

SENATE—Wednesday, June 6, 1984

The Senate met at 10 a.m., and was called to order by the Honorable BOB KASTEN, a Senator from the State of Wisconsin.

PRAYER

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

Let us pray.

God of Peace, today we remember the triumph and tragedy of D-day 40 years ago. We recall with heavy hearts those who laid down their lives in that critical encounter. We commend to Thee their loved ones who remain to spend this day in memory not only of their loss but also of the trauma endured by that loss.

We pray a special blessing upon those who are reminded of the agony, the suffering, and the brutality they witnessed.

We express to Thee our gratitude for those who planned and implemented D-day and its influence in accelerating the end of hostilities. As we celebrate the memory of that day and those involved in it, we do not celebrate war; we honor peace. Help us to dedicate ourselves to peace and to all that makes for peace among ourselves, in our homes, among races and ethnic groups and nations.

In the name of the Prince of Peace. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 6, 1984.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BOB KASTEN, a Senator from the State of Wisconsin, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. KASTEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

SENATE SCHEDULE

Mr. BAKER. Mr. President, after the opening formalities today, which include a special order for the Senator from Wisconsin (Mr. PROXMIER) and time for the transaction of routine morning business, the Senate will resume consideration of the unfinished business, which is the bankruptcy bill, at which time the Packwood amendment will be the pending question.

Mr. President, I am not sure how much worthwhile debate will occur today on the bankruptcy bill because of absentees. In the event we cannot proceed in a meaningful way on that subject, it would be the hope of the leadership that we could proceed to another matter, at least temporarily.

The minority leader has asked me from time to time about the scheduling of the math-science bill. I will explore the possibility of doing that today.

I had hoped that we could do the energy-water appropriations bill today, but for a variety of reasons that appears unlikely.

I had hoped that we would proceed to the Wilkinson nomination today, but that, too, seems unlikely, given the fact that some Members who are directly involved in the debate on that issue are necessarily absent on official business.

Once again, Mr. President, the leadership on this side approaches this day with a sense of frustration, but as soon as I have an opportunity to consult with the minority leader, I will try to make a further announcement with respect to the schedule.

In the meantime, I ask unanimous consent that the time allocated to the minority leader under the standing order may be reserved for his use at any time during this calendar day, and I reserve 1 minute of my time under the same circumstances.

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

Mr. MELCHER addressed the Chair.

Mr. BAKER. Does the Senator wish to speak as in morning business?

Mr. MELCHER. Will the majority leader yield to me?

Mr. BAKER. Mr. President, the minority leader is here now. I have concluded my remarks, and I yield the floor so that he may claim his time, if he wishes.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

Mr. BYRD. I thank the Chair.

OUR UNIVERSE

Mr. BYRD. Mr. President, there is perhaps nothing more useful in putting daily strife and irritation in their proper place, along with one's own sense of self-importance, than contemplating the vast inscrutability of the universe.

Thinking about the "first fractional second" of the universe, and entering the world of astrophysicists and particle physicists for a moment allows one to puzzle about the "common beginnings" of all matter, the interrelation of all things, the perfect balance of the universe, and the force that existed in time before the moment that time, as we understand it, began.

I commend to all Senators and to anyone who wishes to read something stimulating and inspiring—stimulating because of fascinating scientific data, and inspiring because of the realization that such perfection and balance could only have been conceived by a supreme and omnipresent, omniscient, omnipotent, and benevolent God—the article from the Sunday, June 3, Washington Post entitled, "Our Universe, Created From Nothing," and I ask that it be printed in the RECORD at this point.

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

OUR UNIVERSE, CREATED FROM NOTHING—FORCES THAT PREDATED THE COSMOS MAY HAVE "LET THERE BE LIGHT"

(By Eugene F. Mallove)

There was a time, perhaps 10 to 20 billion years ago, when the universe as we know it did not exist. At that "time," in fact, neither space nor time itself existed in any form with which we are familiar.

This concept, admittedly hard to grasp, is at the heart of the new thinking about the structure, origin and evolution of the universe. Recent insights by cosmologists—astrophysicists who study the universe's past and future—have shed new light on old questions: How did the universe begin—if, in fact, it had a beginning? Why is the universe as it appears today? What is the ultimate fate of the cosmos?

As physics approaches these questions, it is inexorably being pushed toward confronting riddles that once were the exclusive province of religion. The age-old question of whether the universe is a product of chance or design is reaching the forefront of scientific investigation. This may portend a great coming together of the ideas of science and

religion—ideas that have often appeared to conflict.

Virtually all astronomers now believe that the universe sprang forth in what is known as the "Big Bang" explosion, from a state of extraordinary compression and phenomenally high temperature in which forces such as gravity and electromagnetism were unified in a single, all-encompassing force. But for most of the century, scientists puzzled over this.

Why, if its original state was chaotic, is the universe of galaxies as uniform as it appears? Why is the universe precariously perched between expanding infinitely and collapsing back on itself—between being conducive to life and being totally inhospitable to it?

The recent, surprising progress toward answering these questions has been made possible by the increase in physicists' understanding of the connection between the biggest and smallest things in the universe. Through the work of astrophysicists and particle physicists, it is becoming possible to meld the realm of stars and galaxies, and the world of subatomic particles and waves—and to derive theories about their common beginnings.

The most remarkable insights of recent years came from a young theoretical physicist at the Stanford Linear Accelerator Center, Alan Guth, who in 1979 developed an "inflationary theory" that "explained" the first fractional second of the universe, the coming into being of matter and many puzzling features of the present cosmos. In effect, the inflation envisioned by Guth set the Big Bang into motion. He was able to explain how the matter and energy of the visible universe and beyond originated from literally nothing.

Thus, his theory holds promise of showing that the present form of the universe is the inevitable consequence of physical laws that "predated" the cosmos. In his theory, arbitrariness and chance are removed from the creation. It is perhaps not too presumptuous to suggest that God and physics are unified by the concept of cosmic inflation.

The enormous scale of the universe was not recognized until the 1920s. William Herschel, the 19th Century British astronomer and discoverer of the planet Uranus, had speculated that the fuzzy patches of light in the sky seen through telescopes were "island universes" much like the Milky Way galaxy which the sun appeared to inhabit.

This was not confirmed until American astronomer Edwin Hubble, using the 100-inch Mount Wilson telescope, was able to resolve individual stars in the Andromeda nebulae—now known to be the nearest spiral galaxy to the Milky Way. The Milky Way with perhaps 300 billion stars, was seen to be but one of hundreds of billions of other galaxies. More astonishing, perhaps, was Hubble's discovery (achieved by measuring the light spectra of distant nebula) that these galaxies were receding from us at a speed of hundreds or even thousands of miles per second. The universe, it appeared, was expanding very much as raisin bread baked in an oven. No matter which "raisin," or galaxy, an observer inhabited, the expansion would look the same.

The implications of an expanding universe were staggering. Expansion meant that at one time all matter could have been compressed together with enormous density. It meant that the comforting idea of a stable, eternally unchanging and perhaps infinitely old universe had to be replaced by the notion of an evolving universe of finite age.

From the point of view of the non-scientist, the theory called into question conventional beliefs about eternity, while also holding out the stunning possibility of a "beginning."

Over the years, some scientists dissented from the Big Bang theory. In the late 1940s, for instance, Hermann Bondi, Thomas Gold and Fred Hoyle proposed a "Steady State" cosmology, in which there was no beginning of time. It postulated that the universe had always existed and would continue expanding forever, while always looking approximately the same to any observer.

The Steady State model was elegant and, in a way, philosophically pleasing. The abrupt creation of the cosmos in an instant of "time" was avoided, and life was free to evolve on planets to eternity. Our sun might run out of fuel in some billions of years, but there would forever be new stars to take its place. But a serendipitous discovery by two Bell Laboratory scientists in New Jersey in 1965 sounded the death knell for the Steady State idea.

In the process of reconditioning a large, microwave born antenna, Arno Penzias and Robert Wilson picked up a persistent low-level electronic noise which remained no matter what they did or in which direction the antenna was pointed. For a while they even suspected that bird droppings in the antenna had something to do with their problem. But they and others soon realized that the omni-present hiss was the remnant birth cry of the Big Bang explosion echoing through space and time. They had detected a uniform microwave radiation whose present frequency (measured by scientists as temperature) indicated that it came from a time when the universe was much hotter. The temperature and uniformity of the radiation fit perfectly with the model of a Big Bang explosion that occurred 10 to 20 billion years earlier.

Steven Weinberg, a Nobel laureate in theoretical physics, described the Big Bang in his book, "The First Three Minutes."

"In the beginning there was an explosion. Not an explosion like those familiar on Earth, starting from a definite center and spreading out to engulf more and more of the circumambient air, but an explosion which occurred simultaneously everywhere, filling all space from the beginning, with every particle of matter rushing apart from every other particle."

It is not easy for us human beings, with our three-dimensional sense of space, to grasp the concept of an expanding universe. When we hear about the Big Bang explosion, we are apt to think of highly compressed matter exploding into a larger, or infinite, space. But that is not correct as applied to the Big Bang. What really happened was that all of space, along with the matter and radiation it contained, expanded from a small point.

This theory does have certain moorings in everyday common sense. For instance, one can picture without too much difficulty a finite, balloon-like universe in which all the "inhabitants" are flat "creatures" living on the surface of the expanding balloon. All of their two-dimensional space could expand from a time of very great curvature (when the balloon was tiny) to a time of smaller curvature (when the balloon was inflated)—yet the creatures would find it difficult to imagine their two-dimensional world "expanding into something."

Albert Einstein envisioned a space traveler circling back to his starting point no matter how he tried to hold to a "straight line." In

other words, we are creatures with a conceptual problem arising from the fact that the three dimensions of space, and time as a fourth dimension, are bendable by nature in ways that we can't easily perceive.

When radio astronomers pick up background microwave radiation they are really measuring the temperature of a very early phase of the universe, reduced by the proportion by which the universe has expanded since its origin. When the universe was 1,000 times smaller, the temperature was 1,000 times hotter—some 3,000 degrees on the Kelvin scale instead of the present 3 degrees. (A Kelvin degree is equal to a degree of Centigrade temperature, but the Kelvin scale begins at minus 473 degrees Centigrade).

One of the most noteworthy features of the physical universe today is the predominance of hydrogen and helium—virtual proof of the early high-temperature state of the universe as conceived in the Big Bang theory. Helium makes up about 28 percent of the massive particles in the universe by weight, and hydrogen makes up the rest. There are only trace amounts of heavier elements, which are produced by the explosions of huge stars.

The relative abundance of helium and hydrogen can best be explained by the billion Kelvin degree temperatures of the universe when it was only 3 minutes old. This temperature would have cooked up just that helium abundance from hydrogen nuclei present just after the Big Bang got started.

In those earliest moments of the Big Bang, temperatures exceeded 100 billion degrees Kelvin and the density of matter was billions of times that of iron in earthly conditions. A maelstrom of subatomic particles and radiation swirled. Particles called neutrinos—which may not have any mass—stopped interacting with other particles and became an independent ethereal background to the rest of the matter in the universe.

Until 700,000 years into the Big Bang, radiation and matter were in equilibrium. But finally, sufficient cooling due to expansion took place, so that negatively-charged electrons could combine with the light atomic nuclei to form true atoms. The universe lost its opaqueness and the stage was set for the evolution of all the structures we observe today in the universe—galaxies, stars, planets, and even cosmologists who try to figure it all out.

This "modern" universe, we know, is basically driven by four prime forces: gravity, electromagnetism (which governs the clouds of electrons that buzz about atomic nuclei), the "weak force" (which controls the radioactive decay of nuclei) and the "strong force" (which holds "quarks" together in nuclear particles).

But going back to the earliest time, before the first hundredth of a second of the Big Bang, there is strong evidence that the forces of nature were unified in one all-encompassing force. Without a theory about this force that unified all forces, there can be little understanding of how nature operated when the universe was much smaller and much hotter—and therefore, there can be no adequate explanation for the universe's beginnings.

Even though it is impossible for physicists to duplicate in laboratories the high-energy conditions of the early universe, they must develop theories to explain how the forces of nature we observe today came to have four separate characters, and how these forces are expressed in an Alice-in-Wonder-

land realm of subatomic particles which includes things called quarks, gluons, muons, taus, "W" and "Z" particles.

Physicists are attempting to build the unified field theory edifice once sought by Einstein. Theories of this kind are known as Grand Unified Theories or, less elegantly, GUTs. The GUTs are at the core of understanding what the universe was like at the "beginning," and they help predict what we should expect to find in the cosmos today.

The four basic forces of our present universe were not always seen as having much in common with one another, but there was enough mystery about them for a lot of speculation on how they might be related. Discovery of "W" and "Z" particles reported last year confirmed that the electromagnetic and "weak" forces are truly different manifestations of the same force—an "electroweak" force. Hence, two of nature's forces have been "unified". Even if laboratory experimental evidence cannot be developed to show the unification of the strong force and gravity with the electroweak force, the largest experiment of all, the Big Bang, may prove to be the ultimate test of further GUTs which unify all the forces.

This is where cosmology and particle physics may already have joined to provide answers to common puzzles. But until Alan Guth, an intense physicist in his early thirties, walked onto the stage in 1979, there was no cosmological theory to explain how the Big Bang was initiated before the first hundredth of a second.

After mulling over the speculations of his colleagues, he conceived a breathtaking new view of how the Big Bang was set in motion. This was his "cosmic inflation" idea. Instead of the steady expansion rate during the first instant postulated for the Big Bang, he postulated an exponentially expanding universe starting at a trillion trillion trillion trillionth of a second (one divided by one followed by 36 zeros!).

The mind-numbing rapidity of this exponential expansion, which occurred virtually instantaneously and was then over, powered the universe into being. In a minute fraction of a second, the universe expanded from below subatomic dimension by a huge factor—1 with 50 zeros after it—yet was still only about 4 inches in diameter. From then on, the universe's expansion rate tamed and became uniform with time.

In one breathtaking vision, Guth explained several major problems which had been plaguing cosmologists.

Guth's theory helped answer the question of why the universe is remarkably homogeneous on a large scale and is isotropic—it looks the same to any observer looking in any direction. One would have expected regions of different densities coming from an initially chaotic soup. But, according to Guth's theory, the extreme rapidity of the inflation had the effect of smoothing out disparate regions.

Moreover, Guth provided a convincing explanation of the greatest enigma facing cosmologists: Why was the universe apparently so precariously balanced between being "open" (destined to expand forever) and "closed" (doomed to collapse, eventually, in a contraction that would reverse the Big Bang)?

For a long time cosmologists had known that they had a "missing mass" problem if the universe was to expand forever—or even if it was poised between being closed and open. All mass in the universe exerts gravitational force on all other mass. This puts a brake on the universal expansion, and if

enough mass is present, the universe might collapse back on itself. But calculations showed that the observable mass in the universe constituted only 1 percent of that required for it to collapse back on itself.

Some scientists inferred that there was enough heretofore invisible matter in the clusters of galaxies to provide some of the missing mass. Still, this additional mass would perhaps account for only 10 to 20 percent of the mass required for a collapse. The remaining 80 or 90 percent of the universe's mass needed for the balancing act may exist in some other form.

One explanation was that the missing matter was in the form of black holes, created long ago when the universe was highly compressed. It was also thought that perhaps the ghostly neutrinos which pervade space have a small mass after all. Even if these particles had only a very small mass, they could account for the deficit, and, in fact, might comprise the major fraction of mass in the universe.

The inevitable mathematical consequence of Guth's theory is that the universe is perfectly balanced between being open and closed.

Cosmologist Marc Davis at the University of California explains that Guth's inflation would "dynamically drive the universe to the critical state of being exactly between open and closed—with extremely high precision. . . ." Thus, Guth's theory has driven cosmologists to search even harder for the missing mass that they all believe is there.

The trained scientist, let alone the layman, can be forgiven for having great difficulty following the equations that led to this conclusion. Nevertheless, let it be said that the physicist's almost impenetrable equations envision how what might be described as "fields of nothingness" came to have the attributes of matter. This is the closest that science has come to explaining "the beginning."

Guth describes the universe as "a free lunch," created out of "probabilistic fluctuations" in a "false vacuum." Roughly speaking, he theorizes, the energy of gravity exactly cancels the universe's non-gravitational energy. The result: The net energy content of the universe is exactly zero! The mind whirled in attempting to imagine how everything could have come from literally nothing—nothing but a pre-existing, fluctuating "false vacuum" governed by the unified force law of nature.

In a recent discussion with Marc Davis, I feebly groped for words and proposed that, "We are really a giant nothingness that has elaborated itself!" To my amazement, my cosmologist friend did not disagree.

According to Guth, inflation also implies that the universe is billions of times larger than the currently observable universe, which is itself billions of light years in extent.

If the universe had more than the critical density of matter it would collapse back in on itself many billions of years hence and all vestiges of structure would disappear. Some have suggested that it would then "bounce" and re-expand in a new Big Bang. The present incarnation of the universe might only be one of many of an infinity of foregoing universes which might or might not resemble our own. But the new cosmological thinking is that at least our observable universe will go on expanding forever, even as gravitation inexorably slows the stretching of space, but not quite to the point of stopping.

In other words, the expansion is destined to go on forever—a concept that bothers

human minds that have great difficulty grappling with the notion of infinity.

Guth's theory, it should be noted, does not rule out (and may even make more likely) the existence of "parallel," or "alternate" universes that are forever beyond our ability to investigate. There may have been other Big Bangs that inflated other universes, much as our own "bubble" of space and time. Possibly, those universes are not accessible to us any more than the molecules on the surfaces of two separately expanding bubbles are to each other.

What, though, is the fate of all that we see today? In our local neck of the woods we know that the sun will pass through a red-giant phase and expand to engulf the Earth and melt its surface—only 5 billion years from now. But even 5 billion years is an instant compared to the gulf of time that lies ahead.

Scientists have recently begun to speculate on the "death" of the universe in its eternal expansion. In 100 trillion years all stars will have exhausted their fuel. At 100,000 trillion years all stars will have lost their planets due to infrequent but inevitable encounters with one another. The collapse of all galaxies by "evaporation" of their stars into intergalactic space will be completed by a million trillion years. At even more unimaginably distant times (the number 1, followed by 32 zeros, years) even stable particles like the proton will decay to fleetier subnuclear particles. Black holes still remaining will evaporate in 1, followed by 100 zeros, years and the universe will consist only of an extremely dilute gas of wandering particles.

What meaning can we attach to our lives from this picture of cosmic evolution—a picture that grows ever more clear as the frontiers of knowledge are advanced? Some will look upon it with dismay and find their notions of a benevolent Creator sorely tested. Others may find confirmation of a suspected intelligence underlying this awesome history.

Certainly many cosmologists probably hold a pantheistic view of God—that the universe itself is the supreme being. Physicist Paul Davies, author of "God and the New Physics," for one, appears not to believe in a supernatural God but in a "directing, controlling, universal mind that pervades the cosmos and operates the law of nature to achieve some specific purpose. We could describe this state of affairs by saying that nature is a product of its own technology, and that the universe is a mind! A self observing as well as self organizing, system."

Still others may deny the reality of the cosmologists' ideas and point to literal interpretation of Scripture claiming, for example, that the universe sprang into being one morning in 4,004 B.C. after God said, "Let there be light!" Remarkably, there was light in abundance at the dawn of creation—recall the maelstrom of radiation at the earliest times.

Whatever one's views, it is extraordinary that human beings poring over calculations and glued to their astronomical observations have been able to contemplate the entirety of space and time and beyond. There is, indeed, meaning in a part of the universe contemplating itself, while wondering what role this life or other life might play in the cosmic drama yet to come.

**S. 2727—TO PROVIDE FOR PRES-
ENTATION OF CONGRESSION-
AL MEDAL OF HONOR POSTHU-
MOUSLY TO FAMILY OF HAR-
RISON SUMMERS**

Mr. BYRD. Mr. President, today we are commemorating the 40th anniversary of D-day—that bloody battle that was a turning point of World War II and in which so many men on all sides lost their lives. War is certainly not a pretty thing, and who knows how one will react under battlefield conditions. But every so often an individual stands out and moves forward in an act of heroism that saves the lives of his fellow soldiers. Such was the case of S. Sgt. Harrison Summers of Company B, 502 Parachute Infantry Regiment, 101st Airborne Division.

General S. L. A. Marshall—who has been called the official historian of D-day—wrote a book entitled "Night Drop." In this book, General Marshall describes how, caught under fire, a wide defensive outguard was planned to block the Germans from breaking through to Utah Beach. C Company would form a road block of the north and B Company to the south. They would hold until a German coastal artillery barracks known as WXYZ was taken out. WXYZ was a collection of thick walled stone farm buildings strung out along some 700 yards of road leading to the beach. Staff Sergeant Summers was ordered to take WXYZ. Because of the shortage of men. Only 15 went with Summers.

I might add that Summers did not even have the time to find out the names of the men that followed him. They were strays who had been separated from their various units. When the soldiers reached WXYZ, it was obvious to Summers that they were reluctant to follow. Therefore, Summers decided to set the example and charge the first building—no one followed. From time to time, someone did come forward to help, but they were almost instantaneously killed. When it was over, at the end of 5 long, hard hours of fighting, Harrison Summers had virtually singlehandedly taken and secured WXYZ—a key point that controlled the access from the beach to the high ground.

The preface to "Night Drop" is written by Carl Sandberg and describes Harrison Summers as a—

Slender, quietly bashful soldier, Laughing Boy in uniform, anything but a warrior type. In sending him along, . . . unaware that he had just given orders to a second Alvin York.

The preface further gives these words by General Marshall:

Not everyone is a Harrison Summers; were it so, the Nation would have less worry about its defense.

Harrison Summers continued to display his bravery throughout the invasion of Normandy, and he was, in fact, wounded in Holland.

After the war, Harrison Summers returned to West Virginia, where he worked in the coal mines, and later became a State and then a Federal coal mine inspector. Harrison Summers died of cancer in 1983.

Acts of heroism such as those by Harrison Summers deserve recognition, however belatedly. Therefore, I am today introducing legislation to award the Congressional Medal of Honor to him.

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. 2727

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding section 3744(b) of title 10, United States Code, the President may award, and present in the name of Congress, a medal of honor posthumously to the family of Harrison Summers, in recognition of acts of gallantry and intrepidity at the risk of life above and beyond the call of duty performed by Harrison Summers as a Staff Sergeant in the United States Army on June 6, 1944 in Normandy, France.

SENATE SCHEDULE

Mr. BYRD. Mr. President, does the distinguished Senator from Montana wish some time?

Mr. MELCHER. Mr. President, will the minority leader yield to me on scheduling?

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

Mr. BAKER. Mr. President, will the Senator permit me to make one statement in that respect, so that the record is clear?

I would have been happy to yield to the distinguished Senator from Montana, and I was prepared to do so, but it is the usual procedure for the leaders to yield to Members on their side; and inasmuch as the minority leader had just reached the floor, I thought that perhaps it would be better to do that. I do not want anyone to think I had declined to yield to the Senator from Montana.

Mr. BYRD. Mr. President, the majority leader is very thoughtful, and I thank him for his usual tender of time.

I yield such time as the Senator from Montana may wish, from the time under my control.

Mr. MELCHER. Mr. President, I thank the distinguished floor leaders on the majority and minority sides.

I did not hear the majority leader talk about the possibility of calling up the resolution on the Indian Affairs Committee. I just want to remind the majority leader that on both sides, speaking for myself and Chairman ANDREWS, we are certainly ready and willing to pursue it at any time.

Mr. BAKER. I thank the Senator. Once again, I am prepared to go forward with the Indian Affairs resolution, even today.

Senators will recall that on yesterday, the leadership on this side made an effort to reach that matter by unanimous consent—that is, to temporarily lay aside the bankruptcy bill and proceed to the Indian Affairs resolution. There was an objection to it. The only alternatives left to the leadership then were to move to the consideration of that measure, which would have displaced the pending unfinished business, or to go to something else, and at that time I chose not to displace the bankruptcy bill.

I will do this today, I say to the Senator from Montana: I will consult with him, with the minority leader, and with others, and we will see if there is some way we can proceed to the consideration of the resolution today, and if not today, as soon as possible.

Mr. MELCHER. I thank the majority leader.

Mr. BYRD. Mr. President, if the Senator from Montana will yield back a minute—

Mr. MELCHER. I yield back any time I may have.

Mr. BYRD. Mr. President, I was not on the floor when the distinguished majority leader may have recited for the Senate the plans for the day, as he usually does. If he did so, as he usually does, did he make mention of the math-science matter?

Mr. BAKER. Yes, I did, and I did so because of the diligent prodding of the minority leader from time to time as to when we are going to schedule it.

I did include in my remarks this morning that I was going to consult with the minority leader about scheduling the math-science measure today. I have not cleared the process on my side, but I have begun it. If the minority leader wishes to go forward with that matter, I think there is a good possibility we might do so.

Incidentally, I would propose to do that the same way I proposed to do the Indian Affairs resolution—that is, by unanimous consent—so that either on a call for the regular order or after the conclusion of the consideration of the bill, we would be back on the bankruptcy bill.

Mr. BYRD. Mr. President, I am delighted at the prospect for getting on with this bill. On our side, we will immediately see if there is any problem area, and I will report back to the majority leader.

Mr. BAKER. Mr. President, I thank the minority leader.

If I have any time remaining, I yield it to him.

Mr. BYRD. I thank the majority leader.

I yield whatever time may remain under my control to the distinguished

Senator from Wisconsin (Mr. PROXIMIRE) for his use or for his yielding it to others.

RECOGNITION OF SENATOR PROXIMIRE

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin is recognized.

Mr. PROXIMIRE. Mr. President, it is my understanding that I have a special order. Is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

WILL NUCLEAR WAR CONSIGN MAN TO AN EXTINCT SPECIES IN A FUTURE COSMIC CROSSWORD PUZZLE?

Mr. PROXIMIRE. Mr. President, somehow we seem to run into a dead end when it comes to appealing to our countrymen to get excited about the survival of our species as the prime reason for ending the nuclear arms race. The most terrible tragedy that could befall the human race concerns us far less than an imminent threat to the life of any individual person whom we personally know. And, of course, no appeal to save mankind can carry a candle to the energy and ingenuity, indeed, the desperation most of us will put into saving our own life.

But, Mr. President, we should dwell on this puzzling paradox: Our lack of concern for the preservation of our species. Suppose mankind dies out, vanishes forever, becomes extinct. How serious a tragedy would that be? After all other species have come and gone. Why not man? Consider the significance of this little doggerel:

The Prairie Pigeon's long since gone.
As absent as the mastadon.
No Emu calls, No Dodo nuzzles.
They're only left in crossword puzzles.

We mourn these creatures and we should. We have enacted legislation in this body to preserve endangered species such as the lowly snail darter.

It is hard for us with our intense human ego and our adulation of ourselves as members of the elite species to classify this marvelously intelligent creature that is us mankind—a human being, with the likes of prairie pigeons, mastadons, emus, and especially an animal as unquestionably dim-witted—just plain dumb as the dodo. After all those unfortunate creatures perished because they did not have savvy, the brain power to keep up with the times. They could not adapt. And they certainly could not adjust or modify their environment even a little. We humans with our marvelous capacity for thought and our sense of order and discipline have built a civilization that becomes more astonishing every day. We are gradually building superior human beings—increasingly better educated, healthier, able to soar into

space, plunge below the oceans, create robots to do our repetitive work, communicate through thousands of miles of space with vivid television pictures.

We are about to create a paradise, an Eden here on Earth. But now we are also about to throw it all away—like those awkward fragile, stupid creatures we will disappear—become extinct. But not because we are too dumb. But because we are too smart. Thanks to one of our most remarkable creations—nuclear weapons—we, too, tremble on the brink of extinction. As a species we may very well be about to join the prairie pigeon, the mastadon, the emu. We will be as dead and our demise will be in a different way as dumb as the dodo. Some future being will resurrect our memory maybe like those other extinct creatures.

Perhaps in some far off universe a few billion years from now some species will arise that may develop half of mankind's intelligence but twice our ability to get along with our fellow man. Hopefully that future species will not progress to a level that will solve the problem of the atom and bring nuclear weapons. On the other hand they may develop the somewhat less destructive knack of creating crossword puzzles, and the skill to explore the movements of a much earlier history of the cosmos. This more peaceable being of the future may reflect on the savage, brutal fratricide of the cosmos' brightest being. And then that future being can fit into that crossword puzzle of the future alongside the prairie pigeon, the mastadon, the emus, and the dodo—with three little letters: Man. The crossword clue could be: "He came, He saw, He blew it"; or "He was too smart for his own good"; or just "He was taught love. He didn't listen."

A HOLOCAUST COMMEMORATIVE PROGRAM AND THE GENOCIDE CONVENTION

Mr. PROXIMIRE. Mr. President, on April 29, as part of the "National Days of Remembrance," a Holocaust commemorative program was held at the Capitol Building in Washington State. The program paid tribute to Holocaust survivors and to members of the U.S. Armed Forces who helped liberate Jews from the Nazi concentration camps during 1944 and 1945. The survivors gave their liberators scrolls of appreciation, and all present pledged never to forget the atrocities of the Holocaust. Also honored was Mr. William J. Wilkins. Mr. Wilkins is the last of the 32 American jurists appointed by President Truman to serve as a judge at the Nuremberg war crimes trials after World War II.

Presiding over the program was Washington's Governor, John Spellman. The Governor spoke eloquently and emotionally about the Holocaust,

and stressed the importance of remembering this painful chapter in history. Mr. Frank Reiss, a survivor of three concentration camps, made a presentation titled "Echoes of Auschwitz: What Can We Learn?" Mr. Reiss spoke of the special obligation survivors of the Nazi carnage have to warn the world of what can happen if the tragedy is not remembered. "We must never forget that this really happened and that it was conceived by the human mind," Reiss said.

A point brought home again and again throughout the program was that an effective deterrent to another Holocaust is the memory and recognition of the first Holocaust. The truth of this idea is undebatable, though I would add that other actions can be taken to help insure that there is never another Holocaust. Ratification of the Genocide Convention by this Senate is one such action. On June 16, 1949—almost precisely 35 years ago—President Truman presented the Convention to the Senate. Since then, six Presidents have urged the Senate to ratify the Convention, but the Senate has failed to act.

Mr. President, the time has long passed when the Senate should have ratified the Genocide Convention. Like the survivors and liberators of the Nazi Holocaust, we should do all that we can to make sure such a nightmare never occurs again. Ratification of the Convention would be an important step in this effort.

Mr. President, I yield the floor.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 5 minutes each.

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

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

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I hope that we are going to be able to get a piece of legislation up before long that we have some prospect of dealing with to completion today. We are working on the math-science bill and also on the energy-water appropriations bill. They are not quite ready yet on this side. I have conferred with the majori-

ty leader, who indicates I believe that math-science is clearly on his side, and that is the most likely prospect.

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

Mr. BAKER. Yes; I do yield.

Mr. BYRD. I am happy to verify that this side is ready to proceed on the math-science legislation. I thank the majority leader again for his efforts to bring this matter to the floor of the Senate.

Mr. BAKER. I thank the minority leader.

Mr. President, while I make one final clearance effort, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BAKER. Mr. President, we appear to have cleared all of our bases on the math-science bill, but I will not make a request in that respect until 11:30 a.m. That is to give Senators an opportunity to be here on the floor at the time if they wish to do so, and especially two Senators. I am referring to Senators Packwood and Hatch who are, first, in the bankruptcy bill and, second, the math-science bill as the managers. I fully understand the reasons it is not possible to have all players here until 11:30 a.m.

But I wish to announce that it is the intention of the leadership at 11:30 a.m. to ask the Senate to lay aside the pending bankruptcy bill and go ahead to the math-science bill. I will not now do that. I repeat, I will try to do that at 11:30 a.m.

Mr. President, I now ask unanimous consent that there be a further period for the transaction of routine morning business until 11:30 a.m. under the same terms and conditions.

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

Mr. BAKER. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

TEACHING ENGLISH IN SCANDINAVIA

Mr. HATCH. Mr. President, early this spring, the Scandinavian Council of the Washington, DC. area spon-

sored a month-long exhibition in the rotunda of the Cannon House Office Building. This exhibition on the diverse methods of teaching English as a second language was the culmination of many months of intense planning. It was a very graphic demonstration of how the five multilingual countries of Denmark, Finland, Iceland, Norway, and Sweden teach English in the Scandinavian schools, and reinforce it through activities in the home.

I was very pleased to join with Representative WILLIAM D. FORD of Michigan in the support of this exhibit because it provided a unique opportunity for many of us to develop a better understanding of the Scandinavian people and their culture, and their ways of learning English.

Mr. President, from all accounts the exhibit was an overwhelming success. Both President Reagan and Secretary of Education, Terrel H. Bell wrote letters to the Scandinavian Council commending them for the excellence of the materials displayed and the comprehensive nature of their program. The exhibit and the activities associated with it, also served to remind us of the many ways the people of Scandinavia have enriched the language and culture of America.

The exhibit, as well as all of the activities associated with it, illustrated the critical role knowledge of a foreign language plays in fostering better understanding of the cultures of our friends and neighbors. From the activity, we also gained insights into innovative educational techniques in teaching English as a second language.

Mr. President, because of the interest that has been expressed to me about the exhibit and seminars of the Scandinavian Council of the Washington, DC., area, I ask unanimous consent that the letters to the Council of President Reagan and Secretary of Education Bell be included in the RECORD as part of my remarks. These letters convey the thoughts of all of us who were privileged to be associated with the exhibit.

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

THE WHITE HOUSE,

Washington, February 17, 1984.

It is a special privilege to extend my warm greetings to all who gather to enjoy opening ceremonies for this fascinating exhibition, "Teaching English in Scandinavia."

It has been well known for some time that the governments of Denmark, Finland, Iceland, Norway, and Sweden have developed excellent educational programs for the teaching of the English language. These programs have resulted in the publication of exemplary textbooks, the evolution of very successful teaching methods, and a good understanding of English on the part of millions of Scandinavians.

In sponsoring this exhibition, the Scandinavian Council provides us with an opportunity to learn about these teaching tech-

niques as well as the member organizations and their efforts.

You have my best wishes for a most enjoyable evening.

RONALD REAGAN.

U.S. DEPARTMENT OF EDUCATION,
THE SECRETARY,
February 23, 1984.

The Scandinavian Council of the Washington, DC, Area,
Washington, DC.

DEAR SIR: I would like to offer my congratulations and wishes for success to the members of the Scandinavian Council of the Washington, D.C. Area, on the opening of your exhibit "Teaching English in Scandinavia." This exhibit, and the symposium you are holding today, exemplify the international character of education. Education recognizes no national boundaries; refuses to be limited to any one language; disdains the constraints of any single philosophy.

Robert Maynard Hutchins once said that "The object of education is to prepare the young to educate themselves throughout their lives." Hutchins' thought touches on the primary purpose of education: developing the ability to learn. For learning is the process by which each generation passes on to the next the knowledge, the skills, and the wisdom it has learned. It is the common thread which keeps the fabric of civilization together. Education is the single most important enterprise in which any nation, at any time, can find itself engaged.

Today you will be discussing the very essence of education: communication. This includes the art of communication, as one language is viewed in light of another; communication between cultures, as you discuss your efforts to bridge the gap between your native tongue and English, and communication between generations, as you pass to your children the ability to communicate to people in other nations and cultures.

On behalf of the U.S. Department of Education, I offer my sincere gratitude for your vision, your efforts and your commitment to education.

Sincerely,

T. H. BELL.

MONEY LAUNDERERS NETTED IN FLORIDA

Mrs. HAWKINS. Mr. President, in the article reprinted below, Stanley Marcus, the U.S. attorney for south Florida, announced that six people have been arrested and eight others are being sought in a money-laundering organization which passed millions of dollars through Miami banks.

We are proud to have Mr. Marcus as our U.S. attorney in south Florida. He has been very active in his pursuit of drug traffickers and the various money-laundering schemes they utilize, and the work he has done since becoming U.S. attorney has been thorough, productive, and effective, as this most recent operation points out.

But, Mr. President, this is just a chip of the iceberg. This particular case, which involved sums of over \$7 million and included the joint efforts of the Drug Enforcement Administration, the Customs Service, and the Department of Justice, represents just a frac-

tion of the drug trafficking that goes on in my home State of Florida.

Mr. President, this is the beginning of what we need to do to solve the problem of drug abuse, and we must not let up in our efforts.

I ask unanimous consent to have printed in the *RECORD* the article entitled "U.S. Arrests Nine Suspects in Florida in Nationwide Money Laundering," dated June 5, 1984, in the *New York Times*.

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

U.S. ARRESTS 9 SUSPECTS IN FLORIDA IN NATIONWIDE MONEY LAUNDERING

MIAMI, June 4.—Federal agents have arrested six people and are seeking eight others in a nationwide money-laundering organization based here that officials said passed millions of dollars through Miami banks.

Stanley Marcus, the United States Attorney, announced that complaints had been filed, with arrest warrants charging the 14 people with conspiracy to defraud the United States.

The Florida residents named in the complaint are Alberto Barrera Duran, described as the leader of the conspiracy, Louis Hector Neira, Margarita Mejia, Lucia M. Neira, Jorge E. Obando, Carlos Villalta, Luis Villota, Ovidio Mantilla Ortiz, and a "John Doe." The five others, Juan Montoya, William Roldan Sr., William Roldan Jr., Guillermo Arrango and Alejandro Montoya, live in California.

CASHIER'S CHECKS BOUGHT

According to affidavits, the organization received cash in large amounts, which was delivered to people across the country. The cash was used to purchase cashier's checks and money orders in amounts less than \$10,000, thus avoiding currency transaction reports. According to an affidavit by an Internal Revenue Service agent, the checks and money orders were then deposited in accounts in bank offices here of Irving Trust, Bank Leumi and Security Pacific. The accounts were registered to foreign banks with branches in Panama.

No charges will be filed against the banks, according to Leon Kellner, executive assistant United States Attorney in Miami. "The banks fully cooperated and assisted in certain instances by telling us about the transactions," he said.

According to the Mr. Kellner's office, the affidavits indicate currency exchanges of over \$7 million. Between April 7 to April 15, for example, the receipt of \$3.1 million and disbursement of \$4 million was recorded.

Mr. Barrera is accused of using a device to circumvent phone toll charges and eliminate phone company records listing the numbers being called. The phone company, which was tracking the use of the device, has records showing that it was used to cover calls to numbers that the Government says coincide with locations of associates, hotels, pay telephones and private residences all over the country.

The complaints were filed as the result of an investigation that began last September, in conjunction with the Organized Crime Drug Enforcement Task Force in a number of cities. The investigation was part of Operation Greenback, a project in which agents from the Internal Revenue Service, the Customs Service and Drug Enforcement Administration, and prosecutors from the Federal

Attorneys Office and the Department of Justice are cooperating to stem the laundering of money through Florida banks.

THE 40TH ANNIVERSARY OF D-DAY

Mrs. HAWKINS. Mr. President, today I rise to pay tribute to the thousands of Allied soldiers who risked their lives 40 years ago today to puncture the defenses of Hitler's Fortress Europe.

On June 6, 1944, 154,000 men braved withering fire to establish a beachhead in France. It was a day of victory for the Allies, for Operation Overlord set in motion the events that blew the evil shadow of Nazi Germany off the map of Europe. Yet, 40 years later, we can look back on that fateful day with both pride and sorrow for the price of victory was high; 3,184 Americans were wounded on that day; 1,465 of their comrades perished.

Why did so many brave Americans die on the sands of Utah and Omaha beaches? Why did so many valiant British and Canadian soldiers fall on Gold, Juno, and Sword? They died because the price of freedom is high. But, as the leaders of Germany and Japan proved in those years, the cost of tyranny is much, much higher. When I think back on those brave soldiers, I am reminded of the immortal words of Winston Churchill, "Never have so few given so much for so many." And although the subject of that remark was somewhat different, the spirit was the same. From 1939 to 1945, millions of innocent civilians were savagely slaughtered by Axis forces. The flame of liberty flickered weakly then, but it was rekindled by the efforts of those who risked and gave their lives 40 years ago.

Their efforts were not in vain. As Allied armies swept across Europe from the west, millions of people were freed from the suffering of Fascist rule. Today, those same people remain free. And this is a tribute to the courage and dedication exhibited by those brave soldiers on D-day.

Mr. President, today, as President Reagan and other leaders of the free world meet to commemorate the events of June 6, the sacrifice of these men is not forgotten; the lessons that they taught us remain firm in our memories. And as long as we wish not to repeat the losses of that day and preserve our hard won freedoms, let us hope that sacrifice and courage will always be remembered.

D-DAY

Mr. SYMMS. Mr. President, 40 years ago today a vast armada crossed the English Channel and landed 150,000 Allied forces—American, British, and Canadians—on the beaches of Normandy. The fate of the free world hung on what happened there that

day, and it was a most important day in our history.

Oftentimes in this age of affluence we live in, many people take for granted the peace and liberty that we are granted because of those who died and fought there for our freedom. We tend to forget the significance of D-day 1944.

But I think we should not forget that sacrifice and we should not forget that it was necessary for that great battle to take place and that those people were asked to pay the full measures of their lives for our freedoms.

There was very interesting thing that happened in that great conflict. At the American cemetery on the cliff above Omaha Beach, there are many, many rows of graves, and I am sure many of my colleagues have visited them. The headstones there serve as a constant reminder of the painful price that was paid by so many people. A particularly sad and moving scene is the side-by-side graves of a father, Col. Ollie W. Reed, and his son, Lt. Ollie W. Reed, Jr.

Colonel Reed was the commanding officer of the 175th Regiment of the 29th Division. Colonel Reed was a Regular Army officer who had been in the campaigns against Pancho Villa in 1916. He served in France with distinction as a young man in the First World War and returned again to the Second World War as commanding officer of the 29th Division. He was killed in action during the allied breakout from Normandy in late July 1944.

Lieutenant Reed, his son, had gone to West Point because he wanted to pursue the military career that his father had chosen. He graduated from West Point and was with the 91st Division in Italy. He was killed north of Rome and was buried with his father in the cemetery at St. Laurent-Sur-Mar overlooking the English Channel. The widow and mother of these two gallant soldiers, Mildred B. Reed, is a resident of Kuna, ID. She has spent the past 40 years serving her church as a missionary—she is a Presbyterian—and as a helper in the raising of many, many children in Kuna, ID.

Mrs. Reed has recently written a very good book about her life and her family which describes the awful pain of that summer of 1944 when two telegrams came to her house—just an hour apart—telling her of the tragic death of both her husband and her son.

Those two Reed headstones in France remind us of the courage and sacrifice, of the cost of war and peace, and the price of freedom. Mildred Reed knows more than most of us the true meaning of valor.

Mr. President, I was hoping to be able to bring these remarks up on the

floor when our distinguished colleague from New Hampshire, Senator RUDMAN, was on the floor, but I was afraid that he would be out and I would fail to get this said on the floor today so I went ahead with it.

But a little over a year ago Senator RUDMAN was telling me about a trip that he had taken to France and Germany with Colonel Campbell, who was then the commander of the Army liaison of the U.S. Army here in the Senate, on a military inspection trip to Europe to visit some of our American installations in France and along the NATO front. He told me the story of these two graves that he happened to see. Little did he or I, at the time, realize that these two people were from Kuna, ID.

As we all know, Senator RUDMAN had a distinguished military career himself. Right out of college he served with the 2d Division in the Korean war as an infantry officer and a commander at a very early age. In fact, he had been there in France to go back over some of the ground where his former coach at Syracuse University, Ben Schwartzwalder, had distinguished himself and was decorated in France during the Normandy operation.

Colonel Campbell also told me this story—he was a veteran of the Vietnam conflict—about when he and Senator RUDMAN stood there looking at those two graves; that they were two people who had both distinguished themselves and had paid the price and fought for the freedom of this country. It was a very moving and touching event for those two men to see those two graves.

I know that Mildred Reed has spent many hours and days of anguish in her very productive life in these past 40 years. I am sure that today brings a great deal of sadness to her, just as it reminds her of what happened in July of 1944, losing both a son and husband in a very close time frame and proximity when the news was brought to her.

I certainly would extend to her the best wishes and prayers of all of us here and our thanks for the price that she has had to pay for the continuance of the freedom of this country.

I am also indebted, Mr. President, to a young man who is the administrative assistant to Congressman PETE STARK, Mr. Bill Vaughan. Bill brought this to my attention. It happens that Mildred Reed is his grandmother and Col. Ollie Reed his grandfather. He, too, has had that to live with almost all his life. He was 6 months old when this happened. We wish him the best. We thank him also for the price that he had to pay on that fateful day at such a very young age.

Mr. President, I yield the floor.

JOHN B. FOURNET

Mr. LONG. Mr. President, it is with deep sadness that I inform this body of the death of a great American and one of Louisiana's preeminent jurists, John B. Fournet.

John Fournet died Sunday at the age of 88 years. He served his State in all three branches of government, and retired as chief justice of the Louisiana Supreme Court.

He was a dedicated American who served his State and Nation with energy and devotion for many years. He was a loyal and stout-hearted associate of my father, the late Senator Huey P. Long—and it has been a privilege to count him among my dearest friends.

For two full generations my family has been able to look at Justice Fournet as one to whom we could turn in all seasons. Although he lived to the advanced age of 88 years, those of us who were privileged to enjoy his friendship mourn his passing.

He was a man of great conviction and lofty ideals. Even when he served in the high office of chief justice, he never lost his natural tendency to fight strenuously for the positions he deemed correct.

Mr. President, I ask unanimous consent to have printed in the RECORD an article in the June 5, 1984, edition of the New Orleans Times Picayune reporting on the death of John B. Fournet.

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

FORMER CHIEF JUSTICE JOHN FOURNET DIES

John Baptiste Fournet, who retired as chief justice of the Louisiana Supreme Court after more than four decades in state public service, died Sunday at a Jackson, Miss., hospital. He was 88.

Funeral services will be held in St. Martinville, La., where a Mass will be said at 10 a.m. Wednesday at St. Martin of Tours Catholic Church, followed by interment in St. Michael's Cemetery.

Pallarin Funeral Home, 106 New Market St., is in charge of arrangements.

Mr. Fournet, who stepped down in 1970 after 35 years on the state Supreme Court bench, is believed to be the only man in Louisiana history to have held elective positions in all three branches of government.

He became speaker of the House while a freshman member of the Legislature from Jefferson Davis Parish. He was a legislator from 1928 to 1932.

In 1933, he was elected lieutenant governor under Huey P. Long, his close friend and political ally.

In 1935, Mr. Fournet was elected to the Supreme Court.

Through the seniority system, he became chief justice in 1949. He retired after reaching the mandatory retirement age of 75.

A Supreme Court spokeswoman said he served longer than any chief justice.

In an interview in Washington several years ago, Fournet was quoted as saying he had to "fight for everything I have obtained. When I was a boy the schools were extremely poor and what roads we had were

practically impassable. In order to make my way to school I had to walk through fields and across a swamp when it was not flooded. Sometimes I had to walk along the railroad tracks."

Mr. Fournet moved to Jackson in 1978.

He was born in St. Martinville in 1895, the first of 10 children of Louis Michel Fournet, a St. Martinville plantation owner and member of a leading St. Martin Parish family, and Mercelitte Gautier Fournet.

He attended St. Martin Parish public schools and graduated from the State Normal College at Natchitoches (now Northwestern University). He was a teacher and principal of Morganse High School before entering Louisiana State University Law School in the fall of 1917.

After serving in the Army in World War I he returned to LSU. He received a law degree in 1920 and practiced law in St. Martinville and Jennings until his election to the House.

It was Huey Long—then a U.S. senator—who persuaded Mr. Fournet to run for the Supreme Court when Justice Winston Overton died shortly before the election in 1934.

Mr. Fournet beat Thomas F. Porter, who had been the only candidate in the race against Overton, and resigned as lieutenant governor to become an associate justice.

Mr. Fournet was chairman of the Louisiana Law Liberty Advisory Commission, a member of the Conference of Chief Justices, the Louisiana and American Bar Association, the American Law Institute and the American Judicature Society.

He is survived by a son, John Dupuis Fournet of Jackson, Miss.; a daughter, Lela Vincent of New Orleans; a brother, A. C. "Pat" Fournet of Lafayette; five sisters, Mae Courville of New Orleans, Elisa Tate, Genevieve Carmichael, Velma Pitman and Theresa Green, all of Lafayette.

COOK INLET NATIVE ASSOCIATION CELEBRATES 20TH ANNIVERSARY

Mr. STEVENS. Mr. President, the Cook Inlet Native Association in Alaska is celebrating its 20th anniversary. Today I would like to salute its 14,000 Native American members, who are joining with their brothers and sisters on Saturday and Sunday to mark this anniversary and to celebrate Spirit Days.

Alaska's Native people have a precious heritage, which has evolved over more than 10,000 years in the Great Land.

On June 9 and 10, the Cook Inlet Native Association, based in south-central Alaska, has invited its Native brothers and sisters across Alaska and across the Nation to renew their bonds and celebrate Spirit Days.

Marking the 20th anniversary of its founding, Cook Inlet Native Association will present the Spirit Days celebration on the campus of Alaska Pacific University in Anchorage.

Displays, demonstrations of ancient and traditional arts, crafts, music and dance, storytellers recounting tales handed down through countless generations, dog mushers, Native athletes participating in traditional native

games, booths featuring Alaska Native foods, will all be part of the Spirit Days activities.

But not only will Spirit Days be a reaffirmation and rededication of the commitment of the Native people to their heritage, the days will serve to reinforce the new goals the Native people are working toward in today's world.

Alaska's Natives face new challenges, and the Cook Inlet Native Association recognizes those challenges.

The majority of the 14,000 Alaska Natives and other Native Americans living within the Cook Inlet Native Association's 38,000-square-mile region are in an urban environment, far from the sheltered, quiet villages that they and their forefathers called home.

Needs and problems never experienced in the village require the special understanding an organization such as Cook Inlet Native Association can provide.

The association, formed as a social group two decades ago, has grown to be one of the largest of the Native organizations in our State and our Nation.

The association has developed programs in such areas as health, education, employment and training, and community development, to assist its members to adjust to the urban lifestyle.

But equally important has been the association's aim to build a sense of community and maintain a sense of Native identity for its people. The Spirit Days celebration this week is just one aspect of that goal.

Many ongoing programs, which serve to educate Alaska's non-Native residents about the culture and heritage of Alaska's Natives, are also part of Cook Inlet Native Association's focus. All Alaskans benefit from the work of the Cook Inlet Native Association.

The association's modern building in Anchorage, which reflects Alaska's mountains and clear skies in its mirrored facade, also reflects the association's confidence in the future.

Mr. President, I would like to salute the Cook Inlet Native Association as it marks its 20th anniversary, and share with you its statement, issued for the occasion:

SPIRIT DAYS—A REDEDICATION

A rededication. . . .
of work for our Communities
of ourselves to our Peoples
of our spirit to the values of our Elders. . . .
revering the land and its bounty,
sharing who we are and what we have,
trusting quiet strength,
cherishing tenderness. . . . caring for all.

A rededication. . . .
to learning from the past,
moving into the future, and
passing old wisdom to young souls.

A rededication. . . .
to pride in our past,
Strength in the present, and

Confidence for the future.

HIGHLIGHTS FROM THE 1980 CENSUS

Mr. PERCY. Mr. President, the decennial census and its many related surveys are the Nation's premier tools for the apportionment of Congressmen and the allocation of funds for a variety of Federal programs. But equally important, and far more interestingly, the Census Bureau's data serve notice of changes sweeping America—changes which must be recognized and responded to by leaders in Government, business, and other fields of work.

I asked the Census Bureau's fine new Director, Dr. Jack Keane, to provide me with a list of the major demographic and economic findings from the 1980 census and other recent surveys. The list he prepared makes very useful reading. I would like to share it with my colleagues and with the public at large.

There being on objection, the material was ordered to be printed in the RECORD, as follows:

HIGHLIGHTS FROM CENSUSES AND SURVEYS: 1970 TO 1982

GENERAL POPULATION TRENDS

Sometime during the 1970's the "center" of population of the United States moved across the Mississippi River for the first time into Missouri. One of the factors for this was that the Northeast virtually stopped growing during the decade.

By 1980, more than one-half of the U.S. population lived in the South and West. In fact between census day—April 1, 1980—and July 1, 1982, the South and West accounted for 92 percent of the national population growth.

Using middle-of-the-road assumptions—1.9 births per woman, average life expectancy of 79.8 years, and an annual net immigration of 450,000—U.S. population is projected to grow from 232 million in 1982, to 268 million in 2000, and peak at 309 million in 2050.

As evidenced by the nation's long history, we are a highly mobile population. Nearly half of the population 5 years old and over lived in a different house in 1980 than in 1975, and three quarters of moves were within the same state.

An estimated 5.6 million persons—2.4 percent of the population—lived on farms in 1982, but farm residence and agricultural employment are not synonymous. By 1982, less than half—46 percent—of all agricultural workers lived on farms.

MINORITIES

One out of five people in the nation is a member of a major minority group—Black, American Indian, Eskimo or Aleut, Asian or Pacific Islander, or Hispanic.

The United States is the seventh largest nation in the world in terms of persons of Spanish origin.

Although the Hispanic population growth was widespread, with sizable concentrations in New York, Florida and Illinois, over 50 percent of the nation's Hispanics reside in just two states—California and Texas.

In 1980, the Census showed that more Blacks are moving to the South than away from it, reversing their historical outmigration that began late in the 19th century.

The proportion of the Black population living in central cities of metropolitan areas declined during the 1970's for the first time in many decades.

The 4.5 million decrease in our foreign-born population in the 1970-80 decade was by far the largest one-decade growth in American history.

The net civilian immigration has been declining due to the drop-off of Cuban, Haitian, and Indo-Chinese refugees, down from 654,000 in 1980 to 480,000 by 1982.

Only one-fourth of all American Indians lived on a reservation in 1980.

As a result of new immigration laws in the 1960's and refugee programs in the 1970's, over one-half of the nation's Asians and Pacific Islanders were foreign born.

Most undocumented aliens counted in the 1980 census—57 percent—have been here for at least five years. Among these undocumented aliens, only one in eight is 40 years old or older.

MARRIAGE AND FAMILIES

Returning to a pattern prevalent in the 1900's, 53 percent of all women aged 20 to 24 years old in 1982 had never married—up from 36 percent only a dozen years earlier.

While that may merely indicate postponing marriage, the rise from 6.2 percent to 11.6 percent for women aged 30 to 34 years old who had never married, suggests that an increasing proportion of the population may elect never to marry at all.

Households in the 1970's were formed at more than double the rate of total population growth, and their average size dropped from 3.11 people in 1970 to 2.75 in 1980.

Nonfamily households jumped by 72 percent in the 1970's while family households (those maintained by a person living with at least one relative) rose by only 16 percent.

The divorce ratio—the number of currently divorced persons per 1,000 married persons—more than doubled since 1970. For men it rose from 35 to 92 by 1982, while for women it rose from 60 to 137 by 1982. (Men tend to remarry quicker.)

One-parent families increased by 71 percent in the 1970's, and by 1980, 19 percent of families with children under 18 had only one parent present.

The 1982 fertility rate, which implies a lifetime average of about 1.8 children per woman, is substantially below the 2.1 rate required for natural replacement of the population.

In 1980, Utah had the highest fertility rate—123 per 1,000 women aged 15 to 44 years old—while Massachusetts had the lowest level—only 54 per 1,000.

More than half—56 percent in 1981—of all Black births are out of wedlock.

EDUCATION

In each year since 1975, nearly one-third of the nation's three and four-year-olds have been enrolled in school.

By October, 1982, 57.9 million persons aged 3 to 34 years old were enrolled in school, about 2.5 million less than the number enrolled in 1970. This decline was largely due to the decrease of 6.5 million students in elementary school countering an increase of 3.5 million among college students.

The proportion of Blacks—particularly among young adults—completing high school is rapidly catching up with that of Whites. In 1980, more than half of all persons 25 and older in each state had completed high school, and the national proportion was two-thirds.

In each year since 1979, more women than men have been enrolled in college.

Among women 25 to 34 years old, the proportion who had completed 4 or more years of college rose from 12 percent in 1970 to 21 percent in 1982.

EMPLOYMENT

Women accounted for 59 percent of the growth in the civilian labor force between 1970 and 1982. By 1983, 53 percent of all working-age women were in the civilian labor force, the proportion having risen 8 percentage points during the preceding decade.

The proportion of women employed in executive, administrative, and managerial jobs rose from 20 percent in 1972 to 30 percent in 1980 . . . and rose another two percentage points between 1980 and 1983.

About one out of every 10 working-age people outside of institutions in 1980 had a disability that limited the kind or amount of work they could do or prevented them from working.

More than one-half of all married couples in the United States have become two-earner families. Their proportion rose from 46 percent in 1970 to 52 percent in 1982.

Structural changes in America's workforce are evidenced by the small 2.1 percent increase in manufacturing employment between 1972 and 1982. On the other hand, white-collar workers and service workers (excluding private household) accounted for 98 percent of the growth in total employment from 1972 and 1982.

Only about 6 percent of the workforce used public transportation in getting to work in 1980—down from about 9 percent from 1970; about two-thirds drive to work alone and one out of five is in a carpool.

INCOME AND POVERTY

Median family income (in constant dollars) dropped by 4.46 percent from \$24,528 in 1970 to \$23,433 in 1982. Part of this decline resulted from the 52 percent increase in families is maintained by women, which had a 1981 median income of \$10,960 verses a married couple's \$25,070.

On the other hand, per capita income rose some 13 percent from \$7,897 in 1970 to \$8,890 (in constant dollars).

Young Black husband-wife families (25-34 year olds) have been catching up steadily in median income. They brought in about 90 percent of comparable White family incomes in 1982 compared with about 80 percent in 1970. But the ratio for all Black families over the past 18 years has remained at just over one-half the White median, partly because of the much higher proportion of female-householder families among Blacks than among Whites.

Poverty rates vary greatly by race. In 1981, it stood at 14 percent for the nation as a whole, 11 percent for Whites, 34 percent for Blacks, and 26 percent for Hispanics.

AGING

The median age of the population—30.6 years—and the proportion of the population 65 years and over—11.6 percent—both reached their highest levels in U.S. history during 1982.

In 1982, there were 67 elderly men per 100 elderly women—a 2 to 3 ratio.

The population 85 years and over is growing at a more rapid rate than the total elderly population (65 years and over).

INDIA'S OCCUPATION OF SIKKIM CONTINUES

Mr. PELL. Recent events once again focus attention on the tragic plight of Sikkim, the once sovereign Himalayan country. Nine years ago India, which by treaty had responsibility for Sikkim's defense and foreign policy, abused its position and annexed the country.

At the time Sikkim was made a state of India, Sikkim's reigning family, which had embodied Sikkim's special identity and character, was deposed and Sikkim was promised the benefits of Indian democracy.

These benefits have proved illusory. On May 25 Prime Minister Indira Gandhi dissolved Sikkim's legislature and imposed instead Federal—or "President's" rule. Unlike the conditions prevailing on the occasion of the imposition of President's rule in other Indian states, there was no unrest or insurrection in Sikkim to justify the Government's action.

Instead, Mrs. Gandhi's action followed a political crisis. Sikkim's elected Chief Minister, Nar Bahadur Bhandari, resigned from Mrs. Gandhi's Congress-I Party to form his own Sikkim Revolutionary Forum. Rather than allow this act of independence—perfectly acceptable in a normal parliamentary democracy—Mrs. Gandhi preferred to unseal the Sikkimese Assembly.

India's action in Sikkim underscores the involuntary nature of Sikkim's incorporation into India. Put bluntly, it is the act of a colonial power.

As honorary chairman of the Friends of Sikkim, I again call on the Indian Government to reconsider its occupation of Sikkim. I would hope that some measure of genuine autonomy or independence, could be restored to the unfortunate people of that remote, but beautiful and peaceful, land.

STEPHEN KUSMIERCZAK—PAGE FROM ILLINOIS

Mr. PERCY. Mr. President, after nearly 1 year in Washington, Stephen Kusmierczak of Granite City, IL, is returning home. I appointed Steve to serve as my page beginning in 1983 after examining his excellent school and community record and his many recommendations. At work, school, and home he has proven to be a unique young man who always strives to meet the most ambitious goals.

During his junior year at the Senate Page School, Stephen was one of a very select group to maintain a perfect A average. He was also elected to the student council as treasurer and was the editor in chief of the page newspaper, the Senate Sentinel. It is amazing how he found time to do all this while serving from 7 to 9 hours daily in the Senate.

In January of 1984, Steve was appointed head Republican floor page in the U.S. Senate and served under the auspices of the secretary of the majority, Howard O. Greene. His is the highest honor accorded a page in the Senate. The responsibilities are numerous: Updating Senators on the day's schedule and pending business, finding Members absent during voting, and offering any assistance needed on the floor. In addition, the Illinois page was responsible for the actions and operations of all Senate Republican pages. Steve performed with great vigor and gave sedulous attention to every aspect of his work in this institution.

Stephen is returning to Granite City on June 22 and will be a fine resource for his school and friends. His parents, family, and community should be very proud of this fine young man. I am.

THE NATIONAL ENDOWMENT FOR DEMOCRACY

Mr. HATCH. Mr. President, I have an unclassified telegram from our Ambassador in Panama, Ted Briggs, of June 4, 1984, which I wish printed in the RECORD. Last week, the House of Representatives reacted negatively to a cable from Ambassador Briggs that was leaked to the New York Times which seemed to imply that the National Endowment for Democracy was doing something wrong in Panama. Apparently on this basis alone, a number of votes in favor of the National Endowment for Democracy last year when it was authorized for the first time were changed and a vote of 226 to 173 deleted all funds for the National Endowment for Democracy from the appropriations bill, H.R. 5712.

Although I expect that the Senate intends to completely restore the President's request for \$31.8 million for the NED, I believe the record should be corrected about the Panama affair. As is clear from Ambassador Briggs' cable, he is a strong and enthusiastic supporter of the NED and looks forward to the NED's assisting in the development of democracy in Panama in the aftermath of its first elections in 16 years. Ambassador Briggs has already been in touch with leaders of both parties about this and believes it is very important that the NED be funded by the Senate.

Mr. President, as the only Senator who serves on the Board of the NED, I expect to report to the Senate on the accomplishments and the strategy to be followed by the NED before we take up this appropriation on the Senate floor. I am very enthusiastic about the initial accomplishments, organization, and staff of the NED. The strong bipartisan support it has

achieved is impressive—almost miraculous in an election year.

Very little money has actually been spent yet in projects and programs of the NED. Instead, the organizational structure and strategic planning necessary has been put in place carefully and with considerable bipartisan cooperation. I will have a report ready for my colleagues within 2 weeks.

I ask unanimous consent to have printed in the *RECORD* an editorial from this morning's *Wall Street Journal* praising the NED, in addition to the telegram I referred to earlier.

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

[Telegram]

Subject: Ambassador's views on the National Endowment for Democracy.

1. The unfortunate leak of an embassy cable and the efforts by certain National Endowment for Democracy (NED) opponents on the Hill and in the media to cite the Embassy's or my views regarding a specific use of NED funds to impeach the whole idea of the NED concern me greatly.

2. The department is free to say on my behalf that I am a strong and enthusiastic supporter of the NED and its purposes. Specifically, I look forward to the NED's assisting in the development of democracy in Panama in the aftermath of its first elections in 16 years. I have already been in touch with leaders of both parties about this, and believe it very important that the NED be funded as originally envisaged.

BRIGGS.

[From the *Wall Street Journal*, June 6, 1984]

STAY THE SENTENCE

Pericles is worth remembering as another modern American drama shapes up on the foreign-policy front. Act I: Voters elect a new administration in 1980 to turn around U.S. weakness in international affairs. Act II: As part of the turnaround, the administration sets up a new agency to promote democracy abroad. Act III: Congressmen quickly start complaining that the agency is doing bad things and should be abolished.

We'd like to stop the action on this one before we hear the corpse thump to the floorboards.

Last December President Reagan signed the law establishing the National Endowment for Democracy to give grants to groups with plans for strengthening democracy abroad and competing more effectively with propaganda messages from the totalitarian countries. Organized business and organized labor were given large parts in the enterprise.

In April the Endowment started handing out funds. Labor got more than business, because at present labor has the lion's share of programs to build democratic institutions in other countries. The AFL-CIO used \$20,000 of its money to support a rally and a get-out-the-vote effort by Panamanian unions. In May Panama was to hold its first election in 16 years, and the American labor movement wanted to train Panamanian unionists in the skills they would need to become a political force.

But the Panamanian unions themselves were not neutral in the race. The two candidates for president were Arnulfo Arias Madrid and Nicholas Ardita Barletta. Mr.

Barletta is a former World Bank official who earned the respect of a significant number of businessmen when he served as minister of planning. He was also the candidate of the National Guard.

Mr. Arias, previously elected to the presidency twice and deposed by the military twice, was sharing his ticket with the head of the country's Christian Democrats. The presidential candidate was also the favorite of the old landed families and has supported the Nazis during the World War II.

The Panamanian unions endorsed Mr. Barletta, who was elected by a small margin amid charges of fraud.

Some conservatives in this country were angry about U.S. money going to help Mr. Barletta. Some on the American left have never liked the idea of the Endowment's activism in the first place. Both now had a powerful argument: U.S. money should not be used to intervene like this in other countries' affairs. The House of Representatives was persuaded and has cut off the Endowment's funds. The Senate will now have to decide whether to restore them.

We find it impossible to get up much unqualified enthusiasm for either candidate in the recent Panamanian vote. We also think the AFL-CIO efforts came so close to election day that they really did interfere in the process.

But this piece of blindness is not a good enough reason to strangle the baby Endowment in its crib. Indeed, the American ambassador to Panama, who complained about the AFL-CIO's activities and thus gave the anti-Endowment folks their weapon, now says he very much regrets the use these opponents have made of his comments.

The new head of the Endowment has just now taken office. At its next meeting the board will consider thoroughly respectable and even creative project ideas ranging from a Chinese-language magazine for Chinese students abroad to an expanded effort to spread private democratic influences to Chile, where the U.S. now has neither an AID program nor a Peace Corps program. It's fairly certain that the Endowment will not be doing much close-up election work in the future. Congress can even draft legislation specifically ordering hands off.

Some people would like to use this incident to replace the Endowment with private money. This most surely will not be enough to compete with the resources the Soviets are pouring into the field. Others want to dissolve the Endowment because they do not want to see the American voice abroad louder than a whisper. This attitude is an even better reason to give the young organization a fair chance.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, as I indicated earlier, it is the intention of the leadership to now ask the Senate to turn temporarily to the consideration of the math-science bill, which is Calendar Order No. 170, S. 1285.

It should be understood, however, that the manner in which I am doing this does not displace the bankruptcy bill as the unfinished business, and indeed, under the rules of the Senate, when this matter is disposed of, it will recur as the pending business.

Before I put the request, I see the Senator from Oregon is on his feet,

and I wonder if he wishes me to yield to him.

Mr. PACKWOOD. Mr. President, I thank the majority leader.

I have no objection to putting this aside for the math-science bill. I do not want to get into the position, however, of asking to put this aside for math-science, and then put it aside for X, Y, and Z. I realize the majority leader is going to ask to put it aside when we get to the Department of Defense authorization, and that is a matter of critical importance to this Nation. I will not stand in the leader's way.

Second, I am aware that, if I attempted to stand in the way, and the leader was forced to move to the Department of Defense, or other bills, he would win that motion. That would displace the bankruptcy bill without preferred position when we finished. So, in that sense, the majority leader has me over a barrel. But the leader has been very good in terms of his conversations with me earlier indicating that he has no desire to avoid facing up to the bankruptcy situation.

I realize Senator THURMOND is not here. However, I would like to get in the next unanimous-consent request when he returns a time to vote on my amendment, which is pending on the bankruptcy bill. I am ready to vote on it. I have no desire to hold up the leader, but I am simply unable to get a vote on it at the moment. I will not object to laying it aside for the moment for this bill.

Mr. BAKER. Mr. President, I think the Senator very sincerely.

I would also like to get this matter up and disposed of. I can assure the Senator from Oregon that I will talk to the Senator from South Carolina, the chairman of the Judiciary Committee, when he returns, and maybe we can work out something.

Let me make one thing clear, however, so there is no misunderstanding. If we finish this bill in time to do so today, there is a possibility that I might like to go to the energy-water appropriations bill as well. I fear that we cannot do any useful work on the bankruptcy bill until certain Senators return from their official visit to the D-day ceremonies in France.

Mr. PACKWOOD. Mr. President, the leader has been very good. I will not quarrel with that. If I were in the reverse situation, and the chairman of the committee had that bill on the floor, especially with a controversial amendment, I would not want the Senate to move to it while I was doing official business elsewhere. I understand the senior Senator from South Carolina, Mr. THURMOND, will be back tomorrow. I do not want to get into the situation like I am with the Federal Trade Commission where things get priority, and seem to get on ahead of

it. This is critical. The leader is aware we are up against a deadline again on the entire termination of the bankruptcy court system in this country.

Mr. BAKER. Mr. President, the Senator mentions that I had him over a barrel in terms of me moving to him. The Senator has me over a barrel in that respect because I am acutely aware of the fact that by June 20 we will have to deal with this issue.

I have no desire to avoid that. This will recur as the pending business. Anything we do will be temporarily done. We are going to deal with bankruptcy, I can assure the Senator from Oregon.

Mr. PACKWOOD. Mr. President, I am afraid that when we move to the Department of Defense, we may be a week, or 7 or 9 days on it. That puts me up against the 20th, when we finish DOD.

Mr. BAKER. Mr. President, it may be necessary, as much as I hate to face my friend from Texas, the chairman of the Armed Services Committee, to even lay aside that sanctified bill, and go back to bankruptcy. But I would rather not face that devil until I have to—"devil" speaking figuratively.

Mr. PACKWOOD. Mr. President, I thank the leader.

If he also is going to move to lay it aside for the energy bill this afternoon, I would not object to that under the same conditions.

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

CONCLUSION OF MORNING BUSINESS

Mr. BAKER. Mr. President, in view of that, I see that the manager is here on this side, and the manager is, I believe, here on the other side.

I now ask unanimous consent that the Senate temporarily set aside the pending measure, which is the bankruptcy bill, and proceed to the consideration of Calendar Order No. 170, S. 1285, the math-science bill.

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

Morning business is closed.

EDUCATION FOR ECONOMIC SECURITY ACT

The ACTING PRESIDENT pro tempore. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (S. 1285) to improve the quality of mathematics and science teaching and instruction in the United States, and for other purposes.

The Senate proceeded to consider the bill.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, it is with great pleasure that I rise in sup-

port of S. 1285, the Education for Economic Security Act. I am a primary sponsor of this legislation which is designed to improve the quality of mathematics and science teaching in our primary and secondary schools. On May 11 the Labor and Human Resources Committee reported S. 1285 as an original bill. It was the product of a major cooperative effort within the committee. Members and their staffs spent many hours over many weeks drafting this legislation, and I feel strongly that our efforts have been fruitful. In particular, I would like to acknowledge the contributions of Senator STAFFORD, who is chairman of the Education, Arts and Humanities Subcommittee, and Senator PELL, who is the ranking minority member of that subcommittee without whom this bill would never have made it this far—to the floor. Both of them are the leaders on education programs in our country today, and I want to personally express my appreciation and respect to both of them.

Senator QUAYLE is largely responsible for title III which will establish cooperative programs between schools and businesses. Senator Dobb has worked together with me to devise a program of summer institutes to enhance the skills of working mathematics and science teachers.

A citizenry that is wise in the ways of mathematics and science is important to America. We live in an age of increasingly sophisticated technologies. If America is to remain economically ascendant, Americans must be sufficiently grounded in mathematics and science to remain competent in new technologies and to provide the innovations necessary for a competitive edge in the world economy. American children must learn the basics in math and science so that as adults they will not be intimidated at the prospect of periodic retraining; since increasingly in the years ahead a swiftly changing economy will demand workers who are willing to learn and do something new.

In addition to the economic considerations we must be concerned that Americans are sufficiently versed in mathematics and science to evaluate adequately a variety of national policies ranging from policies affecting the defense of the Nation to policies affecting the defense of the environment. A well informed electorate is essential to democracy.

The need for S. 1285 is apparent. An array of indices has revealed a decline in the mathematics and science proficiency of American schoolchildren. This deficiency has many causes. The necessary reforms must be multifaceted and must engage the energies of the entire Nation, especially within local communities where children live and attend school. The Congress has a more specific responsibility to focus

the Nation's attention on the problem and to provide a catalyst for a remedy.

S. 1285 dwells primarily on the competency needs of teachers. This is entirely appropriate because mathematics and science education cannot be improved unless the teachers are helped. Many of today's teachers are the victims of poorly designed education programs of the 1970's, and perhaps even before. Others never intended to be teachers of mathematics or science, and therefore never received specific training in these areas. America's school systems require thousands of new mathematics and science teachers who do not seem to be forthcoming. Thus, there is also a need to enhance the education of new mathematics and science teachers.

This legislation will cost a considerable sum of money—some \$425 million in 1984. Some of my more fiscally minded colleagues may find this cost a bit steep. I empathize with their budgetary concerns, but still I urge them to vote for S. 1285.

Of course, I want to try very hard to keep the budget within reasonable limits. In fact, I have led the fight for the balanced budget tax limitation constitutional amendment. But still I urge Senators to vote for S. 1285. I think to not do so would be pennywise and pound foolish. I believe that this expenditure will result in billions and trillions of dollars in future goods for America. The \$425 million amounts to only \$26,500 per school district. The national need for an improvement in mathematics and science education is real and substantial. That is hardly a significant amount of money for each school district, but it will have a dramatic impact because of the way in which we have written this bill.

The best reason to support S. 1285 is the plain fact that something should be done for the teachers who are struggling to give our children a good education. Teachers are accorded too little respect in America. Communities should do more to support their teachers, and in return, communities should expect more from their teachers. Seven primary and secondary school teachers from the D.C. area testified before the Labor and Human Resources Committee in April. Frankly, I was appalled at how low they feel their stock is with the American public. We simply cannot tolerate this situation if we want to have good schools. In a nation of this size, \$425 million is not too much money to initiate a process that will spur State, local and business efforts to assist our teachers.

The Congress has a responsibility to light the way. S. 1285 does just this. It is well crafted and well focused legislation that provides assistance and direction without interfering with State

and local control of schools or basic education policy.

In addition to this legislation, the Labor and Human Resources Committee is planning extensive hearings to consider the state of primary and secondary education in this country. Senator STAFFORD is planning subcommittee hearings on the report of the National Commission on Excellence in Education. We have held investigative hearings on selected issues that influence the quality of our schools.

The National Commission on Excellence in Education has reported that "... the educational foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a nation and as a people." These are blunt words but they ring true. Most Americans sense the decline of American education and most Americans are perplexed by this trend. America spends as much of its gross national product on education as does Japan and considerably more than does France or Germany. College attendance in America is far higher than in any other industrialized nation. The proportion of students graduating from high school was only 42 percent in 1940. This proportion rose to 75 percent in the 1970's. The ratio of students to teachers declined 27 percent between 1959 and 1980. Yet with all these apparent advantages, American education has been floundering.

Inevitably, there are people who see huge Federal expenditures as the solution to any national crisis and the state of education in these United States is definitely being described in crisis terms. As I have said, there are real problems with American education which we must remedy. Simply, we must do a better job of educating our youth. None-the-less, we are not facing a crisis, but rather the need for substantial adjustments that are well within the power of most communities to effect.

The Federal Government can and should devote some money to start the country on the road to necessary reforms, but the Federal Government cannot afford to devote and should not devote billions of dollars to securing a more comfortable status quo. The educational system requires greater efficiency, higher standards and tougher mindedness. Professor Austin of the University of Maryland has found that successful schools, whether they be in wealthy or poor communities, are usually headed by strong principals. The Nation as a whole needs a better management of classroom time. The text books should be more rigorous. The courses should be more rigorous, and there should be more homework. Perhaps, most important of all, parents and communities should support their local schools and become ac-

tively involved in local education policy.

The legislation before us is no panacea. Education happens in communities and nothing can take the place of dedication and hard work within these communities. Still, S. 1285 provides a national focus on a nationwide problem and a catalyst for the efforts necessary to give our teachers the requisite education and support to do the job. I urge my colleagues to vote for this legislation.

As a brief summary of this bill, title I of the bill authorizes, as I recall, \$45 million for fiscal year 1984, and \$80 million for fiscal year 1985 for programs to be carried out by the National Science Foundation, including teacher institutes, materials development, graduate fellowships, undergraduate fellowships, and discretionary projects.

Title II is primarily a formula grant, administered by the Department of Education, and carries an authorization of \$350 million for fiscal year 1984, and \$400 million for fiscal year 1985. Of these funds, 10 percent will be held by the Secretary for discretionary projects and 90 percent allocated to States under a formula basis. Of the funds allocated, 70 percent will be passed through to the local education agencies for them to use. Funds for this title will be used primarily for programs of teacher trainingships and retraining and in-service training for current teachers.

Title III provides opportunity for the private sector educational institutions to form partnerships for special projects in mathematics and science education. This title authorizes \$30 million for fiscal year 1984 and \$60 million in fiscal year 1985 for these projects, which will require a 50 percent match. Awards under this title will be made by the National Science Foundation.

Title IV authorizes the President to make awards for teaching excellence to elementary and secondary classroom teachers.

Finally, I might mention that in the funding for this bill we provide for \$425 million in total authorization for 1984 and we provide \$450 million in total authorization for fiscal year 1985.

When we first started considering this matter a little over a year ago, the country as a whole was very concerned about the problems we have in math and science knowledge in this country and particularly math and science teaching and education in our elementary and secondary schools. Those concerns have not been alleviated. Some of the school districts have made some amazing progress and have done some very interesting things. I think the Commission on Excellence in Education has had a dramatic impact. I want to particularly praise

some of the Governors of this country who grabbed the ball and tried to upgrade education as best they could.

But wherever I go, and with whom ever I chat about these problems, they raise the issue of the dearth of math and science teachers in America. They raise the fact that so many teachers who have never had training in math and science in the best sense of those terms, who did not intend to go into that particular aspect of education, are now teaching our kids.

Naturally, as well-intentioned, as good as some of these teachers are, trying to fill in, trying to solve some of these problems, trying to bridge the gap, it is not adequate, it is not good. We are not giving our young people of this country incentives to obtain a mathematics and science education nor the ability to obtain it, as we should in many areas of this country.

My personal feeling is that the expenditures we will make as a result of this particular bill will result in billions and billions of dollars of benefit for our country, and, I might add, will result in a stronger and safer America, a more highly technologized America, an America that can provide more jobs than we have today.

I think it is a farsighted bill, a bill with a great deal of planning for the future. It is a bill that is modest when you consider the total needs of math and science study in our society today.

We think that we are on the right track in bringing this bill to the Senate floor today. We hope that we can pass it and I do urge my colleagues in the Senate to support us on it. We have put hours, weeks, months—frankly, years—now into trying to come up with a bill that would touch the hearts of everybody in the Senate and would resolve these problems with a minimum of expenditure, yet that would still allow this country to keep the edge it has always had during the fruition of an industrial democracy in our particular approach to education and science in our country's history.

Again, I particularly thank Senator PELL and Senator STAFFORD for the work they have done and other members of the committee as well. Of course, I respect the staffs and I, for one, am happy to have this bill before the U.S. Senate today.

I am happy to yield to the Senator from Rhode Island.

The PRESIDING OFFICER (Mr. COCHRAN). The Senator from Rhode Island.

Mr. PELL. Mr. President, I thank very much the chairman of our full committee, the senior Senator from Utah (Mr. HATCH) for his fine remarks.

Mr. President, I congratulate Chairman HATCH and my colleagues on the Labor and Human Resources Committee for their excellent work and strong bipartisan efforts in reaching agree-

ment on the provisions of the Education for Economic Security Act. My friend and colleague (Mr. STAFFORD) is to be especially commended for his leadership throughout consideration of this legislation. I would also like to thank our respective staffs for their excellent work in bringing this legislation through the committee process.

Our staffs have worked exceedingly hard in pulling together the various thoughts and concepts that are incorporated into this legislation and have helped us throughout the whole committee process.

This is truly a bipartisan measure, Mr. President, and I would like to point out that it was in the state of the Union message in 1983 that President Reagan called for progress to be made in the fields of math and science. He first alerted us to this, stating that:

We seek . . . a quality education initiative to encourage a substantial upgrading of math and science instruction . . .

The Education for Economic Security Act is a solid bipartisan bill which includes major pieces of legislation proposed by Senator HATCH, Senator QUAYLE, and Senator TSONGAS. I am particularly happy that fundamental provisions of legislation which Senator STAFFORD and I introduced last session and again early in this Congress are represented in title II of this bill. The legislative ideas of Senators DODD, KENNEDY, DOMENICI, CHILES, HUDDLESTON, and INOUE have also been included. We have before us a bill which has been formulated in the best tradition of this esteemed body. In drafting this bill, we have made a considerable effort to give full consideration to the views of our colleagues and other concerned parties. We have also worked hard to reach a strong consensus amongst ourselves on the elements of this legislation. In reaching that consensus we have all had to give in on many points, but in doing so, we have gained a bill which we on the committee stand squarely behind.

Mr. President, we are about to consider the first major authorizing piece of education legislation in the wake of the report of the National Commission on Excellence in Education. That report cites in no uncertain terms the great urgency of the need to upgrade the quality of instruction in our schools. In no other subject matter is that need more apparent than in the area of mathematics and science education.

Long before publication of the Commission's report, we on the committee have been acutely aware of the great peril our Nation faces due to its lack of commitment to excellence in mathematics, science, computer learning, and foreign language instruction. Testimony heard by the Education Subcommittee provided a dismal portrait of the present condition of education

in these subject matters. The SAT and achievement scores of our high school students in mathematics and science are on the decline and educational achievement in these areas does not compare well with other industrialized nations. Should current trends continue, the level of scientific development and innovation of other nations will far outstrip that of the United States. We are truly a "nation at risk," as we are in danger of losing our position in the international marketplace.

The Education for Economic Security Act, which was also the title of my original bill, is a most fitting title for this legislation. By promoting excellence in instruction in mathematics and science education—an education that far surpasses that of other industrialized nations—it seeks to maintain our economic security and superiority. As Benjamin Disraeli once said, "upon the education of the people of this country, the fate of the country depends." As we enter the age of high technology, the fate of this country will indeed depend on the commitment that we are now willing to devote to providing quality instruction in mathematics and science.

In an age where rapid technological advancement is upon us, it is very disconcerting to realize that only one-third of our Nation's schools require more than 1 year of mathematics. Even more frightening is the recognition that we are falling behind other industrialized countries in this regard. For example, all high school students in Russia are required to take mathematics through grade 12. Five million Russian students take calculus in high school, compared to only 500,000 in the United States. Time spent studying mathematics and science by students in other industrialized nations—including China and Japan—is three times that of time spent by students in the United States.

Clearly, however, the most significant obstacle in overcoming the decline of quality in mathematics and science instruction is that of critical teacher shortages and low teacher certification standards. In 1981, out of 45 States reporting, 43 cited shortages of math teachers, and this shortage was defined as critical in 16 States. An alarming 50 percent of teachers newly assigned to mathematics and science classes last year lacked the appropriate credentials. And this problem is getting worse. There are increasingly numerous reports of schools using people to teach geometry and second-year algebra who have not completed a university mathematics course beyond algebra. Furthermore, 79 percent of teachers have not completed at least a 10-hour course or workshop in their field in more than 10 years; 40 percent have not attended a course or workshop since they began teaching—an average of 16 years.

The report of the National Commission on Excellence in Education recommended, among other things, that all high schools require 3 years of mathematics and 3 years of science in order to graduate. Should our schools follow this laudable advice, the teacher shortages in these areas would be far more acute. It is estimated that as little as a one-course increase in graduation requirements in mathematics would create a demand for an additional 34,000 teachers. Quite simply, we are facing a crisis in the first order in the supply and quality of mathematics and science teachers. This crisis is widespread, it is of primacy, and it calls for immediate action. If our children are to be groomed for the emergence of an economy based on high technology, then we must pay heed to the necessity of continually updating the instructional capabilities of our teaching force. In short, we must insure that our teachers have immediate and direct access to the most recent developments in their fields.

My colleagues and I share agreement that the bulk of funds allocated under the Education for Economic Security Act should be directed toward this tantamount need. Title II of this bill provides \$350 million in fiscal year 1984 and \$400 million in fiscal year 1985, with the stipulation that the priority for use of these funds should be in the areas of teacher training, retaining and inservice training. Under title II, roughly 70 percent of the money goes directly to local education agencies for elementary and secondary programs involving teacher training. Only after an LEA can demonstrate that it has met its mathematics and science teacher training needs can it then allocate funds for other instructional purposes such as foreign language instruction and the purchase of computer equipment and instructional materials. Approximately 30 percent of the money under title II is slated for higher education programs. Again, the majority of this money has been slated for programs for teacher training, retraining, and inservice upgrading of skills.

I am pleased that in title II we have also made cooperative programs among higher education institutions, libraries, museums, business, and non-profit organizations eligible for funds. Clearly, these institutions have excellent programs in mathematics and science and will greatly enrich the instruction offered in our schools.

Title I of this bill allocates \$45 million in fiscal year 1984 and \$80 million in fiscal year 1985 to the National Science Foundation. Programs under this title include teacher institutes, which were highly successful in the past, materials and curriculum development, congressional merit scholarships, and graduate fellowships. Title III, with

\$30 million in fiscal 1984 and \$60 million in fiscal year 1985, forges a new link among business, LEA's, and higher education institutions. Under this title, the NSF directorate will award competitive grants to cooperative projects between business, LEA's, and higher education institutions which will improve mathematics and science education. Business must provide 30 percent of the cost, the LEA 20 percent, and the Federal Government will then match this with the remaining 50 percent. Title IV authorizes the President to make awards to teachers who have achieved a level of excellence which distinguishes them from their peers.

Mr. President, I am extremely proud of the provisions of this legislation. While funds are directed toward the top priority of teacher training, there is also provision for exemplary programs, experimental and innovative projects, and a set-aside for programs for special populations. I am particularly pleased that throughout the three titles of this legislation, the needs of the traditionally underserved and underrepresented populations such as women and minorities will be given special consideration.

We on the committee view the Education for Economic Security Act as an emergency measure to address the immediate need at hand. We are hopeful that it will enable us to make significant inroads in upgrading the quality of instruction in science, mathematics, computer learning, and foreign languages. It can also lay the groundwork to insure that we do not again fall behind in these critical areas.

The act mandates, for instance, that State and local education agencies conduct comprehensive assessments of the mathematics and science education needs in their areas, and that these agencies outline 5-year projections for meeting these needs. We are hopeful that this concrete, individualized data will offer us a clear picture of the magnitude of the task that faces us in terms not only of this legislation but also of possible Federal initiatives in the years ahead.

What President Dwight D. Eisenhower said 20 years ago rings just as true today:

We should, among other things, have . . . incentives for high aptitude students to pursue scientific or professional studies; a program to stimulate good-quality teaching of mathematics and science; provisions of more laboratory facilities; and measures . . . to increase the output of qualified teachers.

This is our goal, and I urge the Senate to enact this legislation swiftly so that we may begin moving toward its realization.

Mr. STAFFORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. STAFFORD. Mr. President, as the chairman of the Subcommittee on Education, I am pleased to support this critically needed legislation.

S. 1285 is an original bill reported by the Labor and Human Resources Committee, and it incorporates the best features of math and science education legislation introduced in the 1st session of the 98th Congress, legislation which our Education Subcommittee considered exhaustively during the spring of last year. The bill is a product of careful deliberation and compromise. Some Members of this body have suggested more elaborate and costly approaches to solving the many problems of mathematics and science education facing our Nation today. Others, particularly representatives of the administration, have advocated that the Federal Government play a minimal role, with minimal funding, in meeting this long-term crisis. I believe that S. 1285 has been painstakingly crafted to meet the clear Federal responsibility to help improve our educational system, to help our States, school districts, colleges, and universities improve the kinds of teaching and learning in mathematics, science, and foreign languages that our citizens must have to face the economic and technological challenges of this and future decades.

At the same time, as a 2-year authorizing bill, S. 1285 will lay the groundwork for planning for what our Nation will need to address these problems in the future. It also puts the Federal role in the discrete disciplines of mathematics, science, and foreign language education in the context of Federal involvement in education generally by limiting authorizations so that funding for such disciplines will not subsume existing programs which meet the principal Federal responsibility of insuring equal opportunity in education.

Mr. President, the primary focus of S. 1285 is on addressing the problems of teacher shortages and teacher quality in mathematics and science education. These are the issues which have most concerned the Education Subcommittee during its deliberations on S. 530, the original Education for Economic Security Act, introduced by our ranking member, Senator PELL, and myself.

A slightly modified version of S. 530 forms title II of S. 1258, and the heart of this bill before us. Title II provides \$350 million in fiscal year 1984 and \$400 million in fiscal year 1985 for a program of State formula grants and discretionary grants to be made by the Secretary of Education. The formula provided for in title II will allow States to receive funds for mathematics and science education on an equitable basis and will afford poorer school districts an opportunity to receive funds according to their need by fac-

toring in a district's relative standing with respect to the chapter I formula when determining the intrastate distribution of funds.

School districts are to use their allotted funds to provide programs for inservice training of teachers and other school personnel in the fields of mathematics and science. This type of support should help to address the critical problems of teacher shortages in the math and science area at the elementary and secondary level. Complementing this LEA inservice training and retraining program is a program of assistance to institutions of higher education to establish traineeships for undergraduate students who intend to go on to teaching careers in mathematics and science at the secondary levels, to be operated through the State agency for higher education.

Mr. President, S. 1258 is not a panacea for the problems facing American education generally, or mathematics, science, and foreign language instruction specifically. The recent report of the National Commission on Excellence in Education and other recent studies of the condition of American education have raised America's consciousness about the importance of education as a foundation of our society. Myriad problems have come under our close scrutiny; many solutions have been proposed. S. 1258 is a partial solution to the particular problem of teacher shortages and lagging interest in mathematics and science instruction. But what we really need to do is to build upon the attention generated by the report of the National Commission to recognize the vital importance of education to our economy, to our national security, and to the ability of our Nation to maintain the strength and integrity of our society.

To enhance the status of education, we must enhance the status of its principal practitioners, our teachers. The programs of inservice training and retraining of teachers, teacher institutes, merit scholarships, excellence awards, like those provided in S. 1258, are all important steps in the right direction. But until we as a nation recognize that our future depends on the quality of our educational system, and that the quality of that system depends on the quality of teaching, these programs will be no more than stop-gap measures. Our teachers need to be recognized, and compensated, for their worth to our society. Despite our greatest legislative efforts, only when this happens will we be able to stop the hemorrhage of our most talented mathematics and science students into professions more lucrative than teaching.

Mr. President, our bill, S. 1285, is an important first step on the right road—the road toward improving the status of education as a critical nation-

al priority. I urge my colleagues to support this bill, and all other thoughtful legislation, which will continue to lead us down that road.

Mr. QUAYLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. QUAYLE. Mr. President, first of all, I thank the chairman of the Labor and Human Resources Committee for working out a time to bring this bill to the floor. We have been working on this for quite some time, and I am delighted to see it before us today. I also pay my respects to the chairman of the Education Committee without whose long and tedious work in this effort we would not be here today. I think it is a good bill; it is a sound bill. My respects to the ranking minority member for his involvement this year and in the past.

I think S. 1285, titles I and II, have pretty well been gone over, and I do not want to highlight those or to underscore their importance, but I do want to dwell a moment, if I may, on title III, which is a new concept that we have introduced into this bill. It establishes the partnerships in education program and is a new and a key component of this bill. Over 2 years, \$90 million will be authorized for the National Science Foundation to make grants to institutions of higher education and local education agencies which have formed partnerships with the private sector. The purpose of this title is to make education more responsive to the needs of the private sector in order to ultimately help improve our Nation's competitive position and to use the resources of the private sector to provide up-to-date science or math education.

Mr. President, I have talked long and hard, as have others, about the importance of developing this partnership. We developed this partnership in the Job Training Partnership Act, and the spirit of that is being carried over in the math-science bill today. If we are really going to increase our productivity and to see our competitive edge retained and enhanced, we have to get more involvement from the private sector. This is one way we can get more involvement from the private sector. The private sector is where 80 percent of the jobs are going to come from in the future and 80 percent of those jobs are going to come from small businesses. It is absolutely imperative that we get them more involved in our training and educational programs. They have a lot to offer.

Just this last Monday, I was in Indianapolis talking to a junior achievement program where they have 300 to 400 businessmen and women in the city of Indianapolis who volunteer an hour or 2 hours of their time every week to go into the classrooms to sit down and work with the kids, helping to instruct and counsel them, in their

educational skills, and to more aptly prepare them for the jobs in the future. They also have a program called applied economics, which is a program where they go into the classroom not only with computers but talk about the free enterprise system, talk about business, talk about profit and loss accounts, talk about what the requirements are going to be in this competitive era that we are in, talk about the high technology and the information era that we are embarking upon. By them going into the classrooms, we have this infusion of public and private participation, a partnership that I think is so imperative and will certainly go a long way toward getting a more cordial understanding and a better working relationship, which should increase the opportunities for jobs of not only our young people but some of the displaced adults as well. This program in title 3 carries on with that spirit.

The program is a matching one, with the Government supplying 50 percent of the funds, business supplying 30 percent of the funds, and the remaining 20 percent coming from the State, institution of higher education or local education agency. The institution of higher education would make application to the NSF, rather than the State, a change we made to encourage more even distribution of funds throughout schools and the Nation.

A separate program allows local education agencies to apply to the NSF for a partnership grant. This encouragement to schools and business to work together is, in my mind, one of the key provisions of S. 1285. I think we must see to it that the education we are providing our children is one that will help them in the real world; and by combining the expertise of the private sector with more traditional educational offerings, we will be giving our children the instruction they will need to face the future.

Mr. President, this bill would establish programs designed to improve the math and science teaching of our children, from elementary school through college, and also provide funds to help train and retrain teachers of math and science. The bill also would create a program to encourage partnerships in education between the private sector and education to improve the teaching of math and science.

S. 1285 was approved by the Labor and Human Resource Committee on May 11, 1983. I am pleased that the Senate has finally been able to schedule action on this bill, which is vital to the education of our students and the future competitiveness of our country. The bill would provide \$425 million in fiscal year 1984 and \$540 million in fiscal year 1985 to conduct a number of different activities designed to improve our Nation's current position in science and math education. Title I

provides funds to the National Science Foundation (NSF) to conduct programs in summer teacher institutes, materials development, excellence in teaching awards, congressional merit scholarships, and faculty exchanges. Title II would provide \$750 million over 2 years to the Department of Education to make formula grants to State and local education agencies and institutions of higher education for teacher traineeships, inservice training and retraining of teachers, purchase of computer hardware and software, materials development, and for the teaching of foreign languages necessary to our Nation's national security.

I urge my colleagues to support S. 1285, the math and science bill, and I hope we will be able to send the bill, after a conference with the House, to the President for his signature this summer.

Mr. President, I again thank the chairman for working out the time to get this bill before the Senate. It is an important bill. It will go a long way toward revitalizing and improving the science and partnership aspects of title III. If it had not been for his accommodation, we would still be hung up on this matter. This piece of legislation deserves passage by the Senate.

Mr. HATCH. Mr. President, I thank my dear friend and colleague for the work he has done on this bill. I think that without him and without Senators STAFFORD and PELL, we would not have the bill on the floor today. This bill is much improved because of the energetic work and effort the distinguished Senator from Indiana has put into the bill.

Mr. President, I hope we can get Senators to bring their amendments to the floor at this time, so that we can move this bill expeditiously, because I think it is in the best interests of the country. It is something that is long overdue and is something that conservatives and liberals, Democrats and Republicans, can do together, in a bipartisan sense, and feel good about afterward.

Mr. CHILES. Mr. President, I would just like to express my admiration and appreciation to the chairman, ranking member and other members of the Education Subcommittee for the long, hard work they have done on S. 1285, the Education for Economic Security Act.

The subcommittee and the full Labor and Human Resources Committee faced a task none of us envied on this math, science, and foreign language legislation: Just about every education group had a version of the bill they endorsed, and sometimes it seemed like every Member of the Senate was going to have their own bill. Well, the authorizing committee saw to it that we all got to testify on our proposals. And the committee

worked with us to try to address our concerns as best they could in this bill.

Like any compromise measure, it does not satisfy everyone, maybe it does not satisfy anyone completely. But they took on the task of working with both sides of the aisle on putting together a 2-year program of Federal support to improve math, science, and foreign language education—the areas that have been identified by all the reports and studies last year as the most critical need areas in American education. To say they have done a pretty darn good job under the circumstances does not give enough credit for what they have accomplished in the absence of a clear, national policy consensus on exactly what the Federal role ought to be in something like this, and exactly how it should be done.

I am particularly appreciative that the committee saw fit to include provisions from my bill, S. 949 for State assessment and planning. I think it is critical in a new area of Federal involvement like this, particularly in subjects that are being taught every day in the schools and we are just trying to enhance quality and access. To get the bang for the buck, to make the initial investment go as far as possible, it is essential that the States take a look at where they are versus where they want to be and plan how to get there.

Now my approach was a little more revolutionary than that—ideally, I wanted to see us come up with a way to do away with set-asides, do away with in-State formulas and the other arbitrary mechanisms we use to insure Federal dollars get targeted to the need. I have wanted to see us design a program where the different types of institutions and providers, the different groups being served and underserved, are so involved in the assessment and planning process that the outcome is a logical distribution to those national priorities—like teacher supply, curriculum, access—that are most pressing in the States and local areas, through the educational institutions best equipped to address the problems.

I think the assessment and planning mechanisms in S. 1285 are a good first step in that direction. I think since there was not a consensus for a 5-year comprehensive bill, that we are better off with a 2-year bill, focused on teacher supply, training, curriculum, and access that we could get off the ground quickly in the next school year. I am hopeful that as we evaluate the impact of this program, and where we are in excellence efforts at the national, State, and local level, that we will be ready when it is time to reauthorize the program to launch a program that will be truly comprehensive, and strike that balance between the flexibility and accountability the States and locals need, and the target-

ing that is the appropriate Federal role in education.

I am committed to getting some funding for this start-up program and to see the Federal Government assist States and locals in the job they are tackling in math, science, and foreign language education.

(By request of Mr. BAKER, the following statement was ordered to be printed in the RECORD:)

● Mr. THURMOND. Mr. President, I am in strong support of S. 1285, the proposed Education for Economic Security Act.

Over the last several years, serious problems have been identified in the state of education in America. A report by the National Commission on Excellence in Education, "A Nation at Risk, the Imperative for Educational Reform," described shocking deficiencies in mathematics and science instruction, and in course standards and requirements. Today there are severe shortages of teachers qualified to teach mathematics, science, computer instruction and foreign languages. There are fewer students taking these courses. There are fewer skilled technicians and well-trained scientific personnel available than in the past.

Mr. President, I believe that the role of the Federal Government in education must be a limited one. However, it is appropriate that there be a Federal role in addressing crises of national importance and scope. The deterioration of education in America is such a crisis—one that affects our ability to defend ourselves, to compete effectively in the world's economy and to prosper as citizens in an increasingly technological society.

The legislation before us today would authorize programs to promote public awareness of our education problems, to facilitate communication between scientists and educators, and to provide incentives for cooperation and joint projects between educational institutions and the private sector. Most importantly, this legislation would assist State and local education agencies in providing teacher training, retraining and in-service training in mathematics and science.

Mr. President, I believe it is crucial that Congress take action to address these problems. I support S. 1285 and urge the support of my colleagues.●

Mr. DOMENICI. Mr. President, I rise in support of S. 1285, the Education for Economic Security Act. I am a cosponsor of this bill because it is a vital piece of legislation that addresses a serious and significant problem in our American schools.

S. 1285, I am pleased to note, incorporates several elements of S. 248, the National Mathematics and Science Excellence in Education Act of 1983 which I introduced in the Senate in 1983.

I believe that the merit scholarship program for future math and science teachers, the award program for teaching excellence, and the Secretary of Education's set-aside for children in Indian schools will all contribute toward improving the quality of math and science education for all American students.

There are some significant differences between the bill before us today and the one I introduced 9 months ago. The block grant which I proposed has been replaced by several categorical programs and the cost of the legislation has doubled. Nevertheless, I am most grateful to the distinguished chairman of the Education Subcommittee, Senator STAFFORD, and the distinguished chairman of the full Committee on Labor and Human Resources, Senator HATCH, for the extent to which they have accommodated my interests.

Clearly there is a grave need for legislation in this area. Innumerable sources have documented that a severe shortage of science and math teachers exists.

In 1980, 43 States reported a shortage of math teachers, 42 reported a shortage of physics teachers, and 38 reported a shortage of chemistry teachers.

Further, over the past decade, there has been a 79-percent decline in the number of individuals preparing to teach mathematics, and a 64-percent decline in the number of individuals preparing to teach science.

This shortage means that fewer math and science classes are available to students. Consequently, math and science achievement has declined steadily. Consider the facts:

Only one-third of the 21,000 U.S. high schools teach calculus and fewer than one-third offer physics courses taught by qualified physics teachers.

At public 4-year colleges, 25 percent of the mathematics courses are remedial and at community colleges, 74 percent. Between 1975 and 1980, remedial mathematics enrollments at colleges and universities increased ten times faster than enrollment.

I do not believe that our students have become duller or less capable of learning. The problem is that we need more teachers and better qualified teachers. We must do something to reverse this trend.

Many of my colleagues have asked how I, as Budget Committee chairman, can support the creation of a new Federal program. I would like to answer that question now.

Our Nation is in an economic recovery. It is crucial that we lay the building blocks to insure that this recovery endures. The United States must maintain its preeminence in the development of high technology industry and its leadership in scientific re-

search. This type of legislation will help sustain a long-term recovery in at least two ways.

First, better basic education and training will improve the quality of the labor force and our Nation's productivity. This will help to keep prices stable and improve the standard of living in this country.

Second, higher productivity and the resulting improvement in America's competitiveness in the world marketplace will also help improve our overall budget situation and put Americans back to work.

No Senator has worried more about the effect that large deficits will have on our economic recovery. I have come to the conclusion, however, that we plan for a long-term economic recovery, not a 1-to-2-year cycle of prosperity. We need to find ways to use our limited revenues to improve the growth of the Nation's economy. We cannot afford to lose a generation of scientists and experts. We must make an investment in science and math capabilities to insure that America can compete and that our future will be prosperous.

For these reasons, Mr. President, this Senator is an enthusiastic supporter of this legislation and hopes that his colleagues will join him in voting for this bill.

Mr. KASTEN. Mr. President, as a cosponsor of S. 1285, the Education for Economic Security Act, and as chairman of the Senate Republican Task Force on Initiatives to Strengthen Schools, I ask my colleagues to join in giving a sorely needed boost to math and science education in our Nation.

There is little argument that education in the United States has been suffering in recent years. As the National Commission on Excellence in Education pointed out in "A Nation At Risk."

The educational foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a nation and a people.

The most visible educational shortcomings are math and science programs, which have failed to provide future workers with the necessary skills to compete in a highly technical society. The decline of these programs has jeopardized our Nation's ability to compete in the world market, and has challenged our once-dominant international standing.

In recent years, we have largely ignored our educational system, fostering mediocrity in scientific and technological innovation and allowing other nations to surpass our achievements. Our education system, particularly the math and science curriculum, fails to meet the challenges of our rapidly changing society and poses a real threat to the security of our Nation. We must act now to avert any further erosion.

Numerous bills have been offered in the House of Representatives and the Senate to address deficiencies in education, and we all have our own ideas about the best way to achieve excellence in this area. Certainly this bill would not remedy all of the problems; true reform will take time and a serious commitment at the Federal, State, and local levels. But we can no longer afford to sit idly by—we must act now to address the most critical problems plaguing the system.

S. 1285 provides additional education funding to support teacher institutes for math and science training and retraining, course development, math and science teacher awards and merit scholars. This legislation is an important first step.

Mr. President, I believe strong math and science programs are critical to the security of our Nation, and I ask my colleagues to join me in voting to turn the tide of mediocrity in education by supporting passage of this legislation.

● Mr. TSONGAS. Mr. President, I would like to express my great appreciation to Senators PELL, STAFFORD, QUAYLE, and HATCH for their efforts in bringing this bill before the Senate. I would particularly like to thank them for including title III, which incorporates S. 631, the High Technology Morrill Act, which I introduced last March with Senators STENNIS, HART, PELL, RANDOLPH, and BAUCUS. That bill and now title III, called Partnerships in Education for Mathematics, Science and Engineering, are designed to mobilize educational resources and industry partnerships to strengthen our economic position in a new technological era.

This new era is characterized by rapidly changing technology and sharp international competition. The competitiveness of both our high technology and mature industries depends on U.S. scientific and technological leadership—that is, on increasing rates of technological innovation and productivity. In turn, these goals depend, to an unprecedented degree, on the availability of scientists, engineers, technicians, and managers with the right technological skills. Without these human resources, we cannot remain competitive.

Assessment after assessment shows that we are failing to develop the human resources needed for economic growth. Our technological education is inadequate to meet the challenge of our international competitors. We are failing to provide basic science and math skills to our elementary and secondary school students. We are producing too few engineers, in some fields, and too many of our engineering graduates lack first-rate training. We are failing to keep our work force current with technological advances, thus wasting the talents of our most

experienced engineers, technicians and managers.

While applications for engineering programs are up, our colleges and universities are hobbled by severe faculty shortages and obsolete equipment and curricula. There is a serious shortage of graduate students, threatening the future supply of Ph. D.s and faculty.

The results are abundantly clear. Math and science achievement scores of precollege students are declining. Enrollments in math and science courses are down, as are curriculum requirements. And, most seriously, we are facing a critical shortage of qualified math and science schoolteachers. As a consequence, fewer students adequately prepared in math and science are available to enter technological fields.

International comparisons cast us in an unfavorable light. Many other industrial countries are beating us in both the quantity and quality of their technical work force. Many of them have dramatically upgraded their technological capacity, including their ability to respond to technological change. If we continue to slight technology education, we cannot remain competitive.

There is precedent to suggest that our educational system, if properly assisted, can rise to a challenge of this magnitude. The Morrill Act of 1862 established the land grant college system that helped revolutionize U.S. agriculture. The GI bill after World War II made undergraduate and graduate training widely available. The National Defense Education Act of 1958—the response to sputnik—mobilized education to protect national security. The Education Amendments of 1965 responded to demands for greater social justice by expanding educational opportunities.

The educational challenge facing us today requires a new mobilization of educational resources. We must increase the quality of technological education at all levels. This includes raising basic math and science skills of high school students, upgrading science and engineering programs in our colleges and universities, and offering training opportunities for unemployed workers and working professionals with outmoded skills.

Educational institutions cannot handle this job alone. Only through a partnership among industry, schools and government can we adequately mobilize our educational system for economic growth. Industry must play a major role in providing direction, expertise and investment. Some companies have recognized this responsibility. They see their investments in education not just as charitable contributions, but as an important element of their competitive strategy. More and more companies are instituting univer-

sity programs to strengthen technological education.

Similarly, State governments are also recognizing the importance of technology and education in meeting their economic development objectives. Many States have begun programs to invest in technology education in order to attract new firms.

While these efforts are helpful, they are unequal to the task. Industry's contribution for education, while growing, still represents a very small fraction of the need. For each university helped many more receive nothing. While some States have bolstered technological education significantly, many ideas remain on the shelf for lack of funds.

Federal involvement is clearly required. But the Federal Government should build on the initiatives of industry and the States, not compete with them. This is the basic idea behind both the High Technology Morrill Act and title III of the Education for Economic Security Act. Title III establishes a competitive grants program to provide matching Federal assistance for joint initiatives of private industry, educational institutions, and State governments to strengthen science, engineering, and technical education. In order for a project to be eligible for the 50-percent matching Federal grant, private industry must contribute 30 percent, and States or other non-Federal participants 20 percent of the total cost. The bill would allot \$30 million in fiscal year 1984 and \$60 million in fiscal year 1985.

This program would not simply throw dollars into education. It is not a quick fix. It is intended to spur long-term investment in education by encouraging the development of partnerships among industry, education, and government.

Why do we propose a partnership of this kind? Requiring industry participation would insure that activities supported by this title reflect the priorities of the private sector as it seeks to maintain American technological leadership. The title's requirement of State participation assures that projects are responsive to the State's economic development strategies, employment policies, and educational priorities.

The title is comprehensive in scope. It would apply to projects for all levels of our educational system, including elementary and secondary schools, community and junior colleges, 4-year colleges and universities, graduate schools, and programs for continuing education and job retraining.

The title is designed to encourage diversity, experimentation, and innovation in approaches to technology education. It could support a broad range of efforts at the local and regional level. It could, for example, fund research/training centers, modernize lab

equipment, initiate new technicians' training programs in community colleges, develop continuing education programs for technical professionals, and establish computer literacy programs in schools. The title also could reinforce efforts to raise educational productivity by development of new educational methods and equipment, teach the management of technological innovation and improve the access of women, minorities and the handicapped to technological fields.

Like the first Morrill Act, the High Technology Morrill Act sought to parlay our Nation's natural resources into educational benefits. The Morrill Act of 1862 devoted 17 million acres of Federal land for founding agricultural colleges across the country. Proceeds from the sale of the land were invested, and interest earned accumulated in a perpetual fund for the support of the land-grant colleges. Similarly, the High Technology Morrill Act would have turned over a small percentage—3 percent—of the revenues the Federal Government receives from sale of energy and mineral resources on Federal lands into a technology education trust fund. This fund—totaling roughly \$500 million a year for 5 years—would have been the source for technology education grants.

Unfortunately, there was not enough time for the committee to resolve the complex budgeting and jurisdictional questions involved in establishing a long-term funding mechanism. But the \$30 million for this year and \$60 million for next year is enough to establish the program. At this level, these funds can serve as a catalyst and an experiment to demonstrate how much more effectively we can improve technology education when we work together, and when we rely on the private sector to identify priorities.

Mr. President, I believe that the Education for Economic Security Act, is a comprehensive bill. The initiative that the Senate takes here today will fuse the interests of government, industry, and education into a national policy to insure a supply of scientific, engineering, and technical personnel adequate to insure U.S. scientific and technological leadership, to maintain U.S. international competitiveness and domestic employment, and to safeguard national security. ●

● Mr. KENNEDY. Mr. President, I support S. 1285, to improve the quality of math and science education teaching and instruction in the United States. This legislation represents a significant first step toward meeting the challenges to math and science education posed by an increasingly technological world.

The quality of our Nation's math and science education has reached a point referred to by the National Commission on Excellence in Education as

"desperate." The Commission reported a shortage of teachers in math and science in almost every State.

The Commission also reported that, between 1975 and 1980, remedial courses in public 4-year colleges constituted one-quarter of all math courses taught in those institutions.

This situation leaves us inadequately prepared to meet the needs of a technological future. Computers are penetrating every aspect of our lives: In our homes, in our factories, and in our businesses. Technology is rapidly transforming many other professions and occupations. They include health care, medical science, energy production, food processing, construction, and the building, repair, and maintenance of sophisticated scientific, educational, military, and industrial equipment.

As I stated, this legislation is a significant first step toward meeting these needs. My hope is that we will continue to support these efforts and give serious consideration to increasing support for these programs in the future.

S. 1285 contains a critical support for foreign languages education. Along with the challenges of an increasingly technological world, we face the challenges of an increasingly interdependent world. Our economic security demands that we focus more of our resources on teaching languages, as well as math and science skills.

Finally, I am pleased that this bill provides significant language insuring the access of women, minorities, and other underserved populations to the programs created in this legislation. We must improve the access of our Nation's disadvantaged populations to math and science education as a means of providing access to tomorrow's technological professions and occupations.

I commend my colleagues for their efforts to move this legislation and urge its swift enactment. ●

Mr. CHAFEE. Mr. President, I rise in support of the amendment offered today by Senator HEINZ to establish a program of awards to local education agencies to carry out plans for improvement of elementary and secondary schools.

I was pleased to join Senator HEINZ in introducing the Excellence in Education Act last year because I believe it is important for the Federal Government to encourage local efforts to attain the highest possible level of achievement in our schools. This legislation would establish a modest program of grants to local schools where plans for reform are underway. It does not purport to be a sweeping solution to the problems we face in education. But it can help to reinforce the Federal Government's role in the partnership for improving schools.

By now we are all familiar with the report of the National Commission on Excellence in Education, issued last April. In assessing the shortcomings of education in the United States and recommending steps for improvement, the report has helped to catapult education to the forefront of our national consciousness more prominently than at any other time in the past two decades.

The report provides a sobering analysis of our problems in education as well as a positive blueprint for change. Although there will be disagreement about some of the report's conclusions, there can be little question that it has effectively enabled us to focus on where we are and where we should be headed in education today. The Commission report does not profess to be the final word but rather a starting point for efforts to improve schools in America.

The report has contributed to a greater public awareness about the critical connection between educational quality and our Nation's economic competitiveness and prosperity. Other studies and reports have followed, urging steps to bolster instruction and reverse the decline. States and school districts across the country have responded in recent months by implementing a variety of plans for improvement. Education remains the primary responsibility of State and local governments. They are closer to the particular problems facing each school district. They can best determine which approach to follow in the drive toward improvement.

But I believe it remains extremely important for the Federal Government to point the way—to exert consistent leadership in the quest for quality. We have begun by calling public attention to the need for improving education. We can continue by encouraging local efforts to implement the improvements. This legislation provides an incentive for local schools to look ahead, to determine where they want to go and what must be done to get there. School administrators must be willing to set concrete goals for local schools. They must bring together those whose cooperation is crucial—students, teachers, parents, principals, the community—and give them something to shoot for. A plan of action with a specific aim.

This legislation encourages such local efforts by authorizing the Secretary of Education to award grants of up to \$40,000 to 1,000 schools across the United States over the next 2 years. The schools would be selected on a competitive basis by local school districts, State education officials and the Secretary of Education. Awards would be made to schools which demonstrate a commitment to pursue goals of improvement, by setting forth plans to implement recommendations

of the recent reports for bolstering educational standards and instruction.

Among the eligible activities are:

Modernization and improvement of curricula;

Increasing of graduation requirements in basic subjects;

Implementation of attendance policies with clear sanctions to reduce absenteeism and tardiness;

Experimentation with a longer school day or longer school year;

Proving incentives to teachers for outstanding performance, including financial awards and administrative relief, such as the removal of paperwork and extracurricular duties; and

Demonstration of new and promising models of school-community relationships and business-education partnerships, including the use of non-school personnel and community volunteers to alleviate shortages in areas of instruction such as math and science education.

To encourage such public/private partnerships in public education, the legislation sets aside 20 percent of the award money for schools that match Federal funds with private sector contributions.

This legislation is designed to permit local educators to assess their needs, develop plans, and pursue activities to improve the total school environment. It is thus a unique approach which does not prescribe a single solution but encourages local educators to concentrate on those strategies best suited to their schools. It will help to demonstrate that the Federal Government is interested not merely in talking about quality education, but working as an active partner with local school districts to bring about positive change.

Last fall, representatives of 144 schools were honored here in Washington for outstanding achievements in the Secretary of Education's secondary school recognition program. We are all proud of the magnificent accomplishments of these schools. Their recognition helps to bolster public awareness about the many wonderful contributions being made in our public schools today. This legislation will encourage continued strides toward excellence by rewarding schools which are determined to attain the highest possible level of achievement.

The passage of this amendment will signify that Congress remains deeply committed to improving American education. I hope my colleagues will join me in voting for its adoption.

Mr. BRADLEY. Mr. President, as a cosponsor of S. 1285, the Education for Economic Security Act, I am pleased to see this legislation finally come before the Senate for action. It will provide over \$400 million annually to education institutions to upgrade education in mathematics, science, com-

puter instruction, foreign languages and vocational education.

Specifically, the legislation requires that over 40 percent of the funds go to elementary and secondary schools, with funding specifically earmarked for development of instructional programs, model programs, foreign language teaching and the acquisition of equipment. Over 20 percent of the funds go for the development of vocational education programs in new and emerging technologies, with the remaining funds for institutions of higher education, primarily for teacher training and retraining. Local schools and colleges will retain the flexibility to tailor programs to meet local needs and determine how these funds will be spent.

Mr. President, this bill does not bust the budget. I want to remind my colleagues that the budget that we adopted last month included a \$1.3 billion increase in funding for education, including roughly \$400 million for this important piece of legislation.

I know that some people question whether we can afford a new multimillion dollar education program in these times of fiscal austerity. In my opinion, however, the real question is whether we can afford to forgo this kind of legislation and still address the challenges confronting us. And I believe the answer to this question is clear.

Mr. President, the facts speak for themselves:

Mathematics SAT scores have fallen from an average of 502 in 1963 to 466 in 1980. That is hardly surprising when you consider that only one-third of our high schools offer more than 1 year of math or science, and at least one-half of all our high school students now take no math beyond algebra and no more than 1 year of science. In addition, our foreign language proficiency has dramatically declined; there has occurred over the past 15 years a 40-percent decline in high school credits awarded for foreign language study.

Nationwide, 22 percent of the high school mathematics teaching posts are vacant, and 26 percent of the occupied posts are filled by uncertified or temporarily certified people. A study by the National Science Teachers Association reveals a 77-percent drop in the number of secondary school math teachers being trained and a 65-percent decline in science teachers.

Less than one-third of all freshmen entering college in New Jersey are fully proficient in basic verbal and arithmetic skills, and only about 10 percent are fully proficient in elementary algebra.

And the problems are not only at the elementary and secondary level. Recent studies show that only one-sixth of our college graduates majored

in math, sciences and engineering. In Japan, more than a quarter do so; in West Germany, more than a third; and in the Soviet Union, over a half.

Our economy is changing rapidly. Increasingly our economy is fueled by information processing, high technology and international trade. The Bureau of Labor Statistics projects by 1990 a 40-percent rise in demand for scientists and engineers and a 50-percent increase in demand for individuals in the computer field. Our country needs a highly skilled labor force capable of filling these jobs, and the best way for us to meet this need is through a major increase in our investment in educating our citizens.

Mr. President, a major component of this legislation is aimed at correcting these deficiencies by upgrading the Nation's "teacher stock." The legislation will help us in three key areas: First, training more new teachers in math, science, computer learning, and foreign languages. Second, retraining teachers from other disciplines to help fill the gap. And third, retaining the current supply of teachers through teacher awards and other incentives.

Mr. President, our economic security depends upon the education of our people. In order to effectively compete internationally, the American work force must be second to none. Presently, in many fields, our edge is slipping, and our educational institutions simply cannot keep pace with the rapid pace of technological change. We need to help our educational institutions adapt to these changes if we are to continue to grow as a nation.

In summary, Mr. President, our schools and colleges must more effectively prepare students for the new job demands of the 1980's. We need to strengthen our present instructional programs and improve teacher training and retraining programs to help fill the gaps. This legislation is a step in the right direction, and I urge my colleagues for their support.

Mr. BYRD. Mr. President, I support S. 1285, the Education for Economic Security Act. As my colleagues know, since last fall I have consistently urged that this bill be brought up for consideration on the floor. I am very pleased that we are now turning our attention to this measure.

Last September, I made a statement on this floor concerning the state of America's system of education and our responsibilities as Members of Congress to that system. I made the speech then, in part, because it was back-to-school time, and education was uppermost in the minds of all parents and grandparents. But more importantly, I made that statement because it is virtually impossible to pick up the morning newspaper without being confronted with a study of the problems of our educational system. We face the unavoidable fact that education in

America is in crisis. It needs our undivided attention.

Our future as a nation and as a people is indeed threatened, Mr. President, by this crisis in education. I believe, as do many of my colleagues, that our national security depends upon our solving this crisis. The education of our youth today is our Nation's future prosperity, its future health and well-being, its future security. We cannot afford to do less than to provide adequately for the future.

Of particular concern, as highlighted in the studies, was the crisis in the quality of the mathematics and science education in our schools. The reports tell us, as did many witnesses in the hearings on the bill before us today, that the quality of mathematics and science education in America has declined in the last 20 years. This decline is evidenced in student achievement test scores—the mean SAT score in mathematics dropped from 502 in 1963 to 466 in 1980, while the proportion of students scoring over 700 on the test dropped 15 percent between 1967 and 1975. Officials in America's high technology companies tell us that they are finding it increasingly difficult to find people sufficiently qualified to be trainees in their firms. And, there are critical shortages of competent mathematics and science teachers reported by almost every State.

Clearly, this is a national crisis. It requires a national response.

This bill, S. 1285, is a part of that response. The Education for Economic Security Act is a modest bill, geared primarily to efforts to increase the quality of mathematics and science instruction. The bulk of the funds in the bill will assist State and local education agencies in providing teacher training, retraining, and inservice training in mathematics and science. This part of the bill carries an authorization of \$350 million for fiscal year 1984 and \$400 million for fiscal year 1985.

The bill also would provide \$45 million in fiscal year 1984 and \$80 million in fiscal year 1985 for National Science Foundation programs such as teacher institutes, materials development, graduate fellowships, undergraduate scholarships, and discretionary projects \$30 million in fiscal year 1984 and \$60 million in fiscal year 1985 would be authorized for private sector and educational institution partnerships for special projects in mathematics and science education, to be awarded by the National Science Foundation. Finally, the bill authorizes moneys for Presidential awards for excellence in elementary and secondary teaching.

In total, S. 1285 would authorize roughly \$425 million in fiscal year 1984 and \$540 million in fiscal year 1985. Considering the level of need in

every school in every State in this country, and my State of West Virginia is no exception, this bill is a modest, yet urgently needed response. It is an investment in our future which, if properly administered, will pay enormous dividends.

I am pleased that the Senate is finally responding to the crisis—more than a year after the House passed its math/science bill. I urge my colleagues to join in support of this bill.

This bill represents only a part of the response the Congress must make to the educational crisis in our Nation. But it is a welcome and important step in the right direction.

● Mr. LAUTENBERG. Mr. President, I am pleased to rise in support of S. 1285, the Education for Economic Security Act, better known as the math/science education bill, which I have cosponsored. This bill authorizes nearly \$1 billion over 2 years for the training of teachers and improvement of instruction in mathematics and science.

This bill is a response to recent concern about the shortage of teachers in the fields of mathematics and science, and the quality of teaching in those vitally important subjects. In the last year or so, one for another, prestigious commissions have reported on the declining condition of American education. The National Commission on Excellence in Education described "a rising tide of mediocrity that threatens our future." It compares the poor performance of American schools to an "unthinking, unilateral educational disarmament."

One source of these problems in education is the shortage of mathematics and science teachers and the resulting inadequate preparation being given to students in these fields in elementary and secondary schools. In my own State of New Jersey all counties report that they have a shortage of these teachers. And new teachers are not coming into the system. From 1973 to 1982 the number of certificates issued for math teachers declined by 67 percent and for science teachers by 64 percent. This compared to an overall 45-percent decline in new certificates for all subjects. The number of substandard certificates, issued to teachers who lack either the academic work in the subject for which they seek certification or the required teaching method courses, has increased dramatically over the last decade. Recently, one-quarter to one-third of the new certificates in math and science were substandard.

This situation cannot continue. Individual States have to look to their own resources to find ways to attract, train, and retain high quality teachers. But, this is also a national problem. The Federal Government must also provide assistance in alleviating the difficulties. This bill, S. 1285, provides re-

sources to the National Science Foundation to establish teacher training institutes and develop training programs and instructional materials and programs, as well as providing awards to excellent teachers and scholarships to potential teachers. It also authorizes a formula grant program for the States, local school districts, and institutions of higher education to improve teaching skills and instruction in mathematics, science, computer learning, and foreign languages.

Mr. President, 2 years is not enough time to rebuild our supply of teachers or to strengthen all our instructional programs, but it is plenty of time to make a major start. It will signal the children of this country that we intend to improve the quality of their education and signal to present and future teachers that we value their work and will encourage them in their vocation. I am pleased to support this measure.

Although the focus of this legislation has been on mathematics and science, it also must of necessity include computer education. Technical competence cannot be achieved in today's world without a knowledge of computers and their application. I am pleased that the committee amendment which has been offered to S. 1285 will clarify the intention that funds under this legislation can be used to train teachers and students in computer education. This clarification was added at my request and I appreciate the interest and concern of the committee to this important matter.

Mr. President, the ability of this country to compete in the economy of the future depends on the quality of the workers we produce today. The strength of our educational system is crucial to our future. The legislation which we are considering today will go a long way toward providing the education this country needs and our children deserve.

I urge the adoption of S. 1285. ●

Mr. SPECTER. Mr. President, I strongly support S. 1285, a bill to improve the quality of mathematics and science teaching and instruction.

This bill would authorize grants to local educational agencies and institutions of higher education which make applications for the establishment and operation of teacher institutes for the enhancement of mathematics and physical and life sciences.

The legislation also allows for the establishment of merit scholarships in mathematics, science and engineering education. Scholarships are awarded at the level of \$5,000 per year for a period not to exceed 4 academic years.

A further provision includes financial assistance to State and local educational agencies, and to institutions of higher education, to improve the skills of teachers and instruction in

mathematics, science, computer learning and foreign languages.

Numerous commissions and experts have lamented and deplored the state of public education in our country. This legislation is the positive step toward improving our educational system and responding to some of the criticisms that have been made. Math and science education have been frequently mentioned as areas particularly warranting reform and improvements. This bill will remedy some of these problems by helping prepare teachers in math and the sciences, and assisting States and local governments in upgrading existing programs in the public schools.

In my home State of Pennsylvania, I have received comments from teachers, administrators and members of the boards of education from various places across the State citing the need for this assistance. Many school systems have made a strong commitment to upgrading science and math programs, but are in need of Federal assistance and funding to meet this important goal.

We in the Congress have an obligation to provide this support and I urge my colleagues to promptly act on this legislation.

● Mr. LEVIN. Mr. President, numerous studies on the condition of education in America, including the National Commission on Excellence in Education, the National Task Force on Education and Economic Growth, and the report of the 20th Century Fund, make it abundantly clear that we have a crisis in education—specifically the deteriorating conditions of American math and science instruction. This is a national crisis and it warrants a national solution.

The legislation before us is a critical first step on the part of the Federal Government in meeting the crisis head on.

Concern about the declining quality of math and science programs in secondary schools is being expressed for a variety of reasons. Student performance on standardized tests is considered to be inadequate, and many teachers reportedly lack optimum qualifications. College students entering teaching do not score as high as those planning for other careers. Schools are unable to employ sufficient qualified teachers.

The performance of high school students on college entrance examinations has been a matter of concern for the past decade. Overall scores for high school graduates declined for several years in the late 1960's through the mid 1970's, but now appear to have stabilized. However, scores in science and math have not followed this pattern and have continued to decline. One reason for this pattern of decline may be related to the findings of the aforementioned studies which indicate

that as many as one-half of the high school graduates take no math or science courses after the 10th grade.

Some observers have contended that the relatively few courses in math and science required for high school graduation may be a contributing factor to the decline in test scores and low interest in math and science careers. Students interested in pursuing a math or science major in college often find that their high school sequence of courses may not have included the types of courses needed to facilitate entry into the collegiate sequence; this situation is more prevalent in math than in the sciences, but is also found in the physical sciences. A filter screens out students who do not take advanced math courses in high school even though their test scores may suggest high math aptitude and ability.

Reports of various efforts to determine the magnitude of the supply problems related to qualified teachers for high school science and mathematics programs suggest that shortages have become serious and that the situation is unlikely to be resolved soon without some type of intervention. Problems relate to the reduction in the number of persons entering pre-service teacher education programs in science and mathematics, inadequate qualifications of persons applying for teaching positions in these fields, a need to upgrade current teacher expertise, and the loss of qualified teachers to higher paying jobs in business and industry. Surveys of urban school districts and summary information provided by State and local educational agencies indicate the areas of greatest shortage are chemistry, physics, Earth sciences, and mathematics.

Mr. President, in order to enhance our Nation's economic productivity and insure an adequate number of skilled individuals to meet our national defense needs, it is necessary to improve the quality of instruction and levels of student achievement in mathematics and science at the elementary and secondary education levels. And, to increase the supply and strengthen the qualifications of teachers of mathematics and science at the elementary and secondary education levels.

S. 1285, the Education for Economic Security Act meets this challenge by establishing a number of new grant programs to be carried out by the Department of Education and the National Science Foundation. Specifically, title I authorizes the National Science Foundation to fund programs for teacher institutes, development and dissemination of materials, teaching awards, scholarships, and research activities for improving instruction in mathematics and the physical and life sciences; title II authorizes the Department of Education to make a block grant to States for improving in-

struction in mathematics, science, computer learning, and foreign languages; title III authorizes the National Science Foundation to allocate funds to States for cost-sharing grants to improve instruction in mathematics, science, and engineering, and title IV authorizes the President to make Presidential Awards for Teaching Excellence in Mathematics and Science.

Mr. President, it is a pleasure to support this much-needed legislation. ●

Mr. MATSUNAGA. Mr. President, as a cosponsor of the pending measure, the Education for Economic Security Act, I rise to express my strong support for S. 1285.

This bill incorporates the best ideas for improvement of math and science education and, in particular, addresses the problem of teacher shortages in these areas. It is the product of careful deliberation and appropriate compromise by members of the Senate Labor and Human Resources Committee.

Mr. President, the Education for Economic Security Act represents a positive step toward addressing the serious problems raised by the Report of the Commission on Excellence in Education, entitled "A Nation At Risk." This report warns us that throughout the world, other countries are surpassing our achievements in commerce, industry, science, and technological innovation. The root of our problem is the shocking state of our educational system; a system that has been swept by a rising tide of mediocrity. The deterioration in our math and science instruction, the lowering of standards and course requirements, the shortage of qualified teachers, the decline in student interest, and the lack of skilled technicians and well-trained scientific personnel are all symptoms of the decline of educational delivery throughout the Nation.

Mr. President, reports have shown that the mean scholastic aptitude test (SAT) score in mathematics has dropped from 502 in 1963 to 466 in 1980. This general decline is accompanied by a similar trend in math and science skills of the best students in our country and of students who actually plan to enter the teaching profession.

These facts threaten our ability to compete in the technological revolution and impede the growth of this Nation's industrial base. In essence, these facts threaten America's basic economic strength and national security.

Mr. President S. 1285 will meet these urgent needs of our Nation. Title II of S. 1285 authorizes \$350 million for the first authorized year and \$400 million for the second, primarily for grants to States for programs to enhance teacher training, retraining, and inservice training. In addition, S. 1285 includes important incentives for cooperation

between the private sector and educational institutions, authorizes programs under the National Science Foundation for teacher institutes, materials development, and other activities, and provides for awards to recognize excellence in teaching.

I believe the Education for Economic Security Act will make an important contribution toward addressing the serious deterioration of math and science education in this country. I therefore urge prompt and favorable consideration of the pending measure.

● Mrs. HAWKINS. Mr. President, I rise in support of passage of S. 1285 which is intended to help restore America to a position of leadership in the development of new technology and provide for future economic growth. This bill provides approximately \$400 million to support the development of superior math and science skills in our students. Under the formula grant program included in this bill, this means over \$11 million to support math and science education in Florida. This will be an enormous boost to my State's education program.

Mr. President, this legislation is vital to meeting the educational needs of our students today—and to laying groundwork to meet our economic needs tomorrow. The National Commission on Excellence in Education identified the area most in need of improvement as being math and science education. In the year since the National Commission made its report, the Nation has responded. In each of the 50 States, and in thousands of local school districts, new emphasis has been placed on improving the quality of education.

Secretary of Education, T. H. Bell, has just released "The National Response," a report detailing the activities of the 50 States over the last year to improve education standards, increase teachers' salaries, upgrade graduation requirements, develop more effective curriculum, and acquire new facilities. But the efforts to improve education in America have not only been made by State or local government. Renewed commitment to education is evident throughout our communities. The National Parent Teacher Association reports an increase of 70,000 members over the past year. The increase is a dramatic reversal of a 20-year decline in the PTA's membership. Business and private foundations have made significant new commitments to improve the quality of American education. These new partnerships in education deserve support. Title III of S. 1285 specifically promotes these activities. Under the matching requirements of the legislation, a new commitment combining the resources of the public and private sectors will be possible. As a result of this legislation, up to \$60 million in 1984 and \$120 million in

1985 will be available to the States to support these partnerships.

Mr. President, S. 1285 is an important step for the Federal Government to take. It is a measured response to the problem of how to improve math and science education in the United States. It is my firm belief that the most effective programs for education are born at the local level. During the last year, the response to the report of the National Commission from the local level has proven once again that this is true. Now, the Federal Government should act to complement the many efforts already underway. I urge my colleagues to support passage of the Education for Economic Security Act. ●

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

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

AMENDMENT NO. 3150

(Purpose: To make technical and conforming changes and other modifications in the bill)

Mr. HATCH. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Utah (Mr. HATCH) proposes an amendment numbered 3150.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 3, line 4, strike out "and".

On page 3, line 5, before the period insert a comma and the following: "Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands".

On page 3, line 14, strike out "section 1001(k)" and insert in lieu thereof "section 198(a)(17)".

On page 3, line 21, insert "State and" before "local".

On page 4, line 5, insert after "education" a comma and the following: "and each State educational agency and institution of higher education".

On page 4, line 10, after the period insert the following: "A State educational agency may apply jointly with one or more institutions of higher education."

On page 6, line 6, before the period insert a comma and the following: "except that the Director may waive the requirements of this sentence if there is no proposal from a State that meets the requirements of this part".

On page 7, line 11, strike out "and" and insert in lieu thereof a comma.

On page 7, line 12, before the semicolon, insert a comma and the following: "computer learning".

On page 7, line 16, strike out "and" the first time it appears and insert in lieu thereof a comma.

On page 7, line 17, before the period insert a comma and the following: "and computer learning".

On page 7, line 19, insert "(a)" after "Sec. 122".

On page 7, line 20, beginning with "an" strike out through "agency" on line 21 and insert in lieu thereof "an eligible applicant".

On page 8, line 1, insert "(A)" after "that".

On page 8, line 3, strike out the semicolon and insert in lieu thereof a comma.

On page 8, line 4, insert "State or" before "local".

On page 8, line 4, strike out "or" and insert in lieu thereof "(B)".

On page 8, line 6, after "education" insert ", or (C) in the case of a profession of a society or association described in subsection (b)(3) the association or society will enter into a cooperative agreement with one or more local educational agencies and one or more institutions of higher education."

On page 8, line 11, strike out "making application".

On page 8, between lines 19 and 20, insert the following:

"(b) For the purpose of this part an eligible applicant means—

"(1) an institution of higher education,
"(2) a State or local educational agency, and

"(3) a professional society or association, in the fields of mathematics, physical or biological sciences, or engineering."

On page 9, beginning with line 3, strike out through line 2 on page 10.

On page 10, line 3, strike out "Part D" and insert in lieu thereof "Part C".

On page 13, line 7, strike out "Part E" and insert in lieu thereof "Part D".

On page 13, line 19, strike out "Sec. 151." and insert in lieu thereof "Sec. 141."

On page 13, between lines 21 and 22, insert the following new sentence: "In carrying out the provisions of this part, the Director shall give special consideration to programs and activities for women in science and minorities in science which have been assisted by the Foundation prior to the date of enactment of this Act."

On page 14, line 12, strike out "Part F" and insert in lieu thereof "Part E".

On page 16, strike out lines 7 through 10 and insert in lieu thereof the following:

"PARTICIPATION OF TEACHERS FROM PRIVATE SCHOOLS

"Sec. 162. The Foundation shall, after consultation with appropriate private school representatives, make provision for the benefit of teachers in private elementary and secondary schools in the programs authorized by this title, in order to assure equitable participation of such teachers."

On page 16, line 25, strike out "part D" and insert in lieu thereof "part C".

On page 17, line 1, strike out "\$4,000,000" and insert in lieu thereof "\$3,000,000".

On page 17, lines 2 and 3, strike out "parts C and E" and insert in lieu thereof "part D".

On page 29, line 4, beginning with "and" strike out through "an" on line 6 and insert in lieu thereof the following: "not later than nine months following the date for which funds under this title become available, a preliminary".

On page 29, line 8, after the period insert the following new sentences: "Such preliminary assessment shall be made available to all local educational agencies within the State to assist the local educational agencies to carry out the requirements of section 210. A final version of such assessment shall be submitted to the Secretary not later than the end of the first year for which funds under this title are made available."

On page 29, line 8, strike out "such" and insert in lieu thereof "first".

On page 33, line 4, strike out "sections 211 and 212" and insert in lieu thereof "sections 210 and 211".

On page 34, line 6, strike out "and".

On page 34, line 7, before the semicolon insert a comma and the following: "and computer learning, including a description of the availability and qualifications of teachers in the areas of mathematics, science, foreign language and computer learning, including the qualifications of teachers at the elementary level to teach in such areas".

On page 34, line 7, strike out "and".

On page 34, line 9, strike out the period and insert a semicolon and the word "and".

On page 34, between lines 9 and 10, insert the following:

"(3) improving the access to instruction in mathematics, science, foreign languages, and computer learning of historically underserved and underrepresented individuals and of the gifted and talented, and an assessment of the current degree of access to such instruction of such individuals."

On page 34, line 12, strike out "and".

On page 34, line 14, before the period insert a comma and the following: "and in the second year for which funds under this title are made available, a description of how the services assisted will address unmet needs described under section 208".

On page 37, line 3, strike out "and" and insert in lieu thereof a comma.

On page 37, line 4, after "education" insert a comma and the following: "and private nonprofit organizations, including museums, libraries, educational television stations, and professional science, mathematics, and engineering societies and associations".

On page 48, line 13, insert "elementary and" after "to".

On page 48, line 18, insert "elementary and" before "secondary".

On page 48, line 19, after "one" insert the following: "elementary school teacher and one".

On page 49, after line 2, insert the following:

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 403. (a) There are authorized to be appropriated \$1,000,000 for the fiscal year 1985 to carry out the provisions of this title.

"(b) Amounts appropriated pursuant to subsection (a) shall be available for making awards under this title, for administrative expenses, for necessary travel by teachers selected under this title, and for special activities related to carrying out the provisions of this title."

(1) the term "applicant" means with respect to activities described in section 305(a) an institution of higher education and the other participants described in paragraph (3) of section 305(a), and with respect to activities described in section 305 (b) a local educational agency and the other participants described in paragraph (3) of section 305(b).

On page 39, line 24, strike out "(1)" and insert in lieu thereof "(2)".

On page 40, line 1, strike out "(2)" and insert in lieu thereof "(3)".

On page 40, line 3, insert "and" after the semicolon.

On page 40, line 4, strike out "(3)" and insert in lieu thereof "(4)".

On page 40, line 6, strike out the semicolon and the word "and" and insert in lieu thereof a period.

On page 40, strike out lines 7 through 12.

On page 40, line 15, strike out "States" and insert in lieu thereof "applicants".

On page 40, line 22, strike out "A State" and insert in lieu thereof "An applicant".

On page 42, line 1, strike out "A State" and insert in lieu thereof the words "An applicant".

On page 43, line 10, strike out "STATE".

On page 43, line 11, strike out "State" and insert in lieu thereof the word "applicant".

On page 43, line 12, beginning with the word "make" strike out through "require" on line 15 and insert in lieu thereof the following: "submit an application approved under section 307 to the Foundation, at such time, in such manner, and accompanied by such additional information as the Foundation may reasonably require."

On page 43, strike out lines 16 through 22.

On page 43, line 23, strike out "(2)" and insert in lieu thereof "(1)".

On page 44, line 1, strike out "(3)" and insert in lieu thereof "(2)".

On page 44, line 6, strike out "(4)" and insert in lieu thereof "(3)".

On page 45, line 3, strike out "(5)" and insert in lieu thereof "(4)".

On page 45, between lines 13 and 14 insert the following new clause:

"(5) set forth policies and procedures to assure that whenever the application includes a local educational agency, to the extent consistent with the number and location of children in the school district of such agency who are enrolled in private elementary and secondary schools, provision is made for the participation of such children in the program assisted under this title."

On page 46, line 1, strike out "States or" and insert in lieu thereof "applicants in".

On page 46, line 5, beginning with "An" strike out through the period in line 24 and insert in lieu thereof the following: "Each applicant within a State which desires to receive a grant under this title shall prepare and submit an application to the appropriate State agency for approval and shall submit the approved application to the Foundation under section 306. Each such application shall be submitted jointly by the local educational agency in the case of activities described in section 305(a), or an institution of higher education in the case of activities described in section 305(b), and each business concern or other party that is to participate in the program for which assistance is sought."

On page 47, lines 1 and 2, strike out "local educational agency" and insert "applicant".

On page 47, line 7, strike out "State educational agency" and insert "the appropriate State agency".

On page 47, line 10, insert "(1)" after "(a)".

On page 47, between lines 11 and 12, insert the following:

"(2) No application may be approved by the Foundation unless it is first approved by the State from which it is submitted."

On page 47, strike out lines 15 through 18.

On page 47, line 20, strike out "Sec. 310" and insert in lieu thereof "Sec. 309".

On page 47, line 21, strike out "State" and insert in lieu thereof "applicant".

On page 48, line 5, insert "applicants in" after "to".

The PRESIDING OFFICER. Is there debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 3150) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. PELL. Mr. President, I ask the manager of the bill if he is aware of any particular amendments or whether we can move very shortly to third reading.

Mr. HATCH. Mr. President, there may be a couple of amendments, and I suggest the sponsors of them come to the floor as soon as they can.

In the meantime, there is an amendment that I believe will be agreed to. It is an amendment by Senator HUMPHREY to encourage the establishment in elementary and secondary schools of extracurricular activities involving modern technologies.

AMENDMENT NO. 3151

(Purpose: To encourage the establishment in elementary and secondary schools of extracurricular activities involving modern technologies)

Mr. HATCH. Mr. President, I send an amendment to the desk on behalf of Senator HUMPHREY and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Utah (Mr. HATCH), for Mr. HUMPHREY, proposes an amendment numbered 3151.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 42, line 23, strike out "and".

On page 43, line 3, strike out the period and insert in lieu thereof a semicolon and the word "and".

On page 43, between lines 3 and 4, insert the following:

"(E) computer clubs and extracurricular activities involving modern technologies are established in elementary and secondary schools."

Mr. HUMPHREY. Mr. President, this amendment is offered in an effort to enhance the opportunities open to students to pursue mathematics and science education outside the classroom. The point of my amendment is to encourage the formation of computer clubs and other school-based hobby groups through which students can develop an enduring interest in modern technologies.

Title III of the bill before us establishes a matching grant program under the National Science Foundation for cooperative projects sponsored jointly by State and local officials, educators, and industry and association leaders. While the bulk of activities authorized under this title are geared to teacher training, funds can also be used to promote public understanding of mathematics, science, and engineering. I believe an equally valuable activity that can be carried out under this title is to promote extracurricular pursuits, such as hobby clubs, where students can gain hands-on and self-directed experience with computers and other equipment. My amendment provides that grants may be used to facilitate setting up such hobby clubs in schools.

There is no shortage of reports alerting us to the fact that precollege students are taking fewer science and mathematics courses than they did formerly. Studies indicate that many students find the courses more difficult and boring than other electives and often acquire a dislike for them at an early age. On the other hand, students seem to respond more favorably to scientific and mathematical ideas when exposed to them outside the classroom, on television and in museums.

Some educators are therefore urging school systems to explore ways of making curriculums more exciting and activity oriented. While changes in this direction might be helpful, classroom teaching will always demand a considerable amount of memorization and textbook study. There is no getting around that schooling is often hard work.

Fortunately, a good number of students do develop an abiding interest in science courses and in the area of mathematics. They are the ones who become the engineers, chemists, physicists, the scientific, and technical workers whose expertise is so essential to the continued economic strength of our Nation.

But perhaps there would be a larger proportion of students interested in science and mathematics if schools afforded more opportunities for extracurricular activities linked with these fields. Certainly many students who are drawn to mathematics and science courses are also attracted to community or mail-order science clubs, or they may undertake science-related projects at home on their own or with the help of an interested teacher. Such self-initiated activities can provide a practical focus that can make classroom learning seem more relevant and worthwhile.

My amendment will make it easier for schools to come up with the resources needed to set up computer and ham radio clubs and similar student-directed activities. Many school dis-

tricts are currently having difficulty stretching their budgets and cannot be expected to set aside the small amount of funds required to initiate these clubs. Yet with the help of private business, donating equipment or assisting financially, high tech clubs could easily become a regular addition in our schools. There can be little question that such facilities would have a highly beneficial impact in motivating students toward scientific and technical careers.

Mr. HATCH. Mr. President, this amendment will make it easier for schools to come up with the resources needed to set up computer and ham radio clubs and similar activities. I believe it is a very good amendment, and I think everybody is in agreement.

Mr. PELL. Mr. President, this is an excellent amendment, and I support it. I think it deserves to be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3151) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, I think the distinguished Senator from Rhode Island is correct: Senators who have amendments should bring them to the floor, or we will move to third reading. In any event, to give a little time for Senators to get here, 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. HATCH. 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. RANDOLPH. Mr. President, will the distinguished Senator from Utah yield to me for a question?

Mr. HATCH. Yes, I am happy to yield for a question from my dear colleague from West Virginia, Senator RANDOLPH.

Mr. RANDOLPH. A decade ago, the Appalachian Regional Commission initiated an experiment using NASA satellites to deliver inservice training to teachers in rural Appalachian communities. That project enjoyed such enthusiastic grassroots support, both regionally and nationally, that in 1980 the commission spun it off into an independent nonprofit corporation. Now known as ACSN—the learning channel, it is today an educational cable television network serving over 3½ million homes, nearly 100 colleges and

universities, and many public school systems.

An important part of the network's programming day is devoted to inservice training for teachers. Just recently, the learning channel held a widely acclaimed national teleconference for teachers and administrators on the reading problems of our children. On June 30, the learning channel will use its cable network for a live, interactive teleconference in which noted scientist Dr. Robert Jastrow will discuss new technologies with over 100 of Kentucky's top high school students.

Although more than a thousand miles will separate the students in Kentucky from Dr. Jastrow at Dartmouth College, they will meet face-to-face through the use of sophisticated satellite and cable technology. Those youngsters will not only be privileged to hear the comments of one of this Nation's leading scientists, but they will be able to ask him questions and to discuss issues with him, thanks to the marvel of telecommunications and the learning channel.

I have given this background on ACSN—the learning channel as a preface to a question relating to title II, section 206, of the Education for Economic Security Act. That section designates educational television stations as eligible recipients for funds. The remarkable success and long experience of the learning channel in the television delivery of educational programs leads me to this question: Is it the intent of the act to include nonprofit cable television networks, such as ACSN—the learning channel, as eligible recipients of funds under the act?

Mr. HATCH. Yes, it is our intent to include nonprofit cable networks, although since the awards authorized by sections 206, 207, and 212 are competitive, it should be understood that the scope of impact of an award to a cable network must be taken into account. Realistically, for example, a local education agency may not fund a proposal under section 206 from a cable TV network if the availability of cable TV is not sufficient across the school district.

However, the Senator is quite correct that there was no intent to exclude such non-profit cable television networks from applying for a grant.

Mr. RANDOLPH. I thank the Senator.

Mr. HATCH. Mr. President, it is my understanding that the distinguished Senator from Mississippi has an amendment that he will bring to the floor shortly. Also, the distinguished Senator from Alabama (Mr. DENTON) has an amendment, and he intends to offer it very soon. Until then, 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. HATCH. 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. PELL. Mr. President, in fashioning the Education for Economic Security Act, the members of the Labor and Human Resources Committee were in agreement that the greatest need in upgrading instruction in mathematics and science in our schools was in the area of training, retraining, and inservice training of our teachers. The major emphasis in this legislation, therefore, is that of providing training, retraining and inservice training programs. This emphasis is most clearly demonstrated in title II, where funds are directed first to be spent on training programs, and after needs in these areas have been adequately addressed, funds can then be spent in other areas.

There is no doubt, however, that there is a considerable need for updating, improving and expanding instructional materials and laboratory equipment in our schools. The recent report of the National Science Board Commission on Precollege Education in Mathematics, Science and Technology asserted that the United States "is failing to provide its own children with the intellectual tools needed for the 21st century." The Commission, as others have also reported, found that "there is now a glaring absence of technology education in American schools—a lack of curricula, course materials, demonstrated teaching methods, and qualified teachers." Many courses badly need revision and updating, it was noted, and "better trained teachers must have more up-to-date courseware in order to teach effectively." Testimony before the Education Subcommittee agreed with the Commission's findings, and indicated that there is a critical shortage of laboratory equipment and courseware materials in our Nation's schools.

In this connection, there has recently come to my attention a study that complements others that have been made over the years. This consisted of complete inventories of equipment now in use in undergraduate civil engineering facilities. Soiltest, Inc., of Evanston, Ill., one of the major producers and suppliers of engineering testing equipment in the United States, has identified 224 universities and colleges as having such programs, and has made a detailed check of equipment used for instructional purposes. This is the first time that such a detailed study of this kind has been made.

In almost all cases in this survey, tests—as prescribed by the American Society for Testing and Materials—could not be performed due to missing parts or obsolescence; 30 percent of

the major pieces of equipment used in basic instruction was from 10 to 20 years old, and 40 percent of the laboratories surveyed avoided enforcing testing sessions due to the quality and quantity of facilities available. Although this survey is of necessity being restricted to the area of civil engineering, the same problem is prevalent in other technical disciplines. It was stated that many of the schools surveyed are being forced to conduct their instruction by means of a blackboard.

The Texas Society of Professional Engineers submitted a detailed report on the situation existing in that State. In a survey of the 10 major State-supported engineering colleges, it was determined that laboratory and teaching equipment needs totaled \$99 million, and that of this amount, \$37 million was deemed of critical importance.

In conclusion, the Texas report noted that—

The engineering education complex is very close to a point of instability. Staff shortages, enrollment increases, and laboratory obsolescence all contribute to the degradation of quality education. And it was added that if the decline in quality continues, then our industrial and defense complex will be unable to function effectively in the years to come. The word "crisis" is no exaggeration.

It is my understanding that the committee, fully aware of this considerable need, has made provision in this legislation for addressing this very severe problem. Am I correct in stating that proposals for purchasing, updating or improving laboratory equipment and instructional materials would most definitely be eligible for funds under Title III of this bill?

Mr. HATCH. The Senator is correct. Under title III, proposals from partnerships formed between business and schools could most definitely include programs for improving and expanding laboratory equipment and instructional materials in elementary schools through higher educational institutions. I agree with Senator PELL that we are facing a critical problem with respect to shortages in courseware equipment.

I think it is interesting and of considerable value to all of us in Congress to go back and review the effects on our educational system of the National Defense Education Act (NDEA), especially title III of that act, which was aimed at strengthening instruction in science, mathematics, foreign languages, and later, the humanities and arts. The NDEA was originally formed in 1958, and it continued with relatively few changes into the 1970's.

In a report prepared by the Office of Education in 1969, when NDEA was in its 11th year, it was noted that the program had experienced considerable growth, with the number of eligible subjects increasing from 3 to 11. Ap-

propriations for equipment and minor remodeling jumped from \$49 million in 1959 to \$75 million in 1969. Reasons given by the States for the expanding needs in these areas included increased enrollments, obsolescence of equipment and materials, rapid advances in technology, and the demands made by new methods of instruction, such as the laboratory or inquiry method.

Reports from the States and local school districts indicated a great need for equipment and materials which would provide for individualized instruction in all courses. There was also a demand for flexible laboratories, for experimental and demonstration equipment. Many schools lacked basic laboratory facilities with running water, and there was a shortage of such items as microscopes, science kits, glassware, and models. As a result of NDEA title III funds, continuous improvements were being made in equipping science, mathematics, and foreign language laboratories.

The effectiveness of NDEA's title III must also be attributed to the requirement that Federal funds were matched by the State and local school districts. This resulted not only in more money but in stimulating interest and local participation. Later, when various titles of the act were consolidated, the matching provision was dropped which diminished involvement and educational impact at the local level.

Most States reported that achievements of students in critical study areas continued to improve during the 1960's. Some 25 States indicated that students had made significant gains, according to standardized achievement tests, in at least one critical subject, and the majority of these States reported such gains in three or more subjects. Most frequently mentioned were courses in the sciences, mathematics, and modern foreign languages.

In the light of these reports indicating the progress being made in educational programs through the use of funds judiciously invested in instructional materials and equipment, it is shocking and discouraging to see what has happened over recent years. Actually, the amounts appropriated for these programs were relatively small in the 1960's, but the significance lay in the manner in which they were provided and used. The practice of consolidating titles became more common, and this served to weaken the impact of most instructional programs, especially in the areas of science, mathematics and engineering, and we are currently experiencing a severe shortage of instructional materials and equipment that is impeding the effectiveness of mathematics, science and engineering courses in our schools.

I yield the floor to my colleague from Rhode Island.

Mr. PELL. I agree with the statements of my colleagues that the need to improve and expand instructional materials and laboratory equipment in the math and sciences is considerable. It has been frequently noted that budget restraints have been an important factor in preventing our schools from acquiring the materials and equipment they need for science and engineering courses. But, while increases in the amounts appropriated for this purpose are vital, it is also important that a partnership between the Federal Government and private industry be encouraged. It is clear that the business community must assume a more active role in the development of programs which will help to insure that the engineering and scientific needs of our schools are met. Thus, it is the committee's intent, as stated in section 305(E) of title III, that partnership programs eligible for funding could most definitely include proposals for the acquisition, rehabilitation and renovation of equipment and instructional materials for courses in mathematics, science, computer science and engineering.

I also point out that under title I part B, dissemination and development of instructional materials for training in subparagraph (2) could very definitely include the development and dissemination of laboratory equipment. In addition, under title II, after a local educational agency has determined that it has met the need for training and retraining teachers in math and science, it may then use its funds under this title for other needs such as computer learning and instruction, and instructional materials and equipment related to mathematics and science.

I am concerned that great progress was made in instruction during the sixties, only to be followed by atrophy and neglect in subsequent years. Today we are alarmed and respond with the Education for Economic Security Act. My question is: Are we in a pattern of alarms and crisis reactions? How can Congress know that what we authorize here is having a desired and sustained effect?

Mr. HATCH. I too share the concern of my colleague from Rhode Island. It is this very concern over the sustained effect of efforts made under the Education for Economic Security Act that prompted the committee to include a section for evaluation and policy analysis. Here the National Institute of Education is specifically charged with responsibility for evaluating the effectiveness of the effort to improve math and science education. This means that the Congress should be able to identify the rate of improvement and measure what is happening in the separate academic categories. Congress must be kept informed, on a timely basis, about the level of progress. It

will then be possible to identify the pitfalls of poor program design and, as the report states, "recognize where the legislation can be strengthened or streamlined." That is definitely a vital part of this legislation, and that is our intent.

I thank my colleague from Rhode Island for recognizing the considerable needs our schools face with respect to instructional materials and laboratory equipment, and for identifying those sections of the Education for Economic Security Act where funds may be directed toward these needs.

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

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

AMENDMENT NO. 3152

(Purpose: To provide that it shall be unlawful to deny equal access to students in public secondary schools who wish to meet voluntarily for religious purposes and to provide district courts with jurisdiction over violations of this act)

Mr. DENTON. Mr. President, I send an amendment to the desk on behalf of myself and the Senator from Oregon, Mr. HATFIELD, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Alabama (Mr. DENTON), for himself and Mr. HATFIELD, proposes an amendment numbered 3152.

Mr. DENTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment reads as follows:

At the appropriate place add the following:

TITLE I.—THE EQUAL ACCESS ACT

That this title may be cited as The Equal Access Act.

Sec. . (a) It shall be unlawful for any state or local educational agency that receives Federal financial assistance and that by policy or practice generally allows groups of secondary school students to meet during non-instructional time to deny equal access and opportunity to, or discriminate against, any student meeting on the basis of the religious content of the speech at such meeting if—

(1) the activity is voluntary and student initiated;

(2) there is no sponsorship of the activity by the school, the government or its agents, or employees;

(3) the activity is not in and of itself unlawful; and,

(4) the activity does not materially and substantially interfere with the orderly con-

duct of educational activities within the school.

(b) Nothing in this Act shall be construed to permit the United States or any State or political subdivision thereof to (1) influence the form or content of any prayer or other religious activity; (2) require any person to participate in prayer or other religious activity; or, (3) expend public funds beyond the incidental cost of allowing student-initiated activities on institution or school premises.

DEFINITIONS

SEC. . As used in this Act—

(1) the term "State educational agency" has the same meaning given that term by section 1001(k) of the Elementary and Secondary Education Act of 1965;

(2) the term "local education agency" has the same meaning given that term by section 1001(f) of the Elementary and Secondary Education Act of 1965;

(3) the term "secondary school" means a public school which provides secondary education as determined by State law.

(4) the term "sponsorship" includes the act of a teacher or administrator or other such employee who leads, or participates in the meeting. The assignment of a teacher, administrator or other such employee for the custodial purpose of assuring the orderly conduct of religious student meetings does not constitute sponsorship of the meeting.

(5) the term "meeting" means any extracurricular activity allowed by the school. The term "meeting" does not include officially sponsored school athletic teams that participate in interscholastic competition.

(6) the term "non-instructional" means that the student is not receiving curricular instruction from a teacher.

SEVERABILITY

SEC. . If any provision of this Act or the application thereof to any person or circumstances is judicially determined to be invalid, the provisions of the remainder of the Act and the application to other persons or circumstances shall not be affected thereby.

SEC. . The provisions of this Act shall supersede all other provisions of Federal law that are inconsistent with the provisions of this Act.

SEC. . Nothing in this Act shall be construed to limit the Constitutional rights of any public school student.

Mr. DENTON. Mr. President, I will be presenting the Denton-Hatfield compromise on the issue of equal access for secondary students in public schools.

Today we consider an equal access amendment that will permit the name of God to be uttered again in our public schools other than profanely. This equal access amendment would clarify and confirm the first amendment rights of freedom of speech, freedom of association, and free exercise of religion which accrue to public secondary school students who desire voluntarily to exercise those rights during noninstructional periods of the school day when the school permits other student groups to meet.

This equal access legislation has had 2 full days of hearings before the Judiciary Committee. During markup of S. 1059, which was this Senator's original version of the bill, the bill was favor-

ably reported as a committee substitute by a bipartisan vote of 12 to 4.

The substitute included a number of changes and suggestions from such major contributors as Senator BIDEN, Senator HATCH, and Senator METZENBAUM. Also changes from S. 815, the original Senator HATFIELD version, were adopted and further improvements were adopted during hearings, improvements suggested by such organizations as the National Council of Churches. This is not a raw, unpolished, inconsiderate version. It is one which I am fully confident will meet the approval of my colleagues, and our colleagues in the House.

Mr. President, equal access legislation is necessary because school administrators have felt constrained to prohibit and have canceled voluntary student meetings for the single reason that speech at such meetings contains religious content. In some cases, schools have been coerced into this situation by the threat of costly lawsuits initiated by ACLU attorneys. In other cases, school administrators are simply unsure about the scope of first amendment rights that accrue to students and hence feel constrained to ban voluntary student meetings of the type described.

This confusion has in part been the result of conflicting lower court decisions in Lubbock and Brandon. In *Widmar*, a 1981 Supreme Court case, the right of university students to meet for religious purposes on campus were upheld because the university generally allowed a variety of other groups to meet. In the *Tinker* (1969) case, the Supreme Court recognized that first amendment rights of secondary school students are protected even during school hours, giving rise to the well known quote that "students do not shed their first amendment rights at the schoolhouse gate."

In *Bender* against Williamsport Area School District, a lower Federal court upheld the right of a student religious club, named *Petros*, to meet during a student activity period when various other student groups were allowed to meet. Lisa Bender, the named plaintiff in the Williamsport case, testified before the Judiciary Committee. Her response when the school denied the right of *Petros* to meet was " * * * we saw in the Constitution that our freedom of speech was being denied us * * *." A number of other student witnesses before the Judiciary Committee affirmed Lisa's concern.

Bonnie Bailey of Lubbock, TX, commented:

We have been taught that the Constitution guarantees us freedom of speech. But we feel that here we have been discriminated against, because we can picket, we can demonstrate, we can curse, we can take God's name in vain, but we cannot voluntarily get together and talk about God on any part of our campus, inside or out of the school.

We just feel frustrated because we don't feel like we are being treated equally.

Judy Jankowski, of St. Paul, MN, compared the policies of two nations on religious liberty.

A few years ago, I visited Poland with my family. We stayed with a family that have (sic) five children in school. I observed how restricted they were to express themselves politically and religiously, and I was thankful that I lived in the United States and that I had the freedom to express myself and share political and religious beliefs with others.

Now, just a few years later, I see the same restrictions put on me and my fellow classmates that are on the students in Poland, and I find this very disturbing.

Peter Eagan, of Snohomish, WA, pointed out that at his school the words Christopher Columbus uttered when he discovered America would be prohibited.

These examples create an ominous perception of State hostility toward religion when schools treat student religious expression in such a manner. Students are led to believe that to talk about religion places them at odds with the law of the land, our Constitution. Such an impression makes the religious student a victim of discrimination, they become second-class citizens. Sarah Scanlon, of Sonoma, CA, after she was told by the school board that a voluntary Bible study was illegal but the principal would look the other way and allow the activity to continue, said:

All this has left many people very confused. The Board said at the end of the meeting that they were going to stick by their original decision, and yet, we were still going to be allowed to pray. But the original decision said that was illegal.

I think that, as the law stands, it is very ambiguous and causing a lot of unnecessary trouble. We need it clarified, and hopefully with a law that would enable a group of students interested in discussing a topic of major importance to their lives, religion, with the freedom that other students discuss topics of interest to them.

Mr. President, the Equal Access Act would correct the confusion in our school system by accommodating students who desire to meet voluntarily, just as do their fellow students, for religious purposes. It is wrong for religious speech to receive less protection than political speech or any other speech in which students engage.

I invite my colleagues' attention to the fact that equal access, as we have brought it forth here in the Senate, does not pose the same problems that many of our colleagues raised during the school prayer debate. Under equal access there is no student-led, or teacher-led, prayer during classroom time. No student will be pressured to hear religious expression that violates his or her conscience or sensibilities. No student will be required to recite a prayer with which he or she disagrees. Students who do wish to participate in

religious speech will choose to attend voluntary meetings that are offered alongside a wide assortment of other student activities. Thus, a choice to attend a meeting with religious content will be voluntary in the truest sense.

Even during voluntary student meetings, teachers are not allowed in this bill to lead or participate in the meeting. If the school so desires, they may appoint a teacher to sit in the back of the room in a custodial capacity to insure the health and safety of the students—in other words, general order and discipline purposes—and there are some school insurance policies which require teacher's presence at any student activity.

Under equal access, the State, through the teacher, would not be an official sponsor, thus assuring that equal access complies with the establishment clause of the first amendment.

Mr. President, student initiated groups are being banned all over our Nation. In February of this year, Los Angeles country schools banned all Bible studies on campus. In Canton, Md., a student Bible study has been banned. The principal in that case desired that the group continue to meet but was confused about whether the Constitution permitted such a meeting in view of the Court's rulings on the matter. The Judiciary Committee hearings also revealed numerous examples of bans being placed on student religious groups. Judy Jankowski was told that her group would have to finish its meeting by 7:30 a.m., 1 hour before school started at 8:30 a.m. This of course prevented any student who takes a bus to school from attending a meeting.

Stuart Kennedy of North Clayton Junior High School stated that Youth for Christ meetings were banned at his school even though "Drama Club, the Beta Club, FHA, Math and Science Club, the newspaper staff, student council, Letterman's Club, language clubs, and Chess Club" were allowed to continue to meet.

In a legal summary, Mr. President, many court decisions support the right of secondary students to meet for religious purposes. I have already mentioned the Williamsport decision at the district court level that has upheld the right of a student religious club to meet. In *Scoville against Board of Education*, a student rights case, the Court stated that:

The fact that it (a case) involved a university is of no importance, since the relevant principle and rules apply generally to both high school and universities.

In *Reed against Van Hoven* a Federal district court upheld a school policy allowing student-initiated prayer groups to meet before school. In *Florey Sioux Falls School District* the district court stated:

The First Amendment does not forbid all mention of religion in public schools; it is the advancement or inhibition of religion that is prohibited . . . (W)hen the primary purpose served by a given school activity is not made unconstitutional by the inclusion of some religious content.

In *Gay Rights against Bonner* a Federal court upheld the right of a gay rights student group to meet at the high school level. In *Wilson against Chancellor*, a Federal district court struck down a school policy that banned political speakers in high school classes.

In *Bager against Kinzler* a Federal district court struck down a restriction on information about contraception and abortion in the student newspaper.

Mr. President, if the Gay Rights Club can meet, if political speakers have access to classrooms, if the student newspaper can advertise abortion referral, then surely fundamental fairness and equal treatment demand that religious students be allowed to meet under the same terms and conditions as other students do.

I ask my colleagues to support this legislation and to clarify the rights of secondary school students.

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

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

The legislative clerk proceeded to call the roll.

Mr. HATCH. 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. HATCH. Mr. President, I want to compliment the distinguished Senator from Alabama for his leadership on this amendment. I know he has tried to bring this subject up as a separate bill from time to time. I really believe that all he is asking is that voluntary student religious groups be treated equal to those groups where voluntary students meet now.

I believe that the amendment of Senator HATFIELD and Senator DENTON is carefully crafted. Basically, it would solve the problem that presently exists. It would recognize the religious student groups. My personal belief is that it is an amendment that really everybody should support.

I also believe that the distinguished Senator has shown great courage in fighting this battle through the years he has been in the Congress.

I might also point out that this is one of the first times that this matter has ever really reached the floor in either House of Congress. It is the first time it has reached it in this particular form, which I find to be a satisfactory form.

The Senator from Alabama has shown great courage in so many fights here in the Congress since he has ar-

rived. There are very few people who I think have grasped the significance of serving in the U.S. Senate and the opportunity to serve his fellow men and women as Senator DENTON has.

I, for one, am much in his debt. I, for one, have a great deal of respect for him. I, for one, hope that our colleagues will permit this amendment to be voted upon and then see where we go from there. I believe it is an amendment that deserves to be supported. I hope my colleagues will support it. We can talk about it technically, but I think everybody is aware of what the amendment is, what it really means, and how much hope it will give to people all over this country who themselves believe that the so-called wall of separation between church and state really never was contemplated to the 7th degree that it exists today by those who founded this country and established the Constitution of the United States.

I am pleased to be a supporter of this amendment and will do everything I can to assist the distinguished Senator from Alabama with regard to this amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. 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. HATCH. Mr. President, I am not sure whether anybody wants a rollcall vote on this particular amendment, but I did ask Senator PELL, the distinguished ranking minority member, if he knew of anybody who would want a rollcall vote on this amendment. He did not know whether anybody did, but he said he would like to check on that.

I chatted with the distinguished Senator from Alabama and he agrees that we should send out notice to all Senators that this amendment is up; that if they do object to it or want to debate it now is the time to do so. If anybody wants a rollcall vote, and neither Senator DENTON nor I want a rollcall vote, they should come to the floor and notify us that they do. I suggest a reasonable time to do that.

I would hope that those who want to speak for this amendment should come to the floor and speak for it as well. Let us give a reasonable period of time for Members to get here. I understand that it is the day of the annual seafood luncheon, and I presume a number of our colleagues are there.

With the consent of the distinguished Senator from Alabama, we will allow time for whoever wishes to come to the floor.

Mr. DENTON. Will the Senator yield?

Mr. HATCH. I am delighted to yield.

Mr. DENTON. I want to first thank my distinguished chairman on the Labor and Human Resources Committee for his remarks, for his support of this bill, for his leadership to me as a chairman and as a Senator, and as a gentleman. I totally concur, Mr. President, with the Senator's fairness in trying to assure that we obtain a vote on this and that we have sufficient debate on the matter.

Mr. HATCH. I thank the distinguished Senator from Alabama for his remarks. It is my understanding that the minority is checking to see if anybody wants a rollcall vote. There have been some expressions from people who would like to speak to this matter. I am hopeful that they will get to the floor soon.

Perhaps now would be a good time to have a quorum call for a short period until we can get enough Senators here to resolve this problem.

We cannot do that until we notify the majority leader and chat with him, and it will be his call on that. Until then, 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. COHEN. 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 DOMESTIC FOOTWEAR INDUSTRY

Mr. COHEN. Mr. President, later this afternoon, I am going to be introducing legislation to save one of the most critically ill industries in our Nation today, the domestic footwear industry. Senators MITCHELL, RUDMAN, PRYOR, SASSER, RANDOLPH, and BUMPERS will be joining me in this effort, and we wish to postpone the introduction until a more amenable time today.

I ask unanimous consent that I be allowed to proceed as if in morning business.

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

Mr. COHEN. Mr. President, earlier today, the International Trade Commission dealt what can only be described as a devastating blow to the domestic footwear industry in this country by denying its petition for relief under section 201 of the Trade Act of 1974. I sincerely believe that unless swift action is taken by the Congress, the ITC's ruling could bring about the final demise of this important industry.

The footwear industry illustrates the classic case of an industry that is

unable to survive the onslaught of foreign imports. Since 1968, when tariffs were lowered, imports have increased by 232 percent. In 1983, they accounted for 64 percent of the U.S. market and over 6 percent of the entire U.S. trade deficit. Today, imported footwear comprises almost 75 percent of the entire retail market. No other industry suffers from as high a foreign penetration. We hear much about the plight of the auto and steel industries which are suffering from imports. The import penetration in those industries, however, does not even approximate the import levels endured by the shoe industry.

The impact of these imports has been devastating to the U.S. industry and its labor force. Unemployment in the industry exceeds 15 percent, almost doubling the unemployment rate in the overall U.S. manufacturing sector. Since 1981, 27,000 American shoe workers have lost their jobs due to factory closings. This equals more than 10 percent of the entire footwear labor force. In 1983 alone, an estimated 4,000 shoe workers lost their jobs nationwide. My own State of Maine—the largest footwear manufacturing State in the Nation—has been hit hard by these imports. Nearly 2,000 Maine jobs have been lost since 1981, when the orderly marketing agreements were terminated. Nearly 11,000 jobs—I repeat 11,000 jobs—have been lost since 1968, when imports began their upward climb. Already this year, 700 more Maine jobs have been lost to imports.

Sadly, Maine is not an isolated case in this regard. My colleagues from Missouri, Arkansas, Pennsylvania, West Virginia, and several States can recite equally alarming statistics regarding the effects of footwear imports on their constituents. Factory after factory is closing throughout the Nation, no longer able to bear the unfair competition by foreign imports.

While factory closings present difficulties in any industry, the closing of a footwear factory creates particular hardships. Most shoe factories are located in rural and semirural areas where they provide the primary source—in some cases, the only source—of employment. In Maine, for example, an estimated 25 percent of all shoe factories are located in towns with populations of less than 5,000. More than one-third of the industry workers are 50 years or older, and almost two-thirds are women. When these workers lose their jobs, there is nowhere else to go for employment.

They cannot vote with their feet. They cannot march off to Silicon Valley and be retrained in computer chip factories.

Despite these devastating statistics of import penetration, factory closings, and lost jobs, those in the Federal Government who should be listen-

ing to the footwear industry have turned a deaf ear to the problem. Repeatedly, I am told that we should promote the principle of free trade and that our domestic industries should not fear foreign competition.

I, too, support free trade as long as it is fair trade, Mr. President. The domestic footwear industry, however, is the victim of a global trade game whose rules are anything but fair. The United States is the only major market which allows virtually unlimited footwear imports. There is no other country in the world that has open borders as the United States does. Most of our major trading partners have restrictions ranging from formal global quotas to excessive tariffs and licensing arrangements. Just last month, for example, Canada announced the continuation of its global quota program for an additional 18 months. Taiwan and South Korea, the two largest exporters of footwear in the world, maintain prohibitive tariffs of 50 to 60 percent.

The U.S. footwear industry is also faced with excessively low labor costs of foreign competitors. While the U.S. shoemaker is among the lowest paid of all U.S. manufacturing workers, the industry still cannot compete fairly with Korean labor costs of 74 cents per hour.

So, the U.S. industry is getting hit hard from two sides. On the one hand, they are being flooded with a surge of imports; and on the other, they are being prohibited from selling their goods abroad. I would not call this a system that celebrates free trade, because it is simply not fair trade.

Despite the devastation of the footwear industry, the ITC has refused relief. Therefore, I believe that Congress must act swiftly to save this important industry from further decline.

Mr. President, it is hard for me to exercise some restraint in commenting upon the rationale offered by the ITC. Simply put, they have found that there is no injury being done to this industry because some of the shoe companies actually made a profit; 22,000 jobs have been lost; that is one way to make a profit. Simply start laying off people, start shutting down factories; you can make a profit that way. Start moving your operations offshore and have the shoes made in other countries and shipped back into the United States. You can make a profit that way.

The ITC members have, in my judgment, totally turned the rule of law on its head. So latter today, I am going to be introducing the American Footwear Act of 1984 to provide relief.

This bill would restrict imports of nonrubber footwear into the United States to 400 million pairs per year, beginning on the effective date of this act. The Secretary of Commerce is di-

rected to allocate the global product limitations among foreign countries, taking into consideration such factors as the country's average levels of imports between 1978-82, findings of unfair trade practices with respect to nonrubber footwear, and recent market trends.

This legislation presents a moderate, yet crucial, response to the footwear problem. The global quota established by the bill would allow importers to retain slightly more than 50 percent of the retail market. This is not protectionism; rather, it allows American workers to keep only 50 percent of the market—much less than is now enjoyed in other major industries.

Mr. President, I must admit that I am introducing this quota bill as a last resort. The domestic footwear industry has, however, availed itself of every possible remedy under our current trade laws, only to be rejected, in my opinion, by the ITC. It is now time for the Congress to step in and save this important industry before it is too late.

A few years ago, in 1981, when the present administration refused to provide relief recommended by the ITC, ironically enough, foreign competitors owned about 51 percent of the market. In the period of time between 1981 and 1984, it has climbed to a total of almost 75 percent of the entire market of this country. Three-fourths of all the shoes purchased in this country now are made in foreign countries.

As a final note, Mr. President, the ITC's rejection of the footwear petition reflects a larger problem in our underlying trade laws. If a classic case of injury by reason of imports—such as the footwear industry case—cannot pass muster under our trade laws, the laws then have to be changed. So I look forward to working with other members of the Footwear Caucus in seeking omnibus trade reform that will make these laws more responsive to our domestic industries.

REJECTION OF SHOE INDUSTRY TRADE PETITION

Mr. MITCHELL. Mr. President, I am deeply disappointed by the decision reached by the International Trade Commission on the question of shoe imports.

The Commissioners' vote that no injury has occurred to the domestic industry by imports which reached a level of 70 percent of the total market this year is difficult to understand. It is directly contradicted by the experience of many domestic firms and the workers who have been laid off from them.

The Commissioners' point that the average industry profit margin has remained stable for some 5 years and at a somewhat higher level than for other manufacturing industries completely ignores the fact that higher profit margins are limited primarily to the larger companies. The majority of

the firms comprising the domestic industry, however, are small ones; their financial distress has been obscured by the good financial position of large companies.

The Commission's refusal to grant relief to a few companies whose growth and financial prospects are sound, however, does not help the many other companies which are suffering from the unprecedented import levels reached this year, and the high rate of imports which has prevailed since import relief was ended in 1981.

I am therefore adding my name to the legislation which would legislatively restrict footwear imports to 50 percent of the market, a generous share, and one which would give the smaller firms in the industry a chance to regain their competitive edge.

The facts about the domestic footwear industry and the import climate in which it has been forced to operate since President Reagan abandoned import relief in 1981 are well known. The domestic industry has retrenched, idled substantial numbers of factories, and has a jobless rate of more than double the national rate.

Imports have skyrocketed from taking half of our market in 1981 to almost two-thirds last year and to 70 percent in the first 2 months of 1984. The fact that some of the larger firms have been able to maintain stable profit rates in the face of such a market is a tribute to their aggressive use of the period of import relief to increase productivity. Smaller firms in the industry need additional time to make similar strides, and that is what the industry had requested—a temporary period of import relief to give all sectors of the industry a chance to recoup.

The fact that a period of import relief was of benefit to larger firms in the industry does not mean that every sector of the industry is today equally well able to compete, nor does it mean that none of it has suffered severe damage.

The opposite is true. Plant closings in Maine and other States have demonstrated that the massive surge of footwear imports that has occurred in the past 3 years carries very direct costs to the people employed by this industry and to the communities in which they live. The Commission failed to recognize those costs and focused, instead, on the makeup of the import market and the question of average profit margins industrywide. I believe that is a shortsighted focus, and I believe it is one that should be corrected legislatively.

So I will give my support to a legislative response.

In the meantime, I also urge the President to carefully review this decision and the facts not taken into account and to take action. Although the ITC recommendation was a nega-

tive one, very recent history demonstrates that an ITC recommendation is not the only tool available to the President to promote fair trade.

In 1981, although the ITC did not find that imported autos were injuring the domestic market, the President nonetheless managed to negotiate quotas with Japan which are still in effect, and which have substantially aided the profitability and sales of domestic auto manufactures. There is absolutely nothing preventing similar Presidential action in the case of footwear imports. I hope the President and his trade adviser will aggressively pursue negotiations with the nations most responsible for the massive shoe import surge to develop a more orderly trade in this sector.

In the absence of such action by the administration, Congress should act. It is simply too costly to the Nation to stand by and permit our domestic shoe industry to be destroyed, along with the 200,000 jobs that it and its supplier industries now create.

EDUCATION FOR ECONOMIC SECURITY ACT

The Senate continued with the consideration of the bill (S. 1285).

AMENDMENT NO. 3152

Mr. PACKWOOD. Mr. President, I have just had a chance to look at this particular so-called equal access amendment and am hoping that there will be someone on the floor soon to whom I can put some questions about it because I do have some questions. I know the Senator from Connecticut (Mr. WEICKER), who is in the official delegation at the D-day ceremonies, cannot be present today. I think he would like to talk about it at some length. It is my hope that the sponsors of this amendment would be willing to at least put it aside until the Senator from Connecticut can get back and, if not, I may be constrained to speak on it at some length until he returns.

Most specifically, however, my question goes to the issue of whether or not this is genuinely an equal access amendment for all groups, and I mean all groups, or whether it simply says that if the school allows some groups to meet it must allow religious groups to meet but it can still exclude other groups.

Until I can have an answer to that particular question, I am not sure that further debate would be worthwhile. I have no objection to allowing groups to meet after school on school premises if all groups are allowed to meet, and I think the standards that the authors of this amendment have put forth, namely, one, the activity is voluntary and student initiated; two, there is no sponsorship of the activity by the school, the Government, its

agents or employees; three, the activity in and of itself is not unlawful, and, four, the activity does not materially or substantially interfere with the conduct of educational activities within the school are good criteria.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PACKWOOD. 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. PACKWOOD. Mr. President, there are a number of us interested in this amendment who are on the tax conference, the first meeting of which starts at 2 p.m. this afternoon.

I feel very strongly that I am not prepared to vote on this this afternoon and if necessary will try to find a way to avoid any votes on this this afternoon. But some of us have to go to that conference, so I would appreciate it if the proponents of this amendment could come to the Chamber so we could at least have some minimal debate and get from them their idea of what this amendment does before we proceed any further.

As to those of us who are on the tax conference and have to leave, I ask the majority leader to protect us and make sure there is no vote on this amendment until we get back from the conference, which will probably be, my hunch is, 5 or 6 p.m. tonight.

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

Mr. PACKWOOD. I yield. In fact, I yield the floor.

Mr. BAKER. Mr. President, let me say, first of all, that while I support an equal access amendment, I did not know that the amendment would be offered on this bill.

I also must say that I have requests on the calendar from Members on this side who wish to speak as and when an equal access amendment is offered on any measure, and at least one of those Members, and perhaps another on this side of the aisle, is not here now and will not be here until tonight or early in the morning.

So in addition to the remark made by the Senator from Oregon just now, it would be incumbent on the leadership on this side to honor that request from another Senator to try to keep this matter alive until that Senator has a chance to reach the Chamber and speak on it.

So it is not likely that we are going to be able to make much progress on this amendment this afternoon other than general statements, and it is virtually certain we are not going to have a vote on it until tomorrow.

So as to the Senator's inquiry about whether he could go on to the tax con-

ference or not, I encourage him to do that.

Mr. President, let me say again I support an equal access amendment, and expect that I will vote for this amendment, but I do not anticipate that vote will come today.

Notwithstanding, Mr. President, I urge Members who are for or against this proposition to come to the Chamber and speak because it is an important amendment. It deserves the attention of the Senate, and there is no point in our wasting time. So, we may as well build a record on it while we have the opportunity.

But I will repeat what I said a moment ago: In order to honor a request made by Members on this side of the aisle to speak on this measure by Senators who are not present here today, it would not be the intention of the leadership to have a vote on this amendment today.

Mr. STAFFORD. Mr. President, will the majority leader yield?

Mr. BAKER. I yield.

Mr. STAFFORD. Mr. President, in light of what the majority leader has said and at such time as Mr. DENTON, if he is able, can get to the Chamber, I wonder if it would be possible to set this temporarily aside so that we could proceed with one or two other amendments to this legislation, one of which is ready to go, is not controversial, and could be offered and accepted.

Mr. BAKER. Yes.

Mr. President, I would be happy to, but the distinguished Senator from Alabama is not here at this moment, and I will try to reach him and see if we can arrange that.

Once again the leadership on this side does not anticipate a vote on this amendment today.

Mr. President, I will try to reach Senator DENTON and see if we can get his consent and that of other Senators to temporarily lay aside this amendment so the managers can go forward with other measures.

Mr. STAFFORD. Mr. President, if the distinguished majority leader will yield further, I may offer this comment: I think Senators should have in mind that in light of the budget resolution which we passed within the last 2 or 3 weeks and the provisions there for educational money, it is extremely urgent that we pass the math-science bill so that that authorization is available to the Appropriations Committee and the \$425 million that should be available for this year, fiscally speaking, is available. If we do not act promptly, that may well be lost.

Mr. BAKER. I thank the Senator.

Mr. President, unless some other Senator is seeking recognition to speak at this point, I am about to suggest the absence of a quorum in order to try to contact other Senators, but I would not suggest the absence of a

quorum if another Member wishes to speak.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. 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. HATCH. Mr. President, I ask unanimous consent that the amendment of the distinguished Senator from Alabama be temporarily laid aside so that we can complete some other business, and then it will arise again.

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

Mr. HATCH. I thank the Chair.

AMENDMENT NO 3153

(Purpose: to place responsibility for an asbestos in schools abatement program with the Environmental Protection Agency, to improve such program, and for other purposes)

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. ABDNOR. Mr. President on behalf of myself, Mr. STAFFORD, Mr. MOYNIHAN, Mr. LAUTENBERG, Mr. SASSER, Mr. HUDDLESTON, Mr. HATFIELD, Mr. DURENBERGER, Mr. PERCY, Mr. PELL, Mr. MITCHELL, Mr. RANDOLPH, Mr. FORD, Mr. D'AMATO, Mr. BURDICK, Mr. SARBANES, Mr. BRADLEY, Mr. ANDREWS, Mr. MELCHER, Mr. COHEN, Mr. HOLLINGS, Mr. RIEGLE, Mr. CRANSTON, Mr. MATHIAS, and Mr. CHAFEE, I send to the desk an amendment to provide financially needy school systems with assistance in funding necessary asbestos abatement projects, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from South Dakota (Mr. ABDNOR), for himself, Mr. STAFFORD, Mr. MOYNIHAN, Mr. LAUTENBERG, Mr. SASSER, Mr. HUDDLESTON, Mr. HATFIELD, Mr. DURENBERGER, Mr. PERCY, Mr. PELL, Mr. MITCHELL, Mr. RANDOLPH, Mr. FORD, Mr. D'AMATO, Mr. BURDICK, Mr. SARBANES, Mr. BRADLEY, Mr. ANDREWS, Mr. MELCHER, Mr. COHEN, Mr. HOLLINGS, Mr. RIEGLE, Mr. CRANSTON, Mr. MATHIAS, and Mr. CHAFEE, proposes an amendment numbered 3153.

Mr. ABDNOR. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

TITLE V—ASBESTOS SCHOOL HAZARD ABATEMENT

Sec. 501. This Act may be cited as the Asbestos School Hazard Abatement Act of 1984.

FINDINGS AND PURPOSES

SEC. 502. (a) The Congress finds that—

(1) exposure to asbestos fibers has been identified over a long period of time and by reputable medical and scientific evidence as significantly increasing the incidence of cancer and other severe or fatal diseases, such as asbestosis;

(2) medical evidence has suggested that children may be particularly vulnerable to environmentally induced cancers;

(3) medical science has not established any minimum level of exposure to asbestos fibers which is considered to be safe to individuals exposed to the fibers;

(4) substantial amounts of asbestos, particularly in sprayed form, have been used in school buildings, especially during the period 1946 through 1972;

(5) partial surveys in some States have indicated that (A) in a number of school buildings materials containing asbestos fibers have become damaged or friable, causing asbestos fibers to be dislodged into the air, and (B) asbestos concentration far exceeding normal ambient air levels have been found in school buildings containing such damaged materials;

(6) the presence in school buildings of friable or easily damaged asbestos creates an unwarranted hazard to the health of the school children and school employees who are exposed to such materials;

(7) the Department of Health and Human Services and the Environmental Protection Agency, as well as several States, have attempted to publicize the potential hazards to school children and employees from exposure to asbestos fibers, but there is no systematic program for remedying hazardous conditions in schools;

(8) because there is no Federal health standard regulating the concentration of asbestos fibers in noncommercial workplace environments such as schools, school employees and students may be exposed to hazardous concentrations of asbestos fibers in the school buildings which they use each day;

(9) without a program of information distribution, technical and scientific assistance, and financial support, many local educational agencies and States will not be able to mitigate the potential asbestos hazards in their schools; and

(10) the effective regulation of interstate commerce for the protection of the public health requires the establishment of programs under this Act to mitigate hazards from exposure to asbestos fibers and materials emitting such fibers.

(b) It is the purpose of this Act to—

(1) direct the Administrator of the Environmental Protection Agency to establish a program to assist States and local educational agencies to ascertain the extent of the danger to the health of school children and employees from asbestos materials in schools;

(2) provide continuing scientific and technical assistance to State and local agencies to enable them to identify and abate asbestos hazards in schools;

(3) provide financial assistance for the abatement of asbestos threats to the health and safety of school children or employees; and

(4) assure that no employee of any local educational agency suffers any disciplinary action as a result of calling attention to potential asbestos hazards which may exist in schools.

ASBESTOS HAZARD ABATEMENT PROGRAM

SEC. 503. (a)(1) There is hereby established a program within the Environmental Protection Agency to be known as the Asbestos Hazards Abatement Program (hereinafter in this Act referred to as "Program").

(b) The duties of the Administrator in implementing and effectuating the Program shall include—

(1) the compilation of medical, scientific, and technical information including, but not limited to—

(A) the health and safety hazards associated with asbestos materials;

(B) the means of identifying, sampling, and testing materials suspected of emitting asbestos fibers; and

(C) the means of abating the threat posed by asbestos and asbestos containing materials;

(2) the distribution of the information described in paragraph (1) (in any appropriate form such as pamphlets, reports, or instructions) to State and local agencies and to other institutions for the purpose of carrying out activities described in this Act;

(3) the development within 45 days of enactment of this Act of an interim or final application form, which shall be distributed promptly to local educational agencies; and

(4) the review of applications for financial assistance, and the approval or disapproval of such applications, in accordance with the provisions of section 505.

STATE PLANS

SEC. 504. (a) Not later than three months after the date of enactment of the Asbestos School Hazard Abatement Act of 1984 the Governor of each State shall submit to the Administrator a plan which describes the procedures to be used by the State for maintaining records on—

(1) the presence of asbestos materials in school buildings of local educational agencies;

(2) the asbestos detection and abatement activities conducted by local educational agencies (including activities relating to the replacement of the asbestos materials removed from school buildings with other appropriate building materials);

(3) repairs made to restore school buildings to conditions comparable to those which existed before the abatement activities referred to in subparagraph (B) were undertaken; and

(b)(1) Not later than six months after the date of enactment of the Asbestos School Hazard Abatement Act of 1984, and annually thereafter, the Governor of each State shall:

(A) submit to the Administrator and the Secretary of the Department of Education a priority list of all schools under the authority of a local educational agency within the State, without regard to the public or private nature of the school involved, that are candidates for abatement;

(B) forward to the Administrator and the Secretary of the Department of Education for each candidate for abatement all applications for financial assistance prepared by the local educational agencies in accordance with the provisions of section 503(b)(3) and section 505; and

(C) forward to the Secretary of the Department of Education a copy of all information submitted to the Administrator in accordance with subsection (b)(3).

(2) The priority list shall rank the potential candidates for abatement action based on the nature and magnitude of the existing and potential exposure presented by the asbestos materials.

(3) For each school listed, the Governor shall certify that the statement of need contained in the application for assistance accurately reflects the financial resources available to the local educational agency for the asbestos abatement program.

(4) For the purpose of determining the adequacy of the financial resources available to a local educational agency for the abatement of asbestos threats the Governor shall, to the extent practicable, consider the following:

(A) A measure of financial need used by the State in which the local educational agency is located.

(B) The estimated per capita income of the locality of such agency or of those directly or indirectly providing financial support for such agency.

(C) The extent to which the local school millage rate falls above or below (i) the millage rate average of the State and (ii) the millage rate of other local educational agencies with comparable enrollment, per capita income and resource base.

(D) The ratio, expressed as a percentage, of the estimated cost of the project to the total budget of the local educational agency.

(E) The borrowing capacity of the local educational agency.

(F) Any other factor that demonstrates that the local educational agency has limited financial resources.

(c) Not later than nine months after the submission of the plan described in subsection (a), and each twelve months thereafter, the governor shall submit to the Administrator a report which describes the actions taken by the State in accordance with its plan under such subsection.

FINANCIAL ASSISTANCE

SEC. 505. (a) There is hereby established within the Environmental Protection Agency an Asbestos Hazards Abatement Assistance Program (hereinafter in this Act referred to as the "Assistance Program"), which shall be administered in accordance with this section.

(b)(1) Applications for financial assistance shall be submitted by a local educational agency, to the Governor, or the Governor's designee, who shall establish a priority list based on the criteria of section 504(b)(2).

(2) Pursuant to section 4, applications shall be submitted, together with the Governor's report and priority list, to the Administrator who shall review and rank such applications pursuant to section 505(c)(2) and propose financing pursuant to the criteria of 504(b)(4).

(3) Within 60 days of receipt of the information described in section 504(b)(1), the Secretary of the Department of Education shall review such information and, in the Secretary's discretion, provide to the Administrator comments and recommendations based upon the needs of local educational agencies for financial assistance. Within 60 days of receipt of the Secretary's report, or expiration of the time allowed for such report, the Administrator shall approve or disapprove applications for financial assistance.

(c)(1) The Administrator shall provide financial assistance on a school-by-school basis to local educational agencies in accordance with other provisions of this section to carry out projects for—

(A) abating the threat posed by materials containing asbestos to the health and safety of children or employees;

(B) replacing the asbestos materials removed from school buildings with other appropriate building materials; and

(C) restoring school buildings to conditions comparable to those existing before abatement activities were undertaken pursuant to this section.

(2) The Administrator shall review and list in priority order applications for financial assistance. In ranking applications, the Administrator shall consider—

(A) the priority assigned to the abatement program by the Governor pursuant to section 504(b)(2);

(B)(i) the likelihood of release of asbestos fibers into a school environment;

(ii) any other evidence of the risk caused by the presence of asbestos including, but not limited to, situations in which there is a substantial quantity of dry loose asbestos-containing material on horizontal surfaces or asbestos-containing material is substantially deteriorated or damaged, and there is asbestos-containing material in an air plenum or in a high traffic area, confined space or within easy reach of a passerby;

(iii) the extent to which the corrective action proposed by the applicant will reduce the exposure of school children and school employees; and,

(iv) the extent to which the corrective action proposed by the applicant is cost-effective compared to other techniques including management of material containing asbestos.

(3) In determining whether an applicant is eligible for assistance, and the nature and amount of financial assistance, the Administrator shall consider—

(A) the financial resources available to the applicant as certified by the governor pursuant to 504(b)(4); and,

(B) the report, if any, of the Secretary of Education pursuant to section 504(b)(5).

(d) In no event shall financial assistance be provided under this title to an applicant if the Administrator determines that such applicant has resources adequate to support an appropriate asbestos materials abatement program. In making such a determination, the Administrator may consult with the Secretary of Education.

(e)(1) An applicant for financial assistance may be granted a loan of up to 100 per centum of the costs of an abatement program or, if the Administrator determines the applicant is unable to undertake and complete an asbestos materials abatement program with a loan, such applicant may also receive a grant (alone or in combination with a loan) not to exceed 50 per centum of the total costs of abatement, in the amount which the Administrator deems necessary.

(2) In approving any grant, the Administrator shall state with particularity the reasons why the applicant is unable to undertake and complete the abatement program with loan funds.

(f) Loans under this section shall be made pursuant to agreements which shall provide for the following:

(1) the loan shall not bear interest;

(2) the loan shall have a maturity period of not more than 20 years (as determined by the Administrator) and shall be repayable during such period at such times and in such amounts as the Administrator may specify in the loan agreement; and

(3) repayment shall be made to the Secretary of the Treasury for deposit in the general fund; and

(4) such other terms and conditions that the Administrator determines necessary to protect the financial interest of the United States.

(g)(1) No financial assistance may be provided under this section unless an application has been submitted to the Administrator within the five-year period beginning on the effective date of this Act.

(2) The Administrator shall not approve an application unless—

(A) the application contains such information as the Administrator may require, including but not limited to information describing—

(i) the nature and extent of the asbestos problem for which the assistance is sought;

(ii) the asbestos content of the material to be abated;

(iii) the methods which will be used to abate the asbestos materials;

(iv) the amount and type of financial assistance requested;

(v) a description of the financial resources of the local educational agency; and

(vi) a justification for the type and amount of the financial assistance requested.

(B) the application contains a certification that—

(i) any employees engaged in an asbestos material abatement program will be trained and equipped pursuant to section 506(b)(2)(B); and

(ii) no child or inadequately informed or protected school employee will be permitted in the vicinity of any asbestos abatement activity;

(C) the applications contains assurances that the local educational agency will furnish such information as is necessary for the Administrator to make the report required by section 7 of this Act.

(3) No financial assistance may be provided by the Administrator under this section for projects described in subsection (a)(2) on which abatement action was completed prior to January 1, 1984.

(B) Except as provided in section 512 (b)(1) in approving applications the Administrator shall provide assistance to the local educational agencies having the highest priority among applications being considered in order of ranking until the appropriated funds are expended.

Sec. 506. (a) The Administrator shall promulgate rules and regulations as necessary to implement the authorities and requirements of this title.

(b) The Administrator shall also establish—

(1) procedures to be used by local educational agencies, in programs for which financial assistance is made available under section 505 for—

(A) abating asbestos materials in school buildings;

(B) replacing the asbestos materials removed from school buildings with other appropriate building materials; and

(C) restoring such school buildings to conditions comparable to those existing before asbestos containment or removal activities were undertaken; and

(2) within 90 days, standards for determining—

(A) which contractors are qualified to carry out the activities referred to in paragraph (1); and

(B) what training, equipment, protective clothing and other information and material must be supplied to adequately advise and protect school employees utilized to carry out the activities in paragraph (1).

(3) Nothing contained in this title shall be construed, interpreted or applied to diminish in any way the level of protection required under State or federal worker protection laws.

(c) In order to effectuate the purposes of this title, the Administrator may also adopt such other procedures, standards and regulations as the administrator deems necessary, including—

(1) procedures for testing the level of asbestos fibers in schools, including safety measures to be followed in conducting such tests;

(2) standards for evaluating (on the basis of such tests) the likelihood of the leakage of asbestos fibers into the school environment; and

(3) periodic reporting with respect to the activities that have taken place using funds loaned or granted under this Act.

ANNUAL REPORT

SEC. 507. During each of the 10 calendar years after the year in which this Act is enacted, the Administrator shall prepare and submit not later than February 1 of each year a report to the Committee on Environment and Public Works of the United States Senate and the Committee on Energy and Commerce of the United States House of Representatives on the loan and grant program authorized by section 505 of this Act. The report shall—

(1) describe the number of applications received;

(2) describe the number of loans and grants made in the preceding calendar year and specify each applicant for and recipient of a loan or grant;

(3) specify the number of loan or grant applications which were disapproved during the preceding calendar year and describe the reasons for such disapprovals;

(4) describe the types of programs for which loans or grants were made;

(5) specify the estimated total costs of such programs to the recipients of loans or grants and specify the amount of loans or grants made under the program authorized by this section; and

(6) estimate the number of schools still in need of assistance.

Sec. 508. (a)(1) As a condition of the award of any financial assistance under section 505, the recipient of any such loan or grant shall permit the United States to sue on behalf of such recipient any person determined by the Attorney General to be liable to the recipient for the costs of any activities undertaken by the recipient under such sections.

(2) The proceeds from any judgment recovered in any suit brought by the United States under paragraph (1) (or, if the recipient files a similar suit on its own behalf, the proceeds from a judgment recovered by the recipient in such suit shall be used to repay to the United States, to the extent that the proceeds are sufficient to provide for such repayment, an amount equal to the sum of—

(A) the amount (i) outstanding on any loan and (ii) of any grant made to the recipient; and

(B) an amount equal to the interest which would have been charged on such loan were the loan made by commercial lender at prevailing interest rates (as determined by the Administrator).

(b) The Attorney General shall, where appropriate, proceed in an expeditious manner to recover the amounts expended by the United States to carry out this Act from the persons identified by the Attorney General as being liable for such costs.

SEC. 509. No State or local educational agency receiving assistance under this Act may discharge any employee or otherwise

discriminate against any employee with respect to the employee's compensation, terms, conditions, or privileges of employment because the employee has brought to the attention of the public information concerning any asbestos problem in the school buildings within the jurisdiction of such agency.

SEC. 510. Except as otherwise provided in section 508, nothing in this Act shall—

(1) affect the right of any party to seek legal redress in connection with the purchase or installation of asbestos materials in schools or any claim of disability or death related to exposure to asbestos in a school setting; or

(2) affect the rights of any party under any other law.

SEC. 511. For purposes of this Act—

(1) the term "asbestos" means—

(A) chrysotile, amosite, or crocidolite; or

(B) in fibrous form, tremolite, anthophyllite, or actinolite;

(2) the term "Attorney General" means the Attorney General of the United States;

(3) the term "threat" or "hazard" means that an asbestos material is friable or easily damaged, or within each reach of students or employees or otherwise susceptible to damage (including damage from water or air circulation) which could result in the dispersal of asbestos fibers into the school environment;

(4) the term "local educational agency" means—

(A) any local educational agency as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965; and

(B) the governing authority of any non-profit elementary or secondary school;

(5) the term "nonprofit elementary or school" means—

(A) any elementary or secondary school as defined in section 198(a)(7) of the Elementary and Secondary Education Act of 1965 owned and operated by one or more non-profit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual; and

(B) any school of any agency of the United States;

(6) the term "school buildings" means—

(A) structures suitable for use as classrooms, laboratories, libraries, school eating facilities, or facilities used for the preparation of food;

(B) any gymnasium or other facility which is specially designed for athletic or recreational activities for an academic course in physical education;

(C) other facilities used for the instruction of students, for research, or for the administration of educational or research programs; and

(D) maintenance, storage, or utility facilities essential to the operation of the facilities described in subparagraphs (A) through (C) of this paragraph;

(7) the term "Administrator" means the Administrator of the Environmental Protection Agency, or the Administrator's designee;

(8) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the Bureau of Indian Affairs.

SEC. 512. (a)(1) There are hereby authorized to be appropriated for the asbestos abatement program not more than

\$50,000,000 for the fiscal year ending on September 30, 1984, \$50,000,000 for the fiscal year ending on September 30, 1985, and \$100,000,000 for each of the five succeeding fiscal years.

(2) The sums appropriated under this Act shall remain available until expended.

(b)(1) A state with qualified applicants shall receive no less than one-half of one per centum of the sums appropriated under this Act, or the total of the amounts requested by such applicants, whichever is less. Those amounts available in each fiscal year under this paragraph shall be obligated before the end of that fiscal year. For the purposes of this paragraph the term "state" means each of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Bureau of Indian Affairs and, taken together, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(2) Of those sums appropriated for the implementation of this Act, up to 10 per centum shall be reserved during the fiscal year ending September 30, 1984 and up to 5 per centum for the fiscal year ending September 30, 1985, for the administration of this Act and for programs including, but not limited to, the following:

(A) the establishment of a training center for contractors, engineers, school employees, parents and other personnel to provide instruction on asbestos assessment and abatement;

(B) the development and dissemination of abatement guidance documents to assist in evaluation of potential hazards, and the determination of proper abatement programs;

(C) the development of rules and regulations regarding inspection, reporting and record-keeping; and,

(D) the development of a comprehensive testing and technical assistance program.

Mr. ABDNOR. Mr. President, the link between exposure to asbestos and diseases of the lung is well documented. Children are believed to be particularly susceptible due, in part, to the early period of life at which they are exposed.

Last year, this body narrowly rejected an amendment offered by the distinguished Senator from Kentucky (Mr. HUDDLESTON) to provide \$50 million under the existing Department of Education authority for asbestos abatement in schools. Many of us had concerns about the Department of Education's ability to properly administer this type of program. I believe, Mr. President, that the Environmental Protection Agency, unlike the Department of Education, does have the expertise to administer this program. Moreover, the agency has been engaged for more than a decade in developing a technical assistance program (TAP) to aid school administrators and others around the country in addressing the issue of asbestos in their buildings.

Mr. President, EPA has recently begun to find school districts which have failed to comply with its asbestos inspection and notification requirements. I have been advised that the Administrator believes that these enforcement efforts will encourage

school systems to take appropriate action to mitigate potential risk to students and school personnel. Unfortunately, Mr. President, a number of school systems are unable to front-end the cost of an abatement program. It is these school districts that we are seeking to assist.

I wish to make clear to my colleagues that the concerns raised by representatives of the asbestos industry in response to the original amendment filed on March 29 of this year have been given careful consideration. The final section of the original amendment has been adopted in its entirety, and the liability provisions have been altered in response to industry's concerns.

In addition, technical changes have been made in the original text of the amendment to reflect the technical concerns raised by EPA.

Mr. President, we are not setting up a program which will result in the wholesale removal of asbestos from our Nation's schools. Rather, we are providing assistance only for cost-effective abatement projects including, but by no means limited to, removal.

This amendment enjoys the support of the National School Boards Association (NSBA), the National Parent Teachers Association (PTA), the National Education Association (NEA), the American Association of School Administrators (AASA), and the Council for American Private Education (CAPE).

Mr. President, I wish to thank the distinguished chairman of the Subcommittee on Education, Arts, and the Humanities, Mr. STAFFORD, who I have the privilege of working with on the Committee on Environment and Public Works, for his assistance, and that of his most able staff, without which we would not have the opportunity to offer this amendment today. I also wish to thank both the ranking member of the subcommittee, Mr. PELL, and the ranking member of the Environment and Public Works Committee, Mr. RANDOLPH, for their help in this effort. I must make special mention also of all those Senators who are sponsors of this amendment, particularly Senators MOYNIHAN, LAUTENBERG, HUDDLESTON, SASSER, and HATFIELD, whose staffers have spent many hours in the drafting of this vital legislation.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. STAFFORD. Mr. President, I am happy to have the opportunity to cosponsor the amendment of the Senator from South Dakota (Mr. ABDNOR).

The Senator's amendment would make two substantial improvements in the asbestos in schools abatement program. First, it would amend the existing law in several areas, thus making it more practical and workable. Second,

it would place the responsibility for administering this program with the Environmental Protection Agency rather than the Department of Education, where it is now lodged.

Like many others, my State has schools where asbestos has been used as a building material and where, as a consequence, children, teachers, and school employees are exposed to a substance which is a documented cancer-causing agent. Although there is a Federal assistance program now on the books, it has several defects which have made it essentially unworkable. It is also located in the Department of Education, whose employees have little interest or expertise in asbestos abatement.

The amendment of Senator ABDNOR seeks to cure these defects. First, he proposes several amendments to the program; and second, he proposes to place responsibility for it in the Environmental Protection Agency. These are both considerable improvements, and I urge their adoption.

I am pleased to be a cosponsor of the amendment with Senator ABDNOR, and I am prepared as chairman of the Subcommittee on Education, Arts, and Humanities to accept the amendment for our side. I can also say that as chairman of the full Committee on Environment and Public Works that I endorse the movement of this program over to EPA, and under the jurisdiction of that committee where it really belongs.

I do not know of any additional speakers. I cannot speak for Senator PELL. But I believe he is prepared to accept this also.

I would state to the Chair that Senator PELL does accept this amendment for the minority.

Mr. President, I suggest the Senator move the amendment.

Mr. MOYNIHAN. Mr. President, I rise today to join my distinguished colleagues, Senators ABDNOR, STAFFORD, and LAUTENBERG, in offering an amendment to establish within the Environmental Protection Agency (EPA) a program of technical and financial assistance to address the asbestos hazards in our Nation's schools.

Between 1940 and 1973, asbestos materials were applied for fireproofing and insulating purposes to the ceiling, walls and other parts of thousands of school buildings throughout the country. Asbestos, the common name for a group of natural minerals that separate into thin but strong fibers, is now known to pose a considerable health risk. Asbestos fibers can be released into the air from building materials that are damaged or incompletely sealed. When inhaled, asbestos fibers can cause a number of serious diseases. Epidemiologic evidence shows that asbestos exposure can cause asbestosis, a chronic lung disease that impairs breathing, mesothelioma, a rare

cancer of the chest and abdomen, and cancers of the lung, stomach and colon.

Once in the body, asbestos remains there indefinitely. Moreover, asbestos-induced cancers can occur anywhere from 14 to 40 years after the first exposure. For this reason, there is a special concern when children are exposed to asbestos fibers.

The Environmental Protection Agency estimates that between 12,000 and 14,000 public and private school buildings contain "friable" asbestos—that is, the type of asbestos that could be released into the air. Many local educational agencies simply do not have the financial resources to undertake a major asbestos abatement effort. Certain States have made some assistance available for abatement programs in schools. But such resources, too, are limited. New York State, for example, has spent \$1.75 million annually over the last 4 years to assist schools in controlling asbestos hazards.

It is both appropriate and necessary for Congress to provide increased Federal resources to assist in abating this problem when it threatens the health of American children in public and private schools throughout the Nation. Our amendment would do this, first, by increasing the resources available to the EPA to provide technical and scientific assistance, and, second, by transferring to the EPA a modified version of the Department of Education's current authority to assist schools in abating asbestos hazards.

Under the current Asbestos School Hazard Detection and Control Act (96-270), the Secretary of the Department of Education is authorized to make loans to assist local educational agencies carry out asbestos abatement projects. The \$150 million authorized for this loan program, however, has never been appropriated.

Current EPA regulations, issued in May 1982, require all schools to inspect and test building materials to determine if friable asbestos is present. If asbestos is found, school employees and parents must be notified. Since 1979, the EPA also has conducted a program of technical assistance, to help schools identify potentially hazardous asbestos and provide advice on appropriate abatement actions. The Agency's resources in this area, however, are limited.

Our amendment would authorize the Administrator of the Environmental Protection Agency to make loans and grants to financially-needy local educational agencies, to undertake asbestos abatement work. A total of \$600 million is authorized to be appropriated for the program over 7 years; \$50 million in each of the fiscal years 1984 and 1985, and \$100 million in each of the 5 succeeding fiscal years. Abatement actions could include one or

more of the following activities: removal, replacement, encapsulation, containment or enclosure. The appropriate abatement measures will depend upon the nature of the asbestos threat in any given school building.

Our amendment would also set aside funds for the EPA to expand its scientific and technical assistance program in the area of asbestos hazards in schools. In fiscal year 1984, 10 percent of the funds appropriated for the abatement program will be reserved for program administration and a scientific and technical assistance effort. In the remaining 6 fiscal years, 5 percent will be set aside for such purposes. Specifically, the EPA is directed to establish a training center to provide instruction on asbestos assessment and abatement, develop and disseminate abatement guidance documents, and develop a comprehensive testing and technical assistance program.

Mr. President, we must move ahead in a more systematic and rapid manner to abate the asbestos hazard where it exists in our Nation's schools. The amendment we offer today will allow us to do just that. We simply cannot continue to allow schoolchildren to be exposed to dangerous asbestos. I urge all my colleagues to enthusiastically support this amendment.

Mr. President, I ask unanimous consent that an article by Lena Williams, which appeared in the New York Times on April 18, 1984, be placed in full in the RECORD. This article points out quite clearly the many problems facing our local schools when asbestos is found.

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

[From the New York Times, Apr. 18, 1984]

HEALTH THREATS DISRUPT VILLAGE'S SCHOOLS (By Lena Williams)

WAPPINGERS FALLS, NY—For the second time in a year, this Dutchess County village is faced with a health-related problem that has forced the closing of one of its schools, disrupting the lives of more than 2,000 students and teachers.

The most recent incident involves the closing of the Roy C. Ketcham High School. During a routine check on April 3, Federal safety investigators discovered "potentially hazardous" levels of asbestos in the school's ceiling tiles.

In February 1983, school officials were forced to close the Van Wyck Junior High School after about 250 students and teachers began complaining about eye irritations, headaches and a metallic taste in their mouths.

Students and teachers at the district's two high schools, Ketcham and John Jay, also complained of similar symptoms, but the schools remained opened.

CROWDED INTO OTHER SCHOOLS

While Federal officials were investigating the complaints, Van Wyck's 1,660 students had to be crowded into two other district

junior high schools in split sessions. State and Federal officials said poor ventilation and gas emissions from a faulty boiler could have caused the illnesses.

Since then, the school district has spent close to \$500,000 to correct the ventilation and boiler problems—undoing large portions of work done under a \$2.4 million Federal, state and local energy conservation program to insulate the schools.

Although the measures seem to have eliminated the rash of illnesses, some students still suffer from slight skin rashes and eye irritations.

Last month residents of this middleclass village 50 miles north of Manhattan were told by school officials about the threat of asbestos, a known cause of cancer, at Ketcham.

SAFETY LIMITS EXCEEDED

Samples taken from the ceiling found levels that exceeded the safety limits of the National Institute for Occupational Safety and Health.

Dr. Jim Melius, chief of the institute's health hazard evaluation program, said the ceiling tile contained 10 to 20 percent asbestos, with approximately two fibers per cubic centimeter of the surrounding air—twice the recommended standard.

"The ceiling is in pretty bad shape and there appears to be heavy damage throughout the whole school," Dr. Melius said during a telephone interview from the institute's headquarters in Cincinnati.

Until scientists can determine the degree at which the asbestos fibers have come off the ceiling tiles, he said, it is hard to determine when and if the school should be used.

Although institute officials did not order the school closed, they said such a recommendation would be made if tests confirmed that the level of asbestos posed a serious danger to the building's occupants.

SCHOOLS CHIEF ACTS

Superintendent of Schools Lawrence Gilmour decided to close the high school and transfer the students to John Jay, a decision that has divided the village.

Those who support Mr. Gilmour say they are impressed by his quick decision to close the school.

"With that action, Gilmour demonstrated the characteristics of a good administrator: he showed he was willing to make a decision in the face of certain criticism," an editorial in *The Poughkeepsie Journal* said last week.

Mr. Gilmour, discussing his decision as he walked through John Jay recently, said, "If there is a potentially dangerous problem with asbestos, I couldn't see waiting for verification."

Mr. Gilmour said the school would remain closed for the remainder of the year if tests confirmed the existence of a potential problem.

But the change in schedule has not appealed to many students, teachers or parents, many of whom have had to rearrange work schedules.

Under a double-session arrangement, John Jay students attend classes from 7 A.M. to 12:30 P.M. and Ketcham students are in class from 1:15 P.M. to 6:26 P.M.

Lauren Smith, a 16-year-old high school junior, says he is losing money because the rearranged school schedule has forced him to cut back his after-school work from 20 hours to 12 hours a week.

Despite initial opposition and concern, the split sessions appear to be working smoothly. John Jay students, who have to share lockers with students from Ketcham, are

finding that their traditional athletic rivals are not so bad after all.

Thomas Brooks, the principal at Ketcham, praised the way students and teachers at both schools had adjusted to the schedule changes.

"The way things are going now, we could continue under this system through the remainder of the school year," Mr. Brooks said. "It would be unfortunate, but I don't see any major problems."

There remains, however, an uneasiness among many residents about this latest incident. Some parents wonder why tests for asbestos were not made last year. Others question whether there may have been a link between the rash of illnesses last year and the asbestos level, although Federal officials have said there was not.

Nearly 1,000 parents packed a meeting earlier this month to question Federal and State health officials about the affects of exposure to asbestos. But some students do not share the concern.

"When we went back to Ketcham to get our books, we had to wipe them off," Barry Stein, a 16-year-old junior, recalled. "You felt like you were walking into some place that was really infected. But I figured, if we've been exposed to this for a year, what good is all this going to do us now."

Mr. HUDDLESTON. Mr. President, I am pleased to join with a number of my colleagues in cosponsoring this amendment to establish a program of financial assistance to schools that have asbestos hazards. This program will be under the jurisdiction of the Environmental Protection Agency which has become increasingly involved in asbestos abatement efforts.

Schools in my home State of Kentucky are facing the same financial difficulties in dealing with asbestos as are many schools in other States. The Kentucky Department of Education estimated last year that approximately \$26 million would be required to take care of the asbestos problems in the State's schools.

Over the past year, superintendents, school board members, principals, and parents have contacted me to express their concern about the problem. Everyone said that they did not want to expose the children to any unnecessary hazards.

Asbestos was used at many schools in our country before it was banned by the Environmental Protection Agency in the early 1970's. Its potential for causing serious lung diseases and cancer is well known. We cannot afford to wait any longer to deal with this dangerous health threat.

For over a year now, I have been working to secure funding for asbestos removal in our schools. Report language I offered to the supplemental appropriations bill for fiscal year 1983 brought this issue to the forefront again by requiring a detailed study by the Department of Education on the extent of asbestos contamination in the schools. The report was released on October 28, 1983, and it showed that approximately 14,000 had some asbestos hazards.

Efforts were also made to include funding in the Labor-HHS-Education appropriations bill for fiscal year 1984, but many members wanted to insure that the Department of Education was the appropriate agency to handle the problem before appropriating any funding.

The amendment being offered today changes the focus of the asbestos program by giving the authority to the Environmental Protection Agency to administer any Federal assistance to the schools. Funding of \$50 million is authorized for each of fiscal years 1984 and 1985, and \$100 million for each of the 5 following fiscal years.

This assistance can be provided in the form of a 20-year, no-interest loan, or a grant. It is the intention of this amendment that the financial assistance should go to the most needy districts where the greatest health threat exists.

The amendment being offered today is only one-half of the battle. We still must secure funding for the program. I intend to vigorously pursue funding for asbestos abatement as ranking Democrat on the HUD-Independent Agencies Appropriations Subcommittee.

I urge my colleagues to support this amendment and our efforts to obtain funding for the program. The health and welfare of our children demand nothing less.

Mr. SASSER. Mr. President, I rise as an original cosponsor of the amendment offered by the distinguished Senator from South Dakota, Senator ABDNOR. This amendment would outline a sound program of financial assistance to school districts for the abatement of hazardous asbestos.

We have been cognizant of the health risks presented by asbestos since the mid-1930's. Scientific evidence has shown repeatedly that asbestos is linked to lung cancer, mesothelioma, and asbestosis. We know that the inhalation of asbestos can be a direct cause of these three respiratory diseases, and that even low-level exposure can cause mesothelioma. Currently, there is no known threshold level below which exposure to asbestos is considered safe.

I am aware that recently there have been conflicting reports concerning the precise nature of risk which should be associated with exposure to asbestos. Other reports, however, indicate that low-level exposure to asbestos is harmful and can cause a severe respiratory disease for which there is no known cure.

Moreover, there is considerable evidence that children face an increased risk of developing a serious disease as a result of being exposed to asbestos because of the earlier period of life at which they are exposed.

In 1981, the Attorney General issued a report which clearly outlined the health hazards caused by the presence of friable asbestos. When one inhales asbestos fibers, the particles become entrapped in the lungs. In fact, according to the report, "inhaled asbestos fibers that are deposited in the lungs remain throughout one's lifetime. Fibers retained by the body do not dissipate or disintegrate."

In January 1983, the Consumer Product Safety Commission issued a report on the chronic hazards of asbestos. The report was authored by a panel of internationally recognized experts. Their conclusions revealed that the evidence to show that a significant difference among the three commercial asbestos varieties—chrysotile or white asbestos, crocidolite or blue asbestos, and amosite or brown asbestos—in their ability to cause lung cancer is weak. Moreover, the report concluded that animal studies consistently show all three forms of asbestos to be equally potent in producing lung cancer and mesothelioma.

The Environmental Protection Agency has taken a firm stand in controlling the amount of asbestos allowed in our workplaces and buildings. The Agency has banned many uses of the material, including sprayed-on asbestos used for insulation, decorative, and acoustical purposes.

Unfortunately, we now know that a large percentage of school buildings built between 1942 and 1970 contain asbestos applied in this sprayed-on manner. The cost of properly monitoring this asbestos is extraordinary, and our school systems are suffering as a result.

Subsequent to the action taken by the Congress in 1980, when it passed the Asbestos School Hazard Detection and Control Act, EPA expanded its technical assistance program. The Agency promulgated regulations requiring all schools to be inspected for asbestos, and instructed school officials to post warnings in visible places if the material is present and to notify school employees and parents of the presence of asbestos. The Agency's guidelines describe several methods of controlling the material, including monitoring, encapsulation, and removal.

Most recently, EPA has levied fines against several school systems for failing to comply with these regulations. One EPA report has stated that school systems may fail to comply for several reasons, one being a lack of funding to correct the problem once asbestos is found. In fact, I submit that this may indeed be the case in many of our communities today.

Although the 1980 act authorized \$75 million in interest-free loans and \$22.5 million in grants, Congress has not yet appropriated these funds. I believe the time to act is long overdue.

Last November, I cosponsored an amendment to appropriate \$50 million in interest-free loans for that program. Unfortunately, the amendment failed. I have also introduced legislation, S. 2237, which addresses the problems faced by our neediest school districts. Mr. President, the amendment before us today addresses those financially distressed school districts in a logical, comprehensive manner.

In addition to transferring the existing asbestos-in-schools program from the Department of Education to the Environmental Protection Agency, the amendment creates a combination grant/loan program of financial assistance to school districts determined to have the worst asbestos-related problems.

The amendment has the support of the National School Boards Association, the National Education Association, the American Association of School Superintendents and the Council on American Private Education. The amendment has been drafted in conjunction with all of these groups, and is the result of lengthy negotiations between all interested parties.

Mr. President, my own State of Tennessee demonstrates the great need for this program. The State's school systems have spent more than \$6 million in their asbestos control work.

The executive director of the Tennessee School Board Association advises me that an additional \$46 million will have to be spent to completely restore the school buildings to a sufficient level of safety.

Mr. President, I am sure that my State is representative of the situation faced by school systems in all of our States. In fact, the Department of Education estimates that 14,000 schools contain hazardous asbestos, and that \$1.4 billion will be needed to take care of the problem.

Mr. President, the cover story in the April 1984 American School Board Journal is a report about the asbestos problems being faced by schools nationwide.

The first line of the article is most revealing and reads as follows: "All talk and no action; that's the way the asbestos-in-schools game has been played in the past several years by the Federal Government and thousands of U.S. school systems."

Mr. President, I submit that it is time that we, Congress and the Federal Government, own up to our end of the deal, and that we take action to assist our schools.

The cost of removing asbestos from our schools is great, but the cost of not removing this hazardous material would be far greater. No society can afford the cost of failing to safeguard the health of its children. I urge my distinguished colleagues to join me today in supporting this amendment.

● Mr. CHAFEE. Mr. President, I support the efforts of Senator ABDNOR to offer the Asbestos School Hazard Abatement Act of 1984 as a floor amendment.

Products containing asbestos were used widely in the construction of school buildings during the 1950's and 1960's for fireproofing, soundproofing, and insulating ceilings, pipes, walls, and boilers. As asbestos materials deteriorate with age, tiny particles can be released and, if inhaled, can lead to respiratory ailments and cancer. Medical researchers have concluded that exposure to friable asbestos is a health hazard to children and school employees and must be addressed.

The Environmental Protection Agency has estimated that as many as 14,000 school buildings may contain hazardous asbestos, posing a risk to 3 million students and 250,000 staff members.

School districts across the country have come under increased pressure to take corrective action to remove or encapsulate deteriorating asbestos materials. In many cases, this process can be expensive—the cost of abatement for many schools has been estimated at \$100,000. However, it is not a process which school systems can afford to delay.

In 1980, Congress authorized the Department of Education to conduct a program offering no-interest loans to school districts for asbestos abatement activities. This program has never been funded, and the Department lacks the technical expertise to oversee an asbestos detection and removal program.

The Environmental Protection Agency last year began enforcement of regulations requiring school districts to inspect for the presence of friable asbestos, and to notify school employees and parent-teacher organizations of asbestos problems. The Agency has begun to cite schools for failure to comply with this requirement and recently levied its first fine for noncompliance.

EPA is strongly committed to enforcing its asbestos inspection rules and is currently drafting requirements for the abatement of problems which are detected. As a member of the Senate Committee on Environment and Public Works, which has jurisdiction over EPA, I believe EPA possesses the technical expertise to administer a program of asbestos abatement in school buildings. The agency is already operating an inspection program and provides technical guidance to school districts regarding asbestos control and removal.

Under current rules, school systems are required to make public notification of any asbestos hazards which are detected. In many cases, financially troubled school districts have been re-

luctant to explore the problem, lacking funds to address the hazard and fearful of making employees and parents apprehensive.

Such delays could have profound and troubling ramifications for the health of children and school employees. State and local governments must move aggressively to investigate and control the asbestos-in-schools hazard. I believe it is appropriate for Congress to supplement these efforts by making Federal resources available to needy school districts with serious asbestos problems.

The Asbestos School Hazard Abatement Act establishes within the EPA a program to help remedy acute asbestos problems in financially troubled school districts. The bill would direct EPA to compile and distribute information regarding the health hazards of friable asbestos and the means of abating asbestos problems. The bill also establishes a program through which financial assistance can be provided to school districts undertaking corrective activities.

In order to direct scarce Federal resources toward those schools in which there is a pressing need for action, the bill calls upon the Governor of each State to develop a priority list, ranking schools according to their severity of asbestos hazards and degree of financial need. Those schools demonstrating inadequate financial resources to correct asbestos hazards will be eligible for loans and matching grants to help defray the costs of abatement activities.

EPA has estimated that the total cost of controlling the threat of hazardous asbestos in American schools exceeds \$1 billion. This legislation authorizes \$50 million in fiscal year 1984, \$50 million in fiscal year 1985, and \$100 million for each of the 5 subsequent fiscal years. It is not designed to resolve the entire problem. State and local governments must renew their commitment to assist school districts in containing the asbestos hazard. School districts must be prepared to use existing funds or perhaps appeal to their communities for the passage of bond issues to deal with asbestos.

This legislation recognizes that although the Federal Government cannot solve the asbestos-in-schools hazard, it can provide support to assist financially struggling school systems which might not otherwise take corrective action. And in the case of the threat to public health posed by exposure to asbestos, corrective action cannot wait. I hope my colleagues will join in supporting this amendment when it is offered to S. 1285.●

Mr. BRADLEY. Mr. President, I rise today as a cosponsor of this amendment to shift authority for the asbestos in schools assistance program from the Department of Education to EPA. This amendment also authorizes \$50

million for each of fiscal years 1984 and 1985 and \$100 million for each of the 5 subsequent years. Assistance would be provided in the form of both loans and grants to financially needy school districts where asbestos exposure poses a significant health threat.

Mr. President, the Federal Government has never provided any funding to help schools remove asbestos. Last October, I cosponsored an amendment offered by Senator HUDDLESTON to appropriate \$50 million to begin to solve this serious problem. Unfortunately, that amendment was tabled by this Chamber. But the problem has not gone away. The existence of friable asbestos in the schools is a national emergency and we must help schools deal with it.

Mr. President, for a number of years the Department of Education has been authorized to help schools meet this problem, yet no funds have been appropriated to implement it. I suspect that one reason is that it has never had a very high priority. I support shifting authority for the program to the Environmental Protection Agency because the EPA has the technical experience necessary to help schools with asbestos problems. The EPA is better equipped to conduct a program to abate this serious health hazard and I hope they will treat the matter with the urgency it deserves.

I am pleased that some of our schools have not waited for Congress to act. Many have taken it upon themselves to remove asbestos. For example, the city of Camden, N.J., has provided over \$450,000 in its 1983-84 budget for the removal of asbestos. Camden's school board president, Jerrothia Riggs, points out that this problem "has compromised equality of educational opportunity." We need to reduce the financial burden on local education agencies so that more local funds can be used to improve the education of our Nation's youth.

Mr. President, an estimated 3 million schoolchildren and 250,000 teachers and employees are potentially exposed to asbestos in this country. Fourteen thousand schools nationwide require the abatement of asbestos at an estimated cost of \$1.4 billion. In my own State, local educational agencies have spent \$46.5 million to remove asbestos from 375 schools, and at least 350 more schools are still in need of attention.

This problem, Mr. President, is as serious as it is large. The latency of this cancer-causing agent is the mask which allows it to remain in our schools. It is very easy for us to overlook what is not easily measurable and what does not immediately affect us. Test scores and school budgets are measurable; our children's silent inhalation of friable asbestos is not. This should not stop us from taking the steps necessary to protect our chil-

dren. I urge my colleagues to support this amendment.

● Mr. LAUTENBERG. Mr. President, the presence of crumbling asbestos in many of the schools of our Nation is a concern for parents, educators, and public officials. Although the Environmental Protection Agency requires all schools to inspect for this dangerous asbestos and to notify employees and parent-teacher organizations when it is found, they are not required to remove it. Even more seriously, many schools do not have the funds to pay for cleaning up this asbestos.

Today, Senator ABDNOR, myself, Senators STAFFORD, MOYNIHAN, HUDDLESTON, and SASSER are offering an amendment to address this problem. Our amendment will authorize a program of financial assistance in the Environmental Protection Agency to provide schools with resources to clean up hazardous asbestos problems. The amendment authorizes \$600 million in grants and loans to schools over the next 7 years. Each State, and then EPA, will rank the Nation's school districts according to the health hazards in their schools. The priority list will be accompanied by a request for the amount of Federal grants and loans needed to pay for cleanup, based on the financial resources of the district. The districts with the worst asbestos problems and the least financial resources will have first call on the financial assistance available under this legislation.

Exposure to asbestos is associated with some very serious diseases, including asbestosis, mesothelioma, and lung cancer. These diseases display themselves many long years after the exposure. Asbestos is a ticking time bomb. In most cases, not enough time has passed for the devastating symptoms to show up in the children who have been sitting in classrooms with crumbling asbestos.

The potential problem is serious. Nationally, more than 14,000 schools are affected. Experts estimate that over 3 million children and 650,000 school employees are exposed to asbestos and potentially in danger.

The costs can be high. In my State of New Jersey, the average cost of cleanup per school has been about \$130,000. School districts rarely find it easy to raise that much money for capital expenditures. In some cases they have been faced with a choice between protecting the health of their students by cleaning up asbestos and providing books or other vital educational tools.

It is time for the Federal Government to provide some assistance to the neediest schools. The program in this amendment will provide interest-free loans to pay for up to 100 percent of the cost of cleanup or grants for up to 50 percent of the cost. Only schools

lacking the financial resources to pay for this themselves will be eligible for assistance.

Mr. President, the costs of cleaning up the asbestos problem in our schools is high, but the cost of not doing it will be even higher. The Federal assistance authorized under this amendment can only make a start in handling the problem, but it places a high priority on the health of our children.

I urge the Senate to adopt this amendment.

I would like to ask my distinguished colleague to clarify the intention of the section in the amendment giving permission to the United States to sue on behalf of aid recipients any one person determined by the Attorney General to be liable to the recipient for the costs of any activities undertaken by the recipient under such sections. Is it the Senator's understanding that this section is intended simply to place the United States legally in the shoes of the schools which receive asbestos funds under this legislation? If, for example, certain schools have reached a settlement with certain manufacturers of asbestos products in which they relinquished their claims against those manufacturers, then the United States would not be able to assert a claim against the same manufacturers on behalf of the schools who were a party to the settlement. Would the Senator agree with that interpretation?

Mr. ABDNOR. That is my understanding of the intention of the provision. The claims of the United States on behalf of school districts would be no different than claims that the school districts could assert themselves.

Mr. LAUTENBERG. I raise this issue so that both sides, schools and manufacturers will understand the implications of this provision.●

Mr. ABDNOR. Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3153) was agreed to.

Mr. ABDNOR. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. 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. HATCH. Mr. President, I ask unanimous consent that temporarily set aside the pending amendment, which I understand is the Denton amendment, so that the distinguished Senator from Mississippi may present an amendment.

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

The Senator from Mississippi.

AMENDMENT NO. 3154

(Purpose: To authorize a program for economically disadvantaged States to equalize the salaries of classroom teachers)

Mr. COCHRAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Mississippi (Mr. COCHRAN) proposes an amendment numbered 3154.

Mr. COCHRAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the bill add the following new title:

TITLE V—CLASSROOM TEACHER EQUALIZATION PROGRAM

STATEMENT OF PURPOSE

SEC. 501. It is the purpose of this title to improve the compensation paid to elementary and secondary school classroom teachers in economically disadvantaged States so that the average compensation paid to such teachers equals 90 percent of the national average compensation paid to elementary and secondary school classroom teachers.

ELIGIBILITY

SEC. 502. (a) A State is eligible to receive assistance under this title if the average compensation paid to elementary and secondary school classroom teachers is less than 90 percent of the average compensation paid to elementary and secondary school classroom teachers in all States.

(b) For the purpose of this section the term "State" includes each of the several States, and the District of Columbia.

AUTHORIZATION OF APPROPRIATIONS; ALLOTMENT

SEC. 503. (a) There are authorized to be appropriated \$100,000,000 for each of the fiscal years 1985 and 1986.

(b) From amounts appropriated pursuant to subsection (a) in each fiscal year the Secretary shall allot to each eligible State set forth in column 1 of this subsection the percentage specified in column 2.

Column 1:

Alabama.....	3.90
Arkansas.....	12.45
Georgia.....	9.99
Idaho.....	1.47
Kansas.....	1.03
Kentucky.....	.41
Maine.....	5.18
Mississippi.....	16.68
Missouri.....	5.62
Nebraska.....	2.80

New Hampshire.....	4.84
North Carolina.....	5.54
North Dakota.....	.10
Oklahoma.....	2.00
South Carolina.....	10.48
South Dakota.....	3.64
Tennessee.....	6.69
Vermont.....	3.33
West Virginia.....	3.85

Column 2

USES OF FUNDS

SEC. 504. Payments made under this title, in accordance with applications approved under section 505, may be used to increase the compensation paid to elementary and secondary school classroom teachers in the local educational agencies of each eligible State.

APPLICATIONS: DEVELOPMENT AND CONTENTS

SEC. 505. (a)(1) Each eligible State desiring to receive assistance under this title shall establish a teacher compensation advisory board to be appointed by the Governor from among individuals who are broadly representative of the educational interests and the general public in the State. The board shall include individuals who are representative of—

(A) parents of elementary and secondary school students in the schools of the local educational agencies of the State;

(B) members of the governing boards of local educational agencies within the State;

(C) administrators, including principals and superintendents, in the elementary and secondary schools of the local educational agencies within the State; and

(D) elementary and secondary school classroom teachers in the State.

(2)(A) The advisory board appointed in each eligible State under paragraph (1) of this subsection shall advise the State educational agency with respect to the criteria for the within-State allocation of funds among local educational agencies within the State.

(B) In developing the criteria for the allocation of funds within the State among local educational agencies, the advisory board shall consider the relative economic need for assistance of the local educational agencies within the State and the pupil-teacher ratio of the classes of the schools of the local educational agencies in the State.

(3) Each advisory board of an eligible State shall prepare and submit recommendations to the Governor for use in the preparation of the application required to be submitted under this subsection.

(b) Each eligible State which desires to receive payments under this title shall file an application with the Secretary which—

(1) designates the State educational agency as the State agency responsible for the administration and supervision of the assistance furnished under this title;

(2) describes the manner in which the eligible States has complied with the provisions of subsection (a);

(3) describes the manner in which the payments made under this title for increases in the compensation of elementary and secondary school classroom teachers will be allocated among the local educational agencies within the State, together with a description of the differences, if any, in the allocation formula described pursuant to this clause and the recommendations for such within-State allocation made by the State advisory council appointed pursuant to subsection (a) of this section;

(4) provides a description of the manner in which the State will apply to assure a more

equitable payment of compensation to elementary and secondary school classroom teachers in the local educational agencies of the eligible State after fiscal year 1986; and (5) contains such other assurances as the Secretary determines to be necessary to carry out the provisions of this title.

(c) Each application of an eligible State which meets the requirements of subsections (a) and (b) of this section shall be approved by the Secretary. The Secretary shall not disapprove an application submitted under this section without first affording the eligible State notice and opportunity for a hearing.

Mr. COCHRAN. Mr. President, this amendment can be called the classroom teacher equalization program amendment. I was attending a conference with educators in my State for the purpose of discussing some of the findings and recommendations of the commission which was appointed to look into the problems of education throughout the United States. One of the observations made at that conference was that teachers' salaries in the poorest States in the country represent a very critical problem that is faced when trying to make a career in the classroom attractive to the brightest students and those who are competent, who are well trained for the teaching profession. It occurred to me during that conference that we have, from time to time, recognized unique situations of disadvantage in our country and have responded to those situations from the Federal level to help upgrade opportunities and standards of living, giving hope where, without such a sensitive response, there might not be hope. We can look at the field of education for an example.

I recall when title 1 of the Elementary and Secondary Education Act was approved by Congress and funded to permit additional amounts of money to be allocated to those school districts where there were exceptionally large numbers of disadvantaged students, poor students who, because of their backgrounds or lack of opportunities up until the time they entered school, needed an additional amount of attention and instruction to give them a better chance of succeeding in their elementary and secondary school careers. I became quite familiar with the operation of that program and the administering of those funds, mainly because of the privilege I had of growing up in a school teacher family. My parents are both retired school teachers and my mother happened to be the title 1 coordinator in the county where we lived.

As a member of the National Council of Teachers of Mathematics, she was particularly close to the problems being experienced throughout the State of Mississippi in trying to upgrade education opportunity with a limited amount of resources.

I just mention that as an aside, Mr. President, to illustrate the fact that

many States are continuing to operate under real hardships in trying to meet the challenges of such findings in reports as "A Nation at Risk" because of a lack of financial resources. My State spends a greater percentage of its State's budget on education than any State in the Union. Yet we have the lowest teachers' salaries and the smallest amount of money in total when compared with our per capita income than any State in the Union. The reason for that is that we have such a small tax base, a limited amount of resources from which to draw to support our education effort in our State.

Mississippi is not alone in this. There are many other States wrestling with that same problem. So, to get to the purpose of this amendment, it is designed to bring teachers' salaries in poor States, States where teachers' salaries are well below the national average, up to a more acceptable level, to give those who are trying to upgrade education opportunities a chance to do a better job of attracting competent, well-trained teachers into the classrooms of these poorer States.

The National Commission on Excellence in Education, in its report, "A Nation at Risk," made findings concluding that there are not enough of the academically able students being attracted to teaching. Teacher preparation programs need substantial improvement. There is a serious shortage of teachers in key fields.

It is also observed in this report that the average salary after 12 years of teaching is only \$17,000 per year and many teachers are required to supplement their income with other employment just to make ends meet. This amendment would authorize \$200 million, Mr. President, over the 2-year authorized life of this bill for allocation to those States whose teacher salaries are substantially below the national average to try to bring them up to at least 90 percent of the national average.

This would provide a procedure for effectively supplementing the efforts of those relatively poor States and help them improve the salaries of their classroom teachers. I realize, Mr. President, after looking at the list, only 19 States would benefit from this amendment. Those States are Alabama, Arkansas, Georgia, Idaho, Kansas, Kentucky, Maine, Mississippi, Missouri, Nebraska, New Hampshire, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Vermont, and West Virginia.

Although I have not had the benefit of the new math that is being taught in the schools, I can count and I know that 19 times 2 is 38 and that is not a majority of the Senate. It is going to be very difficult, if not impossible, to get a majority to vote for this amendment. But I offer the amendment, Mr.

President, with the very serious concern and interest of trying to attract attention of the Senate and the Federal Government to a problem that is not going to be solved until we decide to make some financial commitment to help upgrade teacher salaries in these poor States. I hope, through this discussion, the committee leadership will recognize that we need to do more to upgrade education opportunities and teacher salaries.

Mr. President, I might add that I do not intend to request a recorded vote on this amendment, and I appreciate very much the fine work that has been done by the committee leadership. I support with enthusiasm the effort that is being made to do something that has long been needed in the elementary and secondary area of math and science. I think we are on the right track.

Mr. President, I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, I understand full well the circumstances that impel the Senator from Mississippi to make his proposal. The salaries of the teachers in his State are too small. His teachers are undercompensated. He is absolutely right; teachers' salaries generally need to be increased. This is not a problem restricted to just the 19 States, of which Mississippi is one, but it is a problem that goes right across the board in our country. I think we should note as we consider this very thought-provoking amendment by the Senator from Mississippi that this would be the first time the Federal Government has entered the area of general teacher compensation. This in itself would make it a risky precedent and one that we should not go into without a great deal of thought and consideration. In this connection, there have been no hearings held on this proposal.

Since the matter of teacher compensation is so very serious, I really do not believe we should move ahead on an amendment of this sort without having held those hearings or hearings on other proposals such as the Hollings amendment, which would have brought the salary of each teacher in our Nation up to \$25,000. This was an expensive proposal; it would have cost \$10 million, which is far more expensive than the modest proposal of the Senator from Mississippi. It is, however, of the same nature, in that it brings the Federal Government into the direct payment and support of teachers' salaries. For these reasons, I find myself unable to support the amendment of the Senator from Mississippi and must vote against it.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I would like to be associated with the remarks of the distinguished Senator from Rhode Island. I think he has expressed the feelings of our committee and the people who support this bill. We are prepared to vote on the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Mississippi.

The amendment (No. 3154) was rejected.

Mr. HATCH. I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

Mr. HUDDLESTON. Mr. President, I am pleased to be a cosponsor of the Education for Economic Security Act. This legislation represents efforts that were made by several Senators to provide some assistance to school districts across the country for meeting our need for more math and science teachers and students educated for our high technology society.

We are all aware that our changing times require that we have people who are able to operate computers and other high technology machinery. Yet, our country's ability to meet this demand is being threatened by a drastic decline in the number of students who are educated in the fields of mathematics, the sciences, and engineering.

Students in this country are often required to take only a couple of courses in math and science while their counterparts in Europe and Asia take many more. Additionally, we find that fewer people are preparing to teach math and science in the schools.

This teacher shortage is evident in my home State of Kentucky. In 1971, there were 194 students graduating from colleges and universities who were certified science teachers. By 1981, this number had declined to 66. We also found that over 20 percent of the science classes in Kentucky are being taught by teachers who do not have proper certification in the sciences.

While these statistics show the depth of the problem, we have not been idle in addressing this situation. In 1982, the Kentucky Department of Education and the Kentucky General Assembly created a loan program that was designed to attract and retain qualified teachers in the math and science fields in grades 7 to 12 where the greatest shortages were occurring.

We are particularly proud of this program because it was one of the first in the Nation to be enacted. It has also attracted the attention of several

other State legislatures as well as the Department of Education.

While this was a step in the right direction, it was obvious that further assistance was needed. We can be pleased that the Senate has drafted a comprehensive math and science bill that will help to upgrade our programs in these areas.

I am particularly pleased that the committee agreed to place primary emphasis on teacher training and retraining in this legislation. It will do our schools little good to have additional money for books, equipment, and materials if they do not have trained teachers to help students use these study aids.

This legislation has enough flexibility to permit State and local educational agencies to create and operate teacher training and retraining programs that best meet the needs of their particular area. This will allow them to use a variety of approaches including institutes, workshops, and full- and part-time course instruction.

For those districts that have sufficient math and science teachers, they will be permitted to use funding from this legislation for other activities that will enhance math and science education.

I also believe this bill will be beneficial in encouraging greater cooperation between businesses and schools in the States. These efforts are necessary to insure that students educated in math and the sciences will meet the needs of the businesses that will be providing them jobs in the future. It will only benefit our schools to have the encouragement and support of local business members.

We are also providing a means by which our institutions of higher education will be working closely with State and local educational agencies to improve math and science education programs. Our colleges and universities are an important link in our efforts to upgrade these programs and S. 1285 insures that we will have the expertise and assistance of these institutions.

By permitting cooperative programs with museums, libraries, educational television stations, and professional mathematics, science and engineering associations, we recognize that valuable educational experiences and training can be achieved outside the classroom and with the help of those who share an interest in working with our schools.

This legislation is another step on our path to improving our schools and investing in the future of our country. I believe S. 1285 offers an excellent, comprehensive approach to meeting our need for improved math and science programs in our schools. A great deal of work has gone into this bill with the careful and enthusiastic attention of a number of my colleagues.

We can be proud of our efforts here and I urge my colleagues to join in supporting this legislation.

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

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

Mr. STAFFORD. Mr. President, I make this plea for the managers of the math-science bill to all of our colleagues or their staffs who may be listening from their offices. We are at a point now where Members have any more amendments to the bill, that they should come to the floor and offer them. We make that announcement so that Members will be on notice that the opportunity for amendments is available, and we can give no assurances as to how long that opportunity will be available if they do not take advantage of it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HEINZ. 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. HEINZ. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending bill is the math-science bill, S. 1285. The pending amendment is the amendment of the Senator from Alabama.

Mr. HEINZ. Mr. President, I ask unanimous consent that the amendment of the Senator from Alabama be temporarily laid aside.

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

AMENDMENT NO. 3155

(Purpose: To provide awards to local educational agencies for individual school implementation of the recommendations of a national study on education, and for other purposes)

Mr. HEINZ. Mr. President, in a moment I will send an amendment to the desk. I want to give a little background to it first.

On June 29 of last year, almost a year ago, I introduced the Excellence in Education Act of 1983. That was legislation designed to give those in Congress the opportunity to maintain the momentum created by the report of the President's Commission on Excellence in Education.

What we wanted—the authors of that bill which included Congressman

GOODLING in the House, the ranking Republican on the Education Subcommittee—was simply to recognize and reward those school districts and specific schools across America that are working to eliminate excessive electives like bachelor of living and to toughen up high school graduation requirements; those schools that invite parents and community business leaders to be volunteer tutors in math, science, reading; those that stop students from wandering into class 10 minutes late; and that inspire all their teachers and students alike to excel; those teachers and departments to incorporate new technologies into the curriculum, and demand more homework; and those students who are striving to achieve excellence.

Mr. President, here we are today, slightly more than a full year after the release of a "Nation at Risk." We have had months and months of debate. We have had plenty of newspaper headlines. But where congressional response has taken place, we do not have very much to show for it. The only modest exceptions I have been able to discern are a resolution commending the national commission for their work, and another resolution pressing for a national summit conference on excellence in education. But as far as this Senator knows, no programs have been authorized, no moneys have been appropriated, no other action has yet been agreed upon.

It seems to me, Mr. President, we should be somewhat ashamed of ourselves for not doing a bit more.

We have here an issue, excellence in education, which we all agree is central among the issues we face in this decade. It is an issue that will have more affect on our economic growth, our social well being, our national defense in the 21st century than anything else we can do in the next several years. It is an issue that clearly belongs at the top of this Nation's legislative and political agenda.

Mr. President, must ask ourselves what we have done, or what the Department of Education has done, to respond to the threat of mediocrity in our schools.

As I suggested a moment ago, the answer is not much.

So, for the last 2 years, the Secretary of Education has given worthy schools special excellence flags and invited a representative or two to the White House.

Mr. President, I am for flags, but I submit that flag waving is just not enough. I am not asking for a chicken in every pot. I am not asking for a \$5,000 check in the hand of every school teacher.

What I am asking for is the adoption of an amendment which would permit small seed grants of maybe only a few thousand dollars, up to a maximum of \$25,000, to any local school district

that demonstrates in a merit competition a commitment to excellence in education. That is the sum and substance of the amendment I will send to the desk in a few minutes. We are talking about \$16 million a year maximum for the next 2 years. That is before the Appropriations Committee gets through with it.

While I would hope that we do get the full amount appropriated, right now we have no such program. The hands of the Secretary of Education are tied. He would like this program. I have had several meetings with Secretary Bell, as has Congressman BILL GOODLING.

He would like to be able to stimulate a real awakening at the local level of teachers, parents, administrators, principals, and members of school boards. He would like them to think about how to make each individual school district better and—where a little bit of money would help them get a long way down the road—have such awards to make. But without any authorization, without any money, he cannot do that.

This idea, like most good ideas, is not entirely new. It really has been tried for several years in my home town of Pittsburgh where the Allegheny Conference, responsible many years ago for what was known as the Pittsburgh Renaissance, decided they needed to focus more on human renaissance rather than just bricks and mortar. It helped create a national public education fund through private sector grants which has been engaged nationally in giving funds to schools for small and creative projects for the very purposes I have just described.

Word has gotten out about this project. The city of Philadelphia, with the business community, has formed a Committee to Support Philadelphia Public Schools.

I would like to see the word get out a little bit more than to just Pittsburgh and Philadelphia. Frankly, in the very largest urban school districts where you have an active and concerned business community probably much can be accomplished. This legislation should stimulate far more than would otherwise occur. I suggest that for the vast majority of school districts in this country it would be instrumental in stimulating interest, innovation and improvement, indeed commitments to excellence.

Therefore, Mr. President, I hope that Congress will accept and support this amendment. It is very modest in cost. It will certainly help each of us go back to our constituents and say that we are answering the question, what have we done to improve the quality of education in this country, to answer the call of excellence in education sounded so clearly by the President's commission over a year ago? We

will be able to answer, "We have done something worth doing."

So, Mr. President, I send my amendment to the desk and I ask for its immediate consideration. I note that it is cosponsored by Senators CHAFEE, BRADLEY, MOYNIHAN, and CHILES.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania (Mr. HEINZ), for himself, Mr. CHAFEE, Mr. BRADLEY, Mr. MOYNIHAN, and Mr. CHILES, proposes an amendment numbered 3155.

Mr. HEINZ. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the bill, add the following new title:

TITLE V—EXCELLENCE IN EDUCATION PROGRAM

SHORT TITLE

Sec. 501. This title may be cited as the "Excellence in Education Act".

STATEMENT OF PURPOSE

Sec. 502. It is the purpose of this title to make awards to local educational agencies, after a competitive selection process, in order to carry out programs of excellence in individual schools of such agencies designed to achieve excellence in education, which—

(1) demonstrate successful techniques for improving the quality of education,

(2) can be disseminated and replicated, and

(3) are conducted with the participation of school principals, schoolteachers, parents, and business concerns in the locality.

DEFINITIONS

Sec. 503. For the purpose of this title—

(1) 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.

(2) 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.

(3) 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.

(4) The term "Secretary" means the Secretary of Education.

(5) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(6) The term "State educational agency" has the same meaning given that term under section 198(a)(17) of the Elementary and Secondary Education Act of 1965.

SCHOOL EXCELLENCE AWARDS AUTHORIZED

Sec. 504. (a) The Secretary is authorized, in accordance with the provisions of this title, to make awards to local educational agencies for school excellence programs which are consistent with the purpose of this title.

(b)(1) There are authorized to be appropriated \$16,000,000 for each of the fiscal

years 1984 and 1985 to carry out the provisions of this title.

(2) From the amount appropriated in each fiscal year, the Secretary shall reserve \$3,000,000 in each fiscal year to carry out the provisions of section 507.

(3) From the amount appropriated in each fiscal year, the Secretary shall reserve \$1,000,000 in each fiscal year to carry out the provisions of section 508.

SELECTION OF SCHOOLS FOR AWARDS

SEC. 505. (a)(1) The Secretary is authorized to establish, in accordance with the provisions of this section, criteria for the selection of schools to receive awards under this title. Each local educational agency desiring to participate in the awards program authorized by this title shall submit a proposal nominating each specific school of that agency for school improvement activities designed to carry out the purpose of this title. Each such submission shall be made to the chief State school officer of the State in which the local educational agency is located.

(2) The criteria required by paragraph (1) of this subsection shall include standards for each local educational agency to nominate schools of that agency—

(A) which have the potential to experiment with standards of quality; and

(B) which show promise of demonstrating that the school will carry out well-planned, creative, or innovative activities designed to carry out the purposes of this title in a successful manner.

(3) Each proposal submitted under this subsection shall contain—

(A) a description of the activities which will be conducted in the school nominated,

(B) assurances that the school to be nominated will carry out the activities so described, and

(C) such other information as may be necessary to carry out paragraph (2) of this subsection.

(b)(1)(A) The chief State school officer of each State shall in each fiscal year from the proposed nominations made pursuant to subsection (a) select twenty-five schools for submission to the Secretary.

(B) In the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands, the chief educational officer of such jurisdiction shall nominate five schools in accordance with this subsection.

(2) In selecting schools from proposed nominations submitted under subsection (a), the chief State school officer shall assure a fair and equitable distribution of schools within the State, after considering—

(A) all categories of elementary and secondary schools within the State, including elementary schools, junior high schools, secondary schools, vocational-technical schools, or any combination of two or more of the schools;

(B) socioeconomic conditions in the State;

(C) geographic distribution within the State;

(D) school size;

(E) the size and location of the community in which the school is located;

(F) the local governmental arrangement between the government and the local educational agency making the nomination;

(G) the potential for the proposed project to successfully demonstrate techniques for improving the quality of education which can be disseminated and replicated; and

(H) such other relevant factors as the Secretary may prescribe.

(3) Each State shall submit to the Secretary the school nominations made in accordance with this subsection. Each such submission may include such additional information as the chief State school officer (the chief educational officer as prescribed in paragraph (1)(B)), and the local educational agency concerned deem appropriate.

(c)(1) The Secretary shall select not more than five hundred schools from among the nominations submitted pursuant to subsection (b) of this section. The selection under this subsection shall be made by the Secretary after an impartial review panel has considered each submission. The review and selection shall be based upon the factors described in subsection (b)(2) and in accordance with uniform criteria developed by the Secretary.

(2) In making the selections under paragraph (1), the Secretary shall give priority to proposals which have the highest potential for successfully demonstrating techniques to improve the quality of education and which can be disseminated and replicated. In addition the Secretary shall give priority to proposals which have as their purposes—

(A) modernization and improvement of secondary school curricula to improve student achievement in academic or vocational subjects, or both, and competency in basic functional skills;

(B) the elimination of excessive electives and the establishment of increased graduation requirements in basic subjects;

(C) improvement in student attendance and discipline through the demonstration of innovative student motivation techniques and attendance policies with clear sanctions to reduce student absenteeism and tardiness;

(D) demonstrations designed to increase learning time for students;

(E) experimentation providing incentives to teachers, and teams of teachers for outstanding performance, including financial awards, administrative relief such as the removal of paperwork and extra duties, and professional development;

(F) demonstrations to increase student motivation and achievement through creative combinations of independent study, team teaching, laboratory experience, technology utilization, and improved career guidance and counseling; or

(G) new and promising models of school-community and school-to-school relationships including the use of nonschool personnel to alleviate shortages in areas such as math, science, and foreign language instruction, as well as other partnerships between business and education, including the use of equipment.

AMOUNT AND CONDITIONS OF AWARDS

SEC. 506. (a)(1) A school award made to a local educational agency pursuant to this title may not exceed \$25,000 in any fiscal year or a total of \$40,000.

(2) The amount of each individual school award made pursuant to this title shall be determined by the Secretary based upon the size of the school, the number of students enrolled in the school, and the number of teachers teaching in the school.

(b) Awards made under this title may not be made for more than two school years. No individual school may be eligible for any additional award under this title.

SPECIAL SCHOOL AWARDS

SEC. 507. (a) From the amount reserved under section 504(b)(2) in any fiscal year, the Secretary is authorized to make awards

to schools nominated in accordance with the provisions of section 505 to pay the Federal share of the activities described in the proposal if the local educational agency provides further assurances that funds from the private sector will be contributed for carrying out the activities for which assistance is sought.

(b) For purposes of this section, the Federal share for each fiscal year shall be not less than 67 per centum nor more than 90 per centum. The Secretary shall set the Federal share for categories of school awards based upon uniform criteria established by the Secretary.

RESEARCH, EVALUATION, DISSEMINATION, AND MONITORING ACTIVITIES

SEC. 508. (a) From the amount set aside under section 504(b)(3), the Secretary shall conduct research, evaluation, and dissemination activities to assure that exemplary projects and practices which are developed with assistance provided under this title are made available to local educational agencies throughout the United States.

(b) The Secretary shall use such amount of the funds reserved pursuant to section 504(b)(3) as is necessary to carry out the provisions of this subsection. The Secretary shall establish an independent panel to monitor the success of the programs assisted by this title in achieving the national objectives in improving instruction and the achievement of the students.

Mr. STAFFORD. Mr. President, I have listened with interest to the distinguished Senator from Pennsylvania and generally have had an opportunity to examine the amendment which he proposes. For the majority, I am prepared to accept the Senator's amendment. Senator PELL is here and can speak for the minority.

Mr. PELL. Mr. President, I am familiar with the amendment. I think it is an excellent one. I am glad to endorse it.

Mr. HEINZ. Mr. President, I want to thank my very good friend, the chairman of the Subcommittee on Education, Mr. STAFFORD, for his support and willingness to accept the amendment, and also the ranking minority member, Senator PELL, for his support. I thank all my colleagues for making this possible.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 3155) was agreed to.

Mr. HEINZ. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. STENNIS. Mr. President, the unmatched progress and growth of our great Nation over the past 200 years has come in large measure from the leadership of our Nation in the practical application of science and technology. In every field of endeavor—agriculture, space, communications, commerce, medicine, chemistry, energy, and so on—U.S. engineers and scientists have led the way in getting the job done. Their record of scientific achievement has created the most bountiful Nation and bountiful economy ever to exist, by and large, on the face of the Earth.

But with all of our progress, storm clouds are on the horizon. Some are the result of the pace of the new discoveries in science and technology and the changes are coming at such blinding speed that many of our workers are being dislocated by new machines and by new methods of manufacturing.

Some of the storm clouds are the result of forces which are largely economic. The wage and price battles which characterized the 1960's and the 1970's have weighed heavily on our major industries. Many of the mainstay industries, like autos and steel, have not since been able to successfully compete in international competition. And while higher prices took a heavy toll, there are other factors, some related to our engineering abilities. The most modern auto production plants in Japan seem to turn out autos that have the appearance of being of higher quality by virtue of better fit and finish, and some consumers say that the automobiles built by our foreign competitors are more reliable and perform more to their liking.

Mr. President, those are not idle words. Those words are not hurriedly chosen and spoken. I am a stubborn kind of fellow and I was slow to yield to the validity of these facts that I have just related, but I decided we had to face the facts whatever they are, and we have to try to do something about them.

Finally, and most important, there are signs that the United States is beginning to slip in areas of basic research. National testing programs and surveys tell us that recent high school and college graduates are becoming increasingly unaware of math and science. The downhill slide could have grave consequences for the Nation's economy and defense. Our economic prosperity and national security depends on the Nation's ability to reverse this downward trend in education, particularly in the fields of math and science.

The solution will not come easy, Mr. President. In discussions with educa-

tors in my State, I was told that there are serious deficiencies at all levels of math and science education. For example, over one-half of all new high school math and science teachers do not meet the full requirement for teaching; 10 percent of all college engineering faculty places are either vacant or filled by temporary instructors. I am told that science, math, or engineering graduates right out of college can make more than their professors who have a higher degree. In my State of Mississippi, recent engineering graduates started at \$27,000 while beginning high school science and math teachers earned \$11,000.

Let me call attention to this problem which has been brought to my attention. The demands of our rapidly changing technical environment has placed a premium on engineering graduates. The high salaries paid by industry for engineers have brought masters and doctorate programs to a standstill.

Let me repeat that, Mr. President. We all like to see a prosperous person get a good salary, so to speak. But this states as a fact that these salaries now that are paid by industry for engineers are so high that they have brought masters and doctorate programs in education to a standstill. The net result is that industry is eating its own seed corn. Clearly, we must do something to make teaching of math, science, and other related areas more financially appealing.

This is not just a plea for money or another educational bill trying to put out a limited program. This is the broad search, the broad appeal for a new policy and new methods. Teaching is the second greatest profession. That is what I believe. It is second only to the ministry itself.

I find to my surprise in this field that the school equipment and supply situation is also in a depressing state. University engineering and research equipment and facilities are outdated and obsolete in many instances. Science equipment for all elementary and high schools is woefully inadequate or nonexistent when considered by the needs of the present demand. Something must be done and done soon to correct this problem.

Our college class of the year 2000 entered the first grade last fall.

Think of that, Mr. President. These little fellows coming in school for the first time this year will be the college class of the future, the year 2000.

That generation to which I refer may be the make-or-break generation to assure out future economic strength, our competitive edge in technology and production, and our ability to defend ourselves. This educational problem is urgent. Time has not run out on a solution but the clock is running fast.

Here I refer to the Soviet launching of Sputnik in 1957. This nation was reminded of the importance of maintaining its leadership in technology. Congress and the Nation got busy.

I remember one witness testified that unless we built a test facility with a thrust of a million pounds we would lose the race. Some segments of the press said it was ridiculous to talk about a million pounds of thrust. A short time later, due to the magnificent program we adopted, the thrust that we had then in one test facility was 6 or 7 or 8 million pounds.

We set our goals and passed the landmark National Defense Education Act which provided unprecedented levels of aid to the school system at all levels. We engaged in a bold crash program to land on the Moon.

I remember that I was chairman of the Subcommittee on Military Construction. We were watching dollars mighty close, we thought. I asked the question, how much did the President recommend? He said that there was no limit on the recommendation; everything was to be a crash basis.

These efforts were successful and they worked well together. As we all know, the real meaning of the Moon race was not just reaching the Moon but developing the expertise in the various fields and the technological ability to get there.

The challenge before us now is our economic future and our national defense.

Someone said, "Oh, well, the Senator from Mississippi is always talking about national defense."

I am proud to be able to talk about it some, but I say here now that this challenge is to our economic future. The warning signs are also clearly there to heed. They are common knowledge to all of us—persistent unemployment, slowed productivity, and loss of market share.

In most office buildings you go into, the elevator to go up or down now has no one there to operate it. Those jobs have been dispensed with.

I was at a launching of one of the Navy's guided-missile cruisers last year and they announced the crew of the old ship *Ticonderoga* was 800 men. That was some 80 or 100 years ago. This modern ship with everything said to be one of the greatest ever put together has a crew of 400 men, a reduction of 50 percent.

Everywhere we are turning we are eliminating through our scientific methods the need for the individual to be employed. Something special must be done to meet the needs of our economy to furnish simple employment.

There will not be any magic solution to any of these problems now confronting our Nation, but they must be addressed and those problems must be defeated.

It will, as it always has, require imagination, discipline, application, and plenty of plain commonsense and hard work.

I am confident that we have the resources to conquer these problems. We have a good foundation already in place to build upon. We have the world's highest student retention rate. Three-quarters of the U.S. children finish the 12th grade. We have the largest public school and university system in the world and the finest school buildings by any objective measure. This is a valuable storehouse of capital which can be used to build on and restore the United States to a preeminent position in science and technology.

There is the rub in our present situation, the lack of those key students.

This effort must start in the schools. We need to correct the shift away from the quality of education which seems to be occurring. Our children have proven that they have enormous capacities to learn. We need to address the teacher shortage and equipment problems of our educational plants. We need to address the need for upgrading the education and training of our current engineers, scientists, and technicians.

In this regard, I joined with Senator TSONGAS and others last year to introduce S. 631, the High Technology Morrill Act. This legislation, in my opinion, would provide much of the needed stimulus to get our educational system headed back in the right direction.

I am pleased that portions of that bill have been included in title III of S. 1285, which is being considered by the Senate today. I am convinced that this bill we are considering will go a long way in enabling this country to gain a firmer hold on its rightful place as technological leader of the world. I hope that my colleagues will recognize the need to pass this legislation and move ahead in this regard.

Thank you.

Mr. BAKER. Mr. President, as soon as the minority leader reaches the Chamber, and I understand he may be on his way to the Chamber, it is the hope of the leadership on this side that we will temporarily lay aside the math-science bill in order to go to the Select Committee on Indian Affairs resolution, which we tried to take up the other day and did not manage. But I am inclined to believe that we will be able to do that now.

I do not believe it is going to take very long to deal with the matter, and I think that there will be perhaps only one amendment offered and that we will be able to dispose of it.

Then we will be back on math-science, after we dispose of Indian Affairs, and I am told that there is a possibility that we can work out and yet deal with the Moynihan amendment

or some variation thereof on that bill this afternoon.

It is still the intention of the leadership to ask the Senate to lay before the Senate and make the pending business the DOD authorization bill as the last item of business today.

Mr. President, while I may have just a moment to confer with the minority leader, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. BAKER. Mr. President, I hope that we are in the position now to consider the Indian Affairs resolution. I have a unanimous-consent agreement that I would like to propound in respect to the time for debate and disposition of this matter.

Mr. President, I ask unanimous consent that the Senate temporarily lay aside the pending business, which is the math-science bill, and turn to the consideration of Calendar Order No. 523, Senate Resolution 127, which is a resolution to make the Select Committee on Indian Affairs a permanent committee of the Senate, and that there be 20 minutes debate on that matter, to be equally divided between the chairman of the Committee on Rules and Administration and the ranking minority member thereon, or their designees.

I further ask unanimous consent that the following amendment be the only amendment in order and that it be a first-degree amendment and that the debate thereon be limited as follows: Ten minutes on an amendment to be offered by the Senator from Tennessee, Senator BAKER, and the Senator from West Virginia, Senator BYRD, dealing with creating a study. I further ask unanimous consent, Mr. President, that there be a time limitation of 5 minutes, to be equally divided, on any motion, appeal, or point of order, if the same is submitted to the Senate, and that the agreement be in the usual form.

The PRESIDING OFFICER. Is there objection? Hearing none, the unanimous consent is granted. The pending bill will be laid aside.

SELECT COMMITTEE ON INDIAN AFFAIRS

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 127) to make the Select Committee on Indian Affairs a permanent committee of the Senate.

The Senate proceeded to consider the resolution.

Mr. BAKER. Mr. President, the unanimous-consent agreement entered into provided for a single amendment to be offered by the distinguished minority leader and myself.

Before I do that, it has been called to my attention that the resolution as reported by the committee has been modified in certain respects.

I ask unanimous consent that it may be in order now to make those modifications as I will describe them.

Mr. President, they are to change the date in section 4, line 2, from April 1, 1985, to December 15, 1984; and line 3, to change the figures \$275,000 to \$200,000; and, on the final page, to make a similar date change in section 5, and change section 7 by inserting after the word "incorporating" the words "any of" preceding the words "the recommendations."

These are the modifications.

The PRESIDING OFFICER. Is there objection to the proposed modification? Hearing none, it is so ordered.

AMENDMENT NO. 3161

Mr. BAKER. Mr. President, I send a copy of the resolution to the desk embodying these modifications.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER) for himself and Mr. BYRD, proposed an amendment No. 3161. At the appropriate place in the resolution, add the following:

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in the resolution add the following: That (a) there is established a temporary select committee of the Senate to conduct a study of the Senate committee system.

(b) The select committee shall be composed of twelve Members of the Senate, six from the majority party and six from the minority party, to be appointed by the President of the Senate upon the recommendation of the majority leader and the minority leader.

(c) The select committee shall select a chairman from among its majority members and a cochairman from among its minority members.

(d) A majority of the members of the committee shall constitute a quorum thereof for the transaction of business, except that the select committee may fix a lesser number as a quorum for the purpose of taking testimony. The select committee may adopt rules of procedures not inconsistent with this resolution and rules of the Senate governing standing committees of the Senate.

(e) Vacancies in the membership of the select committee shall not affect the au-

thority of the remaining members to execute the functions of the select committee.

Sec. 2. It shall be the function of the select committee to conduct a thorough study of the Senate committee system, the structure, jurisdiction, number, and optimum size of Senate committees, the number of subcommittees, committee rules and procedures, media coverage of meetings, staffing, and other committee facilities, and to make recommendations which promote optimum utilization of Senators' time, optimum effectiveness of committees in the creation and oversight of Federal programs, clear and consistent procedures for the referral of legislation falling within the jurisdiction of two or more committees, and workable methods for the regular review and revision of committee jurisdictions.

Sec. 3. (a) For the purposes of this resolution, the select committee is authorized in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) to hold hearings, (4) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (5) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (6) to take depositions and other testimony, (7) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, as amended, and (8) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The chairman of the select committee shall preside over meetings of the select committee, except that in his absence any other member of the select committee designated by the chairman may preside.

(c) The chairman of the select committee or any member thereof may administer oaths to witnesses.

(d) Subpenas authorized by the select committee may be issued over the signature of the chairman, or any other member designated by the chairman, and may be served by any person designated by the chairman or member signing the subpoena.

Sec. 4. For the period from the date this resolution is agreed to through December 15, 1984, the expenses of the select committee under this resolution shall not exceed \$200,000, of which amount not to exceed \$30,000 shall be available for the procurement of the services of individual consultants, or organizations thereof, as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended.

Sec. 5. The select committee may submit interim reports on its activities, together with such recommendations as it deems advisable. The select committee shall submit to the Senate a final report of its findings, together with such recommendations as it deems advisable, at the earliest practicable date, but not later than December 15, 1984. The select committee may also submit to the Senate such supplementary reports on the issues treated in its initial report as it considers appropriate. The select committee shall cease to exist upon the expiration of sixty days following submission of its final report.

Sec. 6. Expenses of the select committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the select committee.

Sec. 7. When the resolution incorporating the recommendations of this committee is submitted, it shall be referred to the Committee on Rules and Administration.

Mr. BAKER. Mr. President, I have asked unanimous consent that I might make these modifications in the resolution as reported.

The Chair stated it as an amendment to the resolution. Were I chairman of the Rules Committee, and the yeas and nays had been ordered, and I had been authorized by the committee to do so, I would have made that modification.

Since I am not chairman of the Rules Committee, I sought a unanimous-consent request, nonetheless, to make those modifications. In any event, we now have an amendment embodying these points before the Senate, and I am prepared for the Chair to put the question.

Mr. President, a unanimous-consent request must also embody that it be in order for me to make this amendment, because the previous unanimous-consent request provided there be only one amendment. This is a second amendment. I ask the Chair to grant the consent that this amendment be in order, and to now put the question.

I tried to avoid that by asking unanimous consent to make the modifications, but we are going to spend more time on that than it is worth.

If the Chair will grant my request and then put the amendment, we will be in good shape.

The PRESIDING OFFICER. Is there objection? Hearing no objection, the request is granted.

Mr. BAKER. I thank the Chair.

Mr. President, I send to the desk the amendment contemplated by the unanimous-consent agreement, and ask it be stated by the clerk.

Mr. President, what is the matter pending before the Senate?

The PRESIDING OFFICER. The amendment offered by the majority leader.

Mr. BAKER. Mr. President, I withdraw that.

Mr. President, I ask unanimous consent that the previous action sought by me in the previous statement in respect thereto on the modification resolution be vitiated.

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

Mr. BAKER. Mr. President, the resolution has been reported, has it not?

The PRESIDING OFFICER. Yes. The resolution from the calendar has been reported.

Mr. BAKER. The amendment to the resolution is now before the Senate?

The PRESIDING OFFICER. It is before the Senate.

Mr. BAKER. Mr. President, I now embody the modifications that I described earlier in the amendment that is now pending.

The PRESIDING OFFICER. Is there objection? Without objection, the modifications are embodied.

Mr. BAKER. Mr. President, I yield the time for the control of the debate on this amendment to the distinguished Senator from North Dakota on this side of the aisle.

Mr. ANDREWS. Mr. President, I yield the time to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. QUAYLE. Mr. President, I thank the Senator from North Dakota.

Mr. President, we have now reached an agreement on passage of the Indian Affairs Committee. I have been opposed, and still am opposed, to the establishment of a permanent committee. But as far as the real objective of this Senator, it did not go to the Indian Affairs Committee. It went to the whole committee structure itself. Just adding another committee at this time, I thought, was wrong. We have 126 committees and subcommittees in the Senate. I think we are going in the wrong direction.

The agreement now worked out, I think, is a good agreement. The amendment offered by the majority leader, and the minority leader, basically reconstitutes the Stevenson-Brock Committee of 1976, which will give full examination of the committee structure, will make a recommendation to the Senate by December 15 of 1984, which can be used as guidance for the new Senate that will take up business in January of 1985.

I want to thank the majority leader and the minority leader, and urge not only quick appointment of the members of the committee, but also to have them use their tremendous knowledge of this body to have the direct input, indirect input, and influence on seeing some substantive recommendation come out of this new committee that will be formed. I take it quite seriously.

I think it is a very substantial amendment, and a move that I think is in the right direction.

I hope that when the committee reports back that the Rules Committee will be able to act in an expeditious manner, in that we can in fact come together with a more orderly process; and, that the whole Senate and the membership, the 12 members, will be able to have a deliberate discussion over a 6-month period of time, which is the same time period that the Stevenson-Brock committee utilized to report back their recommendations on the committee structure in the Senate. I do not know how many individual Senators have talked to me since I raised the issue of having another permanent committee saying yes, you are

right, we do have too many committees and subcommittees.

The average number of subcommittees that each Senator has is 11.5. I do not think anybody will say that we are underworked. We all complain about being overworked. I certainly hope the direction—I certainly would not want to prejudge it, though—of this committee would go toward more consolidation.

Obviously, it is going to be a very tough task but one that the majority leader, the minority leader, their appointments, and the individual Senators that will be serving on that committee will have a chance in a very constructive and deliberate way to look at the whole committee structure.

I thank the majority leader, the minority leader, and pay my respects, though I do disagree with my friend from North Dakota and others on the permanency of this committee. But it is a deal that has been worked out that is a compromise, and I certainly accept that. But I do want to emphasize that I think my point, and the recommendation and amendment that the majority leader offers with the minority leader goes in the right direction; that we are going to look at the committee structure that we have. The Senate has not debated and acted upon comprehensive committee reorganization for 7 years. It is time that we do it.

I thank the majority leader and the minority leader for their amendment, and for their leadership on this. I am willing to yield to the floor at this time.

Mr. ANDREWS. Mr. President, I yield to the majority leader.

Mr. BAKER. Mr. President, I thank the Senator from Indiana. I know of his deep interest in this matter and his longstanding concern. He reminds me a little of Senators Stevenson and Brock, who had a similar concern about this same point in their careers. I commend him for that. I have some very particular ideas on what that committee ought to consider, and I assure the Senator I shall not hesitate to make those recommendations to the committee as to how that committee is constituted by the Senate and I may make recommendations on its membership.

Mr. GORTON. Will the Senator yield?

Mr. ANDREWS. Yes, Mr. President.

Mr. GORTON. Mr. President, as the Senator from North Dakota knows, I have had many of the same reservations about permanent status for this committee as does the Senator from Indiana. At the same time, I have a great deal of sympathy with the constituent groups who rely on the committee. I think the amendment resulting from the constructive work done by the Senator from Indiana and the

majority leader may very well be the best solution.

We probably should not deal with this subject in isolation and with respect to one relatively small committee of the U.S. Senate.

What we need is a thoroughgoing study, then I hope we form a permanent committee from the subcommittee structure and the use of this bill to gain that most important end is, to my view, a signal success which we owe to the work of the Senator from Indiana, for which I thank him.

Mr. ANDREWS. Is there any objection to the amendment?

I yield back the time on the amendment on this side.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. Mr. President, in the usual form, the minority leader, I guess, would have control of the time in opposition. I do not have any opposition to the amendment on my side. So I yield back 5 minutes.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3161) was agreed to.

Mr. ANDREWS. Mr. President, when my colleagues and I introduced Senate Resolution 127 last spring, it was the third time since the Senate had reestablished the Indian Affairs Subcommittee in 1977 that an effort was undertaken to make the committee permanent. It is gratifying to see that this time a total of 60 Senators are sponsors of the Resolution. These Senators represent a broad cross-section of this body and many of them have dealt with our committee and have seen for themselves the expertise and skill that the committee has been able to apply to the myriad of issues that are presented to it. We also received support from a unanimous Senate Committee on Rules and Administration. For this, I thank my friends and esteemed colleagues, the chairman, MAC MATHIAS, and the ranking member, WENDELL FORD. Support was also provided by the distinguished Senators from the Committee on Labor and Human Resources, Chairman ORRIN HATCH and ranking member, EDWARD KENNEDY, to whose committee the jurisdiction of the Select Committee would have gone had the Indian Affairs Committee been allowed to lapse. Support from tribes and Indian people across the Nation has been unanimous and considerable.

I will focus on what I see as the critical question concerning the future of the Select Committee. That question, as I see it, is how is the Senate to best continue its distinct responsibilities with respect to Indian affairs and at the same time maintain an effective and efficient committee system? I do not believe that there is any real ques-

tion about the reality of the Senate continuing to function in the area of Indian affairs. That reality stems from Congress unique responsibilities for Indian affairs.

The Senate has, in its history, used different organizational forms to carry out its Indian affairs responsibility. For most of our Nation's history, Indian Affairs was a permanent committee of the Senate. Its scope and its form, however, have changed to reflect changed demands. In 1946, the Senate embarked on its second approach to handling its Indian affairs responsibility by terminating the permanent Indian Affairs Committee and transferring its primary responsibilities to the then Interior Committee where Indian affairs resided as a subcommittee. It is important to note the historic coincidence that it was during this same time period that national Indian policy took a distinct turn for the worse and the Nation embarked upon the policy of termination. The policy of termination has since been rejected by Presidents and Congresses alike. As part of that rejection and the evolution to today's policy of Indian self-determination, the Congress, in 1975, established the American Indian Policy Review Commission (AIPRC) to conduct a comprehensive study of Federal Indian policy and practice. In 1977, that Commission filed its report with Congress and made 206 recommendations. Of particular pertinence was the recommendation to make the Committee on Indian Affairs a permanent committee of each House of Congress. The Senate, to our credit, adopted a modified version of the recommendation by creating a temporary Committee on Indian Affairs. Our temporary committee has been the third approach that the Senate has tried with respect to its responsibilities in Indian affairs.

The impetus to create the Select Committee was in part to deal with the American Indian Policy Review Commission's recommendations, but that was neither the sole nor primary reason. The backers of the Select Committee always sought a Permanent Select Committee on Indian Affairs as a goal unto itself.

There are a number of reasons why permanency is the better way for the Senate to perform its obligations than other alternatives. A permanent committee is the most efficient use of the Senate's time and resources. Obviously, a committee that needs to be extended every several years spends a significant portion of its and the Senate's energies in the extension endeavor. There are myriad statutes, treaties and case law governing the vast range of issues involving Indians, including descent of trust land, crimes in Indian country, distribution of trust and judgment income, tribal government orga-

nization, civil rights, child welfare, housing, health, education, resource management and development, land transfers, water rights, eastern ancient Indian lands claims, Indian religious freedom, tribal colleges, and so on. A permanent select committee provides a focal point in the Senate for addressing these issues, provides a forum for Indians and non-Indians for addressing and resolving the cross jurisdictional problems between States, localities, and tribes; and, serves as an educational mechanism for members as well as tribes on the complex issues of the Federal/Indian trust relationship. A permanent select committee develops the expertise to perform these functions. A significant virtue of the Select Committee is its ability to develop the highly professional and specialized staff needed to deal with the complex and diverse issues that make up Indian affairs. In our almost 200 years of experience with the organization of the Senate to deal with its Indian affairs responsibilities, we have tried the various possible approaches. I believe that at this point, a permanent select committee is the best route.

I, therefore, urge this body to make the Select Committee permanent as the mechanism to implement our constitutional power and responsibility in Indian affairs. This action will enable the committee to move ahead with the critical work of making Indian self-determination a reality and ending the economic depression among Indians that is such a reality today.

Mr. President, I yield to the senior Senator from Arizona, our senior colleague on the committee.

Mr. GOLDWATER. I thank my friend.

Mr. President, I want to assure my good friend from Indiana that I am in complete sympathy with what his amendment is trying to do. We have too many committees in this body. We have far, far too many people working on this hill. It has grown, I think, 20 times since I have been here. I think we have committees on subjects that we do not need. But I do believe that we have needed a permanent Committee on Indian Affairs now for the almost 30 years I have been here.

What people do not realize is the fact that we have about 600,000 or 700,000 Indians in this country, some 400 tribes, another 200 tribes that reside in Alaska. To have to take care of these people in the slipshod manner that we are forced to do by a committee that never had any real status is just not the way to do it.

I am very glad that the leadership of the Senate worked out a method to accomplish this. I thank them, and I know I speak on behalf of Indians all over this country in saying thank you.

Mr. ANDREWS. I might say, Mr. President, that without the help of

our esteemed colleague from Arizona, we would not be at this point now. He is indeed a champion of Native Americans and they are grateful to him for his support.

Mr. President, I yield such time as he may require to the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I rise to say just a few words in support of the creation of the Indian Affairs Committee as a permanent committee. Frankly, I have heard the discussion about the proliferation of committees here. I served on the Stevenson-Brock committee. I wish it had done more. It started off very enthusiastic, but by the time it finished, only about two or three people were attending the meetings where they were trying to get the work done.

But as to addressing the Indian affairs of this country, if we do not do this, it seems to me we leave the Committee on Energy and Natural Resources as the natural recipient of most of the Indian affairs issues, though not all of them. Frankly, I am convinced that the problem that we as a nation have in addressing our responsibilities and the problems that we have with our Indian people is so serious that we have to focus it someplace. If we leave it with some committee that already has diverse jurisdiction, plenty to do, with primary concern in other areas, I think we shall probably end up doing a worse job than we have done in the past, and we have not done very well in the past. So I think we ought to go ahead and stabilize the situation as best we can by making it permanent.

Hopefully, we shall look at all the committees as suggested by the distinguished Senator from Indiana in his amendment to this proposal before us to make permanent the Indian Affairs Committee. Perhaps we shall find some better way to do much of our work. In the meantime, I do not think the Indian people ought to be left with such a vague situation as they would have without a committee to handle their affairs. I support it and hope we shall pass it quickly.

Mr. ANDREWS. Mr. President, we appreciate the support of the distinguished Senator from New Mexico.

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

Mr. MELCHER. Mr. President, we are delighted that the majority leader and the Democratic leader were able to work out the arrangements for calling up the resolution. I think the amendment offered by the majority leader and the Democratic leader is a good amendment. I only want to add that the membership of the Select Committee on Indian Affairs totals seven as it is now constituted and no additions are expected to be made to the committee.

The Committee on Indian Affairs, prior to becoming a select committee, was a subcommittee of what we used to call the Committee on the Interior, now called the Committee on Energy and Natural Resources. The effectiveness of having it separate has been demonstrated over and over by the quality of work that is done, the depth of oversight that has been gone into by the committee. So in the study of the whole proposition, of all of the committees, I think that the Senate will concur with the findings that we have made, those of us on the Indian Affairs Committee. Indeed, it is an essential committee, a vital committee, one that needs to be continued.

Mr. President, 58 Members of the Senate have joined Chairman ANDREWS and me in cosponsoring Senate Resolution 127, establishing a permanent Indian Affairs Committee in the Senate. The resolution was reported unanimously by the Rules Committee on November 2, 1983. I want to express my appreciation to the members of the Rules Committee, particularly the chairman, Senator MATHIAS, and the ranking Democrat, Senator FORD, for their fair and expeditious treatment of Senate Resolution 127 and for their efforts to bring the resolution before the full Senate.

The adoption of Senate Resolution 127 will enable the Select Committee on Indian Affairs to carry on its work without any question as to its future. The committee's legislative record clearly shows that a committee devoted exclusively to Indian Affairs is in the best interests of not only Indian people but also all Americans and of course the U.S. Senate. The committee has proved to be an excellent and versatile forum for exploring alternative ways of mediating serious conflicts which have arisen between federally connected Indian interests and other public and private interests, in ways consistent with the legal rights of Indians, and non-Indians and the overriding Federal responsibility.

We have an obligation based on treaties and trust responsibility to the Indian people of this country. As an increasingly vital area of domestic affairs, Indian issues affecting Indians and non-Indians must be accorded the fair and careful treatment they deserve.

Mr. President, significant progress has been made by the Select Committee on Indian Affairs, but our major work has just begun. In the years to come Congress will have to consider sensitive issues relating to Indian land claims, natural resources, water and hunting and fishing rights as well as oversight of the Federal agencies dealing with Indian affairs, and programs. In addition the States and local government have a significant interrelationship with Indian tribes and the

programs and policies covering Indians.

A permanent and separate Committee on Indian Affairs provides the best way for reaching equitable resolutions to these questions. It will, in the long run, save the American taxpayers money and prevent a loss of continuity in the steady and responsible legislative progress of this committee and of the Senate.

For the Indian people, for the people that deal with Indians in business, education, or legal matters, the select committee's continuation is of utmost importance. For the non-Indian people who live on or near a reservation and for the States in Indian country the continuation of the select committee is very important. For the Eastern and Southern States where Indian land claims have not been resolved the select committee's continuation is of great importance.

After three decades of neglect, congressional attention to Indian affairs was brought out of storage in 1975, when Congress created an American Indian Policy Review Commission and in 1977, when the Senate created the Indian Affairs Committee. The progress that has been made by the Senate on behalf of Indian and non-Indian people over the past 7 years must continue.

Mr. President, in the past 7 years, the Select Committee on Indian Affairs has been the inspiration for the most thoughtful and responsible legislation on Indian matters in a very long time. After an energetic start that has led to the passage of more positive Indian legislation that this body has seen in decades, I firmly believe that the committee should continue to function in a permanent and stable manner. I urge the Senate to support Senate Resolution 127 as reported by the Rules Committee.

Mr. STEVENS. Mr. President, after many months of waiting I am glad to finally have the chance to indicate my support for making the Select Committee on Indian Affairs a permanent standing committee of the Senate.

The Select Committee provides us with essential expertise in an area of important Federal responsibility: Our relations with native Americans. In my State, Native Alaskans are unanimous in their support for the Select Committee, and I firmly believe that it should be made a permanent Senate committee. The existence of a committee whose mandate is to focus on native American affairs creates a forum in which the special circumstances and unique needs of Native Alaskans and all native Americans can be examined, debated, and understood with care. I am convinced that this very special group of Americans not only deserves, but requires, the kind of recognition and attention only a per-

manent Senate committee can give to them. Certainly the plethora of executive branch agencies that are charged with responsibilities toward native Americans—the Bureau of Indian Affairs, the Indian Health Services, the Administration for Native Americans, the Office of Indian Education—certainly these agencies, which use congressionally appropriated funds to carry out their programs, merit the oversight provided by a permanent committee. I urge my colleagues to join with me in supporting this proposal.

● Mr. ABDNOR. Mr. President, I am pleased that the Senate has decided to take up consideration of Senate Resolution 127 which would extend the authorization of the Senate Select Committee on Indian Affairs.

As one who supports this reauthorization, I believe strongly in the merits of this legislation. The issues which this Select Committee deals with are often difficult and complex. As one who represents nearly 50,000 Native Americans in the Senate I know firsthand of the fine work this committee has accomplished in its efforts to address the concerns of both Native Americans and non-Indian citizens of our Nation.

Many times during my service in the U.S. Senate I have relied on the expertise and assistance of this committee. Under the able leadership of Senator ANDREWS, and before him, Senator COHEN, and Senator MELCHER, important hearings and legislative initiatives were undertaken to address some of the serious problems which our Native Americans face.

I believe it would be a great disservice to all Americans if the Senate let this vital committee lapse.

● Mr. MURKOWSKI. Mr. President, the Congress of the United States has a constitutional responsibility to conduct Indian affairs. This responsibility often involves complex areas of law falling within the jurisdiction of Federal, State, and local levels of government.

The complexities of Indian affairs are very apparent in my State. Alaska's Native people make up approximately 13 percent of the State's total population. Of those there are Eskimos, Athabascans, Aleuts, Tlingits, and Haidas. Native life in Alaska has been undergoing rapid changes as advances have been made in communications and transportation in the bush. Passage of the Alaska Native Claims Settlement Act in 1971 has further altered Native life. That act awarded Alaska Natives \$962.5 million and 40 million acres of land to be managed by 13 regional business corporations. The Select Committee on Indian Affairs has provided a necessary focal point for addressing the issues arising from ANCSA in a thoughtful and responsible manner.

As a member of the Select Committee on Indian Affairs and as an original cosponsor of Senate Resolution 127, I urge its adoption. By making the committee permanent, the Senate has the opportunity to further improve its efficiency and effectiveness in carrying out its responsibility to conduct Indian affairs.

Finally, I wish to thank Senator ANDREWS for his able chairmanship of the committee and also the committee staff who have been most helpful to me and my staff in responding to the issues of importance to Alaska Natives.

Mr. MELCHER. Mr. President, we have no request for further time on this side. I am prepared to yield back the time that might be remaining.

Mr. ANDREWS. Mr. President, we yield back the time on this side.

Mr. MELCHER. We yield back our time.

The PRESIDING OFFICER. The question is on agreeing to the resolution as amended.

The resolution (S. Res. 127), as amended, was agreed to as follows:

S. Res. 127

Resolved, That section 105 of S. Res. 4, Ninth-fifth Congress, agreed to February 4 (legislative day, February 1), 1977, as amended, is amended

(1) by striking out "temporary" in subsection (a)(1); and

(2) by striking out subsection (d).

SEC. 2. (a) There is established a temporary select committee of the Senate to conduct a study of the Senate committee system.

(b) The select committee shall be composed of twelve Members of the Senate, six from the majority party and six from the minority party, to be appointed by the President of the Senate upon the recommendation of the majority leader and the minority leader.

(c) The select committee shall select a chairman from among its majority members and a cochairman from among its minority members.

(d) A majority of the members of the committee shall constitute a quorum thereof for the transaction of business, except that the select committee may fix a lesser number as a quorum for the purpose of taking testimony. The select committee may adopt rules of procedures not inconsistent with this resolution and rules of the Senate governing standing committees of the Senate.

(e) Vacancies in the membership of the select committee shall not affect the authority of the remaining members to execute the functions of the select committee.

SEC. 3. It shall be the function of the select committee to conduct a thorough study of the Senate committee system, the structure, jurisdiction, number, and optimum size of Senate committees, the number of subcommittees, committee rules and procedures, media coverage of meetings, staffing, and other committee facilities, and to make recommendations which promote optimum utilization of Senators' time, optimum effectiveness of committees in the creation and oversight of Federal programs, clear and consistent procedures for the referral of legislation falling within the jurisdiction of

two or more committees, and workable methods for the regular review and revision of committee jurisdictions.

SEC. 4. (a) For the purposes of this resolution, the select committee is authorized in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) to hold hearings, (4) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (5) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (6) to take depositions and other testimony, (7) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, as amended, and (8) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The chairman of the select committee shall preside over meetings of the select committee, except that in his absence any other member of the select committee designated by the chairman may preside.

(c) The chairman of the select committee or any member thereof may administer oaths to witnesses.

(d) Subpenas authorized by the select committee may be issued over the signature of the chairman, or any other member designated by the chairman, and may be served by any person designated by the chairman or member signing the subpoena.

SEC. 5. For the period from the date this resolution is agreed to through December 15, 1984, the expenses of the select committee under this resolution shall not exceed \$200,000, of which amount not to exceed \$30,000 shall be available for the procurement of the services of individual consultants, or organizations thereof, as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended.

SEC. 6. The select committee may submit interim reports on its activities, together with such recommendations as it deems advisable. The select committee shall submit to the Senate a final report of its findings, together with such recommendations as it deems advisable, at the earliest practicable date, but not later than December 15, 1984. The select committee may also submit to the Senate such supplementary reports on the issues treated in its initial report as it considers appropriate. The select committee shall cease to exist upon the expiration of sixty days following submission of its final report.

SEC. 7. Expenses of the select committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the select committee.

SEC. 8. When the resolution incorporating the recommendations of this committee is submitted, it shall be referred to the Committee on Rules and Administration.

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

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

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I thank the distinguished Senator from Arizona, the distinguished Senator from

North Dakota, the distinguished Senator from Montana, and especially the distinguished Senator from Indiana. This was not only a question that concerned him a great deal but, also, he worked very hard to accommodate the conflicting views.

EDUCATION FOR ECONOMIC SECURITY ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3152

Mr. BAKER. Mr. President, what is the business pending before the Senate?

The PRESIDING OFFICER. The pending business before the Senate is the Denton amendment to S. 1285, the math-science bill.

Mr. BAKER. The pending business is the math-science bill, is that correct?

The PRESIDING OFFICER. The pending business is the math-science bill.

Mr. BAKER. And the Denton amendment is the pending amendment?

The PRESIDING OFFICER. That is correct.

Mr. BAKER. Mr. President, I think I have here everybody involved. What I propose to do now has been cleared all the way around, I think.

Mr. President, what I am about to do—I do not yet do—is ask unanimous consent to set aside the Denton amendment and go instead to the Moynihan amendment, as modified, which I understand will be offered by the Senator from Utah (Mr. HATCH), who I do not see in the Chamber at this moment. Therefore, 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.

AMENDMENT NO. 3162

(Purpose: To authorize a program of financial assistance for magnet schools and for science and technology summer camps)

Mr. BAKER. Now, Mr. President, I have consulted with the minority leader on this request and I am advised that he does not need to be on the floor when the request is made and hopefully given.

Mr. President, I ask unanimous consent now that the Denton amendment be temporarily laid aside, and that the Senate proceed to the consideration of an amendment which I now send to the desk on behalf of Senators HATCH, STAFFORD, PELL, MOYNIHAN, EAGLETON, and HEINZ.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be stated.

The bill clerk read as follows:

The Senator from Tennessee (Mr. BAKER), for Mr. HATCH, Mr. STAFFORD, Mr. PELL, Mr. MOYNIHAN, Mr. EAGLETON, Mr. HEINZ, and Mr. DOLE, proposes an amendment numbered 3162.

Mr. BAKER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the bill add the following new title:

TITLE V—MAGNET SCHOOLS ASSISTANCE

AUTHORIZATION OF APPROPRIATIONS

SEC. 501. There are authorized to be appropriated \$75,000,000 for each of the fiscal years 1984, 1985, and 1986 to carry out the provisions of this title.

ELIGIBILITY

SEC. 502. A local educational agency is eligible to receive assistance under this title if the local educational agency—

(1) has received \$1,000,000 less in the first fiscal year after the repeal of the Emergency School Assistance Act by section 5 of the Omnibus Budget Reconciliation Act of 1981 as a result of the repeal of that Act; or

(2) is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, and which requires the desegregation of minority group segregated children or faculty in the elementary and secondary schools of such agency; or

(3) without having been required to do so, has adopted and is implementing, or will, if assistance is made available to it under this title, adopt and implement, a plan which has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority group segregated children or faculty in such schools.

STATEMENT OF PURPOSE

SEC. 503. It is the purpose of this title—

(1) to provide financial assistance to eligible local educational agencies to enable such agencies to establish and operate magnet schools;

(2) to meet the special needs incident to the elimination of minority group segregation and discrimination among students and faculty in elementary and secondary schools;

(3) to encourage the voluntary elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority group students; and

(4) to encourage the development of courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the grasp of tangible and marketable vocational skills of students attending such schools.

PROGRAM AUTHORIZED

SEC. 504. The Secretary is authorized, in accordance with the provisions of this title, to make grants to eligible local educational agencies for use in magnet schools which are part of an approved desegregation plan

and which are designed to bring students from different social, economic, ethnic, and racial backgrounds together.

DEFINITION

SEC. 505. For the purpose of this title the term "magnet school" means a school or education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

USES OF FUNDS

SEC. 506. (a) Grants made under this title may be used by eligible local educational agencies for the planning for, and conduct of, programs in magnet schools, including—

(1) courses of academic instruction offered at magnet schools;

(2) courses of instruction in magnet schools offering secondary education or vocational education which is designed to increase the tangible and marketable skills of secondary school students and vocational school students;

(3) the purchase of books, materials, and equipment including computers, which directly contribute to academic excellence and the purposes of this title; and

(4) the payment of or subsidization of the compensation of elementary and secondary school teachers in magnet schools who are certified or licensed by the State and who are necessary to carry out the courses of instruction for which assistance is sought.

APPLICATIONS AND REQUIREMENTS

SEC. 507. (a) Each eligible local educational agency which desires to receive assistance under this title shall submit an application to the Secretary. Each such application shall be in such form as the Secretary may reasonably require. Each such application shall contain assurances that the local educational agency will meet the conditions enumerated in subsection (b).

(b) As part of the annual application required by subsection (a), each eligible local educational agency shall certify that the agency agrees—

(1) to use funds made available under this title for the purposes specified in section 503;

(2) to employ teachers in the courses of instruction assisted under this title who are certified or licensed by the State to teach the subject matter of the courses of instruction;

(3) to provide assurances that the local educational agency will not engage in discrimination based upon race, color, or national origin in the hiring, promotion, or assignment of employees of the agency or other personnel for whom the agency has any administrative responsibility;

(4) to provide assurances that the local educational agency will not engage in discrimination based upon race, religion, color or national origin in the mandatory assignment of students to schools or to courses of instruction within schools of such agency except to carry out the approved plan;

(5) to provide assurances that the local educational agency will not engage in discrimination based upon race, religion, color or national origin in designing or operating extracurricular activities for students; and

(6) to provide such other assurances as the Secretary determines necessary to carry out the provisions of this title.

(c) No application may be approved under this section unless the Assistant Secretary of Education for Civil Rights determines that the assurances contained in clauses (3), (4), and (5) will be met.

SPECIAL CONSIDERATION

SEC. 508. In approving applications under this title the Secretary shall give special consideration to—

(1) the recentness of the implementation of the approved plan or modification thereof;

(2) the proportion of minority group children involved in the approved plan;

(3) the need for assistance based on the expense or difficulty of effectively carrying out an approved plan and the program or projects for which assistance is sought; and

(4) the degree to which the program or project for which assistance is sought affords promise of achieving the purposes of this title.

PROHIBITION

SEC. 509. Grants under this title may not be used for consultants, for transportation, or for any activity which does not augment academic improvement, or for courses of instruction the substance of which is secular humanism.

LIMITATION ON PAYMENTS

SEC. 510. (a) No local educational agency may receive a grant under this title for more than one fiscal year unless the Secretary determines that the program for which assistance was provided in the first fiscal year is making satisfactory progress in achieving the purposes of this title.

(b) No local educational agency may expend more than 10 percent of the amount that the agency receives in any fiscal year for planning.

(c) No State shall reduce the amount of State aid with respect to the provision of free public education or the amount of assistance received under chapter 2 of the Education Consolidation and Improvement Act of 1981 in any school district of any local educational agency within such State because of assistance made or to be made available to such agency under this title, except that a State may reduce the amount of assistance received under such chapter 2 if the amount is attributable to clause (3) of section 577 (as in effect prior to the date of enactment of section 502 of the Education for Economic Security Act) but only to the extent the amount is so attributable. The Secretary may waive the prohibition against the reduction of assistance received under chapter 2 and permit such a reduction if the State demonstrates that the assistance under such chapter 2 is not necessary to the local educational agency concerned.

PAYMENTS

SEC. 511. (a) The Secretary shall pay to each local educational agency having an application approved under this title the amount set forth in the application. Payments under this title for a fiscal year shall remain available for obligation and expenditure by the recipient until the end of the succeeding fiscal year.

(b)(1) If a local educational agency in a State is prohibited by law from providing for the participation of children and staff enrolled or employed in private nonprofit elementary and secondary schools as required by this title, the Secretary may waive such requirement with respect to local educational agencies in such State and, upon the approval of an application from a local educational agency within such State, shall arrange for the provision of services to such children enrolled in, or teachers or other educational staff of, any nonprofit private elementary or secondary school located within the school district of such agency if the participation of such children and staff

would assist in achieving the purpose of this title. The services to be provided through arrangements made by the Secretary under this paragraph shall be comparable to the services to be provided by such local educational agency under application.

(2) In determining the amount to be paid pursuant to paragraph (1), the Secretary shall take into account the number of children and teachers and other educational staff who, except for provisions of State law, might reasonably be expected to participate in the program carried out under this title by such local educational agency.

(3) If the Secretary determines that a local educational agency has substantially failed to provide for the participation on an equitable basis of children and staff enrolled or employed in private nonprofit elementary and secondary schools, the Secretary shall arrange for the provision of services to children enrolled in, or teachers or other educational staff of, the nonprofit private elementary or secondary school or schools located within the school district of such local educational agency, which services shall, to the maximum extent feasible, be identical with the services which would have been provided such children or staff had the local educational agency carried out such assurance. The Secretary shall pay the cost of such services from the grant to such local educational agency and shall have the authority for this purpose of recovering from such agency any funds paid to it under such grant.

WITHHOLDING

SEC. 512. The provisions of sections 453 and 454 of the General Education Provisions Act, relating to withholding and cease and desist orders, shall apply to the program authorized by this title.

Mr. BAKER. Mr. President, I say to Members that I believe there may be a rollcall vote on this amendment, and I urge Senators to take account of that.

I hope there will not be more than 15 or 20 minutes of explanation, because I believe the amendment has been worked out and has been agreed to generally. But we do have a request for a rollcall vote. So I urge Senators to stand by, and I hope we can have the matter out of the way in the next 15 or 20 minutes.

I yield the floor.

Mr. STAFFORD. Mr. President, we are advised that Senator HATCH, who is chairman of the committee involved, is on his way to the floor, and he will undoubtedly wish to speak in explanation of the agreement that has been reached among himself, Senator PELL, myself, Senator MOYNIHAN, Senator EAGLETON, and Senator HEINZ.

I yield the floor at this time, if Senator PELL wishes to speak.

Mr. PELL. Mr. President, this amendment has been worked on hard in the last couple of hours. There were two differing viewpoints, quite far apart, when we went into our initial conference, and we have come together. It is a good amendment. Each of the sponsors has contributed to it; each has given up something as well. I commend it to our colleagues as being very worthy, and it should be adopted.

Mr. STAFFORD. Mr. President, I concur in what the able Senator from Rhode Island has just said. This morning, it appeared that there was an almost insurmountable obstacle with respect to the Eagleton-Moynihan desegregation amendment, proposed to be offered to the math and science bill. But by a good-faith effort on the part of the parties this afternoon, the matter has been resolved to our mutual satisfaction.

I am especially pleased because it enables us to go forward with this major piece of legislation, the mathematics and science bill, designed to take care of one of the main weaknesses in the American public education system. The need to improve mathematics and of science instruction was a major part of the National Commission on Excellence in Education's report and those of the other commissions that reported on this subject last year. So, it is very gratifying that we have been able to resolve our differences.

Mr. President, I see one of the principal authors of the amendment in the Chamber, and I am prepared at this point to yield the floor.

Mr. EAGLETON addressed the Chair.

The PRESIDING OFFICER (Mr. EVANS). The Senator from Missouri.

Mr. EAGLETON. Mr. President, I am pleased to join Senators HATCH, STAFFORD, PELL, and MOYNIHAN in sponsoring the amendment that is now before the Senate.

Briefly, I should like to highlight the essence of the amendment.

First of all, it provides an authorization of \$75 million and it declares that three categories of school districts are eligible to receive these funds. The first is a district which lost \$1 million in the first fiscal year after the repeal of the Emergency School Assistance Act. The second category would be a district that is operating under a court-ordered desegregation plan. Third would be a district that is operating under a voluntary plan.

The program authorization is for use in magnet schools which are part of an approval desegregation plan.

The amendment goes on to authorize the use of the funds for courses in academic instruction offered at magnet schools, for the purchase of books, material and equipment, including computers, and for the payment of or subsidization of the compensation of elementary and secondary school teachers in those magnet schools.

Finally, Mr. President, the amendment gives special consideration to the recentness of the implementation of the approved plan and to the proportion of minority group children involved in the approved plan.

Last, it says that no State shall reduce the amount of State aid with respect to the provision of public education or the amount of assistance re-

ceived under chapter II of the Education Consolidation Improvement Act of 1981 in any school district of any local educational agency within such State because of assistance made or to be made available to such agency under this title.

All in all, it is an excellent compromise amendment. I particularly commend Senator HATCH, who played a key role in the authorship of this amendment, and I am pleased to endorse it wholeheartedly and enthusiastically.

Mr. President, this amendment establishes a new title in the bill before us to reauthorize categorical Federal assistance to school districts which are operating magnet schools as a part of an approved desegregation plan. As Members in this Chamber will recall, the Emergency School Aid Act (ESAA) was included in the so-called chapter 2 block grant under the Omnibus Budget Reconciliation Act of 1981. With that inclusion of Federal assistance for desegregation activities into the block grant, most prior ESAA recipient school districts have experienced enormous reductions in funding. For example, in my own State of Missouri, both the cities of St. Louis and Kansas City received ESAA funds prior to 1982. In school year 1981-82, the year prior to implementation of the block grant, St. Louis received \$4.7 million of ESAA money. The amount allocated to the St. Louis school district under the block grant was \$650,000. That, Mr. President, is a 91.6-percent decline in funds between the 1980-81 and the 1982-83 school years. Similarly, in Kansas City, prior to the implementation of the block grant, Kansas City received \$3.3 million in ESAA funds. The amount allocated under the block grant to Kansas City was \$450,000. That, Mr. President, is a 90-percent decline in funds to the school district of Kansas City.

Similarly, Buffalo suffered an 85.8 percent decline in funds between 1980 and 1982; Cleveland suffered an 87-percent loss; Dallas suffered a 79.5-percent loss; Los Angeles suffered a 63.4-percent loss; Milwaukee suffered a 68.3-percent loss; Seattle suffered an 89.6-percent loss; San Francisco a 69.2-percent loss; and Toledo a 67.6-percent loss. Mr. President, I ask unanimous consent that a chart demonstrating the magnitude of the loss of funds to 18 major urban school districts be inserted in the RECORD at this point.

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

	ESAA funds for school year 1981-82	Total block grant funds (26 programs consolidated, including ESAA)	
		School year 1982-83	School year 1983-84
Boston	\$461,738	\$1,011,068	\$1,000,958
Buffalo	6,850,466	950,000	890,200
Cleveland	3,798,615	1,021,813	1,194,883
Dade County	593,580	2,160,694	2,137,167
Dallas	1,770,012	852,197	844,000
Detroit	3,179,193	3,418,852	3,381,625
Kansas City	3,256,597	450,000	432,000
Los Angeles	6,958,231	7,991,535	7,904,519
Milwaukee	6,866,250	2,697,606	1,697,000
Minneapolis	261,612	272,996	270,023
Nashville	572,027	557,242	552,000
New York	6,110,170	8,470,000	8,383,000
Philadelphia	3,607,876	3,427,651	3,390,329
Rochester	4,220,771	922,701	913,000
San Francisco	882,339	832,465	824,140
Seattle	3,915,705	732,000	724,030
St. Louis	4,666,632	653,645	646,528
Toledo	740,758	370,532	366,800

Mr. EAGLETON. Mr. President, when the committee adopted the chapter II block grant, it required that at least 80 percent of a State's funds be allocated directly to local school districts based in part on their numbers of so-called high cost student. The committee report stated:

At least 80 percent of the funds under this subpart are to be allocated directly to local educational agencies on a needs basis as described in the legislation. Since funds previously earmarked by school desegregation assistance have been consolidated into this subpart, the Committee expects that recognition of additional costs incurred by the efforts to alleviate the isolation of minority group children where appropriate will be included among the needs factors considered in the allocation of funds to local educational agencies. However, consistent with existing law, such funds are not to be used for the transportation of students or teachers or for acquisition of pupil transportation equipment.

The Committee expects that, in allocating funds for desegregation projects, the State will make individual awards on the basis of the recentness of the LEA's qualifying desegregation plan, and on the severity and likely duration of the educational needs addressed by the LEA's proposed activities, taking into account the LEA's relative access to other resources necessary to respond to the special needs arising from the plan. The Committee also expects that States will give equal consideration to plans based on court orders and voluntary plans.

Both the statute and the legislative history made it quite clear that each State has the responsibility of allocating at least 80 percent of its block grant funds to local school districts and each State is supposed to provide higher per pupil allocation to districts which have higher concentrations of children from low-income families or who live in economically depressed areas. Congress clearly intended that the intrastate formulas under the block grant recognize the needs of districts with those characteristics of primarily urban school districts undergoing desegregation activities. Yet, from the statistics which I have cited above and all other preliminary information which has been given to the Senate Education Subcommittee, too many States are totally ignoring the con-

gressional intent of the chapter 2 law. Only eight States used some desegregation factor in allocating funds to local districts. Only 6 percent of school districts across the country are using their chapter 2 funds for desegregation activities.

Since the inception of the ESAA program in 1970, ESAA has provided the only substantial support to school districts facing desegregation-related needs. I think it is also important to point out the major role this program played in encouraging voluntary desegregation in school districts across the country. According to an August 1982 report prepared for the U.S. Department of Education, only 27 percent of ESAA recipient school districts prior to 1981 had voluntary desegregation plans. Of those districts who received their first ESAA awards in 1980 or 1981, the percentage of voluntary plans had risen to 41 percent.

Mr. President, this administration's blue ribbon National Commission on Excellence in Education published a report in April of last year emphasizing that the primary role of the Federal Government in education is to enforce the civil rights laws as they apply to education and to help meet the needs of socioeconomically disadvantaged and minority students. Despite those pious words of the President's own Commission, this administration's lack of support for school districts undergoing desegregation, whether voluntary or court ordered, belies their printed words.

The amendment which we are now proposing will not by any means meet the total fiscal needs of the many districts across the country moving forward with school desegregation programs, but it will make a major contribution toward insuring an equal opportunity for quality education in those districts.

The amendment does not reenact the predecessor Emergency School Aid Act. It creates a far more targeted Federal desegregation assistance program under which school districts would have to compete nationally and demonstrate their compelling need prior to the receipt of Federal tax moneys. The amendment gives direction in the targeting of these funds by specifying four categories of special consideration for awards. These are: First, the recentness of the implementation of the plan; second, the proportion of minority group isolated children involved in the plan; third, the need for assistance; and fourth, the degree to which the program or project for which assistance is sought affords promise of achieving the purposes of this title.

Civil rights, an integral part of which is school desegregation activities, have been and remain a national priority. Compliance with desegregation orders, or local commitments to

voluntarily desegregate are costly business—failure on the part of Congress to assist districts to comply with Federal laws is even more costly to society as a whole. I urge adoption of the amendment.

Mr. BRADLEY. Mr. President, I rise as a cosponsor of this amendment to reenact the Emergency School Aid Act—ESAA. This amendment would reverse the decision made 3 years ago to terminate ESAA and consolidate it into the Chapter II Block Grant.

Mr. President, ESAA was designed to assist local communities with their efforts to desegregate the public schools. In 1981, several hundred school districts received approximately \$150 million for these activities. Nineteen schools in my own State of New Jersey received over \$5 million in 1981 for ESAA. When the program was terminated in 1981, these schools suffered a disproportionate reduction in Federal funding; Federal funding for these New Jersey schools was reduced by about two-thirds.

Last year the Montclair Board of Education submitted testimony to the House Subcommittee on Elementary, Secondary and Vocational Education documenting the serious problems in New Jersey associated with the termination of ESAA. I ask unanimous consent that this testimony be included in the RECORD at the end of my statement.

Mr. President, ESAA should never have been included in the Chapter II: Block Grant in the first place. The loss of ESAA funding has hampered local efforts to provide an adequate education to students. I urge my colleagues to support this amendment.

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

TESTIMONY FOR THE HOUSE SUBCOMMITTEE ON ELEMENTARY, SECONDARY AND VOCATIONAL EDUCATION

Honorable Carl S. Perkins, the Montclair Board of Education, Montclair, New Jersey, respectfully submits the following testimony in support of the reinstatement of aid to desegregation programs in the form of the reauthorization of the Emergency School Aid Act.

The initial section of this report addresses the impact of the loss of desegregation funding on the Township of Montclair, New Jersey.

The second section addresses the impact of Block Grants on 19 New Jersey School Districts who were funded under the ESAA program in 1981-1982.

PREFACE

Dollar figures, enrollment reports and racial balance percentages do not reflect the impact that federal support for desegregation has had on this community. The impact as a whole can best be described by noting that in ten years, the community has moved from riot to reason and from confrontation to consolidation in solving problems. Ancillary benefits, such as the beginnings of an integrated housing pattern, increased real estate values and general community pride cannot be measured in dollars

and cents. The direct educational benefits of the ESAA support of desegregation programs can be seen in improved standardized test scores, increased parental involvement and strengthened community support of public education. Montclair's programs have served as models for programs in New Jersey and across the nation.

MONTCLAIR'S DESEGREGATION PLAN COMPONENTS

Gifted/talented magnet: Activities severely curtailed, thus endangering the "magnetic" quality of the specialized programs. The Gifted/Talented program is a component of Montclair's which eliminates minority group isolation in grades pre-K through 8. The program serves approximately 2,000 students in three schools, providing specialized educational offerings to attract students into various schools within the community.

Primary unit magnet: Activities severely curtailed, thus endangering the "magnetic" quality of the specialized programs. The Primary Unit Magnet is comprised of unique educational activities in full-day programs for four, five and six-year olds, designed to attract a sufficient number of minority and non-minority group students into selected elementary schools. Specialized programs include, but may not be limited to, foreign language, science, dance and drama.

Fundamental magnet: Activities severely curtailed, thus endangering the "magnetic" quality of the specialized programs. The Fundamental Magnet program is designed to eliminate minority group isolation at three elementary and middle schools by providing students with an intensified basic skills program, continuous home-school communication, specifically designed and implemented parental responsibilities, cultural and character education.

Comprehensive guidance magnet: Have been eliminated as a result of losing ESAA. The Comprehensive Guidance Program is an alternative guidance program designed to supplement and extend existing guidance and counseling services. The program provides direct and/or indirect services to students and parents and ensures equal access to programs by making sure parents know what their educational options are and how to exercise them.

Learning centers: Have been eliminated as a result of losing ESAA. The Learning Centers are learning environments which provide supportive educational services to students whose attendance at the school has widened the range of achievement levels and created a student population with a wider variance in cultural and socio-economic background.

Staff development: Have been eliminated as a result of losing ESAA. The Staff Development activities include sessions for principals, teachers and support staff in school buildings affected by the desegregation plan. Content includes human relations as well as strategies to help teachers relate to and teach students with diverse cultural and educational backgrounds.

WHY EDUCATION-RELATED DESEGREGATION PROGRAMS (MAGNETS) COST MORE

Magnet programs are educational programs based on parents being able to choose unique educational opportunities.

(1) Voluntary plans require additional administrative oversight.

(2) Parents and community must be informed for equal access to systems based on choice. All parents must be able to exercise choice options.

(3) Unique educational programs with grammatical differences require continuous: (a) staff training; (b) curriculum revision and update to remain attractive; (c) additional costs of supplies; (d) specialized teachers; (e) additional support programs, such as guidance alternatives; and (f) community parent education and parent involvement programs with administrative support.

The total cost of Montclair's integration program, desegregation activities and support programs has been calculated to be approximately ¼ of a million dollars in 1982-1983. The Board has been able to assume approximately \$400,000 of the cost for staff.

Losses of ESAA funds resulted in the following staff cutbacks: Administrators 4, teachers/home school liaisons 16, secretaries 2, or ¼ of the desegregation-related staff of 78.

If funded in the 1982-1983 ESAA grant, Montclair would have received the third-year grant of a five-year commitment the federal government made to support desegregation programs. The five-year commitment carried with it a "sunset" clause. To be eligible for the grant, school districts had to demonstrate their ability to divest themselves of dependency on federal funding (and keep the program going) by the end of the grant period. Montclair was making progress toward that goal.

Table follows:

	ESAA	Local	Staff
1980-1981	\$1,269,330	\$635,320	114
1981-1982	984,682	438,562	78
1982-1983			

We have managed to maintain the "guts" of the plan, but without additional assistance, the integrity of the plan cannot be maintained. Deeper cuts will mean a return to racially isolated schools.

IMPACT OF LOSS OF FUNDING ON THE STATE OF NEW JERSEY

The attached chart shows the loss of funding for 19 districts who received a total of \$5,000,000 in aid to desegregation during FY 1981-1982. It should be noted that New Jersey received a total of \$15 million in discretionary, antecedent federal funds during 1981-1982. Fully one-third, or \$5 million, of that aid went to support desegregation programs.

As you will note from the chart, most of the districts used their block grant allotment to continue their desegregation efforts. However, the precipitous reduction in funds is only serving to delay the desegregation of schools.

The American Association of School Administrators studied block grant expendi-

tures. The results indicated that school districts around the country spent 80% of their block grants on computer hardware. The 19 New Jersey districts, on the other hand, spent their block grant money on improving educational programs that had, as their aim, the support of desegregation efforts. This speaks to the degree to which desegregation and improved education go hand in hand and require additional expenditures.

An additional funding issue is the degree to which non-public schools received additional monies under the block grant system. In New Jersey communities where desegregated school districts received extra support through modification of the block grant formula, non-public schools reaped even greater benefits.

According to the Chapter 2 regulations, non-public schools must share equally in the formula allocation. In New Jersey, the non-public share of federal funds rose from \$700,000 in 1981-1982 to over \$1.4 million in FY 1982-1983.

Contrary to the prevailing opinion, the desegregation funding was used to support improved educational programs to encourage voluntary desegregation. At a time when the Commission on Excellence is calling for revamping the educational system, we cannot afford to deny support to programs which have demonstrated their educational worth.

IMPACT OF BLOCK GRANTS ON 19 RECIPIENTS OF ESAA FUNDS IN NEW JERSEY

District:	1981-82 public	1981-82 nonpublic	1981-82 total	1982-83 public	1982-83 nonpublic	1982-83 total	Public loss	Nonpublic gain
Asbury Park	654,139	5,372	659,511	51,053	9,747	60,800	603,086	4,375
Bayonne	488,337	8,185	488,337	74,060	38,539	112,599	414,277	
Bridgeton	73,967	2,718	76,685	97,481	8,882	106,363	+23,514	6,164
Buena regional	42,100	3,417	45,517	43,831	15,380	59,211	+1,731	11,963
Camden	336,123	20,079	356,202	308,130	29,285	337,415	27,993	8,206
Carteret	243,745	1,216	244,961	68,669	8,177	76,846	175,076	6,961
Elizabeth	549,173	27,190	576,363	222,793	77,806	300,599	326,380	50,616
Galloway	68,405	311	68,716	17,888	7,014	24,902	50,517	6,703
Highland Park	138,913	431	139,344	28,658	2,698	31,356	110,255	2,267
Irvington	195,608	8,718	204,326	156,377	24,890	181,267	39,231	16,172
Jersey City	601,695	107,084	708,779	654,757	291,881	946,638	+53,062	184,797
Matawan-Aberdeen regional	426,680		426,680	66,381		66,381	360,299	
Montclair	902,540	2,408	904,948	70,361	26,840	97,201	832,179	24,432
Piscataway	128,261	1,582	129,843	71,290	16,154	87,444	56,971	14,572
Rahway	83,199	381	83,580	35,605	3,457	39,062	47,594	2,076
Roselle	134,944	2,870	137,814	38,309	19,362	57,671	96,635	16,692
Teaneck	384,159	470	384,629	54,472	4,385	58,857	329,687	3,915
Union	266,162	18,475	284,637	133,343	48,910	182,453	132,619	30,435
Vineland	418,389	7,648	426,037	121,581	21,032	142,613	296,808	13,384
Total	6,136,539	210,370	6,346,909	2,315,239	654,639	2,969,878	3,821,293	404,730

Mr. PERCY. Mr. President, I am pleased to rise today in strong support of the amendment offered by my distinguished colleagues from New York and Utah which authorizes special assistance for school desegregation activities. This amendment is similar to S. 1256, the Emergency School Aid Extension Act of which I am a cosponsor, and would create a new program of special assistance for school desegregation activities as title VI of the Elementary and Secondary Education Act of 1965.

Today, as 12 years ago when the Emergency School Aid Act of 1972 (ESAA) was first authorized, Federal assistance for school desegregation activities remains a matter of vital importance to millions of American school children. ESAA, prior to its repeal in 1982, authorized funding for a wide variety of programs to assist

school districts in implementing desegregation plans, both voluntarily and as a result of court order. Title VI, the authorizing statute, sets forth to meet the special needs related to the elimination of minority group segregation and discrimination among students and faculty in elementary and secondary schools and encourages the voluntary elimination, reduction or prevention of such segregation and discrimination in schools with substantial minority group enrollment.

The amendment I am supporting today, the Desegregation Assistance Act, revives ESSA by authorizing through 1986, amounts not to exceed 22 percent of the previous year's authorization for chapter 2 block grants. For fiscal year 1984, the authorization would be \$75 million. Grants awarded to school districts under this program could be used for curriculum develop-

ment, community relations, staff hiring and training, extracurricular activities and the operation of magnet schools.

Mr. President, I strongly urge my colleagues to support this amendment to insure that all children have the opportunity to receive a quality education. We must remain firm in our commitment to provide equal education opportunities to children of all races. The Federal Government has made the funding of school desegregation a national priority over the past 13 years. If we deprive local school districts the resources necessary to carry out desegregation plans, they will be unable to meet their obligations under law.

● Mr. DURENBERGER. Mr. President, I am pleased to support Senator MOYNIHAN's emergency school aid extension amendment. This amendment

would provide categorical assistance for State and local desegregation programs and I am hopeful the Senate will adopt this amendment.

Thirty years ago, the Supreme Court, in *Brown v. Board of Education*, 347 U.S. 483 (1954), affirmed the importance of integration of our Nation's educational institutions.

One year later, in a second *Brown* decision, the Supreme Court identified appropriate mechanisms to secure effective enforcement. Federal district courts were delegated primary responsibility for supervision of the transition to a system of public education that is free of racial discrimination. Courts were permitted to rely upon traditional equitable principles and the public interest in the implementation of desegregation plans. Most importantly, however, the Supreme Court demanded that public school officials make a prompt and reasonable start toward full compliance.

Three decades later, after years of struggling to achieve equality and equity, we still need to facilitate school desegregation. The problem of segregation today is centered in the large metropolitan areas of the country and is most acute in the urban industrial centers of the Northeast and Midwest. None of the 10 largest metropolitan areas in the country has substantially desegregated school systems. In the 26 largest cities, 3 of every 4 black children are assigned to intensively segregated schools. Most inner-city schools have large black or Hispanic majorities, while the suburban schools tend to be white.

To facilitate desegregation efforts, the Federal Government enacted the Emergency School Aid Act and, from 1972 to 1981, districts throughout the country benefited from this program. However, in fiscal year 1982, the ESAA was repealed as a separate program and funds for desegregation were consolidated into an education block grant.

Unfortunately, the block grants have meant less funds for desegregation efforts. It is imperative that we continue our Nation's commitment to civil rights and that we remove the blight of school segregation from this generation and all future generations.

Mr. President, I urge my colleagues to support this amendment. I ask that a letter of Mr. Larry Harris, of the Minneapolis Public Schools be printed in the *RECORD* at the conclusion of my remarks.

The letter referred to follows:

MINNEAPOLIS PUBLIC SCHOOLS,
Minneapolis, MN, February 23, 1984.

Hon. DAVID DURENBERGER,
Russell Office Building,
Washington, DC.

DEAR SENATOR DURENBERGER: I am writing in reference to the Emergency School Aid Act which has supported desegregating school systems in America for a number of years and which was blended into the Block

Grant Program. Consequently, previous Minneapolis Public School ESAA funds were folded into the Block Grant Program and along with St. Paul and Duluth ESAA funds, distributed throughout the state. This made ESAA funds available to many school districts in the state which serve no minority students.

I want to summarize some of the support provided by the Emergency School Aid Act in Minneapolis between the period of 1973-74 and 1981-82. The district received \$6,458,877 during that time period. We received no money in 1976-77 because it was "St. Paul's turn" that year.

A number of programs were operative and I am going to summarize them. The ESAA money was important because it said to the citizens of Minneapolis that the federal government did care about the fact that districts such as Minneapolis were incurring extra expenses in order to provide a desegregated and integrated education for students who often lived in segregated neighborhoods. (We are enclosing a complete list of projects funded under ESAA.)

The ESAA money allowed students in desegregating schools to have an opportunity for special academic help which is not always restricted to low income criteria such as Title I.

Formation of an ESAA districtwide committee involving parents, students, teachers and community persons brought an added focus on desegregation and an awareness that the federal government did see itself as part of the team in correcting the evils of segregated housing.

Some of the programs which were made possible to support our desegregation effort under ESAA funds included reading and math instruction to help high need students in desegregating schools. This program operated for several years and served public and nonpublic students. Help was provided to students because they attended a desegregating school.

Desegregation aides were used in a number of schools to help transfer students to adjust to their new school. Desegregation aides work with staff, the students, with families and in many instances with the community around the school. The desegregation aides served as a bridge between minority students attending new schools in neighborhoods where they had never lived and sometimes never been.

The District used materials developed through the Title I Math Basic Skills Development Project as part of ESAA remedial math programs in order to save costs. We used materials developed with one set of federal funds in another program so as not to spend money remaking a wheel.

One of the frustrations of the desegregation program was that Title I students who were receiving math and reading help were often transferred to non-Title I schools. ESAA funds allowed us to provide Title I-type services to these students so that their moving as part of the desegregation program did not force them to lose special academic help.

A Parent/Community Outreach program operating through outreach workers was added in a number of schools to maximize participation of parents in newly desegregated schools.

In-service training was provided for staff in desegregated secondary schools and in their feeder schools to increase understanding of students and to prevent dropouts. The desegregation/integration efforts of the Minneapolis Public Schools reassigned

students so that many student bodies were vastly different than they had been over history. As an example, I attended Marshall Junior-Senior High School for my last six years of public school. During that six-year period, I remember one minority student who was in our school because he was in a wheelchair and all secondary handicapped students attended Marshall. The desegregation efforts of the Minneapolis Public Schools completely changed the complexion of Marshall. Not only were minority students to become part of the student body, the old southeast neighborhood complexion of Marshall was enriched by students from both north and south sections of Minneapolis. Special training for the staff was important in supporting the long-term success of Marshall.

The Central Magnet Program was developed with ESAA funds. The Central Magnet Program drew students from the whole south side. It provided a type of integration of a voluntary nature. It provided services to gifted, talented and high potential students. An excellent fringe benefit of the Central Magnet Program was that students who lived in the Central neighborhood had an opportunity to participate in the magnet program and to attend the high school which was enriched by bright, eager and active students. The Central Magnet Program has been moved to South High School.

The Henry, Edison, North Program (HEN) developed activities between and among three schools serving north and northeast Minneapolis with widely divergent racial and ethnic populations. The HEN program became the forerunner of the current trimester integration program between North and Edison where students in ninth, tenth, and eleventh grade spend one of three trimesters each year in the other school.

I firmly believe, Senator Durenberger, that the support of desegregation/integration efforts in the core cities of America is crucial if our country is to have long-term racial harmony. There has been a steady increase in the percentage of minority students in the Minneapolis Public Schools. In 1969 the district had 12 percent minority students and in 1983 the minority student population was 35.2 percent. Our district's minority population is a diversified population. In 1978, 1.5 percent of the student body were Asian Americans and in 1983 5.9 percent are Asian Americans. Our Asian American population grew from 679 in 1978 to 2,337 in 1983. We had 2,324 American Indian students in October 1983 which was the largest Indian student enrollment of any school district in the state. The Black American population in 1983 was 8,814 while we had 498 Hispanic Americans. The complexity of our district's population has added to the need for ongoing staff training due to the implementation of our Five-Year Desegregation/Integration Plan.

Senator Durenberger, I am writing because I believe the federal government may feel that it should have a limited role in education, but that the desegregation/integration of the American city schools is so crucial that our national government must continue its stake in those school systems which are desegregating and integrating their student bodies.

If you read the lead article in the Minneapolis Star & Tribune of February 15, 1984 you would have noted that benchmark tests for kindergarten students in the Spring of 1983 indicated that 19 percent of the students who take the benchmark tests wouldn't have been promoted. We hope that

adjustments during the 1983-84 school year will cut the percentage of students who will be held back down to 10-12 percent. It is interesting to note, Senator Durenberger, that the percentage of Indian students who would have scored too low for promotion was 30.1 percent, Asian and Hispanics students 16.2 percent, Black Americans 37.8 percent and White students 11.8 percent. If the school systems like ours can't provide the educational opportunities to help all the core city's students grow, our cities and nation will pay the price in the future.

I'm sorry that this letter is so long, but I believe the subject warrants the length and urge you to support efforts to develop an ESAA-type bill.

Please don't hesitate to contact us if you have any questions.

Sincerely,

LARRY HARRIS,
Director, Legislative and
Community Relations.●

(By request of Mr. BYRD, the following statement was ordered to be printed in the RECORD:)

● Mr. KENNEDY. Mr. President, I support the amendment to reestablish the Emergency School Aid Act. Segregation continues to be pervasive throughout our Nation's schools. According to a 1982 report by the Joint Center for Political Studies, 63 percent of black children attend predominantly minority schools; 68 percent of Hispanic children attend predominantly minority schools.

This program has been at the foundation of this Nation's effort to carry out school desegregation. This program continues to play an important role in providing support for those schools which face court-ordered desegregation. Since its inception, ESAA has provided the only substantial support to meet desegregation-related needs.

ESAA has played an important role in encouraging voluntary desegregation of schools. According to the Department of Education, 27 percent of the ESAA grants in 1980 and 1981 went to support nonrequired, or voluntary plans. In 1981-82, 41 percent of the funds went to voluntary efforts.

This amendment sets aside \$75 million of the chapter 2 block grant funds to be targeted for desegregation assistance. It establishes a single national competitive grant program administered by the Secretary of Education under precise criteria which will target the funds where they are most needed.

Support for desegregation assistance continues to be a national priority. Schools under court order, or schools seeking to enact voluntary desegregation plans, need Federal support in order to carry out an effective desegregation plan. We have a continuing obligation to support desegregation efforts. I urge my colleagues to support this amendment.●

● Mr. CHAFEE. Mr. President, as a cosponsor of S. 1256, the Emergency School Aid Extension Act, I would like to express my support for the amend-

ment offered by Senators HATCH and MOYNIHAN to include support for magnet schools as an amendment to S. 1285.

I have supported S. 1256 because I believe the elimination of racial isolation in our Nation's public schools remains one of the primary responsibilities of the Federal Government in education. We must continue to assure that all students are given an equal opportunity to receive a quality education, regardless of background.

Federal leadership in reducing school segregation has played a crucial role in this endeavor. Magnet schools—schools which attract students from all backgrounds based upon their interest in certain disciplines—have been an enormously successful tool in promoting voluntary segregation programs. In Providence, R.I., an extremely successful magnet program in the city's public high schools has received widespread community support and helped to improve the learning environment.

Providence was one of many cities which received support for its magnet program in the Emergency School Aid Act prior to its consolidation in the chapter 2 block grant program. After consolidation, the level of funding available for desegregation programs was significantly reduced. Important activities to reduce racial isolation and assist minority and disadvantaged students have been curtailed.

The chapter 2 funding formula has hindered many urban school districts in their efforts to implement desegregation activities. I have supported the revival of categorical assistance for these activities in order to enhance the capability of our Nation's urban schools to address the unique challenges they face today.

Although the compromise amendment being considered today does not entirely meet the goals set forth in S. 1256, it will provide important support by enabling school systems to compete for assistance outside the block grant. This support will be of enormous help to America's urban schools, and I commend Senators HATCH and MOYNIHAN, as well as the other cosponsors of the measure, for their diligent efforts in this matter.●

Mr. MOYNIHAN. Mr. President, I am pleased to join as a cosponsor of the amendment to S. 1285, the Education for Economic Security Act, that would authorize \$75 million for magnet school programs that are part of voluntary and court-ordered desegregation plans.

During consideration of the Omnibus Reconciliation Act of 1981, President Reagan decided to include the emergency school aid program (ESAA) in his State education block grant proposal. This essential program was joined with 27 other Federal education programs into chapter 2 of the Educa-

tion Consolidation and Improvement Act of 1981. We now know that the consequence of this action has been the drastic reduction or elimination of Federal funding for voluntary and court-ordered school desegregation programs in hundreds of school districts throughout the country.

At the end of the 97th Congress, I responded to this crisis by introducing legislation that would remove the emergency school aid program from the block grant, thereby reestablishing it as title VI of the Elementary and Secondary Education Act of 1965. Then, at the beginning of the 98th Congress, I introduced S. 402, the Emergency School Aid Act, to achieve the same purpose. Since then, I have joined with a number of my distinguished colleagues in introducing S. 1256, a modified version of S. 402, that would authorize a new program of special assistance for school desegregation activities. The Senate Subcommittee on Education, Arts, and Humanities held a valuable hearing on this legislation on June 27, 1983.

I had planned to offer today my own amendment to S. 1285 that embodied the essential aspects of S. 1256, with a few modifications. My amendment, instead of authorizing \$125 million, would have authorized an "amount not to exceed 22 per centum" of the previous fiscal year appropriation for chapter 2 of the Education Consolidation and Improvement Act; in fiscal year 1984, this amount would be \$100 million. In addition, we would have modified the application procedure for competitive grants and altered the prohibition against reduction in State funding for desegregation activities as a condition of receiving Federal assistance. After meeting with my distinguished colleagues, Senators HATCH, STAFFORD, EAGLETON, and PELL, I have agreed to cosponsor the amendment now before the Senate.

As you are doubtless aware, the requirements to integrate public schools is a Federal mandate in this Nation. It is imposed on the school systems by the Supreme Court's interpretation of the Constitution. This interpretation quite correctly was handed down in *Brown against Board of Education*, on May 17, 1954. I might note that we recently observed the 30th anniversary of this historic decision, and it seems appropriate to discuss the subject of school desegregation at this time.

Sixteen years later, the Court's order had not been obeyed. On the fringes of some areas of the country, there had been a response, but in the main, the dual school system, with one system for one race, another for another, continued untouched. Something approaching a constitutional crisis was at hand when, on a matter of such universal importance, the

Court could rule unambiguously and be defied.

In the spring of 1970, President Nixon, to whom I was then counselor, came to the conclusion, which President Johnson had clearly felt and President Kennedy before him, that something had to be done. With each passing year, this urgency intensified by virtue of the constitutional issue.

A committee was formed—I was a member, non-Secretary of State George Shultz was the most active participant—to make the opening of school in 1970 the year in which the dual school system would disappear in this country. State-by-State, and almost school district-by-school district, this plan was put together. It became very clear that if this was going to be done on a voluntary basis, not on a basis of court-ordered this and court-ordered that, expenses would be required for a long time. Patterns of 4 generations, perhaps, were not going to be changed in 4 years.

So, on May 21, 1970, the President sent a special message to Congress proposing the Emergency School Aid Act to assist local school districts undergoing desegregation either voluntarily or in compliance with court decisions. In his message the President emphasized the importance of this initiative when he stated:

It is clear that racial isolation ordinarily has an adverse effect on education. Conversely, we also know that desegregation is vital to quality education—not only from the standpoint of raising the achievement levels of the disadvantaged, but also from the standpoint of helping all children achieve the broad-based human understanding that increasingly is essential in today's world. . .

Few issues facing us as a nation are of such transcendent importance: important because of the vital role that our public schools play in the nation's life and in its future; because the welfare of our children is at stake; because it presents us a test of our capacity to live together in one nation, in brotherhood and understanding.

Because Congress did not immediately act upon his recommendation, the President directed, by Executive order, the creation of the emergency school aid program. In consequence, by the fall of 1970, the dual school system of the South disappeared. During that year, nearly 700 districts had changed from dual to unitary school systems—more than in any single year of the previous 16 years following the first Supreme Court decision.

We then turned to the cities, where we faced the same problems. This was just as real a problem as ever it was anywhere in the South. In 1972, Congress addressed this concern by passing the Emergency School Aid Act. This was a most vital program, and one much on the minds of people having to handle our school problems of this kind.

All went well with no billowing of expenditure of any kind. Indeed, while Congress had authorized an initial expenditure of \$1 billion for each of the first 2 years of the program, it took almost an entire decade for this amount to be spent. Then, in 1981, we suddenly put some 28 school programs into a single block grant under chapter 2, as it is now called.

In fiscal year 1981, \$512 million was available to State and local educational agencies for all programs folded into the block grant. A year later, funding for the same programs under chapter 2 was reduced to \$455 million. Desegregation aid effectively disappeared for many school districts that had previously received ESAA funding. According to a study prepared for the Department of Education by James H. Lowry & Associates and ABT Associates, Federal funds spent on magnet and other ESAA programs dropped from \$149.2 in fiscal year 1981 to \$25.2 million on comparable activities in fiscal year 1982 with the chapter 2 block grant.

In a letter to me dated June 22, 1983, the U.S. Commission on Civil Rights documented the extent of this loss of desegregation funding, explaining:

ESAA was the second largest program included in the block grant, but in allocating funds to local education agencies only seven States give any consideration to the districts' desegregation needs (National Committee for Citizens in Education, Network (March 1983)). A random survey of 2,500 local school districts by the American Association of School Administrators found that 94.3 percent of the districts did not fund the Emergency School Aid Act program under the block grant. During the last year of ESAA as a categorical program, approximately 250 school districts received grants ranging from \$30 thousand to \$7 million. Seventeen large cities received over \$1 million. ESAA funds were a significant resource in facilitating desegregation. Placement of ESAA in a block grant, therefore, has eliminated a critical lever which the Federal Government had in promoting equality of educational opportunity, and also has limited school districts in implementing voluntary plans.

In my own State of New York, funding for school desegregation has dropped precipitously, from more than \$20 million in fiscal year 1981 to about \$2.9 million in fiscal year 1983—an 86-percent cut, without taking into account the effects of inflation. The Buffalo public schools received \$6.57 million for desegregation purposes in 1981, but only \$1.29 million in 1983. I would also note that school systems in New York City, Rochester, West Irondequoit, Syracuse, Newburgh, and Mount Vernon also experienced dramatic reductions in Federal support. Four of these districts—Buffalo, Rochester, Newburgh, and Syracuse—used 100 percent of their chapter 2 State formula moneys in 1982 for desegregation.

The Reagan administration has repeatedly stated its support for voluntary school desegregation. A 1980 Presidential campaign position paper stated:

Governor Reagan would rigorously enforce laws which prohibit intentional racial segregation, and would support voluntary integration plans such as magnet schools.

In a brief filed with the Fifth Circuit Court of Appeals in New Orleans on August 9, 1982, the Justice Department called for the use of "voluntary incentives" rather than mandatory busing to achieve desegregation. The brief further specified the establishment of "magnet schools" offering unique, high-quality curriculums to draw students from all areas into a segregated school.

Yet, by including ESAA moneys in the chapter 2 block grant program, the administration effectively deprived school districts of funds necessary for undertaking school desegregation programs. Apart from the dissipation of ESAA funding, the Reagan administration further proposed eliminating the \$24 million civil rights training program under title IV of the Civil Rights Act of 1964.

An article written by Virginia Robinson for Education Times provides an overview of congressional action to restore the Federal Government's commitment to school desegregation. Her article also documents the findings of the Lowry-ABT report commissioned by the U.S. Education Department's Office of Planning, Budget, and Evaluation on magnet schools and desegregation. Not surprisingly the conclusions of the study, which found that magnet schools can have a significant impact on both educational achievement and the success of systemwide desegregation plans, were never widely distributed by the Department—see Education Times, January 30, 1984.

The amendment we offer would create a new categorical program of special assistance for magnet school desegregation activities. The legislation upon which it is based, S. 1256, has received the bipartisan support of 24 Senators. Similar legislation was approved overwhelmingly in the House by a margin of 299 to 120, on June 7, 1983.

Our amendment would authorize expenditures for voluntary desegregation activities for fiscal year 1984-86. Local school districts would compete for funding under the program by submitting applications to the Department of Education, which would administer the program; 5 percent of the total authorization would be set aside for grants to State educational agencies providing support for desegregation-related activities to local school districts.

Surely, the proven benefits of the former Emergency School Aid Act pro-

gram, as a fulfillment of the Federal Government's commitment to school desegregation, and as a means for providing millions of American school children with better educational opportunities, warrant this expenditure.

I strongly urge my colleagues in the Senate to support this amendment. Although local control of education is a well-established principle in this Nation, the Federal Government has made the funding of school desegregation a national priority over the past 13 years. Without a separate, categorical program of assistance for voluntary desegregation, local school districts across the country will, in all probability, be unable to meet their obligations under the law. We must not surrender our commitment to providing equal education opportunities to children of all races by depriving local school districts of the resources necessary to carry out desegregation plans. To do so would be to undo all of the good achieved by ESAA programs.

Mr. HATCH. Mr. President, I should like to compliment my colleagues Senators EAGLETON, MOYNIHAN, PELL, STAFFORD, HEINZ, and others, on whose behalf this amendment has been offered, for their cooperation in forging this compromise, which I think is very important.

I think Senator EAGLETON has covered the matter very well.

This amendment will provide \$75 million for magnet school programs. This categorical grant program is designed to bring together students from varying backgrounds and thus to promote academic excellence for all American children.

In order to be eligible for these funds, a local educational agency must provide assurances to the Department of Education's Office of Civil Rights that it does not discriminate against teachers or students on the basis of race, color, religion, or national origin.

Eligibility for these funds will be also contingent upon approval by the Office of Civil Rights within the Education Department of a plan which clearly sets forth how the local education agency will promote academic excellence for their students.

This amendment is before the Senate because quite a number of school districts which had been receiving funds under the Emergency School Assistance Act no longer had those funds available. This amendment accordingly will be of assistance to those school districts which lost the most Federal funds in the 1981 Education Consolidation Improvement Act. This is a modest measure. Those school districts have reported a need for \$50 million to replace these lost funds. The Senate is providing \$75 million to insure that the full purpose of academic improvement within these school districts is achieved.

The determination to be made by the Department of Education's Civil Rights Office regarding the absence of discrimination will be based on an intent test for discrimination, not an arbitrary effects or results test.

School districts who have no discernible intent to discriminate should not be barred from eligibility merely because its policies result in or have the effect of creating an imbalance of minorities vis-a-vis majorities. If a school district intentionally discriminates, it should of course be barred from receipt of Federal assistance. In fact, the penalty for purposeful discrimination should be even more severe. If, on the other hand, a school district draws boundaries or pursues some other policy for sound educational reasons—such as permitting students to attend neighborhood schools—which merely has the result of failing to achieve some arbitrary notion of racial proportionality, there is no reason to preclude eligibility. Deliberate discrimination should be punished; sound educational practices should not. This is the standard of this amendment.

I would like to commend the members of the staff who have been instrumental in putting together the agreements, on the math/science bill and on this magnet school amendment, particularly Dr. Howard Matthews, Kris Iverson, Randy Rader, and Ron Preston of my own staff, and Polly Gault, Skip Vallee, David Evans, Marcia Verville, and Jeff Viohl.

AMENDMENT NO. 3163

Mr. HATCH. Mr. President, there is one technical correction that needs to be made, and with the permission of my colleagues, I send a technical amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Utah (Mr. HATCH) proposes an amendment numbered 3163 to amendment No. 3162.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 4, line 6, after "race," insert "religion".

Mr. HATCH. Mr. President, this amendment adds the word "religion" on page 4, line 6, after the word "race." That was left out. It was clearly an oversight. All the sponsors on the floor are in agreement that it should be changed. It is in three other clauses, and we want to keep those clauses uniform.

Mr. President, I move at this time to strike everything in the purpose clause of this amendment after "magnet schools." That will include the words

"and for science and technology summer camps."

The PRESIDING OFFICER. The amendment is not at the desk.

Mr. HATCH. We will prepare that amendment and submit it. We will submit an amendment to strike, in the purpose clause, "and for science and technology summer camps," because we have changed this amendment so that that is no longer necessary in the amendment.

The PRESIDING OFFICER. There is a technical amendment now pending.

Mr. HATCH. I move the technical amendment.

The amendment (No. 3163) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, a parliamentary inquiry. Is it possible to move to strike those words without a formal amendment?

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

Mr. HATCH. I yield.

Mr. MOYNIHAN. I have a few remarks I should like to make, and that might provide an opportunity to send the technical amendment to the desk.

Mr. HATCH. Does the Chair want this filed in the form of a formal amendment?

The PRESIDING OFFICER. The statement of purpose may be amended by unanimous consent.

Mr. HATCH. Mr. President, I ask unanimous consent that such amendment be made, that those words be stricken from the purpose clause of the amendment.

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

Mr. MOYNIHAN. Mr. President, first, I ask unanimous consent that the name of the distinguished Senator from Michigan (Mr. LEVIN) be added as a cosponsor of this amendment.

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

Mr. MOYNIHAN. Mr. President, a brief observation: This amendment substantially achieves the purposes of legislation which I introduced, on the first occasion, in September 1982, after it had become clear that, in the competition for funds in the block grants established in 1981, desegregation aid was losing out.

We are here today to reestablish desegregation assistance as a separate categorical program, and I wish to particularly thank the Senator from Utah, the chairman of the Senate Judiciary Subcommittee on the Constitution, for his recognition that what we are dealing with here is not basically

an educational issue but a constitutional one.

The Constitution of the United States as interpreted by the Supreme Court requires that the schools not be segregated in our Nation, a decision of which we have only recently observed the 30th anniversary; the senior Senator from Kansas spoke eloquently on that occasion.

If I could recall to the Chamber the origins of this program, in 1970, the 16th year after the Brown against Board of Education of Topeka, Kans., decision occurred, it was a simple fact that for 6 years it had been defied. The overwhelmingly proportion of affected school districts had not abided by the court's decision at all, and there comes a point where a failure to comply becomes defiance. When we have such defiance, we have a constitutional crisis; and such was the condition of our country in the spring of 1970.

At that time President Nixon, sworn to uphold the Constitution, became aware of its problems in this regard, as had his predecessors, President Johnson, President Kennedy, and President Eisenhower. President Nixon decided to involve the Presidency directly in this matter. And so he organized a series of committees in each of the States in which this was specifically a problem.

Our present distinguished Secretary of State, then the Secretary of Labor, chaired the meetings that we held in the White House. One State after another came to discuss its situation and to recognize that something had to be done.

With each successive meeting, however, we were told in earnest and honestly that there were costs involved to obey a Federal mandate, the moneys for which the school districts had not appropriated and in some cases could not find. They asked whether there could be some positive inducement, some moneys to help bring them into compliance?

At the end of the summer, after a meeting in New Orleans in which these committees from all across the country had been organized and had met with the President, the President said that we must find them the moneys. This he did by Executive order, and in August 1970, after 16 years—in a startling social change, a startling measure of acceptance of the constitutional Government—the segregated dual school systems of the United States started to disappear. One of the reasons it happened was that these Federal funds became available.

Two years later it became clear that the greater need at this point was to continue the programs in the former dual-school-system States and to extend the program to the de facto segregated school districts of the

North, of the West, and of the East. In 1972, Congress established the Emergency School Aid Act as a separate and distinct program. It was only secondarily an educational program. It was primarily a constitutional one.

And it worked well. It became something people were committed to, depended on; and as these things go, considerable progress was made, and great commitments were made.

In 1981 the identity and separateness of purpose of this legislation got lost in the Education Consolidation and Improvement Act.

By accepting this amendment, the Senate will agree with the House of Representatives that a separate program of desegregation assistance should be restored, having the singular purpose of protecting the constitutional rights of children.

I wish to thank the Senator from Utah, the distinguished managers of this legislation, my friend from Vermont, and my friend from Rhode Island, and most particularly the Senator from Missouri, who has been steadfast in this matter, as he is in all things that touch upon constitutional rights of any American.

I am satisfied that we have done an important piece of work. I wish to thank all involved, particularly the ever ingenious members of our respective staffs who, when it appeared that we were incapable of agreeing upon anything, found that no, as a matter of fact, agreement is possible when principles this large are at stake.

Mr. STAFFORD. Mr. President, this is a very important amendment to a bill which we think is a vital component of the Nation's response to educational improvement.

In light of that fact, I ask for the yeas and nays on the pending amendment.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as amended, of the Senator from Utah. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Wyoming (Mr. SIMPSON), the Senator from South Carolina (Mr. THURMOND), the Senator from Virginia (Mr. WARNER), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

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

Mr. CRANSTON. I announce that the Senator from New Jersey (Mr. BRADLEY), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Massachusetts (Mr. TSONGAS) are necessarily absent.

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

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

The result was announced—yeas 86, nays 3, as follows:

[Rollcall Vote No. 112 Leg.]

YEAS—86

Abdnor	Exon	Metzenbaum
Andrews	Ford	Mitchell
Armstrong	Garn	Moynihan
Baker	Glenn	Murkowski
Baucus	Gorton	Nickles
Bentsen	Grassley	Nunn
Biden	Hatch	Packwood
Bingaman	Hatfield	Pell
Boren	Hawkins	Percy
Boschwitz	Hecht	Pressler
Bumpers	Heflin	Proxmire
Burdick	Heinz	Pryor
Byrd	Huddleston	Quayle
Chafee	Humphrey	Randolph
Chiles	Inouye	Riegle
Cochran	Jepsen	Roth
Cohen	Johnston	Rudman
Cranston	Kasten	Sarbanes
D'Amato	Lautenberg	Sasser
Danforth	Laxalt	Specter
DeConcini	Leahy	Stafford
Denton	Levin	Stennis
Dixon	Long	Stevens
Dodd	Lugar	Tower
Dole	Mathias	Trible
Domenici	Matsunaga	Wallop
Durenberger	Mattingly	Wilson
Eagleton	McClure	Zorinsky
Evans	Meicher	

NAYS—3

East	Helms	Symms
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NOT VOTING—11

Bradley	Kassebaum	Tsongas
Goldwater	Kennedy	Warner
Hart	Simpson	Weicker
Hollings	Thurmond	

So the amendment (No. 3162) as amended, was agreed to.

Mr. STAFFORD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. STAFFORD. Mr. President, I ask unanimous consent that Senator DOLE and Senator DANFORTH be added as cosponsors to the amendment which the Senate has just passed.

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

Mr. STAFFORD. I thank the Chair.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I announce there will be no more votes tonight. It is the intention of the leadership to try to take up and I believe we may be cleared to take up the budget

waiver to accompany the DOD authorization bill, then to ask that the DOD authorization bill be laid down tonight, but that there be no action on it tonight.

ORDER TO CONVENE AT 10 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the Senate to convene tomorrow at 9:15 a.m. be changed to 10 a.m.

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

Mr. BAKER. I shall make the balance of my request later.

UNANIMOUS-CONSENT AGREEMENT

Mr. BAKER. Mr. President, now I am prepared, if the minority leader is, to try to make the arrangements to go to the Department of Defense authorization bill.

Mr. President, I have a unanimous-consent request that I believe will accommodate the situation we find ourselves in with respect to the math-science bill and the bankruptcy bill. We have two matters that are uncompleted. We are about to go to a third one. I would now propound this unanimous-consent request that I hope will bring order out of that situation.

I ask unanimous consent that following the disposition of the Department of Defense authorization bill the Senate proceed to the consideration of the unfinished business, which is H.R. 5174, the bankruptcy bill, and that following the disposition of that bill the Senate resume consideration of S. 1285, the math-science bill.

Now, Mr. President, may I explain. That assumes that we have passed the budget waiver that permits us to get to and deal with the Department of Defense authorization bill, and that we have gone to the Department of Defense authorization bill. The effect of this would be to provide that a call for regular order would not put one of the bills back on the calendar. It also would provide for an orderly sequence for the disposition of the bankruptcy bill and the math-science bill.

Mr. President, I see the minority leader on his feet. I now put that request.

Mr. BYRD. Mr. President, reserving the right to object, will the distinguished majority leader yield for the purpose of my propounding a parliamentary inquiry?

Mr. BAKER. Yes, of course.

Mr. BYRD. I thank the majority leader.

Mr. President, as I understood the request, it was to the effect that upon the disposition of the Department of Defense bill, the Senate would return to the consideration of the bankruptcy bill. What would be the case in the

event that the Senate did not dispose of the DOD bill?

Mr. BAKER. Mr. President, if the Senate does not finish the DOD bill, I may will and bequeath that problem to a successor. But if we did not, then I assume, Mr. President, that the bankruptcy bill would still be the unfinished business and the question, I suppose, is whether or not a call for the regular order would displace the Department of Defense bill and reinstate the unfinished business.

The PRESIDING OFFICER. There is nothing in this request that would prevent that.

Mr. BAKER. That would prevent a call for regular order doing that.

The PRESIDING OFFICER. That is correct.

Mr. BYRD. Will the majority leader yield?

Mr. BAKER. Yes, I yield.

Mr. BYRD. I think that satisfies my concern. The reason I raised the question is that with respect to bills or other measures that are clotured, the Senate has to stay on that particular business until it is disposed of. There are certain motions that can be made that do not adequately fulfill the words "disposed of"—for example, postponing until a time certain. But as I understand it, in any event, whether DOD is disposed of or not disposed of, in the context of the usual understanding, the Senate would then go back to the bankruptcy bill. Am I assured of that?

The PRESIDING OFFICER. That is correct.

Mr. BYRD. I thank the Chair.

Mr. BAKER. Mr. President, let me make sure I understand.

I sought the assistance of the Parliamentarian in drafting this request, and I am afraid that my request to him may not have been as thorough as perhaps it should have been. But I am concerned that I will jeopardize the final disposition of the Defense authorization bill unless I provide against a call for the regular order to take it down.

Mr. President, I amend my request to provide that a call for the regular order will not displace the Department of Defense authorization bill under this order.

Now, before the Chair puts that question once more, I am willing to amend that request further to provide that disposition shall be defined as—and then I will fill in blanks as necessary to address the concerns expressed by the minority leader, but I think that perhaps I better confer with the Parliamentarian on that. So at the moment, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BAKER. Now, Mr. President, the present state of the unanimous-consent request is that it is as originally stated plus the addition of the language "and no call for the regular order will displace the Department of Defense authorization bill as the pending business." Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. BAKER. Mr. President, may I propound this parliamentary inquiry? The word "disposition" has technical and plural meanings within the rules and precedent of the Senate. If we were to assume for the moment that the matter was no longer the pending business before the Senate by reason of being recommitted to a committee or by reason of being postponed to a day certain, may I inquire of the Chair what then would become the pending business under the present state of affairs?

The PRESIDING OFFICER. The unfinished business, the bankruptcy bill.

Mr. BAKER. And that would recur as the pending business?

The PRESIDING OFFICER. It would.

Mr. BAKER. Without a call for the regular order or without any further action of the Senate?

The PRESIDING OFFICER. That is correct.

Mr. BAKER. I thank the Chair.

Mr. BYRD. Mr. President, I am satisfied, and therefore I remove my reservation.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAKER. Mr. President, I thank the minority leader. I continue to learn.

Mr. President, now I will go forward as we had proposed.

BUDGET ACT WAIVER

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the budget waiver to accompany the omnibus defense authorization bill.

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

The legislative clerk read as follows:

A resolution (S. Res. 394) waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 2723.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to as follows:

S. RES. 394

Resolved, That, pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 2723, a bill to authorize appropriations for fiscal year 1985 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, to authorize certain construction at military installations for such fiscal year, to authorize appropriations for the Department of Energy for national security programs for such fiscal year, and for other purposes.

Such waiver is necessary because section 402(a) of the Congressional Budget Act of 1974 provides that it shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution which directly, or indirectly, authorizes the enactment of new budget authority for a fiscal year, unless that bill or resolution is reported in the House or Senate, as the case may be, on or before May 15 preceding the beginning of such fiscal year.

For the foregoing reasons, pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to S. 2723 as reported by the Committee on Armed Services.

**OMNIBUS DEFENSE
AUTHORIZATION, 1985**

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 944, S. 2723.

Before the Chair responds to my unanimous-consent request, I wish to propound a parliamentary inquiry.

The form in which I have made this request is that the Senate grant unanimous consent to proceed to this matter. Ordinarily, under those circumstances, the math-science bill, as I understand it, would go back to the calendar.

The PRESIDING OFFICER. That is correct.

Mr. BAKER. Is that the case, given the Senate's action on the unanimous-consent request just entered into?

The PRESIDING OFFICER. It will go back to the calendar until the disposition of the unfinished business. Then it will recur as the pending question.

Mr. BAKER. So it does not go back to the calendar in the sense that a motion to take up, a motion to proceed to the consideration, would be required?

The PRESIDING OFFICER. That is correct.

Mr. BAKER. But, rather, under the authority of the unanimous-consent request which has been entered into, it

would automatically be presented to the Senate once more.

The PRESIDING OFFICER. That is correct.

Mr. BYRD. Mr. President, reserving the right to object, I want to be sure that the Chair's response to the parliamentary inquiry by the distinguished majority leader fully protects the bankruptcy legislation in such way that it will come back before the Senate without a call for regular order and that the Senate will return to that as the unfinished business, regardless of whether the DOD bill is "disposed of."

I think we had a very satisfactory understanding earlier, but the Chair's statement which specified that the Senate would return to the unfinished business at the time of the disposition of the DOD bill leaves me still concerned, unless I can be assured that the words "disposed of" will not be interpreted in such a way that the unfinished business would not come back before the Senate.

In other words, I do not want to condition the return to the bankruptcy bill—I do not want that on one condition, that one condition being only that the DOD bill be disposed of.

The PRESIDING OFFICER. The only bill on which there is disposition for the Senate to return to is the math-science bill, which is conditioned on disposition of the bankruptcy bill. The bankruptcy bill itself will return, regardless of whether the defense bill is disposed of finally or not.

Mr. BYRD. Mr. President, the majority leader has the floor. I have reserved the right to object. Will the majority leader put in another quorum call, so that we might discuss this matter further?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, there is a unanimous-consent request pending which has not yet been acted on, and I wish to leave it in that status.

Therefore, I ask unanimous consent that there now be a period for the transaction of routine morning business for not more than 2 minutes, in which Senators may speak.

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

**MESSAGES FROM THE
PRESIDENT**

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

**AGREEMENT BETWEEN THE
UNITED STATES AND GREAT
BRITAIN ON USES OF ATOMIC
ENERGY FOR MUTUAL DE-
FENSE PURPOSES—MESSAGE
FROM THE PRESIDENT—PM 151**

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

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to Section 123d. of the Atomic Energy Act of 1954, as amended, the text of an amendment to the Agreement Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes of July 3, 1958, as amended, and my written approval, authorization, and determination concerning the agreement. The joint unclassified letter submitted to me by the Secretaries of Energy and Defense which provides a summary position on the Amendment is also enclosed. A classified letter and attachments are being transmitted directly to the appropriate Congressional committees.

The Amendment extends for ten years (until December 31, 1994) provisions which permit the transfer of nonnuclear parts, source, by-product, special nuclear materials, and other material and technology for nuclear weapons and military reactors.

In my judgment, the proposed Amendment meets all statutory requirements. The United Kingdom intends to continue to maintain viable nuclear forces. In light of our previous close cooperation and the fact that the United Kingdom has committed its nuclear forces to NATO, I have concluded that it is in our interest to continue to assist them in maintaining a credible nuclear force.

I have approved the Amendment, authorized its execution, and urge that the Congress give it favorable consideration.

RONALD REAGAN.

THE WHITE HOUSE, June 6, 1984.

MESSAGES FROM THE HOUSE

At 10:10 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House disagrees to

the amendments of the Senate to the amendments of the House to the bill (S. 1097) to consolidate and authorize certain atmospheric and satellite programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. FUQUA, Mr. SCHEUER, Mr. VALENTINE, Mr. HARKIN, Mr. ANDREWS of Texas, Mr. JONES of North Carolina, Mr. D'AMOURS, Mr. WINN, Mr. McGRATH, Mrs. SCHNEIDER, and Mr. CARNEY as managers of the conference on the part of the House.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2889. An act to amend the National Historic Preservation Act, and for other purposes;

H.R. 4971. An act to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to authorize appropriations for fiscal years 1985 through 1989, and for other purposes;

H.R. 5167. An act to authorize appropriations for fiscal year 1985 for the military functions of the Department of Defense, to prescribe military personnel levels for that fiscal year for the Department of Defense, and for other purposes; and

H.R. 5327. An act to amend the Housing Act of 1949 to ensure that the administration of the requirement that a certain portion of dwelling units assisted under section 502 be available only for very low-income families or persons does not delay the provision of assistance under such section to other families or persons.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 2889. An act to amend the National Historic Preservation Act, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 5327. An act to amend the Housing Act of 1949 to ensure that the administration of the requirement that a certain portion of dwelling units assisted under section 502 be available only for very low income families or persons does not delay the provision of assistance under such section to other families or persons; to the Committee on Banking, Housing, and Urban Affairs.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 4971. An act to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to authorize appropriations for fiscal years 1985 through 1989, and for other purposes.

H.R. 5167. An act to authorize appropriations for fiscal year 1985 for the military functions of the Department of Defense, to prescribe military personnel levels for that fiscal year for the Department of Defense, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

Report to accompany the bill (S. 2496) to amend the Adult Education Act in order to simplify requirements for States and other recipients participating on Federal adult education programs, and for other purposes (Rept. No. 98-503).

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1407. A bill to protect purchasers of used automobiles from fraudulent practices associated with automobile odometer modifications, and for other purposes (Rept. No. 98-504).

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute and an amendment to the title:

S. 2217. A bill entitled "The Tandem Truck Safety Act of 1984" (Rept. No. 98-505).

By Mr. PERCY, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 294. Resolution expressing the sense of the Senate that the Government of the Soviet Union should allow Igor V. Ogurtsov to be released from exile and allowed to emigrate to the West without renouncing his views, and for other purposes.

By Mr. MATHIAS, from the Committee on Rules and Administration, without amendment:

S. Res. 397. An original resolution to pay a gratuity to Mattie Washington.

S. Res. 398. An original resolution to pay a gratuity to Peter Washington; James A. Washington; Harvey E. Washington; Don Washington; Travis A. Washington; Diane Cook; Jacqueline Greene; Tracey R. Washington.

By Mr. PERCY, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Con. Res. 31. Concurrent resolution calling upon the Union of Soviet Socialist Republics to end the current repression policies of forced labor and expressing the sense of the Congress that the exploitation of workers in forced-labor camps by the Union of Soviet Socialist Republics is morally reprehensible.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PERCY, from the Committee on Foreign Relations:

Weston Adams, of South Carolina, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Republic of Malawi.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Weston Adams.

Post: Ambassador to Malawi.

Contributions amount, date, and donee.

1. Self: \$150, 1982, S.C. Republican Party,¹ \$150, 1980, S.C. Republican Party Campaigns.¹

2. Spouse: None.

3. Children and spouses names: None.

4. Parents names: None.

5. Grandparents names: None.

6. Brothers and spouses names: Julian Calhoun Adams, 147 Edisto Avenue, Columbia, S.C., \$200, 1980 Reagan for President Campaign.

7. Sisters and spouses names: None.

Richard Schifter, of Maryland, to be Deputy Representative of the United States in the Security Council of the United Nations with the rank of Ambassador.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Richard Schifter.

Post: Deputy Representative of the USA in the Security Council of the United Nations, with the rank of Ambassador.

Contributions, amount, date, and donee.

1. Self: \$100, April 21, 1980, Friends of Roger Jepsen; \$100, June 16, 1980, Thomas S. Foley Committee; \$250, Sept. 4, 1980, Marylanders for Mathias; \$250, Sept. 17, 1980, Campaign Fund for Senator Stone; \$500, April 29, 1981, People for (Henry M.) Jackson; \$250, June 1, 1982, Thomas S. Foley Committee; \$150, Dec. 30, 1983, Thomas S. Foley Committee.

2. Spouse: None.

3. Children and spouses:

Judith S. Alter (daughter), none.

Israel Alter (son-in-law), \$25, December 1983, Mondale for President Committee.

Deborah E. Schifter (daughter), none.

Richard P. Schifter (son), none.

Jennifer D. Schifter (daughter-in-law), \$25, March 1980, Kennedy for President Committee.

Barbara F. Schifter (daughter), none.

David C. Lovewell (son-in-law), none.

Karen E. Schifter (daughter), none.

4. Parents: Deceased.

5. Grandparents: Deceased.

6. Brothers and spouses: None.

7. Sisters and spouses: None.

Peter Sebastian, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Republic of Tunisia.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Peter Sebastian.

Post: Ambassador to Tunisia.

Contributions, amount, date, and donee.

1. Self: None.

2. Spouse: None.

3. Children and spouses names: None.

4. Parents names: Deceased.

5. Grandparents names: Deceased.

6. Brothers and spouses names: Nominee is an only child.

7. Sisters and spouses names: F. M. Orr and Selwyn Orr, brother and sister-in-law (wife's sister) make annual nominal contributions to the Republican Party.

¹ I understand that such contributions were used to assist all campaigns both State and Federal.

(The above nominations were reported from the Committee on Foreign Relations, with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

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. BYRD:

S. 2727. A bill to provide for the presentation of a Congressional Medal of Honor posthumously to the family of Harrison Summers; to the Committee on Armed Services.

By Mr. CHILES:

S. 2728. A bill to deauthorize the Cross-Florida Barge Canal project, to adjust the boundaries of the Ocala National Forest, Florida, and for other purposes; to the Committee on Environment and Public Works.

By Mr. WILSON:

S. 2729. A bill for the relief of Jean Willhelm Willrich; to the Committee on the Judiciary.

By Mr. SPECTER:

S. 2730. A bill to amend title 18 of the United States Code to make the use of a firearm to commit a felony by certain members of foreign diplomatic missions and consular posts in the United States a Federal felony; to the Committee on the Judiciary.

By Mr. COHEN (for himself, Mr. MITCHELL, Mr. RUDMAN, Mr. PRYOR, Mr. RANDOLPH, Mr. SASSER, and Mr. BUMPERS):

S. 2731. A bill to provide for orderly trade in nonrubber footwear, to reduce unemployment and for other purposes; to the Committee on Finance.

By Mr. LEVIN (for himself and Mr. RIEGLE):

S. 2732. A bill to amend the Wild and Scenic Rivers Act to permit the control of the lamprey eel in the Pere Marquette River and to designate a portion of the Au Sable River, Michigan, as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

By Mr. PRESSLER (for himself and Mr. ABDNOR):

S. 2733. A bill to allow the City of Aberdeen, South Dakota to retain easements in certain lands after the abandonment of certain railroad rights of way by the Chicago and Northwestern Transportation Company; to the Committee on Energy and Natural Resources.

By Mr. MATHIAS (for himself and Mr. KENNEDY):

S. 2734. A bill to establish a commission to identify, designate, preserve, and protect cemeteries, monuments, and historic buildings which are located abroad and which are associated with the foreign heritage of United States citizens; to the Committee on Foreign Relations.

By Mr. HELMS:

S.J. Res. 304. Joint resolution to designate the month of October 1984 as "National Quality Month"; to the Committee on the Judiciary.

By Mrs. HAWKINS:

S.J. Res. 305. Joint resolution to designate the week of September 10, 1984, through September 16, 1984 as "Teenage Alcohol Abuse Awareness Week"; to the Committee on the Judiciary.

By Mr. DOLE (for himself, Mr. DIXON, Mr. HELMS, Mr. HUDDLESTON, Mr. DANFORTH, Mr. INOUE, Mr. COCHRAN, Mr. PRYOR, Mr. JEPSEN, Mr. LEAHY, Mr. BOSCHWITZ, Mr. PROX-MIRE, Mr. ANDREWS, Mr. SASSER, Mr. LUGAR, Mr. RANDOLPH, Mr. WILSON, Mr. BURDICK, Mrs. HAWKINS, Mr. HOLLINGS, Mr. BAKER, Mr. EXON, Mr. DOMENICI, Mr. MATSUNAGA, Mr. HATFIELD, Mr. NUNN, Mr. MCCLURE, Mr. ZORINSKY, Mr. KASTEN, Mr. PELL, Mrs. KASSEBAUM, Mr. GLENN, Mr. PERCY, Mr. DECONCINI, Mr. ABDNOR, Mr. BUMPERS, Mr. MATTINGLY, Mr. HEFLIN, Mr. PACKWOOD, Mr. CRANSTON, Mr. STAFFORD, Mr. RIEGLE, Mr. NICKLES, Mr. BAUCUS, Mr. QUAYLE, Mr. BIDEN, Mr. LAXALT, Mr. BOREN, Mr. GRASSLEY, Mr. TSONGAS, Mr. CHAFFEE, Mr. EAGLETON, Mr. SYMMS, Mr. LAUTENBERG, Mr. DURENBERGER, Mr. LONG, Mr. GORTON, Mr. CHILES, Mr. STENNIS, Mr. EAST, Mr. MITCHELL, Mr. HATCH, Mr. FORD, Mr. BRADLEY, and Mr. MURKOWSKI):

S.J. Res. 306. Joint resolution to proclaim July 10, 1984, as "Food for Peace Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. SPECTER:

S. Res. 395. Resolution urging the President to renegotiate the Vienna Convention on Diplomatic Relations to eliminate immunity for diplomats engaging in assaults with firearms or explosives; to the Committee on Foreign Relations.

By Mr. HELMS (for himself, Mr. HUDDLESTON, Mr. ABDNOR, Mr. ANDREWS, Mr. BOREN, Mr. BOSCHWITZ, Mr. CHILES, Mr. DECONCINI, Mr. DIXON, Mr. DOLE, Mr. EXON, Mr. FORD, Mr. HEFLIN, Mr. HOLLINGS, Mr. JEPSEN, Mr. JOHNSTON, Mr. KASTEN, Mr. LEAHY, Mr. LUGAR, Mr. MELCHER, Mr. NICKLES, Mr. NUNN, Mr. PRYOR, Mr. STENNIS, Mr. SYMMS, Mr. THURMOND, Mr. TOWER, and Mr. ZORINSKY):

S. Res. 396. Resolution to express the sense of the Congress that January 27 through February 2, 1985, should be observed as "National Meat Week"; to the Committee on the Judiciary.

By Mr. MATHIAS, from the Committee on Rules and Administration:

S. Res. 397. An original resolution to pay a gratuity to Mattie Washington; placed on the calendar.

By Mr. MATHIAS, from the Committee on Rules and Administration:

S. Res. 398. An original resolution to pay a gratuity to Peter Washington; James A. Washington; Harvey E. Washington; Don Washington; Travis A. Washington; Diane Cook; Jacqueline Greene; Tracey R. Washington; placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BYRD:

S. 2727. A bill to provide for the presentation of a Congressional Medal of Honor posthumously to the family of Harrison Summers; to the Committee on Armed Services.

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

By Mr. CHILES:

S. 2728. A bill to deauthorize the Cross-Florida Barge Canal project, to adjust the boundaries of the Ocala National Forest, Fla., and for other purposes; to the Committee on Environment and Public Works.

DEAUTHORIZING THE CROSS-FLORIDA BARGE CANAL AND ADJUSTING THE BOUNDARIES OF THE OCALA NATIONAL FOREST

● Mr. CHILES. Mr. President, today I am introducing, once again, legislation to deauthorize the Cross-Florida Barge Canal. This new bill is designed to address specific concerns that have been raised in the context of discussing the previously introduced deauthorization proposal. I believe this modified bill sufficiently addresses the questions raised and will pave the way for favorable action on the proposal by the 98th Congress.

The Cross-Florida Barge Canal project, first authorized by Congress in 1942, has not been worked on since President Nixon halted work on the project by executive order in 1973 to prevent potential environmental damage. In 1977 the Governor and Florida cabinet withdrew the State's official support for the canal project and recommended against its completion. President Carter, in his environmental message of May 23, 1977, called for the termination of the barge canal project, and the U.S. Army Corps of Engineers, after a thorough examination of the project, concluded in 1977 that completion of the canal was not warranted.

The State of Florida took a further step in 1979 to demonstrate its opposition to the project. In that year the Florida Legislature enacted legislation to abolish the Florida Canal Authority and transfer its operations to the Department of Natural Resources. This State legislation also provided the mechanism for disposing the State-held canal properties and the return of tax money to the six counties along the canal route if and when Congress enacts deauthorization legislation.

Today, however, the statutory authority for the future construction of the canal still exists and, because of this, the State is left in the position of not being able to sell the lands it acquired for canal purposes. These lands could, if the project were deauthorized, be sold to the Federal Government for the purpose of expanding

Ocala National Forest, offered to surrounding counties for continued public use, maintained by the State for purposes of recreation and conservation, or offered for sale at fair market value with revenues going to the counties. Instead, these lands are now in limbo, and the potential for resuming construction of the ill-advised environmentally unsound barge canal still hangs over the head of the State of Florida.

Last year I introduced in the Senate the necessary legislation to deauthorize the Cross-Florida Barge Canal. A companion measure was introduced in the House of Representatives by Congressman BUDDY MACKEY, who represents the district through which the incomplete part of the canal would be built. Today we are again introducing together a new bill. It is not a new proposal in purpose, but rather it is a modified revision of the previously filed measure. The modifications are designed to resolve some important questions relating to the use and disposition of the canal-related lands and facilities once deauthorization is accomplished.

The bill I am introducing today terminates authority for further construction on the barge canal. In addition, it extends the boundary of the Ocala National Forest to include lands and interests in lands now owned by the State of Florida as well as Federal lands administered by the U.S. Army Corps of Engineers. The bill provides for the transfer of lands currently administered by the corps to the Secretary of Agriculture and authorizes the acquisition of lands within the new boundary by the Secretary of Agriculture from the State of Florida. These provisions are identical to those contained in last year's version of the deauthorization bill.

Since we introduced the bill last year, several questions have surfaced pertaining to the continued use and possible disposition of canal-related lands and facilities. In this new bill, we answer these questions.

One such question involves the fate of Lake Oklawaha—the reservoir created when the Rodman Dam portion of the canal project was completed. Of particular concern is what would happen to Lake Oklawaha once the canal is deauthorized, and whether sufficient acreage is included in the proposed boundary of the forest to insure that the lake can be managed effectively. Our present bill calls for the establishment of the Lake Oklawaha Federal Recreation District within the Ocala National Forest and provides for the acquisition of lands and/or easement rights sufficient to insure the corps ability to manage the lake. It is now explicit that Lake Oklawaha will remain and will be managed as a lake once deauthorization is accomplished until such time as future Federal legislation might direct

otherwise. This change in the deauthorization proposal reaffirms my long-held position that the question of deauthorizing the canal and the possible drawing down of the reservoir in order to achieve restoration of the Oklawaha River are two distinct issues. This bill, if enacted, will accomplish the deauthorization of the Cross-Florida Barge Canal. If the draining of Lake Oklawaha is to be contemplated it must, under the provisions of this bill, be through future Federal legislation.

Another related issue brought to our attention since introducing deauthorization legislation last year concerns the disposition of State-held lands which are not going to be offered to the Federal Government for inclusion in the forest. I share the concern of those who believe we should exhaust all possible public uses of these areas before the lands are offered for private sale. The new proposal has been changed to provide that deauthorization will not take place until the State changes its statutes to accomplish this objective. I am pleased that the Florida State Legislature has just recently enacted the necessary legislation to comply with this and other provisions of the new bill.

I hope with these, and other, changes Congressman MACKEY and I have made in the legislation we have alleviated legitimate concerns and we can now move forward in a successful effort to put to rest the future of the Cross-Florida Barge Canal and set in motion the State's plan for land disposition and revenue return to the counties.

I ask that the text of the bill I am introducing today appear in the RECORD at this point.

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

S. 2728

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the high-level lock barge canal from the St. Johns River across Florida to the Gulf of Mexico authorized by the Act of July 23, 1942 (56 Stat. 703), is not authorized after the date this section becomes effective.

(b) Subject to the provisions of section 3 of this Act, the Secretary of the Army, acting through the Chief of Engineers, is authorized to operate and maintain the existing facilities (and lands appurtenant thereto) of the Cross-Florida Barge Canal project referred to in subsection (a) of this section in such manner as the Secretary determines to be necessary, pending further disposition by Federal law of the project, its facilities, and lands or interests in lands owned by the United States.

SEC. 2. (a) The boundaries of the Ocala National Forest, Florida, are extended to include the lands and interests in lands acquired by the State of Florida in Putnam County, Florida, for the Cross-Florida Barge Canal project referred to in the first section of this Act.

(b) Within the boundaries of the Ocala National Forest as extended by subsection

(a) of this section, lands or interests in lands and improvements owned by the United States and administered by the Corps of Engineers, Department of the Army, shall be transferred to the Secretary of Agriculture to be administered and made a part of the Ocala National Forest, Florida, at such time as the Secretary of the Army deems such actions to be appropriate, but not later than one year after the date of this section becomes effective. The Secretary of the Army, acting through the Chief of Engineers, may operate and maintain the existing facilities of the Cross-Florida Barge Canal project referred to in the first section of this Act, including facilities within the extended boundaries of the Ocala National Forest, pending further disposition of such facilities by Federal law; except that the Secretary of the Army shall not operate the Eureka Lock and Dam in a manner which would create a reservoir on lands not flooded on January 1, 1984.

(c) The Secretary of Agriculture shall acquire those lands and interests in lands held by the State of Florida within the boundaries of the Ocala National Forest, as extended by subsection (a) of this section, with donated or appropriated funds, by purchase or exchange. For acquisition of such lands or interests in lands, the Secretary of Agriculture—

(1) shall pay the State of Florida an amount, or

(2) in the case of an exchange, give the State of Florida lands or interests in lands with a fair market value.

which is not less than the fair market value of the lands or interests in lands to be acquired from the State of Florida.

SEC. 3. (a) The Lake Oklawaha Federal Recreation District is hereby established as a part of the Ocala National Forest. Such District shall include the Rodman Dam authorized by the Act of July 23, 1942 (56 Stat. 703), those portions of the reservoir created by the dam which lie within the boundaries of the Ocala National Forest, as expanded by section 2 of this Act, and those portions of the reservoir which are created pursuant to the easements granted and transferred to the United States by the State of Florida pursuant to section 4 of the Act. The Secretary of the Army, acting through the Chief of Engineers, is directed to operate the Rodman Dam in a manner consistent with maintaining the recreational values of the reservoir and with applicable water management policies of the State of Florida, pending further disposition of the Rodman Dam and Lake Oklawaha by Federal law. In operating the Rodman Dam, the Secretary of the Army shall consult the St. Johns River Water Management District Board.

(b) The Secretary of Agriculture shall receive and administer each easement granted or transferred to the Department of Agriculture pursuant to section 4 of this Act to further the purposes of the District established by subsection (a) of this section.

SEC. 4. The first section and sections 2 and 3 of this Act shall not become effective until—

(1) the State of Florida enacts a law which assures that all valid public uses of the lands and interests in lands acquired by the State of Florida for the Cross-Florida Barge Canal project referred to in the first section of this Act are protected by providing that, before the State transfers any such lands or interests in lands to any other person (except the Federal Government), the county in which such lands are located shall

have the first right to purchase, at fair market value, such lands or interests in lands;

(2) the State of Florida enacts a law which assures that the State of Florida will never transfer to any person (except the Federal Government) any lands owned by the State and contained within the expanded boundary of the Ocala National Forest as proposed and shown on the map dated July 1978, on file with the Chief of the Forest Service, Department of Agriculture, Washington, District of Columbia;

(3) the State of Florida has granted to the Department of Agriculture a perpetual easement to flood such lands; and

(4) the State of Florida has transferred without consideration to the Department of Agriculture any easements held by the State to flood lands associated with the Cross-Florida Barge Canal project referred to in the first section of this Act from the Eureka Lock and Dam to the St. Johns River.

SEC. 5. There are authorized to be appropriated for fiscal years beginning after September 30, 1984, such sums as may be necessary to carry out the provisions of this Act.●

By Mr. WILSON:

S. 2729. A bill for the relief of Jean Wilhelm Willrich; to the Committee on the Judiciary.

RELIEF OF JEAN WILHELM WILLRICH

● Mr. WILSON. Mr. President, I am today introducing a bill that could greatly increase the chances of the U.S. soccer team winning a medal at the summer games in Los Angeles next month. The bill is for the relief of Mr. Jean Wilhelm Willrich. This bill provides that the beneficiary be considered to have satisfied the residence and physical presence requirements of section 319(a) of the Immigration and Nationality Act for naturalization.

Mr. Willrich is a citizen of West Germany. He was granted permanent residence in the United States on August 12, 1981. Since he is married to a U.S. citizen, he will be able to apply for naturalization on August 12, 1984.

Mr. President, it is Mr. Willrich's desire, and that of the U.S. Soccer Federation, that he be allowed to play for the United States as a member of our Olympic team at the 1984 summer games to be held in Los Angeles. He will be unable to participate on behalf of the United States unless he is a U.S. citizen. Chapter XXVI, section 3 of the Rules of the U.S. Olympic Committee provides:

All members of the official delegation shall be citizens of the United States who are not under a present disability with respect to the exercise of their civil rights.

Because of this provision in the rules, two almost identical bills have been introduced and passed by Congress. The first bill, H.R. 10792, introduced in the 94th Congress and now Private Law 94-27, enabled a U.S. skier by the name of Jana Hlavaty to participate in the 1976 winter Olympics. The second bill, S. 1863 introduced in the 98th Congress and now Private Law 98-7, allowed Mr. Audun Endes-

tad to compete as a cross country skier in the recent 1983 winter Olympics. Given these legislative precedents, and other relevant facts, it appears that it is in our Nation's best interest to allow an exemplary individual in the field of soccer the opportunity of representing the United States.

It is interesting to note that Jean began playing soccer when he was only 8 years old. He came to the United States in April 1978 at the request of the San Diego Sockers. Prior to that time, he was affiliated with the PSV Eindhoven of Holland's First Division—one of the world's foremost ranking soccer clubs. He later married a U.S. citizen in February 1981. They are the proud parents of a daughter.

Since arriving in the United States, Jean has been playing with the San Diego Sockers. His playing record is impressive and well recognized by members of both his team and the Major Indoor Soccer League and the North American Soccer League. During the 1983-84 indoor championship playoff series, Jean Willrich was voted the most valuable player for his outstanding performance.

Of particular importance in the consideration of this bill are the comments of Alkis Panagoulas, U.S. Olympic soccer team head coach. Coach Panagoulas writes that:

... if Mr. Willrich's citizenship could be moved forward to July 1, 1984, he could qualify for selection to the United States National Olympic Team and henceforth dramatically change the chances of the United States winning a medal in the Los Angeles games of 1984.

Jean Willrich is an excellent candidate to represent the United States in the Olympics, not only because of his prowess at soccer, but also on account of many admirable and fine personal qualities. Mr. Ron Newman, vice president and head coach for the San Diego Sockers, believes Mr. Willrich is an outstanding young man of exemplary character. He further notes that Jean's warm and personable enthusiasm provides valuable direction and leadership on the playing field. It is my impression from many individuals who know Jean that he possesses the heart and warm soul of a true American.

Mr. President, in light of both Jean Willrich's professional and personal attributes, it is my sincere hope that the Congress can give this bill favorable consideration on a necessarily expeditious basis.

Mr. President, I would ask that two letters which express the need for this legislation be printed at this point in the RECORD. They are from John E. Daley, president of the San Diego Sockers, and Alkis Panagoulas, to whom I earlier made reference.

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

SAN DIEGO SOCKERS,
San Diego, CA, May 8, 1984.

Senator PETE WILSON,
P.O. Box 36004,
San Francisco, CA.

DEAR SENATOR WILSON: I am writing to you to ask your help in a situation which would benefit the U.S. Olympic Soccer Team as well as ours.

One of our key players, Jean Willrich, who is married to an American girl, is eligible to become a U.S. citizen on August 12 of this year. Willrich is an outstanding candidate to become a citizen of our country. His exploits on the soccer field are such that he was voted as the "Most Valuable Player" during the Sockers' third—and most recent—indoor soccer championship.

The Coach of the U.S. Olympic team, Alkis Panagoulas, knowing full well that his team has a formidable task this summer in Los Angeles, has already selected three San Diego Sockers—Ade Coker, Hugo Perez and Kevin Crow to be on the team. He would like Willrich, too, but first he has to become a U.S. citizen on or before June 1, 1984 (which is just 7 weeks prior to his eligibility date).

Under separate cover, U.S. Olympic Coach Panagoulas will remit a letter signifying his interest in Willrich for the U.S. Olympic team.

We have also enclosed a biographical sketch of Willrich along with several articles which depicts his soccer background and superb soccer talents.

I am also writing to Congressman Bill Lowery requesting that he also sponsor Jean Willrich, along with yourself, and hope that you can expedite his U.S. citizenship for both the Olympic team and your very own San Diego Sockers!

Sincerely yours,

JOHN E. DALEY,
President.

UNITED STATES SOCCER FEDERATION,
New York, NY, May 9, 1984.

ROBERT BELL,
San Diego Sockers,
San Diego, CA.

DEAR MR. BELL: It has come to my attention that your player Jean Willrich is to become a United States citizen in August of this year. May I point out that if Mr. Willrich's citizenship could be moved forward to July 1, he could qualify for selection to the United States National Olympic Team and henceforth dramatically change the chances of the United States winning a medal in the Los Angeles games of 1984.

I respectfully employ you to use every means at your disposal to get Mr. Willrich his citizenship in time so we will have him available to us.

Thank you in advance for your attention.
Sincerely,

ALKIS PANAGOULAS,
U.S. Olympic
Soccer Team Head Coach.●

By Mr. SPECTER:

S. 2730. A bill to amend title 18 of the United States Code to make the use of a firearm to commit a felony by certain members of foreign diplomatic missions and consular posts in the United States a Federal felony; to the Committee on the Judiciary.

USE OF FIREARMS IN COMMISSION OF A FELONY
BY MEMBERS OF DIPLOMATIC MISSIONS AND
CONSULS

Mr. SPECTER. Mr. President, the recent machinegunning from the Libyan Embassy in London presents a new form of international terrorism: assassinations by hit men posing as diplomats and thus immune from prosecution. The world community is ill-prepared to combat this new menace.

With the news that the Libyan firing the machinegun was one of two suspects both of whom enjoyed full diplomatic immunity, the nightmare has become reality. British authorities allowed these two and the other occupants of the "People's Bureau" to return home. The diplomat-terrorist got away with murder.

Prime Minister Thatcher correctly called for revisions in the Vienna Convention which is the source of diplomatic immunity. To deter such hit squad activities here, the United States should take the lead to renegotiate the Vienna Convention.

Article 31 of the convention states: "A diplomatic agent shall enjoy immunity from the criminal jurisdiction of the receiving state." The convention thus codified a tradition of many centuries. International law, however, recognizes that violent crime such as murder can never be regarded as a proper exercise of diplomacy. Thus, it provides that the receiving state could use force against a diplomat engaging in criminal violence even though it could not prosecute him.

Justice, it was assumed, would be done by the sending state. Accordingly, the Vienna Convention provided that "The immunity of a diplomatic agent from the jurisdiction of the receiving state does not exempt him from the jurisdiction of the sending state."

Justice obviously cannot be done in a situation of state-sponsored terrorism. In that circumstance, obviously the sending state will reward rather than prosecute its agent. Again, the shooting in London illustrates the problem for news reports asserted that Embassy personnel had received electronic communications from Tripoli instructing them to shoot the Libyan dissidents demonstrating near the Embassy. The result, as the whole world knows, is that 11 students were injured and a British policewoman was shot to death.

The grant of immunity in the Vienna Convention should be revised to allow the receiving state to prosecute diplomats for murder and other armed offenses against persons.

Critics of this proposal will argue that the present unqualified immunity protects American diplomats in hostile nations such as Eastern bloc countries and the Soviet Union. With the revisions, it would still do so. Diplomats of

all countries would be immune from prosecution for the sort of charges that could readily be trumped up such as espionage or fraud.

It is inconceivable that this country or any other law-abiding country would instruct or permit diplomats to use firearms to assault political opponents. Therefore, the revisions would not limit the proper functioning of our diplomatic agents. Nor could armed assault charges such as murder by firearm be readily brought on manufactured evidence.

If there is a slight risk that some country might fabricate evidence against our Ambassador that he shot someone even though the fabrication would be obvious, that risk is worth taking. Otherwise, fanatical and lawless states such as Iran, Syria, and Libya will be encouraged to operate death squads all over the world. Any state instructing diplomats to commit murder has so abused the concept of diplomatic immunity as to forfeit any claim to its protection.

Nor is it sufficient in the face of hit squads to argue that the receiving state can adequately protect itself by expelling the terrorist-diplomat after the fact. He can and will simply be replaced by a new terrorist-diplomat. Assassinations will therefore continue.

Opponents may argue that revising the terms of immunity would be insufficient to deter murders by fanatics employed by murderous governments. This may be so in some cases. There is a great difference, however, between surreptitious assassinations by secret agents of a foreign power and overt shootings from Embassy windows. Both are intolerable, but the latter makes the victim state compound the crime by forcing it to release the criminal.

No doubt it will take years to revise the Vienna Convention but merely making the proposal will make a difference. It will put nations on notice that the world community will not tolerate another London.

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. 2730

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 44 of title 18, United States Code, is amended by adding at the end thereof the following:

"§ 929. Foreign diplomats

"(a) It shall be unlawful for—

"(1)(A) any member of a foreign diplomatic mission in the United States entitled to immunity from the criminal jurisdiction of the United States under the provisions of the Vienna Convention on Diplomatic Relations, done on April 18, 1961; or

"(B) any member of a foreign consular post in the United States entitled to immu-

nity from the criminal jurisdiction of the United States under the provisions of the Vienna Convention on Consular Relations, done on April 24, 1963,

to use a firearm to commit any act constituting a felony under the criminal laws of the United States or any State.

"(b) Whoever violates this section shall be punishable by a fine of \$10,000 or by imprisonment for 10 years, or both.

"(c) For purposes of this section—

"(1) the term "member of a foreign diplomatic mission" includes any individual described by Article 1 (b) of the Vienna Convention on Diplomatic Relations, done on April 18, 1961; and

"(2) the term "member of a foreign consular post" includes any individual described by Article 1 (g) of the Vienna Convention on Consular Relations, done on April 24, 1963."

(b) The analysis for chapter 44 of title 18 United States Code is amended by adding at the end thereof the following: "929. Foreign diplomats."

By Mr. LEVIN (for himself, and Mr. RIEGLE):

S. 2732. A bill to amend the Wild and Scenic Rivers Act to permit the control of the lamprey eel in the Pere Marquette River and to designate a portion of the Au Sable River, MI, as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

WILD AND SCENIC RIVERS ACT AMENDMENTS

● Mr. LEVIN. Mr. President, I, along with Senator RIEGLE, am introducing legislation today to amend the Wild and Scenic Rivers Act to designate 23 miles of the Au Sable River in Michigan as a wild and scenic river and to permit control of the lamprey eel in the Pere Marquette River, also located in Michigan.

The Subcommittee on Public Lands and Reserved Water of the Senate energy Committee held hearings on S. 1084, which designates a number of rivers as components of the National Wild and Scenic Rivers System, earlier this year. S. 1084 includes the designation of 23 miles of the Au Sable River in Michigan as a wild and scenic river. The testimony in support of the designation was presented by a Michigan resident and a member of the Sierra Club. The designation represents a compromise between the U.S. Forest Service recommendation and private landowners. The Au Sable River is heavily used for recreational and fishing purposes.

This legislation also includes identical language on lamprey eel control in the Pere Marquette River to a House-passed bill, supported by the Michigan delegation. The construction of a low-scale weir across one section of the Pere Marquette would prevent lamprey eels from coming up the river from the Great Lakes. The bill specifies that the installation and operation of the weir must be done in a manner which protects the wild and scenic characteristics of the river.

It is my hope the Senate will adopt this bill in the near future.●

● Mr. RIEGLE. Mr. President, today my colleague from Michigan, Senator LEVIN, and I are introducing a bill to amend the Wild and Scenic Rivers Act. This legislation will allow for the control of the lamprey eel in the Pere Marquette which is already designated as a wild river, and will add a section of the Au Sable River to the Wild and Scenic River System.

The first section of this bill is identical to a bill, H.R. 3472, which passed the House of Representatives by a vote of 410 to 5. It would authorize the construction of a low-head weir across one section of the Pere Marquette River to prevent spawning lamprey eels from ascending the river during their annual migration out of Lake Michigan.

The U.S. Fish and Wildlife Service has identified the Pere Marquette River as one of the largest habitats of the lamprey eel of any stream flowing into Lake Michigan. The lamprey is a predatory fish that is destroying the game and commercial fish in the Great Lakes. Effective lamprey controls are essential to prevent the loss of the million dollar fishing industry in Lake Michigan.

Since 1958 the Pere Marquette has been treated every 4 years with chemicals to control the eels, but this treatment is harmful to other forms of aquatic life in the Pere Marquette, and it is also expensive.

In addition, the Fish and Wildlife Service has described the Pere Marquette River as one of the most difficult rivers to treat. It has an extensive tributary system which continually dilutes the chemicals on their way downstream. Constant monitoring is necessary to maintain the appropriate concentration, and while most river treatments are carried out by a 20-member crew, the Pere Marquette requires 50 people.

The Forest Service has determined that the best alternative to control the lamprey would be to construct a small dam that would block passage of the eels to their spawning grounds. The dam would be constructed with a gap in the middle large enough to allow a canoe to pass through, and would allow the river to flow freely for 10 months out of the year. The gap would be closed during the spawning run, thus blocking passage of the eel. In addition, the barrier would be built in an area where a minimum amount of water would be impounded.

A low-head weir would drastically reduce lamprey escapement and would be more cost-effective. The construction of a weir would save over \$94,000 per chemical treatment, and a weir costing even \$300,000 would pay for itself in about 12 years.

The second section of this bill would designate 23 miles of the Au Sable

River for inclusion in the Wild and Scenic Rivers System. This is an outstanding recreational, fishing, and wildlife region. Designation of this segment of the river has been included in Senator McClure's bill (S. 1084) and represents a compromise position between the U.S. Forest Service recommendations and the landowner's concerns.

Mr. President, I believe that these two provisions are necessary to protect Michigan's natural resources by enhancing two of our prized rivers, the Pere Marquette and Au Sable.●

By Mr. PRESSLER (for himself and Mr. ABDNOR):

S. 2733. A bill to allow the city of Aberdeen, SD, to retain easements in certain lands after the abandonment of certain railroad rights-of-way by the Chicago & Northwestern Transportation Co.; to the Committee on Energy and Natural Resources.

RAILROAD EASEMENT RIGHTS FOR ABERDEEN, SD

● Mr. PRESSLER. Mr. President, I rise to introduce this legislation with my distinguished colleague, Senator ABDNOR, for the benefit of over 26,000 people in Aberdeen, SD.

This legislation will have no impact on anyone who is not connected with the community of Aberdeen and will not result in a cost to the Federal Government.

Very simply, Mr. President, this technical legislation is designed to protect the easement rights that the city of Aberdeen now enjoys for constructing and maintaining their municipal waterlines. These lines are now located under the Chicago & North Western (C&NW) Transportation Co.'s railroad right-of-way.

The C&NW has announced that they intend to abandon this section of railroad. Without this legislation, the city of Aberdeen could lose its easement rights, which could cost the community's taxpayers needless expense.

Senator ABDNOR and I have studied this problem very closely. The legislation we are introducing today is in the best interests of our State and we join in asking that our distinguished colleagues support this important measure.●

By Mr. MATHIAS (for himself and Mr. KENNEDY):

S. 2734. A bill to establish a commission to identify, designate, preserve, and protect cemeteries, monuments, and historic buildings which are located abroad and which are associated with the foreign heritage of U.S. citizens; to the Committee on Foreign Relations.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

● Mr. MATHIAS. Mr. President, today millions throughout the world are commemorating the 40th anniversary of D-day. Many will visit the

monuments marking the Allied assault on Normandy Beach. Others will walk through the American and German cemeteries, remembering those who died in this battle.

These landmarks in Normandy, France, enable thousands to experience the emotion of one of the most extraordinary battles of World War II. They provide a permanent reminder of the past and a warning for the future.

While the monuments of Normandy have been preserved, many other vestiges of our ancestral heritage are in danger of deterioration or destruction throughout the world. If these landmarks are allowed to perish, the memory of our ancestors, their triumphs and the lessons to be learned from their failures, will also perish.

Today I am introducing legislation, with Senator KENNEDY, to establish a Presidential Commission to preserve these landmarks, as a part of America's heritage abroad. The Commission will identify cemeteries, monuments, and historic buildings located abroad that are associated with the foreign heritage of U.S. citizens, particularly those sites which are in danger of deterioration or destruction. It will recommend policies to the State Department to encourage the governments, in countries where the cemeteries and buildings are located, to preserve them. In addition, the Commission will sponsor and support projects to help this effort.

The Commission will consist of five members appointed by the President. They will receive no compensation for their service, although travel expenses incurred in the course of their duties will be covered, and a support staff will be provided. The Commission will meet at least once every 3 months and will submit to the President and to both Houses of Congress an annual report.

These historic landmarks can have a very powerful emotional impact. On this, I can speak from personal experience. A few years ago, I traveled to the Soviet Union to open America's "Agriculture USA" exhibit in the city of Kishinev in Moldavia. In the course of my travels, I stopped briefly in Kiev to lay a wreath at Babi-Yar, in memory of the hundreds of thousands of Jews who were massacred there by the Nazis when they occupied the Ukraine.

It was a humbling and moving experience to stand at the edge of that fatal ravine, under a bleak winter sky, and pay my respects to the dead. The ravine's harsh, tragic outlines are softened now by landscaping and the scene, after years of official neglect, is dominated by a powerful monument.

But not a single word in the inscription on that monument tells you that it was Jews who were massacred there—that it is Jews who lie in the

mass grave at Babi-Yar. The omission is significant. It is not accidental. It underscores the need for this Commission.

Elsewhere in the world the memory of the Holocaust is kept alive so that successive generations may learn its lesson: That man's fate is in his own hands—that by remembering the past, we may shape a better future.

It is in this spirit of remembrance that I am proposing the Commission for the Preservation of America's Heritage Abroad.

I hope my colleagues will join me in cosponsoring this legislation. A companion bill was recently introduced in the House, where it passed without objection.

Mr. President, I ask 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. 2734

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, because the fabric of a society is strengthened by visible reminders of the historical roots of the society, it is in the national interest of the United States to preserve and protect the cemeteries, monuments, and historic buildings associated with the foreign heritage of United States citizens.

SEC. 2. There is established a commission to be known as the Commission for the Preservation of America's Heritage Abroad (hereafter in this Act referred to as the "Commission").

SEC. 3. The Commission shall—

(1) identify and publish a list of those cemeteries, monuments, and historic buildings located abroad which are associated with the foreign heritage of United States citizens, particularly those cemeteries, monuments, and buildings which are in danger of deterioration or destruction;

(2) encourage the preservation and protection of such cemeteries, monuments, and historic buildings by obtaining, where appropriate and in concurrence with the Department of State, assurances from foreign governments that the cemeteries, monuments, and buildings will be preserved and protected;

(3) sponsor or otherwise support demonstration projects to help preserve and protect such cemeteries, monuments, and historic buildings;

(4) prepare and disseminate reports on the condition of and the progress toward preserving and protecting such cemeteries, monuments, and historic buildings; and

(5) coordinate its efforts with the United States International Council on Monuments and Sites.

SEC. 4. (a) The Commission shall consist of five members appointed by the President.

(b) Members shall be appointed for terms of three years except—

(1) of such members first appointed—

(A) two shall be appointed for two years; and

(B) three shall be appointed for three years;

(2) a member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the member's predecessor was appointed; and

(3) a member may retain membership on the Commission until the member's successor has been appointed.

(c) The President shall designate the Chairman of the Commission from among its members.

(d) The Commission shall meet at least once every three months.

SEC. 5. (a) Members of the Commission shall receive no pay on account of their service on the Commission.

(b) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall 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 expenses under section 5703 of title 5 of the United States Code.

SEC. 6. (a) The Commission may appoint such personnel (subject to the provisions of title 5 of the United States Code which govern appointments in the competitive service) and may fix the pay of such personnel (subject to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates) as the Commission deems desirable.

(b) The Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay then in effect for grade GS-18 of the General Schedule (5 U.S.C. 5332(a)).

(c) Upon request of the Commission, the head of any Federal department or agency, including the Secretary of State, is authorized to detail, on a reimbursable basis, any of the personnel of such department or agency to the Commission to assist it in carrying out its duties under this Act.

SEC. 7. (a) The Commission may secure directly from any department or agency of the United States, including the Department of State, any information necessary to enable it to carry out this Act. Upon the request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(b) The Commission may accept, use, and dispose of gifts or donations of money or property.

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

(d) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

SEC. 8. The Commission shall transmit an annual report to the President and to each House of Congress as soon as practicable after the end of each fiscal year. Each report shall include a detailed statement of the activities and accomplishments of the Commission during the preceding fiscal year and any recommendations by the Commission for legislation and administrative actions.

SEC. 9. This Act shall take effect on October 1, 1984.●

● Mr. KENNEDY. Mr. President, I am pleased to join today with Senator MATIAS in introducing this legislation that will establish a Commission for the Preservation of America's Heritage Abroad.

We are a Nation of immigrants. Almost all Americans can find roots abroad. And those roots are important to remember and respect. In many cases, cemeteries, monuments, and historic buildings are all that is left of the communities from which our ancestors emigrated.

Since the 1970's I have worked with Americans interested in preserving their heritage abroad. I discovered a distressing fact—many of these reminders of our ancestors are in danger of deterioration or destruction. Simple neglect over the years has taken its toll in some cases. Deliberate government actions have been responsible in others.

Many cemeteries throughout Eastern Europe and the Soviet Union, representing communities of diverse religious faiths, have not been well cared for. In Poland, for example, only some 400 Jewish cemeteries remain out of 800 before World War II. Only a small portion of those are in decent condition.

The New York Times recently reported remarkable community efforts in Arizona stimulated by an attorney from Washington and a Yaqui Indian to preserve a Jewish cemetery from the 1880's. Such stories, unfortunately, are not common abroad.

The U.S. Government is in a position to assist Americans to preserve their heritage abroad. However, there is no one point in the government to which Americans can turn. This problem deserves ongoing and sustained attention.

The Commission on the Holocaust recognized this problem and proposed a solution in its report to the President. The Commission recommended:

That in recognition of the sanctity of the physical remains of the Jewish communities of Eastern Europe and the right of the dead to a final resting place, the State Department should continue to express its concern over the destruction of cemeteries, urging that they be maintained in a suitably respectable manner.

Hence the concept of a commission. The Commission proposed in this legislation would identify foreign cemeteries—to which Americans have ancestral ties—that are in jeopardy and to propose policies for encouraging foreign governments in whose countries such monuments are located to take steps to protect them.

Specifically, the Commission would:

Identify and publish a list of cemeteries, monuments, and historic buildings located abroad and associated with the foreign heritage of U.S. citizens which are in danger of deterioration;

Encourage their preservation by working in concurrence with the Department of State to obtain assurances from foreign governments that the landmarks will be protected;

Sponsor or support demonstration projects to help preserve and protect such cemeteries, monuments, and historic buildings;

Prepare and disseminate reports on the conditions of and progress toward preserving and protecting these landmarks;

Coordinate with the U.S. International Council on Monuments and Sites.

The Commission will consist of five members appointed by the President. Commissioners shall receive no pay for their service to the Commission.

Three weeks ago the House of Representatives adopted similar legislation as an amendment to the fiscal year 1985 foreign assistance authorization bill.

I urge support for the legislation we introduce today. ●

By Mr. HELMS:

S.J. Res. 304. Joint resolution to designate the month of October 1984 as "National Quality Month"; to the Committee on the Judiciary.

NATIONAL QUALITY MONTH

● Mr. HELMS. Mr. President, I am today introducing legislation that will establish the month of October as National Quality Month.

Quality of workmanship is an American tradition, Mr. President. From the colonial days when our ancestors practiced their trades in small, backyard shops, American-made goods have enjoyed a reputation for high quality and precision crafting.

This emphasis on quality has given U.S. manufacturers a decided advantage over many foreign competitors. Consumers at home and abroad have traditionally looked to American industries for high quality merchandise.

Today, however, developing nations are learning to produce quality goods at costs that are in line with their American counterparts.

Mr. President, there is a need to emphasize what has become the hallmark of U.S. manufacturing. A national endorsement of Quality Month will provide an excellent opportunity for all Americans to renew their commitment to traditional standards of high quality in the production of goods and services.

From a historical perspective, Mr. President, quality has been a mainstay of our free enterprise system. In colonial times, blacksmiths, carpenters, artisans, and other tradesmen skillfully produced handmade goods with careful attention to detail. Merchants traveled the seas in ships filled with high quality, American-made cargo.

The Industrial Revolution brought American manufacturing out of homes and village shops and into larger factories. Assembly lines replaced work benches so that goods could be produced more efficiently. In the process, quality standards remained high.

After World War II, the United States became the world leader in an effort to rebuild Europe and Japan. Faced with the task of revitalizing industries that had been destroyed by the war, American experts introduced new production methods to these countries. A key element of these methods was high quality.

A renowned statistician named W. Edwards Deming promoted quality techniques in Japan during the 1950's. Poised for reconstruction, the Japanese welcomed the Deming philosophy. The country transformed a reputation of relatively poor quality workmanship into one of world leadership in the production of high quality goods and services.

That experience was replicated in Western Europe, as well.

Mr. President, as we all know, the United States is today faced with unprecedented competition in international markets. Foreign competition, particularly in the labor-intensive industries, has caused business leaders to reevaluate their production and marketing strategies.

American industries have responded to stiffer competition from abroad with an increased emphasis on quality. Today, marketing strategies stress high quality standards in the production of goods and services in the United States. For instance, the textile and furniture industries in North Carolina emphasize quality craftsmanship. The automobile industry is doing likewise. And there are many other examples.

Mr. President, a joint resolution proclaiming National Quality Month will serve as a catalyst for this renewed interest in quality.

The American Society for Quality Control, a nonprofit organization dedicated to enhancing the quality of American products and services since 1946, is planning appropriate activities throughout October to commemorate the occasion.

I urge other Senators to join with me in support of this joint resolution and I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

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

S.J. Res. 304

Whereas the United States has been pre-eminent in quality technology development since the Industrial Revolution;

Whereas the performance and spirit that typified early American craftsmen was based on individual interest in quality of goods and service;

Whereas the pride of workmanship that once prevailed must be reinforced through a renewed commitment to quality and knowledge of quality technology in more complex contemporary industrial, commercial, and governmental organizations;

Whereas American goods and services represent the highest standards of excellence in quality;

Whereas the strength of the Nation relies on the ability of industry to produce quality goods and services;

Whereas the United States must produce high quality goods and services to maintain a position of leadership in the world marketplace;

Whereas the commitment to quality involves recognition and implementation of a consistent quality policy, the use of quality technology, and utilization of talents throughout an organization toward quality improvement;

Whereas the emphasis on quality in manufacturing and service will increase productivity through emphasis on defect prevention, waste reduction, and improved reliability of products and services;

Whereas the White House Conference on Productivity Report of the Preparatory Conference on Private Sector Initiatives recommended that a quality awareness campaign be implemented at the national level and within the private sector to demonstrate that rapid improvement in quality and productivity is essential to the survival of the national economy;

Whereas the American Society for Quality Control has been a leader in the development, promotion and application of quality and quality related technology since 1946;

Whereas the American Society for Quality Control is engaged in a campaign to convince officials in government and industry that increased productivity, reduced costs, and consumer satisfaction will result from commitment to improved quality standards;

Whereas the American Society for Quality Control will sponsor activities to observe National Quality Week; and

Whereas the theme of National Quality Week will be "Quality First" to emphasize that quality is an integral part of the processes that produce goods and services: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of October 1984 is designated as "National Quality Month" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate programs and activities. ●

By Mrs. HAWKINS:

S.J. Res. 305. Joint resolution to designate the week of September 10, 1984, through September 16, 1984, as "Teenage Alcohol Abuse Awareness Week"; to the Committee on the Judiciary.

TEENAGE ALCOHOL ABUSE AWARENESS WEEK

Mrs. HAWKINS. Mr. President, today I am introducing legislation to help educate and, thereby, help save our most precious natural resource, our children, by designating the week of September 10-16 as "Teenage Alcohol Abuse Awareness Week."

Teenage alcohol abuse is on the rise, and I would like to provide some statistics which bear out this troubling fact.

The percentage of 12th graders who said they got drunk at least once a month had remained steady, at 10 percent from the end of World War II until 1966. Between 1966 and 1975, that number jumped to 19 percent. But when high school seniors were

polled in 1982, 41 percent said they had had five or more drinks within 2 weeks of answering the survey.

Ten percent of students polled had taken their first drink by the sixth grade; 30 percent had their first drink by the eighth grade. By grade 10, fully 75 percent of high school children polled were drinking socially.

Adolescence is a time of discovery and a time of rebellion. Those of us who are parents know that this is a time when there seems to be nothing we can say or do that is acceptable to our teenagers.

It can be a scary time for a teenager, as we all remember; it can be a time when "fitting in" takes precedence over virtually everything else.

Adolescence is also a time of personality development, when teenagers experiment with being an adult. They learn to drive, they date, they get their first jobs.

All of these factors, rebellion, peer pressure, the need to feel "adult," taken together create a volatile situation. Drinking is portrayed in the media as glamorous, and teenagers away from parental supervision, and anxious to present the right image, often engage in activities of which their parents would disapprove.

The major drinking problem among young people is not alcoholism, but rather, the negative consequences of intoxication—violence, vandalism and, of course, most tragically of all, driving while drunk; 49 percent of students polled recently said they drank in cars, while 23 percent said they drive, even after having "a good bit to drink." In the 15 States that keep complete records of traffic fatalities, 8,850, or 42 percent of drunk drivers involved in fatal accidents last year were between the ages of 15 and 24. These figures and the ones mentioned earlier tell us that unless we act soon, even more of our children will die.

The National Institute of Alcohol Abuse and Alcoholism has published the following which recommends steps that should be taken in order to help teenagers use alcohol wisely:

TEENAGER

Teach problems of alcohol in the schools. Develop interactive skills (values clarification, decisionmaking, etc.).

Provide alternatives to increase individual self-confidence and inner resources (i.e., hobbies, sports).

Educate adults to be responsible hosts/hostesses.

Identify youths having drinking patterns inconsistent with peers for the purpose of early intervention.

Provide information about sources of help for teenagers suffering personal or family drinking problems.

ALCOHOL

Examine whether legislation concerning where, when, and how alcohol may be sold and consumed can be changed to reduce alcohol abuse.

Manipulate control policies to decrease or stabilize per capita consumption by restrict-

ing availability through a variety of strategies, such as: A strict pricing policy; limiting on-premises drinking; lowering alcohol content of beverages; limiting numbers of retail and wholesale outlets; and enacting and enforcing strict zoning regulations.

Encourage cooperation between alcoholism personnel and alcohol beverage control boards.

Assess the influence of advertising and counter-advertising on drinking behavior.

ENVIRONMENT

Arrange settings where alcohol is consumed to minimize abuse (lighting, seating arrangement, music, food).

Change cultural meaning of drinking to encourage drinking in conjunction with other activities, discourage it as focus of activity.

Encourage responsible role-modeling by parents who drink.

Develop sanctions against drunken behavior.

Improve economic, cultural, and other qualities of life in the community.

Encourage educational system to be more responsive to students' personal needs.

Decrease consequences of abuse (e.g., provide rides home for intoxicated individuals).

Educate retailers of alcoholic beverages about their legal and ethical responsibilities.

The growing and distressing problem of teenage alcohol abuse needs to be handled through a combination of education and communication. During Teenage Alcohol Abuse Awareness Week, programs and events are planned, including a major article in the October 2 Family Circle magazine, which will attempt not only to make teenagers aware of the dangers of drinking, but also to teach parents that only by open and frank conversation with their children can they bring them safely through this most difficult age to enjoy the rewards and challenges which lay ahead.

By Mr. DOLE (for himself, Mr. DIXON, Mr. HELMS, Mr. HUDLESTON, Mr. DANFORTH, Mr. INOUE, Mr. COCHRAN, Mr. PRYOR, Mr. JEPSEN, Mr. LEAHY, Mr. BOSCHWITZ, Mr. PROXMIRE, Mr. ANDREWS, Mr. SASSER, Mr. LUGAR, Mr. RANDOLPH, Mr. WILSON, Mr. BURDICK, Mrs. HAWKINS, Mr. HOLLINGS, Mr. BAKER, Mr. EXON, Mr. DOMENICI, Mr. MATSUNAGA, Mr. HATFIELD, Mr. NUNN, Mr. MCCLURE, Mr. ZORINSKY, Mr. KASTEN, Mr. PELL, Mrs. KASSEBAUM, Mr. GLENN, Mr. PERCY, Mr. DECONCINI, Mr. ABDNOR, Mr. BUMPERS, Mr. MATTINGLY, Mr. HEFLIN, Mr. PACKWOOD, Mr. CRANSTON, Mr. STAFFORD, Mr. RIEGLE, Mr. NICKLES, Mr. BAUCUS, Mr. QUAYLE, Mr. BIDEN, Mr. LAXALT, Mr. BOREN, Mr. GRASSLEY, Mr. TSONGAS, Mr. CHAFEE, Mr. EAGLETON, Mr. SYMMS, Mr. LAUTENBERG, Mr. DURENBERGER, Mr. LONG, Mr. GORTON, Mr. CHILES, Mr. STENNIS, Mr. EAST, Mr. MITCHELL, Mr. HATCH, Mr. FORD, Mr.

BRADLEY, and Mr. MURKOWSKI):

S.J. Res. 306. Joint resolution to proclaim July 10, 1984, as "Food for Peace Day"; to the Committee on the Judiciary.

FOOD FOR PEACE DAY

● Mr. DOLE. Mr. President, on July 10 of this year, we will have occasion to commemorate the 30th anniversary of one of the most effective and respected programs devised by the Federal Government in the postwar era—Public Law 480, or the food-for-peace program. It is my privilege to introduce this joint resolution to designate July 10 as "Food for Peace Day," and my honor to be joined in its sponsorship by Senators DIXON, HELMS, HUDLESTON, and by 61 of our distinguished colleagues in the Senate.

THE ROLE OF PRESIDENT EISENHOWER

It is time-honored practice, Mr. President, to cite the seminal contributions of the Founding Fathers of Public Law 480, without whose vision the opportunity might have been lost to marshal America's greatest strength to meet the world's greatest need. There are few statements we can make today that will match the simple elegance of President Dwight D. Eisenhower, who pursued the promise of this program as avidly as he had its enactment in 1954. His words, while often repeated, have that timeless quality which lends insight to our changing world a generation later:

My earnest hope is that our people will put their hearts as well as their minds into this effort. It is more than surplus disposal, more than an attempt to foster ties and sympathies for America. It is an effort that I consider in full keeping with the American tradition—that of helping people in dire need who with us are devoted to upholding and advancing the cause of freedom. It is an undertaking that will powerfully strengthen our persistent and patient efforts to build an enduring just peace.

BIPARTISAN SUPPORT OF PUBLIC LAW 480

The vision of President Eisenhower was one which recognizes no political distinctions, and the strong bipartisan support which Public Law 480 has enjoyed over the past 30 years is a major source of its continuing strength. All of us today are in the debt of succeeding Presidents and congressional leaders who singled out food-for-peace as a role star for judging our Nation's course toward meeting its chosen standards of fairness and compassion. And a leader among these leaders was my cherished colleague, now departed, Hubert Humphrey. I am sure Hubert would not object if I again pay tribute to his great eloquence by quoting his retrospective assessment of the importance of Public Law 480:

When the history of the twentieth century is written, the development and expansion of the food-for-peace program is sure to be viewed as one of the most constructive steps ever undertaken by any nation. With-

out our farmers' abundant productivity, this could not have been possible.

PREAMBLE TO THE 1954 ACT

Finally, Mr. President, we should reacquaint ourselves and introduce others to the broad and encompassing objectives of the food for peace program, as set forth in the preamble to the 1954 act:

The Congress hereby declares it to be the policy of the United States to expand international trade; to develop and expand export markets for United States agricultural commodities; to use the abundant agricultural productivity of the United States to combat hunger and malnutrition and to encourage economic development in developing countries, with particular emphasis on assistance to those countries that are determined to improve their own agricultural production; and to promote in other ways the foreign policy of the United States.

SIMILARITIES—1950'S AND 1980'S

Mr. President, as we review the history of Public Law 480 over the last 30 years, we are struck by the versatility with which it has responded to needs in both the United States and abroad. We are also impressed by similarities between the world food supply and demand situation today and that which existed when the program was developed in the early 1950's. Then, as now, we were faced with a significant shortfall in the ability of many nations to provide an adequate diet for their people. Then, as now, the United States was faced with large and growing harvests of basic food crops, and the alternative of cutting back on production and efficiency to prevent low farm prices. And finally, Mr. President, with the benefit of hindsight, we can now look back and appreciate that, with the long-term commitment of American food resources to meet world hunger needs, the Public Law 480 program has been a driving force behind the growth and miraculous productivity of American agriculture in the past three decades.

I do not believe it necessary to again cite the specific contributions which the food for peace program has made to the cause of improved global cooperation and understanding, or to the achievement of its other important and diverse goals. Nations around the world, many of whom are now either self-sufficient in food or can afford to purchase their requirements on the commercial market, testify to this remarkable success story.

THE CHALLENGE TO SUPPORTERS AND CRITICS

I would, however, point out that, at its inception, there were many both within and outside of government who had reservations about the nature and objectives of the Public Law 480 program, and about its initial costs compared to its promised benefits. These doubts were honestly raised, and it required years of hard and dedicated work before the program was to prove its merit.

Like every initiative by the Federal Government, Public Law 480 must perennially prove its merit and justify its worth. I have no doubt that it does, and will continue to serve a vital purpose in the fabric of the world's food safety net. But the need for supporters to be willing to examine the program critically must be matched by a willingness of critics to reexamine their own opinions and, if appropriate, to revise them. I can think of no better time for such a review than as we enter the program's fourth decade this July.

THE CURRENT OUTLOOK

Mr. President, with our growing preoccupation and concern with Federal budget outlays and deficits, we have made an effort to cut back on spending in all sectors, and have focused on the immediate cost of programs rather than their promised return. Cost-benefit analysis has been, to some extent, discredited for having led past administrations and Congresses into some unwise, expensive decisions. Much of this criticism is valid. And it is difficult to use cost-benefit to justify spending for one program and then refuse to consider using it to judge others.

The reality that underlies the Public Law 480 program, however, goes beyond such a superficial comparison. It goes back to the depression years of the 1930's, when the Government paid enormous amounts for farmers to plow up their crops or slaughter their livestock. It goes back to the 1940's, when the production potential of American farms and ranches was tapped to feed the war effort, and to help resurrect a ravaged world economy in its aftermath. And it goes back to the early 1950's, when a choice had to be made between returning to massive production controls or sharing our abundance with developing countries in need of economic support.

INTERDEPENDENCE—FARMERS AND MARKETS

Mr. President, I have never doubted that, with the food for peace program, the United States made the right choice, and put its best foot forward in its relations with the community of nations. Yet we must not forget that Public Law 480 is as much a commitment to U.S. farmers as it is to hungry and malnourished peoples overseas. By choosing to make the world, in an important measure, dependent on U.S. food supplies, we also made U.S. agriculture dependent on foreign markets. And it is the ability of the world market to provide a fair return to our producers that is now under serious scrutiny and question by many of our farmers.

U.S. agriculture finds itself at a crossroads today, and many believe a watershed policy decision may soon be made. In this process, the role of exports will undoubtedly be of crucial importance. Most observers suggest the choice will be between turning in

one direction—toward more market-oriented policies—or in the opposite direction—toward greater Government involvement in production and marketing decisions. And it may well be that we will define our policy options in these terms and make our decision accordingly.

In my own opinion, Mr. President, it will be difficult to achieve a consensus on farm policy and programs with opinion as divided as it is today. Currently, with surplus production and stocks, low harvest-time prices and serious debt and financing problems, the attitude in the Farm Belt is confused, unsure and, in certain instances, negative toward any proposed policy initiatives. It is doubtful that we can make a positive change of direction under these circumstances.

ORIGINS OF FARM POLICY CONSENSUS

It may be better at this point to focus our efforts in one area which few, if any, participants in the farm policy debate would oppose. That action would be to significantly increase our annual contribution to world food assistance, possibly within a multiyear format, and to consider reinstating the optional repayment of low-interest loans in foreign currencies. The benefits of an increase of \$500 million, \$750 million, or even \$1 billion in Public Law 480 programing to our own rural economy, to developing countries experiencing food and foreign exchange shortages, and to overall activity in the U.S. economy would be enormous.

It may be, Mr. President, that such a straightforward action could begin the process of simplifying the complex decisions facing U.S. agriculture in 1985 and in future years. At the very least, it would indicate that, when its own agriculture future needed to be addressed, this country first chose to reaffirm its commitment to the humanitarian ideals that have served as its national conscience for the past 30 years. Perhaps we would then be able to proceed to make other decisions affecting our farm and national economy with a clearer perspective on our long-term needs and goals.

CONCLUSION: GIFTS AND RESPONSIBILITIES

Finally, Mr. President, it is all too rare in government that we have an opportunity to support a program or activity that embodies, in large part, the often-ignored wisdom of the golden rule. We in the United States do not fully appreciate the national gifts which we enjoy, nor do we fully understand the international responsibilities which possession of these gifts conveys. As a true humanitarian effort, the food-for-peace program reflects recognition that food—the most basic human necessity—should be shared with others less fortunate. And it is positive efforts such as Public Law 480, rather than other programs more

costly or with less vision, for which our generation will be remembered by the world's children and our own posterity.

Mr. President, I ask unanimous consent that the text of the joint resolution to designate July 10, 1984, as "Food for Peace Day" be printed in the RECORD.

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

S. J. RES. 306

Whereas the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480) was signed into law by President Eisenhower on July 10, 1954;

Whereas the Public Law 480 program (also known as the Food for Peace program) has received strong and bipartisan support from every President and Congress during the past thirty years as a versatile tool to use the abundant agricultural productivity of the United States to combat hunger and malnutrition abroad, expand export markets for United States agricultural commodities, encourage economic development in developing countries, and promote in other ways the foreign policy of the United States;

Whereas over three hundred million tons of agricultural commodities and products thereof valued at about \$34,000,000,000 have been distributed to more than one hundred and fifty countries under the Public Law 480 program since its inception, substantially reducing world hunger and improving nutritional standards;

Whereas the Public Law 480 program has served as an example to other nations and encouraged them also to help meet food needs abroad by making available agricultural surpluses or cash donations for such purposes; and

Whereas the people of the United States remain dedicated to the high goals and purposes of the Public Law 480 program and committed to continuation of its important work: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That July 10, 1984, the thirtieth anniversary of Public Law 480, is hereby proclaimed as "Food for Peace Day", and the President is requested to issue a proclamation calling upon the people of the United States and Federal and State governmental agencies to commemorate Food for Peace Day with appropriate ceremonies and activities.●

● Mr. DIXON. Mr. President, I am pleased to join the distinguished chairman of the finance Committee, Senator DOLE, as coauthor of this joint resolution to declare July 10, 1984, the 30th anniversary of Public Law 480, as "Food for Peace Day." While a number of congressional initiatives have been enacted into law over the years to deal with hunger problems both at home and abroad, one of the most direct methods of combating malnutrition on the international scene is the Agricultural Trade and Development Act—Public Law 480—signed by President Eisenhower on July 10, 1954.

As we observe the 30th anniversary of this program it is important that we remember the objectives of Public Law

480, as set forth in the preamble of the Act:

The Congress hereby declares it to be the policy of the United States to expand international trade; to develop and expand export markets for United States agricultural commodities; to use the abundant agricultural productivity of the United States to combat hunger and malnutrition and to encourage economic development in developing countries, with particular emphasis on assistance to those countries that are determined to improve their own agricultural production; and to promote in other ways the foreign policy of the United States.

The United States has distributed more than 300 million tons of agricultural commodities with a value of \$34 billion to more than 150 countries under this program. One of the main objectives of this program is to develop and expand export markets of the United States.

One of the most direct methods of combating malnutrition on the international scene is through title II of Public Law 480. Under this authority, donations of American commodities are used in a variety of programs throughout the world, providing both supplemental and primary sources of nutrition.

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

We must also remember that in many feeding programs throughout the world, the United States is the only supplier of these processed and fortified products. These products are also important to the economy of the United States. They provide the value added benefits of increased employment, additional tax revenues, and wider use of U.S. transport facilities.

We must also recognize the activities of America's great voluntary agencies for overseas relief and rehabilitation, including organizations such as CARE, the Church World Service, Catholic Relief Service, Lutheran World Relief, and a number of similar privately supported humanitarian organizations helping to carry out the purposes of the food for peace program.

Mr. President, one of the strongest supporters of the program was Senator Hubert Humphrey. I believe his own words indicate the importance of this program:

When the history of the twentieth century is written, the development and expansion of the food for peace program is sure to be viewed as one of the most constructive steps ever undertaken by any nation. Without our farmers' abundant productivity, this could not have been possible.

Mr. President, I urge my colleagues to join in support of this joint resolution to declare July 10, 1984 as "Food for Peace Day."●

● Mr. HUDDLESTON. Mr. President, I am pleased to join many of my colleagues in sponsoring this joint resolution to commemorate the 30th anniversary of the enactment of the Agricultural Trade Development and Assistance Act of 1954, commonly known as Public Law 480 or the Food for Peace Program Act.

Throughout the years, Public Law 480 has proven to be one of our Nation's most successful assistance programs. Moreover, the program is one of our best and most effective ambassadors of goodwill overseas.

Sharing our agricultural abundance through Public Law 480 fulfills a humanitarian need for food in areas of the world where famine and malnutrition exist. Since the beginning of the food for peace program, nearly 50 million metric tons of commodities have been provided to meet the humanitarian goals of title II of Public Law 480. And, the food for peace program is as vital today as it was 30 years ago. The need for food in developing countries continues to be large. In fact, food shortages in Africa appear to be growing at this time, and the food for peace program is being used extensively to ameliorate this severe problem.

Public Law 480 serves other objectives as well, including the stimulation of economic growth in developing countries, the disposition of periodic farm surplus production through a concessional sales program, the development of foreign markets for U.S. foreign economic policy goals. The benefits from the Public Law 480 concessional sales program, it is estimated, have amounted to \$25 billion of additional farm exports over the life of the program.

Public Law 480 has always enjoyed strong and bipartisan support. I hope the 98th Congress will continue this tradition by wholeheartedly endorsing this joint resolution.●

ADDITIONAL COSPONSORS

S. 875

At the request of Mr. MATHIAS, the name of the Senator from South Dakota (Mr. ABDNOR) was added as a cosponsor of S. 875, a bill to amend title 18 of the United States Code to strengthen the laws against the counterfeiting of trademarks, and for other purposes.

S. 1285

At the request of Mr. CHILES, his name was added as a cosponsor of S. 1285, an original bill to improve the quality of mathematics and science teaching and instruction in the United States, and for other purposes.

S. 1910

At the request of Mr. PRESSLER, the name of the Senator from Nebraska (Mr. ZORINSKY) was added as a cosponsor of S. 1910, a bill to adapt principles of the Administrative Procedures Act to assure public participation in the development of certain positions to be taken by the United States in international organizations, and for other purposes.

S. 2266

At the request of Mr. CRANSTON, the name of the Senator from Kansas (Mrs. KASSEBAUM) was added as a cosponsor of S. 2266, a bill to grant a Federal charter to Vietnam Veterans of America, Inc.

S. 2422

At the request of Mr. BRADLEY, the name of the Senator from Ohio (Mr. GLENN) was added as a cosponsor of S. 2422, a bill to provide a program of planning grants, demonstration grants, and formula grants to assist local educational agencies to improve the basic skills of economically disadvantaged secondary school students, and for other purposes.

S. 2540

At the request of Mr. BRADLEY, the name of the Senator from South Dakota (Mr. ABDNOR) was added as a cosponsor of S. 2540, a bill to amend the Age Discrimination in Employment Act of 1967 to exclude from the operation of such act matters relating to the age at which individuals may be hired, or discharged from employment, as firefighters and law enforcement officers by States and political subdivisions of States.

S. 2569

At the request of Mr. MOYNIHAN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2569, a bill to amend title XVI of the Social Security Act to make necessary improvements in the SSI program with the objective of assuring that such program will more realistically and more equitably reflect the needs and circumstances of applicants and recipients thereunder.

S. 2687

At the request of Mr. PERCY, the names of the Senator from Nevada (Mr. HECHT), the Senator from Indiana (Mr. LUGAR), and the Senator from Nevada (Mr. LAXALT) were added as cosponsors of S. 2687, a bill to authorize an employer to pay a youth employment opportunity wage to a person under 20 years of age from May through September under the Fair Labor Standards Act of 1938, which

shall terminate on September 30, 1987, and for other purposes.

S. 2719

At the request of Mr. LAUTENBERG, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2719, a bill to amend title 23, United States Code, to direct the Secretary of Transportation to withhold a percentage of the apportionment of certain Federal-aid highway funds to be made to any State which does not establish a minimum drinking age of 21 years.

SENATE JOINT RESOLUTION 55

At the request of Mr. MATHIAS, the name of the Senator from Washington (Mr. EVANS) was added as a cosponsor of Senate Joint Resolution 55, a joint resolution to recognize the pause for the Pledge of Allegiance as part of National Flag Day activities.

SENATE JOINT RESOLUTION 97

At the request of Mr. BOSCHWITZ, the name of the Senator from Colorado (Mr. HART) was added as a cosponsor of Senate Joint Resolution 97, a joint resolution to authorize the erection of a memorial on public grounds in the District of Columbia, or its environs, in honor and commemoration of members of the Armed Forces of the United States and the allied forces who served in the Korean war.

SENATE JOINT RESOLUTION 235

At the request of Mr. PELL, the names of the Senator from Pennsylvania (Mr. HEINZ), the Senator from Indiana (Mr. LUGAR), the Senator from Kansas (Mr. DOLE), and the Senator from Colorado (Mr. HART) were added as cosponsors of Senate Joint Resolution 235, a joint resolution to authorize the Law Enforcement Officers Memorial Fund, Inc., to establish a National Law Enforcement Heroes Memorial.

SENATE JOINT RESOLUTION 240

At the request of Mr. INOUE, the names of the Senator from South Dakota (Mr. ABDNOR), the Senator from North Dakota (Mr. ANDREWS), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from North Dakota (Mr. BURDICK), the Senator from California (Mr. CRANSTON), the Senator from Arizona (Mr. DECONCINI), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Missouri (Mr. EAGLETON), the Senator from Nebraska (Mr. EXON), the Senator from Washington (Mr. GORTON), the Senator from Colorado (Mr. HART), the Senator from Utah (Mr. HATCH), the Senator from Pennsylvania (Mr. HEINZ), the Senator from New Hampshire (Mr. HUMPHREY), the Senator from Iowa (Mr. JEPSEN), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Wisconsin (Mr. KASTEN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Nevada (Mr.

LAXALT), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Georgia (Mr. MATTINGLY), the Senator from Rhode Island (Mr. PELL), the Senator from Tennessee (Mr. SASSER), the Senator from Mississippi (Mr. STENNIS), the Senator from Virginia (Mr. WARNER), the Senator from California (Mr. WILSON), the Senator from Nebraska (Mr. ZORINSKY), and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of Senate Joint Resolution 240, a joint resolution relating to the 40th anniversary of the liberation of Rome.

SENATE JOINT RESOLUTION 270

At the request of Mr. PRESSLER, the names of the Senator from Florida (Mrs. HAWKINS), the Senator from Alaska (Mr. STEVENS), and the Senator from Arizona (Mr. GOLDWATER) were added as cosponsors of Senate Joint Resolution 270, a joint resolution designating the week of July 1 through July 8, 1984, as "National Duck Stamp Week" and 1984 as the "Golden Anniversary Year of the Duck Stamp."

At the request of Mr. COCHRAN, the names of the Senator from Mississippi (Mr. STENNIS), and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of Senate Joint Resolution 270, supra.

SENATE JOINT RESOLUTION 294

At the request of Mr. BOREN, the name of the Senator from Illinois (Mr. DIXON) was added as a cosponsor of Senate Joint Resolution 294, a joint resolution to designate the week of July 1, 1984, through July 7, 1984, as "National Softball Week."

SENATE JOINT RESOLUTION 296

At the request of Mr. D'AMATO, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Ohio (Mr. GLENN), the Senator from Utah (Mr. GARN), and the Senator from Colorado (Mr. HART) were added as cosponsors of Senate Joint Resolution 296, a joint resolution to designate June 14, 1984, as "Baltic Freedom Day."

SENATE CONCURRENT RESOLUTION 109

At the request of Mr. HOLLINGS, the names of the Senator from Michigan (Mr. RIEGLE), the Senator from Nebraska (Mr. EXON), the Senator from Virginia (Mr. TRIBLE), and the Senator from Kentucky (Mr. FORD) were added as cosponsors of Senate Concurrent Resolution 109, a concurrent resolution expressing the sense of the Congress that the Federal Government take immediate steps to support a national STORM program.

SENATE RESOLUTION 283

At the request of Mr. COHEN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of Senate Resolution 283, a resolution relating to chemical weapons.

SENATE RESOLUTION 389

At the request of Mr. CRANSTON, the name of the Senator from Arizona (Mr. DeCONCINI) was added as a co-sponsor of Senate Resolution 389, a resolution to express the appreciation of the Senate to the Screen Actors Guild for 50 years of representing America's film performers.

SENATE RESOLUTION 395—RELATIVE TO ELIMINATING IMMUNITY FOR DIPLOMATS ENGAGING IN ASSAULTS WITH FIREARMS OR EXPLOSIVES

Mr. SPECTER submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 395

Whereas Article 31 of the Vienna Convention of 1961 provides: "A diplomatic agent shall enjoy immunity from the criminal jurisdiction of the receiving state," thus granting absolute and complete immunity for all crimes, including murder by assassination;

Whereas this grant of full immunity was based on the assumption that either accredited diplomats would not commit heinous crimes or that, pursuant to Article 37 which provides "The immunity of a diplomatic agent from the jurisdiction of the receiving state does not exempt him from the jurisdiction of the sending state," any diplomats committing such crimes would be prosecuted by their own government;

Whereas the recent machine-gunning by diplomats of Libya from their London Embassy in which 11 dissident Libyan students were injured and a British policewoman was killed, reportedly on instructions radioed from Tripoli, began a new era in the history of diplomacy and showed complete contempt for human life and international law and proved that the established assumptions about lawful behavior and home government prosecution are no longer valid; Therefore be it

Resolved, that it is the Sense of the Senate that in order both to deter assassinations and other armed assaults and to bring to justice any diplomats committing such grave offenses, the President of the United States should seek a renegotiation of the Vienna Convention as to immunity from criminal jurisdiction with the objective of amending Article 31 to exempt from such immunity murder and other grave crimes involving assault with firearms or explosives.

SENATE RESOLUTION 396—RELATIVE TO THE OBSERVANCE OF NATIONAL MEAT WEEK

Mr. HELMS (for himself, Mr. HUDDLESTON, Mr. ABDNOR, Mr. ANDREWS, Mr. BOREN, Mr. BOSCHWITZ, Mr. CHILES, Mr. DeCONCINI, Mr. DIXON, Mr. DOLE, Mr. EXON, Mr. FORD, Mr. HEFLIN, Mr. HOLLINGS, Mr. JEPSEN, Mr. JOHNSTON, Mr. KASTEN, Mr. LEAHY, Mr. LUGAR, Mr. MELCHER, Mr. NICKLES, Mr. NUNN, Mr. PRYOR, Mr. STENNIS, Mr. SYMMS, Mr. THURMOND, Mr. TOWER, and Mr. ZORINSKY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 396

Whereas the term "meat" comprises a broad category of food products, including beef, pork, lamb, and veal;

Whereas meat is a wholesome and nutritious food, one of the most valuable sources of vitamins and minerals in the human diet and a high-quality source of protein;

Whereas meat provides substantial amounts of the nutrients that people need to consume every day, such as vitamin B-12, riboflavin, thiamin, iron, and zinc;

Whereas the United States meat industry is continuously striving to respond to changes in dietary patterns and consumer food preferences through product innovation and to contribute to a healthful diet by disseminating nutritional information;

Whereas the meat industry's annual sales of \$70,000,000,000 make it the largest single component of United States agriculture;

Whereas the meat industry provides jobs for thousands of United States citizens; and

Whereas during the week of January 27 through February 2, 1985, the United States meat industry will conduct educational programs to highlight the positive contribution of meat to the American diet: Now, therefore, be it

Resolved, That it is the sense of the Senate that January 27 through February 2, 1985, should be designated as "National Meat Week", and that all citizens should be encouraged to observe such week with appropriate ceremonies and activities.

Sec. 2. The Secretary of the Senate shall transmit copies of this resolution to the President and the Secretary of Agriculture.

● Mr. HELMS. Mr. President, I am joined by Senator HUDDLESTON and 26 cosponsors in introducing a joint resolution expressing the sense of the Senate that the week of January 27 through February 2, 1985, be observed as "National Meat Week." National Meat Week will provide an opportunity for the country to recognize the contribution made by the meat industry to the health of the American public and this Nation's economy.

Meat is one of the most valuable sources of vitamins and minerals in the human diet and represents a high-quality source of protein. The meat industry is the largest single component of U.S. agriculture, with annual sales of \$70 billion. In addition, the meat industry provides jobs for thousands of U.S. citizens.

National Meat Week will honor the partnership between consumers and industry in recognizing the important role of meat in the diet and in the economy. The joint resolution would encourage all citizens to observe such week with appropriate ceremonies and activities.●

● Mr. HUDDLESTON. Mr. President, I am pleased to join a number of my colleagues in introducing a joint resolution to express the sense of the Senate that January 27 through February 2, 1985, should be observed as "National Meat Week." I believe it appropriate that recognition be given to this important source of food and the meat industry's efforts to provide Americans with wholesome meat products.

Meat is a nutritious food, one of the most valuable sources of vitamins and minerals in the human diet and a high-quality source of protein.

The U.S. meat industry provides jobs for thousands of U.S. citizens and has annual sales of \$70 billion, which makes it the largest single part of U.S. Agriculture.

The meat industry is continually striving to respond to changes in dietary patterns and consumer food preferences through product innovation. During National Meat Week, the meat industry plans to conduct educational programs to highlight the positive contribution of meat to the American diet.

I urge all of my colleagues to support the observance of National Meat Week in acknowledgement of the important role that meat plays in our diets and in honor of the agricultural producers and others responsible for making this nutritious food available.●

SENATE RESOLUTION 397—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY TO MATTIE WASHINGTON

Mr. MATHIAS, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 397

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Mattie Washington, mother of Robert A. Hunter, an employee of the Senate at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 398—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY TO PETER WASHINGTON, JAMES A. WASHINGTON, HARVEY E. WASHINGTON, DON WASHINGTON, TRAVIS A. WASHINGTON, DIANE COOK, JACQUELINE GREEN, AND TRACEY R. WASHINGTON

Mr. MATHIAS, from the Committee on Rules and Administration, reported to following original resolution; which was placed on the calendar:

S. RES. 398

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Peter Washington, James A. Washington, Harvey E. Washington, Don Washington, Travis A. Washington, sons of Joyce E. Washington and Diane Cook; Jacqueline Greene; Tracey R. Washington, daughters of Joyce E. Washington, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of her death, a sum equal to six months' compensation at the rate she

was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

AMENDMENTS SUBMITTED

OMNIBUS DEFENSE AUTHORIZATION ACT, 1985

PROXMIRE AMENDMENT NO. 3149

(Ordered to lie on the table.)

Mr. PROXMIRE submitted an amendment intended to be proposed by him to the bill (S. 2723) to authorize appropriations for the military functions of the Department of Defense and to prescribe personnel levels for the Department of Defense for fiscal year 1985, to authorize certain construction at military installations for such fiscal year, to authorize appropriations for the Department of Energy for national security programs for such fiscal year, and for other purposes; as follows:

At the appropriate place in the bill insert a new section as follows:

Sec. It is the sense of Congress that the President should insist that the pertinent member nations of the North Atlantic Treaty Organization meet or exceed their pledges for an annual increase in defense spending during fiscal year 1984 and 1985 of at least three percent real growth and should insist that Japan further increase its defense spending during fiscal years 1984 and 1985 in furtherance of increased unity, equitable sharing of our common defense burden, and international stability.

IMPROVEMENT IN QUALITY OF MATH AND SCIENCE INSTRUCTION

HATCH AMENDMENT NO. 3150

Mr. HATCH proposed an amendment to the bill (S. 1285) to improve the quality of mathematics and science teaching and instruction in the United States, and for other purposes; as follows:

On page 3, line 4, strike out "and".

On page 3, line 5, before the period insert a comma and the following: "Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands".

On page 3, line 14, strike out "section 1001(k)" and insert in lieu thereof "section 198(a)(17)".

On page 3, line 21, insert "State and" before "local".

On page 4, line 5, insert after "education" a comma and the following: "and each State educational agency and institution of higher education".

On page 4, line 10, after the period insert the following: "A State educational agency may apply jointly with one or more institutions of higher education."

On page 6, line 6, before the period insert a comma and the following: "except that the Director may waive the requirements of this sentence if there is no proposal from a

State that meets the requirements of this part".

On page 7, line 11, strike out "and" and insert in lieu thereof a comma.

On page 7, line 12, before the semicolon, insert a comma and the following: "computer learning".

On page 7, line 16, strike out "and" the first time it appears and insert in lieu thereof a comma.

On page 7, line 17, before the period insert a comma and the following: "and computer learning".

On page 7, line 19, insert "(a)" after "Sec. 122."

On page 7, line 20, beginning with "an" strike out through "agency" on line 21 and insert in lieu thereof "an eligible applicant".

On page 8, line 1, insert "(A)" after "that".

On page 8, line 3, strike out the semicolon and insert in lieu thereof a comma.

On page 8, line 4, insert "State or" before "local".

On page 8, line 4, strike out "or" and insert in lieu thereof "(B)".

On page 8, line 6, after "education" insert ", or (C) in the case of a profession of a society or association described in subsection (b)(3) the association or society will enter into a cooperative agreement with one or more local educational agencies and one or more institutions of higher education."

On page 8, line 11, strike out "making application".

On page 8, between lines 19 and 20, insert the following:

"(b) For the purpose of this part an eligible applicant means—

"(1) an institution of higher education,

"(2) a State or local educational agency, and

"(3) a professional society or association, in the fields of mathematics, physical or biological sciences, or engineering."

On page 9, beginning with line 3, strike out through line 2 on page 10.

On page 10, line 3, strike out "Part D" and insert in lieu thereof "Part C".

On page 13, line 7, strike out "Part E" and insert in lieu thereof "Part D".

On page 13, line 9, strike out "Sec. 151." and insert in lieu thereof "Sec. 141."

On page 13, between lines 21 and 22, insert the following new sentence: "In carrying out the provisions of this part, the Director shall give special consideration to programs and activities for women in science and minorities in science which have been assisted by the Foundation prior to the date of enactment of this Act."

On page 14, line 12, strike out "Part F" and insert in lieu thereof "Part E".

On page 16, strike out lines 7 through 10 and insert in lieu thereof the following:

"PARTICIPATION OF TEACHERS FROM PRIVATE SCHOOLS

"Sec. 162. The Foundation shall, after consultation with appropriate private school representatives, make provision for the benefit of teachers in private elementary and secondary schools in the programs authorized by this title, in order to assure equitable participation of such teachers."

On page 16, line 25, strike out "part D" and insert in lieu thereof "part C".

On page 17, line 1, strike out "\$4,000,000" and insert in lieu thereof "\$3,000,000".

On page 17, lines 2 and 3, strike out "parts C and E" and insert in lieu thereof "part D".

On page 29, line 4, beginning with "and" strike out through "an" on line 6 and insert in lieu thereof the following: "not later than

nine months following the date for which funds under this title become available, a preliminary".

On page 29, line 8, after the period insert the following new sentences: "Such preliminary assessment shall be made available to all local educational agencies within the State to assist the local educational agencies to carry out the requirements of section 210. A final version of such assessment shall be submitted to the Secretary not later than the end of the first year for which funds under this title are made available."

On page 29, line 8, strike out "such" and insert in lieu thereof "first".

On page 33, line 4, strike out "sections 211 and 212" and insert in lieu thereof "sections 210 and 211".

On page 34, line 6, strike out "and".

On page 34, line 7, before the semicolon insert a comma and the following: "and computer learning, including a description of the availability and qualifications of teachers in the areas of mathematics, science, foreign language and computer learning, including the qualifications of teachers at the elementary level to teach in such areas".

On page 34, line 7, strike out "and".

On page 34, line 9, strike out the period and insert a semicolon and the word "and".

On page 34, between lines 9 and 10, insert the following:

"(3) improving the access to instruction in mathematics, science, foreign languages, and computer learning of historically underserved and underrepresented individuals and of the gifted and talented, and an assessment of the current degree of access to such instruction of such individuals."

On page 34, line 12, strike out "and".

On page 34, line 14, before the period insert a comma and the following: "and in the second year for which funds under this title are made available, a description of how the services assisted will address unmet needs described under section 208".

On page 37, line 3, strike out "and" and insert in lieu thereof a comma.

On page 37, line 4, after "education" insert a comma and the following: "and private nonprofit organizations, including museums, libraries, educational television stations, and professional science, mathematics, and engineering societies and associations".

On page 48, line 13, insert "elementary and" after "to".

On page 48, line 18, insert "elementary and" before "secondary".

On page 48, line 19, after "one" insert the following: "elementary school teacher and one".

On page 49, after line 2, insert the following:

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 403. (a) There are authorized to be appropriated \$1,000,000 for the fiscal year 1985 to carry out the provisions of this title.

"(b) Amounts appropriated pursuant to subsection (a) shall be available for making awards under this title, for administrative expenses, for necessary travel by teachers selected under this title, and for special activities related to carrying out the provisions of this title."

(1) the term "applicant" means with respect to activities described in section 305 (a) an institution of higher education and the other participants described in paragraph (3) of section 305 (a), and with respect to activities described in section 305 (b) a local educational agency and the other

participants described in paragraph (3) of section 305 (b).

On page 39, line 24, strike out "(1)" and insert in lieu thereof "(2)".

On page 40, line 1, strike out "(2)" and insert in lieu thereof "(3)".

On page 40, line 3, insert "and" after the semicolon.

On page 40, line 4, strike out "(3)" and insert in lieu thereof "(4)".

On page 40, line 6, strike out the semicolon and the word "and" and insert in lieu thereof a period.

On page 40, strike out lines 7 through 12.

On page 40, line 15, strike out "States" and insert in lieu thereof "applicants".

On page 40, line 22, strike out "A State" and insert in lieu thereof "An applicant".

On page 42, line 1, strike out "A State" and insert in lieu thereof the words "An applicant".

On page 43, line 10, strike out "STATE".

On page 43, line 11, strike out "State" and insert in lieu thereof "applicant".

On page 43, line 12, beginning with the word "make" strike out through "require" on line 15 and insert in lieu thereof the following: "submit an application approved under section 307 to the Foundation, at such time, in such manner, and accompanied by such additional information as the Foundation may reasonably require."

On page 43, strike out lines 16 through 22.

On page 43, line 23, strike out "(2)" and insert in lieu thereof "(1)".

On page 44, line 1, strike out "(3)" and insert in lieu thereof "(2)".

On page 44, line 6, strike out "(4)" and insert in lieu thereof "(3)".

On page 45, line 3, strike out "(5)" and insert in lieu thereof "(4)".

On page 45, between lines 13 and 14 insert the following new clause:

"(5) set forth policies and procedures to assure that whenever the application includes a local educational agency, to the extent consistent with the number and location of children in the school district of such agency who are enrolled in private elementary and secondary schools, provision is made for the participation of such children in the program assisted under this title";

On page 46, line 1, strike out "States or" and insert in lieu thereof "applicants in".

On page 46, line 5, beginning with "An" strike out through the period in line 24 and insert in lieu thereof the following: "Each applicant within a State which desires to receive a grant under this title shall prepare and submit an application to the appropriate State agency for approval and shall submit the approved application to the Foundation under section 306. Each such application shall be submitted jointly by the local educational agency in the case of activities described in section 305(a), or an institution of higher education in the case of activities described in section 305(b), and each business concern or other party that is to participate in the program for which assistance is sought."

On page 47, lines 1 and 2, strike out "local educational agency" and insert "applicant".

On page 47, line 7, strike out "State educational agency" and insert "the appropriate State agency".

On page 47, line 10 insert "(1)" after "(a)".

On page 47, between lines 11 and 12, insert the following:

"(2) No application may be approved by the Foundation unless it is first approved by the State from which it is submitted."

On page 47, strike out lines 15 through 18.

On page 47, line 20, strike out "Sec. 310" and insert in lieu thereof "Sec. 309".

On page 47, line 21, strike out "State" and insert in lieu thereof "applicant".

On page 48, line 5 insert "applicants in" after "to".

HUMPHREY AMENDMENT NO. 3151

Mr. HATCH (for Mr. HUMPHREY) proposed an amendment to the bill S. 1285, supra; as follows:

On page 42, line 23, strike out "and".

On page 43, line 3, strike out the period and insert in lieu thereof a semicolon and the word "and".

On page 43, between lines 3 and 4, insert the following:

(E) computer clubs and extracurricular activities involving modern technologies are established in elementary and secondary schools.

DENTON (AND HATFIELD) AMENDMENT NO. 3152

Mr. DENTON (for himself and Mr. HATFIELD) proposed an amendment to the bill S. 1285, supra; as follows:

At the appropriate place add the following:

TITLE : THE EQUAL ACCESS ACT

That this title may be cited as The Equal Access Act.

SEC. (a) It shall be unlawful for any state or local educational agency that receives Federal financial assistance and that by policy or practice generally allows groups of secondary school students to meet during non-instructional time to deny equal access and opportunity to, or discriminate against, any student meeting on the basis of religious content of the speech at such meeting if—

(1) the activity is voluntary and student initiated;

(2) there is no sponsorship of the activity by the school, the government or its agents, or employees;

(3) the activity is not in and of itself unlawful; and,

(4) the activity does not materially and substantially interfere with the orderly conduct of educational activities within the school.

(b) Nothing in this Act shall be construed to permit the United States or any State or political subdivision thereof to (1) influence the form or content of any prayer or other religious activity, (2) require any person to participate in prayer or other religious activity; or, (3) expend public funds beyond the incidental cost of allowing student-initiated activities on institution or school premises.

DEFINITIONS

SEC. As used in this Act—

(1) the term "State educational agency" has the same meaning given that term by section 1001(k) of the Elementary and Secondary Education Act of 1965;

(2) the term "local education agency" has the same meaning given that term by section 1001(f) of the Elementary and Secondary Education Act of 1965;

(3) the term "secondary school" means a public school which provides secondary education as determined by State law.

(4) the term "sponsorship" includes the act of a teacher or administrator or other such employee who leads, or participates in the meeting. The assignment of a teacher, administrator or other such employee for

the custodial purpose of assuring the orderly conduct of religious student meetings does not constitute sponsorship of the meeting.

(5) the term "meeting" means any extracurricular activity allowed by the school. The term "meeting" does not include officially sponsored school athletic teams that participate in interscholastic competition.

(6) the term "non-instructional" means that the student is not receiving curricular instruction from a teacher.

SEVERABILITY

SEC. If any provision of this Act or the application thereof to any person or circumstances is judicially determined to be invalid, the provisions of the remainder of the Act and the application to other persons or circumstances shall not be affected thereby.

SEC. The provisions of this Act shall supersede all other provisions of Federal law that are inconsistent with the provisions of this Act.

SEC. Nothing in this Act shall be construed to limit the constitutional rights of any public school students.

ABDNOR (AND OTHERS) AMENDMENT NO. 3153

Mr. ABDNOR (for himself, Mr. STAFFORD, Mr. MOYNIHAN, Mr. LAUTENBERG, Mr. SASSER, Mr. HUDDLESTON, Mr. HATFIELD, Mr. DURENBERGER, Mr. PERCY, Mr. PELL, Mr. MITCHELL, Mr. RANDOLPH, Mr. FORD, Mr. D'AMATO, Mr. BURDICK, Mr. SARBANES, Mr. BRADLEY, Mr. ANDREWS, Mr. MELCHER, Mr. COHEN, Mr. HOLLINGS, Mr. RIEGLE, Mr. CRANSTON, Mr. MATHIAS, and Mr. CHAFEE) proposed an amendment to the bill S. 1285, supra; as follows:

S. 1285, an act to improve the quality of mathematics and science teaching and instruction in the United States, and for other purposes, is amended by adding at the end thereof a new title, as follows:

TITLE V—ASBESTOS SCHOOL HAZARD ABATEMENT

SEC. 501. This Act may be cited as the Asbestos School Hazard Abatement Act of 1984.

FINDINGS AND PURPOSES

SEC. 502. (a) The Congress finds that—

(1) exposure to asbestos fibers has been identified over a long period of time and by reputable medical and scientific evidence as significantly increasing the incidence of cancer and other severe or fatal diseases, such as asbestosis;

(2) medical evidence has suggested that children may be particularly vulnerable to environmentally induced cancers;

(3) medical science has not established any minimum level of exposure to asbestos fibers which is considered to be safe to individuals exposed to the fibers;

(4) substantial amounts of asbestos, particularly in sprayed form, have been used in school buildings, especially during the period 1946 through 1972;

(5) partial surveys in some States have indicated that (A) in a number of school buildings materials containing asbestos fibers have become damaged or friable, causing asbestos fibers to be dislodged into the air, and (B) asbestos concentration far exceeding normal ambient air levels have

been found in school buildings containing such damaged materials;

(6) the presence in school buildings of friable or easily damaged asbestos creates an unwarranted hazard to the health of the school children and school employees who are exposed to such materials;

(7) the Department of Health and Human Services and the Environmental Protection Agency, as well as several States, have attempted to publicize the potential hazards to school children and employees from exposure to asbestos fibers, but there is no systematic program for remedying hazardous conditions in schools;

(8) because there is no Federal health standard regulating the concentration of asbestos fibers in noncommercial workplace environments such as schools, school employees and students may be exposed to hazardous concentrations of asbestos fibers in the school buildings which they use each day;

(9) without a program of information distribution, technical and scientific assistance, and financial support, many local educational agencies and States will not be able to mitigate the potential asbestos hazards in their schools; and

(10) the effective regulation of interstate commerce for the protection of the public health requires the establishment of programs under this Act to mitigate hazards from exposure to asbestos fibers and materials emitting such fibers.

(b) It is the purpose of this Act to—

(1) direct the Administrator of the Environmental Protection Agency to establish a program to assist States and local educational agencies to ascertain the extent of the danger to the health of school children and employees from asbestos materials in schools;

(2) provide continuing scientific and technical assistance to State and local agencies to enable them to identify and abate asbestos hazards in schools;

(3) provide financial assistance for the abatement of asbestos threats to the health and safety of school children or employees; and

(4) assure that no employee of any local educational agency suffers any disciplinary action as a result of calling attention to potential asbestos hazards which may exist in schools.

ASBESTOS HAZARD ABATEMENT PROGRAM

Sec. 503. (a)(1) There is hereby established a program within the Environmental Protection Agency to be known as the Asbestos Hazards Abatement Program (hereinafter in this Act referred to as "Program").

(b) The duties of the Administrator in implementing and effectuating the Program shall include—

(1) the compilation of medical, scientific, and technical information including, but not limited to—

(A) the health and safety hazards associated with asbestos materials;

(B) the means of identifying, sampling, and testing materials suspected of emitting asbestos fibers; and

(C) the means of abating the threat posed by asbestos and asbestos containing materials;

(2) the distribution of the information described in paragraph (1) (in any appropriate form such as pamphlets, reports, or instructions) to state and local agencies and to other institutions for the purpose of carrying out activities described in this Act;

(3) the development within 45 days of enactment of this Act of an interim or final

application form, which shall be distributed promptly to local educational agencies; and

(4) the review of applications for financial assistance, and the approval or disapproval of such applications, in accordance with the provisions of section 505.

STATE PLANS

Sec. 504. (a) Not later than three months after the date of enactment of the Asbestos School Hazard Abatement Act of 1984 the Governor of each State shall submit to the Administrator a plan which describes the procedures to be used by the State for maintaining records on—

(1) the presence of asbestos materials in school buildings of local educational agencies;

(2) the asbestos detection and abatement activities conducted by local educational agencies (including activities relating to the replacement of the asbestos materials removed from school buildings with other appropriate building materials);

(3) repairs made to restore school buildings to conditions comparable to those which existed before the abatement activities referred to in subparagraph (B) were undertaken; and

(b)(1) Not later than six months after the date of enactment of the Asbestos School Hazard Abatement Act of 1984, and annually thereafter, the Governor of each State shall:

(A) submit to the Administrator and the Secretary of the Department of Education a priority list of all schools under the authority of a local educational agency within the State, without regard to the public or private nature of the school involved, that are candidates for abatement;

(B) forward to the Administrator and the Secretary of the Department of Education for each candidate for abatement all applications for financial assistance prepared by the local educational agencies in accordance with the provisions of Sec. 503(b)(3) and Sec. 505; and,

(C) forward to the Secretary of the Department of Education a copy of all information submitted to the Administrator in accordance with subsection (b)(3).

(2) The priority list shall rank the potential candidates for abatement action based on the nature and magnitude of the existing and potential exposure presented by the asbestos materials.

(3) For each school listed, the Governor shall certify that the statement of need contained in the application for assistance accurately reflects the financial resources available to the local educational agency for the asbestos abatement program.

(4) For the purpose of determining the adequacy of the financial resources available to a local educational agency for the abatement of asbestos threats the Governor shall, to the extent practicable, consider the following:

(A) A measure of financial need used by the State in which the local educational agency is located.

(B) The estimated per capita income of the locality of such agency or of those directly or indirectly providing financial support for such agency.

(C) The extent to which the local school millage rate falls above or below (i) the millage rate average of the State and (ii) the millage rate of other local educational agencies with comparable enrollment, per capita income and resource base.

(D) The ratio, expressed as a percentage, of the estimated cost of the project to the total budget of the local educational agency.

(E) The borrowing capacity of the local educational agency.

(F) Any other factor that demonstrates that the local educational agency has limited financial resources.

(c) Not later than nine months after the submission of the plan described in subsection (a), and each twelve months thereafter, the governor shall submit to the Administrator a report which describes the actions taken by the State in accordance with its plan under such subsection.

FINANCIAL ASSISTANCE

Sec. 505. (a) There is hereby established within the Environmental Protection Agency an Asbestos Hazards Abatement Assistance Program (hereinafter in this Act referred to as the "Assistance Program"), which shall be administered in accordance with this section.

(b)(1) Applications for financial assistance shall be submitted by a local educational agency, to the Governor, or the Governor's designee, who shall establish a priority list based on the criteria of section 504(b)(2).

(2) Pursuant to section 4, applications shall be submitted, together with the Governor's report and priority list, to the Administrator who shall review and rank such applications pursuant to section 505(c)(2) and propose financing pursuant to the criteria of 504(b)(4).

(3) Within 60 days of receipt of the information described in Sec. 504. (b)(1), the Secretary of the Department of Education shall review such information and, in the Secretary's discretion, provide to the Administrator comments and recommendations based upon the needs of local educational agencies for financial assistance. Within 60 days of receipt of the Secretary's report, or expiration of the time allowed for such report, the Administrator shall approve or disapprove applications for financial assistance.

(c)(1) The Administrator shall provide financial assistance on a school-by-school basis to local educational agencies in accordance with other provisions of this section to carry out projects for—

(A) abating the threat posed by materials containing asbestos to the health and safety of children or employees;

(B) replacing the asbestos materials removed from school buildings with other appropriate building materials; and

(C) restoring school buildings to conditions comparable to those existing before abatement activities were undertaken pursuant to this section.

(2) The Administrator shall review and list in priority order applications for financial assistance. In ranking applications, the Administrator shall consider—

(A) the priority assigned to the abatement program by the Governor pursuant to section 504(b)(2);

(B)(i) the likelihood of release of asbestos fibers into a school environment;

(ii) any other evidence of the risk caused by the presence of asbestos including, but not limited to, situations in which there is a substantial quantity of dry loose asbestos-containing material on horizontal surfaces on asbestos-containing material is substantially deteriorated or damaged, and there is asbestos-containing material in an air plenum or in a high traffic area, confined space or within easy reach of a passerby;

(iii) the extent to which the corrective action proposed by the applicant will reduce the exposure of school children and school employees; and,

(iv) the extent to which the corrective action proposed by the applicant is cost-effective compared to other techniques including management of material containing asbestos.

(3) In determining whether an applicant is eligible for assistance, and the nature and amount of financial assistance, the Administrator shall consider—

(A) the financial resources available to the applicant as certified by the governor pursuant to 504(b)(4); and,

(B) the report, if any, of the Secretary of Education pursuant to section 504(b)(5).

(d) In no event shall financial assistance be provided under this title to an applicant if the Administrator determines that such applicant has resources adequate to support an appropriate asbestos materials abatement program. In making such a determination, the Administrator may consult with the Secretary of Education.

(e)(1) An applicant for financial assistance may be granted a loan of up to 100 per centum of the costs of an abatement program or, if the Administrator determines the applicant is unable to undertake and complete an asbestos materials abatement program with a loan, such applicant may also receive a grant (alone or in combination with a loan) not to exceed 50 per centum of the total costs of abatement, in the amount which the Administrator deems necessary.

(2) In approving any grant, the Administrator shall state with particularity the reasons why the applicant is unable to undertake and complete the abatement program with loan funds.

(f) Loans under this section shall be made pursuant to agreements which shall provide for the following:

(1) the loan shall not bear interest;

(2) the loan shall have a maturity period of not more than 20 years (as determined by the Administrator) and shall be repayable during such period at such times and in such amounts as the Administrator may specify in the loan agreement; and,

(3) Repayment shall be made to the Secretary of the Treasury for deposit in the general fund; and,

(4) Such other terms and conditions that the Administrator determines necessary to protect the financial interest of the United States.

(g)(1) No financial assistance may be provided under this section unless an application has been submitted to the Administrator within the five-year period beginning on the effective date of this Act.

(2) The Administrator shall not approve an application unless—

(A) the application contains such information as the Administrator may require, including but not limited to information describing—

(i) the nature and extent of the asbestos problem for which the assistance is sought;

(ii) the asbestos content of the material to be abated;

(iii) the methods which will be used to abate the asbestos materials;

(iv) the amount and type of financial assistance requested;

(v) a description of the financial resources of the local educational agency; and

(vi) a justification for the type and amount of the financial assistance requested.

(B) the application contains a certification that—

(i) any employee engaged in an asbestos material abatement program will be trained and equipped pursuant to section 506(b)(2)(B); and

(ii) no child or inadequately informed or protected school employee will be permitted in the vicinity of any asbestos abatement activity;

(C) the application contains assurances that the local educational agency will furnish such information as is necessary for the Administrator to make the report required by section 7 of this Act.

(3) No financial assistance may be provided by the Administrator under this section for projects described in subsection (a)(2) on which abatement action was completed prior to January 1, 1984.

(B) Except as provided in section 512(b)(1) in approving applications the Administrator shall provide assistance to the local educational agencies having the highest priority among applications being considered in order of ranking until the appropriated funds are expended.

SEC. 506. (a) The Administrator shall promulgate rules and regulations as necessary to implement the authorities and requirements of this title.

(b) The Administrator shall also establish—

(1) procedures to be used by local educational agencies, in programs for which financial assistance is made available under section 505 for—

(A) abating asbestos materials in school buildings;

(B) replacing the asbestos materials removed from school buildings with other appropriate building materials; and

(C) restoring such school buildings to conditions comparable to those existing before asbestos containment or removal activities were undertaken; and

(2) within 90 days, standards for determining—

(A) which contractors are qualified to carry out the activities referred to in paragraph (1), and

(B) What training, equipment, protective clothing and other information and material must be supplied to adequately advise and protect school employees utilized to carry out the activities in paragraph (1).

(3) Nothing contained in this title shall be construed, interpreted or applied to diminish in any way the level of protection required under State or federal worker protection laws.

(C) In order to effectuate the purposes of this title, the Administrator may also adopt such other procedures, standards and regulations as the Administrator deems necessary, including—

(1) procedures for testing the level of asbestos fibers in schools, including safety measures to be followed in conducting such tests;

(2) standards for evaluating (on the basis of such tests) the likelihood of the leakage of asbestos fibers into the school environment; and

(3) periodic reporting with respect to the activities that have taken place using funds loaned or granted under this Act.

SEC. 507. Annual Report. During each of the 10 calendar years after the year in which this Act is enacted, the Administrator shall prepare and submit not later than February 1 of each year a report to the Committee on Environment and Public Works of the United States Senate and the Committee on Energy and Commerce of the United States House of Representatives on the loan and grant program authorized by section 505 of this Act. The report shall—

(1) describe the number of applications received;

(2) describe the number of loans and grants made in the preceding calendar year and specify each applicant for and recipient of a loan or grant;

(3) specify the number of loan or grant applications which were disapproved during the preceding calendar year and describe the reasons for such disapprovals;

(4) describe the types of programs for which loans or grants were made;

(5) specify the estimated total costs of such programs to the recipients of loans or grants and specify the amount of loans or grants made under the program authorized by this section; and

(6) estimate the number of schools still in need of assistance.

SEC. 508. (a)(1) As a condition of the award of any financial assistance under section 505, the recipient of any such loan or grant shall permit the United States to sue on behalf of such recipient any person determined by the Attorney General to be liable to the recipient for the costs of any activities undertaken by the recipient under such sections.

(2) The proceeds from any judgment recovered in any suit brought by the United States under paragraph (1) (or, if the recipient files a similar suit on its own behalf, the proceeds from a judgment recovered by the recipient in such suit) shall be used to repay to the United States, to the extent that the proceeds are sufficient to provide for such repayment, an amount equal to the sum of—

(A) the amount (i) outstanding on any loan and (ii) of any grant made to the recipient; and

(B) an amount equal to the interest which would have been charged on such loan were the loan made by a commercial lender at prevailing interest rates (as determined by the Administrator).

(b) The Attorney General shall, where appropriate, proceed in an expeditious manner to recover the amounts expended by the United States to carry out this Act from the persons identified by the Attorney General as being liable for such costs.

SEC. 509. No State or local educational agency receiving assistance under this Act may discharge any employee or otherwise discriminate against any employee with respect to the employee's compensation, terms, conditions, or privileges of employment because the employee has brought to the attention of the public information concerning any asbestos problem in the school buildings within the jurisdiction of such agency.

SEC. 510. Except as otherwise provided in section 508, nothing in this Act shall—

(1) affect the right of any party to seek legal redress in connection with the purchase or installation of asbestos materials in schools or any claim of disability or death related to exposure to asbestos in a school setting; or

(2) affect the rights on any party under any other law.

SEC. 511. For purposes of this Act—

(1) the term "asbestos" means—

(A) chrysotile, amosite, or crocidolite; or

(B) in fibrous form, tremolite, anthophyllite, or actinolite;

(2) the term "Attorney General" means the Attorney General of the United States;

(3) the term "threat" or "hazard" means that an asbestos material is friable or easily damaged, or within easy reach of students or employees or otherwise susceptible to damage (including damage from water or air circulation) which could result in the disper-

sal of asbestos fibers into the school environment;

(4) the term "local educational agency" means—

(A) any local educational agency as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965; and

(B) the governing authority of any non-profit elementary or secondary school;

(5) the term "nonprofit elementary or school" means—

(A) any elementary or secondary school as defined in section 198(a)(7) of the Elementary and Secondary Education Act of 1965 owned and operated by one or more non-profit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual, and

(B) any school of any agency of the United States;

(6) the term "school buildings" means—

(A) structures suitable for use as classrooms, laboratories, libraries, school eating facilities, or facilities used for the preparation of food;

(B) any gymnasium or other facility which is specially designed for athletic or recreational activities for an academic course in physical education;

(C) other facilities used for the instruction of students, for research, or for the administration of educational or research programs; and

(D) maintenance, storage, or utility facilities essential to the operation of the facilities described in subparagraphs (A) through (C) of this paragraph;

(7) the term "Administrator" means the Administrator of the Environmental Protection Agency, or the Administrator's designee;

(8) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the Bureau of Indian Affairs.

SEC. 512. (a)(1) There are hereby authorized to be appropriated for the asbestos abatement program not more than \$50,000,000 for the fiscal year ending on September 30, 1984, \$50,000,000 for the fiscal year ending on September 30, 1985, and \$100,000,000 for each of the five succeeding fiscal years.

(2) The sums appropriated under this Act shall remain available until expended.

(b)(1) A state with qualified applicants shall receive no less than one-half of one percentum of the sums appropriated under this Act, or the total of the amounts requested by such applicants, whichever is less. Those amounts available in each fiscal year under this paragraph shall be obligated before the end of that fiscal year. For the purposes of this paragraph the term "state" means each of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Bureau of Indian Affairs and, taken together, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(2) Of those sums appropriated for the implementation of this Act, up to 10 percentum shall be reserved during the fiscal year ending September 30, 1984 and up to 5 percentum for the fiscal year ending September 30, 1985 for the administration of this Act and for programs including, but not limited to, the following:

(A) the establishment of a training center for contractors, engineers, school employees, parents and other personnel to provide instruction on asbestos assessment and abatement;

(B) the development and dissemination of abatement guidance documents to assist in evaluation of potential hazards, and the determination of proper abatement programs;

(C) the development of rules and regulations regarding inspection, reporting and recordkeeping; and

(D) the development of a comprehensive testing and technical assistance program.

COCHRAN AMENDMENT NO. 3154

Mr. COCHRAN proposed an amendment to the bill S. 1285, supra; as follows:

At the end of the bill add the following new title:

TITLE V—CLASSROOM TEACHER EQUALIZATION PROGRAM

STATEMENT OF PURPOSE

SEC. 501. It is the purpose of this title to improve the compensation paid to elementary and secondary school classroom teachers in economically disadvantaged States so that the average compensation paid to such teachers equals 90 percent of the national average compensation paid to elementary and secondary school classroom teachers.

ELIGIBILITY

SEC. 502. (a) A State is eligible to receive assistance under this title if the average compensation paid to elementary and secondary school classroom teachers is less than 90 percent of the average compensation paid to elementary and secondary school classroom teachers in all States.

(b) For the purpose of this section the term "State" includes each of the several States, and the District of Columbia.

AUTHORIZATION OF APPROPRIATIONS; ALLOTMENT

SEC. 503. (a) There are authorized to be appropriated \$100,000,000 for each of the fiscal years 1985 and 1986.

(b) From amounts appropriated pursuant to subsection (a) in each fiscal year the Secretary shall allot to each eligible State set forth in column 1 of this subsection the percentage specified in column 2.

Column 1:	Column 2 (percent)
Alabama	3.90
Arkansas	12.45
Georgia	9.99
Idaho	1.47
Kansas	1.03
Kentucky41
Maine	5.18
Mississippi	16.68
Missouri	5.62
Nebraska	2.80
New Hampshire	4.84
North Carolina	5.54
North Dakota10
Oklahoma	2.00
South Carolina	10.48
South Dakota	3.64
Tennessee	6.69
Vermont	3.33
West Virginia	3.85

USES OF FUNDS

SEC. 504. Payments made under this title, in accordance with applications approved under section 505, may be used to increase the compensation paid to elementary and secondary school classroom teachers in the

local educational agencies of each eligible State.

APPLICATIONS: DEVELOPMENT AND CONTENTS

SEC. 505. (a) (1) Each eligible State desiring to receive assistance under this title shall establish a teacher compensation advisory board to be appointed by the Governor from among individuals who are broadly representative of the educational interests and the general public in the State. The board shall include individuals who are representative of—

(A) parents of elementary and secondary school students in the schools of the local educational agencies of the State;

(B) members of the governing boards of local educational agencies within the State;

(C) administrators, including principals and superintendents, in the elementary and secondary schools of the local educational agencies within the State; and

(D) elementary and secondary school classroom teachers in the State.

(2)(A) The advisory board appointed in each eligible State under paragraph (1) of this subsection shall advise the State educational agency with respect to the criteria for the within-State allocation of funds among local educational agencies within the State.

(B) In developing the criteria for the allocation of funds within the State among local educational agencies, the advisory board shall consider the relative economic need for assistance of the local educational agencies within the State and the pupil-teacher ratio of the classes of the schools of the local educational agencies in the State.

(3) Each advisory board of an eligible State shall prepare and submit recommendations to the Governor for use in the preparation of the application required to be submitted under this section.

(b) Each eligible State which desires to receive payments under this title shall file an application with the Secretary which—

(1) designates the State educational agency as the State agency responsible for the administration and supervision of the assistance furnished under this title;

(2) describe the manner in which the eligible States has complied with the provisions of subsection (a);

(3) describe the manner in which the payments made under this title for increases in the compensation of elementary and secondary school classroom teachers will be allocated among the local educational agencies within the State, together with a description of the differences, if any, in the allocation formula described pursuant to this clause and the recommendations for such within-State allocation made by the State advisory council appointed pursuant to subsection (a) of this section;

(4) provides a description of the manner in which the State will apply a more equitable payment of compensation to elementary and secondary school classroom teachers in the local educational agencies of the eligible State after fiscal year 1986; and

(5) contains such other assurances as the Secretary determines to be necessary to carry out the provisions of this title.

(c) Each application of an eligible State which meets the requirements of subsections (a) and (b) of this section shall be approved by the Secretary. The Secretary shall not disapprove an application submitted under this section without first affording the eligible State notice and opportunity for a hearing.

HEINZ (AND OTHERS) AMENDMENT NO. 3155

Mr. HEINZ (for himself, Mr. CHAFEE, Mr. BRADLEY, Mr. MOYNIHAN, and Mr. CHILES) proposed an amendment to the bill S. 1285, supra; as follows:

At the end of the bill, add the following new title:

TITLE V—EXCELLENCE IN EDUCATION PROGRAM

SHORT TITLE

Sec. 501. This title may be cited as the "Excellence in Education Act".

STATEMENT OF PURPOSE

Sec. 502. It is the purpose of this title to make awards to local educational agencies, after a competitive selection process, in order to carry out programs of excellence in individual schools of such agencies designed to achieve excellence in education, which—

(1) demonstrate successful techniques for improving the quality of education,

(2) can be disseminated and replicated, and

(3) are conducted with the participation of school principals, schoolteachers, parents, and business concerns in the locality.

DEFINITIONS

Sec. 503. For the purpose of this title—

(1) 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.

(2) 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.

(3) 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.

(4) The term "Secretary" means the Secretary of Education.

(5) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(6) the term "State educational agency" has the same meaning given that term under section 198(a)(17) of the Elementary and Secondary Education Act of 1965.

SCHOOL EXCELLENCE AWARDS AUTHORIZED

Sec. 504. (a) The Secretary is authorized, in accordance with the provisions of this title, to make awards to local educational agencies for school excellence programs which are consistent with the purpose of this title.

(b)(1) There are authorized to be appropriated \$16,000,000 for each of the fiscal years 1984 and 1985 to carry out the provisions of this title.

(2) From the amount appropriated in each fiscal year, the Secretary shall reserve \$3,000,000 in each fiscal year to carry out the provisions of section 507.

(3) From the amount appropriated in each fiscal year, the Secretary shall reserve \$1,000,000 in each fiscal year to carry out the provisions of section 508.

SELECTION OF SCHOOLS FOR AWARDS

Sec. 505. (a)(1) The Secretary is authorized to establish, in accordance with the provisions of this section, criteria for the selection of schools to receive awards under this title. Each local educational agency desiring to participate in the awards program authorized by this title shall submit a pro-

positional nominating each specific school of that agency for school improvement activities designed to carry out the purpose of this title. Each such submission shall be made to the chief State school officer of the State in which the local educational agency is located.

(2) The criteria required by paragraph (1) of this subsection shall include standards for each local educational agency to nominate schools of that agency—

(A) which have the potential to experiment with standards of quality; and

(B) which show promise of demonstrating that the school will carry out well-planned, creative, or innovative activities designed to carry out the purposes of this title in a successful manner.

(3) Each proposal submitted under this subsection shall contain—

(A) a description of the activities which will be conducted in the school nominated,

(B) assurances that the school to be nominated will carry out the activities so described, and

(C) such other information as may be necessary to carry out paragraph (2) of this subsection.

(b)(1)(A) The chief State school officer of each State shall in each fiscal year from the proposed nominations made pursuant to subsection (a) select twenty-five schools for submission to the Secretary.

(B) In the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands, the chief educational officer of such jurisdiction shall nominate five schools in accordance with this subsection.

(2) In selecting schools from proposed nominations submitted under subsection (a), the chief State school officer shall assure a fair and equitable distribution of schools within the State, after considering—

(A) all categories of elementary and secondary schools within the State, including elementary schools, junior high schools, secondary schools, vocational-technical schools, or any combination of two or more of the schools;

(B) socioeconomic conditions in the State;

(C) geographic distribution within the State;

(D) school size;

(E) the size and location of the community in which the school is located;

(F) the local governmental arrangements between the government and the local educational agency making the nomination;

(G) the potential for the proposed project to successfully demonstrate techniques for improving the quality of education which can be disseminated and replicated; and

(H) such other relevant factors as the Secretary may prescribe.

(3) Each State shall submit to the Secretary the school nominations made in accordance with this subsection. Each such submission may include such additional information as the chief State school officer (the chief educational officer as prescribed in paragraph (1)(B)), and the local educational agency concerned deem appropriate.

(c)(1) The Secretary shall select not more than five hundred schools from among the nominations submitted pursuant to subsection (b) of this section. The selection under this subsection shall be made by the Secretary after an impartial review panel has considered each submission. The review and selection shall be based upon the factors described in subsection (b)(2) and in accordance with uniform criteria developed by the Secretary.

(2) In making the selections under paragraph (1), the Secretary shall give priority to proposals which have the highest potential for successfully demonstrating techniques to improve the quality of education and which can be disseminated and replicated. In addition the Secretary shall give priority to proposals which have as their purposes—

(A) modernization and improvement of secondary school curricula to improve student achievement in academic or vocational subjects, or both, and competency in basic functional skills;

(B) the elimination of excessive electives and the establishment of increased graduation requirements in basic subjects;

(C) improvement in student attendance and discipline through the demonstration of innovative student motivation techniques and attendance policies with clear sanctions to reduce students absenteeism and tardiness;

(D) demonstrations designed to increase learning time for students;

(E) experimentation providing incentives to teachers, and teams of teachers for outstanding performance, including financial awards, administrative relief such as the removal of paperwork and extra duties, and professional development;

(F) demonstrations to increase student motivation and achievement through creative combinations of independent study, team teaching, laboratory experience, technology utilization, and improved career guidance and counseling; or

(G) new and promising models of school-community and school-to-school relationships including the use of nonschool personnel to alleviate shortages in areas such as math, science, and foreign language instruction, as well as other partnerships between business and education, including the use of equipment.

AMOUNT AND CONDITIONS OF AWARDS

Sec. 506. (a)(1) A school award made to a local educational agency pursuant to this title may not exceed \$25,000 in any fiscal year or a total of \$40,000.

(2) The amount of each individual school award made pursuant to this title shall be determined by the Secretary based upon the size of the school, the number of students enrolled in the school, and the number of teachers teaching in the school.

(b) Awards made under this title may not be made for more than two school years. No individual school may be eligible for any additional award under this title.

SPECIAL SCHOOL AWARDS

Sec. 507. (a) From the amount reserved under section 504(b)(2) in any fiscal year, the Secretary is authorized to make awards to schools nominated in accordance with the provisions of section 505 to pay the Federal share of the activities described in the proposal if the local educational agency provides further assurances that funds from the private sector will be contributed for carrying out the activities for which assistance is sought.

(b) For purposes of this section, the Federal share for each fiscal year shall be not less than 67% per centum nor more than 90 per centum. The Secretary shall set the Federal share for categories of school awards based upon uniform criteria established by the Secretary.

RESEARCH, EVALUATION, DISSEMINATION, AND MONITORING ACTIVITIES

Sec. 508. (a) From the amount set aside under section 504(b)(3), the Secretary shall conduct research, evaluation, and dissemination activities to assure that exemplary projects and practices which are developed with assistance provided under this title are made available to local educational agencies throughout the United States.

(b) The Secretary shall use such amount of the funds reserved pursuant to section 504(b)(3) as is necessary to carry out the provisions of this subsection. The Secretary shall establish an independent panel to monitor the success of the programs assisted by this title in achieving the national objectives in improving instruction and the achievement of the students.

OMNIBUS DEFENSE
AUTHORIZATION ACT, 1985PRESSLER (AND OTHERS)
AMENDMENT NO. 3156

(Ordered to lie on the table.)

Mr. PRESSLER (for himself, Mr. PELL, Mr. PERCY, Mr. COHEN, Mr. MATTHIAS, Mr. CRANSTON, Mr. LEAHY, Mr. BUMPERS, Mr. BRADLEY, Mr. MURKOWSKI, Mr. MATSUNAGA, Mr. KENNEDY, Mr. PROXMIER, Mr. SARBANES, Mr. SPECTER, Mr. BURDICK, Mr. HART, Mr. STAFFORD, Mr. HUDDLESTON, Mr. RIEGLE, Mr. DODD, Mr. DIXON, Mr. METZENBAUM, Mr. HEINZ, Mr. LEVIN, Mrs. KASSEBAUM, Mr. MELCHER, Mr. ROTH, Mr. INOUE, Mr. BAUCUS, Mr. FORD, Mr. LAUTENBERG, and Mr. BINGAMAN) submitted an amendment intended to be proposed by them to the bill S. 2723, supra; as follows:

On page 128, between lines 12 and 13, insert the following:

POLICY ON WEAPONS IN SPACE AND ON WEAPONS
DESIGNED TO ATTACK OBJECTS IN SPACE

Sec. 1019. (a) It is the sense of the Congress that the President should seek mutual agreement with the Soviet Union to—

(1) immediately resume negotiations on a mutual and verifiable ban or strict limitations on the testing, development, deployment and use of antisatellite weapons;

(2) institute, as appropriate, a mutual and verifiable moratorium on the testing in space of antisatellite weapons during the period of negotiations; and

(3) seek, on an urgent basis, a verifiable treaty restricting the testing, development, deployment and use of space-directed weapons systems and prohibiting the testing, development, deployment and use of space-based weapons systems, if such systems are designed to inflict injury or cause any other form of damage on the Earth, in the atmosphere, or on objects placed in space.

(b)(1) Such agreements should not restrict operations in space not involving weapons, such as the United States space shuttle program.

(2) Increased funds should be allocated to improve the survivability of satellites and other space-based assets.

(3) Funds should be made available, as needed, to enhance monitoring and verification capabilities for space arms control agreements.

(c) Not later than September 1, 1984, the President shall submit to the chairman of

the Committee on Foreign Affairs and the chairman of the Committee on Armed Services of the House of Representatives and the chairman of the Committee on Foreign Relations and the chairman of the Committee on Armed Services of the Senate a report detailing actions undertaken since the date of enactment of this section to open negotiations on antisatellite weapons and space-based and space-directed strategic defense systems. Such report shall be submitted in unclassified form with such classified annexes as may be necessary.

PRESSLER AMENDMENT NOS.
3157 THROUGH 3160

(Ordered to lie on the table.)

Mr. PRESSLER submitted four amendments intended to be proposed by him to the bill S. 2723, supra; as follows:

AMENDMENT NO. 3157

On page 128, between lines 12 and 13, insert the following new section:

REPORT ON STRATEGIC DEFENSE PROGRAMS

Sec. . At the time of the submission by the Secretary of Defense to the Congress of his annual budget presentation materials for each fiscal year beginning after September 30, 1985, and ending before October 1, 1990, but not later than March 15 of the calendar year in which such fiscal year begins, the Secretary of Defense shall prepare and transmit to the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives and the Committee on Armed Services and the Committee on Foreign Relations of the Senate a report on the Strategic Defense Initiative, including—

(1) details of all programs and projects serving the objective of the Strategic Defense Initiative and administered by any department or agency of the United States;

(2) a clear definition of the objective of the Strategic Defense Initiative;

(3) an explanation of the relationship between that objective and each program and project associated with the Strategic Defense Initiative;

(4) an identification of all other programs and projects being conducted by the Department of Defense and other departments and agencies of the United States that involve technologies, including overlapping technologies, having a relationship to the objective of the Strategic Defense Initiative, including any program or project involving particle beam or high power directed energy research efforts;

(5) complete budgetary information on the programs and projects referred to in clause (4), to the extent that such programs and projects relate to the Strategic Defense Initiative, including the aggregate amount budgeted each fiscal year for those portions of such programs and projects that relate to the Strategic Defense Initiative;

(6) details on the funding of programs and projects for the Strategic Defense Initiative, including—

(A) the proposed expenditures for the Strategic Defense Initiative for all such programs and projects in the budgetary presentation materials;

(B) the amount obligated and expended for each program and project during the preceding fiscal year;

(C) the amount expected to be obligated and expended for each program and project during the fiscal year during which the report is submitted;

(D) the amount requested to be appropriated for such programs and projects for the fiscal year for which the budget is submitted and expected to be expended for such programs and projects during such fiscal year; and

(E) the amount programmed to be requested for the following fiscal year for such programs and projects and expected to be expended for such programs and projects during such fiscal year; and

(7) detailed information on expenditures for any ground-based, air-based, or space-based directed energy programs and projects that could be used for antisatellite purposes.

AMENDMENT NO. 3158

On page 11, between lines 10 and 11, insert the following new section:

LIMITATION ON DEVELOPMENT OF ADVANCED
ANTISATELLITE WEAPONS

Sec. 117. None of the funds appropriated pursuant to an authorization of appropriations contained in this part may be used for research, development, testing, or evaluation of any second generation antisatellite weapon or its components, including any research, development, testing, or evaluation of any such weapon or component under any program entitled "Alpha", "LODE", or "Talon Gold".

AMENDMENT NO. 3159

On page 128, between lines 12 and 13, insert the following new section:

REDUCTION OF UNITED STATES MILITARY
PERSONNEL STATIONED IN EUROPE

Sec. . (a)(1) Beginning on the date of the enactment of this Act and ending one year after such date, funds may not be obligated or expended to support or maintain an end strength level of members of the Armed Forces of the United States assigned to permanent duty in European member countries of the North Atlantic Treaty Organization (NATO) (including the contiguous waters of such countries) in any number greater than a number equal to 98 percent of the number of members of such forces assigned to permanent duty in such countries and waters on October 1, 1984.

(2) Beginning on a date one year after the date of the enactment of this Act and ending two years after such date, funds may not be obligated or expended to support or maintain an end strength level of members of the Armed Forces of the United States assigned to permanent duty in European member countries of the North Atlantic Treaty Organization (NATO) (including the contiguous waters of such countries) in any number greater than a number equal to 96 percent of the number of members of such forces assigned to permanent duty in such countries and waters on October 1, 1984.

(3) Beginning on a date two years after the date of the enactment of this Act and ending three years after such date, funds may not be obligated or expended to support or maintain an end strength level of members of the Armed Forces of the United States assigned to permanent duty in European member countries of the North Atlantic Treaty Organization (NATO) (including the contiguous waters of such countries) in any number greater than a number equal to 94 percent of the number of members of such forces assigned to permanent duty in such countries and waters on October 1, 1984.

(4) Beginning on a date three years after the date of the enactment of this Act and ending four years after such date, funds may not be obligated or expended to support or maintain an end strength level of members of the Armed Forces of the United States assigned to permanent duty in European member countries of the North Atlantic Treaty Organization (NATO) (including the contiguous waters of such countries) in any number greater than a number equal to 92 percent of the number of members of such forces assigned to permanent duty in such countries and waters on October 1, 1984.

(5) Beginning on a date five years after the date of the enactment of this Act, funds may not be obligated or expended to support or maintain an end strength level of members of the Armed Forces of the United States assigned to permanent duty in European member countries of the North Atlantic Treaty Organization (NATO) (including the contiguous waters of such countries) in any number greater than a number equal to 90 percent of the number of members of such forces assigned to permanent duty in such countries and waters on October 1, 1984.

(b) None of the funds appropriated pursuant to an authorization contained in this or any other Act may be obligated or expended to support or maintain members of the Armed Forces of the United States withdrawn from European member countries of the North Atlantic Treaty Organization (NATO) (and their contiguous waters) in order to comply with the prohibition in subsection (a) except insofar as such members are assigned to permanent duty at military installations in the United States.

AMENDMENT NO. 3160

On page 128, between lines 12 and 13, insert the following new section:

EQUITABLE SHARING OF NATO EXPENSES

SEC. . (a)(1) None of the funds appropriated pursuant to an authorization contained in this or any other Act may be obligated or expended to increase in any fiscal year the aggregate amount of expenditures to support or maintain members of the Armed Forces of the United States in European member countries of the North Atlantic Treaty Organization (NATO) (including the contiguous waters of such countries) by a percentage in excess of a percentage which represents the percentage increase (if any) in the aggregate amount of expenditures in the preceding fiscal year to support or maintain members of such forces in the European member countries of NATO (including the contiguous waters of such countries) by each of the member countries of NATO, other than the United States, divided by the number of such other member countries of NATO.

(2) If in any fiscal year there has been a percentage decrease in the aggregate amount of expenditures made by NATO countries, other than the United States, in the preceding fiscal year for such purpose, the total amount that may be obligated or expended for such purpose by the United States in the next fiscal year shall be an amount equal to the amount expended by the United States in the preceding fiscal year reduced by a percentage which represents the percentage decrease in the aggregate amount of expenditures made in the preceding fiscal year by each of the members of NATO (other than the United States) divided by the number of such other countries.

(b) For purposes of subsection (a), data on expenditures by member countries of NATO shall be based on data contained in the annual report of the Secretary of Defense on allied contributions to the common defense.

COMMITTEE ON INDIAN AFFAIRS

BAKER AND BYRD AMENDMENT NO. 3161

Mr. BAKER (for himself, and Mr. BYRD) proposed an amendment to the resolution (S. Res. 127) to make the Select Committee on Indian Affairs a permanent committee of the Senate, as follows:

At the appropriate place in the resolution add the following: "That (a) there is established a temporary select committee of the Senate to conduct a study of the Senate committee system.

(b) The select committee shall be composed of twelve Members of the Senate, six from the majority party and six from the minority party, to be appointed by the President of the Senate upon the recommendation of the majority leader and the minority leader.

(c) The select committee shall select a chairman from among its majority members and a cochairman from among its minority members.

(d) A majority of the members of the committee shall constitute a quorum thereof for the transaction of business, except that the select committee may fix a lesser number as a quorum for the purpose of taking testimony. The select committee may adopt rules of procedures not inconsistent with this resolution and rules of the Senate governing standing committees of the Senate.

(e) Vacancies in the membership of the select committee shall not affect the authority of the remaining members to execute the functions of the select committee.

SEC. 2. It shall be the function of the select committee to conduct a thorough study of the Senate committee system, the structure, jurisdiction, number, and optimum size of Senate committees, the number of subcommittees, committee rules and procedures, media coverage of meetings, staffing, and other committee facilities, and to make recommendations which promote optimum utilization of Senators' time, optimum effectiveness of committees in the creation and oversight of Federal programs, clear and consistent procedures for the referral of legislation falling within the jurisdiction of two or more committees, and workable methods for the regular review and revision of committee jurisdictions.

SEC. 3. (a) For the purposes of this resolution, the select committee is authorized in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) to hold hearings, (4) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (5) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (6) to take depositions and other testimony, (7) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, as amended, and (8) with the prior consent of the Gov-

ernment department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The chairman of the select committee shall preside over meetings of the select committee, except that in his absence any other member of the select committee designated by the chairman may preside.

(c) The chairman of the select committee or any member thereof may administer oaths to witnesses.

(d) Subpenas authorized by the select committee may be issued over the signature of the chairman, or any other member designated by the chairman, and may be served by any person designated by the chairman or member signing the subpoena.

SEC. 4. For the period from the date of this resolution is agreed to through December 15, 1984, the expenses of the select committee under this resolution shall not exceed \$200,000, of which amount not to exceed \$30,000 shall be available for the procurement of the services of individual consultants, or organizations thereof, as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended.

SEC. 5. The select committee may submit interim reports on its activities, together with such recommendations as it deems advisable. The select committee shall submit to the Senate a final report of its findings, together with such recommendations as it deems advisable, at the earliest practicable date, but not later than December 15, 1984. The select committee may also submit to the Senate such supplementary reports on the issues treated in its initial report as it considers appropriate. The select committee shall cease to exist upon the expiration of sixty days following submission of its final report.

SEC. 6. Expenses of the select committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the select committee.

SEC. 7. When the resolution incorporating the recommendations of this committee is submitted, it shall be referred to the Committee on Rules and Administration.

IMPROVEMENT IN QUALITY OF MATH AND SCIENCE INSTRUCTION

HATCH (AND OTHERS) AMENDMENT NO. 3162

Mr. BAKER (for Mr. HATCH) (for himself, Mr. STAFFORD, Mr. PELL, Mr. MOYNIHAN, Mr. EAGLETON, Mr. HEINZ, Mr. DOLE, Mr. LEVIN, and Mr. DANFORTH) proposed an amendment to the bill S. 1285, supra; as follows:

At the end of the bill add the following new title:

TITLE V—MAGNET SCHOOLS ASSISTANCE

AUTHORIZATION OF APPROPRIATIONS

SEC. 501. There are authorized to be appropriated \$75,000,000 for each of the fiscal years 1984, 1985, and 1986 to carry out the provisions of this title.

ELIGIBILITY

SEC. 502. A local educational agency is eligible to receive assistance under this title if the local educational agency—

(1) has received \$1,000,000 less in the first fiscal year after the repeal of the Emergency School Assistance Act by section 5 of the Omnibus Budget Reconciliation Act of 1981 as a result of the repeal of that Act; or

(2) is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, and which requires the desegregation of minority group segregated children or faculty in the elementary and secondary schools of such agency; or

(3) without having been required to do so, has adopted and is implementing, or will, if assistance is made available to it under this title, adopt and implement, a plan which has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority group segregated children or faculty in such schools.

STATEMENT OF PURPOSE

SEC. 503. It is the purpose of this title—

(1) to provide financial assistance to eligible local educational agencies to enable such agencies to establish and operate magnet schools;

(2) to meet the special needs incident to the elimination of minority group segregation and discrimination among students and faculty in elementary and secondary schools;

(3) to encourage the voluntary elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority group students; and

(4) to encourage the development of courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the grasp of tangible and marketable vocational skills of students attending such schools.

PROGRAM AUTHORIZED

SEC. 504. The Secretary is authorized, in accordance with the provisions of this title, to make grants to eligible local educational agencies for use in magnet schools which are part of an approved desegregation plan and which are designed to bring students from different social, economic, ethnic, and racial backgrounds together.

DEFINITION

SEC. 505. For the purpose of this title the term "magnet school" means a school or education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

USES OF FUNDS

SEC. 506. (a) Grants made under this title may be used by eligible local educational agencies for the planning for, and conduct of, programs in magnet schools, including—

(1) courses of academic instruction offered at magnet schools;

(2) courses of instruction in magnet schools offering secondary education or vocational education which is designed to increase the tangible and marketable skills of secondary school students and vocational school students;

(3) the purchase of books, materials, and equipment including computers, which directly contribute to academic excellence and the purposes of this title; and

(4) the payment of or subsidization of the compensation of elementary and secondary school teachers in magnet schools who are certified or licensed by the State and who are necessary to carry out the courses of instruction for which assistance is sought.

APPLICATIONS AND REQUIREMENTS

SEC. 507. (a) Each eligible local educational agency which desires to receive assistance under this title shall submit an application to the Secretary. Each such application shall be in such form as the Secretary may reasonably require. Each such application shall contain assurances that the local educational agency will meet the conditions enumerated in subsection (b).

(b) As part of the annual application required by subsection (a), each eligible local educational agency shall certify that the agency agrees—

(1) to use funds made available under this title for the purposes specified in section 503;

(2) to employ teachers in the courses of instruction assisted under this title who are certified or licensed by the State to teach the subject matter of the courses of instruction;

(3) to provide assurances that the local educational agency will not engage in discrimination based upon race, color, or national origin in the hiring, promotion, or assignment of employees of the agency or other personnel for whom the agency has any administrative responsibility;

(4) to provide assurances that the local educational agency will not engage in discrimination based upon race, religion, color or national origin in the mandatory assignment of students to schools or to courses of instruction within schools of such agency except to carry out the approved plan;

(5) to provide assurances that the local educational agency will not engage in discrimination based upon race, religion, color or national origin in designing or operating extracurricular activities for students; and

(6) to provide such other assurances as the Secretary determines necessary to carry out the provisions of this title.

(c) No application may be approved under this section unless the Assistant Secretary of Education for Civil Rights determines that the assurances contained in clauses (3), (4), and (5) will be met.

SPECIAL CONSIDERATION

SEC. 508. In approving applications under this title the Secretary shall give special consideration to—

(1) the recentness of the implementation of the approved plan or modification thereof;

(2) the proportion of minority group children involved in the approved plan;

(3) the need for assistance based on the expense or difficulty of effectively carrying out an approved plan and the program or projects for which assistance is sought; and

(4) the degree to which the program or project for which assistance is sought affords promise of achieving the purposes of this title.

PROHIBITION

SEC. 509. Grants under this title may not be used for consultants, for transportation, or for any activity which does not augment academic improvement, or for courses of instruction the substance of which is secular humanism.

LIMITATION ON PAYMENTS

SEC. 510. (a) No local educational agency may receive a grant under this title for

more than one fiscal year unless the Secretary determines that the program for which assistance was provided in the first fiscal year is making satisfactory progress in achieving the purposes of this title.

(b) No local educational agency may expend more than 10 percent of the amount that the agency receives in any fiscal year for planning.

(c) No State shall reduce the amount of State aid with respect to the provision of free public education or the amount of assistance received under chapter 2 of the Education Consolidation and Improvement Act of 1981 in any school district of any local educational agency within such State because of assistance made or to be made available to such agency under this title, except that a State may reduce the amount of assistance received under such chapter 2 if the amount is attributable to clause (3) of section 577 (as in effect prior to the date of enactment of section 502 of the Education for Economic Security Act) but only to the extent the amount is so attributable. The Secretary may waive the prohibition against the reduction of assistance received under chapter 2 and permit such a reduction if the State demonstrates that the assistance under such chapter 2 is not necessary to the local educational agency concerned.

PAYMENTS

SEC. 511. (a) The Secretary shall pay to each local educational agency having an application approved under this title the amount set forth in the application. Payments under this title for a fiscal year shall remain available for obligation and expenditure by the recipient until the end of the succeeding fiscal year.

(b)(1) If a local educational agency in a State is prohibited by law from providing for the participation of children and staff enrolled or employed in private nonprofit elementary and secondary schools as required by this title, the Secretary may waive such requirement with respect to local educational agencies in such State and, upon the approval of an application from a local educational agency within such State, shall arrange for the provision of services to such children enrolled in, or teachers or other educational staff of, any nonprofit private elementary or secondary school located within the school district of such agency if the participation of such children and staff would assist in achieving the purpose of this title. The services to be provided through arrangements made by the Secretary under this paragraph shall be comparable to the services to be provided by such local educational agency under such application.

(2) In determining the amount to be paid pursuant to paragraph (1), the Secretary shall take into account the number of children and teachers and other educational staff who, except for provisions of State law, might reasonably be expected to participate in the program carried out under this title by such local educational agency.

(3) If the Secretary determines that a local educational agency has substantially failed to provide for the participation on an equitable basis of children and staff enrolled or employed in private nonprofit elementary and secondary schools, the Secretary shall arrange for the provision of services to children enrolled in, or teachers or other educational staff of, the nonprofit private elementary or secondary school or schools located within the school district of such local educational agency, which services shall, to the maximum extent feasible,

be identical with the services which would have been provided such children or staff had the local educational agency carried out such assurance. The Secretary shall pay the cost of such services from the grant to such local educational agency and shall have the authority for this purpose of recovering from such agency any funds paid to it under such grant.

WITHOLDING

SEC. 512. The provisions of sections 453 and 454 of the General Education Provisions Act, relating to withholding and cease and desist orders, shall apply to the program authorized by this title.

HATCH AMENDMENT NO. 3163

Mr. HATCH proposed an amendment to amendment No. 3162 proposed by him (and others) to the bill S. 1285, supra; as follows:

On page 4, line 6, after "race," insert "religion".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 6, to hold a closed briefing on the current situation in the Persian Gulf.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Wednesday, June 6, at 9:30 a.m., to hold a hearing entitled "Computer Matching: Tax Payer Records."

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAKER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet in closed session, during the session of the Senate on Wednesday, June 6, to receive a briefing on intelligence matters.

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

ADDITIONAL STATEMENTS

CARDINAL SIN'S COMMENCEMENT ADDRESS

● Mr. KENNEDY. Mr. President, on May 20, 1984, at Brandeis University, Cardinal Sin, the Archbishop of Manila, delivered an extraordinary commencement address filled with compassion and concern for the suffering of poor people throughout the world. He spoke eloquently of the challenge of poverty and urged us to

maintain our vigilance constantly and courageously.

Cardinal Sin declared:

Whenever the freedom and rights of men and women are sacrificed in the interests of national security, the abomination that was Auschwitz once again casts its demonic presence.

Cardinal Sin declared:

Whenever the international economic order ignores distributive justice and creates greater unemployment and poverty in the Third World, the adoption of another efficient version of the Final Solution against millions becomes another grotesque possibility.

Cardinal Sin concluded:

Our vigilance is all the more necessary since those who design economic policies devoid of social justice and who go about militarizing government machineries behind the facade of law and order, are individuals whose outward demeanor and motives are just as ordinary, just as rational and neighborly as the dutiful Mr. Eichmann.

Cardinal Sin spoke also of his own country. He said:

At the Funeral Mass for the assassinated Senator Benigno Aquino, I depicted our people as a pilgrim nation whose Promised Land of freedom and justice still beckons far beyond the desert's horizon. Our poverty is like a roaring lion devastating our countryside and devouring our youth. The lack of truth and freedom are like dried up streams that can no longer quench one's thirst; the injustice of our system is like a plague of locusts tormenting our daily lives.

I commend this remarkable address to my colleagues. I ask that the full text of Cardinal Sin's address may be printed in the RECORD.

The address follows:

THE THREE CHAPELS OF BRANDEIS AS SYMBOLS OF PEACE

(By His Eminence, Jaime Cardinal L. Sin, Archbishop of Manila)

[Address delivered on the occasion of the conferring of a doctorate *honoris causa* by Brandeis University in Waltham, Massachusetts, on 20 May 1984.]

I come to your midst, a pilgrim priest from a distant, troubled land. That Brandeis University should have thought of conferring an honorary doctorate degree on the Archbishop of Manila, whose pittance of wisdom is reported to consist more of humorous parables rather than theological treatises, is indeed a cause of bewilderment for me. That this academic act should align me in the distinguished company of past recipients like Prime Ministers Golda Meir and David Ben Gurion, President John F. Kennedy and Richard Cardinal Cushing—further increases my uneasiness. I finally found some tranquility in the thought expressed by one of your Board of Trustees (Congressman Stephen J. Solarz) that, more than honoring me, this conferment does honor to the people of my country, the Philippines.

The sculptor, Elbert Weinberg, placed at the entrance of your Jewish Chapel, a representation of Jacob wrestling with an angel. Before coming here, I too, had my moments of wrestling with the angel of doubt. It was a perplexity that covered not only the choice of a relevant topic but the efficacy a voice from the Third World might expect when addressing an American audience.

For, to come to America is to be overwhelmed by her immensity and complexity. It is to experience her vastness geographically, in the magnificence of your plains and mountains; it is to experience her progress technically, in the dramatic achievements of your sciences; it is to be dazzled culturally by the creativity of your arts and literature.

Here, a traveller from an Asian village could easily feel his smallness and insignificance, while realizing furthermore, that the inevitable companion to this preeminent progress is power—the power economically to render him poorer or richer; the power politically to support or to destabilize governments abroad; the power technologically to enrich or to totally destroy our planet.

Underneath the awe and fear one has before the mighty presence of America, are many questions, such as: does America, in spite of the bigness of her industries, the bigness of her military forces, the bigness of her financial resources still possess an understanding of the abject misery that poverty inflicts on millions of human beings? Can America, in spite of her tremendous material achievements, still have the heart to empathize with the hunger for justice and freedom felt by millions of small farmers, small fishermen and laborers? Does America continue to preserve the memory of her early history when she was sanctuary for men and women fleeing persecution and oppression?

Today, I am glad to come to a part of America that recalls the "little republics" of your early town meetings, where the life of citizens was exercised on a human scale, where people could come together and personally participate in the building of their community, establishing associations that developed through bonds of trust and affection.

For Brandeis makes America comprehensible.

Here, one easily feels at home in the Franciscan simplicity of the Chapel of Bethlehem, in the inviting biblical atmosphere of your Protestant Chapel, and in the familiar Old Testament symbols of your Jewish Chapel. In these surroundings, one easily listens to the heart of America while recalling what President Woodrow Wilson said at Independence Hall on July 4th, 1914:

"My dream is that as the years go on and the world knows more and more of America, it will also drink at the fountains of youth and renewal; that it also will return to America for those moral inspirations which lie at the basis of all freedom . . . and that America will come in the full light of the day when all shall know that she puts human rights above all other rights and that her flag is the flag not only of America but of humanity."

I also have a dream, one arising from the biblical perspective that says the poor will inherit the earth, that the small people of the world will one day possess the Kingdom of God.

It is easy to remember the poor while in Brandeis where the architectural restraint and unpretentiousness of the Three Chapels reflect the asceticism and humility of the world's poor.

It is not strange to talk of the poor while on this campus, since the great jurist whose name this university proudly bears was a courageous defender of the poor and the oppressed. One recalls that Justice Louis D. Brandeis was called the "People's Attorney" because of his many legal battles on behalf of small businessmen, organized labor and consumers against the industrial giants of

his age. The protection of the poor against the "curse of bigness" was a primary concern of Justice Brandeis whom President Franklin Delano Roosevelt affectionately called: "My dear Isaiah."

We need not review the already familiar statistics of misery and hunger endemic to the poor, the harshness of whose lives undermines the twentieth century dream of creating material abundance for all. The year 2000 will most likely have for its first historical scenario, the picture of widespread food shortages among the peoples of the South, while the North enjoys an even higher level of prosperity fueled by an ever insurmountable technological advantage.

But to dwell mainly on the material dimensions of poverty, is to invite despair and disunity. The challenge of poverty needs to be expressed in a profoundly spiritual sense by urging the wealthy and the powerful to look into their innate capacity to understand the suffering of the poor. The paramount spiritual task of the rich is to overcome their scandalous separation from the suffering part of mankind.

In turning towards the poor, the rich world finds its true self. It is an encounter that brings forth humility, charity and compassion—moral impulses whose source is the Divine Will which created us all in the likeness of his own image. In this affinity that we have of one another, as sons and daughters of God, we discover the profound design that impels us to strive for oneness.

Here I recall a reflection on this topic made by an Asian scholar friend, who wrote:

"We turn continually to one another giving life and receiving life. In this manner, we continually make and remake our human world. We are all, each one of us, involved in the making of an authentic humanity. Once this responsibility has become a habit of our minds and heart, true solidarity will flourish. It will become the foundation of all our social arrangements and institutions, with rich and poor united in actively redeeming the family of man. Then we might envision a unitary world radiating its happiness on a planetary scale, the poor releasing its creative energy, turning its suffering into wisdom—bringing forth a new human life whose bright loveliness we cannot now fully imagine."

Human life—how precariously it clings to a planet that has become one great arsenal of destruction. Realizing the need to join every effort seeking to protect the gift of life, we gave our fraternal support to the 1983 pastoral letter of the Catholic Bishops of the United States, entitled: "The Challenge of Peace: God's Promise and Our Response." We were especially interested in the pastoral's views on the value of nonviolence, since this option has recently surfaced in the Philippines.

Human life was once more the theme at the 1983 World Council of Churches Sixth Assembly which affirmed Jesus Christ as the Life of the World. We likewise support its statement on human rights which calls on the churches to reaffirm their common commitment to work more fervently for the elimination of all forms of inhumanity, brutality, persecution and oppression.

Human life and its extermination was the final solution adopted for six million Jews in the death camps of Hitler. The insane tragedy of the Holocaust now impels Jews and Christians alike to shout, "Never again!" to all repressive forces that manipulate, subjugate and finally eliminate the weak and the defenseless.

Yet, because the barbaric underside of mankind waits for any opportunity to un-

leash its savagery against a passive people, we must maintain our vigilance constantly and courageously.

Whenever the freedom and rights of men and women are sacrificed in the interests of national security, the abomination that was Auschwitz once again casts its demonic presence.

Whenever the international economic order ignores distributive justice and creates greater unemployment and poverty in the Third World, the adoption of another efficient version of the Final Solution against millions becomes another grotesque possibility.

Our vigilance is all the more necessary since those who design economic policies devoid of social justice and who go about militarizing government machineries behind the facade of law and order, are individuals whose outward demeanor and motives are just as ordinary, just as rational and neighborly as the dutiful Mr. Eichmann.

It was Barbara Ward who once said that our world, with its science and technology, with its instruments of total destruction, can still set the process in reverse and create a world in which the Divine can break through to our human state. It was this vision to help make this world a place in which the Lord and his creation could happily dwell, that finally became my principal motive in coming to Brandeis.

For it was in the preparations for my visit here that I first came to know the thoughts and writings of Justice Brandeis. It was this Justice whose brooding eyes and craggy face reminded onlookers, of a Hebrew prophet, who championed the cause of the poor, considering too great a concentration of power as a menace to a free society. His work for the Zionist movement was thoroughly American in spirit, based as it was on the right of small nations to shape their own destiny and for their people to live freely in their own homeland.

Only last April 25th, in my commencement address to the College of Law graduates of the University of the Philippines, I quoted from Justice Brandeis:

"Those who won our independence believed that the final end of the State was to make men free. . . and that in its government, the deliberative forces should prevail over the arbitrary. They believed liberty to be the secret of happiness and courage to be the secret of liberty. . . they knew that order could not be secured merely through fear of punishment. . . that it is hazardous to discourage thought, hope and imagination; that repression breeds hate, and hate menaces stable government."—(Whitney v. California, 1927).

I also learned that Justice Brandeis did not limit himself to propounding legal theory. He was above all a practical man who could be deeply moved by the apathy and slowness of people in the face of recognized wrongs. It was Justice Brandeis who helped found in 1900, the Public Franchise League which resisted long-term exclusive franchises of public utilities in Boston. He was counsel for life insurance policy holders, devising a savings-bank insurance plan as a means of security for wage earners.

This is familiar biography for you; for me, however, they are a confirmation in hope. For, Brandeis the man and jurist, is gone. But the University that carried his name and tradition, remains. Here, among you, I sense the resolve to continue the life quest of Louis D. Brandeis for an enlightened world freed from all forms of injustice and oppression.

I, therefore, humbly urge you to continue placing the richness of your intellectual resources at the service of practical programs designed to help poor students receive an education in democratic principles and life; to help Third World faculty redesign law and legal systems to promote human-oriented needs; to strengthen international organizations and private voluntary agencies that seek ways of inserting moral values into the framework of social, economic and political institutions.

Through such unrelenting efforts, we bring about oneness between Brandeis and the Philippines, between Brandeis and the poor of this world. Peace enters our planet through such small beginnings.

My friends, at the Funeral Mass for the assassinated Senator Benigno Aquino, I depicted our people as a pilgrim nation whose Promised Land of freedom and justice still beckons far beyond the desert's horizon. Our poverty is like a roaring lion devastating our countryside and devouring our youth. The lack of truth and freedom are like dried up streams that can no longer quench one's thirst; the injustice of our system is like a plague of locusts tormenting our daily lives.

Yet, I make my journey back home armed with that hope which my Brandeis visit renewed in me. If here on your campus, diverse faiths can live in fraternal coexistence and amity, then, mankind's eventual reconciliation with God and each other can indeed become a reality.

Let me, therefore, now thank you—as a priest (who echoes Cardinal Cushing's insistence that his own theology had barely gone beyond that taught to children in catechism class)—for the great honor this conferment bestows on me and my countrymen.

Let me thank you—as a friend, who recalls what President Abram Sachar of Brandeis said of those who enter the Three Chapels, that there "only the hearts need speak."

As I bid you farewell, my heart speaks to you:

Peace!
Shalom!

WALKING TO CALVARY

● Mr. HELMS. Mr. President, it has been scarcely a few weeks since our Nation observed a day of prayer, in response to President Reagan's request and proclamation. Let us hope that this experience will prompt in our people a greater awareness of spiritual truths, and a greater sense of our total reliance on Almighty God. Let us hope that we will learn the responsibility that we who live in a freedom given to us by Providence always bear toward those who are not free.

In the light of this solemn duty, I want to share the text of an eloquent and inspiring article, "Pray for Those 'Walking to Calvary,'" which appeared in the July 16, 1982, issue of Christianity Today. Its author, Mrs. Jesse W. Cooke, Jr., of Richmond, VA, recently informed me of the continuing work of her prayer group on behalf of persecuted believers in other lands and also on behalf of our Nation and its leaders.

Mr. President, I ask that Mrs. Cooke's extraordinary article be printed in the RECORD.

The article follows:

PRAY FOR THOSE "WALKING TO CALVARY"

More Christians are being persecuted today than at any other time in history. In this century, more Christians have been martyred than in all previous centuries combined.

During the Cultural Revolution, the wife of the late John H. Reed, Jr., medical missionary to China, spoke to an interdenominational Bible study class in Richmond, Virginia. Her focus was the suffering church. She brought this terse message from a Chinese believer:

We are walking to Calvary.

Pray for us.

We'll see you in heaven.

That pleas was the impetus for a prayer group in Richmond that now meets regularly to intercede for Christ's suffering church.

Our group consists of seven "regulars" who are active laywomen from local Presbyterian and Episcopal churches. Most of us also attend the weekly Bible study conducted by Sallie Childrey Reed, who attuned us to the needs of suffering Christians.

Admittedly, prayers of intercession for persecuted Christians are not easy. Assembled in comfortable freedom, with our many Bible translations, it is hard for us to envision people without Bibles on the other side of the world who worship God under cover of darkness. Our open practice and life of faith are far removed from threats of prison, work camps, or unemployment. We risk nothing because of our beliefs.

Yet hundreds of thousands of believers do risk all for Christ. How does our group pray for them?

1. We pray for miracles. Interspersed in the many accounts of persecution we have received from the suffering church are occasional deliverances. Some, like Richard Wurmbrand, Haralan Popov, and Alexander Solzhenitsyn, miraculously survived prolonged ordeals and were brought to freedom in America.

2. We pray for our country. We ask God to revive us and spare us as a nation so that the American church can continue its work for Christ throughout the world.

3. We pray for specific needs of persecuted Christians. In order to do this we pool information from evangelical and suffering-church periodicals, news releases, and letters from missionaries or pastors.

4. We pray for the distribution of Bibles to persecuted Christians. How inexpressibly sad it is that so many believers who must endure trial are generally without God's written Word. Here we ask the Holy Spirit to grant effective ways to get the Scriptures to suffering saints who wait.

Our prayers vary from week to week, but typical of our intercession is this one:

Father, for your servants about to be martyred, we ask a Christ-glorifying witness like Stephen's. For those undergoing torture we ask power not to deny your name.

We remember how you kept former POW Jeremiah Denton from breaking down when, in the midst of torture, you relieved his pain. Savior, send to your suffering body divine intervention.

Knowing our weakness we pray for those who have fallen, those who mourn false confessions made under brainwashing or threats to family. Lord, heal their broken hearts and tenderly restore them as you once did Simon Peter.

For those alone in prison we ask you to send the Holy Comforter, remembering many are without your Word. Recall to their minds life-sustaining words of Scripture.

For God's pastors in monitored, registered churches and in the unregistered, underground church, give discernment in hard decisions.

For believers declared "unstable" and placed in psychiatric wards because of their faith, renew your promise that nothing, not even drugs, shall separate them from the love of God.

For children taken from believing parents and placed in communes, may holy angels minister. By your Spirit may these heirs of salvation and their parents be reunited in your heavenly home.

Hopefully, our three years' intercession for believers under communism and Islam helps suffering Christians. But it has also benefitted us. We have become more realistic about the world in which we live. As American Christians, we have led insulated lives, while all over the world believers are experiencing tribulation. Someday we might also be forced to share their trial.

In Till Armageddon, Billy Graham asks the question: "How do we prepare for the suffering we may have to face as our world moves relentlessly toward a period of intense tribulation?"

Perhaps for pragmatic reasons alone, the free church must become involved with the needs of the suffering church. Perhaps it must learn now how faith survives under pressure so that it may one day be equipped to bear its own cross.

Our little Richmond prayer group has also been rewarded by a sense of fulfillment in intercession that is difficult to explain. Is it that we have, in a small way, participated in the fellowship of Christ's suffering in prayers for his own?

Or is it that we have come to know, by faith, that through Christ our prayers are helping those who suffer in his name?

SARA KILLIAN COOKE.●

A TRIBUTE TO BOYD AND RUTH WATSON

● Mr. HEINZ. Mr. President, it is a distinct honor and pleasure to join in the tribute being paid to a very special couple from Dillsburg, PA.—Boyd and Ruth Watson. The Watsons were honored on May 24, 1984, at the 11th annual appreciation dinner of the Dauphin County Social Services for Children and Youth. This couple is especially deserving of recognition because they have managed to help raise 74 foster children over the past 23 years. In addition to their personal commitment as foster parents, Boyd and Ruth have three sons of their own, and they have adopted three sons who were originally placed in their home as foster children.

Mr. and Mrs. Watson have provided a home for children of all ages, races, and sex, as well as for children with physical and mental handicaps. Foster parenting is not an easy job. It is a labor of love that keeps children out of institutions until adoptive parents can be found for children who are often considered hard to place.

Mr. President, the Watsons faced many challenges during their years of parenting, such as caring for a girl for 13 years who was suffering from cerebral palsy. At one point, the Watsons served in an emergency home capacity, whereby children were placed at all hours of the day or night. Their tireless devotion to the foster parent program spanned more than two decades, and their loving spirit never lagged.

Today, the Watsons are retired from the foster parent program, but Mrs. Watson continues to help in the training and recruitment of new foster parents. They still keep in touch with many of their former foster children; some of whom have gone on to become foster parents themselves.

Boyd and Ruth Watson's years of foster parenting have given this Nation a legacy—a legacy which has been aptly described by the Poet Laureate John Masefield, and I quote:

"And he who gives a child a treat,
Makes joy-bells ring in Heaven's street,
And he who gives a child a home
Builds palaces in Kingdom Come."

Boyd and Ruth Watson have not only contributed to the lives of the children they have cared for, they have also provided a generous and necessary service to the community. They deserve our recognition and appreciation for the job they have done in molding the lives of so many homeless children.●

KIMBERLY KAY AU'S WINNING ESSAY ON OUR MERCHANT MARINE

● Mr. INOUE. Mr. President, at this time about a year ago I placed in the CONGRESSIONAL RECORD an essay on the U.S. merchant marine, written by Kimberly Kay Au, a student at Punahou High School in Honolulu. Kimberly's essay had won a national prize in the 48th annual Harold Harding Memorial Maritime Essay Contest, and I felt that the message it delivered so well should be available to as many people as possible.

This year Kimberly submitted another essay on our merchant marine, and it was judged No. 1 in the 49th Annual Harold Harding Memorial Maritime Essay Contest. Again I believe its message is one to which all Americans should pay attention.

Mr. President, I ask that Kimberly Au's essay be printed in the RECORD.

The essay follows:

THE U.S. MERCHANT MARINE NEEDS A SHINING BEACON ON ITS DARK AND TROUBLED WATERS

Below me glimmered the blue Pacific, pristine as a pearl in the early summer morning. I stood on a low hill overlooking the tiny harbor of Nawiliwili on the island of Kauai, where, over 100 years ago, history had been made. I could picture Captain Williams Matson's first merchant marine ship, the little schooner *Emma Claudine*, as she

anchored in Nawiliwili Harbor after her momentous Pacific crossing from Los Angeles. Much later, on a warm September day in 1980, history repeated itself when Matson's new giant streamlined container ship, the *S.S. Kauai*, steamed out of Los Angeles Harbor on her maiden voyage to Hawaii, following the century-old wake of the *Emma Claudine*. The maiden voyage was blessed all the way with gentle seas and only an occasional wispy cloud fanned by soft trade winds. On a subsequent voyage, the super container ship, which could carry 90 full-size *Emma Claudines* to Hawaii in four days, met her namesake, Kauai, as she eased into Nawiliwili Harbor with the right tides and the help of a bow-thruster and two Hawaiian tugs.

Today, the maritime saga that began over a century ago with the first sailing of the *Emma Claudine* to Hawaii, continues between the West Coast and Hawaii, with the finest of containerized fleets. Gone are the colorful days when cargo ships moved slowly between sunny ports, and goods packed in wooden crates were hauled aboard in cargo nets. Within the year, Matson Navigation Company's new \$6 million 350-foot 216-container barge, the *Haleakala*, with its own revolving crane, will assist the 15-year-old *Maunakea* in Mainland-Hawaii service. As a group of islands in the middle of the Pacific Ocean geographically separated from the rest of the nation but actively involved in commerce with its fine merchant marine fleet, Hawaii can appreciate the United States Merchant Marine in its role for national self-reliance and in its competitive role to ensure our vital foreign commerce.

Yet, insidious as the steady erosion of Hawaii's sandy beaches by battering waves, treacherous undercurrents, building up through the decades, now threaten to submerge the U.S. maritime industry in its efforts to achieve these roles. At a time when the U.S. is trying to expand its share of world trade, it is, instead, more dependent on Japanese, Panamanian, and Liberian-flag ships to haul cargo to and from American ports. Today, 98% of the substances on our strategic-items list are carried on foreign-flag ships. Incredible? Consider these glaring and startling facts:

In three decades our merchant fleet has dropped 55% from 1,300 to 580 vessels. Only about 200 are actively involved in U.S./foreign commerce.

At least 60% of our existing ships are too small to compete in foreign trade.

Our vessels are not fuel-efficient, with 90% of the total industry fleet steam-powered and only 10% diesel.

During this decade 100 U.S.-liner ships will need replacement because of obsolescence or high operating costs.

Since mid-1980, three U.S. carriers have gone out of business; fewer than 10 U.S. merchant fleet companies remain, with some in deep financial trouble.

Shipboard jobs have decreased from 86,000 to 21,562, reflecting an alarming deterioration in skilled-worker resources.

The U.S.-liner carrier market share for six principal trades averages only 25%, a poor comparison with national-flag fleets of other nations that carry much greater shares of their foreign commerce.

Although we are the largest trading nation in the world, the American merchant marine, which carried over 40% of our total foreign commerce 30 years ago, currently carries less than 4% of our vital foreign commerce and ranks 11th behind Norway,

Singapore, and Italy. (By way of comparison Russia carries 60%, Japan 40%, and France 30% of their commerce.)

These facts paint a sad picture of an ebbing maritime industry steadily losing its market share to foreign competition, consuming its assets, and with earnings overwhelmingly inadequate to replace an aging, inefficient, non-competitive American-flag fleet. "To my knowledge," said Charles I. Hiltzheimer, head of Sea-Land Industries, "no other American industry has lost so great a share of its market to foreign competition, with virtually no public awareness or government concern."¹ This, despite the importance of our U.S.-flag shipping fleet to the national defense and development of both domestic and foreign commerce as set forth in the Merchant Marine Act of 1936 and amended in the 1970 Act, which mandated that our American Merchant Marine be "sufficient to carry out its domestic waterborne commerce and a portion of the waterborne export and import foreign commerce of the U.S. . . ."

Recognizing the industry's growing deterioration, President Nixon signed the Merchant Marine Act of 1970, designed to revitalize American-flag shipping, restore the sinking industry, and embark on an ambitious shipbuilding program of 300 high-technology ships, which would provide much-needed employment. Ultimately, however, only 100 ships were built.

The 1970 Merchant Marine Act also provided for government subsidies to many American ship operators to bridge the difference between the high cost of operating our ships and the lower operating costs of foreign competition. Benefits were eventually extended to subsidized construction of bulk cargo carriers; since 1970, these subsidies have been steadily reduced until today a moratorium exists on them. Meanwhile, foreign subsidized fleets are expanding. Their strong government support, combined with low-cost foreign-built vessels, fuel-efficient diesel power, and lower crew-cost have encouraged rapid foreign-shipbuilding growth and penetration of the U.S. market.

Hawaii's Congressional Senator, Daniel K. Inouye, who maintains a special responsibility for maritime matters in the U.S. Senate, has long been concerned with the perilous state of our merchant marine fleet. Responding in his letter to me dated June 7, 1983, Senator Inouye wrote: "I believe every member of Congress, indeed every concerned American, should be aware of the grim reality which would face us in the event of a national emergency." On June 8, 1983, Senator Inouye carried his concerns to Congress, saying: "Mr. President, for some years the Congress has been attempting to revitalize the U.S. Merchant Marine. The task has been a laborious one, and it is far from over. Yet we must succeed if our nation is to remain economically strong and capable of acting in time of national emergency."²

That the maritime industry is of vital national economic importance cannot be denied. Its economic impact, as determined in a 1978 study conducted by the Maritime Administration, showed 480,000 employed in maritime jobs, \$4.5 billion earned in personal income and \$1.5 billion in tax revenues

for that year. However, the maritime industry's contribution to the economy will decrease as the industry's problems increase. Moreover, approximately 71¢ of each transportation dollar would be returned to the U.S. if their vessels were used in lieu of foreign-flag ships. Unfortunately, the amount of cargo carried by American-flag ships is miniscule.

Clearly, today a critical need exists to improve U.S. maritime industry competitiveness and streamline the operating efficiency of the U.S.-flag merchant marine. New policies, as in the past, may fall under attack by various government departments and impede progress. When the devastating Hurricane Iwa struck our Hawaiian Islands last year, the inter-island ship, *Maunakea*, was half-way to Kauai. Captain George Pearce recalls that the hurricane pushed the vessel sideways three hours for every one hour forward.³ Figuratively speaking, that frightening experience could describe the precarious position of our American merchant marine unless some definite and substantial form of meaningful legislation, so urgently needed, were enacted into law. Our national interests and economies are at a crossroads.

In a concerned follow-up letter to Senator Daniel K. Inouye on January 14, 1984, I asked our Senator from Hawaii whether Congress had made any recent significant maritime legislative strides. On January 20, 1984, he replied: "I only wish I could report that Congress was well on the way to solving most of its problems. We have made some progress, but much remains to be done, however. The best news is that I believe we will shortly enact maritime regulatory reform legislation (S. 47) which should enable the U.S.-liner fleet to compete more effectively in our international trades."

Senate Bill 47, also known as the "Shipping Act of 1983," was introduced in the Senate of the United States by Senators Slade Gorton of Washington, Ted Stevens of Alaska, Bob Packwood of Oregon, and Daniel Inouye of Hawaii "to improve the international ocean commerce transportation system of the United States." The Shipping Act of 1983 is a shining beacon on dark, troubled waters that will build toward efforts to strengthen our national self-reliance, assure our vital foreign commerce, and pilot our foundering U.S. merchant marine back on course to her former days of glory. The question is no longer *whether* we can do it, but to *do* what we know *must* be done now.●

NOTIFICATION OF STINGER SALE TO SAUDI ARABIA

● Mr. PERCY. Mr. President, last week when the Senate was in recess, the Committee on Foreign Relations received a notification for the sale to Saudi Arabia of 200 Stinger air defense guided missile systems with 200 additional missiles. The notification also included a Presidential determination waiving the normal congressional review period. I ask to have these documents printed in the RECORD.

The documents follow:

¹ Charles I. Hiltzheimer, "Improving the Operating Efficiency of the U.S. Flag Merchant Marine," *Vital Speeches of the Day*, September 1, 1982, Vol. 48, p. 681.

² Senator Daniel K. Inouye, CONGRESSIONAL RECORD, Vol. 129, No. 80, Washington, Wednesday, June 8, 1983.

³ Mike Markrich, "Going to Sea a Lot Tougher Than Old Days," Sunday Star-Bulletin and Advertiser, July 3, 1983, p. A-30.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, May 30, 1984.
In reply refer to I-22451/84.

HON. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 84-52 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Army's proposed Letter of Offer to Saudi Arabia for defense articles and services estimated to cost \$40 million.

The President has certified that an emergency exists which requires this sale without awaiting the expiration of the thirty-day notification period. Copies of the President's certification and justification are enclosed. A classified annex to the justification is also provided under separate cover and constitutes a part of this notification.

Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

PHILIP C. GAST,
Lieutenant General, USAF, Director.

TRANSMITTAL No. 84-52

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Saudi Arabia.	
(ii) Total estimated value:	Millions
Major defense equipment ¹	\$29
Other	11
Total	40

¹ As defined in Section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: A quantity of 200 basic STINGER air defense guided missile systems with 200 missiles, 200 additional missiles, support and training equipment, spare parts, technical support, and training.

(iv) Military department: Army (VHB & OIR).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See Annex under separate cover.

(vii) Section 28 report: Included in report for quarter ending December 31, 1983.

(viii) Date report delivered to Congress: May 30, 1984.

POLICY JUSTIFICATION

SAUDI ARABIA—STINGER SYSTEMS AND MISSILE ROUNDS

The Government of Saudi Arabia has requested the purchase of a quantity of 200 basic STINGER air defense guided missile systems with 200 missiles, 200 additional missiles, support and training equipment, spare parts, technical support, and training at an estimated cost of \$40 million.

This sale is consistent with the U.S. policy of assisting other nations to provide for their own security and self-defense by allowing the transfer of reasonable amounts of defense articles and services. Saudi Arabia's strategic location on the Arabian Peninsula and its role as a major oil producer require a modern defense force capable of ensuring the nation's security. The sale will demonstrate the continuing willingness of the United States to support the Saudi Arabian

effort to improve the security of the country while acting as a force for moderation in the region.

The STINGER systems and missile rounds will provide an improved low level air defense capability for Saudi Arabia.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the Pomona Division of the General Dynamics Corporation of Pomona, California.

Implementation of this sale will require the assignment of additional U.S. Government personnel and contractor representatives to Saudi Arabia; however, the number of individuals and the duration of stay have not been determined at this time.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

THE WHITE HOUSE,
Washington, May 29, 1984.

Presidential Determination No. 84-8.

Memorandum for Hon. George P. Shultz,
Secretary of State and Hon. Caspar W.
Weinberger, Secretary of Defense.

Subject: Sale of Defense Articles and Defense Services to Saudi Arabia Under the Arms Export Control Act.

In accordance with section 369(b)(1) of the Arms Export Control Act (the Act), I hereby certify that an emergency exists which requires the sale under the Act of the following defense articles and defense services to Saudi Arabia in the national security interests of the United States:

200 basic Stinger air defense guided missile systems (200 gripstocks with 200 missiles);

200 additional missiles;

Related support and training equipment, spare parts, technical support, and training for these systems and missiles.

This certification and the attached justification shall be made part of the certification transmitted to the Congress under section 36(b)(1) of the Act with respect to each of the above sales. This certification shall be published in the FEDERAL REGISTER.

RONALD REAGAN.

JUSTIFICATION FOR PRESIDENTIAL CERTIFICATION UNDER SECTION 36(b)(1) OF THE ARMS EXPORT CONTROL ACT REGARDING THE SALE OF CERTAIN DEFENSE ARTICLES AND SERVICES TO SAUDI ARABIA

Section 36(b) of the Arms Export Control Act (the Act) provides that all proposed sales under the Act of defense articles and services for \$50 million or more, or of major defense equipment for \$14 million or more, must be certified to the Congress and that no Letter of Offer for any such sale may be issued until thirty calendar days have elapsed from receipt by the Congress of the certification unless the President states in the certification that "an emergency exists which requires such sale in the national security interests of the United States." If the President makes this determination, thus waiving the Congressional review requirements, he must also set forth in the section 36(b) certification a detailed justification for his determination, including a description of the emergency circumstances which necessitate the immediate issuance of the Letter of Offer and a discussion of the national security interests involved.

The Iran-Iraq War has escalated in recent days, and neutral shipping has been attacked with increasing frequency and in an ever-widening area in international waters in the Gulf. The Arab states of the Gulf as

well as the United States are attempting to defuse the situation through diplomatic means. Further escalation could threaten Saudi Arabia. This escalation of the war could deny vital oil supplies to much of the free world, including particularly our major allies in Western Europe and East Asia.

In view of our long and close relationship with the Saudi Kingdom and the urgency of the situation, we have decided to provide Stinger as expeditiously as possible. Because the Stinger system can be deployed in the field shortly after delivery, an immediate transfer to Saudi Arabia of this system is an appropriate response to the current crisis and will enhance Saudi Arabian air defenses. By providing a deterrent against hostile actions, this transfer lowers the risk of broader conflict.

Therefore, an emergency exists which requires the immediate sale to Saudi Arabia, under the Act and in the national security interests of the United States, of 200 basic STINGER air defense guided missile systems (200 gripstocks with 200 missiles), 200 additional missiles, and related support and training equipment, spare parts, technical support, and training for these systems and missiles.

More complete details are contained in a classified annex of this justification.

ADVANCE NOTIFICATION

PROPOSED ARMS SALES

Mr. President, Section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under the Act in excess of \$50 million or, in the case of major defense equipment as defined in the Act, those in excess of \$14 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the Chairman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the Committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the record in accordance with previous practice.

I wish to inform Members of the Senate that such a notification has been received.

Interested Senators may inquire as to the details of this advance notification at the office of the Committee on Foreign Relations, Room SD-423.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, June 1, 1984.
In reply refer to I-03101/84ct.

DR. HANS BINNENDIJK,
Professional Staff Member, Committee on
Foreign Relations, U.S. Senate, Wash-
ington, DC.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Middle Eastern country tenta-

tively estimated to cost in excess of \$50 million.

Sincerely,

PHILIP C. GAST,
Lieutenant General, USAF, Director.●

COMPUTER CRIME AND ABUSE

● Mr. COHEN. Mr. President, today I wish to bring to the attention of my colleagues a series of articles on the issue of computer crime that appeared in the Washington Post this week. This series highlights the vulnerability of the Government, the private sector, and individuals to the rapidly growing threat of computer crime and abuse.

Many of the problems discussed in the Washington Post articles were examined by the Subcommittee on Oversight of Government Management, which I chair, in hearings held last October. The subcommittee received testimony from both the Federal Government and the private sector on the threats that are posed by computer break-ins and on what steps can be taken to address these problems.

Those hearings, as well as the Washington Post articles, vividly illustrate that computer break-ins should not be treated as simply innocent pranks by curious youngsters. Rather, computer abuse can seriously harm personal lives and businesses. Computer hackers who change the credit ratings of individuals or who break into the medical records of hospitals, for example, are certainly not engaging in activities that should be condoned or left unprosecuted.

The accounts of computer break-ins are legion, and the evidence suggests that the reported cases represent only a small percentage of the actual number of break-ins that have occurred.

To date, the Federal Government has not kept pace with the problem of computer crime and does not adequately deter these activities. The Department of Justice has testified, for example, that there is currently no Federal sanction dealing specifically with computer crime. To address this problem, I have introduced the Computer Crime Prevention Act of 1984, S. 2270. This bill, cosponsored by Senators LEVIN, RUDMAN, ROTH, and BINGAMAN, would create a Federal computer crime statute. The bill would establish specific penalties for intentional, unauthorized access to computers owned or operated by the Federal Government and financial institutions, as well as those operating in interstate commerce. The bill would also establish penalties for fraud committed through the use of these computers, for alteration of data contained in them, and for unauthorized trading in computer passwords or access codes.

Mr. President, I realize that a Federal computer crime statute will not totally solve the problem of computer

crime. Better security practices in the Federal Government and private industry, as well as training on the ethics of computer use, are all essential to reduce computer abuse. Computer crime legislation, however, is one concrete way in which the Federal Government can act to protect the privacy and integrity of personal and business information.

I urge the Senate Judiciary Committee to hold hearings on S. 2270 and urge my colleagues to cosponsor my legislation. It is only through swift action that the Federal Government will be ready to meet this growing threat brought on by the computer age.

I ask that the Washington Post series entitled "Computer Crime" be printed in the RECORD.

The material follows:

[From the Washington Post, May 20, 1984]

PART 1

AGE OF ELECTRONIC CONVENIENCE SPAWNING INVENTIVE THIEVES

(By Mary Thornton)

On Jan. 18, 1980, a New York air traffic controller, angered by the Soviet invasion of Afghanistan a month earlier, momentarily took over an incoming Aeroflot jet carrying Soviet Ambassador Anatoly F. Dobrynin. He transferred control to his computer, deleted a signal identifying the aircraft as a large jet, then returned control to the main console.

Without the signal, the jet looked like a small private aircraft on other controllers' monitors. It landed safely, but only after flying through heavily traveled airspace without proper controls for 20 perilous minutes. The controller was fired but not prosecuted.

Last summer, a group of young Milwaukee computer enthusiasts, nicknamed "the 414s" after their telephone area code, was raided by FBI agents after gaining access to more than 60 computer data banks, including those at New York's Memorial Sloan Kettering Cancer Center, the Los Alamos scientific laboratory in New Mexico and a California bank.

Those incidents, one potentially deadly and the other apparently playful, represent the extremes of a phenomenon that has triggered growing concern among law enforcement officials: computer crime and abuse.

Experts in the federal government and private industry say the variety of such crimes and the potential for damage are staggering. They cited harassment, copyright violations, extortion, multimillion-dollar electronic bank thefts, industrial and military espionage, terrorism, sabotage and even murder.

Computers also present unnerving opportunities for invasion of privacy. If a young computer buff can gain access to computerized credit records, hospital medical records, motor vehicle records and bank records, the experts ask, what potential mischief can a computer professional wreak?

Yet, as the nation becomes more computerized, the experts warn that too little effort is going into legislation governing computer abuse, security measures to prevent it, new kinds of insurance to protect against loss or addressing the ethical and

social questions raised by the arcane wonders of electronic information-processing.

Joseph F. Coates, a consultant on long-range technological trends, put the problem this way:

"The computer industry is so complacent, its buyers and users so beguiled by the equipment and regulators so enchanted by the calm sea as computers slowly spread across this nation [that] the industry needs its equivalent of Hiroshima to alert the nation . . . to the enormous risks in the way we organize our computer affairs."

The special and increasing danger of computer crime arises from several factors, including:

Invisibility. The crime can be committed from great distances, perhaps in the privacy of a home or office. Evidence of the intrusion often can be erased.

The microcomputer. Alexander Stein of Dataquest, a California consulting firm, said that at the end of 1983 there were 7.9 million home and personal computers and more than 1 million business computers in the United States. The number is increasing by 34 percent a year, or more than doubling every three years, he said.

Without exception, federal law enforcement officials said they expected the proliferation of personal computers to cause a corresponding increase in computer crime.

Computer "literacy." Microcomputers are common even in elementary schools now. Young people go to summer computer camp. Teen-agers can buy a small computer system for less than \$1,000. The Massachusetts Institute of Technology, with help from IBM Corp. and Digital Equipment Corp., is providing 3,000 computer teaching terminals for its 4,500 undergraduate students.

As a far larger portion of the population learns to use computers, the experts said they fear a substantial rise in computer abuse by criminals, malcontents and the mentally unstable.

Networks. Inexpensive devices called "modems" allow home computers to be connected by telephone with computer systems worldwide. Already available are hundreds of consumer services, including news, stock tips, worldwide airline schedules and fares, a full encyclopedia, weather information and even movies reviews dating to 1930.

The next stage involves "interactive," or two-way, services such as computerized grocery shopping, billing, banking and mailing—an innovation that recently got a major boost from the formation of a joint venture by Sears, Roebuck and Co., IBM and CBS.

Improved technology. Computers are becoming faster, cheaper and simpler to use, and memory capacity is growing. Thus, use of computers both for more complex and more mundane tasks becomes ever more practical.

Smarter computers. The race between the United States and Japan to develop "fifth-generation" computers could lead to early forms of "artificial intelligence" within a few years, providing undreamed-of capabilities for good and evil.

Marvin Minsky, an artificial-intelligence expert at MIT, said the computer world is at a stage he once thought would take centuries to reach. As for the future, he said, "You should be reading [science fiction writers Robert] Heinlein or [Isaac] Asimov."

Estimates of annual losses from computer crime range from \$100 million to more than \$3 billion, but even the experts admit that the figure is drawn from thin air. Anthony

Adamski, who oversees computer-crime cases for the FBI, said no one knows the number of computer crimes or what they cost.

Robert P. Campbell, a private computer-security specialist who until five years ago headed computer security for the U.S. Army, has estimated that only one in 22,000 criminal acts involving a computer will be prosecuted.

He believes that one crime in 100 is detected; that of those detected, 15 percent or fewer are reported, and that of those reported, one in 33 is successfully prosecuted.

Federal officials said one reason is that many companies, often banks, do not want the public or shareholders to know that they have been victimized and that the crime was relatively simple to commit. In addition, the way many white-collar crimes are classified, it is impossible to tell whether a computer was used.

Even when computer crimes are reported, they often do not go to trial because prosecuting attorneys, judges and jurors do not have the technical expertise to deal with the issues.

Yet computer crimes occasionally make headlines.

Officials in several states have uncovered schemes in which an individual substitutes his deposit slips at the bank counter where blank slips normally would be. When other customers unknowingly use them, the computer reads a slip's magnetic-ink number and deposits the money in the criminal's account.

By the time irate customers come in with their bank statements, the criminal has withdrawn the money and fled.

In 1978, computer consultant Stanley Mark Rifkin called the wire room at Security Pacific National Bank in Los Angeles, identified himself as a senior bank officer, gave the proper codes and arranged for transfer of \$10.2 million to a Swiss bank account.

He converted the cash into Soviet diamonds and was caught trying to sell them. He served less than three years of an eight-year sentence and now runs the computer system for a major organization.

Former Federal Reserve Bank Board employee Theode Langevin, who took a job with E. F. Hutton and Co. Inc. in New York, illegally tapped into the Fed computer to obtain secret money-supply information in 1980.

He was caught, pleaded guilty to wire fraud and was sentenced to one year's probation.

In a case uncovered in 1980, San Francisco's Wells Fargo Bank lost \$21 million in a year, allegedly to two boxing promoters who, with a bank employee's help, used a computer for illegal transfers.

Richard P. Kusserow, inspector general for the Department of Health and Human Services, recently finished the first survey of crimes involving the federal government's 650,000 microcomputers and 16,000 large "mainframe" computers and concluded that there is an "extraordinary vulnerability" to crime.

"The government has become the biggest user of computers in this country," he said. "There is an information explosion going on. . . . It's come so quickly that the bureaucracy hasn't had time to respond."

The study found 172 cases of fraud and abuse in 12 government agencies in slightly more than four years. One employee diverted \$24,000 in unauthorized benefits checks to himself over five months and erased the evi-

dence. In another program, three clerks were able to steal \$150,000 worth of food stamps because their supervisor left a key in a computer terminal.

Kusserow said those cases are not even the tip of the iceberg since most crimes were discovered by accident and most agencies have virtually no procedures for finding such problems. Three of every four agencies contacted said they did not know if their computer systems had ever been audited for possible crimes.

David Geneson, a Justice Department lawyer who deals with computer crime, said no federal law deals specifically with use of computers in a crime or with trespassing by computer or reading private files.

"There's no statutory definition of computer crime," he said. "It's a more complicated area than you might think. If you break in [to a government computer office] and steal a disc pack, that's theft of government property. But if you break in electronically and copy it, that's not clear. You haven't really stolen anything."

The closest relevant federal laws, he said, deal with wire fraud, theft of government property and interstate transportation of stolen property in cases where the theft tops \$5,000.

The FBI's Adamski said that 21 states have enacted laws dealing with computer crime but there is little consistency from state to state and several fail to deal with "hackers" who enter systems for fun rather than profit.

Enacting a law does not necessarily give state authorities the manpower or expertise to enforce it. In Florida, where the nation's first computer-crime law was passed in 1978, only two cases have been brought.

Congress is debating several computer crime bills. One introduced by Rep. Bill Nelson (D-Fla.) and Sen. Paul S. Trible Jr. (R-Va.) would provide for a fine as high as \$50,000 or a five-year prison sentence for theft from or abuse of federal or private computers used in interstate commerce. A second bill, introduced by Rep. Ron Wyden (D-Ore.), would set up an 18-month task force to investigate the extent of computer crime in small businesses.

A third, introduced by Rep. William J. Hughes (D-N.J.) and approved by a House subcommittee last week, would establish as a federal felony unauthorized computer access that yields a defendant \$5,000 or more a year; the use or modification of materials in someone else's computer would be a "computer abuse" misdemeanor.

The proposed legislation does not deal with a person who enters the system simply to look around. Nor does it deal with computer wiretaps. Although it is against the law to wiretap a telephone conversation—even the FBI needs court approval—no law prevents a wiretap on a computer communication on a telephone line.

As a result, much of the congressional debate has focused on making it a federal crime for young "hackers" to intrude without authorization into government or private computers. But most law-enforcement and computer-security experts said the real problem is crime by insiders who already have access to the system.

[From the Washington Post, May 20, 1984]

NEW CLASS OF CRIMINAL SENDS FBI INTO COMPUTER CLASSES

(By Mary Thornton)

As hundreds of thousands of small computers have moved into American homes and offices, federal law-enforcement officers

have braced for an inevitable new class of criminals whose weapon is the computer.

On the front lines in the FBI's fight against computer crime is James M. Barko, who runs the Economic and Financial Crimes Training Unit at the FBI Academy in Quantico, Va. Barko and other FBI computer experts conduct a three-week course in which agents—15 to a class—learn the basics of computer operations and programming and how typical computer frauds work.

"It's a different world," said Barko, referring to the subtlety and skill with which some white-collar criminals can manipulate a computer. "You have a kind of priesthood."

The agents' studies revolve around a simulated bank with \$50 million in assets and 30,000 accounts. As the course progresses, the agents discover that frauds of increasing complexity have been programmed into the bank's computer. Their task is to find the fraud without shutting down the bank.

Suspicious additions to or withdrawals from accounts of bank employees, their close friends and relatives are looked for. The students learn which personnel have access to which files, thereby eliminating some as suspects.

One of the most important aspects is learning how to write a search warrant for a crime when the evidence is likely to be electronic rather than physical and may be buried in a computer program.

In trying to uncover the crime, agents have to look not only for obvious transfers of funds but also for subtle maneuvers that leave the bank's books in balance and the crime well hidden.

Barko conceded that his graduates are not ready to open computer companies. But they know the basics, as well as where to turn for help, he said. If the agents are working a friendly situation, where management is not suspect, they generally can get help from the company. In hostile situations, they can turn to the computer manufacturer for technical assistance.

Since 1976, the FBI has trained more than 200 agents and nearly 88 state and local investigators, and the course has a two-year waiting list.

[From the Washington Post, May 20, 1984]

A LEXICON OF TRICKS OF TRADE

Computer crimes can be very simple or very complex. At the simple end of the scale would be an outsider who electronically breaks into a system to change grades, motor-vehicle records or credit ratings.

More complex crimes could involve profit or sabotage. The most clever criminals devise schemes extremely difficult to detect, including:

Trap doors—gaps in programming created by mistake or intentionally, allowing a programmer to reenter the computer system secretly later.

The programmer could then read secret files, enter his own programs or destroy or insert data without detection.

Trojan horses—secret instructions hidden in an existing program.

Time bombs—a kind of Trojan horse that can be hidden in a system, causing it to self-destruct.

A disgruntled employee might plant a time bomb that would destroy billing records after he has left the company. An employee might also plant a time bomb for extortion purposes.

Salami techniques—a special kind of Trojan horse in which the secret instructions transfer a few cents, possibly disguised as a service charge, from thousands of banking customers into the criminal's account.

[From the Washington Post, May 21, 1984]

PART 2

"HACKERS" IGNORE CONSEQUENCES OF THEIR HIGH-TECH JOY RIDES

(By Mary Thornton)

For Susan Headley, it started when she was 17, a high school dropout who had run away to California to work as a waitress. She was lonely and fell in with a group of young people who used home computers to harass the telephone company.

For the next four years, they spent almost every night at their consoles—romping through the computers of government agencies, defense contractors, corporations and credit bureaus, occasionally lowering the credit rating of prominent citizens or doing similar exploits.

Their chief target was the phone company. Using a variety of techniques—from job tryouts to searching through trash for computer passwords—they penetrated telephone security and made free calls all over the world, complete with such special features as call forwarding.

Headley left the group in 1981 when she decided that such computer antics could land them in jail. She was right. Her companions had been inserting obscenities into a California company's computer-generated catalogue. The company decided to press charges.

Headley was not prosecuted and now, at 24, has turned to computer security as a career.

Despite public attention to outside "hackers," such as Headley, law enforcement officials say their largest computer problem by far is crime by insiders. But even that pales when compared with the criminal potential in coming decades as millions more people learn to use computers.

As a portion of the population eventually turns to criminal activities, the experts say, computer crime is bound to grow and some young computer wizards are almost certain to become supercriminals.

Moreover, organized crime has had lawyers and accountants for decades. Computer experts would be the next logical step. Donn Parker, of SRI International Inc. and author of "Fighting Computer Crime," said that there are documented instances of organized crime using computers, especially in bookmaking, and that he expects more imaginative schemes to surface soon.

"If I were a Mafia capo, the one place I'd be sending my sons is to the school of engineering at MIT," said Joseph F. Coates, a consultant on technological trends.

Some experts say they are also worried about crime by terrorists, not just with computers but also against them. Parker said that 29 computer centers have been blown up by terrorists in Italy, France and Germany in the last four years.

Robert P. Campbell of Advanced Information Management Inc., a computer security firm in Woodbridge, Va., said, "We've been relatively free of terrorism in the United States, but the days are numbered. . . . We're investing more in our computer systems than any other nation in the world."

Such life-and-death dangers notwithstanding, most of the recent uproar over computer crime has focused on the astonishing activities and questionable ethics of young computer enthusiasts—the hackers.

Computer experts and law enforcement officials say there is an explosion in the number of young people turning to computers for thrills. Their journeys into forbidden territory are accelerated through electronic bulletin boards, which can be dialed into by anyone knowing the right phone number and access codes. Whenever a hacker discovers how to break into a system, he's likely to post the information on a bulletin board so that his friends can try it.

In 1980, students at Dalton Middle School in Manhattan used classroom computers to break into 21 systems in Canada, destroying crucial data in one intrusion. They were caught but not prosecuted.

Last summer the FBI raided the homes of several Milwaukee-area youngsters who called themselves the "414s," after their telephone area code. The group had broken through the security of 60 computers, including one at New York's Memorial Sloan Kettering Cancer Institute containing patient files.

In October, the FBI raided the homes of other young computer enthusiasts around the country. They had been detected raiding the message system of the GTE Telenet network that links 200,000 users and 2,000 computers.

Similar exploits were romanticized in the movie "War Games" and the television show "Whiz Kids."

Unlike much of the public, Parker calls computer hacking a "very serious epidemic across the country" and says hackers' activities are not larks but crimes. In the Sloan Kettering case, he said, changing records could have led to a patient's death.

"You have to prove intent and maliciousness, and the kids deny that," he said. "But once you get into this electronic land of Oz, you don't know what you're doing. It's a bull-in-the-china-shop situation. Just turning around can destroy something, cause the system to crash."

Professor John Kender, who teaches computer science at Columbia University, said of the hackers, "The closest analogy is joy riding where kids find a car with the keys in it. There's a thrill of doing something powerful."

"Perhaps there's not much sense that they are violating someone's rights. . . . It's anonymous. . . . In some ways, it's a less violent form of juvenile delinquency. There is the same alienation and hanging out in groups of hackers."

Kender said most hackers are young, male and very bright. Some students become virtually "addicted" to computer studies, excelling in them but failing in everything else.

Susan Headley, like Kender, said the thrill of cracking computer security is "simply exerting power—joy riding."

She described most hackers as socially awkward loners. In many cases, she said, fellow hackers provide their first close friendships. She said most in her group were "reclusive types . . . with no civic involvement. Their sole entertainment was in their computer terminals."

Many people, including some law enforcement officials, say they believe that most hackers are relatively harmless.

Richard Stallman, 30, a professed hacker who worked at MIT's Artificial Intelligence Lab for seven years, said hacking, committing sophisticated pranks, has been going on for years, especially at places like MIT and Caltech, and that it is not always related to computers.

There is elevator hacking, for instance, which might involve rewiring the control

panel in the elevator of a rival dormitory so that pushing the button for the second floor might send it to the 20th floor.

At MIT, there is a tradition of disrupting the annual Harvard-Yale football game. In 1949 Fortney H. (Pete) Stark, now a Democratic member of Congress from California, was suspended briefly for helping to blow up part of the Harvard gridiron during a game so that it spelled "MIT."

In a widely publicized hack during the Illinois-UCLA Rose Bowl game this year, two Caltech students took over the scoreboard by computer and changed the team names to show Caltech leading MIT, 38 to 9.

Finally, just as the user was convinced that the computer had eaten his work, the "monster" would flash, "I didn't want a cookie anyway," and vanish into the system to wait for another user. The assault could be stopped by typing "cookie," prompting a polite "thank you" from the monster.

Yet, there have been cases of real crimes by hackers.

Jerry Schneider, 19, posed as a magazine writer to research the telephone company's equipment-ordering system in Los Angeles, then manipulated the computer to order himself \$1 million in telephone equipment. He went to prison.

Two suburban Chicago teen-agers, who called themselves System Cruncher and Vladimere, cracked the three-character password at DePaul University in 1980, causing the system to crash and costing the university about \$22,000 to restore it to service. They were prosecuted, but got probation and a movie offer.

Lewis DePayne, Susan Headley's former companion, went to prison for various computer escapades. In one case, he and his friends stole computer manuals from Pacific Telephone to assist them in invading the main computers to shut down area telephone service.

Most hackers seem to see little ethical problem with their activities.

Headley said that, as far as she knows, her group never made personal profit from hacking. As for using others' computer time by intruding into their systems, she said, "We always did it at night when they weren't busy. The machine would have been turned on. It would have been using electricity anyway."

Stallman said hackers traditionally are not malicious and often assist in debugging programs. He contends that it is "immoral" to copyright computer programs and has quit his job at MIT to write programs to be distributed free.

"I consider that the golden rule requires that if I like a program, I must share it with other people who like it," Stallman said. "This means much more than just saving everyone the price of [a program]. It means that much wasteful duplication of system programming effort will be avoided. This effort can go instead into advancing the state of the art."

Perhaps the best-known hack was the MIT "Cookie Monster" in the 1970s. As an unsuspecting user worked at his terminal, the word "cookie" would flash across the screen, obliterating his work. Unless the startled user responded quickly, the machine would begin to flash more rapidly, "Cookie, cookie, give me a cookie."

Some hackers say they believe that making computer trespass a federal crime would merely provide teen-agers a bigger challenge.

"I never believed in obeying laws just because they're laws," Stallman said. "Rule is

never reason for doing something. When someone tries to put in security, my impulse is to get around it."

Phil Bertoni, a former MIT hacker who recently wrote the book "Strangers in Computerland," warned that turning the FBI loose on hackers probably would make hacking more fun. "The whole point of hacking is to challenge authority. . . . The higher the authority, the greater the challenge. What better challenge could you have than proving you can outwit the whole FBI?"

"There's a tradition, a long history of tech hacking. It's just a way of young people testing their ingenuity. I can see a [crime] if you steal data or use it for profit or if you damage a system so that all the iron lungs in the hospital shut down. . . . But there is a difference," Bertoni said.

A number of federal law enforcement officials say, at least privately, that they do not see major crime problems with hackers. They say they would not want FBI resources squandered on low-level computer break-ins by young people if there is no profit motive or criminal intent. Even with a change in the law, they say, it would be extremely difficult to prove criminal intent when prosecuting a 14-year-old hacker.

FBI Director William H. Webster, who has not taken a position on proposed computer-crime legislation, said, "Most of these youngsters are not deliberately dishonest. . . . I think a little parental advice and a little personal awareness will reduce the amount of damage potential out there. . . ."

"We're obviously not against children, and we're not against smart children. We're just hoping they'll find a more constructive use for that talent."

[From the Washington Post, May 21, 1984]

OTHER PERILS TO "THE SYSTEM"

Robert Courtney, former chief of security for IBM and now a security consultant, says outright crime is only one of the perils of the computer age. His list of hazards in order of importance:

Human error: "The No. 1 problem now and forever is errors and omissions. The dummies win hands down."

Crime by insiders, particularly non-technical people of three types: single women under 35, generally clerical employees whose boyfriends tell them to do it; "little old ladies" 50 and over who give the money to charity, and older men in accounting who may be disenchanted and feel unappreciated.

Disasters, including fires, floods and earthquakes.

Sabotage by disgruntled employees.

Water damage, such as from leaking roofs, overflowing toilets and broken pipes.

Outsiders who break into systems: "I'm convinced the damage they've done is less than 3 percent of the damage."

[From the Washington Post, May 22, 1984]

PART 3

SECURITY IS OFTEN AN AFTERTHOUGHT

(By Mary Thornton)

Robert Campbell is part of an industry that barely existed 10 years ago.

He earns his living by trying to protect some of the nation's largest corporations from a serious new threat: the computer criminal.

On a given day, Campbell might be found at a major credit card company, such as VISA or American Express, setting up systems to prevent potential criminals—inside

and outside—from tampering with the billing system to allow themselves unlimited free purchases.

Or, he might be helping a large bank guard against fraudulent electronic transfers of funds.

Or, Campbell could be working for the Defense Department, checking whether malcontents or foreign agents could gain access to U.S. missile systems and reprogram computerized directional coordinates to aim the missiles at American cities rather than ones in the Soviet Union.

Campbell, who retired five years ago as head of computer security for the Army, runs Advanced Information Management Inc., of Woodbridge, Va. The company is part of two prospering new industries—computer security and computer-crime insurance—that have arisen in response to the growing awareness of computer crime.

An estimated 9 million computers have flooded the nation's offices, schools and homes in recent years. And the number of computers is expected to grow by at least 9 million every three years. But security experts and law enforcement officials say that most companies and many government agencies have virtually no security and are naive about the risks they are running.

Even the most security-conscious agencies, such as the FBI, the CIA and the Pentagon, are not entirely safe from computer crime. Over the years, the military has used groups of computer experts called "Tiger Teams" to look for vulnerabilities in its computers. Some experts were given partial access to the system. Others started with nothing. According to Campbell, they have always managed to break in.

Joseph Coates, a consultant on long-term technological trends, said that companies without adequate security are "courting disaster." But he predicts it will take a \$500 million crime to convince corporate management that there is a need for change.

Like other experts in the field, Coates blames computer-security violations on companies themselves rather than on the young people who get inside, such as the celebrated "414s" in Milwaukee.

"The Milwaukee babies are great," said Coates, "the kind of kids anyone would like their own to be. . . . They're heralding the types of problems we have to deal with. . . . There's nothing wrong with those kids. The problem is with the idiots who sold the system and the ignorant people who bought it."

"Nobody should buy a computer without knowing how much security is built in. The industry is bereft of that discussion. You have the timid dealing with the foolish. The scandal is with the industry and its reluctance to face the problem," he said.

Campbell speaks as alarmingly about the future. As computer technology mushrooms, he says, businesses and government agencies are facing a crime epidemic that few, if any, are equipped to handle.

Campbell and other experts say the biggest problem is that most managers, including those in the federal government, are unaware of the potential losses from computer crime.

The large electronic fund transfers between banks—sometimes as much as \$1 billion in a day—present "a challenge beyond our capability," he said.

"The technology was not designed with security in mind. Security has been based on the ignorance of the public, but that's being stripped away by the personal computer. The group of potential abusers has expanded tremendously," he added.

Campbell complains that the computer-manufacturing industry as well as its customers in business and government have known of the threat for at least a decade and have failed to respond. Management, he said, is not willing to pay for security and not farsighted enough to see the potential threat. Manufacturers, therefore, have little financial incentive for greater research and development on security matters, he said, and as a result most available security is haphazard, expensive and far from foolproof.

"So many folks say it can't happen here," said John Linden, vice president of International Security Technology Inc. in New York.

Robert Courtney, who handled security for IBM until he retired to start his company, said most companies are extremely careless.

"Some guys become a religious fanatic and think the company is the agent of the devil. They fire him and give him two weeks notice. Anyone who does that's crazy," he said. "The policy at IBM is to take them to the lobby, find them a comfortable seat. You bring out the contents of their desk along with the final check."

Many companies compound their problems by failing to report the illegal entry into their computer system, Courtney said.

"The managements of those corporations [are] quite aware that shareholders, depositors, policyholders, customers and voters regard reports of major losses as solid evidence of gross mismanagement—and they are usually right," he said.

In the case of the break-in by the 414s into the computer system at New York's Memorial Sloan Kettering Cancer Institute, he said, "Long after they knew the kids had gotten in, they refused to tell the users. They didn't have nerve enough. The problem was greatly aggravated for that reason."

Richard P. Kusserow, the Department of Health and Human Services inspector general who last year did the first government-wide survey of computer crime, found that three-quarters of the federal agencies he contacted did not know if their computer systems had ever been audited.

While agencies like the Defense Department, the CIA and the FBI have very strict security, others do not. Kusserow, for example, calls the Social Security Administration's system an "unmitigated disaster." SSA has had theft problems, he said, because it has 1,300 district offices with terminals that can get access to the central computer system, generate checks and then erase the evidence.

The agency is spending \$500 million to upgrade its computer system. But until recently, there were no backup records of individual Social Security histories. "One good fire and you'd have been out of business," Kusserow said.

"I'm not a merchant of doom, but automation is moving much faster than systems to guarantee integrity," he added.

Kusserow said that the main problem with computer security is insiders. He said that he would like there to be security clearance for data processing employees to weed out people with criminal records. But a low-level clearance check costs \$1,500 and Social Security alone has 40,000 employees in data processing.

Louis Lushina, a NASA official, said that his agency takes some of the blame for a "hacker" intrusion into NASA's computerized mail system.

"They didn't get anything. They left little messages, drew pictures of Kilroy . . . It was annoying, but we knew we hadn't done all we should have to go in and shut off the system [from outsiders]. We were trying to make it as easy as possible. We were probably amiss in not tightening up the password system," he said.

The National Bureau of Standards bears most of the responsibility for keeping the federal government's information systems secure.

But one government expert, Frederick Weingarten of the Office of Technology Assessment, is not optimistic that the job is manageable.

"We have to keep in mind the rapid growth of these systems," he said. "Just in my post-graduate lifetime they have gone from scientific toys to being huge tools of large corporations, and I'm not that old."

"They have not only grown in size, they've grown in complexity, incredibly in complexity. I'm not surprised at all that from year to year [system managers] are just trying to hang on and are not doing a terribly good job or effective job at managing the security of systems, of finding out when they work, when they don't."

"There are many federal systems that are just limping along from year to year. And the problem is mainly to get the checks out. Any kind of other fancy tinkering is just an extra problem."

Because of mounting concern over computer crime, several insurance companies have begun offering coverage against computer theft and vandalism by insiders or outsiders.

The types of coverage appear to vary widely. And most companies say that they are in the early stages of developing policies. The coverage is so new that no one is sure what the premiums should cost or what losses to expect.

So far, none of the companies requires a client to report a crime to the police when it files a claim. One executive said it should be required, but "it wouldn't work unless they required everyone to do it" because executives "don't want people to know that they were victimized, or that they were vulnerable."

David Kaiser, an underwriter for St. Paul Fire and Marine Co., said that his firm was one of the first to get into the computer-crime insurance market, initially covering just computers but now covering software as well. St. Paul also offers software manufacturers insurance covering defective programs and even malicious errors.

For two years, St. Paul has offered banks protection for up to \$25 million in thefts through outsider access to computers, according to another executive. But he said that his company is "not real pleased with the number that have actually purchased it."

The general insurance policy would not cover accidental or malicious damage by outsiders. That would require a different kind of policy. In addition, there seems to be no coverage for simple security violations, such as a customer complaint about privacy violations after an outsider breaks into the system.

Kaiser, who deals with non-financial companies, said that it is not too difficult to set a value for coverage of inventory or data that has been destroyed. They simply determine replacement value.

"It's more difficult to put a price on something in the conceptual state that when it gets to the market might bring \$100 million," he said.

Terry Van Gilder of Chubb & Sons Inc. said that when proprietary information is involved his company works with the customer in advance to agree on a dollar value. But he added, "The industry is in a bit of a turmoil. There's no standard approach . . . no uniform way."

If a computer invader were to steal data electronically from a covered customer, Van Gilder said, Chubb would pay for developing the data again. But what about unauthorized coping of data? That hasn't been worked out.

Van Gilder added that most companies are "not all that aware that the policy exists, not all that aware of the exposures they have to loss. And in some cases, it's difficult to buy. We require a fair amount of work on the part of a potential client before we're willing to write the insurance policy."

For now, Kaiser said, the insurance market is "extremely limited. Insurance companies are trying to determine what are the chances of loss. What do we need to cover it? We really have no idea." But he said that he expects business to improve.

"Currently, with the lack of security there's a lot of people who feel vulnerable," he said. "When they feel vulnerable, they buy insurance."

[From the Washington Post, May 23, 1984]

CONCLUSION

ETHICAL QUESTIONS ARISE FROM COMPUTERS BITING INTO PRIVACY

(By Vivian Aplin-Brownlee)

Last fall Joan D. Abrams, superintendent of schools in Red Bank, N.J., distinguished her small town from the rest of the state and most of the nation by introducing "computer responsibility" training in the schools—starting with the first grade.

"For the very little children, we don't talk about the computer, we talk about rules," she said. "In later grades, some of it is in social studies, and some of it is in library, and some is when they are actually in the computer lab." Abrams said she is trying to prepare her pupils for a world of ever-more-powerful computers and millions of sophisticated new users, a world of uncertain moral guidelines and a potential for staggering—even catastrophic—computer crimes.

"We recognize they have computers at home," she said, "and we wanted [to teach] the concept of the computer carrying with it responsibility and not just fun."

The Red Bank program exposes students to a host of ethical questions born of the age in which they live. Increasingly, it is a world in which employers are monitoring workers. Friends and neighbors are prying into one another's private affairs.

Government has the potential to spy on all its citizens. Large corporations swallow multimillion-dollar losses rather than publicly admit being stung in computer thefts. And every day the number of people capable of committing electronic wrongs grows.

Most attention has focused on the young computer generation, such as the Milwaukee teen-agers who drew national attention when they broke into the computer banks at Los Alamos National Laboratory in New Mexico and the Memorial Sloan-Kettering Cancer Institute in New York.

One of them, honor student Neal Patrick, 17, testified on Capitol Hill that he and his colleagues were acting out of curiosity and didn't consider the ethics of what they were doing until "the FBI knocked on the door."

Rep. Ron Wyden (D-Ore.) said he was especially concerned that the youngsters did

not seem to realize the damage they might have done.

"What is particularly frustrating is that some of our brightest young people, who would never think of knocking an elderly woman down in the street and stealing her purse, seem to think there is nothing fundamentally wrong about playing with a few keys on a computer terminal, altering a hospital patient's medical file and possibly causing irreparable physical harm," Wyden wrote.

Wyden called on schools to add ethics to their computer courses. "No matter how many laws we pass," Wyden said, "we cannot prevent computer crime. I think education is just going to be the heart of this problem."

Some experts, such as Robert Courtney, a New York computer security consultant and former chief of security for IBM, blame computer crimes on the offended rather than the offenders, especially youthful "hackers." Not only is security often lax, Courtney said, but companies compound their problems by not reporting unauthorized entries.

But beyond the question of hackers and the non-reporting of electronically stolen millions, the computer age has generated a new ethical debate.

Eileen M. Trauth, an instructor at the Boston University School of Management, argues that "tech-knowledgeable" persons must not be allowed to slip through legal loopholes.

"Taking the property of another is wrong behavior whether one uses a gun or a computer terminal," she has written. "This applies to the unauthorized use of another's computer resources, proprietary programs and private files as much as it does to their financial assets."

"The principle remains: using the computer does not absolve anyone from the requirements of behavior that are expected in non-computer mediated situations."

Yet, Frederick Weingarten, a project manager of the congressional Office of Technology Assessment's communications and information technology program, said that he wonders whether technology is controllable by law or policy.

The proliferation of small computers could make federal laws and corporate rules obsolete, he said.

"When the corporation or government agency has a large central system and a central data base, one can somehow think of setting laws [which] say you can keep this kind of data. You can't keep that kind of data. You can do this with it, but you can't do that with it. . . . You can go in and audit them, and see whether or not they're doing it."

"But when every executive in the agency has their own computer sitting in their office and does anything they please with it, then how do you set rules, how do you enforce them, how do you even know what they're doing?"

Weingarten and Yale Prof. Scott Boorman say that computers are changing private and professional lives and presenting new ethical quandaries.

Boorman described a hypothetical situation in which a manager is concerned that some of his "bright young engineers" who formerly worked together might be planning to quit and form a rival firm.

"What kind of early warning can one have for that kind of split-off? Boorman asked. "That can be picked up by phone patterns . . . the phone calls are flying. Electronic

mail is flying. Now that's kind of interesting. Why are they getting back together?"

Boorman said that employers can also follow electronic mail trails to separate promising employees from the rest of the lot—a practice adopted by "more sort-of-aggressive middle-size firms than one would think."

One technique, he said, would be to look at electronic "patterns of association between individuals."

"Who tended to send messages to whom? Who didn't reciprocate whose messages? You can identify in-house opinion leaders. There would probably . . . be some who work in patterns of alliance with others, and there would be others who would jealously guard their information and not send anything more than the minimum that they had to carry out their jobs . . ." Boorman said.

"This kind of technology and screening is perhaps most useful in tight organizations, some newspapers, some corporations, perhaps some government units, possibly some non-profits where essentially there's real concern to know small changes, small fluctuations in the behavior of particular employees," he added.

Employers are using these technology-enhanced techniques, Boorman said, though obviously without fanfare. He said that they are certain to become widespread because "once it's been pushed successfully in one environment, others will pick it up."

Technology might be forcing new values on society, he said.

"I would say that the concept of privacy is profoundly changing," Boorman said. "In the old days, 10 or 15 years ago, an invasion of privacy meant that somehow somebody had gotten at some personal secret of yours and had revealed it to some third party or to the world at large."

But large new data bases of "very mundane information" about individuals—their telephone and shopping habits, medical records, entertainment choices—make it "possible to characterize one's life history on an almost minute-to-minute basis" on and off the job and to use the information for "something much more interesting than ferreting out particular secrets."

"Just the pattern of phone messages defines the person," Boorman said.

He also said union contracts can offer workers some protection from this sort of invasion, but added that non-union, white-collar workers are the likeliest targets and have the least defenses.

"I think that this goes well beyond the immediate, classic problem of government agencies exceeding their statutory mandate, which we have been aware of for a long time," he said. "In a funny way, the people we are most vulnerable to is our direct employer."

The OTA's Weingarten said that Congress is unlikely to protect the rights of individuals against such new threats to privacy unless there is public outcry.

"Several staff members for committees on the Hill tell me that there is virtually zero constituency that they hear concerned over privacy," he said. "There was a wave of it post-Watergate, and Sen. [Sam] Ervin [D-N.C.] was able to somehow coalesce a political constituency behind the Privacy Act of 1974. And since that time people talk about privacy, articles are written, but there's virtually no political constituency behind it."

"And in the meantime, systems have changed, have grown. Data collection practices have changed in the executive branch

and in private industry. But there's virtually no move, no support on the part of the public to deal with it."

Privacy, he said, means different things to different people. And that is part of the problem.

"One line of thought is to say, well, it's a question of abuse. In other words, if somebody has my information and they make a decision about my job or . . . throw me in jail, it may be because the information is inaccurate. So, my concern about privacy is about the misuse."

"Another person says, well, it's nobody's damn business . . . I don't care if they misuse it or just file it away in a file drawer. It's none of their business, and I don't want them to have it."

"So, in some ways, maybe the problem is that privacy has not been a very good term to wrap around this set of problems."

Weingarten also said that computers may present future generations with the quandary of "knowing more than we want to know . . . more than we're capable of dealing with."

"For instance, suppose I could predict with 80 percent accuracy [using a computer] that there would be an earthquake in Washington tomorrow. What do you do with that knowledge? Do you announce it, create a panic, a drop in property values, people trampling one another to get out of town—with a 20 percent chance that it might not happen?"

"Do you keep silent and allow the loss of life and property damage? It presents us with enormous dilemmas, and you can see the same problem in medical science."

"And my guess is that the same kinds of problems will come out of [using computers to define and predict functions and behavior]. If one assumes that we can get more and more accurate with it, and we can predict with a 90 percent accuracy that a person is going to be a murderer, [then] what do we do with it within our constitutional limitations? What do we do with that information when they haven't committed a crime—we just are pretty sure that they will?"

"What do you do when models tell us that such and such is going to happen, or that it will cost too much to clean up [environmentally hazardous sites]?"

"It seems to me possible, at least in the realm of philosophical speculation, that technology is giving us more information than we are capable of dealing with and providing us as a society with decisions that we would be better off flipping a coin over than trying to understand."

Weingarten added, "It seems to me that right now if I were to write a letter to my congressman to tell him what I would want done, I don't really know that I'm prepared to tell him. And I'm supposed to be an expert."

"I want him to be more sensitive when he votes appropriations for new technology. I want him to hold more hearings and sort of investigate agency practices. But I don't know that I want to tell him to control technology because I don't know what that means."

VOCATIONAL EDUCATION

● Mr. GLENN. Mr. President, I am pleased to join my colleagues in cosponsoring S. 2341, the Vocational Education Act of 1984.

Over the last 20 years, vocational education has become an integral part

of our Nation's educational system. It offers individuals the opportunity to pursue skill-specific training, yet does not ignore the need for basic education.

The Federal contribution—about 10 percent of the total funds spent for vocational education—has proven to be a most worthwhile investment. Through this support we have been able to broaden access to vocational training, giving disadvantaged individuals and other groups who face serious barriers to training and employment the opportunity to participate. In addition, Federal support has enabled us to expand our knowledge about the effectiveness of various training techniques and educational delivery systems.

I am particularly proud of the contributions made by the National Center for Research in Vocational Education at Ohio State University. The national center has established the most comprehensive and cost-effective national data base for examining the effects of vocational education. From this data base, which combines high school transcripts and interview data for 13,000 individuals, we have learned that increased participation in vocational education contributes to a variety of outcomes, including high placement rates, longer periods of participation in the labor force, lower rates of unemployment, fewer weeks of unemployment, higher annual incomes, lower drop-out rates, and the attainment and maintenance of basic skills.

The national center has also identified the essential competencies needed by vocational education teachers and administrators, and has transformed this knowledge into performance-based training materials for preservice and inservice preparation.

Another hallmark of the national center has been its desire to see that the information it develops is widely disseminated. This has been accomplished through the distribution of more than 967,000 publications relating to vocational education, and the sponsorship of some 560 workshops throughout the country since 1978. The Vocational Education Act of 1984 represents both a continuation of past success and an opportunity for progress. It continues and expands Federal support for services to special populations, and it provides specific funding for program improvement and innovation. The balanced approach embodied in this bill should serve both vocational education and the Nation well.

I urge my colleagues to support this important legislation.●

D-DAY

● Mr. HEINZ. Mr. President, on this morning 40 years ago the Allied Forces

invaded the Nazi-held beaches of Normandy to begin the drive to liberate Europe. I want to join my colleagues in recognizing the bravery and sacrifice made by the Allies on D-day, Wednesday, June 6, 1944. Never in world history have more resources of the free world been joined in one unified military assault.

I was not quite 6 years old when D-day began, but the stories of heroism told to me as a child will never be forgotten. It is my deepest hope that my children and your children will learn much about the sacrifices made on behalf of freedom and human rights from today's observances.

As the Senator from the Commonwealth of Pennsylvania, I am especially proud of the many Pennsylvanians who fought at Normandy and I want to recognize these courageous men. To this purpose, I urge my colleagues in the Senate and House to read the D-day story of two of Pennsylvania's heroes.

Both of these men spent nearly all of their lives in government service. Charles Lieberth, of Pittsburgh, a special friend of mine, served as an invaluable member of my Senate staff and later became Pennsylvania's secretary of labor and industry. Leonard Funk, of Braddock Hills, served his fellow veterans for 28 years in the Veterans' Administration. I believe these two men, heroes by any standards, will serve as an inspiration to free Americans for many generations to come.

Mr. President, I am honored to publicly bring to your attention the following article as it appeared in the Pittsburgh Press on June 3, 1984.

The article follows:

**D-DAY—40 YEARS LATER, VETS VIVIDLY
RECALL LANDING**
(By Steve Twedt)

Leonard Funk, 23, of Braddock Hills, was working in the shipping department of a local electrical company for 26 cents an hour when he was drafted into the U.S. Army on June 6, 1941.

Three years later to the day, Funk parachuted into France as part of the largest, most elaborate military assault in history—D-Day at Normandy. The invasion, whose 40th anniversary will be commemorated Wednesday, heralded the beginning of the end for Hitler's Germany and World War II.

Charles Lieberth, then 21, also parachuted into Normandy on June 6, 1944. The North Hills resident still remembers the flight over the English Channel, the French coastline, the exploding flax from enemy guns below and, finally, the small green light overhead signaling him to launch into the night's blackness.

"Shortly before I jumped," Lieberth recalled recently, "I thought to myself, 'God Almighty, what am I doing?'"

Funk and Lieberth were two of about 700 Western Pennsylvanians at Normandy on D-Day, and two of more than 200 from the area serving in the 82nd Airborne Division commanded by Maj. Gen. Matthew Ridgway, who now lives in Fox Chapel.

The paratroopers of the 82nd, along with their counterparts in the 101st Airborne,

had one of the most daring missions on D-Day: to parachute behind German lines during the first hours of June 6 and secure key roads and villages before troops landed on the beaches at 6:30 a.m.

These were the men who initiated the battles that led to the liberation of Western Europe. There was still the Battle of the Bulge to be fought, and Japan's surrender was more than a year away. But 11 months after the Normandy invasion, the Fuhrer's "Thousand-Year Reich" lay in shambles.

The successes at Normandy exacted an exorbitant price, and few felt it worse than the 82nd Airborne. Of the 12,500 who landed at Normandy, 5,436 were either killed, seriously wounded or missing. Total Allied casualties for the first day were estimated at between 10,000 and 12,000, more than half of those Americans.

Ridgway, who moved to Pittsburgh in 1955 and served as chairman of the board for Mellon Institute, was one of the first Allied generals to land at Normandy. During the critical 24 hours that followed, he commanded from an apple orchard without benefit of radio communications. For better than a day, he did not know whether the Allied infantry troops had landed successfully or if, as Hitler promised, they had been driven back into the sea.

In the years following the war, Ridgway, now 89, became the Supreme Commander in Europe, succeeded Gen. Douglas MacArthur as head of Allied forces in Korea and served on the Joint Chiefs of Staff. The others became the substance of American society—firemen, teachers, laborers, scientists and public officials.

Reunions still bring the Normandy veterans together and, this year, President Reagan, Queen Elizabeth II and French President Francois Mitterrand will attend ceremonies at Normandy. Locally, a ceremony is planned for 10 a.m. Wednesday in the courtyard of the county Courthouse, where a plaque honoring the county's Normandy veterans will be dedicated.

The former soldiers enjoy getting together to talk about the invasion, and of the struggles since. For most, the battle fields and regiment numbers are still as familiar as their own names.

After three years of planning, the storming of Normandy by Allied troops was set for Monday, June 5, 1944. The invasion presented a logistical nightmare: The Allies had to transport 150,000 men in more than 5,000 vessels and 11,000 fighters and bombers over 200 miles of choppy water, through unpredictable weather—all without being detected. On the other side, they would meet heavily armed troops along 60 miles of well-defended beachheads.

As D-Day approached, one of the worst storms in 20 years developed in the English Channel. With gale-force winds blowing outside his headquarters at Portsmouth, England, Gen. Dwight Eisenhower decided early Sunday, June 4, to postpone the invasion for 24 hours. If the bad weather continued through June 7, two weeks would pass before the channel tides would allow another attempt.

Lieberth, who grew up on the North Side, was a swaggering American paratrooper in World War II, half of a crack machine-gunning duo with Ralph Weiss of Philadelphia. Lieberth and Weiss had met in boot camp and fought together at Sicily and Salerno. Because of their combat experience, they were among those chosen to land behind enemy lines in the early hours of D-Day.

Sgt. Lieberth's mission was to help secure Sainte Mere Eglise, a strategic village above

Utah Beach that served as a junction for five roads. Lieberth and Weiss entrenched near a bridge outside the village, where they held off German troops and tanks for several hours on D-Day. Later that evening, a tank fired near Lieberth and the concussion catapulted him 15 feet into a ditch, nearly severing his right arm.

"I thought my arm was completely blown off and that only the jump suit was holding it on," said Lieberth, who has held several public offices, including state secretary of labor and industry, since the war. He received Pennsylvania's Distinguished Service and Leadership Award in 1970.

His friend was not as fortunate. The day after Lieberth was wounded, Weiss, also 21, was mortally wounded by machine-gun fire ricocheting off the blade of a nearby bulldozer. But their companions held fast and, on the third day, the Allied 4th Infantry routed the enemy from behind.

"Our job was to hold that bridge, and we did it," Lieberth said proudly. "The Germans never broke through."

The German high command anticipated an Allied invasion in 1944, but at Calais, the narrowest channel crossing from England. They concentrated their strongest defenses there.

The Germans also guessed wrong on the date. At first they thought the invasion would come in May. When May passed, they thought it would be July, to coincide with an expected summer offensive by the Soviet Union.

They were further misled by the turn of bad weather in early June that made an Allied invasion threat seem even more remote. In fact, the night of June 5, German commanders canceled their E-boat patrols off the coast because of the storm.

By remarkable coincidence, the top German leaders also were absent on D-Day. Field Marshal Erwin Rommel, who had direct responsibility for repelling any cross-channel Allied invasion, was 500 miles away in Ulm, Germany, en route to a meeting with Hitler to ask for more troops. About a half-dozen of his top field commanders were in Rennes, France—about 100 miles south of Normandy—for a war games strategy session scheduled for June 6.

Even Hitler did not know about the invasion until about 9:30 a.m. His aides decided against waking the Fuhrer for fear of reprisals if the alarm proved false. And when the German high command finally understood the scope of the attack, there were further delays while they decided whether the Normandy assault was real or a feint for some later, larger invasion.

As a result, available panzer divisions in nearby sectors were not dispatched for a counterattack. It was weeks before the Germans realized their mistake.

Sgt. Funk did not need to wait for the Germans to send reinforcements to Normandy. He went to them.

When the C-47 carrying his squad of paratroopers reached the Normandy coast on June 6, the flak and anti-aircraft fire forced their pilot to take evasive action. Minutes later, Funk and his troops jumped, landing 50 miles east of their destination at Sainte Mere Eglise.

They were surrounded by enemy troops. The men who had not lost their supplies in the jump had only three days' worth of food. Their lives depended on whatever guns and ammunition they carried.

For more than two weeks, Funk and his 20 men hid in hedgerows by day and moved west by night, recording German positions

and armaments along the way. When the food ran out, they scavenged the farmlands. "There were Germans all around me," Funk recalled, "and I'm on my hands and knees at night digging up potatoes."

Funk, who worked 28 years with the Veterans' Administration after the war, lost five men before the group reached the front lines. A day later, despite a broken ankle and heel suffered in the jump, Funk asked to rejoin his unit in the 82nd.

He later fought in the Battle of the Bulge and, by war's end, the sergeant from Brad-dock Hills had earned every American combat medal possible, including the Medal of Honor.

The Normandy invasion was not a complete success. Few of the final D-Day objectives were reached in the first 24 hours and it took four weeks before they could drive the Germans from Caen, less than 15 miles inland. But once the foothold was established, the Allied troops poured onto the continent. In the first seven weeks, more than 1.5 million men had landed.

One key came when the Allies under Gen. Omar Bradley broke through at St. Lo, about 20 miles south of Utah Beach, on July 22. Another was an attempted German counterattack at Avranches in August that resulted only in their being enclosed on all sides. A week later, on Aug. 25, the Allies were in Paris.

For those too young to have been there or to remember the uncertainty of the times, "D-Day" may be little more than a catchy phrase for any critical moment or decision, just as "Geronimo" is for announcing wild leaps from high places. Perhaps they remember reading a few paragraphs about the invasion on Page 277 of their U.S. History book. And perhaps they don't.

"Stop and ask young people what D-Day is," challenged Lieberth. "You'll get blank stares. I know, I've tried that."

It angers Lieberth, a former principal at Belmar Elementary in Homewood, that schools do not teach a greater appreciation for historic events like the Normandy invasion. For him and the others who fought there, the legends of D-Day will always remain alive.

"One thing people don't understand," Lieberth said, leaning forward in his chair. "They (the Germans) were professional soldiers. They were trained. The American fighters came from farms and from city streets. And, in a couple of years, we knocked the hell out the greatest military machine in the world." ●

FIDDLING WITH SYNFUELS

● Mr. JOHNSTON. Mr. President, the Congress, like generals, is often accused of fighting the last war rather than the current one. All too often our policies are reactive and reflexive rather than anticipatory. One issue where this criticism does not apply, however, is that of synthetic fuels development.

In 1980, the Congress passed the Energy Security Act which created the Synthetic Fuels Corporation. The mission of that corporation was to facilitate the development of viable, commercial technologies to make use of our vast domestic resources of coal, oil shale, and tar sands. Government assistance was needed not to make these technologies economic in the present

market, but to have the technologies proven and on the shelf at such time as the market makes them economic. This well crafted, forward looking program would thereby drastically reduce the leadtimes on large scale synthetic fuels projects, and help insulate us from the vagaries of dependence on imported fossil fuels.

It is ironic that as the war in the Persian Gulf has begun to spread this administration has clearly demonstrated what many of us have long suspected—that it does not support the Synthetic Fuels Corporation or its mission.

The history of the Synthetic Fuels Corporation has been one of delay, mismanagement, confusion, canceled projects and overtones of corruption. The only two Presidents of the Corporation have resigned amidst charges of inside dealing and unethical conduct. Five of the seven Board members have resigned from the Corporation, effectively paralyzing it as a viable entity. If the administration had consciously set out to destroy the Corporation it could scarcely have done a more masterful job. Projects go unfunded and undeveloped not because the technology is not present, not because the money is not present, and not because the need and desire is not present, but because we cannot seem to find a Board of Directors who meet minimal ethical standards.

In light of this history, it is with some cynicism that I view the administration's recent plan to "save" the Corporation. This plan would call for a reduction in the SFC appropriation of about \$9.5 billion. This is on top of the \$2 billion already rescinded in an effort to salvage the rose garden budget plan, and would leave the Corporation with only \$4.6 billion in spending authority. In addition, the proposal would restrict commitment of the remaining funds to projects "whose products will not cost significantly more than the projected market price of competing fuels." If the products will not cost significantly more than the projected cost of competing fuels, what is the need for Federal assistance?

Mr. President, this is a very transparent attempt to do away with a corporation already afflicted with self-induced emasculation. It reflects an absence of commitment to the development of synthetic fuels and a profound naivete about the perennially tenuous nature of our energy supply situation. Yet, we are told no nominations for the vacant Board seats will be forthcoming until such legislation is signed into law.

The administration proposal has received opposition from a number of those concerned with the future of synthetic fuels development. Perhaps most notable among these is Ed Noble, Chairman of the SFC. Mr. Noble has

rightly pointed out the flaws in the President's proposal, and has requested that he be given the opportunity—and the necessary Board members—to go forward with the Board's phase 1 plan of development. Phase 1 would entail expenditures of something over \$11 billion, and would be a crucial first step toward a workable and realistic program for synthetic fuels production. Mr. Noble has demonstrated both the experience and the commitment to carry out the mission of the Synthetic Fuels Corporation, and I fervently hope the administration gives him the support necessary to go forward with that mission. ●

THE AMERICAN FOOTWEAR INDUSTRY

● Mr. DANFORTH. Mr. President, I am shocked and incredulous at the finding of the International Trade Commission on the petition of the American footwear industry.

The Commission found that the industry has not been seriously damaged by imports of foreign footwear.

The American footwear industry has been seriously and profoundly damaged by foreign footwear. The damage done to the footwear industry by imports is a human tragedy of terrible dimensions.

The facts speak for themselves. As recently as 1980, imported footwear accounted for less than one-half the nonrubber footwear market in the United States. Today, foreign footwear is racing toward 70 percent—I repeat: 70 percent—of the domestic market.

In 1968, more than 230,000 Americans made their living in shoe plants. Today, employment is scarcely 130,000. Since 1968, more than 350 shoe plants have shut their doors. In community after community, the shoe plant was the only employer. Its closing, or the drastic reduction of its payroll, devastated entire communities.

In my own State of Missouri, we had 24,000 people at work in the footwear industry in 1968. Today, we have about 15,000 jobs. We do not have the 91 plants we had in 1968. We have fewer than 50 plants. Since 1981, we have seen at least 11 plants close their doors.

The devastation of the American footwear industry has been the work of footwear from overseas, largely from Korea and Taiwan. "Not seriously damaged?" The Commission's finding is unbelievable. Such a finding is a tragedy.

When an industry is desperately clinging to 30 percent of its own market, with dozens of plants closed and thousands out of work, and the ITC votes unanimously that there is "no injury," then something is wrong with the law.

I commend Senators COHEN and MITCHELL for their promptness in introducing legislation to establish by statute the quotas that the ITC finding would deny. I, too, believe that immediate steps must be taken to address the devastation of America's shoe industry—but when the facts are in such stark contrast with the ITC's interpretation of the law—the first thing we must look at is the law itself.

Therefore, it is my intention to review thoroughly the ITC opinion and then choose the best course of action. I will hold hearings in the International Trade Subcommittee in the very near future and would expect to introduce legislation to address the clear inadequacy of a statute that finds 70 percent import penetration to be noninjurious to a domestic industry.●

RESIGNATION OF ROBERT ASTORINO

● Mr. FORD. Mr. President, recently, I learned of the resignation of Robert Astorino as administrator of the housing authority of Louisville after nearly 7 years in that post. He will become senior vice president for a housing management firm based in Washington.

I believe the housing authority will miss Mr. Astorino. Despite adamant opposition at times to such controversial programs as scattered housing, he managed to achieve national acclaim for the housing authority in Louisville. He also was able to put the organization on a sound financial footing.

Because of his efforts, a higher percentage of rent is collected on time and occupancy rates have risen steadily. So, I wish to note his efforts by asking that the following article from the Louisville Courier-Journal be printed in the RECORD.

The article follows:

[From the Courier-Journal, May 22, 1984]

HEAD OF CITY'S HOUSING AUTHORITY RESIGNS

(By Sheldon Shafer)

Robert Astorino is resigning as administrator of the Housing Authority of Louisville to take a post with a housing-management and development company based in Washington.

In his nearly seven years at the helm of the authority—Louisville's largest landlord—Astorino reversed its drift toward organizational disarray and put it on a sound financial footing.

He often was at the center of controversy—most notably when he strongly supported the scattered-site housing concept several years ago, despite vocal opposition.

"Louisville is losing a jewel," Mabel Wiggins, the authority's board chairman, said yesterday.

"He has exhibited superior leadership. Our housing programs would not be nearly so far along if it hadn't been for him."

Astorino, 37, will leave on Sept. 1 to become a senior vice president for property management with the National Corp. for Housing Partnerships.

He will have a hand in planning, and will oversee the management of 22,000 units at 200 sites across the country. Three of the firm's projects are in Louisville—the Portland Plaza, and two projects in the California neighborhood.

The Louisville housing authority has 350 employees and an annual budget of \$14 million. It operates 6,200 housing units and has more than 20,000 tenants.

During Astorino's tenure, the authority's unit-vacancy rate declined to 1.5 percent from 18 percent. About 98 percent of tenant rents are now collected on time, compared with about 40 percent when he arrived.

He has earned money for the authority by selling computer and other services to outside agencies. And he plans soon to begin contracting for the authority to manage private housing to bring in additional funds.

Under Astorino, about \$26 million was spent on renovations of public-housing units, including major projects at Parkway Place and Clarksdale. The authority also has cooperated with private developers in building about \$21 million worth of new housing.

The residents of one housing project, Iroquois Homes, have been given management authority, and the residents of the Clarksdale project are scheduled to assume its management next year.

Astorino recently proposed that the authority turn over College Court to resident ownership. That type of arrangement is unprecedented in this part of the country.

The authority was recently criticized for failing to provide a working smoke detector for each of its housing units.

After two youths died in a fire in the Clarksdale project, Astorino ordered an investigation, and the authority now claims that every dwelling has working smoke alarms.

During the battle over scattered-site housing, Astorino received several threats of harm and suffered verbal abuse from residents of areas that were to get public housing.

But he survived the controversy—and the authority now manages 50 scattered-site housing units at six locations.

Scattered-site housing is "an unmitigated success," Astorino said yesterday.

He said he believes the authority had accomplished a lot since he arrived. "But there comes a time when it's appropriate to leave."

"I believe my single greatest accomplishment has been to put HAL on the map. We have a national reputation it didn't have before."

"Our success has been possible only because we had the support of two mayors, the aldermen and our board of commissioners. Their support has been very uncommon for public-housing authorities," he said.

During Astorino's tenure, the Louisville authority won numerous awards for good management from the Federal Department of Housing and Urban Development.

Fred Porterfield, HUD's manager for Kentucky, said yesterday that Astorino "dramatically improved the management of the housing authority."

Porterfield called Astorino "Kind of a maverick," and said his innovative ideas "didn't always fit comfortably with HUD regulations."

Astorino, for instance, has quarreled with a new HUD regulation that allows elderly residents of public housing to have pets.

And Porterfield cited Astorino's plan to turn the ownership of College Court over to

the tenants; HUD officials in Atlanta and Washington haven't yet approved that proposal.

The proposal to turn the project over to the residents "is somewhat difficult to understand, in the face of a waiting list of about 2,000 applicants" for public housing in Louisville, Porterfield said.

Sharon Wilbert, the city's Neighborhood Development Cabinet secretary, said yesterday that Astorino is "a very fine, capable administrator who has certainly improved the condition of public housing. He has handled a difficult job with grace, and always landed on his feet. He has followed his word, whatever commitment he made."

John Van Ness, executive director of the Jefferson County Housing Authority said Astorino "has worked untiringly for the good of Housing Authority of Louisville residents and for the city. We need him in the public-housing field."

Astorino, who had considered running for mayor next year, has a bachelor's degree from the University of Massachusetts, a master's from the University of Syracuse and a law degree from the University of Louisville.

He has been a housing manager for the New Jersey Department of Community Affairs, and director of a small housing agency in Massachusetts.

The authority doesn't plan to name an interim director. It will conduct a national search and hopes to find a replacement by the time Astorino leaves.●

NORTHERN KENTUCKY NEIGHBORS

● Mr. FORD. Mr. President, I want to take a moment to recognize the recent efforts by some of my constituents in northern Kentucky to help their neighbors in need in eastern Kentucky. This is a story of people helping people by filling in the gaps where Federal assistance has left off.

Last Thanksgiving, Senator EDWARD KENNEDY traveled to eastern Kentucky as part of his hearings on hunger in America. This spring, the Kentucky Post ran a series of articles on the hunger and destitution Senator KENNEDY found in eastern Kentucky. In response to those articles, several concerned northern Kentucky citizens decided to start a food and donation drive for those in need in eastern Kentucky. Chief David Wells of the Taylor Mill, KY, Police Department was contacted and he decided to visit Mud Creek in Floyd County, KY, to get a better understanding of the needs of the area.

Chief Wells, assisted by Paul Klette and numerous volunteers in the northern Kentucky area, organized a drive to collect food, clothing, and money for their neighbors in need in eastern Kentucky. Since that time, Chief Wells has channeled aid to the area through Mrs. Eula Hall, founder of the Mud Creek Clinic in Floyd County. This neighborly assistance has provided not only food and clothing but money for repairs to housing and to provide an operation for 7-year

old Melissa Lawson to correct her vision.

Mr. President, it is my privilege to recognize and commend the work of these Kentuckians. This kind of neighborly concern is a vital part of our national character and the epitome of good Kentucky hospitality. The efforts of Chief Wells and the citizens of northern Kentucky are a living example of the Commonwealth's motto, "United We Stand, Divided We Fall."

Mr. President, I request that an article from the Kentucky Post be printed in the RECORD.

The article follows:

[From the Kentucky Post, May 21, 1984]

MUD CREEK WELCOMES FOOD AND CLOTHING
(By Barbara Arnzen)

MUD CREEK.—John Howell had a job at a coal company near here running mine equipment. That was two years ago. He hasn't worked since.

"I just can't find work in the mines. Been out of work since 1982," Howell said as he sorted through clothes piled two feet deep on a table.

Without a job, Howell didn't have money to pay his bills. As a result, the electricity was shut off—two years ago.

His wife Eileen was also sorting through the clothes, picking out shirts and sweaters for their 6- and 8-year-old children at home in nearby Dana.

"That's all we get is food stamps," Eileen Howell, 26, said. "By the end of the month, food stamps run out."

"We had nothing to cook on. We'd burn candles and oil lamps every night."

The couple had one thing in mind when they came to the Mud Creek hollow yesterday morning.

"We need an eatin' table," Eileen said.

"Anything," broke in John. "We ain't choicer."

The Howells were just one of the families that showed up at John M. Stumbo Elementary School in Mud Creek to get some free food and clothing.

Colonel Paul Klette of Taylor Mill led a convoy from Northern Kentucky down the Mountain Parkway deep into Eastern Kentucky mining country.

Tractor-trailers, Wells Fargo trucks and CB-equipped cars arrived at Mud Creek around 10 yesterday morning laden with plastic garbage bags and cardboard boxes of clothing. Workers formed a relay line and the trucks were methodically emptied.

Inside the school's small gymnasium, rows of folding tables overflowed with unmatched shoes, toy guns, and an assortment of jeans, shirts and coats. Dozens of people swarmed around the tables sizing-up their picks as belts and socks were trampled underfoot.

The workers roped off a section of the room where the food was being distributed. Cartons of Keebler fudge cookies were stacked six feet high.

Outside, the line formed from the door to the dirt parking lot, where beat-up pick-up trucks dropped off another family to wait patiently their turn at the giveaway.

The tired-looking women and dirty children in torn clothes standing outside the school were quietly grateful.

They wished they didn't have to be there. When the creek flooded three weeks ago, the water came into their homes destroying what little they had.

"A lot of these people haven't slept on a dry bed for three weeks," Taylor Mill police chief David Wells said.

"For six days they had water in their houses."

Wells and the rest of the Northern Kentucky contingent were busy transferring clothing into the gym and trying to keep some order as the distribution process began.

Another figure in the crowd kept a watchful eye on those waiting in line.

Eula Hall wanted to make sure that the ones that needed bedding and food were getting their share of the goods.

Mrs. Hall is the driving force behind the food and clothing collection and distribution.

She knows these people and she knows their needs. She has been living and working in Mud Creek for 40 years as a social outreach worker. She runs the Mud Creek clinic up the road.

She is a friend to families that can't pay the rent, can't pay electric bills, can't feed their children.

"She'll walk into the mouth of a lion for these people," Wells said of Mrs. Hall.

The Howells' electric was restored recently. Mrs. Hall and Linda Thiel, a registered nurse at the clinic, paid their bills.

"She hooked my juice up for me," Eileen said with a smile and a nod.

But Mrs. Hall needed outside help this time when the floods ravaged Eastern Kentucky.

She asked for aid from the government, the Red Cross, the Salvation Army. She said only Northern Kentucky responded to her plea.

"You really came through when we needed you," she told Chief Wells and Klette.

The national attention that Mud Creek received through a series of articles by United Press International focused on the destitution found in the area. Photos of malnourished children and living conditions brought emergency relief.

Mrs. Hall is convinced that without truckloads of donated goods from their neighbors in the northern part of the state, the families living in mining community 250 miles from Covington wouldn't have pulled out of this one.

But the scene at the school is only half the story.

Off the paved roads, just a quarter of a mile away from neat brick houses with swimming pools—the mine owners' homes—is the stark reality of the world these mountain people live in.

They call this hollow Big Branch.

About 20 families live up the dirt road winding alongside the creek bed. The houses with windows and indoor bathrooms are the exception. Most of the people who have these luxuries get money from the government because they have black lung disease. That and food stamps hold them over from month to month.

Their neighbors aren't as fortunate.

A shack the size of a large bathroom is home to one family. There are no windows—just a door that hangs off its hinges.

The mismatched sheets of wood forming the four walls have been salvaged from the swollen creek's debris. Holes gape and corners don't meet.

The families along Big Branch share the common water supply. They drink from the creek, bathe and wash their clothes in the water—and most outhouses empty into the creek.

Not all homes have outhouses. Relief is found out behind the shacks. The sun heats up the air as the stench mixes with the sweet smell of spring in the mountains.

Seven blond children sit in a row of chairs that line the porch of one house. Three older men are with them. They sit and stare without expression as the four-wheel drive vehicle climbs over the gulleys.

Angie, about 5, comes to the edge of the porch to greet the visitors. Her dirt-smeared face is framed by a halo of golden curls.

The children accept the toys, but take them without the usual glee—take them with barely a glance. The dolls and paint sets are set by themselves as the children maintain a steady glaze at the intruders. They like the toys, but they show little indication of thanks.

Others realize their plight and have accepted charity as their only alternative.

Arnold Lawson was grateful when he learned that his 6-year-old daughter Melissa was going to get medical help.

Melissa's picture was taken by a United Press International photographer several weeks ago and published in The Kentucky Post.

Col. Klette saw the picture of the cross-eyed little girl from the hills and set out to see what could be done.

Melissa was brought to Northern Kentucky and examined by a Florence doctor who said surgery was needed to correct her problem.

The Lawsons found out this weekend that the surgery will be done.

"That's all we wanted," Lawson said. ●

40TH ANNIVERSARY OF D-DAY

● Mr. TOWER. Mr. President, today we celebrate the 40th anniversary of D-day—the turning point in the war against Nazi Germany. On June 6, 1944, over 150,000 American, British, Canadian, and Free French soldiers and paratroopers landed along a 50-mile stretch of beaches in Normandy, France. Operation Overlord—the Allied invasion of Europe—had begun. Although it would take many more months and over 3 million troops to liberate Europe, the heroism of those in the first landing forces set the course and marked the beginning of the end for the Third Reich.

As many of the leaders of the free world gather in Normandy today to honor the brave men who fought so valiantly to turn the tide against Nazi Germany, I think it is fitting for those of us in government to reflect not only on the heroism of those young men, but also on our solemn responsibility to protect future generations from having to make the sacrifices that were made in Normandy 40 years ago. The American cemetery above Omaha Beach, with its 9,386 white crosses and Stars of David covering 170 acres, is a vivid reminder of the high cost of protecting freedom and fighting tyranny.

During these times of increased tension in the world, it is more important than ever for us to remember that the primary responsibility of Government is to guarantee the safety of the Nation. Lack of foresight and prepara-

tion in the nuclear age could spell almost immediate defeat. It was such a lack of foresight on the part of the British, French, and Americans after World War I which permitted the rise of Hitler's Germany and led ultimately to the sacrifices on the shores of Normandy.

As we begin our debate on the fiscal year 1985 Defense authorization bill, we have the opportunity to make great strides toward guaranteeing the national security. The threat we face from the Soviet Union is real and ominous. A strong deterrent force is essential if we are to avoid a repetition of the sacrifices that we remember today.●

ORDERS FOR THURSDAY

Mr. BAKER. Mr. President, there is an order for the Senate to convene at 10 o'clock tomorrow morning, is there not?

The PRESIDING OFFICER. That is correct.

ORDER FOR RECOGNITION OF CERTAIN SENATORS

Mr. BAKER. Mr. President, I ask unanimous consent that on tomorrow, after the recognition of the two leaders under the standing order, three Senators be recognized on special order of not to exceed 15 minutes each, as follows and in this order: Senator PROXMIRE, Senator HEINZ, and Senator BAKER.

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

ORDER FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that on tomorrow, after the execution of the special orders, there be a period for the transaction of routine morning business until 11:30 a.m., in which Senators may speak for not more than 5 minutes each.

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

PROGRAM

Mr. BAKER. Mr. President, after the time for the transaction of routine morning business tomorrow, it is anticipated that the Senate will proceed to the consideration of the Department of Defense authorization bill. I do expect rollcall votes throughout the day. I also expect that we will be on this bill for a considerable length of time, given its size, complexity, and controversy.

RECESS UNTIL 10 A.M. TOMORROW

Mr. BAKER. Mr. President, I move, in accordance with the order previously entered, that the Senate stand in recess until 10 a.m. tomorrow.

The motion was agreed to; and at 7:30 p.m. the Senate recessed until tomorrow, Thursday, June 7, 1984, at 10 a.m.