents) up to a maximum payment amount for each State determined by a special allocation formula. The allocation formula takes into account State insured unemployment rates in comparison with the national unemployment rate and other factors.

The program would begin on June 1, 1983, with all States entitled to Federal matching payments to finance the program through September 1983. Beginning on October 1, 1983, only States with insured unemployment rates (determined on the basis of a 3-month moving average) at or above 4 percent could elect to continue to receive Federal matching funds. The program would end on March 31, 1985, with any fund allocation balances remaining available for 6 months to finance program benefits for those still on the rolls.

A. PUBLIC SECTOR PROVISION

1. Program eligibility

Unemployed workers, and their immediate family members, who are entitled to receive benefits under a State unemployment compensation system and who were enrolled in an employer or other group health benefit plan when they lost their jobs, would be eligible to enroll in the program. Entitlement to unemployment compensation means entitlement to receipt of regular State unemployment benefits, Federal supplemental program benefits or benefits provided under the extended benefits program.

This provision would allow States to provide coverage to anyone who had received Federal supplemental benefits in the past and those who would again receive these benefits as a result of the FSC extension contained in S. 1. So those who have, as of the date of enactment, exhausted regular unemployment compensation benefits and extended benefits, but had received FSC benefits, would be eligible. This could cover people who had received benefits as far back as December 1979.

For those who elect to enroll, coverage under the program would begin no sooner than 6 weeks following the week in which the unemployed worker is first entitled to unemployment compensation benefits and has applied to enroll in the unemployed health benefits program. States could at their option, establish a longer waiting period before coverage first begins.

Coverage under the program would end no later than 6 months following the date on which the eligible worker is no longer entitled to compensation benefits (or for a lesser period at the option of the State) or one month after reemployment, whichever occurs first.

Eligible workers would have to satisfy the State agency administering the program that they (and, if appropriate, their dependents) were enrolled in an employer or other group health benefits plan at the time they lost their jobs. It is expected that States will rely upon the broadest possible evidence of such previous enrollment, and may, upon their election, satisfy such requirement by obtaining a declaration from the worker of such previous enrollment.

2. Benefits

Program benefits would be limited to:

Inpatient hospital services

Emergency outpatient hospital services

Physician services, including those provided in health clinics and hospital outpatient departments, but excluding those provided in connection with nursing home care; and

Prenatal and post-partum care (which may be provided by a hospital, physician, clinic, or nurse midwife).

No coverage is available for prescription drugs or biologicals, except those provided on an inpatient hospital basis.

States may determine the amount, duration and scope of covered services. However, in no case may the benefits offered under this program exceed those offered under the State's Medicaid program for the categorically needy.

States would be allowed to provide for cost effective financing and delivery structures, and to contract with specific providers for the provision of covered services to the enrolled population. State's electing this option would be limited to contracting with providers eligible to serve the States Medicaid population.

Payment could only be made for services provided on or after the date the State begins participation in the program and only on behalf of eligible enrolled individuals.

3. Premiums

The plan permits the State to establish a premium for health care coverage equal to an amount no greater than 8 percent of the individual's weekly UC benefit. Separate premium schedules could be established for self-only and family coverage.

4. Patient Cost-Sharing

The proposal would permit a State to impose cost-sharing (i.e. deductible and coinsurance) requirements after public hearings for which adequate notice and opportunity for public participation have been provided. Cost-sharing requirements could not, on the average, exceed 10 percent of the State's average monthly UC benefit. Further, no cost-sharing could be required for prenatal or post-partum care.

The proposal would permit deductibles and coinsurance to be applied on a differential basis with respect to the target population, services provided, provider arrangements and the coverage period.

The proposal would require that all premium and cost-sharing revenues must be used to offset the State share of program benefit costs, to provide covered services to eligible individuals, or to reduce the cost sharing requirements placed on eligible individuals.

5. Reimbursement

The proposal would require States to utilize the same reimbursement mechanisms currently utilized under their Medicaid programs. They could, within that limit, choose to use a variety of arrangements, including capitation, as long as no arrangement is more generous than those provided to their medicaid categorically eligible. Providers would be required to accept the program's payment as payment in full for covered services except for any required cost-sharing amounts.

6. Administration

State unemployment offices would be reponsible for determining program eligibility.

Upon initial application for unemployment compensation benefits (or after enactment for those already on the unemployment compensation rolls) a worker would be informed of his potential eligibility for health benefits under the open enrollment opportunity provided his working spouse or parent and under the State-administered program. He would then be allowed a four-week period in which to elect or decline coverage under the State program. Once covered, an individual could opt out of the program at any time. However, once out he could not reenter until he again became eligible for a new benefit year as defined under the State unemployment compensation program.

The State unemployment compensation office would inform the individual concerning the date of eligibility, and the actuarial value of the benefits provided. Premium payments, at the option of the State, would be deducted from the individual's unemployment compensation check. Alternatively, the State would be permitted to establish some other collection mechanism. The administration of the health benefits provisions under this program would be the responsibility of the State agency established or designated to administer the State's Medicaid program.

7. Federal/State funding

Under the program, $750 million in Federal matching funds would be authorized for the 12-month period beginning June 1, 1983 and $750 million for the 12-month period beginning June 1, 1984.

All States would be entitled to Federal matching payments to finance the program through September 1983. Beginning on October 1, 1983 only those States with insured unemployment rates (based on an average of the preceding three months) equal to or exceeding 4% could elect to participate. Any State making an election after September 30, 1983, would be guaranteed participation in the program for at least 6 months, (not to go beyond May 31, 1985) regardless of any change in its insured unemployment rate.

A State participating in the program would be entitled to Federal matching payments for the costs of services provided to unemployed workers and their families up to a cap amount determined by the allocation formula. Funds would be allocated at the beginning of each program year although the States would not be provided

the money in a lump sum at that time. Funds would be expended in administratively the same manner as they are under the State's medicaid program. At the end of the second year, individual State fund allolcation balances remaining would be available for 6 months to expend on already enrolled beneficiaries whose coverage periods have not expired.

The Federal matching rate would be 80 percent for States with insured unemployment rates below 5 percent, and 95 percent for States with IUR's equal to or greater than 5 percent during the initial 4-month and any 6-month participation period beginning after September 30, 1983. The matching rate would remain stable for a participation period unless the rate was 80 percent and the State's IUR rose to 5 percent or greater, based on a 3 month moving average. In that case the Federal matching rate would be increased from 80 to 95 percent for the remainder of the period.

Any State which experiences a break in program participation because their IUR falls below 4 percent, based on a 3-month moving average, would be required to stop enrolling eligible individuals. Federal matching at the rate in effect at the time of the break in participation will continue to be provided for services to enrollees until their State-determined individual coverage period expires, but in no case beyond November 30, 1985.

Under the program, $150 million would be authorized for the 12-month period beginning June 1, 1983 and $150 million for the 12-month period beginning June 1, 1984, to cover the costs of program administration. Up to $70 million would be allocated each year to the States by the Department of Health and Human Services to cover the costs incurred by the States' medicaid agencies in administering this program. $80 million in each year would be allocated by the Department of Labor to the State unemployment programs for their administrative costs. All States participating in the program would be required to report to the Department of Health and Human Services (HHS) by March 1, 1984, on the program's implementation and impact on the target population. A final report due in January of 1986 would be required of all States that participate in the program after September 30, 1983.

8. Benefit dollars allocation formula

The Secretary of HHS is directed to allot amounts appropriated under the Act for services among the States as follows—

(1) One-half on the basis of the number of insured unemployed in each State to the total number of insured unemployed in all States;

(2) One-half on the basis of the number of persons unemployed for 26 weeks or more in each State to the total number of such persons in all States.

Allotments are to be determined on the basis of the most recent 12-month period, preceding the month of the determination, for which adequate data are available.

II. PRIVATE SECTOR PROVISION

1. Special open enrollment provision

Under the proposal, employer-sponsored (and other qualified group) health benefit plans would be subject to a loss of 50% of the deduction for employer-provided health care costs if they fail to provide an open enrollment opportunity for persons to change from self-only to family coverage or to commence coverage for himself and his family. By providing these opportunities to certain workers, we are hoping to avoid the situation where a worker or a worker's family loses, or will lose, group coverage because the second worker in the family is laid-off or involuntarily separated from his job (other than for cause). The provision would permit such open enrollment for a one-month period following the date of notification to the employer of the second worker's eligibility for receipt of unemployment compensation. Since the determining event (namely, job loss) is unrelated to the health status of either the dependent or the laid-off worker, virtually no adverse selection should develop for the employer of the dependent person.

2. Coordination of benefits

Any benefits for which an individual or family is eligible under the new health benefit program for the unemployed would be reduced to the extent that support or payments for items and services are, or could be, made under any other group health insurance plan, public program providing benefits to such individual or family member, or by any third party. An assignment of rights, to any support or payments for medical care from any third party must be made at the time coverage is elected.

S. 951

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) title XX of the Social Security Act is amended by adding at the end thereof the following new section:

"HEALTH SERVICES FOR UNEMPLOYED WORKERS

"SEC. 2008. (a)(1) Notwithstanding section 2005(a)(4) and any other provision of this title, any State may establish a program under this section for providing health care coverage for unemployed workers, subject to the provisions of this section.

"(2) The State may choose those groups of individuals (and their immediate families) who shall be covered under the program, the duration of such coverage, and the duration of the program, as the State determines to be appropriate, except that—

"(A) no coverage may be provided to any individual (or his immediate family) unless such individual (i) is receiving regular, extended, or Federal supplemental compensation (or, at the option of the State, railroad unemployment compensation), or (ii) is unemployed and has exhausted his rights to such compensation (by reason of payment of all such compensation for which he is eligible, other than for cause) within the prior six months, or (iii) was eligible for such compensation within the prior 30 days but lost such eligibility on account of employment;

"(B) no coverage may be provided for the first 6 weeks during which an individual is eligible for compensation (referred to in subparagraph (A)) in a benefit year (as determined under the State unemployment compensation law);

"(C) no coverage may be provided to any individual unless such individual was enrolled in a group health plan of the employer by whom he was employed at the time he last became eligible for compensation described in subparagraph (A) (and in making a determination with respect to prior enrollment, the State may use the broadest possible determination of proof);

"(D) no coverage may be provided with respect to any services provided prior to June 1, 1983, or with respect to services provided for an individual prior to the time such individual is determined to be eligible under such program; and

"(E) no coverage may be provided for any individual who is otherwise eligible for medical assistance under the State plan under title XIX.

"(b)(1) Services under the program established under this section shall include only inpatient and emergency outpatient hospital services and physician services, including those provided in health clinics but not including those provided in nursing care facilities, and prenatal and postpartum care. No drugs or biologicals shall be included within the covered services described in the preceding sentence unless provided as part of inpatient hospital services.

"(2) The State shall determine the amount, duration, and scope of the covered services described in paragraph (1) which shall be included under the program, but in no event shall the amount, duration, or scope of such services under the program under this section exceed the amount, duration, or scope of such services included under the State plan for medical assistance for individuals described in section 1902(a)(10)(A).

"(3) Services may be provided through varying arrangements made with providers by the State, but no such arrangement may provide services which are more generous than those provided under the State plan for medical assistance for individuals described in section 1902(a)(10)(A).

"(c)(1) The State may provide for a weekly premium charge for individuals participating in the program under this section, but no such premium charge may exceed an amount equal to 8 percent of the amount of compensation (referred to in subsection (a)(2)(A)) for which such individual is eligible for such week. Such premium charges may vary for individual coverage and family coverage and by provider arrangement.

"(2) The State may provide that deductibles and coinsurance amounts be imposed under the program, but the estimated average monthly amount of such deductibles and coinsurance amounts for users of services may not exceed an amount equal to 10 percent of the average monthly benefit amount in such State for compensation (referred to in subsection (a)(2)(A)). No such deductible or coinsurance may be imposed with respect to prenatal or postpartum care, and no such deductible or coinsurance may be imposed until after public hearings which provide adequate notice and opportunity for public participation have been held by the State with respect to such imposition. Such deductibles and coinsurance may vary with respect to different groupings of eligible individuals, different types of services, different provider arrangements, and varying coverage periods.

"(3) Any amounts imposed by the State for premiums, deductibles, or coinsurance which are imposed by the State must be used by the State to pay the share of the cost of the program under this section, or to provide additional services or periods of coverage to individuals eligible for coverage under such program.

"(d) Payment by the State for services provided to individuals eligible for the program under this section shall be made through the same administrative mechanisms through which payments are generally made under the State plan for medical assistance under title XIX; however, the State may provide for contracts with cost effective financing and delivery systems among carriers or providers, and may selectively

contract with a specific group or provide for capitation reimbursement, but no such contract may provide for services which are more generous than those provided under the State plan for medical assistance for individuals described in section 1902(a)(10)(A). Any limitations under the State plan for medical assistance on the amount that a provider of services may charge the recipient of such services shall also apply to the program under this section, except that premiums, deductibles, and coinsurance may be charged in accordance with subsection (c).

"(e)(1) Determinations of qualification for coverage under the program under this section shall be made by the State agency administering the State's unemployment compensation law under section 3304 of the Internal Revenue Code of 1954, and the program shall be administered by the State agency administering the State plan for medical assistance under title XIX of this Act.

"(2) Upon becoming eligible for compensation (referred to in subsection (a)(2)(A)), an individual shall be informed of the eligibility criteria for coverage under the program established under this section and the benefits provided, and shall have four weeks in which to voluntarily enroll in such program. Such individual shall also be informed of the possibility that such individual may be eligible to enroll in a health plan of his spouse or parent. If the individual declines the opportunity to enroll, or later voluntarily terminates his enrollment, he may not again enroll in such program unless he subsequently becomes eligible for compensation (referred to in subsection (a)(2)(A)) for a new benefit year (as determined under the State unemployment compensation law). In the case of any State which chooses to require the payment of a premium, the State may deduct the amount of the premium from the amount of such compensation paid to an individual enrolled in such program.

"(f)(1) Notwithstanding sections 2002 and 2003, payments to States having programs established under this section shall be made in accordance with the provisions of this subsection. Payments under this subsection are in addition to any amounts to which a State is entitled under section 2002, and payments made under section 2002 may not be used for purposes of this section. An amount, not to exceed the State's, allotment determined under paragraph (2), equal to the Federal percentage (as determined under paragraph (6)) of the amount expended by such State for its program established under this section (excluding administrative costs) shall be paid to the State in the same manner as payments are made under section 1903(d).

"(2) The Secretary shall allot $750,000,000 to carry out this section for each of the 12-month periods beginning on June 1, 1983, and June 1, 1984 among the States as follows:

"(A) One-half of such amount shall be allotted among the States on the basis of the relative number of insured unemployed individuals who reside in each State as compared to the total number of insured unemployed individuals in all the States.

"(B) One-half of such amount shall be allotted among the States on the basis of the relative number of individuals who have been unemployed for 26 weeks or more and who reside in each State as compared to the total number of such individuals in all the States.

"(3) Allotments shall be made on the basis of the most recent 12-month period, preceding the month in which the Secretary makes such allotments, for which adequate data is available.

"(4) Funds shall be allotted at the beginning of each 12-month period referred to in paragraph (2), but payment shall be made as described in paragraph (1). Amounts allotted for the 12-month period beginning June 1, 1984, may be paid to States for expenses incurred in providing services under the program for individuals who are enrolled in the program on May 31, 1985, until their eligibility for such program terminates, or November 30, 1985, whichever is earlier.

"(5) Any funds allotted to a State which did not establish a program under this section shall be reallotted to those States having a program, at the end of the 12-month period beginning June 1, 1984. Such funds may be expended in the same manner as described in paragraph (4).

"(6) For purposes of this section, the Federal percentage is—

"(A) 95 percent with respect to services provided in any State during a week for which the State's rate of insured unemployment (as determined for purposes of section 203 of the Federal-State Extended Unemployment Compensation Act of 1970) for the period consisting of such week and the preceding 12 weeks is equal to or exceeds 5.0 percent; and

"(B) 80 percent for any other week, except that if a State qualifies for the 95 percent Federal percentage under subparagraph (A) for any week, such 95 percent Federal percentage shall remain in effect with respect to such State for the duration of such State's 4-month initial period of qualification (in the case of a State which qualifies for the 95 percent Federal percentage for a week ending on or before September 30, 1983), and for the duration of such State's 6-month period of qualification (as determined under subsection (g) (1)) (in the case of a State which qualifies for such percentage for a week ending after such date).

"(7) The Secretary shall make payments to States for administrative costs incurred in carrying out the program established under this section, in a total amount not to exceed $150,000,000 for each of the 12-month periods beginning on June 1, 1983, and June 1, 1984, as he determines appropriate. Seventy million dollars of such reimbursement for each fiscal year shall be made to the State agencies administering the State program under this section, and $80,000,000 of such reimbursement for each fiscal year shall be made to the Department of Labor for payment to the State agencies administering the State's unemployment compensation law. Payments to any agency administering the State program under this section shall be made in an amount equal to the Federal percentage, in effect under paragraph (6), of the amounts expended by such agency in carrying out the program. Payments under this paragraph may be made with respect to program costs insured after November 30, 1985.

"(g) (1) With respect to services provided to individuals who are enrolled during the period beginning on June 1, 1983, and ending on September 30, 1983, any State may qualify for payments under this section if it has a program which meets the requirements of this section. With respect to services provided on or after October 1, 1983, only a State having a rate of insured unemployment (as determined for purposes of section 203 of the Federal-State Extended Unemployment Compensation Act of 1970) for a period consisting of any week ending after September 30, 1983, and the 12 preceding weeks, of 4 percent or more, may enroll new individuals in the program under this section. If a State qualifies to enroll new individuals under the preceding sentence, such qualification shall continue for a period of not less than 6 months beginning with the first week in which such State so qualifies, and any State may subsequently requalify upon reaching the required rate of insured unemployment after the end of such 6-month period, but no such period may extend beyond November 30, 1985.

"(2) During a period in which a State may not enroll new individuals in its program by reason of paragraph (1), payment under this section may be made with respect to individuals previously enrolled in such program until their eligibility expires, or, if sooner, November 30, 1985.

"(h) Any State establishing a program under this section shall submit a report to the Secretary on March 1, 1984, on the program's implementation and impact. A final report shall be submitted in January 1986 by any State which carries out its program for any period after September 30, 1983, upon expiration of its program.

"(i) The State shall provide that the payment for any services received by an individual under the program shall be reduced by the amount of any other payment which is or could be made with respect to such services under any other health plan or public program, or from a third party, and shall require each individual enrolled in the program to assign all rights to such payments as he may have to the State as a condition of enrolling in the program.".

(b) Section 3304 (a) of the Internal Revenue Code of 1954 is amended by redesignating paragraph (17) as paragraph (18) and inserting after paragraph (16) the following:

"(17) if the State establishes a program under section 2008 of the Social Security Act, the State agency administering the State unemployment compensation law shall carry out the functions required of it under such section; and ".

(c)(1) Subsection (i) of section 162 of the Internal Revenue Code of 1954 (relating to group health plans) is amended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following new paragraph:

"(2) Denial of 50 percent of deduction in cases where employer does not provide open enrollment if the spouse or parent of the employee becomes unemployed.—

"(A) IN GENERAL.—In any case in which a group health plan does not meet the requirements of subparagraph (B) for any portion of the taxable year, no deduction shall be allowed under this section for 50 percent of the amount of the expenses paid or incurred for such taxable year by an employer for such group health plan.

"(B) REQUIREMENTS WHICH PLAN MUST MEET.—A group health plan shall be treated as meeting the requirements of this subparagraph if, in the case of an individual covered (or eligible to be covered) under such plan who has a qualified spouse or parent, such plan allows such individual during the qualified open period—

"(i) to change coverage from self-only to family, except that in the case of a plan offering different levels of benefits, such plan meets the requirements of this clause even if the change in coverage does not include the ability for an employee to elect a higher level benefits, or

"(11) to commence coverage for himself and his family.

"(C) TERMS AND CONDITIONS SAME AS FOR OTHER OPEN ENROLLMENTS.—The terms and conditions of the coverage required under subparagraph (B) during any qualified open period shall be at least as favorable to the employee as the terms and conditions offered by the group health plan under any other opportunities offered to employees to commence or change coverage under such plan.

"(D) QUALIFIED SPOUSE OR PARENT.—For purposes of this paragraph, the term 'qualified spouse or parent' means the spouse or parent of an individual who—

"(i) becomes unemployed (other than for cause), and

"(ii) as a result of such unemployment, loses eligibility under a group health plan of the employer of such spouse or parent.

"(E) QUALIFIED OPEN PERIOD.—For purposes of this paragraph, the term 'qualified open period' means the 30-day period beginning on the day on which the appropriate State agency notifies the qualified spouse or parent of an individual covered under a group health plan that such spouse or parent has become eligible for receipt of unemployment compensation under any Federal or State law by reason of the unemployment described in subparagraph (D)(i).".

(2)(A) Except as provided in subparagraph (B), the amendments made by this paragraph shall take effect on the 60th day after the date of the enactment of this Act.

(B) In the case of a group health plan which was subject to a collective-bargaining agreement in effect on the date of the enactment of this Act, the amendments made by this Act shall take effect on the later of—

(i) the date under subparagraph (A), or

(ii) the date on which such agreement expires (determined without regard to any extensions agreed to after the date of the enactment of this Act).

(d)(1) Paragraph (4) of section 3304(a) of the Internal Revenue Code of 1954 (relating to requirements for approval of State unemployment compensation laws) is amended by striking out "and" at the end of subparagraph (A), by adding "and" at the end of subparagraph (B), and by adding after subparagraph (B) the following new subparagraph:

"(C) nothing in this paragraph shall be construed to prohibit deducting an amount from unemployment compensation otherwise payable to an individual and using the amount so deducted to pay for health care if the individual elected to have such deduction made and such deduction was made under a program established under section 2008 of the Social Security Act;".

(2) Paragraph (5) of section 303(a) of the Social Security Act is amended by striking out "; and" at the end thereof and inserting in lieu thereof ": *Provided further,* That nothing in this paragraph shall be construed to prohibit deducting an amount from unemployment compensation otherwise payable to an individual and using the amount so deducted to pay for health care if the individual elected to have such deduction made and such deduction was made under a program established under section 2008 of the Social Security Act; and".

● Mr. DURENBERGER. Mr. President, I am pleased to join the Senator from Kansas in sponsoring legislation to provide health insurance coverage for the unemployed. Through no fault of their own, millions of Americans have lost their jobs. The hardships created by this unemployment take many forms.

The loss of income threatens to unravel many of the dreams Americans have spent years pursuing. A private home, an education, a decent life for our children—all can be threatened by the loss of a job. But perhaps the greatest strain and uncertainty comes form the loss of health insurance protection.

Seventy-five percent of the work force secures health insurance coverage through their place of employment. The work setting has proven to be an excellent access point for obtaining health insurance. Employers have developed innovative approaches to providing health insurance protection. Features like multiple choice of health plans, wellness classes, coverage of ambulatory surgery, preadmission testing, and utilization review all have their roots in employer-based health plans. As money-savers and health-improvers, these provisions are good for both employers and employees.

Employer-based health insurance has its advantages. But it has disadvantages too, the major one being that when an employee loses his or her job, he or she also loses health insurance coverage. The CBO estimates that nearly 11 million Americans now lack health insurance coverage because the family breadwinners have lost their jobs.

For many, the loss of adequate health insurance is the most unnerving consequence of unemployment. It is one thing to postpone the purchase of clothes, appliances, or an automobile, but if a child needs surgery, there is no postponing that. And without health insurance, the costs associated with a major illness can be staggering.

The program we are offering today is designed to ease the health insurance gap caused by unemployment. As I emphasized in the floor debate yesterday, it is not intended to be a final solution, and it is not intended to be national health insurance. It is a stopgap measure designed for a particularly acute problem. And as a blend of public and private initiatives, it achieves a balanced solution.

On the private side, the proposal establishes a new condition under which an employee may change coverage in his health plan. If an employee's spouse loses a job—and with it health insurance coverage—then the employee will be allowed to change to family coverage, provided the employer offers it. Most employees now have the option of switching to family coverage when they get married or have a child. Now they will have the same option if the spouse loses his or her job.

On the public side, the Federal Government will make $750 million available to the States in each of the next 2 years through title 20 of the Social Security Act. Dollars will be allocated to the States based on a formula which measures long-term unemployment. Thus, the States which carry the heaviest burden of long-term unemployment will get the most money.

States will be required to use existing programs in spending the money. Thus, no new administrative structures are created. Eligibility will be determined through the unemployment compensation system, and health benefits will be managed and paid for through the State's fiscal function established under medicaid.

States will also have the option of generating additional revenue for the program by requiring a premium payment and imposing modest cost-sharing. In no case may a premium payment exceed 8 percent of an individual's unemployment compensation check. And coinsurance and deductible amounts are limited to 10 percent of a State's average unemployment check.

As you can see, the program is based on the employer model of health insurance. Eligible individuals have the option of signing up for coverage, just as they do in the private sector. If they do sign up, they may have to make a premium payment, which would be deducted from their unemployment check. And they could be responsible for modest coinsurance and deductible payments, much as individuals are in the private sector. Finally, States are encouraged to develop competitive alternatives to traditional indemnity protection, so that the unemployed could have a choice of health plans similar to what many active workers now enjoy.

The simplicity of this program is its strength. It requires no new massive administrative bodies. It is countercyclical in that it provides more money to those States with the most unemployment. And it is limited in scope. It is designed only for the unemployed, and it is scheduled for a phaseout in 2 years—after our country has pulled itself out of this recession.

Fortunately, the key economic indicators tell us that we are pulling out of the recession. Our economy is on the rebound. It will take time, though, before the recovery creates enough new jobs to bring down our staggering rate of unemployment.

Those who have been unemployed for 1 year, for 2 years or even longer need our assistance now. Congress just completed action on the Jobs bill. Now we have the opportunity to lend another helping hand to the unemployed by giving them the peace of mind that comes with health coverage.

I urge each and every one of my colleagues to join us in sponsoring this critical legislation. We have worked long and hard on its design and have come up with what I believe is a sensi-

ble program to meet an overwhelming human need. It is a good program that deserves everyone's support.

Thank you.●

By Mr. EAST (for himself and Mr. HUMPHREY):

S. 952. A bill to prohibit the growing of marihuana on Federal land; to the Committee on the Judiciary.

MARIHUANA CULTIVATION ON FEDERAL LANDS CRIME ACT OF 1983

● Mr. EAST. Mr. President, the growing of marihuana on Federal land is a problem that has been increasing rapidly in recent years. In one recent incident in the Ozark National Forest, law enforcement agents found marihuana plants worth an estimated $20 million being cultivated on 100 plots of remote land within the park.

While there are currently provisions in title II of the Controlled Substances Act that are arguably applicable to the cultivation of marihuana on Federal land, the problem is developing so rapidly that clearer legislative prohibitions on this activity are needed to enable effective prosecutions and convictions of lawbreakers engaging in this activity.

I introduced legislation in the 97th Congress to prohibit the growing of marihuana on Federal land and to establish penalties for the offense. Shortly thereafter on September 30, 1982, Senator HAYAKAWA conducted hearings on this problem in the Subcommittee on Forestry, Water Resources, and Environment.

As a reflection of the increased public awareness of the general problem of marihuana cultivation, the cover story of Newsweek magazine on October 25, 1982, was devoted to that subject. According to an article in the Greensboro Daily News on that same date, North Carolina may now rank as the fifth largest marihuana-producing State in the Nation.

No decent farmer in North Carolina is engaged in this kind of farming and the people of my State have enacted tough laws to discourage such illicit activities on lands subject to State criminal laws. According to the article in the Greensboro Daily News on October 25, 1982, there is a minimum sentence of 5 years for manufacturing 50 to 100 pounds of marihuana. The minimum sentences range upward for manufacturing larger quantities of marihuana to the point at which there is a minimum sentence of 35 years for growing 10,000 pounds or more.

Since much of the remote land in North Carolina and other States that is suitable for growing marihuana is owned by the U.S. Government, it is my belief that some of the illicit marihuana growing would be discouraged by a tough Federal law specifically addressing the problem of marihuana cultivated on Federal land.

The bill which I introduced in the 97th Congress received strong support in the Senate, where on December 9, 1982, it was unanimously adopted by voice as an amendment to S. 2411, the Justice Assistance Act. Unfortunately, the bill was resisted by liberal elements in the House of Representatives. Constituencies in some regions of the country include significant numbers of well-financed individuals and organizations that benefit from marihuana cultivation. At any rate, during the last days of the 97th Congress, the House stripped away several provisions of S. 2411 including the marihuana proposal, and passed the remaining provisions of S. 2411 together with the provisions of another bill, H.R. 3963.

President Reagan very properly refused to accept this hastily assembled legislative package and pocket vetoed it. In fact, prior to the President's decision, I urged him to veto the bill because it included some seriously flawed provisions and deleted some good elements of other anticrime packages such as my marihuana bill.

Among the other specific anticrime measures that the bill failed to include were bail and sentencing provisions. Among the bill's flawed provisions was a proposal of questionable constitutionality: The so-called three-time loser offense. Moreover, the President criticized the so-called drug czar provision that would create a new bureaucracy within the executive branch. While the proponents of this provision intended to help coordinate drug enforcement activities, the President thought that it would actually hamper these enforcement activities.

The problem of marihuana cultivation on Federal lands is not going away and threatens to increase in seriousness. I am therefore reintroducing the bill which was numbered S. 2934 in the 97th Congress and hope that it can be swiftly enacted in the 98th Congress.

Mr. President, I ask unanimous consent that the bill 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. 952

Be it enacted by the Senate and House of Representatives of the United States of America assembled, That this Act may be cited as the "Marihuana Cultivation on Federal Lands Crime Act of 1983".

SEC. 2. Chapter 91 of title 18 of the United States Code is amended by adding at the end thereof the following:

"§ 1864. Prohibition against growing marihuana on Federal lands; penalties.

"It shall be unlawful for any person knowingly or intentionally to plant, grow or cultivate marihuana on Federal lands unless specifically authorized by another provision of Federal law. Any person who violates this section shall be sentenced to a term of imprisonment of not less than one year and not more than fifteen years, and a fine of not less than $10,000 and not more than $15,000,000. Any person who, having previously been convicted of a violation of this section, again violates this section, shall be sentenced to a term of imprisonment of not less than ten years and not more than thirty years and a fine of not less than $100,000 or not more than $30,000,000.".

SEC. 3. The section analysis of chapter 91 of title 18 of the United States Code is amended by inserting at the end thereof the following item:

"1864. Prohibition against growing Marihuana on Federal lands; penalties.".●

● Mr. HUMPHREY. Mr. President, I gladly rise in support of my friend and colleague from North Carolina, Senator EAST, as he renews his initiative to rid our national parks and forests of illicit marihuana growers. During the past year, public attention has become more sharply focused upon this deplorable situation, and a justifiably outraged citizenry is demanding that this corruption of their tax-supported lands be brought to a halt. In seeking to include a specific prohibition against this activity in the United States Code, Senator EAST is providing us the opportunity to send a clear and convincing message that the abuse of precious public lands by outlaw marihuana growers will not be tolerated.

It is indeed shocking to learn of the extent to which illegal marihuana plantations have come to resemble paramilitary compounds. The growers have organized themselves into hordes of guerrillas, arming themselves with sophisticated arsenals including automatic rifles, pipe bombs, hand grenades, mines, shotguns, and fishhooks suspended from trees at eye level. Innocent visitors of national parks, as well as National Park Service personnel, have been confronted and threatened by these individuals in many reported incidents. Additionally, these criminals are directly threatening our environment through the use of arsenic and high concentrations of nitrogen for the purpose of rodent control and fertilization.

As chairman of the Subcommittee on Alcoholism and Drug Abuse, Mr. President, I am acutely aware of the harmful effects of marihuana upon users of the drug. To stand idly and allow criminals to use our public lands to promote an activity condemned by the majority of the American people is to shirk our collective responsibility as guardians of the public interest and keepers of the public trust. I strongly urge my colleagues to lend full support to Senator EAST's bill, to insure that there will be no doubt in anyone's mind about how we in Congress, and through us the American people, intend to deal with those who slap us in the face by seizing our common land in furtherance of their own criminal ends.●

By Mr. LAXALT:

S. 953. A bill to amend the Internal Revenue Code of 1954 to permit elections under section 2023A to be made on amended returns; to the Committee on Finance.

AMENDED RETURNS ON ESTATE TAX

● Mr. LAXALT. Mr. President, today I would like to introduce legislation amending the Internal Revenue Code of 1954 permitting elections under section 2023A to be made on amended returns.

This legislation will allow the decedents of an estate to elect to alter the tax clarification of an estate as long as the estate tax file has not been closed with the IRS. It will alleviate part of the severe tax burden which has been placed on an estate whose decedents are making every effort to maintain as a working farm.

Specifically, I am aware of a case where the current law has worked a severe hardship on one family. They were not aware of changes in the tax laws, and did not alter their status alleviating them from paying taxes in one lump sum. Now, the children are left with these tax payments. They are still trying to keep the estate in working order; however, will be forced to sell it unless the election date of the estate is pushed back.

They are in no way trying to become exempt from payment of taxes, rather, they would like to change their standing and lessen the huge sums of money they are paying. They should not be penalized for not knowing of a change in tax laws. We are not reducing the taxpayers taxes, we are simply asking that her taxes run in line with current tax laws.●

By Mr. LAXALT:

S. 954. A bill to amend the Internal Revenue Code of 1954 to exempt from the windfall profit tax certain charitable organizations which provide assistance to patients; to the Committee on Finance.

WINDFALL PROFIT TAX EXEMPTION

● Mr. LAXALT. Mr. President, today I am reintroducing legislation to exempt from the windfall profit tax certain charitable organizations that provide research, physician education, and/or assistance to patients and which will be forced to close their doors as a result of this tax.

There are a small number of vitally important medical service organizations who did in payment of hospital bills, outpatient care, and living expenses for patients who are terminally ill or physically imparied for a continuous period of 1 year or longer. They have been put in great financial straits and will be forced to terminate their services to patients upon payment of the windfall profit tax.

Presently, only schools, hospitals, orphanages, and certain churches are exempt. This amendment would allow these specific service organizations which are originated and operated substantially to provide physical training, medical or hospital care, medical research, or financial assistance to medical research or to individuals who have a medically determinable physical impairment that can be expected to last for a continuous period of not less than 1 year or resulting in death.

I do not believe Congress intended to discriminate against usually tax-exempt, nonprofit service organizations which receive their money from oil revenues. These few institutions obviously slipped through the cracks when Congress originally composed the windfall profit tax. During these times of reduced Government spending, and increased emphasis for private, charitable works, we should be doing all we can to help these small but extremely vital establishments whose sole purpose is to give aid to physically impaired and terminally ill patients who are struggling financially.

Specifically, there are two such organizations in Nevada which will be forced to close their doors as a result of the windfall profit tax. The Reno Cancer Center and the Nevada Division of the American Lung Association are two nonprofit, patient-service organizations which will be devastated by this tax.

The Reno Cancer Center has been in existence for 24 years in the Washoe County Hospital in Reno. Its purpose is to help pay for hospital care, chemotherapy, and other drugs and radiation for cancer patients, and on occasion, a portion of surgery fees; though the bulk of the patient-assistance program is to help pay for cancer patients' living expenses.

In the past, the Reno Cancer Center has also given money to the University of Nevada Medical School for cancer research; however, this year it has been forced to keep this money to pay the windfall profit tax.

The Nevada Lung Association primarily aids with living expenses, medical research, physical training, and hospital care for patients with unpayable medical expenses. It, too, will be forced to close its doors as it financially cannot exist when forced to pay such a large percentage of funds as taxes.

I believe Congress will agree that it is vital that both the Reno Cancer Center and the Nevada Lung Association become exempt from the windfall profit tax as they are both patient service, nonprofit, usually tax-exempt organizations that will be devastated and ultimately terminated by this tax.●

By Mr. HOLLINGS (for himself, Mr. HEFLIN, Mr. GORTON, Mr. INOUYE, Mr. FORD, Mr. RIEGLE, and Mr. LAUTENBERG):

S. 955. A bill to maintain the preeminence of the United States in space, to promote the peaceful exploration and utilization of space, and for other purposes; to the Committee on Commerce, Science, and Transportation.

NATIONAL COMMISSION ON SPACE ACT

Mr. HOLLINGS. Mr. President, in major respects NASA and the U.S. space program are at the threshold of a new era. Just 25 years since the establishment of NASA we hear increasingly about the Shuttle era, the space commercialization era or the era of international competition. We also hear about the increased use of space for national security purposes. No matter how one chooses to characterize the coming era, it should be one of national opportunity. To realize those opportunities, however, will require a revitalization of this country's commitment.

I am introducing today the National Commission on Space Act for the very purpose of reinforcing our resolve to utilize the space environment for the maximum national benefit. Joining me in this effort are Senators HEFLIN, GORTON, INOUYE, FORD, RIEGLE, and LAUTENBERG. A number of issues and program decisions face us that will shape the future of our space program. In other to maintain U.S. preeminence in space, we must address those issues and provide our space program with clear directions. The Commission established under this bill would lead the way in this effort.

Much has happened since the actions of the Soviet Union first mobilized U.S. efforts in space. Whereas for many years the only competition the United States faced in space was from the Soviet Union, today this no longer is true. Other nations have developed a capability to operate in space. We face increased competition in space, particularly for commercial purposes, from the Europeans and the Japanese. The future of the U.S. leadership position is at stake and with it the economic, scientific, and national security benefits that a strong national effort would provide.

In a major study undertaken at the request of the Senate Committee on Commerce, Science, and Transportation, on which I serve as the ranking Democrat, the Congressional Office of Technology Assessment (OTA) outlines where we have come from, provides clear examples of what is at stake and indicates what must be done. I would like to share with my colleagues some of their findings contained in the report entitled "Civilian Space Policy and Applications."

The report follows:

In 1958, the basic institutions and policy principles for civilian space activities were established in the National Aeronautics and Space (NAS) Act. This supporting structure,

though amended and extended by legislation and presidential directives, remains essentially unchanged to this day. During this time much has happened—not only with regard to the space program, but also with regard to the commercial, national, and international context within which the program functions.

One of the most striking changes since 1958 is that space applications are now common and pervasive parts of day-to-day life. We rely increasingly on space for vital private and public functions (commercial communications and military reconnaissance) and for useful services (land remote sensing, navigation, and weather forecasting). In the near future, we can foresee commercial possibilities for processing materials in space. All of these applications of space technology require the support of a space transportation system, including launch vehicles, spaceports, and tracking networks.

In spite of these advances, however, there is no overall agreement about the direction or scope the civilian space program should assume in the future. For the most part, our increasing reliance on space systems has not been appreciated by the general public, which responds most readily to spectacular manned and scientific missions.

For space applications in particular, lack of agreement on appropriate goals has made it difficult for the executive agencies to set specific timetables for developing space systems that meet user needs, to encourage private sector investment, and to initiate new and/or implement mandated programs. In addition, there is no clear and predictable policy or process to define at what rate and by what criteria the transfer of technology from Government research, development, and demonstration programs to the private sector should take place.

The lack of consensus is of concern because many desirable space activities require continued Federal support. The Government continues to play a crucial role in at least four areas that are essential to the Nation's future in space but have little potential for immediate commercial return: contribution to advanced R&D, continuation of space science, provision of public goods and services, and regulation/coordination of national efforts, particularly with respect to international agreements.

The failure to agree about the aims of the U.S. space program has occurred as other nations have been expanding their own programs. When the U.S. space program began, the Soviet Union was our only competitor in space. The Soviets have never challenged our leadership in space applications. Now, however, international competition in space applications is a reality. The Europeans and the Japanese have targeted specific space technologies for development, and they will soon be providing stiff competition for services theretofore offered only by the United States. Their increased activities threaten the loss of significant revenue opportunities for the United States as well as a potential loss of prestige and influence. Japanese and European technologies now capture a small but growing portion of the world market in satellite communications technology. Their position is likely to strengthen in time. In the near future they are also likely to be in a similar position with respect to launch services and remote sensing systems.

Unless the United States is prepared to commit more of its public and private resources to space than it now does, it will lose its preeminence in space applications during the 1980s. Both technological and commercial leadership are at stake. The U.S. leadership position will depend not only or even primarily on spending more money, but on effectively allocating our technical, financial, and institutional resources to meet international competition. Given the likely constraints on the Federal budget, it will be important to decide in what areas the United States wishes to compete, because attempts to maintain a comprehensive program without additional capital and manpower may lead to second-best technology and systems and/or inadequate institutional support.

Although the Federal Government must continue to play an important part in space, it cannot do the job by itself. The twin factors of diminishing Federal resources for civilian space activities and the dynamic qualities of the private sector make it important that the private sector participate more actively in U.S. space efforts. A great part of the success of the European and Japanese programs results from their institutional arrangements within which private and public sectors can work well together.

This emphasis on applications of space technology and space commercialization also is the subject of a speech by a long-term participant in the U.S. space program, Mr. Robert F. Allnutt. He discusses the commercial era of space, what is occurring in the United States and what the international implications might be of developing the new continent of space. So that others might become familiar with his perceptions, I ask that a copy of his speech be included in the RECORD at the end of my statement.

In the Congressional Research Service (CRS) report prepared by Marcia S. Smith, she provides another analysis of the status of U.S. space policy. The issues that are of concern to the CRS are as follows:

Over the past several years, a number of issues have been debated concerning the conduct of U.S. space activities. Two factors are bringing these issues into increasing prominence: constrained budgets which have forced NASA to significantly scale back civilian space initiatives, while at the same time DOD's space budget is growing rapidly; and the emergence of the space shuttle as the single launch system for all U.S. spacecraft, civilian and military. Some specific questions are whether the U.S. is committed to exploiting and exploring space, and if so, whether the NASAct is adequate as a policy vehicle for the 1980s and beyond; how the U.S. can become a reliable partner in international space ventures; the role of Government versus private industry in space endeavors; whether NASA should be restricted to performing research and development only, or be allowed to operate space systems such as the shuttle once they are out of the R&D phase; and whether civilian and military space activities should be merged, with the possible abolishment of NASA.

Everywhere one turns one can hear arguments for the need to give our space efforts some long-term direction, direction in terms of resolving certain policy issues as well as programmatic directions. The OTA and CRS among others have done a fine job of raising issues. Some of these issues are not new. It would do this Nation well to reexplore some of these issues and explore some of the new ones. For example, we should consider the:

Adequacy of the original National Aeronautics and Space Act of 1958 as the basis for future space efforts;

Alternative roles and relationships of our civilian and national security programs;

Roles and relationships of the private and public sectors in space initiatives, including the opportunities of the private sector in utilizing the space environment;

International implications of cooperation and competition in space; and

Suitability of existing Federal organizations to carry out future governmental responsibilities.

With regard to programs, we must take a long-term perspective and review our space transportation, science, applications, and advanced technology requirements. For example, we must decide what the appropriate circumstances and time scale would be for this Nation to pursue a permanent presence in space. We must maintain the stability in our science and exploration efforts that is so crucial to advancing our knowledge base. In the area of space applications, we must invest where we have a high likelihood of receiving public and private payoffs.

On this latter point, it concerns me that in this year's NASA budget, the most important but least funded program is space applications. Specifically, of those space applications projects that have commercial and economic significance, one finds that land remote sensing program is funded at $46.4 million, materials processing at $21.5 million, communications at $21.1 million and technology utilization at $4.0 million. This total of $93 million for commercially significant applications programs represents just 8.7 percent of the science and applications budget and only 1.3 percent of NASA's overall budget. Such a policy and unbalanced program cannot possibly be in our Nation's best interest.

Mr. President, there are those who would agree that we face a number of issues and programmatic decisions, but that the present decisionmaking system can do the job. Well, I disagree.

The present system often conducts its business behind closed doors. The arrangement within the administration to decide space policy issues presently relies on the Space Interagency Group which is an arm of the National Security Council (NSC). On some occasions we may hear the results of their deliberations, at other times not. In either case, the public will not know what the arguments are pro and con relative to the issues under consideration. Furthermore, I question the appropriateness of handling civilian

space policy issues within the NSC framework.

We need a more public discourse and hopefully public consensus on the direction of our space program. It is not possible to meet that test under the present arrangement. Therefore, I call to my colleagues' attention this legislation which would establish a National Commission on Space.

There is a useful precedent for such a Presidential commission with which many of my colleagues are familiar. A number of years ago we faced a new era of oceans development. The oceans had been viewed largely as a scientific curiosity and a means for transportation. The potential for marine resource development was really just getting under way. There also were a number of policy issues related to the utilization of the oceans. Thus in 1966 the Congress established a Marine Resources Commission which was headed by Julius Stratton. The Stratton commission had an excellent and diverse membership that was supported by a strong professional staff. They reviewed the diverse Federal oceans programs and the Government's ability to respond to various opportunities. The Commission's report provided an extremely valuable guide in the oceans area, and it still is relevant today.

The OTA also recommends the establishment of such a forum for space. As outlined in the OTA report:

A pervasive element is the lack of consistent long-term goals and clear policy initiatives, from either the executive or the legislative branches of the Government. This situation derives in part from the fact that since the Apollo decision was made in 1961, the number of major factors in civilian space activities has increased from one agency (NASA) to include six Federal agencies and numerous private firms. Not surprisingly, the many groups with direct and indirect interests in space agree neither about the overall importance of the civilian space program nor about specific applications projects. In the absence of broad consensus and a means for deciding between opposing views, the scope of individual projects is determined by the annual budget deliberations among the executive agencies, the Office of Management and Budget (OMB), and Congress. Over time, the sum of these decisions determines the overall course of the space program. However, the annual budget cycle bears little relationship to the long-term evolutionary cycle of space systems. In addition, OMB has not chosen to view investment in space activities from a long-range perspective. Until such time as a broad consensus is formed, it is left to the President or Congress to set forth a coherent, strategic framework for civilian space policy. In the absence of such direction, the current drift will continue and worsen . . .

In order to plan for the future of the space program in the context of other national needs, the United States needs a multi-representative forum to discuss and recommend comprehensive, long-term goals. Such a forum could coordinate the interests of all the major actors in order to allow equitable and stable decisions to be made about the overall direction of the civilian space program. Though such a body would not itself direct the course of the space program, because this responsibility lies with the President and Congress, it could focus the debate and provide timely advice . . .

A device that is occasionally employed to investigate a broad area of national interest is a Presidential or National (implying congressional and private involvement) commission, board, committee, or council . . .

One possibility for space is to charter for a specified term, a 'National Space Commission' with membership from the general public, State and local governments, industry (particularly aerospace and electronics firms), academia, Congress, and the executive branch—NASA, State, DOD, Interior, Commerce, and Agriculture. The Commission would be charged with reviewing and assessing the civilian space program and its benefits, and recommending long- and short-term objectives, and a time frame for their achievement. The product of the Commission would be a major report, recommending short- and long-term goals for the U.S. space program. The Commission would be publicly supported; following its report, congressional hearings could be held on its recommendations, and legislation prepared for consideration by Congress.

Such a forum enables participation from a broad set of interests in developing program goals, it operates in a manner that is outside normal channels and hence would be less threatening to the annual budget preparation process; it would be public and could solicit public input as appropriate; and it would serve as an expression of broad national and bipartisan support for the civilian space program. In order to provide a specific objective for such a group, a major report should probably be specified, with annual updates for the life of the Commission.

A National Space Commission, because of its public, short-term nature, could not substitute for a means within the administration to resolve issues, develop policy proposals, review goals, and set strategy for the space program. The Commission therefore is complementary to the previous two options, although it would deal with many of the issues. The Commission would have the advantage of being able to evaluate public response and support, and to focus that support on specific goals. It also provides a device for full discussion of congressional, executive branch, and private sector views in a constructive setting.

Mr. President, the Commission established under my bill would have 1 year to do their work and then report back to the President and Congress. Their report, which would be based upon input from all sectors, should provide recommendations for a national space policy including legislative proposals and a program plan. Cost estimates would also be provided.

Earlier I indicated that we needed to revitalize our national commitment if we are to receive the benefits from utilizing the space environment. I am not talking about massive infusions of the taxpayers' money. The present level of investment in NASA adjusted for inflation, would enable a rather vigorous, future program. It is often a question of where the money is spent and how Government policy can help stimulate greater private commitments.

Regarding private investment in the space program, one area of promise involves private launch capabilities. I recently introduced S. 560, the Private Satellite Launching Authorization Act to stimulate such private sector efforts. Providing the proper authority and regulatory framework can enhance greatly private investment while not placing any additional demands on the U.S. taxpayer.

In conclusion, Mr. President, it is my hope that this legislation will help give direction to our space efforts. We need to mobilize our national spirit and resolve the way President Kennedy did almost two decades ago. It is time again to support our creative and talented people. As George Will wrote regarding the space program:

The future deserves the spirit of the American past . . . you ain't seen nothing yet.

Mr. President, I ask unanimous consent that this legislation and the speech of Robert F. Allnut mentioned earlier be printed in the RECORD.

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

S. 955

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 "National Commission on Space Act".

PURPOSES

SEC. 2. It is the purpose of this Act to establish a National Commission on Space that will assist the United States to—

(1) maintain its preeminence in space science, technology and applications;

(2) promote the peaceful exploration and utilization of the space environment; and

(3) develop policy and program options for the future of the Nation's space program.

FINDINGS

SEC. 3. The Congress finds and declares that—

(1) the United States space program has been an unparalleled success, providing significant economic, social and national security benefits, and helping to maintain international stability and good will;

(2) the National Aeronautical and Space Act of 1958 (42 U.S.C. 2451 et seq.), has provided the policy framework for achieving this success, and continues to be a sound statutory basis for national efforts in space;

(3) the United States is entering a new era of international competition and cooperation in space, and therefore this Nation must strengthen the commitment of its public and private technical, financial, and institutional resources, so that the United States will not lose its leadership position during this decade;

(4) while there continues to be a crucial government role in space science, advanced research and development, provision of public goods and services and coordination of national and international efforts, advances in applications of space technology have raised many issues regarding public and private sector roles and relationships in technology development, applications and marketing;

(5) the private sector will continue to evolve as a major participant in the utilization of the space environment;

(6) future national efforts in space will benefit from a review and clarification of civilian and national defense responsibilities in space; and

(7) to maintain the Nation's preeminence in space in the next 25 years, it is necessary to develop clear policy and program goals, which would best be identified through a high-level, multi-representational public forum that would provide the President and Congress with options from which such goals could be determined.

DEFINITION

SEC. 4. As used in this Act, the term "Commission" means the National Commission on Space, provided for in section 5 of this Act.

NATIONAL COMMISSION ON SPACE

SEC. 5. (a)(1) The President shall establish a National Commission on Space, which shall be composed of fifteen members appointed by the President. The members appointed under this subsection shall be selected from among individuals from State and local governments, industry, business, labor, academia, and the general population who, by reason of their background, education, training, or experience, possess expertise in scientific and technological pursuits, as well as the use and implications of the use of such pursuits. The President shall designate one of the members of the Commission appointed under this subsection to serve as Chairman, and one of the members to serve as Vice Chairman. The Vice Chairman shall perform the functions of the Chairman in the Chairman's absence.

(2) Members appointed under paragraph (1) of this subsection shall be entitled to be paid at a rate not to exceed the daily equivalent of the annual rate of basic pay in effect under section 5332 of title 5, United States Code, for grade GS-18 of the General Schedule for each day, including traveltime, during which such members are engaged in the actual performance of the duties of the Commission. While away from their homes or regular places of business, such members may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed under section 5073(b) of title 5, United States Code. Individuals who are not officers or employees of the United States and who are members of the Commission shall not be considered officers or employees of the United States by reason of receiving payments under this paragraph.

(b)(1) The President shall appoint four individuals who are employees of the Federal Government to serve as ex officio members of the Commission.

(2) The President shall also appoint two advisory members of the Commission from among the Members of the Senate and two advisory members of the Commission from among the Members of the House of Representatives. Such members shall not participate, except in an advisory capacity, in the formulation of the findings and recommendations of the Commission.

(3) Members of the Commission appointed under this subsection shall not be entitled to receive compensation for service relating to the performance of the duties of the Commission, but shall be entitled to reimbursement for travel expenses incurred while in the actual performance of the duties of the Commission.

(c) The Commission shall appoint and fix the compensation of such personnel as it deems advisable. The Chairman of the Commission shall be responsible for—

(1) the assignment of duties and responsibilities among such personnel and their continuing supervision; and

(2) the use and expenditures of funds available to the Commission.

In carrying out the provisions of this subsection, the Chairman shall act in accordance with the general policies of the Commission.

(d) To the extent permitted by law, the Commission may secure directly from any executive department, agency, or independent instrumentality of the Federal Government any information it deems necessary to carry out its functions under this Act. Each such department, agency, and instrumentality shall cooperate with the Commission and, to the extent permitted by law and upon request of the Chairman of the Commission, furnish such information to the Commission.

(e) The Commission may hold hearings, receive public comment and testimony, initiate surveys and undertake other appropriate activities to gather the information necessary to carry out its activities under section 6 of this Act.

(f) The Commission shall cease to exist 60 days after it has submitted the report required by section 6(d) of this Act.

FUNCTIONS OF THE COMMISSION

SEC. 6. (a) The Commission shall make a comprehensive investigation of existing and proposed space activities in the United States in order to assess their adequacy in meeting the present and future needs of the Nation. Such study shall include—

(1) a review of the known and possible economic, social, environmental, foreign policy and national security needs of the United States, and methods by which space science, technology, and applications initiatives might address those needs;

(2) a review of the adequacy of the Nation's public and private capability in space science, technology, and applications;

(3) a review and assessment of present issues and issues that may arise as space research, technology development and applications are utilized to meet future national needs; and

(4) an analysis of the findings of the reviews specified in paragraphs (1) through (3) of this subsection, and options and recommendations for a national space policy and program plan.

(b) Issues to be considered pursuant to subsection (a)(3) of this section shall include—

(1) the adequacy of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.) to serve as the basis for future national space policy;

(2) alternative roles and relationships of the civilian and national security space programs;

(3) alternative roles and relationships of the private and public sectors in national space efforts;

(4) the suitability of existing Federal organizational arrangements to carry out future governmental responsibilities in space research, technology development and applications;

(5) the opportunities for, and barriers to, private sector utilization of the space environment and participation in national space programs;

(6) the methods, occasions and circumstances under which the Nation should pursue a permanent presence in space; and

(7) considerations involving international cooperation and competition in the utilization of the space environment.

(c) Options and recommendations submitted in accordance with subsection (a)(4) of this section shall include an estimate of costs and time schedules, institutional requirements, and statutory modifications necessary for implementation of such options and recommendations.

(d) Within 12 months after the date of the establishment of the Commission, the Commission shall submit to the President and to the Committee on Commerce, Science and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives the results of the study conducted under this section, together with recommendations for such legislation as the Commission determines to be appropriate.

AUTHORIZATION OF APPROPRIATIONS

SEC. 7. For the fiscal year ending September 30, 1984, there is authorized to be appropriated not to exceed $1,000,000, to carry out the purposes of this Act.

INTERNATIONAL COOPERATION IN THE COMMERCIAL ERA OF SPACE

(Remarks by Robert F. Allnutt)

The sponsors of this meeting are to be commended for focusing our attention on future opportunities for space cooperation between developing and developed countries. As most of you know, NASA has had an active, highly productive cooperative international program from our inception 25 years ago. In that light, we welcome this chance to contemplate our mutual future.

Sir Kenneth Clarke once said that "predicting the future is, intellectually, the most disreputable form of public utterance." Undaunted by this warning, I have, on a number of occasions over the past year, postulated the dawning soon of a new era in space. I have called this new age "Space Phase III: The Commercial Era." So it is in this context that I would like to develop our topic.

Let me propound a theory. We stand today near the dawn of an era when commerce will become a far more significant factor among the three basic motivations for space programs in the Western World. The other motivations—exploration and national defense—will remain strong, with the defense missions prime among these two. However, commercial enterprise, including but not at all limited to telecommunications, will surge to the forefront.

The basic concept underlying my theory is this: exploration (including scientific research), national security, and commercial interests have each played major, often overlapping roles in spurring space efforts during the first quarter century of the space age. During "Phase I," the period bounded by Sputnik and Apollo, exploration was the major player, at least insofar as public opinion and popular support for space programs was concerned. We are now well into "Phase II," when concerns over the use and protection of space assets that support national security predominate. History teaches us that the twin drives of exploration and military purposes push back frontiers and foster great technological advances: but it is only when the commercial motive becomes prominent that human activity in new regions truly prospers and enters periods of

exponential growth. I believe that there are increasing signs that the period I call "Space Phase III" may be coming soon.

Rather than ask you to adopt this theory without evidence of its validity, I shall, in the remainder of my remarks, present some facts and conclusions that will permit you to accept or reject it.

First, let me review some recent history. Since 1980, there have been three developments of great importance for the future of space activities. In order of their potential impact, they are:

First, proof, through five highly successful flights, that the Space Shuttle concept works, and works well;

Second, a series of Soviet missions, including:

The orbital test of a winged, presumably reusable spacecraft (Cosmos 1374). Unmanned during this initial test flight, and much smaller than the Shuttle, the model was retrieved in the Indian Ocean by a seven-ship Soviet task force.

The final, 75-day, mission aboard Salyut-6, completed in July, 1981. During the life of this small space station, the Soviets demonstrated an emerging capability to construct and service modular stations in orbit.

Launch last April of the improved Salyut space station. The Soviet prime crew inhabited Salyut 7 from May until December. In June, a French-Soviet crew joined the prime crew for a week, marking the first participation by a non-Soviet bloc cosmonaut in Soviet manned flight activities.

And, reportedly, the Soviets have resumed work on a very large booster (larger than the U.S. Saturn V of Apollo days) with obvious implications for Soviet ability to place large structures in orbit. Soviet officials have spoken to the press of "Cosmograd", a large space station, as one likely payload.

The third of these significant developments was the successful tests of the European Space Agency's Ariane 1. When its current difficulties are overcome, this expendable launch vehicle will bring to an end the U.S. monopoly in the provision of launch services to the Western World. Arianespace, the quasi-governmental marketing firm established to sell launches on Ariane and planned larger variants, now counts many firm orders for launch services, some won in competition with U.S. expendables and the Shuttle. Within NASA, the stimulus of Ariane competition has given launch service marketing a long-overdue high profile. We have learned that it is not enough simply to offer the best and least expensive service.

Each of these steps into space, and others that could be mentioned, have their importance. But it is the emergence of the Shuttle, after a decade of design and test, that signals something truly new for space-faring nations. For with the Shuttle and its progeny, we can look forward to far more routine uses of space. With its hard vacuum and vanishingly small gravity, earth orbit beckons in the age of Shuttle as an environment ready for profitable use, not merely as a place to go to, or pass through, at great risk and expense.

With this introduction, let us turn now to the future.

SPACE STATIONS

As the Shuttle has become operational, we in NASA have turned our thoughts once more to a permanent space station. The 1990's will almost surely see one or more permanent manned stations in low earth orbit. The Soviet Union will have progressed to this point without question, and I believe one or more Western nations will wish to create such a capability for scientific research, for Earth observation, for specialized manufacturing, and in general, for tending the Earth-orbital flocks of satellites.

Such a station would be of great import to the development of commercial enterprise in earth orbit, and could well provide numerous opportunities for developing nations. The space station could serve as both a laboratory and a manufacturing and operations base. As a laboratory, the station would provide for extended observations of the land and oceans for those scientific, commercial, or security purposes where man's presence is important. The station also would enable man to participate in observations aimed in the opposite direction: outward to the sun, the planets and the stars. As I will develop in a few minutes, various material processing steps in small factories in or near a station would be monitored by the crew. As an operations base, the space station would provide for fueling and launch of orbitally-based propulsive stages, significantly increasing our capability to place satellites in geosynchronous orbit as well as to maneuver in low earth orbit. The station also would serve as a construction base to assemble and erect large systems, such as antennas, imaging systems or other structures too large for launch directly from earth. In addition, the space station would provide a base for the maintenance and servicing of free-flying unmanned satellites.

A space station, of course, is not a new idea. For nearly twenty years, NASA has examined the possibility of launching and operating a permanent, manned facility in low earth orbit. During the course of many studies, various space station concepts have been considered, and Skylab, one of NASA's most successful flight efforts, was a large, temporary space station.

Conceived at the height of the Apollo program, the Space Shuttle idea was inextricably linked to the concept of a space station. The orbiters were intended to "shuttle" to and from an orbiting space station.

Budgetary constraints forced NASA to choose between the station and its space transportation system. Concluding that it made no economic sense to have a station in orbit without a reusable craft to service the facility, NASA decided to develop the Shuttle first, delaying the initiation of a space station. Interestingly enough, the Soviets, faced at about the same time with the same decision, chose the opposite approach.

Now it is appropriate to consider completing the original system. As our planning progresses, the European Space Agency (ESA) and the space agencies of Italy, Canada, and Japan are partners in our study efforts. These agencies, having expressed an interest in the U.S. space station planning activity, are sponsoring space station mission analysis studies of their own. As these various studies are completed, we will share the results.

Precedents for international cooperation on a space station program abound. The Shuttle system, for example, includes two key elements manufactured abroad: the orbiter's Remote Manipulator System in Canada, and the Spacelab scientific module with pallets by ESA. Under appropriate conditions, similar arrangements could be negotiated for a space station. While the apparent role for developing countries in the construction of a station is limited, the many uses of a station would clearly benefit all nations.

I should note here that under the direction of Italy's National Research Council (CNR), Aeritalia is conducting in parallel with NASA studies of how the concept of a space tether might be applied to a space station. The idea that a long tether could be used in space to deploy one spacecraft from another was formally proposed in 1974 by Professor Giuseppe Colombo and his colleagues. The space tether is a highly innovative concept with great potential as a new tool for useful space activity. It emerged as knowledge grew of the three most important forces acting on an orbiting spacecraft—that of gravity, centrifugal force and atmospheric drag. Mathematical analysis shows that it is indeed possible to tether two bodies in space at considerable distances if active control is exercised through the tether to maintain equilibrium.

NASA and CNR have for several years discussed the possibility of a joint project to develop a Tethered Satellite System (TSS) for the Shuttle. NASA would design and develop a deployer mechanism that would operate from the Shuttle's payload bay, Italy would design and develop the payload-carrying "sub-satellite" that would be deployed and retrieved by the Shuttle, and together we would conduct several initial missions to test the system and do new scientific research that this systems makes possible.

I am happy to note that NASA's budget for our next fiscal year, submitted to Congress in January, includes a request for funds needed to begin U.S. work on development of Tether. On that basis, we have begun discussions on a possible joint project agreement for TSS development. At the same time, we are both looking even farther into the future at ways this new concept and system could be applied to a space station.

SPACE APPLICATIONS

In the 1990's, we will see operational land, sea and atmospheric monitoring systems checking continuously from space on the health, vitality and general status of our environment and our resources. Some of these will, I believe, evolve into internationally-sponsored systems, while others will remain purely national or perhaps privately owned.

Fierce competition in the field of satellite communications will, I believe, abate little, if at all, over the coming two decades. Jockeying for priorities in the relatively limited region of geosynchronous orbit will continue. The Shuttle's large payload bay will accelerate the trend toward larger and larger spacecraft to occupy these limited positions. Dependent, in part, on the outcome of NASA's research in new frequency bands and large structures, we may indeed see shared platforms in this "Manhattan-in-the-sky" in the 1990's.

Here, I must mention Landsat 4, the U.S. remote sensing earth resources satellite launched last July. Both the multi-spectral scanner—fourth in a series—and the new, higher resolution Thematic Mapper, are in perfect working order. Landsat 4 data, to be made available through the EROS Data Center in the U.S., and through direct readout at the ground stations of various cooperating nations around the world, are setting the remote sensing standards for the rest of this century. The apparent, unfortunate loss of direct readout capability from the Thematic Mapper will be partially solved by the Tracking and Data Relay satellite. A fifth Landsat awaits launch when needed.

The U.S. Government has under study the means to continue this highly important program beyond the 1980's. The points under study include consideration of the ap-

propriate private sector role—the Comsat Corporation has offered private financing of both earth resources and civil weather satellites—and of the interactions of foreign users and data systems.

An exciting international effort using our space applications systems surfaced at the UNISPACE '82 meetings sponsored by the United Nations last August in Vienna. The United States proposed a decade-long Global Habitability Program. Scientists throughout the world, working in national or regional projects, would seek through satellites and other data gathering means to enhance vastly our knowledge of the global ecology by the end of the century. This expanded data base would enable future generations to use a more systematic approach to managing long-term global environmental change. For the U.S., our effort would focus on data from satallite systems such as Landsat and the proposed Upper Atmospheric Research Satellite. This concept was further discussed during a meeting of scientists from around the world in New York last month. If this effort goes forward, both the preparatory work and the resulting benefits would be of direct interest to nations in every stage of development.

The growth of communications satellite activity has been amazing. Five years ago there were 70 communications satellite transponders in orbit. Today the number exceeds 800. As "Manhattan-in-the-sky" becomes more crowded, efforts accelerate to permit closer and closer satellite spacing, and to offset satellites by innovative design features like solar sails. We race to perfect higher frequency, much more sophisticated systems. To accommodate larger platforms, plans have been laid for larger variants of the Ariane launcher, while in the U.S. we will use the Centaur upper stage in the Shuttle to greatly exceed Ariane's capacity. In the meantime, the Hughes Corporation, in a private initiative, has proposed an innovative means to launch the huge Intelsat VI series of satellites. Japan, Europe and the United States each plan intensive work to open up the 30/20 Gigahertz bands for commercial communications.

SPACE SCIENCE

The major U.S. science programs underway include:

Galileo—a Jupiter orbiter and atmospheric probe, to be launched in 1986 by the powerful Shuttle/Centaur combination.

International Solar Polar Mission—an ESA spacecraft, also to be launched in 1986 by Shuttle/Centaur, will swing by Jupiter on its way to study the polar regions of the Sun.

Space Telescope—now planned for launch in late 1985.

Gamma Ray Observatory—a smaller astronomical instrument scheduled for launch in 1988.

I should, of course, mention the Infrared Astronomy Satellite—IRAS—launched two months ago. This joint Dutch/American instrument, operating at an astounding two degrees above absolute zero, is providing marvelous data on thousands of sources found during its all sky survey.

We are also actively involved in the "International Watch" of Halley's Comet. Although the United States, unlike Europe, Japan, and the Soviet Union, chose not to send a spacecraft to meet the comet, we will observe it in a variety of ways, including from the Space Telescope, and will cooperate closely with those who are sending dedicated spacecraft. We wish "Giotto" and the others well.

The centerpiece of astronomy over the next 15 years will be the Space Telescope. The Shuttle will place this telescope, with a mirror as large as that in Greenwich's Isaac Newton instrument, above the Earth's obscuring atmosphere. There are many ways to attempt to explain the significance of the Space Telescope to our knowledge of the Universe. Let me try three ways to quantify the capabilities of this powerful device:

First, it will enable us to see 350 times as much of space as we can see from ground-based telescopes;

Second, it will "see" stars 50 times more faint; and

Third (and to me most amazing), consider this. Galileo's telescope improved on the naked eye's ability to see the heavens by a factor of 20. The Space Telescope will improve over the best telescope of today as much as today's best has improved on Galileo's primitive instrument.

In addition, the budget just sent to our Congress includes an exciting "new start" in our science program: a "Venus Radar Mapper" to be sent to Venus in the late 1980's to map our sister planet through her perpetual clouds.

INTERNATIONAL PROGRAMS

The basic character of NASA's international programs has stemmed from the character of the agency itself and was set quite early. International projects would be undertaken only if they contributed to NASA's own program goals, foreign policy objectives would be supported, bilateralism would be the fundamental method of conducting international projects and NASA's science programs would be open to participation on a competitive basis by the best minds from throughout the free world.

Three additional guiding principles deserve prominent mention. The first is that each cooperating nation is expected to assume full financial responsibility for its own efforts on a project; i.e., no exchange of funds in either direction between NASA and the foreign cooperating agency. This rule serves to reduce considerably the cost of the projects to NASA and to ensure close project/budget responsibility. The second principle, established to address the concern which NASA has always had for limiting technology transfer, is that, whatever the division in responsibilities between the partners in a joint project, each side must have the capability to carry out its own responsibilities. In pursuit of this objective NASA seeks to define cooperative projects so that the interfaces between the contributions are as well defined and "clean" as possible. The final principle, perhaps obvious, is that the results of scientific cooperative efforts are to be made openly available to the international scientific community within a reasonable period of time through appropriate channels (depending on the type of project).

Following these prescriptions, NASA has concluded over 1,000 agreements with 100 countries in its 25 year lifespan. These agreements are not generalized, umbrella-type arrangements. Instead, they cover the specific elements of an undertaking. The philosophy is that specificity avoids misunderstandings and inhibits any tendency toward "inventing" projects to satisfy the spirit of a diffuse agreement. While a number of major satellite, experiment and facility development projects are included in these totals, many of the cooperative projects are for smaller efforts such as remote sensing investigations (with 53 countries), scientific and technical information exchanges (70; double counting of countries is involved here), geodynamics projects (43) and sounding rocket projects (22).

The importance of these "smaller efforts" should not be overlooked. Many of them have been with developing countries which need to learn how to work with remote sensing data or how to build scientific payloads for sounding rockets or to gain access to recent open literature reports in areas of interest. One of the strengths of the bilateral approach to specific projects is that it facilitates cooperation with developed and developing countries on different sized projects at different levels of sophistication.

THE COMMERCIAL ERA

Where does all this leave us? Can we step back from the monthly rush of new launches and technological advances to venture a guess as to where we stand, and more importantly, where we might be headed? I'll give it a try.

I suggest that the first phase of the space age, beginning with Sputnik 25 years ago, ended when the Apollo moon flights concluded in 1972. This 15-year phase had as its dominant motivation one of man's oldest and noblest impulses: exploration. I need to acknowledge that the interests of national security also loomed large. Several important Department of Defense missions—in weather, communications and surveillance—rapidly developed. As defense was a motivation, so too was commerce. Through Comsat and Intelsat, the experimental flights in 1962 turned to profitable spacecraft beginning in 1965. Indeed, to many the early development of this one commercial use was proof that others would follow immediately. They were mistaken.

So commerce and national defense had important motivational roles, but exploration motivated the public more strongly, as we and the Soviet Union sent pioneering spacecraft to the moon and beyond to Venus, Mars and Mercury.

As Phase I ended, exploratory flights, including increasingly bold scientific exploration as well as planetary reconnaissance, continued, albeit at a decreasing rate. However, it seems clear to me that, in both the Soviet Union and the United States, the predominant motivation of the new space endeavors since Apollo has been national security. We continue in Phase II today.

Military budgets have provided the bulk of Soviet space funding for many years. The U.S. defense space budget now exceeds that for civil programs, and is growing at a much more rapid rate, tripling in the past five years. Surveillance from space is essential to verification of arms control treaties, and space communications and other support roles are critical to modern armies and navies in the nuclear age.

In the absence of general worldwide disarmament, it would be unrealistic to suppose that budgets for scientific research and exploration of space will ever again exceed our defense space funding, even though my Government and others will continue strong civil exploratory efforts like Space Telescope and planetary flights. Ten years into Space Phase II, we have good reason to speculate on whether the preeminence of military motivation for space activities is permanent.

There is much evidence to support the notion of burgeoning commercial motivation and thus the approach of "Space Phase III." Let's examine some of that evidence.

I'll start from the ground up. Conservative estimates indicate that as many as 350 commercial communications satellites may be

launched to geostationary orbit between now and the year 2000. Arianespace puts this figure near 200 for the 1980's alone. Italy, I know, is well aware of this trend. The SIRIO I satellite launched in 1977 played an important role in development and testing of advanced communications satellite technology. And indeed your plans for an advanced "Italsat" later this decade are part of the evidence.

Some fraction of these satellites will be launched by expendable launch vehicles (ELV's) other than the U.S. Atlas Centaur, Titan and Delta. Ariane seems assured a small share of the market, and if Ariane succeeds, Japan may not be far behind.

Nevertheless, the Shuttle will provide most of these launches. Thus, on their way to meetings with the Shuttle and U.S. ELV's, hundreds of these satellites will flow into the Kennedy launch center in Florida. To date, Government facilities have been used to prepare these complex machines for mating with the launch vehicle. Private investment has now come into the picture. Increasingly, private facilities near the "Cape" will be used to prepare these communications satellites, and others, for launch.

How about the launch itself? Several proposals are currently pending before NASA for private investment in one aspect or another of launch services. One company has proposed purchasing a Shuttle orbiter—an investment of over $1 billion—and entering the launch marketing business on the strength of this investment. A U.S. insurance company would be a major source of the investment capital.

At the same time, a United Kingdom firm is actively exploring investment of similar sums in some aspect of the Shuttle system. Several concerns have approached us with the expendable launch vehicle or upper stage markets in mind. McDonnell Douglas currently builds at private risk the Payload Assist Module (PAM) upper stages used on Delta and in Shuttle. Last year, a private firm approached NASA with the idea of underwriting the cost of modifying the Centaur high-energy upper stage for use in Shuttle. Congress has since directed NASA to fund the Centaur. This private firm has now shifted its aim to a "hole in the market" between the PAM and the Centaur: that is, between 5,000 and 10,000 pounds in geosyncronous orbit. We are negotiating an arrangement under which a new upper stage would be built at private expense to fill this gap in Shuttle capability (and compete, I might add, with Ariane). Each of the U.S. expendable launch vehicle manufacturers continues to explore ways and means to produce, market and launch this rocket as a private venture. The U.S. Government is ending production of Titan, Delta and Atlas in the mid-1980's, but one or more may well continue as private ventures. Finally, a private, Texas-based firm is planning to develop a new launch capability. This group has launched a 500-pound test vehicle in suborbital flight from its own launch facilities, and now looks to larger capabilities.

So it seems clear, a quarter of a century into the space age, that the communications satellite business is thriving, and that rapidly increasing private investment in launch preparation and in launch itself is likely. But what of other potential commercial ventures in space?

Earlier, I mentioned resource remote sensing. Here the U.S. Landsat is the only operational activity, but other nations—led by France and Japan, perhaps—are rushing to enter the market. For some time, the U.S. Government has been exploring ways to turn this fruitful source of information into a commercial endeavor. Several companies have been successful in the value-adding business of interpreting the raw data, but the end-to-end business has not appeared feasible for private, unsubsidized ownership, because of the high cost of the space segment relative to the potential revenues from raw data sales. Many feel, however, that this picture will change as the worldwide market continues to grow and as data acquisition and processing become more routine. The Reagan Administration may very soon propose legislation under which both weather and resource satellites could be turned over to the private sector.

Space manufacturing and processing of materials, though not yet a reality, is the area that holds the great promise of true commercialization of space activity. The basic attraction of space is the essential neutralization of gravitational forces necessary to keep a satellite in orbit. Since an orbiting Shuttle, space station or platform is at or near "zero-G," or weightlessness, convection of heat and other gravitational effects normally encountered in processing materials on Earth can be avoided. This holds fascinating prospects for metallurgists, for those interested in crystal growth, for manufacturers of certain pharmaceuticals, and potentially for a host of others. The Soviet Union, the Federal Republic of Germany, Sweden and Japan are most active in pursuing these possibilities. It has been reported that Japan envisions a multibillion dollar annual market for itself in space products in the mid-1990's, and that space-processed materials are a substantial portion of this market.

For the U.S. let me mention one rather fascinating development—fascinating both for its technology and by virtue of the fact that it is a commercial endeavor. Under an agreement with NASA, the Johnson and Johnson pharmaceutical house and McDonnell Douglas Company have pioneered an ambitious series of experiments in electrophoreses, a process by which a fluid may be separated into constituent parts. Convection limits the effectivity of electrophoresis here on Earth. On the fourth Shuttle flight, a small, continuous flow electrophoresis device developed by this commercial team at their expense was flown free of charge on the Shuttle. It operated to perfection, separating albumin into its pure constituent parts, with a throughput better than 500 times that at "1 G." This holds great promise for such products as Interferon and other materials that might be useful in treating various anemias, diabetes, hemophilia, emphysema and other serious, sometimes fatal ailments. Under this agreement with NASA, the partners plan seven more test flights, and then hope to go into commercial production, eventually having a small factory—there's no other name for it—in space for several months at a time, with the Shuttle paying periodic visits to deliver raw materials and retrieve the product. At least two other U.S. firms plan experimental processing work on upcoming flights. West Germans are also focusing on materials processing. Two groups of West German companies will conduct processing studies beginning with the first flight of Spacelab aboard Shuttle, scheduled for this Fall, and on a second flight in 1985.

European as well as U.S. firms have begun to draw a cloak of industrial secrecy around their development of volume production processes in space. If, as many now believe, space processing becomes a going business, the need will quickly arise for one or more permanent orbital facilities to house and provide power for the equipment required. It is not economical to rely on the Shuttle transportation vehicle—which at best can stay in space for only a few weeks—for this purpose.

Two American firms have already approached NASA with investment plans for this end of the business. One would develop an unmanned platform capable of being deployed by the Shuttle. This vehicle—called "Leasesat"—would provide temperature control, power and stability to payloads (for example, scientific instruments or materials processing units). Leasesat would be repeatedly visited by the Shuttle, which could replace or service the instruments, or carry up raw materials and bring down finished products. The European Space Agency has a similar plan with its recoverable Eureca platform. The other U.S. firm is interested in exploring private ownership of a portion of a manned space station, together with coorbiting free-flyers, for manufacturing and other commercial purposes. In a related development, the Boeing Company is selling its MESA spacecraft. A small orbital platform for communications, remote sensing or other equipment, MESA will be launched by Ariane. Sweden is the first MESA buyer.

Rather than continue with these examples, let me sum up the situation this way. Communications satellites, their use, and associated ground equipment will continue as a highly lucrative, international commercial business for the foreseeable future. The need for hundreds of these satellites, coupled with the potential need for similar numbers of launches in support of material processing in space, is attracting capital investment and private operation into the ground processing and space launch business. Private enterprise will move quickly as it senses the opportunity for very large financial gains in space processing. In turn, growth in processing will require platforms or other types of space stations to provide power, stability, and other forms of support to the processing factories. All of this together could bring about, by the late 1980's or early 1990's a strong surge of private investment that would indeed bring us to the beginning of Space Phase III: The Commercial Era.

True, there are many obstacles in the path to this new era. But, as Leonardo da Vinci wrote five centuries ago, "obstacles cannot crush us. Every obstacle yields to stern resolve. He who is fixed to a star does not change his mind."

Low earth orbit has been called "the new Continent". Just a few hundred kilometers away, this "Continent" is reached only with some difficulty, but the voyage is not nearly so hazardous as those undertaken by Vespucci and Columbus. It was Columbus who said "When there are such lands, there should be profitable things without number." As we now begin to comprehend the commercial potential of the "new Continent" lying above us, one can foresee great potential for benefit to all nations.

Mr. HEFLIN. Mr. President, I am pleased to cosponsor with Senator HOLLINGS a bill for the enactment of the "National Commission on Space Act." I congratulate the National Aeronautics and Space Administration for its past and present efforts and contributions toward securing and maintain-

ing the Nation's leadership in aeronautical and space research and technology development. My priority today is to insure that the U.S. space program will continue in a coherent manner such that this leadership will exist for years to come.

NASA, since its establishment in 1958, has had phenomenal success in its programs of research, technology development, and space utilization for the benefit of all mankind. The world has shared in the success of the Moon landings, the spectacular images of Jupiter and Saturn, and of course the Space Shuttle. Less spectacular but extremely beneficial to mankind are many other research projects of NASA's.

The national objectives set forth in the Space Act have remained virtually unchanged under the guidance of six Presidents. We have expanded human knowledge immeasurably, we have continued to improve space vehicles, we have developed and operated space transportation systems, we have exchanged information with other agencies, and we have fully cooperated with other nations. However, it is very clear that we have several issues that are distracting and diluting our civilian space program. I am concerned that these issues are clouding our future planning to the extent that in the near future we may lose the structure and talent to continue to address all of the national objectives set forth for NASA.

Unquestionably, NASA has contributed indirectly to our national security through coordinated but separate programs with the Defense Department. Serious questions are now being raised about the financial and operational arrangement that confuse the peaceful and nonmilitary nature of NASA.

Other questions are being raised concerning commercialization of space application technologies. We all know of the recent successful launch of the Conestoga and the implications of this venture to the Space Shuttle utilization. Also, we have the proposal by private investors to buy the fifth orbitor. In addition, international competition is expected from the Europeans and the Japanese in space transportation as well as other technologies of remote Earth sensing.

If the United States is to continue its leadership role in space, we must examine these issues carefully and reaffirm NASA's commitment to coordinated national objectives. If we do not, I am very concerned with the prospects that the road we are following has a very sharp cliff that will jeopardize NASA's structure and talent base. NASA has a central role to play in space science, research, and technology development. These programs must be time-phased in a prioritized, orderly fashion to insure that the budget and NASA's resources are matched.

Mr. President, I am looking forward to working with Senator HOLLINGS on this bill for reaffirming the United States' dedication to aeronautics and space development for the benefit of all mankind.

By Mr. LAXALT:

S. 956. A bill for the relief of Oikos, Inc., and the Nevada Opera Association, both of Reno, Nev.; to the Committee on Finance.

RELIEF OF OIKOS, INC. AND THE NEVADA OPERA ASSOCIATION

● Mr. LAXALT. Mr. President, today I would like to reintroduce legislation from last session which will relieve both the Oikos, Inc., Reno, Nev., and the Nevada Opera Association, Reno, Nev., from the penalties from not filing a valid waiver under sections 3101 and 3111 of the Internal Revenue Code of 1954.

I introduce this measure as a means of relieving both organizations of a burden brought about by a set of parallel, extenuating circumstances.

Both organizations were caught unaware when the tax laws changed in the mid-1970's and did not file the appropriate waiver forms to exempt them from having to collect and pay social security taxes on their employees. Yet believing that no waiver form was needed, and not wanting to be part of the social security system, the organizations did not collect social security taxes from their employees. Remember, Mr. President, these are small local charities that did not have the money to pay for sophisticated tax lawyers to monitor changes in the law. As a result of these circumstances the organizations are now liable for huge amounts of uncollected taxes.

Each organization provides the Reno community with greatly needed cultural and rehabilitative services. Payment of these taxes will literally kill both of the fine organizations. In no way does this measure carry the intent to restructure the basic provisions of the code as they were adopted. Rather, it addresses the difficulty that such organizations encounter when dealing with complicated regulations with which they have had no prior experience.

Knowing that an enforcement of the penalties issued to both organizations would result in the termination of their existence, I urge that this measure be acted upon favorably by the Senate so that the Reno community may continue to receive their services which, to date, have been nothing less than successful.●

By Mr. TRIBLE (for himself and Mr. WARNER):

S. 958. A bill to amend chapter 54 to title 5, United States Code, to reform the merit pay system; to the Committee on Governmental Affairs.

REFORM OF MERIT PAY SYSTEM

Mr. TRIBLE. Mr. President, I am introducing legislation today, along with my colleague from Virginia, Senator WARNER, to reform the current merit pay system as implemented under title 5 of the United States Code. This bill is a companion measure to H.R. 1841 introduced by Congressman FRANK WOLF.

Since the imposition of the Civil Service Reform Act of 1978, managers and supervisors in grades 13 to 15, have been under a merit pay system. Merit pay is intended to help improve Federal job efficiency, productivity, and quality by providing pay increases and cash awards to recognize superior performance and accomplishments, rather than rewarding mere length of service.

Under the current merit pay system, these managers and supervisors receive one-half of the comparability increase; no within-grade increase; a merit pay increase, the size of which varies considerably based on the size of the "pool" of funds available; and a possible incentive award. During the first 3 years of this system, many of these managers have fallen sharply behind in pay increases, compared to what their general schedule counterparts and the employees they supervise have received. This inequity cannot be justified.

Theoretically, the concept of merit pay is sound. In practice however, it has not worked well. Rather than being an incentive to better performance, the current merit pay system has proved a hindrance. It lowers morale in management ranks, causes unnecessary retirement losses, and hinders recruiting.

The managers and supervisors in grades 13 to 15 provide a crucial element in the operation of the Government. The efficient operation of the Federal Government relies heavily upon the ability of these individuals to manage the Federal work force efficiently and effectively.

In the interest of improved government, I am submitting a 5-year experimental merit pay reform measure for supervisors and managers with supervisory responsibilities. The objectives of this legislation are to encourage high levels of performance, cut Government costs, and increase the morale and productivity of employees affected by the merit pay system. Should these reform measures fail to contribute to those ends, the experimental nature of my bill allows the program to be discontinued.

The legislation establishes a standardized five-point performance appraisal system to be used government-wide in order to insure simplicity and equity. This system would range from

unsuccessful, marginally successful, to fully successful, highly successful, and outstanding. Those who rate fully successful or better, will receive full comparability increases—a benefit which is standard in the general schedule regardless of performance level—and a within-grade increase. Those who fail to perform at these levels would not receive either of these increases.

The ability to withhold these increases is an important feature of this legislation. Unlike the current merit pay system or the general schedule, comparability increases and within-grade increases may be withheld for employees who do not perform in a successful manner. This provision is an important step in insuring a highly motivated government work force.

Prior to the start of each performance appraisal period, the critical elements and standards—job description responsibilities—will be established between supervisors of employees covered by this system and the employees. By allowing both the supervisor and the employee to develop these critical elements and standards, many of the problems affecting the performance appraisal system would be removed.

Those employees performing at levels above the "fully successful level" will qualify to receive lump sum performance awards relative to their rating on the five-point scale. The Office of Personnel Management will issue the regulations which would govern the levels, critical elements, and standards to be used in the assessment of performance and subsequent award. The performance award could not exceed 20 percent of the base salary.

Funding for the performance awards will be derived from two sources. Quality step increases, which are part of the current merit pay and general schedule pay systems, would be eliminated and the funds which have been provided are to be redirected into the performance award fund. Agencies will also contribute to this fund.

An agency's funding for performance awards could not exceed 1½ percent of total base salaries in the agency for those covered under this program. This figure reflects the current practices used in regulations made by OPM in determining appropriate levels of agencies' awards.

Award systems for merit pay and general schedule employees, which recognize special achievement, would be continued.

I am convinced that this bill provides a means of fostering a quality work force; a work force governed by sound management policies and performance practices. These reform measures will provide incentives to better performance and improve productivity. I urge my colleagues to join with me in pressing for immediate consideration of this important and timely legislation.

By Mr. GORTON:

S. 959. A bill for the relief of Clive Anthony Lewis, Karen Lewis, Sean Martin Lewis, Anthony Conan Lewis, and Gail Alison Lewis; to the Committee on the Judiciary

RELIEF OF LEWIS FAMILY

Mr. GORTON. Mr. President, today I am introducing a bill to provide relief for Clive and Karen Lewis, and their children, Sean, Anthony, and Gail. If passed, this bill would grant lawful permanent resident status to the Lewis family.

The Lewises came to Goldendale, Wash., 3 years ago from Great Britain. Mr. President, they fell in love with Goldendale and they have put down roots there. They own property and both Mr. and Mrs. Lewis are employed. In the 3 years since their arrival, they have become valued and cherished members of the community. Indeed, 650 citizens of Goldendale recently signed a petition requesting assistance for the Lewis family. This most certainly is an impressive show of support, considering the town's small population.

Mr. President, the Immigration and Naturalization Service has approved visa petitions for the members of the Lewis family and ultimately would adjust their status to that of lawful permanent residents. Today, however, they are facing deportation and the loss of all that they have built up in this country. It is clear that the Lewises are valuable members of their community and that it would be harmful to them and to Goldendale to impose on this family the unnecessary hardship of deportation. I, therefore, am pleased to introduce this bill on behalf of the Lewis family.

By Mr. MATSUNAGA:

S. 961. A bill to amend the Internal Revenue Code of 1954 to provide a credit against income tax for contributions to profit-sharing plans, and for other purposes; to the Committee on Finance.

TAX CREDIT FOR PROFIT-SHARING CONTRIBUTIONS

Mr. MATSUNAGA. Mr. President, I am today introducing a bill to allow a tax credit for employer contributions to deferred profit-sharing plans equal to 1 percent of payroll, as an incentive for the creation of new plans. We, of the Congress, who are concerned about our national economy must do all we can to encourage deferred, fully vested profit-sharing plans, for they are a proven spur to worker productivity. They also provide a means of resolving our ever-increasing problem of retirement security.

Mr. President, in the 1981 tax reduction program, the Finance Committee focused its attention on the need for increased domestic productivity. I learned then that I was not alone in my deep concern about this Nation's lagging performance in this area. It was generally acknowledged that in times past, the steady growth of American productivity was a key element in creating the highest living standard in the world—an ever-increasing supply of goods and services, shorter work hours, longer vacations, and earlier retirement. But in recent years, our productivity growth rate has fallen and our productivity has actually declined.

During the period between 1943 and 1965, productivity in the private business sector increased at an average rate of more than 3 percent a year. The growth rate then fell to an average of 2.3 percent through 1973, after which it plummeted down to an alarming 1-percent average in the following 5 years. In 1979, productivity actually declined by 0.9 percent, and was down 1.7 percent in the first half of 1980. The consequences are painful. Inflation will erode our living standard if we continue to have a negative growth rate.

In line with this concern, my profit-sharing proposal provides an excellent incentive for greater worker productivity. Profit sharing creates a positive worker attitude toward his job, since he directly profits or loses depending on his performance. Profit sharing promotes greater employee self-interest in his company; and when employees become profit conscious, friction eases, efficiency increases, production spurts, costs drop, and profits rise.

Many companies have experienced the motivating force of profit-sharing plans. Dr. Bion Howard of Northwestern University has conducted comparative studies of profit-sharing and nonprofit-sharing companies. In general, he has found that profit-sharing companies surpass the nonprofit sharers in level of performance.

According to a recent study of the National Center for Economic Alternatives, entitled "Workplace Democracy and Productivity," prepared by Karl Frieden, profit sharing increases company productivity and profitability. Comparing the 41 largest conventionally owned retailers and 10 similar profit-sharing companies, the study showed the profit-sharing firms returning 1.85 percent on sales, compared to 1 percent for the others. The study also showed an 11-percent return on equity for the profit-sharing firms compared to 9.1 percent for others. These figures present irrefutable evidence of the motivational force in profit-sharing programs.

It should be noted, too, that deferred profit sharing provides needed retirement benefits for workers. This is an area of deep concern to me. A serious crisis exists today in our retirement-income programs. Only about 50

percent of current workers in America participate in pension plans, and only 31 percent of American workers have vested interest in such plans and, therefore, are entitled to future pension benefits. In 1978, only 28 percent of the retired population, age 65 and over, received income in the form of employee pension. Moreover, since many pension plans are offset by social security benefits, most workers even with vested benefits, received only modest supplements to their basic social security payments.

For millions of older Americans, social security is their only retirement income—and it is inadequate. in 1978, 12 percent of aged retired married couples and 20 percent of aged retired nonmarried persons receiving social security, had no other source of income. Tragically, it is estimated that 58 percent of aged individuals and 36 percent of aged couples did not have sufficient cash and in-kind benefits in 1978 to achieve the moderate-income living standard established by the Bureau of Labor Statistics. Moreover, 15 percent of persons age 65 and over had cash income below the poverty line in 1979. Of these individuals, 80 percent were receiving social security.

The future appears even more bleak. For the foreseeable future, most retired Americans must continue to depend primarily on their monthly social security checks. Our older citizens face their retirement years with resignation. Sixty-three percent of a group surveyed by the President's Commission on Pension Policy expect their retirement income to be insufficient for their needs.

Furthermore, the social security system faces grave financial problems. Presently, 11 of every 100 Americans are over age 65. By the year 2020, 22 of every 100 Americans will be over age 65. The social security system relies on pay-as-you-go financing; taxes collected from workers and their employers are used almost immediately to pay benefits for current retirees. Thus, the aging of our population will create a political and economic predicament. In order to provide the current levels of social security benefits to the aged in the future, a smaller core of active workers must be asked to provide a greater share of their earnings to cover the benefits of an expanded number of retirees.

Workers and employers must plan ahead now to provide for future retirement. The continued reliance on social security for all retirement needs is sadly misplaced. Social security was never designed to substitute fully for income earned during the working years. Social security benefits provide only a basic floor that should be supplemented by other sources of retirement income. Other measures must be designed and implemented to supplement social security benefits.

In the Employee Retirement Income Security Act of 1974, the Congress sought to insure the sound operation of pension programs and to encourage pension coverage. My bill would further implement those objectives. In sum, the deferred profit-sharing tax incentive which I am proposing would not only encourage worker productivity, it would also supplement retirement security.

It is my hope that my bill will receive early and favorable consideration by the committee of jurisdiction and this body.

By Mr. MATSUNAGA:

S. 962. A bill to amend the National Foundation on the Arts and Humanities Act of 1965 to provide for the Office of Poet Laureate of the United States; to the Committee on Labor and Human Resources.

OFFICE OF POET LAUREATE OF THE UNITED STATES

Mr. MATSUNAGA. Mr. President, I am introducing today a bill which would amend the National Foundation on the Arts and Humanities Act of 1965 to establish the Office of Poet Laureate of the United States. It is a bill identical to the one which I first introduced in the 88th Congress and in every Congress since then. Persistence, I hope, will pay off in this 98th Congress.

The proposed Poet Laureate would be appointed by the President of the United States, in consultation with the National Council on the Arts, from among poets whose work reflects the qualities and attributes associated with the historical heritage, present achievements, and future potential of the United States. The Poet Laureate would perform duties assigned by the President and continue his or her creative endeavors.

The United States is one of the few advanced nations in the world which has failed to give official recognition to its great poets. England, from which we inherited most of our cherished democratic traditions, officially created the position of Poet Laureate in the 17th century. However, the unofficial origin of the honorary position dates back to the reign of King Henry III in the 13th century. Japan and China have also given official recognition to their greatest poets since early in their history. In our own country, poets such as Carl Sandburg, Robert Frost, Walt Whitman, Henry Wadsworth Longfellow, Archibald MacLeish, Robert Penn Warren, Phyllis McGinley, and James Dickey have captured the American spirit in a unique and timeless way. Such contributions to our national heritage should be encouraged and stimulated. By creating the post of Poet Laureate of the United States, we would give the many young and relatively unknown American poets of today something to which they could aspire. We would be telling them that we value their contributions as much as those of the other builders of our Nation—engineers, scientists, explorers, statesmen, tradesmen, and others.

Mr. President, I hope that early consideration will be given to my bill, and I ask unanimous consent that the text of the bill be printed in the CONGRESSIONAL RECORD at this point.

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

S. 962

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the National Foundation on the Arts and Humanities Act of 1965 is amended by adding at the end thereof the following new section:

POET LAUREATE OF THE UNITED STATES

"SEC. 15. (a) There is established the Office of Poet Laureate of the United States. The Poet Laureate shall perform such duties as the President shall prescribe, but the duties so prescribed shall not impair the continuation of the creative work of the individual chosen to be Poet Laureate.

"(b) The Poet Laureate of the United States shall be appointed by the President after consideration of the recommendations of the National Council on the Arts from among poets whose works reflect the qualities and attributes associated with the historical heritage, present achievements, and future potential of the United States. The Poet Laureate shall be appointed for a term of five years, and shall receive compensation at a rate set by the President, but not to exceed 60 per centum of the salary of a Federal District Court judge.".

By Mr. HATCH (by request):

S. 963. A bill to extend various health authorities, and for other purposes; to the Committee on Labor and Human Resources.

HEALTH AMENDMENTS OF 1983

Mr. HATCH. Mr. President, today I am introducing, by request, the Health Amendments of 1983, legislation submitted by the Department of Health and Human Services. I ask unanimous consent that there be printed immediately following my remarks in the RECORD, the text of the bill, the executive communication from the Department which accompanies this proposal, and the Department's section-by-section summary of the bill.

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

S. 963

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

SHORT TITLE AND REFERENCES IN ACT

SECTION 1. (a) This Act may be cited as the "Health Amendments of 1983".

(b) The amendments in this Act apply to the Public Health Service Act, unless otherwise specifically stated.

TITLE I—RESEARCH

CANCER APPROPRIATION AUTHORIZATIONS

SEC. 101. (a) Section 410(a) (42 U.S.C. 286e(a)) is amended—

(1) by striking out "and" after "1981;", and

(2) by inserting "; $905,753,000 for the fiscal year ending September 30, 1984, and such sums as may be necessary for each of the four succeeding fiscal years" before the period.

(b) Section 410(b) (42 U.S.C. 286e(b)) is amended—

(1) by striking out "and" after "1981;", and

(2) by inserting "; $60,040,000 for the fiscal year ending September 30, 1984, and such sums as may be necessary for each of the four succeeding fiscal years" before the period.

APPROPRIATION AUTHORIZATIONS FOR CARDIOVASCULAR, LUNG, AND BLOOD ACTIVITIES

SEC. 102. (a) Section 414(b) (42 U.S.C. 287c(b)) is amended—

(1) by striking out "and" after "1981," and

(2) By inserting ", $48,000,000 for the fiscal year ending September 30, 1984, and such sums as may be necessary for each of the four succeeding fiscal years" before the period.

(b) The first sentence of section 419B (42 U.S.C. 287i) is amended—

(1) by striking out "and" after "1981," and

(2) By inserting ", $550,532,000 for the fiscal year ending September 30, 1984, and such sums as may be necessary for each of the four succeeding fiscal years" before the period.

APPROPRIATION AUTHORIZATIONS FOR ASSISTANCE TO MEDICAL LIBRARIES

SEC. 103. Section 390(c) (42 U.S.C. 280b(c)) is amended—

(1) by striking out "and" after "1981",", and

(2) By inserting ", $7,653,000 for the fiscal year ending September 30, 1984, and such sums as may be necessary for each of the four succeeding fiscal years" before the period.

APPROPRIATION AUTHORIZATIONS FOR ALCOHOL ABUSE AND ALCOHOLISM RESEARCH

SEC. 104. Section 504 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (42 U.S.C. 4588) is amended——

(1) by striking out the subsection designation "(a)", and

(2) in the first sentence, by inserting ", $45,790,000 for the fiscal year ending September 30, 1984, and such sums as may be necessary for each of the four succeeding fiscal years" after "1982".

APPROPRIATION AUTHORIZATIONS FOR DRUG ABUSE RESEARCH

SEC. 105. Section 503(c) of the Drug Abuse Prevention, Treatment, and Rehabilitation Act (21 U.S.C. 1193(c)) is amended by inserting ", $56,160,000 for the fiscal year ending September 30, 1984, and such sums as may be necessary for each of the four succeeding fiscal years" after "1982".

APPROPRIATION AUTHORIZATIONS FOR NATIONAL RESEARCH SERVICE AWARDS

SEC. 106. The first sentence of section 472(d) (42 U.S.C. 2891-1(d)) is amended—

(1) by striking out "and" after "1982," and

(2) by inserting ", $180,343,000 for the fiscal year ending September 30, 1984, and such sums as may be necessary for each of the four succeeding fiscal years" before the period.

APPROPRIATION AUTHORIZATIONS FOR DIABETES DATA SYSTEM

SEC. 107. Section 435(c)(2) (42 U.S.C. 289c-2(c)(2)) is amended—

(1) by striking out "and" after "1982;", and

(2) by inserting "; $2,000,000 for the fiscal year ending September 30, 1984; and such sums as may be necessary for each of the four succeeding fiscal years" before the period.

APPROPRIATION AUTHORIZATIONS FOR DIABETES RESEARCH AND TRAINING CENTERS

SEC. 108. Section 435(d) (42 U.S.C. 289c-2(d)) is amended—

(1) by striking out "and" after "1982,", and

(2) by inserting ", $20,000,000 for the fiscal year ending September 30, 1984, and such sums as may be necessary for each of the four succeeding fiscal years" before the period.

APPROPRIATION AUTHORIZATIONS FOR DIABETES, ARTHRITIS, AND DIGESTIVE DISEASES ADVISORY BOARDS

SEC. 109. (a) Section 437(k) (42 U.S.C. 289c-4(k)) is amended—

(1) by striking out "and" after "1982;", and

(2) by inserting "; $350,000 for the fiscal year ending September 30, 1984; and such sums as may be necessary for each of the four succeeding fiscal years" before the period.

(b) Section 437(l) (42 U.S.C. 289c-4(l)) is amended by striking out "1983" and inserting instead "1988".

APPROPRIATION AUTHORIZATIONS FOR ARTHRITIS DATA SYSTEM

SEC. 110. Section 438(d)(3) (42 U.S.C. 289c-5(d)(3)) is amended—

(1) by striking out "and" after "1979,", and

(2) by inserting ", $1,500,000 for the fiscal year ending September 30, 1984, and such sums as may be necessary for each of the four succeeding fiscal years" before the period.

APPROPRIATION AUTHORIZATIONS FOR MULTIPURPOSE ARTHRITIS CENTERS

SEC. 111. Section 439(f) (42 U.S.C. 289c-6(f)) is amended—

(1) by striking out "and" after "1982,", and

(2) by inserting ", $20,000,000 for the fiscal year ending September 30, 1984, and such sums as may be necessary for each of the four succeeding fiscal years" before the period.

LONGER SUPPORT PERIOD FOR NATIONAL CANCER RESEARCH AND DEMONSTRATION CENTERS

SEC. 112. The last sentence of section 406(b) (42 U.S.C. 286a) is amended by striking out "three" each place it occurs and inserting instead "five".

EXEMPTION OF CERTAIN CLINICAL TRIAL DATA FROM DISCLOSURE

SEC. 113. Title IV is amended by adding after section 479 the following section:

"EXEMPTION OF CERTAIN CLINICAL TRIAL DATA FROM DISCLOSURE

"SEC. 480. (a) The Secretary may exempt from disclosure under section 552 of title 5, United States Code, data from a clinical trial conducted or supported by the Secretary if the Secretary determines that—

"(1) observations are still to be collected, recorded, or verified as part of the clinical trial,

"(2) the need for confidentiality of the data has been explicitly stated in an experimental protocol approved by an Institutional Review Board meeting the requirements under section 474,

"(3) the participants in the trial have been informed that an exemption will be sought under which data from the clinical trial will be kept confidential until all observations that are part of the clinical trial have been collected, recorded, and verified, and the participants have agreed to take part in the clinical trial under these conditions,

"(4) there are adequate procedures for analyzing interim data and monitoring safety to provide sufficient protection to the participants in the clinical trial, and

"(5) disclosure would jeopardize the conduct of the clinical trial.

"(b) For purposes of subsection (a), a 'clinical trial' means a study under which a drug or other health intervention is prospectively evaluated by utilizing human participants.".

REPEAL OF AUTHORITY FOR NATIONAL CENTER FOR HEALTH CARE TECHNOLOGY

SEC. 114. (a) Section 309 (42 U.S.C. 242n) is repealed.

(b)(1) Section 304(a)(1) (42 U.S.C. 242b(a)(1)) is amended by striking out ", the National Center for Health Statistics, and the National Center for Health Care Technology" and inserting instead "and the National Center for Health Statistics".

(2) Section 304(a)(3) (42 U.S.C. 242b(a)(3)) is amended (A) by striking out ", the National Center for Health Statistics, or the National Center for Health Care Technology" and inserting instead "or the National Center for Health Statistics", and (B) by striking out ", 306, and 309" and inserting instead "and 306".

(3) The second sentence of section 304(b)(3) (42 U.S.C. 242b(b)(3)) is amended by striking out ", 306, and 309" and inserting instead "and 306".

(4) Section 304(c) (42 U.S.C. 242b(c)) is amended by striking out ", the National Center for Health Statistics, and the National Center for Health Care Technology" each place it occurs and inserting instead "and the National Center for Health Statistics".

(5) Section 307(a) (42 U.S.C. 242l(a)) is amended by striking out "306, and 309" and inserting instead "and 306".

(6) The heading to section 308 (42 U.S.C. 242m) is amended by striking out "307, and 309" and inserting instead "and 307".

(7) Section 308(a)(1) (42 U.S.C. 242m(a)(1)) is amended by striking out "and section 309".

(8) Section 308(b)(1) (42 U.S.C. 242m(b)(1)) is amended by striking out "307, and 309" and inserting instead "and 307".

(9) Section 308(d) (42 U.S.C. 242m(d)) is amended (A) by striking out "307, or 309" and inserting instead "or 307", and (B) by striking out "or in the course of health care technology activities under section 309".

(10) Section 308(e) (42 U.S.C. 242m(e)) is amended by striking out "307, or 309" each place it occurs and inserting instead "or 307".

(11) Section 308(f) (42 U.S.C. 242m(f)) is amended by striking out "306, or 309" and inserting instead "or 306".

(12) Section 308(g)(2) (42 U.S.C. 242m(g)(2)) is amended by striking out "306, and 309" and inserting instead "and 306".

(13) Section 308(h)(1) (42 U.S.C. 242m(h)(1)) is amended by striking out "306, or 309" each place it occurs and inserting instead "or 306".

(14) Section 208(g) (42 U.S.C. 210(g)) is amended (A) by inserting "and" after

"Health Services Research,", and (B) by striking out "and not less than seven shall be for the National Center for Health Care Technology.

ELIMINATION OF FUNDING RESTRICTION FOR ONGOING POLLUTION STUDY

SEC. 115. The first sentence of section 304(d)(2) (42 U.S.C. 242(d)(1)) is amended by striking out ", with funds appropriated under section 308(i)(2),".

ELIMINATION OF REQUIREMENT FOR SUPPORT OF HEALTH SERVICES RESEARCH CENTERS

SEC. 116. Section 305 (42 U.S.C. 242c) is amended—

(1) by striking out subsection (d),

(2) in subsection (e), by striking out ", (c), and (d)" and inserting instead "and (c)", and

(3) by redesignating subsection (e) as (d).

REPEAL OF REQUIREMENTS FOR DATA COLLECTION ON THE EFFECTS OF THE ENVIRONMENT ON HEALTH

SEC. 117. Section 306(l) (42 U.S.C. 242k(l)) is repealed.

REPEAL OF NATIONAL CANCER INSTITUTE BUDGET BYPASS PROVISION

SEC. 118. Section 404(a)(8) (42 U.S.C. 285(a)(8)) is amended—

(1) by striking out subparagraph (A), and

(2) by striking out the subparagraph designation "(B)".

ELIMINATION OF TASK FORCE ON ENVIRONMENTAL CANCER AND HEART AND LUNG DISEASE

SEC. 119. Section 402 of the Clean Air Act Amendments of 1977 (42 U.S.C. 4362) and section 9 of the Health Services Research, Health Statistics, and Health Care Technology Act of 1978 (42 U.S.C. 4362a) are each repealed.

ADDITION OF NUTRITION TO TITLE OF ASSOCIATE DIRECTOR FOR AND SUBCOMMITTEE ON DIGESTIVE DISEASES

SEC. 120. (a) The matter in section 434(b) (42 U.S.C. 289c-1(b)) preceding paragraph (1) and the matter in section 434(d) (42 U.S.C. 289c-1(d)) preceding paragraph (1) are each amended by inserting "and Nutrition" after "Associate Director for Digestive Diseases".

(b) Section 434(c) (42 U.S.C. 289c-1(c)) is amended—

(1) in the first sentence, by inserting "and nutrition" after "digestive diseases",

(2) in the second sentence, by inserting "or in the fields" after "diseases", and

(3) in the third sentence, by inserting "or to the fields" after "diseases".

LIMITATION ON REQUIRED COORDINATION BY ASSOCIATE DIRECTORS OF THE NATIONAL INSTITUTE OF ARTHRITIS, DIABETES, AND DIGESTIVE AND KIDNEY DISEASES

SEC. 121. Section 434(b)(1) (42 U.S.C. 289c-1(b)(1)) is amended by striking out "the diseases for which the positions of the Associate Directors were created" and inserting instead "arthritis, diabetes, and digestive and kidney diseases".

AUTHORITY FOR EVALUATING THE EFFICACY OF MEDICAL PROCEDURES THROUGH THE NATIONAL CENTER FOR HEALTH SERVICES RESEARCH

SEC. 122. The last sentence of section 305(b) (42 U.S.C. 242c(b)) is amended by striking out "or clinical research that is directly and principally designed to evaluate the efficacy of any therapeutic, diagnostic, or preventive health measure".

REPEAL OF REQUIREMENT FOR SUPPORT OF AT LEAST TEN SICKLE CELL DISEASE CENTERS

SEC. 123. Section 8(w) of the Orphan Drug Act (42 U.S.C. 287i nt.) is repealed.

TITLE II—SERVICES

EXPANDED SCOPE OF PRIMARY CARE BLOCK GRANT

SEC. 201. (a)(1) Section 1922 (42 U.S.C. 300y-1) is amended to read as follows:

"APPROPRIATION AUTHORIZATIONS

"SEC. 1922. For allotments under section 1924 there are authorized to be appropriated $460,312,000 for fiscal year 1984 and such sums as may be necessary for each of the two succeeding fiscal years.".

(2) Section 1923 (42 U.S.C. 300y-2) is repealed.

(3) Section 1924(a) (42 U.S.C. 300y-3(a)) is amended by striking out "the amount granted for fiscal year 1982" and all that follows up to the period and inserting instead "the amounts provided by the Secretary from appropriations for fiscal year 1982 to the State and to entities in the State under former sections 329, 330, 1001, 1003, and 1005, and former section 427(a) of the Federal Mine Safety and Health Act of 1977 bore to the amounts provided by the Secretary from appropriations for fiscal year 1982 to all States and to entities in all States under those provisions".

(4) Section 1924(b) (42 U.S.C. 300y-3(b)) is amended by striking out paragraphs (2) through (4) and inserting instead the following:

"(2) The Secretary shall reserve for the purpose of paragraph (1) from amounts that would otherwise be allotted to such State under subsection (a) an amount equal to the amount which bears the same ratio to the State's allotment for the fiscal year involved as the total amount provided for fiscal year 1982 by the Secretary to such tribe or tribal organization under the provisions of law referred to in subsection (a) bore to the total amount provided for such fiscal year by the Secretary to the State and entities (including Indian tribes and tribal organizations) in the State under such provisions of law.

"(3) The amount reserved by the Secretary on the basis of a determination under this subsection shall be granted to the Indian tribe or tribal organization serving the individuals for whom such a determination has been made.

"(4) In order for an Indian tribe or tribal organization to be eligible for a grant for a fiscal year under this subsection, it shall submit to the Secretary a plan for such fiscal year which meets such criteria as the Secretary may prescribe.

"(5) The terms 'Indian tribe' and 'tribal organization' have the same meaning given such terms in section 4(b) and section 4(c) of the Indian Self-Determination and Education Assistance Act.".

(5) Section 1924 (42 U.S.C. 300y-3) is amended by adding at the end the following:

"(c) To the extent that all the funds appropriated under section 1922 for a fiscal year and available for allotment in such fiscal year are not otherwise allotted States because—

"(1) one or more States have not submitted an application or description of activities in accordance with section 1927 for the fiscal year;

"(2) one or more States have notified the Secretary that they do not intend to use the full amount of their allotment; or

"(3) some State allotments are offset or repaid under section 1928(b)(3);

such excess shall be allotted among each of the remaining States in proportion to the amount otherwise allotted to such States for the fiscal year without regard to this subsection.".

(6) Section 1925(a)(2) (42 U.S.C. 300y-4(a)(2)) is amended by striking out "if the Secretary determines that the State acted in accordance with section 1926(a)(1) and there is good cause for funds remaining unobligated".

(7) The heading of section 1926 (42 U.S.C. 300y-5) is amended to read "Use of Allotments".

(8) Section 1926(a) (42 U.S.C. 300y-5(a)) is amended to read as follows:

"SEC. 1926. (a) Except as limited by subsection (b) or as provided by subsection (c), a State may use amounts paid to it under section 1925 (and amounts transferred under other provisions of law for use under this part) for—

"(1) assistance to community health centers that serve medically underserved populations,

"(2) health services for migratory and seasonal agricultural workers and their families,

"(3) voluntary family planning services and training of family planning personnel, and

"(4) health services for respiratory and pulmonary impairments in active and inactive coal miners.

Amounts provided for the activities referred to in the preceding sentence may also be used for related planning, administration, and educational activities.".

(9) Section 1926(b) (42 U.S.C. 300y-5(b)) is amended—

(A) in paragraph (1), by striking out "except in fiscal year 1983 in the case of a community health center which used funds provided under section 330 for fiscal year 1983 to provide such services" and inserting instead "other than inpatient services prescribed by the Secretary", and

(B) by striking out the last sentence.

(10) Section 1926 (42 U.S.C. 300y-5) is amended by adding at the end the following:

"(c) From the amounts paid to a State under section 1925 from amounts appropriated for a fiscal year, the State may transfer up to 10 percent for use under other block grants administered by the Secretary.".

(11) Section 1927(a) (42 U.S.C. 300y-6(a)) is amended—

(A) in the third sentence, by striking out "in such form and", and

(B) in the fourth sentence, by striking out "the legislature of".

(12) Section 1927(b) (42 U.S.C. 300y-6(b)) is amended to read as follows:

"(b) No funds shall be allotted under section 1924 to a State for any fiscal year unless there is an opportunity for public comment on the proposed use and distribution of funds to be provided under section 1925 for that fiscal year.".

(13) Section 1927(c) (42 U.S.C. 300y-6(c)) is amended—

(A) in the matter preceding paragraph (1), by striking out "the chief executive officer of",

(B) in paragraph (2), by striking out "fiscal, managerial, and clinical performance of community health centers; and" and inserting instead "effective performance of entities which receive funds from the allotment of the State under this part.",

(C) by striking out paragraph (3), and

(D) in the last sentence, by striking out "services of community health centers by medically underserved populations, and to

evaluate the performance of community health centers" and inserting instead "health services, and to evaluate the performance of entities which receive funds from the allotment of the State under this part".

(14) Section 1927(d) (42 U.S.C. 300y-6(d)) is amended—

(A) by striking out "chief executive officer of the", "(in accordance with such form as the Secretary shall provide)", and "and the funds the State is required to obligate under section 1926(a)(4) for that fiscal year", and

(B) by inserting ", including a statement of goals and objectives, information on the types of activities to be supported, geographic areas to be served, and categories or characteristics of individuals to be served, and the criteria and method to be used for the distribution of the payments" before the period.

(15) The second sentence of section 1928(a)(1) (42 U.S.C. 300y-7(a)(1)) is amended—

(A) by striking out "the Secretary determines (after consultation with the States and the Comptroller General)" and inserting instead "the State determines",

(B) by striking out "and" at the end of clause (B), and

(C) by inserting ", and (D) to determine how the State has met the goals and objectives previously stated" before the period.

(16) Section 1928(b)(2) (42 U.S.C. 300y-7(b)(2)) is amended—

(A) in the first sentence, by striking out "annually audit" and inserting instead "biennially conduct a financial and compliance audit of", and

(B) in the last sentence, by striking out "the chief executive officer of".

(17) Section 1928(b)(5) (42 U.S.C. 300y-7(b)(5)) is repealed.

(18) Section 1929(a)(1) (42 U.S.C. 300y-8(a)(1)) is amended by striking out the last sentence.

(19) Section 1929(b) (42 U.S.C. 300y-8(b)) is amended—

(A) by striking out paragraph (1), and

(B) by striking out the paragraph designation "(2)".

(20) Section 1929(d)(1) (42 U.S.C. 300y-8(d)(1)) is amended by inserting "study or" before "investigation".

(b)(1) Section 427(a) of the Federal Mine Safety and Health Act of 1977 and title X and subparts I and IV of part D of title III (30 U.S.C. 937(a) & 42 U.S.C. 300—300a-6a, 245a-1—254c, 256, & 256a) are repealed.

(2) Section 427(c) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 937(c)) is amended by striking out the first sentence.

(3) Part D of title III is amended—

(A) in the heading, by striking out "Primary Health Care" and inserting instead "National Health Service Corps Program", and

(B) by striking out the subpart heading "Subpart II National Health Service Corps Program".

(4) Sections 331(a), 331(h), 332(a)(1), and 338(a) (42 U.S.C. 254d(a), 254d(h), 254e(a)(1), & 254k(a)) are each amended by striking out "subpart" and inserting instead "part".

(5) Section 338F(a) (42 U.S.C. 254q(a)) is amended by striking out the first sentence.

(6) Section 931(c) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 300a nt.) is repealed.

(7)(A) Sections 3 and 4 of the Family Planning Services and Population Research Act of 1970 (42 U.S.C. 3505a & 3505b) are repealed.

(B) Section 2 of that Act (42 U.S.C. 300 nt.) is amended—

(A) by adding "and" at the end of paragraph (6),

(B) by striking out "; and" at the end of paragraph (7) and adding instead a period, and

(C) by striking out paragraph (8).

(c)(1) Except as provided in paragraph (2), the amendments made by the preceding subsections are effective beginning with appropriations for fiscal year 1984.

(2)(A) If any State (as defined in the Public Health Service Act) has not, by thirty days before the beginning of any calendar quarter in fiscal year 1984, submitted an application under section 1927 of the Public Health Service Act for an allotment for fiscal year 1984 under subsection (a) of section 1924 of that Act, the Secretary of Health and Human Services may provide during that quarter all or part of the State's allotment under that subsection to the State or to entities in the State under any of the provisions of law referred to in that subsection as in effect on September 30, 1983.

(B) If the Secretary of Health and Human Services provides amounts to a State or to entities in a State under paragraph (A) and the State subsequently files an application under section 1927 of the Public Health Service Act for an allotment for fiscal year 1984 under section 1924(a) of that Act, the allotment shall be reduced by the amounts the Secretary has provided under paragraph (A).

HANSEN'S DISEASE PROGRAM

SEC. 202. Section 320 (42 U.S.C. 255) is amended to read as follows:

"HANSEN'S DISEASE PROGRAM

"SEC. 320. (a) The Secretary—

"(1) shall provide care and treatment without charge at the Public Health Service facility in Carville, Louisiana, to any person suffering from Hansen's disease who needs and requests care and treatment for that disease, and

"(2) may provide for the care and treatment of Hansen's disease without charge for any person who requests such care and treatment.

"(b) The Secretary shall make payments to the Board of Health of Hawaii for the care and treatment in its facilities of persons suffering from Hansen's disease at a per diem rate, determined from time to time by the Secretary, which shall, subject to the availability of appropriations, be approximately equal to the per diem operating cost per patient of those facilities, except that the per diem rate shall not be greater than the comparable per diem operating cost per Hansen's disease patient at the Public Health Service facility in Carville, Louisiana.".

REPEAL OF NARCOTIC ADDICT CIVIL COMMITMENT AND OUTPATIENT SERVICES AUTHORITIES

SEC. 203. (a)(1) Titles III and IV of the Narcotic Addict Rehabilitation Act of 1966 (42 U.S.C. 3411-3441) are repealed.

(2) Section 2 of Public Law 89-793 (42 U.S.C. 3401) is amended—

(A) in the first sentence, by striking out "charged with or" and "prosecution or", and

(B) by striking out the second sentence.

(3) Section 605 of Public Law 89-793 (42 U.S.C. 3401 nt.) is amended by striking out the first and third sentences.

(b)(1) Chapter 175 of title 28, United States Code, is repealed.

(2) The table of contents to part VI of title 28, United States Code, is amended by deleting the matter referring to chapter 175.

(c) The first sentence of section 341(a) (42 U.S.C. 257(a)) is amended by striking out "civilly committed to treatment or".

REPEAL OF EXEMPTION FROM DATA COLLECTION REQUIREMENTS FOR THE ADOLESCENT FAMILY LIFE DEMONSTRATION PROGRAM

SEC. 204. Section 2008(g) (42 U.S.C 300z-7(g)) is repealed.

EXPANDED ELIGIBILITY FOR ASSISTANCE IN ESTABLISHING PRIVATE PRACTICES IN SHORTAGE AREAS

SEC. 205. Section 338E(a)(1) (42 U.S.C. 254p(a)(1)) is amended by striking out "completed as least two years of his period of obligated service in the Corps" and inserting instead "participated in the Scholarship Program".

FISCAL AGENTS

SEC. 206. Title V is amended by adding at the end the following:

"FISCAL AGENTS

"SEC. 516. The Secretary may enter into contracts with public or private entities to determine the amounts payable and make payments to persons who on behalf of the Public Health Service furnish health services to individuals, and to perform related functions as determined by the Secretary. The Secretary may advance funds to the entities to enable them to make such payments. The Secretary may enter into contracts under this section without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) or any provision of law requiring competition.".

TITLE III—TRAINING

SUBSTITUTION OF PROJECT GRANTS AND CONTRACTS FOR FORMULA AND CAPITATION GRANTS FOR TRAINING IN PUBLIC HEALTH AND HEALTH ADMINISTRATION

SEC. 301. (a) Section 791 (42 U.S.C. 295h) is replaced by the following new section:

"SPECIAL PROJECTS FOR GRADUATE OR SPECIALIZED TRAINING IN PUBLIC HEALTH OR HEALTH ADMINISTRATION

"SEC. 791. (a) The Secretary may make grants to, or enter into contracts with, public or nonprofit private educational entities for strengthening or expanding graduate or specialized training in public health or health administration.

"(b) For the purpose of carrying out this section there are authorized to be appropriated $2,638,000 for fiscal year 1984 and such sums as may be necessary for each of the four succeeding fiscal years.".

(b)(1) Paragraph (2) of section 770(c) (42 U.S.C. 295f(c)) is amended—

(A) in the first sentence, by striking out "For purposes of this section, the" and inserting instead "The", and

(B) in the last sentence, by striking out "and for purposes of section 771, students enrolled in the first of the last four years of such program shall be considered as first-year students".

(2) That paragraph is renumbered as (13) and is transferred to the end of section 701.

(3) Section 731(a)(1)(A)(ii) (42 U.S.C. 249d(a)(1)(A)(ii)) is amended by striking out "770(c)(2)" and inserting instead "701(13)".

(c) Part E of title VII (42 U.S.C. 295f—295f-2) is repealed.

BROADENED HEALTH PROFESSIONS TRAINING TECHNICAL ASSISTANCE AUTHORITY

SEC. 302. Section 709(d) (42 U.S.C. 292j(d)) is amended to read as follows:

"(d) Funds appropriated under this title may be used by the Secretary to provide technical assistance in relation to any of the authorities under this title.".

CONSOLIDATION OF THE NATIONAL ADVISORY COUNCILS ON HEALTH PROFESSIONS EDUCATION, NURSE TRAINING, AND THE NATIONAL HEALTH SERVICE CORPS

SEC. 303. (a) Sections 337 and 851 (42 U.S.C. 254j & 298) are repealed.

(b)(1) The first sentence of section 702(a) (42 U.S.C. 292b(a)) is amended—

(A) by striking out "parts B, C, D, E, F, and G of" and

(B) by inserting ", title VIII, and part D of title III" before the period.

(2) The second sentence of section 702(a) (42 U.S.C. 292b(a)) is amended—

(A) in clause (1), (i) by inserting "or title VIII" after "this title", and (ii) by inserting "nursing," after "podiatry,",

(B) by striking out "and" at the end of clause (2),

(C) in clause (3), by striking out "six" and inserting instead "four", and

(D) by inserting the following before the period: ", and (4) two shall be individuals who are knowledgeable about the National Health Service Corps and the National Health Service Corps Scholarship Program".

(3) Section 702(a) (42 U.S.C. 292b(a)) is amended by adding at the end the following: "Each member of the Council, while engaged in the performance of his duties while away from his home or regular place of business, shall be entitled to travel or transportation expenses under subchapter I of chapter 57 of title 5, United States Code. Each member of the Council who is not otherwise an employee of the United States shall receive compensation at a daily rate not to exceed a daily rate equivalent to the rate of basic pay in effect for grade GS-18 of the General Schedule for each day he is engaged in the performance of his duties (including traveltime).".

(4) Subsections (b) and (c) of section 702 (42 U.S.C. 292b) are each amended by striking out "(other than subpart II of part G thereof)" and inserting instead ", title VIII, and part D of title III".

(5) Sections 802(b) (42 U.S.C. 296a(b)), 803(a) (42 U.S.C. 296b(a)), 811(b) (42 U.S.C. 296f(b), 815(b) (42 U.S.C. 296j(b)), 820 (42 U.S.C. 296k), and 856(l) (42 U.S.C. 298b-3(l)) are each amended by striking out "Nurse Training" each place it occurs and inserting instead "Health Professions Education".

ELIMINATION OF UNNEEDED HEALTH PROFESSIONS EDUCATION REPORTING REQUIREMENT

SEC. 304. Section 708(c) (42 U.S.C. 292h(c)) is repealed.

REPEAL OF FUNDING REQUIREMENTS FOR CERTAIN PROFESSIONS UNDER THE NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM

SEC. 305. Section 338F(b) (42 U.S.C. 254q(b)) is repealed.

INCREASED LATE CHARGES FOR HEALTH PROFESSIONS STUDENT LOANS

SEC. 306. Sections 741(j) (42 U.S.C. 294n(j)) and 836(f) (42 U.S.C. 297b(f)) are each amended by revising the second sentence to read as follows: "The amount of any such charge may not exceed an amount based on the most recent rate for 91 day Treasury bills, plus costs of collection.".

SECRETARIAL ASSISTANCE IN COLLECTING DEFAULTED LOANS FROM HEALTH PROFESSIONS SCHOOLS' STUDENT LOAN FUNDS

SEC. 307. (a) Section 741 (42 U.S.C. 294n) is amended by adding at the end the following:

"(m) The Secretary is authorized to attempt to collect any loan which was made under this subpart and which is in default, referred to him by a school with which he has an agreement under this subpart, on behalf of that school under such terms and conditions as the Secretary may prescribe (including reimbursement from the school's student loan fund for expenses he may reasonably incur in attempting collection), but only if the school has previously exercised all due diligence (as specified by the Secretary) in attempting to collect the loan. Amounts collected shall be deposited in the school's student loan fund. Whenever the Secretary desires the institution of a civil action regarding any such loan, he shall refer the matter to the Attorney General for appropriate action.".

(b) Section 836 (42 U.S.C. 297b) is amended by adding at the end the following:

"(k) The Secretary is authorized to attempt to collect any loan which was made under this subpart and which is in default, referred to him by a school with which he has an agreement under this subpart, on behalf of that school under such terms and conditions as the Secretary may prescribe (including reimbursement from the school's student loan fund for expenses he may reasonably incur in attempting collection), but only if the school has previously exercised all due diligence (as specified by the Secretary) in attempting to collect the loan. Amounts collected shall be deposited in the school's student loan fund. Whenever the Secretary desires the institution of a civil action regarding any such loan, he shall refer the matter to the Attorney General for appropriate action.".

ELIMINATION OF TRANSFER OF NURSING SCHOOL LOAN FUNDS TO SCHOLARSHIPS

SEC. 308. Section 841 (42 U.S.C. 297h) is repealed.

ELIMINATION OF CEILING ON LOANS FOR STUDENTS WHO HAVE NOT BEEN PREVIOUSLY STUDYING OR WORKING

SEC. 309. Section 837 (42 U.S.C. 297c) is amended by striking out the last sentence.

DEFERRED INTEREST PAYMENTS ON HEALTH EDUCATION ASSISTANCE LOANS

SEC. 310. Section 731 (42 U.S.C. 294d) is amended—

(1) by striking out subsection (c), and

(2) by redesignating subsection (d) as (c).

REPEAL OF AUTHORITY FOR GRANTS TO ALASKA FOR MENTAL HEALTH FACILITIES CONSTRUCTION

SEC. 311. (a) Part H of title III (42 U.S.C. 274) is repealed.

(b) Parts I and J of title III are redesignated as parts H and I, respectively.

TITLE IV—PREVENTION

EXTENSION AND MODIFICATION OF HEALTH INFORMATION AND PROMOTION AUTHORITIES

SEC. 401. (a) Section 1701(b) (42 U.S.C. 300u(b)) is amended—

(1) by striking out "and" after "1981,", and

(2) by inserting ", $7,630,000 for the fiscal year ending September 30, 1984, and such sums as may be necessary for each of the four succeeding fiscal years" before the period.

(b)(1) Sections 1707 through 1710 (42 U.S.C. 300u-6-300u-9) are repealed.

(2) Section 1701(b) (42 U.S.C. 300u(b)) is amended by striking out "(other than grants and contracts under sections 1707, 1708, and 1709)".

TITLE V—HEALTH MAINTENANCE ORGANIZATIONS

REPEAL OF REQUIREMENT FOR PROVISION OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES

SEC. 501. The first sentence of section 1302(1) (42 U.S.C. 300e-1(1)) is amended—

(1) by striking out subparagraphs (D) and (E), and

(2) by redesignating subparagraphs (F) through (H) as (D) through (F).

REPEAL OF REQUIREMENT FOR ONE-THIRD MEMBERSHIP REPRESENTATIVES ON POLICYMAKING BODIES OF HEALTH MAINTENANCE ORGANIZATIONS

SEC. 502. Section 1301(c)(5) (42 U.S.C. 300e(c)(5)) is repealed.

ELIMINATION OF REQUIRED RECONSIDERATION OF AND HEARING CONCERNING SECRETARY'S DETERMINATION THAT A HEALTH MAINTENANCE ORGANIZATION NO LONGER MEETS FEDERAL REQUIREMENTS

SEC. 503. The matter in the third sentence of section 1312(b)(1) (42 U.S.C. 300e-11(b)(1)) preceding clause (A) is amended by striking out ", then after the Secretary provides the entity a reasonable opportunity for reconsideration of his determination, including, at the entity's election, a fair hearing".

ELIMINATION OF SUPPORT FOR FEASIBILITY SURVEYS, PLANNING, AND INITIAL DEVELOPMENT COSTS

SEC. 504. Section 1303, 1304, and 1307(c) (42 U.S.C. 300e-2, 300e-3 & 300e-6(c)) are repealed.

(b) Section 1306 (42 U.S.C. 300e-5) is amended—

(1) by striking out "grant, contract, loan," each place it occurs and inserting "loan",

(2) in subsection (b)(1), by striking out "in the case of an application for assistance under section 1303 or 1304, such application meets the application requirements of such section, and",

(3) in subsection (b)(2), by striking out "1304, 1305," and inserting instead "1305",

(4) in subsection (c), by striking out "grants, contracts, loans," and inserting instead "loans", and

(5) in the heading, by adding "Loan" at the beginning.

(c) Section 1307 (42 U.S.C. 300e-6) is amended—

(1) by striking out "grant, contract, loan," each place it occurs and inserting instead "loan",

(2) in subsection (a)(1), by striking out "grant, contract, or loan" and inserting instead "loan", and

(3) in subsection (a)(1), by striking out "such assistance" and inserting instead "the loan".

(d) Section 1317 (42 U.S.C. 300e-16) is amended—

(1) by striking out the last sentence of subsection (a)(2), and

(2) in the first sentence of subsection (b), by—

(A) striking out clause (1), and

(B) striking out the clause designations "(2)" and "(3)" and inserting instead "(1)" and "(2)", respectively.

(e) Section 1309(a) (42 U.S.C. 300e-8(a)) is amended—

(1) by striking out paragraph (1), and

(2) by striking out the paragraph designation "(2)".

(f) The amendments made by the preceding subsections do not apply to any grant made, or contract entered into, before October 1983.

ELIMINATION OF LOANS AND LOAN GUARANTEES FOR ACQUISITION AND CONSTRUCTION OF AMBULATORY CARE FACILITIES

SEC. 505. (a) Section 1305A (42 U.S.C. 300e-4a) is repealed.

(b) Section 1306(b)(2) (42 U.S.C. 300e-5(b)(2)) is amended by striking out "or 1305A".

(c) The amendments made by the preceding subsections do not apply to any loan or loan guarantee made before October 1983.

LIMITATION ON LOANS AND LOAN GUARANTEES FOR INITIAL COSTS OF OPERATION

SEC. 506. (a) The last sentence of section 1305(a) (42 U.S.C. 300e-4(a)) is amended by inserting ", and unless the Secretary has made a grant or loan to, entered into a contract with, or guaranteed a loan for, the organization under this section or former section 1304(b) in fiscal year 1981, 1982, or 1983" before the period.

(b) The amendment made by subsection (a) does not apply to any loan or loan guarantee for initial costs of operation made before October 1983.

REPEAL OF REQUIREMENT FOR HEALTH SYSTEMS AGENCY REVIEW

SEC. 507. Section 1306(b)(5) (42 U.S.C. 300e-5(b)(5)) is repealed.

REPEAL OF LIMITATION ON SOURCE OF FUNDING

SEC. 508. Section 1313 (42 U.S.C. 300e-12) is repealed.

REPEAL OF REQUIREMENT FOR PERIODIC DEMONSTRATION OF COMPLIANCE

SEC. 509. Section 1310(d) (42 U.S.C. 300e-9(d)) is amended by striking out the last sentence.

REPEAL OF TRAINING AND TECHNICAL ASSISTANCE AUTHORITY

SEC. 510. (a) Section 1317 (42 U.S.C. 300e-16) is repealed.

(b) Section 1309 (42 U.S.C. 300e-8) (as amended by section 504(e) of this Act) is further amended—

(1) by striking out subsection (a), and

(2) by striking out the subsection designation "(b)".

(c) The amendments made by the preceding subsections do not apply to appropriations (or activities funded by appropriations) for periods beginning before October 1983.

LIMITATION ON BORROWING BY LOAN GUARANTEE FUND

SEC. 511. The first sentence of section 1308(d)(2) (42 U.S.C. 300e-7(d)(2)) is amended by inserting "before October 1982" after "guarantees issued by him".

TITLE VI—PERSONNEL AND ADMINISTRATION

ELIMINATION OF ADDITIONAL PAY FOR PERSONNEL TREATING PATIENTS WITH HANSEN'S DISEASE

SEC. 601. (a)(1) Section 208(e) (42 U.S.C. 210(e)) is repealed.

(2) Section 301(a)(5) of title 37, United States Code, is repealed.

(b) The amendments made by subsection (a) shall apply to pay or compensation for services performed after the date of enactment of this Act, except that no individual who was receiving additional pay or compensation immediately before the date of enactment of this Act under the provisions repealed by subsection (a) shall receive, because of the repeal of those provisions, less pay or compensation than he was then receiving.

LIMITED APPLICABILITY OF CERTAIN ADDITIONAL SPECIAL PAY TO PHYSICIANS IN THE PUBLIC HEALTH SERVICE COMMISSIONED CORPS

SEC. 602. (a) Section 208(a)(2) (42 U.S.C. 210(a)(2)) is amended—

(1) by inserting the subparagraph designation "(A)" after the paragraph designation "(2)",

(2) by inserting ", except as otherwise provided in subparagraph (B)" before the period, and

(3) by adding at the end the following:

"(B) A commissioned medical officer in the Regular or Reserve Corps may not receive additional special pay under paragraph (4) of section 302(a) of title 37, United States Code, for any period during which the officer is providing obligated service under section 338B (42 U.S.C. 254m) (or under former section 225(e) or 752). Such an officer serving during any other period may be provided additional special pay under that paragraph at the discretion of the Secretary up to the amounts described in that paragraph. The Secretary, in exercising his discretion under the preceding sentence, shall take into consideration the recruitment and retention problems of the Public Health Service, the level of performance of the officer concerned, and provisions of law relating to additional pay for Government physicians not in the uniformed services.".

(b) The amendments made by subsection (a) shall not apply to any period of service covered by an agreement entered into by an officer under section 302(c)(1) of title 37, United States Code, before the date of enactment of this Act unless the fourth proviso under the headings "TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES", "Health Services Administration", "Health Services" in section 101(e)(1) of Public Law 97-377 has applied to such an agreement.

TRANSFER OF PUBLIC HEALTH SERVICE OFFICERS TO OTHER UNIFORMED SERVICES

SEC. 603. (a)(1) Section 716 of title 10, United States Code, is amended to read as follows:

"§ 716. Commissioned officers: transfers among the armed forces, the National Oceanic and Atmospheric Administration, and the Public Health Service

"(a)(1) The President may, within authorized strengths and with the consent of the officer involved, transfer any commissioned officer of a uniformed service from his uniformed service to, and appoint him in, another uniformed service. The Secretary of Defense, the Secretary of Transportation when the Coast Guard is not operating as a service in the Navy, the Secretary of Commerce, and the Secretary of Health and Human Services shall jointly establish, by regulations approved by the President, policies and procedures for such transfers and appointments.

"(2) In this section, 'uniformed service' means any of the armed forces, the Commissioned Corps of the National Oceanic and Atmospheric Administration, and the Commissioned Corps of the Public Health Service.

"(b) An officer transferred under this section may not be assigned precedence or relative rank higher than that which he held on the day before the transfer.

"(c)(1) An officer who previously served on active duty as a commissioned officer of the National Oceanic and Atmospheric Administration or the Public Health Service and who is appointed or reappointed as a commissioned officer in any other uniformed service shall be credited for purposes of computing his eligibility to retire, and the amount of his retired pay, with the number of years of service with which he was credited for those purposes on the day before the termination of his previous period of active duty.

"(2) For the purpose of determining the grade and rank within grade of a commissioned officer of the Public Health Service who transfers to, and is appointed as a commissioned officer in, an armed force, the Secretary concerned may, under regulations prescribed by the Secretary of Defense (or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy), credit the officer at the time of that appointment with any period of active commissioned service that he performed as a commissioned officer in the Public Health Service.

"(d) The preceding subsections apply to a commissioned officer of the Public Health Service only if the officer was in active service on March 10, 1981.".

(2) The item relating to section 716 in the table of sections to chapter 41 of that title is amended to read as follows:

"716. Commissioned officers: transfers among the armed forces, the National Oceanic and Atmospheric Administration, and the Public Health Service.".

(b) Section 3(a)(13) of the Act of August 10, 1956, (33 U.S.C. 857a(a)(13)) is amended to read as follows:

"(13) Section 716, Commissioned officers: transfers among the armed forces, the National Oceanic and Atmospheric Administration, and the Public Health Service.".

SECRETARIAL DISCRETION IN APPOINTMENT OF NATIONAL HEALTH SERVICE CORPS MEMBERS AS COMMISSIONED OFFICERS

SEC. 604. (a) Section 338B(b)(1) (42 U.S.C. 254m(b)(1)) is amended by striking out subparagraphs (A) and (B) and inserting instead the following:

"(A) as a member of the Corps who is a commissioned officer in the Regular or Reserve Corps of the Service,

"(B) as a member of the Corps who is a civilian employee of the United States, or

"(C) as a member of the Corps who is not such an officer or employee,".

(b) Paragraphs (2) and (3) of section 338B(b) (42 U.S.C. 254m(b)) are amended to read as follows:

"(2) If the Secretary determines that an individual shall provide obligated service as a member of the Corps who is a commissioned officer in the Service, the Secretary shall, as soon as possible after the date described in paragraph (5), appoint the individual as a commissioned officer in the Regular or Reserve Corps of the Service and shall designate the individual as a member of the Corps.

"(3) If the Secretary determines that an individual shall provide obligated service as a civilian employee of the United States, the Secretary shall, as soon as possible after the date described in paragraph (5), appoint the individual as a civilian employee of the United States and designate the individual as a member of the Corps.".

(c) The amendments made by the preceding subsections shall apply to individuals who first participate in the National Health

Service Corps Scholarship Program after the date of enactment of this Act.

HEALTH CARE FOR INVOLUNTARILY SEPARATED COMMISSIONED OFFICERS AND DEPENDENTS

SEC. 605. Section 326 (42 U.S.C. 253) is amended by inserting after subsection (a) the following:

"(b) The Secretary may provide for health care for an officer of the Regular or Reserve Corps involuntarily separated from the Service (or for any dependent of the officer) for not more than one year from the date of separation if—

"(1) the officer (or dependent) was receiving health care at the expense of the Service at the time of separation, and

"(2) the Secretary finds that the officer (or dependent) is unable to obtain appropriate insurance for the condition for which he was receiving health care.".

FEDERAL FUNDING FOR TELEPHONE DATA SERVICE IN PRIVATE HOMES CONNECTED TO COMPUTER CENTERS

SEC. 606. Section 7 of an Act of August 23, 1912, chapter 350 of the laws of the second session of the 62nd Congress (31 U.S.C. 679), is amended by inserting ", and except for telephone service, tolls, or other charges, in relation to dedicated data lines communicating with Government or Government supported computer centers" after "employed".

ELIMINATION OF UNNEEDED ADVISORY BODIES AND REPEAL OF OBSOLETE PROVISIONS

SEC. 607. (a) Section 201(c) of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1974 (42 U.S.C. 3511(c)), section 340A(d) (42 U.S.C. 256a(d)), sections 601 through 608 (42 U.S.C. 291-291h), sections 610 through 643A (42 U.S.C. 291j-291m-1), subsections (b) and (l) of section 645 (42 U.S.C. 291o), and title IX are repealed.

(b)(1) The first sentence of section 609 (42 U.S.C. 291i) is amended—

(A) by inserting "former" before "section 606", "section 605", and "section 604",

(B) by striking out "is not qualified" and inserting instead "would not have been qualified",

(C) by striking out "Surgeon General" and inserting instead "Secretary",

(D) by striking out "(1)" and "(2)" and inserting instead "(A)" and "(B)", respectively, and

(E) by striking out "(a)" and "(b)" and inserting instead "(1)" and "(2)", respectively.

(2) Section 645(j) (42 U.S.C. 291o(j)) is amended—

(A) by striking out "Surgeon General" each place it occurs and inserting instead "Secretary",

(B) by striking out "is to be" and inserting instead "was", and

(C) by inserting "former" before "section 602(a)(2)".

(3) Section 1602(e)(1) (42 U.S.C. 300q-2(e)(1)) is amended by inserting "former" before "section 626".

APPLICABILITY OF FEDERAL ASSISTANCE FINANCING SYSTEM TO ADDITIONAL FORMS OF FINANCIAL ASSISTANCE AND CONTRACTS

SEC. 608. Section 6 of the Mental Retardation Facilities and Community Mental Health Centers Construction Act Amendments of 1965 (42 U.S.C. 3514) is amended—

(1) by striking out "grant" the first place it occurs and inserting instead "grant, other form of financial assistance, or contract",

(2) by striking out "grant" every other place it occurs and inserting instead "award",

(3) by striking out "grantee" each place it occurs and inserting instead "recipient",

(4) by striking out "Secretary of Health, Education, and Welfare" and inserting instead "Secretary of Health and Human Services, and

(5) by striking out "Department of Health, Education, and Welfare" and inserting instead "Department of Health and Human Services".

TECHNICAL AMENDMENTS

SEC. 609. (a) The first sentence of section 304 (d) (1) (42 U.S.C. 242b(d) (1)) is amended by striking out "the Council on Wage and Price Stability,".

(b) (1) The first sentence of section 311 (c) (1) (42 U.S.C. 243 (c) (1)) is amended by striking out "or condition referred to in section 317 (f)" and "involving or resulting from disasters or any such disease".

(2) The second sentence of section 311 (c) (1) (42 U.S.C. 243 (c) (1)) is amended by striking out everything after "health problems" up to the period.

(c) (1) Section 472(a) (1) (B) (42 U.S.C. 2891-1(a) (1) (B)) is amended by striking out "and the research described in subparagraph (A) (vi)".

(2) Section 472 (b) (1) (C) (42 U.S.C. 2891-1 (b) (1) (C)) is amended by inserting "or (a) (1) (A) (iv)" after "(a) (1) (A) (iii)".

(d) Section 1202 (42 U.S.C. 300d-1) is amended by striking out "1205" and inserting instead "1201".

(e) Section 928 (b) of the Omnibus Budget Reconciliation Act of 1981 is amended by striking out "(42 U.S.C. 247b (j) (1) (A))" and inserting instead "(42 U.S.C. 247b (j))".

TITLE VII—REQUIREMENTS FOR REPORTS

ELIMINATION OF UNNECESSARY REPORTS

SEC. 701. (a) Section 308(a) (42 U.S.C. 242m(a)) is amended—

(1) by striking out paragraph (1),

(2) in paragraph (3), by striking out "or (2)", and

(3) by renumbering paragraphs (2) and (3) as (1) and (2), respectively.

(b) Section. 317(h) (42 U.S.C. 247b (h)) is repealed.

(c) Section 338A (i) (42 U.S.C. 254 (i)) is repealed.

(d) (1) Section 511 (42 U.S.C. 229) is repealed.

(2) The first sentence of section 383(b) (42 U.S.C. 277 (b)) is amended by striking out ", and the Secretary shall include in his annual report to the Congress a statement covering the recommendations made by the Board and the disposition thereof".

(e) Section 1009 (42 U.S.C. 300a-6a) is repealed.

(f) Section 1122 (42 U.S.C. 300c-12) is amended to read as follows:

"SUDDEN INFANT DEATH SYNDROME RESEARCH

SEC. 1122. From the sums appropriated to the National Institute of Child Health and Human Development under section 441, the Secretary shall assure that there are applied to research which relates specifically to sudden infant death syndrome, and to research which relates generally to sudden infant death syndrome, including high-risk pregnancy and high-risk infancy research which directly relates to sudden infant death syndrome, such amounts each year as will be adequate, given the leads and findings then available from such research, in order to make maximum feasible progress toward identification of infants at risk of sudden infant death syndrome and prevention of sudden infant death syndrome.".

(g) Section 1315 (42 U.S.C. 300e-14) is repealed.

(h) Section 1318(e) (42 U.S.C. 300e-17(e)) is repealed.

(i) Section 5(h) of the International Health Research Act of 1970 (22 U.S.C. 2103(h)) is repealed.

(j) Section 27(c) of the Toxic Substances Control Act (15 U.S.C. 2626(c)) is repealed.

(k) Section 154(e) of the Clean Air Act (42 U.S.C. 7454(e)) is amended by striking out the last sentence.

(l) Section 1200 of the Comprehensive Drug Abuse Prevention and Control Act of 1980 (42 U.S.C. 3509) is repealed.

(m) Section 311(c) of title 37, United States Code, is repealed.

(n) Section 26(e)(2) of the Toxic Substances Control Act (15 U.S.C. 2625(e)(2)) is amended to read as follows:

"(2) The Administrator and the Secretary shall—

"(A) define the term 'known financial interests' for purposes of paragraph (1), and

"(B) establish the methods by which the requirement to file written statements specified in paragraph (1) will be monitored and enforced, including appropriate provisions for review by the Administrator and the Secretary of such statements.".

MODIFICATION OF REQUIREMENTS FOR REPORTS

SEC. 702. (a) Section 405(b) of the Drug Abuse Prevention, Treatment, and Rehabilitation Act (21 U.S.C. 1172(b)) is amended—

(1) in the matter preceding paragraph (1), by inserting "biennially" after "transmit", and

(2) by striking out the last sentence.

(b) Section 301(b)(4) (42 U.S.C. 241(b)(4)) is amended—

(1) in the matter preceding subparagraph (A), by striking out "an annual" and inserting instead "a biennial", and

(2) in subparagraph (D), by striking out "year" and inserting instead "period".

(c) Section 434(e) (42 U.S.C. 289c-1(e)) is amended—

(1) in the first sentence, by striking out ", as soon as practicable, but not later than sixty days, after the end of each fiscal year,",

(2) in the first sentence, by striking out "an annual" and inserting instead "a biennial", and

(3) in the matter in the last sentence preceding paragraph (1), by striking out "annual" and inserting instead "biennial".

(d) Section 435(b) (42 U.S.C. 289c-2(b)) is amended by striking out "an annual" and inserting instead "a biennial" and by striking out "(on or before November 30 of each year)".

(e) Section 439(e) (42 U.S.C. 289c-6(e)) is amended by striking out "an annual" and inserting instead "a biennial" and by striking out "on or before November 30 of each year".

(f) The first sentence of section 701 of the Indian Health Care Improvement Act (25 U.S.C. 1671) is amended by striking out "annually" and inserting instead "biennially".

(g) Section 22(f) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 671(f)) is amended—

(1) by inserting "biennially" after "submit, and

(2) by striking out "an annual report" and inserting instead "a report".

(h) Section 2(d) of Public Law 96-135 (25 U.S.C. 472a(d)) is amended—

(1) by striking out "following the close of each fiscal year",

(2) by striking out "which they took in such fiscal year" and inserting instead "which they have taken", and

(3) by inserting "biennial" before "report".

(i) Section 2(e)(2) of Public Law 96-135 (25 U.S.C. 472a(e)(2)) is amended—

(1) by striking out "following the close of each fiscal year",

(2) by striking out "which they took in such fiscal year" and inserting instead "which they have taken", and

(3) by inserting "biennial" before "report".

(j) Section 26 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 675) is amended by striking out "Within one hundred and twenty days following the convening of each regular session of each Congress, the Secretary and the Secretary of Health, Education, and Welfare shall each" and inserting instead "The Secretary and the Secretary of Health and Human Services shall each biennially".

(k) Section 102(1) of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act (42 U.S.C. 4552(1)) is amended by striking out "annual" and inserting instead "triennial".

TITLE VIII—HEALTH PLANNING

REPEAL OF HEALTH PLANNING AUTHORITIES

SEC. 801. (a) Title XV (42 U.S.C. 300k-1-300n-6) is repealed.

(b)(1) Section 2(f) (42 U.S.C. 201(f)) is amended by striking out "1531(1),".

(2) Section 314 (42 U.S.C. 246) is amended—

(A) by striking out subsections (a) through (c),

(B) in subsection (g)(1), by striking out "under title XV of this Act and", and

(C) in the heading, by striking out "Comprehensive Health Planning and".

(3) Section 1302(6) (42 U.S.C. 300e-1(6)) is repealed.

(4) Section 1302(7) (42 U.S.C. 300e-1(7)) is amended by striking out the second sentence.

(5) Section 1310(a)(1)(B) (42 U.S.C. 300e-9(a)(1)(B)) is amended by striking out "1525,".

(6) Section 1310(g) (42 U.S.C. 300e-9(g)) is amended by striking out "1525,".

(7) Part D of title XVI (42 U.S.C. 300t) is repealed.

(8) Section 1121(c) of the Social Security Act (42 U.S.C. 1320a(c)) is amended by striking out ", including health systems agencies (designated under section 1515 of the Public Health Service Act) and State health planning and development agencies (designated under section 1521 of such Act),".

(9)(A) The matter in section 1122(b) of the Social Security Act (42 U.S.C. 1320a-1(b)) preceding paragraph (1) is amended by striking out "described in clause (ii) of subsection (d)(1)(B)".

(B) The matter in section 1122(b) of that Act (42 U.S.C. 1320a-1(b)) following paragraph (3) is amended by striking out "the standards, criteria, or plans developed pursuant to the Public Health Service Act (or the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963)" and inserting instead "standards, criteria, or plans developed".

(C) Section 1122(d)(1)(B)(ii)(I) of that Act (42 U.S.C. 1320a-1(d)(1)(B)(ii)(I)) is amended to read as follows:

(I) consulted with, and taken into consideration the findings and recommendations of, any public or nonprofit private agency or organization (if any) that performs health planning functions for the area in which the health care facility proposing such capital expenditure is located, and".

(10)(A) Section 1883(b) of the Social Security Act (42 U.S.C. 1395tt(b)) is amended to read as follows:

"(b) The Secretary may not enter into an agreement under this section with any hospital unless, except as provided in subsection (g), the hospital is located in a rural area and has less than 50 beds.".

(B) Section 1883(g) of that Act (42 U.S.C. 1395tt(g)) is amended by striking out "(b)(1)" and inserting instead "(b)".

(c) The amendments made by the preceding subsections are effective October 1, 1983, but do not apply to appropriations (or activities funded by appropriations) for periods beginning before October 1983.

THE SECRETARY OF
HEALTH AND HUMAN SERVICES,
Washington, D.C., March 4, 1983.

Hon. GEORGE BUSH,
President of the Senate
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed for consideration by the Congress is a draft bill "To extend various health authorities, and for other purposes".

The draft bill would enable a number of important objectives in the health area to be met. First, the draft bill would extend through fiscal year 1988 authorities for research on cancer, on cardiovascular, lung, and blood diseases, and on alcohol abuse and alcoholism and drug abuse; for assistance to medical libraries; for National Research Service Awards; for health information and health promotion; and for certain other activities. Second, the draft bill would combine current authorities for community health centers, migrant health, family planning, and health services to coal miners into a unified primary care block grant with minimal conditions imposed upon the States. Rather than having several different and unrelated federally supported grantees providing primary care services within each State, States would be able to provide individuals in need of health care a comprehensive system designed to meet the highest priority health needs in each State. This would further the Administration's efforts to provide greater State flexibility and control over health services programs. Third, the draft bill would enact changes to our health maintenance organization (HMO) authorities to improve the competitive posture of HMOs. Fourth, the draft bill would enact a number of proposals designed to assist the Department of Health and Human Services in carrying out its health responsibilities as effectively and efficiently as possible in a period of fiscal constraint.

We urge the Congress to give the draft bill its prompt and favorable consideration.

We are advised by the Office of Management and Budget that enactment of this draft bill would be in accord with the program of the President.

Sincerely,

THOMAS R. DONNELLY, Jr.,
Acting Secretary.

Enclosures.

SUMMARY OF PROPOSED HEALTH AMENDMENTS OF 1983

Section 1 would assign the draft bill the short title "Health Amendments of 1983".

TITLE I—RESEARCH

Section 101 would authorize appropriations of $60,040,000 for fiscal year 1984 and "such sums as may be necessary" for fiscal years 1985 through 1988 for cancer prevention and control programs, and would authorize appropriations of $905,753,000 for fiscal year 1984 and "such sums as may be necessary" for fiscal years 1985 through 1988 for other cancer activities.

Section 102 would authorize appropriations of $48,000,000 for fiscal year 1984 and "such sums as may be necessary" for fiscal years 1985 through 1988 for cardiovascular, lung, and blood disease prevention and control programs, and would authorize appropriations of $550,532,000 for fiscal year 1984 and "such sums as may be necessary" for fiscal years 1985 through 1988 for other cardiovascular, lung, and blood activities.

Section 103 would authorize appropriations of $7,653,000 for fiscal year 1984 and "such sums as may be necessary" for fiscal years 1985 through 1988 for assistance to medical libraries.

Section 104 would authorize appropriations of $45,790,000 for fiscal year 1984 and "such sums as may be necessary" for fiscal years 1985 through 1988 for alcohol abuse and alcoholism research.

Section 105 would authorize appropriations of $56,160,000 for fiscal year 1984 and "such sums as may be necessary" for fiscal years 1985 through 1988 for drug abuse research.

Section 106 would authorize appropriations of $180,343,000 for fiscal year 1984 and "such sums as may be necessary" for fiscal years 1985 through 1988 for National Research Service Awards.

Section 107 would authorize appropriations of $2,000,000 for fiscal year 1984 and "such sums as may be necessary" for fiscal years 1985 through 1988 for the diabetes data system.

Section 108 would authorize appropriations of $20,000,000 for fiscal year 1984 and "such sums as may be necessary" for fiscal years 1985 through 1988 for diabetes research and training centers.

Section 109 would authorize appropriations of $350,000 for fiscal year 1984 and "such sums as may be necessary" for fiscal years 1985 through 1988 for each of three advisory boards: the National Diabetes Advisory Board, the National Arthritis Advisory Board, and the National Digestive Diseases Advisory Board.

Section 110 would authorize appropriations of $1,500,000 for fiscal year 1984 and "such sums as may be necessary" for fiscal year 1985 through 1988 for the arthritis data system.

Section 111 would authorize appropriations of $20,000,000 for fiscal year 1984 and 'such sums as may be necessary" for fiscal years 1985 through 1988 for multipurpose arthritis centers.

Section 112 would extend from three to five years the maximum duration of a period of support (and, after review by a scientific review group, the maximum duration of each additional period of support) permitted for any particular national cancer research and demonstration center. Five years would provide adequate time to evaluate the performance of a center.

Section 113 would permit the Secretary of Health and Human Services to withhold from disclosure under the Freedom of Information Act clinical trial data if the Secretary determined that (1) observations were still to be collected, recorded, or verified as part of the clinical trial, (2) the experimental protocol stated the need for confidentiality and had been approved by an Institutional Review Board, (3) the participants in the trial had been informed that an exemption would be sought under which data would be kept confidential until the trial

was completed and had nevertheless agreed to take part in the trial, (4) there were adequate procedures for analyzing interim data and monitoring safety to provide sufficient protection to the participants in the clinical trial, and (5) disclosure would jeopardize the conduct of the clinical trial. This provision would protect the integrity of a clinical trial in carefully defined circumstances against premature disclosures that could invalidate the trial.

Section 114 would eliminate the authority for the National Center for Health Care Technology. The Department intends to conduct health care technology activities through other components.

Section 115 would repeal the requirement that an ongoing study of pollution and other environmental conditions be funded solely from appropriations for health statistics activities.

Section 116 would eliminate provisions requiring the Secretary to support health services research centers.

Section 117 would repeal the requirement that the Secretary, acting through the National Center for Health Statistics, periodically review and revise guidelines, to apply to each executive department, for statistics concerning the effect of employment conditions and the environment on the public health.

Section 118 would repeal the requirement that the Director of the National Cancer Institute submit an annual budget estimate for the National Cancer Program, without change by the Director of the National Institutes of Health or by the Secretary, directly to the President for review and transmittal to Congress.

Section 119 would eliminate the interagency Task Force on Environmental Cancer and Heart and Lung Disease. The task force has not proved to be an effective mechanism for coordination; in addition, there are other groups, such as the National Toxicology Program Executive Committee and the Committee to Coordinate Environmental and Related Programs, that do provide for effective cooperation among Federal agencies.

Section 120 would redesignate the Associate Director for Digestive Diseases (within the National Institutue of Arthritis, Diabetes, and Digestive and Kidney Diseases) as the Associate Director for Digestive Diseases and Nutrition, and would redesignate the subcommittee on digestive diseases of the institutue's advisory council as the subcommittee on digestive diseases and nutrition. The responsibilities of this associate director and this subcommittee include nutrition.

Section 121 would restrict the responsibility of the associate directors within the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases as to coordination throughout the National Institutes of Health (NIH) of planning, monitoring, and review of research and training activities related to diseases under the purview of that institute. The section would require coordination only with respect to arthritis, diabetes, and digestive and kidney diseases, those diseases for which there is a substantial need for coordination throughout NIH.

Section 122 would permit the Secretary to evaluate the efficacy of medical procedures through the National Center for Health Services Research (NCHSR). Current law prohibits such evaluations through NCHSR, although NCHSR is concerned with efficacy issues and has the needed expertise for such evaluations.

Section 123 would repeal the requirement that the Secretary support at least ten comprehensive centers for sickle cell disease. The number of such centers should be determined by program priorities and scientific merit.

TITLE II—SERVICES

Section 201 would expand the scope of the primary care block grant to include (in addition to the current program for community health centers) the current programs for migrant health, family planning, and health services for respiratory and pulmonary impairments in coal miners. The section would authorize appropriations of $460,312,000 for fiscal year 1984 and "such sums as may be necessary" for fiscal years 1985 and 1986 for the entire block grant. A State could transfer up to 10 percent of its funds to other block grants administered by the Secretary. Various specific requirements in current legislation relating to community health centers, including a requirement for the provision of State matching funds, would be eliminated. A State would be permitted to satisfy various requirements through officials other than the governor, and the form and content of applications and reports would be determined by the State rather than by the Secretary. A State would be required, in its annual description of the intended use of funds, to include a statement of goals and objectives, information on the types of activities to be supported, geographic areas to be served, and categories or characteristics of individuals to be served, and the criteria and method to be used for distributing the funds. The annual activites report would have to explain how the previously stated goals and objectives had been met. The requirement for State legislative hearings on the use of funds would be eliminated; instead, an opportunity for public comment would be required. State audits would be required only every two years, not annually, and would be audits of both finances and compliance. The requirement for annual investigations by the Secretary of the use of funds in various States would be repealed, as would the requirement for evaluations by the Comptroller General of State expenditures (the Comptroller General has authority under other provisions of law to conduct evaluations as needed). A State could begin to participate in the block grant during any calendar quarter in fiscal year 1984; the Secretary would continue to provide funds under the categorical programs subsumed by the block in those quarters in fiscal year 1984 during which the State chose not to participate. The Secretary could not provide categorical funding after fiscal year 1984. The statutory requirements that there be an Office of Population Affairs and a Deputy Assistant Secretary for Population Affairs would be repealed. This section would provide States greater flexibility and control over health services programs and would provide for more efficient and integrated management of the programs.

Section 202 would make clear that receipt of Federal treatment for Hansen's disease is voluntary, would permit treatment outside of Public Health Service facilities, and would revise the archaic language of the current provisions concerned with this disease.

Section 203 would repeal provisions providing for the civil commitment to the Secretary by United States district courts of narcotic addicts and provisions authorizing the Secretary to establish outpatient services for narcotic addicts. These provisions are no longer used and deal with functions best performed on the State level.

Section 204 would repeal the current special exemption for the Adolescent Family Life Demonstration Program from the usual requirements for review by the Office of Management and Budget of forms for data collection.

Section 205 would permit the Secretary to provide financial assistance to a National Health Service Corps Scholarship Program participant in establishing a private practice in a health manpower shortage area before the participant has fulfilled two years of his service obligation. Providing the assistance earlier will encourage participants to elect the private practice option instead of service as a National Health Service Corps member.

Section 206 would permit the Secretary to contract with public and private entities to process bills, make payments, and perform related functions with respect to health services furnished by outside health professionals and others to Public Health Service beneficiaries. The use of fiscal agents in such programs as the contract care program of the Indian Health Service would be more efficient than the current method of using Federal employees to process bills.

TITLE III—TRAINING

Section 301 would repeal authorities for formula and capitation grants for training in public health and health administration and would enact a new authority for grants and contracts for special projects for graduate or specialized training in public health or health administration, with an appropriation authorization of $2,638,000 for fiscal year 1984 and "such sums as may be necessary" for fiscal years 1985 through 1988. The section would also repeal expired provisions of law for capitation grants for the training of physicians and other health professionals. This section would provide the required flexibility in making assistance available where most needed at any particular time.

Section 302 would permit funds appropriated for health professions training to be used for technical assistance in relation to any authority in that area. The current technical assistance provision is too narrow, as it does not permit funds to be drawn from existing appropriations.

Section 303 would consolidate the National Advisory Councils on Health Professions Education, Nurse Training, and the National Health Service Corps. This provision would eliminate unnecessary duplication among advisory councils.

Section 304 would eliminate an unnecessary requirement that schools, programs, and training centers receiving funds under health professions education authorities (including nurse training) submit annual reports to the Secretary.

Section 305 would repeal requirements that 90 percent of the appropriations for the National Health Service Corps Scholarship Program be obligated for scholarships for medical, osteopathic, and dental students, and that 10 percent of that 90 percent be obligated for scholarships for dental students.

Section 306 would increase from $2 per month to the 91 day Treasury bill rate (plus costs of collection) the charge a health professions school may impose for overdue loan repayments to the school's student loan fund to which the Federal government had made capital contributions. The current penalty is inadequate to provide an incentive for borrowers to pay promptly.

Section 307 would permit the Secretary to assist in collecting a loan in default that had been made from a health professions school's student loan fund to which the Federal government had made capital contributions, if the school had exercised all due diligence in attempting to collect the loan. The Secretary cannot assist in collection efforts under current law.

Section 308 would eliminate the authority of a nursing school to transfer up to 20 percent of the amounts paid in a fiscal year to the school for the school's loan fund to be transferred to the school's scholarship program. Funds in the school loan programs are recycled for use by other students as the loans are paid back, but not funds in the scholarship programs. Recycling permits the maximum use of scarce Federal resources.

Section 309 would remove the current $500 annual ceiling on the amount a nursing student may receive from a school loan fund to which the Federal government has made capital contributions if the student has not been a student or employed on a full-time basis for the past seven years. The ceiling is too low to permit adequate financial assistance to be provided to deserving and needy students. Allocation of funds among applicants should be at the discretion of the nursing schools.

Section 310 would repeal the Health Education Assistance Loans (HEAL) program requirement that loan repayments in any year (after completion of studies, internship, and residency) be at least as great as the interest owed. HEAL borrowers generally have considerably lower incomes during the first years of practice than later; graduated payment schedules can better match repayment requirments to income and thereby help to prevent defaults.

Section 311 would repeal a moribund authority for payments to Alaska for the construction of mental health facilities.

TITLE IV—PREVENTION

Section 401 would—

Authorize appropriations of $7,630,000 for fiscal year 1984 and "such sums as may be necessary" for fiscal years 1985 through 1988 for health information and health promotion activities, and

Repeal expired authorities for grants to State councils on physical fitness for physical fitness improvement, for grants and contracts for physical fitness improvement and research projects, for grants for sports medicine research, and for a 1979 conference on education in lifetime sports.

TITLE V—HEALTH MAINTENANCE ORGANIZATIONS

Section 501 would repeal the requirement that a health maintenance organization (HMO) offer mental health and substance abuse services. This repeal would increase the flexibility of HMOs to offer competitive benefit packages and therby control costs.

Section 502 would repeal the requirement that one-third of the membership of the policymaking body of an HMO consist of members of the HMO. This section would permit a broader range of organizations to compete in the health services area.

Section 503 would eliminate a required reconsideration of and hearing concerning a determination by the Secretary that an HMO no longer meets Federal requirements. This section would repeal a recently enacted provision that provides for an unnecessary additional layer of review.

Section 504 would eliminate Federal support for HMO feasibility surveys, planning, and initial development costs.

Section 505 would eliminate Federal loans and loan grarantees for the acquisition and construction of HMO ambulatory care facilities.

Section 506 would limit Federal loans and loan guarantees for the initial costs of operation of an HMO to HMOs that had received such loans or loan guarantees, or had received Federal support for initial development costs, in fiscal year 1981, 1982, or 1983.

Section 507 would eliminate the requirement for review by a health systems agency (the local health planning agency) of any proposed Federal support of HMO activities.

Section 508 would repeal a limitation that prohibits the use of Federal health funds (other than funds under the Federal HMO program) to support HMO activities.

Section 509 would repeal the requirement that an HMO periodically demonstrate to the Secretary that it continues to meet the Federal requirements for HMOs. Under other provisions of law HMOs are required to submit reports and are subject to examination. The requirement for periodic demonstrations is an unnecessary burden.

Section 510 would repeal the authority for the Secretary to provide training and technical assistance in relation to HMOs.

Section 511 would limit the authority of the Secretary to borrow funds from the Treasury in relation to defaults on loans guaranteed by the Secretary. The Secretary could only borrow funds in relation to guarantees made before fiscal year 1983.

TITLE VI—PERSONNEL AND ADMINISTRATION

Section 601 would eliminate additional pay for personnel treating patients with Hansen's Disease, but would gradually phase out that additional pay for personnel currently receiving it so that there would be no actual decrease in pay for those personnel. Hansen's Disease (formerly known as leprosy) does not expose personnel to risks greater than those associated with other diseases.

Section 602 would give the Secretary the discretion to determine how much (if any) additional special pay (up to $9,000 annually, or up to $10,000 annually for physicians with ten or more years of service) to grant to Public Health Service Commissioned Corps physicians. Under current law, all physicians in the uniformed services not in training are entitled to this additional special pay. The Secretary would be required to take into consideration the recruitment and retention problems of the Public Health Service, the level of performance of the physician concerned, and provisions of law providing for additional pay for Government physicians not in the uniformed services. Commissioned Corps physicians fulfilling a service obligation under the National Health Service Corps Scholarship Program could not receive this additional special pay.

Section 603 would permit the President to transfer a commissioned officer of the Public Health Service to another uniformed service if the officer had been on duty on March 10, 1981 (the date the President announced the Administration proposal to close the Public Health Service hospitals). The officer would receive credit for his pervious service. Current law does not authorize such a transfer.

Section 604 would permit the Secretary (rather than a National Health Service Corps Scholarship Program participant) to determine, for a future participant who is to fulfill his service obligation by serving as a Federal employee, whether the participant shall serve as a commissioned officer or as a civilian employee.

Section 605 would permit the Secretary to provide for health care for an involuntarily separated commissioned officer (or dependent) for up to one year after separation if the officer (or dependent) was receiving health care at the expense of the Public Health Service at the time of separation and if the Secretary found that the officer (or dependent) could not obtain appropriate insurance for the condition for which he was receiving health care. Federal civilian employees have insurance conversion rights, and separated military personnel may be provided health care for a short period of time. No such authority currently exists for separated Public Health Service commissioned officers, who may suddenly find themselves (and their dependents) unable to obtain coverage for an existing condition.

Section 606 would permit Federal funds to be used for telephone data service installed in private homes for communication with Federal or federally supported computer centers. The current general prohibition on private telephone service has led to unnecessary costs in the specific area of data transmittal because necessary adjustments to computer systems that run at night cannot be handled by remote communications with a computer.

Section 607 would repeal the authorities for the National Panel on Alcohol, Drug Abues, and Mental Health, the Primary Health Care Advisory Committee, the Federal Hospital Council, and the National Advisory Council on Regional Medical Programs, bodies that no longer serve a useful purpose, and would repeal obsolete provisions concerned with construction of medical facilities and with regional medical programs.

Section 608 would permit the Federal Assistance Financing System of the Department of Health and Human Services to be used for contracts and grants and other forms of financial assistance. Currently it may be used only for grants.

Section 609 would enact technical amendments

TITLE VII—REQUIREMENTS FOR REPORTS

Section 701 would eliminate a number of unnecessary reports, as follows:

Subsection (a) would eliminate the requirement that the Secretary report annually on health services research, health statistics, health care technology, and international cooperation in those fields and in biomedical research. Much of this information duplicates information provided in the reports required by sections 306(k)(4)(G) and 308(a)(2) of the Public Health Service Act.

Subsection (b) would eliminate the requirement that the Secretary submit an annual report to the President for submission to Congress on disease control activities.

Subsection (c) would eliminate the requirement that the Secretary submit an annual report on the National Health Service Corps Scholarship Program.

Subsection (d) would eliminate the requirement that the Secretary report annually on the administration of the functions of the Public Health Service.

Subsection (e) would eliminate the requirement that the Secretary set forth annually a five-year plan for population research and family planning.

Subsection (f) would eliminate requirements that the Secretary transmit an annual report on sudden infant death syndrome research and an annual estimate of

funding for sudden infant death syndrome research.

Subsection (g) would eliminate the requirement that the Secretary submit an annual report on health maintenance organizations.

Subsection (h) would eliminate the requirement that the Secretary report annually on health maintenance organization financial information, including insider transactions.

Subsection (i) would eliminate the requirement that the President submit an annual report on international health research activities.

Subsection (j) would eliminate requirements that the Secretary periodically prepare reports on the number, progress, and results of contracts and grants for developing and evaluating methods to measure the effects of toxic substances.

Subsection (k) would eliminate the requirement that the Secretary transmit biennally a report on research into the effects of changes in atmospheric ozone on human health.

Subsection (l) would repeal the requirement that the Secretary report annually to the Senate Committee on Labor and Human Resources and the House Committee on Interstate and Foreign Commerce on the activities of advisory councils established pursuant to the Public Health Service Act or the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963.

Subsection (m) of section 101 would eliminate the requirement that the Secretary and the Secretary of Defense each submit an annual report on the Continuation pay program for dentists in the uniformed services.

Subsection (n) would eliminate the requirement that the Secretary and the Administrator of the Environmental Protection Agency report annually to Congress on conflicts of interest involving employees of the Department of Health and Human Services or of the Environmental Protection Agency who perform functions under the Toxic Substances Control Act.

Section 702 would modify a number of requirements concerning reports, as follows:

Subsection (a) would required the Secretary to transmit a report on drug abuse biennially rather than annually, and would eliminate January 15 as the specific date by which the report is due.

Subsection (b) would required the Secretary to publish a report on carcinogens biennially rather than annually.

Subsection (c) would required the Director of the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases to submit a report on the institute's activities biennially rather than annually, and would eliminate sixty days after the end of the fiscal year as the specific date by which the report is due.

Subsection (d) would required the Secretary to report on the activities of diabetes research and training centers biennially rather than annually, and would eliminate November 30 as the specific date by which the report is due.

Subsection (e) would required the Secretary to report on multipurpose arthritis centers biennially rather than annually, and would eliminate November 30 as the specific date by which the report is due.

Subsection (f) would require the Secretary to report on progress made in effecting the purposes of the Indian Health Care Improvement Act biennially rather than annually.

Subsection (g) would require the Director of the National Institute of Occupational Safety and Health to submit a report on the operations of that institute biennally rather than annually.

Subsection (h) would require the Secretary and the Secretary of the Interior each to submit biennally rather than annually a report on actions taken to recruit and train Indians for Indian preference positions.

Subsection (i) would require the Secretary and the Secretary of the Interior each to submit biennially rather than annually a report on actions taken to transfer to other positions non-Indian employees in the Bureau of Indian Affairs and the Indian Health Service, respectively.

Subsection (j) would require the Seretary and the Secretary of Labor each to submit biennially rather than annually a report on occupational safety and health. The amendment would also eliminate the specific date by which the reports are due.

Subsection (k) would require the Secretary to report on Federal activities in the area of alcohol abuse and alcoholism triennially rather than annually.

TITLE VIII—HEALTH PLANNING

Section 801 would repeal health planning authorities.

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

S. 964. A bill to require the Secretary of Health and Human Services to arrange for the conduct of a study with respect to the use of live animals in biomedical and behavioral research; to the Committee on Labor and Human Resources.

ANIMAL WELFARE IN RESEARCH STUDY ACT OF 1983

Mr. HATCH. Mr. President, along with Senator KENNEDY, I am today introducing a bill entitled the "Animal Welfare in Research Study Act of 1983." The bill is designed to collect data and evaluate existing animal protection activities so that Congress can determine whether a problem exists with regard to the use of animals in biomedical and behavioral research, and whether the problem is amenable to legislative resolution.

I am sympathetic with the concerns, expressed by many citizens, that some research scientists may believe that animals should be sacrificed indiscriminately for the sake of gaining new knowledge. However, there clearly are many areas in which animal research is crucial to the protection of human life. Therefore, I believe the "Animal Welfare in Research Study Act" is necessary at this time in order to assess the situation. The legislation I propose will provide Congress with the necessary information to properly evaluate the use of animals in research. Once this study is completed, a better informed Congress can explore the need, if any, for corrective legislation. Further, I believe that all of these activities collectively will result in a significant improvement of the currently poor data base in the area of animals used in research.

This bill is timely and in the best interests of our citizens. I urge my colleagues to support this bill. I ask unanimous consent that the text of the bill and a summary of the bill be printed in the RECORD at the conclusion of my remarks.

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

S. 964

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 "Animal Welfare in Research Study Act of 1983".

FINDINGS

SEC. 2. Congress finds that a number of American citizens have expressed concern that—

(1) scientists need to improve the care provided to animals used in biomedical and behavioral research;

(2) animals used in biomedical and behavioral research may have been subjected to unnecessary pain;

(3) the number of animals used in biomedical and behavioral research and education may be unnecessarily high; and

(4) methods other than the use of animals in biomedical and behavioral research may produce research results in less time, at less expense, and with more accuracy.

PURPOSE

SEC. 3. The purpose of this Act is to require the Secretary of Health and Human Services to arrange for the conduct of a study which will assist the Congress in determining whether problems amenable to legislative resolution exist with regard to the use of animals in biomedical and behavioral research.

STUDY REQUIRED

SEC. 4. (a)(1) The Secretary of Health and Human Services shall in accordance with this section arrange for the conduct of a study concerning the use of live animals in biomedical and behavioral research. The Secretary shall request the National Academy of Sciences to conduct the study under an arrangement under which the actual expenses incurred by the Academy in conducting such study will be paid by the Secretary and the Academy will prepare the report required by subsection (c). If the National Academy of Sciences is willing to do so, the Secretary shall enter into such an arrangement with the Academy for the conduct of the study.

(2) If the National Academy of Sciences is unwilling to conduct the study required by paragraph (1) under the type of arrangement described in such paragraph, the Secretary of Health and Human Services shall enter into a similar arrangement with one or more appropriate nonprofit private entities.

(b) The study required by subsection (a) shall—

(1) assess the status of the use of live animals in biomedical and behavioral research conducted by entities receiving Federal financial assistance to support such research and, if possible, by entities which do not receive Federal financial assistance, including—

(A) a determination of the type of animals used in such research during each of the five years in the five-year period preceding the date of enactment of this Act;

(B) an estimate of the total number of live animals used in such research during each such year;

(C) a survey of the purposes for which live animals are used in such research;

(D) an analysis of whether the use of such animals in such research has decreased or increased over such five-year period; and

(E) an exploration of methods which can be used in the conduct of such research which are alternatives to the use of live animals;

(2) assess the impact on biomedical and behavioral research of the establishment of a requirement that, as a condition of receiving Federal financial assistance to support such research, entities conducting such research be accredited in accordance with standards promulgated by organizations which accredit such entities;

(3) estimate—

(A) the amounts that would be expended by entities which conduct biomedical and behavioral research with Federal financial assistance to equip and modernize their research facilities in order to meet the standards referred to in paragraph (2); and

(B) the amounts that would be expended by entities which have not previously conducted such research with Federal financial assistance to establish, modernize, or equip facilites in order to meet such standards;

(4) review Federal and State laws and regulations governing the use of live animals in biomedical and behavioral research conducted by research institutions, medical facilities, academic institutions, and training programs;

(5) evaluate the extent to which accredited laboratories and research facilities protect animals against inhumane treatment;

(6) evaluate the actions taken by the Department of Health and Human Services to support the development of research and testing methodologies which will decrease the number of live animals used in biomedical and behavioral research;

(7) evaluate the actions taken by the Department of Health and Human Services to improve oversight of the use of live animals in biomedical and behavioral research by entities which receive Federal financial assistance from the Department to support such research; and

(8) evaluate the activities undertaken by the Department of Health and Human Services to insure the humane care and treatment, and appropriate use, of live animals in biomedical and behavioral research conducted or supported by the Department.

(c) Within eighteen months after the date of enactment of this Act, the Secretary of Health and Human Services shall transmit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives, and make available to the public, a report—

(1) describing the study conducted under this section;

(2) containing a statement of the data obtained under such study; and

(3) specifying such recommendations for legislation and administrative action with respect to the use of live animals in biomedical and behavioral research as the Secretary considers appropriate.

SUMMARY OF THE ANIMAL WELFARE IN RESEARCH STUDY ACT OF 1983

The Secretary of Health and Human Services shall request the National Academy of Science to conduct a study to assess the status of the use of animals in biomedical and behavioral research conducted by entities receiving Federal, financial assistance to support such research, and if possible, entities that do not receive Federal financial assistance: specifically, the study should:

A. Determine the type of animals used in such research over the last 5 years;

B. Estimate the total number live animals used in such research during such years;

C. Survey the purposes for which live animals are used in such research;

D. Analyze whether the use of animals has decreased or increased over the past 5-year period;

E. Explore alternative methods to the use live animals in the conduct of research;

F. Assess the impact of requiring recipients of Federal financial assistance to meet standards promulgated by organizations which accredit animal laboratories, including an estimate of the amounts that would be expanded by such recipients to equip and modernize their facilities in order to meet the prevailing standards;

G. Review Federal and State laws and regulations governing the use of live animals in biomedical and behavioral research;

H. Evaluate the extent to which accrediting laboratories and research facilities protect animals against inhumane treatment;

I. Evaluate the actions taken by the Department of HHS to support research and testing which will decrease the number of animals used in research;

J. Evaluate the activities undertaken by the Department of HHS to insure the humane care and treatment, and appropriate use, of live animals in research conducted or supported by the Department.

Within 18 months after the date of enactment of this Act, the Secretary of HHS shall transmit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House and make available to the public a report describing the study and specifying any recommendations for legislation or administrative action with respect to the use of live animals in biomedical and behavioral research.

Mr. KENNEDY. Mr. President, as the ranking member of the Committee on Labor and Human Resources, I am pleased to join the chairman of the committee, Senator HATCH, in introducing legislation to require the Secretary of Health and Human Services to arrange for the conduct of a study with respect to the use of live animals in biomedical and behavioral research.

The Animal Welfare in Research Study Act of 1983 represents an effort to respond to the concerns of many citizens about the plight of animals being used for experimentation by our Nation's research enterprise.

This act will provide critical and necessary information to the Congress, to the public, and to our research community on the status of the use of live animals in biomedical and behavioral research. This information is required so that the Congress can determine if scientists in general need to improve the care provided to animals whose lives are committed and sacrificed for the benefit of mankind. This information must be acquired so that the Congress can determine if the number of animals used in research and education is unnecessarily high. This information is essential if the Congress is to determine what legislative course of action must be taken.

Mr. President, the health and welfare of American citizens demands a vigorous research program; we have an aging population confronted with complex diseases and disabilities. We still need solutions to the scourges of heart disease, hypertension, cancer, chronic lung disease, diabetes, arthritis, spinal cord injuries, and the many other diseases which cripple and kill our population. At times this research program requires the use of animals. However, when we ask that other creatures who share this Earth sacrifice the quality of their lives and, when necessary, their actual lives in the service of mankind, we must do so intelligently, judiciously, and compassionately.

Thus, when reasonable animal care can be provided, we must provide it; when unnecessary pain to animals can be avoided, we must avoid it; when fewer animals can be used in the pursuit of health for all Americans, fewer must be used. And, when methods other than the use of animals in biomedical and behavioral research produce less expensive, more accurate, and more expedient results, we must use these alternatives.

Mr. President, I am cosponsoring this bill so that a proper assessment of the status of animal use in research and education can be executed, so that fears can be calmed where no problems exist, and proper changes can be instituted where required. After this study is completed, I am sure that all of you will be interested in its results; thus, I urge my colleagues to join me in supporting this legislation.

By Mr. LEVIN:

S. 965. A bill to establish a National Industrial Development Board for purposes of formulating policy recommendations for industrial development in the United States; to the Committee on Governmental Affairs.

NATIONAL INDUSTRIAL DEVELOPMENT ACT

Mr. LEVIN. Mr. President, I am pleased today to reintroduce the National Industrial Development Act, a bill authored by Congressman STAN LUNDINE of New Jersey and sponsored by both of us as companion measures in the 97th Congress.

The bill would establish a 32-member board of representatives from business, labor, government, and relevant national organizations to work together to identify and promote reforms to revitalize American industry. The membership of the Board is designed to achieve consensus among our national leaders on the direction this country should take to recapture and maintain its position in the world economy.

Whether or not we should develop a national industrial policy, in what way we should go about that task, and what shape such a policy should take are principle questions in the emerging national debate on how to reverse the dramatic decline in our major industries. This legislative proposal is offered as a starting point for that debate. The powers of this Board—to identify priorities and propose voluntary, consensual solutions for specific industrial problems—are significantly less than those vested in an institution like Japan's MITI. (Ministry of International Trade and Industry). The extent to which government should be able, like MITI, to help focus national resources to specific industries is at the heart of the industrial policy debate. This bill simply says the subject deserves the concerted attention of our Nation's leaders and provides the mechanism for that dialog to take place.

Mr. President, there is one aspect of this bill which I believe is essential to any endeavor to develop a national industrial strategy or to revitalize our lagging economy, and that is participation in the development of solutions by all affected parties. For too long we in this country have nurtured the adversarial approach to problem solving. It is time we realize that we are in this economic boat together. And, if we do not voluntarily coordinate our efforts and approach solutions with an eye toward compromise and negotiation, the boat stands a great likelihood of sinking. Paddling our individual oars in a dozen different directions results only in exhaustion and stagnation. It does not move the ship.

I think we are at an exciting crossroads in our country's economic development. We have new and unlimited opportunities to develop new areas of commercial and industrial expertise and to accept the challenge of the computer age, with the resources, commitment, and cooperation necessary to make these new concepts work for us in a progressive and rewarding way. We do not have to lose out to other countries; we have the wherewithal to respond to the tests of these times.

The bill I am introducing today takes a step down that long and challenging road. I look forward to the deliberations we will make this Congress on efforts to develop a national industrial strategy. The creation of an entity like the National Industrial Development Board will hopefully emerge from that debate.

Mr. President, I ask unanimous consent that a summary of the bill and the text of the bill be included in the RECORD immediately following these remarks.

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

S. 965

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

SHORT TITLE

SECTION 1. This Act may be cited as the "National Industrial Development Act".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby finds that—

(1) the vitality of industry in the United States has declined precipitously in recent years;

(2) such decline constitutes a severe threat to the economic future of the United States;

(3) many factors have contributed to such decline, including lagging productivity and product quality, increasing imports, reduced competitiveness of goods in foreign markets, high energy prices, shortsighted management strategies, inadequate supply of skilled workers, hostility between management and labor, insufficient employee participation in the workplace, and inadequate Federal commitments in such crucial areas as transportation, and other infrastructure, and research;

(4) the numerous causes of economic decline in the United States can be redressed only by a comprehensive national industrial strategy;

(5) such a strategy should also encourage the development of emerging high-technology industries that can provide substantial economic growth and employment;

(6) such a strategy will succeed only if (A) it has the common support of the principal sectors of the economy, including business, labor, Government, and the public; and (B) each such sector is willing to make sacrifices to ensure mutual recovery; and

(7) the antipathy that often prevails among such sectors hampers development of a consensus necessary for economic recovery in the United States.

(b) It is the purpose of this Act—

(1) to establish a Federal board designed to produce a national industrial strategy that will have the support of each principal party to the industrial problems of the United States;

(2) to establish a mechanism for the development, outside of the normal political process, of consensual solutions to specific industrial problems confronting the Congress or any Federal department or agency;

(3) to establish a mechanism for the anticipation of future industrial problems and the timely identification of shifts in international markets and competitive standings;

(4) to supplement the adversarial mode of problem solving that has prevailed in industry in the United States during the past century with a new approach based upon consensus among business, labor, Government, and appropriate public groups; and

(5) to revive the industrial base of the United States through an approach premised on the proposition that most sectors of the economy are necessary and can survive if they adapt sensibly to the new markets, technologies, organizational designs, and relationships between labor and management that are presently emerging.

ESTABLISHMENT OF BOARD

SEC. 3. There is established a board to be known as the National Industrial Development Board (hereafter in this Act referred to as the "Board").

DUTIES OF BOARD

SEC. 4. (a) The duties of the Board are—

(1) to prepare and publish reports setting forth the recommendations of the Board with respect to national industrial development priorities, including (A) macroeconomic policy; and (B) the needs of basic industrial sectors (such as the automobile, steel, and semiconductor industries) and supportive sectors (such as the financial and communications industries), without regard to whether any such sector is undergoing or anticipating difficulties; and

(2) to provide policy recommendations and reports to the Congress and to Federal departments and agencies with respect to specific issues of national industrial policy, in response to requests from the Congress or any such department or agency under subsection (c)(1).

(b) The Board may encourage, with respect to individual industrial sectors, the development of committees, consisting of representatives of business, labor, Government, and the public, to examine the particular problems of such industrial sectors.

(c)(1) The Board shall issue recommendations and reports under subsection (a)(2) only upon request of—

(A) the head of a Federal department or agency, with respect to a matter pending before such department or agency; or

(B) a majority vote by a committee or subcommittee of the Congress, with respect to a matter pending before such committee or subcommittee.

(2) The Board shall issue any report requested under paragraph (1) as soon as practicable within the six-month period following the date such report is requested. The Board shall, to the extent practicable, comply with any request for expedited preparation of a report.

(3) Upon receipt by any committee or subcommittee of the Congress of any report requested by such committee or subcommittee under paragraph (1)(B), the Board shall consult with such committee or subcommittee with respect to such report, and, following such consultation, such committee or subcommittee shall submit to its House a report setting forth its views and recommendations with respect to the report of the Board.

(4) The Board may, upon the vote of a majority of its members, decline to respond to any request for a report under paragraph (1) if such majority determines that such request relates to any matter that is not of immediate importance. The Board may not decline to respond to any such request if (A) such request relates to a Government loan or loan guarantee, or (B) the Board is notified by the President that such request relates to an emergency situation.

(d) in preparing reports and formulating recommendations under this Act, the members of the Board shall attempt to reach the maximum degree of consensus practicable on any matter of controversy.

(e) The Board shall establish procedures to ensure that no report issued by the Board under this Act shall be released to the public by any member or employee of the Board before the expiration of seven days following the date such report is issued, unless the Board, by a vote of two-thirds of its members, determines that earlier release of such report to the public is appropriate.

MEMBERSHIP OF BOARD

SEC. 5. (a)(1) the Board shall be composed of thirty-two members appointed by the President from among individuals recommended for appointment to the Board by the majority leader of the Senate, the mi-

nority leader of the Senate, the Speaker of the House, and the minority leader of the House.

(2) Of the individuals appointed under paragraph (1)—

(A)(i) eleven shall be appointed from among the individuals recommended by the majority leader of the Senate;

(ii) five shall be appointed from among the individuals recommended by the minority leader of the Senate;

(iii) eleven shall be appointed from among the individuals recommended by the Speaker of the House; and

(iv) five shall be appointed from among the individuals recommended by the minority leader of the House; and

(B)(i) eight shall be, on the date of their appointment, Members of the Congress or heads of Federal departments or agencies;

(ii) eight shall be, on the date of their appointment, chief executive officers or chief operating officers of corporations determined by the President to be major corporations engaging in interstate commerce;

(iii) eight shall be, on the date of their appointment, heads of national or international labor unions; and

(iv) eight shall be, on the date of their appointment, individuals representative of sectors of society or the economy that are not otherwise represented on the Board and are determined by the President to be challenging the economic status quo, such as consumer, educational, environmental, and minority groups, and small businesses in emerging sectors having substantial potential for growth.

(b)(1) Except as provided in paragraph (2) and paragraph (3), each member of the Board shall be appointed for a term of six years. No individual may serve as a member of the Board for more than two terms.

(2) Of the members first appointed—

(A) two of the members described in each clause of subsection (a)(2)(B) shall be appointed for a term of two years; and

(B) three of the members described in each such clause shall be appointed for a term of four years;

as designated by the President at the time of appointment.

(3) A vacancy in the Board shall be filled in the manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until his successor has taken office.

(c) No member of the Board shall be required, by reason of membership on the Board, to file any financial disclosure report under title II of the Ethics in Government Act of 1978 (5 U.S.C. appendix).

(d) Members of the Board shall serve without pay, allowances, or benefits. Members shall be reimbursed for actual expenses, including travel expenses, incurred in the course of performing the duties vested in the Board.

(e) The Board shall establish a quorum requirement to ensure that a substantial number of members described in each clause of subsection (a)(2)(B) are required for any action by the Board, except that the Board may provide that a lesser number of its members may hold hearings.

(f) The President shall designate one member of the Board as its Chairman. The term of office of the Chairman shall be one year. In making such designations, the President shall ensure that the office of chairman shall be rotated consecutively among the four categories of members described in subsection (a)(2)(B).

(g)(1) The Board shall meet not less than six times in each calendar year, at the call of the Chairman or a majority of its members. The Board shall seek to ensure that each member of the Board attends not less than one-half of the meetings of the Board held in each calendar year. Each member of the Board shall designate one alternate representative to attend any meeting that such member is unable to attend. In the course of attending any such meeting, an alternate representative shall be considered a member of the Board for all purposes, including voting.

(2) Each member of the Board shall be notified not less than three weeks in advance of any meeting of the Board, unless the Chairman and a majority of the members of the Board determine in any case that it is necessary for the Board to meet without such period of advance notice.

DIRECTOR AND STAFF OF BOARD; EXPERTS AND CONSULTANTS

SEC. 6. (a) The Board shall, without regard to section 5311(b) of title 5, United States Code, have a Director who shall be appointed upon a vote of three-fourths of the members of the Board, and who shall be paid at a rate of pay determined by the Board to be appropriate.

(b) Subject to such rules as may be prescribed by the Board, and without regard to section 5311(b) of title 5, United States Code—

(1) each member of the Board may appoint and fix the pay of personnel to serve on the personal staff of such member; and

(2) the Board may appoint and fix the pay of additional personnel to serve the Board generally.

(c) The Director and staff of the Board may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(d) Subject to such rules as may be prescribed by the Board, the Board may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(e) Upon request of the Board, the head of any Federal department or agency may detail, on a reimbursement basis, any of the personnel of such agency to the Board to assist the Board in carrying out its duties under this Act.

POWERS OF BOARD

SEC. 7. (a) The Board may, for the purpose of carrying out this Act, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Board considers appropriate. The Board may administer oaths or affirmations to witnesses appearing before it.

(b) Any member or agent of the Board may, if so authorized by the Board, take any action that the Board is authorized to take in this section.

(c) The Board may secure directly from any Federal department or agency information necessary to enable it to carry out this Act. Upon request of the Chairman of the Board, the head of such department or agency shall furnish such information to the Board.

(d) The Board may accept, use, and dispose of gifts or donations or services or property.

(e) The Board may use the United States mails in the same manner and under the same conditions as other Federal departments and agencies.

(f) The Administrator of General Services shall provide to the Board on a reimbursable basis such administrative support services as the Board may request.

(g)(1) The Board may issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation by the Board. Such attendance of witnesses and the production of such evidence may be required from any place within the United States at any designated place of hearing within the United States.

(2) If a person issued a subpena under paragraph (1) refuses to obey such subpena or is guilty of contumacy, any court of the United States within the judicial district within which the hearing is conducted or within the judicial district within which such person is found or resides or transacts business may, upon application by the Board, order such person to appear before the Board to produce evidence or to give testimony relating to the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

(3) The subpenas of the Board shall be served in the manner provided for subpenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) All process of any court to which application may be made under this section may be served in the judicial district in which the person required to be served resides or may be found.

(5) No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to a subpena, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture. No individual shall be prosecuted or subjected to any penalty or forfeiture by reason of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT

SEC. 8. The Board shall be exempt from the provisions of the Federal Advisory Committee Act (5 U.S.C. Appendix).

ANNUAL REPORT

SEC. 9. (a) The Board shall annually prepare and transmit to the President and to each House of the Congress a brief report setting forth the major industrial development priorities of the United States and the policies needed to meet such priorities. Such report shall contain a statement of the findings and conclusions of the Board during the previous fiscal year, together with any recommendations of the Board for such legislation or administrative actions as it considers appropriate.

(b) Upon receipt by either House of the Congress, the report described in subsection (a) shall be referred to the appropriate committee or committees of such House. The

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Board shall consult with each such committee with respect to such report, and, following such consultation, each such committee shall submit to its House a report setting forth the views and recommendations of such committee with respect to the report of the Board.

AUTHORIZATION OF APPROPRIATIONS

SEC. 10. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not to exceed $8,000,000 for fiscal year 1984, and for each of the succeeding five fiscal years.

NATIONAL INDUSTRIAL DEVELOPMENT ACT—SECTION-BY-SECTION SUMMARY

SECTION 2—FINDINGS AND PURPOSES (QUOTED IN FULL)

The Congress hereby finds that—

(1) the vitality of industry in the United States has declined precipitously in recent years;

(2) such decline constitutes a severe threat to the economic future of the United States;

(3) many factors have contributed to such decline, including lagging production and product quality, increasing imports, reduced competitiveness of goods in foreign markets, high energy prices, shortsighted management strategies, inadequate supply of skilled workers, hostility between labor and management, insufficient employee participation in the workplace, and inadequate Federal commitments in such crucial areas as transportation and other infrastructure and research;

(4) the numerous causes of economic decline in the United States can be reduced only by a comprehensive national industrial strategy;

(5) such a strategy should also encourage the development of emerging high-techology industries that can provide substantial economic growth and employment;

(6) such a strategy will succeed only if (A) it has the common support of the principal sectors of the economy, including business, labor, government, the public; and (B) each sector is willing to make sacrifices to ensure mutual recovery; and

(7) the antipathy which often prevails among such sectors hampers development—a consensus necessary for economic recovery in the United States.

It is the purpose of this Act—

(1) to establish a Federal board designed to produce a national industrial strategy that will have the support of each principal party to the industrial problems of the United States;

(2) to establish a mechanism for the development, outside of the normal political process, of consensual solutions to specific industrial problems confront the Congress or any Federal department or agency;

(3) to establish a mechamism for the anticipation of future industrial problem and the timely indentification of shifts in international markets and competitive standings;

(4) to supplement the adversarial mode of problem solving that has prevailed in industry in the United States during the past century with a new approach based upon consensus among business, labor, government and appropriate public groups; and

(5) to revive the industrial base of the United States through an approach premised on the proposition that most sectors of the economy are necessary and can survive if they adapt sensibly to the new markets, technologies, organizational designs and relationships between labor and management they are presently emerging.

SECTION 3—ESTABLISHES THE NATIONAL INDUSTRIAL DEVELOPMENT BOARD

SECTION 4

The Board's duties include:

(1) recommending national industrial priorities which will consider the needs of individual business sectors, including both those that have encountered or can anticipate difficulties and those new sectors that have high growth potential in the coming years.

(2) recommending solutions to specific industrial policy problems pending before an executive agency or a congressional committee when such agency or committee requests a report. In the case of such committee or agency requests, the Board may decline the request if it determines that the subject is not of immediate importance and if the request does not pertain to a federal loan or loan guarantee. Committees which receive reports by request from the Board must, thereafter, consult with the Board on its findings and report their evaluation of the Board's findings to the full House or Senate.

In preparing all reports, the Board will strive to achieve the maximum degree of consensus among the four sectors it represents. In addition, all reports will be released to the public a week after they are issued to the President and the Congress, unless the Board determines simultaneous publication is essential.

SECTION 5

The Board will have 32 members, with eight members drawn from each of these four groups: chief executives of major businesses, presidents of major unions, major political leaders (Cabinet Secretaries or Members of Congress), and leaders of public groups that are challenging the economic status quo in America (including consumer advocates, educators, racial minorities, and innovative entrepreneurs).

The Board will be appointed according to the following distribution: 11 members will be chosen from those candidates nominated by the Majority Leader of the Senate and another 11 will be appointed from those nominated by the Speaker of the House, five each will be named from nominees of the Minority Leaders of the House and Senate.

Members' terms will last six years and will be staggered such that one third expires every two years. No member will serve more than two terms.

Members will be exempted from financial disclosure requirements of the Ethics in Government Act of 1978 and will receive no remuneration for their work except for reimbursement for actual expenses.

Each year, the President will designate a Chairman of the Board and such chairman will rotate among the four sectors represented on the Board.

The Board will meet at least six times each year and such other times as necessary. Board members must attend at least half the meetings each year and must designate one alternate from their organization to represent them on all those occasions when they cannot attend.

SECTION 6

The Board's staff will be headed by a Director, chosen by agreement of three-fourths of the Board's members. Staff will hire outside of the civil service system they and will be split among those assigned to individual Board members and those who will be assigned to the Board as a whole. Consultants, can also be hired and additional staff can be requested, on a reimbursable basis, from other federal agencies.

SECTION 7

The Board can hold hearings, receive testimony and evidence whenever it deems necessary, request any information from federal agencies, use U.S. mails as any other federal agency would, and subpeona witnesses to compel their testimony on any matter under investigation by the Board.

SECTION 8

The Board is exempted from the open meetings requirements of the Federal Advisory Committee Act.

SECTION 9

The Board will publish a brief annual report outlining development priorities for the U.S., summarizing findings for the previous year, and recommending legislative or administrative actions. The relevant House and Senate Committees will report to each chamber their views on this annual report.

SECTION 10

Eight million dollars is authorized each year for operation of the Board. Authorization expires after six years.

By Mr. McCLURE (for himself, Mr. DOMENICI, Mr. WALLOP, and Mr. GARN):

S. 966. A bill to amend the Act of October 20, 1976 (90 Stat. 2662), as amended; to the Committee on Energy and Natural Resources.

PAYMENTS IN LIEU OF TAXES PROGRAM

● Mr. McCLURE. Mr. President, we offer for consideration of the Senate legislation to prevent the loss of more than $96 million in revenue due for distribution to nearly 1,700 local governments this year.

That amount of money has been appropriated by Congress for distribution by the Department of the Interior under the payments in lieu of taxes program. The money is badly needed by local governments. There are many jurisdictions throughout the Nation—in every State, the District of Columbia, Puerto Rico, the Virgin Islands, and Guam—that receive payments under this program.

Over 450 million acres of Federal land—from the vast stretches of uninhabited public domain in the West to small units of the national park system scattered throughout every region—qualify for payments to help compensate local government for the burdens of tax-free property within their jurisdictions. In many cases, the Federal lands do not generate offsetting revenue in terms of jobs or industrial growth or sales taxes to compensate for the loss of tax base and the necessary services provided to users of the Federal lands.

When Congress passed this important legislation in the closing days of the 94th Congress, it was generally acknowledged that county governments would be the recipients. Indeed, county governments provided the most effective arguments in favor of the legislation in 1976 when it was

under intensive consideration in Congress. It was termed the "Good Neighbor" legislation. The Interior Department moved with dispatch to establish the regulations needed to implement the program. The unit found to provide general governmental services was the county government or its equivalent parish, township, or borough in Alaska.

Congress did not intend that special taxing districts with limited responsibilities, or governmental structures with few duties to their citizens be recipients of payments in lieu of taxes. Congress fully intended that the taxing authority providing the greatest proportion of general services be compensated.

A recent court of appeals decision has settled upon what may be some ambiguous language in Public Law 94-565, and has rendered a decision against the U.S. Government that may prevent distribution of appropriated funds this year to any local government. The decision has the effect of requiring the Department to write checks to the lowest unit of local government. Unless by some magical formula the administering Federal agency can match its precise acreage to the precise boundary of a small entity, it will be impossible for the Interior Department to make distribution of the funds this fiscal year. There is a very real possibility that the funds would lapse and no payments would be made to jurisdictions where there is absolutely no quarrel as to whom the money should go.

The values of this program are many. Take for instance any of a dozen counties in the West where more than 90 percent of the total land area might be divided between the Bureau of Land Management, the Forest Service, and the National Park Service or a water project controlled by the Bureau of Reclamation. Then, deduct other nontaxable land owned by school districts, State agencies, or the county itself. Then, deduct land used for highways and roads and other tax-free land controlled by nonprofit organizations. The resulting base on which taxes can be levied has shrunk to only a few percentage points of the total land area of the county. Yet, important services must be provided to those who use the public lands. The situation cries for fair treatment.

Congress needs to clarify the language in Public Law 94-565 and we need to act with dispatch. I offer for consideration of my colleagues two amendments to the existing statute. The first would eliminate section 2(d) of the act. That section has proven to be hard to implement if we attempt to follow the philosophy that county governments or their equivalents are to be payments in lieu of taxes recipients. The second amendment would redefine the phrase "unit of local government" in a manner that is more consistent with the regulations developed by the executive branch several years ago and which are now jeopardized by judicial action.

The new definition of unit of local government would provide that the principal provider of governmental services affecting the use of public lands would qualify for payments. In addition, the Secretary of the Interior would utilize Bureau of the Census definitions and principles in defining a local unit's jurisdiction. Under my proposal, a unit of local government would be a county, township, parish, or borough existing in Alaska on October 20, 1976. In addition, my amendment would provide that cities may be eligible for payments where such cities are not within any other unit of local government. These amendments will clarify the overlapping boundary problems that are at the root of our current situation with regard to payments needed this year and beyond. There would be no change affecting the District of Columbia, Guam, Puerto Rico, or the Virgin Islands.

Mr. President, I plan to hold an early hearing before the Committee on Energy and Natural Resources and to report a bill as soon as our schedule permits. I will ask for early and favorable consideration of this legislation by the Senate. I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 966

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of October 20, 1976 (90 Stat. 2662) as amended, is further amended as follows:

(a) Section 2(d) of such Act is hereby repealed.

(b) Section 6(c) of such Act is amended to read as follows: "unit of local government" means a unit of that level of local government, which within a State, is the principal provider of governmental services affecting the use of public lands, and which is a unit of general government as determined by the Secretary (on the basis of the same principles as are used by the Bureau of the Census for general statistical purposes); a unit of local government may be a county, township, parish, borough existing in the State of Alaska on October 20, 1976, or a city where the city is not within any other unit of local government; the term also includes the governments of the District of Columbia, Puerto Rico, Guam, and the Virgin Islands. ".

SEC. 2. The United States shall not be subject to any cause of action or any liability for distribution of payments made prior to January 1, 1983 under the Act of October 20, 1976 (90 Stat. 2662) as amended or regulations pursuant thereto.●

● Mr. DOMENICI. Mr. President, today I cosponsor a bill which would amend the payment in lieu of taxes law. A recent court decision in the Sixth Circuit Court of Appeals has endangered the existence of payment in lieu of taxes known to so many as the PILT program.

This legislation is very simple in that it corrects a situation in which the courts did not agree with the Department of Interior's interpretation of the congressional intent of the law as to which unit of local government should be the recipient of PILT payments.

Under the court interpretation we move from the present practice where over 1,500 units of local government receive payments to one in which 17,000 units or more may now receive those same payments. Obviously this makes implementation of the PILT more difficult if not absolutely impossible.

This legislation would reaffirm the fact that Congress feels the money should go to that unit of government which is the principal provider of services affecting the use of public land.

The reason this legislation must be passed is the fact that there are three variables used in calculating the PILT payments; population, entitlement acres within each unit of local government, and the amount of public lands payments received by the eligible units of local government under the 11 receipt sharing statutes listed under section 4 of the act.

Under the court ruling the first variable is easy to calculate because data is available from the Bureau of the Census. However, data relating to entitlement land acreage and the amounts received under the public lands receipts sharing statutes are generally not available for political entities smaller than the county level.

Acreage data on entitlement land within the 20 States that have some form of township government is not available from all the agencies that administer the entitlement lands. Under a strict reading of the decision you might have to break down the figures to the village level and in some cases or perhaps in most you would also have to allocate the amount of land that falls within the jurisdiction of each unit of government because Federal land ownership seldom follows the boundaries of local government.

The problem is even worse when you consider attempting to collect data regarding other government payments made at a level below county government.

To illustrate the problem, there are some 81,000 local government units: 3,000 counties, 17,000 towns and townships; 18,000 municipalities, cities and villages; 21,000 special districts, and 21,000 school districts.

PILT became law in 1976 and the basic purpose was to reimburse county government or some similar unit of government for the amount of Federal land located within the jurisdiction

which because of the Federal ownership contributed nothing to the local property tax rolls.

Although national in application it has special meaning to States located west of the 100th meridian because of the large amounts of Federal land ownership and the resulting lack of an adequate property tax base to provide proper local government services.

Needless to say this has been an extremely popular program and has helped local government meet the demands of service placed on them.

In fiscal year 1984 the total cost of this program is estimated at $96.3 million. Although from time to time some attempts have been made to end this program. Congress has realized that it is one of the few programs that feeds money directly to units of local government which in turn benefit citizens without huge amounts of money being siphoned off administration costs.

Basically what we have is a program that works well, that helps people, and promotes a good neighbor spirit between the Federal Government and local units of government. This program is in danger of being dismantled because of a court ruling. By dismantling the program we would jeopardize Government funding in over 1,500 local jurisdictions and place an undo burden on these units of government which would have to seek some other way to make up lost funds caused by the dismantling of the PILT program.●

By Mr. THURMOND (for himself, Mr. HATCH, Mr. CHILES, Mr. ABDNOR, Mr. NICKLES, and Mr. HELMS) (by request):

S.J. Res. 73. Joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer; to the Committee on the Judiciary.

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

By Mr. GARN:

S.J. Res. 74. Joint resolution to express the sense of the Congress that the United States should promote the goal of strategic stability and reduce the risk of nuclear war through a balanced program of force modernization together with negotiations to achieve substantial, verifiable and militarily significant reductions to equal levels on the nuclear arsenals of both superpowers; to the Committee on Foreign Relations.

LIMITATION OF NUCLEAR ARSENALS

● Mr. GARN. Mr. President, upon its return from the Easter recess, the House of Representatives will once again take up for consideration the proposal calling for a nuclear freeze. At some time in the near future, the Senate can also be expected to make a statement on the controversial and highly emotional issue of national security and nuclear arms control. I am, therefore, introducing a resolution which calls on the United States to promote the goal of strategic stability, thereby reducing the risk of nuclear war, through a balanced program of arms reduction negotiations and nuclear force modernization.

It is, in my opinion, essential that both elements of negotiations and modernization be integrated into a single, coherent policy. One without the other will not do the job that is necessary. Without a program of force modernization, with particular emphasis on enhancing the survivability of our weapon systems, the United States cannot hope to negotiate meaningful and verifiable arms reduction agreements with the Soviet Union. In the absence of a serious arms control agenda, the United States cannot be expected to sustain the public support to move ahead with needed modernization initiatives.

The resolution I am introducing today incorporates both of these elements necessary to reduce the threat of nuclear war. It does so without eliminating the flexibility the Congress should have in judging specific aspects of the defense budget or curbing the flexibility the President should have in designing the specific terms of his administration's arms reduction position at the negotiating table.

This resolution preserves the spirit of Cohen-Nunn "build-down" proposal with its focus on force survivability and periodic modernization joined with the effort to achieve substantial reductions in the nuclear arsenals of both superpowers. In addition, I have drawn from the ideas and principles that were expressed in the various arms control proposals introduced last year by my colleagues in the House and Senate. My resolution does, however, reject categorically a nuclear freeze under current conditions of force imbalance and vulnerability.

Given the importance of the freeze issue to the national debate on nuclear weapons, and more specifically to the upcoming deliberations on this matter by the House, I would like to highlight briefly my principal objections to the freeze. Let me say first, that I raise these objections without any sense of personal animosity toward those who sincerely support the freeze. It is too easy to impugn the motives of those with whom we disagree as a way to avoid rational discussion and debate. I think one of my constituents put it best when she wrote in a letter to me that, "there is a danger of bad-mouthing the other side * * *. Freeze advocates have been accused of being communist dupes, and Peace Through Strength advocates accused of wanting war." Avoiding these recriminations and in the spirit of responsible debate, I would offer the following observations on the merits of the nuclear freeze proposal.

First, a number of editorial and national defense spokesmen not generally allied with the security programs of the Reagan Administration have expressed their concerns with the freeze proposal. For example, the Washington Post recently said that a nuclear freeze "would block new programs designed to take Soviet and American nuclear forces off a hair trigger, to create more 'stability.'" Moreover, "the letter of the (freeze) movement honors mutual negotiated cuts. But its spirit is patently unilateralist * * *." The New York Times added its misgivings about the freeze in the following manner:

> The freeze remains a simplistic, sloganeering response to a complex issue, the political effect (of a nuclear freeze resolution), is to put relatively greater pressure on the U.S. than the Soviet Union, which suppressed its own freeze movements, and a halt in (nuclear) weapons production (as advocated by the freeze proponents) would not be verifiable.

Finally, former Secretary of Defense Harold Brown commented in a like manner about the effects of a freeze:

> A congressional endorsement (of the nuclear freeze) would carry some major risks. Its effect is to put pressure on the U.S., but not on the Soviet Union . . . It would displace or draw attention away from more specific and effective arms control proposals and from actions needed to stabilize the strategic balance.

Second, a freeze at existing force levels would lock the United States and our allies into a position of military disadvantage and vulnerability. Efforts by the United States to deploy a modernized ICBM, be it the MX or a small ICBM, in a survivable basing mode would be blocked under the terms of a freeze. Thus, the destabilizing condition of land-based missile vulnerability which currently prevails will be perpetuated. A freeze would block the deployment of the B-1B and Stealth bombers, needed to replace our aging B-52 force. A freeze would reward the Soviets for unilaterally deploying approximately 350 SS-20 launchers, with 1,050 warheads not counting the refire missile our intelligence agencies credit to each launcher. These mobile missiles threaten our allies in Europe and Asia. A permanent Soviet advantage in long-range theater nuclear systems would be assured.

Third, a nuclear freeze would undermine the negotiating position of the United States at the strategic arms reduction talks (START) and Intermediate Range Nuclear Forces (INF) talks currently underway in Geneva. Under the terms of a freeze, the Soviet Union would have no meaningful incentive to negotiate seriously to reduce its nuclear arsenal. As the British Prime Minister Margaret Thatcher observed, "If

you want nuclear weapons reduced in the world you have to take the firm approach."

Fourth, the adoption of a nuclear freeze policy would be a step backward from the progress that has already been made in the START and INF negotiations. Both the United States and the Soviet Union are currently discussing their own versions of proposals which would result in reductions in their nuclear arsenals. While the Soviet proposals, to date, are clearly unacceptable, we should not discourage this discussion of reduction proposals by adopting a nuclear freeze.

Fifth, a freeze on all testing, production and deployment of nuclear weapons would include important elements that cannot be effectively verified by national technical means. Our experience with mounting evidence of Soviet use of outlawed chemical/toxin weapons should give us pause before we entrust our security to any agreement that lacks effective verification procedures and the means of enforcing treaty compliance. The difficulties of verifying a freeze agreement, even with intrusive onsite inspection provisions which the Soviets are likely to find unacceptable, were recognized in the New York Times editorial I referred to earlier.

Sixth, a nuclear freeze would do nothing to hamper Soviet antisubmarine warfare (ASW) or air defense efforts. While neither SALT nor START curb Soviet defensive efforts, the effect on nuclear stability is much less than contemplated under the terms of a freeze since these proposals did not ban all modernization programs. Three-quarters of our strategic nuclear warheads are on missiles, submarines and bombers that are more than 15 years old; three-quarters of the Soviets' are on launchers less than 5 years old. Commonsense will tell you that the combination of age and Soviet defensive measures would seriously weaken the deterrent capability of our forces under a freeze regime.

Finally, the practical effect of a freeze would be to impose unilateral pressure on the United States and our NATO allies to abandon necessary modernization programs. The Soviets heartily applaud nuclear freeze rallies when they are held in New York City; it is an entirely different matter, however, when Soviet citizens attempt to express their views in Moscow. I understand that this criticism of unilateralism offends the advocates of a nuclear freeze. Time and again we are told that the freeze will be mutual, but reality seems to throw some doubts on this assertion. A mutual, verifiable freeze will not be agreed to overnight, and one wonders what will come of our modernization programs in the interim. Will we hedge our bets and support modernization until it is clear that a mutual freeze can be achieved? The record is not promising on this score. As the Washington Post noted:

> To the extent that they have addressed it, freeze advocates tend to say that each new system should be judged on its merits. But it is not easy to find new systems in which they see merit. The letter of the movement honors mutual negotiated cuts. But its spirit is patently unilateralist . . .

A responsible program of negotiated arms reduction and force modernization will bring us closer to the goal of a more stable nuclear environment which is shared by those who support and those who oppose a nuclear freeze. The purpose of introducing this resolution today is to provide the Senate with a vehicle to express its support of such a program. It does not seek to bind the hands of the Congress in making decisions on specific weapon systems, rather it recognizes the merit of prudent modernization programs which enhance the survivability of our nuclear deterrent forces and reduce instability. My resolution also preserves the President's negotiating flexibility while clearly reaffirming the Senate's support for negotiated reductions in the nuclear arsenals of the two superpowers.

Mr. President, I encourage my colleagues to consider the proposal I am making today and join me in sending this urgent message to the American people that we are serious about reducing the threat of nuclear war.●

ADDITIONAL COSPONSORS

S. 11

At the request of Mr. CRANSTON, the names of the Senator from Rhode Island (Mr. PELL), the Senator from Illinois (Mr. DIXON), and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 11, a bill to amend title 38, United States Code, to establish a Veterans' Administration Advisory Committee on Women Veterans; to improve various aspects of Veterans' Administration health-care programs; to extend the period for Vietnam-era veterans to request counseling under the Veterans' Administration readjustment counseling program; to promote the recruitment and retention of certain health-care personnel in the Veterans' Administration's Department of Medicine and Surgery; to express the sense of the Congress with respect to the role of the Administrator of Veterans' Affairs; to require the Administrator of Veterans' Affairs to conduct an epidemiological study of long-term health effects in veterans of exposure to ionizing radiation from nuclear test detonations; and for other purposes.

S. 13

At the request of Mr. DOLE, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 13, a bill to amend the Internal Revenue Code of 1954 to decrease the holding period for long-term capital gain treatment from 1 year to 6 months.

S. 16

At the request of Mr. DOLE, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 16, a bill to amend the Internal Revenue Code of 1954 to provide for the establishment of, and the deduction of contributions to, education savings accounts.

S. 19

At the request of Mr. DOLE, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 19, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to assure equality of economic opportunities for women and men under retirement plans.

S. 50

At the request of Mr. COHEN, the names of the Senator from Idaho (Mr. SYMMS) and the Senator from Oklahoma (Mr. BOREN) were added as cosponsors of S. 50, a bill to provide access to trade remedies to small businesses, and for other purposes.

S. 120

At the request of Mr. DOLE, the name of the Senator from Indiana (Mr. LUGAR) 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. 121

At the request of Mr. ROTH, the name of the Senator from Arkansas (Mr. BUMPERS) was added as a cosponsor of S. 121, a bill to establish as an executive department of the Government of the United States a Department of Trade, and for other purposes.

S. 137

At the request of Mr. ROTH, the names of the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Wisconsin (Mr. KASTEN) 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. 152

At the request of Mr. JEPSEN, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Colorado (Mr. ARMSTRONG), and the Senator from Idaho (Mr. SYMMS) were added as cosponsors of S. 152, a bill to amend the Internal Revenue Code of 1954 to provide an investment tax credit for certain soil and water conservation expenditures.

S. 212

At the request of Mr. PRESSLER, the names of the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Nevada (Mr. HECHT) were added

as cosponsors of S. 212, a bill to authorize funds for the United States Travel and Tourism Administration.

At the request of Mr. PRESSLER, the name of the Senator from Indiana (Mr. LUGAR) was withdrawn as a cosponsor of S. 212, supra.

S. 402

At the request of Mr. MOYNIHAN, the names of the Senator from New Jersey (Mr. BRADLEY), and the Senator from Colorado (Mr. HART) were added as cosponsors of S. 402, a bill to reenact the Emergency School Aid Act.

S. 450

At the request of Mr. STEVENS, the name of the Senator from Maine (Mr. COHEN) was added as a cosponsor of S. 450, a bill to amend title 39, United States Code, to strengthen the investigatory and enforcement powers of the Postal Service by authorizing certain inspection authority and by providing for civil penalties for violations of orders under section 3005 of such title (pertaining to schemes for obtaining money by false representation or lotteries), and for other purposes.

S. 462

At the request of Mr. GRASSLEY, the names of the Senator from South Dakota (Mr. ABDNOR), the Senator from North Carolina (Mr. EAST), the Senator from Alabama (Mr. DENTON), the Senator from Idaho (Mr. SYMMS), the Senator from Virginia (Mr. TRIBLE), the Senator from Iowa (Mr. JEPSEN), the Senator from Arizona (Mr. GOLDWATER), the Senator from Wyoming (Mr. SIMPSON), and the Senator from Kansas (Mr. DOLE) were added as cosponsors of S. 462, a bill to amend section 1951 of title 18 of the United States Code, and for other purposes.

S. 476

At the request of Mr. LEVIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 476, a bill to amend title II of the Social Security Act to require a finding of medical improvement when disability benefits are terminated, to provide for a review and right to personal appearance prior to termination of disability benefits, to provide for uniform standards in determining disability, to provide continued payment of disability benefits during the appeals process, and for other purposes.

S. 530

At the request of Mr. PELL, the name of the Senator from Kentucky (Mr. FORD), was added as a cosponsor of S. 530, a bill to provide for a program of financial assistance to States in order to strengthen instruction in mathematics, science, computer education, foreign languages, and vocational education, and for other purposes.

S. 540

At the request of Mr. GOLDWATER, the names of the Senator from Arkansas (Mr. PRYOR), and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 540, a bill to amend the Public Health Service Act to establish a National Institute of Arthritis and Musculoskeletal and Skin Diseases, and for other purposes.

S. 547

At the request of Mr. MOYNIHAN, the name of the Senator from Rhode Island (Mr. PELL) was added as cosponsors of S. 547, a bill to provide for the reorganization of the Environmental Protection Agency by the establishment of an independent regulatory commission, and for other purposes.

S. 553

At the request of Mr. SASSER, his name was added as a cosponsor of S. 553, a bill to authorize a national program of improving the quality of education.

S. 616

At the request of Mr. BUMPERS, the names of the Senator from Alabama (Mr. HEFLIN), the Senator from Montana (Mr. MELCHER), the Senator from New York (Mr. MOYNIHAN), the Senator from Maine (Mr. MITCHELL), the Senator from Vermont (Mr. LEAHY), the Senator from Hawaii (Mr. MATSUNAGA), and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 616, a bill to promote the use of solar and other renewable forms of energy developed by the private sector.

S. 617

At the request of Mr. BUMPERS, the names of the Senator from Alabama (Mr. HEFLIN), the Senator from Montana (Mr. MELCHER), the Senator from New York (Mr. MOYNIHAN), the Senator from Maine (Mr. MITCHELL), the Senator from Vermont (Mr. LEAHY), the Senator from Hawaii (Mr. MATSUNAGA), and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 617, a bill to promote the use of energy-conserving equipment and biofuels by the Department of Defense, and for other purposes.

S. 618

At the request of Mr. BUMPERS, the names of the Senator from Alabama (Mr. HEFLIN), the Senator from Montana (Mr. MELCHER), the Senator from New York (Mr. MOYNIHAN), the Senator from Maine (Mr. MITCHELL), the Senator from Vermont (Mr. LEAHY), the Senator from Connecticut (Mr. DODD), and the Senator from Hawaii (Mr. MATSUNAGA) were added as cosponsors of S. 618, a bill to revise certain Federal training and economic development programs to create jobs and develop skills in renewable energy and energy conservation industries, and for other purposes.

S. 619

At the request of Mr. BUMPERS, the names of the Senator from Alabama (Mr. HEFLIN), the Senator from Montana (Mr. MELCHER), the Senator from New York (Mr. MOYNIHAN), the Senator from Maine (Mr. MITCHELL), the Senator from Vermont (Mr. LEAHY), the Senator from Hawaii (Mr. MATSUNAGA), and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 619, a bill to reauthorize, extend, and enhance existing Federal programs to encourage conservation and the use of renewable energy by this Nation's consumers.

S. 657

At the request of Mr. DOLE, the name of the Senator from Vermont (Mr. STAFFORD), was added as a cosponsor of S. 657, a bill to amend the Animal Welfare Act to ensure the proper treatment of laboratory animals.

S. 771

At the request of Mr. HATCH, the name of the Senator from Hawaii (Mr. INOUYE), was added as a cosponsor of S. 771, a bill to revise and extend provisions of the Public Health Service Act relating to health promotion and disease prevention, to provide for the establishment of centers for research and demonstrations concerning health promotion and disease prevention, and for other purposes.

S. 772

At the request of Mr. HATCH, the names of the Senator from Vermont (Mr. STAFFORD), the Senator from Florida (Mrs. HAWKINS), the Senator from Washington (Mr. GORTON), and the Senator from Oregon (Mr. HATFIELD) were added as cosponsors of S. 772, a bill to promote public health by improving public awareness of the health consequences of smoking and to increase the effectiveness of Federal health officials in investigating and communicating to the public necessary health information, and for other purposes.

S. 836

At the request of Mr. PELL, the names of the Senator from Arizona (Mr. DECONCINI), the Senator from Kentucky (Mr. FORD), the Senator from Montana (Mr. MELCHER), the Senator from Georgia (Mr. NUNN), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Massachusetts (Mr. TSONGAS) were added as cosponsors of S. 836, a bill to provide for the continuation of the National Diffusion Network.

S. 872

At the request of Mr. HOLLINGS, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 872, a bill to establish an ocean and coastal resources management fund from which coastal States shall receive grants, and for other purposes.

S. 873

At the request of Mr. LUGAR, the name of the Senator from Arkansas (Mr. BUMPERS) was added as a cospon-

sor of S. 873, a bill to help insure the Nation's independent factual knowledge of the Soviet Union and Eastern European countries, to help maintain the national capability for advanced research and training on which that knowledge depends, and to provide partial financial support for national programs to serve both purposes.

S. 880

At the request of Mr. PRESSLER, the names of the Senator from Minnesota (Mr. BOSCHWITZ) and the Senator from North Dakota (Mr. BURDICK) were added as cosponsors of S. 880, a bill to amend the Communications Act of 1934 to provide equity to daytime radio broadcasters.

SENATE JOINT RESOLUTION 32

At the request of Mr. SYMMS, the name of the Senator from New Hampshire (Mr. HUMPHREY) was added as a cosponsor of Senate Joint Resolution 32, a joint resolution to provide for the designation on May 1983, as "National Arthritis Month."

SENATE JOINT RESOLUTION 41

At the request of Mr. STAFFORD, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from Alabama (Mr. HEFLIN), the Senator from West Virginia (Mr. RANDOLPH), the Senator from South Carolina (Mr. THURMOND), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Utah (Mr. HATCH), the Senator from Pennsylvania (Mr. HEINZ), the Senator from North Dakota (Mr. BURDICK), the Senator from Mississippi (Mr. COCHRAN), the Senator from Georgia (Mr. NUNN), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Arkansas (Mr. PRYOR), the Senator from New York (Mr. D'AMATO), the Senator from New Hampshire (Mr. HUMPHREY), and the Senator from Indiana (Mr. QUAYLE) were added as cosponsors of Senate Joint Resolution 41, a joint resolution to authorize and request the President to designate the week of April 10, 1983, through April 16, 1983, as "National Education for Business Week."

SENATE JOINT RESOLUTION 51

At the request of Mr. MOYNIHAN, the names of the Senator from Texas (Mr. BENTSEN) and the Senator from Oklahoma (Mr. NICKLES) were added as cosponsors of Senate Joint Resolution 51, a joint resolution designating May 21, 1983, as "Andrei Sakharov Day."

SENATE CONCURRENT RESOLUTION 11

At the request of Mr. MITCHELL, the names of the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Ohio (Mr. GLENN), the Senator from Michigan (Mr. RIEGLE), and the Senator from Colorado (Mr. HART) were added as cosponsors of Senate Concurrent Resolution 11, a concurrent resolution expressing the sense of the Congress concerning the obligations of the Government of the Soviet Union under international law with respect to human rights.

SENATE CONCURRENT RESOLUTION 14

At the request of Mr. LUGAR, the name of the Senator from Indiana (Mr. QUAYLE) was added as a cosponsor of Senate Concurrent Resolution 14, a concurrent resolution in commemoration of the bicentennial of the birth of Simon Bolivar, hero of the independence of the Americas.

SENATE RESOLUTION 57

At the request of Mr. COHEN, the names of the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Hawaii (Mr. INOUYE), the Senator from Mississippi (Mr. STENNIS), and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of Senate Resolution 57, a resolution expressing the sense of the Senate that the Government of the United States and the Government of the Union of Soviet Socialist Republics should adhere to the principle of a mutual guaranteed build-down of nuclear forces.

SENATE RESOLUTION 74

At the request of Mr. PELL, the names of the Senator from Colorado (Mr. HART), and the Senator from California (Mr. CRANSTON) were added as cosponsors of Senate Resolution 74, a resolution expressing the sense of the Senate concerning the future of the people on Taiwan.

SENATE RESOLUTION 90

At the request of Mr. LEVIN, the names of the Senator from Indiana (Mr. LUGAR), the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Washington (Mr. JACKSON), the Senator from Oklahoma (Mr. BOREN), the Senator from Washington (Mr. JACKSON), the Senator from Oklahoma (Mr. BOREN), the Senator from Nebraska (Mr. EXON), the Senator from Texas (Mr. BENTSEN), the Senator from Rhode Island (Mr. PELL), the Senator from Iowa (Mr. GRASSLEY), the Senator from Pennsylvania (Mr. HEINZ), and the Senator from Ohio (Mr. GLENN) were added as cosponsors of Senate Resolution 90, a resolution expressing the sense of the Senate that the Soviet Government should immediately release Anatoly Shcharansky and allow him to emigrate.

SENATE RESOLUTION 95

At the request of Mr. DOLE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of Senate Resolution 95, a resolution to express the sense of the Senate that the President should initiate negotiations on a new long-term agreement on agricultural trade with the Soviet Union.

SENATE CONCURRENT RESOLUTION 22—RELATING TO THE UNITED NATIONS DECADE OF DISABLED PERSONS

By Mr. DOLE (for himself, Mr. STAFFORD, Mr. RANDOLPH, Mr. HATCH, Mr. ARMSTRONG, Mr. BOSCHWITZ, Mr. HATFIELD, Mr. WEICKER, Mr. CRANSTON, Mr. INOUYE, Mr. MATTINGLY, Mr. HOLLINGS, Mr. HUMPHREY, Mr. DURENBERGER, Mr. BUMPERS, Mr. DOMENICI, Mr. GORTON, Mr. PROXMIRE, Mr. LUGAR, Mr. STEVENS, Mr. QUAYLE, Mr. PERCY, Mr. KENNEDY, Mr. GARN, Mr. NICKLES, Mr. JEPSEN, Mr. DECONCINI, Mrs. HAWKINS, Mr. LEAHY, and Mr. DIXON) submitted the following concurrent resolution; which was referred to the Committee on Labor and Human Resources:

S. CON. RES. 22

Whereas a new era in recognition of human rights and universal respect for these rights has begun;

Whereas the United Nations General Assembly has declared 1983 through 1992 as the United Nations Decade of Disabled Persons;

Whereas the United States has made great strides during the last decade in improving the lives of 35 million American citizens with physical and mental disabilities;

Whereas there is still much to be done to open doors to the full participation and equality of disabled persons in society throughout the world;

Whereas handicapped individuals should be able to participate fully in the mainstream of society through education, employment, and community living opportunities;

Whereas the United States recognizes the need for further progress in strengthening public understanding and awareness of the needs and aspirations of disabled persons;

Whereas there is hope that this spirit of carrying out the goals of the International and National Years in 1981 and 1982 will continue throughout this next decade;

Whereas a framework for national action has been established by these previous initiatives and the improvement of programs for disabled persons over the last decade: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President should take all steps within his authority to implement, within the United States, the objectives of the United Nations Decade for Disabled Persons (1983-1992), as proclaimed by the United Nations General Assembly on December 3, 1982.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

● Mr. ARMSTRONG. Mr. President, last year, I introduced a resolution for the National Year of the Disabled Persons, with DONALD RIEGLE. This resolution was the culmination of tremendous outpouring of concern and interest in the programs developed in past years in our country. In hopes of continuing the progress of this past year, Senator DOLE and I are introducing a resolution for the Decade of the Disabled. This will continue the strong

momentum that has been building during the "National Year" and assure the continuity of a movement based on a community involvement; people working together to enhance the role and contribution of disabled persons. I believe this will make the difference in years to come for the 35 million Americans with disabilities.

The National Year of Disabled Persons has generated exemplary programs and involved thousands of communities in response to the challenge put forth by the United Nations General Assembly, which has also proclaimed support for a Decade of the Disabled. The U.S. Council, a group of concerned citizens of which I am an honorary sponsor, has developed two key "partnership" programs, community and corporate, through which individuals can help develop and participate in programs that meet needs of the disabled citizens in that area. This new initiative for human services by communities and corporations to solve community-based problems is something the Federal Government cannot possibly do.

The response to this challenge has been extremely encouraging across the Nation. There seems to be a real concern by Americans in all sectors of society that disabled people must be brought more into the mainstream of life. The Governors of all 55 States and territories, 330 national organizations, and 270 corporations have joined with the U.S. Council in carrying out programs in this special year. In my State of Colorado, over 25 communities are participating in programs to meet local needs.

Communities have come together to form a committed group of disabled and nondisabled citizens to identify needs, set goals, and develop programs to meet their goals. Progress is being made and resources are being tapped. But further additional action is required to increase public understanding of the unfulfilled needs and potential contributions of disabled persons. Further progress should be made toward achieving the following long-term goals of and for disabled persons promoted during the Year of Disabled Persons: First, expanded educational opportunity; second, improved access to housing, building, and transportation; third, expanded employment opportunity; fourth, expanded participation in recreation, social, and cultural activities; fifth, expanded and strengthened rehabilitation programs and facilities; sixth, purposeful application of biomedical research aimed at conquering major disabling conditions; seventh, reduction in the incidence of disability by expanded accident and disease prevention; eighth, expanded application of technology to minimize the effects of disability; and ninth, expanded international exchange of information and experience to benefit all disabled persons.

Of particular importance is the contribution the United States can make to help the rest of the world to achieve these goals in the Decade of the Disabled. It is well known that the United States takes the lead in providing opportunities for the disabled. While we should be proud of our own accomplishments, much can be done to exchange our information with others during this decade, which could not be accomplished in a single year. These improvments will take time, depending to a large extent, on the development of each individual country and its individual needs.

This resolution does not call for any Government financial support, and will help insure America's progress in providing opportunities for disabled persons as well as expanding its role as a world leader in helping others around the world for the decade to come.●

● Mr. DOLE. Mr. President, today, along with 28 of my colleagues, I am introducing this resolution of the International Decade of Disabled Persons. On December 3, 1982, the United Nations General Assembly declared 1983-92 as the United Nations Decade of Disabled Persons. We should commend the United Nations for taking the lead on this decade as a followup to the International Year of Disabled Persons in 1981. It is our hope that the momentum generated by the International Year in 1981, and the National Year in 1982, will be continued throughout this decade.

Although the lives of our Nation's 35 million disabled people have been significantly improved through rehabilitation, community living and employment opportunities, there are still many doors that need to be opened to enable the full participation of handicapped people in our society. Partnerships between persons with and without disabilities, between Government and the private sector, and among national, State, and local organizations are continuing to improve the lives of Americans with disabilities, but we need to build upon this foundation.

NATIONAL PLAN OF ACTION

Mr. President, the United Nations' action has established a framework that can provide the incentive for our own national plan of action in furtherance of similar long-term goals to help disabled people. These goals include:

Expanded educational opportunity;

Improved access to housing, buildings and transportation;

Greater opportunity for employment;

Greater participation in recreational, social, and cultural activites;

Improved rehabilitation programs and facilities;

Purposeful application of biomedical research aimed at conquering major disabling conditions;

Reduction in the incidence of disability through accident and disease prevention;

Increased application of technology to ameliorate the effects of disability; and

Expanded international exchange of information and experience to benefit all disabled persons.

REAUTHORIZATION OF PROGRAMS

Mr. President, during the 98th Congress, we will have many opportunities to demonstrate our commitment to helping disabled Americans. We will need to reauthorize the Rehabilitation Act, and the Developmental Disabilities Act, and make these programs more efficient—make certain that the benefits and services that are available are reaching those who need them, and that limited resources are going where they can do the most good.

The area of handicapped programs has always been one that inspires a strong bipartisan commitment. Perhaps the best effort we can make in the Congress is to insure access to equal opportunity—in education and employment—in community living and health care.

SPECIAL TALENTS OF DISABLED PEOPLE

Those within our society who happen to suffer from physical or mental disabilities have something to give the society in which they live—they can be productive citizens and harness their talents to the good of our society as a whole. The values that they have learned through struggle can be an inspiration to all of us.

Mr. President, it is our hope that this resolution will speed its way through the committee process, and generate an increase in public awareness of the special needs and special talents of the disabled individuals within our society.●

SENATE RESOLUTION 100—RELATING TO THE BUILDING OF WEAPONS FOR DEPLOYMENT IN SPACE

Mr. WALLOP submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 100

Whereas the first responsibility of any government is to ensure the physical safety of the population, and

Whereas under article 13, and 48-58 of the Geneva Convention our Government, like other signatory governments, has the obligation to protect our citizens against the effects of war, and

Whereas the United States Government does not now possess any means of defending the American people against attack by ballistic missiles, and

Whereas the President is correct that it would be "better to save lives than to avenge them," and that we should be work-

ing as hard as possible to render weapons of mass destruction "impotent and obsolete," and

Whereas various technologies hold out real hope that the United States Government could offer the American people substantial protection against ballistic missiles by deploying antiballistic missile devices in space and on the ground, and

Whereas it is reasonably clear that the Soviet Union has provided itself with offensive space weapons and is trying to provide for itself a space-based laser weapon by means of which to defend itself against ballistic missiles: Now, therefore, be it.

Resolved, That it is the sense of the Senate that the President expeditiously recommend to the Congress the budgetary steps necessary to protect the American people by building weapons for deployment in space, at the earliest possible date, with the capability of destroying ballistic missiles which might be launched against our country.

Mr. WALLOP. Mr. President, today, Senator LAXALT and I are introducing a resolution calling upon the President to recommend whatever is necessary to develop space-based systems designed to defend the United States from attack by ballistic missiles and bombers, as soon as possible.

As you know the President has committed himself to protecting American lives against the threat posed by Soviet ballistic missiles. Since the mid-1960's this Government has neglected its primary responsibility to protect the lives of the American people in case of major conflict. This neglect is not due to any revulsion on the part of the American people to being protected—quite the contrary. A recent poll showed that 86.1 percent of Americans support building an antiballistic missile defense against incoming ballistic missiles. Seventy-three percent of Americans do not believe that cost should be the primary factor in deciding whether such a defense should be deployed. This Government has neglected its duty because the curious belief has taken hold of the bureaucracy that to protect ourselves is provocative.

The time has come to face this issue head on. And the President has done so.

The purpose of this resolution is to allow the Senate to decide an issue of principle which it cannot avoid, and to bring the direction of the Pentagon into line with the wishes of the American people and of the President.

Recently, Senators TSONGAS, HART, and HATFIELD introduced Senate Joint Resolution 28 "calling upon the President to enter negotiations aimed at * * * a verifiable ban on weapons in space and on weapons to be used against space targets." The resolution is essentially that which Congressman JOSEPH MOAKLEY has introduced in the House. Both resolutions are aimed at stopping any American attempt to match the Soviet Union's ability to destroy low-orbiting satellites. Ultimately, they aim to stop the building of laser weapons which would be used to defend the American people against Soviet missiles. The Senators rightly say that "such systems are not just science fiction; they are now being developed * * *" Senator KENNEDY even voted in favor of space laser defenses in 1981. However, the point of their resolution is that it would not be good for our Government to protect the country against ballistic missiles. We, to the contrary, think it would be very good, and a fundamental obligation of government.

I believe that the oft-expressed fear for the militarization of space is misplaced: Space has been militarized by both countries for offensive purposes for more than a generation. Offensive missiles fly through space routinely. The Soviet Union has tested antisatelite systems in space, and Soyuz is primarily a military space program. Today we can choose whether or not we should militarize space for defensive purposes, that is, to keep the engines of mass destructioin from traversing space and striking us. Difficult problems exist before we achieve this ability but that should not deter us. The choice is ours. We should make it openly, consciously, after full debate. That is why we are offering the attached resolution.

AMENDMENTS SUBMITTED FOR PRINTING

INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT

AMENDMENT NO. 539

(Ordered to be printed and referred to the Committee on Foreign Relations.)

Mr. PERCY (by request) submitted an amendment intended to be proposed by him to the bill (S. 637) to amend the Foreign Assistance Act of 1961 and the Arms Control Act to authorize security and development assistance programs for fiscal years 1984 and 1985, and for other purposes.

FOREIGN MILITARY SALES FINANCING TO GREECE

● Mr. PERCY. Mr. President, by request, I submit for appropriate reference an amendment to S. 637, the proposed International Security and Development Cooperation Act of 1983.

This amendment has been requested by the Department of State and I am submitting the proposed amendment in order that there may be a specific amendment to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this amendment when the matter is considered by the Foreign Relations Committee.

I ask unanimous consent that the amendment be printed in the RECORD at this point, together with a section-by-section analysis of the amendment and the letter from the Assistant Secretary of State for Congressional Relations to the President of the Senate dated March 21, 1983.

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

AMENDMENT NO. 539

On page 2, line 17, strike out "$4,436,000,000" and insert in lieu thereof "$4,656,000,000".

On page 3, at the end of line 19, insert the following:

"(h) Section 31(b)(4) of such Act is amended by striking out "not less than $280,000,000 for fiscal year 1982 and not less than $280,000,000 for the fiscal year 1983 shall be available only for Greece" and inserting in lieu thereof "up to $500,000,000 for the fiscal year 1984 shall be available for Greece".

On page 27, at the end of line 6, insert the following:

"FOREIGN MILITARY SALES FINANCING FOR GREECE

SEC. 513. Amounts authorized to be made available for the fiscal year 1984 to carry out the provisions of the Arms Export Control Act may be made available for Greece in excess of the amounts made available for Greece for such program in the fiscal year 1983, only if the President certifies and reports to Congress that the United States has achieved a satisfactory agreement with Greece in the current negotiations with respect to access to and use of military facilities in that country by United States forces."

DEPARTMENT OF STATE,
Washington, D.C., March 21, 1983.

Hon. GEORGE BUSH,
President of the Senate.

DEAR MR. PRESIDENT: I herewith transmit, on behalf of the President, an amendment to the proposed bill entitled the "International Security and Development Cooperation Act of 1983", which the Secretary of State forwarded to you on February 19, 1983. This amendment would increase to $4,656,000,000 the limit for fiscal year 1984 on the total principal amount of loans for which guaranties may be issued under section 24(a) of the Arms Export Control Act. We had previously proposed a limit of $4,436,000,000 for this program for this fiscal year.

This increase would permit the United States to allocate to Greece up to an additional $220,000,000 for guarantied loans beyond the $280,000,000 already justified to Congress for Greece for fiscal year 1984. However, we would allocate this additional amount to Greece only after the United States has achieved a satisfactory agreement with Greece in the current negotiations with respect to access to and use of military facilities in that country by United States forces. To make this intention clear to all parties, the Executive Branch is proposing as part of this amendment that this condition be made a requirement of law.

The Executive Branch urges prompt enactment of the proposed International Security and Development Cooperation Act of 1983, as amended. The Office of Management and Budget advises that enactment of

this bill, as amended, would be in accord with the program of the President.

With cordial regards,

Sincerely,

POWELL A. MOORE,
Assistant Secretary for Congressional Relations.

Enclosures.

AMENDMENT TO SECTION-BY-SECTION ANALYSIS OF THE PROPOSED INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1983

On page 2 in the discussion of Section 101, strike out "$4,436,000,000" and insert in lieu thereof "$4,656,000,000".

On page 3, immediately at the end of the discussion on section 101, insert the following: "In addition, section 31(b)(4) of the AECA is amended to authorize for fiscal year 1984 the making available for Greece of up to $500,000,000 of the principal amount of loan guaranties under the Foreign Military Sales financing program."

On page 24, immediately at the end of the discussion on section 512, insert the following:

"SEC. 513. FOREIGN MILITARY SALES FINANCING FOR GREECE

"This section provides that loan guaranties under section 24(a) of the AECA may be issued for Greece during fiscal year 1984 in excess of the total principal amount of loans guaranteed for Greece in fiscal year 1983 only if the President certifies and reports to Congress that the United States has achieved a satisfactory agreement with Greece in the current negotiations with respect to access to and use of military facilities in that country by United States forces."●

EXPORT OF AGRICULTURAL COMMODITIES

AMENDMENTS NOS. 540 THROUGH 542

(Ordered to be printed and to lie on the table.)

Mr. LUGAR submitted three amendments intended to be proposed by him to the bill (S. 822) to expand markets for United States agricultural commodities, expand authority for the use abroad of Commodity Credit Corporation stocks, require the export sale of Commodity Credit Corporation dairy products, improve programs under Public Law 480, and for other purposes.

NOTICES OF HEARINGS

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. WALLOP. 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 Public Lands and Reserved Water to consider S. 916 and S. 848, to provide for the orderly termination, extension, or modification of certain contracts for the sale of Federal timber, and for other purposes. The hearing will be held on Friday, April 22, beginning at 10:30 a.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Subcommittee on Public Lands and Reserved Water, Committee on Energy and Natural Resources, room SD-360, Washington, D.C. 20516.

For further information regarding this hearing you may wish to contact Mr. Tony Bevinetto of the subcommittee staff at 224-5161.

SUBCOMMITTEE ON EXPORT PROMOTION AND MARKET DEVELOPMENT

Mr. WEICKER. Mr. President, I would like to announce that the Senate Small Business Committee's Subcommittee on Export Promotion and Market Development will conduct a hearing on April 7, 1983, on Export-Import Bank Financing for Small Businesses, starting at 9 a.m. in room 428A, Senate Russell Building. Senator BOSCHWITZ will chair the hearing. For further information, contact Anne Sullivan of the committee staff at 224-3188.

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the Senate Small Business Committee will conduct a hearing on April 18, 1983, on the President's Second Annual Report to the Congress on Small Business and Competition, starting at 9:30 a.m. in room 428A, Senate Russell Building. Senator GORTON will chair the hearing. For further information, contact Bob Dotchin at 224-5175.

Mr. President, I would like to announce that the Senate Small Business Committee's oversight hearing on the SBA's disaster loan program scheduled for March 24, 1983, in Clinton, Ark., has been postponed until further notice.

ADDITIONAL STATEMENTS

A FRANK ASSESSMENT OF THE INTERNATIONAL DEBT CRISIS

● Mr. HUMPHREY. Mr. President, I have been highly disappointed by the lack of open discussion surrounding the administration's request for an $8.5 billion bailout of large banks and Third World countries laundered through the International Monetary Fund. The administration has packaged its appeal in such a way that it implies no other course of action would be advisable for addressing the debt crisis. This simply is not the case.

Today I submit for the attention of my colleagues a recent article by Dr. Hans F. Sennholz, chairman of the economics department of Grove City College in Pennsylvania, entitled "The World Debt Crisis." Dr. Sennholz pulls no punches in his historically sound assessment of the origins of the current problem, and the extent to which the IMF has contributed to it by always being there "to pick up the pieces." Dr. Sennholz convincingly explodes the myth of IMF "conditionality," which the Fund's supporters tout as its saving grace, and he traces the mechanism through which the use of central bank funds by the IMF "makes the Fund an exchange for self-created and deteriorating currency and an international engine of worldwide inflation and currency depreciation."

Another focus of the Sennholz paper is one which I believe has been largely ignored in recent discussions on increasing our commitment to the IMF. This focus requires a look backward to the enormous credit expansion of the early 1970's—the origin of the current debt bomb—to examine the nature of the loans offered from a business point of view. As Dr. Sennholz argues, many sovereign nations "wasted the funds on grandiose political schemes designed to glorify government and make socialism work." Based on this observation, Dr. Sennholz concludes that the so-called liquidity crisis is in reality "a shock which spendthrifts usually suffer when called upon to make payment."

Mr. President, the Senator from New Hampshire believes that the makers of poor lending decisions should sit down with their troubled debtors and negotiate a means of absorbing this shock. What we should not do is sanction a transfer of our dollars to an institution that will use them only to worsen an already dangerous situation.

I ask that Dr. Sennholz' article be printed in the RECORD.

The article follows:

THE WORLD DEBT CRISIS

(By Hans F. Sennholz)

"A small debt creates a debtor, a large debt, an enemy." If this old proverb is applied to the international situation, the United States and other industrial countries have made many new enemies in recent years. The external debt of third-world countries and communist countries to creditors in the United States and Europe has soared from less than $100 billion in 1970 to some $850 billion in 1982. At least 26 countries are in default and many more may fail in the coming years.

The bad debtors now are lashing at their creditors, the chief economic villains: the United States and Western Europe. "Much of Brazil's inflation is caused by chaos in the international economy," says Tancredo Neves of Brazil, "and that chaos is the fault of the rich countries who are our creditors." President López Portillo of Mexico accuses the Mexican banks in cooperation with foreign banks of "heading, advising and supporting" a capital flight from Mexico. "They have looted us. They will not loot us again." His government then seized all private banks, including $12 billion in dollar-denominated accounts owned by Mexican and U.S. citizens, and forcibly converted the dollar deposits into debased and depreciated pesos.

Many economists are fearful that the international debt crisis is more than the bankers can handle. They liken the global debt burden to a pyramid that is weak, getting weaker and heading for collapse. They

draw ominous analogies with the financial crisis of the early 1930s that greatly contributed to turning an economic slump into the Great Depression. Other economists, especially in government, reject such pessimism. They argue that the system is strong enough to weather a default of several major debtors, that the creditor banks have adequate reserves to cover any serious default, and that central banks would protect any individual bank from failing and thereby avoid a panic on the international markets. They also point to the International Monetary Fund—the lender of last resort—which can be expected to bail out countries in payment difficulties. They speak of a "safety net" that is protecting the world financial structure from falling apart.

THE SAFETY NET

In fact, the safety net may be very comforting to overextended debtors and their lenders, but its very existence may have invited the overextension in the first place by encouraging bankers to loan more money than their foreign customers were able to repay. No matter how much money the banks would lend to "developing" countries—sometimes recklessly and foolishly—there was always the IMF to pick up the pieces. Surely, IMF and government officials are convinced that the world financial system needs more such safety nets that would prevent it from plunging into a serious crisis. But all such devices constructed by governments merely cushion the fall, they do not prevent it.

The safety-net advocates like to point to the lack of safeguards in 1931 when, in the midst of financial disorders, Austria, then Germany, and finally Great Britain defaulted in their payment obligations. In many respects the situation then was similiar to that of today. Under the impact of a great flood of bank credit generated by easy-money policies of the Federal Reserve System in 1924 and thereafter, bank credit was superabundant in New York. High-yield foreign bonds were in great demand, which led many New York banks to extend loans to foreign borrowers, especially German states and municipalities. The funds were often spent on current consumption, called social service, that permitted the people to live better today at the expense of tomorrow.

There was no safety net, no international cooperation or institution that would come to the rescue of a small Austrian bank, the Credit-Anstalt, when foreign funds were suddenly withdrawn. The panic gained strength and spread from Austria to Germany, to London, and finally New York. Surely, prompt banking cooperation might have avoided the debtor collapse, but it could not possibly correct the great harm inflicted by the credit expansion. Billion-dollar loan funds had been squandered, the capital markets had been disarranged, prices and production disorganized. The seeds had been sown for a world-wide depression.

THE CURRENT SITUATION

What of the situation today? The credit expansion of the 1970s dwarfs that of the 1920s. It had its beginning in the United States and then spread like wildfire to all capital markets in Western Europe and Japan. It flooded the world with easy credit that amounted to hundreds of billions of dollars rather than a few as during the 1920s. It led to the default of dozens of sovereign countries, which wasted the funds on grandiose political schemes designed to glorify government and make socialism work.

But the present situation differs from the 1931 crisis in one important respect. In the 1920s and early 1930s the world money consisted of gold. The world was on a gold standard and all international payments were made in gold. Today, the world is on a U.S. dollar standard and most international payments and debts are settled in dollars. While it may be very difficult to construct a safety net of gold, it is rather simple for the U.S. government in cooperation with other governments to weave safety nets of paper money. Governments cannot manufacture gold; they can print ever larger quantities of paper money. But how safe are such paper nets?

THE INTERNATIONAL MONETARY FUND

Most international bankers and government economists look upon the IMF as the primary net that was woven at Bretton Woods, New Hampshire, in 1944. Its stated objectives are to promote international monetary cooperation and currency stabilization, which means the promotion of international government cooperation in matters of money management. The amount any government can borrow from IMF is in proportion to the amount it has deposited, which in turn is determined by the country's world trade, output, and the like. Debtor governments usually favor a large "quota," which they may establish by contributing primarily their own weak currencies and then draw hard currencies, such as U.S. dollars, German marks and Japanese yen. They are pressing for significant increases of their quotas so that they can borrow more and spend more. Many want their quotas trebled; some industrial countries (e.g., West Germany and Great Britain) merely favor a 50 percent rise. The Reagan Administration is considering a $25 billion emergency fund, administered by the IMF, to help countries with cash crises.

For the most part, newly created central bank funds are used in IMF transactions, which makes the Fund an exchange for self-created and deteriorating currency and an international engine of world-wide inflation and currency depreciation. It is forever pursuing the spurious notion that the policy of inflation can be made to last indefinitely through cooperation of all member governments. It acts like a governmental cooperative with 146 members that tries to coordinate the inflationary policies of its members.

Governments that inflate and depreciate their own currencies at reckless rates and, therefore, face international payment difficulties, such as Mexico in recent months, are rescued immediately with billion-dollar loans. At the same time IMF imposes "conditionalities" that are supposed to correct the causes of the payment difficulties. But the conditionalities are usually taken from the armory of government control over the people. They include such devices as restrictions of imports, promotions of exports, tax increases, and so on. Rarely, if ever, does IMF recommend a reduction in the scope and function of government.

THE U.S. DOLLAR STANDARD

The U.S. dollar as the world standard currency occupies the central IMF position to which all other currencies must adjust. But this central dollar position grants an ominous privilege to the U.S. government as the primary supplier of world currency. It permits the U.S. to inflate the dollar with a certain degree of immunity and to suffer painless balance-of-payment deficits because millions of people all over the world are eager to accept and hold U.S. dollars. The rising quantity of U.S. dollars gushing from Washington is met by a rising world demand, which keeps the dollar depreciation at a minimum.

But even this pleasant privilege that permits the American people to enjoy foreign imports without paying for them with American goods, is subject to certain limits. When, despite the privilege, the U.S. government manages to inflate the dollar at rates higher than the going world rate and thereby floods creditor countries with dollars, the dollar exchange rate tends to fall in international money markets, inflicting serious losses on countless dollar holders. Finally, when these dollar losses become unbearable, they may trigger a world-wide flight from the dollar, which would signal the end of the world dollar standard and the beginning of hyper-inflation at home. The dollar panics of 1978 and 1979, when President Carter had to raise $30 billion of hard foreign currency in support of the sinking dollar, revealed the very limit to which the dollar inflation could be carried without upsetting the world monetary order. U.S. monetary policy has been more restrained and conformable to IMF standards ever since.

THE WORLD IS GASPING FOR LIQUIDITY

Third World debt has more than quintupled in a decade, half of which is owned to private banks. Repayments falling due in many cases exceed the debtor's foreign exchange earnings. In 1982 alone some $30 billion in payments falling due had to be rescheduled, which is three times the amount that were not paid on time in 1981. Cash-flow squeezes and debtor defaults may become worse in 1983 and 1984.

The 1970s witnessed the greatest credit boom the world has ever seen. There had been some credit expansion before August 15, 1971, when President Nixon unilaterally abolished the last vestiges of the gold standard. Credit expansion accelerated dramatically thereafter when the U.S. government flooded the world with U.S. dollars. Central bank reserves now consisting primarily of paper dollars expanded from $92 billion in 1970 to more than $800 billion in 1981. Commercial bank credit expanded two or three times faster than before. The Eurodollar market, which recycled the flood of petro-dollar deposits to debtors all over the globe, grew from some $100 billion in 1970 to nearly $2 trillion today. All these credits fueled an inflation the likes of which the world has never seen before. The abundance of credit and bargain interest rates below inflation rates seduced many governments, companies and individuals to live beyond their means until they could borrow no more.

With the help of foreign loans and domestic credits many governments indulged in popular subsidy and transfer programs, consuming income and wealth at unprecedented rates. The foreign credits raised the levels of living of the debtors, especially government officials and their political beneficiaries, while they lowered those of the people of creditor countries. But the shock of default is signaling the end of the wealth transfer process from creditors to debtors, from capitalistic countries to socialistic and communistic countries. The consumption of capitalist wealth is finally drawing to a close. Consequently the levels of living in debtor countries are tumbling, transfer programs are failing, and the political forces that depend on the economic transfer are

falling into disrepute. Politicians are calling it a "liquidity crisis"; in reality, it is a shock which spendthrifts usually suffer when called upon to make payment.

SEEKING SECURITY ABROAD

Many debtor countries received large amounts of foreign credits that could not be invested productively under the given conditions. Where governments control and regulate every phase of economic life there are few opportunities for individual investment. Where governments inflate and depreciate their currencies at horrendous rates, the people seek escape from destruction by hoarding foreign currencies that are likely to depreciate at lesser rates. They are hoarding U.S. dollars or investing them abroad.

Millions of Mexicans, Argentineans, Chileans, Uruguayans, and many others, found U.S. dollars and U.S. investments extremely advantageous. They rushed to their banks loaded with dollar credits and bought U.S. dollars for depreciating pesos. The banks acted as turntables, bringing dollars in and lending them to people who would take them back to the U.S. Many a Florida condo is owned by citizens of bankrupt debtor countries. Their politicians call it a "liquidity crisis"; in reality it is a flight of private capital from governments that would consume and destroy it.

The soaring inflation of the 1970s naturally raised interest rates which together with the rise in total indebtedness raised the interest burden. In the debtor countries a large portion of income now goes to pay interest on foreign debt and to roll over old debt at rising interest rates. Interest payments have doubled in recent years, which without the injection of new loans are squeezing the life out of borrowers. To meet pressing payment obligations many resorted to short-term borrowing, which is squeezing the debtors harder still. Many countries are de facto bankrupt—Mexico, Argentina, Chile, Costa Rica, Bolivia, Poland, Rumania, and several African states. Others may fail to make interest payment when it falls due—Peru, Venezuela, Yugoslavia and, most important, Brazil. They all blame the liquidity crisis; they should decry their own policies that would circumvent reason and inexorable economic law.

THE CALL FOR "REACTIVATION"

The international banking system is under great strain. There is little hope that many foreign debtors will ever repay their debt. Creditor wealth has been wasted in public works and social service, lost on countless schemes of government welfare and development, which were to create a better world through political action or outright socialism. The experiment, which is costing the capitalist countries hundreds of billions of dollars, is failing visibly as poverty and misery are descending on the debtor countries.

But spendthrift politicians rarely learn from their own experience. One political party may replace another, one junta may overthrow another, but the economic policies may remain unchanged because the notions and doctrines that are breeding the policies are not changing. The bad debtors of the world now are calling for "reactivation" which is more of the same. They want "reinflation" on a global scale, to bail out governments and companies wallowing in bad debt. Even U.S. politicians are talking about "reactivation" through legislation that would lower interest rates, create more credit, or force the Federal Reserve System to stimulate the economy through more dollar injections.

The wide road ahead leads to "activation," which in time will rekindle the economic boom and save many debtors through monetary depreciation. It is protected by many safety nets designed to cushion the fall of the most reckless debtors. But it is also a downhill road on which inflation will accelerate, the U.S. dollar will suffer worse panics and crises than in 1978 and 1979, and the world economy will slowly disintegrate and sink into permanent despair.

The road to peace and prosperity points in the opposite direction. In the words of an 18th century French philosopher, Charles de Montesquieu, "countries are well cultivated, not as they are fertile, but as they are free." On the road to freedom government powers and functions must be reduced in every sphere of individual life, and politicians be separated from the economic activity of the people. Above all, the political apparatus must be completely segregated from money and finances; the power over money must be taken out of the hands of politicians and returned to the people.

ANY MAJOR NATION MAY LEAD THE RETURN TO FREEDOM

Any one of the principal countries can lead the way. It would immediately restore the individual freedom to choose any currency and medium of exchange, and remit the freedom of contract in all monetary matters. In a country racked by chronic inflations, such as Mexico, Argentina, and other Latin American states, financial stability would soon return through the development of a parallel standard of pesos and world money, that is, U.S. dollars. If two or more currencies are freely usable and exchangeable in all transactions, at free and unhampered rates, the people will perfer the most stable and reliable currency, which in many countries would be the U.S. dollar. Thus, the legal parallel standard would probably become a de facto dollar standard in many parts of the world.

A dollar standard in Mexico, Argentina, Chile, and Bolivia, would bring immense improvements to economic life and well-being. But the dollar standard would merely be an interim step on the road of monetary freedom. In time the dollar standard, which, too, is a political standard managed by spendthrift politicians in Washington, would be found wanting and, therefore, be replaced by the only natural standard, the gold standard. If people were free to choose they would prefer non-political money, honest money, the money of the ages, which is gold.

MONETARY STABILITY

If the U.S. were the leader toward world peace and prosperity, it would point the way toward monetary stability through the gold standard. It would shun the temptations and privileges of a world dollar standard and lead the way by bringing its own house in order. It would restore individual freedom in money and banking by repealing the myriad of laws and regulations that engulf the financial institutions. Instead of purging gold from the financial system it would encourage the use of gold in all exchanges and clear the way for a parallel standard of dollars and gold.

If the U.S. government were a financial leader toward monetary stability and economic prosperity it would set an example to the rest of the world by balancing its budget this year and every year, and abstain from any further currency and credit expansion. And once the dollar ceases to lose any more purchasing power, not even 5 per cent, 3 per cent, or 1 per cent, it would be made redeemable in gold. In short, politicians and government officials would surrender their power over money and banking to the people who would be free to choose.

As a world leader the U.S. government would withstand the temptation to rekindle the world paper boom through more inflation and credit expansion. It would refuse to join the Third-World search for more bank credits, to build more safety nets for reckless debtors and irresponsible lenders, grant more quotas or foregin aid to socialist and communist countries, and cooperate in any international scheme that would deny monetary freedom to individuals. It would withdraw from the International Monetary Fund and the World Bank, and cease to cooperate with any government that seizes, blocks, or confiscates American property.

As true leaders of the free world Americans would have no need to lead—they would be content to set an example and point the way.●

ANNIVERSARY OF THE ASSASSINATION OF ARCHBISHOP ROMERO

● Mr. KENNEDY. Mr. President, 3 years ago today, the world witnessed the brutal assassination of Archbishop Oscar A. Romero, as he offered mass in San Salvador. He paid with his life for taking a courageous stand in defense of his people. He had prophetically foreseen that outside military intervention from any quarter would not redress the fundamental problems faced by El Salvador, but would only make them worse. In the 3 intervening years, his murder has never been fully investigated by the Salvadoran Government.

The death of Archbishop Romero reminds us that churches in El Salvador have, over and over, paid the supreme price of the blood of priests and ministers, sisters and lay workers, for the crime of standing for the people and their basic human rights. Only last week we were once again shocked and dismayed by the decision of an appellate court in El Salvador that there is insufficient evidence to try the five national guardsmen accused of murdering four American churchwomen in December 1980.

In El Salvador, all who favor social progress put their lives on the line. Last fall, the authorities ordered released for lack of evidence a military officer implicated in the deaths of the Salvadoran land reform director and two American labor advisers in January 1981. Weeks and months have given way to long years since all of these callous killings took place, and yet, in each case, true justice remains as far off as ever.

Even worse, in the intervening years, the Salvadoran authorities have failed to bring indiscriminate violence by the Armed Forces under control. In 1982, Government forces or allied paramili-

tary groups carried out over 5,000 political murders, nearly half of them in the final 6 months of the year, according to the Legal Protection Office of the Archdiocese of San Salvador. Intimidation, kidnaping, and torture of opposition leaders remain a way of life in El Salvador.

In the face of these outrageous abuses, the administration has certified that El Salvador is making progress on human rights and is eligible for continued assistance; it is now attempting to give that country more than four times more military aid than was authorized by Congress in the continuing resolution adopted for fiscal year 1983. In the Appropriations Committees of the Senate and the House, and in the Senate Foreign Relations Committee, efforts are now underway to limit that aid, to cap the number of military advisers, and to require judicial reforms, human rights progress and unconditional discussions between the Government and the opposition in El Salvador.

I strongly support these congressional efforts, and I believe that now is the time to shift decisively from policies of military escalation to policies of political reconciliation. The way to stop the violence in El Salvador is not to enhance the capability of the military and paramilitary forces in that country to bring death to church leaders and political opponents who have the temerity to call for dialog, reconciliation, and negotiations. I believe that the way to end the war is to deny increased military assistance to El Salvador until the Government there has agreed to unconditional negotiations, accompanied by a ceasefire in place, which could lead to a peaceful settlement. That is the best way for us to honor the life of Archbishop Romero and to carry on the work of peace and reconciliation for which he gave his life.

On March 23, leading individuals and organizations across our Nation joined in an important appeal for "peaceful resolution rather than increasing militarization" in El Salvador, Honduras, Guatemala, and Nicaragua. I congratulate them for undertaking their vital "Campaign for Peace and Justice in Central America," and I request that the text of their National Appeal and the list of the endorsers be printed at this point in the RECORD.

The material follows:

NATIONAL APPEAL FOR PEACE WITH JUSTICE IN CENTRAL AMERICA

As individuals and organizations from throughout the United States, we join together in common concern about the growing human suffering in Central America and the failure of U.S. foreign policy to pursue the search for a just and lasting peace. The toll of this suffering has increased dramatically in recent months. U.S.-supporting regimes in El Salvador and Guatemala are responsible for the kidnapping, illegal detention, torture and death of thousands of civilians and the displacement of more than a million people from their homes and families. In Honduras some of these practices have begun to appear. Escalating attacks from Honduras into Nicaragua have raised fears of a full-scale war between the two countries. Government troops in Guatemala are massacring entire indigenous communities.

As United States citizens we are particularly concerned about the role of our government in this suffering. U.S. military aid and intervention in the region have spiralled upward. U.S. covert operations against the government of Nicaragua have recently been admitted by the State Department. Our government has yet to support any initiative for a comprehensive political solution between all parties to the conflict in El Salvador; nor has it supported proposals for negotiations specifically aimed at reducing the threat of war between Honduras and Nicaragua. It is time that the U.S. government seek such opportunities for peaceful resolution rather than increasing militarization.

Therefore, to avert the tragedy of larger war and loss of life in Central America and to contribute toward the establishment of peace with justice in the region, *we urgently call on our government to:*

1. stop all U.S. military aid to and intervention in El Salvador, Honduras and Guatemala.

2. stop U.S. covert operations and all other destabilization activity against Nicaragua.

3. vigorously support a negotiated political solution between all parties involved in the conflict in El Salvador and support the Mexico-Venezuela peace initiative which calls for talks between the U.S. and Nicaragua and between Honduras and Nicaragua.

4. grant temporary asylum to Central American refugees until they can safely return to their homelands.

We further pledge to work together with other concerned individuals and organizations in this "Campaign for Peace with Justice in Central America," to alert the American public to the dangers of a foreign policy based on intervention and to generate broad support for alternatives which promote a lasting and just peace.

ORGANIZATIONAL ENDORSEMENTS

American Association of Jurists, U.S. Section.
American Baptist Churches-U.S.A., Washington Office.
American Christians for the Abolition of Torture.
American for the Abolition of Torture.
American Friends Service Committee.
Artists for Nuclear Disarmament.
Benedictine Monks of Weston Priory.
Black American Law Students, Georgetown Chapter.
Catherine Spaulding Ecumenical Center Staff.
Carolina Interfaith Task Force on Central America.
Center for the Study of the Americas.
Catholic Peace Ministry of Des Moines.
Center for Constitutional Rights.
Center of Concern.
Center for Development Policy.
Center for International Policy.
Center for National Security Studies.
Chile Committee on Human Rights.
Church Committee for Human Rights in the Philippines.
Charlottesville Peace Center.
Christian Church (Disciples of Christ), Department of Church in Society.
Church of the Brethren.
Church Women United.
Citizen Energy Project.
Clergy and Laity Concerned.
Coalition of Latin American Trade Unionists.
Coalition for a New Foreign and Military Policy.
Commission on U.S.-Central American Relations.
Committee in Solidarity with the People of El Salvador.
Committee Against Registration and the Draft.
Consolata Fathers, Washington, DC.
Council on Hemispheric Affairs.
Democratic Socialists of America.
DISARM Education Fund.
Dominican Sisters of the Poor.
Environmental Action.
Environmental Action Foundation.
Environmentalists for Full Employment.
Episcopal Peace Fellowship.
Ecumenical Program for International Communication and Action.
Fellowship of Reconciliation.
Friends Committee on National Legislation.
Friends of the Filipino People.
Franciscan Federation of Brothers and Sisters of the United States.
Franciscan Missionary Sisters of the Divine Child.
Fund for Constitutional Government.
Fund for New Priorities in America.
Fur, Leather and Machine Joint Board, New York City.
Haitian Refugee Project.
Humanitas International.
Indian Law Resource Center.
Institute for Food and Development Policy.
Institute for Secular Missionaries.
Intercommunity Center for Justice and Peace, New York City.
International Longshoremen's and Warehousemen's Union.
Interreligious Task Force on El Salvador and Central America.
Justice and Peace Committee, Archdiocese of Newark.
Justice and Peace Committee, Midwest Capuchins.
Leadership Conference of Women Religious.
League of United Latin American Citizens.
Maryknoll Fathers and Brothers.
Maryknoll Sisters, Office of Social Concerns.
Middle East Resource Center.
Mobilization for Survival.
National Alliance Against Racial and Political Repression.
National Assembly of Religious Women.
National Black United Front.
National Conference of Black Lawyers.
National Federation of Priests Councils, Executive Council.
National Lawyers Guild.
National Network in Solidarity with the People of Guatemala.
National Network in Solidarity with the People of Nicaragua.
National Office of Jesuit Social Ministries.
NETWORK.
New Hampshire Sisters of Mercy.
North American Congress on Latin America.
Northern Provincial Team, Sisters of Charity of St. Elizabeth.
Organizing Media Project.
Other Side.
Religious Task Force on Central America.
Riverside Church Disarmament Program.
SANE.

School Sisters of Notre Dame, Boston Province.
School Sisters of Notre Dame, Provincial Chapter, Wilton, Connecticut.
Sisters of St. Joseph of Peace, General Council.
Sisters of Loretto, Denver, Colorado.
Sisters of Notre Dame de Namur, Maryland Region.
Sojourners.
Transafrica.
Unitarian Universalist Association.
Unitarian Universalist Peace Fellowship.
Unitarian Universalist Service Committee.
United Church of Christ.
United Church of Christ, Commission for Racial Justice.
United Methodist Church, Board of Church and Society, Department of Peace and World Order.
United Methodist Church, Board of Global Ministries, Women's Division.
United Presbyterian Church-USA.
United States Catholic Mission Association.
United States Farmers Association.
United States Peace Council.
United States Student Association.
War Resisters League.
Washington Office on Africa.
Washington Office of the Episocopal Church.
Washington Office on Latin America.
Women's International League for Peace and Freedom.
Women for Racial and Economic Equality.
Women Strike for Peace, Washington Office.
Women USA.
Young Ideas, Inc.

PROMINENT INDIVIDUALS—ELECTED OFFICIALS

The Honorable Michael Dukakis, Governor of Massachusetts.
The Honorable Johnny Ford, President, National Conference of Black Mayors.
The Honorable Donald M. Fraser, Mayor of Minneapolis.
The Honorable Richard Gordon Hatcher.
The Honorable Gus Newport, Mayor of Berkeley.
The Honorable Mr. Van Allen, Mayor of Santa Cruz.
The Honorable Andrew Young, Mayor of Atlanta.
The Honorable George Bachrach, Massachusetts State Senator.
The Honorable Julian Bond, Georgia State Senator.
The Honorable John W. Olver, Massachusetts State Senator.
The Honorable Michael J. Barrett, Massachusetts State Representative.
The Honorable Stephen W. Doran, Massachusetts State Representative.
The Honorable Thomas M. Gallagher, Massachusetts State Representative.
The Honorable Saundra Graham, Massachusetts State Representative.
Maryann Mahaffey, President Pro-Tem, Detroit City Council.
Harry Britt, San Francisco City Supervisor.
Carol Ruth Silver, San Francisco City Supervisor.
Nancy Walker, San Francisco City Supervisor.
Jane Benedict, Chairperson, New York Metropolitan Council on Housing.
James P. Conn, Santa Monica City Council Member.
John George, Alameda County Supervisor.
Santa Cruz Council Members Laird, Mellis, Rotkin and Wormhoudt.

CIVIL RIGHTS, HUMAN RIGHTS AND DISARMAMENT

Phil Aaron, S.M., Director, Strategies for Responsible Development.
The Honorable Bella S. Abzug, President, Women USA.
Cynthia Arnson, Visiting Fellow, Institute for Policy Studies; author, "El Salvador: A Revolution Confronts the United States."
Joan Baez, President, Humanitas International.
Richard Barnet, Senior Fellow, Institute for Policy Studies.
Ellen Binder, Coordinator, P.E.N. Freedom to Write Committee.
Lawrence Birns, Executive Director, Council on Hemispheric Affairs.
Tony Bonilla, President, League of United Latin American Citizens.
Robert Borosage, Director, Institute for Policy Studies.
Ken Bossong, Coordinator, Citizen Energy Project.
Anne Braden, Co-Chairperson, Southern Organizing Committee for Economic and Social Justice.
Cynthia M. Buhl, Human Rights Coordinator, Coalition for a New Foreign and Military Policy.
Roger Burbach, Director, Center for the Study of the Americas.
Binie Burrows, International Secretary, Women for Racial and Economic Equality.
Judy Butler, Editor, North American Congress on Latin America.
Jack Calhoun, Co-Chairperson, Committee Against Registration and the Draft.
Sr. Anita Caspary, I.H.M., Southern California Peace and Justice Center.
Dick Clark, Senior Fellow, Aspen Institute; U.S. Senator from Iowa, 1973-1979.
Ramsey Clark, President, DISARM Education Fund.
Frank Clemente, National Coordinator, Jobs with Peace Campaign.
Joseph Collins, Co-Founder, Institute for Food and Development Policy.
David Cortright, Director, SANE.
Frank Shaffer Corona, National Representative, La Raza Unida Party.
Reverend Herbert Daughtry, Chairman, National Black United Front, President, African Christian Peoples Organization.
Robert Drinan, S.J., President, Americans for Democratic Action.
Leslie Dunbar, Director, Project on National Goals, Fund for Peace; former Director, Southern Regional Council and the Field Foundation.
Joseph T. Eldridge, Director, Washington Office on Latin America.
Janice Fine, President, United States Student Association.
Jo Marie Griesgraber, Deputy Director, Washington Office on Latin America.
Morton Halperin, Director, Center for National Security Studies.
Michael Harrington, Chairperson, Democratic Socialists of America.
Gordon Haskell, Political Director, Democratic Socialists of America.
Steve Hellinger, Co-Director, Development GAP.
Russ Hennenway, National Committee for an Effective Congress.
Esther Herst, National Director, National Committee Against Repressive Legislation.
Anne Helen Hess, President, Nuclear Information and Resource Center.
Michael Klare, Fellow, Institute for Policy Studies.
Karen King, Jubilee, Inc.
Steve Klein, Communications Coordinator, Martin Luther King, Jr. Center for Non-Violent Social Change.
Christ Krueger, Coordinator, Guatemala Scholars Network.
Maggie Kuhn, National Convenor, Gray Panthers.
Saul Landau, Senior Fellow, Institute for Policy Studies.
Sally Lilienthal, Director, Ploughshares Fund.
Gino Lofredo, Executive Director, Commission on U.S.-Central American Relations.
Jim McGinnis, Director, Institute for Peace and Justice.
Frances Moore Lappe, Co-Founder, Institute for Food and Development Policy.
Lindsay Mattison, Director, Center for Development Policy.
Isabel Letelier, Senior Fellow, Institute for Policy Studies.
Mark Olson, Co-Editor, The Other Side.
Maurice Paprin, President, Fund for New Priorities in America.
Michael Parenti, author, lecturer.
Gail S. Phares, Director, Carolina Interfaith Task Force on Central America.
William Preston, Jr., President, Fund for Open Information and Accountability.
Donald L. Ranard, Director, Center for International Policy.
Marcus Raskin, Senior Fellow, Institute for Policy Studies.
Randall Robinson, Director, Transafrica.
Janet Schenk, Vice-President, North American Congress on Latin America.
Judy Schnidmann, President, United States Student Association.
Jean Sindab, Director, Washington Office on Africa.
Edward F. Snyder, Executive Secretary, Friends Committee on National Legislation.
Kristen Stelk, University of California Student Lobby.
Kay Studer, Coordinator, Women for Guatemala.
Arnoldo S. Torres, National Executive Director, League of United Latin American Citizens.
Edith Villastrigo, National Legislative Coordinator, Women Strike for Peace.
Stephen Volk, President, North American Congress on Latin America.
Cora Weiss, Co-Director, Riverside Church Disarmament Program.
Richard Alan White, PhD, Project Director, Third World Center for Economic Social Studies.
Dr. Bill Wickersham, Executive Director, World Federalists Association.
Alice Zachmann, Coordinator, Guatemalan Human Rights Commission in the United States.
Anne B. Zill, President, Fund for Constitutional Government.
Victor Kovner, Esq., Attorney-at-Law.
Alan Levine, Esq., Attorney-at-Law.
Jack Levine, Esq., Attorney-at-Law.
Michael Ratner, President, National Lawyers Guild.
Peter Weiss, Esq., Attorney-at-Law.
Melvin Wulf, Esq., Attorney-at-Law.

LABOR AND PROFESSIONAL ASSOCIATIONS

Jim Bell, President, Coalition of Black Trade Unionists.
Chauncy Alexander, Executive Director, National Association of Social Workers, 1969-1982; consultant, Alexander Associates.
Arnold Braithwaite, Chairman of the Board, William F. Ryan Community Health Center (NYC).
John P. David, Director, Southern Appalachian Labor School.

Douglas Fraser, President, United Automobile, Aerospace & Agricultural Implement Workers of America.

Robert F. Goss, President, Oil, Chemical and Atomic Workers International Union.

Edward Gray, Director, United Auto Workers, Region 9.

Jim Herman, President, International Longshoremen's and Warehousemen's Union.

Terry Herndon, Executive Director, National Education Association.

Joe Jamison, Executive Director, Irish-American Labor Committee.

James Kane, General President, United Electrical, Radio and Machine Workers of America.

David Livingston, President, United Auto Workers, District 65.

Henry Nicholas, President, National Drug and Hospital Workers Union, District 1199.

William Nuchow, Secretary-Treasurer, International Brotherhood of Teamsters, Local 801.

Charles Perlik, Jr., President, The Newspaper Guild (AFL-CIO, CLC).

Cleveland Robinson, Secretary-Treasurer, United Auto Workers, District 65.

Dr. Helen Rodriguez Trias, New York Health and Hospital Corps.

Frank Rosen, President, United Electrical, Radio and Machine Workers of America, District 11.

Jack Sheinkman, Secretary-Treasurer, Amalgamated Clothing and Textile Workers Union.

Don Stillman, Director of Governmental and International Affairs, United Auto Workers.

Edwin Vargas, President, Greater Hartford Central Labor Council.

Dale Wiehoff, United States Farmers Association.

William M. Winpisinger, President, International Association of Machinists & Aerospace Workers.

ARTS AND HUMANITIES

Steve Allen, Actor.

Ed Asner, Actor.

Rita Mae Brown, Novelist.

Ellen Burstyn, Actress.

David Clennon, Actor.

Andrea Dworkin, Writer.

Florence Falk, President, Performing Arts for Nuclear Disarmament.

Mike Farrell, Actor.

Carolyn Forche, Poet.

John Houseman, Actor.

Linda Kelsey, Actress.

Sarah S. Kovner, President, Arts, Letters and Politics.

Audre Lorde, Poet.

Albert Maltz, Writer.

Susan Moeller, Photojournalist.

Carole Oligario, Screenwriter.

Susan Sarandon, Actress.

Holly Sklar, Author.

David Soul, Actor.

Wallace Stegner, Writer, 1972 Pulitzer Prize.

Gloria Steinem, Editor, Ms. Magazine.

I. F. Stone, Journalist.

Mary Travers, Singer, Recording Artist.

Richard Ulman, Novelist.

Alice Walker, Novelist.

RELIGIOUS

Roman Catholic

The Most Reverend Thomas Gumbleton, Catholic Archdiocese of Detroit.

The Most Reverend Walter Schoenherr, Catholic Archdiocese of Detroit.

The Most Reverend Nicholas D'Antonio, Auxiliary Bishop of New Orleans.

The Most Reverend Joseph Gossman, Catholic Diocese of Raleigh.

The Most Reverend Lawrence J. McNamara, Catholic Diocese of Grand Island.

The Most Reverend Kenneth J. Povish, Catholic Diocese of Lansing.

The Most Reverend James S. Sullivan, Catholic Diocese of Lansing.

The Most Reverend Kenneth Utener, Catholic Diocese of Saginaw.

The Most Reverend Walter F. Sullivan, Catholic Diocese of Richmond.

Sr. Marjorie Tuite, O.P., President, National Assembly of Religious Women; Director, Ecumenical Citizen Action, Church Women United.

Sr. Ann Gormly, Coordinator, International Justice Network, Assistant Executive Director, United States Catholic Association.

Fr. Simon E. Smith, S.J., Jesuit Missions.

Sr. Lora Ann Quinonez, C.D.P., Executive Director, Leadership Conference of Religious Women.

Sr. Rita Hoffbauer, GNSH, Leadership Conference of Religious Women.

Sr. Rosemary Ronk, Leadership Conference of Religious Women, Region VII.

Ruth Fitzpartick, Washington Representative, National Assembly of Religious Women.

Fr. Ronald Carignan, OMI, President, Conference of Major Superiors of Men.

Fr. Joseph Nangle, OFM, Justice and Peace Liaison, Conference of Major Superiors of Men.

Sr. Janet Gottschalk, SCMM, Sector Superior, Sector North America.

Fr. James Noonan, Superior General, Maryknoll Fathers and Brothers.

Sister M. Theresa Kane, Roman Catholic Director, Sisters of Mercy of the Union.

Mary Mitchell, President, Dominican Sisters of the Poor.

Sr. Marian McAvoy, S.L., President, Sisters of Loretto.

Fr. Gaspar LoBiondo, S.J., Director, National Office of Jesuit Social Ministries.

Daniel P. Driscoll, M.M., Director, Justice and Peace Office, Maryknoll Fathers and Brothers.

Sr. Helene O'Sullivan, Director, Office of Social Concerns, Maryknoll Sisters.

Sr. Anne Fleming, RSM, Provincial Administration Team, Detroit Province.

Sr. Alice Gerdemann, CDP, Provincial Administration Team, Sisters of Divine Providence.

Mary O'Keefe, Former Director, National Assembly of Religious Women.

John Gussenbauer, Office of Social Development and World Peace, Diocese of Saginaw.

Sr. Patricia Joseph, RSM, General Council, Sisters of Mercy, Marion, PA.

Fr. Ed Killacky, Director, Maryknoll Washington Office, Justice and Peace Division.

Sr. Celia King, Provincial, Sisters of St. Joseph of Peace, St. Joseph Province.

Rev. Michael Lavelle, S.J., Provincial, Detroit Society of Jesuits.

Sr. Rita Powell, RSM, Assistant Superior General, Sisters of Mercy, Marion, PA.

Rev. Ronald Smith, OFM, Minister Provincial of Capuchins, Midwest Province.

Sr. Mary Luke Tobin, SL, Director, Thomas Merton Center for Creative Exchange.

Sr. Katherine Mulkerrin, CSJ, President, Boston Sisters of St. Joseph.

Terry Cassidy, Chairperson of Peace and Justice, St. Meinrod Theology.

Fr. William Davis, Christic Center.

Fr. Larry, OFM, Franciscan Social Concerns Committee.

Rev. David Garcia, Pastor, St. Mark's Church, New York City.

Sr. Adela Gross, Franciscan Sisters of Little Falls, MN.

Rev. Alfred Hennely, S.J., Woodstock Theological Center, Georgetown University.

Sr. Gwen Hennessey, Catholic Peace Ministry, Des Moines, IA.

Pauline Pitruzzella, RSM, Center for Justice, Buffalo, NY.

Sr. Margaret Krantz, Franciscan Missionary Sisters of the Divine Child.

Sr. Loretta Vitter, Srs. of St. Frances, Joliet, IL.

Fr. James Zelinsky, Capuchins.

Sr. Doris Koenig, OLVM, Pax Christi, West Virginia.

Sr. Martha Wordeman, OLVM, Pax Christi, West Virginia.

Sr. Jackie Hudson, OP, National Assembly of Religious Women, Michigan/Ohio Representative

Sr. Rosemary Hewitt, Great Lakes Provincial, Sisters of Charity.

Rev. John Nader, Downtown Vicarate, Archdiocese of Detroit.

Rev. Robert McGrath, Grand River Vicarate, Archdiocese of Detroit.

Religious of Sacred Heart, Detroit.

Kathleen Carter, Director, Jesuit Volunteer Corps. Midwest.

Delano H. Berry, Kingston Peace and Justice Committee, Raleigh Diocese.

Presbyterian Church-US

Bob Armistead, Staff Associate for Latin America and the Caribbean.

United Presbyterian Church-USA

William P. Thompson, Stated Clerk of the General Assembly.

Dr. John MacLeod, Jr., Executive Director, North Carolina Synod.

Rev. William Sloane Coffin, Pastor, Riverside Church, New York City.

Baptist

Charles William Butler, President, Progressive National Baptist Convention, Inc.

Robert Tiller, Director of Governmental Relations, American Baptist Church, Washington Office.

Robert A. Fisher, Manager, Ministry of Laity Program, American Baptist Churches National Ministries.

Rev. Robert Seymour, Binkely Baptist Church, Chapel Hill, NC.

Rev. W. W. Finlator, North Carolina Southern Baptist Church, Raleigh.

Dr. Glen Stassen, Southern Baptist Theological Seminary.

Quaker

Sephen G. Cary, Chairperson, American Friends Service Committee.

Joe Volk, Peace Education Secretary, AFSC.

Jack Malinowski, Director, Human Rights, Peace Education, AFSC.

Unitarian

Richard Scobie, Executive Director, Unitarian Universalist Service Committee.

Robert Alpern, Director, Washington Office, Unitarian Universalist Association.

Loretta J. Williams, Director, Social Responsibility Section, Unitarian Universalist Association.

Rev. Farley W. Wheelwright, President, Unitarian Universalist Peace Fellowship.

Jewish

Ken Giles, New Jewish Agenda.

Rabbi David Saperstein, Co-Director, Religious Action Center, Union of American Hebrew Congregations.

Rabbi Ernest J. Conrad, Temple Kol Ami, West Bloomfield, MI.

Rabbi Richard Hertz, Professor of Jewish Studies, University of Detroit.

Christian Church (Disciples)

Ronald Pfile, Executive Secretary, Department of Church in Society.

M. Frisco Gilchrist, Co-Director, International Human Rights Program.

Lutheran

Dr. Michael McDaniel, Presiding Bishop, Lutheran Church in America, Salisbury, NC.

Betty Richardson Nute, Lutheran World Relief.

United Church of Christ

Dr. Avery Post, President.

Patricia Rumer, Latin America Division.

Dr. Charles E. Cobb, Executive Director, Commission for Racial Justice.

Church of the Brethren

Robert W. Neff, General Secretary.

Episcopal

Bishop John H. Burt, Urban Bishops Coalition.

William W. Weiler, Director, Washington Office of the Episcopal Church.

Bishop H. Coleman McGehee, Jr., Diocese of Michigan.

Mary Lou Suhor, Editor, The Witness.

United Methodist Church

Bishop Jesse DeWitt, President, General Board of Global Ministries.

Bishop Leroy C. Hodapp, President of General Board of Church and Society, United Methodist Church.

Dr. Randolph Nugent, General Secretary, General Board of Global Ministries.

Guillermo Chavez, Director, Political and Human Rights Department, General Board of Church and Society.

Joyce B. Stanton, Associate Council Director, Detroit Conference.

Dr. Royal Synwolt, Assistant to the Bishop, MI.

Rev. Joseph Mann, Wesley Foundation, Raleigh, NC.

Fern Ferguson, former President, Women's Division.

Mennonite

Urbane Peachey, Executive Secretary, Mennonite Central Committee.

Delton Franz, Mennonite Central Committee, Washington Office.

Councils

Dr. Joseph Lowery, President, Southern Christian Leadership Conference.

Bishop John Adams, Chairperson, Congress of National Black Churches.

Rev. S.L. Harvey, President, Southern Christian Leadership Conference of LA.

Victoria J. Furio, Latin America Coordinator, New York State Council of Churches.

Rev. Dr. Eugene L. Stockwell, Associate General Secretary for Overseas Missions, National Council of Churches.

The Rev. Dr. William L. Wipfler, Director, Human Rights Office, National Council of Churches.

Divinity Schools

Br. Samuel Citero, O.C., Chairperson, Social Justice Committee, Washington Theological Union.

Estella Ibarra, Migrant Ministry, University of Dayton.

Eugene Te Selle, Vanderbilt University Divinity School.

ACADEMIC

Kenneth Arrow, Nobel Laureate in Economics, Department of Economics, Stanford University.

Walter Gilbert, Nobel Laureate in Chemistry.

Salvador Luria, Nobel Laureate in Biology, Professor of Biology, Massachusetts Institute of Technology.

George Wald, Nobel Laureate in Physiology; Professor Emeritus of Biology, Harvard University.

Daniel Aaron, Harvard University.

Jonathan Aaron, Harvard University.

Ronald Aaron, Northwestern University.

Richard Astusar, University of Iowa.

Carol Abate, W. Valley College.

Larry Abbot, Brandeis University.

Ricard Abel, University of California, Los Angeles.

Rose Abendstern, University of Massachusetts, Boston.

James Ackerman, Harvard University.

Richard N. Adam, University of Texas.

Gregory Alexander, University of California, Los Angeles.

J. Alexander, Babson University.

Susan Alexander, Simmons University.

Chester A. Alper, Harvard Medical School.

Richard Alpert, New England School of Law.

Jeannette Ambrose, University of Massachusetts, Boston.

Warren Ambrose, Massachusetts Institute of Techology.

Harold Amos, Harvard Medical School.

Gosta E. Anderson, Harvard University.

W.H. Locke Anderson, University of Michigan.

Martin Andic, University of Massachusetts, Boston.

Lydia Andri, New York University.

Louise M. Antony, Boston University.

Jonathan Arac, University of Illinois.

Peter Aranella, Boston University.

Arnold Arluke, Northwestern University.

John C. Armington, Northwestern University.

Jane Armstrong, Northwestern University

Steven Arnold, American University.

Stanley Aronowitz, City University of New York.

Brad Art, Simmons University.

Craig Auchter, University of North Carolina.

James Austin, Harvard University Business school.

L.M. Avila, University of Southern California.

Slottw-Austin, Boston University.

G. Ayora, University of Oregon.

Ronald Baba, University of Wisconsin, Green Bay.

Philip Backstrom, Northwestern University.

Frank Bae, New England School of Law.

Bruce Bagley, Johns Hopkins University.

Bela O. Baker, University of Wisconsin, Green Bay.

Harold Bakken, Lowell University.

Marjorie Bakken, Wheelock University.

David Baltimoe, Massachusetts Institute of Technology.

Thomas Banfield, Harvard University.

Renato Barahona, University of Illinois.

Floyd Barbour, Simmons University.

Daniel Barker, Northwestern University.

Elizabeth J. Barker, Boston University.

Ema Barker, Northwestern University.

T. Bakley, Harvard Medical School.

Peggy Bartlett, Emory University.

Marty Barroll, Assumption College.

Roland Barth, Harvard University.

Elizabeth Bartholet, Harvard University.

Harry H. Bash, University of Missouri, St. Louis.

Ellen Bassuk, Harvard Medical School.

Daniel Bates, CUNY, Hunter.

Fred Bauer, Assumption College.

Michael Baum, Massachusetts Institute of Technology.

Richard Bauman, University of Texas.

Estar Baur, Peralta.

Arthur Bayer, Babson College.

Ken Baynes, University of Massachusetts, Boston.

James F. Beard, Jr., Clarke College.

Jonathan Beckwith, Harvard Medical School.

Hugo Bedau, Tufts University.

William H. Beik, New York University.

Merideth W. Belding, Assumption College.

Gary Bellow, Harvard University.

Thomas Bender, New York University.

Rubin Benitez, University of California, Los Angeles.

Jules R. Benjamin, University of Rochester.

Martin Benjamin, Michigan State University.

Dean J. Bergeron, University of Lowell.

Emile Bergmann, University of California, Berkeley.

Charles Bergquist, Duke University.

Jutta Bernstein, Assumption College.

Aaron Berman, Hampshire College.

Donald Berman, Northwestern University.

Harry Bernham, Tufts University.

Sara Berry, Boston University.

Warner Berthoff, Harvard University.

Seyla Benhabib, Boston University.

John Beverly, University of Pittsburgh.

Stephanie J. Bird, Massachusetts Institute of Technology.

C. J. Blaisdell, Northwestern University.

Thomas Blanchard, Assumption College.

S. J. Blank, Northwestern University.

Charles Blinderman, Clark College.

Martin Block, Northwestern University.

Jonathan Bloom, Harvard University.

Susan P. Bloom, Simmons University.

Lawrence Blum, University of Massachusetts, Boston.

M. T. Boatwright, Duke University.

David B. Boersma, Michigan State University.

Carl Boggs, Jr., University of Southern California.

Jay Boggis, Harvard University.

William Bordas, Clark College.

John Borrego, University of California, Santa Cruz.

David Botstein, Massachusetts Institute of Technology.

William J. Bowers, Northwestern University.

John Bowman, Boston University.

Christopher S. Braider, Harvard University.

Alan Brandt, Harvard University.

Jonathan Brant, New England School of Law.

Michael Bratman, Stanford University.

Virginia Bratton, Simmons College.

Susan H. Brawley, Radcliffe University.

Winifred Breines, Northwestern University.

Paul Breines, Boston College.

Myrna M. Breitbard, Hampshire College.

J. Brewen, Harvard University.

Julia R. Brickley, University of Wisconsin, Green Bay.

Mark Bridger, Northwestern University.

Charles C. Bright, University of Michigan.

Harry Brill, University of Massachusetts, Boston.

Alan Brinkley, Harvard University.

Klaus Brinkmann, Boston University.

Charles Brockett, University of the South.
Mark S. Brodin, New England School of Law.
Pamela Bromberg, Simmons University.
Sylvain Bromberger, Massachusetts Institute of Technology.
Michael M. Brons, Nova.
David Browder, Simmons University.
Don W. Brown, University of Texas.
Gene M. Brown, Massachusetts Institute of Technology.
Michael K. Brown, University of California, Santa Cruz.
Peter Brown, Emory University.
Robert S. Brown, Harvard Medical School.
Leslie Ann Brownrigg, Amaru IV Cooperative, Inc.,
Joan J. Brumberg, Cornell University.
Peter Buck, Massachusetts Institute of Technology.
Elizabeth Buckley, Harvard University.
Lillian Bulua, Northwestern University.
Andrew Buni, Boston College.
Jane R. Burbank, Harvard University.
Victor K. Burg, Harvard University.
Peter Burian, Duke University.
John Burke, Assumption College.
Bradford Burns, University of California, Los Angeles.
Michael N. Burns, Nova.
Sidney A. Burrell, Boston University.
Mike Burton, University of California, Irvine.
Hector Calderon, University of California, Los Angeles.
John R. Caleb, University of North Carolina.
James T. Campen, University of Massachusetts, Boston.
Francesca Cancian, University of California, Irvine.
Karl Cantor, Brandeis University.
Kathleen Carey, Boston University.
Susan Carey, Massachusetts Institute of Technology.
Beverly Carl, Southern Methodist University.
Deborah Carlin, Harvard University.
John J. Carroll, Northwestern University.
Susan M. Case, Salem State College.
William L. Casey, Jr., Babson.
Andrew Castinshone, University of Massachusetts.
Hector M. Cavallari, Stanford University.
Courtney Cazden, Harvard University.
Margaret Cerullo, Hampshire College.
W.H. Chafe, Duke University.
Rosemary Chalk, Massachusetts Institute of Technology.
Martha Chamallas, University of Iowa.
Francis Chao, Harvard Medical School.
G. Clarke Chapmen, Jr., Moravian College.
Anthony Chase, Nova.
Christopher Chass-Dunn, Johns Hopkins University.
G. Chatterjee, Simmons.
C. G. Cherniak, Tufts University.
Mark Chesler, University of Michigan.
Ron Chester, New England School of Law.
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Sydel Silverman, City University of New York.
Morris Simon, Harvard University.
Kenneth Simons, Boston University.
Frank Sinclair, Brandeis University.
A. W. Singham, Brooklyn College.
Carmen J. Siranni, Northwestern University.
Dennis Skiotis, Harvard University.
Saul A. Slapikoff, Tufts University.
George T. Slone, Northwestern University.
George W. Slover, University of Massachusetts.
Loretta Slover, University of Massachusetts.
Carrol A. Smith Duke University.
Edward E. Smith, Harvard University.
Euclid O. Smith, Emory University.
Harvey Smith, Northern Illinois University.
Larry J. Smith, University of Wisconsin, Green Bay.
Lydia A. Smith, Simmons College.
Ann Smock, University of California, Berkeley.
Catherine Snow, Harvard University.
Mark Soloms, Simmons College.
David Sonnenschein, Northwestern University.
Rita Soracco, Northwestern University.
Paul Spagnoli, Boston College.
Elizabeth Spahn, New England School of Law.
Elizabeth Spelke, University of Pennsylvania.
Steven Spitzer, Suffolk College.
Mark Solomon, Simmons College.
Judith Stacey, University of California, Davis.
John B. Stanbury, Massachusetts Institute of Technology.
G. R. Stange, Tufts University.
Keith Stanely, Duke University.
Rosanne Stein, Harvard University.
Lisa Steiner, Massachusetts Institute of Technology.
Dorothy Stephenson, University of Illinois.
Angelina J. Stethem, Northwestern University.
Frederick C. Stern, University of Illinois.
Richard C. Sterne, Simmons College.
Mary Stevenson, University of Massachusetts
Henry Steward, Clark College.
Jeffery Stoff, Harvard University.
Steven Stoft, Boston University.
Deborah Stott, Radcliffe College.
Chris Stribakis, Massachusetts Art College.
Judith Strozer, University of California, Los Angeles.
Frank L. Sullivan, Salem State College.
William Sullivan, Assumption.
Stanley Sultan, Clark College.
Mary E. Sunday, Massachusetts General Hospital.
Ronald Suny, University of Michigan.
Gerald D. Surh, North Carolina State University.
Susan Swap, Wheelock University.
Holly Sweet, Massachusetts Institute of Technology.
Michael Syvaneg, Harvard University.
Charles Taliaferro, University of Massachusetts.
Stanley Tambiah, Harvard University.
Daniel Tarullo, Harvard University.
Mary Ann Tetreault, Old Dominion University.
Stephen Thernstrom, Harvard University.
David J. Thomas, University of California, Santa Cruz.
Robert J. Thomas, University of Michigan.
Edith K. Thompson, Babson College.
Dan Ticciono, New England School of Law.
Peter Tillers, New England School of Law.
Charles Tilly, University of Michigan.
Tony Tinker, New York University.
Harriet G. Tulpin, Simmons University.
Nancy Tomes, State University of New York.
James J. Tomkovicz, University of Iowa.
E. Tonkin, Assumption.
Joyce Toomse, Harvard University.
Gregory Topukian, Boston University.
Luis Torres, West Valley College.
A. Torriani, Massachusetts Institute of Technology.
Roberta Tovey, Clark College.
Sharon Traweck, Massachusetts Institute of Technology.
Erik Trinkaus, Harvard University.
Michael True, Assumption.
Cindy Trumpp, Boston University.
Judith Tucker, Harvard University.
Karen Tully, New York University.
B.L. Turner, Clark College.
James Turner, Ithaca College.
Brady Tyson, American University.
John Valadez, University of Illinois.
Alice VanDeusen, Simmons College.
P. Varaiya, University of California, Berkeley.
Mary K. Vaughan, University of Illinois.
Hector Velez, Rochester Institute of Technology.
Katherine Verdery, Johns Hopkins University.
Paule Verdet, Boston University.
D. Verti, University of Oregon.
Thomas Villano, Boston University.
G.C. Volpe, University of Massachusetts.
Pat Wagenknecht, Boston University.
Anne M. Wagner, Vassar College.
Alan M. Wald, University of Michigan.
Nancy L. Walden, Northwestern University.
Edith Waldstein, Massachusetts Institute of Technology.
Adorna Walia, University of Massachusetts.
Graham Walker, Massachusetts Institute of Technology.
Richard Walker, University of California, Berkeley.
Brian F. Wallace, Capital University.
Thomas J. Wallace, Simmons College.
Andrea Walsh, Clark College.
E. V. Walter, Boston University.
Kendall Walton, University of Michigan.
Kenneth Waltzer, Southeastern Massachusetts University.
Sam B. Wanner, Jr., Boston University.
Jack Warga, Northwestern University.
Marx Wartofsky, Boston University.
Robert Wasserstom, Columbia University.
Hilbourne A. Watson, Howard University.
Richard Watson, Jr., Duke University.
Judson Webb, Boston University.
Margaret Weeler, Massachusetts Institute of Technology.
Peter Weiler, Boston College.
Tu Wei-Ming, Harvard University.
Lawrence Weinstein, Harvard University.
Scott Weinstein, University of Pennsylvania.
Hazel Weiser, New College.
Thomas E. Weisskopf, University of Michigan.
Robert P. Weller, Duke University.
Henry Wells, University of Pennsylvania.
Linda Wessels, Indiana University.
Burns Weston, University of Iowa.
James A. Weston, University of Oregon.
Howard Wetstein, Stanford University.
Wilma Wetterstrom, Massachusetts Institute of Technology.
Michael Wheeler, New England School of Law.
Siv Wheeler, West Valley College.
Bob White, Simmons College.
E. Frances White, Hampshire College.
J. P. White, New York University.
Sheila Widnall, Massachusetts Institute of Technology.
Morton Wiener, Clark College.
Charles K. Wilder, Univesity of Notre Dame.
Richard Wilk, University of California, Santa Cruz.
Claudia Wilkers, New College.
Linda Williams, Radcliffe College.
Robert Williams, Simmons College.
Allan Winkler, University of Oregon.
P. Winship, Southeastern Massachusetts University.
Rudy Winston, Babson.
Philip Witkower, University of Wisconsin.
Judith Wittenberg, Simmons College.
Eric Wolf, City University of New York.
George Wolf, Massachusetts Institute of Technology.
Karen Wolf, Northwestern University.
John Womack, Jr., Harvard University.
Robert Wood, University of Massachusetts.
Susan Wood, Harvard University.
Eugene W. Wu, Harvard University.
Nur Yalman, Harvard University.
Sylvia Yanagisako, Stanford University.
Soo Y. Yang, Harvard University.
C. Jarrell Yarbrough, University of Wisconsin, Green Bay.
Peter C. Yeager, Boston University.
Leona Zacharias, Massachusetts Institute of Technology.
A. Zafarell, Duke University.
Robert L. Zangrando, University of Akron.
Janet Zellar, Wheelock University.
Marc Zimmerman, University of Illinois.
Howard Zinn, Boston University.

ADDITIONAL ENDORSEMENT: APPEAL FOR PEACE WITH JUSTICE IN CENTRAL AMERICA

Elected officials

The Honorable Edward L. Burke, Massachuetts State Senator.
The Honorable Gerald Aminco, Massachusetts State Representative.

Civil rights, human rights and disarmament

Ron Andrade, Executive Director, National Congress of American Indians.
Thomas Asher, Chairperson, The American Council.
Janet Ferone, President, Boston National Organization of Women.
Corretta Scott King, Director, Martin Luther King Jr. Center for Non-Violent Social Change.

Aurora C. de Schmidt, U.S.-Mexico Border Program, American Friends Service Committee.

Marge Tabankin, Director, ARCA Foundation.

Andres Thomas, Steering Committee, Young Christians for Global Justice, Earlham College.

Attorneys-at-laws

Richard Bellman.
Joan Byalin.
Patricia Cooper.
Ruth Emerson.
William Goodman.
Paul Harris.
Nancy Malloy.
James I. Myerson.
Gina Novendstern.
Martin Popper.
David Scribner.
Lewis M. Steel.
Mary Alice Theiler.
Leonard Weinglass.

Arts and humanities

Dore Ashton, Writer.
Harry Belafonte, Entertainer.
Robert Bly, Poet.
Frances Chaney, Actress.
Meg Christian, Singer.
Hamilton Fish III, Publisher, The Nation Magazine.
Ronnie Gilbert, Singer.
Phillip Glass, Composer.
Brian Gordon, Screenwriter.
Farley Granger, Actor.
Lee Grant, Actress.
Tammy Grimes, Actress.
Adam Hochschild, Contributing Editor, Mother Jones Magazine.
Anne Jackson, Actress.
Burton Lane, Songwriter.
Ring Lardner, Jr., Author
Nancy Marchand, Actress
Arthur Miller, Writer
Holly Near, Singer
Grace Paley, Author and Poet
Joseph Papp, Producer, Public Theater, New York City
Mary Rogers, Actress
Pete Seeger, Recording Artist
Mae Stevens, Artist
Corine Streich, Journalist and Author
Frank Streich, Director
William Styron, Writer
Madeline Thorton-Sherwood, Actress
Eli Wallach, Actor
Claudia Weill, Film Director

Labor and the professions

Moe Foner, Executive Secretary, National Union of Hospital and Health Care Employees.

Anna Fritz, Chairperson, Peace Committee, National Association of Social Workers.

Celia Weislo, President, Service Employees International Union, Local 285.

Karen Klopfer, President, Daycare of United Auto Workers, Local 65.

Religious

Roman Catholic

Dorothy Ettling, CCVI, Chairperson, Leadership Conference of Women Religious, Region XII.

Sister Mary Eileen Quinn, Provincial Superior, Sisters of St. Mary of Namur.

Claudia Deats, OSF, Sisters of St. Francis.

Protestant

Mary Cline Detrick, Associate Board Member, Agricultural Missions, Church of the Bretheren.

Ralph L. Detrick, Church of the Bretheren.

Josephine W. Bigler, Secretary for Ethnic Language and Ministry, Board of Global Ministries, United Methodist Church.

Mary Nack, Wisconsin Conference, United Church of Christ.

Department of Church in Society, Massachusets American Baptist Church.

Academic

Catherine J. Allen, George Washington University.

Douglas C. Bennett, Temple University.

Jose A. Bracamonte, University of Houston Law Center.

Harold Bradley, SJ, Georgetown University.

Thomas Bruneau, McGill University.

Michael Carter, Georgetown University.

Charles Chatfield, Wittenberg University.

Raul Cioffi, SJ, Georgetown University.

Angela DelliSante, University of New Mexico.

Paul L. Doughty, University of Florida.

Elizabeth G. Ferris, Lafayette College.

Michael Foley, Georgetown University.

Harold Fruchtbaun, Historical Associates.

John C. Gitlitz, State University of New York.

Alfonso Gomez-Lobo, Georgetown University.

Sidney Greenfield, University of Wisconsin-Milwaukee.

Monika Hellwig, Georgetown University.

Waldo Henrichs, Temple University.

Otto Hentz, SJ, Georgetown University.

E. J. Heubel, Oakland University.

Arthur Hochner, Temple University.

Willard Johnson, Massachusetts Institute of Technology.

Jan Knippers Black, University of New Mexico.

Michael Kryzanek, Bridgewater State College.

Luis Maira, Instituto De Estudios De Estados Unidos, CIDE, Mexico.

Richard D. Mallon, Harvard University.

Noel McCoinn, Harvard University.

Roderick McGreus, Temple University.

Peter Railton, University of Michigan.

Marcus Rediker, Georgetown University.

Rose Spaulding, DePaul University.

Anthony Tombasco, Georgetown University.

Marshall True, University of Vermont.

David Waddle, Cornell College.●

MORE WATCHERS THAN DOERS

● Mr. GOLDWATER. Mr. President, it is almost impossible to pick up a paper or watch a television news show or listen to a radio news show, that does not contain some threats to the armed services budget proposed by the administration.

Now, if some of these critics would just sit down and carefully outline what they would like to cut, maybe we could make some sense out of it. But, serving as a subcommittee chairman, as I do, we do a lot of authorizing of expensive equipment, I can tell my colleagues that we are working diligently, hard, and long trying to cut everything out of our budget that is not absolutely needed.

The Aviation Week and Space Technology has presented an excellent editorial by William H. Gregory, entitled "More Watchers Than Doers." This should be read by every Member of the U.S. Congress because it points out very explicitly the trouble that, not only the Armed Services Committee is having, but the entire administration in trying to figure out ways to sensibly cut items out of the budget. We have already cut $8 billion and I can tell my colleagues if we cut $7 billion more or $5 billion more, or as far as that goes, any billions more, we are not going to have enough defense to even talk about.

All I am asking my colleagues to do is to get specific. If you are opposed to this system or that system, say so. But, please let us not take the meat ax approach to a budget that is so vitally necessary to our country's position in the world and, more importantly than that, to the freedom of our people within our country.

I ask that this editorial be printed in my remarks.

The editorial follows:

MORE WATCHERS THAN DOERS

(By William H. Gregory)

Makers and shapers of the federal defense budget are getting plenty of free, and unsolicited, advice on whether, how and where to cut as the Reagan Administration's submission starts through the mill on Capitol Hill. Besides those in Congress itself, the donors have included Robert S. McNamara, former secretary of Defense, along with a group of mostly Democratic former cabinet and agency heads, and a Pentagon analyst, Franklin C. Spinney, who was recently beatified on the cover of a national news magazine.

All this advice has one underlying rule: The size of the cuts and the ease of making them gets proportionately easier the farther the adviser gets from the responsibility of executing the budget. McNamara's proposal is an example. He and his cohorts proposed killing both the Navy/Grumman F-14 Tomcat and USAF-McDonnell Douglas F-15 Eagle fighters out of the Fiscal 1984 and subsequent budget on the grounds they are duplicatory programs. Yet when someone asked a question of him about the Navy's McDonnell Douglas F-18—a frequent target of budget critics—McNamara happily agreed that killing it off instead of the other two programs would be just as efficacious for the nation's economic and defense future. That kind of thinking brought us the TFX fiasco of a common service all purpose fighter bomber a couple of decades ago. It is the kind that makes hash of force planning.

If McNamara and Spinney are looking for places to cut the Defense budget, they could do far worse than to start with, in McNamara's case, the huge centralized Office of the Secretary of Defense bureaucracy he did much to create, or, in Spinney's case, that same bureaucracy of which he is part. Originally the Defense Dept. was created to cut down on what was called interservice bickering and to eliminate waste and duplication. In reality, the result has been the imposition of new layers of management on top of the old, with their principal accomplishment the addition of the word "micromanagement" to the lexicon.

INCREASED CENTRALIZATION

Micromanagement—the tendency of a bureaucracy to take more and more detail decisions to higher and higher levels—is a pejorative term for those who oppose its un-

derlying concept, that of increased centralization either in the corporate or the government world. The Office of the Secretary of Defense has spawned systems analysts, under secretaries and shops like Program Analysis and Evaluation where Spinney resides.

These offices—called hobby shops by their opponents—have in turn spawned a whole tier of consultants and think tanks, peopled often as not by graduates of the staffs they contract to serve. Again, often as not, they are engaged in trying to prove the theories of the offices who hire them. The whole process has a self-perpetuating air.

How these offices, with not responsibility for performance in combat, can affect costs is embodied in the HARM high-speed, antiradiation missile produced by Texas Instruments. It started out as a $100,000 missile, but inflated to a per copy price of $1 million as the add-ons multiplied into increased range, more bands and the like. As the suggestions from above dropped in like showflakes, the project office lost control and responsibility by degrees and had a perfect out on cost control by blaming the hobby shops. Because of the cost growth, the Navy was ready to bow out of the HARM program before the contractor came in with a better offer.

Increased centralization into the Office of Secretary of Defense over the years, particularly since McNamara's unlamented whiz kid systems analysts, has set the scene for complicated battles over turf. The Joint Chiefs of Staff, with fewer uniformed people than the Office of Secretary of Defense, wants more joint programs, and the infighting has led to proposals for reorganization like that of Gen. David C. Jones, former chairman of the joint chiefs, that, among other things, would bring the joint staff further into the command loop.

FIGHT FOR TURF

The service secretaries have been fighting for their turf as heads of the combat and training commands. They have resisted the inroads of the Office of Secretary of Defense apparatus, or the Defense agencies like that for logistics whose manpower and budgets have bloated over the last two decades with little of the scrutiny from Congress that the service requests get. Uniformed services have been jousting with the civilians over authority and responsibility. Micromanagement spills on down the line as the services in turn peer over industry's shoulder, in self defense from the watchers in the Defense Dept. and Congress. At worst, there can be more workers checking than building.

Defense Secretary Caspar Weinberger has tried to put some ground rules into effect, such as ordering memos from his defense under secretaries to route through him for approval before they are transmitted to the services to become orders or program add ons.

The defense under secretaries or the services are not the villains as much as the system. Spinney, though his name raises blood pressures drastically in the services, is right about cost growth of procurement programs. There is just nothing much new about that. It has been true of programs for decades—as in the case of the proliferation of research and development programs in the Eisenhower presidency that led to abrupt cancellations, which figured in the 1957 recession. It is up to the Defense Dept. to do something about the problem, something the Administration recognizes, rather than accept escalation as inevitable.

The battle over centralization in defense is far from settled, but is an important issue. Highly centralized and overstaffed organizations are suspect in both the corporate and government realms, and the warriors battling for return of more authority and responsibility for the commander who has the combat responsibility have a tough war to win. This Administration has at least paid more attention to the problem and given them more encouragement than most others in the last 20 or 30 years. Cost control and budget control start with fixing responsibility in the right place.

RETHINKING DEFENSE AND CONVENTIONAL FORCES

● Mr. BOREN. Mr. President, on March 18 I read an article published by UPI which quoted my friend and colleague, JOHN GLENN, regarding his views on the B-1 bomber and the Joint Chiefs of Staff. I found this article to be of great interest, and I think that my colleagues will agree.

Mr. President, I ask that the full text of this article appear at this point in the RECORD.

The article follows:

WASHINGTON.—Sen. John Glenn, of Ohio, a Democratic Presidential candidate, Friday said the country needs the B-1 bomber and the Joint Chiefs of Staff should be replaced with a central military staff.

Glenn made the recommendations in a study, "Rethinking Defense and Conventional Forces," for the Center for National Policy, an independent policy institute chaired by former Secretary of State Cyrus Vance.

"We need the B-1 bomber, because the aging B-52's will not last forever and the 'Stealth' is too far in the future and technically too uncertain to depend upon today," Glenn said.

In calling for replacement of the Joint Chiefs of Staff, Glenn said, "Our central military staff organization was designed during World War II, and it is no more suited to current needs than would be the weapons of that era.

"It is time to follow the lead of the British and most other modern powers, and establish a central military staff that is not controlled by the bureaucracies of the four military services—one that can recommend hard program choices, and that can give useful military advice to the civilian leadership," Glenn said. "The present system is overdue for modernization."

Glenn also called for a new class of smaller submarines. "We can afford these things without undue sacrifices," Glenn said.

In the same study, Robert Komer, former national security council official and former Deputy Secretary of Defense, said canceling systems like the B-1, two more carrier battle groups, and the Maverick and Viper missiles could pare $100 billion from the cost of Reagan's five-year, $1.7 trillion military plan.

Komer said the "service-dominated" Joint Chiefs of Staff "is structurally incapable of * * * advising on spending priorities if service oxen would be gored.

"Hence, JCS reform is crucial to sound conventional force decisions. Civilians in the Office of the Secretary of Defense, the National Security Council and Congress need—and are entitled to—more and better military advice than the current system permits."

Barry Carter, former senior counsel to the Senate Select Committee on Intelligence activities and former member of the National Security Council staff, did not address the B-1 issue directly, but did call for strengthening conventional forces "often ignored in the intense public discussion of large, expensive nuclear weapons systems like the B-1 bomber and the MX missile."●

NATIONAL DAY OF GREEK INDEPENDENCE

● Mr. KENNEDY. Mr. President, tomorrow marks the 162d anniversary of Greek independence from the Turkish Ottoman Empire.

On this occasion, we are reminded again of the deep and abiding commitment of the Greek nation to freedom, to justice, and to democracy. We are reminded of the strong and continuing ties between Greece and the United States—and of the major contribution Greece has made to America through generations of Greek Americans and through its great civilization and political and economic traditions.

But we are also reminded of the continuing tragedy in Cyprus, and of the need for a lasting political settlement based on the legitimate rights of both the Greek majority and the Turkish minority. We are reminded of the wise precedent set by the Congress in maintaining a ratio of 7 to 10 in aid appropriated for Greece and Turkey, a ratio which would be broken by the administration's most recent proposals for military aid to Turkey. In presenting its request, the Reagan administration is asking the Congress to tilt unfairly against Greek democracy and toward the rightwing military dictatorship in Turkey, and to become a partner in the unjust Turkish occupation of the island of Cyprus.

Apparently, the administration's concern over the fate of U.S. military bases outweighs its support for democracy and human rights in the eastern Mediterranean. The cornerstone of postwar U.S. foreign policy—the Truman doctrine—was based on a deep commitment to democracy in Europe, and most notably in Greece. To reduce our affinity for that country, the cradle of democracy, in order to bolster the entrenched military government in Turkey, is contrary to sound and long-accepted American foreign policy.

The United States must continue to be steadfast in our commitment to democracy, political liberty, and economic progress and social justice throughout the world. Greece should be commended for the standards it upholds in these areas and, on this occasion of Greek national day, we should recall the vital ties between our two nations and reiterate our strong support for the vital and close working relationship between the United States and our Greek allies.

Mr. President, George P. Livanos will make tomorrow an eloquent statement on United States-Greek relations and our Nation's policy in the Eastern Mediterranean. Mr. Livanos is an outstanding leader of the Greek-American community and a close and trusted adviser to me and many other Members of Congress. We join in congratulating him for his selection as grand marshal of the Greek Independence Day Parade in New York, and I request that the full text of his remarks appear at this point in the RECORD.

The remarks follow:

STATEMENT BY GEORGE P. LIVANOS, GRAND MARSHALL, GREEK INDEPENDENCE DAY PARADE

On March 25th we celebrate Greek Independence Day.

In 1821, the Greeks sacrificed their lives to free themselves from 450 years of enslavement by the Turks. We Greek-Americans can never forget this struggle and we must remind ourselves of our inheritance from the classical Greeks who gave the "torch of democracy" to the Western world.

America now carries the "torch of democracy" and is supported by its Declaration of Independence and Constitution to protect it for all humankind.

Today as we parade on Fifth Avenue celebrating our independence, we must reaffirm our resolve to stand by America and the principles for which we both aspire. We must remind ourselves of the moral responsibility of the values we learned from our forefathers to preserve and protect liberty and democracy.

We Greek-Americans knowing from history the tyranny and oppression suffered under Turkish rule, cannot stand idly by letting the present Administration continue their policy of military and economic aid to Turkey. We feel it is wrong to support a military junta government in Turkey which suppresses the freedom of the Turkish people, its political and religious leaders, suppressing it in a cruel and brutal way.

We must remember that for the last 10 years the beautiful island of Cyprus has been occupied by Turkish forces and that the Turkish Cypriots are looking to America to help gain their freedom. The impoverished Turkish Cypriots need help as well as the 200,000 Greek Cypriots who have been kicked out of their homes and are praying and looking forward to going back to their own villages.

If we want to improve and strengthen the Turkish Army for the NATO mission, let us ask them first to get out of Cyprus. Ask them to withdraw the troops in the Greek frontiers and their landing crafts in the Aegean Sea. Surely this does not serve the NATO mission.

Turkey has never been an ally to America. It was Greece who fought the Nazi Germans and the bayonets of Mussolini. If we keep giving military aid to Turkey, we will create enemies of the Turkish people. Does the present Administration, the Pentagon and State Department realize that this will come back to haunt us when the lid is lifted and a rebellious, religious uprising takes place?

Does our present Administration realize that the arms American taxpayer money is giving to the Turks may be turned against Israel and Jerusalem in a religious war?

Let our money be spent in America to create jobs, to feed the hungry and fill our children's lunchboxes, to protect our elderly, to strengthen our Social Security, to build up our defenses and to decrease our deficits. Our priorities should be America first and definitely not the junta government of Turkey.

We celebrate independence today and our obligation and responsibility is not to lose it. America carries the "torch of democracy" and we believe in America and know it is in good hands. Don't shatter our beliefs in America. Don't let the Greeks down. We look to America to protect our freedom and remind our American brethren of the words put down in the Greek National Anthem:

FREEDOM

I recognize you from the fearful sight of the sword. I recognize you from the edge when it cuts deep down the earth.

I salute Freedom which as in the past rises valiant from the holy bones of the Greeks.

Freedom, I rejoice and salute you.

America: It is the Greeks who are and always will be your ally!●

SAFEGUARDING NATIONAL SECURITY INFORMATION

● Mr. DURENBERGER. Mr. President, the recent Presidential directive on safeguarding national security information has aroused proper concern. It carries the risk of severe abuses. Indeed, this directive and last year's Executive order on national security information could undermine public acceptance of the whole system for protecting national secrets.

The problem of leaks is a real one. Disclosures of classified information have caused real damage to the national security, and there is a clear need to remind people of the obligation to keep these secrets. But our sense of obligation must rest on more than lie detector tests, censorship, or crackdowns on contacts with the press.

How can we maintain that sense of obligation? First—and most importantly—there must be public confidence that the secrets are worth keeping. Second, those with access to secret information must be confident that decisionmakers are being presented all the relevant information. Until these twin foundations are made more secure, the edifice of secrecy will continue to be undermined by both public and bureaucratic cynicism.

Last year's Executive order reduced public confidence that our secrets were worth keeping. The idea that classified information must be information the unauthorized disclosure of which would cause "identifiable" damage to the national security was swept away. So was the idea that those who classify information should weigh the need for secrecy against "the public interest in disclosure." These approaches had been particularly useful because they required a more thoughtful approach to classification decisions. Last year's order replaced thoughtfulness with mechanical routine. This can only lead more people to question whether national secrets truly deserve protection.

It was because of this concern that I introduced the Freedom of Information Protection Act, which I will soon reintroduce for consideration by the 98th Congress. Congress cannot take over the classification system. But we can protect the Freedom of Information Act, which is a crucial safeguard for the public. And by maintaining a standard of thoughtfulness at least in FOIA decisions, we can help maintain public acceptance of secrecy for the information that is not released.

The new Presidential directive seems to substitute force for obligation. This may be necessary in a cynical age, but each provision can easily be abused. Lie detectors can be used to harass low-level employees, even though the big leakers are almost invariably senior officials. Prepublication review can be used to delay or present publication of embarrassing information, rather than real secrets. And limitations on press contacts may serve merely to insure that the only leaks are those that favor existing policy.

Moreover, the new Presidential directive is impractical, for it fails to shore up those twin foundations of confidence on which the protection of national secrets rests. It comes from an executive branch whose most searching leak investigation dealt with embarrassing budget figures, rather than vital secrets. It is undermined whenever a CIA Director tells the press about his classified budget or his covert action operations. It will not stem the tide of cynicism while the Defense Department selectively declassified sensitive information whenever it wants a larger defense budget.

Presidential directives are all well and good, but an end to mixed signals would do more to protect our secrets than will a hundred prepublication reviews of memoirs or novels. Some strong administrative action against the next senior official who leaks classified information that supports administration policy would do more than a thousand lie detectors. I am sure that there will be opportunities for such leadership; I will be looking to the President to provide it.

Mr. President, I ask that the editorial "Domestic spying and free speech," from the Minneapolis Star and Tribune be included in today's RECORD.

The editorial follows:

DOMESTIC SPYING AND FREE SPEECH

Sometimes the government must spy on a citizen to protect the public interest. That is why the FBI must have freedom to investigate suspected criminals. But citizens who aren't suspected of breaking the law should not have to endure governmental intrusion. That is where the Justice Department's new guidelines for FBI domestic spying fall short.

The new guidelines, which took effect yesterday, mark the first comprehensive revi-

sion of the spying rules since Gerald Ford's attorney general, Edward Levi, cracked down on FBI investigations of domestic "subversion" in 1976. Surveillance of unpopular political groups, the Levi guidelines said, can be justified only when reason exists to believe a crime has been or will be committed. Levi's rules required agents to consider citizens' rights to privacy and free expression before conducting a full investigation.

The new guidelines are a step backward. Among other things, they allow the FBI to infiltrate organizations for a "preliminary investigation" before the FBI has a "reasonable indication of criminal activities." They permit the monitoring of organizations that have a suspicious history but are currently inactive. And they encourage the FBI to investigate groups or persons who publicly advocate "criminal activity" to achieve "political and social change."

Perhaps the guidelines could be used for good ends. But they could also be used to persecute citizens who have done nothing wrong. Critics raise some interesting questions: Could the guidelines be used to justify spying on members of a political party that advocates revolution in the far future? What about an individual who exhorts young people to resist the draft? Or a human-rights leader who urges civil disobedience to promote social change? Could the new rules leave these citizens vulnerable to FBI investigation?

That kind of radical-chasing seems at least possible. The guidelines allow full-fledged spying on the basis of advocacy alone. But American citizens have always been free to speak out without fear of inviting government surveillance. The new FBI rules will unnecessarily chill dissent and endanger that freedom. Congress should write rules for the FBI that protect citizens' right to speak—and pass the rules into law.●

GREEK INDEPENDENCE DAY

● Mr. TSONGAS. Mr. President, Friday, March 25, marks the 162d anniversary of the Greek War of Independence from Turkey in 1821. We of Greek-American heritage can be especially proud of our ancestry. Democracy, freedom, and justice have their beginnings in ancient Greek civilization.

Greeks have traditionally been a proud and industrious people, bound by common beliefs in a strong family unit, education, and respect for individual rights. These values have been handed down from generation to generation and are firmly implanted in the Greek-American families and communities in the United States. Contributions of the sons and daughters of immigrant tailors, restaurant workers, and small businessmen such as my grandfather, who operated a dry-cleaning store in Lowell, Mass., have been felt in every area of American life. The grandchildren of these determined settlers are graduates of the most prestigious American universities and are our doctors, lawyers, artists, professors, and Government leaders. Surely my grandfather, George Tsongas never imagined when he slept on newspapers in Lowell, penniless after his arrival in America in 1911, that his grandson would be speaking about him in the Chambers of the U.S. Senate 72 years later. These are the ties that bind us to our homeland, not the rhetoric of past or present administrations.

But we are faced with present-day strains in relations between the United States and Greece. President Reagan's proposed increases in aid to Turkey without subsequent consideration of Greece's foreign aid have placed tremendous pressure on U.S. base negotiations with the Greek Government.

Even with the most recent administration request, which increases funds for Greece contingent upon a satisfactory conclusion to the base agreements, serious damage has been done to United States-Greek rapport. We must retain the 7 to 10 ratio in order to preserve the military balance among our NATO allies in the Aegean.

Mr. President, Greece and the United States have a long history of friendship and respect, dating back to the Greek War of Independence in 1821. We must continue to work toward peaceful solutions to our common interests and problems, not only in Cyprus and the Aegean, but wherever freedom and justice are denied.●

DRUG ABUSE: A GROWING THREAT TO OUR SOCIETY

● Mr. BIDEN. Mr. President, I have stood before in this Chamber to discuss the problems of drug abuse in this country. As the ranking member of the Senate Judiciary Committee I have talked about the street crime that results from addicts seeking a means for supporting a $300-a-day heroin habit. A recent study by the Bureau of Justice statistics indicated that 78 percent of the inmates in State prisons admitted to having used drugs and one-third of those interviewed stated they were under the influence of an illegal drugs when they committed their crime.

I have also talked about this $80 billion a year illegal business that spawns corruption in Government and law enforcement agencies and has involved the laundering of drug money through legitimate banks, brokerage houses, and real estate investments. The alleged charges against John DeLorean further highlights the lucrative nature of the drug trafficking business that has attracted those in all income levels of our society.

I could go on about the international aspects of the drug problem and our inability to coordinate our Federal interdiction and enforcement efforts but you have all heard my proposals for a Cabinet-level official to coordinate and focus the 10 Federal agencies currently involved in drug interdiction and enforcement. I might add that I intend to bring that issue before the full Senate again this Congress based on the bipartisan support the Cabinet-level drug coordinator proposal received last time.

Today I wish to draw attention to two newspaper articles that was printed in the New York Times on March 21 and 22, 1983. These two articles were entitled, "U.S. Social Tolerance of Drugs Found on the Rise" and "Drug Abuse in America: Widening Array Brings New Perils." The message of these articles was that the growing availability and acceptability of illegal drugs is causing profound social changes in American society. The articles include examples of commonplace occurences of drug use that in the past would have been alarming and unacceptable behavior. In 1962, only 4 percent of the population had ever used an illegal drug, 20 years later, 33 percent of the American population over the age of 12 have used illegal drugs at some time.

The articles point out the wide range of problems that drug use has caused our society from the readiness of our military personnel, to automobile accidents, to the street crime I have mentioned earlier.

Mr. President, we cannot wipe out the flow of drugs in this country. We cannot win a war against drug trafficking. There clearly is too strong a demand and too much of an available supply.

What we can do is focus our resources and coordinate a two-pronged strategy that involves, one, education and prevention effort, and, two, better drug eradiction, interdiction, and enforcement. I think the efforts made by the administration and Mrs. Reagan, personally, in promoting drug education and volunteer prevention programs is commendable. But volunteer programs will not be enough. We need to develop and support education programs that start with our very young in elementary school and tell them the facts about drugs. We need to increase, not cut, funding for treatment programs for drug abusers and we need to indentify these young people before they destroy their lives.

In 1980, following a trip I made that tracked the flow of heroin from the poppy fields of Southwest Asia to the streets of America I made 17 recommendations in a report I titled, "The Sicilian Connection." These recommendations were directed at five goals:

First. Dampening U.S. demand for heroin.

Second. Developing a more coherent Federal strategy.

Third. Strengthening the Justice Department's response to organized crime.

Fourth. Developing a more coherent long-term international strategy.

Fifth. Bilateral initiative in countries where heroin is produced or transhipped.

Although some of these recommendations have been acted on there is still much that needs to be done. In the near future I will be presenting additional recommendations so we can move forward in achieving these goals.

We must continue to work toward these goals for reasons that are noted in these two articles. The potential consequences of not making drug abuse a high priority in this Congress will mean further damage to this great country in ways I believe are more threatening than any threat we currently face from any foreign nation.

Mr. President, I ask that these two New York Times articles be printed in the RECORD in their entirety.

The articles follow:

[From the New York Times, Mar. 21, 1983]

U.S. SOCIAL TOLERANCE OF DRUGS FOUND ON RISE

(By Glenn Collins)

Social scientists believe that the level of public tolerance of the use of illegal drugs is continuing to rise in all levels of American society.

They say, further, that the growing availability and acceptability of these drugs is effecting profound social changes that have neither been fully acknowledged nor fully understood.

The signs of the raised level of acceptance are widespread.

At a rehearsal break in a recent Manhattan practice session of an Ivy League alumni choral group that counts stockbrokers, lawyers and corporate executives among its membership, one successful businessman held out a bit of hashish to a fellow singer, aged 49. "Have some?" he asked.

At 9 A.M. the other morning on the Brooklyn Heights promenade, a youth in a blue windbreaker, took a deep drag on a marijuana cigarette. None of the joggers and walkers nearby gave him a second glance.

In an office of a university in New York, a professor who had traveled from the Midwest for a job interview inquired solicitously about the health of the sniffling department head sitting behind the desk before her. "Oh," he said offhandedly, "that's not a cold. I've been doing too much cocaine lately."

"In a very short time, cultural patterns have changed dramatically," said Dr. Richard Jessor, a social psychologist who is director of the Institute of Behavioral Science at the University of Colorado at Boulder. "It is not normal for the majority of young people to have experience with a range of substances that was unavailable to previous generations. And that raises important and interesting questions for social policy that haven't been addressed."

Dr. Norman Zinberg, professor of psychiatry at Harvard University, said: "nobody in the United States is more than one handshake away from virtually any drug they want to get. Drugs are used in every stratum, across the board, from blue-collar people to professionals. There is no distinction between 'heads' and 'juicers' anymore."

Dr. Jessor's and Dr. Zinberg's views were generally reflected in a series of interviews and a survey of the opinions and findings of drug-abuse experts, medical and treatment authorities, drug users and law-enforcement officials across the nation.

Some of these experts say that drug use has become so widespread that it often goes unnoticed, and that, in focusing on the dangers of specific drugs like cocaine, society has overlooked the very phenomenon of drug use itself. They view with increasing alarm the availability of illegal substances including cocaine, marijuana, heroin, LSD, angel dust and the nonmedical use of tranquilizers, Quaaludes and diet pills.

And they are deeply concerned over what they regard as a wide variety of subtle or hidden costs that result from the pervasiveness of drug use and its consequent "acceptability." These experts see the effects of such substances in tragic indicators like emergency room statistics and automobile-accident rates, and insist that there are equally important costs in the workplace, schools and family life.

Others say, however, that the long-term social effects are not entirely clear. They contend that most people now using drugs have successfully integrated them into their lives to help cope with stress, and that the overall results may not necessarily prove harmful to society.

These authorities, while deploring the misuse, say that people's sophistication about the dangers inherent in different drugs is increasing. An alarmist view cannot be supported, they contend, by recent Federal statistics. These studies show either a decline or a stabilization among American youth in the use of most types of drugs.

All seem to agree that there is now a basic paradox in social attitudes toward drugs.

"Society is giving all of us a double message," said Dr. Robert E. Gould, professor of psychiatry and associate director of the family life division of New York Medical College. "On the one hand, we are told, 'Don't take illegal drugs.' At the same time, this is a drug-taking culture and a drug-encouraging culture. Look in anyone's medicine chest and see how many drugs Americans rely on. Drug-taking is often portrayed in the media as glamorous and chic. And the message the commercials give is: If you have a problem, take a pill."

DEPENDENCE ON CHEMISTRY SEEN

Dr. Gould does not suggest that taking aspirin is the same as taking heroin. "But the cumulative effect of these messages is," he said "that you won't have to suffer, chemistry can give you an answer, the route that drugs offers is the easiest way to get out of anxiety. It focuses on instant gratification, and not on solving the underlying problems."

The substance available in this $90 billion-a-year marketplace have become so diverse, and some so new, that even the experts cannot keep track of them all.

"The selection in the delicatessen of drugs is much greater than it's ever been," said Dr. M. Duncan Stanton, director of research for the Addicts and Families Program at the University of Pennsylvania School of Medicine and the Philadelphia Child Guidance Center. He conducted a nine-year study of hard-drug users.

"Most societies since the beginning of time have had intoxicants and integrated them into rites if passage like weddings or celebrations," said Dr. Robert B. Millman, director of the Alcohol and Drug Abuse Service at the Payne Whitney Psychiatric Clinic in New York.

"But these societies were using the one or two substances endemic to that area," he said, citing alcohol as an example. "Most people didn't get into trouble with these substances—they were integrated into the society, in the sense that people knew how to control them.

"The ominous thing about the present-day Western culture is that we have access to all intoxicants from all societies, and we don't know how to control them. This can be very dangerous to those who are at risk: the young, the psychologically disturbed and the disadvantaged."

YOU CAN GET ANYTHING YOU WANT

That availability cuts across age, class, professional and geographic distinctions. "You can get anything you want, anywhere," said 15-year-old Eileen Otero, who grew up in Queens and Manhattan, and now attends a parochial high school on Manhattan's East Side. "Drugs are all over. I never go a day without someone offering me weed."

Availability is no doubt a key factor in widespread use. In the general population, the increase in use of illegal drugs has been dramatic in the last two decades. In 1962, less than 4 percent of the population had ever used an illegal drug. Two decades later, according to the National Institute on Drug Abuse, 33 percent of Americans age 12 and older reported having used marijuana, hallucinogens, cocaine, heroin or psychotherapeutic drugs for nommedical purposes at some time.

The increase in cocaine use, particularly, has been substantial, doubling among those over age 26 in the three-year period from 1979 to 1982. The 1982 survey was based on 5,624 Americans living in households at a fixed residence and is projected on national census figures.

Sixty-four percent of American young people have tried an illegal drug before they finish high school, and more than a third have used drugs other than marijuana, according to another 1982 National Institute study. The research showed that 59 percent of the seniors had tried marijuana, 16 percent had tried cocaine 10 percent had tried LSD and 1 percent had tried heroin.

Nearly all young people, 93 percent, had tried alcohol. The high use of alcohol among young people is, of course, not a new phenomenon in America, but its use in conjunction with drugs is regarded as a growing problem.

Some observers say the overall statistics themselves illustrate the new level of social tolerance and are not overly concerned.

R. Keith Stroup founded the National Organzation for the Reform of Marijuana Laws in 1970, and is now a lawyer practicing in Washington.

"I think marijuana gained respectability as the people who smoked it gained respectability," he said. "The great number of middle-class recreational drug users use them like their parents used alcohol."

But many of those who treat the casualties of this quiet transformation are worried about its effects.

"The culture just isn't seriously looking at soft or recreational drug use as a health problem," said Dr. Mitchell S. Rosenthal, a psychiatrist who is president of Phoenix House in Manhattan, the nation's largest private drug-treatment program. "Everyone wants to talk about the newest drug—cocaine or valium or angel dust. And what that ignores is that the culture just naturally takes for granted that there will be a new drug."

Dr. Rosenthal believes that drug abuse is an insufficiently recognized factor in the national statistics on suicide, auto and other accidents, plane crashes, mental break-

downs, work-related problems, truancy and teen-age pregnancies. Since the role of drugs is usually ignored in tallying such statistics, it is difficult to measure precisely.

LINK TO ACCIDENTS TABULATED

However, 6 percent of those in New York State, 729,000 people, it is estimated, had in the last six months driven an automobile while feeling the effects of drugs, according to the most recent study of drug use among state residents. It is estimated that 58,000 New Yorkers reported having automobile accidents while driving under the influence of drugs. The study, a 1981 survey of 3,500 New Yorkers residing in households, was conducted by the state's Division of Substance Abuse Services.

As a result of using drugs, the study showed, an estimated 618,000 state residents experienced problems in work or school, 565,000 experienced problems with family and friends, and 443,000 experienced health problems.

The researchers reported that residents with household incomes of $50,000 or more had the highest drug use in the state, and 6 percent, an estimated 51,000, of these residents were considered to be serious abusers.

In specific incidents, drug abuse has caused everything from snowmobile accidents to drownings.

"The only subgroup in our society that has showed an increase in mortality rates is our adolescents," said Dr. William Pollin, director of the National Institute on Drug Abuse. "That trend is also true for accidents, homicides and suicides, and many of those trends may be related to drug and alcohol use." Though drug use among the nation's youth has generally declined, he said, "We are still the country with a higher level of drug use among young people than any other country in the world."

In the workplace, drug use is reported to have been directly involved in everything from train wrecks by marijuana-smoking engineers to the arrests of nuclear power-plant guards by the Oregon State police for using marijuana, amphetamines, cocaine and LSD.

COST TO EMPLOYER ESTIMATED

Industry studies have estimated that drug or alcohol abuse costs an employer at least 25 percent of a worker's salary in loss of productivity, poor attendance and increased medical benefits. The economic, social, health and crime-related losses caused by drug abuse in a single year have been placed at $10 billion to $20 billion, according to the Blue Cross and Blue Shield Associations.

Among professionals, doctors have traditionally been singled out for abuse problems because of their easy access to drugs. But the problem exists among other professional groups as well.

"This is in every way a conservative community," said a highly placed court administrator in a major Middle Western state who requested anonymity. "But I know prosecutors who regularly prosecute marijuana cases and smoke pot at the same time."

She said that although the stresses of their trade had long made trial lawyers vulnerable to alcohol abuse, younger lawyers were combining alcohol with other drugs. "Don't imply from what I'm saying that it's just lawyers," she continued. "Lots of cocaine is used and sold by other professionals in this town."

"One sitting criminal court judge," she said, "who has a reputation as a tough sentencer in cases involving possession of cocaine and heroin, once lectured me about how provincial I was about not using cocaine myself. He told me I should grow up." In other words, that she should have used cocaine, as he had.

"What really bothers me is the hypocrisy of it," she continued. "Sentencing people to the terrible prisons we have in our state for things the prosecutors are doing themselves."

PERSISTENT PROBLEM IN MILITARY

For another large employer, the military, drug use has been a matter of concern since the Vietnam War, and is a persistent problem. According to a 1981 study by the House Select Committee on Drug Abuse, two thirds of the sailors on the aircraft carrier Forrestal, including the men who launch F-14 jet fighters, regularly used marijuana and pep pills to relieve the fatigue of working 16- and 18-hour days.

Assertions about the effects of drugs in the workplace are often simplistic, said Dr. John C. Kramer, who, in the Nixon Administration, was an associate director of the White House Special Action Office for Drug Abuse and Prevention.

"People tend to forget that lots of jobs are very boring," said Dr. Kramer, a psychiatrist who is an associate professor at the University of California at Irvine. "For a carpenter who has to hit the same kind of nail in the same spot on the same pieces of wood all day, marijuana may be the only thing that makes his hammering seem new."

Perhaps the least statistically measurable hidden cost is the effect of drug abuse on American families. "Unquestionably there is a cost in family life," said Dr. Kramer. "In all family problems, ordinary conflicts can be exaggerated when an individual is using drugs."

WEAKENING OF PARENTS SEEN

Dr. Stanton of the University of Pennsylvania says changes in the structure and transience of American families have increased their vulnerability to drug abuse and other problems.

"Social, economic and cultural changes have altered family patterns, taken supports away from parents and weakened them," he said. "It has blurred the difference between parents and kids."

Such abstract social trends are evident in the real-life experience of one family. "My drug use forced the family to confront many issues that were not out in the open," said 18-year-old Debbie Marks, a New York University freshman who lives in Manhattan. She started smoking marijuana and drinking in the seventh grade, after her parents' divorce.

By the age of 16, she was finishing a bottle of Jack Daniels every night, and was experimenting with LSD during the day, having tried everything else but heroin. In 1981, she entered a treatment program at Phoenix House and, after a four-month battle with her multiple addiction, has been drug-free for 14 months since.

"I was very naïve," said Mrs. Marks. In Debbie's treatment, Mrs. Marks joined family-therapy sessions with her 20-year-old son Scott, and with her former husband, Sam, and his wife, Bonnie, and with Debbie.

"I think that parents have to take over and be parents again," she said. "When I was growing up, my parents said no and that was it—but I wanted my children to be my friends. And that was wrong.

Dr. Pollin of the National Institute on Drug Abuse says one should remember that social toleration of some drugs is not necessarily the same as approval. "There is much less shock value now involved in, say, seeing someone smoking a joint or using coke," he explained. "But there has also been a trend countering that: the steady and accelerating passage of legislation banning head shops, which has been a grass-roots movement."

CLOSING OF SHOPS SOUGHT

In many communities across the country, antimarijuana organizations have attempted to shut down paraphernalia outlets, efforts that have paralleled the attempt to get drunken drivers off the road. The backlash against drugs has included a network of patent-initiated support groups, drug-information meetings and drug-treatment-referral networks.

Dr. Pollin believes that drug use as a phenomenon peaked between 1977 and 1979. In his organization's student surveys, the 1982 results showed a drop from 1981 in the number of high-school seniors who used marijuana daily, monthly or had used it in the last year. And daily use of marijuana among high-school seniors declined for the fourth successive year, from 10.7 percent in 1978 to 6.3 percent in 1982.

"It may be, as some have speculated, that our young people are beginning to heed the Government's health messages," said Dr. Ira Cisin, professor of sociology at George Washington University, who directs the Federal agency's national survey of Americans in households. "We do not know whether the downturn in marijuana use reflects a temporary economic slump or a continuing shift to more conservative behavior."

CHANGE IS RELATED TO AGE

In contrast, thought, among those over age 26, the use of cocaine, marijuana, hallucinogens and stimulants reported in the study is rising, though not dramatically, save in the case of cocaine. In addition, the number of emergency-room visits and deaths involving drug abuse have increased among those age 30 to 39, unlike the patterns for younger age groups.

According to reports from the agency's national Drug Abuse Warning Network, there was a doubling of reports involving cocaine from 1979 to 81, the most recent statistics available; and there was a sharp increase, from 1,910 to 3,479, of reports involving heroin.

Dr. Pollin and a number of other experts attribute the contradictions between declining drug use among the young and rising drug use among older groups to the lingering effects of the 60's-generation culture on the rest of society. "The flower children of the 60's are now approaching middle age and they are bringing with them the residue of habits formed in earlier years," said Dr. Cisin.

Not everyone accepts that view, however. "I don't have the sense that we can attribute this to a group with a specific problem that is wending its way through the age pyramid, and then the problem comes to an end," said Dr. Jessor. "It seems unlikely that the drug problem is going to 'age itself out' of the population—that's rather wishful. Looking at it from the larger culture, drug use in general is an institutionalized phenomenon."

HE SEES PROCESS OF INTEGRATION

Whether or not drug use has reached that status yet, Dr. Zinberg of Harvard says a number of illegal drugs are undergoing a process of societal integration. "Of course it poses problems for those who are vulnerable

to abusing these drugs," he said, "but a lot of the use has developed into what I call controlled usage.

"Most of these drugs are introduced with a bang," he continued, "and they are greeted with enormous hysteria. The process is not complete, but the large majority of people know how to control them. Hysteria has been replaced by a knowledge of the boundaries of these drugs."

Some drugs are much harder to control than others, he said. "I'm not happy about the extreme availability of cocaine," said Dr. Zinberg.

"We can reduce trafficking by making it prohibitively difficult for people to try it," said Francis M. Mullen, Administrator of the Drug Enforcement Administration.

Dr. Kramer agrees that it is necessary to control the availability of illegal drugs, but he says that to expect their elimination is unrealistic in an open society.

"As the stringency of controls increases," he said, "the social problems associated with the control of drug use become greater and greater. So, as you lengthen sentences and tighten up, you get more problems involving black markets and organized crime, and you get more invasion of privacy and fundamental liberties."

SEES IT AS TASK IN GROWING UP

Dr. Jessor of the University of Colorado says coping with the presence of drugs may have become a kind of rite of passage for young people. "It may now be a developmental task that young people need to come to terms with," he said, "like separation from parents, career development, and sexuality. And so we ought to focus on education and provide the kinds of information and skills for the least irresponsible use of these substances."

Dr. Pollin offered a final, disquieting note on the future of the nation's drug culture: "The laboratories that produce ever more potent psychoactive drugs are going to continue their efforts. The number of drugs out a decade from now will be twice as great as they were 10 years ago. The problem will never go away. It will be more complex."

[The New York Times, Tuesday, Mar. 22, 1983]

DRUG ABUSE IN AMERICA: WIDENING ARRAY BRINGS NEW PERILS

(By Harold M. Schmeck, Jr.)

American hotel guests in Cuzco, Peru, 12,000 feet high in the Andes, are sometimes surprised at being offered coca tea to help them adjust to the altitude. But it seems to help and they probably suffer no ill effects. Peruvian Indians have been using it for generations.

"At the other end of the spectrum," said Dr. Robert Byck of Yale University, an expert on cocaine, "is a man I encountered who was spending $400,000 a year, buying cocaine by the half pound, and shooting it intravenously. He was sitting in a blacked-out cellar with an M-1 rifle, shooting at his hallucinations."

The man in the basement and the hotel guests in Cuzco were taking the same drug.

The two uses point up the dramatic difference in reactions to which many Americans are now subjecting themselves. Use of illicit drugs is continuing to rise among American adults, and social scientists believe that to a large extent this usage has become increasingly "acceptable" on all levels of American society. To medical experts, such acceptance represents dangerous ignorance. "The selection in the delicatessen of drugs is much greater than its ever been," says Dr. M. Duncan Stantan of the University of Pennsylvania School of Medicine. Some of these natural or artifically produced chemicals are new or recently produced variants of older forms that are better understood than the new ones.

Some experts believe the biology of drug abuse is becoming more and more complex, as new compounds, become available. In one recent tragic instance, three men and a woman in California developed serious, crippling conditions after taking a synthetic drug they had been sold as "new synthetic heroin."

In fact, the drug, known to chemists as MPTP, was an industrial chemical. What happened to the four who used it showed that the chemical is a potent and remarkably selective poison for brain cells. Three of the four patients were hospitalized, according to a report in Science from Stanford University Medical Center. All three were almost totally immobile, unable to speak intelligibly. They had fixed unblinking stares and drooled continually. The fourth, treated as an outpatient, had a short-stepped slow, shuffling gait and was otherwise similar to the other three.

The report said the patients appeared to have suffered damage to a specific region of the brain called the substantia nigra, producing effects that bore "a remarkable clinical resemblance to Parkinson's disease." An ironic twist to the tragedies was that the patients' attempt to get "high" in a new way may have given science an important clue to the cause of parkinsonism.

Dr. Sidney Cohen of the University of California at Los Angeles said the traditional substances of abuse are being augmented by several entire series of new synthetic variants and "look-alike" drugs. "This kind of chemical smorgasbord is going to increase," he said.

Another expert, Dr. Jerome H. Jaffe of the University of Connecticut, said nevertheless that most current drugs of abuse, even some that have an aura of novelty, were actually old familiar chemicals.

It is clear from much experience, that effects depend on the chemistry of the drug itself, the amount used, and also on many other circumstances—how, when, where and why it is taken. Second, the effects of any illicit drugs depend greatly on unpredictable elements: the concentration and purity of the drug and the nature and amounts of the contaminants that go with it.

Cocaine use among adults in the United States has risen more rapidly in recent years than any other drug, according to the National Institute on Drug Abuse). It is an almost perfect example of the new attraction of the old and the biological complexities of current usage. Cocaine's effects depend greatly on why and where it is taken, the amount and frequency of use, the route of administration, the dilution of the dose and the chemistry of the diluents.

It clears from the blood rapidly so that a user must take it frequently to maintain the effects. Sleeplessness, loss of appetite and, when drug effects wear off, anxiety and severe depression may result.

The drug is a natural plant substance called an alkaloid, one of a large family of chemicals. Others include nicotine, caffeine, morphine, quinine and strychnine. Like these, cocaine has its legitimate uses. It is a local anesthetic employed in ear, nose and throat operations and, formerly, in surgery on the eye. Applied to mucous membranes with a swab, it is readily absorbed into the blood.

For nonmedical purposes, cocaine has been used in a bewildering variety of ways: by chewing the coca leaf, eating the alkaloid (purified to varying degrees), sniffing it as a powder, smoking cocaine paste or heating it and inhaling its vapors, or taking it by injection. Cocaine was used by the ancient Peruvians in religious ceremonies, and was made available by the Spanish to their Indian slaves because it seemed to improve performance and increase physical endurance.

The reported effects are euphoria, a sense of power, clarity of mind and, although the drug is a powerful stimulant, a sense of calmness. The drug raises heart rate, blood pressure and body temperature, and often dilates the pupils. Large overdoses can cause high fever and fatal convulsions.

Cocaine is taken up quickly by the blood and is absorbed readily in the brain. The form called free base in this country, is commonly smoked and is extremely dangerous.

Whether cocaine is addictive is a matter of debate, often obscured by differences in definition. Users do not suffer the same agonizing withdrawal effects as users of the opiate narcotics, experts say. But heavy users can experience deep mental depression in the drug's absence, and show powerful compulsion to continue taking it.

Cocaine's anesthetic effects are believed to be caused by the drug blocking nerve signal transmissions from nerve cell to nerve cell by hampering the flow of sodium ions across nerve cell membranes.

The elevated heart rate and blood pressure are attributed to a different sort of interference with nerve signal transmission. The effect is thought to be that of preventing nerve cells from again taking up a nerve signal transmission substance after they have discharged that chemical in transmitting a signal to adjoining cells. The process is known as re-uptake.

This effect, called prevention of re-uptake, is also the traditional explanation of the drug's powerful euphoric effects, but Dr. Byck said, it is probably not the real answer.

Chronic use can destroy tissues of the nose and lung as a result of diminished blood supply. Heavy use of the drug, particularly by injection, can produce serious mental effects, including hallucinations and psychosis. An extreme overdose may bring on fatal high temperature and convulsions. Cocaine users often say that occasional use via the nose will not necessarily have serious ill effects. But Dr. Byck emphasized that, while the statement may be true, it can be dangerously misleading. It is difficult for anyone to keep use of the drug "occasional," he said, and every compulsive user started out with single or occasional use.

STIMULANTS

Cocaine is one of the often-abused drugs that are classified as central nervous system stimulants. Of the others, the best known are probably amphetamine and its close chemical relatives. They are longer acting than cocaine, but share some other effects with it. The amphetamines produce excessive activity, restlessness, loss of appetite. Heavy users may suffer hallucinations, paranoia and, on sufficient overdose, coma and death.

There is also a growing category of "look-alikes," so called because they are packaged to look like amphetamines, but contain milder stimulants such as ephedrine, phenylpropanolamine and caffeine.

Public health experts like to include nicotine in discussions of drug abuse, because it

too can cause a habit difficult to break and because of the serious long-term health effects of its principal vehicle, the cigarette.

Marijuana, also taken customarily by smoking, is generally viewed as a drug with various effects. It clearly poses psychological dangers to adolescent users and many diverse effects have been attributed to it. The overall importance to health of the physical effects is still a subject of debate.

DEPRESSANTS

At the opposite end of the drug abuse spectrum from stimulants is an even larger category of psychoactive substances sometimes grouped under the general name depressants. They include the narcotics, opium, morphine, heroin and others; the many kinds of barbiturates; and the sleep-promoting drugs such as methaqualone.

These drugs may be taken to achieve a psychological "high," but their common action is actually to depress the activity of the central nervous system. Dr. Cohen said the effects perceived by the user depend on multiple factors of personality, expectation and social situation as well as on pharmacology.

The narcotics and many others in this broad category can produce classical addiction, with the development of tolerance and withdrawal symptoms that can be severe. They include restlessness, nausea, vomiting, chills and "gooseflesh," diarrhea and abdominal cramps. Heart rate and blood pressure may go up. Involuntary muscle spasms may add to the victim's agonies during the worst phase of the withdrawal.

In a chapter on drug addiction and abuse in the widely used medical text Goodman and Gilman's "The Pharmacological Basis of Therapeutics," Dr. Jaffe notes that tolerance does not develop uniformly to all of the actions of a narcotic drug. There may be stronger tolerance to one action than to another. But no single biochemical model seems able to account for all of the complex phenomena that are seen with the many classes of drugs that produce tolerance and physical dependence.

Dr. William Pollin, director of the National Institute on Drug Abuse, said alcohol should always be included in discussions of drug abuse because that particular depressant of the central nervous system is among the most widely abused of such drugs and probably contributes to more deaths, disabilities and human tragedies than any of the others.

HALLUCINOGENS

Another class of substances that figure importantly in the drug abuse world are the hallucinogens, including phencyclidien, known as PCP; lysergic acid diethylamide, known as LSD, and far older natural plant substances such as mescaline, produced by some cacti, and psilocybin, the main psychoactive ingredient in some species of mushrooms.

These too vary in their chemistry and probably in their specific actions, but, in a sense, they all seem to open the floodgates of brain activity so that the user may be deluged with internally produced perceptions—colors, odors and sounds and sometimes more structured hallucinations. A guide for physicians prepared by the American Medical Association said intoxication with these substances involves profoundly disturbed behavior and loss of contact with reality.

A booklet prepared by Blue Cross Blue Shield Associations in collaboration with the National Institute on Drug Abuse lists among possible ill effects of hallucinogens: "breaks" from reality, "flashback" experiences of the drug's effects long after its use has been discontinued, impaired memory and perceptions in some cases, anxiety and depression.

INHALANTS

Considered particularly dangerous by experts are some of the substances generally referred to as inhalants. These are a diverse group of volatile substances including gasoline, toluene, paint thinners, dry cleaning solutions, nitrous oxide and amyl and butyl nitrites. They vary in potential for harm, but some of the compounds, including toluene, can produce physical damage to the brain and some can give rise immediately to disturbances in heart rhythm that can be fatal.

"The intoxicating effect is immediate, though not long-lasting," the medical association's guide said of some of these inhalants. "The products inhaled are inexpensive, legal and readily available in the home or workplace, and the compact packaging of items such as glue or nail polish remover makes these easy items to carry in a pocket or purse."

A particularly dangerous practice, according to the guide for physicians, is that of placing a bag over the head to increase the concentration of inhaled vapor.

"Users describe the sensations evoked by inhalants as euphoria and excitement, accompanied by a feeling that 'something wonderful is about to happen,'" the publication said.

What may actually happen, drug experts say, is sudden death.●

FARMERS BATTLE AGAINST INFLATION

● Mr. ABDNOR. Mr. President, I have taken the opportunity on several occasions during this past year to call to the attention of my colleagues and the public of the tremendous contribution made by U.S. farmers in this country's battle against inflation. To a significant extent our victory over inflation has been won, at great cost, by the American farmer. Mr. President, during the last 12 months the price index of food consumed at home has risen but 0.8 percent—less than one-quarter the rate of increase in the consumer price index for all commodities and services. Why? While the costs of processing, packing, marketing and transporting food rose 5 percent during 1982, prices received by farmers for wheat dropped over 9 percent, corn prices plunged almost 19 percent, soybean prices declined over 16 percent, the price of potatoes down almost 27 percent and grapefruit prices were off 40 percent. And, with the exception of hogs, all prices received by farmers for livestock and livestock products, including poultry, declined during 1982.

And now, largely because of the resounding success of the payment-in-kind program, we are beginning to hear the whimpers which, we can all be assured, will build to crys of terror of skyrocketing food costs and the rapacious, greedy and heartless character of the "robber-baron in bib overalls."

I think it important, Mr. President, that we place in the public record at this time the relationship between the prices received by farmers for their products and the prices paid by consumers for these products in a processed, edible condition. For example, we should all take note that even should the price paid to farmers for food grains double, the retail price of cereal and bakery products should only rise 12 percent; only 12 cents of every retail dollar spend for cereal and bakery products goes to the farmer. In fact the farmer gets less than 35 percent of the retail cost of a market basket of food.

I ask that a table in this connection be printed in the RECORD.

The table follows:

Percent farm value of retail food costs, 1982

	Percent
Market basket	34.6
Meat products	50.2
Dairy products	49.6
Poultry	50.9
Eggs	62.7
Cereal and bakery products	12.0
Fresh fruits	31.4
Fresh vegetables	30.5

Mr. ABDNOR. Mr. President, words fail me in describing how disgusted I get listening to people cheer the economic recovery of the automobile industry, steel, housing, chemicals, construction and then lash out against the farmer for sharing in that economic recovery.

Mr. President, agriculture is in desperate need and deserving of an economic recovery. Let us all welcome and applaud it.●

CENTENNIAL BIRTHDAY OF LASALLE MILITARY ACADEMY

● Mr. D'AMATO. Mr. President, I rise in honor of the centennial birthday of LaSalle Military Academy in Oakdale, N.Y.

LaSalle Military Academy was founded in New York State by the Brothers of the Christian Schools. It was founded in Westchester County, but was relocated in 1926 to its present 172-acre estate on Long Island. The move to the new campus was fraught with difficulty as a construction workers strike halted the building of the scholastic and dormitory structure, thereby forcing the corps of cadets to spend the fall of 1927 sleeping in tents on the parade grounds.

Despite occasional setbacks LaSalle continued to grow during the 1930's. In 1935 it joined the Mid-Atlantic States Association and was awarded an Honor Reserve Officer Training Corps (ROTC) rating by the U.S. Army Department. Today, the school has a military honor school designation which gives it the right to nominate three of its graduates to each of the National Service Academies.

However, there is more to LaSalle Military Academy than the pomp and grandeur of its military parades, drills and ceremonies. Its academic program covers a wide variety of subjects, from English, mathematics, science, history and languages to computers and science research program. The present enrollment is 349 students. Last June 86 seniors graduated, 84 of whom went on to study at colleges and universities throughout this Nation.

Mr. President, LaSalle Military Academy is an example of a school which has survived a particularly trying time for both private boarding and military schools. Despite adversity it survived. It provides an excellent basic education for its students adding military discipline and a Christian philosophy. LaSalle's perspective on education is best summarized by Headmaster McKenery's comment, "self-discipline, stick-to-it-iveness, and Christian love always will be a part of a good LaSalle student."

Mr. President, I commend LaSalle on its 100th birthday and hope that they will still be educating young men for a hundred more years.●

PREVENTING GOVERNMENT INFORMATION LEAKS

● Mr. HART. Mr. President, in its efforts to control leaks, the Reagan administration has plugged little but free speech. The National Security Council's March 11 directive stating that anyone in any part of the Government who handles sensitive information will have to submit every speech or manuscript in entirety for review represents a significant threat to an important American tradition: the belief that information about Government activities must be freely discussed if we are to choose the wisest policy. Government employees are promised an extensive regime of censorship and prior restraint on speech and publication if the directive is enforced as intended. In fact the directive brings us closer to an "official secrets act": A solution popular in other nations, but foreign to our own constitutional traditions.

As one who has spent 8 years on the Senate Armed Services Committee and 4 years on Senate Intelligence Committees, I know firsthand the importance of secrecy with regard to truly sensitive material. As one who aspires to be president, I am sympathetic to the need to control leaks of information which cause identifiable damage to our national security. But the new National Security Council directive is so broadly drawn it fails to distinguish between speech and publication which is properly classified and should remain so, and speech and publication which legitimately enlightens public debate and causes no injury to our national security.

The directive could be applied to any Government employee in possession of a security clearance. Screening would be required after the employee leaves Government, possibly for the rest of the employee's life. If the order had been in effect in previous administrations—former Secretary of State Henry Kissinger would have had to clear his memoirs, speeches, and articles. Former Secretary of State Cyrus Vance would have to clear his current articles on defense policy. Any future President could use this procedure to delay publication, to stifle criticism, to excise critical or embarassing information on the grounds that such information should remain classified. Such a policy is not what the authors of the Bill of Rights had in mind when they wrote the first amendment—nor is this policy likely to stimulate Government officials to fully disseminate materials on the leading issues of the day. The cost will come in lessened public awareness of public affairs.

We can be sure that this directive will spawn an enormous bureaucracy dedicated to censorship—as all departments and bureaus in any way connected with national security are forced to enter the business of clearing material for review. Another obvious result of the directive is a certain proliferation of litigation.

As if this new censorship system were not enough, the directive requires employees to submit to polygraph tests during investigations or face possible dismissal from employment. It is widely known that lie-detector tests are inherently unreliable. To make them compulsory poses serious threats to constitutional rights of due process of law.

This new directive is the latest in a series of Reagan administration threats to free speech. President Reagan should rescind this directive. If he does not, then the Congress should take action. The appropriate Senate committee should schedule hearings as soon as possible to investigate the justification for this new secrecy system. As President, I would rescind this order to preserve the balance between the interests of national security and the interests of the healthy debate that is the key to a free society.●

TOWARD A MORE AGGRESSIVE TRADE POLICY

Mr. HEINZ. Mr. President, I would like to draw Senators' attention to an article by Joseph E. Connor, chairman of Price Waterhouse, entitled, "Let's Not Join the Rush to Protectionism."

Mr. Connor takes an entirely positive approach to the problem of growing world protectionism which emphasizes the need for the United States to do a better job of protecting its international economic interests without necessarily resorting to protectionism or retreating to economic isolationism.

Mr. Conner makes three basic points. First, he endorses full utilization of all existing multilateral and domestic mechanisms for upholding U.S. trade rights. Second, he proposes expansion of GATT to cover investments, trade in services, and high technology goods. Third, he encourages vigorous U.S. support for private sector expansion in export trade and overseas investment.

I agree with Joseph Connor, that we as a country cannot be shortsighted in our approach to trade policies. I welcome these constructive proposals and encourage further thought on these ideas. I ask that the text of the article be printed in the RECORD.

The article follows:

LET'S NOT JOIN THE RUSH TO PROTECTIONISM

(By Joseph E. Connor)

There are those who say that the United States should wake up and recognize that free trade is already a casualty of international economic hard times, and accordingly, join the rush to protectionism. I don't agree.

We must be leaders in preserving and expanding the multilateral system, not followers in destroying it. The United States should continue its current policy of seeking liberalization of foreign markets rather than raising barriers in our own. But, as we do so, so we must become much tougher in protecting our trade rights from being undermined by the unfair and restrictive practices of others.

Protective barriers are on the rise. The protectionist trend is particularly evident regarding the service sector and foreign direct investments. Moreover, international agreements such as the General Agreement on Tariffs and Trade (GATT) are being violated.

In this environment it would be inviting, albeit shortsighted, to retreat to economic isolationism. We should resist this temptation. Instead, I believe the United States must do a better job of protecting its international economic interest without resorting to protectionism. Here's one approach:

First, full utilization of all existing multilateral and domestic mechanisms for upholding U.S. trade rights. We should continue to play by the international rules and insist that our trading partners do likewise. When they do not, we should be aggressive in utilizing all instruments at our disposal to obtain redress. For instance, in cases where the U.S. encounters barriers erected by GATT signatories which are illegal under the Agreements, we should seek relief through the GATT process for resolving trade disputes and leave no stone unturned in working within the system.

On the domestic front, one of the most important tools we have is Section 301 of the 1974 Trade Act, under which the President is authorized to "enforce the rights of the United States under any trade agreement," and act to curtail any foreign trade practice which is "unjustifiable, unreasonable or discriminatory and burdens or restricts United States commerce."

In the past, neither government nor business has been sufficiently aggressive in taking action under Section 301. This law is

on the books. Let's use it! If it needs strengthening, let's do it.

Second, expansion of GATT to cover investments, trade in services, and high technology goods. Currently, GATT is applicable only to goods. No framework of multinational trade agreements can be truly effective unless it covers services and investments. Not only are they important in their own right; they also support and facilitate trade in goods.

The old scenario that threatens to disrupt international trade in goods is now being repeated for trade in services, as country after country erects barriers which restrict the ability of foreign service firms to sell in the domestic market or establish local facilities. A country may, for instance, simply prohibit the establishment of local operations by foreign service firms. Or it may be more subtle and make the licensing and approval procedures for foreign service firms so complex and lengthy that it's not worth their while to make the attempt.

Similar problems abound regarding foreign investments. In a recent 73-nation study, my firm found that barriers to foreign investment are on the rise in many countries, including restrictions as to ownership, exchange controls, repatriations or remittances, and performance requirements.

Perhaps the most intense and insidious barriers to trade and investment exist in the fiercely competitive areas of "high technology." The U.S. position in world markets for high tech products and services is declining largely because of barriers impeding access to foreign markets and domestic policies to promote industrial growth, particularly through industry targeting. These practices must be vigorously challenged. But, we should do so by aggressively seeking expanded access to foreign markets rather than closing our markets.

Moreover, while the GATT Ministerial meeting last November was a disappointment, it was not a failure. We should not shrink from our resolve to seek an extension of GATT principles and procedures to services, investments and high technology. Meanwhile, bilateral negotiation of trade agreements in these areas should be actively pursued.

Third, vigorous support for the private sector in expanding export trade and overseas investment. The U.S. Government should do everything in its power, within the limits of international agreements, to promote and facilitate the expansion of U.S. exports of goods and services and investments. Businesses in many foreign countries receive such support. We should do no less.

International trade is far too important to our nation's international economic competitiveness to be a victim of governmental neglect. Promotion and support of U.S. business involvement in international trade by government agencies is now inadequate and must be improved.

Congress also could help. For starters, Congress could enact the so-called "reciprocity" legislation to strengthen our government's hand in dealing with the predatory practices of other nations, and to provide clear authority for the President to negotiate new agreements regarding trade in services, high technology products and foreign investment. It could also clarify the ambiguities in the Foreign Corrupt Practices Act, in view of its chilling effect on export trade. And Congress could provide new funding authority for the Export-Import Bank to enhance its ability to support our export trade.

Persistent unfair trade practices may force the United States to resort to protective measures in some cases. But, let's work with the system we have before we take any actions that may lead to its eventual destruction. Restraint, restriction, and reactionary competitive practices by any affected party inevitably will result in a retaliatory response. Surely, in the long run, this is a waste of effort to all.

BYELORUSSIAN INDEPENDENCE DAY

● Mr. D'AMATO. Mr. President, on March 25, we commemorate the 65th anniversary of the establishment of Byelorussian Democratic Republic by the Byelorussian National Council which met at Minsk.

The roots of independence and nationalism grow deep in the soil of Byelorussia; the Byelorussian principalities of Polotsk, Smolinsk, and Turor served as the core of the Grand Duchy of Lithuania. In 1569, the Grand Duchy and Poland were joined to form a commonwealth. The partition of the commonwealth between 1772 and 1795 brought Byelorussia into the Russian Empire. During this period, the people of Byelorussia were subjected to the Czarist policy of russification which was designed to eliminate their unique culture. In 1863, a massive anti-Russian uprising was led by Kastus Kalinouski. This significant event clearly demonstrated the desire of the Byelorussian people to live in peace. Their struggle for independence continued.

With the declaration by the National Council on March 25, 1918, the Byelorussian people regained the independence which they had so bravely fought to achieve. Unfortunately, Byelorussian sovereignty was short-lived.

The Communist regime, in a blatant act of aggression, seized power in Byelorussia and brought to a tragic end the independence and prosperity which the Byelorussian people had enjoyed. The Soviet Union illegally annexed the free and independent Byelorussian Democratic Republic. Since the incorporation, the freedom-loving people of Byelorussia have been subjected to some of the most brutal forms of oppression instituted by the Kremlin.

Under Stalin, Khrushchev, Brezhnev, and the new party chief, former KGB Director Yuriy Andropov, thousands of Byelorussians have been slaughtered, deported, exiled, imprisoned in slave labor camps or committed to psychiatric institutions. Meanwhile, the Soviet Government has repeatedly voiced its support of such important documents on human rights as the U.N. Universal Declaration on Human Rights and the Helsinki Final Act.

In addition, these ruthless dictators have continued to follow the policy of Russification first implemented by Czarist Russia. Accordingly, they have attempted to eliminate every vestige of Byelorussian culture and national identity including the native language, religion, art, and music. Despite Soviet denial of even the most basic of human rights, the people of Byelorussia have struggled heroically in their efforts to break the chains of Soviet domination. Their steadfast belief in the principles of independence and their deep-rooted desire for freedom have enabled Byelorussia to endure Communist oppression. The free spirit of the Byelorussian people will not be broken. Their search for self-determination will continue.

On March 25, Byelorussians throughout the world, including the more than 1 million Byelorussian-Americans living in our Nation, will join in solidarity with their countrymen in observance of Byelorussian independence. In light of our Nation's dedication to the principle of independence and commitment to protection of civil liberties, it is appropriate that we join with members of the Byelorussian community in observing the 65th anniversary of Byelorussian Independence Day. It is imperative that the United States send a clear and strong signal of moral support to the 10 million Byelorussians living under Soviet tyranny and that our Government continue to champion the cause of independence for Byelorussia.●

ADRIAN FISHER

● Mr. KENNEDY. Mr. President, I was deeply saddened to learn of the death last Friday of Adrian Fisher. Ambassador Fisher was an outstanding diplomat and an extremely capable and dedicated public servant in whose endeavors and accomplishments our Nation can justifiably take great pride.

"Butch" Fisher, as he was affectionately known, rose to national prominence when President Kennedy named him as Deputy Director of the newly formed Arms Control and Disarmament Agency. He played a key role in negotiating the Limited Test Ban Treaty of 1963 and the Nuclear Nonproliferation Treaty of 1968. As President Johnson's representative at the 18 nation disarmament talks in Geneva, he proposed on January 31, 1964, that:

> The United States, the Soviet Union, and their respective allies should agree to explore a verified freeze of the number and characteristics of strategic nuclear offensive and defensive vehicles.

Following his distinguished career in Government service, Adrian Fisher turned to the teaching of law, becoming the dean of the Georgetown Law School.

In all his work, Ambassador Fisher displayed an uncompromising integrity and selfless devotion to his country and to those higher principles for which it stands. His tireless struggle for the establishment of an international system of peace through law reminds us of President Kennedy's words:

The energy, the faith, the devotion which we bring to this endeavor will light our country and all who serve it—and the glow from that fire can truly light the world.

Mr. President, in the March 24 Washington Post Lucius Battle, a friend and colleague of Adrian Fisher, published an eloquent and inspiring remembrance of him. I commend this piece to my colleagues and ask that it, and the New York Times obituary of Adrian Fisher be printed at this point in the RECORD.

[From the Washington Post, Mar. 24, 1983]

ADRIAN FISHER

In a yet unsung era, the Truman-Acheson administration, it was my great fortune to share struggles and foxholes with Adrian Fisher. Reverence and nostalgia for that administration would come later. But it had not come thus far. We received more stones and arrows than bouquets. And the search for right answers on a day-to-day basis was unglamorous and sometimes rugged stuff. Adrian—we called him Butch—was a worthy associate. He searched doggedly for truth and clearly established the enemy, and the identity of both seemed apparent to him, even when it was we ourselves on whom he turned the harsh lights. His was the cruel pursuit of the best in all of us. Some had much to give. Others not so much. He was one of those with much to give.

His judgment of his fellows was fair but firm and tough. He would not tolerate deceit or sham, and I never knew him to engage in either. There was simple honesty and humility about him found in few people.

Ambition, if it conflicted with a higher order of obligation, was not for him. He was always in the mainstream of the big events but happy to stay out of the limelight and off the top rung of history.

But he had a part in the Nuremberg trials, was a fighter of Joseph McCarthy, helped defend the presidency in the firing of Gen. Douglas MacArthur, struggled to fulfill the need for sensible disarmament, taught humane law, defended the oppressed and underprivileged—not a bad agenda all that.

Butch was a special mixture of the grandeur and simplicity of the human spirit. He had a clear sense of direction, a set of consistent convictions, a remarkable mind, boundless energy. And was, above all, a loyal friend.—Lucius Battle.

[From the New York Times]

ADRIAN S. FISHER, 69, ARMS TREATY NEGOTIATOR

(By Philip Shenon)

Adrian S. Fisher, a leading arms control negotiator and former dean of the Georgetown University Law Center, died of cancer yesterday at his home in Washington. He was 69 years old.

Mr. Fisher was the first deputy director of the United States Arms Control and Disarmament Agency and a leading American negotiator of the 1963 Limited Test Ban Treaty, which barred nuclear testing in the atmosphere, in outer space and underwater.

He was appointed deputy director of the arms control agency by President Kennedy in 1961, the year the agency was formed.

In his eight years at the agency, which is an autonomous Government body that is required to coordinate its policies with the State Department, Mr. Fisher helped in numerous negotiations but perhaps none more important and more successful than the conferences that led to the Test Ban Treaty and the 1968 Treaty for the Nonproliferation of Nuclear Weapons.

SET TESTING RESTRICTIONS

The 1963 test ban treaty was eventually approved by 120 nations. It limited testing of nuclear weapons by prohibiting the release of detectable radioactivity beyond the national borders of the country conducting the tests. That restriction effectively limited the size of bombs that could be detonated.

In appearances before Congressional committees in 1963, Mr. Fisher was called on to defend the test ban. In an appearance in March of that year, Mr. Fisher said the United States had nuclear superiority over the Soviet Union and cautioned, "Unlimited testing without an agreement could facilitate soviet 'equality' with the United States."

He also participated in negotiations in New York and Geneva that produced the nonproliferation treaty.

Mr. Fisher left the arms control agency in 1969 to become dean at Georgetown's law school, known as the Law Center, and a professor of international law.

As dean, Mr. Fisher was known for his efforts to improve the law school's financial situation and for recruitment of minority students and prominent faculty members.

In 1977, Mr. Fisher was given the rank of ambassador by President Carter and was appointed a member of the United States Mission to the United Nations. In the job, he directed the American delegation to the Geneva conference on disarmament, which was organized to control chemical weapons and produce a comprehensive test ban treaty.

Mr. Fisher's commitment to arms control lasted until his death. Just last August, Mr. Fisher was among six former arms negotiators who joined together to call on the Reagan Administration to resume talks with the Soviet Union on a comprehensive nuclear test ban.

From 1979 to 1982, Mr. Fisher was a law professor at George Mason University, in Fairfax, Va.

He held more than a dozen Government jobs in a career that began in Washington in 1938, when he became a Supreme Court law clerk to Justice Louis D. Brandeis. The following year he was named a clerk to Justice Felix Frankfurter.

Among his other Government posts: in 1944, assistant to the Assistant Secretary of War; in 1945 and 1946, technical adviser to the American judges at the Nuremberg trials; in 1947 and 1948, solicitor of the Department of Commerce; in 1949, general counsel of the Atomic Energy Commission, and from 1949 to 1953, legal adviser to the State Department.

Mr. Fisher was out of the Government during the Eisenhower Administrations, when he served as a member of the Washington law firm of Covington & Burling. He also was a vice president and counsel of the Washington Post Company at that time.

Adrian Sanford Fisher was born in Memphis on Jan. 21, 1914. At Princeton University, Mr. Fisher, 200 pounds and 6 feet, 1 inch tall, was a guard on the football team. He graduated from Princeton in 1934 and was a 1937 graduate of the Harvard Law School. He served in the Air Force as a navigator.

Surviving are his wife, the former Laura Graham, and their daughters, Laura Donelson Chandler, of Bethesda, Md., and Louise Sanford Fisher, of Pinecliffe, Colo.●

VETERANS' ADMINISTRATION SHOULD NOT BE DISMEMBERED

● Mr. MITCHELL. Mr. President, a Washington Post article today reports that a task force of President Reagan's private sector survey on cost control has recommended the elimination of the Veterans' Administration and the transfer of its functions to other agencies of Government or to the private sector.

I am certain there are a number of other Members of the Senate who were as surprised and disappointed as I to read this news, and who believe, as I do, that such a dismemberment of the Veterans' Administration would badly serve the best interests of the millions of men and women who have served in our country's Armed Forces. That is why, Mr. President, I call on President Reagan to disavow such an intention on the part of his administration.

As a veteran myself and as a member of the Senate Veterans' Affairs Committee, I am deeply aware of the importance of the programs the Veterans' Administration oversees. There are about 28.5 million veterans and about 55 million of their family members or survivors—36 percent of our population—who are served in varying ways and to varying extents by the VA. Sixty percent of the VA budget in fiscal 1983 was earmarked for such purposes as compensation for injury, impairment of earning power, pensions for total disablement, burial benefits and education programs—needs that might not otherwise be met.

I fully recognize that a bureaucracy as large as the Veterans' Administration has its inefficiencies. But can any serious observer believe that its functions would be more effectively and cost-consciously carried out by, not one, but many different bureaucracies? Trying to do so would be a classic example of killing the patient to cure his ailments.

Mr. President, the suggestion that the VA be eliminated and its functions dispersed merits quick repudiation by President Reagan.●

ANATOLY SHCHARANSKY STILL A PRISONER OF CONSCIENCE

● Mr. PELL. Mr. President, March 15 was the sixth anniversary of the arrest of Anatoly Shcharansky, the Soviet computer scientist who was a leader of

the Moscow Jewish community and a spokesman for the Soviet Jewish emigration movement since 1973 when he first applied for and was denied permission to emigrate to Israel. On March 15, 1977, the KGB arrested this young Jewish activist, and in July of the following year, after 16 months of being detained incommunicado, he was tried and convicted of anti-Soviet agitation and propaganda and of the trumped-up charge of treason. At the conclusion of his 5-minute trial, at which no defense was permitted, Shcharansky was sentenced to a total of 13 years of incarceration—3 years in prison and then another 10 years in the harshest category of labor camp.

Anatoly Shcharansky's real crime was that he was a Soviet Jew who wanted to leave the country and who fought for basic human rights including the right to emigrate for all of his countrymen, Jewish and non-Jewish alike. Shcharansky was not only an activist in the Jewish emigration movement but he was also one of the founding members of the Moscow Helsinki Monitoring Group. Along with Yuri Orlov, Aleksander Ginzburg and the other monitors, he worked to promote his government's compliance with the 1975 Helsinki Final Act. Because of these activities, Shcharansky became the target of a systematic campaign of harassment and intimidation which culminated in his arrest and imprisonment.

While in prison, Shcharansky has been subjected to extremely harsh conditions including solitary confinement, severe cold, insufficient food—at times only one meal per day—sleep and health care. On September 27, 1982, Shcharansky began a hunger strike to protest the confiscation of his mail and the official banning of family visits by the Soviet authorities. Despite repeated efforts, Shcharansky's mother, Ida Milgrom, has been denied permission to see her son since January 1982. Not until mid-February of this year did she receive a letter from her son confirming earlier reports from the Soviet authorities that he had abandoned his hunger strike.

Anatoly Shcharansky is a man of courage and conviction. He is suffering in prison today because he dared to protest against violations of the human rights of Soviet citizens by the Soviet Government. Earlier this month, my distinguished colleague, Senator MATHIAS, introduced Senate Resolution 90 calling upon the Soviet Union to release Anatoly Shcharansky from prison immediately and to allow him to emigrate. I am proud to be a cosponsor of this resolution.

We must not forget Anatoly Shcharansky and the others like him who are now suffering in Soviet jails, forced labor camps, and psychiatric hospitals. There tragic fates are potent reminders that the Soviet Union continues to violate the many human rights covenants that it has signed. On this sad anniversary, I must once again call on the Soviet Government to honor the pledges it made at Helsinki 8 years ago and live up to its agreement to respect the human rights and fundamental freedoms of its citizens.●

FERRIS DOVE—A MODERN TRADITIONAL WAR CHIEF

● Mr. PELL. Mr. President, I would like to share with my colleagues the sad news of the death of Ferris Babcock Dove, the last traditional war chief of the Narragansett Tribe in my own State of Rhode Island.

Mr. Dove was both a modern and a traditional chief, who walked comfortably in both worlds.

He was an active leader in the affairs of the Narragansett Tribe and, at the same time was an active political leader in the town of Exeter, R.I.

Ferris Dove was an outspoken advocate for Narragansett Indian causes and, at the same time, ran a nationally acclaimed restaurant and trading post in Exeter.

The Narragansett Tribe has made great strides during his lifetime, often as a result of his hard work.

I was happy to assist the Narragansett Tribe in drafting and securing passage of landmark legislation that led to the first modern settlement of an Indian land claim in the United States and, now, the tribe stands at the edge of Federal recognition.

Official Federal recognition of the Narragansett Indian Tribe is in the final steps and should be completed within a few weeks.

Ferris Dove will long be remembered not only by those of us who knew and worked with him, but also by those who will benefit by his legacy of a vital and thriving tribal tradition.

I grieve with, and for, his wife and family and his countless friends. I would like to share a brief account of some of his accomplishments with my colleagues.

Mr. President, I ask that an article from the Providence Journal of March 23, 1983, be printed in the RECORD.

The article follows:

[From the Providence Journal, Mar. 23, 1983]

FERRIS B. DOVE, 67, DIES; WAS NARRAGANSETT INDIAN SPOKESMAN

EXETER.—Ferris Babcock Dove, a spokesman for Narragansett Indian causes and a well-known fixture in local Democratic politics, died Monday at Westerly Hospital. He was 67 years old.

In 1961, Mr. Dove opened Dovecrest, a nationally-acclaimed restaurant and trading post in Exeter, where one could eat such specialties as venison and whose jonnycakes were reputed to be among the best in Rhode Island. He was also, since 1974, postmaster in Rockville.

Mr. Dove was chairman of the Rhode Island Commission for Indian Affairs and a corporate board member of the Tomaquag Indian Memorial Museum. He was also a councilman of the Narragansett tribe, a job he lost after a rift in the tribe and then regained last year.

In 1978, he accompanied other Narragansetts to Washington in an effort to convince senators and congressmen to ratify a bill that would confirm their historic claim to 1,800 acres of ancestral land in Charlestown.

He was known for his flair for the dramatic. Lewis Peck, a Democrat who, like Dove, was active in Exeter politics, recalled one particularly unruly town financial meeting while his friend was serving as town moderator. Mr. Dove, a tall and imposing man, quieted residents by telling them he did not need a microphone to get their attention, Peck said.

He was town moderator for 12 years and served as a tax assessor for eight years. Mr. Dove was a past president of the Rhode Island Tax Assessor's Association and the Rhode Island National League of Postmasters.

He was born in Pawcatuck, Conn., the son of the late Walter and Mini (Babcock) Dove, and was raised in South County. Although Mr. Dove was affiliated with the Narragansetts, he came of Niantic stock as a descendant of Ninigret, the 17th Niantic sachem, according to one of his daughters.

Mr. Dove was known as Roaring Bull, the last traditional war chief of the tribe, a title denoting that he had passed various tests handed down by tribal elders.

He was a graduate of Westerly High School and a member of the school's running team.

At 21, Mr. Dove became the first Narragansett Indian to attend Bacone Indian College, in Muskogee, Okla., from which he graduated with honors in 1938. While in Oklahoma, he served in the National Guard.

Mr. Dove worked for 19 years at Electric Boat in Groton, Conn., and spent nine years there as a supervisor.

He leaves his wife, Eleanor (Spears) Dove; a son, Mark F. Dove of Richmond; and three daughters, Paulla Jennings of Rumford, Dawn Dove-MacKenzie of Rockville and Lori K. Tubby of Exeter; two brothers, Philip Dove of Santa Ana, Calif., and Mark W. Dove of Westerly; and four sisters, Marjorie Gulles of Riverside; Priscilla Garner of Baltimore, Md.; Ruth MacFarland of San Diego, Calif., and Hope Morse of Baltimore, Md.; 11 grandchildren and five great-grandchildren.

The funeral will be tomorrow at 1 p.m. at the Hope Valley Baptist Church. Burial will be in the First Hopkinton Cemetery.●

A REVOLUTIONARY CELEBRATION

● Mr. D'AMATO. Mr. President, it is with great pride and admiration that I direct the Senate's attention to an exemplary collaboration between the private and public sectors for the benefit of our youth and general public. Specifically, Mr. President, I speak of a spectacular celebration taking place at Federal Hall in New York City to commemorate the 200th anniversary of the end of the Revolutionary War. Sponsored by the After Dinner Opera Company with the generous assistance of Con-Edison the event will be a memorable aspect of the "Britain Salutes New York Festival of 1983." Also

participating will be the American Land Mark Festivals, the National Park Service, and the New York City Board of Education. There will be 13 performances of early American opera between April 14 and May 5, 1983. A steady stream of New York City public school children will be transported to these culturally enriching events and provided with numerous educational materials along the way.

Thus, Mr. President, I think that those who have made this extravaganza possible deserve the recognition and commendation of us all for proving just what can be accomplished when the combined forces of private and public sectors, Federal and local governments are joined in conviction and purpose. And what better a purpose to merge efforts than in celebration of our youth, our heritage, our freedom, and peace? I salute all who have made this program possible.●

COMPETITION IN WORLD MARKETS STUDY

● Mr. COCHRAN. Mr. President, during consideration of H.R. 1718, the "jobs bill," reference in a particular section of the bill to the Secretary of Agriculture was inadvertently omitted. The House originally proposed section 103, "Competition in World Markets," which directs the Secretaries of Treasury and Commerce to analyze and report on current international trade conditions. The Conference Committee on H.R. 1718 agreed to strike this section from the bill, but it did, however, include the same basic language in the joint explanatory statement accompanying the conference report. There is no mention of the Secretary of Agriculture in that part of the statement.

It is my firm belief, and the position of the Appropriations Subcommittee on Agriculture, Rural Development, and Related Agencies, that the Secretary of Agriculture should be included in this undertaking. Therefore, I would like to make it clear to the administration that the Senate intends for the Secretary of Agriculture to be included.

In my opinion, it is essential that the Secretary of Agriculture contribute to the analysis and report on trade if the Congress is to get maximum benefit from the reports. Agricultural exports alone generate more than 1 million U.S. jobs on and off the farm. They provide one-fourth of the income for the Nation's farmers, who are the foundation of an agricultural system that generates 20 percent of U.S. GNP, one-fifth of U.S. export earnings, and helps provide 24 million jobs: 3.3 million on the farm, more than 7 million in agricultural supply industries, and 13 million in the marketing and manufacture of farm products.

U.S. agricultural trade annually contributes a substantial surplus to be applied against the nonfarm deficit in the Nation's trade account—a surplus that last year totaled $24 billion.

Agricultural issues in recent months have moved to the forefront of the U.S. Government's trade policy agenda, offering difficult problems that are likely to require legislative as well as executive action if they are to be resolved.

Mr. President, I point out this omission to my colleagues to make the record clear as to congressional intent. The omission was simply an oversight. It is certainly my hope and expectation that any administration analysis and report on the current international trade situation facing the United States will rightfully include the Secretary of Agriculture or his designee.

Mr. HATFIELD. Mr. President. I am grateful to the distinguished chairman of the Appropriations Subcommittee on Agriculture for bringing this matter to my attention and to the attention of our colleagues. I share Senator COCHRAN's belief that the Secretary of Agriculture should, by all means, be part of any deliberations aimed at analyzing international trade conditions. Unfortunately, we did not catch the omission until after the conference report and the statement of managers had gone to final print.

It is my hope, therefore, that the Secretary of Agriculture will be involved with any discussion and reports on international trade issues, along with the Secretaries of Commerce and Treasury, and with the American business community.

Mr. COCHRAN. I thank the distinguished chairman of the Appropriations Committee for his comments in helping to clarify the record on this matter.●

HUMAN RIGHTS

● Mr. HATFIELD. Mr. President, a remarkably thoughtful article entitled "Human Rights and Human Dignity" came across my desk recently. The Author, Dr. Charles Thaxton from Dallas, Tex., first presented the content to an appreciative audience at Harvard University in 1980.

Dr. Thaxton's compelling thesis is that human life must be recognized as having cosmic significance if we are to have value in the global scheme of things. Human rights hang by a slender thread if there is not some objective reason for worth and dignity. In a world where right now, as we speak 40 wars are raging for economic, political, and even religious reasons, and in which we all live precariously under the threat of global conflagration, our definitions of human rights seem woefully inadequate and noneffectual.

Mr. President, I ask that Dr. Thaxton's article be printed in the RECORD for our reflection.

The article follows:

HUMAN RIGHTS AND HUMAN DIGNITY

(By Dr. Charles Thaxton)

Human rights are a scarce and imperiled commodity. They vary a great deal from one place to another, and with the passage of time. Yet in every situation, they reflect what a culture thinks about man, its idea of human dignity. My tentative definition is that human rights are the legal and political expression of a culture's perception of human dignity. While dignity itself may be fixed or absolute, our perception of it is never perfect; therefore the expression of it in terms of a particular pattern of rights is never perfect either. Human rights are adapted over time to fit an ever-changing of events in a dynamic culture. This adaptation, however, does not mean that they are arbitrary and relative. Human rights are tied, however loosely, to the fixed point of human dignity. Since human rights exist by virtue of human dignity, they are therefore not created by the state, but are merely recognized by it.

Professor Harold J. Berman of the Harvard Law School seems to have expressed this view when he described the difference between human rights in the United States and in the Soviet Union. In the United States, he said, "the fundamental rights of individual persons exist independently of the state and in some contexts are even superior to the power of the state."[1] (emphasis added) In the Soviet Union, "all rights are granted by the state and are inevitably subordinate to the power of the state."[2]

So which way is it? Are human rights really independent of the state or are they granted by the state? Are they merely relative, based upon preference? If it is only a matter of taste, then a lot of blood has been spilt needlessly. People have acted as if their rights really mattered, as if they were more than mere preferences.

As I understand it, in our western tradition (particularly in the United States), human rights have been said to exist independently of the state because they have been based upon human dignity. The word dignity comes from the Latin dignitas, meaning "glory." It is not difficult to see a connection to the Biblical notion that man is the glory of God, made in His image.[3] This traditional view of man is based on the Bible. According to this view human dignity is dependent on God and not on the state. It therefore follows that human rights which derive from dignity are also independent of the state, as per the Constitution of the United States. The concept of human rights makes logical sense in terms of the traditional view because it derives from human dignity.

Most "informed" citizens, however, have abandoned the traditional view. Why? To the modern educated mind the traditional view seems clearly incredible, even absurd. We now have a contemporary view which is based on science. We shall first explore what a scientific outlook has done to our view of man. We then consider what a scientific view of man implies for human rights.

The scientific world view is pessimistic about man and other things. In purely objective terms, according to the scientific view, human beings are insignificant oddi-

Footnotes at end of article.

ties thrown up by chance in a meaningless universe. Great strides in science have taken place in the twentieth century. Science has undergone both the Einsteinian and quantum revolutions which have affected greatly the conception of matter, space and time. However, nothing has happened to alter the basic scientific view and its inescapable conclusion that there is no cosmic worth or significance for the individual. The individual has lost his distinctively human status and with it his worth and dignity. Based on this scientific view we have been and continue to be described as ciphers, naked apes, trousered apes, hollow men, and together we form the lonely crowd.

This loss of the "distinctively human" will in time mean that either the lower animals will share our lofty estate or, more likely, that we will share their lowly estate. For, without the concept of distinctive humanness there is no basis for human rights as distinct from animal rights or even from the rights of bacteria. A famous biologist has declared that in a few years we will be hearing of "the rights of bacteria" since the only difference between us and them is "a disparity in the length and sequence of DNA molecules." [4]

The following two incidents indicate that we have accelerated from mere theory about the loss of distinctive humanness to very practical implications of this loss. Dolphin experiments prompted John Lilly to say that "the day that communication is established the (dolphin) becomes a legal, ethical, moral and social problem." [5] The dolphin will have qualified for "human rights. I heard of a court case recently in California about a great ape which had learned sign language. Research funds had run out. In an effort to prevent sending the ape back to the zoo the claim is being made that since the ape has learned language it is now human, and that to return it to the zoo would be "dehumanizing." [6]

Perhaps the most disturbing implication is cited by Leon Kass, executive secretary of the Committee to the Life Sciences and Social Policy of the National Academy of Sciences. In his widely read articles in Science (1971) entitled "The New Biology: What Price Relieving Man's Estate?"; he said that "we are witnessing the erosion, perhaps the final erosion, of the idea of man as something splendid or divine, and its replacement with a view that sees man, no less than nature, as simply more raw material for manipulation and homogenization. Hence our peculiar moral crisis." [7]

Assuming that human life is without objective value, there have been a variety of responses to this pessimistic conclusion. The first is that like Bertrand Russell we can live bravely in the light of the awful truth that life is absurd.

. . . man is the product of causes which had no prevision of the end they were achieving; that his origin, his growth, his hopes and fears, his loves and his beliefs, are but the outcome of accidental collocations of atoms; that no fire, no heroism, no intensity of thought and feeling, can preserve an individual life beyond the grave; that all the labors of the ages, all the devotion, all the inspiration, all the noonday brightness of human genius, are destined to extinction in the vast death of the solar system, and that the whole temple of Man's achievement must inevitably be buried beneath the debris of a universe in ruins—all these things, if not quite beyond dispute, are, yet so nearly certain, that no philosophy which rejects them can hope to stand. Only within the scaffolding of these truths, only on the firm foundation of unyielding despair, can the soul's habitation henceforth be safely built.[8]

In similar "unyielding despair" Clarence Darrow, the famous Scopes trial lawyer, accepts this same pessimistic conclusion.

Life is like a ship on the sea, tossed by every wave and by every wind; a ship headed for no port and no harbor, with no rudder, no compass, no pilot; simply floating for a time, then lost in the waves.[9]

Not many have had the courage required for the acceptance of "the truth." A second response has been more typical; it is simply to escape. "You only go around once in life; get all the gusto you can." Tolstoy illustrated the human dilemma as he saw it and provided a hedonistic response: A traveler is chased by an enraged beast and seeks refuge in a dry well. As he climbs in, he notices a dragon at the bottom with its jaws opened wide to swallow him. To escape the dragon below the enraged beast above, he holds onto a twig growing out of a crack in the well. He then sees some mice gnawing at the stem of the twig and recognizes that he will soon fall to his doom. As awful as the situation is, the traveler notices some drops of honey. Trying to enjoy the honey, he shows the dilemma of hedonism. 'I tried to lick the honey which formerly consoled me, but the honey no longer gave me pleasure . . . I only saw the unescapable dragon and the mice, and I could not tear my gaze from them. And this is not a fable but the real unanswerable truth."[10] Like Tolstoy many have tried the pleasure route and have discovered a great void within. The nagging mind-ache of meaninglessness persists.

A third kind of response, more creative than the previous one, is to admit, according to the scientific view, that human life has no objective meaning, worth, or dignity, and to try to create a subjective sense of these for oneself. According to the official rubric, there is no meaning of life, only meaning in life. To create a sense of meaning the following have been tried: creative work, caring for others, achievement, status, marriage and children, religious devotion. However, the path to self-enhancement has proved treacherous, as more than two-thirds of all psychoanalytic patients have narcissistic problems (i.e. an unhealthy admiration of self).[11] In addition, at the end of the path no real objective meaning can be found.

A fourth response to the news that human life is void of cosmic significance is to act romantically as if it does have value. This is the approach taken by the late C. P. Snow in an article written for the prestigious Journal of the American Medical Association.

I believe the biological life, human life, all life, is an extraordinary chance. It depended on a whole set of unlikely conditions being met at the same point in time and space. . . . So here we are, isolated on our speck of matter, the products of random chance. Now I have to make a complete discontinuity from what I have just said. I believe we have to act as if each individual was significant; as if all lives were, as religious persons have said, equal in the sight of God.[12] (emphasis his)

It is perhaps a lesson in the slow death of ideas that after 300 years of scientific instruction showing that man is reduced to a collection of molecules people would still harbor such notions as human rights at all, except by those who chose to live by delusion. The human rights issue will get little encouragement from science; yet undoubtedly, some scientists will continue to embrace the cause of human rights. It must always be asked on what basis they speak out. What reason for human rights do they give? The most eloquent and passionate appeals for human rights by scientists will mean nothing if they have abandoned the concept of the distinctively human. It is in the category of groundless assertion.

Some have thought that the prospects for man are brighter when viewed from the perspective of the "soft" rather than the "hard" sciences. However, the humanities and social sciences, despite their study of and concern for people, also share the grim view that man is without cosmic significance. They only seem to offer a more optimistic picture because they specialize in the variety of subjective responses to the "awful truth" and because they are usually more vocal about human rights.

I find it ironic that so many in the legal profession along with other professionals, would find the traditional view of man so tasteless, often citing science as the reason, yet maintaining such intensity in trying to secure human rights. If only on pragmatic grounds I would have thought human rights advocates would consider the traditional view an ally. But without a firm foundation of the worth of individuals, what we have left are "groundless" human rights.

It is true that most countries of the world have signed the U.N. Declaration of Human Rights. Also it is true that there is at the moment a widespread agreement among nations to abide by this international commitment to human rights. Without the concept of "the distinctively human," however, governments are playing a global game of "let's pretend." It is rather like the cartoon where the fox steps off the edge of a cliff and by mere flailing of limbs manages to defy gravity. Here too it would be amusing were it not so serious. It will take more than high octane rhetoric to keep human rights from falling into oblivion. Without the concept of "the distinctively human" there is no ground in reason for a distinction between human rights in the United States and those in the Soviet Union; there is no ground in reason for human rights at all. In such a situation the whole discussion of human rights is merely a case of species chauvinism.

Many people believe that Christianity teaches that it is the doctrine of creation that gives worth and dignity to the individual. It does not. Christianity teaches that it is because of the fact of creation that we have worth and dignity. Then as a result of the fact we have the doctrine. It follows from this that worth and dignity are as independent of doctrine or philosophical point of view as they are of the state, and derivatively that human rights are also independent of various philosophical perspectives. In short, people have human rights whether they believe they do or not.

I believe when the question of human rights and human dignity is viewed in these terms the position of our forefathers does not seem so childish. Our forefathers understood that the only way to maintain dignity was if in fact it is a given, built into us by the Creator. So the Declaration of Independence reads, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights."

We are thus led to an exciting possibility, but one threatening to the empire of man. If worth and dignity are in-built by the Creator then there is not only an answer to pes-

simism, but also a true basis for human rights.

Voltaire said of madness that it is to have erroneous perceptions and to reason correctly from them. When one considers the history of the discussion of human dignity and human rights, one wonders where madness lies. Philosophically we are in a curious situation. The orthodoxy of Judaism, Christianity and Islam contend that we all have dignity because we all have been created in the image and glory of God. If that is not true to the facts of who we are, as the scientific picture suggests and as assumed in most current disciplines, then all of us, religious and non-religious alike, are merely deceiving ourselves when we talk of worth and dignity. On a cosmic scale there is neither. If the traditional view of man is true, then human rights can be derived from dignity which actually exists. If the traditional view is false, then there is no dignity and human rights are a delusion.

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[1] Harold J. Berman, Worldview (Nov. 1979), pp. 15-21.

[2] Ibid.

[3] Genesis 1:26, 2:7,9.

[4] Thomas H. Jukes, Nature 261, 451 (1976).

[5] John Lilly, quoted in Mortimer Adler, The Difference in Man and the Difference It Makes (New York: World Publishing Co., 1967), pp. 259-260.

[6] New York Times Magazine (197?).

[7] Leon Kass, Science 174, 779 (1971).

[8] Bertrand Russell, quoted in James B. Conant Modern Science and Modern Man (Garden City, New York: Doubleday Anchor Books, 1953), pp. 139-140.

[9] Clarence Darrow, "Is Life Worth Living?" (Girard Kansas, no date), p. 43.

[10] Leo Tolstoy, quoted in "Life, Meaning and Value Of," in The Encyclopedia of Philosophy, Vol. 4, Ed, Paul Edwards (New York: Macmillan Publishing Co., 1967), pp. 467-477.

[11] Time (20 September 1976).

[12] C. P. Snow, Journal of the American Medical Association (6 August 1973).

HOME AND SCHOOL INSTITUTE ACHIEVEMENTS

● Mr. DODD. Mr. President, I would like to commend the Home and School Institute for its fine efforts over the past 19 years to build a partnership between parents and teachers across the country.

Without duplicating the work of the schools, this nonprofit organization has attempted to help parents become directly involved in their children's education. Parents are provided with such simple techniques as using the clock to teach arithmetic and planning imaginary trips with maps to teach geography. As a result of this work done at home with parents, children are more highly motivated to learn at school.

Today the institute opened its first national conference on "Single Parent Families and the Schools." Although Home and School Institute programs have been used successfully by all parents, they are especially designed for single and working parents who often have little time to spend going over their children's homework. Such parents are given ideas on how to take just a few minutes every day to teach the rudimentaries of reading, writing, and arithmetic.

Mr. President, I look forward to seeing the results of this conference. The following testimony presented by the president of the Home and School Institute, Dr. Dorothy Rich, aptly describes the institute's achievements. I ask that it be printed in the RECORD in its entirety.

The testimony follows:

ORAL PRESENTATION

(By Dorothy Rich)

In my testimony for the record, I referred to the Institute's home education program. At this point I would like to describe how it works.

The Home and School Institute system is designed to stimulate learning at home by children. It is especially suited for use by single parents, and working parent families, but actually it can be used successfully in any home.

It provides parents with simple techniques to foster learning. In fact parents who know the value of informal education may be using these on their own. What we do is to motivate all parents to do them and to become involved directly in teaching their children. These techniques involve for the young child such activities as using the clock to teach arithmetic, using the TV schedule to keep to time limits, dialing and reading telephone numbers. For the older youngster they include filling in comic strips with dialogue you make up yourself, making "best buy" purchases at the grocery store, using maps to plan family trips.

HSI activities are done alongside normal household routines. The hurried parent in a few minutes a day can teach science, reading, math or writing in a relaxed, at home way. The activities are easy, do not take much time, cost nothing, and they build academic achievement.

The key to the system and the way it differs from other programs is not these simple activities as such, but that we have found ways to get parents, usually mothers, to use them at home on a regular basis. We build on their love for their children and their ambition to see them achieve. It is gratifying in working with these parents, many of whom are on welfare with little education themselves, to see how deeply they desire their children to succeed.

What we do is train teachers to tell parents how important they are in teaching their child and we give teachers the home learning materials to use with parents. In some programs we use parents to teach other parents.

Teachers generally have not received training in reaching out to parents nor do they know the research which underscores the importance of doing this. Often, even if they want to work with parents, they don't get the support and time from their school systems to do it. The Institute seeks to intervene with school administrations to win their support for this critically needed effort. Some school systems do recognize the importance of this work, but they're still few and far between.

Here in the District of Columbia at Tubman School, we have a Federally supported demonstration program—Home The Learning Place, a replica of a home in a school—that I invite you to come to see. Our parents and teachers see how everything around them can be used for teaching.

Here are some examples of the specific "recipes" for learning that are given to parents in booklet form. The material is written and presented in such a way that parents know exactly what to do. They are encouraged to use their own creativity and they're told that they can do nothing wrong. After a while, they start making up their own activities, and so do the children.

Measure for pleasure.—How tall is the lamp? How wide is the rug? Use yardsticks, tape measures, string—anything that can measure. Share results with the family.

Catalog shopping spree.—Pretend you have $25 to spend. Look through a magazine or catalog and select purchases. Add them up. Have you overspent? How do other members of the family spend their money? Compare purchases.

Current events wall.—Cut out interesting articles from magazines and newspapers. Post them for the family to read and talk about at breakfast or dinner.

Morning messages.—Post reminder messages for each member of the family. Children who forget to brush their teeth will forget less with a note beside the sink. Parents who forget school PTA meetings will remember with a youngster's note beside the phone.

These are but a few activities from the HSI storehouse. All have been tested. All work. They individualize education in a meaningful and very personal way at home. HSI programs extend from kindergarten through junior high.

The system has the advantage of the child feeling systematic encouragement from the parent to learn and achieve. This is the real motivator; the child uses the activities and does in fact learn.

So, what we are doing is reaching out to parents and getting them to work with their child at home, building on their ambitions and their love for their children. We start with the idea that even the least educated, poorest mothers have these two feelings—ambition and love for their children—in abundance. That is why we call this the "nondeficit concept." We don't start out blaming the parent for lacking education or money. We start with the assurance that mothers' love is something strong that can be built upon.●

BYELORUSSIAN INDEPENDENCE

● Mr. DOLE. Mr. President, March 25, 1983, marks the 65th anniversary of the declaration of independence of the Byelorussian Democratic Republic, promulgated in Minsk by the Council of the Byelorussian Democratic Republic in the tumultuous final days of World War I.

But freedom proved elusive for this brave people. As nature abhors a vacuum, tyranny most assuredly abhors the presence of liberty on its doorstep. In a little less than a year following the declaration of independence, the fledgling Byelorussian Republic was swallowed up the the Red army of the victorious Bolshevik Revolution, and in 1922 was reduced to subservient status as a Soviet Socialist Republic. In 1941, Byelorussia's geographical position in the path of the major Nazi thrust into the U.S.S.R.

turned its towns and countryside into virtually one great battlefield. By the time the savagery had ended in 1945, several million Byelorussians had perished, and the Communist government in Moscow was once again in firm control over the prostrate nation. A myth of Byelorussian independence was perpetrated on the free world when the Soviet dictator Josef Stalin insisted that the United Nations accept Byelorussia, along with Ukraine, into the international body as a separate nation. Stalin neither cared for Byelorussia's independence nor for its national consciousness; he was merely securing another captive vote to aid in legitimizing his expansionist foreign policy before the international community.

Under Soviet rule, the Byelorussian people have been subjected to the political and religious persecution that characterize the fate of captive nations within the Soviet Empire. In addition, as the smallest in population of the three major Slavic groups within the U.S.S.R., the Byelorussian language and national culture are under the constant threat of eradication through thinly disguised attempts by the Kremlin to Russify its people into "homo soveticus." It was resistance to such political and cultural repression that led to the protests of Byelorussian patriot Mikhail Kukobaka, subsequently sentenced to 3 years labor camp in 1978 as a result of his protests. Kukobaka, who was subjected to ill-treatment and physical abuse by guards and prison camp thugs, refused to be reeducated and renounce his political views. As a result he was rearrested a few months prior to his scheduled release in September 1981, and sentenced to 3 more years labor camp for slandering the soviet political and social system.

REACHING THE BYELORUSSIAN PEOPLE

Mr. President, the Senator from Kansas is aware that the words we speak on the floor of the U.S. Senate and the statements we place in the CONGRESSIONAL RECORD are frequently broadcast to the peoples of the Soviet Union over the Voice of America. At the present time, the people of Byelorussia are unable to listen to VOA broadcasts in their own language, as that language is not represented among the broadcast languages of the VOA U.S.S.R. service. However, I was most pleased to learn recently that Byelorussian will be included in the future, expanded schedule of VOA U.S.S.R. broadcasts. I commend the administration of Voice of America for this decision, and look forward to the day when the people of Byelorussia need not depend on foreign broadcasts to learn the truth about their own homeland and the other nations of the world, but can live in a free and democratic Byelorussia.●

GREEK INDEPENDENCE DAY

● Mr. SARBANES. Mr. President, today marks the 162d anniversary of the beginning of the Greek War of Independence which led to the overthrow of nearly 400 years of Turkish Ottoman rule. This fight for freedom sparked by the heroic and brave Greek patriots was in 1821 another inspiring chapter in the continuing human struggle for dignity and self-determination.

This important anniversary also provides us with the opportunity to commemorate the historic friendship between the American and Greek peoples. It is a matter of great pride that this longstanding relationship rests on the fundamental values of freedom for all individuals and a repugnance to totalitarian and oppressive systems of control. This shared commitment to freedom was most evident during both World Wars when Greece and America stood together as strong allies to defeat those autocratic and facist forces bent on destroying western democracy. Again, after these struggles, the Greek people generously assisted by the American people turned back other totalitarian forces and rebuilt their battered but not unbowed nation.

This great friendship was further solidified by the thousands of Greek immigrants who came to the United States early in this century and was further strengthened by subsequent immigrants who continue to add richly to the diversity of America. These new Americans and their families fully understood and continue to understand the importance of making American democracy work and have made enormous contributions to our Nation as evidenced by the many leaders of Greek descent who have risen to prominence in business, the arts, education, and government. These great accomplishments directly result from their strong adherence to important values—hard work, education, family, and church—which have been passed down through generations of Greek families and brought to this country.

The close friendship established 162 years ago between the resurgent Greek democracy and the young American Republic has served as an inspiring example to all those seeking integrity and equality among nations.

Greece today is vibrant and healthy democracy. Its people reflect the traditional values of freedom and independence which originated in ancient Greece.

We honor therefore the Greeks for their great and continuing sacrifices on behalf of freedom for all peoples. It is that message of democracy that Greeks and Americans share; the idea of freedom and the belief that the individual can, given the opportunity, decide his own destiny.

We are especially mindful, on this occasion, of the birth of the modern day kinship between Greece and America, a relationship founded on the highest ideals to which man can aspire and bound together by the friendship and mutual admiration of two freedom loving people.●

CONGRESSMAN DON BONKER AND HUMAN RIGHTS

● Mr. HATFIELD. Mr. President, there are a few people who each of us count as brothers (or sisters) closer than actual siblings. DON BONKER from Washington State is one such individual in my life. We share common concerns, actively pursue together our joint commitment in faith, support one anothers' families, and often find ourselves shoulder to shoulder on issues that confront us in the Congress. He is a public servant beyond reproach who speaks out appropriately on matters that should concern us all.

Recently an editorial in the Northwest Baptist Witness came to my attention which extolled Congressman BONKER's authorship of the "Religious Persecution Resolution."

Mr. President, the editorial clearly states what I feel about both the issue and the man. I ask that it be printed in the RECORD.

[From the Northwest Baptist Witness]

EDITORIAL: THANKS, REPRESENTATIVE BONKER

Rep. Don L. Bonker, D-WA, has authored a resolution condemning "all forms of religious persecution and discrimination whenever and wherever they occur" which has passed the U.S. House of Representatives.

We commend Rep. Bonker for his willingness to go on record against an evil which plagues people all over the world. The fact the Christian Life Commission sponsors Race Relations Sunday, Feb. 13, in Southern Baptist churches throughout the U.S. and Canada helps us to consider another aspect of the discrimination problem.

Bonker says "From all the available evidence presented to the subcommittee (House Subcommittee on Human Rights and International Organizations) there can be no doubt that the free exercise of religion is limited in most parts of the world." Bonker is chairman of the subcommittee.

Citing a list of international religious persecution and discrimination problems, Bonker said, "The sad truth is that few countries of the world enjoy the religious freedom that is so treasured in the United States (and Canada), a freedom that is rooted in the history and traditions of our country and sanctified by the Bill of Rights.

"One thing is certain," Bonker added, "religious persecution will never be checked unless someone takes the time to monitor and expose what is going on and governments are held accountable."

The resolution calls upon the President and other U.S. officials to seek the establishment of a working group on the elimination of religious discrimination and persecution at the 39th session of the United Nations Commission on Human Rights.

The Senate took no action on the resolution but is expected to take it up during this Congress.

It is refreshing to see politicians sensitive to human needs and gratifying that leadership in this area would come from one of our own Congressmen. We urge Rep. Bonker and other Northwest colleagues to continue to keep these matters before our governing bodies in hope of progress being made in striking at discrimination wherever it rears its ugly head.

We also strongly urge Northwest Baptist churches to observe Race Relations Sunday, Feb. 13, as one additional way to keep Christians sensitive to the needs of others, even those who suffer from discrimination in a land dedicated to freedom of religious expression.

We would also suggest readers write Congressman Bonker and express support for his resolution.●

FOREIGN AID THAT NEVER MAKES HEADLINES

● Mr. GARN. Mr. President, in a world that too often measures the success of foreign aid programs by the amount of money that is spent, good ideas, which do not require large expenditures of funds, are often lost in the bureaucratic maze of Washington and international politics. However, a small, Washington, D.C.-based organization, Partners of the Americas, seems to be successfully transcending political bounds, while meeting the needs of our Latin American neighbors in a way which government often overlooks.

Partners of the Americas is an organization of citizen groups which link 42 States and the District of Columbia with counterpart groups in 27 Latin American countries. The Partners are sharing much needed know-how that is improving the lives of the poor in these Latin American countries. To some, the Partners' effort may seem small and insignificant, but this practical flow of expertise is doing a great deal to improve health standards and increase literacy throughout Latin America.

I am particularly proud of the role volunteers in Utah have played in contributing to the success of this fine program. For example, donations from Utah schoolchildren have helped build 100 schools in Bolivia over the past 12 years.

Mr. President, the Partners' record of achievement stands as a model which demands the attention of the Congress. I, therefore, commend the Partners for the work they are doing, and I encourage my colleagues to review the U.S. News & World Report article, October 4, 1982, on the Partners of the Americas.

At this point I ask that the article appear in the RECORD.

The article follows:

FOREIGN AID THAT NEVER MAKES HEADLINES

(By Charles H. Harrison)

While Washington frets over ways to thwart Communism in the Caribbean Basin, a barely noted, private organization is strengthening ties between Americans and peoples in that strategically critical area.

In little ways—and with little money—the Washington, D.C.-based Partners of the Americas is helping impoverished Latin American communities develop better ways of life.

Hardly anyone noticed earlier this year when Arthur Maurer, an agriculture professor at the University of Wisconsin, arrived here with a batch of hand-operated water pumps. Yet the devices enabled poor Nicaraguans, for the first time, to bring up uncontaminated water from 15 feet below ground level.

The deal for the pumps, which cost only $20 a piece to manufacture, probably could not have been struck between officials in Washington and Managua—even if relations between the two governments were not hostile. Governments tend to think big, not small, and good ideas often get lost in bureaucracies or are smothered by international politics.

To José Canton and his fellow Nicaraguan Partners, however, each pump delivered may be equal to one doctor. As Canton explains it, if people can drink pure water from underground, they will no longer fall victim to the myriad diseases that lurk in the streams of this tropical land.

Such small successes are happening throughout Latin America under guidance of the Partners, a nonprofit, self-help program that began as an afterthought of President Kennedy's Alliance for Progress. The organization links citizens' groups in 42 states and the District of Columbia with counterpart groups in 27 Latin countries in projects to increase literacy, improve health and sanitation, raise agriculture production and share culture.

One key to the program is finding some common bond, no matter how tenuous, between Americans and the Latins with whom they work. Thus, New Jersey, which has a number of Haitian immigrants, is partnered with Haiti. Maine and the northern coast of Brazil, both home to seafarers, are partners. Alabama and Guatemala are partners because both are agricultural areas of about the same size.

The Partners' record of achievement could be a model for President Reagan's controversial 350-million-dollar Caribbean-aid package that was approved by Congress in mid-August. But after 18 years of operation, the Partners remains, as its president, Alan A. Rubin, complains, one of the Western Hemisphere's "best kept secrets."

The main reason is that its projects, while beneficial, tend to be unspectacular.

A case in point: The 5-mile artificial reef in the Bay of Amatique off Puerto Barrios, Guatemala. The Guatemala Partners advised their colleagues in Alabama that the bay, which had been a major source of food for the nation, was nearly fished out. Marine biologists at the University of South Alabama studied the problem, discovered a natural shoal in the bay and suggested building a reef of old cars, cement blocks and other debris that might attract fish and become a new breeding ground. With the help of the Puerto Barrios city government and the Guatemalan Navy, the reef was constructed this summer. "Eventually," says Guatemala Partners President Harris Whitbeck, "the whole country will benefit."

A SPECIAL GIFT FROM UTAH

Hundreds of such projects are under way in a given year, some costing only people's time and many others operating with a Partners grant of $5,000 or less. What money is needed may come in small donations. For instance, 100 schools have been built in Bolivia during the past 12 years—the funds coming from small change raised by 50,000 Utah schoolchildren.

Often the need is for expertise as much as it is for cash. In nearly every field in Antigua, hoses pumped no water this summer. The trade winds brought little rain, and the government diverted available water to homes and tourist hotels. On one farm, an elderly man tried to keep his vegetables alive with a watering can, using water painstakingly conserved in old oil drums.

Meanwhile, Vincent Sterling, president of the Small Farmers Association and chairman of the Antigua Partners Agriculture Committee, anxiously awaited a report from William Larson, a civil-and-sanitary engineer sent by the Rochester, N.Y., Partners to survey the island's irrigation needs. Larson was developing a plan to build small dams and ponds. The Antiguans were ready to do the work but needed know-how.

A PROFESSOR'S CONCERN

The experience of the Partners program shows that a small project can affect an entire nation. Two and a half years ago Sam Varghese, a professor at Michigan State University, took 100 baby Japanese quail and 200 quail eggs to Santo Domingo. Today, 22,000 quail eggs are incubated monthly at an agricultural station north of Santo Domingo. Many of the eggs are given to farmers who, in turn, breed their own quail.

Why quail? In 1979, Hurricane David wiped out most of the island's chickens. Then, Sanford Neal, Jr., who had worked in the Dominican Republic as a Peace Corps volunteer before joining the Partners in Michigan, suggested quail as a good substitute because they take half the time of chickens to begin laying eggs and require much less feed. Also, one chicken raised for food needs a square foot of space, whereas 150 quail take up only square meter.

Dr. Emile de Boyrie, president of the Dominican Partners, says quail now are becoming a new, inexpensive food source for the country and are providing many small farmers with a new income source. One farmer who got 100 free eggs at the government station now produces 2,500 eggs daily and sells them for 5 cents each. De Boyrie says as many as eight new incubation-and-breeding centers are needed, and the Dominican Republic is looking to the Partners for further assistance.

"We don't ask for a tremendous amount of money," notes Kay Donawa, regional director of the Partners projects in the Caribbean. "What we mostly need is a little training."

On the island of St. Lucia, where the unemployment rate is 27 percent, Leonard Simon, planning officer in the St. Lucia Ministry of Education, turned to Partners for help with a plan to teach youngsters how to run income-producing cooperatives.

His idea was for high-school students to learn how to raise rabbits, bananas or cassavas and how to market them. Simon had qualified teachers but no curricula. The Rockland County, N.Y. Partners sent down experts in curriculum development.

"Our people were not expert in the particular subject matter," observes Seymour Eskow, the Rockland Partners president. "But they knew how to get the teachers to define their objectives and organize skills that had to be taught. . . . Our people helped the teachers decide what instruction-

al materials to use, how to use them, what kinds of practical experiences to use."

The flow of expertise often goes in the other direction, particularly in programs that deal with culture and sports. When the Barbados Dances Theatre Company went to Albany, N.Y., its production outdrew a later performance by the Martha Graham Company. And while North American Partners have sent sports celebrities to Latin America, the Latin Partners have reciprocated by sending sports teams and soccer coaches who have passed on their skills to American students.

A recent addition to Partners' programs is Women in Development, which is geared toward helping women become visible as productive workers.

The need for this was explained at a conference in Jamaica last year when one speaker, Carmen Delgado Votaw, told of a man in Honduras who was asked by a social worker if his wife worked. He said she did not. But, said Votaw, the wife arose at dawn, collected water from the river and firewood in the forest, prepared breakfast for a family of six, washed clothes, tended the garden, went to market, fed the chickens and hogs, prepared the evening meals and did handicrafts.

"Can you imagine," said Votaw, "that after 16 or 17 hours of hard labor, this typical woman realizes she is the invisible worker, not included in the official labor statistics or in the consciousness of her family or community as a contributor to a productive life."

To help women become income earners, the Partners have assisted a number of craft projects. In Barbados, women who have been turning out a small number of stuffed animals are being taught how to increase production and to open new markets. In Haiti, women of the village of Ballanger are learning to tan the animal skins that used to be thrown away and to turn the hides into pocketbooks and other leather goods. In St. Lucia, Partners has bought sewing machines and hired an instructor to teach village women fancy sewing and embroidery for market sales.

VAST MEDICAL NEEDS

Throughout Latin America, the Partners are working to bring basic health services to the poor. It is both a rewarding and frustrating task.

In the Dominican Republic, for example, more than 82 percent of the children are not vaccinated against tuberculosis and 53 percent are not vaccinated against tetanus, whooping cough and diptheria.

Only 21 percent of the homes have running water. In Haiti, good medical care is available mostly for the rich or middle class, and the Partners-funded clinic there for children and expectant mothers is a rare facility for the poor—although it has little equipment and its pharmacy consists of only a few shelves of medicines.

The Partners program has trained thousands of medical and health personnel in Latin America, but the problem goes far beyond that. "We have well-trained doctors," says Dr. Sergio Inchaustegui of the Dominican Republic Partners. "It is a matter of equipment and medicines."

For instance, in Antigua, Chief Health Inspector Vincent Edwards notes that there are only two devices available on the island for testing water in private wells. Even those devices were not usable for a long time until William Larson of the Rochester Partners learned of the need and mailed the parts necessary to restore the instruments.

THE SUCCESS OF THE PARTNERS

Typically, an American partner arrives in a Latin country with books for a library, a Braille typewriter, or catheters that a U.S. hospital was about to throw away after a single use but which may be sterilized and re-used in Latin America over and over again.

The success of Partners of the Americas may best be explained by L. B. Bird, Deputy Prime Minister of Antigua:

"Sometimes we get aid we can't use because no one asked us. The Partners program makes sure of what we want and how they can help."●

IN DEFENSE OF THE CHILDREN'S BUDGET

● Mr. BAUCUS. Mr. President, the children's defense fund has just published a report on how the administration's proposed fiscal 1984 budget would affect children.

The findings are not favorable. The administration's budget proposes funding cuts for the third year in a row for child nutrition programs, medicaid, food stamps and other Federal programs that benefit children.

According to the report, if Congress approves these cuts, our country's poorest and most vulnerable children would lose $1 in every $6 spent on them before President Reagan.

The report also compares Government spending for defense to spending for programs benefiting low-income families and children. Over the next 4 years, the administration plans to increase per capita spending for defense by 63 percent and decrease funding for low-income families and children by about 22 percent.

Our children represent the future of America and we should do all we can to insure their welfare. This includes providing them with the basic necessities—food, shelter, clothing, education and health care—if their families cannot.

I urge my colleagues to examine this important report. The children of America cannot lobby or vote but their future is in our hands. They deserve a brighter future than the one that would come from continued budget cuts.

Mr. President, I ask that an excerpt from "A Children's Defense Budget: An Analysis of the President's fiscal year 1984 Budget and Children" be entered into the RECORD.

The excerpt follows:

PRESIDENTIAL PARADOX

"We can, with compassion, continue to meet our responsibilities to those who, through no fault of their own, need our help. We can meet fully the other legitimate responsibilities of government. We cannot continue any longer our wasteful ways at the expense of the workers of this land or of our children."—Ronald Reagan, Address to the Nation on the Economy, February 5, 1981.

In fiscal year 1982 the Reagan Administration proposed $11 billion in cuts in critical preventive children's and family support programs. The Congress enacted $9 billion.

In fiscal year 1983 the Reagan Administration proposed $9 billion in cuts in these same programs. Congress enacted $1 billion.

In fiscal year 1984 the Reagan Administration is proposing to "freeze" previous cuts and cut another $3.5 billion from these same programs serving these same devastated children and families just as they are being hit by the harsh effects of already enacted cuts. Proposed new actual fiscal year 1984 cuts include another $246 million from child nutrition programs, $1.9 billion from Medicaid over three years, $732 million from poor welfare mothers and children, $757 million from food stamp recipients, and $675 million from low-income home energy assistance.

The President would also eliminate the entire $328 million Community Services Block Grant (emergency jobs, shelter, and food), $73 million Juvenile Justice and Delinquency Prevention Act, $271 million Work Incentive (WIN) Program to help mothers escape welfare, $241 million Legal Services Corporation, $6.8 million Appalachian Area Development Program, and a number of child abuse, child welfare, and Head Start research and demonstration projects.

If he succeeds, it will mean that the poorest and most vulnerable children in America will have lost $1 in every $6 spent on them before President Reagan took office. No other group has been made to sacrifice so much to control so little of the growing federal deficit.

Not only has the Reagan Administration cut funds for children and poor families, it has also attempted to repeal or weaken virtually every cost-effective and successful preventive children's program that could help control future deficits and remediative costs: the Special Supplemental Food Program for Women, Infants and Children (WIC); the Adoption Assistance and Child Welfare Act of 1980; the Child Abuse Prevention and Treatment Act; Title I of the Elementary and Secondary Education Act; Title V Maternal and Child Health Program; the Child Care Food Program; the Juvenile Justice and Delinquency Prevention Act; the Runaway and Homeless Youth Act. The list goes on and on. And when Congress has rejected the Administration's attempts to eliminate programs, Administration officials have tried to accomplish the same results through back-door regulatory maneuvering and nonenforcement of the law.

Even Head Start, a purported Administration "safety net" program, did not escape Mr. Stockman's repeal/block grant attempts or the Department of Health and Human Service's efforts to "streamline" its regulations and performance standards, thereby threatening the very elements that make the program successful. It took 5,000 letters from Head Start parents and supporters to convince the Administration to leave Head Start alone.

PER CAPITA EXPENDITURES ON DEFENSE AND ON PROGRAMS FOR LOW-INCOME FAMILIES AND CHILDREN, FISCAL YEAR 1981–88

	National defense	Programs for low-income families and children
Fiscal year:		
1981	$695	$416
1982	762	372
1983	825	379

PER CAPITA EXPENDITURES ON DEFENSE AND ON PROGRAMS FOR LOW-INCOME FAMILIES AND CHILDREN, FISCAL YEAR 1981–88—Continued

	National defense	Programs for low-income families and children
1984	892	350
1985	983	342
1986	1,054	334
1987	1,097	327
1988	1,133	325
Change in dollars	+438	−91
Change in percent	+63.0	−21.9

Note.—Figures are in 1981 dollars.

National Defense outlays are totals for function 050. Programs for low-income families and children include all outlays for: education, training, and social service (function 500); health care services (subfunction 551) less Medicare; housing assistance (subfunction 604); food and nutrition assistance (subfunction 605); and other income security (subfunction 609). This grouping includes all programs discussed in this book, plus many small categorical programs (e.g., library grants) and a few larger adult employment programs (e.g., employment services) not covered. The annual average level of the Consumer Price Index (CPI–W) for 1982 through 1988 is as shown in the fiscal year 1984 Budget. U.S. total population are July estimates from the U.S. Bureau of the Census through 1981. From 1982 to 1988, population is Series II projections increased by the 5.6 million correction from the 1980 Census.

THE CONSEQUENCES

In 1980 the Title V Maternal and Child Health and Crippled Children's Program reached nearly 12 million children and mothers with services ranging from basic prenatal care, checkups, and immunizations to the most sophisticated types of medical care for high-risk newborns and children suffering from handicapping conditions and crippling diseases.

For fiscal year 1982 the Reagan Administration proposed two general health block grants to states, which would have abolished all basic preventive health programs for mothers and children. The Administration's block grant proposals were rejected by Congress. But Congress created the Title V Maternal and Child Health (MCH) Block Grant, which was funded in fiscal year 1982 at $373 million, an 18 percent cut from fiscal year 1981 appropriations levels. This block grant, which has been implemented by all 50 states, combined the previous Title V program with six other specialized programs—Sudden Infant Death Syndrome (SIDS), Lead Paint Poisoning Prevention, Genetic Screening, Hemophilia Treatment, Adolescent Pregnancy Services, and Supplemental Security Income (SSI) Rehabilitation Services for Disabled Children.

For fiscal year 1983 the Reagan Administration proposed adding the Special Supplemental Food Program for Women, Infants and Children (WIC) to the MCH Block Grant and cutting funds that WIC would add to the block grant by 35 percent. Congress rejected the Administration's proposal. Even so, the MCH Block Grant's fiscal year 1983 funding is frozen at the fiscal year 1982 level of $373 million.

HEALTH CENTERS, FAMILY PLANNING, AND IMMUNIZATIONS

In 1981, 827 community health centers provided comprehensive care in the most medically underserved urban and rural areas of the nation. In addition, some 128 migrant health centers reached families in the migrant stream—a population in which almost 20 percent of women, four times the national average, receive little or no prenatal care, and in which nearly half of all women have experienced at least one out-of-hospital birth. Studies have shown that community and migrant health centers deliver care that is high quality and cost effective, and can reduce hospitalization rates between 25 and 44 percent.

During 1981 over 4.5 million young women and mothers received family planning and health education services at about 5,000 family planning sites nationwide. In addition to delivering important health services, the programs yield a documented savings of $1.80 for every $1.00 invested.

In 1981, the federal Childhood Immunization Program provided an estimated 16.6 million doses of no-cost vaccines for over 6 million children. A Centers for Disease Control study shows that the $180 million spent over several years on a measles vaccination program saved $1.3 billion in medical care and long-term care by reducing deafness, retardation, and other problems.

All of these programs were attacked by the Reagan Administration in fiscal year 1982 and fiscal year 1983. In fiscal year 1982 the Administration proposed block granting the Community and Migrant Health Centers and Family Planning Programs and cutting their federal funds by 25 percent. Congress rejected this proposal. It cut Community Health Center funds by 13 percent, Migrant Health Centers by 12 percent, and Family Planning Programs by 23 percent from fiscal year 1981 funding levels.

For fiscal year 1983 the Administration again proposed abolishing Community and Migrant Health Centers and Family Planning Programs and replacing them with a block grant funded at fiscal year 1982 levels. Congress did not pass this proposal. In fiscal year 1983 these programs are operating at fiscal year 1982 funding levels with the exception of the Community Health Centers Program, which received a 5 percent increase in fiscal year 1983 over fiscal year 1982 levels but is still funded 9 percent below fiscal year 1981 appropriations levels.

For fiscal year 1982 the Administration also proposed cutting the Childhood Immunization grants to states by 28 percent. Congress responded with a 13 percent increase. For fiscal year 1983 the Administration proposed a 16 percent cut, and Congress responded with a 14 percent increase from fiscal year 1982 levels.

CONGRESS MUST COUNTERACT THE REAGAN PROPOSALS

President Reagan's vision for America's children is totally at odds with ours. Rather than strengthening the nation's preventive investment in young people and cushioning the harsh impacts of the economic downturn for which he shares so much responsibility, he has relentlessly sought to cut and remove every successful federal support for children, send programs without standards and money to unprepared and unevenly interested states and localities, and invoke private sector support for tasks far beyond their capacity or willingness to fulfill.

Our history teaches that localism and privatism, despite their many virtues, mean that some children have all the necessities of life and others have few or none. We believe that is both unfair and unnecessary in this rich land. Children are Americans first. Why should they go hungry in Kentucky and not in Pennsylvania because one state provides employed fathers welfare and the other does not? Why should children in poor Mississippi and in rich but ungenerous Texas and Louisiana lack what their peers in New York may get? Why should babies in depression-ravished Ohio and Michigan towns die in increasing numbers when a relative pittance of federal investment in prenatal and postnatal care might give them life?

The Reagan Administration's response to children over the last two years has been a series of unfair budget decisions that have assaulted and hurt children.

An estimated 1.5 million children have lost AFDC. Most have also lost Medicaid. In 22 states, these children have no alternative way to regain Medicaid services.

725,000 people, including about 290,000 children, have lost health services as a result of funding cuts affecting 239 community health centers.

Over 200,000 children and mothers have lost preventive maternal and child health services.

One million people have seen their food stamps eliminated and about 4 million have had their benefits reduced.

1.1 million low-income children have lost free and reduced-price lunches.

900,000 fewer children now receive school breakfasts.

More than 1,000 schools have closed school lunch programs. This has hurt the poorest children most.

500,000 poor children no longer get summer lunches provided through churches and other nonprofits.

Hundreds of thousands of poor children in Head Start and day care centers have lost a nutritious daily snack of milk, cookies, and juice.

Yet President Reagan continues to say that he is not hurting the truly needy or actually cutting programs for the poor or children. It is simply untrue. The hunger, homelessness, child abuse, and infant mortality we describe in this book are only examples of what we hear about over and over again.

The President claims jobs exist for all who want to work if they would just read the want ads and vote with their feet. But he misses the long lines of unemployed scrambling in the cold for the all-too-few jobs announced in the local papers. He talks of the need for building self-sufficiency. But he then proposes to wipe out or reduce child care, income disregards, and job training programs that give mothers incentives to leave welfare and go out to work. He implies that significant budget savings can be achieved by weeding out waste and abuse among food stamp and welfare recipients—over half of whom are children. But he says nothing about controlling defense cost overruns of up to 152 percent which cost taxpayers billions. He claims he has been compassionate, fair, and evenhanded in the sacrifice demanded of all Americans. But he has exacted real cuts of $9 billion from the poorest children and families, given $750 billion in new tax breaks disproportionately to the rich, and increased military spending by $55 billion the last two years.

After all this, he now proposes to "freeze" domestic spending, in fact cut another $3.5 billion from programs for poor children and families. Such a "freeze" would not freeze the deficit, but merely the joblessness, hunger, sickness, and suffering previous unjust budget decisions have spawned. In Anatole France's words, it would be like forbidding "the rich as well as the poor to sleep under bridges, to beg in the streets, and to steal bread," but in this case only after taking away the poor man's house and food and giving the rich man a luxury hotel and lots of new allowances.

A new Congress can no longer hide behind the flawed visions of "supply side economics" and "New Federalism," or content itself with playing defensive games that count it a victory if a cost-effective children's program is saved from repeal or further cuts that should never have been proposed in the first

place. Nor is it enough in 1983 to simply be against the Reagan budget while ignoring the enormous human consequences of the last two years' choices. Congress must try to restore fairness and repair some of the lives damaged by joblessness and loss of health services, child care services, and shelter.

The nation cannot afford not to take these steps. Congress should lead. It should no longer fear the inevitable and worn out attacks on federal handouts, big government, failed Great Society programs, and deficit spending from those whose choices and votes have caused double-digit unemployment, unprecedented tax raids on public revenues by the nonneedy and military, and a mortgaged future that our children may never be able to overcome.●

● Mr. MURKOWSKI. Mr. President, over the weekend one of North America's most quelling sporting events reached a conclusion with the completion of a dog sled race that covered over 1,000 miles of Alaskan wilderness. On Friday, Rich Mackey of Wasilla, Alaska, completed the race in 12 days, 14 hours, 10 minutes, and 40 seconds on the trail. Rick is the son of the 1978 winner of the Iditarod trail race, Dick Mackey. Dick Mackey can be proud that his son has followed in his footsteps and kept the family tradition by being the first to the finish line in Nome, Alaska. The Senate can be proud to recognize this man's accomplishments with the help of his dogs and in spite of the conditions and the environment.

Iditarod—it is a word that had wedded itself to a perception of the essential Alaskan character and, even further, to an American tradition of challenging limits.

In a time when world events conspire to diminish the human spirit, the Iditarod sled dog race represents the best of values that are sacrosanct to our national sense of heroism.

It it time to formally thank Dorothy and Vandolee Page, and Joe Redington, Sr., and his wife, Vi, for reminding us of the magic of long-distance dog mushing and for rekindling interest in a lifestyle which speaks so powerfully to something inside each of us.

The Iditarod is an extraordinary human drama. Participants travel across 1,000 miles of some of the most demanding terrain on Earth; 2 weeks of exhausting mushing that takes them over two mountain ranges, up the Yukon River, and along the windswept Bering Sea in temperatures that can drop to more than 100 degrees below zero. It is an event that alternates between physical exhaustion and an almost spiritual exhiliration. Bill Vaudrin, a musher tragically killed in 1976, wrote eloquently of his experiences in the 1974 Iditarod.

The northern lights came out before the sky turned fully dark, and swept back and forth in pale yellow and green and red sheets throughout the night with never a break. And since I didn't have to watch for traffic or shift gears or stop for red lights, I just stood there on the back of the sled, riding along hour after hour, not missing a minute of it.

But then the team starts slowing down, and you know that with your added weight they're going to stop, and you can't let them stop—you've got to keep up with the team in front of you, or keep the guy behind from overtaking you, or maybe you've got to get over and down out of the mountains before a storm turns into a white-out. So you jump off the runners and pound along again with whatever you have left, hoping for a patch of snow or ice where you can ride and get your breath back without dragging down the dogs.

Iditarod—Men and women finding their individual limits and pushing themselves into an environment that forces the closest of encounters with personal insignificance, yet also offers tremendous beauty and a strengthened perspective of human value.

The stories of bravery and heroism involving dog teams in Alaska are endless and it is this history of a sport that is actually a lifestyle that gives the Iditarod its rich flavor.

In 1925, a diptheria epidemic broke out in Nome and to get lifesaving serum there in time to help, 19 teams of men and dogs raced from Nenana in a 127-hour relay along the Iditarod trail to deliver the precious cargo in Nome and save the lives of countless children. This brave humanitarian effort put dog teams on the front pages of newspapers around the world. The Iditarod sled dog race is often described as commemorating the famous serum run, but the race runs much deeper than that. Dog teams have played important roles in the entire history of Alaska's development and today's race is part of an unbroken chain leading back to the earliest records of northern life.

Today's mushers carry with them the hearts of an increasing number of individuals to whom the lifestyle provides a quiet inspiration, for each man, woman, and dog that comes down Front Street in Nome after 14 to 20 days on the trail is part of a heroic tradition that is still alive in rural Alaska—and in this last great race on Earth.

I ask that the list of winners be printed in the RECORD. Furthermore, I ask that the article that appeared in Newsweek on the race be printed in the RECORD.

The material follows:

WINNERS OF THE IDITAROD SLED DOG RACE

67 Centennial Race—Isaac Okleasik, Teller.
73 Iditarod—Dick Wilmarth, Red Devil.
74—Carl Huntington, Galena.
75—Emmitt Peters, Ruby.
76—Jerry Riley, Nenana.
77—Rick Swenson, Eureka.
78—Dick Mackey, Wasilla.
79—Rick Swenson, Manley.
80—Joe May, Trappers Creek.
81—Rick Swenson, Manley.
82—Rick Swenson, Manley.

[From Newsweek, Mar. 21, 1983]

FOR THE LOVE OF MUSHING

This is a tough time of year of Herbie Nayokpuk watchers. In Alaska, a state that takes its dog-sled racing seriously, the 57-year-old musher is a genuine celebrity, the Eskimo's answer to Willie Shoemaker or Mario Andretti, the "Shismaref Cannonball." But right now Herbie is even more unreachable than when he is back home on the Chukchi seacoast, raising his huskies on a diet of seal-meat stew. Since he left Anchorage on March 5, the Cannonball has been seen mostly in fleeting glimpses as he drives northward toward places named Skwentna, Ophir, Shageluk, Unalakleet and Knik (site of the Mushers' Hall of Fame)—into the howling artic winter. By traveling day and night, on an ancient trapper's trail sometimes lit by the aurora borealis, he should reach Nome sometime this weekend. In the meantime, the hundreds of hardy souls gathered at various way stations will have thrilled to the spectacle of Herbie and several dozen others sliding by silently in a 1,137-mile mushathon known as the Iditarod Trail Sled Dog Race.

In explaining the experience to those who come from "the Outside," Alaskans have been known to say, "Well, up here we have Christmas, New Year's and the Iditarod." "The Last Great Race," as it is billed, is no mere sporting event. Rather, it is a celebration of the harsh, prepipeline territory that once served as a haven for rugged individualists—and a kind of razz at the benevolent "fisherman's paradise" that the tourist-board folks portray. As the mushers pass from white man's Alaska through cultural zones belonging to the Indians and Eskimos—following a part of the route used by a 1955 dog-sled relay to rush diphtheria serum from Anchorage to Nome—they encounter stretches where the snow cover exceeds 200 inches and the wind-chill factor reaches 130 below Fahrenheit. They also run the risk of meeting moose that occasionally attack their dogs. Virtually every contestant can spin a yarn about how an especially fierce blizzard or an outbreak of canine diarrhea forced him to bed down in a snowdrift for the night. "There's nowhere in the world," says musher Burt Bomhoff, "where you can have more fun being more miserable."

Gold Miners: The Iditarod must provide some sort of satisfaction, because the number of starters has increased steadily since it was begun in 1973. This year's field of 68 includes, in addition to the inevitable trappers and gold miners, a sampling of doctors and lawyers, a dentist, a Czechoslovakian restaurateur and a 78-year-old retired Air Force officer who accompanied Admiral Byrd on his historic 1928 voyage to Antarctica. But the real news is that the prerace favorite was a woman. Susan Butcher, 28, possesses an electric smile and a crack team of dogs that last year helped her finish second, just three minutes and 43 seconds behind four-time winner Rick Swenson. This year she is one of 10 women who are out to disprove the old musher's tale that a female will never win the Iditarod because she could never be hard enough on her dogs.

In fact, mushing is a discipline where cruelty to animals will literally get you nowhere. "The dogs are tougher than the men," says veteran sledder Dick Mackey. "You can't drive a dog to death; it'll quit first." Most racers dote on their good-natured Alaskan huskies, a still evolving, unof-

ficial breed created by crossing greyhounds, Irish setters, Labrador retrievers and even wolves with the local Alaskan malamutes and Siberian huskies. For defending-champion Swenson, raising a competitive team of dogs is a full-time vocation that cost him somewhere between $35,000 and $50,000 a year. Since the first-prize money in the Iditarod is just $24,000, Swenson makes ends meet by selling space on his sled to a number of local sponsors.

Cream-Cheese Diet: When the race is on, the thoughtful handling of the teams becomes an absolute necessity. Dogs are provided protective booties for rough spots on the trail, and veterinarians perform examinations at each of 26 checkpoints. During the Iditarod teams are fed six times a day, but their menus vary from Swenson's lamb chops and cream-cheese diet to a kind of premafrost *pot-au-feu* featuring carefully measured amounts of fish, beaver and moose meat. Each time they are fed, the animals also get a few hours' rest, since it takes that long to hack and cook their frozen rations. The humans always dine after their dogs, and frequently not as well.

The abuse that the mushers heap on themselves during the race is often their biggest problem. Although they must make a 24-hour rest stop at some point in their itinerary, some contestants catnap for just two hours each night in the open country. By the time they reach the Yukon River for the last leg of the journey, they often find themselves experiencing fatigue-induced hallucinations. A more common fear is simply falling asleep at the handlebars and veering off into a suffocating snowdrift or an open river. Miraculously, no human has lost his life during the Iditarod, and though a number of dogs have died en route, they have done so at a rate that is lower than the mortality rate of the general canine population.

The truth is the race is a bit more civilized today than most of its boosters would care to admit. Sleds, which were once handmade of only ash and hickory, are currently reinforced with aluminum and runners are coated with a space-age plastic developed for alpine skis. A commuter helps the Iditarod Trail Committee keep track of everyone's progress. And when last seen, Herbie Nayokpuk was mushing along with a Walkman radio fitted over his ears.

Impossibly Happy: Still, when the leaders reach the finish line, it will be 1925 again. As in years past, fire sirens will blare a greeting and saloon patrons will pour into the streets for an impromptu party. Wherever they finish, the mushers tell reporters from the Nome Nugget that they are impossibly happy. "This is the one time of year when everybody cuts loose," says transplanted New Mexican John Runkle. "The rest of the time we just see each other." Then the party will be over and the mushers will return to places with names like Ruby, Rampart and Shaktoolik to wish away the summer—and get ready for next year's Iditarod.●

CUTTING GOVERNMENT EXPENSES

● Mr. GRASSLEY. Mr. President, President Reagan has expressed his belief that the present administration must take the lead in cutting Government expenses. The people of Iowa agree with this position and feel that the logical follow through of that noble stand would be a careful examination the abuse of Federal funds by nonpartisan groups advocating, as part of their official capacity, public policy. It may be that much of the pressure that has been generated against the proposed regulations has come from the very source which has been feeding at the public trough and generated by the exact thing that these regulations seek to stop.

Throughout the history of our Government, we have held the position that nonpartisan public interest groups were good and therefore entitled to public support of their activities. But now, more and more, we see many of these groups advocating political activity and trying to influence public policies: taking sides. And the side, by and large, that they tend to polarize themselves on is the opposite side of which the administration has chosen. Now it ceases to be a matter of public interest to pay for their activities with taxpayer's money, when they have an ax to grind. Let them grind their ax at their own expense and time, competing in the marketplace of ideas for their funds. That is only fair.

The people of Iowa stand behind the President and his administration on this issue and I encourage my fellow colleagues to join with me in a renunciation of this kind of profligacy. We can no more shell out dollar after dollar for this worthy cause or that, unless the cause is truly worthy. And too many of them in the past have not been. It will not be easy but we must clean out our old account books.

In the April 1982 issue of Conservative Digest, Paul Weyrich wrote an article that depicts a parody of the present situation—that of funding the left. Satirical though it might be, it gives valuable insight into the present situation. I ask that the article be printed in the RECORD.

The article follows:

[From the Conservative Digest, April 1982]

A WACKY FABLE, OR IS IT?

(By Paul Weyrich)

Consider the following fable: The ultimate black day in American politics for conservatives arrives. President Ted Kennedy and Vice President Gary Hart are sworn in at the Capitol. There is doom and gloom everywhere in the New Right movement.

Kennedy, in his inaugural address, pledges to return America to the liberal principles he says where abandoned eight years ago with the election of Ronald Reagan. "Ask not what you can do for your country, ask what your country can do for you," Kennedy intones to the cheering throngs.

Meanwhile, longtime liberal political activist Russ Hemmenway of the National Committee for An Effective Congress holds a meeting at a nearby Capitol Hill townhouse. "This is an historic moment and all of us in the liberal cause who have worked so hard these past eight years to bring about this event, must now mobilize to take advantage of it. If we fail, in another four years the situation could again be reversed with someone far worse than Ronald Reagan—a real Jesse Helms-type person—sworn to stand where our friend Ted Kennedy stood earlier today; that literally would be the end of liberalism in America.

"Although we now deserve to celebrate, we can waste no time. I want each of you to pledge to help me with the most important project in which I have ever participated. My good friend Bill Green from Ralph Nader's group and I went to see the Director of Management and Budget—our beloved Alice Rivlin. Rivlin, who has served us so well all of these years, has pledged to assign someone to work on my project, which I believe will change the course of America. It is very simply: A project to defund the Right. (The audience gasps.)

Pleased with the reaction, Hemmenway goes on to explain: "For years now I have monitored various government agencies. I couldn't believe it, but I found that the federal government is subsidizing NCPAC, the Moral Majority, ACU and even the National Pro-Life Political Action Committee. The government is also pouring billions of dollars each year into little neighborhood front groups set up by evil right wingers throughout the country.

"Now with your help, however, we are going to do something about it. Our beloved President is going to cut off the life blood of the New Right, to see that taxpayers' funds never again go into their coffers. We are going to cut the heart out of the infrastructure that the New Rights has built over these years . . . built with *our money.*"

The crowd rises to its feet as Hemmenway clearly strikes a responsive chord. This truly is a day to remember.

A few weeks later, Hemmenway drops by the White House with the name of a monitor to cut off rightwing money. Although the name of John Culver, a former liberal legislator, is submitted, nothing happens. Disturbed after weeks of tugging and pulling, Hemmenway again visits the White House and is told that one of the Kennedy senior staffers, former Senator Lloyd Bentsen, has blocked the appointment.

Undaunted, Hemmenway, Green and all of the leadership of the organized left seek meeting after meeting with top White House officials to push for the defunding of the right. There's no response. White House spokesman Harry Doublespeaks, when asked by reporters about the effort to "defund the right," says that the Kennedy administration has put the project on the "back burner."

Hemmenway and his associates are discouraged. "Don't they understand who won the election?" Green asks, speaking particularly of Bentsen and Senator Howard Baker who has been designated, along with Rep. Kent Hance (who ran against Kennedy in the Democratic primaries and lost), to be chief operatives in the new administration. (It was said that Hance really knew how to operate and had most of the power.)

Then it happens. One Tuesday morning Hemmenway gets his New York Times. There it is: a picture of President Kennedy smilingly having dinner with Jerry Falwell, Howard Phillips and Richard Viguerie at the home of rightwing publisher Bill Rusher. To make matters worse, a small article titled "NCPAC Gets New Grant" details the $1,754,567 grant from the National Endowment for the Humanities to NCPAC to study the correlation between voting and mating habits in West Virginia.

Hemmenway is stunned. How could this sort of thing happen in a liberal administration? Hemmenway catches the first avail-

able plane, grabs a taxi and goes directly to the White House. But since he hasn't made an appointment and isn't cleared through security, he has to stand in the cold for 45 minutes before he gets in to see Bentsen. Bentsen tolerates them since they had supported Kennedy and contributed heavily.

In Bentsen's office, Hemmenway gets right to the point. "We demand to see the President," he says waving the Times in front of Bentsen. "What's happening is outrageous. They're killing our troops. No one wants to work for the liberal cause anymore because they say you've sold us out. I can't believe that Ted Kennedy knows this is going on. I have known Kennedy for 30 years. He has always said the right things. He has always helped us. This is just incredible." By this time Hemmenway is shouting.

"Calm down," Bentsen says icily, "you don't seem to understand that the President is president of all the people."

Hemmenway shakes his head. "Why did we fight for the liberals to come to power? I still can't believe that Ted Kennedy knows about the NCPAC grant and the billions of dollars that are going to right-wing groups. Here is a grant of $10 million to Joe Coors Fund for Free Enterprise and $500,000 to the Richard Allen Foreign Policy Institute. We demand to see him."

Bensten gets up from his chair, goes to the door and stands by it as a signal for Hemmenway to leave. "I can't guarantee you a meeting with the President," he says, "he is a busy man. He is meeting with the NAM, the chamber and the NFIB."

Hemmenway leaves with a heavy heart. He cannot believe this has happened.

Later that night, he gathers the crew which only a few months earlier had been so triumphant; the best they can do is agree to hold a press conference critical of Kennedy.

They do, but nobody's heart is really in it.

Doublespeaks issues a statement in response to the Hemmenway press conference saying that the White House welcomes the opportunity to disassociate itself from these leftwing kooks. But the media doesn't cover the press conference well—those holding it are irrelevant.

Money continues to flow to Falwell, Viguerie, the Heritage Foundation, Young Americans for Freedom and others who take the money and use it against the administration. They use it for training and recruiting and to help frame the issues against Kennedy. As Hemmenway and his friends stand by, demoralized, the 1990 elections turn out to be a stunning defeat for the seemingly popular Kennedy.

Of course this is just a story. Things like this don't really happen.●

THE MARCH 5 DEATH OF ROBERT LEBARON

● Mr. HATFIELD. Mr. President, it has been said that life without a friend is as death without a witness. I along with many people continue to celebrate the friendship we had with Bob LeBaron during his life. We are therefore now witnesses to his death.

The memory of Bob LeBaron always will be in the context of Bob and Peggy. Their lives new meaning to the truth that spouses consecrate on another by their love. It was, and in a real way, will continue to be Bob and Peggy who extend themselves to the many strangers and friends in need whose paths they crossed.

Bob welcomed strangers. That he met the needs of those around him affirmed his love for God his focus on the eternal mysteries. He understood the universal calculus: $E=MC^2$—a formula of awesome consequence—but he also embraced life and beauty in painting and music. He affirmed love rather than tranquilizing life with trivia. He knew the Lord is not looking for dogmatics systemitized, but love actualized

Bob looked beyond the material side of life. The most unique person of all history, the one in whom "God chose to dwell," brings us peace in time of bereavement. The ultimate incarnation of God and God's love, who demonstrated how life was to be lived through simple acts of compassion, still comes to us to heal and to comfort and to affirm the majestic truth of eternal life. For Jesus Christ is the Alpha and the Omega, and unlocks the mysteries of what is life, what is love, what is death, and what is eternity.

The first of the Presidents of the United States under whom Bob served, Woodrow Wilson, personified this truth in a real experience:

When the U.S. Senate voted against Woodrow Wilson's proposal and refused to ratify the League of Nations, President Wilson confessed to his physician, Dr. Grayson, "I feel like going to bed and staying there." At 3:00 a.m. he summoned the doctor and asked him to read the works of the Apostle Paul in Second Corinthians 4:8–9: "We are afflicted in every way, but not crushed; perplexed, but not driven to despair, persecuted, but not forsaken; struck down, but not destroyed."

The President said: "Doctor if I were not a Christian I would go mad, but my faith holds me to the belief that God is in some way working out His own plans through human perversities and mistakes."

Bob lived a life of purpose. This is eloquently described by George Bernard Shaw:

This is the true joy in life, thee being used for a purpose recognized by yourself as a mighty one; thee being thoroughly worn out before you are thrown on the scrap heap; thee being a force of nature instead of a feverish, selfish little clod of ailments and grievances complaining that the world will not devote itself to making you happy.

We surround Peggy with our love and celebrate the life of Robert LeBaron.

In a harbor two ships sailed; one setting forth on a voyage, the other coming home to port. Everyone cheered the ship going out, but the ship sailing in was scarcely noticed. And a wise man said: "Do not rejoice over a ship that is setting out to sea, for you cannot know what storms it may encounter, what fearful dangers it may endure. But rejoice rather over a ship that has safely reached port, and brings home all passengers in peace."

And this is the way of the world: When a child is born all rejoice; when a man dies, all weep. We should do the opposite. No man can tell what trials and travails await a child; but when a mortal dies in peace, we should rejoice, for he has completed his long journey and is leaving this world with the imperishable crown of a good name. (The Talmud)

Mr. President, I ask that Robert LeBaron's obituary of March 8, 1983, be printed in the RECORD.

[From the Washington Times, Mar. 8, 1983]

ROBERT LEBARON DIES; EX-ATOMIC POLICY AIDE

Robert LeBaron, 91, who as deputy secretary of defense for atomic energy from 1949 to 1954 was responsible for developing atomic policy on all matters relating to the Defense Department and for supervision of the separate atomic energy activities of the three branches of armed services, died Saturday after a heart attack while walking near his home in Washington.

Mr. LeBaron also had been an Olympic Games athlete, a composer in New York and an official of a company involved in the early development of petrochemicals.

He became a consultant in 1956 and since then was active in LeBaron Associates, a consulting company he formed, and as a managing partner of the Norabel Fund, an investment partnership which supports technological breakthroughs in its study of accelerated programs and their potential for investments.

He also established the LeBaron Foundation in 1961.

Mr. LeBaron was a recipient of the Defense Department's highest civilian award for distinguished public service and a special award, presented collectively by the civilian secretaries of the department, the Joint Chiefs of Staff, the commissioners of the old Atomic Energy Commission and the 18 members of the congressional Joint Committee on Atomic Energy.

He was born in Binghamton, N.Y., and as a child marched in a parade there honoring Theodore Roosevelt, who at that time was running for governor of New York.

He received his B.A. degree in chemistry and electro-physics from Union College in New York state in 1913 and his M.S. degree from Princeton Univeristy. After serving n the Army's 3rd Field Artillery in France during World War I he received a doctorate from the Sorbonne in Paris, where he worked under Marie Curie on radiation research.

A star of the cross-country team at Union College, he held the New York state record for the half-mile in 1911 and 1912. He also was a member of the Olympic track team in 1912 and participated in the games held in Stockholm, Sweden, and subsequently held the world's 1,000-yard run record with a time of 2 minutes and 12 seconds.

In 1917 he was a military staff aide for President Woodrow Wilson before sailing to Europe in 1918. In France he participated in some of the heaviest fighting of the war.

When President Wilson went to Paris in June 1919 for the Versailles Conference, he requisitioned Mr. LeBaron as a staff member of the U.S. delegation.

He returned to the United States several months later and found a job with Arthur D. Little in Cambridge, Mass. Interested in the fledgling polymer chemistry industry, he tried to sell the idea of research and development and how his firm could help others, but the concept was too far advanced for its time.

In 1926 Little joined a group venture to develop petrochemicals and Mr. LeBaron became vice president of the new firm on Wall Street.

Also in 1926 he was married to Peggy Bancroft, a featured singer-dancer in a number of Broadway shows in the 1920s and early 1930s.

During the Depression he turned to composing and after studying music did scoring for NBC radio.

At age 45 he decided to return to chemistry and joined the Virginia Smelting firm.

He came to Washington in December 1941 for a short conference, but three days later the Japanese attacked Pearl Harbor and Mr. LeBaron soon was appointed by President Franklin D. Roosevelt as a dollar-a-day man. He was assigned to the War Preparedness Board to build the chemical supplies stocks, but soon was named to the WPB's requirements committee to allocate products for both military and civilian use.

After the war Mr. LeBaron continued as a partner in Virginia Smelting.

Soon after he became a deputy secretary of defense for atomic energy it was learned the Soviet Union had developed and exploded a nuclear device. Mr. LeBaron was assigned to study Defense Department war plans as they related to atomic weapons and to see what was needed to increase nuclear stockpiles.

In 1952 he was aboard a plane which observed the first H-bomb test at Eniwetok.

A memorial service will be held at 11:30 a.m. Friday at the Old Post Chapel, Fort Myer.

The family suggests that expressions of sympathy be in the form of contributions to the Robert LeBaron Fellowship Fund, Princeton University, Princeton, N.J. 08544.●

THE CASE AGAINST A NUCLEAR FREEZE

● Mr. SYMMS. Mr. President, the current debate over a proposed nuclear freeze is much too complex to be reduced to the level of bumper-sticker rhetoric. But the basic facts and principles that are involved are easy enough to understand.

History has taught us that weakness invites wars, that the best way to prevent them is by remaining strong. Those who argue in favor of a nuclear freeze, I am sure, are sincere in their desire for peace and their belief that what they are proposing would lead us in that direction. But it seems to me they are gambling the freedom and security of this country on wishful thinking.

A freeze would not reduce the number of nuclear weapons in the world. If it worked at all, it would only halt the production of those weapons at present levels. And what that means is nothing less than this: the United States would be left in a position of military inferiority, vis-a-vis the Soviet Union, and as long as the freeze applies they would have a permanent advantage.

My friend and former colleague in the House of Representatives, Representative MICKEY EDWARDS of Oklahoma, has written one of the clearest and most convincing articles I have ever read on this subject in the March 18 edition of the Washington Times. I ask permission to place this article in the RECORD, and urge my colleagues to read it.

The article "The Case Against a Nuclear Freeze" follows:

THE CASE AGAINST A NUCLEAR FREEZE

(By Mickey Edwards)

The advocates of a nuclear freeze are missing the essential point of arms-reduction talks. There is only one issue: war or peace. What matters is not how many missiles will do what, but what has to be done to prevent any missiles at all from being fired.

Advocates of an immediate nuclear freeze have attempted to portray President Reagan as insensitive to the threat of war. Ironically, Reagan has done more and gone farther than any *other* American president of the nuclear age in attempting to remove the threat of nuclear weapons.

Nuclear-freeze advocates urge an immediate freeze at current levels. The president proposes to reduce the level of nuclear armaments on both sides, allow both sides to maintain roughly equal forces at that reduced level (to ensure that each side is able to deter aggression by the other), and to remove all imtermediate-range nuclear weapons from Europe altogether.

The Reagan plan would leave fewer nuclear weapons in the world, and by permitting an adequate deterrent capability, would strongly reduce the chances that even those limited numbers of nuclear weapons would ever be used.

It is impossible to see what logic impels people who argue not that nuclear weaponry needs to be reduced, but that it is necessary to draw a line that leaves the Soviet bloc militarily superior to the United States and its allies. (I do not share the concern expressed by some regarding the need for adequate verifiability. I am convinced that if we had a mutual freeze at current levels the Soviets would honor the agreement totally. Such an agreement would leave the Russians in a position of military superiority and only a fool in the Kremlin would risk giving the United States an excuse to declare the agreement invalid.

It is one of the clever little rhetorical tricks used by freeze advocates to ask whether we who support the Reagan initiative would, in fact, be willing to trade nuclear forces with the Soviet Union. Absolutely. In a minute.

Instead of Soviet SS-20s aimed at our allies in Europe, after a trade we would have SS-20s aimed at targets inside the Soviet Union. We would have their increased precision and accuracy. We would have the Kremlin's submarines and intercontinental bombers. We would be building new heavy weapons at a rate faster than we have ever produced them in our history, and much faster than the Soviets.

It is one thing to debate resolutions; it is another to risk the security of the United States on wishful thinking.

Essentially, the argument of nuclear-freeze advocates comes down to this: If the United States stops producing and deploying its nuclear missiles, the Soviets, being kindly, gentle, and seeing that we have stopped putting weapons in the field, will change their minds and decide they no longer are interested in having a military advantage over us, and will begin to reduce their own nuclear arsenal.

I have no answer to that argument: If, after Poland, Hungary, Czechoslovakia and now Afghanistan, if after all the evidence we and all our allies agree on showing that the Soviets have been engaged in an unprecedented military buildup, if after reading the repeated pronouncements and policy statements of the Soviet leadership, there are people who still are willing to risk the lives of their children and 275 million other American men, women and children on the assumption that the Soviets are only kidding, and would never really hurt us, there is no logical or rational answer to such a view.

We in Congress must base our decisions on what is necessary to meet any potential threat, not on wishful thinking.

There are two other key elements in the argument in favor of a nuclear freeze: the belief that, in fact, the Soviets are not superior to us militarily, and that a freeze at this point would not leave us at a comparative disadvantage, and the belief that a nuclear freeze would stop the high cost of the "arms race."

Here again, it is difficult to argue with those who deny the Soviet military capability. This is not a matter of "trusting the CIA." Every intelligence agency of every country in the Free World is in agreement about the extent of the Soviet threat. It is for that reason that the West Germans so overwhelmingly re-elected a chancellor committed to deploying U.S. missiles in Germany as a deterrent to the Soviet SS-20 missiles now aimed at the European heartland.

The United States is not a weak military "patsy." We have one of the strongest military forces in the history of the world. And it costs us a great deal of money to maintain it. But the point is not whether we are stronger than Rome was, or Portugal, or the British before World War II; what matters is whether we are strong enough to stop a still-stronger Soviet Union from deciding it can take military action against us or our allies.

The Argentines didn't go into the Falklands because they thought the British would push them back out within a few weeks. They went in because of a basic miscalculation about the will of Great Britain to defend her possessions. We must not send signals to the Kremlin that would lead them to make a similar miscalculation.

It has been argued, of course, that the Soviets, even if they are stronger, would not attempt to begin a war because "nobody can win a nuclear war." There are two flaws in that argument.

First, nuclear superiority would leave the Soviets able to move militarily using conventional non-nuclear forces, holding over us the threat to unleash nuclear weapons if we did not acquiesce in some new Soviet acquisition.

Second, while it is clearly and absolutely true that we cannot win a nuclear exchange—in fact, something like 60 percent of all Americans would be killed in a Soviet first strike—the Soviets *can* win a nuclear war. The reason is simple: Many of the same people who now advocate a nuclear freeze have for a long time fought against spending money to create an adequate civil defense in the United States. The Soviets, on the other hand, have invested large amounts of money in setting up a defense apparatus to protect both citizens and industry.

It is a serious and naive mistake to equate Soviet society with ours. The government in the United States, whether rapidly or

slowly, does in time react to public opinion in this country. But there are no elections in the Soviet Union. Persons who ascend to leadership in the Soviet Union are not answerable in any way to the Soviet public. They are answerable to a small handful of peers, many of whom are constantly exerting pressure for an even harder line than was followed by Brezhnev.

As to the argument that ending the production and deployment of nuclear weapons would reduce the cost of the military buildup and thus make more money available for social programs, that is true only if we decide to simply disarm and give up any ability to defend ourselves. We are required constitutionally to provide for the national defense and a commitment to defend ourselves purely with conventional weapons—assuming that conventional weapons like tanks, machine guns and airplanes would be effective against an enemy using nuclear weapons—would cost far, far more than our present mix of conventional forces and nuclear missiles.

The point is: this debate is far more complex than the bumper-sticker and cliche level to which it has been reduced—and the stakes are awesome. We are talking about our ability to protect the lives of 275 million people in this country alone, and countless hundreds of millions in other countries as well.

It has been claimed by some that many of the people in the nuclear-freeze movement are either dupes or fools. I do not agree. The nuclear-freeze advocates I have met with are sincere, patriotic and very intelligent. They are motivated, like we all are, by the sincere desire for peace and the increasing fear of war.

But wars are prevented by remaining strong; they are invited by weakness. We must do nothing that would increase the chances of the Soviet Union or any other potential enemy taking actions that would force us into a military response. Maintaining a credible deterrent capability is our surest safeguard of the peace.●

COASTAL STATES REVENUE SHARING

● Mr. LAUTENBERG. Mr. President, I am pleased to join my distinguished colleague, Senator HOLLINGS, in cosponsoring S. 872, legislation to provide coastal States with a small share of the revenues that the Federal Government receives from outer continental shelf energy development.

This bill serves two purposes. It provides coastal States with a source of funding for critical coastal, fishery, and ocean programs during a time of shrinking commitment by the administration. The bill also recognizes the Federal Government's obligation to compensate States for bearing the direct impact of energy development that serves the Nation as a whole. It is important to note, however, that the bill conditions much of the revenue sharing upon the maintenance of approved coastal zone management programs—to insure environmentally sound development and conservation of our coastal areas.

For my home State of New Jersey, this bill would provide roughly $14 million. Funds under the bill are earmarked for support of State programs under the Sea Grant College and Program Act. They would also be used to maintain New Jersey's coastal management program, and enable the State to continue important fisheries research and development. These programs in New Jersey, and similar programs in other coastal States, serve national interests, by expanding our knowledge about the ocean and protecting and developing its resources for our common benefit.

I urge my colleagues to support this important legislation.●

PHIL CRANE: CONSCIENCE OF CONSERVATIVES IN CONGRESS

● Mr. SYMMS. Mr. President, Representative PHIL CRANE of Illinois is one of our greatest assets in Congress. I served with him in the House for 8 years. He is brilliant and courageous, an inspiration to all who believe in the principles of limited Government and personal freedom.

Even those who disagree with his views or votes admire PHIL CRANE for the breadth of his knowledge and the depth of his convictions. And he makes a very good habit of reminding those of us who share his principles and his philosophy that we had a reason for going into politics and coming to Washington.

Ten years ago, Representative CRANE helped to form the House Republican Study Committee, an unofficial caucus of conservatives with a mission to promote the ideas and advance the agenda of freedom and limited Government in the Congress. The committee, which is a valuable source of information and inspiration, is once again chaired by Representative CRANE.

Recently, George Archibald of the Washington Times interviewed Representative CRANE on the Republican Study Committee's purposes and its progress. I ask that the article, "Crane: Embracing the 1980 Republican Platform," be placed in the RECORD, and I urge my colleagues to read it.

The article follows:

[From the Washington Times, Mar. 10, 1983]

CRANE: EMBRACING 1980 REPUBLICAN PLATFORM

The House Republian Study Committee was started as an unofficial caucus in 1973 by conservative congressmen who decided they needed their own legislative strategy and research group after President Richard Nixon and House GOP leaders embraced unbalanced budgets, wage and price controls, and other liberal policies.

The RSC was patterned after the Democratic Study Group, formed by liberals 20 years earlier to frame the issues and pull Democratic policies farther left under House Speakers Sam Rayburn and John McCormack. The Republican group aimed to mobilize GOP legislators on Capitol Hill towards a more conservative agenda on economic and social issues.

With help from other conservative think-tanks and single-issue political groups, the RSC provides background papers and studies on legislative issues, amendments to legislation proposed by House leaders and strategic support for its members.

The committee has a 12-member staff financed by congressmen who contribute funds from their own official staff salary allowances.

Rep. Philip M. Crane, R-Ill., who participated in informal meetings in 1969 that led to the group's formation, is again its chairman. Crane, who opposed President Reagan in 1980 presidential primaries, discussed the role of the RSC during the 98th Congress in this interview with Washington Times national correspondent George Archibald.

Q: Does the RSC still have a more conservative activist mission than the official House Republican organization, or, with President Reagan in office, has the group become just another arm of the GOP House leadership?

A: Initially, after President Reagan's inauguration, it struck me that we tended to be somewhat redundant, because we had our guy in the White House. We had a Republican Policy Committee, a Republican Research Committee, the Republican Conference—all established party organizations—that presumably would be doing what the Republican Study Committee was created to do. And that was to embrace wholeheartedly the principles that you can perhaps find most clearly expressed in the Republican platform.

As time has gone by, there seems to be more and more the need to have a Republican Study Committee again, just as there was when President Nixon proposed unbalanced budgets, wage and price controls, his so-called Family Assistance Plan, hiring quotas in the construction industry, more government intrusion in the marketplace.

Many of us choked over the fact that a Republican president would do all that in violation of the party's principles. But it was presented to us Republicans in the House as our Republican position. And I tried to remind my colleagues at the time that that wasn't our Republican position. That was Nixon's position and it was important to maintain the distinction.

As a result of the success we had then, many of us were heartened to believe that the RSC would be in a position, on a continuing basis, to play the role of cutting edge in guaranteeing that we had that ongoing tug from our philosophical position to keep the party on track, regardless of who was in the White House.

This did not create a great problem under President Carter. Then we got a conservative elected as president and we appeared to be somewhat of a redundancy. But then along came the $98 billion tax increase, which many of us interpreted to be contrary to the mandate of November 1980. We campaigned on a platform to cut taxes, not raise taxes.

Then we got the gasoline tax increase on top of that. We did not see the budget battles being fought as aggressively as they should be. In addition, the president has embraced further tax increases in the so-called Social Security reform.

Most recently, of course, we have had the apparent compromise between the administration and House Speaker Tip O'Neill on the so-called jobs bill. These are all areas where we feel we've got to maintain an on-

going tug to keep the Republican Party committed to the 1980 positions on taxes and government spending reductions. It's not that we're disloyal to the administration. In fact, when we do that, we're in a position to strengthen the administration's bargaining position.

Q: Certainly, you must be choking over budget deficits of $115 billion or more for each of the next five years under the president's current plan. What, specifically do you hope the Republican Study Committee could do to get members mobilized behind alternatives to cut deficits and maybe balance the budget sometime in the future?

A: I'm not sure, at least in the next two years, of what in the House we're going to be able to accomplish, because of O'Neill's 101-vote majority now, instead of the 52-vote majority he had in the last Congress. The chilling effect on conservative Democrats from what happened to Phil Gramm (Democrat-turned Republican congressman from Texas) may have an impact on the protential for putting together Republican-"Boll Weevil" Democrat coalitions on behalf of administration recommendations.

Q: But this is a strategic problem. What about specific alternatives you might offer on principle, regardless of whether they are shot down?

A: We intend to proposed the balanced budget that John Rousselot (former Republican congressman from California) introduced when we had the budget battle in 1981. And we will continue to fight for balanced budgets, because that is the Republican position.

If the administration ends up with something between a balanced budget and the liberal Democratic alternative, our pursuit of balanced budgets certainly has to have a positive impact on pulling spending levels at least farther in the direction of balance than would otherwise be the case. We obviously don't have the numbers to prevail in a straight-out vote.

Q: Will the Republican Study Committee be drafting conservative legislative alternatives to be offered on the House floor or tacked on as amendments to appropriations bills?

A: We have a problem here. Tip O'Neill changed the rules on us. Now it is virtually impossible to introduce restrictive amendments on appropriations bills that say, "None of the funds appropriated shall be spent for . . ." this or that designated purpose. That being the case, we are really, in many respects, hamstrung to a degree we never have been before. It's apparent that they're not content with a 101-vote majority.

What we can do, in many areas, is provide positive alternatives. One of these is in the area of jobs legislation. The objective, in theory, is to deal with the unemployment problem in this country.

We have been actively and aggressively promoting a youth differential to the minimum wage, because everyone knows that the minimum wage law throws teen-agers out of work. This has its most devastating effect on black teen-agers, where unemployment levels are almost double what they are for whites. So at least to get a youth differential is a positive thing.

Another positive thing would be to repeal the Davis-Bacon law (requiring prevailing union wage scales to be paid on a federally funded project). This, again, is legislation that had its origin in the New Deal. Those conditions are long since passed. The economies by repealing Davis-Bacon would move us faster towards a balanced budget, but simultaneously it means expanded job opportunities as well.

Which is not to say we have any assurance these proposals would pass, given the composition of the current Congress. But at least we can focus attention on the fact that there are superior, positive alternatives, in my estimation, to what the Democratic leadership is going to present us.

Q: Will the emphasis be all on economic issues, or will the RSC also be involved in social matters, such as pro-life, pro-family, anti-crime issues?

A: We most assuredly will continue, and have been consistent here, in support of the conservative side of the social questions—whether it's abortion, school prayer or tuition tax credits. Here the administration, I think, has at least indicated an ongoing commitment. But, once more, we're handicapped by the ratios in the House. Barring positive action on the Senate side to approve this kind of legislation, or add it to appropriations bills so that it might come back before the House in a conference report, our chances of succeeding on these issues are remote.

Our success on the Hyde anti-abortion amendment to past appropriations bills, by the way, is one specific reason why the Democratic leadership changed the rules on us. We forced record votes on those questions, which created a form of embarrassment to the Democrats. Knowing the general public sentiment, many of those fellows who did not really like those positions nevertheless voted for them, because they didn't want to create political problems back home.

Q. Will you continue to work with outside groups, such as the American Conservative Union, Conservative Caucus, taxpayer, pro-life and business organizations to get support and build grassroots pressure for what you're trying to do in the Congress?

A. We have maintained consistently ongoing communication with every known conservative, because when you're fighting a battle short-handed, as we are on the House floor, we need all of the outside support we can get.

Frankly, on the common-situs picketing issue several years ago, and stopping IRS regulations dealing with tax exemption of private schools, it was outside groups that were instrumental, through their contacts, in generating so much of the mail in support of our positions on those issues.

That's a vital ingredient, having ongoing connections, with outside groups that have intellectual and research resources as well, whether it's the American Security Council, High Frontier, the Heritage Foundation, or the American Enterprise Institute. There are a variety of these organizations that provide important resources that can be utilized and are made available to the public. It's just that our resources are targeted toward legislative initiatives that are going to come before Congress.

Q. What do you hope to accomplish in the areas of defense and foreign policy?

A. Certainly more cost-effective ways to guarantee the security of the country are in the interest of all Republicans. But I'm not sure the administration always has the ultimate answer and, anytime that might occur, the RSC's function would be to come up with more constructive alternatives.

In the foreign policy area, the president, to date, has taken a firmer stand consistent with the 1980 platform than in some of the economic areas. So we intend to buttress and reinforce whatever efforts the administration makes to uphold the position of trying to restrain the expansion and growth of communism throughout the world. Central America is a specific area where that's vitally important. The administration has been firm in its call for aid to El Salvador, for example, and we've given all the support that we can in that effort.

Q. How many Republicans belong to and financially support the RSC?

A: We had about 150 members out of 192 Republicans in the last Congress. Some of our moderate Republicans do not share our philosophy and, as a result, feel they're not getting their money's worth from that kind of research operation. I believe we lost 39 members to retirement or defeat last year. So our strength is approximately 110 right now.

The level of financial commitment varies, too. Some members give fairly substantial sums to maintain the RSC. Others are simply members who pay very modest annual dues just to be on the mailing list.

Q: How can you conduct the aggressive operation you're talking about if moderate, pragmatic, compromise-oriented Republicans get disillusioned with your conservatism and want to opt out of the RSC? Will you remain as strongly conservative in spite of them, even if it means losing their financial support?

A: John Stuart Mill once observed, and I'm paraphrasing him, that when the opinions of merely ordinary men become the convention of wisdom, the counterpoised corrective to that is more and more pronounced individuality by those who stand on higher eminences of thought. And that's where we're coming from—the higher eminences of thought.

Having those individuals who are willing to remain firmly committed to the basic principles, who will articulate on behalf of those principles even when many will tell you that's not smart politics, is what we exist for.

I've always operated on the principle that if you remain committed consistently, you earn the respect of constituents with your honesty and integrity, even when they don't agree with you.●

QUORUM CALL

Mr. BAKER. Mr. President, I need just a moment to clear a matter at hand, if the Chair will bear with me.

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

The PRESIDING OFFICER (Mrs. HAWKINS). Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BAKER. Madam President, I wish to report that the conferees on the disagreeing vote of the two Houses on the social security bill are still meeting. I spoke with the distinguished chairman of the Finance Committee, Senator DOLE, who indicated

that he did not expect the committee to finish its work before 5 p.m.

Of course, the House of Representatives must act first in this instance. Therefore, it is not possible that the Senate could take up that matter before 6 p.m.

As soon as I do one other piece of business, I intend to ask the Senate to recess until 6 p.m.

THE ESTABLISHMENT OF UNIFORM STANDARDS—COMMERCIAL MOTOR VEHICLE WIDTH

Mr. BAKER. Madam President, there is one bill that has been cleared for action at this time, and I send to the desk a bill on behalf of Senator PACKWOOD, and I ask for its immediate consideration.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 926) to establish uniform national standards for the continued regulation, by the several States, of commercial motor vehicle width on interstate highways.

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

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

Mr. PACKWOOD. Madam President, I ask unanimous consent to have printed in the RECORD a letter dated March 8, 1983, from the Truck Trailer Manufacturers Association, Charles J. Calvin, president; a letter from the Fruehauf Corp., dated March 8, 1983, T. Neal Combs, vice president and general counsel; and a letter dated March 18, 1983, from the Brae Corp., Lawrence W. Briscoe, vice president.

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

TRUCK TRAILER MANUFACTURERS ASSOCIATION,
Alexandria, Va., March 8, 1983.

Hon. BOB PACKWOOD,
U.S. Senate,
Washington. D.C.

DEAR SENATOR PACKWOOD: The Truck Trailer Manufacturers Association represents more than 90 manufacturers who build more than 90 percent of the truck trailers produced annually. In addition, our 110 Associate members supply materiel and components to the industry. In the past several years our production has dropped 60.9 percent and, at the moment, it appears that our industry is coming to a screeching halt.

Neal Combs, vice president and general counsel of the Fruehauf Corporation, has advised us of your interest in the beneficial jobs effect on our industry upon enactment of any legislation to conform the effective date of the trailer width laws to that of the length laws—April 6, 1983.

Currently, more than 35 percent—more than 10,000 individuals—are unemployed in the trailer manufacturing industry and because of the differing effective dates for width and length, more employees are expected to be laid off. Many, many more thousands of additional employees are laid off in industries that supply the trailer industry. Enactment of legislation to conform the two effective dates will, in our opinion, immediately result in an increase in orders for the trailer industry since it will eliminate uncertainty which is preventing trailer users from purchasing new units. We conservatively estimate that with the present interest in buying new trailers, that, conforming the effective date of the new width and length laws, at least 10,000 jobs will be restored in the industry and additional layoffs avoided.

Acccordingly, we recommend that the effective date for use of 102 inch width trailers be established on April 6, the same date that the new length laws become effective.

Sincerely yours,

CHARLES J. CALVIN,
President.

FRUEHAUF CORP.,
Detroit, Mich., March 8, 1983.

Hon. BOB PACKWOOD,
The U.S. Senate,
Washington, D.C.

MY DEAR SENATOR PACKWOOD: Fruehauf Corporation, as the largest trailer manufacturer in the United States, is being impacted, as is the rest of the industry, by the continuing uncertainty resulting from the differing effective dates for width and length laws which govern the use of trailers on the Federal highways. Currently, the new length laws will become effective April 6th; however, the States will not lose funding until after October 1st if they have not changed their laws to permit use of 102-inch width trailers on the interstate and designated Federal highways. Obviously, customers are not purchasing when they may not use the units on the highway and do not wish to purchase 48-foot trailers that are 96 inches wide when they may wait until October and purchase and use 48-foot trailers that are 102 inches wide.

The uncertainty regarding the effective dates is severely impacting the finalization of orders, and while we are witnessing a great deal of interest in purchasing trailers, we will be compelled to close plants during the Spring and Summer if the width and length laws do not become effective simultaneously. We believe that 5,000 jobs will be restored and preserved (through the avoidance of additional layoffs) by the enactment of this legislation.

In the event you have any questions regarding this, please feel free to call me.

Sincerely yours,

T. NEAL COMBS.

BRAE CORP.,
San Francisco, Calif., March 18, 1983.

Senator ROBERT PACKWOOD,
Chairman, Committee on Commerce, Science and Transportation, Washington, D.C.

DEAR MR. CHAIRMAN: BRAE Trailers, Inc., a wholly owned subsidiary of BRAE Corporation, is a manufacturer of piggyback trailers. It was formed in June, 1981, to meet the rapidly growing demand for intermodal freight vehicles. Its new 40,000 square foot manufacturing facility in Stoughton, Wisconsin, has an annual production capacity of two thousand (2,000) trailers.

Because of an apparent oversight during the final weeks of the 97th Congress, BRAE and other manufacturers are faced with a serious problem. during that period, Congress passed much needed legislation establishing uniform standards of truck length and width. The Fiscal Year, 1983 Department of Transportation Appropriations Act, P.L. 97-369, established a truck width standard of 102 inches. The Surface Transportation Assistance Act of 1982, P.L. 97-424, included a provision imposing a semi-trailer length limit of 48 feet. Both of these legislative changes were designed to maximize the capacity of highway trailers, thereby increasing fuel efficiency and reducing transportation costs.

Unfortunately, there is a discrepancy in the effective dates of these two provisions. Under the DOT Appropriations Act, states are not required to comply with the truck width standard until October 1, 1983. The states, however, are required to comply with the truck length limit of 48 feet by April 6 of this year. Because the states are allowed an additional six months to bring their laws in compliance with the federal width requirements, potential customers are waiting to place orders for trailers until October so that can take full advantage of both the width and length modifications.

The effects of the delay in orders have been felt throughout the trailer manufacturing industry and their suppliers. Manufacturing production levels, which otherwise would have been stimulated by the legislative changes, have declined. Demand for component parts and materials such as steel, aluminum. and rubber, has also been deferred. Workers who would otherwise be fully empolyed, must remain idle.

The inadvertent discrepancy in the effective dates of these two laws in already having a profound effect on our industry. It is my understanding, however, that this situation could be remedied simply by amending section 321 of the 1983 DOT Appropriations Act to require the states to comply with the federal width requirement by April 6, 1983. A change of this nature would be extremely helpful not only to our industry but also the economy as a whole. I urge your support and sponsorship of the necessary legislation to achieve this result.

Sincerely,

LAWRENCE W. BRISCOE,
Vice President.

Mr. EAGLETON. Madam President, this legislation comes at a time when the Missouri State Legislature is in midprocess of considering a bill to bring State standards on truck width, length, and weight into compliance with new Federal standards. I am sure many other legislatures are operating on the basic of current deadlines. With respect to the new width standard, that present deadline is October 1, 1983. The bill before us would change that date to April 6, 1983, and at the same time change the enforcement mechanism from loss of Federal highway aid to injunctive relief. In short, this law would preempt State authority in the area of width standards.

Mr. DANFORTH. Senator EAGLETON and I share the same concerns with respect to this bill, and have discussed this at some length we would appreciate some assurance from the distinguished floor manager that the change in effective date will create no problems for State legislatures trying to come into compliance.

Mr. PACKWOOD. I know the Senators from Missouri have been on the forefront of the effort to protect State

prerogatives in the matter of truck size. However, uniform truck sizes are a fait accompli as a result of legislation passed by Congress last December. This bill will simply conform truck length and width effective dates. I would also point out that this bill will have a positive impact on jobs. In Missouri alone, I am told, this bill means 400 to 500 jobs. But, to answer the Senator's question even more specifically, I cannot foresee any enforcement problems for the States as a result of the passage of this bill before us today. As the Senators from Missouri have stated, this bill merely moves up the date for compliance so that the new length and width standard become effective together on April 6. Even States that have not completed action to bring State laws into compliance would suffer no penalties. Specific language to take care of the very problem you raised was added to the bill.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 926

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part B of title IV of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2311 et seq.) is amended by adding at the end thereof the following new section:

"COMMERCIAL MOTOR VEHICLE WIDTH LIMITATION

"SEC. 416. (a) No State, other than the State of Hawaii, shall establish, maintain, or enforce any regulation of commerce which imposes a vehicle width limitations of more or less than 102 inches on any segment of the National System of Interstate and Defense Highways, or any other qualifying Federal-aid highway as designated by the Secretary of Transportation, with traffic lanes designated to be a width of twelve feet or more; except that a State may continue to enforce any regulation of commerce in effect on April 6, 1983 with respect to motor vehicles that exceed 102 inches in width until the date on which such State adopts a regulation of commerce which complies with the provisions of this subsection.

"(b) Notwithstanding the provisions of this section or any other provision of law, certain safety devices which the Secretary of Transportation determines are necessary for safe and efficient operation of motor vehicles shall not be included in the calculation of width.

"(c) Notwithstanding the provision of this section or any other provision of law, a State may grant special use permits to motor vehicles that exceed 102 inches in width.

"(d) Notwithstanding any other provision of law and in accordance with the provisions of this section, a State shall have authority to enforce a commercial vehicle width limitation of 102 inches on any segment of the National System of Interstate and Defense Highways, or any other qualifying Federal-aid highway as designated by the Secretary of Transportation, with traffic lanes designed to be a width of twelve feet or more.

"(e) The provisions of this section shall take effect on April 6, 1983.".

(b) The heading of Part B of title IV of the Surface Transportation Assistance Act of 1982 is amended by inserting "AND WIDTH" immediately after "LENGTH".

SEC. 2. Section 321 of the Department of Transportation and Related Agencies Appropriations Act, 1983 (Public Law 97-369; 96 Stat. 1784) is repealed.

RECESS UNTIL 6 P.M.

Mr. BAKER. Madam President, as I indicated earlier, it is not possible for the Senate to proceed with the consideration of a conference report on the social security bill before 6 p.m. Therefore, I asked unanimous consent that the Senate now stand in recess until the hour of 6 p.m. today.

There being no objection, the Senate, at 3:12 p.m., recessed until 6 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GORTON).

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I have just concluded a telephone call with the chairman of the Finance Committee of the House of Representatives. Progress on the social security bill has been slower than expected. They are still in session. They do not expect to finish before 7 p.m. The report must first go to the House of Representatives. The House does intend to stay in session tonight and act on the bill. It is not possible for that measure to be completed in conference, to be acted on by the House, and reach the Senate before the hour of 9 p.m.

Mr. President, I understand the minority leader is on the way to the floor. The assistant minority leader is here.

I will not put the request for the moment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BAKER. Mr. President, I should add one thing. I have now discussed this with the minority leader. That is the prospect for a rollcall vote this evening.

I think Senators must assume that there will be a rollcall vote. There are requests, I understand, for a rollcall. It may be that the rollcall will not occur, that we can pass the conference report with a voice vote. But as of this moment, that is not possible.

So even though we are coming back at 9 p.m., and even though it may be later than that before we have the conference report before us, Senators on this side should let our cloakroom know where they are going to be and how they can be reached to be on the floor, to be on notice of the possibility, the strong possibility, of a record vote.

Mr. President, if, however, it turns out that we can pass the bill by voice vote, I can assure all Members, and particularly the minority leader who brought the subject to me, that adequate opportunity will be provided for Members to register their individual point of view and their support or opposition to the conference report with their statements in the RECORD. That may or may not be attractive to Members, but I volunteer that. If there is a voice vote, ample opportunity will be provided for Members to make their statements on the floor and put their statements into the RECORD if they wish.

Mr. WILSON assumed the chair.

Mr. BYRD. Mr. President, I think the majority leader can say no more than he has said. He has said that if it can be done by voice vote, if there is no demand for a rollcall vote, it will be done by voice vote. As of now, at least, that is all right, but by the time 9 p.m. rolls around things may be clearer than now.

Mr. BAKER. We can hope for that. In the meantime, Mr. President, I am prepared to recess.

RECESS UNTIL 9 P.M.

Mr. BAKER. Mr. President, if no other Senator seeks recognition, and I see none, I ask unanimous consent that the Senate stand in recess until the hour of 9 p.m. today.

Thereupon, at 6:06 p.m., the Senate recessed until 9 p.m., whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. RUDMAN).

ORDER OF PROCEDURE

The PRESIDING OFFICER. The majority leader is recognized.

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

Mr. President, may I report once more to the Senate on the status of the social security conference report.

I talked to Senator DOLE, the chairman of our Finance Committee, and to Congressman ROSTENKOWSKI, the chairman of the House Ways and Means Committee, who both indicate to me that the conference has been concluded, the report has been signed, I believe by all but one of the conferees, the papers are in preparation for final transmission to the House. The House of Representatives expects to receive those papers between 9:15 and

9:30 p.m. The debate on the conference report will take no more than an hour, perhaps substantially less. A rollcall vote is not anticipated in the House of Representatives.

Mr. President, in view of that, there is no reason for the Senate to remain in session until we have those papers.

It would appear that 10 p.m. is the earliest that we could anticipate them.

I have consulted with the minority leader, who I believe agrees with this course of action.

RECESS UNTIL 10 P.M.

Mr. BAKER. Mr. President, in view of these circumstances, I ask unanimous consent that the Senate now stand in recess until the hour of 10 p.m. tonight.

There being no objection, the Senate, at 9:01 p.m., recessed until 10 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. KASTEN).

SENATE SCHEDULE

Mr. BAKER. Mr. President, once again I must report that we are not in a position to deal with the conference report as yet.

The House, I am advised, will convene at 10:10 p.m. At 10:25 p.m., it is my understanding they will be on the conference report. It is also my understanding that there is an hour allocated for debate on that measure, which would be 11:25 p.m. I do not think it will take long to get the conference report to us; but, by any estimate, it is going to be 11:45 p.m. before we can proceed.

Under those circumstances, Mr. President, I believe I have no alternative except to ask the Senate to stand in recess once more. I have discussed this with the minority leader.

RECESS UNTIL 11:30 P.M.

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now stand in recess until 11:30 p.m. this evening.

There being no objection, the Senate, at 10:01 p.m., recessed until 11:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. KASTEN).

The PRESIDING OFFICER. The assistant majority leader is recognized, the Senator from Alaska.

EXTENSION OF DEFENSE PRODUCTION ACT

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 2112.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House disagree to the amendments of the Senate to the bill (H.R. 2112) entitled "An Act to extend by six months the expiration date of the Defense Production Act of 1950."

Mr. STEVENS. Mr. President, I move that the Senate recede from the Senate amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska.

The motion was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that Calendar Order No. 67, S. 855, the Senate companion bill, be indefinitely postponed.

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

PROCLAIMING MAY 1983 AS "NATIONAL AMATEUR BASEBALL MONTH"

Mr. STEVENS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of House Joint Resolution 175, a joint resolution proclaiming May 1983 as "National Amateur Baseball Month," and I ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will state the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H. J. Res. 175) to authorize and request the President to proclaim May 1983 as "National Amateur Baseball Month."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

The Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The question is on the third reading of the joint resolution.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

The preamble was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

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

The motion to lay on the table was agreed to.

SEQUENTIAL REFERRAL OF S. 503

Mr. STEVENS. Mr. President, I ask unanimous consent that S. 503, the Imitation Controlled Substance Act of 1983, be sequentially referred to the Committee on the Judiciary and the Committee on Labor and Human Resources, with the proviso that if either committee reports the bill to the Senate, the other committee has 30 days in which to report the bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

TO PROVIDE FOR AN INCREASE IN THE NUMBER OF MEMBERS OF THE CONGRESSIONAL AWARD BOARD

Mr. BYRD. Mr. President, I send to the desk a bill on behalf of myself, Mr. BAKER, and Mr. WALLOP, and I ask the Senate to proceed immediately to its consideration.

The PRESIDING OFFICER. Is there objection to the consideration of the bill? The Chair hears none, and it is so ordered.

The bill will be considered to have been read once at length and once by title.

The Senate proceeded to consider the bill (S. 957).

Mr. BYRD. Mr. President, by way of explanation of the bill, it has been cleared on both sides. There is legislation that has been passed earlier creating a Congressional Award Board. The purpose of this bill is to increase the number of members on that Board.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and to be read a third time, was read the third time and passed as follows:

S. 957

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That (a) subsection (a) of section 4 of the Congressional Award Act (Public Law 96-114; 2 U.S.C. 803(a)) is amended—

(1) by striking out "seventeen" in the matter preceding the colon in paragraph (1) and inserting in lieu thereof "thirty-three";

(2) by striking out "Four" in clauses (A), (B), (C), and (D) of paragraph (1) and inserting in lieu thereof "Eight"; and

(3) by striking out "or the Committee for the Establishment and Promotion of the Congressional Award" in paragraph (2).

(b) Subsection (b) of section 4 of such Act (2 U.S.C. 803(b)) is amended—

(1) by striking out "Appointed" at the beginning of such subsection and inserting in lieu thereof "Except as provided in paragraph (2), appointed"; and

(2) by inserting at the end thereof the following new paragraph:

"(2) Individuals appointed to the Board after March 31, 1983, shall serve for terms of two years.".

SEC. 2. Notwithstanding the provisions of section 4 of the Congressional Award Act (2 U.S.C. 803), relating to the terms of individuals appointed to the Congressional Award Board, the sixteen additional members to be appointed to the Board pursuant to the amendments made by the first section of this Act shall be appointed for terms as follows:

(1) Six members shall be appointed for terms of two years.

(2) Five members shall be appointed for terms of four years.

(3) Five members shall be appointed for terms of six years.

Thereafter such members shall be appointed for terms of two years.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

PROGRESS REPORT ON THE SOCIAL SECURITY BILL

Mr. STEVENS. Mr. President, I am informed that a rollcall is commencing on the House side on the bill we are awaiting, and it will be our desire now not to recess but to suggest the absence of a quorum and to notify Members of the Senate that we expect the bill to be delivered here in the very near future.

ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business in which Senators may speak for not to exceed 10 minutes, and that morning business terminate at the request of the majority leader or myself, in consultation with the minority leader, upon the arrival of the social security bill.

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

RECOGNITION OF THE RED SHIELD OF DAVID OF ISRAEL'S MAGEN DAVID ADOM

Mr. PERCY. Mr. President, in September of 1982, the Senate and the House of Representatives passed similar resolutions urging the International Committee of the Red Cross (ICRC) and the League of Red Cross Societies to take steps to support the recognition of the Red Shield of David of the Magen David Adom Society of Israel. Earlier this month, the Senate received a response to the resolutions from the ICRC and the League of Red Cross Societies. In order to promote better understanding of the issues and the current situation, I ask unanimous consent that this response, and my reply to the ICRC, appear in the RECORD following my remarks.

In addition, I have requested and received from the Embassy of Israel a suggestion regarding a means to afford recognition to the Israeli emergency medical society. I ask that this statement from the Embassy of Israel also follow my remarks.

The ICRC noted in its response that, "on the basis of the legal regulations in force, the ICRC is not authorized officially to recognize this society." The Embassy of Israel suggests, however, that "the ICRC can, together with the League of Red Cross Societies, act to grant the Magen David Society membership in the League, prior to any amendment to the Geneva Conventions." I raised this suggestion in my reply to the ICRC, in the hope that this action or any other appropriate steps could be taken soon to solve this continuing problem.

Enclosed in the ICRC's response are five annexes which I have not included here but which may be of interest to Members. These are: Article 6 of the Statutes of the ICRC, the Regulations on Recognition of New National Red Cross Societies, Article 6 of the Constitution of the League of Red Cross Societies, Article 44 of the First Geneva Convention of 1949, and a speech by the President of the ICRC to the Council of Delegates of the XXIV International Conference of the Red Cross held in Manila 1981.

Mr. President, the U.S. Government continues to support recognition of the Red Shield of David, the emblem of the Magen David Adom Society of Israel. The American Red Cross continues to support recognition. The Senate and House are on record in support of recognition. The Government of Israel continues to support recognition.

I shall continue my efforts to promote a means for recognition of the Magen David Adom Society, and I applaud my colleagues Senators HAWKINS and DODD, who were the original sponsors of the resolution in the Senate.

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

REPLY BY THE INTERNATIONAL COMMITTEE OF THE RED CROSS

OFFICE OF THE DELEGATE TO INTERNATIONAL ORGANIZATIONS,
New York, N.Y., February 17, 1983.

Mr. WILLIAM F. HILDENBRAND,
Secretary, U.S. Senate, Office of the Secretary, Washington, D.C.

SIR: Upon receipt of the Resolution 367 adopted by the Senate on September 9, 1982 concerning Magen David Adom, The International Committee of the Red Cross and the League of Red Cross Societies wrote a memorandum responding to this resolution.

Please find enclosed a copy of this memorandum. If you have any additional questions, we will be pleased to assist you.

Respectfully yours,
HARALD SCHMID DE GRUNECK,
Delegate to International Organizations.

MEMORANDUM

Re: The International Red Cross and the Magen David Adom Society in Israel.

On 9 September 1982, the United States Senate adopted a resolution (No. 367) expressing the opinion that

(1) The International Committee of the Red Cross, together with the League of Red Cross Societies, should take steps to support the recognition of the red shield of David of the Magen David Adom Society of Israel, and

(2) The League of Red Cross Societies should formally recognize the red shield of David of the Magen David Adom Society of Israel so that Magen David Adom may become a member in good standing of the League.

A substantially similar resolution (No. 580) was adopted by the House of Representatives on 30 September 1982.

These two resolutions were officially communicated to the International Committee of the Red Cross and to the League of Red Cross Societies in Geneva, where they were the subject of an in-depth study.

The two institutions of the International Red Cross wish to give the following information in response to the opinions expressed on this important problem by the United States Senate and House of Representatives:

ORGANIZATION OF THE INTERNATIONAL RED CROSS

The International Red Cross is composed of: All the National Red Cross and Red Crescent Societies recognized by the ICRC; the International Committee of the Red Cross (ICRC); and the League of Red Cross Societies.

The highest deliberative authority of the International Red Cross is the International Red Cross Conference, which meets in principle once every four years. It is attended by delegations of the three above-mentioned Red Cross bodies and of the States parties to the Geneva Conventions of 12 August 1949.

The International Red Cross Conference adopted the Statutes of the International Red Cross in The Hague in 1928 and revised them in Toronto in 1952. In Stockholm, in 1948, it approved the conditions for recognition of National Red Cross Societies, which are still in force today. The Conference alone is empowered to modify these texts.

It must be emphasized, however, that it was not the International Red Cross Conference, but a diplomatic conference of States, that adopted the emblems of the Red Cross. Only such a conference, gathering solely the States parties to the Geneva Conventions, could recognize a new emblem.

All meetings of the International Conference are preceded by a Council of Delegates, which—unlike the International Red Cross Conference attended by government representatives—is a body composed only of delegates of duly recognized National Societies, of the ICRC and of the League.

The International Committee on the Red Cross is an independent institution, with its own statutes and members recruited by co-option among Swiss citizens. It is a neutral intermediary in the event of armed conflicts and disturbances.

On the strength of the mandate entrusted to it by the Geneva Conventions or on its own initiative, it provides protection and assistance to the victims of international and civil wars, and of internal disturbances and tensions.

The League of Red Cross Societies is the International Federation of National Red Cross and Red Crescent Societies. It is governed by its own constitution. Its role is notably to promote humanitarian activities by National Societies and to co-ordinate their relief operations in aid of the victims of natural disasters.

PROCEDURES FOR RECOGNITION BY THE ICRC AND ADMISSION TO THE LEAGUE OF NEW NATIONAL SOCIETIES

By virtue of Article VI paragraph 3 of the Statutes of the International Red Cross, it is incumbent on the International Committee of the Red Cross to recognize the new National Red Cross and Red Crescent Societies after having ascertained the basis

upon which they are established. By this recognition, these Societies acquire the status of members of the International Red Cross and thus the right to participate as such in International Red Cross Conferences and in meetings of the Council of Delegates. This recognition can be accorded only if the applying Society fulfills the ten conditions or recognition approved by the Seventeenth International Red Cross Conference, Stockholm 1948. The fifth of these conditions stipulates that the candidate Society must use one of the three emblems authorized by the First Geneva Convention of 12 August 1949, i.e., the red cross, the red crescent and the red lion and Sun.[1]

It should be emphasized that the ICRC only plays a role comparable to that of a notary in this procedure, being entirely bound by the regulations in force, which it is not empowered to change. Admission to the League also is subject to a number of conditions, mostly analogous to the conditions for recognition, and to a vote by the General Assembly. In this connection it should be emphasized that only National Red Cross and Red Crescent Societies can be members of the League (according to Article 6 of the League Constitution).

The conditions for recognition by the ICRC and admission to the League require the Society to use one of the protective emblems specified in the First Geneva Convention of 12 August 1949 for the following reason: because National Societies are duly recognized by States as voluntary auxiliaries to Army health services, they have been authorized to use the protective emblem for their work in caring for the wounded in time of war. In time of peace, they can also use the name and sign of the Red Cross or Red Crescent for their activities in conformity with the fundamental principles of the Red Cross (according to Article 44 of the First Geneva Convention of 1949). This is therefore a privilege which National Societies cannot give up without at the same time jeopardizing the protection which is their due in the event of armed conflict.

THE SPECIAL CASE OF THE MAGEN DAVID ADOM SOCIETY IN ISRAEL

The Magen David Adom Society, whose humanitarian activity is most praiseworthy, uses an emblem other than those specified by the Geneva Convention and, in consequence, does not fulfill one of the conditions of recognition. On the basis of the legal regulations in force, the ICRC is not authorized officially to recognize this Society. It should be emphasized, however, that in spite of this situation the ICRC has excellent relations with the Magen David Adom, and has often collaborated with that Society in international relief work on behalf of victims of conflicts.

THE RED SHIELD OF DAVID AS A PROTECTIVE EMBLEM

The red shield of David is the distinctive sign used by the medical services of the Israeli armed forces. It is not recognized by the Geneva Conventions as a protective emblem as are the red cross, the red crescent or the red lion and Sun.

It should, however, be emphasized that if a belligerent identifies, for example, a hospital or ambulance as such, he has the duty to respect them; he cannot open fire under the pretext of the absence of an officially recognized sign.

Nevertheless, it would be preferable for the medical services of the Israeli armed forces and the Israeli Society to benefit from the protection of a recognized sign in the discharge of their conventional activities.

Neither the ICRC nor the League are competent to recognize an additional emblem as a protective sign for medical installations and units in time of war. As said above, only a diplomatic conference of States parties to the Conventions has the power to change the present legal provisions and to adopt a fourth emblem.

The red crescent and the red lion and sun were officially admitted as protective emblems at the 1929 Diplomatic Conference. The 1949 Conference refused recognition of the red shield of David, requested by the State of Israel; nor did the Conference agree to adopt a new unique emblem.

During the Diplomatic Conference on the reaffirmation and development of international humanitarian law applicable in armed conflicts held from 1974 to 1977, the Israeli delegation submitted an amendment seeking to obtain international recognition for the red shield of David, but withdrew it without there being a vote on it; this question was thus not examined by the Conference.

CONSTITUTION OF A WORKING GROUP WITHIN THE INTERNATIONAL RED CROSS

At the International Red Cross Conference at Bucharest in 1977, the ICRC supported the creation, by the Council of Delegates, of a working group to study all questions relating to the emblem. This group, which was composed of nine National Societies, the ICRC, the League and the Henry Dunant Institute, reported to the Council of Delegates preceding the International Red Cross Conference at Manila in 1981.

The Group was unable to reach a consensus and, against the advice of the ICRC, the Council of Delegates did not prolong the mandate of the Working Group, thus putting and end to its existence.

Before the negative vote of the Council of Delegates, the President of the ICRC made a speech referring, among other things, to the difficult situation of the Magen David Adom Society and expressing the wish of the ICRC for research to be continued to find a solution acceptable to all.

CONCLUSIONS

1. The adoption of an additional emblem, such as the red shield of David, as a distinctive sign of the health services of armed forces is within the exclusive competence of a diplomatic conference of States parties to the Geneva Conventions of 12 August 1949. Neither the ICRC nor the League have that competence.

2. As auxiliaries to armed forces health services, the National Societies have been authorized to use one of the emblems admitted by the First Geneva Convention. It would consequently be contrary to their interests to adopt a different emblem which would not be recognized as conferring the protection of the 1949 Geneva Conventions.

3. It is for the ICRC to recognize new Societies, thus conferring on them membership of the International Red Cross. Admission to the League is by vote of its General Assembly.

Even though the files of Societies applying for recognition by the ICRC and admission to the League are examinied jointly by the two institutions, there are two distinct acts, each subject to precise conditions. For recognition, these are defined by Resolution XI of the Seventeenth International Red Cross Conference and, for admission to the League, by Article 6 of the League Constitution.

The conditions in force for recognition can therefore be changed only by an International Red Cross Conference and those for League membership by the General Assembly of the League.

4. In the present legal situation, as the Magen David Adom Society does not use a recognized emblem, it can neither be recognized by the ICRC nor admitted to the League.

5. Knowing that the status quo is not satisfactory, the ICRC and the League continue to hope that a solution acceptable to all will one day be found.

Geneva, 2 February 1983.

U.S.SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C., March 21, 1983.

MR. HARALD SCHMID DE GRUNECK,
Office of the Delegate to International Organizations, International Committee of the Red Cross, 815 Second Avenue, Room 1021, New York, N.Y.

DEAR MR. DE GRUNECK: Mr. William F. Hildebrand, Secretary of the United States Senate, has sent me your memorandum regarding the Senate and House resolutions concerning recognition of the Magen David Adom Society of Israel. I appreciate very much the effort made by the International Committee of the Red Cross and the League of Red Cross Societies in responding to the resolutions in detail.

The U.S. Senate, the U.S. Department of State and the Government of Israel continue to hope that a way can be found to provide for the formal recognition of the Red Shield emblem of the Magen David Adom and membership of Magen David Adom in the League of Red Cross Societies. I welcome especially your statement reiterating the ICRC's position that "knowing that the status quo is not satisfactory, the ICRC and the League continue to hope that a solution acceptable to all will one day be found."

I understand that recognition of the emblem for the purpose of the Geneva Conventions requires a vote by a Diplomatic Conference, and no such conference is being convened. However, the Israeli Embassy and others have suggested that the ICRC could act with the League of Red Cross Societies to grant Magen David Adom membership in the League prior to any amendment to the Geneva Conventions. I hope that this action, or another appropriate step, could be taken soon to solve this continuing problem to the satisfaction of the ICRC, the League of Red Cross Societies and the Magen David Adom Society of the State of Israel.

Thank you again for your efforts and for your responsiveness to the resolutions of the U.S. Congress.

Sincerely,

CHARLES H. PERCY,
Chairman.

EMBASSY OF ISRAEL STATEMENT ON RECOGNITION OF THE EMBLEM OF THE RED SHIELD OF DAVID

The Red Shield of David serves as the distinctive sign of Israel's emergency medical services and as the emblem of the Israel Red Cross Society, the Magen David Adom Society. The emblem has however been

[1] At present, only the red cross and the red crescent are used, Iran having decided in July 1980 to adopt the red crescent in place of the red lion and Sun.

denied recognition by the International Red Cross.

As a result of the non-recognition of the emblem, the Israel Society is denied membership of the League of the Red Cross societies and is denied full participation in the International Red Cross Conferences, this despite the fact that the Society fulfills all other criteria for membershp and provides emergency medical and other assistance to all, regardless of race, religion or ethnic background.

As a result of the non-recognition, the emblem of the Red Shield of David does not receive legal recognition under the Geneva Conventions.

For deep historical and religious reasons Israel uses as its emblem the Red Shield of David and not the Red Cross. It should be pointed out that for similar reasons Muslim countries are permitted to use the Red Crescent as their emblem, and in the past Iran used the emblem of the Red Lion and Sun.

The United States and the American Red Cross have supported recognition of the emblem.

Recognition of the emblem for the purpose of the Geneva Conventions requires a vote by a Diplomatic Conference and no such conference is being convened. However, the International Committee of the Red Cross can, together with the League of the Red Cross Societies, act to grant the Magen David Society membership in the League, prior to any amendment to the Geneva Conventions. The International Committee and the League of Red Cross Societies should be urged to so act.

KODIAK RESOLUTION SUPPORTING S. 254

Mr. STEVENS. Mr. President, in January I introduced a bill to amend the Merchant Marine Act of 1936 to consolidate the use of the capital construction fund (CCF) by our domestic fishing industry. The amendment is to extend CCF provisions to include shoreside processing facilities, allowing needed funds to be channeled into an undercapitalized segment of the industry. The importance of stimulating balanced growth within the industry and achieving full domestic development of our fishery resources cannot be overemphasized.

Many benefits would be realized not only by Alaskans, but all Americans by the passage of this bill, S. 254. New and permanent jobs would be created, the U.S. trade deficit would be reduced, and the American fishing industry would become more competitive internationally.

The development of shore-based facilities is the highest priority of the U.S. fishing industry. In support of that objective, the city of Kodiak, Alaska has endorsed S. 254. Kodiak is the largest fishing port in the United States in terms of dollar value of catch and their support for the capital construction fund amendment is a significant indicator of the opinion of the industry.

Mr. President, I ask for unanimous consent that the City of Kodiak Resolution 14-83 be printed in the RECORD.

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

CITY OF KODIAK, RESOLUTION 14-83

Whereas the current provisions of the Capital Construction Fund (under the Merchant Marine Act of 1936) allow fishing vessels and floating processors to defer payment of federal taxes to use the funds for capital investments in vessels, thereby promoting the international competitiveness of the American fishing industry; and

Whereas extending the use of the Capital Construction Fund to onshore processors would provide a whole new source of capital for this segment of Alaska's fishing industry; and

Whereas this would encourage the rebuilding and expansion of onshore facilities and create a more stable job market in many Alaska communities; and

Whereas the potential growth of Alaska's bottomfish industry makes it especially important that this segment of the processing industry be promoted; and

Whereas extension of the Capital Construction Fund to shore-based processors would also allow those fishermen who have been contributing to the fund in previous years to invest in the processing industry; and

Whereas at a Senate hearing on fishery issues last May, many witnesses cited the need for investment capital for onshore facilities as a top priority in Alaska's fishing industry: Now, therefore, be it

Resolved by the Council of the City of Kodiak, Alaska, That the legislation introduced by Senators Ted Stevens and Frank Murkowski on January 27, 1983, which would amend the Merchant Marine Act of 1936 by extending to onshore processors the use of the fishery Capital Construction Fund and would help provide a stable source of investment capital to Alaska's shore-based fish processing industy, be and is hereby endorsed.

SUPPORT FOR PRESIDENT'S CALL FOR MORE HUMANE AND ETHICAL STRATEGIC POLICY

Mr. ARMSTRONG. Mr. President, last night President Reagan delivered what may become one of the great watershed strategic policy statements in history. The President called for this Nation to move away from the present policy of nuclear terror and retaliation to a strategy of defense against nuclear attack. I am introducing a concurrent resolution to express the support of Congress for this visionary statement.

For the past 30 years our strategic military policy and that of the Soviet Union has relied almost exclusively on a mutual ability to destroy the adversary's civilian populations. The policy of mutual assured destruction has correctly been called a balance of terror, and the acronym MAD is indeed apt. Because the survival of this Nation—and even of mankind—is at stake, no President and no Congress has dared to stop the ominous buildup of offensive nuclear weapons. It has been feared that failure to maintain a credible balance would led to a failure to deter nuclear war and ultimately bring about the destruction of mankind.

The people and their thoughtful leaders everywhere have instinctively reacted to this policy with increasing apprehension about where it would ultimately lead. In addition, there is an increasing recognition that there is something inherently wrong with a military policy that is based on the premise that the only way to protect our own population was through the development of the capability to totally destroy the civilian population of the enemy.

The President has opened a new vista toward eliminating forever the nightmare of nuclear war that has been a plague on the world's consciousness for nearly 40 years. By developing an effective technology to defend against a nuclear missile attack, we can render the nuclear arsenals of the world obsolete.

It is not a course that is free of hazard, but it is the mark of a true leader to recognize that there is no such thing as a major advance without risk. Because of the President's leadership, mankind may be able once again to reach for a world governed by security, reason, and hope.

Mr. President, I ask unanimous consent that the text of the concurrent resolution be printed in the RECORD.

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

S. CON. RES. 23

Whereas the United States should make every effort to remove the threat of nuclear war from the face of the earth;

Whereas we believe that the human spirit must be capable of rising above dealing with other nations and human beings by threatening their existence;

Whereas it is the policy of the United States to save lives, rather than to avenge them;

Whereas the protection of people and their societies is a fundamental goal of the United States;

Whereas the President has called for the development of strategic defensive technologies that could destroy any potential adversary's ballistic missiles before they reach our soil or that of our allies and has called upon the American scientific community to develop the means to render nuclear weapons impotent and obsolete;

Whereas an American strategic policy including strategic defense will eventually provide greater strategic stability than a policy built solely around strategic retaliation;

Whereas the President has called for the development of strategic defenses as an arms control measure to eventually eliminate nuclear weapons altogether: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) supports the President's call for a more humane and ethical strategic policy for the United States;

(2) supports the President's efforts to develop strategic defensive systems as a new

policy of peace to reduce our present sole dependence on the threat of nuclear retaliation;

(3) commends the President for his courageous initiative to develop new arms-control policies and other measures, including those built on the deployment of strategic defensive systems, to eliminate the threat posed by nuclear weapons to all mankind;

(4) supports the President's historic call for a national technological and scientific effort to develop means of rendering nuclear weapons impotent and obsolete.

(Later the following occurred:)

Mr. DURENBERGER. Mr. President, a few minutes ago I was sitting in my office pounding away at my typewriter in dress uniform and was pleased to hear the Senator from Colorado introduce a resolution relative to a major, very important address that the President of the United States delivered to the people of this country and the people of the world last night.

I know that the Senator from Colorado was not present for the speech; he was on this floor at the same time I was in a discussion of health care for the unemployed. So both of us operate from the same premise when we react to that speech, and that is principally from the written text.

As he indicated in his introductory comments, the President's position is not without hazard. I would like to take just a few minutes to present the potential hazard so that we recognize from the start that it is a debate, appropriately, that the President has commenced in this country.

In language reminiscent of John F. Kennedy's post-Sputnik challenge to land a man on the Moon by the end of the 1960's, the President is now urging the United States scientific community to win another race with the Soviet Union. This time, though, the goals go far beyond our national pride, beyond exploration of some new physical frontier, or beyond mere technological breakthroughs.

This time the stated goals are world peace and security.

The potential tragedy, though, of the President's challenge, is that it may have set the world running off in the opposite direction, moving us beyond the reach of our goal.

Until now the two superpowers have had—and it is ironic that they have had—a stake in each other's arsenal. As long as the Soviets knew that use of their nuclear weapons would invite retaliation, their forces were held hostage. While we do not like the acronym, the MAD acronym, it was a hostage and it is a hostage situation.

The President, in fact, made that very point in his speech to the Nation when he said, "The Soviet Union's vital interests and ours are inextricably linked—their safety and ours are one."

To put it bluntly, no one would push the button first because each side knows that no matter how sophisticated the weapon, or how surprising the attack, warning systems would always provide enough time to launch a counterattack. And no matter how devastating was the attacker's force, the victim's response would be equally horrifying.

The President's speech threatens this "inextricably linked" mutual security. His description of the program is comforting. He calls it a means of rendering nuclear weapons impotent and obsolete.

But the message to the Soviet Union is more ominous. What the President is proposing is an impenetrable umbrella over the United States and our allies coupled with an arsenal of offensive weapons. Consider the Soviets' view of this strategy. It raises the Soviets' fears that we may want to use our nuclear arms against them while shielding ourselves from attack.

The great Soviet fear is that perhaps an ideological fringe in this country or one that comes to power in one of our allies would be willing to launch a first strike nuclear attack during a crisis.

If we ever reach the point where the planned defensive systems appear nearly ready, the Soviets may well be tempted to strike us while their forces are still effective, before our umbrella is fully raised.

These crises are not just in the imagination of nuclear freeze advocates. The Soviets and the United States nearly came to nuclear blows twice in the last 20 years, first in the Cuban missile crisis of 1962, and second during the 1973 Middle East war.

Crises can cause nations to take risks. If technology adds to their fears, they will take even more risks.

This technology, of course, is several years, probably several decades, away, as the President said in his speech. It is far from certain that effective systems could even be developed.

The technological breakthroughs of the last two decades, though, send a very clear signal to the Soviet Union. They cannot sit idly by, hoping that our research will be fruitless. If the President pushes ahead with his plan, the Soviets will be far less interested in limiting or reducing offensive weapons through negotiation.

The obvious Soviet strategy is to build enough weapons to overwhelm a defensive system. That is, have enough of a nuclear storehouse that it can beat a defensive system through sheer numbers.

Another tact would be to build better weapons—fight technology with technology. If the United States builds a defensive system, build a smarter nuclear weapon.

Both of these strategies, Mr. President, require more Soviet warheads and in the Soviet system—where policy is not made by the public but by a handful of powerful leaders—resources will be quickly earmarked to create an even larger and more powerful arsenal, regardless of the cost.

We often made the mistake in international relations of assuming that our intentions are obvious when often they are not. I believe that President Reagan is very sincerely committed to arms limitations and arms reductions. His March 23 speech and the defensive system proposal was an effort, I am sure, to be conciliatory.

Yet the Soviet Union is a determined and paranoid opponent. An olive branch seen through the eyes of one person may look like a club in the eyes of another.

In my opinion, Mr. President, real security and world peace does not rest in new technology. Diplomacy and a negotiated arms reduction are the only solutions to the most pressing problem our world faces today.

Mr. ARMSTRONG. Mr. President, will the Senator yield briefly?

Mr. DURENBERGER. I will be glad to yield.

(Mr. KASTEN assumed the chair.)

Mr. ARMSTRONG. I am somewhat surprised that the Senator from Minnesota has come to the floor to begin the debate so promptly, but I am complimented and delighted that it took him less than 15 minutes to come. One never knows when you arrive at this hour of night who may be listening on the squawk box. The Chamber was empty as I arose to speak. I had some hope that perhaps some person who was not busy tomorrow may happen to see my remarks in the RECORD. It never crossed by mind that one of my colleagues might actually hear what I had to say while in their office.

I am delighted that the Senator from Minnesota has come forward. I assure him that I am here to discuss this issue at length. Not tonight.

I want to first thank him for his contribution tonight. I think it is fitting. He has raised these issues which are in contrast, somewhat, to my own, so that they will appear more or less side by side in the RECORD. As usual, his approach even without any notice to this matter being before us tonight, is a very thoughtful and well-reasoned approach.

I do want to make two or three points that I would urge him and others to consider as they think about this.

The Senator from Minnesota, I believe, has accurately characterized the doctrine of mutually assured destruction, but I think it is important to understand that while the United States has subscribed to this doctrine, and the United States has said the Soviet Union has subscribed to it, that it does not appear to many observers that the Soviet Union ever really adhered to it. That is, while this country decided not

to defend its civilian population, the Soviet Union never really made that decision; that all through the time when we have been dismantling our defenses, that is, when we did away with our defenses against manned bombers, we dismantled our ABM system, the Soviet Union did not proceed in any such way at all. On the contrary, they have developed imperfect but impressive defensive defense in their air space, both against missiles and manned bombers.

It is my opinion that there has never been an important country in the history of the world, other than the United States, which has, as a matter of national policy—as a matter of national policy—decided not to defend their homeland.

The thing that the President did last night, which I think is so important and so commendable, is that he has asked the people of America to again revisit that decision made 2½ decades ago that we would not, as a matter of national policy, defend America against attack, against the strategic attack.

I believe that if our countrymen begin to reflect on this that they will feel as I do, that that was an unwise decision, I think in its very essence it was an immoral decision, to say that we were going to hold civilian populations in either country hostage to a wartime situation; that it is in its very essence a destabilizing kind of arrangement. I think that will be the conclusion of the national debate which I hope will follow upon the course of the President's speech last night.

Perhaps I am wrong; perhaps as the issue develops, I, myself, may have different thoughts. Perhaps the Senator from Minnesota will have different thoughts or perhaps different ideas. It seems to me the President has done us a great service by calling up again for reexamination this whole doctrine of mutual assured destruction.

I want to note in passing that the Senator referred to the President's decision as that of an impenetrable umbrella under which all our strategic weapons and our civilian population will be housed. I think such a thing is impossible, not contemplated by the President or anybody else. An umbrella, yes; a perfect umbrella or anything approaching it, certainly not, no more than the Russians have been able to put up a perfect umbrella. They have been able to put up a defense umbrella which will greatly reduce civilian casualties. The President is saying, what could we have, what would technology permit us to have, and what effect would result.

Finally, I want to say this: I support the arms talks. I think the arms negotiations are something we all support and hope for the best. But instead of urging the Soviet Union to do what we want them to do and not to do what we do not want them to do, I think we ought to take some concrete action that gives them the encouragement to do something that is in our best interests. I think if we begin to defend this country, it will encourage them to build up their own defenses. Their defenses do not threaten us. Their defensive systems cannot strike the United States, any more than U.S. defensive systems can strike the Soviet Union.

I thank the Senator from Minnesota for yielding. I thank him for his interest. I hope everybody will get into the act and this will be a major subject for discussion in the next several months.

Mr. MATSUNAGA. Will the Senator yield?

Mr. DURENBERGER. I am happy to yield.

Mr. MATSUNAGA. I commend the Senator from Minnesota for the position he has taken. I, too, was very much disturbed by the President's address to the Nation last night.

Instead of leading to stability in United States-Soviet relations, his call for a crash-program to build a space-based missile defense system, could become the single most destabilizing factor in the tragic history of the arms race.

The American people need to understand the full implications of this radical new departure proposed by the administration while we still have a choice. There is not, never has been, and never will be, an ultimate weapon, either on Earth or in space. Should we embark on a crash-space weapons program we would only find ourselves trapped amidst infinite possibilities of military advantage offered by the infinite reaches of space. The cost would be stupendous. The budget process would risk complete militarization. Once undertaken, however, we would have no choice but to expend all our energies in extra-terrestrial competition. The rationale for this course is premised upon a dangerous illusion regarding both laser technology and international relations that could lead to the annihilation of civilized life on this planet.

Mr. President, 2 weeks ago today, the senior Senator from Rhode Island (Mr. PELL) and I introduced legislation specifically aimed at avoiding the course upon which the President now seems embarked. As I said on this floor last September:

> I believe we have an urgent responsibility to consider ways to prevent a space arms race—not tomorrow when we will be helpless to prevent it but today when discussion can lead to meaningful preventive action.

That statement, Mr. President, was made in introducing legislation similar to the Matsunaga-Pell resolution now before this current Congress. It is my most fervent hope and prayer, Mr. President, that the Senate Foreign Relations Committee will hold hearings on the resolution introduced by Mr. PELL and myself at the earliest possible date so that those hearings can serve as a forum for the first full-scale public discussion on this vital issue.

Our resolution calls for a renewal of the 5-year space cooperation agreement with the Soviets that the administration allowed to lapse last year. It also calls for negotiations aimed at developing joint ventures in space medicine and biology, planetary science, manned spaceflight, and orbiting space stations.

The President's initiative, on the other hand, would allow space to become an arena of conflict without first exerting any effort to make it into an arena of cooperation. This amounts to an abdication of governmental responsibility owed to the citizenry.

The alternative that our resolution proposes is hopeful cooperation rather than hopeless confrontation. Such fruitful cooperation would not occur overnight, admittedly, but as the President himself pointed out in his speech, a space-based weapons system, such as he apparently desires, would take many years to develop. That means we have time to develop more promising alternatives. The Cold War does not need any expansion into space.

Mr. President, I feel compelled to repeat what I said on this floor on September 29 of last year. I said then:

> It is said that because lasers will be able to hit missiles seconds after lauching they will prevent war by making nuclear weaponry obsolete. But, a missile-neutralizing laser battle station will require years of orbital testing before it becomes operational. Should we engage the Soviets in a laser station race . . . whoever appears on the point of losing will come under irresistable internal pressure to launch a preemptive strike before its entire nuclear arsenal is rendered obsolete. Would we accept total impotence vis-a-vis the Soviets? If not, why should we believe they will?

The Buck Rogers system envisioned by the President is naive and explosively dangerous. It could cost the nation hundreds of billions of dollars, and it would leave us less secure from a global cataclysm than at any time since the dawning of the nuclear age.

Given the time required for the President's crash-program, Mr. President, why not use those years to better advantage? Rather than mobilizing the Nation's scientific community in this hopeless cause in search of a nonexistent "ultimate weapon," why not mobilize the scientific community in a long-range endeavor aimed at using space for peaceful purposes—in a cooperative effort with other Nations to elevate the quality of life for all mankind here on Earth, rather than turning it into an arena of warfare with the prospect of complete annihilation.

It is time for the leaders of this great Nation, to which freedom-loving people everywhere look for leadership, to restore sanity and peace of mind to our troubled world by carefully chosen, thoughtfully considered words and action. Turn, if we must, to God in prayer, to do this.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I thank my colleagues, the Senator from Colorado (Mr. ARMSTRONG) for his generous response, and the Senator from Hawaii (Mr. MATSUNAGA) for his statement. I suggest the President has done us all a favor by introducing a subject other than social security or withholding on dividends and interest that can keep Senators up until after midnight discussing them.

Unless anyone else wants to comment on this subject, 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. MATSUNAGA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

[The following proceedings occurred after midnight.]

SOCIAL SECURITY ACT AMENDMENTS OF 1983—CONFERENCE REPORT

Mr. BAKER. Mr. President, the social security conference report is here. I must tell Senators that I do expect a record vote on this tonight. I have been advised by more than one Senator that there will be such a request and, of course, the request will be honored.

I hope that the Senate can proceed promptly to debate this issue and to dispose of it. The adjournment resolution has been passed. It is now almost 12:10 a.m. I have no desire to cut off Senators or to truncate their remarks or statement of their position, but I do sincerely hope that we shall finish with this and be able to ask the Senate to stand in adjournment.

Mr. President, I submit a report of the committee of conference on H.R. 1900 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1900) to assure the solvency of the Social Security Trust Funds, to reform the medicare reimbursement of hospitals, to extend the Federal supplemental compensation program, and for other purposes having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of today March 24, 1983.)

Mr. DOLE. Mr. President, I am pleased that we are able to lay before the Senate the conference report on H.R. 1900, the Social Security Act Amendments of 1983. The House and Senate conferees have been at work full time on this agreement since the Senate passed its version of this legislation, and I believe we have worked out a good agreement. For the benefit of the Members I would just like to outline some of the major features of this package.

SOCIAL SECURITY

Clearly the heart of this legislation is the package of provisions designed to assure the solvency of the social security system over both the short term and the long term. As my colleagues know, the basic features of both the House and Senate bills reflected the recommendations of the National Commission on Social Security Reform. However, there were some significant differences, and their resolution will be of interest to the Senate.

With regard to revenue provisions, the conference agreement implements the national Commission recommendations to tax social security benefits for certain higher income persons, accelerate payroll tax rate increases already scheduled by law between now and 1990, and conform payroll tax rates paid by the self-employed to the combined rates paid by employers and employees. The conferees agreed to the Senate provision to include interest from tax-exempt bonds in the taxpayer's income base solely for purposes of determining whether the taxpayers income exceeds the threshold for taxing social security benefits. In addition, the conferees agreed to a compromise with regard to the payroll tax credit provided for the self-employed as a partial offset to the higher rates that class of taxpayers will pay. The compromise goes much further than the House bill did in providing relief for the self-employed—the credit will be 2.7 percent of self-employed income in 1984, 2.3 percent in 1985, and 2 percent in 1986 through 1989. In 1990 and thereafter, a combined deduction and wage base modification will put the self-employed on the same footing as employers from a combined income tax and payroll tax standpoint. That is a good result, and it should be of greater benefit to the self-employed in the long run.

LONG-RANGE FINANCING

Mr. President, there were major differences between the House and Senate in dealing with the long-term financing problem. While the conference agreement will not satisfy everyone, there was real give-and-take on both sides. The conferees agreed to raise the retirement age to 67 years as in the House bill, rather than 66 as in the Senate bill. And rejected the accompanying benefit adjustments in the Senate bill. The House conferees also could not agree to accept the fail-safe mechanism that could have required cost-of-living adjustments if trust fund reserves fell below a certain level. However, instead the conferees would move up the stabilizer provision from 1989 to 1985. As Members know, this provision would provide cost-of-living adjustments based on the lower of wages or prices. Under the conference agreement this stabilizer would be triggered by a 15-percent reserve ratio before 1988, and by a 20-percent reserve ratio thereafter.

Finally, with regard to long-range financing, the conferees agreed to modify the earnings limitation beginning in 1990. The change is to reduce benefits by a ratio of 1 to 3 against other income, rather than the 1 to 2 ratio under present law. While this does not do as much as we hoped to eliminate disincentives for the elderly to stay in the work force, it is a significant change in that direction, and a welcome one.

UNEMPLOYMENT COMPENSATION

The conferees agreed to extend the Federal supplemental compensation (FSC) program for 6 months (from March 31, 1983 to September 30, 1983). The program will provide additional weeks of benefits for current FSC recipients as well as a redesigned basic tier of benefits.

The conferees agreed to the Senate proposals modifying the cap and interest provisions in current law dealing with State borrowing. A new interest deferral is authorized as well as a reduced interest rate which is available to States taking substantial legislative action to restore the solvency of the State UI programs. Several provisions were adopted making changes in the date interest is paid and clarifying the authority of the Federal Government to collect the interest when due.

The conferees adopted provisions dealing with participation in training programs by FSC recipients. Training will be permitted unless the State agency disapproves such training.

Additionally, for recipients of extended benefits and Federal supplemental compensation benefits, the conferees agreed to a provision which permits States to determine weekly eligibility for such recipients who are hospitalized or serving on jury duty. A State would be required to treat these individuals in accordance with their own State unemployment compensation law.

MEDICARE PROSPECTIVE PAYMENT

Mr. President, finally I would like to note that the conferees reached a good agreement on a new prospective payment system for medicare. Payment rates would be developed for nine census divisions, with a separate urban and rural rate in each. Payments would be fixed based on classification by "diagnosis related group." This system would be phased in over a 3-year period. Capital expenses of hospitals would be included in the prospective payment system beginning October 1, 1986, based on a return to equity equal to that earned by the trust fund. Psychiatric, rehabilitation, long-term, and children's hospitals would be exempted from prospective payment, as would institutions in the territories.

Mr. President, all in all this is a good piece of work that I hope our Members will accept. We have not, by any means, achieved all we would have liked to achieve—but we have achieved a great deal, considering the urgency and political sensitivity of the problems we faced. Those Members who have a different view of how we ought to have proceeded have had an opportunity to make their views known and they have made a valuable contribution to the debate even when other views have prevailed. But now the time for debate is over, and the time to complete action on this legislation is here. The President is ready to sign the bill—we should not keep him waiting.

Mr. President, as my colleagues are aware, the Senate in its version of the social security financing bill agreed to make coverage of Federal workers contingent on the development of a supplemental civil service retirement system program. That decision was made when the Senate adopted the Long amendment by voice vote. As members also know, the Senate voted overwhelmingly to insure that Federal workers would be covered under social security.

Under the conference agreement, Federal workers will come under social security—that is, new hires—as of January 1, 1984. The requirement proposed by Senator LONG that coverage be made contingent on a supplemental civil service program was rejected by the House conferees, and the Senate conferees voted to recede to the House because of that objection. I would like to assure my colleagues who supported the Long amendment, however, that every effort will be made to insure that Federal workers are provided an adequate supplemental retirement system in connection with the requirement that new hires be brought into the social security system. I am sure the Senator from Alaska, Senator STEVENS, joins me in this assurance. There is not, and never has been, an intention to leave Federal workers with less than adequate retirement coverage. We will insure that Federal workers are treated fairly and squarely as they come into the social security system.

Mr. LONG. Mr. President, I cannot support the conference committee report on the social security bill because it will permit the transfer of General Treasury funds to the social security system.

I stated in October 1982, more than 3 months prior to issuance of the Social Security Reform Commission's recommendations, that I could not support any legislation that financed social security by merely increasing the national debt.

The concept of social security, when it was established under the Franklin Roosevelt administration, was that it should be a system wholly supported by the contributions of employers and employees. That has been the case up until now.

This legislation calls for an infusion to social security of $48 billion from the General Treasury over the next 7 years. I consider this highly irresponsible and dangerous to the financial stability of our Nation.

Most of social security's financial problems were caused by Congress eagerness to liberalize benefits, relying on rosy assumptions to pay the cost, coupled with the subsequent lack of courage to either fund its commitment with taxes, or to reduce future unfunded benefits when the optimistic assumptions proved to be erroneous.

What Congress now has done is open the floodgates to future massive infusions of General Treasury funds to social security. The general fund will soon be $2 trillion in the red, and it is running up deficits at the rate of $200 billion each year.

Such a procedure can only lead to needlessly high interest rates and reckless inflation. In the long run it will not save social security to undermine the faith of the people in the money of their government.

We cannot long keep the social security system afloat by bankrupting the Federal Government which has the burden of funding it.

There are other features which make the remainder of the bill a further travesty, but to go further at this time would merely confuse the issue.

I voted to report this bill out of committee with reservations, hoping that it would be improved on the Senate floor. My vote to send the bill to conference was cast with the forlorn hope that by some miracle the bill might finally be drastically overhauled and reshaped. That has not happened and, therefore, Mr. President, I refuse to vote for fiscal irresponsibility.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, I should like to ask my colleague from Louisiana to yield for a question. I listened with great intent to the remarks from my esteemed colleague from Louisiana. When I came to the floor a few moments ago, after essentially wasting my time all day, I had hoped that something would come out of the conference that I could vote for.

Let me phrase my question manifold. I voted for the social security measure that came out of the U.S. Senate not because I thought it was a perfect piece of legislation but because I felt that we had to do something constructive to make sure that those citizens of this Nation who rely on social security would be assured that their checks would keep coming.

Could the Senator from Louisiana please explain to this Senator, since he voted for the bill I assume that there must have been some rather significant change that took place during the conference that has caused the Senator from Louisiana to come back and make the statement that he just made. I would simply advise my colleagues that if my friend and colleague from Louisiana, who I consider most knowledgeable in these matters, finds it impossible to support this conference report, it is going to be most difficult for the Senator from Nebraska to go along with it.

Could the Senator from Louisiana kindly advise me in some more detail than he did in his brief statement as to what happened in the conference report that evidently has caused the Senator from Louisiana to change his mind about support for the measure that passed out of this chamber with an overwhelming vote not very long ago?

Mr. LONG. Mr. President, to be absolutely honest with the Senator, it was not what happened in the conference that made the difference. One of the conference decisions that does go contrary to fiscal responsibility was dropping out the fail-safe amendment that we agreed to in the Senate. I am frank to say to the Senator that I told the Senate conferees that if to reach a conference agreement they needed to drop that provision, as far as I was concerned they could go ahead and drop it. I did not have any objection to their dropping the provision in order to get an agreement because I really did not think I was going to be able to vote for the conference report anyway. That was not said for the record, but I told that to the Senators in our own discussions.

The reason I did that was because I have had a chance to think about the bill. When I voted to pass this bill in the Senate and to send it to conference, I was hoping that I could yet find a way to vote for it, that we might shape it in such a fashion that I could. I had grave doubts about voting for it even though my colleague (Mr. JOHNSTON) voted against it when it passed

the Senate. He consulted with me before he did that and told me his doubts about the bill, and I told him, frankly, he was probably right and that if I were him I would probably vote against it. Being one of the managers of the bill and a prospective conferee on the matter and hoping that somehow we might yet shape it up to something I could vote for, I voted for the bill to send it to conference just as I voted in the committee to report the bill, with reservations. It was announced in the committee I was voting with reservations.

Mr. President, here is what is wrong with the fail-safe provision in this bill. Once you establish a precedent, as this bill does, that you are going to make up the social security shortfall by just adding it to the Federal debt—once you start doing business that way, from that point forward suppose you did have a situation that my fail-safe amendment was aimed at, that you are not going to have quite enough money to pay the cost-of-living increase. Then, without fail, every time that would happen a Senator would rise on this floor and say:

> Wait a minute, there is no need that these old people should have to settle for anything less than the full cost-of-living increase. All we have to do is to add the extra to the national debt and go ahead and pay it.

Furthermore, every time a Senator wanted to pay an additional benefit without a tax to pay for it—and in years gone by I have been one of those Senators, back in the times when they had a surplus in the fund—he could rise up on the floor and say, "Let's pay grandma an extra $10 a month; she needs the money," and offer the amendment and sometimes have good luck with it without any additional tax paid into the fund.

Any time someone wants to do that in the future, all he has to do is follow the precedent set by the House and the Senate committees and by the Presidential Commission, to simply say that we pay for the amendment by adding its cost to the national debt.

Just look at how the money is being funded, appropriated for the short run.

Here is a proposal that is in the bill now, one that we voted for. We would take the money that will be paid on an annual basis out of appropriations to take care of the increased amount that servicemen would get because of their service in the World War II. Instead of handling that with an appropriation year by year of about $300 million, we just calculate how much that is going to cost over the life of those soldiers and transfer that amount to the trust funds now. And so you see $22 billion added to the fund in 1983. That money is not going to be spent on those servicemen over a period of 50 years. That is going to be spent right now to take care of the shortfall in the fund. That is the big item the first year, in 1983.

But then you go on to 1984 and you see these other items, for example providing general fund transfers in lieu of a portion of the self-employment payroll tax. They raise the self-employment tax, but do the people pay all the higher tax? Oh, no. They give them a credit against the General Treasury for most of that amount.

They do not even say on the tax return that they paid it and get it back when they file the tax return. That is all taken care of in the complexity in the language, so they pay somewhat more than they were paying before, but you put a much larger amount in the trust fund as though a higher amount were paid. How much is that good for? Well, in 1984 that is good for $900 million out of the General Treasury.

All right, then you provide general fund transfers in lieu of a portion of the employee tax. Well, the first year, in 1984, that is good for $3.2 billion. Then you provide an increase in general fund appropriation for Federal retirement benefits to replace the amounts that new Federal employees will now pay in the social security system. In other words, you tell the new Federal employee, "Pay your money into the social security system and we will appropriate an equal amount out of the General Treasury to make that up to the Federal employee retirement fund."

It starts out as $100 million, but it rises eventually to $1.8 billion a year.

Here is an item: Transfer amounts raised from taxing social security benefits at the beginning of each quarter, based on estimated accrued liability in the upcoming quarter, rather than when the money is actually received from the taxpayer. That is good for $800 million in 1985.

Then there is a big item: Estimate social security payroll taxes for the upcoming month and transfer that amount to the trust fund at the beginning of the month, rather than when taxes are actually received. That is good for $12.8 billion in 1984 and lesser amounts thereafter.

Once you start doing business that way, it is such an appealing way to do it that even the Finance Committee, which I believe to be the most conservative and fiscally responsible committee in the Senate, faced with a complaint on the part of the self-employed that their tax is being increased, said, "Wait a minute. There's no reason to raise the tax so much on the self-employed. Let's give them a tax credit."

Where is the money coming from for that? Out of the General Treasury.

So we added several billion dollars of general revenue funding in the Finance Committee. I did not vote for it. I was not there at the moment. The Finance Committee already engaged in increasing the use of general funds to do some goodies like relieving the taxes that would otherwise be levied on the self-employed—and that is in the bill already.

We had Senators on the floor offering amendments, during the consideration of the bill, to pay for something by providing a tax credit. Where was the tax credit going to come from? From the General Treasury. There is no real general fund from which to take this. The general fund is $200 billion in debt for the year we are facing now. You are getting the money by adding it to the national debt.

In earlier days we would say, you are printing money, you are issuing printing-press money. But it is not a printing press any more. They have numbers in these computers, so all you have to do is add a numeral into a computer at the Federal Reserve; you just say, "Let's pay them another $100 billion of benefits, and we'll pay for it by increasing the national debt by an equal amount." All you have done is put an electric impulse in a silicon chip in a computer. Then you say, "We have $100 billion more in the Social Security Fund."

Once we start down that road, I believe we are in trouble, and that why I cannot vote for the conference report.

Mr. EXON. Mr. President—

The PRESIDING OFFICER. The Senator from Nebraska yielded to the Senator from Louisiana, so the Senator from Nebraska is recognized.

Mr. EXON. Let me ask a further question of the Senator from Louisiana.

Were the concerns just expressed on the floor of the Senate by the Senator from Louisiana discussed at any length in the Finance Committee before this bill was reported to the floor of the Senate?

Mr. LONG. Representative ARCHER appeared before the committee and discussed these concerns. Former Representative Joe Waggoner, of Louisiana, who was a Presidential appointee to the Social Security Commission, appeared before the committee and gave us the substance of his minority report. The Senator will find the same problem discussed in his minority report.

I must admit that the full impact of those comments did not dawn on me when they first said it. If the Senator will read the transcript of the record, he will see that I was very concerned about the matter, but the full impact did not dawn on me at that time. The more I thought about it, the more I found it necessary to inquire into it, and the more I became concerned about it.

Mr. EXON. Mr. President, I am very concerned about this, because what the Senator has just said is something we should zero in on.

One of the reasons the social security system is in the financial difficulties it is in today is the fact that over the years, I suggest, a whole series of ornaments have been hung on that tree, the way we hang ornaments on a Christmas tree. They were never financed or paid for, and now we find ourselves in a critical situation.

Let me ask a further question. I understood from the reply that my friend from Louisiana gave me that at least those objections were not raised or fully discussed when the Finance Committee reported this bill to the floor of the Senate. Is that generally true?

Mr. LONG. I did not dwell on that subject, as one who voted to report it out of the committee with reservations.

Mr. EXON. Were the matters that are now being brought to the attention of the Senate by the Senator from Louisiana brought up in open debate on the floor of the U.S. Senate? I say that because I notice that Senator LONG's colleague, the junior Senator from Louisiana, voted the other way the other night. I thought that was a little strange, because I know of the relationship, and most Members of the Senate do, between the senior and junior Senators from Louisiana. Is it possible that this Senator from Nebraska was not privy to all the information that was available to the junior Senator from Louisiana from his senior colleague?

What I am asking is this: As one Member of the U.S. Senate, did I miss something in the debate on this bill, which the Senator from Louisiana is not bringing up, that I would have been attuned to if I had been listening better, or is this something new?

Mr. President, if it is true, and I think it is, that the Senator from Louisiana is now saying that he has been very concerned about this and that he now is opposing this, at this very late hour, because of the reasons he has outlined, then that is of grave concern to the Senator from Nebraska; because one thing I think we should not do is to attempt to fool the people of the United States that we are correcting something without relying on the general fund to bail out the social security system from the difficulty it is presently in, if we are not doing that. That is why I am asking the questions I am asking, because I think I am about to cast a rather important vote; and I am not going to vote for this unless I can be convinced that we actually have done something other than the net result of relying on the general fund to bail out the social security system in the near future.

Mr. LONG. I say to the Senator that, to the best of my recollection, I have not voted against a social security bill in 34 years. But I will vote against this one.

As I say, my reasons do not have much to do with the items that were in conference, or that were dropped in conference. I have been troubled about the matter of general revenue financing throughout.

While the Senator might not have heard much of it in my remarks, I think if he were listening to the Senator from Colorado (Mr. ARMSTRONG) discuss the matter, he would have picked up some of that.

I discussed this matter with one of the more conservative conferees on the House side, and I told him——

Mr. EXON. Mr. President, there is not order in the Senate. May we have order, so that I can hear the Senator from Louisiana?

The PRESIDING OFFICER. The Senator is correct. The Senate will be in order.

Mr. LONG. I told that particular House Member I felt that perhaps I had been derelict in my duty to the Senate because I had not opposed the bill on that basis at an earlier point. He told me not to worry about it. He said he had been opposing it on that basis for months.

He had made the points until he was blue in the face, but he had achieved nothing on the House side, and I should not worry about the fact that I had not stressed the point prior to this in this Senate.

I do think if I had to do it over again I would have made this point to Senators when the matter was before the Senate, and having failed to do it perhaps I owe the Senator an apology. But at least I am explaining it now, because I do not feel that I can vote for the bill as much as I would like to vote for a bill to help solve the financing problems of social security. I do not think this is the way we should do it.

I am just one person who has his own conscience to live with. I cannot vote for this conference report. I explained to the Senator why I could not.

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

Mr. EXON. I am going to yield the floor in a moment.

I thank my friend from Louisiana, and my line of questioning I think clearly indicated that the Senator from Nebraska was not particularly pleased, that he did not feel he had been properly advised by the ranking minority member on the Finance Committee. The Senator from Louisiana, though, has said it very well. He felt that this is the time to lay it out.

I have great respect for his judgment. I am very pleased that he laid out his concerns at this time which I think is helpful to all of us, and I thank him for his candor.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, I wish to take just a few minutes to talk about what the Social Security Commission recommended and the conference agreement we have on the Senate floor right now.

We have in this agreement what the Social Security Commission recommended. Some are concerned about the use of general revenues. The bill is just the same tonight as it was last night on general revenues. We did not change a thing in conference pertaining to general revenues.

I do not quarrel with the Senator from Louisiana for indicating his concern about the use of general revenues. But I wish to assure the Senator from Nebraska and others that there is no change in the Senate's position on any of those provisions. The House bill is the same as the Senate bill on those provisions so they were never in conference.

What I wish to focus on is what we have before us. Everyone can find something wrong. But not everyone can be a conferee and not every conference can please everyone in the Senate.

We have what I believe is a good package. I did not want to raise the retirement age to 67. However, it is not going to happen for 40 years. I think we should look at it in that light.

I was satisfied with the fail-safe provision of the Senator from Louisiana. However, after 4 or 5 hours in the conference there was no way that the House of Representatives would buy that fail-safe provision. The Senator from Louisiana told us at that point in the meeting of our conferees, "If the fail-safe is a problem, put it out on the table," and we did that. In return for the loss of that fail-safe, we obtained a concession on the stabilizer. The stabilizer was not to take effect until 1988 and now it will take effect in 1984. To me that was a fair trade, not quite as good as the provision of the Senator from Louisiana, but a fair trade. We traded a horse for a horse, not a horse for a rabbit.

There is not a single change in this bill on taxing benefits. That provision has not changed one bit since it left the Senate Chamber. There is not a single change on the acceleration of payroll taxes. It has not changed one bit since it left the Chamber. There is not a single change in the COLA delay. It has not changed one bit since it left the Chamber last night.

The one change that some Senators approved and some do not approve is bringing in Federal workers. I can tell my colleagues now that I visited yesterday morning with some of the union people who represent Federal unions. I asked them, "Why do you not work out something so that we can accept the Stevens amendment and fight for that in conference?" The

union people said, "You know, we do not have any problem. We just want to take our chances on the Long amendment and see what happens." As Senators know, the Stevens amendment lost by five votes.

The House of Representatives was adamant about this coverage provision because it was the National Commission's recommendation that new Federal hires be brought into the system.

Tonight we have almost precisely, with some improvement, what was recommended by the National Commission. Yes, there are some general revenues in the package but they were there when the recommendations were made by the Social Security Commission. They were there in the Finance Committee amendment. They were in the Senate amendment last night, and they are in the bill before us tonight. They have not been changed. They have not been increased.

We have also done a great deal in the area of unemployment compensation. We have special provisions for West Virginia, special provisions for Michigan, special provisions for Illinois. And we provide a lot of coverage and benefits that are going to start coming due April 1. We have to pass the bill.

On prospective reimbursement under medicare, I think we have a good package. The Senator from Minnesota, who was not a member of the conference, was there to help us on that.

We have an alien provision that was not in the House bill. It is not as strong as the one we had in the Senate amendment, but we worked today with Senator GRASSLEY, the Senator from Iowa, who in turn contacted the Senator from Indiana, Senator LUGAR, and the Senator from Maine, Senator MITCHELL, and now we have an alien provision. We have accommodated the Senator from Hawaii in that provision and he is no longer concerned with the provision in this bill.

We accommodated the Senator from Washington, both Senators from Washington, on the paymaster provision that they thought was very important.

I believe if Senators look at the entire package that someone can find some fault. It is not the way they want it. It is not the way I want it either. But I defy anyone who has ever been to a conference to come back and say, "Oh, we got all we wanted."

I preferred raising the retirement age to 66. To get age 66, the Senate bill had to make some changes in the bend points, benefit reduction. I think changing the age to 67 is a benefit reduction. But the House of Representatives was convinced that since it had a vote on that age, they could not go back and say we are going to take 66. I even tried 66½. It seemed like a compromise—we had 66, they had 67. I assumed we split the difference in some of our conferences. So we tried 66½. But they would not buy it. That was without any benefit formula changes in the next century.

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

Mr. DOLE. I yield.

Mr. LONG. Mr. President, permit me to say to the distinguished chairman of the committee and the chairman of the Senate conferees, I hope he understands that nothing I have said about this matter is intended to reflect upon him or any other member of the conference. As the chairman of the conferees, the Senator did his utmost to uphold the Senate position. And although some of us may be disappointed that the Senate did not prevail on more of its provisions, my objection and the reason that I shall vote against the conference report, as the Senator correctly stated, has to do with the initial bill and the general financing phases of it which I simply came to understand better and better as the matter proceeded through the legislative mill. I do not for a moment question the good intentions and the very fine way in which the chairman of the committee has conducted himself, and I think the Senate is indebted to the chairman because he did faithfully defend the Senate position and I think we all are indebted to him for that.

Mr. DOLE. No; I appreciate that very much, and coming from the Senator from Louisiana I doubly appreciate it. Certainly I appreciate the Senator's assistance in the conference. I do not suggest that the bill is perfect. The Senator from Louisiana said he has been focusing on the general revenue aspect of the financing package for some time and he is coming down on the side of saying, "Well, I cannot accept it." That is the principle the Senator from Louisiana has held for a long time.

I was not here at the beginning of his speech. I know when President Carter suggested general revenue funding the Senator from Louisiana said no. We had that battle in our committee, and I joined the Senator from Louisiana in opposing such a solution, so I know a little about that.

Some are saying we did not get all we should have on the SECA tax. As the Senator from Louisiana and the Senator from Nebraska pointed out, that is taking money out of general revenue for tax credits for the self-employed.

The Senator from Missouri worked very hard on that, and he is going to speak on it. He is not perfectly satisfied with what happened. However, let me repeat that we insisted that the House Members vote on that provision because we were told that they had enough votes to come around to our position. But I could not detect that in the vote. It was a rather weak voice vote, and the chairman announced that he prevailed. The chairman can do that from time to time, and he is an outstanding chairman. The chairman of the Ways and Means Committee is a good man.

I believe that under the so-called SECA proposal, we did quite well in the conference agreement. Someone with $15,000 in income would pay a SECA tax under present law of $1,478. The Commission would have raised that to $2,100. The House bill would have said $1,785 and the Finance Committee said $1,665. So the conference agreement results in a $30 difference. I think we have come most of the way.

Mr. President, I ask unanimous consent that a table be included in the RECORD.

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

EXAMPLES OF 1984 TAX BURDENS OF SELF-EMPLOYED INDIVIDUALS UNDER VARIOUS PROPOSALS

[Assumes that individual is unmarried, has no itemized deductions and has no income other than self-employment income]

	Income—	
	$15,000	$30,000
Present law with speedup:		
SECA	$1,487	$2,955
Income tax	1,801	5,773
Total	3,279	8,728
Commission proposal with extension to HI:		
SECA	2,100	4,200
Income tax	1,591	5,135
Total	3,691	9,335
(Increase over present law)	(412)	(607)
House bill (2.1 percent credit):		
SECA	1,785	3,570
Income tax	1,801	5,773
Total	3,586	9,343
(Increase over present law)	(307)	(615)
Finance Committee bill (2.9 percent credit):		
SECA	1,665	3,330
Income tax	1,801	5,773
Total	3,466	9,103
(Increase over present law)	(187)	(375)
Conference agreement (2.7 percent credit):		
SECA	1,695	3,390
Income tax	1,801	5,773
Total	3,496	9,163
(Increase over present law)	(217)	(435)

Mr. DOLE. So, Mr. President, I know some are disturbed because the new Federal hires are included in this bill. But again that was a Commission recommendation. Democrats and Republicans and others said, "OK, if the system is going to work, we are going to bring in new hires." Maybe we should not have done that, but that was the position of the House, and they were adamant on that.

I happen to think it is a good provision. I visited again with some of the labor representatives following that decision and I can say that they are not too upset. They gave it a good shot and they lost. Now they are going to try to work out the supplemental plan with the committee of that jurisdiction, which happens not to be the Senate Finance Committee.

So, Mr. President, I believe that having participated in the conference and having been on the Commission, I can tell you honestly that I think everything the Commission recommended is in this bill. In fact, there is some improvement because when we gave up the fail-safe we tightened up the so-called stabilizer. I would like to convey to the Senator from Montana that I tried on his amendment. I could not find one House Member who would take up the battle. But that happens in a lot of conferences.

I hope that my colleagues will take a look at this and decide that this is an opportunity, not a perfect one, but an opportunity, to say to people "We believe in the system." I am not going to stand up and say, as some were saying, "We took care of it for 75 years," because I know what happened in 1977. We said we would take care of it for 40 years, and 4 or 5 years later we were back saying we did not do enough.

Mr. President, I hope we might adopt the conference report. It has just received an overwhelming vote in the House, 243 to 102. It passed with a greater than 2 to 1 margin and I think that is an indication that it has broad support.

Mr. HEINZ. Mr. President, I rise in support of the conference report on H.R. 1900. This bill will restore solvency to social security. It should insure, under our current economic forecasts, the financial integrity of the old-age, survivors, and disability insurance (OASDI) trust funds for both the rest of this decade and the foreseeable 75-year future. It is a bill which reaffirms the soundness of the basic structure of social security by making only minimal adjustments in the program to restore the program to a sound financial footing.

Mr. President, I am pleased that the Congress has been able to move quickly to enact this legislation and provide beneficiaries and workers, who have feared for the future of the social security system, the reassurance that the system will remain solvent in the future. The most serious problem for social security has not been the short-term financing problem or the long-term financing problem, but rather the loss of public confidence in the social security system itself. In the last few years, the proportion of the population between 18 and 49 with little or no confidence in the future of social security has increased from just under half to over three-quarters. This massive loss in public confidence threatens the compact across generations that is the basis for the entire social security program. Growing doubts about the future of social security weaken the willingness of workers to support the payroll tax which finances the system.

The bill before us represents a dramatic step toward restoring public confidence in social security. For the first time in more than a decade, with the enactment of this legislation, there will be no projected long-run or short-run financing shortfall in social security. Just as importantly, despite several years of public debate and political stalemate which have preceded this legislation, the Congress has demonstrated this year that it can work responsibly and in a truly bipartisan fashion when necessary to maintain a vitally important public commitment to present and future generations of retired Americans.

This legislation provides adequate financing for social security without placing an undue burden on any single group of beneficiaries or taxpayers. Ultimately there is no painless solution to social security's financing problems, but this bill spreads the burden about as evenly as possible. About a third of the $165 billion in new financing would affect employers and workers, a third would affect other accounts in the budget, and a third would affect beneficiaries. Because the financial burdens are broadly shared, they are minimal for any particular group of individuals.

In addition, it is worth noting that despite the urgent need for changes to improve social security financing, the Congress also has taken this opportunity to make some changes to improve the program as well. There are four provisions in this bill which improve benefits for divorced, widowed, and disabled spouses—improvements that have been long overdue. In addition, there are two provisions which will provide better incentives for older workers in the future who wish to continue working beyond the normal retirement age. The first liberalizes the earnings test somewhat, to improve social security benefits for those who continue earning some income after they begin receiving social security benefits. The second incentive is a gradual increase in the delayed retirement credit so that workers who delay their retirement after age 65 will no longer lose the full actuarial value of their social security benefits as a result.

Mr. President, I think this legislation will provide the necessary tonic for our ailing social security system. On balance, I believe it is a fair and reasonable compromise solution. As in any compromise, however, good proposals were lost in the interest of forging a package which would be acceptable to both Chambers. There were five areas in particular where I feel the Senate was forced to recede with respect to worthy ideas, and I truly regret that we could not come to the floor tonight with legislation that included these provisions from the Senate bill.

Most importantly, the Senate had to recede on its solution to the long-run financing problem. In my judgment, the Senate version was much better than the House provision we accepted which raises the retirement age to 67 by 2027. The provision passed by the Senate involved raising the retirement age to only 66, gradually phasing in the increase between 2000 and 2015. This increase in the retirement age was coupled with an across-the-board 5.3-percent reduction in the basic benefit amount, gradually phasing in the reduction between 2000 and 2008.

Our provision had several advantages over the House bill. First, it involved only a 1-year increase in the retirement age in recognition of the fact that, though many may choose 20 years from now to work longer, there will continue to be workers with poor health, low skill levels, and inconsistent work histories who will be physically unable to work or will be unable to find employment when they are older. The 1-year increase in retirement age would have avoided unfairly penalizing these workers. Second, the combination of these two provisions would have spread the burden of the additional financing across a broader group of individuals, with a less severe effect on any particular group. While the retirement age increase would be a reduction in benefits for retirees only, and a reduction concentrated most heavily on those who take early retirement; the 5.3-percent reduction in the basic benefit would have affected all beneficiaries—retirees, survivors, and the disabled—equally. The combination of the two would have protected survivor and disability beneficiaries without placing an unfair or undue burden on retirees of the future. Third, the combined effect of these provisions would have resulted in a less severe reduction in benefits for any particular beneficiary in the future. While raising the retirement age by 2 years will eventually reduce monthly benefits by 13.3 percent for someone retiring at 65, the combination in the Senate bill would have reduced benefits by only 11.6 percent for someone retiring at age 65.

Mr. President, I ask unanimous consent to insert a table in the RECORD.

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

COMPARISON OF THE EFFECTS ON MONTHLY SOCIAL SECURITY BENEFITS OF THE LONG-TERM FINANCING PROVISIONS IN THE HOUSE AND SENATE VERSIONS OF H.R. 1900

Year	Percent reduction in monthly benefit amounts			
	Retirement at age 62		Retirement at age 65	
	House[1]	Senate[2]	House[1]	Senate[2]
2005	6.25	7.00	3.33	3.50
2015	6.25	11.20	6.67	11.60
2025 and after	12.50	11.20	13.33	11.60

[1] House version: Increases the normal retirement age from 65 to 67 between 2000 and 2027 in 2 steps.

[2] Senate version: Increases the normal retirement age from 65 to 66 between 2000 and 2015; reduces basic benefit amounts by 5.3 percent, gradually phasing in the reduction between 2000 and 2008.

Source: Social Security Administration, Office of the Actuary.

Mr. HEINZ. In short, Mr. President, I believe the Senate had a better long-run financing proposal—one that would have been fairer and more equitable. But unfortunately the House proposal to raise the retirement age to 67 prevailed.

Mr. President, I also regret that the House conferees where not willing to accept the Senate provision which would have completely eliminated the earnings limit in social security by 1995. Fortunately, the rate at which social security benefits are reduced for earnings was lowered somewhat in the conference agreement, so that those with earnings just over the $6,600 limit will not face such a large marginal tax rate. But I am concerned that we have not done enough.

The earnings limit, or retirement test, is a powerful factor in forcing older persons who want to work out of the labor force. Many people, in fact, believe that they will lose their entire social security benefit if they earn more than the limit. Continuing to discourage older people from working is neither good national policy, nor does it conform with the interests and wishes of older persons themselves. We need to change these disincentives if we are going to encourage productive older persons to stay in the work force, to contribute to our economy, and to continue to meet their own economic needs in independence and dignity. By failing to raise the earnings limit I fear that we have missed an excellent opportunity to provide encouragement to older workers.

I am also disappointed that the House conferees refused to agree to the Senate tax credit for the self-employed. In my judgment, the Senate provision would have reduced the amount of net tax increase for the self-employed resulting from the increase in self-employment social security tax rates. Although I have supported the notion that the self-employed should contribute for their social security benefits at the same rate as the employer-employee, I have also felt very strongly that this adjustment should not significantly raise the tax burden for the self-employed. I am particularly concerned that the net increase in taxes not be too large in the first few years. Unfortunately, the House provision which was adopted provides a smaller tax credit in the initial years than the Senate provision. I can only hope that this smaller credit will not result in an excessive and unfair added tax burden for the self-employed.

Mr. President, I must say I also regret that the House conferees were unwilling to accept the very limited exemption from social security for employers and employees who are conscientiously opposed to accepting insurance. My amendment, incorporated in the Senate bill, would have permitted mostly Amish employees who worked for an Amish employer to avoid paying contributions to social security. While I believe coverage under social security should be universal, I also believe that we should respect the religious convictions of our citizens, and where these convictions conflict with the law, make an effort to exempt them if possible. In this case, the Amish would have waived their right to all future social security benefits. Their convictions would have placed no burden on their non-Amish neighbors. I think it is shameful that we were unable to make this adjustment in the law, which to the Congress is so minor, and to the Amish is so important.

Finally, Mr. President, although I am pleased that the conference agreement would remove the social security trust funds from the unified budget in 1992, I regret that the House conferees insisted upon removing the two medicare trust funds—HI and SMI—along with the OASDI trust funds. The medicare program is really quite different from the cash benefit progams. First, there is not the inherent relationship between the workers earnings and the benefits received under medicare that there is in OASDI. More importantly, the medicare program faces extremely serious financing problems beginning in the next 2 or 3 years—problems which have not yet been addressed in legislation. It is quite possible that the entire system of financing medicare will need to be restructured in the near future to assure its financial health. Since this effort will in all likelihood involve spending and revenue decisions quite different than those which might be made for a stable, well-financed retirement system, I believe it was inappropriate for the House to decide to move this program outside the unified budget at this time.

Despite my concerns about these specific elements of the conference agreement, Mr. President, I believe this legislation is, all things considered, a reasonable solution to our pressing social security financial problems. It will meet the financing needs of this program in this decade as long as the economy performs as well as or better than our purposely conservative projections for it. And in the long run, this legislation will resolve the forecasted 75-year deficit in the program. I commend all of my colleagues who have worked so hard to complete this legislation. With its passage tonight we can demonstrate once again to today's younger workers our commitment to preserving the social security system.

Mr. President, I will just say very briefly that when the Senator from Kansas says that this conference report is better than the original provision agreed to by the President, by the majority leader, by the Speaker of the House, and the majority of the members of the National Commission on Social Security Reform, he is right. This is better, and it is better for one reason principally which he has referred to and that is it has a better stabilizer. It is more likely to do the job even than that which the Commission, with the President's concurrence, recommended to this and the other body.

Yes, I know there are probably some things in the bill we would all like a little bit differently. I was the principal architect of the long-term provisions where we had a balance between raising retirement age 1 year, reducing the replacement rate by about 5 percent, and then bringing in much faster the delayed retirement credit and phasing out much faster the retirement test, and I would be dishonest with you if I did not say our provision was better than the House provision, going from 65 to 67. I think we have a better provision in terms of incentive for people to work because of the delay in retirement credit phasing because of the phaseout of the retirement test.

I think we spread the burden around in terms of slowing the growth of benefits a good deal more evenly, not a great dramatic difference perhaps, but more evenly.

I would have liked to have seen that prevail. We lost most of the speedup from S. 1, the delayed retirement credit, but what we have in this bill is exactly what was in S. 1, the delayed retirement credit.

We have a better provision of the retirement test that was in S. 1 but not as good as what we sent to the House.

I regret we lost that but on a balance this bill is a reasonable bill and it complies with about everything the National Commission recommended.

So, Mr. President, I hope my colleagues will join us in supporting this. It is a good start and it is going to do the job, and I guess that is the best we could really ask.

Finally, one last observation: I think the Senator from Kansas did a superb job, as did the Senator from Louisiana and the other conferees, Senator DANFORTH, Senator CHAFEE, Senator MOYNIHAN, to name just a few. The Senate conferees rigorously upheld at every opportunity the Senate position. I have never seen a more faithful group of conferees, and we did not lose every battle. We got about halfway in most of these cases.

I think you can always ask to do better but when you go through nego-

tiation you are not going to win them all and we did not.

Well, Mr. President, I thank the Senator from Kansas for yielding and I commend him on his good work.

Mr. DOLE. I will yield for a question.

Mr. EXON. I thank my friend. One brief question: Please clarify for me one of the other parts of this which seems to have a great deal of confusion. The House, as I understand it, would not put language in the bill that deleted the payments of social security to illegal aliens. We included that on this side. During the explanation by the chairman of the committee he said something about illegal aliens. As I understand it, we basically came out of conference with the House position that we essentially would continue to make social security payments to illegal aliens. Am I misinformed or is that accurate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. DOLE. I will just say to my distinguished colleague there was no House provision on illegal aliens. We did not get everything we wanted in illegal aliens, but they had no provision.

Mr. EXON. I would simply inform my friend from Kansas that one of the Congressmen from my State introduced such a proposal and was turned down in that committee so you would not know about that. But is it not true that we did address that matter on this side and we went to conference with the provision that would have provided for not paying social security to illegal aliens, and was not that basically eliminated in the conference?

Mr. DOLE. It was modified.

Mr. EXON. That is what I want. Was it just watered down or did we sink the ship.

Mr. DOLE. No, it was modified. The ship did not sink. I must say that even on the Senate side there were different views on illegal aliens. The Senator from Kansas was a strong supporter of the Senate position and we indicated to the House conferees we could not come back to the Senate without a substantial provision on illegal aliens. So I contacted the Senator from Iowa, Senator GRASSLEY, who has a dominant interest in this, and I understand he contacted some other Senators. He came to the conference. He discussed it with staff. He discussed it with Mr. Svahn of HHS, the former Social Security Commissioner, and advised us that he was satisfied with the provision.

Mr. EXON. The Senator does not have to satisfy him, he has to satisfy me.

Mr. DOLE. I understand.

Mr. EXON. That is the reason for the question.

Mr. DOLE. Let me find the committee report language and I will come back to that question.

I yield to the Senator from West Virginia. I will yield the floor.

Mr. RANDOLPH. Mr. President, I ask for the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized. Before the Senator begins, the Senate will be in order.

Mr. RANDOLPH. Mr. President, no comment that the Senator from West Virginia now speaking is to make will change a single vote in the Senate. I make, however, this very, very brief statement. My colleagues, I will reaffirm my vote of 1935 for social security. That legislation passed in the House of Representatives by a vote of 372 to 33 on April 19, 1935. The Senate, on June 19, passed the measure by an impressive vote of 77 to 6.

We have all, I believe, studied the subject matter very, very carefully. I think that I have given even more personal attention away from the floor to reading the remarks of my colleagues, to talking with many constituents on this matter, than almost any measure that has been before us in recent months, perhaps in recent years.

I will, Mr. President, vote for the conference report. I believe that we must be realistic in this crucial hour. I believe that, on balance, the Senate will do well—not all of us satisfied, of course—to act as the House of Representatives has acted, act, yes, in the affirmative, forward the bill to the President, which he will sign into law. We have then acted in both bodies in the best tradition of this historic bill. We know that not all the provisions suit us. I trust I do call for a unified vote, although there will be votes against the report here as in the House. I respect differing conclusions of my colleagues.

I thank my colleagues for their attention.

Mr. ARMSTRONG addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ARMSTRONG. Mr. President, as I reflected on what I might say to the Senate on this occasion, I could not help recall what Samuel Goldwyn was supposed to have said on a similar moment. He said, "I am sick and tired of these old cliches. Get me some new ones."

Well, I have not been able to come up with any new cliches and I am not really eager to try to persuade anybody to my point of view. But I do want to explain my point of view because 2 or 3 years from now, if we should happen to be back in this Chamber doing another once in a lifetime shoring up of the social security system, I would like to have a record of the fact that at least some Members knew that was likely or at least possible to happen.

Last night, I voted for the passage of this bill. I made no effort to make any public explanation of it. Afterward, a number of the Members of the Senate expressed some surprise that I had voted for it because I had rigorously criticized certain provisions of it.

I criticized general fund financing that was included in this bill. I associate myself completely with the observations of the Senator from Louisiana. That is a threshold I never wanted to cross. I think it is a mistake to cross that threshold. I think it is bad public policy. Yet, last night I was prepared to do so in voting for this bill, even though I have been against it right from the start.

I criticized the tax provisions in the bill. And there is, and was last night when I voted for it, an enormous increase in taxes. A payroll tax increase which comes on top of a quadrupling of payroll taxes in the 1970's and another tripling that is already in the law, a twelvefold increase in two decades of the payroll taxes. And last night I was prepared to vote reluctantly for a further increase that is proposed in this bill.

I voted last night to tax the benefits of people after I had voted, along with I guess every other Member of the Senate less than a year ago, not to tax benefits. I was prepared to give a lot of ground, to swallow all of those things for two reasons.

First, I thought it was critically important that we get a bill and, second, because I could honestly say at home or in this Chamber or in the press or anywhere that this is a bill that we can depend upon to put social security on a sound fiscal basis, a sound basis. I could even remember what happened in 1977 to Jimmy Carter and all the others who said that was a once-in-a-lifetime reform and we would never revisit that issue and I thought a lot about it before I made the statement.

But, based on what was before us last night, I could say, any Senator could say, the actuaries could say, that this bill is solid, and under any reasonable foreseeable circumstances we are going to put social security on a sound basis. And that means the retirees are never going to have to be uncertain again under any reasonably foreseeable economic circumstances.

And it means that the taxpayers, particularly the younger generation of working men and women, who are really restless about the rising burden of taxes that has been imposed upon them, that we could say to them, "Look, social security is solid. It is solvent. It is going to be there when you retire. Be of good spirit as you pay the taxes. It is a fair deal."

That is why I voted for this last night.

Well, they went to conference today and they did a lot of things I did not approve of. I heard, for one thing, they did away with the amendment

which I thought was not controversial—I had hoped it would not be controversial—as to the phaseout of the retirement earnings test. That really disappointed me because getting rid of the retirement earnings test has been one of the most important objectives that I had in consideration of this social security bill and I judge that the retirement earnings test is one of the most unpopular and unfair provisions of social security. And they did away with it. Well, I was prepared to swallow that, because the fund was still on a sound basis.

Now, then I heard they did away with the dropout year provision which we put in. This is not going to mean anything to some people, but to a few million mothers who have to take a couple of years off to care for children in the 1990's and the years after the turn of the century, that is going to be important. And there are several million of them. I hated to hear that they had taken that out of the bill. That is an important liberalization of the benefits. But I could swallow that.

I was sorry when I had heard they did away with a little modest element of relief we had granted to small businesses, just letting them deposit their withholding a little later to give them a chance at least to get their feet under them and to have 15 days or so after the close of the month to deposit their taxes. But I could swallow that.

But, my friends, when I heard that they had taken the fail-safe out, I cannot swallow that. That gets to the stomach turning point as far as I am concerned. Because with the fail-safe out, we cannot be sure we are not going to be back here in 1985 or 1986 patching up this sytem.

Again, I do not mind making sacrifices and I am prepared to go home and say to my taxpayers:

> Look, I fought to keep the tax increase out of this, but you have got to go for it. We had to do it because we have to put social security on a solvent basis. We have to shore up the system and we have to restore the public faith and credibility in the system. It has not only got to be prudently safe, it has to appear to be safe.

But I cannot say that once the fail-safe has gone.

Now, the Senator from Louisiana who put the fail-safe in the bill in the first place is modest about the impact of that. But the fact of the matter is for many of us that was the final centerpiece of this bill, because that said that if the trust fund got in trouble, if our economic projections are a little too rosy and if things did not go as we thought, that the checks would still go out on time and there would just be a little restraint in the cost-of-living benefit adjustment increase.

And, significantly, in proposing this, the Senator from Louisiana held harmless the beneficiaries who receive the smallest monthly amount because the way he structured it we pay 100 percent of the cost-of-living adjustment for the first $250 of basic benefit levels. So we did not hold harmless the people who might be getting $800, $900, $1,000, $1,200, even $1,400 a month for a couple on social security benefits. They give a little restraint on their COLA if the trust fund got into trouble, but not the person down to $250 or $300 a month. We took care of them.

The effect of dropping that out of the package is simply to leave in doubt whether or not we can make it through 1985 and 1986.

Now, that is my opinion, but it is not just my opinion. That is the opinion of the experts, because before I came to the floor to advise my colleagues that they run the risk as they adopt this of not having the fund on a sound basis, I consulted not one but two experts, and not just two experts but the two foremost experts I personally know on this subject, the two men who are in the position of professional expertise to know the most about it.

I asked them this question: I said:

> Last night I told some of my colleagues who sought my advice that with that fail-safe in the bill, it was a virtual certainty that social security would be on a sound basis and we would not have to come back and patch it up at any time in the decade, that with any reasonable circumstances we would make it through. is that true?

They both agreed, "Yes, that is true."

I said, "Can I make the same statement after they take the fail-safe out?"

They said, "No, you cannot."

I said, "What statement shall I make? What shall I tell them if anybody wants to know about this?"

What I was told was this: "There is no certainty that the thing is going to default. There is no certainty that we are going to go off the cliff in 1985 or 1986. But there is," and I quote exactly, "a significant possibility that precisely that will happen."

Therefore, after 2 years of fiddling around with this thing and debating and jockeying for position and terrorizing 36 million people around this country who are wondering is their social security benefit going to be safe or is it going to be held hostage at some point of deadline in the future as it has been so often in the past, we are right back where we started.

I am not going to vote for all of the things in this bill, most of which I do not approve of, when the bottom line is that we are really not sure we are solving the problem, that we might be back here——

Mr. DANFORTH. Will my colleague yield?

Mr. ARMSTRONG. I will yield in a moment—that we might be back here in 1985 or 1986. That is why I will vote against it.

My closing remark is, Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. ARMSTRONG. I ask for the yeas and nays.

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

The yeas and nays were ordered.

Mr. DOLE. Mr. President, I would like to point out that the bill that passed last night was not as solid as the bill before us today.

The bill that passed last night was $9.3 billion short in the short run and in long-run deficit 1.2 percent of payroll (almost $3 billion per year for the next 75 years).

The actuaries tell us that these short falls have been eliminated in the conference bill in both the short and long range.

The Senator from Colorado expressed displeasure with the fact that the retirement earnings test is not phased out in the conference report. In fact, the conference report liberalizes the retirement test in 1990—the same date as in the Senate bill. Rather than phasing out the test, the conference report liberalizes the test so that instead of penalizing an elderly worker by $1 in benefits for each $2 they earn, they will have benefits reduced by $1 for each $3 of earnings. This substantially reduced the penalty for working—while admittedly not going as far as we would have liked.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, my distinguished colleague from Louisiana has referred to the fail-safe. That is the deficit problem. As long as you have deficits, which we will have for many years to come, then the social security payments will be made. There is a difference between the funds being sound and the recipients being soundly paid. We are going to do the latter.

Two years ago, when we raised this question in the Budget Committee, many of the blue ribbon commission and others questioned that the social security trust fund was even in trouble, and we cautioned at that time, Mr. President, that before long we were going to be using general revenues to pay social security benefits. They said, "Do not worry. That will never occur."

Now the distinguished Senator from Louisiana has shown us that this fear has come true.

He put my statement into the RECORD on last evening. I am grateful to him.

I want to associate myself with his remarks. We have now not only taxed the benefits but now we have gone into the general revenues to pay benefits. We are on a means tested program and, in reality, then, instead of

this evening crossing a historic milestone and solving the social security problem, and reestablishing the people's confidence in the solvency of the social security system, on the contrary we are really now starting to create the problem.

They will learn that it is not only means tested by taxes, but they really are going to the deficit each time benefits are paid.

If we do get in trouble, I say to the Senator from Colorado, in 1985 or 1986, we will just come back to the general fund because the precedent has been set to finance benefits from the deficit.

The only thing we have to fear is the lack of fear of deficits in this national Congress. We are going on willy-nilly. This social security bill adds $48 billion over a 7-year period of general revenues, about a $7 billion a year in a new spending program, unable to be financed out of the trust fund. Therefore, I will oppose the conference report. I thank the Chair.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr. President, I will vote for the conference report. I have supported this bill from the outset. I was one of the original cosponsors of S. 1. I believe this is the only responsible alternative we have. But I would like to point out the fact that while we have made the effort and have succeeded in holding harmless employed individuals from the effect of tax increases on them, we have far from held harmless those who are self-employed. We have provided some credit on income taxes for social security taxes paid. But the net effect of the conference report that is now before us is that for a self-employed, unmarried person with an income of $15,000, we are increasing the total tax liability of that individual by $217.

For a self-employed, single individual with a $30,000 income, we are increasing that individual's net tax liability by $435.

Mr. President, the effect of this will be that when, for these individuals, the social security tax and the income tax liabilities are added up, the individual with a $15,000 income will pay a total of $3,496 in taxes, and the person with a $30,000 income will pay a total of $9,163 in taxes.

We are landing a haymaker punch at the self-employed people of this country, and the low- or middle-income self-employed people of this country.

Mr. President, who are these individuals? These people constitute the backbone of our country. Most farmers are self-employed individuals. Most farmers are hit by this tremendous increase in tax liability.

We know that the real estate sales people have been particularly interested in the self-employment tax. They are certainly not doing too well in their business these days. Aside from them, the small contractor, the home repair person, the person who owns the corner grocery store, some of the most tenuous people in our society, economically, are going to be hit by a very significant increase in their tax liability.

We in the Senate recognized this problem and did our best to expand the credit that was recommended by the Commission and the credit that was in the House bill. We still would have hit these individuals with a very substantial tax increase. It was my view that we should have held the line in the conference, that we should have insisted on the Senate provision.

We did not do so. We came out with a pretty fair compromise in that we were closer to the Senate position than the House position in the conference. But the effect of this is very substantial on self-employed individuals. I point this out to the Senate because it is my judgment that in the very near future we are going to have to face up to this fact or we are going to be driving even more people who are now on the brink of bankruptcy over that brink.

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

Mr. DANFORTH. I yield.

Mr. BOSCHWITZ. I believe the Senator has well expressed this provision in terms of dollars now. I believe the figure in the Senate bill was 3 percent for 1984.

Mr. DANFORTH. The Finance Committee bill was 2.9 percent in 1984 and the conference was 2.70.

Mr. BOSCHWITZ. And for 1985 and 1986?

Mr. DANFORTH. I will have to call on the committee staff for that; 2.3 in 1985 and 2.0 in 1986. that is the conference report.

Mr. BOSCHWITZ. What was it before?

Mr. DANFORTH. We went down to 2.1 in the Senate.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, the hour is late and I shall be brief. With the indulgence of my friends on the other side of the aisle, I should like to speak to my fellow Democrats on this side.

I wish to point out first of all that this bill passed the U.S. House of Representatives by a margin of 2½ to 1. Among the Democratic majority in that body, it passed 3 to 1. A Democratic leadership has been willing to cooperate in this singular bipartisan effort to save the single most important domestic program our party has ever brought this Nation. None other than JENNINGS RANDOLPH, if he will forgive the personal statement of his name, who spoke on this floor, was on that floor 50 years ago when this legislation passed. None the like has ever passed either body and none is more singularly our heritage to preserve and pass on. By 3 to 1, our fellow Democrats voted for this.

Second, I say to you that this is not one subject matter. This is medicare, this is unemployment insurance. For the first time in history, we add a fourth tier of unemployment benefits for those who have exhausted their final Federal supplemental compensation benefits. The new programs begins when this bill is enacted; the third tier, Federal supplemental benefits, expires March 31. Today is March 24. In 7 days, if we do not pass this, 738,000 working men and the families behind them will have their benefits cut off. We provide not only that they continue, but there is a reach back for those whose supplemental benefits have already expired.

I say to you, the fail-safe provision which my distinguished friend and my beloved chairman put into this provision was not accepted. But had we had the stabilizer, which during the long month at Blair House was replicated for the years 1977-82 the funds would never have been in any difficulty.

The stabilizer says that when the funds drop to a certain proportion of expected outgo during the year, you switch to the lower of price or wage increases for the adjustment in the benefit. That stabilizer, reduced to 15 percent, is moved up to 1985. We have been given the 1984 budget and now we have a stabilizer at 15 percent from 1985 through 1988, then its flips up to 20 percent and stays that way indefinitely.

I last say that, yes, we have put general revenues into this fund. We have done so for a period of, at a very diminishing rate, 7 years. The men who devised this arrangement in the 1930's expected it to be a one-third-one-third-one-third arrangement by now. We have had a very gentle infusion. And in a very short order, this particular set of funds goes into a major surplus.

This last Sunday, in the Washington Post, a respected journalist, Mr. John M. Berry, had a front-page article that went on at some length and which asked what the Federal Government was going to do with the surpluses this legislation would generate beginning in 1990? It is a problem to which the Senator from New Mexico could usefully address himself with more pleasure than with which he deals with the problems of this very moment.

We have a short-term problem we have resolved, a long-term problem we have dealt with with a high order of bipartisan competence. It passed the

House of Representatives 2½ to 1—243 to 102. A Democratic measure—if Jennings Randolph were on that floor tonight as he was 48 years ago, he would have voted for this bill, would he not, sir?

Mr. RANDOLPH. My friend, I voted for the initial bill 48 years ago. It was a monumental document.

Mr. MOYNIHAN. Would you not have voted for it tonight, sir?

Mr. RANDOLPH. I will vote aye! I do so with the inner knowledge that I do right. It is a vote for people, our citizens of this great and good land!

Mr. MOYNIHAN. You never fail us. Let us not fail them. They happen to be the American people.

Mr. LEVIN. Mr. President, I have just one brief question for my friend from Kansas. One small important part of this bill added as set aside. By a small bipartisam effort, we added a provision to finally, years later, assist widows who find themselves, after 20 or 30 years of raising kids and keeping house suddenly widowed. Because they are not yet 60 and they are not working, they have no social security benefits. We provided a very modest transition benefit of 6 months for those widows 55 years or older. It costs only $25 million. I have two questions for my friend from Kansas.

One is, Did the House conferees refuse to accept our provision in this matter?

Mr. DOLE. I say to the Senator from Michigan that the House conferees did refuse to accept that provision. I can also say that the record will reflect that on two occasions the Senator from Kansas raised that specific provision and indicated that it was important to the Senator from Michigan. On the last occasion, the chairman of the conference and the chairman of the Social Security Subcommittee, Representative PICKLE, promised the conference and everyone there that they could not accept this provision or the dropout year provision which was added by the distinguished Senator from Colorado. However, they promised that, along with other issues dealing with discrimination against women, they would soon be having hearings on the broader issue of the treatment of women under social security.

Mr. LEVIN. The second question is, Can I count on the chairman's support on future efforts in this?

Mr. DOLE. The answer is unequivocally yes.

Mr. LEVIN. I thank the Chair and commend him on his efforts. The problem here is so tragic and so stark, we must step up our efforts to correct it.

Mr. DOLE. Mr. President, I would like to point out to the Senators from Michigan and Colorado, who are concerned about the absence of certain provisions for women, each of the four equity provisions recommended by the National Commission were adopted. In addition, the conference report included a modification that will provide great relief for older women on social security survivors or dependents benefits who also receive a public pension. Next July, they would have suffered a $1 for $1 reduction in their benefits on account of their other public pension. The conference report will provide for a one-third disregard of the public pension—elderly spouses and widows and widowers will only have two-thirds of their pensions offset.

Mr. DOMENICI. Mr. President, I wish to ask the Senator from New York a question and I do not ask this question to in any way prejudice the conference report before us. There is a significant difference between the fail-safe and the stabilizer, as I see it, in that the fail-safe is measured in terms of going below the reserve. The stabilizer—I do not know where the word came from—but it is not measured against the reserve. As I read the bill, either CPI or wages, whichever is lower, you get but you could still go below the reserve. So it is not a fail-safe, it is merely saying if CPI is lower than wages, you get the lower if the reserve is too low. But it is not attached to keeping the reserve. You could go below the reserve, accepting the lower of the two, as I understand it. Is that not correct?

Mr. MOYNIHAN. The Senator is correct in that very technical sense. The stabilizer—the word came from the distinguished Chairman of the President's Commission, Mr. Greenspan. It is triggered by the reserve and the language added by the House Members is that when it goes below 15 percent for this 4-year period, then 20, the trustees are to automatically go to the lesser of the two indices and report in writing to the Congress as to what other, if any, measures are required.

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

Mr. DOMENICI. I am pleased to yield.

Mr. ARMSTRONG. I want to point out that while I favor the stabilizer provision, it will have absolutely no effect whatsoever on the stability of the fund or the ability of the fund to meet its projected payments during the balance of this decade under either of the two economic scenarios, that is, 2(b) and 3, which were under consideration by the Finance Committee and by the National Commission. It is a worthy provision, it is a useful provision, but it is irrelevant to the question of whether or not we are going to make it through 1985, 1986, and 1987, according to the staff director of the National Commission on Social Security Reform with whom I have discussed this matter tonight.

Mr. DOMENICI. I say to the Senator, I understood that very clearly and I think that is why I asked the question, not because that should be the conclusive issue but "stabilizer" somehow sounds like——

Mr. ARMSTRONG. It sounds better than it is.

Mr. DOMENICI [continuing]. Fail-safe.

Mr. ARMSTRONG. Exactly.

Mr. DOMENICI. The point I was making is they are not the same because as the Senator has indicated, even if you go with the lower of the two, it is not triggered up against preserving a reserve but, rather, triggered up against making a report that you are in trouble, as I understand the bill.

Mr. ARMSTRONG. That is right.

Mr. DOLE. Will the Senator yield briefly?

Mr. DOMENICI. I am pleased to yield.

Mr. DOLE. I do not think the fail-safe is fail-safe either. We can argue semantics all night long, but if you reduce the COLA to zero with the fail-safe and the fund still does not have enough money to pay the checks, it is obviously not fail-safe. This is all sort of a semantic game.

I must also say that the same actuaries being cited tonight for forecasts were the same ones who told us in 1977 that we did not have a thing to worry about for 40 years. Now, if they are the same actuaries the Senator from Colorado is relying on tonight, I think one is the same one I relied on this afternoon. I hope he gave me accurate information when he told me this afternoon that the stabilizer as modified was a good trade. That was his statement to me.

Mr. ARMSTRONG. Mr. President, if the Senator will yield, it is not my purpose for a second to dispute the value of the stabilizer provision but only to underscore, as the Senator from New Mexico said, that it has a different function.

I had not intended to get into a detailed explanation of this. But under both economic scenarios which were within the contemplation of the Commission and the Finance Committee and the Ways and Means Committee and the House and the Senate, it is anticipated that wages will rise more rapidly than prices and since that is the case the so-called stabilizer would have no effect.

Now, if some different set of economic conditions prevail than any than were considered, it is conceivable it would have some effect but under the conditions which we deemed as the outer parameters of what we would think about in preparing this bill it would not have any effect. It is, nonetheless, a worthwhile provision.

Let me also emphasize to the Senator—I said it earlier but I want to say

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it again—that I am not predicting the trust fund will go broke in 1985 or on any other particular date. My bottom line for support of the bill was a reasonable assurance, not an absolute, ironclad guarantee, but the assurance that a trustee would expect a prudential assurance, a coverage of all reasonably foreseeable circumstances—not every manageable circumstance but just what can be reasonably foreseen by people who see themselves as the trustees of a system that we have got the job done. Last night's bill did that. In my opinion and in the opinion of experts, there is a significant possibility—I quote, "a significant possibility"—that the bill in its present form will not fulfill that requirement.

I am not willing to take that risk but I do not predict that we are going bankrupt in 1985 or 1986, just that there is a significant possibility that we will not be able to make ends meet, and that is not good enough after all we have been through.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, having distinguished between the stabilizer and the fail-safe, I think it is only fair to say that from the standpoint of possibilities, I agree with the distinguished Senator from Kansas with reference to the fail-safe provisions. They are fail-safe with respect to getting down to no COLA at all, and then if you have to go below it, obviously you would be in a state of reserve bankruptcy. The fail-safe only provided for adjusting the cost of living. It did not provide for going below it. So in that respect I did not mean to imply to the contrary, and I indicate in my opinion he is correct in that observation also.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, if the managers of the bill are prepared to do so, I am prepared to suggest that time has arrived when we should go ahead and put the question to the Senate. Mr. President, I make only these general observations and do so briefly at 1:25 in the morning.

I do not recall in my years in the Senate ever seeing the Congress of the United States pass a bill that we agreed was perfect. I do not recall one that I have ever seen that I was wholly pleased with. Some I like better than others. But I really do not think it is in the nature of representative government that we often achieve perfection.

It is the genius of this system perhaps, though the Republican concept in general, that the very pluralism that puts us here in the place of trust guarantees that there will be an exquisite diversity of opinions and ideas that will result in something that is essentially unsatisfactory in some respect to virtually every Member of Congress.

I acknowledge the reservations, I respect the concerns that Members have about this conference report.

Mr. President, I believe there is a broader and deeper perspective at hand. In the course of our history, there are times when the country demands that we do something—in civil rights, in national defense, in environmental legislation. Whatever it may be, in its own inimitable, unmistakable way, the people of this country gather up and demand that we do something to correct, to innovate or to change the status quo. I believe this is such a decisive moment.

I think the country is telling us to get on with the business of fixing the social security system. I do not think the country is telling us we have to do all of it tonight. I think they understand that we understand we are going to do the best we can but we will come back for another bite. There will be other bills. There will be the inevitable cleanup hitter. There will be the corrections that have to be attended to next month or the month after that or in the next session because, Mr. President, we learn from our experience. But there is a fundamental responsibility to deal with the demand of the Nation to deal with this issue.

Mr. President, if the Congress of the United States fails to do so, I believe we will incur the wrath of the Republic. If the bipartisan Commission appointed by the President and the collective leadership of the Congress can subordinate their differences and produce a virtually unanimous report, then surely the country has the right to expect that we will implement it. If the House of Representatives on both sides of the aisle can adopt this imperfect vessel as the best effort of this Congress at this time, then surely we should take account of the responsiveness of this body in attending to the needs of the Nation.

This is not a perfect bill, Mr. President. But we are not a perfect body. This is not the last word to be spoken, Mr. President, but is the first best effort that we can make at this time.

Mr. President, I urge that the wrath of the people of this country will not come down upon the head and shoulders of this Senate for failing to attend to the clear responsibility that the Nation is asking of it.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. I thank the distinguished majority leader, and I will just take 1 minute to say as sincerely as I can that every major provision recommended by the Social Security Commission is in this bill, every major provision unchanged, every major provision.

The bill that left the Senate last night was $9.3 billion short in the short run and 0.2 percent of payroll, almost $3 billion a year, in the long run—the next 75 years. The actuaries tell us that the bill we brought back is actuarially sound in the short term and long term.

I say, as just one member of the Commission, that we have done a lot of work on this proposal. As the majority leader said, it is not perfect. We have 7 years to address the earnings test, for example, if the Congress desires to go further in this area. It does not take effect until 1990. We have a bit of the alien piece too, and that is enough to sustain it. We will be happy to have additional hearings and work in that area. If anything is not quite satisfactory, we have time to make changes.

My point is that every major provision—the taxing of benefits, the COLA adjustment, the acceleration of payroll taxes, the expansion of coverage—in this case, to Federal workers—is almost identical to the recommendations of the bipartisan Commission. These recommendations were endorsed by the President of the United States, endorsed by the Speaker of the House of Representatives, endorsed by the majority leader of the Senate, and endorsed by liberals, conservatives, Republicans, and Democrats all across this country.

I say to my colleagues that I think it would be a tragedy if—just because everything was not perfect and did not suit every Member of this body—we say that we cannot take this package. There is nothing wrong with this package. If you supported the Social Security Commission recommendations, they are in this package, plus a lot of other things, as pointed out by the Senator from New York.

We have a massive medicare prospective payment program that I think is a good one. We have an unemployment compensation program in this package. It is essential that it start on April 1 of this year, with special provisions for a number of States because they deserve special consideration.

I say to my colleagues that if we failed to do our duty in the conference, then the Senator from Kansas will accept the responsibility, but let us not punish the American people for a shortcoming that may have occurred in the conference. I do not think it occurred. I am certain many could have done better.

I suggest, as the majority leader has, that we adopt the conference report. We are going to meet again on social security. I have never stood on the floor or in public or privately and said this package is going to last for 75 years, but I am convinced that it can last until 1990; and that we can have

surpluses in the retirement fund in the 1990's. Let us give it a chance.

Again, I thank my colleagues for tolerating this debate at this late hour, but I think it is essential that we get on with this tonight.

The PRESIDING OFFICER (Mr. STEVENS). The question is on agreeing to the conference report.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, although I intend to vote for final passage of this conference report, I do so with great reluctance. In my opinion, this package is unfair: many of its provisions are absurd. There is however, no other available alternative.

To vote against this package, therefore, would be irresponsible. The social security system must be saved. I will vote "aye," but I feel that I must first express my strong reservations.

As Chief Justice John Marshall said in the 1819 case of McCulloch against Maryland, "[T]he power to tax involves the power to destroy[.]" Well, we have certainly demonstrated this fact with this bill. This Congress has used it power to tax to destroy the economic well-being of millions of Americans. This Congress may have saved the social security system, but it has done so at tremendous, unnecessary costs which will be borne not by the rich, not by the well-to-do, but by the hard-working middle-class American taxpayer.

Allow me to detail just a few of the more ridiculous provisions of this bill, a few of the more onerous requirements imposed by this legislation. First is the cruel burden this bill imposes upon our Nation's philanthropic organizations, the nonprofit charitable organizations which are the very backbone of America's private sector. These organizations exist on shoestring budgets. The employees—when they are paid—are generally low-income workers. These institutions are barely making ends meet now. Yet here we come, imposing new economic burdens that may force many to close their doors, to cease the good work they now do. Employees may be laid off and those who are not will have their take-home pay substantially reduced. Why is this happening? Because this Congress has ruled that employees of not-for-profit organizations must be included in the social security system now. No phase-in period will be allowed. No exception will be granted. No transition period will be provided. We will reduce the ability of America's philanthropies to continue their full efforts to help this Nation's poor and needy.

A second example of an unwarranted provision in this legislation is even more ridiculous. In fact, it is just plain stupid. In order to save the social security system, we need to raise tens of billions of dollars. Yet, in an effort to raise a measly $5 million over the next 7 years, we have imposed additional costs on State and local governments that will run anywhere from $240 million to $1 billion each and every year. A letter I received from the Municipal Finance Officers Association estimates the annual cost to States and municipalities at $725 million, nearly 1,000 times more than the annual revenue which will be raised as a result of this just plain silly provision.

You may ask me, to what section of the bill am I referring? I am talking about the requirement that interest on tax-exempt municipal bonds will be included in an individual's gross income when determining whether he or she exceeds the income level at which one-half of the received social security benefits become subject to Federal income taxation. By including tax-exempt interest in this calculation we may push a few individuals over the limit and thus recover a few dollars for the trust fund by taxing their benefits, but the very fear that this provision will place in the hearts and minds of those investors who purchase municipal bonds will drive up the interests rates that our municipalities must pay to market their securities. The municipal finance officers with whom I have spoken have estimated this increased interest cost at anywhere from 25 to 250 basis points, in other words, at anywhere from one-quarter of 1 percent to 2½ percent in additional interest.

Simply speaking, this is lots of money. And you know as well as I do who will ultimately pay these increased municipal financing costs: None other than the middle-class property owner. The ultimate source funding for most municipal interest payments is the property tax. Thus, to raise an additional $5 million in revenue for the social security trust fund over the next 7 years, we have increased the property taxes of homeowners across this Nation by $240 million to $1 billion each and every year.

And who, you may ask, will receive these increased interest payments? Who will reap this windfall? Not the Federal Government. Not social security recipients. Remember, we only raise $5 million from this provision. This windfall will accrue to none other but the wealthy investor in municipal bonds! This windfall will go to those very individuals who some in this Chamber feared might escape without paying a few measly dollars in income tax on their social security benefits! Sometimes the workings of the legislative process boggle the mind. This is one of those times, for this provision can be described as nothing less than incredible.

A third flaw in this legislation is the limits at which social security benefits become taxable: $25,000 for an individual and $32,000 for a couple. We have provided no phase in. We have built in no progressivity. We have simply specified a cutoff. If you are below, even by one dollar, you pay no tax on your benefits. If you are above, whether by one dollar or $1 million, you have half of your benefits taxes. Thus the marginal rate of taxation is highest on the middle class, those with incomes only slightly over the limits. The more you earn, the lower your marginal rate of taxation on social security benefits becomes. I, for one, can simply not fathom the logic in this provision.

Another problem with this bill is the way that new civil service employees have been thrust into the social security system. This may be a quick fix for social security, but what does it do to our civil service retirement system? Again, we have provided no transition. Again, we have no plan on how we will deal with the future. Social security must be saved. Does this mean that we must destroy the civil service retirement system to do it?

The self-employed are also treated cavalierly by this bill. "Raise their taxes, they can afford it" seems to be the prevailing opinion around here. But this is not true. Not all of the self-employed are doctors, lawyers, or heads of thriving businesses. Most, in fact the vast majority, are hard-working, middle-class American taxpayers barely making ends meet. We have here imposed a vast new burden on the shopkeepers of America, on the skilled artisans of America, and on those individuals who would rather be their own boss than work for another, even if it meant they would have to get by on less money. These are the people whose taxes we have increased with this legislation.

In this bill we have overused our power to tax. We have misused our power to tax. In many cases we have imposed the tax burden inequitably and on the wrong people. We may have saved social security, but at a tremendous and misplaced cost.

At the beginning of my remarks I stated that I would vote for this conference report, and I will do so despite all of its faults. To do otherwise would be irresponsible. There is no other alternative. No one here believes that if we defeated this legislation that Congress would bring forth a better bill. In fact if this conference report is defeated, there might very well be no bill at all, and this alternative is totally unacceptable.

Thus, Mr. President, with great reluctance, I will vote in favor of this conference report.

Mr. LEAHY. Mr. President, every day this Congress debates legislation of significance to some element of our economy, some segment of our society. The legislation before us today—to

preserve the integrity and insure the solvency of social security now and in the future—affects our entire economy and three-quarters of this Nation's population, 110 million workers and 36 million retirees. This is one of the most important measures which this Congress or any Congress will ever consider.

The National Commission on Social Security Reform in late 1982 took a great step toward restoring public confidence in social security by achieving a bipartisan consensus on the dimensions of the financing problems facing the system. Since that time, both the Senate and the House have acted swiftly, and in a bipartisan fashion, to achieve legislative compromise.

The Congress goal has been to guarantee the ultimate stability of social security and the ability of retired workers to maintain a decent standard of living. The Congress goal has been to insure that no single segment of our population—the elderly and disabled, today's employers and workers, tomorrow's retirees, solely bear the burden of resolving the system's financial condition. The Senate, in adopting all of the recommendations of the National Commission on Social Security Reform, and acting to eliminate both the short- and long-term deficits projected for social security, has achieved these goals.

But these are not goals which are achieved without pain. I oppose, as do many other Members of Congress, many of this legislation's individual provision. And I have voted in favor of amendments to make further improvements in it. This legislation contains elements which are abhorrent to advocates for the elderly. It would delay until January 1, 1984, the cost-of-living increase due in July of this year. The legislation contains elements which are abhorrent to advocates for the Nation's small business men and women. It would increase the tax on the self-employed for both social security and medicare health insurance. It increases taxes to employers and employees in a time of economic recession. And it would include new Federal employees under the social security system beginning in 1984, a change which I voted against.

Why, then, could I vote in favor of final passage of this legislation? For several reasons. First, without it, there could be no social security system. If no action is taken, in just a few months, benefits could no longer be paid out to the Nation's retirees. Every minute of every day, the system goes $17,000 further in the hole. One hour from now, it will be $1 million more in debt. The National Commission on Social Security Reform has reported that between $150 and $200 billion is necessary to meet our obligations to retirees between now and the end of the decade. To insure payments to future generations of retirees, a long-term deficit of $6 trillion must be closed. This legislation closes both deficits.

The second reason I could support the overall package approved by the Senate Finance Committee is that it asks for a shared sacrifice. It is not a perfect balance, but, overall, it calls for a just division of responsibility to guarantee the viability of social security. The bill before us asks current and future retirees to contribute. It asks the self-employed, current and future workers to contribute. Federal workers, for the first time, will be asked to contribute to social security. One-third of the revenue needed to shore up social security would come from coverage of new employees, another third from tax increases, another third from a change in benefits for retirees.

Third, the only alternative methods of improving the condition of social security are far worse than those recommended by the Commission and adopted by the Senate Finance Committee.

Some Members of Congress favored resolving social security's problems primarily by cutting benefits to the Nation's retirees. I vehemently opposed those efforts. An amendment was offered to delay until 1985 any cost-of-living adjustments to retirees. An amendment was offered to eliminate any social security tax increase whatsoever, and to require beneficiaries to make up the $40 billion loss in benefit cuts. Amendments were offered to immediately advance the age of full retirement under social security from 65 to 68, with a reduction in benefits for those forced to leave the work force before the age of full retirement. I voted against each of those amendments and am pleased that the Senate overwhelmingly disapproved them.

Other Members of Congress favored resolving social security's problems through even higher taxes than those approved by the National Commission on Social Security Reform. If taxes alone were used to meet the long-term deficit, by the year 2035, the combined social security and medicare tax rate would be 28 percent of income. I am pleased that the Congress rejected any effort to increase taxes beyond the increases already approved by the Commission.

Still others have suggested allowing the social security system to continue to borrow from the trust funds for the medicare health insurance program and disability insurance. To do so would bankrupt all three funds by the middle of next year. That is dissolution, not resolution. The Congress could have required coverage under social security of all current Federal employees. Fortunately, it did not. The committee could have also taxed all social security benefits, as most private pensions are taxed. It did not. Any other means of addressing social security's problems would have forced one segment of our society to suffer disproportionately.

The fourth reason I could support this package is that it contains several very beneficial provisions to assist the low-income elderly, to somewhat alleviate the tax burden on employees, and to eliminate disincentives to the employment of elderly individuals who want to work.

The legislation before us would allow an additional payment of $20 to individuals and $30 to couples who, because of their low income, qualify for supplemental security income. For the poorest of the elderly, the additional funds will compensate fully for the delay in social security cost-of-living adjustments.

Elderly women who are widows account for two-thirds of all the elderly living below the level of poverty. They are assisted by several provisions in this legislation. Greater benefits are proposed for divorced or disabled widows and widowers who remarry. Divorced spouses for the first time will be able to claim benefits based on their former spouse's retirement record, even if the former spouse has not yet claimed those benefits.

As I have mentioned, there are many provisions in the social security package which I strongly oppose. During the Senate's debate, some of these provisions were taken out, some were not. The legislation approved by the Conference Committee would require the inclusion of new Federal employees under social security beginning in 1984. I voted against this change. Senator LONG offered an amendment in the Senate which would have required the Congress to enact a supplemental civil service retirement program before including Federal employees under social security. Senator LONG's amendment, I would point out, would have required the immediate inclusion of Members of Congress under social security even if a supplemental plan was not enacted. The amendment was a reasonable one. The amendment would have allowed the Congress to determine how the solvency of the civil service retirement program could be affected by this change before mandating coverage of Federal employees. I am deeply disappointed that the Conference Committee rejected this compromise.

Other provisions in the Senate bill would have assisted elderly Americans who work and who are receiving social security benefits. The legislation approved by the Senate would between 1990 and 1994 have eliminated the so-called earnings limitation. Under current law social security benefits are reduced by $1 for every $2 earned in excess of approximately $6,000. Many elderly Americans who have chosen to continue working or who are forced to

work because of the inadequacy of their benefits have been needlessly penalized by this earnings limitation. The committee acted wisely in eliminating the earnings test. But this provision, regrettably, was not adopted by the Conference Committee. The conference agrees only to slightly increase the overall amount which could be earned before reducing benefits. Retirees would lose $1 in benefits for every $3 earned above approximately $6,000. This is inadequate.

Despite the conference committee's decision in this matter, despite all the concerns which I have about individual elements of the social security package, it is my duty, it is the duty of the entire Congress to adopt this legislation to insure the solvency of the social security system now and in the future.

Mr. President, in 1940, an elderly Vermont woman, Mrs. Ida Mae Fuller, received the first social security check ever issued. Social security, the greatest social program devised by this or any other nation, has endured for more than four decades. It was there for Mrs. Fuller. It was there for her descendants. It shall endure for decades to come. That is what this legislation insures.

I applaud the members of the National Commission on Social Security Reform for working in a bipartisan fashion to recommend solutions to the problems facing the social security system. And I applaud Members of both parties in the Congress for agreeing to the Commission's recommendations. This landmark legislation reaffirms and strengthens this Nation's commitment to those who are elderly today, those who will be elderly tomorrow.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, will the chairman of the Finance Committee please respond to my earlier question, which he indicated he would respond to, about the provisions that I understand were knocked out on the payment of social security to aliens? I am sure he wanted to give me an answer.

Mr. DOLE. I have given the material to the distinguished Senator from Iowa.

Mr. President, I will state what the conference agreement does, and then I will ask that we hear from the Senator from Iowa, who participated in those discussions. At this point, however, I want to satisfy the Senator from Nebraska.

The conference agreement would suspend the payment of benefits to any alien receiving benefits as a dependent or survivor of an insured worker, whether or not the worker is a U.S. citizen, when that alien beneficiary has been outside the United States for 6 consecutive calendar months. Alien auxiliary beneficiaries who could prove that they had lived in the United States for a total of at least 5 years during which their relationship with the worker was the same as the relationship upon which eligibility for benefits is based—for example, spouse, child, parent—would be exempt from the suspension of benefits. Children would be deemed to meet the 5-year residence requirement if the residence requirement could be met by the child's parents.

That deals primarily with dependents.

Now I will yield to the Senator from Iowa, who, in addition to the Senator from Nebraska and the Senator from Oklahoma (Mr. NICKLES), had an interest in this matter. Although we did not get all we wanted, I thought we had satisfied some of their concerns. I regret that I had not called the Senator from Nebraska personally.

Mr. GRASSLEY. Mr. President, the Senator if correct. Three main concerns were raised in the original Senate bill. The final version now before us takes care of only one of those concerns, although in a more adequate manner than the bill that passed the Senate.

The issue of illegal aliens addressed in Senator NICKLES' amendment was dropped by the conferees. I hated to see it dropped but it was deleted because the Representative from Texas (Mr. PICKLE) had promised hearings on that topic. Both Republicans and Democrates on the House side were willing to agree to address that specific problem at a later date after the full benefit of hearings.

We had additional problem of nonresident aliens who qualified for social security benefits on the basis of far different work histories than the average U.S. citizen. That inequity was corrected in the Senate version by denying the alien any income from social security beyond the amount of money paid in, plus interest. On that point, I, again, am disappointed that it was not included by the conferees.

However, I will say this: Of all three problems, the one concerning benefits for survivors and dependents is probably most costly; and the one which was dealt with most completely in the conference report.

I am one of those who is not toally satisfied with the way the conference committee dealt with my contribution to the package, but it does signal a beginning. We have never before addressed this issue. It is a start, and I hope there will be still greater accomplishments down the road.

With or without any provisions on aliens, I am going to support this social security bill. I am not going to let down the 36 million Americans who depend on social security. Consequently, I am going to support the compromise.

We have finally reached the point when each of us must make a decision on this bill, and on the fate of the social security system. We are all aware of the hard work and bargaining that shaped this package. Once again, I want to compliment all the individuals who served on the Commission and their staff for their tremendous efforts. Without the foundation laid by the Commission report. I fear we would not now be within the grasp of final passage.

As I have indicated previously, I was dissatisfied with the original plan recommended by the National Commission. It left a third of the long-term problem unresolved, and placed far too heavy an emphasis on tax increases. We in the Senate Finance Committee were able to modify and supplement that plan until it was acceptable not only to myself, but to 17 of my colleagues. With further modifications, the bill passed the Senate by an overwhelming 88-to-9 vote.

With the arrival of the conference report we are at the end of that amending and fine-tuning process. We now have one last vote to cast. From the time the plan left the Commissioners' hands to the present, it has been shaped and amended to achieve the broadest possible support.

By way of the conferees' decision, we have moved up the effective date of the so-called COLA stabilizer, and have therefore provided a reasonable fall-safe plan. The Senate Finance Committee had adopted a prudent and fair fail-safe measure with Senator LONG's committee amendment, but I can also lend my support to this alternative. Although the Senate had opted for a combination of measures to solve the long-term funding gap, I find the House's version of the retirement age increase to be acceptable.

I am able to support this ultimate plan for several reasons. While it still contains many provisions I could not support in isolation, it is obvious careful and precise negotiations went into the construction of such a compromise. I have outlined on numerous occasions those provisions I endorsed, and those which I found difficult to accept. I will not further elaborate on every provision and the merits of each. Suffice it to say that I am willing to vote for this plan in order to signal to every American that we are committed to socal security and its preservation.

We have been playing politics with this issue for far too long. We have caused a great deal of fear and uncertainty in the minds of a great many citizens and workers. We have let a good many Americans down with our past efforts in resolving problem areas in social security.

With the passage of this bill we can say to this Nation's elderly: "You will get your benefit checks." To the cur-

rent workers, we can assure them that a plan will be there when it is their turn to collect.

No one is claiming this bill is a perfect plan, but it does meet both the short- and long-term needs in funding, and does so in a manner which causes every individual touched by social security to share in the sacrifices requisite to return the system to solvency. Those goals have guided my deliberations throughout this long process, and I am therefore able to lend my support to this social security package.

The PRESIDING OFFICER. The question is on agreeing to the conference report. The yeas and nays have been ordered.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I came here tonight truly undecided. I spent a few hours looking at the matter, and I think the majority leader is right. We should adopt the conference report. If it does not have everything we want in it, I think we have an ample opportunity to fix it.

I think those who are undecided ought to decide whether or not their precise and specific objection is worth as much as the social security system. That is the balance—a system that has served us well, and it is serving millions of Americans. If you look at it that way, I think you cannot come out any other way than to say that, with all our faults, we have come up with something relatively good in terms of trying to save the basic system on which so many people depend. I hope we will adopt the conference report.

Mr. BRADLEY. Mr. President, I know it is late, and I shall be brief.

I ask my colleagues before they cast this vote to think of the senior citizens that they have talked with in the last 2 years. Think of the faces that they have seen, the fear and confusion. Think of the looks that they have given you as a Senator in their belief that indeed you might make it right. Think of the workers that you have talked to in the last couple years, who have seen their taxes go up 363 percent since 1972 and heading higher, who do not believe you when you say indeed you think you can get a solution and might actually convince them that social security will be there when they are ready to retire.

Mr. President, social security is the best expression of community that we have in this country today.

This has been a long and painful battle. I hope the Senate tonight, though, will reaffirm the bonds of that community and support this conference report.

Mr. STENNIS. Mr. President, I shall not detain the Senate.

Mr. President, let me comment that we had first-class debate here tonight. This is like old times. Both sides splendidly presented these major points of great concern and far-reaching consequences.

I sum up my position by just saying that I wish some of these provisions were better, but we have to have a plan that is sound and dependable, and I think the time has come, as the majority leader said, when we have to have it now.

The faults of this bill are human faults because we had some of the finest talent collected in modern times on this far-reaching problem.

I am glad to support the bill.

Mr. ABDNOR. Mr. President, today marks another historic moment in the history of the social security program. I commend my colleagues for reaching a consensus on this important issue. The task was not easy because widely varying views exist on the purpose and objectives of social security. I also extend my heartfelt thanks and gratitude to the members of the National Commission on Social Security Reform, whose leadership and courage forged the foundation of the legislation now before us.

In addition, many organizations have made substantive contributions to this legislative effort. Among them were the Employee Benefit Research Institute, American Enterprise Institute, American Association for Retired Persons, Heritage Foundation, Chamber of Commerce, and National Federation of Independent Business. I was impressed with the sound, sensible, and practical suggestions of these groups. Their involvement was constructive and provided valuable ideas.

Besides receiving information from these organizations representing people throughout the Nation, I also received suggestions and comments from hundreds of South Dakota citizens during the past year. Their input was very helpful and revealed to me the concerns and expectations of people of all ages and incomes.

The social security system has been in existence for almost 50 years. The program has survived many social and economic changes, and today resembles only partially the original plan. Our Nation places the elderly in prominence and high regard and has a strong social commitment to assisting disabled, and social security properly addresses those priorities. In the sixties the need for health care assistance was recognized and medicare was created to attend to providing elderly and certain disabled citizens with medical services at reasonable rates. When our economy was subjected to inflation, the Congress benevolently protected social security beneficiaries with cost-of-living adjustments.

None of these major changes is bad; on the contrary, providing income and health security to these citizens strengthens the economic and social framework of the Nation. It speaks well of the integrity of our society. What concerns me, however, is whether we as a nation can afford to extend further such generosity and charity. We Members of Congress must seek to answer important and arduous question about what our economy can provide in benefits.

Twice in the past 6 years the social security system has been brought to its knees. Benefit payments have far exceeded contributions for years, the undisputed outcome being trust fund depletion. Before the 1977 corrections were adopted, a wave of insecurity swept over the elderly of America; the same disturbing occurrence is taking place today. I find it ironic that the Congress cannot quell the fears felt by the American public. What have we done to cause this, and what can be done to restore the confidence of the people?

We must be realistic. We must be truthful. We must restore this prominent social institution to accommodate our desires within our means. Economic and demographic forces are dynamic influences on the financial condition of the social security system, and we owe it to all Americans—both contributors and beneficiaries—to implement policies which are fair to everyone. We cannot escape the fact that a dollar more in benefits is a dollar more burden to the taxpayer. We must admit there is no "free lunch."

We cannot ignore the fact that the number of persons over the age of 65 is growing twice as fast as the population as a whole. We must accept the fact that in the future fewer workers will be supporting each retiree. Adjusted for inflation, a person retiring in 1960 can expect to receive $7 in benefits for every dollar contributed. Even the 1980 retiree can expect to receive more than twice the amount in benefits than was paid into the system. No private pension plan gives retirees such an excellent return on investment. Where will the money for benefits come from then?

The answer is easy enough: today's taxpayer; it is just hard to admit. No longer is social security a "pay as you go" system. The initial employee payroll tax was a maximum of $30 per year and stayed that way until 1950. Adjusted for inflation, that figure would be about $180 today. But the average worker today is paying over five times that amount—$1,000—in annual payroll taxes. Is it fair for today's workers to endure an ever-increasing burden to support our Nation's elderly? social security taxes were increased dramatically in 1977. In fact, one-fourth of American taxpayers now pay more into social security than they pay in income taxes. Despite these awesome taxes, the trust fund is still going broke. Tragically, young persons

sense the futility of their contributions. In 1981, a study indicated 70 percent of persons aged 18 to 29 doubted that their full benefits would be paid.

And, let us remember, the young of today are the elderly of tomorrow. Our obligation is no less to the elderly of tomorrow than to the elderly of today. After social security is put back on a sounder footing by our action today, I recommend that this body continue to pay attention to the issue of retirement income security. We have a strong nation comprised of strong people. Let us reevaluate the Government's role in retirement planning.

We are off to a good start already. In 1981 we provided a new incentive to save for retirement. What a great idea it was to allow all Americans to start individual retirement accounts. Millions of workers are also involved in pensions, Keogh plans, annuities and other saving and investment opportunities. In 1950 about 25 percent of all private sector workers participated in private pension plans. That figure is almost double today, and after the turn of the century, over 85 percent of all workers will be eligible for pension benefits. It is encouraging that more and more workers are wisely planning for the future.

The asset and equity base of retired people is solid and growing. Over 70 percent of all retired persons live in owner-occupied houses. In fact, 75 percent of retired homeowners reported no mortgage on their residence. Savings, other financial assets, land and business ownership comprise other major assets owned by retirees. Over half of all social security beneficiaries have other sources of income; one-third have income sources which exceed their social security payments. The fact is most elderly persons have a secure financial future. Not surprisingly, 80 percent of all eligible workers opt for early retirement.

I mention this to stress the importance of regarding social security as a program to augment other retirement planning. The Government cannot provide everything for everyone retiring. For those who have not had the fortune of adequate preparation for retirement, this program offers additional assistance. Not by accident does social security extend a greater share of benefits to lower income households; it does so by design and with the support of the American people.

Nothing would do more to insure a bright outlook for social security than a healthy, growing economy. As our Nation's ability to produce increases, our standard of living increases as well, and as does our capacity to provide more to all facets of our society. As personal income grows, the payroll tax base grows. Since present taxes are paying for current benefits, our ability to provide those benefits is enhanced.

I am encouraged by the recent trend of Congress to devote more attention to economic matters. We owe it to the American public to adopt Federal laws and fiscal and monetary policies which foster economic incentives and promote ample saving and investment. Through those actions future growth can be sustained.

The historical annual real growth rate of our economy since World War II is around 3 percent, but in the last 5 years our performance has fallen far short of that average. If our economy would grow by just 2 percent a year in real terms for 10 years, our wage and salary base would expand by more than $300 billion. Most of the increase would be subject to social security payroll taxes, thereby improving the trust fund substantially.

As our economy recovers from the current recession, let us not forget the harm caused by the unfortunate side effects of inflation. All saving and investment pools—including the social security trust funds—cannot withstand another bout of inflation. Price increases depreciate the value of our savings and take away purchasing power from those on fixed incomes. Each one percentage point of inflation costs the trust funds an additional $1.5 billion every year. Inflation can also erode the asset base of people saving for retirement. In 1980, elderly people possessed some $4 billion in financial assets. Because inflation was 13.5 percent, most assets earned a negative rate of return; the net result was a deterioration in their financial picture. The uncertainty caused by inflation should not be tolerated in the future.

To insure the long-term solvency of social security, let us strive to maintain fairness to all. If our standard of living rises, let all share in the prosperity; but if economic problems befall America, let no segment of society bear a disproportionate share of the burden.

To protect the financial foundation of social security from economic uncertainties of the future, we must keep the program flexible. The so-called fail safe provision to modify cost-of-living adjustments during periods of trust fund shortfalls is a fair approach to protect both beneficiary and taxpayer. This type of built-in flexibility can only strengthen the system.

I am not only optimistic about the future of America and social security; I am excited. We are rebuilding our economic base today and creating opportunities for tomorrow. Cooperation is the key to a successful future. We can keep our country strong by uniting people of all ages and incomes. Let us keep social security—a cornerstone of income protection—an institution we can believe in and depend on. The best way to accomplish this is to promote fairness and equity.

Again, Mr. President, I join my colleagues in supporting the legislation before us. On behalf of all citizens, we are sustaining one of the most worthwhile programs of the U.S. Government.

LEGISLATIVE HISTORY FOR SOCIAL SECURITY COMMON PAYMASTER PROVISION

● Mr. GORTON. Mr. President, I want to commend the conferees for their fine work on this vital legislation, and to comment on one of the Senate amendments which corrects an unintended double payment of the unreimbursable employers' share of FICA by the regionalized medical school for the States of Washington, Alaska, Montana, and Idaho.

The House and Senate bills and the conference report extend social security coverage on a mandatory basis to all employees of nonprofit organizations. As a result, employees of such organizations who are also employed by a State university of a State which has agreed to provide social security coverage to its employees under section 218 of the Social Security Act would have been, without this amendment, subject to unreimbursable double payment of social security taxes. Although present law prevents such double taxation where the employers of the same individual are related corporations—section 3121(s) of the Code—or are instruments of political subdivisions of the same State—section 218(e)(2) of the Social Security Act, there is no provision which would prevent double taxation where one employer is a nonprofit organization and another employer is an instrument of a State. Indeed, since exempt organizations up to now could voluntarily decide whether or not to participate in social security, such a provision was not needed.

By mandating participation in social security, the bill has eliminated the only mechanism to avoid double taxation and created the need to allow exempt organizations to have equivalent relief to that available through a "single paymaster" system.

The amendment is specifically designed to prevent double taxation where one employer is a State university medical school and the other employer is a related nonprofit organization which also employs faculty members of such medical school. At least 30 percent or more of the organization's employees must also be employed by such medical school.

Under the amendment adopted in the conference report, a State university and nonprofit organization which meet the stated requirements are considered to be related corporations under section 3121(s) of the Code. Furthermore, solely for purposes of section 3102, 3111, and 3121(a)(1) of the

Code, a portion of the remuneration actually paid by the nonprofit organization from its own funds and on its own paychecks will be deemed to have been paid by the university. Such remuneration will not be subject to the section 3102 deduction from the employee's wages or to the section 3111 employer tax since employment by a State is not subject to social security taxation under sections 3101, 3102 and 3111 of the Code. Such employment is subject to social security coverage only pursuant to section 218 of the Social Security Act and for the purpose of that section, a university meeting the requirements of this amendment will not be deemed to have paid any amounts actually paid by the nonprofit organization. Therefore, there is no question that the amendment does not affect the duty of a State university to report wages subject to social security or to pay or make a return of social security contributions.

The portion of remuneration paid by the related nonprofit organization which is deemed paid by the university is that portion which, when added to the total amount of remuneration actually paid by the university during the entire calendar year, exceeds the social security wage and contribution base. If the employee by the end of the calendar year has been paid less than the wage and contribution base by the university, that part of the employee's remuneration from the nonprofit organization needed to bring his entire compensation up to the wage and benefit base will retain its character as wages paid by the nonprofit organization and therefore will be subject to the social security tax. If the employee by the end of the year has been paid an amount equal to or greater than the wage and contribution base by the university, then the entire amount paid by the nonprofit organization will be considered as paid by the university. Thus, where the employee's total wages from both the university and the nonprofit organization exceed the wage and contribution base, it is intended that social security contributions will be made in full on the base amount but will not be paid more than once. Similarly, where the employee's total wages from both sources do not exceed the base, social security contributions will be made on the full amount paid to the employee.

The determination of whether remuneration paid by the nonprofit organization, when added to remuneration paid by the university during the calendar year, exceeds the wage and contribution base will be made throughout the year as wages are paid to the employee. Any excess amounts deducted from an employee's wages by the nonprofit organization would be recovered by the employee under sections 31 and 6413(c) of the Code. Any excess amounts paid as an employer tax by the organization will be treated as amounts paid in error. Of course, the organization will be deemed to have sufficient knowledge of the error to be able to correct it with respect to each employee only when the organization has sufficient knowledge to be able to determine the total amount of the excess paid for the entire taxable year. Usually, the organization will have such knowledge in whichever of the following social security reporting periods occurs first during the year: The period in which remuneration to date paid by the university to the employee reaches the wage and contribution base, the period in which the employee permanently terminates employment, or the last reporting period for the calendar year. Any overpayments of the employer tax will be the subject of a claim for refund or credit by the nonprofit organization in the social security reporting period in which the organization first has sufficient knowledge of the error to correct it or in the next subsequent reporting period.●

● Mrs. HAWKINS. Mr. President, I want to join my colleagues in praising the 15 members of the National Commission on Social Security Reform, who contributed a great deal of their energy and valuable expertise to solving a very grave crisis in our country. In December 1981, President Reagan gathered together these experts to review the current and long-term financial condition of the social security trust funds, to identify the problems that may threaten long-term solvency of the funds, to analyze solutions to such problems, and to make recommendations to Congress. Such a major undertaking requires great skill, determination, and, above all, patience. While I do not concur with all their recommendations, I believe they should be commended for successfully accomplishing a mission once thought to be impossible.

I have always been a strong supporter of the social security program because of its spirit and intent. While Florida is the seventh largest State in terms of population, Florida ranks third in the total number of social security beneficiaries. In 1981, the total amount paid from retirement, survivors, and disability insurance trust funds was $140 billion. Florida received $8 billion of that amount, making Florida the fourth largest State in terms of social security receipts. I have consistently fought to insure that all elderly Americans are afforded the retirement they have earned. My record, during my first 2 years as a U.S. Senator, on this issue speaks for itself. I have never voted to cut or reduce benefits. I voted five times to restore the minimum benefit. I voted 12 times against any attempt to reduce, modify, or delay cost-of-living adjustment of social security, Federal, and military retirees. I voted to authorize interfund borrowing to insure that all social security benefits are paid in a timely manner. Last year during consideration of the first concurrent budget resolution, I sponsored an amendment to insure Federal and military retirees a 4-percent COLA in 1983, instead of no COLA at all, as proposed in the budget resolution. Although my amendment was defeated on the Senate floor, the House and Senate conferees agreed to give these retirees a 4-percent COLA in 1983.

Thursday, after 6 days of debate on the social security reform legislation, I voted for H.R. 1900 as amended, reluctantly. This legislation, based on the Commission's recommendations, is a very fragile compromise. While there are some provisions with which I disagree, it does make many worthwhile reforms. But what really prompted me to vote for this bill was sheer necessity. If Congress did not act immediately to make some changes in the social security program, benefit checks would be delayed indefinitely. This legislation is not perfect but I voted for this legislation because it will preserve and protect the social security system for the time being. Some provisions are absurd but I cannot make the perfect the enemy of the good.●

● Mr. LEVIN. Mr. President, I am going to support the conference report on the social security package because it represents the best available hope of insuring the solvency of the system, both in the short and long run, and it contains critically needed provisions for the unemployed.

But as a compromise, it includes elements which, standing alone, I could never support. Raising the retirement age to 67 by the year 2027 risks imposing significant burdens on those workers who are engaged in strenuous activities. During Senate consideration of this bill, I supported the Bradley amendment which would have taken steps to soften the impact of increasing the retirement age on these workers. Unfortunately, it was not adopted. However, between now and the year 2000 when the phase-in will begin over a 6-year period to age 66, the Congress must monitor closely whether the improvements in health care are likely to be reflected in the increased stamina of workers in order to determine if increasing the retirement age is a realistic and humane goal.

Further, the tax increases which have been imposed on self-employed individuals, even after taking into account the tax credit designed to ease that burden, stretch to the limit what this segment of our work force can be expected to absorb. These tax increases, along with those affecting all other workers, only merit consideration when they are part of a package which have as its goal something as

important as guaranteeing the solvency of the social security system.

In addition, the coverage of new Federal employees in social security without having first set up a supplementary pension system for them is a precipitous action. Fortunately, this coverage will not begin until 1984, leaving the Congress some time to address this situation in an equitable fashion.

These are just some of the concerns I have about this package. They are troubling. But there is for all of us one overriding concern—saving the social security system. It is primarily for this reason that I am voting for the package.

Some further points. I am pleased to see that this legislation includes an extension of the Federal supplemental compensation program, which provides unemployment benefits on top of both the regular State benefits of 26 weeks and the extended benefits of 13 weeks for which some States are eligible. This program has been set to expire on March 31 and is now extended to September 30. In the first week of this session of the Congress I introduced legislation to extend the program until September 30, and I am pleased to see this proposal included as part of the package. Also, this bill contains up to an additional 10 weeks of unemployment benefits for those workers in Michigan who will have exhausted their Federal unemployment benefits by the end of this month. The people of Michigan, who are now enduring the 39th consecutive month of double digit unemployment need this extra assistance.

In addition, I was pleased to see that the conference report retains the amendment that I offered which will do away with the requirement that Michigan pay interest on the interest it owes for loans it has taken out from the Federal unemployment trust fund and on which it has deferred payment. This amendment will save Michigan $11 million over the next 3 years. At a time of fiscal crisis on the State level, every little bit helps. For the same reason, I was also pleased to see that the package includes a reduction in the rate of interest charged on these loans for those States, like Michigan, which are willing to take extraordinary steps to improve the solvency of their State unemployment compensation programs.

I regret, however, that the conferees did not retain two other amendments which I offered and which were passed by the Senate. The first amendment which I offered with strong bipartian support, would have given widows between the ages of 55 and 60 a transition social security benefit for 6 months so that they could have a chance to adjust to the death of their spouse and to the requirements of the work force, which they may be entering for the first time in 20 or 30 years after a lifetime of service to their husbands and families. I have been seeking action on the issue of the "widow's gap" since October of 1981, and I am indebted to Eva Baclawski, president of the Widows' Organization of Dearborn, Mich., for bringing this issue to my attention. The cost of this amendment was modest and well within the capacity of a solvent social security trust fund. I will be pursuing this issue again during the hearings before the Finance Committee which have been promised on this issue and am pleased that the chairman will be supporting my effort in this regard.

The second amendment which I offered but which did not survive the conference pledged the full faith and credit of the United States in support of the payment of accrued benefits under the civil service retirement system to past and present Federal employees. Although my specific language was dropped in the conference, I am pleased to see that it gave the Senate conferees' leverage so that they could successfully insist on the language in the original Senate bill which contained some assurances to current and retired Federal employees that the House version lacked.

The conference report on the social security package has many flaws. If I had been able to, I would have done some things differently. But the social security system must be saved, and Federal unemployment benefits must be continued and improved. This package will help to do these things.●

● Mr. MOYNIHAN. Mr. President, tonight the Senate concludes its work on legislation that is, I believe, of truly historic significance. It is significant, I would suggest, not only because it was difficult to pass—though it was—and not only because the social security system's solvency is maintained—and it is—but because this Congress has demonstrated that it possesses the ability to govern.

Of late it seems to have become somewhat fashionable to denigrate our system of government—to suggest that Government, and not this or that program or policy, is, at bottom, the problem. I fear that some have forgotten just how precious a free and democratic government is. Tonight we have preserved one of Franklin D. Roosevelt's crowning achievements. But even more, we have come to grips with a politically explosive issue of great importance to tens of millions of Americans—and we have fashioned a successful compromise acceptable to the majority of both Houses. In so doing, we have demonstrated that our system of government deserves the respect and trust of the people it represents.

Mr. President, it is my conviction that the bill before us today is a fair and just compromise. It is very much like the set of recommendations approved by the National Commission on Social Security Reform, on which I have the honor to serve.

No one of the Commissioners was satisfied with every recommendation. No one of my colleagues here today is completely satisfied with every part of this legislation. But the final bill retains the basic elements of a package which the Washington Post has generously described as being "as close to absolute fairness as any social security revision can ever be."

The Commission report did not include a recommendation for solving all of the long-term social security financing problems. That was left to the Congress. The bill that we agreed to in conference raises the retirement age to 67 without cutting benefits as much as under the Senate version. In fact, whereas under the Senate version benefits would have been reduced by an amount equal to 0.8 percent of payroll, the final bill limits the benefit reduction to 0.68 percent. This, I would suggest, is a considerable improvement.

I would like to conclude by extending my heartfelt appreciation for the efforts of my colleagues who served with me on the Commission, and especially to the Senator from Kansas for his tireless work on the Commission, in the Finance Committee, and most recently in the House-Senate conference. A great many other people have devoted long hours and hard work toward an end that is finally in sight, and while I cannot thank each by name, permit me to extend my sincere gratitude. And to all my colleagues here with me today, I share with you in the pride of a truly historic achievement.●

● Mr. LAUTENBERG. Mr. President, I am pleased to vote for passage of the social security financing bill to implement the consensus recommendations of the National Commission on Social Security Reform. The recent financial problems of the social security system have placed benefit payments in jeopardy. I find it unthinkable that elderly and retired citizens should have to be concerned that their monthly social security checks will not arrive on time. The legislation which the Senate has approved assures that benefits will continue to flow for the rest of this decade and for a long time beyond that. It should lay to rest the fears and uncertainties of the people who depend on social security for their livelihood.

The recommendations of the National Commission on Social Security Reform were developed after a year of study and debate. They represent a compromise between conflicting points of view on the proper balance between the level of payroll taxes, the level of benefits, and the role of general revenues. Maintaining the integrity of the

package of recommendations, keeping all the essential elements intact, has been crucial to the success of this effort to safeguard social security benefits. In general, my own views on the individual elements of the package have been guided by the need to keep the compromise from falling apart. I was not pleased with every provision in the bill, but I thought the package as a whole achieved the very important goal of stabilizing the social security system. Workers and beneficiaries alike have some unpleasant medicine to take; however the cure should be lasting. The system will continue to function and fulfill its unique mission of providing vital benefits to retired workers, widows, orphans, and disabled people.

From a program providing old age benefits to workers in a limited number of job categories, social security has grown to include workers in virtually all jobs, and their spouses, children, and survivors. Benefits have also been provided for people who are unable to work because of a disability, and their families. These benefits are protected from inflation through annual cost-of-living adjustments. With 36 million beneficiaries and over 120 million workers paying taxes to support the program and build their own eligiblity for benefits, no other Government program, except the mail, affects the lives of so many citizens. Social security has been a success; it must not be allowed to falter. The legislation approved by Congress today will continue to serve the needs of the elderly and the disabled today and tomorrow.

The major provisions of the bill include: Delaying the 1983 cost-of-living adjustment for 6 months, from July to January, with future annual adjustments coming every January; moving up payroll tax increases already scheduled for 1985 and 1990; taxing one-half the benefits of high-income beneficiaries; bringing new Federal employees, and the President, Vice President, current Members of Congress, and congressional staff into the social security system beginning January 1, 1984; and increasing the tax rate on self-employed individuals to equal the combined rate of employees and employers. To offset the tax increase in 1984, a one-time tax credit equal to the increased payroll tax will be given to employees. The bill also includes several provisions which will not have an effect for a decade or more, including liberalizing the retirement earning test for people 65 and older beginning in 1990, gradually increasing the credit for delaying retirement beyond the normal retirement age from 3 percent to 8 percent between 1990 and 2010, and gradually increasing the age for full retirement benefits to 67, beginning in the next century.

Mr. President, several features in the legislation provide safety valves if the economy does not do as well as projected and the system again needs some short-term assistance to meet its benefit obligations. An immediate lump-sum cash payment will also be made from the general fund of the Treasury to finance benefits provided for military service before 1957, instead of the annual payments that have been made in the past.

During the Senate debate on this bill a number of amendments were offered. One of the most controversial and difficult issues involved the question of including new Federal employees under the social security system and the related question of a supplementary retirement system for them. The bill before the Senate would have covered new Federal employees under social security, but made no changes in the existing civil service retirement system. As a result, new employees would be paying into both systems and receiving unnecessary duplicate coverage. Of strong and additional concern to me is the future soundness of the civil service retirement system for current employees. Federal employees certainly have as much right to assurances that their retirement benefits will be paid in the future as do social security beneficiaries. The important considerations in my thinking about the Federal employees issue were the need to keep the social security package from falling apart and an absolute commitment to protect the current retirement system for Federal and Postal employees. With these thoughts in mind, I voted for the Stevens amendment which would have allowed the new employees to defer payments into the civil service retirement system until a supplemental system could be developed. When this proposal failed, I supported the Long amendment to delay putting new Federal employees into social security until a supplemental plan is put into law.

Unfortunately the House version of the social security bill did not include protection similar to the Long amendment and the conference report resolving the differences between the House and Senate bills failed to include it either. I regret this inaction. Although the social security legislation does not address the concerns of current and future Federal employees about their retirement system in the years to come, Congress must not ignore this vital issue. I will do what I can to see that the concerns of these employees are given all due attention as soon as possible.

Another amendment considered by the Senate dealt with the age for full retirement benefits. The amendment, which was defeated, would have raised the retirement age to 68. I prefer that the age remain as it is in existing law, but I reluctantly accept the age 67 provision in the final bill. In return for raising the age to 67, the conference agreement has deleted a provision which would have slightly reduced benefits in the future.

Because of the increase in the retirement age, during the Senate debate, I supported the Bradley amendment to establish a special disability program to ease the effect of the increased retirement age on workers who are not healthy enough to continue working but are not ill enough to qualify for the regular social security disability program. This proposal was defeated.

Current workers will have to pay slightly higher taxes sooner than previously planned and beneficiaries will have to wait a few months for their benefits to catch up with inflation. The prospect of these changes will not be welcomed by workers whose taxes will go up or by those beneficiaries missing their benefit increase in July. However, these sacrifices are not nearly as undesirable as the alternative—which would be the failure of social security to pay its benefits on time. In addition, these changes are accompanied by some improvements in benefits and relief for taxpayers. All in all, I was pleased to support the bill which assures the continuation of the social security system.●

Mr. MATTINGLY. Mr. President, there are few measures which will more directly affect the lives of more Americans than the social security reform package. After weeks of discussion of the matter, we in this body as well as most of the citizens of this Nation, are keenly aware of the problems facing the social security system. We must raise approximately $165 billion over the next 7 years in order to insure the solvency of the social security program and to pay benefits to the 36 million Americans who currently receive checks. In addition, we must initiate structural changes in the system. This will insure solvency in the next century and assure benefit payments to those workers now contributing to the system. The task of reckoning all the figures has been a monumental one. It is one which we were, and still are, capable of accomplishing. The sad fact is that, if we vote to accept the conference report, we may not do so. The conference bill raises revenues—primarily through taxation—but it falls dramatically short in initiating needed reform. And, perhaps seriously, it may fail to accomplish its primary purpose. According to actuarial experts, social security could face another major financial crisis over the next few years.

The gradual raising of the retirement age and the provisions relating to the payment of cost-of-living adjustments represent major elements in the long-term solvency scheme. I support these provisions and am proud that we in

this body, at least for a day, were able to make responsible decisions of the critical issue of salvaging the social security system. The Long COLA amendment, which the conference committee deleted, would have provided an important fail-safe mechanism for insuring timely benefit payments, even during times when trust fund reserves fall below 20 percent. Under this provision, the Secretary of Health and Human Services would have been required to withhold or reduce COLA's in order to prevent the decline of reserves. Those beneficiaries whose payments were highest would have been affected first and those with low-benefit payments would have been protected as much as possible. A provision of this type makes sense. It guards against the dangerously low reserve levels which can lead to insolvency and reduces outlays, instead of increasing revenues through additional or accelerated taxation. When it was knocked out, the legitimacy of the bill's claim to insure solvency was called into question.

The social security system, in its present form, has been said to discourage work. The Senate bill contained strong incentives which promoted work rather than discouraging or penalizing it. Perhaps the most significant was the elimination of the retirement earnings test of $6,600. The conference committee retained the earnings test, while modifying the current benefit deduction formula.

Several other areas of inconsistency could have been clarified, had the conference committee accepted the Senate's solutions. Principal among these were provisions relating to the payment of benefits to aliens abroad and their dependents and survivors and to illegals living in this country. Benefits to aliens who earned social security credit while working in this country and who have returned to reside in foreign countries would have been limited to the alien's contributions plus interest. Earlier this year I introduced a bill addressing this same issue, and I was pleased that similar language was incorporated into the Senate's version of the social security reform package. I am distressed that this most fundamental and just provision was dismantled. Under the conference agreement, nonresident aliens can continue to receive benefits, although payments to their dependents are curtailed. I was pleased as well that an amendment offered by my colleague, Mr. NICKLES, and which I cosponsored, to forbid the payment of benefits to illegal aliens was adopted in the Senate. Unfortunately, it was rejected in conference.

Improvements and structural changes in the social security program should and must be made. I do not believe that our task on social security reform is complete. I continue to be disturbed by the heavy, and I believe unfair and unnecessary, reliance on taxes to solve the funding problem. I supported Senator ARMSTRONG's amendment which would have removed the acceleration of scheduled payroll tax increases. Unfortunately, the measure failed. The American people are already overburdened by taxes and accelerating payroll deductions simply adds to the load. Ultimately, higher taxes will be detrimental not only to individual workers but to all Americans. The end product of these increased taxes will be fewer jobs.

The commission's recommended tax increases resulted in additional burdens for small business. The Senate version of the package provided meaningful relief in the form of tax credits for small business and the self-employed and in deposit date relief. The conference report reduces the tax credits and denies the deposit relief entirely.

Understandably, attention has been focused on the old age and survivors insurance portion of the social security amendments. We should not overlook the importance of the hospital insurance section of the bill, however, Medicare is one of our fastest growing entitlement programs, increasing at a current annual rate of approximately 13 percent. If costs are not contained and the rate of growth slowed, the future is dim. Like the old age and survivor insurance program, Medicare will soon experience a funding crisis. The prospective payment plan for hospital reimbursement addresses this issue. It begins to establish a reasonable method for containing health-care costs while maintaining needed services. It also provides incentives for hospitals to operate in cost-effective manner, the concept for the plan is based not on more spending or taxing, but on saving. Such an effort represents the type of approach we in Congress should employ more frequently.

The work that faces us in the next months and years is clear. We must continue to look past the easy answers and quick fixes of accelerated and increased taxes and to consider additional structural changes—real reform. I urge my colleagues not to support this conference report. Should it pass, I urge them not to lay the issue to rest. We must dedicate ourselves to the ongoing task of insuring benefits for the 116 million present workers and future generations of Americans, as well as for the 36 million citizens who currently receive benefits.

Mr. PROXMIRE. Mr. President, there is one aspect of the prospective reimbursement system that I would like to discuss briefly with the manager of the bill and that is the matter of separate urban and rural reimbursement rates.

As I understand the bill, it provides a separate reimbursement rate for hospitals located in urban areas—referred to as SMSA's (Standard Metropolitan Statistical Areas) and hospitals located in rural areas often referred to as non-SMSA's.

The logic underlying that distinction is that the market basket of goods and labor purchased by hospitals in urban areas will be higher than those located in rural areas. Those assumptions have been challenged in some quarters and the conferees wisely requested the Secretary of Health and Human Services to study that question and report back to the Congress on the possibility of a single nationwide reimbursement rate in the future.

My concern is that, in the interim, there may be some extraordinary cases which would result from a rigid adherence to the SMSA/non-SMSA distinction, and would require remedy before we receive the Secretary's report.

For example, in my own State, Watertown Memorial Hospital faces a problem based upon a fluke of geography. Watertown Memorial is one of two hospitals, located just 12 miles apart, which draw their employees from the Oconomowoc labor market. Under the committee's bill, the one hospital, which is located just inside the SMSA line, would be reimbursed at the higher urban rate; Watertown Memorial which is located just outside the SMSA line, would be reimbursed at the lower rural rate. Needless to say, both hospitals face the same labor costs.

Thus, instead of properly recognizing and reimbursing higher labor costs as the SMSA/non-SMSA distinctions were meant to do, the system in this case inadvertently hurts one hospital while treating the other hospital properly.

I fully recognize that the merits of this case must ultimately be evaluated by the Department of Health and Human Services, Mr. President. That is only proper. But my question to the manager of the bill is this: Would the Secretary have sufficient flexibility under this bill to consider appeals such as this one?

Mr. DOLE. Mr. President, the answer to the Senator's question is the conferees recognized the fact that it was impossible to fully anticipate every exceptional or extraordinary case. That is why we adopted a House provision, enabling the Secretary, by regulation, to make such adjustments or exceptions that the Secretary deems necessary.

While the Senator recognizes that I am not in a position to judge the merits of the case he has outlined, the Secretary would be given the opportunity to identify different types of adjustments and exceptions.

I would hope that the Department would use that authority very, very sparingly. Exceptions criteria should

be carefully crafted to assure that hardship cases are given careful consideration without encouraging frivolous appeals by other hospitals.

Mr. PROXMIRE. Mr. President, if the Senator would yield on that point, I agree completely. This Senator would be the last one to support special interest exemptions to this new reimbursement system. The burden of proof must remain on hospitals to prove their case—clearly, forcefully, convincingly.

My sole concern is that during the transition to this new system that the Secretary have the flexibility to grant hardship exemptions if they are warranted by the facts. I am reassured by the Senator's comments that this is the case.

I thank the Senator.

Mr. CHAFEE. Mr. President, this social security measure does not please me totally just as it apparently does not please many others. I was opposed to increasing the age of retirement above 65 and voted against it in the Finance Committee. I likewise voiced my disapproval of increasing the retirement age in the conference committee this afternoon.

Nonetheless, this was the best bill we could get and we must pass this legislation in order to insure the solvency of the social security fund so it will be there to pay benefits for millions of current retires and millions of future retirees.

The House was adamant on many provisions, including the retirement age of 67.

It is my fervent hope that what we have done in this measure will insure the social security fund's solvency for as long as we can foresee into the next century.

Mr. STENNIS. Mr. President, this bill makes a fair start and a step forward toward necessary reform of our social security system, but it is by no means a complete answer to the demands of our present industrial economy and the needs of our people generally.

In the course of this debate, I hope that all of us have obtained a far clearer view of our needs and the requirements of a fair system that can be properly maintained over the years. The debate has shown us that we must continue to have active congressional attention to the problem of the social security system each year.

We must continue to provide careful scrutiny to the operation of the system so that in the future we do not allow it to come as close to the point of collapse as it has now. We cannot just leave it alone now that we have put together this reform package. We must continue to watch it and supervise it closely. Setting social security aside as a special function of the Federal budget will help us in this effort.

The Federal Government has an obligation to effectively police the entire social security operation. Effective management, sound administration, and careful surveillance of the entire system are essential. Just as we must detect and eliminate waste, fraud and abuse, so also must we insist on the best business management of the social security trust funds.

During the course of the debate we have heard differing projections about how much particular provisions of this legislation will cost. In part these figures will depend upon how well the system is managed, as well as upon how our economy performs. This merely points up the need for Congress to continue its oversight over social security in order to insure that the system remains solvent, that it stands on a sound financial basis, and that it is operated in a responsible manner.

Like most broad, sweeping departments or activities of Government, there are some elements of this measure that I do not favor. However, after a deep study during several months concerning the present shortcomings and conditions of our system, it is clear to me that some drastic changes must be made promptly. We must build the system on a more sound foundation and with adequate financing.

I accept and support the present bill in spite of its objectionable features because it is a new and sounder base for an improved social security system as a whole, and it can be further improved with proper attention and diligence by our present and future Congresses.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Oregon (Mr. HATFIELD), the Senator from North Carolina (Mr. HELMS), the Senator from Nevada (Mr. LAXALT), the Senator from Maryland (Mr. MATHIAS), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Oregon (Mr. PACKWOOD), the Senator from Illinois (Mr. PERCY), the Senator from South Dakota (Mr. PRESSLER), the Senator from Indiana (Mr. QUAYLE), the Senator from Delaware (Mr. ROTH), the Senator from Vermont (Mr. STAFFORD), the Senator from Texas (Mr. TOWER), and the Senator from Connecticut (Mr. WEICKER), are necessarily absent.

I also announce that the Senator from Arizona (Mr. GOLDWATER), is absent due to illness in the family.

I further announce that, if present and voting, the Senator from Arizona (Mr. GOLDWATER), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Connecticut (Mr. WEICKER), would each vote "yea."

Mr. CRANSTON. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Florida (Mr. CHILES), the Senator from Arizona (Mr. DECONCINI), the Senator from Missouri (Mr. EAGLETON), the Senator from Colorado (Mr. HART), the Senator from Alabama (Mr. HEFLIN), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Ohio (Mr. METZENBAUM), the Senator from Rhode Island (Mr. PELL), the Senator from Arkansas (Mr. PRYOR), and the Senator from Maryland (Mr. SARBANES) are necessarily absent.

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

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

The result was announced—yeas 58, nays 14, as follows:

[Rollcall Vote No. 54 Leg.]

YEAS—58

Abdnor	Dole	Melcher
Andrews	Domenici	Mitchell
Baker	Durenberger	Moynihan
Baucus	Ford	Proxmire
Biden	Glenn	Randolph
Bingaman	Gorton	Riegle
Boschwitz	Grassley	Rudman
Bradley	Hawkins	Sasser
Bumpers	Hecht	Simpson
Burdick	Heinz	Specter
Byrd	Humphrey	Stennis
Chafee	Jackson	Stevens
Cochran	Jepsen	Thurmond
Cohen	Kassebaum	Trible
Cranston	Kasten	Tsongas
D'Amato	Lautenberg	Wallop
Danforth	Leahy	Warner
Denton	Levin	Wilson
Dixon	Lugar	
Dodd	Matsunaga	

NAYS—14

Armstrong	Hatch	Nickles
Boren	Hollings	Nunn
East	Long	Symms
Exon	Mattingly	Zorinsky
Garn	McClure	

NOT VOTING—28

Bentsen	Inouye	Pressler
Chiles	Johnston	Pryor
DeConcini	Kennedy	Quayle
Eagleton	Laxalt	Roth
Goldwater	Mathias	Sarbanes
Hart	Metzenbaum	Stafford
Hatfield	Murkowski	Tower
Heflin	Packwood	Weicker
Helms	Pell	
Huddleston	Percy	

So the conference report was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, if I were not afraid that someone might laugh

at me, I would announce that there will be no record votes.

[Laughter.]

Mr. BAKER. Mr. President, there are certain other matters that need to be taken care of, but before I do that, I promised earlier today that we would keep the RECORD open so that Senators could insert statements.

Mr. President, I ask unanimous consent that Senators may submit statements relating to the social security conference report for the RECORD upon the reconvening of the Senate on April 5, until April 8, and that such statements be printed in the permanent RECORD prior to the vote on the adoption of the conference report.

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

PREVENTING THE TEMPORARY TERMINATION OF THE FEDERAL SUPPLEMENTAL COMPENSATION ACT OF 1982

Mr. BAKER. Mr. President, there is one other matter that I would like to take up if the minority leader is agreeable.

I ask unanimous consent that the Senate now turn to the consideration of H.R. 2369, a bill to prevent the temporary termination of the Federal Supplemental Compensation Act of 1982.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2369) to prevent the temporary termination of the Federal Supplemental compensation Act of 1982.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

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

Mr. DOLE. Mr. President, this bill would simply allow the Senate to pass a provision to insure that the extension of the Federal supplemental compensation program will be in effect on April 1. This precautionary measure is being taken in as much as enrollment of the massive Social Security Act Amendments of 1983 may well not be completed in time to sign it into law prior to April 1. This bill does nothing more than simply make sure that the provisions relating to unemployment compensation are enacted in a timely manner.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

ADJOURNMENT UNTIL TUESDAY, APRIL 5, 1983

Mr. BAKER. Mr. President, I have looked forward to this moment for some time. Before I move in accordance with the provisions of House Concurrent Resolution 94, I will first inquire if there is any other Senator seeking recognition. I see none.

If the minority leader is prepared to do so, I am prepared to adjourn.

Mr. BYRD. I am equally prepared.

Mr. BAKER. The minority leader indicates he is equally prepared.

Mr. President, in that event, I move, in accordance with the provisions of House Concurrent Resolution 94, that the Senate stand in adjournment until April 5.

The motion was agreed to; and, at 2:06 a.m., the Senate adjourned until Tuesday, April 5, 1983, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate March 24, 1983:

DEPARTMENT OF COMMERCE

Alfred Hugh Kingon, of New York, to be an Assistant Secretary of Commerce, vice Raymond J. Waldmann, resigned.

ACTION AGENCY

Constance Horner, of the District of Columbia, to be Associate Director of the ACTION Agency, vice Lawrence F. Davenport, resigned.

NATIONAL COUNCIL ON THE HANDICAPPED

R. Budd Gould, of Montana, to be a Member of the National Council on the Handicapped for a term expiring September 17, 1985 (new position).

IN THE COAST GUARD

The following officers of the U.S. Coast Guard for promotion to the grade of commodore:

Capt. Theodore J. Wojnar, USCG
Capt. Joseph A. McDonough, Jr., USCG
Capt. Arnold M. Danielson, USCG

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, sections 5133 and 1370.

To be vice admiral

Vice Adm. J. William Cox, Medical Corps, [redacted]/2100, U.S. Navy.

The following-named captains of the Reserve of the U.S. Navy for permanent promotion to the grade of commodore in the Line and staff corps, as indicated, pursuant to the provisions of title 10, United States Code, section 5912:

UNRESTRICTED LINE OFFICER

John Joseph Sweeney
John Edward Love
Kenneth Edward Myatt
John Edward Summers

SPECIAL DUTY OFFICER (CRYPTOLOGY)

William Joseph Miles

SPECIAL DUTY OFFICER (INTELLIGENCE)

Robert Patrick Tiernan

MEDICAL CORPS OFFICER

John Duncan Tolmie
James Glen Roberts

SUPPLY CORPS OFFICER

Philip Arthur Whitacre

JUDGE ADVOCATE GENERAL'S CORPS OFFICER

Robert Edward Wiss

DENTAL CORPS OFFICER

Edward John O'Shea, Jr.