SENATE—*Tuesday, February 21, 1984*

(Legislative day of Monday, February 20, 1984)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

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

Let us pray.

God of peace and truth and light, the Senate is a place of great power, pressure and phrenetic activity with very little time to think—to reflect—to get perspective. The question posed by the theologian, John Baillie, is relevant, "What is the good of labor that is not guided by constant thought about its meaning and end?" Protect the Senators from the tyranny of the urgent. Save them from circumstances which force them to let others do their thinking for them. Help them with self-management so they will take time for reflective thoughts. Deliver them from such immersion in issues that they cannot "see the forest for the trees." Guide them to time for the long look—the quiet look—the view from above. We pray this in the name of the Lord who was never in a hurry but always in charge. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, the Senate has a long legislative schedule ahead of it. This will be the longest period we will be in session for this whole year. We will resume consideration of S. 1765, the death penalty bill, under the provisions of rule XXII, cloture having been invoked.

Today is the day when regular policy meetings are held between the hours of 12 noon and 2 p.m. It is my understanding there has been an order entered for recess during that period, is that correct?

The PRESIDING OFFICER (Mr. CHAFEE). No such order has been entered to that effect.

ORDER FOR ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that, following the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business not to extend beyond the hour of 12 noon in length in which Senators may speak therein for not more than 5 minutes each.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

ORDER FOR RECESS FROM 12 NOON UNTIL 2 P.M. TODAY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate stand in recess from the hour of 12 noon until 2 p.m. today.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

THE U.S. ICEBREAKER FLEET

Mr. STEVENS. Mr. President, on March 14, 1984, at 10 a.m., the Senate Commerce Committee will hold hearings to review the status of our icebreaker fleet. Our fleet has seen a rapid decline during the past 10 years, and little innovation has followed the initial deployment of the *Polar Sea* and *Polar Star* during the mid-1970's.

The United States has slipped back in icebreaker capability. The Soviets are deploying a 20-plus—including nuclear—icebreaker fleet in our shared northern waters. Our country is falling behind our northern European allies as well. The strategic importance of the Arctic cannot be understated especially in light of the massive Soviet deployments in Northeastern Russia.

Mr. President, the decline of the U.S. icebreaker fleet can be attributed to many causes, including administrative rivalry within the Department of Transportation. I am hopeful that our hearings will help to bring out these problems and point toward a workable conclusion. We cannot allow this decline of our icebreaker capability to continue.

Over 70 percent of our Nation's Outer Continental Shelf is in Alaska. Much of that is in the Arctic region where annual ice flows block off seaborne access without icebreakers. Much of their high potential in Alaska's OCS lies in the northern Arctic region, and our dependence on those oil supplies could well rest with a capable icebreaker fleet.

Mr. President, I ask that an article entitled "Frozen Assets," by Vincent C. Thomas, Jr., which appeared in the December 1983 Sea Power, be printed in the RECORD.

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

FROZEN ASSETS

(By Vincent C. Thomas, Jr.)

("I'm sorry, Mr. President, but we don't have any icebreakers available to send on such a mission. You see, one of the other agencies that uses icebreakers from time to time couldn't pay its full share of user fees for icebreaker operations, so we had to put one in mothballs temporarily just a few months ago. . . .

("Yes, sir, we did have five icebreakers, and we know the national interests might require even more, but we only have enough money to operate four. . . .

("How long would it take to get the fifth one operating again? Oh, several months at least it would cost several million dollars.")

Chances are that theoretical conversation between the President of the United States and the Commandant of the Coast Guard, whose service operates the only five seagoing icebreakers in the U.S. inventory, will never take place. But, because of an unwisely conceived system of funding for icebreaker operations—the previously mentioned "user fees"—it is possible that the nation's icebreaking capability could be reduced by 20% in the not-to-distant future. That reduction could take place, moreover, just as the Coast Guard is deeply involved in a study dictated by the Office of Management and Budget (OMB), to determine U.S. icebreaker requirements until the year 2000.

One reason the study is necessary is that the President himself has decreed that "the United States antarctic program shall be maintained at a level providing an active and influential presence in Antarctica designed to support the range of U.S. antarctic interests." He also has declared that U.S. arctic policy should be based on such factors as "protection of essential security interests, including preservation of the freedom of the seas and superjacent airspace and . . . support for sound and rational development."

THE BEAR BEGINNINGS

To outside observers it is all the more surprising, therefore, in view of the President's own position, and before the OMB-mandated study is completed, that the Coast Guard's ability to operate icebreakers in support of the President's policy is, through the user fee concept, being clearly and some would say needlessly endangered.

What happened to bring about such a situation? And what needs to be done both to solve the immediate problem and to ensure that the nation has sufficient icebreaker assets in the long term to permit effective operations in the polar regions in times of both peace and war? To answer those questions adequately it may be helpful to first look at the somewhat checkered history of U.S. icebreaker operations.

Until the purchase of Alaska from Russia in 1867, the United States had no need for icebreakers. The principal U.S. seaports were almost completely ice-free, and the first shipment of iron ore from the vast deposits in Minnesota on the Great Lakes was still 17 years away. But by the time of the Alaskan purchase both whaling and sealing were enjoying a boom period in the polar re-

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

gions, and some kind of icebreaking capability was needed.

Early icebreakers were for the most part simply strengthened versions of wooden sailing ships, with auxiliary steam engines added. The first such early icebreaker was the *Bear*, a Scottish-built vessel of 1,700 tons displacement originally purchased by the Navy as a relief vessel to serve on arctic missions. Acquired by the Coast Guard in 1885, she served in Alaskan waters for 39 years. She was not decommissioned, in fact, until 1946, after a career of over 60 years in the Coast Guard and the Navy.

The *Bear's* performance led to inclusion of many of her design features in the first U.S. ship built from the keel up as an icebreaker—the *Northland*, constructed in 1927 by the Newport News Shipbuilding Co., which was later to become better known as the principal builder of the Navy's aircraft carriers. A number of other vessels with ice-operating features subsequently were constructed, but outside the Coast Guard itself there was little real national interest in icebreaking, or in icebreakers, until just before the U.S. entry into World War II.

SHATTERING REALIZATION

Then the United States suddenly found itself faced with a requirement it had not even remotely foreseen. The United States had received permission from Denmark to establish bases on Denmark's large island possession of Greenland. Following the Nazi invasion of Denmark in 1940 that country was not longer able to defend Greenland—a responsibility that was assumed by the United States. Along with that responsibility came a need for icebreakers, since some bases on Greenland were accessible in winter only if icebreakers could break a channel through to them.

Because of these specific wartime requirements—and the potential need for other icebreakers—construction of four Wind-class icebreakers was begun. These ships, named after the four winds, were the first U.S. ships constructed specifically to withstand the ice pressures encountered in the polar regions and to be able to shatter a channel through the ice in those regions. Forty years later, incidentally, two of the four Wind-class icebreakers are still active, and today represent 40 percent of the total U.S. icebreaking fleet.

Shortly after Pearl Harbor, the burgeoning wartime need for iron ore brought about authorization of construction of the *Mackinaw*. A ship of much shallower draft than the oceangoing Wind-class icebreakers, the *Mackinaw* was built solely to keep Great Lakes shipping channels open during the winter. By the time she first saw service on the lakes, U.S. Iron-ore shipments had climbed to the astonishing total of more than 83 million long tons—more than 75 percent of the nation's total iron production at that time.

UNDER TWO FLAGS

By the time the four Winds were completed in 1944, the Soviet Union and the United States were allies fighting against the forces of Nazi German. The USSR needed icebreakers on an urgent basis to keep its northern ports and sea routes open and therefore requested that all four Wind ships be transferred to the Soviet Union. Three were, with only the *Eastwind* remaining under the U.S. flag. The other three were returned in the early 1950s after rigorous service under the Soviet flag. Later, after lengthy and costly repairs, *Northwind* and *Southwind* were transferred to the Navy and were renamed *Staten Island* and *Atka*, respectively. *Westwind* returned to Coast Guard service after she, too, underwent extensive repairs.

Because of the transfer of the three icebreakers to Russia, construction of three additional Wind-class ships was authorized in the latter stages of the war. When the new ships were completed in 1946–47, they entered service as the Navy ships *Burton Island* and *Edisto* and the second Coast Guard *Northwind*. Seven years later, in 1954, an improved icebreaker, the *Glacier*, was built for the Navy's use.

By 1955, therefore, as intensive preparations for the International Geophysical Year (July 1957-December 1958) were beginning—the extensive U.S. scientific program in Antarctica was starting at about the same time—the U.S. seagoing icebreaking capability was represented by eight ships, five of which were operated by the Navy and three by the Coast Guard. During the following decade, as more and more bases were established in Antarctica by a host of countries, and as exploration of that vast continent continued, the demand for icebreaker support grew accordingly. In addition, U.S. military requirements in the Arctic—the need to resupply early-warning-radar and weather stations and the Air Force base at Thule, Greenland, for example—substantially increased the nation's overall icebreaking requirements.

In 1965, partly because of increasing U.S. involvement in Vietnam, it was decided that U.S. national interests would best be served by transfer of the five Navy icebreakers to the Coast Guard. That action not only brought all icebreaker operations under one service, but also freed a sizable number of experienced Navy personnel for duty on other kinds of ships. (When the transfer was completed in 1966, the *Atka* was reassigned her former Coast Guard name *Southwind*.)

By that time it seemed clear that the United States as a nation would be very much in need of icebreakers for years and probably decades to come. Scientific requirements were on the increase, there was a greatly expanded demand for an icebreaking capability on the Great Lakes, and the Navy's potential wartime requirements for icebreakers also had increased significantly. Available to meet those demands were the same eight seagoing ships, seven of which were over 20 years old, and the *Mackinaw*, still carrying out her Great Lakes mission after 20 years. It was, in short, not a very healthy situation to begin with, and it was to grow steadily worse in the years just ahead.

Why, it seems reasonable to ask, was there no nuclear-powered ship in that small U.S. icebreaker fleet? After all, the Soviets had several years before, in the late 1950s, built the *Lenin*, the world's first nuclear-powered icebreaker. Congress, moreover, seemed very much in favor of building a U.S. nuclear icebreaker—as many in the Coast Guard also wanted.

Unfortunately for the USCG—and for the nation, it would seem—the White House considered the cost of a nuclear icebreaker exorbitant. Moreover, because of the Navy's rapidly escalating nuclear requirements, that service strongly opposed using—for construction of a nuclear propulsion plant for an icebreaker and at the expense of higher priority Navy projects—the scarce facilities and equipment then available. The end result was that the early-1960s plans for a nuclear icebreaker were shelved. Those involved in the U.S. icebreaking program nonetheless hoped that the new icebreakers that eventually would be built to replace the aging Wind ships would indeed be nuclear powered.

POWERFUL VIBRATIONS

That hope was not to be fulfilled. Instead, the design for the next two U.S. icebreakers built called for combined diesel and gas-turbine propulsion systems. Those ships, the 13,000-ton *Polar Star* and *Polar Sea*, were launched in 1973 and 1975, respectively. Each can muster 60,000 shaft horsepower (shp) from its gas turbine plant, and another 18,000 shp on the diesel side, making them one and one-half times as powerful as the *Lenin*, previously the most powerful icebreaker afloat.

The *Polar Star* encountered unforseen difficulties, regrettably, on her very first foray into the ice. The design of her new variable-pitch propellers proved inadequate to the task. Her commanding officer (then Captain, now Rear Adm. Norman Venzke), had to bring her back to port with two of her three shafts locked and an escort hovering close by in the event the third screw also were to fail. On a subsequent cruise, after modifications to the propellers had been completed, the ship experienced severe vibrations which even today have not been totally resolved. The performance of both ships otherwise has been superb, however, and the two have generally lived up to all of the USCG's high expectations.

Meanwhile, the Wind-class ships were wearing out and were falling by the wayside. At the start of 1983, only two were left. (*Glacier*, 10 years younger, is the fifth ship in today's oceangoing U.S. icebreaker fleet.)

It would have been difficult enough, under the stringent funding limitations of recent years, for the Coast Guard to have kept that greatly reduced icebreaking fleet operating even if it had been given full authorization to do so. There was in any case an even more difficult obstacle to hurdle. Under the use fee concept adopted by the Carter administration it was decreed in the late 1970s that icebreaker expenses should be borne proportionately by each of the several agencies involved in polar operations. Thus if the National Science Foundation desires to carry out a project in the Antarctic that requires icebreaker support, then the NSF would have to include the estimated cost of icebreaker operations in its budget for the year concerned.

A VARIABLE SCENARIO

The user fee concept seems simple enough in theory, and logical as well. It has not proven quite so simple in practice, however. The reason is that the number of user agencies varies from year to year; the extent and duration of icebreaking services required by each also varies annually—and substantially. With funding required from several user agencies to keep the icebreaker fleet operating, it seems clear that significant budgetary cutbacks within any one agency also could imperil the icebreaking operations carried out by or on behalf of the other user agencies.

Venzke, a veteran of four cruises to each polar region who is now, as chief of the Coast Guard's operations division, responsible for all USCG icebreaker operations, provides the following scenario: "Let's say that the National Science Foundation had planned a project in the Antarctic for which two icebreakers were to be committed, a course of action we would prefer for safety's sake. But at the last minute, because of

budget cuts, it decided only one would be used. Now you take a chance on endangering not only the entire operation because there is no backup ship in the event the one being used suffered a casualty, but you also could endanger the ship as well. And it takes 30 days to get assistance from the United States."

Venzke points out another problem with the user fee system. "Suppose an agency planned a project this year, nothing next year, and one two years hence. And no other agency includes enough funds in its budget to compensate for the off-year. What then? You can't turn off the ship like an electric iron! And if you lay it up, trying to put one of those 40-year-old ships back in commission would be a costly proposition, not only because equipment on those older ships deteriorates rapidly if it isn't constantly maintained but also because in many instances you can't get spares for needed replacement. The companies that made them [the spares] aren't around anymore."

THE SOUTHWIND BREAKOUT

It is worth emphasizing that much more than budgetary concepts are involved. Lives also are at stake. Coast Guard officials are understandably concerned about what might happen when the need arises, as it inevitably will, for icebreaker assistance in time of emergency.

Two responses made by icebreakers in previous emergencies illustrate dramatically the reason for the USCG's concern. In the fall of 1972, the icebreaker *Edisto* and a Navy auxiliary ship were stuck in the Arctic ice pack 800 miles from the North Pole when *Edisto* suffered rudder damage. *Southwind* hurriedly went to the rescue of the two ships, broke them out of the ice pack, and, although beset by 50-knot head winds and 20-foot seas, towed *Edisto* 1,000 miles to Reykjavik, Iceland, where temporary repairs could be made. *Southwind* then towed the stricken ship another 500 miles in the face of storm-force winds until the tow could be transferred to a Coast Guard cutter.

Not quite seven years later, in early 1979, *Westwind* was operating on the Great Lakes under conditions of extreme cold and record snowfall. For the first time on record, all five lakes were completely frozen at the same time. That winter, *Westwind* spent 95 consecutive days away from port, was engaged in icebreaking operations for 1,341 hours, traveled over 6,000 nautical miles, directly assisted 75 vessels, and broke out 10 separate lakeports to maintain or restore commercial navigation.

A COSTLY EXERCISE

Despite the USCG's obviously well-founded concerns, the system of funding icebreaking operations through user fees remains in effect—and now threatens, moreover, to affect icebreaking operations in ways clearly not in accord with the President's announced policies. Because of cutbacks, for example, in the research and development budget of the Maritime Administration which contained funding for icebreaker use, the Coast Guard may have to put one of its older ships out of commission at least temporarily. That in itself would be a costly exercise, as would be putting the ship back in commission at some undetermined time in the future.

How important are icebreakers to the United States? And how does the tiny U.S. icebreaker fleet compare to those of other nations? More U.S. oil now comes from the Arctic than from than from any other area of the world; the Arctic will for that reason alone increase tremendously in importance in the years ahead. (In the eyes of senior naval officials, it will become of much greater strategic importance as well.) As commercial activity increases the Arctic, there obviously will be a greater need in that region for icebreaker support. Scientific missions above the Arctic Circle will unquestionably be on the rise, too. Given the level of activity expected, it is inevitable that the demand for icebreaking services in the Arctic alone will increase substantially for the foreseeable future.

At the other end of the world, the United States remains committed to continued research as one of 14 signers of an international treaty which pledges that the exploration of Antarctica will be limited to peaceful purposes. One of the U.S. tasks resultant from that treaty involves the inspection, on behalf of all treaty signatories, of the scientific-research stations of other nations to ensure that all nations with facilities in Antarctica are living up to the terms of the treaty. The most recent inspection tour, concluded early this year, involved visits around the periphery of the frozen continent to 14 stations established by nine different countries. *Polar Star,* temporary home of the inspection team, became during that inspection cruise only the eighth ship in history to circumnavigate Antarctica; her journey of 7,773 miles took 69 days.

USSR AND CANADA AHEAD

In comparison to the icebreaker fleets of other countries, U.S. assets are relatively meager. The Soviet Union, according to the just-published 1983–84 edition of "Jane's Fighting Ships," operates 15 ships larger than the two U.S. Polars. Five of the Soviet icebreakers are over 20,000 tons displacement, and three are nuclear-powered. A fourth nuclear-powered icebreaker, projected to have 150,000 horsepower, is under construction and scheduled to be completed in 1984–85.

There are eight other Soviet oceangoing ice-capable ships in the 4,000- to 5,000-ton range, and six armed icebreakers. (With the exception of .50-caliber machine guns, none of the U.S. icebreakers are armed.)

The Soviet icebreaker fleet not only has a big advantage in numbers, it also is of much more modern design. Of the 15 heavy-duty Soviet icebreakers now active, nine are less than 10 years old. The oldest, the *Lenin,* was completed in 1959.

Canada, which is responsible, for keeping open the approaches to the St. Lawrence Seaway, and which also conducts extensive operations in the Arctic, operates the world's second largest icebreaker fleet, with eight heavy icebreakers now in its active inventory. One of these was the first icebreaker to use gas-turbine propulsion; another was the first ship to circumnavigate North America. Seven of the Canadian icebreakers are relatively new, with three having been delivered in the last five years.

If the United States were to determine that it is in the national interest to, say, double the size of its current icebreaker fleet, how much would it cost and how long would it take? Venzke estimates that adding to the present fleet new ships of equivalent capability would cost about $300 million per ship. If any or all were to be nuclear-powered the initial cost would go up considerably (but future operating costs would be lower). If construction could begin immediately, it would take at least four years before the first of the new icebreakers could be in full operation—that estimate does not, of course, take into account the time required to gain executive branch approval and to push the budget request for new-construction ships through Congress.

A TWO-SHIP CAPABILITY?

Meanwhile, the Wind-class ships continue to age rapidly. If some positive decisions about the future are not made soon, the United States may find its ability to operate in the polar regions reduced to just two ships. That is or should be an alarming prospect for a country which depends so heavily on one polar region for its energy supplies and in the other region has been the long-time world leader in scientific research.

If the United States wants, as the President has directed, both to maintain "an active and influential presence in Antarctica" and to protect its "essential security interests" in the Arctic, it needs more, much more, than a two-ship capability.

LOWER HEART DISEASE RISK: EAT OILY FISH

Mr. STEVENS. Mr. President, periodically I bring to the attention of the Senate many of the benefits of my State. One of the items I have been emphasizing over the past few months is the fact that eating fish may reduce the incidence of heart disease.

Alaska has an incredible potential for fish harvest that could vastly assist Americans in improving their daily diet.

An article appeared in USA Today indentifying research that has been done in this area showing that cholesteral levels are actually reduced by inducing a fish diet.

I ask unanimous consent that the article appearing in the February 21, 1984 edition of USA Today be printed in the RECORD.

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

LOWER HEART DISEASE RISK: EAT OILY FISH

(By Dan Sperling)

Eating fish may ward off heart disease, a new study shows.

Researchers at Oregon Health Sciences University in Portland introduced fish high in oils into the diets of 20 people with high blood-fat levels. "We found that there was a pronounced decrease of both cholesterol and trigylceride (a similar substance associated with heart attacks)," says Dr. William E. Connor. The results support a 1981 study.

The key is an oil called eicosapentanoic acid, says Dr. William P. Castelli, director of the Framingham (Mass.) Heart Study, who also has studied fish in the diet. The oil "lowers all the bad cholesterols in your blood and tends to raise the good ones," he says.

All fish contains this oil, especially oily fish such as salmon, mackerel and tuna. The oil's benefits can be seen in Eskimos, who traditionally have eaten fish and have had low heart-attack rates, Castelli says.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. BYRD. I thank the Chair and I thank the distinguished assistant Republican leader.

Mr. STEVENS. Mr. President, the distinguished Senators from Washington have an item they would like to present to the Senate. I yield the balance of my time to them.

Mr. BYRD. Mr. President, I yield my remaining time to the distinguished Senator from Washington for his control, if he so needs it.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Thank you, Mr. President, and I thank the Democratic leader and the assistant Republican leader.

THE AMERICAN OLYMPIC TEAM

Mr. GORTON. Mr. President, today I am pleased to call to the attention of the Senate, and, indeed, to all Americans, the extraordinary achievements of the fine group of young people who represented the United States during the last week and one-half in the 1984 winter Olympics in Sarajevo, Yugoslavia.

One of the accomplishments of this American Olympic team has been the unprecedented Alpine skiing contests in which they have won medals, of whatever color. Previously, the best showing of American athletes in Alpine events took place in 1964, when our Olympians won four medals in those events—none of those medals being gold.

In addition, of course, our athletes did extremely well in a wide variety of other events.

All of our young American athletes, even those in the overlooked and underreported sports in which Americans are engaged only as the truest form of amateur, quietly went about their business, the business of competing vigorously with grace and commitment to the highest of Olympic ideas.

The results? Not four or five medals, but eight. And not bronze medals but silver and gold. Four of each, as a matter of fact. And numerous other young American athletes finished in fourth place, agonizingly close to additional medals.

Included among these nine American athletes were four young people from the State of Washington. They are:

Phil Mahre of Yakima, Wash., who won the gold medal in the men's slalom ski competition;

Steve Mahre, Phil's younger twin brother by 4 minutes, also of Yakima, Wash., who won the silver medal in the men's slalom event;

Debbie Armstrong of Seattle, Wash., who won the gold medal in the women's giant slalom ski competition; and

Rosalynn Sumners of Edmonds, Wash., who won the silver medal in the women's figure skating competition.

Phil Mahre's wife, Holly, at her mother's home in Arizona; presented him with their second child, born on the same day as Phil's slalom victory.

I will also take a moment, in deference to my two esteemed colleagues from California, to note that another medalist in these Olympics, Bill Johnson of Van Nuys, Calif., who won the gold medal in the men's downhill ski competition, spent many of his learning hours skiing at Mission Ridge, one of the many fine ski resorts in Washington State.

Let me hurriedly state, Mr. President, that it is not the intention of either myself or the junior Senator from the State of Washington to try to take all the credit for the Evergreen State of the accomplishment of Bill Johnson in the 1984 winter Olympics. We only intend that his training ground go down as a parenthetical remark in this celebration of the record of our U.S. Olympians.

In a more serious vein, Mr. President, I do wish to note another aspect of the accomplishment of these American youth in the 1984 Olympic games. All of them—whether medal winners or not—represented themselves, their families, and their Nation with great courage, with great commitment, with great skill, and with extraordinary grace in Olympic competition. The purpose of the Olympic games throughout the years has been to give athletes a forum in which to compete with others from around the world, with themselves and the best that they can be as individuals, and with established records in a spirit of friendship and good-will.

Can there be any doubt that these American athletes did that? I think not. Can there be any doubt that any other spirit was carried to these Olympic games by the fine athletes of other nations? Again, I think not.

What we have enjoyed witnessing during the last week and a half through the miracle of modern telecommunications has been the best in the tradition of the Olympic spirit. We have witnessed American athletes competing with those from the Soviet Union. We have witnessed athletes from Norway, Canada, and China, from France, Yugoslavia, and the two Germanies, from Italy, Chile, and Mexico, from tiny countries like Monaco, Liechtenstein, and San Marino—and, even from some very troubled countries like Lebanon, Cyprus, and Poland.

For a moment the Olympic spirit has lived for them—and within them—and they now take its spiritual rewards back home. They all have represented themselves well and deserve our thanks.

And they also deserve our challenge that they take the Olympic message home with them and show their countrymen and countrywomen that people can compete with one another without trying to destroy one another and that men and women of good-will can live with one another in peace and fraternity, respecting one another's similarities, as well as their differences.

And so it is with that spirit that the junior Senator from Washington and I will shortly offer a resolution of congratulations to all of our Olympic athletes, and especially to those who have won medals, who have done so well in the 1984 winter Olympic games in Sarajevo.

Mr. President, I thank you and yield to Senator EVANS.

Mr. EVANS. Mr. President, I join with my senior Senator from the State of Washington in reflecting on the events of the past 10 days.

What a joy it is for most Americans to be able to watch on television a different kind of competition, a different kind of contest between nations from the one we so often see on the evening news—the one of strife, of conflict, of war, of rebellion.

But here for a brief instant, young sportsmen, and some not so young engaged in contests between nations but more importantly in contests as individuals.

I had a particular empathy, during my watching the Olympics, with the not-so-young member of the Puerto Rican team, who was a luge bobsledder. He represented his country well. It was obvious that he did not have a chance of winning. But the important thing was competing. He competed well for his country and he represented the highest of Olympic ideals.

I would particularly like to reserve my remarks this morning for congratulations to members of the American team, all of them, medal winners or not, who represented this Nation so well during the recent Olympics, and most especially, of course, my congratulations to those residents of our State of Washington who acquitted themselves so well during the Olympic games: Rosalynn Sumners, the silver medalist in women's figure skating, Debbie Armstrong, the gold medalist in the giant slalom, and, of course, the Mahre twins, who over the past decade have proven themselves to be preeminent American skiers. But more than preeminent American skiers, they are twin brothers. They are brothers whose desire is to help each other. In doing so, they epitomize the strongest of American sportsmanship and the highest of the Olympic ideals.

I have a very special feeling for the Mahre brothers, for some years ago

when our boys were very young and learning to ski they engaged in what was called a mighty mite program at Crystal Mountain, Wash. On occasion, the youngsters from White Pass would come over to Crystal Mountain for competition. Our older sons had the privilege of skiing against the Mahre brothers in competition. In fact, my oldest son this last weekend said that he had the honor of beating Phil Mahre many, many years ago. I said, "I cannot remember you ever doing that." And he said, "Well, the reason was that he fell."

So one way or another it has been interesting to watch the development of these fine young men and their colleagues who have done so well in these Olympic games. My particular congratulations also go to Phil's wife Holly and their new son who someday, in years to come, may be an Olympian in his own right.

Mr. President, I thank the Chair.

SENATE RESOLUTION 350—CONGRATULATING THE AMERICAN ATHLETES AT 1984 WINTER OLYMPICS—PLACED ON CALENDAR

Mr. STEVENS. Mr. President, the distinguished senior Senator from Washington has a unanimous consent request to make which has been cleared with the minority.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I send a resolution to the desk sponsored on behalf of myself and the junior Senator from Washington (Mr. EVANS), the distinguished acting majority leader (Mr. STEVENS), and the distinguished Democratic leader (Mr. BYRD), and ask unanimous consent that it be placed on the calendar.

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

Mr. GORTON. Mr. President, this is the resolution congratulating our Olympians in general, specifically our eight medal winners to which I referred in my speech earlier. We shall determine later in the day when we can clear it for passage.

The resolution (S. Res. 350) follows:

S. RES. 350

Whereas, the attention of millions of people around the world has been directed during the past week toward the 1984 Winter Olympics in Sarajevo, Yugoslavia; and

Whereas, the contingent of athletes from the United States has included some of the finest young people to have represented this country in recent Olympics' competitions; and

Whereas, our best previous Alpine record in the Winter Olympics was in 1964 when four medals were won by American athletes; and

Whereas, this 1984 contingent of American athletes has achieved significant successes for themselves and their nation in this Winter Olympics; and

Whereas, these American athletes have achieved eight medals in the 1984 Winter Olympics competition, including four gold and four silver medals, five of which were in Alpine skiing for a new American record; and

Whereas, these American Olympic medal winners are:

Debbie Armstrong of Seattle, Washington, who won the gold medal in the Women's Giant Slalom competition, and

Scott Hamilton of Denver, Colorado, who won the gold medal in Men's Figure Skating; and

Bill Johnson of Van Nuys, California, who won the gold medal in the Men's Downhill ski event; and

Phil Mahre of Yakima, Washington, who won the gold medal in the Men's Slalom competition; and

Kitty and Peter Carruthers of Wilmington, Delaware, who won the silver medal in Pairs Figure Skating; and

Christin Cooper of Sun Valley, Idaho, who won the silver medal in the Women's Giant Slalom; and

Steve Mahre, also of Yakima, Washington, who won the silver medal in the Men's Slalom competition; and

Rosalynn Sumners of Edmonds, Washington, who won the silver medal in the Women's Figure Skating competition; and

Whereas, the conduct of these Olympics' medal winners and that of all their team colleagues represented themselves, their families, and their nation with extraordinary grace and courage; Now, therefore, be it

Resolved, That it is the sense of the Senate that these American athletes be exuberantly congratulated for their significant accomplishments and bearing at the 1984 Winter Olympics in Sarajevo, Yugoslavia; and that the United States Senate encourages all young American athletes to take great pride in the accomplishments of the 1984 American Olympic team and learn the qualities of commitment to excellence, grace under pressure, and good will toward other competitors that was exhibited by the 1984 American Olympic team; and

that the special congratulations of the United States Senate be extended to Phil and Holly Mahre to whom, on the day of Phil's achievement of his Olympic gold medal, was born their first son.

Mr. BAKER. Mr. President, I congratulate the distinguished senior Senator from Washington (Mr. GORTON), and others, who introduced the resolution congratulating those winners of the Olympics representing the United States. Four of the eight medal winners were from his home State of Washington.

It is with regret that I must say that the leadership on this side does not feel that it is possible to schedule consideration of that resolution today until it has been placed on the printed calendar for all to see and observe. That has been the policy of the leadership on this side for some time now, for reasons which are obvious. That is, that unless matters are placed on the printed calendar, it is difficult, if not impossible, for Members to know what matters are about to be brought up or about to be passed.

In this case, I would like to make an exception because I think it is a worthy case. My instinct would be to do so. However, I feel that I cannot.

I apologize to the Senator from Washington for that, but I am sure he will understand that it is the better part of discretion, I believe, to have these matters printed on the calendar for 1 day, even though there is no rule that requires it, so that all Members may be aware of it.

Mr. President, I assure the Senator from Washington that I will support him enthusiastically and bring the matter up at the first opportunity during the day on tomorrow, assuming it is cleared on both sides.

Mr. STEVENS. 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. PROXMIRE. 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 3-YEAR DISASTER FOR NUCLEAR ARMS CONTROL

Mr. PROXMIRE. Mr. President, the time has come to recognize that for the past 3 years, this country and the Soviet Union have made no progress—none—on arms control. Meanwhile, both countries are racing ahead in arms competition. We are both spending billions of dollars annually to assure each of us the power to deliver enough nuclear devastation on the other to destroy each target seven times over instead of four times over. Recently, I pointed out on the Senate floor that this country is producing a net of three new nuclear weapons every day. I say net because we construct eight and dissassemble five to secure the plutonium we need for the new, more accurate and devastating missiles. Herbert Scoville, Jr., the president of the Arms Control Association, has written a devastating indictment of the dismal failure of our arms control policies in a recent article in the New York Times.

Mr. Scoville points out that the Reagan administration did nothing to advance arms control during their first 17 months in office. Finally, after overwhelming affirmation of public support for arms control talks in referenda in States throughout the Union and in one reliable public opinion poll after another, the administration was dragged—kicking and screaming—on to the arms control scene. Keep in mind that the United States as well as the Soviet Union had approached arms control with great caution for the 30 years since both countries became nuclear superpowers. We had

agreed to a threshold test ban treaty that confined nuclear tests to explosions that were below 150 kilotons. Of course, 150 kilotons was high enough to permit thorough testing of every weapons our military genius could conceive. A comprehensive test ban prohibiting all underground tests would stop the nuclear weapons technology race dead in its tracks. In SALT I and II, we had agreed to limits on launchers, but those limits were high enough to permit both superpowers to continue to devastate everything on Earth. We had agreed to make Antarctica a nuclear-free zone. This was nice for the penguins but did nothing for 99 percent of the world's population. We had also agreed to a Sea Bed Arms Control Treaty and an Accidents Measures agreement, each of which was commendable but minor. Both countries had advanced a nonproliferation treaty to prevent nuclear materials designed for peaceful purposes from being diverted to military purposes. But this has been feebly enforced. Perhaps the most significant advances in this painfully limited arms control progress were the treaties banning nuclear weapons in outer space and prohibiting nationwide antiballistic missiles here on Earth.

What has the administration done since it stepped into this halting, supercautious, very gradual 30-year approach toward limiting arms? Listen to Scoville on President Reagan's contribution to arms control:

1. He postponed indefinitely the negotiations on a comprehensive test ban treaty even though these talks had been supported by every Republican and Democratic President since Dwight D. Eisenhower. The need to do more nuclear testing was cited as the reason for putting off the talks.

2. He sent the Threshold Test Ban and Peaceful Nuclear Explosions signed by Presidents Richard Nixon and Gerald Ford back to Moscow for revision.

3. He refused to resume discussion on limiting antisatellite weapons and instead moved with high priority to begin testing an advanced weapons system for destroying Soviet space vehicles.

4. He proposed vast and expensive programs for ballistic missile defense systems, which would require abrogation of the Antiballistic Missile Treaty of 1972, the Outer Space Treaty of 1967 and the Limited Test Band treaty of 1963.

Mr. President, this is a truly appalling record. This is a time when all of us recognize that a superpower nuclear war would be a certain, unmitigated disaster—a total defeat for all sides and the certain devastation of both countries with the definite prospect for the end of life on Earth for all mankind. What has the administration given us? They have given us an unbroken record of sabotage of the pitifully inadequate progress our countries had made over three decades in arms control. Unfortunately, even the factual listing of the disastrous record of this administration on arms control must seem like a partisan, Democratic attack in an election year. Well, I challenge any Republican, any independent, anyone supporting the President to look at this record as dispassionately as possible and deny the fact that this President has torpedoed the arms control process. This is not simply a matter of failing to make progress in negotiations with the Soviet Union. Such negotiations always take many months and can drag on for years even with the most earnest intentions by an American President. This administration has—in the four specific areas specified by Scoville—actually set back and reversed the limited progress of the past 30 years.

Worst of all, this administration has approved the sale of nuclear materials and equipment to nations that have refused to sign the nuclear nonproliferation treaty. Such nations can and will certainly in some cases use these nuclear materials for military purposes. Previous administrations have been weak in enforcing the terms of the nonproliferation treaty. This administration has virtually ignored it.

Mr. President, reliable polls show that millions of American children do not expect to live out their lives because they believe they will die in a nuclear war. Time after time, an overwhelming majority of Americans voting in referenda and answering reliable public opinion polls have voted for a nuclear freeze. This Nation is a democracy. Yet, on the single subject that most Americans consider the most vital for our country—its very survival—we have an administration in power that absolutely contradicts the manifest opinion of our people.

The irony of all this is that this administration will probably win reelection and another 4 years to complete its dismantling of arms control.

Mr. President, I ask unanimous consent that the article to which I have referred from the Sunday, February 12, 1984, issue of the New York Times, by Herbert Scoville, Jr., be printed at this point in the RECORD.

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

[From the New York Times, Feb. 12, 1984]

POOR RECORD ON ARMS

(By Herbert Scoville, Jr.)

McLEAN, Va.—President Reagan has started his re-election campaign with a public-relations attempt to demonstrate that he and his Administration have been serious about controlling nuclear weapons and reducing the risk of nuclear war. But this public-relations blitz does nothing to change President Reagan's dismal record on the nuclear war issue, which is critical to our survival.

The blitz began with the President's own deceptively placatory speech designed to convince our allies that he really wished accommodation with the Soviet Union. Next, Paul H. Nitze, his negotiator for intermediate-range nuclear forces talks at Geneva, and then Edward L. Rowny, his strategic arms reduction talks negotiator, appeared in print and on television, arguing that the Administration's negotiating positions were sound and flexible. Secretary of State George P. Shultz said in Stockholm on Jan. 17 that Washington was ready "for early progress" once arms control negotiations were resumed.

In fact, the President deserves scant credit for any improvement in his arms control policy. Only under pressure from people in this country and Europe did he initiate any arms control negotiations. The talks on intermediate-range forces were started 10 months into his term and then only at European leaders' insistence—demands generated by the public outcry over the forthcoming deployment of Pershing 2 and cruise missiles. The strategic arms reduction talks were not begun until 17 months after Mr. Reagan took over and again only as a result of widespread American public alarm among freeze-movement activists, physicians, scientists, lawyers and other concerned organizations.

What in fact has the President done to curtail the arms race?

He postponed indefinitely the negotiations on a comprehensive test ban treaty even though these talks had been supported by every Republican and Democratic President since Dwight D. Eisenhower. The need to do more nuclear testing was cited as the reason for putting off the talks.

He sent the Threshold Test Ban and Peaceful Nuclear Explosion Treaties, signed by Presidents Richard M. Nixon and Gerald R. Ford, back to Moscow for revision.

He refused to resume discussion on limiting anti-satellite weapons and instead moved with high priority to begin testing an advanced weapons system for destroying Soviet space vehicles.

He proposed vast and expensive programs for ballistic missile defense systems, which could require abrogation of the Anti-ballistic Missile Treaty of 1972, the Outer Space Treaty of 1967 and the Limited Test Ban Treaty of 1963.

Negotiations have been used not merely to cover inaction in real arms control but also to justify the procurement of new nuclear war fighting weapons as bargaining chips.

The President's original position at the intermediate-range forces talks—the so-called zero option for eliminating all Soviet nuclear weapons aimed at Europe in exchange for American agreement to forego the deployment of cruise and Pershing 2 missiles—was palpably nonnegotiable, and Administration spokesmen admitted that they expected no encouraging Soviet response until after the Pershing 2 and cruise missiles were deployed in Europe.

Now that such deployment has begun, the Russians have predictably broken off negotiations and begun to pursue an equally misguided course—deploying more missiles aimed at Western Europe. The only ray of light in these talks was the so-called walk-in-the-woods of Mr. Nitze and his counterpart, Yuli Kvitsinsky, in which the chief American negotiator privately offered to postpone deployment of the Pershing 2 missiles. Yet, in the aftermath of this unofficial move, the director of the Arms Control and Disarmament Agency, Eugene V. Rostow, was forced to resign for his "overzealousness."

The Administration has been required to modify its original proposal several times under Western European pressure, yet it still has not faced up, even implicitly, to the real roadblock in these negotiations—the

British and French strategic nuclear weapons aimed at the Soviet Union. It is not surprising for the Soviet Union, the only country in the Eastern bloc with nuclear weapons, to be unwilling to ignore these forces—162 missiles being modernized with multiple warheads. Only now, when the Russians have broken off the intermediate-range forces talks and removed Mr. Reagan's cover for failure to deal seriously with this problem, has the Administration given even the slightest indication of being willing to merge talks about intermediate-range forces with negotiations about reducing intercontinental weapons—a possible politically acceptable tactic for dealing with this thorny issue.

The strategic arms reduction talks are also headed nowhere—Mr. Rowny's optimism notwithstanding. No date has been set for their resumption. In this case, too, our initial negotiating position was clearly unacceptable—and would have decreased American security had it been accepted. Its primary weakness—that it would have increased the vulnerability of the weapons by which both the Americans and Russians deter a first strike and this would have made a nuclear war more likely—was recognized by the bipartisan commission on the MX missile. The American position was subsequently modified, but as long as Mr. Reagan insists that the MX and the Trident 2 missiles be the mainstays of the American force, he will be undermining the stability of the nuclear balance.

Now Mr. Rowny has expresed optimism that the Russians will soon return to the table and negotiate seriously. Yet he admits that our proposals, which he recently discussed with President Reagan, are no different from those presented last October and that the Russians have shown little interest in them. In fact, Yuri V. Andropov's death makes it even more unlikely that talks will be resumed.

Mr. Rowny also proclaims that Washington is at last willing to discuss trade-offs of Soviet and American advantages in certain classes of weapons. Such trade-offs are, of course, the essence of any successful arms control negotiation, and yet it is only after three years in office that Mr. Reagan is prepared to discuss such a deal.

Given this record of delayed action, coverups and political posturing, it is hardly surprising that the American people are skeptical about the President's seriousness about arms control. The President was successful in getting some gullible Congressmen to support the procurement of MX missiles because they did not want to be blamed for his arms control failure. But in the absence of any negotiations, it is unlikely that he will be equally successful in conning the American people in this election year. This explains his real concern about the suspension of all nuclear weapons talks with Moscow.

GOLDEN FLEECE AWARD FOR FEBRUARY TO FORT WORTH REGIONAL OFFICE OF URBAN MASS TRANSPORTATION ADMINISTRATION

Mr. PROXMIRE. Mr. President, I am awarding my golden fleece of the month for February to the Fort Worth Regional Office of the Urban Mass Transportation Administration (UMTA) for flatly mismanaging $64 million of capital improvement projects reviewed by Department of Transportation auditors for the period January 1981 to May 1983.

Look no further for the classic case of runaway Federal spending. If you want to observe a spending program gone wild, check out the Fort Worth Regional Office of UMTA.

From January 1981 to May 1983, the Fort Worth office received 399 applications for local transportation projects and accepted all but 1 which was turned down for lack of money. This is not my idea of careful oversight of taxpayers money.

This rubberstamp approval led to one horror story after another. Here are some examples:

They awarded 2 grants to help build bus garages to repair 150 and 200 buses respectively. But the fleets in question consisted of only 45 and 94 buses.

They approved five grants, worth about $1.7 million, to buy spare parts for buses although only $160,000 was really needed.

They approved $1,033,680 to install air-conditioners in 200 buses despite the fact that 100 were to be sold.

They shelled out $32 million in capital assistance to one grantee, which did not have the money to match the grant.

They approved a $1 million grant to replace trolley buses, whose ridership averaged less than two passengers per trip.

If all Federal agencies were as unable to see, hear or speak in their review of grant applications, the Government would go broke even faster than it is now.

Department of Transportation auditors attributed this mismanagement to the absence of written procedures covering the review of grant applications, insufficient supervision, an imbalance in workload, a lack of technical review, and an insufficient number of visits to these local projects.

What accounts for this mismanagement? Well, maybe it was the busy schedule of the UMTA managers. After all, in the 29-month period ending February 28, 1983, these managers took a total of 98 trips, including 47 by the regional administrator alone. How many were to visit projects which had been funded? The grand total of seven. How many were to attend conferences or other meetings? Forty-four.

According to the audit report, several major cities had not been visited even though these cities had submitted project applications of a questionable nature.

UMTA regional officials agreed with the findings of the audit report and stated that they intended to carry out the corrective actions recommended in the report.

I have written to Secretary of Transportation Elizabeth Dole asking her to clean up this mess and seek refunds for all overpayments.

UNITED STATES—BEACON OF HOPE FOR THE PERSECUTED

Mr. PROXMIRE. Mr. President, over the 35 years since the United States has signed, yet not ratified, the Genocide Convention, the perennial opponents of this treaty have cited many dubious arguments against its ratification.

For example, our opponents claims that if we ratify the Genocide Convention, we would be duty-bound to intervene militarily in the Middle East to punish Arabs and Jews for killing each other. The same goes for tribunal wars in Africa, the killings in El Salvador, Angola, South Africa, or anywhere else in the world where people are being killed.

This is a fallacy. Like all treaties, the Genocide Convention can have various interpretations stemming from its wording. All nations, including the United States, have the right and obligation to give their own interpretation of any treaty through the use of understandings and reservations. These understandings and reservations protect against misinterpretations which may arise from the treaty's wording. In this regard, the Genocide Convention is no different.

Further, not all armed conflicts in the world today have as their purpose the extermination of one of the parties involved. Rather, they may represent territorial or civil struggles—that is, people or nations fighting to gain control of land or win independence.

We do not have to have war to have genocide. Hitler was not at war when he began exterminating the Jews.

We need to ratify the Genocide Convention to deter the Hilters of the world from evolving and acting. The United States has always been a beacon of hope for the persecuted around the world. Let us keep our commitment to shine this beacon of hope for all the oppressed persons of the world by ratifying the Genocide Convention during this present Congress.

CENSORING STARS AND STRIPES

Mr. PROXMIRE. Mr. President, the U.S. European Command has been censoring the newspaper of our military personnel in Europe—Stars and Stripes. General Lawson, Deputy Commander in Chief of the U.S. European Command, ordered Stars and Stripes not to print stories about the dismissal of German Gen. Guenter Kiessling because it might "undermine the discipline" of U.S. troops in Europe.

In censoring Stars and Stripes for the first time in 20 years, General

Lawson demeaned the intelligence of our military personnel and violated their rights to a free press. His action betrays a lack of respect for the democratic institutions our fighting forces are protecting in Europe.

When the first stories appeared in the European press about the forced retirement of German Gen. Guenter Kiessling, the deputy of U.S. Gen. Bernard W. Rogers, Supreme Allied Commander in Europe, Stars and Stripes decided to run the story. The editors met to discuss how to handle the story since the facts were changing daily. They decided to print a story saying that the general had been retired and that he had denied being a homosexual. It was not sensationalized and in fact played down—a 3-inch item for an inside page with a balanced presentation.

But General Lawson intervened to kill the story. Protests from the managing staff of Stars and Stripes were ignored. This was the first time in 20 years that a story had been censored in that newspaper by higher command.

Several days later, General Rogers issued a statement on the Kiessling incident from his headquarters in Casteau, Belgium. Stars and Stripes was told again they could not print the public statement from General Rogers.

Consider the irony here. The story was playing in all the European press including English language editions read by U.S. military personnel. It was on television. It was big news. But Stars and Stripes was censored from even reporting on the official and public reaction by General Rogers. This is an appalling lack of sensitivity and judgment by our European Command.

Why did they do it? I asked General Lawson and here is what he said by telegram back to me. He said "speculative reports will not be permitted to appear." He said that reading speculative and sensational news reports such as this "could possibly result in undisciplined behavior in the form of innocent but ill-chosen and uninformed remarks and actions."

Imagine that, Mr. President. The general decided that our military personnel are so weak of character that they must be protected from news stories so they do not say something wrong. What do we have a military establishment for? To protect our liberties and the Constitution. Instead we have General Lawson determining what is news and what is not based on some mythical concern about undisciplined behavior. What nonsense.

By his standards, there would be no reporting in Stars and Stripes on Watergate because the facts were not all in. There would be no reporting about racial discrimination against black U.S. soldiers in Germany because it might lead to "undisciplined behavior." There would be no stories about cost overruns because that would be too "speculative or sensational."

Once started, that is where censorship leads.

Stars and Stripes should have followed this story from start to finish. It should have printed the initial allegations and the general's denials. It should have told its readers about the investigation and how General Kiessling was exonerated and reinstated.

General Lawson owes Stars and Stripes and the American people a fast apology and that apology should be printed by Stars and Stripes next to the first amendment of the Constitution.

As the Army's own regulations state:

The European Stars and Stripes, by demonstrating the principles of established and respected journalistic qualities, will serve as a credible, effective element of the information programs of the unified command and the Department of Defense.

The calculated withholding of unfavorable news is prohibited.

But the story does not end here. Even after the original censoring of Stars and Stripes, General Lawson objected to a series of letters to the editor from appearing in Stars and Stripes which were criticial of his censorship efforts. The general only wanted one letter to be printed—excluding all the others. The editors, as is their custom, wanted to print a selection of the best, most articulate letters. A compromise was reached with the printing of four letters but the general was successful in deleting the one letter most critical of his efforts to censor the paper.

It will be interesting to see what action General Lawson takes against the editors at Stars and Stripes. Will he take retaliation against them personally? Will he try to have them transferred? He already has ordered the top management of Stars and Stripes to make a 100-mile drive to Stuttgart every week for a personal meeting with him for closer oversight of the newspaper.

General Lawson continues to defend his censoring of Stars and Stripes. His arguments are as straight forward as they are wrong. First, he claims that highly speculative reports would have no useful purpose. No purpose he says. What he means to say is that they were embarrassing reports that the European Command did not want published. As for the no useful purpose argument, you would only make that point if you were in a position to know what was useful to the reading audience. Apparently, General Lawson is the judge of what is useful to his audience and what is not.

Second, he argues that since General Kiessling was reinstated, that proves the judgment about his censorship. Consider the importance of that conclusion.

The public should not be allowed to follow a story until it is wrapped up. Only after every last fact is in should the readers of Stars and Stripes be told the facts. They do not have the mental capacity to make up their own minds. They must follow the judgments of senior commanders.

Such is the state of freedom of the press for thousands of Americans serving in uniform in Europe—defending our freedoms but not allowed their own.

I call on General Rogers to immediately step into this situation and stop the censorship of Stars and Stripes and to prohibit any retaliation by General Lawson against Stars and Stripes editors. If this does not come about, I believe that Congress should conduct some hearings into the censoring of Stars and Stripes.

Mr. President, I ask unanimous consent that certain Stars and Stripes news articles and letters to the editor be printed in the RECORD, including the one letter censored by General Lawson.

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

[From the Stars and Stripes, Feb. 17, 1984]

EUCOM DEFENDS CENSORSHIP OF STRIPES

STUTTGART (UPI).—The U.S. European Comd defended Thursday its decision to censor The Stars and Stripes to keep it from publishing stories on the firing of a German general as a security risk for allegedly frequenting homosexual bars.

Navy Capt. Jay Coupe, director of public affairs at EUCOM Hq, said the fact that Gen. Guenter Kiessling, one of two deputy NATO commanders, later was reinstated by the West German government and cleared of the charges showed the correctness of the command's action.

Coupe made the statement in reply to a charge made Wednesday by Sen. William Proxmire in a statement. The Wisconsin Democrat said that Air Force Gen. Richard Lawson, deputy commander in chief of EUCOM, had "demeaned the intelligence of our military personnel and violated their rights to a free press."

Proxmire accused Lawson of betraying a lack of respect for democratic institutions by prohibiting the daily newspaper of the armed forces overseas from covering the controversy over Kiessling.

Coupe said it was the duty of the command, as it is the duty of all publishers, to protect its readers from receiving highly speculative and erroneous information and unfounded allegations.

He said there had not been a total ban on coverage because The Stars and Stripes on Jan. 14—nine days after the story broke—had been allowed to print a UPI story saying that the command had imposed a ban on coverage by the newspaper. In that story, The Stars and Stripes deleted a reference to homosexual bars.

The Stars and Stripes was not allowed to publish another story until Feb. 2, when it carried a UPI dispatch on Kiessling's reinstatement.

The newspaper's edited version of the dispatch said Defense Minister Manfred Woerner and fired Kiessling because he considered him a security risk. But it did not give Woerner's reasons—that Kiessling allegedly frequented homosexual bars in Cologne.

CENSORSHIP-ISSUE LETTERS ANSWERED BY USEUCOM

This command decision (telling The Stars and Stripes not to print the story about Gen. Guenter Kiessling) insults the mentality of all soldiers stationed in Europe. Does the command believe that none of its soldiers of families can be trusted to read information and think for themselves?

The Stars and Stripes is the sole source of news for many soldiers here in Europe who don't take the time and effort to seek out other "non-censored" publications on their own. It is very insulting to have our leaders censor our reading material under the guise that it "might hurt discipline among U.S. servicemembers".

Please remind me . . . why is it that we are here in Europe anway? To protect the right of our European allies to be able to have the freedoms that we enjoy in the U.S.?

I guess that I am one of the fortunate soldiers in Europe who has developed a friendship with several Germans, one of whom is a German officer. They have kept me informed as the information has unfolded regarding the events surrounding Gen. Kiessling's relief via the "free" German news media.

It was a very embarrassing moment for me, however, when my friends saw the headline that admitted that a commander of U.S. Forces had made a decision to censor the information from the U.S. soldiers in Europe. They were very shocked that actions could be taken in a country that was truly free. They said that such actions could never happen in the German free press.

Have we taken a step backwards as Americans? What is it again that we are actually defending over here? Something called freedom? Please define what the U.S. European Command considers freedom so I can explain the definition to my soldiers and confused German friends.—Capt. J. D. Buck Wray, Frankfurt.

The fact that some of the information about the dismissal was "believed by this division (USEUCOM) to be erroneous" does not give anyone permission to impose a ban on the printing of the news story.

If we cannot get a full picture of what's going on in the world today, how can we be expected to see the difference between so-called "free" American papers and so-called "censored" Soviet papers?

Don't misunderstand me, I'm not pro-communist. I believe that the U.S. is the absolute best country existing today. But my belief in U.S. superiority is based upon my belief in the greatness of our Constitution, especially of the Bill of Rights that gives us the freedom to see all sides of an issue.

If you deny us that freedom, what is left?

I'm 17 years old. I'm graduating this year. I want to become a newspaper journalist, and I want to serve in the United States Air Force. Please don't make it impossible for me to do both.—Druann Pagliassotti, Naples, Italy.

The particulars of the case have no bearing on whether or not it should be printed in an unofficial publication. I find the intervention of Hq USEUCOM heavy-handed and unwarranted. Facts are never "detrimental to good order and discipline." Treating us as though we are incapable of good judgment is!

I am a master sergeant with 13 years of service. If my superior officers feel they have to "protect" me from the facts, or consider me incapable of judging for myself whether something is "detrimental," then I've been defending us from the wrong enemy!—Master Sgt. Jeffry J. Tschida, RAF Mildenhall, England.

I personally could care less about the retirement of Gen. Kiessling. What I do care about is the banning of the news and the questions such action brings up concerning your selection of the news on a day-to-day basis.

I am a relatively new resident living here in Germany, and it was immediately clear that The Stars and Stripes is the only newspaper of its kind widely read on a day-to-day basis by the forces of the U.S. government.

I have little respect for the responsibility demonstrated by the news media in general. Most newspapers are pressured to publish first and ask questions later, frequently disseminating misleading, if not false, information.

The Stars and Stripes, however, is not in such a competitive position, so you have the luxury of reporting at least news which has been validated. By your very existence, though, you do have a responsibility to report the news, all of it. When your publication selectively bans information based on what the readership "needs to know," then information ceases to be news but instead becomes propaganda.

The real problem I have with this action is that I am not a U.S. service member but a U.S. government contractor. My work, and the contribution of other contractors, is just as significant to national defense as our military counterpart.

It is quite fair to say that we, as a captured audience, do not appreciate the official judgments in such matters to decide what is acceptable news.

A colleague of mine has come to your defense. He poses the simple question, "What do you expect for 15 cents?" It's easy for him to say, since he subscribes to a consolidated European newspaper which did print this story concerning Gen. Kiessling.

I do not accept this line of reasoning, though, since this is not a viable alternative for the majority of readers who depend on an inexpensive and convenient source of information. Consequently, The Stars and Stripes has a responsibility to print the whole story and let the readers decide what's important.—Smith Young, Augsburg, Germany.

EDITOR'S NOTE.—USEUCOM replies:

The writers' expression of concern about the decision to withhold certain news reports on the retirement of Gen. Guenter Kiessling from publication in The Stars and Stripes are obviously heartfelt and perfectly understandable. Now that the "Kiessling Affair" has begun to clarify, the reasons for this highly unusual step can be discussed.

The Stars and Stripes, by Department of Defense definition, is a "unified command newspaper," and USEUCOM, the unified command in Europe, is the paper's de facto "publisher." Like most publishers, USEUCOM rarely finds it necessary to intercede in Stripes' editorial operations. Like all publishers, this command must, in unusual circumstances, exercise its responsibility for editorial content, because of broader policy considerations.

Several factors concerning press coverage of this matter, taken together, led to the decision not to run many of the initial news reports in Stars and Stripes. These factors include the following:

First, Gen. Kiessling was the highest-ranking officer in the West German Bundeswehr, and his position as the second-highest-ranking officer on the staff of the Supreme Allied Commander, Europe, further enhanced his visibility.

Second, from the beginning, the focus of virtually all news reports about Gen. Kiessling's retirement was on allegations that he had been relieved by the West German government as a security risk because of personal actions or associations which would be considered scandalous.

Third, these news reports were highly speculative, in part because the Bonn government withheld definitive comment for several weeks. Moreover, the allegations were never substantiated.

Fourth, the vast majority of Stars and Stripes readers (77 percent) live and work in West Germany, where they are, in a real sense, the guests of the German people. Their closest associations are with members of the Bundeswehr with whom they work and train, and whose goodwill is an integral part of allied effectiveness.

Finally, Stars and Stripes' banner accurately proclaims it an "authorized unofficial publication for the U.S. Armed Forces." Stripes is a part of, and responsible to, the U.S. Department of Defense. Most Europeans consider material presented in Stars and Stripes to have official sanction, if not approval.

After due consideration, I decided that highly speculative and sensational news reports containing inconclusive allegations against a senior host-nation military leader, were they to appear in a newspaper widely read by U.S. personnel stationed in Germany, would serve no useful information purpose and could be inimical to good relations with our host nation.

The fact that the West German government eventually conceded that the provocative allegations against Gen. Kiessling could not be confirmed, and reinstated him with full honors in the Bundeswehr, would appear to support that judgment. Moreover, as facts and substantive government positions did emerge, they were duly reported in Stars and Stripes.—Richard L. Lawson, General, USAF, Deputy Commander in Chief.

"KIESSLING AFFAIR" FINDS ECHOES AMONG S&S READERS

Nothing in any newspaper has disturbed me as much as the Stars and Stripes story about its censorship in the matter of the firing of the deputy NATO commander, Gen. Guenter Kiessling.

Censorship is bad. Period. It is dangerous. There are no words in a democracy to describe such a thing—one needs the vocabulary of totalitarianism, mind and thought control, for that.

We are not free if we cannot have the truth, if information is denied us. What we think depends on what we know, and what we know depends on the information to which we have access. What value is there in free speech if the taps of information are shut off?

Whoever controls what information you receive, effectively controls you.

I know the story about Gen. Kiessling. I read about it in the International Herald Tribune. The story has been in all German newspapers, on television newscasts, in

every major European newspaper, in the U.S. media.

That is what makes this case so bizarrely, insanely stupid. The story about Gen. Kiessling is obviously not a matter of secrecy or national security. The Germans know about it. The Russians know about it. Everyone knows about it, except those sent over here to defend the principles of freedom and democracy—the American soldier. I do not know if what Gen. Kiessling allegedly did was legal or not. I leave that to legal authorities. I do not know if what he may have done was "immoral"—I leave that to professional moralizers. . . .

I have no way of knowing whether Gen. Kiessling posed a security risk. However, I do know absolutely that the generals who banned the story from the Stars and Stripes are more dangerous, a much greater security risk to the principles for which NATO stands, * * * there is betrayal and sedition against freedom and democracy, it is theirs, not his.

The spectre of Orwell's "1984" has been raised far too much already, but here it is in fact for you right in your daily paper, brought to you by the U.S. European Command.

The Stars and Stripes printed the story of its own censorship, but now we have the entire credibility of the paper jeopardized. The editors are obliged to tell us just how often this censorship takes place. What other things have occurred that the readers have been banned from knowing? How much information is controlled?—Michael Peterson, Rhein Main AB, Germany.

. . . This command decision insults the mentality of all soldiers stationed in Europe. Does the command believe that none of its soldiers of families can be trusted to read information and think for themselves?

Please remind me . . . why is it that we are here in Europe anyway? To protect the right of our European allies to be able to have the freedoms that we enjoy in the U.S.?

I guess that I am one of the fortunate soldiers in Europe who has developed a friendship with several Germans, one of whom is a German officer. They have kept me informed as the information has unfolded regarding the events surrounding Gen. Kiessling's relief via the "free" German news media.

. . . It was a very embarrassing moment for me however, when my friends saw the headline that admitted that a commander of U.S. Forces had made a decision to censor the information from the U.S. soldiers in Europe. They were very shocked that actions could be taken in a country that was truly free. They said that such actions could never happen in the German free press.

Have we taken a step backwards as Americans? What is it again that we are actually defending over here? Something called freedom? Please define what the S. European Command considers freedom so I can explain the definition to my soldiers and confused German friends.—Capt. J. D. Buck Wray, Frankfurt.

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

Mr. STEVENS. 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. STEVENS. 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. STEVENS. Mr. President, all leader time is yielded back, as I understand it.

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

LITHUANIAN INDEPENDENCE DAY

Mr. PERCY. Mr. President, 66 years ago this month, the independence of the Republic of Lithuania was proclaimed. Today, we joint the people of Lithuania in remembering that historic occasion. And we express our support for their continued pursuit of the goals outlined in their 1922 constitution—freedom of expression, freedom to worship according to the dictates of one's own conscience, the freedom to celebrate one's cultural heritage, and the freedom to choose one's place of residence.

Tragically, the Republic of Lithuania was occupied militarily and incorporated by force into the Soviet Union in 1940, an action deplored by Americans and by free people everywhere. Yet, despite the restrictions placed on their freedom by the Soviet regime, Lithuanians continue to affirm their national identity and their pride in their traditions.

Mr. President, on a visit to Lithuania the first year I was in the Senate—I believe it was in 1966—I was deeply impressed with the tenacity of the Lithuanian people in preserving their folklore, their customs and their traditions. They did not succumb to the attempt by the Soviets, to "Russianize" everything. They expressed their own heritage and their own culture in their own way.

That was 18 years ago, and they have still persisted in this effort. They have many friends who speak out on their behalf. They have many relatives who live in this country, many of them right in my own State of Illinois, and particularly in the city of Chicago.

It is the hope that their friends in this country have for them, and the encouragement and moral support they provide, that keeps Lithuanians in the homeland persisting in their intentions and efforts not to be suppressed.

Americans of Lithuanian descent have been instrumental in keeping the plight of their friends and relatives in the homeland very much in our national awareness. Although they are well-integrated into American life, Lithuanian Americans have maintained their cultural heritage and have publicized the sad events taking place in Soviet-dominated Lithuania. One of the most effective ways they have done this is through their consistent support and encouragement of Radio Free Europe/Radio Liberty which broadcasts to Lithuania. Last year Congress passed an amendment I introduced which united the broadcast services to the Baltic States to increase the strength and prestige of these services. It is known as the Baltic States Service. I believe this transmission, which already functions as an informational lifeline through which we can communicate the ideals of democracy, will reinforce the distinct identity of Lithuania and her sister Baltic States.

The very fact that the Soviets and the governments of Eastern Europe spend more in attempting to block and jam Radio Liberty and Radio Free Europe than we spend in the transmissions is an indication of how powerful must be their impact, and how great must be the value of these broadcasts.

I have had a great interest in this area ever since I joined the Senate, and long before that, an interest to keep alive that spirit in Eastern Europe. We want to increase the quantity and quality of our transmissions and increase the services they provide. We want always to have a voice of truth available, so that in Eastern Europe and the Soviet Union, despite the jamming, people can find the way to tune in and find out what is going on in their own countries. They are not told what is happening in their own countries—and they need to know—and RFE/RL help to meet that need.

The plight of the oppressed peoples must always be a focus of world attention. That is why I was proud to be a cosponsor of a resolution, which passed the Senate by a wide margin last year, urging the President to take all steps necessary to bring the question of self-determination for the Baltic States before the United Nations. I am hopeful that this resolution will serve notice on the Soviet Union that the world is mindful of the deprivation of national rights and fundamental freedoms in the Baltic States.

I believe this resolution is significant because it lets the people of Lithuania know that they are not forgotten and that their perseverance and courage during their long struggle for freedom

is recognized in the free world. I hope we will learn from their determination that we cannot tire of defending freedom or the principles of democracy that guarantee our freedom; that we must continually renew our commitment to the principle of self-determination for all peoples; and that we must remember always the fortitude and bravery of the Lithuanians and others who have suffered under repressive regimes but whose national spirit has never been broken.

I look forward to the day when the people of Lithuania will enjoy the same freedoms that we do in this blessed land, and when they will be able to rule themselves in their own way. That is my prayer as we look ahead to February 16, 1984, the anniversary of Lithuanian independence.

Mr. President, the pattern and history of repression is available for all to study. With persistence, and with assistance, that pattern has been broken time after time through the centuries, and it has happened in our own time.

We can see right now in Latin America that changes are occurring in several very important countries where there has been repression and tragedy. Thousands of people have disappeared in Argentina, and the conscience of that country is now coming forward, revelations are being made by their own Government to their own people, and I think that is a salutary thing.

It is for that reason that I have never given up, and never will give up, my hope for freedom for the peoples of the Baltic States and the Soviet Union.

I held a hearing of the Foreign Relations Committee in Chicago—the first that has ever been held there—in November 1983. My hearing focused on human rights in Eastern Europe and the Soviet Union, and the denial there of basic freedoms including freedom of religion, freedom of speech, freedom of assembly, freedom of the press, and freedom to join labor organizations. We had an outstanding group of witnesses.

I then convened a new advisory council that I have invited to advise me on the issues of religious rights, and that council has been joined by former President Ford and former President Carter as honorary chairmen, and four former Secretaries of State. The letters and messages from them were extremely moving. We also have Cardinal Bernardin, Archbishop Iakovos, Rev. Theodore Hesburgh, and other noted religious leaders who have joined the council. I depend upon that council for their advice and timely information.

I am grateful to my colleague ALAN DIXON for joining me. We have a totally bipartisan council.

Mr. President, I ask unanimous consent to have printed in the RECORD the initial report from the advisory council.

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

REPORT FROM THE ADVISORY COUNCIL ON RELIGIOUS RIGHTS IN EASTERN EUROPE AND THE SOVIET UNION

WASHINGTON.—The Advisory Council on Religious Rights in Eastern Europe and the Soviet Union, chaired by Senator Charles H. Percy (R-Ill.), has undertaken several initiatives on behalf of religious believers behind the Iron Curtain in recent weeks, Senator Percy reported today.

At its inaugural meeting in Chicago on November 9, 1983, Advisory Council members agreed on seven initiatives which address specific problems for religious believers in Eastern Europe and the Soviet Union:

In response to the current Soviet crackdown on religious believers, the Advisory Council authorized the Chairman to initiate a concerted intergovernmental effort to increase world attention on the harassment of all religious groups in the Soviet Union. Senator Percy has asked the Chairman of the U.S. Delegation to the North Atlantic Assembly, Senator Charles McC. Mathias, to raise the issue of Soviet religious repression at the next meeting of the Assembly in Luxembourg, May 24-28, 1984.

The Advisory Council expressed concern over the Warsaw Pact countries' systematic violation of international agreements pledging respect for religious rights, and agreed that the Chairman will offer a Senate resolution focusing on the issue. Senator Percy and Senator Claiborne Pell (D-R.I.) will introduce a resolution which makes clear that Congress expects all governments to live up to their international human rights commitments.

The Advisory Council established an information line in Washington for use by Council members which will ensure that the most current information on persons persecuted for their religious beliefs is available to the Chairman.

The Advisory Council is investigating ways of supporting the provision of additional paper to the leading Polish Catholic weekly newspaper, Tygodnik Powszechney which has a limited production due to Government paper rationing.

Senator Percy has asked the Romanian Government to comment on West German press reports that Romanian officials have been demanding bribes of up to $12,000 from prospective emigrants. Should the reports persist, the Advisory Council would pass a resolution deploring the bribes to bring to the attention of the Romanian Government.

The Advisory Council expressed concern over Romanian Orthodox priest Father Gheorghe Kalciu-Dumitreasa, who is reportedly in poor health while serving a ten-year prison sentence in Romania. Senator Percy has written to the Ambassador of Romania and to the Orthodox Patriarch of Romania requesting information on Father Kalciu's health, and expressing the hopes of the Advisory Council for Father Kalciu's release.

The Advisory Council has taken action on behalf of imprisoned priests Alfonsas Svarinskas and Sigitas Tamkevicius, both charter members of the Lithuanian Catholic Committee for the Defense of Believers' Rights. The Council has written letters of support to the priests, and Senator Percy has written Soviet Ambassador Dobrynin to protest the sentences.

Attached is a list of members of the Advisory Council and their affiliations.

ADVISORY COUNCIL ON RELIGIOUS RIGHTS IN EASTERN EUROPE AND THE SOVIET UNION

Chairman: Senator Charles H. Percy (R-Ill.).

Honorary National Co-Chairman: President Gerald R. Ford, President Jimmy Carter.

Founding Honorary Sponsors: Dean Rusk, William P. Rogers, Cyrus Vance, Alexander Haig, Jr.

Honorary Board: Joseph Cardinal Bernardin, Archbishop Iakovos, Rev. Theodore M. Hesburgh, Sen. Alan J. Dixon (D-Ill.).

Executive Committee: Andrew A. Athens, Lynn R. Buzzard, Rabbi Seymour J. Cohen, Jesse R. DeWitt, Rev. Peter Esterka, Sister Ann Gillen, Rev. J. Bryan Hehir, Petras Kisielius, Shalom Kohn, Myron B. Kuropas, Aloysius A. Mazewski, Rt. Rev. Bishop Desmond Parragh, Dr. Laszlo Pasztor, Father Victor Potapov, Casimir Pugevicius, Professor V. Bruce Rigdon, Jerry K. Rose, Rabbi Herman Schaalman, Joel Sprayregen, Sister Margaret Ellen Traxler, Dr. Paul A. Wee, Maynard Wishner.

AFFILIATIONS OF MEMBERS OF THE ADVISORY COUNCIL EXECUTIVE COMMITTEE

Andrew A. Athens, National Chairman, United Hellenic American Congress (Chicago).

Ilmars Bergmanis, Chairman, Chicago Captive Nations Committee, Inc.

Lynn R. Buzzard, Executive Director, Christian Legal Society (Oak Park, Ill.).

Rabbi Seymour J. Cohen, Spiritual leader, Anshe Emet Synagogue (Chicago).

Dr. Jesse DeWitt, Resident Bishop, Northern Ill. Conf., United Methodist Church (Chicago).

Rev. Peter Esterka, College of St. Catherine (St. Paul, Minnesota).

Sister Ann Gillen, Executive Director, Nat'l Interreligious Task Force on Sov. Jewry (Chicago).

Rev. J. Bryan Hehir, Director, Dept. of Social Development and World Peace, U.S. Catholic Conference (Wash., D.C.).

Dr. Petras Kisielius, Physician and surgeon (Cicero, Ill.).

Shalom Kohn, Sidney & Austin (Chicago).

Dr. Myron B. Kuropas, Supreme Vice President, Ukrainian National Association (DeKalb, Ill.).

Aloysius A. Mazewski, President, Polish National Alliance (Chicago).

Rt. Rev. Bishop Desmond Parragh, Retired Bishop, Hungarian Reform Church (Norridge, Ill.).

Laszlo Pasztor, Manager, Federal Affairs, Dravo Corporation (Pittsburgh, Pa.).

Rev. Victor Potapov, Chairman, Committee for the Defense of Persecuted Orthodox Christians (Wash., D.C.).

Father Casimir Pugevicius, Executive Director, Lithuanian Catholic Religious Aid (New York).

Prof. V. Bruce Rigdon, Prof. of Church History, McCormick Theological Seminary (Chicago).

Jerry K. Rose, President, Christian Communications of Chicagoland, Inc./TV 38 (Chicago).

Rabbi Herman Schaalman, Spiritual leader, Emanuel Congregation (Chicago).

Joel Sprayregen, Chairman, Chicago Conference on Soviet Jewry.

Sister Margaret Ellen Traxler, Director, Institute of Women Today (Chicago).

Dr. Paul A. Wee, General Secretary, Lutheran World Ministries (New York).

Maynard Wishner, Past President, American Jewish Congress (Chicago).

Mr. THURMOND. Mr. President, I am pleased once again to participate in the Senate's annual commemoration of Lithuanian Independence Day.

This month marks the 66th anniversary of the establishment of the Independent Democratic Republic of Lithuania by the Lithuanian National Council. The country's unlawful incorporation by force into the U.S.S.R. in 1940 has never been, nor should it ever be, recognized by the United States. We uphold the right of Lithuanians, like all peoples of the world, to determine their own national destiny.

Despite 44 years of Soviet subjugation, the courageous Lithuanian people continue to display an indomitable spirit which, I am confident, will one day set them free. Today, we rise to pay tribute to Lithuania and remind its people that the United States has not forgotten, nor will it ignore, the political injustice, religious persecution, economic exploitation, and cultural deprivation they continue to suffer at the hands of an oppressive Soviet Government and military.

Mr. President, I sincerely pray that one day soon the people of Lithuania will regain their independence and begin anew to enjoy the freedom they so rightfully deserve.

● Mr. SARBANES. Mr. President, on this, the 66th anniversary of the establishment of the Republic of Lithuania, I wish to commemorate the founding of a progressive and independent nation which, for its all too brief existence of 22 years, was a beacon of democracy. It is always a great honor for me to join with more than 1 million Americans of Lithuanian descent in recognizing the rich and diverse contributions that Lithuanian-Americans have made to our Nation, and in celebrating the quest for human dignity and freedom that this anniversary represents. This tribute is, as well, a testament to the brave struggle of thousands of Lithuanians who remain in their homeland where, even under foreign domination and repression, the principles of freedom and self-determination will not die.

Sixty-six years ago, the people of Lithuania declared themselves to be a sovereign, democratic nation. Their constitution, adopted in 1922, granted to their people the basic freedoms of speech, assembly, and religion, thus marking an end to decades of repression during which the citizens of this tiny Baltic nation struggled to regain these freedoms that were lost to foreign invaders in 1795. The hope and pride engendered by this new constitution were tragically short-lived. As was the case with many other Baltic and Eastern European societies, the self-determination briefly enjoyed by Lithuania was crushed when the Soviets overran the country in 1940. Yet even under repressive Soviet control, the Lithuanians' unsinkable spirit still survives as an example of hope to oppressed peoples everywhere.

The Lithuanians have a long and colorful history spanning over 700 years. Through the ages, they have withstood repeated assaults on their language, culture, and religion, due in no small way to their strong sense of national identity. They are a people deeply committed to their heritage; the success of the Lithuanians in maintaining their cultural identity has resulted in valuable contributions—not only to Lithuania, but to our own country as well.

In the 19th century, Lithuanian immigration to the United States increased substantially due to the oppression under the zarist regime. Many of the social and cultural activities repressed in the homeland found strong expression in America; we in Maryland are fortunate to have a large and active Lithuanian community, prospering as doctors, lawyers, businessmen, teachers, scientists, artists, and technicians. Lithuanians can be proud of their longstanding tradition of self-help and voluntarism. There are well over 2,000 Lithuanian charities and self-help organizations in the United States, and I can state first hand that their pride and respect for the traditions of freedom and equality have greatly enriched the lives of those around them.

Mr. President, it is a great tragedy that the period of freedom enjoyed by Lithuania should have been so brief and so cruelly extinguished. But we can be heartened by their ongoing devotion to the principles of human rights, and we can hope, as they hope, that the day is not far off when their beloved homeland once again flies the banner of freedom and justice for all.●

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

● Mr. GLENN. Mr. President, the untimely snuffing out of a free and independent state, like the death of a young child, fills us all with grief and sorrow. So it is today with mixed feelings of admiration and sadness that I would like to join in the commemoration of the 66th anniversary of the establishment of the Independent Democratic Republic of Lithuania. This Republic, along with its sister Baltic States, was barely entering its third decade of existence when it found itself a pawn in Nazi-Stalinist politics. The Nazi-Soviet "Non-Aggression Pact" of August 23, 1939, dealt Lithuania to the Soviets. But the non-aggression pact was short-lived, and the people of Lithuania had to endure a brutal Nazi occupation, which was then followed by Soviet reoccupation. It is estimated that until 1952, almost 500,000 Lithuanians were deported to Siberia and elsewhere in the U.S.S.R. And yet armed resistance persisted in Lithuania well into the 1950's.

The Lithuanian people have demonstrated time and time again their bravery and courage. They have refused to break under the jackboot of persistent Soviet oppression, whose role in Lithuania, and throughout the Baltic States, makes a mockery of Soviet international pledges to respect fundamental human rights. A rural society, Lithuania has suffered cruelly under the Soviet policies of industrialization and forced collectivization. A deeply religious society, a majority continue to be believers despite constant Soviet religious persecution and harassment. Recent population trends are also not encouraging. While ethnic Lithuanians still comprise 80 percent of the 3.4 million population, the rate of national increase has dropped substantially while the rate of in-migration from Russia has increased by almost 60 percent. The Soviets have also given the teaching of Russian a priviledged position by law, thus attacking the cornerstone of Lithuanian culture and ethnicity, the Lithuanian language.

The effects of recent events in Poland, Lithuania's neighbor, have only served to increase the burden of the Lithuanian people. The State Department's 1983 Human Rights Report notes that "respect for human rights in Lithuania continued to deteriorate in 1983 as persecution and harassement of Catholics, refusniks, and human rights activists by Soviets authorities followed the pace of the previous 2 years." Travel and communication in general, and specifically contacts with Poland, have been restricted by security organs. Labor representatives in Lithuania, the proletariat to whom all Communist societies are supposed to be devoted, have been warned about taking up the Solidarity banner. Furthermore, apart from these political problems, economic conditions in Lithuania are not encouraging. Soviet statistics in 1982 indicated that meat production had declined for the fourth consecutive year, while milk production was failing to keep up with agricultural demand and grain harvests had been meager. While there was some improvement in 1983, living standards as a whole are falling to the lower level common to the Soviet Union.

It is extremely important that we in the United States never forget the spirit and courage of the Lithuanian people who keep alive their sense of national identity despite a continous and most ruthless Soviet campaign to destroy it. We must continue to speak out in international fora against this most blatant violation of the right to self-determination. I am proud that my Government has never recognized

the illegal and forcible incorporation of Lithuania into the Soviet Union. I am equally proud of the demonstrated commitment of the approximately 1 million people of Lithuanian descent residing in the United States to the restoration of freedom in their homeland. We must never forget that dream. We never shall.●

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

● Mr. BUMPERS. Mr. President, I am pleased to call attention to a date this month that is important to all of us but especially to the many Americans of Lithuanian descent: February 16, 66th anniversary of the restoration of Lithuanian independence. It is also the 733d anniversary of the founding the Lithuanian State in 1251. This past February 16, Lithuanian Americans in Arkansas joined their brothers and sisters across the country in commemorating this special occasion that is happy and sad.

It is a happy occasion because it recalls both the reestablishment of Lithuania as an independent state in 1918 and the 733d anniversary of the founding of the Lithuanian state in 1251. For over 20 years during the 1920's and 1930's, the Lithuanian people enjoyed independence as a free and separate nation. Lithuanian agriculture, industry, and the arts all flourished during this special period, as the twin catalysts of liberty and independence triggered a continuing burst of Lithuanian creativity and accomplishment.

The commemoration of Lithuanian independence is a sad time, too, because it makes us painfully aware that this all-too-brief burst of national energy was cut short in 1940 when the Soviet Union forcibly annexed Lithuania. Thousands of Lithuanian patriots were deported or killed by the Soviets in the early stages of their occupation. This sorrow was compounded when the Soviets reoccupied Lithuania at the close of World War II, when they deported 145,000 Lithuanians, and 60,000 more in March 1949.

Soviet repression of the Lithuanian spirit continues today. Little over a week ago, Lithuanian Catholics submitted petitions with 132,000 signatures requesting the release of two Lithuanian priests, Alfonsas Svarinskas and Sigitas Tamkevicius, both serving 10-year prison sentences. And what was the Soviet reaction? The KGB has fined each person who collected the signatures the sum of 50 rubles, and the Soviet minister of justice there has threatened them with jail terms. As sad as this incident is, it demonstrates the unquenchable spirit of the Lithuanian nation in the face of Soviet despotism.

The United States has never recognized the Soviet annexation of Lithuania, and we have continued our recognition of the diplomatic corps established by independent Lithuania. We must never lose sight of the desire of the Lithuanian people to be free and independent. We must continue to press for the goal of self-determination for the people of Lithuania, inspired by the hope that one day the torch of liberty will once again burn brightly in that land.●

● Mr. ROTH. Mr. President, it is indeed a distinct honor and pleasure to join my distinguished Senate colleagues, the proud and vibrant Lithuanian-American community, and all freedom-loving peoples everywhere in commemorating this 66th anniversary of Lithuanian Independence Day.

On February 16, 1918, the people of Lithuania, declaring their right to self-determination, formally established the Independent Democratic Republic of Lithuania. Within 4 years, an historic Constitution was adopted which guaranteed, among other rights, those cherished freedoms of speech, assembly, and religion. To many, the prognosis for this fledgling Baltic nation was indeed bright and promising. Events, however, were to occur radically altering such forecasts.

This brave and inspiring democratic experiment came to an abrupt halt on an infamous day in mid-June of 1940. That day, June 15, the Red Army marched into Lithuania, crushed the independence movement, and set up a quisling puppet regime. Within 2 months' time, Lithuania was politically emasculated and forcefully incorporated into the U.S.S.R. A new and oppressive era thus began in Lithuania.

For nearly four and a half decades, Lithuania has barely existed under the oppressive yoke of Soviet domination. Besides deporting tens of thousands of Lithuanian citizens during the Second World War, the Kremlin has sought to suppress religious freedom, to destroy the national culture, to eliminate the native language, and to expunge any vestige or hint of political opposition. The past four and a half decades of Soviet oppression in Lithuania is a painful reminder that the indiscriminate use of force is the very essence of such a totalitarian regime.

Ironically, the Kremlin's policy has not dampened the spirit of Lithuanian independence; it has actually fostered a greater desire for independence. One of the "little screaming facts that sounds throughout all of history," and which has been lost on the Kremlin, is that, as John Steinbeck wrote in "The Grapes of Wrath," "Repression works only to strengthen and knit the oppressed." That exactly is what has happened and is happening in Lithuania. The indomitable spirit of the Lithuanian people lives and grows.

To its credit, the United States has never recognized the illegal and forceful annexation of Lithuania by the Soviets, and we never should. We salute the spirit of freedom that exists throughout Lithuania. We salute the determination of the people to maintain their culture, their language, their traditions, their religion, and national identity. Their struggle cannot and will not be forgotten.

Mr. President, the spark of religious and civil liberty was kindled throughout Lithuania during those 22 years between 1918 and 1940. That spirit continues to exist and grow. In spite of Soviet oppression, it cannot be destroyed. Of this spirit of liberty, Daniel Webster once wrote:

> Human agency cannot extinguish it. Like the Earth's central fire, it may be smothered for a time; the ocean may overwhelm it; mountains may press it down; but its inherent and unconquerable force will heave both the ocean and the land, and at some time or another, in some place or another, the volcano will break out and flame into heaven.

Mr. President, today we salute the determination and courage of the Lithuanian people. We also look forward to the day when that Lithuanian spirit of liberty will break out and flame again in a new age of freedom.●

● Mr. DOMENICI. Mr. President, February 16 would have marked the 66th anniversary of Lithuania's independence. Instead of a joyful celebration by a proud and freedom-loving people, this anniversary has become a bitter reminder to all Lithuanians of nearly 40 years of Soviet occupation and the systematic destruction of their ethnicity and culture.

Lithuania's independence from Poland, Russia, and Germany lasted from 1918 until 1940, long enough for her people to establish a constitutional democracy, and enact agricultural and trade reforms, which made her economy among the most productive in post-World War I Europe. There was a renaissance of cultural pride in the newly free nation, as schools multiplied, folk culture was archived, and a vigorous and free press expressed itself. All of the this was to change as Nazi Germany and Soviet Russia planned the dismemberment of Europe.

On June 15, 1940, in flagrant violation of two treaties signed by both nations, the Soviet Union—with Nazi encouragement—invaded Lithuania. Three hundred thousand Soviet troops—approximately 1 for every 10 Lithuanian citizens—poured into the country with armored and air support. Almost immediately the familiar pattern was repeated as Communist Party sponsored elections—there were no other candidates—produced a "Peoples' Diet" that voted for Lithuania's immediate incorporation into the Soviet Union. Through brutal military and political tactics, the proud people of Lithuania found themselves under a puppet government and Soviet con-

trol. In a period of 3 days during July 1940, some 35,000 Lithuanians were arrested and deported to Siberia, never to be heard from again.

Although the period 1941-44 saw Lithuania occupied by the Germans and resisting both invaders, the nation's recent history has been tragic. President Gerald R. Ford—when he was House minority leader in 1970—gave an account of the suffering Lithuania has endured:

> This [invasion] was an act of infamy which must never be acceded to by the Lithuanians themselves or by any freedom-loving people of the Earth * * *
>
> What many Americans do not know is that more than 400,000 Lithuanians were swallowed up in Russian and Siberian slave labor camps through mass deportations between 1941 and 1950, ripped from their homes by Soviet terrorists—Soviet murderers. What many Americans do not know is that about 30,000 Lithuanian freedom fighters were killed in guerrilla warfare, resisting Soviet occupation * * *.

Mr. President, the Soviet subjugation of Lithuania continues today, although the techniques are more subtle. Exploiting a religious and hard-working labor pool that is more efficient than Soviet workers, Russian has industrialized Lithuania and its Baltic sister states to a remarkable degree. The Soviet Union has two goals in pursuing this policy, the first being quality goods from Baltic workers and the second being the russification of the Baltic peoples.

Russification consists of the forced relocation of Lithuanians from their homeland, the colonization of Lithuania by Russians, and the gradual and systematic elimination of Lithuanian culture, language, and religion. In 1959, there were 87,300 Russians in Vilnius, Lithuania's capital, and by 1970, that number had grown to 146,700.

Before World War II, Russians composed about 3 percent of the Lithuanian population, and by 1979 that percentage had grown to 8.9 percent. All indications are that this process of relocation and colonization is accelerating, and with the systematic suppression of Lithuanian religion and culture and the establishment of Russian as the official language, all things Lithuanian cannot long endure.

Mr. President, despite 40 years of Soviet occupation, Lithuanians continue to practice their faiths, speak their language, revere their culture, and agitate for autonomy. In recognition of their efforts, and as freedom-loving people, we in the United States must continue our support of this brave people. The anniversary of Lithuanian independence must be remembered and celebrated by those of us who are able to. I hope you and my colleagues in the Senate will join with me in marking this bitter but hopeful independence day.●

● Mr. PRYOR. Mr. President, February 16 marked the 66th anniversary of the reestablishment of the Independent Democratic Republic of Lithuania.

On February 16, 1918, at the end of World War I, the Lithuanians declared independence from more than a century of Russian repression and tyranny. This independence restored a Lithuanian sovereignty first recognized as early as A.D. 1251. The Lithuanians had successfully defended their independence and such liberties as freedom of speech, assembly and religion from repeated Russian aggressions.

In 1940, however, the Lithuanians were the unfortunate victims of the infamous Molotov-Ribbentrop pact, which divided Eastern Europe between Hitler and Stalin and forced the Lithuanians to endure Russian repression for the past 14 years. Because of the illegality of Lithuania's incorporation into the Soviet Union, the United States has continued its de jure recognition of the original Baltic republic.

Among the human rights violations now imposed upon the Lithuanians are an enforced Russification policy, ethnic dilution and religious persecution of Catholics and other worshipers. Many Lithuanians are exiled, imprisoned, tortured or confined to psychiatric institutions for the offense of individual self-expression.

The plight of Lithuanians serves to remind us of the duty of free people everywhere to promote freedom anywhere. The admirable endeavors of Lithuanian-American communities, like the one in Hot Springs, Ark., to promote the cause of freedom should be an example to all Americans, who too often take for granted the freedoms that we enjoy.●

● Mr. LAUTENBERG. Mr. President, the 66th anniversary of the declaration of Lithuanian independence on February 16, 1984 gives us the opportunity to remember that historic occasion and to reflect upon how brief the period of independence was for the Lithuanian people. Centuries of national identity and national pride culminated in the establishment of the Lithuanian state in 1918. Such nationalism has been the most powerful political force of modern times. Joined with that force is the struggle by people everywhere for greater freedom and liberty in their lives.

We are all aware of the authoritarian regime that began to sweep away civil and political liberties in Lithuania after a coup in 1926, much as the tide of unlimited state power rolled across other parts of Europe. We are all aware of the harsh repression that followed the forcible and illegal annexation of Lithuania and her sister states of Latvia and Estonia by Stalin's Soviet Union in 1940. Hundreds of thousands of Lithuanians were arrested, deported and executed for their courage in standing up for their national identity, their independent state, and their basic human rights.

There are hundreds of thousands of Americans of Lithuanian descent who continue to share the courage and commitment of their Lithuanian kin to national identity and independence. The chairman of the Lithuanian-American Community in New Jersey is Mr. Kazys Jankunas of Lodi, N.J. There are many other groups across the Nation that keep the heritage of Lithuanian-Americans alive. They work tirelessly to remind all of us of the relentless Soviet effort to eliminate Lithuanian national pride, religious activity and basic human freedoms. They remind us that we all have a commitment to these ideals as Americans.

National self-determination, the culmination of nationalistic identity in a nation-state, has been a major force of our time throughout the world. New states continue to emerge even now, many much smaller, much poorer, much less rich in tradition and history than Lithuania. To consider the attempted incorporation of Lithuania, Latvia, and Estonia into the Soviet Union as the final chapter in the history of these Baltic peoples is, therefore, impossible. We would have to suspend history, itself, for that to be the case.

Peoples that have united in custom and thought to become a nation, like Lithuanians have done, will always press forward for freedom to maintain their traditions and give them the fullest possible expression. Other peoples, like Americans, who have successfully struggled to maintain their rights and freedoms will always be compelled to help. We will always recognize such struggles as our own.

We all can hope today that the latest change in the leadership of the Soviet Union can lead to relaxation of tensions and an end to the cultural and religious pressures on Lithuanians. But we should be ready to speak out to that end and to include such questions in our assessment of our own relations with the Soviet Union. Our remarks today honor the anniversary of a declaration of independence, but also the spirit of millions of Lithuanians that keeps it alive.●

● Mr. EXON. Mr. President, 66 years ago, on February 16, 1918, the Lithuanian people regained their independence and began rebuilding a republic from the destruction of the First World War. Their efforts resulted in a constitution which embodied the principles all Americans have always been fortunate to enjoy. The continuing brutal and inexcusable Soviet occupation and oppression of Lithuania is, therefore, an affront to Lithuanians and Americans—and indeed, to all freedom-loving people.

I join this year's commemoration with the people of Lithuania and their relatives and descendants in this country who will never give up the struggle for freedom. I am confident that the people of Lithuania will someday regain their rights to express their own thoughts, to enjoy their own culture, to follow their religious beliefs, and to determine their own form of government.

The memory of February 16, 1918 remains undimmed in the hearts of the Lithuanian people who continue to defy domination by the Soviet Union. On this special day, I am honored to pay special recognition to these heroes and to join all freedom-loving people in praising the achievements of the Lithuanian people.●

● Mr. DODD. Mr. President, on February 17, 1918, the people of Lithuania reestablished an independent republic, which guaranteed them certain inalienable rights, including the cherished freedoms of speech, assembly, and religion. The United States, along with the other nations of the world, welcomed Lithuania into the community of nations.

But 44 years ago, acting on the basis of her infamous deal with the Nazis, the Soviet Union invaded Lithuania, and forcibly incorporated her and her neighbors Estonia and Latvia into the Soviet empire. Large numbers of her citizens have been deported since the Soviet occupation began. A policy of Russification has been instituted. The objective of this policy is unmistakeable: To erase any trace of an independent Lithuanian language, history, and cultural heritage, to dissolve the Lithuanian nation in the much larger mass of Russian occupiers.

The United States has never recognized Soviet annexation of Lithuania as legitimate in any way. Soviet policy to eradicate Lithuania as a distinct political, cultural, and ethnic entity is criminal. It violates the norms of civilized conduct and international law. The United States will not and cannot accept the Soviet annexation of the Baltic States, not even as a fait accompli.

Moreover, there are unmistakeable signs that the people of Lithuania have not given up the idea of freedom and independence. Student demonstrations and workers' strikes in recent years have shown the continued commitment of the people of Lithuania to these ideals.

Today, I join with my colleagues in expressing support for the 3.4 million Lithuanians still living under Soviet domination. We must send these people, as we send to all people suffering under the yoke of the Soviet empire, our clear pledge that we shall continue to support their right to self-determination. We shall continue to call for the freedom and independence of the Lithuanian people. As we mark this 66th anniversary of Lithuanian independence, let us rededicate ourselves to the righteousness of their cause.●

● Mr. MOYNIHAN. Mr. President, on February 16, during the Lincoln's birthday recess of Congress, Lithuanians around the world marked the 66th anniversary of the Declaration of Lithuanian Independence.

On January 18, 1918, as war raged across Europe, Woodrow Wilson presented to the Congress a 14 point program outlining America's objections in the war. Believing this program to be the only possible hope for peace, Wilson said:

> What we demand in this war, therefore, is nothing peculiar to ourselves. It is that the world be made fit and safe to live in; and particularly that it be made safe for every peace-loving nation which, like our own, wishes to live its own life, determine its own institutions, be assured of justice and fair dealings by the other peoples of the world as against force and selfish aggression.

He spoke of the peaceful world in which peoples and nations were free to determine their own destiny. Shortly afterwards, no doubt encouraged by the American president's determination, the proud and courageous people of Lithuania on February 16, 1918 formally declared their independence. In the place of czarist absolutism, Lithuanians pledged themselves to a constitution that guaranteed the freedoms of speech, assembly, and religion. It was truly a landmark day for democracy in Eastern Europe and the world.

As my colleagues know, in 1940 this noble democratic experiment came to an end, crushed by the invading army of the Soviet Union. Lithuania, Latvia, and Estonia, were annexed by force and subjected to the systematic repression of national values and identity we have come to know as typical of the Soviets. Tens of thousands of Lithuanians were deported to labor camps in Siberia. Lithuanian prisoners of conscience continue to suffer in Soviet prisons today for their courageous efforts to maintain the spirit of Lithuanian independence. Quite properly, the United States has never formally acquiesced by recognizing the forced Soviet annexation of the Baltic States.

Yet, despite Soviet oppression, Lithuanians have never lost the spirit of independence. Sustained by their love of country and their unshakeable belief in freedom, they have remained true to the admirable values proclaimed on February 16, 1918. It is because of this undying hope and undaunted aspiration of the Lithuanian people we mark this anniversary each year.

The people of Lithuania are not alone—we share in their struggle. We are reminded that freedom must never be taken for granted.

In commemorating Lithuanian Independence Day we honor the indomitable spirit and tradition of the Lithuanian people. By doing, so we remind the Soviet Union that the free world remains firm in its commitment to the legitimate aspirations of the Baltic peoples.●

● Mr. D'AMATO. Mr. President, on February 16, 1984, we commemorated the 66th anniversary of the establishment of the Independent Democratic Republic of Lithuania by the Lithuanian National Council. The roots of independence grow deep in the soil of this Baltic nation.

In 1251, Mindaugus the Great brought the Lithuanian principalities together to form a unified and independent kingdom. Despite unceasing attempts to invade their little kingdom by the neighboring Teutonic knights and Russians, the people of Lithuania persevered. Under the leadership of Grand Duke Gediminas, the kingdom expanded rapidly. As a result, Lithuania remained an independent state for more than five centuries.

In 1795, the kingdom was divided between Prussia and Russia. Subsequently, the Lithuanians were denied the political independence which they had fought fervently to maintain. Under Russian czarist rule, the people were subjected to the harsh policy of Russification which was designed to deprive them of their own culture.

Sparked by the 1905 revolt in Russia, however, the seeds of nationalism and independence in Lithuania began to mature. Once again, throughout World War I, the nationalist movement continued to grow in strength and ultimately led to the formation of the Lithuanian National Council in September 1917. The following year, the council issued a declaration of independence at Viltains in February and a government was shortly formed. Despite efforts by the Bolsheviks to dominate the Republic, the nationalist government continued to rule.

Finally, the Soviets, recognizing the strong sentiment of nationalism within the Republic, signed a peace treaty with Lithuania in July 1920. The treaty declared in part, that:

> In conformity with the right declared by the Russian Soviet Federated Socialist Republic that all peoples have the right to free self-determination. Russia recognizes without any reserve the sovereignty and independence of the State of Lithuania with all juridicial consequences resulting from such recognition, and voluntarily and forever renounces all sovereign rights possessed by Russia over the Lithuanian people.

Shortly after the start of World War II, the Soviets secured permission to station troops in Lithuania in exchange for the transfer of certain territories which had been seized from Poland. On June 15, 1940, however, an invading force of more than 300,000 Soviet troops entered Lithuania. This blatant act of aggression by the Com-

munist regime of Joseph Stalin brought to a tragic end the independence and prosperity which Lithuanians had enjoyed during the 22 years which followed the issuance of the declaration of independence in 1918. In August of 1940, the Communist leadership of the Soviet Union illegally annexed the free and independent country of Lithuania.

Since the incorporation, which the United States still does not recognize, the freedom-loving people of Lithuania have been subjected to some of the most brutual forms of oppression instituted by the Kremlin. Under Stalin, Khrushchev, Brezhnev, and Yuri Andropov, thousands of Lithuanians have been slaughtered, deported, exiled, imprisoned in slave labor camps or committed to psychiatric institutions.

Meanwhile the Soviet Government has enthusiastically, and hypocritically, joined in support of such important documents on human rights as the U.N. Universal Declaration on Human Rights and the Helsinki Final Act. The case of Viktoras Petkus, however, demonstrates the Blatant Soviet disregard for these documents. On July 13, 1978 Mr. Petkus was sentenced to 3 years imprisonment, 7 years in a special regiment camp and 5 years of internal exile for alleged anti-Soviet agitation and propaganda. His only crime was that of belonging to the Lithuania Helsinki Monitoring Group. As a prominent Lithuanian Literary historian, he has aided in revealing to the world the Soviet violations of basic human rights. Victoras Petkus is just one of the hundreds of thousands persecuted by the Soviet regime which has been imposed upon the peaceloving people of Lithuania.

In addition, these ruthless dictators have continued to follow the policy of Russification first implemented by czarist Russia. Accordingly, they have attempted to eliminate every vestige of Lithuanian culture and national identity, including the native language, religion, art, and music. Despite Soviet denial of even the most basic of human rights, the people of Lithuania have struggled heroically in their efforts to break the chains of Soviet domination. Their steadfast belief in the principles of independence and their deep rooted desire for freedom have enabled Lithuanians to endure Communist oppression.

The free spirit of the Lithuanian people will not be broken. Their search for self-determination will continue.

On February 16, Lithuanians throughout the world, including the more than 832,000 Lithuanian-Americans living in our Nation, joined in solidarity with their countrymen in observance of Lithuanian independence. In light of our Nation's dedication to the principle of independence and commitment to protection of civil liberties, it is appropriate that we join with members of the Lithuanian community by commemorating the 66th anniversary of Lithuanian Independence Day. It is imperative that the United States send a clear and strong sign of moral support to the 3.2 million Lithuanians living under Soviet tyranny and that our Government continue to champion the cause of independence for Lithuania.●

ILLINOIS OFFICIALS OPPOSE CURBS ON INDUSTRIAL DEVELOPMENT BONDS

Mr. PERCY. Mr. President, the House Ways and Means Committee has reported legislation—H.R. 4170—that would, among other things, place new limits on the use of industrial development bonds.

These IDB's, as they are called, are used by the State of Illinois and municipalities all over my State to attract new business. They have been helpful in establishing permanent, private sector jobs. They have been particularly valuable as an alternative means of financing in an era of high interest rates.

Our Governor, Jim Thompson, recently wrote me about the proposed cap on IDB's in H.R. 4170, spelling out his strong opposition to this provision. Governor Thompson notes that under the cap, Illinois would be limited to $1.8 billion in bonds a year. This is far under the amount now issued.

Mr. President, I ask unanimous consent that Governor Thompson's letter be included in the RECORD at the close of my remarks.

I have also recently heard from Chicago Mayor Harold Washington. Mayor Washington is also concerned about the impact the House bill would have on Chicago and other cities. In 1983, the city of Chicago issued $662 million in tax exempt bonds. Mayor Washington estimates that Chicago would exceed the $150 per person limit by 40 percent in 1984.

Mr. President, I ask unanimous consent that Mayor Washington's letter and position paper be printed in the RECORD at the close of my remarks.

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

(See exhibit 1.)

Mr. PERCY. Mr. President, Illinois cannot afford to lose this important economic development tool at this time. My State has been hit hard by the recession and has consistently had the fourth highest unemployment rate among the top industrial States. Moreover, in the last 2 months, when unemployment has dropped nationwide, it has inched up in Illinois.

I urge my colleagues on the Finance Committee to carefully review these letters and the mayor's position paper before they take any steps to limit IDB activity.

EXHIBIT 1

STATE OF ILLINOIS,
OFFICE OF THE GOVERNOR,
Springfield, Ill., October 25, 1983.

Hon. CHARLES H. PERCY,
Senate Dirksen Office Building,
Washington, D.C.

DEAR CHUCK: Last week, the House Ways and Means Committee approved the Tax Reform Act of 1983 with provisions that severely restrict Industrial Development Bond (IDB) financing. If passed, the bill, H.R. 4170, will seriously hamper the State of Illinois's economic development efforts. It will restrict programs to provide housing to low income families, retard the development and improvement of pollution control facilities, prevent the rehabilitation of older buildings and industrial plants, and limit student loans.

The most damaging element of the bill is a $150 per capita state-by-state volume cap for all private purpose bonds other than mortgage revenue bonds. This includes all small issue industrial development bonds as well as bonds for multi-family housing, student loans, airport development, sewage and solid waste disposal, and pollution control.

Under the cap, Illinois would be limited to $1.8 billion in bonds per year. Last year, the Illinois Housing Development Authority issued approximately $375 million in tax-exempt housing bonds. The state estimates that $160 million in student loan bonds was issued last year. The Illinois Environmental Facilities Financing Authority predicts that it will issue $140 million in pollution control bonds this year. Bonds are also issued for many other purposes by the state and by the communities around the state. If statistics were available for all IDBs issued per year in the state, analysts are certain that the total amount would far exceed the proposed cap.

Although there may be persuasive arguments for a cap, the concept of equity cannot be ignored. In order for equity to prevail, consideration must be given to those states that rely heavily on IDBs in their economic development programs.

H.R. 4170 also eliminates the use of IDBs for the purchase of land or existing facilities. It limits bond users to $40 million in outstanding IDB financing, hampering the rapid expansion of some new firms and limiting development of larger corporations. It restricts the use of arbitrage funds to the extent that the costs of issuance cannot be covered by those funds.

These changes would virtually destroy the Industrial Development Bond program, a very important economic development tool in Illinois. Moreover, the restrictions come on the heels of effective legislative reform of the program. Just last year, in the Tax Equity and Fiscal Responsibility Act (TEFRA), Congress substantially eliminated abuses in the program, precluding the need for further restrictions this year. TEFRA added limitations which prohibited known abuses; reduced the benefits through a reduction in the rate of allowable depreciation of acquired assets; and instituted requirements for public hearings, elected official approval, and information reporting. Since the effective date of TEFRA, none of the restricted abuses has occurred and small issue industrial development bond volume has receded considerably.

Industrial Development Bonds are an important and effective economic development

tool. H.R. 4170 will have a devastating impact on Illinois's development programs and on the housing recovery in the state. I urge you to take strong steps to prevent these restrictions from becoming law by supporting Congressman Martin Frost's efforts in the Rules Committee on Wednesday, October 26 to pass a rule modification permitting the striking of the IDB restrictions, and by supporting the amendment removing the restrictions when the bill reaches the House floor on Thursday, October 27.

Sincerely,

JAMES R. THOMPSON, *Governor.*

OFFICE OF THE MAYOR,
City of Chicago, January 23, 1984.

Hon. CHARLES H. PERCY,
Dirksen Senate Office Building,
Washington, D.C.

DEAR SENATOR PERCY: I have a great deal of concern about HB 4170, a proposal to restrict the use of private activity bonds. The passage of this legislation will have a tremendous impact on Chicago's development efforts. I have attached a report which delineates the impact of HB 4170 on Chicago.

In 1983 the City of Chicago issued $662 million in tax exempt bonds. Based on the $150 per person limit, Chicago will surpass the cap by 40 percent in 1984 and 36 percent in 1985. Airport expansion plans alone for 1984, estimated at $515 million will exceed Chicago's cap. In addition, the cap would reduce new housing construction and rehabilitation by approximately 25 percent. Other harmful provisions restrict the use of bond proceeds for acquisition of land and existing facilities. This discriminates against older cities by effectively prohibiting rehabilitation.

I would like to recommend that you consider the options I outlined in the attached report. Basically, these consist of targeting the use of private activity bonds to areas with the greatest need, identifying various special purpose exemptions such as multifamily housing, distributing the bond authority across the region for regional projects and phasing in the establishment of a cap over several years.

If you wish to discuss this further, please contact Robert Mier, Commissioner of the Department of Economic Development at 312/744-3881 or Ronald Gibbs, Director of our Washington, D.C. Office at 202/554-7900.

Sincerely,

HAROLD WASHINGTON.

THE IMPACT OF THE PROPOSED RESTRICTIONS ON (HB 4170) PRIVATE ACTIVITY BONDS IN CHICAGO

INTRODUCTION

As Congress resumes its debate on HB 4170, a proposal to severely restrict the use of "private activity" bonds, it is important to understand the severe impact on Chicago these changes would causes. A "worst case" scenario would find Chicago denied at least 38 percent of its potential "private activity" bond financing in the next two years, having a severe effect on its economic revitalization efforts. For example, it would likely reduce new housing construction and housing rehabilitation by approximately 25 percent.

While HB 4170 may yet undergo significant modifications, (including those contained in the compromise version rejected by the House of Representatives last fall) this analysis addresses the provisions of HB 4170 as it now stands. Namely, it assumes that the proposed $150 per person limit applied to Home Rule Municipalities will result in approximately $432 million per year maximum bond issuance for Chicago. The $150/person limit includes all "private activity" bonds currently issued for housing, aviation, and economic development purposes including General Airport Revenue Bonds. Finally, this examination assumes the bill will continue to restrict the use of bond proceeds for acquisition of land and existing facilities. These conditions constitutes the "worst case" outlined above.

In 1983, the City of Chicago Department of Aviation, Economic Development, and Housing issued $662 million in tax exempt bonds. These departments anticipate an even greater need in the next two years: $723 million in 1984 and $679 million in 1985, which exceeds the proposed cap by 40 percent and 36.4 percent, respectively. The following table summarizes the City of Chicago's actual and projected issuance of tax exempt bonds for the 1980–1985 period (in millions of dollars):

	1980	1981	1982	1983	Planned	
					1984	1985
Aviation	0	0	144	361	515	425
Economic development	56	45.7	27.9	46.6	48	54
Housing	0	0	42.7	254.4	160	200
Total	56	45.7	214.6	662.1	723	679

IMPACT OF THE LIMIT

The impact of HB 4170 on Chicago can best be understood by exploring the three main areas of activity using these bonds within Chicago: aviation, economic development, and housing.

(a) Aviation

In the area of aviation, the City has embarked on a major airport development program to modernize and increase the capacities of both O'Hare and Midway. Although the collective design capacity of these airports is 25 million passengers annually, they now handle over 40 million passengers per year, mostly through O'Hare. It is estimated that this volume will expand to 80 million annual passengers by the year 2000, drawn from the three state region. This traffic represents a demand for air services reflecting the needs of an expanding and modernizing regional economy. Without the planned expansions, this economic growth will be tempered.

From the perspective of the City of Chigago, the aviation expansion plans could not be financed without "private activity" bonds. Planned bond activity for 1984 alone totals $515 million, which includes $335 million in the form of General Airport Revenue Bonds. This would exceed the City of Chicago's total estimated annual cap by 19.2 percent.

Both O'Hare and Midway airports serve the entire metropolitan region of over 7 million people, not only Chicago. According to the provisions of HB 4170, the bonds used to finance the development of the airports would not be counted toward the limit of any other municipalities. This enables other regional jurisdictions, often competitors of Chicago for new economic activity, to benefit from the airport development without sacrificing any of their development resources.

(b) Economic development

Due to a number of well recited factors, Chicago has often found itself at a competitive disadvantage for retaining or capturing economic activity. The "private activity" bond program, in the form of Industrial Revenue Bonds, has enabled Chicago to stimulate economic activities in areas of the city most in need of employment opportunities. In addition, companies that do benefit from the IRB's create needed tax revenues for the City, State, and Federal government. In 1983 alone, the Department of Economic Development coordinated 17 industrial revenue bond projects representing $46.6 million in new investment. These projects also resulted in the creation of 1584 jobs and in the retention of an additional 2419.

The IRB program represents the most attractive incentive the City can currently offer businesses that consider expansion or relocation in Chicago. The bonds provide an excellent tool for the private sector to assist the City in leveraging public funds, often constituting an essential component of a project which requires both public and private funds.

The department plans to aggressively expand this program in the next several years, with goals of $48 and $54 million annually in 1984 and 1985. It is exploring various techniques of issuing these instruments which would make them more useful for financing smaller industrial developments, with emphasis on reducing the fixed costs of financing. The goal is to have a greater impact on the small and minority business sectors, the anticipated source of considerable new job growth in Chicago.

(c) Housing

The restriction of "private activity" bonds will have a two-fold impact on housing in Chicago, an overall estimated 25 percent reduction of aggregate new housing, construction or housing rehabilitation, and a virtual elimination of any effort to provide affordable housing to low-to-moderate income households. The City's "private activity" bond program has played a major role in Chicago's development. For example, almost 50 percent of housing units constructed or substantially rehabilitated in Chicago in 1982–83 resulted from the Department of Housing's use of "private activity" bonds, (4270 units out of a total production of 8939).

Probably more critical is the impact of the curtailment of "private activity" bonds on low-to-moderate income households. Historically, the Hud Section 8 program has played a primary role in increasing the supply of rental units for low-to-moderate income households. With the elimination of Section 8, the burden now falls on the only remaining resource of the "private activity" bond program, which contains a requirement that at least 17.5 percent of the units be reserved for low-to-moderate income tenants.

RESTRICTIONS ON ACQUISITION OF LAND OR EXISTING FACILITIES

HB 4170 also includes severe restrictions limiting the use of bond proceeds for the acquisition of land and existing facilities. By allowing the use of the bonds only for new construction, the act clearly favors suburban areas, giving such areas a powerful added competitive advantage over older central cities. This is an especially ironic consequence of the act in light of the fact that the original intent of IRB's was to provide an incentive for industrial development in depressed regions. These provisions effectively discriminate against older urban areas by preventing use of bonds for the rehabilitation and re-use of vacant or underutilized

industrial, commercial and residential space. Nearly 70 percent of all DED bond projects through 1982 involved the renovation of existing facilities rather than new construction. With these provisions, businesses will be more likely to consider a suburban location where new construction and land are easier and less expensive. In addition to the cap, this provision would further limit Chicago's ability to use "private activity" bonds for economic development and housing purposes.

CONCLUSION

"Private activity" bonds have been used positively in Chicago to redevelop commercial, industrial and residential areas and to bring employment opportunities to areas with the greatest needs. For example, the Department of Economic Development's 1982 survey of 100 bond recipients found that 60 percent of bond financing has gone to facilities located in the City's low income areas. HB 4170 would seriously impact the City of Chicago's efforts to promote economic revitalization especially in areas of greatest need. At a national level, it represents a drawing back from efforts to stimulate the economies of the less advantaged areas.

RECOMMENDATIONS

Although Congress is entertaining a number of possible modifications to HB 4170, the following approaches would mitigate its impact on Chicago.

1. Targeting.—Recognize the original purpose of the "private activity" bonds for economic development and permit the use of bonds in areas with the greatest need. If a cap must be maintained, criteria should be developed to allocate the cap among the most distressed cities and states. In addition, bond proceeds should be allowed to finance the rehabilitation of existing facilities, a modification of vital importance to older, economically disadvantaged areas.

2. Exemptions.—The broad category of private industry bonds includes many special purpose bonds which involve multi-million dollar projects that will absorb most of any cap, and effectively prohibit small scale economic development projects. Consequently, we propose several exemptions to provide space under the cap.

(a) Exclude housing bonds from the restrictions of HB 4170 recognizing that "private activity" bonds represent virtually the only vehicle for expanding the supply of housing accessible to low to moderate income households.

(b) Exclude General Airport Revenue Bonds from the restrictions. In 1984, this would involve $335 million.

3. For projects with a clear regional and national impact, like the O' Hare expansion, distribute the burden of use of the bonding authority across the benefiting region. For example, the $515 million of airport bonds planned for 1984 might be distributed for accounting purposes by population resulting in only about $200 million counting toward Chicago's limit.

4. Limit the maximum size of project for which "private activity" bonds can be used with larger projects requiring Congressional approval.

5. Approach the long run limit gradually. If the $150/person limit was reached in 1988, municipalities would have time to explore alternative methods of financing.

AGC PRESIDENT PEPPER LEAVES OFFICE

Mr. PERCY. Mr. President, next month, Richard S. Pepper, president of the Associated General Contractors of America, will step down after completing a 1-year term.

I congratulate him on bringing to the Nation's attention the problem of our deteriorating public works infrastructure. The report completed by his organization has received wide attention both on Capitol Hill and in statehouses throughout the Nation.

Mr. Pepper is a native of Chicago and is chairman of the board of a Chicago-based construction firm, Pepper Construction Co.

He is a real credit to the community. Mr. Pepper is a director of both the Chicago Boys Club and the Chicago Heart Association. He is former chairman of the John Evans Club at Northwestern University.

I would like to share with my colleagues, and ask unanimous consent that it be reprinted in the RECORD, an article from the Engineering News-Record which details Mr. Pepper's "Push for Productivity."

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

PEPPER: BE COST-EFFECTIVE OR DIE

In addition to being the 1983 president of the Associated General Contractors, Richard S. Pepper, the chairman of Chicago-based Pepper Construction Co., is a leading indicator of where the construction industry is heading in the 1980s.

In his 26 years as president and then chairman of the firm his father founded, Pepper has met productivity problems head-on and seen Pepper Construction grow to 50 times its size in 1957. Pepper is a union contractor in Illinois, but he faced business realities and established open shop operations in Florida and Texas. He respects the craftsmanship of many building tradesmen, but he talks tough when their unions want higher wages than the market will bear. Most of all, Pepper is a productivity-pusher who hates to see men or money sit idle when there is a job to be done and profit to be earned.

"Like all other industries, construction faces the test and challenge of cost-effectiveness," Pepper told AGC members convening in Atlanta this week. "Meeting that test and challenge will determine the future" of construction industry management and labor.

The key problem facing his firm, his association and his industry today, says Pepper, is the demand by the building trades for high wages and restrictive work rules in a time when union construction is losing markets to the open shop. If the building trades don't learn to share contractors' concerns about the bottom line, he says, union construction "won't survive, and the open shop movement will take over the industry."

ROLLOVERS

To reverse the decline of union construction, says Pepper, the building trades will have to change the way they do business. "Any bargaining that takes place in 1983 has to be zero-based," he says, adding that unions in Chicago and elsewhere must give "serious consideration to a rollover of existing contracts that are up in April, May and June of this year, extending them for another year or longer. Union journeymen have literally priced themselves out of the market."

In addition, says Pepper, "we have to get rid of featherbedding and take a look at productivity, jurisdictional disputes and the use of helpers. And, in lieu of strikes, we're going to have to get some sort of impasse-settlement plan into our agreements." Last April, AGC and most of the basic trades agreed on a standardized settlement plan, but to date few local unions have included it in their contracts.

HOPE FOR RECOVERY

The root of the building trades' problems, Pepper believes, is weak leadership. "The union movement and union contractors could do very, very well if the international presidents took a stronger leadership role and did not give their local unions complete autonomy," he says. For now, Pepper says union contractors can only hope that the Market Recovery Program for Union Construction being pushed by the National Construction Employers Council and the Building and Construction Trades Department, AFL-CIO, will gain acceptance at the local level. The program, started last year, is designed to encourage the establishment of local management-labor committees to identify and address competitive problems. The program's success, Pepper says, "is entirely based on the collective bargaining and the contracts coming up" this spring.

Pepper also hopes that the Business Roundtable's Construction Industry Cost Effectiveness Project will have a strong impact, not only on union construction but on the industry as a whole. The project's 23 reports, which contain more than 220 recommendations for improving cost-effectiveness in the industry, provides "an excellent summary" of the failings "not only of the building trades, but of contractors and owners themselves." Earlier this week, Pepper appointed an AGC task force to work with the Roundtable to speed inclusion of many of the project's recommendations in contracts negotiated by AGC's collective-bargaining chapters.

OPEN SHOP OPTION

But despite the hope he holds for the Roundtable's project and the market-recovery plan, Pepper, like many other union contractors, is eyeing open shop contruction as a viable alternative. "The building trades here in Chicago are excellent," he says, adding that he "would prefer to be a union contractor. But I have to be realistic as a management person and say if we cannot survive, we would consider being open shop."

Outside of its headquarters state, Pepper Construction already is. "We have assigned our bargaining rights (to an AGC chapter) in Illinois," says Pepper, but "we have not done so in any other state. When we go into (Florida or Texas), we analyze which is more competitive overall—open shop or union." Following this analysis, he says, "we have determined many times that we should work on an open shop basis."

One of the goals of Pepper Construction's five-year strategic plan is "to broaden our markets," says Pepper, and the only way to do that is to expand Chicago—where "we have always had a good market"—to the sunbelt. "We have young, aggressive people who want to see the company grow and to grow with the company," he explains, so

Pepper Construction opened offices in Orlando and Dallas and sought new construction contracts in those fast-growing areas. According to Pepper, fully 35 percent of the firm's $193 million in 1982 revenues came from outside Illinois.

In addition to pushing into new markets—and pushing the building trades to accept lower wages and less restrictive work rules—Pepper Construction's "young, aggressive people" are pushing to increase their own productivity. Thirty years ago, the firm was managed "by the seat of its pants," says Pepper. "But today, I think, it's a professional business and you need management abilities. All of our managers are coming out of college and are well-trained."

NEW BLOOD

Among the firm's younger executives is Geoffrey C. Knudson, 40, who was promoted to president when John I. Skanderup, 63, became Pepper Construction's vice chairman. In a similar fashion, older executives have been promoted or, when they retired, replaced with executives more highly trained in business and finance. In some cases, new positions were created to deal with the growing complexities of the business.

"We created (the position of) vice president-finance for Gordon B. Marshall," who is 39 and a certified public accountant, says Knudson. And Joel Thomason, 33, with previous experience at a Chicago construction materials company, was added to the staff as head of accounting. Those additions to Pepper Construction's management "gave us the financial expertise we needed," he adds.

The firm's executives, particularly Knudson, have been playing increasingly important roles in recent months while Pepper has been away on association business. Pepper says that while he worked 80-hour weeks in his earlier years as head of the firm, he now delegates day-to-day administration to Knudson. "Being in AGC, I have to," he says, adding that recently he was away for more than three weeks in a single month.

PROFIT CENTERS

Knudson concurs, saying, "We place a lot of emphasis on autonomy, both in our specific operations and in our individual responsibilities. Each of our project managers is really a profit center." Pepper adds, "Everything has to be a profit center in our business—even our accounting department. They have to work our cash flow."

While many contractors have come to look at financing as a losing battle in recent years, Pepper says, in 1982 "we made $1.5 million on our money in interest." That considerable interest is due in part to the firm's tradition of not borrowing—all work has to be financed from cash flow. But the interest is also due to Pepper's insistence that the accounting department make retained earnings as profitable as any of the roughly 400 jobs the firm takes on each year.

Pepper's meticulous approach to profits and productivity, his moves to the sunbelt and the open shop, and his tough talk to the building trades reflect the growing pragmatism of the nation's union contractors at the end of one of the longest recessions on record. According to Pepper, he has no choice but to talk tough and face the firm's and the industry's problems head-on. "The survival of union construction is at stake."

OPTIMISM, PESSIMISM

In addition to promoting the importance of cost-effectiveness in the construction industry, AGC President Pepper has the following views on current industry issues:

On the Impartial Jurisdictional Disputes Board: "We hung in there on a month-to-month basis for 18 months, trying to work out a reasonable solution where awards would be made on cost-effectiveness. We felt that it was not wise to stay in something that was not productive."

On the National Construction Industry Council: "In past years, NCIC tried to take a stand on every issue. If NCIC is to be successful in 1983, we should take two issues we can agree on and concentrate on them."

On standard subcontract forms: "I'm very optimistic about the chances of reaching an agreement [with the subcontractor groups] this year."

On small-business set-asides: "If I had the power to change things, I'd make construction exempt from [the Small Business Administration's set-aside program]." At the very least, he says, "SBA ought to get [set-asides in construction] down to jobs of about $250,000."

On pension-plan changes: The chances for amending the Employee Retirement Income Security Act "will be very remote in this Congress. If we go in to testify [on ERISA while Congress is focusing on the budget], we just won't be heard."

On Davis-Bacon repeal: "President Reagan is a man of his word. We will not see the repeal of Davis-Bacon over the next two years."

On infrastructure improvements: "A start has been made in addressing America's transportation needs, but it was a long-delayed start and is not the ultimate solution to either our transportation or other public-facilities needs."

DEREGULATION RIGHT CHOICE: UNITED'S FERRIS

Mr. PERCY. Mr. President, last fall, Richard J. Ferris, chairman of United Airlines, spoke before the 1983 meeting of the National Association of Casualty and Surety Executives and the National Association of Casualty and Surety Agents.

The speech marked the fifth anniversary of the enactment of the Airline Deregulation Act of 1978, which was, I might add, supported by United Airlines.

As Chairman Ferris points out in his speech, the transition from a tightly regulated industry to deregulation has not been easy because of the: Tripling of oil prices; grounding of the McDonnell-Douglas DC-10; air controllers strike with capacity restrictions at many key airports. Some of these controls still persist; and recession.

Yet, Chairman Ferris believes that because of deregulation, United serves the public better and more efficiently.

I ask unanimous consent that his remarks be printed in the RECORD.

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

PLAYING THE GAME AFTER THE RULES CHANGE

(Richard J. Ferris)

The airline industry marks an important anniversary this month. Five years ago, then-President Jimmy Carter deregulated the airlines.

These five years have been tough, but rewarding.

Tough because airline deregulation has been a phased process that will culminate with the sunset of the Civil Aeronautics Board on December 31, 1984. Tough because we didn't gain route freedom, i.e., asset allocation, until January 1, 1982. Tough because we didn't obtain pricing freedom until last January. And tough because what we knew was going to be a difficult transition from a tightly regulated economic environment to a free-market system was made even more difficult by four major occurrences: Tripling of oil prices; grounding of DC-10s; the worst recession since the depression; and the air-traffic-controllers' strike, which has idled a hefty percent of our asset base for two years.

Murphy's law was in full swing.

These past five years also have been tough because of the personal hardship borne by many of our employees as we exorcised the inefficiencies inherent in a regulated industry.

But the past five years have been rewarding, too. Rewarding because business exists to serve society, and today we are serving the public much more efficiently.

As you know, United virtually stood alone in the airline industry as a supporter of deregulation. For a while, at industry meetings, I was about as popular as a skunk at a lawn party. But being an advocate of deregulation allowed United to play a constructive role in fashioning the legislation that changed our industry.

Of course, a change from 40 years of tight regulation to a free-market doesn't come about overnight, or in a year, or even in five years. It doesn't come about problem-free or without some sleepless nights spent wondering what the long-term effects will be. Effects on the organization you head; on the employees who depend on you for their livelihood; and on the shareholders who stake their money on your ability to run a profitable company.

So how does a business move from nearly five decades of tight economic regulation to little or no regulation? The same way you drive in Tokyo traffic—very carefully.

We thought we were prepared for a free market. We were—but not enough. We've learned a lot since 1978. We did some things right. We missed the mark on others.

I hope some of the lessons we learned will be useful to you as you face changing times in the financial-services industry. And as you face a more intensely competitive marketplace.

These five lessons sounded simple enough as I prepared this speech. But they weren't so clear-cut back in 1978.

The lessons? We learned to change the way we think. We learned to define our mission and its supporting strategies, keeping the unexpected in mind. We learned to break out revenue and expense by product line. We learned to cut costs. We learned to know our customers.

Let me tell you about each of them.

The first lesson: We learned to change the way we think.

The new environment required—no, demanded—we examine all of the old beliefs about our business. It was one thing to say United couldn't be the same kind of airline it was in days of government regulation. It was another thing to be able to describe what kind of airline United was going to become. Occasionally our top-management meetings took on the tone of the jury in "Twelve Angry Men."

This ability to think clearly—devoid of 40 years of mental baggage—was key to a successful transition. It still is key today. The ability to think clearly is a constant factor to be dealt with in all the lessons we learned.

United—like each of your companies—has a distinct culture. When you move that culture to a new environment, you don't have time to wait for the evolution of the species as it occurs in nature.

The August 1982 issue of the Harvard Business Review highlighted the thinking gap in an article called "Deregulation—Surviving the Transition." The article presented these contrasting views:

When it comes to the customer, regulated thinking says the regulator may be viewed as the most important customer. But market thinking says the ultimate customer is the focal point.

When it comes to cost, regulated thinking promotes cross subsidy of products and services and breeds a lack of cost sensitivity because costs are part of the rate base. But market thinking dictates that costs be kept by product and/or markets served.

When it comes to employees, regulated thinking prefers a paternalistic orientation. But market thinking prefers results orientation.

When it comes to competition, regulated thinking seeks to limit competition. But market thinking seeks product superiority and cost efficiency to rebuff competition.

When it comes to decisionmaking, regulated thinking becomes concerned with the process, i.e., forms and procedures. But market thinking becomes concerned with the results.

Clear thinking was—and still is—the toughest lesson of deregulation. Without it, you cannot properly address the other lessons learned. Without it, you cannot properly establish the mission of your corporation. Or the strategies to achieve the mission. Or the proper organizations to carry out the strategies. Or the ability to find new markets and to serve them cost effectively.

In my opinion, this thinking process requires the intense involvement of the CEO and of the COO. No one else can provide the leadership that will effectively change a company's culture, mentality, or thinking in a reasonable amount of time. I define reasonable as survival versus extinction. Examples of both are evident in the airline industry today.

The second lesson: We learned to define our mission and supporting strategies, keeping the unexpected in mind.

There was little need and little incentive to plan when government regulation protected us from the real world like an incubator protects a newly hatched chick.

We thought we were prepared for deregulation because for years we supported it, talked about it, thought about it. But we were wrong.

We didn't realize how much and how fast we would have to change when competition came knocking at our door. And we didn't anticipate the knock would be so loud. For example, we didn't foresee the degree and the duration of pricing wars.

When the CAB gave up control over airline pricing last January, new airlines sprang up, clamoring for business. Established airlines fought to keep their share. Shaky airlines desperate to keep cash flowing slashed their prices. The air-fare war was on.

To help us achieve our mission—and to refine it in the years ahead—we set up an issues-management committee. The committee will monitor the outside environment. It will analyze how social, political and economic changes are likely to affect our business. And it will establish policies for dealing with those external influences.

The third lesson: We learned to break out revenue and expense by product line.

Looking at total revenue and expense generally is acceptable in a regulated industry, where costs are often averaged and incentives are not encouraged. But that's neither acceptable nor desirable in a free market.

By breaking out revenue and expense by product line, we pinpointed the source of our successes and our failures.

We also put talented people at corporate headquarters in charge of various geographical segments of our business. Just like consumer-goods companies use brand managers to track their product lines.

The fourth lesson: We learned to cut costs.

We knew we had to be competitive with new low-cost airlines. Airlines that don't have the overhead, the investment in facilities and equipment and the high-seniority, highly-paid employees we do.

So we took the painful step of trimming our work force from nearly 54,500 employees to a low of 41,500. Even though we reduced our manpower by 13,000 people, we still were running an airline about the same size. Reducing manpower alone produced a 22 percent improvement in productivity.

Asset productivity was another vital cost-reduction effort. When free of the slot restraints brought on by the controllers' strike, our airplanes will be flying 10½ hours a day versus 8½ hours a day. When beginning service to new cities, we found ways to reduce manpower and facility requirements by 30 to 50 percent. Then we applied these new standards to existing cities.

We also changed the way we negotiate with our unions. The key whenever possible is cooperation, not confrontation.

For example, rather than negotiate against a tight deadline, we asked our pilot union for a six-month contract extension. That way an all-new agreement could be worked out. It was a pivotal point in United's history. The cooperative effort to improve United's competitive position resulted in an entirely new contract, written from scratch. The contract gave United the crew flexibility and the cost savings it needed.

Similar efforts continue today as United and its unions recognize the need to fashion even more productive labor contracts to insure our interdependent economic future.

Cutting costs at United is like peeling an onion. You always find another layer underneath. At each of our profit-planning session—and we have three a year—we have found more to peel away. At each session, we have probed management's ways and have found vestiges of regulated thinking. To be honest, the onion is a hell of a lot bigger than we thought. And I think we're going to be peeling for some time to come.

The fifth lesson: We learned to know our customers.

Knowing them better helps us compete better. By surveying our passengers every day of the year on selected flights, we collect timely and extensive data for marketing decisions. We know, for example, that passengers are price conscious.

By studying ticket transactions, we also know that more and more passengers are using travel agents. Therefore, we recently reaffirmed that travel agents are the best way to sell our product to the traveling public.

That's it. Five simple lessons.

One: Change your thinking. Certain ways of managing become so ingrained that we don't even want to consider doing things differently. But a new environment and a changing world demand new thinking by you and by your managers. Making your managers set goals, question costs and consider options will result in a stronger management team. I wasted a year by not beginning this process sooner.

Two: Define your mission and supporting strategies, keeping the unexpected in mind. Something always will happen to set you back or—if you're lucky—to propel you forward. Unexpected changes that set you back can be overcome. Unexpected changes that propel you forward can work to your advantage.

Three: Break out revenue and expense by product line. That gives you incentive to be efficient, competitive, profitable.

Four: Cut costs. To survive in a competitive industry, you must get your costs under control. Just as important, you must keep them under control.

Five: Know your customers. Good market research means you can deliver a product or service that meets customers' needs. That translates into repeat business and revenue.

I hope that all or some of these lessons will be of benefit to you.

Some of you might think—like one reporter does—that I'm too optimistic. He said, "Dick Ferris must believe in miracles because he still advocates deregulation in the face of financial losses." He's right, in a sense.

I believe in the miracle of the free enterprise system and in the economic right of companies to succeed or to fail on their own merits. I also believe that given a chance to operate in a more normal environment, and given an opportunity to adjust to the profound changes that have taken place, the airlines eventually will be financially successful.

I've shared some thoughts with you today about airline deregulation, about facing change, about coping with competition and about playing the game after the rules change.

If you find some of the lessons United Airlines has learned to be practical, applicable or beneficial to your business—and I sincerely hope you do—then my time and yours has been well spent this morning.

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

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

H.R. 4656.—CERTIFICATION REQUIREMENTS WITH RESPECT TO EL SALVADOR

Mr. BYRD. Mr. President, there is a bill, H.R. 4656, that has proceeded under rule XIV and if it is allowed to proceed just before morning business ends today, the Chair would bring that matter forward. I have a couple of Senators who need to settle some

views on the matter; one wants it done and the other does not want it done. I ask unanimous consent that that matter be put over until after the close of morning business today.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. BYRD. I thank the Chair.

(After the close of morning business, the following occurred:)

The PRESIDING OFFICER. The clerk will read H.R. 4656.

The bill clerk read as follows:

A bill (H.R. 4656) to continue in effect the current certification requirements with respect to El Salvador until the Congress enacts new legislation providing conditions for U.S. military assistance to El Salvador or until the end of fiscal year 1984, whichever, occurs first.

REPORT FROM THE PRESIDENT ON LEBANON

Mr. THURMOND. Mr. President, in my capacity as President pro tempore of the Senate, I have received a report and accompanying letter from President Reagan dated February 13 and 14, 1984, respectively, regarding the role of U.S. Armed Forces in Lebanon.

In order that Senators and other readers of the CONGRESSIONAL RECORD may review the information contained in these documents, I ask unanimous consent that a copy of them be printed in the RECORD.

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

THE WHITE HOUSE,
Washington, February 14, 1984.

Hon. STROM THURMOND,
President Pro Tempore of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: I am providing herewith a further report with respect to the situation in Lebanon and the participation of the United States Armed Forces in the Multinational Force. This report, prepared by the Secretaries of State and Defense and covering the period from December 12, 1983 to February 13, 1984, is consistent with Section 4 of the Multinational Force in Lebanon Resolution. This report also includes the information called for by the House version of the Resolution and is submitted consistent with its more restrictive time limits.

Congressional support for our continued participation in the Multinational Force remains critical to peace, national reconciliation, and the withdrawal of all foreign forces from Lebanon. We will continue to keep you informed as to further developments with respect to this situation.

Sincerely,

RONALD REAGAN.

LEBANON REPORT: FEBRUARY 13, 1984

U.S. FOREIGN POLICY INTERESTS SERVED BY U.S. PARTICIPATION IN THE MNF

U.S. foreign policy interests remain as stated in the report of December 12, 1983. The Government of Lebanon (GOL) requested the return of the Multinational Force (MNF) to the Beirut area following the tragedy of Sabra/Shatilla. The presence of the MNF was requested specifically to facilitate the restoration of Lebanese Government sovereignty and authority over the Beirut area and thereby to further efforts of the Lebanese Government to assure the safety of persons in the area and to bring an end to the violence. The MNF remains in Lebanon to help provide the Lebanese Government and Lebanese communities an opportunity to reach agreement on broadening the government and to negotiate the withdrawal of foreign forces. The presence of U.S. forces is a critical part of a shared effort with our Western allies—the British, French and Italians—in the Multinational Force. They are as committed as we to assisting the Lebanese to restore peace and stability to their country. The presence of this Multinational Force further symbolizes Western support for Lebanon's efforts not only to withstand external pressure but to enter serious negotiations with Syria on troop withdrawals.

In order to use U.S. assets in Lebanon most effectively, on February 7 the President announced several changes in the orientation of our political and military resources, all of which are consistent with the existing mandate of the MNF. First, in order to enhance the safety of MNF personnel, authority has been given to U.S. naval forces offshore to provide naval gunfire and air support against any units in Syrian-controlled parts of Lebanon firing into the greater Beirut area, as well as against any units directly attacking MNF or U.S. personnel and facilities. Second is more intensified support and training for the Lebanese Armed Forces (LAF), including counter-terrorism training and an increase in our exchange of intelligence information. Third, we have decided that the large contingent of Marines dug in at the Beirut Airport is no longer the most effective way of maintaining an MNF presence. They have become a target in an area that is no longer under government control. Their redeployment to ships offshore will take place in phases based on an assessment of the situation, but with a tentative goal of completion within 30 days, as discussed later in this report. Military personnel will remain on the ground for the purpose of protecting our remaining personnel including those engaged in training and equipping the LAF.

The intention is to redeploy our military resources in a way that can best help the Lebanese, without signalling a lessening in our resolve. The United States will remain fully engaged. We will continue our intensive efforts to bring all sides to the bargaining table. We will continue to press the Lebanese government and the opposition alike to move toward political accommodation.

Until stability is at hand, Lebanon will be a flashpoint for conflict between Israel and Syria and therefore potentially between the United States and the USSR. Instability in Lebanon affects Israel's security directly. Indirectly, the ability of the Government of Lebanon to deal with its security problems, aided by the U.S. and other responsible members of the international community, will affect the confidence of the moderate Arab governments. Our relationship with those governments will be strongly affected by our record in Lebanon, as will the prospects for a wider peace in the area.

SITUATION IN LEBANON: LEVEL OF FIGHTING AND STATUS OF CEASEFIRE

There was an extensive breakdown in the security situation at the end of this reporting period which resulted in the LAF's losing control of West Beirut. Fighting intensified throughout the greater Beirut area involving both heavy exchanges of fire between the LAF and opposing forces on the ground and extensive barrages of artillery and rocket fire. Two Navy A-6 aircraft conducted strikes against artillery positions in response to firing endangering the U.S. MNF or diplomatic facilities. During the course of this fighting the LAF lost effective control of West Beriut, and was experiencing difficulty in maintaining discipline and morale. The LAF re-established its lines along the "Green Line" dividing East and West Beirut. Indications are that although some units suffered significant personnel losses through surrender, desertion, or refusal to fight, the bulk of the force remains intact and loyal to the Government of Lebanon.

February 8 was marked by extensive use of naval gunfire. U.S.S. *New Jersey* and U.S.S. *Caron* conducted naval gunfire throughout the day against artillery and rocket positions in Syria controlled portions of Lebanon which were firing on Beirut. A large number of hostile shells fell in the vicinity of the Ambassador's residence at Yarze. The two ships fired a total of 790 rounds (340 16-inch and 450 5-inch).

On February 9 naval gunfire was again employed to respond to hostile fire received from Syrian-controlled portions of Lebanon. The area around Yarze, which contains U.S. diplomatic and MNF personnel, was deliberately fired upon. Recurring artillery and small arms duels continue to spill over into U.S. MNF areas. Occasionally the U.S. MNF is directly targeted. The threat and incidence of terrorist attack on individuals and units of the MNF continues.

In addition to the substantial use of naval gunfire in early February, there were three other instances—on December 13, 14 and 18—of Syrian or Syrian-backed firing on U.S. reconnaissance planes; in each instance U.S. naval gunfire was used to respond to the sources of fire. The U.S.S. *New Jersey's* 16-inch guns were used for the first time on December 14. We were forced to use naval gunfire to silence batteries used to shell Marine positions in an outbreak of fighting in mid-January. On January 8, one Marine assigned to chancery protection duties was killed by small arms fire at a helicopter pad not far from the Embassy. Two Marines were killed on January 30 in fighting at the airport. The U.S. airman captured on December 4 was released by Syria on January 2 at the request of the USG and the Reverend Jackson.

Two important security problems were resolved during this reporting period. The first of these was the lifting of the siege of Dayr al-Qamar pursuant to an agreement that provided for the safe exodus of thousands of refugees, the withdrawal of a 2,000-man militia and the insertion of government forces into the town to maintain order and keep the peace. The operation was completed in mid-December; all sides have respected the agreement, and the Christian population of Dayr al-Qamar is living in peace. That agreement was an encouraging development; Lebanese government and militia leaders negotiated in good faith and both Syria and Israel were also involved in various ways in ensuring that the agreement could be implemented. It is this kind of political compromise that is being worked on for other areas of Lebanon.

In addition, Saudi Arabia mediated an agreement between Palestinian Liberation Organization Chairman Arafat and Syria that halted the fighting in the Tripoli area between pro- and anti-Arafat factions and

permitted the evacuation from Lebanon of Arafat and 4,000 of his troops. The United States supported on humanitarian grounds the consensus in the UN Security Council for the use of UN flags on the evacuation ships, and we urged both publicly and privately the safe departure from the port of Tripoli, which began on December 20. The issue from our perspective was not to support any particular party involved, but the brutality of the shelling of Palestinian camps and the city of Tripoli by Syrian and Syrian-supported Palestinian forces needed to be stopped as a humanitarian matter.

On December 24, a French MNF unit withdrew from a position it had been occupying at an United Nations Relief and Works Agency school adjacent to the Sabra/Shatilla camp area. As the Lebanese Armed Forces moved in to take over this position, it met some resistance from the camps, sparking fighting which drew in the Shi'a Amal the next day. This Christmas fighting ended in the LAF succeeding in sealing off the camp area as a terrorist infiltration route from the southern suburbs into downtown Beirut.

RESPONSIBILITIES, ACTIVITIES AND COMPOSITION OF THE MNF

Under its mandate, which remains unchanged, the MNF provides a multinational presence requested by the Lebanese government to assist it and the LAF in the Beirut area. The MNF is not authorized to engage in combat, but may exercise the right of self-defense. The U.S. MNF follows a policy of active self-defense in response to attacks and to improve its security. In order to enhance the safety of MNF personnel, authority has been given to U.S. naval forces offshore to provide naval gunfire and air support against any units in Syrian-controlled parts of Lebanon firing into greater Beirut, as well as against any units directly attacking MNF or U.S. personnel and facilities.

The MNF is currently composed of the following units which perform the functions indicated at the request of the Lebanese government. Their precise functions within the MNF mission have varied over time and continue to be subject to adjustment in light of changing circumstances.

One U.S. Marine Amphibious Unit (MAU) is ashore at Beirut International Airport as a 1,400-man force which also provides external security troops at U.S. diplomatic facilities in the greater Beirut area. Additional elements of the MAU in reserve, mainly combat support and combat service support elements, are aboard amphibious ships offshore Beirut. Pending the conclusion of consultations with the GOL and our MNF allies, this force will be redeployed as soon as conditions warrant, with a tentative goal of completion within 30 days. As noted above, U.S. military personnel currently with the MNF will remain on the ground for the protection of our remaining personnel.

Two Italian battalions are in a 1,400-man force in southwest Beirut and also help protect the Sabra and Shatilla refugee camps. The Italian government has nearly completed the four-month process of returning the size of its force to that level from a high of 2,200 men. The Italians announced on February 8 their intention to withdraw further forces, but to leave a portion of their MNF contingent to protect the camp areas.

The French battalions serve as a force in and near the port of Beirut. The French have returned approximately 460 personnel from the MNF to the United Nations Interim Force In Lebanon (UNIFIL) in southern Lebanon, which leaves them at a level of 1600 men, well above their original troop commitment.

One British motorized reconnaissance company of 100 men withdrew from their position east of Beirut International Airport on February 8 and embarked in a Royal Navy ship offshore until the situation clarifies.

In addition, each contingent of the MNF has naval and/or air support forces in the region.

ESTIMATED COST OF U.S. PARTICIPATION IN THE MNF [1]

MNF Deployment:

U.S. Marine Corps (fiscal year 1984 estimated costs):	*Millions*
Operations and maintenance	$12.1
Military personnel	5.5
Total	17.6

Support for the MNF:

U.S. Navy (fiscal year 1984 estimated costs):	*Millions*
Ship operations in the Eastern Mediterranean	$36.1
Augmentation resupply	3.9
Cargo handling	.7
Medical support	2.1
Other support	2.0
Total	44.8

MNF MILITARY CASUALTIES

The following military casualties have occurred since the MNF deployed to Beirut in September 1982 and since the last report to Congress:

	Killed in action		Wounded in action		Captured	
	Total	Since Dec. 12, 1983	Total	Since Dec. 12, 1983	Total	Since Dec. 12, 1983
United States	264	14	134	4	[1]	0
Italy	2	0	26	8		
France	77	2	60	4		
United Kingdom	0	0	1	0		

[1] Released.

EFFORTS TO REDUCE THE MNF

The Marines are in Lebanon as part of a broadly based international peacekeeping effort to help keep the peace. Together with our MNF partners and the troop contributors to UNIFIL in southern Lebanon, the U.S. is one of a dozen nations that provide forces for this purpose.

Despite the changing situation on the ground, our basic strategy to reduce and eventually eliminate the need for the MNF remains unchanged and continues to center on our diplomatic efforts to encourage reconciliation among Lebanese factions, help expand the control of the Lebanese government over the territory of Lebanon, and create circumstances that will lead to removal of all foreign troops from Lebanon. At the President's direction, the number of men ashore will be reduced in phases and redeployed to ships offshore, with a tentative goal of completion within 30 days, as discussed herein. *It is not possible at this time to predict the exact duration of the need for the MNF.* We will continue to assess this question in the light of progress toward the objectives of national reconciliation and establishment of Lebanese government control.

[1] This estimate encompasses all of Fiscal Year 1984 to the present.

Meanwhile, the possibility of supplementing or replacing the MNF with a UN peacekeeping operation is also being kept open, although this can be accomplished only if the Lebanese situation calms sufficiently to permit progress in the political dialogue among the parties concerned. We have carried out consultations with the UN Security Council members, the UN Secretariat and our MNF partners to assess prospects for an expanded UN peacekeeping role in various parts of Lebanon. France has informally raised in the Security Council the idea of replacing the MNF with a UN presence. The outlook for a UN role in Beirut remains uncertain; deployments anywhere in the country would depend on agreement of the UN Security Council, the parties on the ground, and potential contributing states.

Our long-term goal in Lebanon remains the same, but should not be confused with the mission of the MNF. The MNF is not a permanent or long-term force. It is not intended that it remain until the U.S. achieves its long-term goals in Lebanon.

CONTRIBUTIONS TO LEBANON BY MNF MEMBERS

In addition to their contributions of troops to the MNF, members of the MNF are providing military and economic assistance to Lebanon. The U.S. is providing $150 million (no year funds) in economic assistance, which it plans to have fully obligated by the end of FY 84. France has reportedly offered $256.6 million in 1983/84, mostly in commercial credits, while Italy is providing $142 million, largely in soft loans, over the next 3-4 years. The UK has provided $3 million, but it and the others are channeling additional contributions to Lebanon through the European Economic Community.

The Administration is considering a substantial supplemental funding request in 1984 in grants or credits for military equipment and training as part of our concerted effort to reconstitute the LAF and make it a strong arm of the central government's authority. The difficulties the Lebanese Army is now experiencing will be closely watched in this context. We plan to expend $46.8 million in FY 84 funds ($15 million appropriated for Lebanon and $31 million in reprogrammed FMS funds). Italy is suppling armored personnel carriers to Lebanon. France has provided 30 AMX tanks, 40 APCs and 10 light helicopters. In addition, the French are training units of the LAF and the Internal Security Force (ISF).

PROGRESS IN TRAINING THE LEBANESE ARMED FORCES

Our training efforts have focussed on four general areas: logistics, maintenance and supply; operational deployment of U.S.-supplied equipment; and, management and operations planning, all conducted by mobile training teams. We have spent 37 training teams—ranging in size from one person to 26 members—to Lebanon since January 1, 1983; 25 have completed their missions and have departed. There are now 118 trainers in Lebanon, near our average of 100 trainers in Lebanon at any one time. Ten more teams may be scheduled for deployment over the next few months. All of this training has been provided under Foreign Military sales (FMS) procedures and paid for by the Lebanese. We are also conducting some training within the U.S. funded partly through International Military Education and Training funds and partly through FMS. Since the security situation in Lebanon precludes the sending of many LAF officers to the U.S., for 1984, the GOL has

chosen to focus its training in the U.S. on individual program like helicopter and fighter pilot training. The French have provided some training in logistics and operations for the LAF brigade equipped with French-origin heavy equipment.

Given recent events, reflected above, it is not possible to gauge when the LAF will be capable of maintaining internal security in Lebanon. As reflected in the President's announcement of February 7, a vigorous acceleration of training, equipping and support of the LAF is planned to enhance LAF effectiveness.

PROGRESS TOWARD NATIONAL RECONCILIATION

Progress toward national reconciliation was set back by the serious deterioration in the security situation in Beirut in early February. We are working with the Lebanese, Syrians, Israelis and Saudis to try to find a formula for a negotiated solution, and the Saudis have recently sent a senior emissary to Damascus to follow up these efforts.

PROGRESS IN NEGOTIATIONS TOWARD POLITICAL SETTLEMENT

Negotiations on a security plan had been underway for some time when the attacks on West Beirut brought them to a halt. Political level contacts continue behind the scenes. The United States continues to press for a political dialogue between the government and leaders of Lebanon's communities. This in turn would pave the way for an expanded, broadly representative government able to deal with fundamental questions of political, social and economic reform and the withdrawal of foreign forces. If Syria and others are convinced of the resolve of the MNF partners to remain in Lebanon until progress is made, it would have a positive effect on reconciliation.

REPORT OF SENATOR SPECTER ON LECTURE AND TRADE TRIP TO CHINA

Mr. SPECTER. Mr. President, I wish to report to the Senate on my recent trip to Taiwan and the People's Republic of China. From January 3-16, I made a speaking tour of the two Chinas, appearing before university audiences in Taipei, Hong Kong, Peking, and Shanghai. During this trip I also conferred with Cabinet officers and other officials of the two governments.

CONCERN OVER NUCLEAR WAR

Students at Taiwan and mainland China's universities are worried that the fallout of nuclear war between the United States and U.S.S.R. would destroy their societies as well. My lecture tour found these young people preoccupied with the issue just like their counterparts in Europe and America. Similarly, governmental officials looked to United States and Soviet leaders to agree on arms reduction as an indispensable first step toward worldwide nuclear weapons controls.

Questions at the Institute of Foreign Affairs in Peking were particularly penetrating: Why was it necessary to deploy new missiles in Western Europe since there were already so many weapons aimed at the Soviet Union? Was President Reagan's tough talk against the Russians a tactic to whip up emotional support for his 1984 reelection campaign?

At Fudan University in Shanghai a student showed depth on the subject by asking if the merger of START (strategic arms reduction talks) and INF (intermediate nuclear forces) would induce the Soviets to return to the bargaining table at Geneva. While the students in Soochow University in Taipei asked about the nuclear issue, they were more interested in conventional arms sales from the United States to Taiwan because of the more immediate concern over a possible conflict with the People's Republic of China.

Taiwan officials denied the reports that their Government was developing nuclear weapons. They insisted that their nuclear activity was only for domestic energy. In Peking, People's Republic of China foreign affairs officials minimized their nation's nuclear forces. When asked if they would be interested in participating in superpower negotiations on nuclear disarmament, they said yes but only after a U.S.-U.S.S.R. agreement had set the stage for meaningful participation by other nations.

TWO CHINAS

Students and officials in the two Chinas asked about many other subjects, too. There was keen interest, for example, on how the United States would handle its relations with one government without undermining its relations with the other.

On the basis of my meetings and observations and readings before and since the trip, I have come to the following conclusions.

U.S. interests require great skill in walking a tight rope between the People's Republic of China and Taiwan. Conversations with officials from both governments during visits to the two Chinas convinced me that a dual relationship can be maintained.

The United States should maintain its long-standing ties with Taiwan even as we build new ties to mainland China. To do so successfully, however, we need to make some important distinctions—between political against trade ties, and between defensive against offensive weapons.

TRADE

Just because we switched our diplomatic recognition from Taipei to Peking does not signify less interest in the people of Taiwan or the reciprocal advantages of trade. Trade between the United States and Taiwan is large and growing. If we follow our country's best interests, trade, particularly exports, will increase still further.

In the American Institute on Taiwan, which replaced our Embassy upon derecognition, we have a fine vehicle for assisting U.S. businessmen. In fact, from my meetings with its director, I think it may be functioning even more effectively on such matters than the Embassy did.

Likewise, trade will become a driving force and a primary benefit of our Nation's relations with the People's Republic. Although miniscule only a few years ago, trade with the People's Republic of China has now grown to the multibillion dollar category. With the recent watershed decision of the Peking Government to open up the mainland to the world, trade promises to increase even faster.

With American Counsuls General now operating in the trade centers of Shanghai and Canton as well as an American Ambassador in Peking, the mechanisms are in place to promote rapid growth. China's population of over 1 billion, nearly five times than that of the United States itself, means the potential for trade is historically unprecedented and virtually unlimited. Already, China has amassed $20 billion in foreign reserves to finance major purchases they have already decided to make in areas such as nuclear power, transportation, communications, and electronics. With such cash on hand, greatly increased U.S. exports need not await further economic development in China, but can begin immediately.

DEFENSE ISSUES

Strategic defense forms the other leg on which our relationships with China and Taiwan each stand. A friendly relationship with PRC is to use strategic advantage. It is very much in our interest that one-third of the Soviet's 360 SS-20 missiles and 15 Soviet divisions are deployed near the Chinese border. Also, as a nuclear power with its own ICBM's, China helps deter Soviet mischief in the entire Far East.

Taiwan, in turn, deters China from foreign adventure against other nations as well as against Taiwan itself. Based on our longstanding friendship with the people of Taiwan and our commitments under the Taiwan Relations Act, we should continue to sell Taiwan arms necessary for defense.

So long as we place proper emphasis on the words "necessary" and "defense," we can avoid injuring our relations with the People's Republic although its officials will continue to protest vehemently about U.S. sales of any high-tech armaments.

Our denial of Taipei's request for advanced jet fighters, which followed such protests, was inevitable. This fighter has sufficient range to operate over much of the mainland, not just the airspace over the straits separating the two Chinas. But our allowing sales of antisubmarine helicopters, despite protests, was equally sound, for they are truly defensive.

The United States also has a major interest in showing allies the world over that it is not a fickle friend. If we

were to abandon Taiwan, our credibility as the leader of the free world would diminish.

Matching the President's visit to the PRC in April with defensive weapons for Taiwan is the next stage in maintaining our dual relationship.

But trade rather than defense forms the core of both relationships. Trade with Taiwan is already in excess of $20 billion and with the mainland in excess of $5 billion. With proper action, it could increase rapidly.

FOREIGN COMPETITION

Congressional action to strengthen export and promotional activities of the State and Commerce Departments could materially aid U.S. business to capture its fair share of enormous trade opportunities now opening in mainland China and Taiwan. My tour of the two Chinas provided the basis for legislative initiatives to expand exports when my subcommittee of the Appropriations Committee considers the budgets for those two Departments during this session. Japan and Germany lost the last World War, but they will decisively win the next trade war unless American business and Government promptly take aggressive action in the Far East.

The $12 billion steel manufacturing complex now under construction in Baoshan near Shanghai is illustrative of Japanese and German dominance.

The victors appeared to be Japan and Germany when we were shown a 300-room guest house used to house visiting Japanese engineers. Looking at another large hotel under construction, we were told that was for 300 Germans who were expected to work on the installation. It was almost as if Americans need not apply. And we have not applied ourselves to the vast opportunities.

INCREASED TRADE

Visiting Taiwan and mainland China, I saw the immediate potential for enormous increases in American exports. The governments in both Peking and Taipei have now made firm decisions to expand trade with U.S. companies; and they have the money.

The People's Republic of China has accumulated an estimated $20 to $25 billion in foreign reserves which they have programed for construction of nuclear powerplants, steel mills, coal mines, transportation, electronics, petroleum exploration and other major projects. The Taiwanese authorities, recognizing they must end their $6.5 billion annual trade surplus with the United States, are determined to increase their purchases from our country of a broad variety of goods and services. In nuclear power alone, they may spend $10 billion in the next few years.

Are American companies simply unable to compete successfully? Not at all! In fact in many products, U.S. firms are favored. For example, from meeting with nuclear and trade officials, it seemed clear to me that American reactors were their first choice. Yet because our Government has not yet concluded the bilateral agreement on nonproliferation required by U.S. law, the mainland officials recently bought a French nuclear reactor.

Another weakness in Government concerns the activities of the Commerce Department overseas. Our Government has stationed commercial attachés in key business cities like the young woman I met in Shanghai. They feed information back to Washington but often do not get the answers fast enough.

U.S. ACTION

To remove these obstacles, I am contacting the Secretaries of State and Commerce. State needs to bring its negotiations on nonproliferation to a close. After all, China already has nuclear weapons itself and has announced it will not sell nuclear technology to others. For its part, Commerce needs to expand its headquarters support for the attachés abroad and increase their numbers. As a member of the Appropriations Subcommittee on the State, Commerce and Justice Departments, I am interested to help add or reallocate the funds necessary to strengthen and speed up these efforts. With respect to the commercial attaché program, I may propose a major expansion, headed by a top official and concentrating on trade with the Far East. For an investment of perhaps $30 million, we can improve the odds of our country's firms getting business worth at least $30 billion.

While large U.S. companies like Westinghouse are well known in both Chinas, many smaller companies in various industries are not. Conversely, they do not know what is about to be bought. When they find out, it's too late: the Japanese have already made a deal. One project after project, I learned that when U.S. businesses had been informed, they had not followed up quickly with inquiries or bids. More should.

Where firms lack local offices to pursue matters in Peking or Taipei, they need to use the commercial attachés. Without someone on the scene constantly pressing their interests, the competitors from both Europe and Asia, who do have people there, will usually prevail.

Nor can companies rely on initiatives from the Chinese Government. Chinese officials are continually courted by our competition. If U.S. firms remain aloof, they will forfeit a big share of the growing market in the two Chinas.

With increased exports so important to future prosperity, our Government and our businesses should become partners in developing trade with China.

With regard to the problems of the American steel industry as it tries to respond to competition from modern foreign facilities such as those I say in Khaoshiung, Taiwan and Shanghai, I ask unanimous consent to have printed in the RECORD an article I wrote that was published February 6, 1984, by the Pittsburgh Post-Gazette.

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

A NATIONAL POLICY ON FOREIGN STEEL

WASHINGTON.—Thousands of unemployed American steelworkers, including many from Pennsylvania, worry about the future of our steel industry as subsidized steel from foreign producers continues to be dumped on our markets.

Based on inspections of new steel plants in Tokyo, Taiwan and Shanghai, the future of the American steel industry looks bleak unless our national policy changes significantly and promptly.

The modern steel plants in the Far East are governmentally owned or subsidized, so their prices need not reflect even their signficantly lower costs of production. Meanwhile, we have generously shared our technology and experiences with our prospective competitors while we have failed to invest sufficient capital to keep pace with the state of the art.

As bad as it has been in the loss of jobs in our steel plants, the future will be even worse when a massive mill like Bao Shan in Shanghai, which I say on a recent trip, is finished and produces the projected six million tons annually.

Nothing in Pennsylvania compares to this complex which stretches for miles beginning with enormous unloading docks for coal and iron ore at the edge of the Yangtze River, moves along lengthy conveyor belts to blast furnaces and extends to mammoth warehouses. While the Peoples Republic of China may be an importer of steel for some time to build up its own intrastructure, such massive facilities will figure prominently in the world market in the long run.

The Taiwan government located its China Steel Corp. immediately adjacent to its China Shipbuilding Corp. in Kaohsiung, so that finished steel rolls right out for use in ship construction. This ultra-modern facility pays $3.50 per hour to its workers who live in nearby planned communities. Kaoshiung's managers say their plant is more efficient and can produce steel more cheaply than most of Japan's 20-year-old plants.

Unlike the outright governmental ownership of Hao Shan by the Peoples Republic of China and Kaohsiung by Taiwan, Japan aids its steel mills with sophisticated subsidies, including currency manipulation and government financing. A showpiece steel mill was constructed within the past few years in Tokyo Bay with perfect access to adjacent rails and ships. Computers and robots will keep this plant in the forefront of production technology for years to come.

There is obviously no way that American steel producers can compete with heavily subsidized imports. Free trade means fair trade and that means the absence of subsidies or dumping. While our laws prohibit injury to domestic producers through such dumping practices, remedies through the International Trade Commission have been

totally ineffective. Complaints have taken months and sometimes years to process with little effect.

Senate Bill 418, which I introduced last year, would deal effectively with dumping and subsidies by granting federal courts jurisdiction to enjoin or prohibit such imports. Injunctions could be issued in a matter of weeks and damages would be paid to the workers or companies sustaining the losses instead of the government in the form of countervailing duties.

Observing the large capital investments in the modern plants in Tokyo, Shanghai and Kaohsiung, it is obvious that some new approach must be found to finance modern production facilities in the United States. Only $2 billion to $2½ billion is being invested annually of the $6 billion necessary to modernize our steel industry. The accelerated depreciation provisions, enacted in the 1981 tax law, have not provided the anticipated stimulus for more capital investment.

In Senate hearings last year before our Judiciary Committee, Dennis Carney, President of Wheeling-Pittsburgh Steel Co., proposed a modern equivalent of the Reconstruction Finance Corp. to help provide the necessary capitalization. While it is difficult to undertake additional federal expenditures in the face of $300-billion deficit, a solid steel industry is as vital for national defense as many of the $249.5 billion expenditures of the Department of Defense.

If we are to retain a viable steel industry in the United States, prompt action must be taken. A colossus of a plant like Bao Shan and the ultra-modern facilities in Taiwan and Japan are only symptomatic of the expanding problem of foreign exports. No one has suggested that the United States should give up on its steel industry. But that will be the result unless we awaken to the threat and act realistically to meet it.

NINETIETH ANNIVERSARY OF THE UKRAINIAN NATIONAL ASSOCIATION

Mr. PERCY. Mr. President, tomorrow the Ukrainian National Association will celebrate its 90th anniversary. As one of the oldest and largest Ukrainian organizations in America, the Ukrainian National Association (UNA) has taken the lead in helping Ukrainians adapt to life in this country.

Over the years, the UNA has worked to preserve the unique and rich heritage of Ukrainians while helping them become active participants in American society. Upon its founding on February 22, 1894, the UNA established cultural, religious, patriotic and social programs to provide support for Ukrainians in the New World. The UNA further provided much needed financial assistance to new immigrants.

The UNA continues to sponsor a wide range of community activities for its members and to extend financial support to Ukrainians across the country. Through newspapers and periodicals, the UNA keeps its members informed of news and events of interest to the Ukrainian-American community. There are 80,000 UNA members, and the organization is growing.

My friend, Myron Kuropas of DeKalb, Ill., has served with distinction as supreme vice president of the UNA. I have known Mr. Kuropas for more than 20 years, and he is an impressive leader and champion of Ukrainian rights.

The programs of the UNA are of great service and benefit to Ukrainians in America. The UNA has helped build a strong Ukrainian community in this country which has contributed significantly to American society. I extend my congratulations to the Ukrainian National Association on its anniversary and commend it for its excellent record and accomplishments. I wish the UNA much success in its continuing efforts on behalf of Ukrainian Americans.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2 p.m. this afternoon.

Thereupon, the Senate, at 12:03 p.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GORTON).

DEATH PENALTY

The PRESIDING OFFICER (Mrs. HAWKINS). The clerk will report the pending business.

The bill clerk read as follows:

A bill (S. 1765) to establish constitutional procedures for the imposition of the sentence of death, and for other purposes.

The Senate resumed consideration of the bill.

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

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

Mr. BYRD. Madam President, I yield 30 minutes of my time to Mr. LEVIN.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, first let me thank the minority leader, my friend from West Virginia, for yielding me that additional time. I am not sure I will be needing it, but I may, and I do appreciate his yielding me that time.

I am wondering if I could ask my friend from South Carolina some questions about the bill. There are a number of areas which I think could use some clarification. I am wondering whether he might be willing to answer some inquiries from this Senator about some of the meaning of the language in the bill.

Mr. STEVENS. Madam President, I beg the Senator's pardon. I think he asked the chairman a question, and we were conferring with him at the same time. I do not think he heard the question.

Mr. BYRD. Madam President, will the Senator withhold?

Mr. LEVIN. Yes.

Mr. BYRD. Madam President, I ask unanimous consent that this time for this colloquy, which is not exactly on the subject the Senator is about to address, not be charged to him but be charged equally between Mr. STEVENS and me.

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

Mr. STEVENS. Madam President, it has been suggested that we try to see if there is a possibility of getting an understanding on when we might have a final vote. I wonder if I might ask my good friend if he has any idea when he might seek to call up his amendments or to take them to a vote.

Mr. LEVIN. I would know within the next hour or hour-and-a-half whether I will be calling up either of those amendments. I do believe, however, that other Senators will want to speak on the bill.

I will know, if I can have an hour or so, after I have a colloquy with the Senator from South Carolina, whether I will be calling up those amendments.

Mr. STEVENS. And I might say that I hope we will be able to find out whether Senators intend to use their time in the cloture period. Maybe it would be best to put a request through the cloakrooms to determine who intends to use their time so that we can know as close as possible when the vote on this bill might occur.

I take it the chairman is ready to vote at any time.

Mr. THURMOND. Mr. President, we are ready to vote now or just as soon as possible.

Mr. STEVENS. We would be happy, I might say, if it is possible to do so, to enter into an agreement that a vote would occur tomorrow at 2 p.m. A number of Senators have inquired if it would be possible to make a time certain for a vote. I do not want to press the distinguished Senator from Michigan on that at this time, but I want all Senators to realize that there have been some requests for a time certain on a final vote. If it is going to come to a vote tomorrow, we would like to get that as soon as possible.

Mr. BYRD. Will the distinguished Senator yield?

Mr. STEVENS. I yield.

Mr. BYRD. I feel it would be well if all Members were on notice as to when a vote on final passage would occur. Therefore, if this is agreeable with the distinguished assistant Republican leader, we on our side will begin to probe, via the telephone, to see if we can clear a time for a final vote. We may be able to or may not be able to.

Mr. LEVIN. Will the minority leader yield for a question?

Mr. BYRD. Yes.

Mr. LEVIN. Even though I may not call up the two amendments on file, which will depend on the colloquy I will have with the Senator from South Carolina, I understand that other Senators could call up those amendments if they saw fit, if I determined not to call them up. I say that in case there are other Senators who want to consider calling them up. Again, I want to emphasize I do not know whether I will or will not until I have concluded my colloquy with my friend from South Carolina.

I also understand the second-degree amendment filed by Senator HATFIELD is also possible of being called up. I do not know whether he intends to call it up or not.

Mr. STEVENS. The amendment of Senator HATFIELD would only be in order if the Senator from Michigan called up his amendment or if someone else called up his amendment. Senator HATFIELD may determine to call it up himself. But I do think that Senators ought to be on notice that it is still possible there might be a vote today of some type, and it would be our hope that we could bring the matter to a final vote tomorrow, unless there are developments that we are not informed of as yet.

I thank the Senator for yielding. It is my understanding that this time does not count against the Senator's time. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEVIN. Madam President, if I could ask my friend from South Carolina a number of questions, and the meaning of some of the sections of this bill, I would like to proceed. I have been going over it trying to understand what many of the sections provide. I have read the committee report and some of the Supreme Court opinions. I do have a few questions.

First of all, relative to the first section of the bill, section 3591, that section establishes what are called the threshold criteria for taking the next step. If a defendant has been found guilty of certain types of offenses, then there would be a separate hearing to look into mitigating and aggravating factors. But it is those threshold criteria that I would like to ask my friend from South Carolina about to begin with.

Am I correct in assuming that it is the factfinder that makes the determination as to whether or not, for instance, an attempt to kill the President of the United States results in bodily injury to the President or comes dangerously close to causing the death of the President? Is that a decision for the factfinder?

Mr. THURMOND. Mr. President, in response to the question by the able Senator from Michigan, I would say yes, it is.

Mr. LEVIN. That, as I understand, is stated in the report though it is not stated in the bill.

Following that, when does the factfinder make that determination? Is that made at a separate hearing before the section 3593 hearing?

Mr. THURMOND. Mr. President, the factfinder would make it all together.

Mr. LEVIN. Is that stated somewhere in the bill?

Mr. THURMOND. Would the Senator repeat the last question?

Mr. LEVIN. Is that statement of the Senator, that the factfinder would make that decision at the same hearing described in section 3593, stated somewhere in the bill or is that in the committee report? Where is that stated?

Mr. THURMOND. I do not believe it is specifically stated, but it is implicit that as a past of the bifurcated trial, this determination is to be made in the sentencing hearing by the factfinder based on information present in the sentencing portion of the proceeding.

Mr. LEVIN. I thank the Senator.

By what burden of proof does the factfinder make that decision, that threshold criteria decision? Is it required that the factfinder make that finding beyond a reasonable doubt?

Mr. THURMOND. Beyond a reasonable doubt.

Mr. LEVIN. Is that stated anywhere in the bill or in the committee report?

Mr. THURMOND. It is in the bill. If the Senator will give me just a minute, I will locate it.

At the bottom of page 10 of the bill the Senator will find the answer to his question.

The burden of establishing the existence of any aggravating factor is on the government, and is not satisfied unless the existence of such a factor is established beyond a reasonable doubt.

Mr. LEVIN. My question does not relate to the establishment of aggravating factors. My question related to the threshold criteria set forth in section 3591. I am not referring to the mitigating or aggravating factors which are set forth in section 3592. I understand that those must be established beyond a reasonable doubt.

My question relates to the threshold criteria that are established in section 3591 and which my friend indicates can be established at that same 3593 hearing.

Mr. THURMOND. As a history of this legislation shows over the last Congress and this Congress, these threshold criteria are considered as aggravating factors that must be found before proceeding to the next step. In the bill this year, the threshold factors have been moved to the first part of the bill to clarify their threshold importance. But the committee intended the standard of proof be beyond a reasonable doubt, as in previous versions of the bill.

Mr. LEVIN. I thought the threshold criteria were set forth in 3591 and the mitigating and aggravating factors were set forth in 3592.

Mr. THURMOND. 3591 states:

"§ 3591. Sentence of death

"A defendant who has been found guilty of—

"(a) an offense described in section 794 of section 2381 of this title;

"(b) an offense described in section 1751(c) of this title, if the offense constitutes an attempt to kill the President of the United States and results in bodily injury to the President or comes dangerously close to causing the death of the President; or

"(c) any other offense for which a sentence of death is provided, if the defendant—

"(1) intentionally killed the victim;

"(2) intentionally inflicted serious bodily injury that resulted in the death of the victim; or

"(3) intentionally participated in an act that he knew, or reasonably should have known, would create a grave risk of death to a person, other than one of the participants in the offense, and the victim died as a direct result of the act;

shall be sentenced to death if, after consideration of the factors set forth in section 3592 in the course of a hearing held pursuant to section 3593, it is determined that imposition of a sentence of death is justified.

I think that explains it.

Mr. LEVIN. Let me restate the question. I am not sure I stated it as clearly as I should have.

The mitigating and aggravating factors which must be proven beyond a reasonable doubt are set forth in section 3592, but before you get to that section my friend has just indicated that the factfinder must make a decision that the threshold criteria are satisfied in section 3591.

My question is, Must those threshold criteria be proven beyond a reasonable doubt in order to get to section 3592? My friend answered that they must be. All I asked was, where in the bill does it say that, that the threshold criteria of 3591 must be established beyond a reasonable doubt?

Mr. THURMOND. Maybe there is some confusion. I would only reiterate that the threshold factors were intended to be treated as threshold aggravating criteria to be found by the trier of fact beyond a reasonable doubt. I think section 3591 and the other provisions of the bill make this clear.

Mr. LEVIN. The case of Enmund against Florida is referred to in the committee report. I would like to ask the floor manager of the bill whether or not, under the facts of that case, the defendant could be executed under this bill?

Mr. THURMOND. In response to the distinguished Senator, the answer is no, because the case would not fit the criteria set out in section 3591(c).

Mr. LEVIN. In that regard, would it not be up to the factfinder to determine whether Enmund reasonably should have known that the action which he intentionally participated in would create a grave risk of death to the victim in that case?

Mr. THURMOND. The answer would be yes.

Mr. LEVIN. So that a factfinder could find that Enmund reasonably should have known that the act in which he participated would create a grave risk of death?

Mr. THURMOND. Madam President, like any other part of the charge, it would depend upon the circumstance and facts of the case. In the Enmund case, the factual determinations made by the Florida court would preclude the death penalty under this bill.

Mr. LEVIN. The Supreme Court in Enmund against Florida—I now read from this opinion—said that it is up to them:

> To judge whether the eighth amendment permits imposition of the death penalty on one such as Enmund who aids and abets a felony in the course of which a murder is committed by others but who does not himself kill, attempt to kill, or intend that a killing take place or that lethal force will be employed. We have concluded, along with most legislatures and juries, that it does not.

If the Supreme Court has specifically said the eighth amendment prohibits Enmund from being executed, as I understand my friend's answer to the question, the factfinder under this bill could have found evidence that Enmund reasonably should have known that the act in which he participated created a grave risk of death and therefore he could have been executed. Why does not that decision directly conflict with the decision in Enmund against Florida?

Mr. THURMOND. I believe the Senator is reading from two different places. I am not sure what the factfinder could have found in Enmund. The facts actually found by the Enmund court, however, would preclude the death penalty under this bill.

Mr. LEVIN. Yes, I read from the bill which said if you intentionally participate in an act——

Mr. THURMOND. In the Enmund against Florida case, page 18, section IV, I read:

> Because the Florida Supreme Court affirmed the death penalty in this case in the absence of proof that Enmund killed or attempted to kill, and regardless of whether Enmund intended or contemplated that life would be taken, we reverse the judgment upholding the death penalty and remand for further proceedings not inconsistent with this opinion.

In another place the Supreme Court talked about whether there was a showing that Enmund anticipated that "lethal force would or might be used if necessary to effectuate the robbery or a safe escape."

Mr. LEVIN. I followed that language and I do not see anything inconsistent with the point I am making. This bill, as I understand it, says that a factfinder can render a judgment of execution and death if he finds that the defendant intentionally participated in an act that he knew or reasonably should have known—reasonably should have known, I emphasize—would create a grave risk of death to a person.

The Enmund decision specifically says that you must—the defendant, "himself must kill, attempt to kill, or intend that a killing take place or that lethal force be employed."

My question is, How does the language in the bill jibe with that very clear holding in Enmund?

Mr. THURMOND. Well, Madam President, if he contemplated that life would be taken and the jury so found beyond a reasonable doubt, it seems that would be clear.

Mr. LEVIN. I agree with that. The decision says if he contemplated. The bill says if he should have known, not that he contemplated as in Enmund. It says if he should have known something.

Mr. THURMOND. I do not know if there is any distinction between contemplated or reasonably should have known.

Mr. LEVIN. The Senator from South Carolina sees no difference?

Mr. THURMOND. I would think the language would effectively be the same. The effect of it would be the same in both cases.

Mr. LEVIN. Would this language attempt to adopt, then, a subjective test rather than an objective test?

Mr. THURMOND. I do not think so, Madam President. I think that the language referred to in the Enmund decision that refers to contemplation that a life would be taken or anticipation that lethal force would or might be used, is a concept compatible with the language that he knew, or reasonably should have known that a life would have been taken or lethal force would or might have been used.

Mr. LEVIN. Perhaps I could ask my question a little more directly.

Does the bill, in that subsection (c), section 3591, adopt an objective or a subjective test?

Mr. THURMOND. We think that is an objective test, that he knew or reasonably should have known.

Mr. LEVIN. This adopts an objective test?

Mr. THURMOND. Yes.

Mr. LEVIN. I thank the Senator.

Madam President, it seems to be clear beyond any reasonable doubt that the Enmund decision of the Supreme Court requires that a subjective test be adopted, because it says that the eighth amendment permits execution only if the murder is—that the defendant himself kills, attempts to kill, or intends—intends—that a killing take place or that lethal force be employed.

Or, to use the words which my friend from South Carolina quoted at the end, "That the defendant himself intends or contemplates that life would be taken."

Those words are clearly words that are subjective. They are not a reasonable-man test, as we used to call it, a test of negligence where somebody reasonably should have known. They are clearly words that are subjective, going to the state of mind of a person. I would think that this threshold provision is clearly flawed in that regard.

I shall move on to a different subject, because I think my friend at least has clarified the section for us.

Moving to a different section, if I could refer my friend, the floor manager, to section 3593 of the bill, the language I am referring to in particular is at the top of page 8. This section refers to a special hearing. The purpose of that special hearing is to determine whether a sentence of death is justified and provides in subsection (a) that if, in a case involving an offense described in the earlier section:

> The attorney for the Government believes that the circumstances of the offense are such that a sentence of death is justified under this chapter, he shall, a reasonable time before the trial, or before acceptance by the court of a plea of guilty, or at such time thereafter as the court may permit upon a showing of good cause, sign and file with the court, and serve on the defendant, a notice.

Then the bill sets forth exactly what the notice should contain.

Subsection (2) says that the notice shall set forth the aggravating factor or factors that the Government, if the defendant is convicted, proposes to prove as justifying a sentence of death.

My question of the floor manager of the bill is whether or not the hearing that is contemplated in that section is limited to the aggravating factors which are set forth in the notice?

Mr. THURMOND. Madam President, in response to the distinguished Senator, I say it is not.

Mr. LEVIN. It is not.

Mr. THURMOND. That is correct. The Government must prove at least one statutory aggravating factor beyond a reasonable doubt and the jury must make such a special finding.

Mr. LEVIN. Is the floor manager then saying that the prosecution or the Government could argue an aggravating factor other than that for which it gave notice—and since I assume that is what the floor manager is saying—what is the purpose of the notice except to put the defendant on notice?

Mr. THURMOND. It puts him on notice of the statutory aggravating factors upon which the Government intends to rely to meet its obligation to prove at least one statutory aggravating factor.

Mr. LEVIN. But there is no requirement that it list all the factors?

Mr. THURMOND. Would the Senator repeat that question?

Mr. LEVIN. There is no requirement that it list all the factors that it is going to rely on?

Mr. THURMOND. No, there is not.

Mr. LEVIN. Which factors must it give notice of, and which ones need it not give notice of?

Mr. THURMOND. The Government would have to give notice and would have to prove one aggravating factor.

Mr. LEVIN. Just one aggravating factor? Did I hear the Senator correctly?

Mr. THURMOND. That is right.

Mr. LEVIN. Any one aggravating factor.

Referring then to the same general section, but in the middle of page 11 under "Return of Special Findings" it says:

> The jury or, if there is no jury, the Court shall consider all the information received during the hearing. It shall return a special finding as to each mitigating and aggravating factor, concerning which information is presented at the hearing, required to be considered under Section 3592.

And then it says:

> The jury must find the existence of a mitigating or aggravating factor by unanimous vote, although it is unnecessary that there be a unanimous vote on any specific mitigating or aggravating factor if majority of the jury finds the existence of such a specific factor.

Is my understanding correct that the jury need not return a special finding as to any aggravating factor which is not enumerated in section 3592?

Mr. THURMOND. The Senator is correct.

Mr. LEVIN. My next question, then is whether or not the jury could make its decision to execute the defendant based on nonenumerated factors alone?

Mr. THURMOND. The answer is "no." It must find at least one statutory aggravating factor.

Mr. LEVIN. If the jury is not required to make a special finding on the nonenumerated agravating factor, which, as I understand from the Senator, they do not have to do, if that is the basis of their recommendation or their finding that the defendant should be executed, how would we know what the aggravating factor is that they are relying on if there is no requirement that the nonenumerated factors have to be specially found by the jury?

Mr. THURMOND. Well, the Government has to allege at least one aggravating factor and the jury has to find that.

Mr. LEVIN. For a nonenumerated aggravating factor, one that is not enumerated in the statute, my friend from South Carolina said there is no requirement for a special finding?

Mr. THURMOND. Well, the Government could rely on unenumerated aggravating factors to be weighed by the jury in its ultimate decision whether the death penalty is justified.

Mr. LEVIN. The Government could or could not rely on that?

Mr. THURMOND. They can weigh all aggravating factors made a part of the record in the ultimate decision. They must, however, make special findings as to at least one statutory aggravating factor before they can reach the final determination.

Mr. LEVIN. The jury?

Mr. THURMOND. They can weigh it as a part of the entire record.

Mr. LEVIN. If there is no requirement that the jury make a special finding on it, my question is how would you know that that is the basis of their finding that the defendant be executed?

Mr. THURMOND. I do not know that you would because the ultimate determination is a general weighing of the record by the jury.

Mr. LEVIN. My next question then relates to the second portion of that subparagraph that:

> The jury must find the existence of a mitigating or aggravating factor by a unanimous vote, although it is unnecessary that there be a unanimous vote on any specific mitigating or aggravating factor if a majority of the jury finds the existence of such a specific fact.

I wonder if my friend, the floor manager, might find it easier to follow my question if he looked at the same chart. I ask that the Senator perhaps take a look at it.

This gets a little bit complicated, but I think it is important for legislative history that we go through this process.

At the top of this chart I am hypothesizing a situation where the jury considers four aggravating factors. On factor No. 1, they vote 7 to 5 that it exists. On aggravating factor No. 2 that they consider, they vote 2 to 10 against its existence; on aggravating factor No. 3, 2 to 10 against its existence, and on aggravating factor No. 4 that they consider, only 1 person there finds that the aggravating factor exists and 11 of the jurors find that it does not exist.

For the purpose of this question, I should like my friend to assume that each juror votes yes on one of those factors so that all 12 jurors have voted yes on one of the four factors.

My question is whether or not the person could be executed based on the fact that there was a majority for factor No. 1.

Mr. THURMOND. If there is a majority voting for No. 1 and it is assumed at issue, all would have voted yes on at least one factor.

Mr. LEVIN. So that under the fact situation that I just hypothesized where each of the jurors votes yes on one factor, even though no more than two jurors voted yes on factors Nos. 2, 3, and 4, the fact that a majority of seven voted yes on factor No. 1 would be sufficient for an execution to be ordered?

Mr. THURMOND. Well, this is a two-stage process. They would have to find the aggravating factor and then they would have to vote unanimously on the death penalty on the record as a whole.

Mr. LEVIN. I understand, but in terms of stage 1, would this get them by stage 1?

Mr. THURMOND. The answer is yes.

Mr. LEVIN. I thank my friend.

Now, looking down to the bottom half of this chart where there are 4 mitigating factors that are being considered by the jury and on all 4 mitigating factors 11 jurors find that it exists but 1 juror in each of these 4 cases finds it does not exist, and that is the same juror—under my hypothesis, it is always the same juror who finds that the mitigating factor does not exist, and by definition it is always the same 11 jurors that find that all 4 mitigating factors do exist—would this situation constitute the finding of a mitigating fact since there is not a unanimous vote by all 12 jurors that some factor exists?

Mr. THURMOND. I believe that the Senator previously asked a question along that line. I think I recall citing page 11, the middle of the page:

> The jury must find the existence of a mitigating or aggravating factor by a unanimous vote, although it is unnecessary that there be a unanimous vote on any specific mitigating or aggravating factor if a majority of the jury finds the existence of such a specific factor.

I think that answers the Senator's question.

Mr. LEVIN. Well, it really does not answer the question.

Does that mean that each of the jurors must agree that at least one of the mitigating factors exists?

Mr. THURMOND. Well, if there is one juror holding out, it would not meet the criteria.

Mr. LEVIN. But in order for a mitigating factor to have been found to exist, does that mean each of the

jurors must agree that at least one of the factors existed?

Mr. THURMOND. That is correct.

Mr. LEVIN. I thank the Senator.

Now, going down then to the next subsection, "Return of a Finding Concerning a Sentence of Death," at the bottom of page 11:

If, in the case of—

And then you specify the offenses in the bill—and then the provision reads as follows:

the jury or, if there is no jury, the court shall then consider whether all the aggravating factors found to exist sufficiently outweigh all the mitigating factors found to exist to justify a sentence of death.

I point out to my friend that in the chart which I have just gone through with him, that jury found only one aggravating factor to exist—and that by a vote of 7 to 5—and they could consider that now in phase 2 as to whether or not to vote death for the defendant, whereas that same jury by a vote of 11 to 1 found that four mitigating factors existed, and yet they could not consider any of those mitigating factors in this second phase because in the absence of unanimity that at least some mitigating factor existed.

The jury could not be said to have found that a mitigating factor existed. It is a real anomaly in this bill, and I would think it would be stricken as unconstitutional in front of any court, not just the Supreme Court, in that it reaches that conclusion because here again with a 7 to 5 vote on one factor, one aggravating factor, that can be considered on the ultimate question of whether or not a sentence of death is justified. But even though there is a vote of 11 to 1 on four mitigating factors, because that one person is the same in each of the four cases and therefore there was no unanimity that at least one factor existed, or to put it in the words of the committee report, each of the jurors did not agree that at least one of the factors existed, the jury could not consider those mitigating factors in the ultimate question of whether or not a death sentence is justified.

I find that to be not only an anomaly but also a defect of such constitutional magnitude that I believe this bill is defective.

Let me ask the Senator a few more questions.

Before I do that, Madam President, I ask unanimous consent that the table to which we have been referring be printed in the RECORD.

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

	Yes	No
4 aggravating factors: [1]		
Number 1	7	5
Number 2	2	10
Number 3	2	10
Number 4	1	11
4 mitigating factors: [2]		
Number 1	11	1
Number 2	11	1
Number 3	11	1
Number 4	11	1

[1] Assume each juror votes yes on 1 factor.
[2] Assume 1 negative vote is always the same juror.

Mr. LEVIN. Madam President, I yield the floor at this time.

Mr. THURMOND. I call the Senator's attention to the bottom of page 11, which provides:

. . . In the absence of a mitigating factor, whether the aggravating factors alone are sufficient to justify a sentence of death. Based upon this consideration, the jury by unanimous vote, or if there is no jury, the court, shall return a finding as to whether a sentence of death is justified.

Mr. LEVIN. I thank the Senator. I think that leaves in place what we just described, what I perhaps charitably called an anomaly, but which I think is more damaging than that, the constitutionality of this provision.

I thank the Senator for pointing that out.

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

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

Mr. LEVIN. Madam President, I ask unanimous consent to have printed in the RECORD a portion of a letter from the Department of Justice, dated May 26, 1981, entitled "Suggestions for Amending the Bill To Reenact the Federal Death Penalty Statutes."

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

SUGGESTIONS FOR AMENDING THE BILL

(a) Finding aggravated factors by majority vote.

S. 114 does require unanimous agreement of the jurors before a sentence of death may be imposed. A problem arises, however, through the bill's provision that aggravating factors may be found by a majority vote. In theory this means that a sentence of death could be imposed by a jury which divided, 7-5, on the existence of two distinct aggravating factors, with all twelve jurors nevertheless concurring that (for different reasons) the death penalty was warranted. The difficult legal question posed by the majority vote provision—one that no federal appellate court has to our knowledge addressed—is whether the aggravating factors, in the context of the bill's overall procedural scheme, constitute the kind of "issue" which, under *Andres* v. *United States, supra,* and related cases must be decided unanimously. Moreover, the majority vote provision runs the risk of appearing to be arbitrary, contrary to the Supreme Court's emphasis that it is of vital importance to the defendant and to the community that any decision to impose the death penalty be, and appear to be based on reason rather than caprice or emotion. *Gardner* v. *Florida,* 430 U.S. 349, 358 (1977).

In our view, the clearly preferable course is to avoid these potential constitutional questions by requiring that the jury's finding as to the existence of any aggravating factor be unanimous. Some earlier versions of this legislation so provided. Although the purpose of the non-unanimity provision may be to guard against a too narrow application of the death penalty in a case where all jurors concur in at least some aggravating factors, from a practical standpoint it seems unlikely that a jury, which could not unanimously agree upon the basis for its conclusion that the death penalty should be imposed, would conclude that it should be. We thus recommend that the word "majority", on page 4, line 19, be changed to "unanimous."

Mr. LEVIN. Madam President, as we approach the vote on final passage of S. 1765, the bill to reinact Federal death penalty statutes, there are a number of arguments which have been made by the opponents of capital punishment which should be summarized.

First, the opponents of this bill have argued that because the system is imperfect we should leave room to correct our errors. Senator METZENBAUM has submitted for the record a list of 48 cases in which the defendant was convicted of a capital crime and was later found to be innocent. I have provided for the record documentation on nearly 20 such cases to support the argument that the risk of error associated with capital punishment is great. Because the death penalty is irreversible, it is an inappropriate punishment in a system which depends upon human beings to decide who shall live and who shall die.

One of the cases I did not mention during the debate 2 weeks ago is that of Earl Charles, of Savannah, Ga., who was sentenced to death for the murders of Max and Fred Rosenstein. Earl Charles spent over 3 years on Georgia's death row before he was released from prison when his lawyers proved he was innocent of the crime. During the hearings which were held on S. 114, the predecessor to S. 1765, Mr. Charles testified about his ordeal on death row. He stated:

The incontestable truth about capital punishment is one that society prefers to overlook. This truth is simply the fact that many innocent human beings will lose their lives because of the frailties which permeate the very core of our criminal justice system. My own experience bears witness to the subhuman results which stem from a sentence of death.

Earl Charles was released from prison after his employer learned that a police officer remembered talking to Charles in Tampa, Fla., on the day that the murders occurred in Savannah, Ga. The jury in Charles' original murder trial was apparently not persuaded by the time cards submitted by Charles' defense attorney that showed he was at work in Florida on the day of the murders in Georgia. Nor was

the jury persuaded by the testimony of Charles' supervisor, who along with his boss, confirmed that Charles was at work in Tampa on that day. But, after the district attorney's office learned that a police officer had written in his records that he had interviewed Charles because he was a new employee in Tampa on the day of the murders in Savannah, the case was finally reopened. When he appeared before the Judiciary Committee, Earl Charles went on to tell his story as follows:

During the DA's new investigation, it was learned that my photos had been shown to the alleged eyewitnesses by two detectives in the Savannah Police Department at the beginning of the original investigation. But after showing my photo to the women on more than one occasion, they still did not pick me out as the murderer. Later in the original investigation, another detective took a photo of me as the suspect. This detective then told the women that it didn't matter whether they identified me or not, because he knew that I had done it and he was issuing warrants for my arrest. This original miscarriage of justice had been the starting point of my hellish experience.

Madam President, we simply cannot provide guarantees in this or any other legislation that the system will not make mistakes. The Earl Charles case and the other cases which are too numerous to mention again today, alone provide a just cause why we should defeat this bill. When the risk of error is considered in combination with the other arguments against capital punishment, a vote in opposition to S. 1765 becomes even more compelling.

I would remind my colleagues that this Senator has represented persons who have been convicted wrongfully of capital offenses who, after 33 years in prison, were finally proven to be totally innocent of the crime for which they were convicted. And if we had capital punishment in Michigan, that never could have happened and that person, Charles Clark, and his colleagues could never have walked out of Michigan's prisons.

One of the primary arguments advanced by Senators who have spoken in favor of the death penalty is that it will deter crime. But the proponents of this bill have failed to present evidence that the death penalty deters any more than does the threat of life in prison. While the committee has concluded in its report on the bill that the evidence on deterrence is "inconclusive," to use the word of the committee, a comparison of murder rates in States with the death penalty and States without it shows that States with the death penalty have murder rates about twice as high as those without the death penalty.

I have submitted for the record a study on murder rates done by the Library of Congress. It bears repeating now that the Library found that over a 6-year period between 1977 and 1982, States with the death penalty averaged 10.78 murders per 100,000 population while States without the death penalty averaged 5.75—just about one-half the number of murders which occurred in States with the death penalty. This is also the pattern which emerges from an examination of murder rates in the years prior to the Supreme Court's decision in Furman against Georgia. I ask unanimous consent that another Library of Congress comparison of pre-Furman murder rates be printed in the RECORD at this point.

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

TABLE 1.—MURDER RATES IN STATES WITH THE DEATH PENALTY AND IN STATES WITHOUT THE DEATH PENALTY, 1961–66

	Death penalty States		Nondeath penalty States	
	Number of States	Murder rate [1]	Number of States	Murder rate [1]
1961	45	4.83	5	1.65
1962	45	4.82	5	1.21
1963	44	4.70	6	2.42
1964	43	5.07	7	2.40
1965	41	5.33	9	2.90
1966	41	5.85	9	3.27
For all years, 1961–66		5.10		2.31

[1] 100,000 population.

Sources: Data on which States had death penalty from: Furman v. Georgia, 408 U.S. 372 (1972). Data on murder rates from: U.S. Department of Justice, Federal Bureau of Investigation. Uniform Crime Reports, 1961–66. U.S. Government Printing Office., various years.

Mr. LEVIN. Madam President, these comparisons and other studies on the deterrent effect of capital punishment suggest that the death penalty may actually stimulate violent crime. In a study conducted by William J. Bowers and Glenn L. Pierce, of the Center for Applied Social Research at Northeastern University, the brutalizing effect of capital punishment was examined. The authors of the study found that: "In New York State over the period of 1907–63 there were, on the average, two additional homicides in the month after an execution." The authors concluded:

Such a brutalizing effect of executions is consistent with research on violent events such as publicized suicides, mass murders, and assassinations; with previous studies of the long-term effects of the availability and use of capital punishment; and with a small number of investigations of short-term impact of executions in the days, weeks, and months that follow. This suggests that the message of executions is one of lethal vengeance more than deterrence.

Studies of States which have abolished capital punishment and then reinstituted it, have also provided evidence that the death penalty fails as a deterrent. Thorsten Sellin examined changes in homicide rates in 11 States which abolished and later reintroduced the death penalty. He concluded that, "There is no evidence that the abolition of the death penalty generally causes an increase in criminal homicides or that its reintroduction is followed by a decline." That appears in Thorsten Selling's book, "Capital Punishment," at page 124.

When the Prime Minister of Canada, Pierre Trudeau, addressed Canada's legislative body in 1976 about a bill to abolish capital punishment in Canada, he said:

My primary concern here is not compassion for the murderer. My concern is for the society which adopts vengeance as an acceptable motive for its collective behavior. It we make that choice, we will snuff out some of that boundless hope and confidence in ourselves and other people, which has marked our maturing as a free people. We will have chosen violence as a weapon against the violence we profess to abhor. Who is so confident that he knows for sure that such an official endorsement of violence will not harden the society we were elected to improve, will not pervade gradually many different relationships in our society? Who is so confident that he knows for sure that acceptance of state violence will not lead to the greater social acceptance of lesser forms of violence among our people? Vengeance and violence damage and destroy those who adopt them, and lessen respect for the dignity and rights of others among those who condone them.

Madam President, another persuasive reason why the Senate should reject this bill is that even under the State statutes which have met the Supreme Court's scrutiny, this extreme form of punishment continues to be applied arbitrarily and capriciously. I have submitted for the RECORD a chart of the racial patterns in sentencing based on a study of eight States with large death row populations. The chart shows that murderers of whites are between 5 and 10 times more likely to be sentenced to death than are the murderers of blacks—not because these murders were more heinous or because they were committed in the course of a felony or any other factor which might have influenced a jury or judge; the authors of the study controlled for these factors—but because of the race of the victim.

The study itself, which was conducted by Samuel Gross and Robert Mauro of Stanford University, provides the following information about racial patterns in capital sentencing in the States of Georgia, Florida, and Illinois:

. . . The risk of a death sentence was far lower in each of these three states for those convicted for killing black people than for those condemned for killing whites. In Georgia, those who killed whites were almost 10 times as likely to be sentenced to death as those who killed blacks: in Florida the ratio was about 8 to 1, and in Illinois about 6 to 1.

In sum then, Madam President, because the risk that innocent people will be executed under this bill is great; because the proponents of this measure have failed to establish that it deters crimes; and because capital punishment continues to be unjustly applied in our country today; this bill

should be defeated. There are nearly 1,300 men and women on death row in America. In the State of Florida alone, over 200 men and women await their death by electrocution. Some of these people may be innocent. Some of them have been convicted because of their race or the race of the victim. None of them were deterred by Florida's death penalty statute.

One additional reason, and a critical one, for defeating this bill is the arbitrary provisions that it contains, provisions which violate the Supreme Court mandate that the jury be clearly given guidelines as to what is mitigating or aggravating factors. And it also violates the Supreme Court mandate clearly set out in the Enmund case that in order to convict somebody of a homicide that that person must, himself or herself, attempt a homicide or intend a homicide. Clearly in Enmund, the Supreme Court adopted a subjective test, a test going into the state of the mind of the defendant before we could execute that defendant and rejected the objective test which the floor managers so clearly indicate is adopted by this bill.

Courts all over the Nation have struggled with the intricate legal issues surrounding capital convictions. The legal issues do not get any easier to comprehend or sort out. In fact, every time the courts hand down a decision, the current status of the law in this area becomes more confusing. Judicial and criminal justice resources, which are so precious, are being wasted on the effort to implement sentences of death when they could be devoted to more effective solutions to the problem of violent crime.

Because the penalty of death is "unique in its severity," the Constitution requires that the defendant be given the opportunity to appeal, and the appeals process is lengthy. I for one am relieved that it often takes years before a defendant who has been sentenced to death is actually executed. If it were not for the time gap between convictions and executions many of the cases where an innocent person was sentenced to death and later found to be innocent would never have been brought to light. The person would have been executed before the truth could be made known. At the same time, however, I think we would all agree that because of the lengthy appeals process (we have executed 12 people in this country since the Supreme Court upheld the constitutionality of the new death penalty statutes in its Gregg decision) and the high percentage of capital cases which are overturned on appeal, the death penalty will never be swift or certain. As a result, it fails miserably as a sanction against violent crime.

Madam President, the Legal Defense Fund's most recent bimonthly report, "Death Penalty USA," lists the names of 1,289 death row inmates who are currently awaiting execution. If we executed 1 of these individuals every day for the next 3 years, we would still have 294 men and women on death row, not including the number of people we would have added to the death row population during that same period.

The U.S. Congress has a special responsibility to divorce itself from the emotionalism surrounding this issue so as to determine whether the death penalty is an appropriate sanction. Although S. 1765 is unlikely to have a significant impact upon the number of people sentenced to death in America, it will send a message to the States. If the Congress approves this bill, it will be endorsing the way capital punishment is being applied in the States today, or at least that is the way some people may read it.

I have said before and I repeat again, the proponents and opponents of this bill share equally in revulsion to violent crime and a desire to relieve Americans of the fear of violence. We part ways when we face the question of whether the death penalty will reduce violent crime. No one is sympathetic to murderers, but we are worried about a society which legalizes violence as a way of responding to violence.

History has proven that adoption of legalized violence does not deter violence. Indeed, it probably begets it against us all.

Capital punishment, as we have seen, has its own specific victim. Because by the nature of our system, it has been and will be applied against some innocent ones.

Capital punishment, as we have seen, rarely is used against the wealthy or the powerful.

We should reject it, because it cannot help us achieve our common goal and is too often applied unfairly, erroneously, and arbitrarily.

Madam President, I yield the floor.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Madam President, we find ourselves once again immersed in the debate regarding studies and opinions of whether or not the death penalty is a deterrent.

I agree with the distinguished Senator from Michigan that there is great evidence on both sides. One of the foremost studies in this area was conducted by Isaac Ehrlich and published by the American Economic Review in 1975. This thorough study, conducted over a long period of time by Mr. Ehrlich, concludes that every additional execution would have saved the lives of seven or eight potential murder victims.

Mr. Ehrlich's study has been questioned and reviewed and brought under great scrutiny. The most that can be said about the Ehrlich analysis is that it does cast doubt on the theory of the 1960's and 1970's that executions have no deterrent value.

On the other side of the coin, Prof. Thorsten Sellin, in 1967, published a study which purported to find that executions are not a deterrent to murder. Sellin's study has been subject to the same vigorous review and scrutiny as the Ehrlich study. Once again his conclusion is debatable. The major criticism of the Sellin study is that Professor Sellin studied all States which had the death penalty on their books, not only those which were actively carrying out the death penalty.

So we see, Madam President, that there will be infinite debate on whether or not the death penalty is a deterrent. The question of deterrence and the effect of capital punishment on future criminal activity has probably been the issue most debated by those favoring the abolition of the penalty and those desiring to retain it.

The studies just reviewed and others on the issue of deterrence, reach contradictory conclusions. If the absence of any correlation between capital punishment and the commission of homicides could actually be proved by these studies, the argument for abolition, based on the issue of deterrence, would be much stronger.

The first and most obvious point in reference to the statistical evidence, is that those who are, in fact, deterred by the threat of the death penalty and do not commit murder, are not included in the statistical data. There is no way to determine the number of such people.

Second, even those favoring abolition agree that the available evidence on the subject of deterrence is, at best, inadequate.

In short, the availabie data on this question is inconclusive. I think that is very clear. In the absence of reliable statistical evidence, great weight must be placed on the experience of those who are most frequently called upon to deal with murderers and potential murderers, and who are thus in the best position to judge the effectiveness of the remedy. These individuals are law enforcement officials. The vast majority of these officials continue to favor the retention of the death penalty as a deterrent to violent crime. One such individual is Sheriff Peter Pitchess, of Los Angeles County, who testified before the California State Senate Committee on the Judiciary. He said:

I can tell that the overwhelming majority of people in law enforcement—the ones who are dealing with these criminals, the ones who are seeing them not as statistics but real, live human beings, and who are studying their human behavior—are overwhelm-

ingly convinced that capital punishment is a deterrent.

The issue for our purposes here has been definitely resolved by the Supreme Court in the Gregg case, the Supreme Court stated in Gregg that it is appropriate for a legislature to consider deterrence as a justification for the imposition of the death penalty.

That is us. We are the legislature. We have before us that consideration. The question is only going to be resolved by casting votes. We must decide whether or not we believe capital punishment is a deterrent or not a deterrent and whether or not we believe it is appropriate or not appropriate.

Although some of the studies suggest that the death penalty may not function as a significantly greater deterrent than lesser penalties, there is no convincing empirical evidence either supporting or refuting this view. We may, nevertheless, assume safely that there are murderers, such as those who act in passion, for whom the threat of death has little or no deterrent effect whatsoever. But for many others, the death penalty undoubtedly is a significant deterrent.

A frequently made argument in opposition to the death penalty as a deterrent is that most homicides are crimes of passion against which no penalty constitutes a true deterrent. Although it is true that many murders and homicides are indeed the result of passion, it is equally true that a very large number are the result of premeditation. Even in crimes of passion some level of reasoning is maintained. Without the existence of such reasoning, one element of the charge itself would not be present.

Notwithstanding the great weight of experience and the intrinsic rationality of a deterrent effect, I doubt that deterrence can ever be empirically proven or disproven.

Clearly a person would be slow to undertake an act that would result in the loss of something which if of the highest value. Since life itself is the most highly prized possession any individual has, he or she would be most hesitant to engage in conduct which would result in the forfeiting of that life.

I think that is commonsense, Madam President. It is based on what any of us here, or any person you ask on the street, feel about the value of life. That is something we ought not forget.

But the death penalty ought not to be thought of solely in terms of individual deterence. It also has a value in terms of social and general deterrence as well. By associating the penalty with the crimes for which it is imposed, society is made more aware of the horror of those crimes. There is instilled in its members the desire to avoid such conduct and, consequently, the punishment attached to it.

I believe capital punishment serves a legitimate function of retribution. It is through retribution that society expresses its outrage, its sense of revulsion, toward those who undermine the foundations of civilized society by contravening its laws and committing such lawless acts.

It reflects the fact that criminals have not simply inflicted injury upon discrete individuals. They have also weakened the often tenuous bonds that holds communities together. Without capital punishment, it appears to me that we will have repeated incidents such as the one we have discussed previously that occurred in Marion, Ill. In the Federal prison in Marion two guards were brutally killed by two inmates who each faced three life sentences and had absolutely nothing to lose.

The retributive functions of punishment in general, capital punishment in particular, have been discussed by many, many scholars.

I ask unanimous consent at this time that excerpts of remarks by Lord Justice Denning before the British Royal Commission on Capital Punishment be printed in the RECORD.

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

The punishment inflicted for grave crimes should adequately reflect the revulsion felt by the great majority of citizens for them. It is a mistake to consider the objects of punishment as being deterrent or reformative or preventive and nothing else . . . The ultimate justification of any punishment is not that it is a deterrent, but that it is the emphatic denunciation by the community of a crime; and from this point of view, there are some murders which, in the present state of public opinion, demand the most emphatic denunciation of all; namely, the death penalty.

Mr. DECONCINI. Madam President, we are faced today with an awesome decision. We must decide whether or not society should move forward and whether or not the Federal Government should carry out the capital punishment provisions already called for in Federal law. I submit that, notwithstanding eloquent arguments made by our good friend from Michigan knowing full well of his strong support for law enforcement, it is time now to bring this issue before the Senate. It is time for all Senators to conscientiously cast their votes. I truly hope that my colleagues will pass this bill overwhelmingly.

The PRESIDING OFFICER (Mr. SYMMS). The Senator from Michigan.

Mr. LEVIN. First, let me thank my friend from Arizona for his usual graciousness.

I just wanted to inform the Senate, as I indicated earlier I might do, that I do not intend to call up either of the two amendments that I have on file for the reasons I indicated that I would not be calling up those amendments.

Mr. President, I do understand that it is permissible for others to call them up if they wish. We have indicated that before, but I do not see anyone else here on the floor. Without in any way trying to take over the role of the manager, I have nothing to add to what I have already said. I do not intend to call up the two amendments which I have on file. I would think if somebody else wanted to call up those amendments, they would let us know of that intention.

Again, I thank the Senator from Arizona for his kindness.

Mr. DECONCINI. Mr. President, I thank the Senator from Michigan for his diligence in this matter and for his professional presentation of his amendments.

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.

Mr. BAKER. Mr. President, there is a messenger at the door who desires entry into the Chamber. I yield now so that the Chair may admit him.

(Messages from the President of the United States received at 4:15 p.m., are printed under routine morning business later in today's RECORD.)

DISAPPROVAL OF S. 684, THE WATER RESOURCES RESEARCH ACT—MESSAGE RECEIVED FROM THE PRESIDENT—PM 117

Mr. BAKER. Mr. President, one of the messages brought to us by the President's messenger is a veto message on S. 684, the Water Resources Research Act, is that correct?

The PRESIDING OFFICER (Mr. SPECTER). The majority leader is correct.

Mr. BAKER. Mr. President, I believe the request that I am now about to put has been approved by the minority leader.

I ask unanimous consent that the veto message on S. 684 be considered as having been read and that it be printed in the RECORD and spread in full upon the Journal, and that in addition the message be held at the desk and that it be proceeded to by the majority leader at such time as the majority leader may choose after first consulting with the minority leader.

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

The message ordered to be printed in the RECORD is as follows:

To the Senate of the United States:

I am returning herewith without my approval S. 684, an act "To authorize an ongoing program of water resources research, and for other purposes."

Title I would authorize appropriations totalling $36 million annually for the fiscal years 1985-1989 for a variety of water resources research activities throughout the nation, including a new, separate authorization of grants for the development of water technology, which is not an appropriate Federal activity.

Title II would convey desalting test facilities that are no longer in Federal use to Wrightsville Beach, North Carolina, and Roswell, New Mexico. The Administration has supported these conveyances. I would be pleased to sign a bill that provides only for them.

For some twenty years, the Federal government has provided "seed money" for the type of water research that would be authorized by Title I. This Federal support has produced a number of successful State water research institutes. I believe that these State institutes are now at a point where further Federal involvement in their research activities is not necessary. They can stand and continue to succeed on their own.

Moreover, the water research that S. 684 would promote can be characterized as mostly local or in some cases regional in nature. The focus of such research will of course vary from State to State because water problems and needs often differ by region. The States and private industry should be fully responsible for financing research necessary to deal with their own particular problems and needs.

If we are to truly succeed in reducing Federal spending we must sort out those responsibilities which are appropriately Federal from those which can be more effectively and fairly implemented at the State and local level.

Accordingly, I feel constrained to disapprove S. 684.

RONALD REAGAN.

THE WHITE HOUSE, *February 21, 1984.*

REREFERRAL OF S. 2074

Mr. BAKER. Mr. President, the next request I have also bears the approval notion of the minority leader. It is in respect to the rereferral of S. 2074.

Mr. President, I ask unanimous consent that the referral of S. 2074, a bill to improve the traffic control on State Highway 66, to the Committee on Commerce, Science, and Transportation, be vitiated and that it be referred instead to the Committee on the Environment and Public Works.

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

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, we are in the process of trying to establish a time certain for the vote on final passage of the death penalty bill tomorrow. I think we will have the clearance process completed on both sides. If it is cleared, I will put the request in a few moments.

At this moment, however, 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.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, there is no further debate, I am told, on the death penalty bill. I ask unanimous consent that there now be a period for the transaction of routine morning business, to extend not past the hour of 4:45 p.m., in which Senators may speak for not more than 5 minutes each.

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

MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of February 9, 1984, the Secretary of the Senate on February 14 and February 16, 1984, received messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received on February 14 and February 16, 1984, are printed at the end of the Senate proceedings.)

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate a message from the President of the United States submitting a sundry nomination which was referred to the Committee on Armed Services.

(The nomination received today is printed at the end of the Senate proceedings.)

ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR THE ARTS AND THE NATIONAL COUNCIL ON THE ARTS—MESSAGE FROM THE PRESIDENT—PM 114

Under the authority of the order of the Senate of February 9, 1984, the Secretary of the Senate, on February 16, 1984, during the adjournment of the Senate, received the following message from the President of the United States; together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with the provisions of the National Foundation on the Arts and Humanities Act of 1965, as amended, I transmit herewith the Annual Report of the National Endowment for the Arts and the National Council on the Arts for the Fiscal Year 1983.

RONALD REAGAN.

THE WHITE HOUSE, *February 16, 1984.*

DRAFT LEGISLATION ON CENTRAL AMERICA—MESSAGE FROM THE PRESIDENT—PM 115

Under the authority of the order of the Senate of February 9, 1984, the Secretary of the Senate, on February 17, 1984, during the adjournment of the Senate, received 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 herewith transmit proposed legislation that embodies the consensus arrived at by the National Bipartisan Commission on Central America. Its unifying thread is the spirit of the late Senator Henry M. Jackson—to advance the twin purposes of national security and human development.

Peace and individual betterment are universal purposes. They are at the heart of the American dream. Yet, today in Central America these goals are not realized. Poverty and violence are widespread. As a consequence, democratic forces are not able to flourish, and those who seek to disrupt freedom and opportunity threaten the heart of those nations.

Throughout our history, our leaders have put country before party on issues in foreign affairs important to the national interest. The Commission identifies the situation in Central America as this kind of issue. The 12 Commissioners—Democrats and Republicans alike—conclude "that Central America is both vital and vulnerable, and that whatever other crises may arise to claim the nation's attention, the United States cannot afford to turn away from that threatened region."

We face an inescapable reality: we must come to the support of our neighbors. The democratic elements in Central America need our help. For them to overcome the problems of accumulated historical inequities and immediate armed threats will take time, effort, and resources. We must support those efforts.

As the Commission recommends, our policy must be based on the principles of democratic self-determination, economic and social improvement that fairly benefits all, and cooperation in meeting threats to the security of the region.

Accordingly, I propose the "Central America Democracy, Peace and Development Initiative Act of 1984." This Act calls for an increased commitment of resources beginning immediately and extending regularly over the next 5 years. This assistance is necessary to support the balance of economic, political, diplomatic, and security measures that will be pursued simultaneously.

I propose authorization for an $8 billion, 5-year reconstruction and development program for Central America, composed of $6 billion in direct appropriations and $2 billion in insurance and guarantee authority. For fiscal year 1985 the figures are $1.1 billion and $600 million, respectively. In addition, the plan calls for $400 million in supplemental appropriations for an emergency economic stabilization program for fiscal year 1984.

These resources will support agricultural development, education, health services, export promotion, land reform, housing, humanitarian relief, trade credit insurance, aid for small businesses, and other activities. Because democracy is essential to effective development, special attention will be given to increasing scholarships, leadership training, educational exchanges, and support for the growth of democratic institutions.

Regional institutions such as the Central American Common Market (CACM) and the Central American Bank for Economic Integration (CABEI) made a major contribution to the region's economic growth in the 1960's and early 1970's. I am proposing a substantial assistance program to revitalize these institutions and thereby stimulate intraregional trade and economic activity.

To enable the countries of Central America to participate directly in the planning of these efforts, I shall explore the creation of a Central American Development Organization (CADO). This would enable political and private leaders from both the United States and Central America to review objectives and progress, and make recommendations on the nature and levels of our assistance efforts. The organization would, in effect, help to oversee and coordinate the major efforts that must be made. The legislation I am proposing sets out a series of principles to guide the negotiations for the establishment of this new regional institution. I intend to respect those principles in these negotiations and in our subsequent participation in CADO. As the Commission recognized, the ultimate control of aid funds will always rest with the donors. Consistent with the Constitution and this precept, final disposition of funds appropriated under this legislation will be subject to the ultimate control of the Congress and the President.

The National Bipartisan Commission specifically recommends significantly increased levels of military aid to the region, especially El Salvador. In the words of the Report, "the worst possible policy for El Salvador is to provide just enough aid to keep the war going, but too little to wage it successfully." I propose authorization for a $259 million supplemental appropriation for the region for fiscal year 1984 and a $256 million program for fiscal year 1985.

U.S. military assistance is vital to shield progress on human rights and democratization against violence from extremes of both left and right. I shall ensure that this assistance is provided under conditions necessary to foster human rights and political and economic development, and our Administration will consult with the Members of the Congress to make certain that our assistance is used fairly and effectively.

No new laws are needed to carry out many of the Commission's recommendations. There is, for example, a consensus on an integral part of our strategy in Central America: support for actions implementing the 21 Contadora objectives to help bring about peace. The Contadora objectives are in Central America's interest and in ours. Similarly, we are urging other nations to increase their assistance to the area.

I believe it is no accident that the Commission reached many of the same conclusions about comprehensive solutions to Central America's problems as have the participants in the Contadora process. As Dr. Kissinger noted in his January 10 letter to me, "the best route to consensus on U.S. policy toward Central America is by exposure to the realities of Central America."

The National Bipartisan Commission on Central America has done its work. Now it is our turn. Unless we act—quickly, humanely, and firmly—we shall face a crisis that is much worse for everyone concerned. We owe it to our children to make sure that our neighbors have a chance to live decent lives in freedom.

I, therefore, ask that the enclosed legislation be given your urgent attention and early and favorable action.

RONALD REAGAN.

THE WHITE HOUSE, *February 17, 1984.*

U.S. FOREIGN SCIENCE AND TECHNOLOGY COOPERATION REPORT—MESSAGE FROM THE PRESIDENT—PM 116

Under the authority of the order of the Senate of February 9, 1984, the Secretary of the Senate, on February 17, 1984, during the adjournment of the Senate, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

In accordance with the requirements of Title V of the Foreign Relations Authorization Act for Fiscal Year 1979 (Public Law 95-426), I am transmitting the 1983 annual report on the United States Government's international activities in the fields of science and technology. As in the past, this report has been prepared by the Department of State in collaboration with other concerned agencies of the Federal government.

I would like to take this opportunity, first of all, to express again my personal regret on the passing of Congressman Clement J. Zablocki. As Chairman of the House Foreign Affairs Committee and of the Subcommittee on International Security and Scientific Affairs, Congressman Zablocki made many significant contributions to this Nation's pursuit of foreign relations spanning several administrations. None of these, however, was more important than his tireless efforts to see that science and technology play greater roles in the conduct of foreign policy. Chairman Zablocki understood well the benefits of scientific progress toward economic growth both for our Nation and others across the globe and incorporated that understanding into the Title V legislation of which he was the prime architect. On behalf of the people of the United States, I want to express the gratitude of the Nation for his many years of distinguished service.

Science and technology have been key to the economic and social development of the United States. Political liberty and free enterprise provide a fertile environment to American scientists and engineers who have given us a standard of living unequaled in the history of the world. We are certain that science and technology offer similar hope to all nations committed to the pursuit of realistic and sustained economic development. The United States has increasingly made cooperative scientific and technological ar-

rangements important to our developmental assistance efforts to Third World countries and of strengthened bilateral relations with other industrialized nations.

During 1983 we were successful in our efforts to encourage international science and technology cooperation. There were many positive developments which are set out in detail in this report. Of particular importance, though, are several of our bilateral relations. It is important to develop a strong bilateral relationship with the People's Republic of China while maintaining our friendship with the democratic nations of Asia. Broad-based science and technology agreements are a vital part of our efforts to build this relationship. The role of science and technology plays a similar role in Latin America. This is particularly true in our bilateral relations with Brazil and Mexico. I am certain that these nations attach as much importance to scientific and technology cooperation as we do. We will continue to pursue the opportunities for increased cooperation.

Perhaps the most disturbing development of 1983 in the field of science and technology has been our reluctant, but necessary, decision to give notice of our intent to withdraw from participation in UNESCO. Our persistent efforts over the past 3 years to convince the UNESCO bureaucracy in Paris to address the Agency's serious problems of administrative and fiscal mismanagement and to reorient its direction to pursue once again only the mission envisioned in its charter have failed. We see no viable option but to sever our ties with this Agency if its overt hostility to American values and its increasing substantive impotence and procedural abuse are not satisfactorily corrected. We will strive to minimize any significant adverse effect on beneficial science and technology activities at UNESCO by making alternative arrangements for U.S. participation in such programs.

Our scientific and technological relations with the Soviet Union and Poland have been adversely affected by disappointing Soviet attitudes and actions. In our Title V Report for 1982, I made it clear that cooperation depends upon the steps the Soviet Government takes to comply with recognized norms of international behavior. Soviet behavior still falls far short of this standard, and our position remains unchanged. We will continue to carefully observe Soviet behavior and adjust our science and technology cooperation accordingly.

In the overall international arena, we can be proud of our scientific leadership. It can go a long way in helping the cause of freedom and economic growth around the world. The international programs described in this report benefit our Nation and our cooperative partners, and are a source of good will around the world.

RONALD REAGAN.

THE WHITE HOUSE, *February 17, 1984.*

MESSAGE FROM THE HOUSE RECEIVED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of February 9, 1984, the Secretary of the Senate on February 16, 1984, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 2899. An act to authorize appropriations for environmental research, development, and demonstration for the fiscal years 1984 and 1985, and for other purposes; and

H.J. Res. 466. Joint resolution designating May 1984 as "Older Americans Month."

MEASURES REFERRED

The following measures were read the first and second times by unanimous consent, and referred as indicated:

H.R. 2899. An act to authorize appropriations for environmental research, development, and demonstration for the fiscal years 1984 and 1985, and for other purposes; to the Committee on Environment and Public Works.

H.J. Res. 466. Joint resolution designating May 1984 as "Older Americans Month"; to the Committee on the Judiciary.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of February 9, 1984, the following enrolled bills and joint resolutions were signed on February 10, 1984, during the adjournment of the Senate by the President pro tempore (Mr. THURMOND):

S. 1340. An act to revise and extend the Rehabilitation Act of 1973 to provide for the operation of the Helen Keller National Center for Deaf-Blind Youths and Adults, to extend the Developmental Disabilities Assistance and Bill of Rights Act, and for other purposes;

H.R. 1557. An act for the relief of William D. Benont; and

S.J. Res. 146. Joint resolution to designate March 23, 1984, as "National Energy Education Day."

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary reported that on February 10, 1984, he had presented to the President of the United States the following enrolled bill and joint resolution:

S. 1340. An act to revise and extend the Rehabilitation Act of 1973, to provide for the operation of the Helen Keller National Center for Deaf-Blind Youths and Adults, to extend the Developmental Disabilities Assistance and Bill of Rights Act, and for other purposes; and

S.J. Res. 146. Joint resolution to designate March 23, 1984, as "National Energy Education Day."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2541. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report on seven new deferrals of appropriations and seven revisions to previous deferrals of appropriated funds; jointly, pursuant to the order of January 30, 1975, to the Committee on Appropriations; the Budget; Agriculture, Nutrition, and Forestry; Armed Services; Foreign Relations; and Labor and Human Resources.

EC-2542. A communication from the Assistant Administrator of the Environmental Protection Agency (Pesticides and Toxic Substances), transmitting, pursuant to law, the Agency's final rule for registration procedures for pesticides; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2543. A communication from the Acting General Counsel of the Department of Defense transmitting a draft of proposed legislation to authorize certain military construction for fiscal year 1985; to the Committee on Armed Services.

EC-2544. A communication from the Assistant Secretary of State for Legislative and Intergovernmental Affairs transmitting, pursuant to law, the annual report on the Panama Canal Treaties; to the Committee on Armed Services.

EC-2545. A communication from the Secretary of the Air Force transmitting, pursuant to law, a report on an increase of 50 percent in the unit cost of the Inertial Upper Stage program; to the Committee on Armed Services.

EC-2546. A communication from the General Counsel of the Department of Defense transmitting, pursuant to law, a copy of an executive order amending the Manual for Courts-Martial; to the Committee on Armed Services.

EC-2547. A communication from the Secretary of Defense transmitting, pursuant to law, a report on officers and employees of Federal Contract Research Centers paid out of Federal funds whose rate of basic pay exceeded that of Level II of the Executive Schedule; to the Committee on Armed Services.

EC-2548. A communication from the Principal Deputy Assistant Secretary of Defense for Shipbuilding and Logistics transmitting, pursuant to law, a report on a decision to convert the storage and warehousing function at the Naval Public Works Center, San Diego, Calif., to performance under contract; to the Committee on Armed Services.

EC-2549. A communication from the Secretary of Defense transmitting, pursuant to law, notice that he is waiving certain provisions (sec. 11) of the Stevenson-Wydler Technology Innovation Act; to the Committee on Commerce, Science, and Transportation.

EC-2550. A communication from the Secretary of Transportation transmitting a draft of proposed legislation to authorize

appropriations for fiscal 1985 and 1986 for certain maritime programs of the Department of Transportation; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCLURE, from the Committee on Energy and Natural Resources, without amendment:

S. Res. 351. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 746; referred to the Committee on the Budget.

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with amendments:

S. 746. A bill to establish the Illinois and Michigan Canal Natural Heritage Corridor in the State of Illinois, and for other purposes (Rept. No. 98-355).

By Mr. ROTH, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 803. A bill to establish the Commission on the Centennial Review of the Civil Service (Rept. No. 98-356).

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. THURMOND:

S. 2312. A bill to designate certain National Forest System lands in the State of South Carolina to the National Wilderness Preservation System, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

S. 2313. A bill to permit credit for civil service retirement purposes and in computing length of service for purposes of determining leave, compensation, health insurance, severance pay, tenure and status in the case of certain individuals who performed National Guard technician services before January 1, 1969; to the Committee on Governmental Affairs.

By Mr. TOWER.

S. 2314. A bill to amend the Panama Canal Act of 1979 to provide that claims against the Panama Canal Commission for vessel damage sustained in the Panama Canal or adjacent waters, other than the canal locks, may be handled in the same manner as claims for vessel damage while passing through the canal locks, and for other purposes; to the Committee on Armed Services.

By Mr. GRASSLEY (for himself and Mr. TRIBLE):

S. 2315. A bill to amend the Energy Security Act and the National Energy Conservation Policy to repeal the statutory authorities administered by the Residential Energy Conservation Service and the Commercial and Apartment Conservation Service; to the Committee on Energy and Natural Resources.

By Mr. STENNIS:

S. 2316. A bill for the relief of Daweeratana Rugsacum; to the Committee on the Judiciary.

By Mr. CHILES (for himself, Mr. ANDREWS, Mr. BUMPERS, Mr. BURDICK, Mr. COCHRAN, Mr. CRANSTON, Mr. D'AMATO, Mr. DURENBERGER, Mr. EAGLETON, Mr. GLENN, Mr. GOLDWATER, Mr. HELMS, Mr. HEINZ, Mr. HOLLINGS, Mr. INOUYE, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LAXALT, Mr. LEVIN, Mr. McCLURE, Mr. MITCHELL, Mr. MOYNIHAN, Mr. NUNN, Mr. PRYOR, Mr. PELL, Mr. QUAYLE, Mr. RANDOLPH, Mr. RIEGLE, Mr. SARBANES, Mr. SASSER, Mr. SPECTER, Mr. STENNIS, Mr. SYMMS, and Mr. THURMOND):

S. J. Res. 239. Designating the week of October 21 through October 27, 1984, as "Lupus Awareness Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. GORTON (for himself, Mr. EVANS, Mr. STEVENS, Mr. BYRD, Mr. THURMOND, and Mr. SYMMS):

S. Res. 350. Resolution congratulating American athletes for their significant accomplishments and bearing at the 1984 Winter Olympics in Sarajevo, Yugoslavia; placed on the calendar.

By Mr. McCLURE (from the Committee on Energy and Natural Resources):

S. RES. 351. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 746; to the Committee on the Budget.

By Mr. DODD (for himself and Mr. PELL):

S. Con. Res. 95. Concurrent resolution expressing the sense of Congress that funding levels for Federal foreign language and international education and exchange programs should be maintained or increased; to the Committee on Appropriations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THURMOND:

S. 2312. A bill to designate certain national forest system lands in the State of South Carolina to the national wilderness preservation system, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SOUTH CAROLINA WILDERNESS ACT OF 1984

Mr. THURMOND. Mr. President, I rise today to introduce legislation which will designate certain national forest system lands in the State of South Carolina as an addition to the national wilderness preservation system.

This parcel is generally referred to as the "Ellicott Rock Wilderness." The property is located in the Sumter National Forest and consists of approximately 1,969 acres.

Mr. President, after several years of study, the U.S. Forest Service has decided that the most suitable use for this acreage is as a designated wilderness area. The privately organized South Carolina Forestry Association concurs with this conclusion.

Mr. President, I have always felt that our national forest system is a precious natural resource. By properly designating use of these forest lands, we can help preserve them for generations to come.

In general, the national forest system should be wisely managed for multiple use of their resources, including pulpwood and timber harvesting, wildlife habitation, recreation, and other compatible uses. At the same time, some areas within the national forest boundaries are not well suited for forestry production and other associated uses. Many of these areas are beautiful, nearly pristine environments which are best preserved for the enjoyment of present and future generations in their natural state. There is widespread agreement that the Ellicott Rock acreage is an area ideally suited for wilderness designation.

I believe my Senate colleagues will find this legislation to be meritorious and noncontroversial. For this reason, I hope that the Senate Agriculture Committee will give this bill very careful consideration and report it to the full Senate for review in the very near future.

By Mr. THURMOND:

S. 2313. A bill to permit credit for civil service retirement purposes and in computing length of service for purposes of determining leave, compensation, health insurance, severence pay, tenure, and status in the case of certain individuals who performed National Guard technician service before January 1, 1969; to the Committee on Governmental Affairs.

RECOMPUTATION OF CERTAIN NATIONAL GUARD SERVICE

Mr. THURMOND. Mr. President, today I am pleased to introduced legislation to permit credit for civil service retirement and other benefit purposes for certain individuals who performed National Guard technician service before January 1, 1969.

Under present law, Mr. President, National Guard Technicians are permitted credit for service performed prior to January 1, 1969, only if they continued in service beyond that date. This means that technicians that left the Guard before January 1, 1969, for such good reasons as medical disability or to transfer to the Reserves, are presently ineligible for credit for their prior service toward a number of very important benefits.

Mr. President, my bill will correct this situation by allowing credit for all prior service without regard to date of separation. It will provide fair and equal treatment for all those men and women who have served their country as technicians in the National Guard, and guarantee them equal compensation for equal work. Individuals who were separated from the Guard between January 1, 1969, and the date of

enactment of this act will have 1 year after enactment to apply for redetermination of length of service for their benefits.

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

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

S. 2313

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8332(b) of title 5, United States Code, relating to creditable service, is amended by striking out the second to the last sentence.

SEC. 2. Section 3(c) of the National Guard Technicians Act of 1968 (82 Stat. 757; 32 U.S.C. 709 note), relating to determining length of service for purposes of leave, employee death and disability compensation, group life and health insurance, severance pay, tenure, and status, is amended by striking out the last sentence.

SEC. 3. (a)(1) Except as provided in paragraph (2), the amendment made by the first section of this Act applies only with respect to individuals separating from employment by the Government on or after the date of the enactment of this Act.

(2)(A) In the case of any individual who—

(i) was employed under section 709 of title 32, United States Code, relating to National Guard technicians, or any prior corresponding provision of law, before January 1, 1969, and

(ii) was separated from employment by the Government on or after January 1, 1969, and before the date of the enactment of this Act,

any annuity under subchapter III of chapter 83 of title 5, United States Code, based on such individual's service (as defined in section 8331 (12) of such title) shall be redetermined to take into account the amendment made by the first section of this Act, if application is made therefor within one year after the date of the enactment of this Act.

(B) Any change in an annuity resulting from a redetermination under subparagraph (A) shall apply only with respect to monthly payments accruing after the date of the enactment of this Act.

(b)(1) Except as provided in paragraph (2), the amendment made by section 2 of this Act applies only with respect to individuals performing service as an officer or employee of the Government on or after the date of the enactment of this Act and only for the purposes of determining—

(A) any annual leave accruing under section 6303 of title 5, United States Code, to any such individual on or after such date; and

(B) Federal employees death and disability compensation, group life and health insurance, severance pay, tenure, and status with respect to any such individual.

(2) The amendment made by section 2 of this Act applies with respect to any individual who separated from employment by the Government on or after January 1, 1969, and before the date of the enactment of this Act, for the purpose of determining whether such individual is an annuitant under section 8901(3)(A) of title 5, United States Code. Any individual who qualifies as an annuitant under section 8901(3)(A) of such title as a result of the application of such amendment shall be enrolled in a health benefits plan (described by section 8903 of such title) of such individual's choice, if—

(A) application for enrollment is made within one year after the date of the enactment of this Act, and

(B) such individual qualifies under section 8905(b)(1)(A) of such title.

By Mr. GRASSLEY (for himself and Mr. TRIBLE):

S. 2315. A bill to amend the Energy Security Act and the National Energy Conservation Policy Act to repeal the statutory authorities administered by the residential energy conservation service and the commercial and apartment conservation service; to the Committee on Energy and Natural Resources.

REPEAL OF RESIDENTIAL CONSERVATION SERVICE PROGRAM

● Mr. GRASSLEY. Mr. President, today I am introducing legislation to repeal the residential conservation service program. I am joined in this effort by my colleague from Virginia, Senator TRIBLE.

While the intent of the residential conservation service program is laudable, the implementation of the program has left much to be desired. The purpose of the service was to provide energy users with an audit of their usage, and suggestions on how to improve their energy conservation. Public utilities were to provide this service, and could charge $15. As a result of the audit, homeowners were to be encouraged to take action to improve their energy efficiency.

Certainly, the above scenario is a worthwhile one. However, the RSC program is a good idea with a terrible track record. It has not succeeded in getting more homeowners and apartment dwellers interested in conservation efforts, and those individuals who have utilized the program are not those to whom the services were targeted.

Iowa's history with the program has been one of frustration. The individuals most likely to sign up for the program are in high-income, high-education brackets who often have already taken action to improve their energy efficiency, and merely want the utilities' "seal of approval" on previously done work. Low-income individuals generally do not utilize the service, and furthermore, if they do, they seldom have the financial means to take the action recommended by the utilities as a result of the energy audit.

Iowa's experience is not unique. Nationwide statistics indicate only a 4-percent participation rate in the program. Of that percentage, 75 to 80 percent fit the high-income, high-education description.

One additional problem with this program is the manner in which the Department of Energy has chosen to implement it. States must follow Federal guidelines in structuring the program, and the DOE has virtually no flexibility in granting States any leeway in fashioning the program to meet the individual States needs. Iowa has adjusted its RSC program to conform to the needs of Iowans. However, Iowa now finds itself in a battle with the Department to revise its carefully thought out plan to fulfill the requirements dictated from Washington. If Iowa fails to make changes—which it deems are inappropriate—the program will no longer be administered by the State, but under the Federal standby plan.

Iowa was one of the first States to adopt a residential conservation service program, and conducted exhaustive studies to tailor the program to benefit Iowa's consumers. It seems incredible to this Senator that a State which wants to develop a good plan, and administer it in the manner best for its consumers should have to bow to the inflexibility of the Federal bureaucracy.

It is clear that the current program is not working. Weatherization programs and energy conservation programs are extremely important. However, the residential conservation service program is a bad program, kept alive under the guise of being proconsumer. I suggest there is very little about the program that is proconsumer or proconservation. Rather, it has become an infrequently used service utilized by those most able to afford an energy audit, the cost of which is picked up by the entire ratepaying population.

If Congress is to encourage conservation and weatherization programs, we need to start anew with a very different approach. Repeal of the residential conservation service program is the best way to begin.●

By Mr. CHILES (for himself, Mr. ANDREWS, Mr. BUMPERS, Mr. BURDICK, Mr. COCHRAN, Mr. CRANSTON, Mr. D'AMATO, Mr. DURENBERGER, Mr. EAGLETON, Mr. GLENN, Mr. GOLDWATER, Mr. HELMS, Mr. HEINZ, Mr. HOLLINGS, Mr. INOUYE, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LAXALT, Mr. LEVIN, Mr. MCCLURE, Mr. MITCHELL, Mr. MOYNIHAN, Mr. NUNN, Mr. PRYOR, Mr. PELL, Mr. QUAYLE, Mr. RANDOLPH, Mr. RIEGLE, Mr. SARBANES, Mr. SASSER, Mr. SPECTER, Mr. STENNIS, Mr. SYMMS, and Mr. THURMOND):

S.J. Res. 239. Joint resolution designating the week of October 21 through October 27, 1984, as "Lupus Awareness Week"; to the Committee on the Judiciary.

LUPUS AWARENESS WEEK

● Mr. CHILES. Mr. President, today I am introducing a joint resolution to designate October 21-27, 1984, as Lupus Awareness Week. An identical joint resolution is being introduced in the House of Representatives by Rep-

resentative ROBERT BORSKI of Pennsylvania.

Lupus erythematosis is a chronic, inflammatory disease of the connective tissue. Translated, its name means "red wolf" which describes the red, bite-shaped rash characteristic of the disease. Skin rashes are just one of many symptoms common to lupus. Others include fever, joint pains, weight loss, fatigue, heart problems, anemia, kidney, and sensory malfunction, false-positive tests for syphilis, sun sensitivity, pleurisy, pneumonia, hair loss, mental or emotional problems, nausea, vomiting, and jaundice. This is a disease of inflammation, inflammation caused by anti-bodies sent out to attack other cells of the body. In short the body of a lupus victim is trying to destroy itself.

Nearly 1 million people, 90 percent of them women in their child-bearing years, are afflicted with lupus and 50,000 new cases are reported each year. Lupus affects more people than does muscular dystrophy, cystic fibrosis, rheumatic fever, pernicious anemia, Hodgkin's disease, or leukemia. This is not a rare disease, yet many Americans have never heard of lupus or its debilitating effects. Even some physicians are unfamiliar with lupus. As a result, the disease may go misdiagnosed or be diagnosed too late.

There is no known cure for lupus erythematosis. However, thanks to important research and improved diagnostic methods, 80 to 90 percent of all lupus victims can look forward to a normal lifespan. Moreover, beneficial therapy and treatment is enabling lupus patients to lead productive lives. Unfortunately, though, some people still die from lupus and many others continue to suffer from its painful symptoms. Clearly, more needs to be done.

The time is now to find a cure for lupus. With heightened awareness, the money and support necessary to finding a cure can be obtained. A more knowledgeable public can also insure the early diagnosis so essential to effective treatment of the disease. Lupus Awareness Week can and will make a difference in the lives of lupus victims and their families. I urge my colleagues to join me in this effort to help them.

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

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

S. J. RES. 239

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That the week of October 21, 1984 through October 27, 1984, is designated as "Lupus Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate programs, ceremonies, and activities.●

ADDITIONAL COSPONSORS

S. 874

At the request of Mr. KENNEDY, the name of the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of S. 874, a bill to provide for a program for the improvement of instruction in mathematics and science, and for other purposes.

S. 1329

At the request of Mr. CHAFEE, the name of the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 1329, a bill to extend until October 1, 1993, the authority for appropriations to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of wetlands and other essential habitat, and for other purposes.

S. 1539

At the request of Mr. HATCH, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1539, a bill to amend the Public Health Service Act to provide home- and community-based services for the elderly and the disabled.

S. 1540

At the request of Mr. HATCH, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1540, a bill to amend the Public Health Service Act to provide for coordination with State Medicaid plans in the furnishing of home care services, and to amend title XIX of the Social Security Act to allow States to implement programs of home care services.

S. 1613

At the request of Mr. TRIBLE, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1613, a bill to amend title 10, United States Code, with respect to the provision of medical benefits and post and base exchange and commissary store privileges to certain former spouses of certain members or former members of the Armed Forces.

S. 1733

At the request of Mr. TRIBLE, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1733, a bill to amend title 18, United States Code, to make a crime the use, for fraudulent or other illegal purposes, of any computer owned or operated by the United States, certain financial institutions, and entities affecting interstate commerce.

S. 1756

At the request of Mr. DURENBERGER, the name of the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 1756, a bill to provide for assistance to State and local governments and private interests for conservation of certain rivers, and for other purposes.

At the request of Mr. MOYNIHAN, his name was added as a cosponsor of S. 1756, supra.

S. 1873

At the request of Mr. SIMPSON, the name of the Senator from Alabama (Mr. DENTON) was added as a cosponsor of S. 1873, a bill to require the President to report to Congress by July 1, 1987, concerning the need for a new educational assistance program for service members to assist in the recruitment and retention of qualified personnel in the Armed Forces, and to provide for the expeditous consideration of proposed legislation establishing such a program.

S. 1948

At the request of Mr. LUGAR, the name of the Senator from Wisconsin (Mr. PROXMIRE) was added as a cosponsor of S. 1948, a bill to establish a national minimum drinking age of 21.

S. 1992

At the request of Mr. BENTSEN, the names of the Senator from Texas (Mr. TOWER), the Senator from Alabama (Mr. HEFLIN), the Senator from Nebraska (Mr. EXON), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1992, a bill to amend the Internal Revenue Code of 1954 to simplify and improve the income tax treatment of life insurance companies and their products.

S. 2004

At the request of Mr. JEPSEN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2004, a bill to amend the Farmland Protection Act to improve the administration of such act, and for other purposes.

S. 2017

At the request of Mr. HELMS, the name of the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of S. 2017, a bill to amend the Internal Revenue Code of 1954 with respect to deductions for the payment of certain expenses by ministers and members of the uniformed services who receive subsistence and housing allowance.

S. 2031

At the request of Mr. MOYNIHAN, the names of the Senator from South Dakota (Mr. PRESSLER), and the Senator from Arizona (Mr. DECONCINI) were added as cosponsors of S. 2031, a bill relating to the residence of the American Ambassador to Israel.

S. 2048

At the request of Mr. HATCH, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 2048, a bill to provide for the establishment of a Task Force in Organ Procurement and Transplantation and an Organ Procurement and

Transplantation Registry, and for other purposes.

S. 2086

At the request of Mr. MOYNIHAN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2086, a bill to revise tax law relating to publisher inventories.

S. 2099

At the request of Mr. JEPSEN, the name of the Senator from Alabama (Mr. HEFLIN) was added as a cosponsor of S. 2099, a bill to delay for 2 years the mandatory coverage of employees of religious organizations under social security.

S. 2203

At the request of Mr. SPECTER, the names of the Senator from New York (Mr. MOYNIHAN), the Senator from Michigan (Mr. LEVIN), and the Senator from Illinois (Mr. DIXON) were added as cosponsors of S. 2203, a bill to repeal section 2392 of title 10, United States Code, relating to the prohibition on the use of Department of Defense funds to relieve economic dislocations, and for other purposes.

S. 2214

At the request of Mr. GLENN, the name of the Senator from Nebraska (Mr. EXON) was added as a cosponsor of S. 2214, a bill to require that certain assistance may be furnished to El Salvador only if the President reports to the congress on plans of the Government of El Salvador to control indiscriminate violence, and for other purposes.

S. 2229

At the request of Mr. BOSCHWITZ, the names of the Senator from Indiana (Mr. QUAYLE), and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 2229, a bill to amend the Internal Revenue Code of 1954 to allow individuals to compute the deduction for retirement savings on the basis of the compensation of their spouses and to treat alimony as compensation for purposes of such deduction.

S. 2232

At the request of Mr. MOYNIHAN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 2232, a bill to amend the Internal Revenue Code of 1954 to limit the amount of depreciation, investment tax credit, and deductions allowable for luxury automobiles.

S. 2256

At the request of Mr. HUDDLESTON, the name of the Senator from Nebraska (Mr. ZORINSKY) was added as a cosponsor of S. 2256, a bill to exempt restaurant central kitchens from Federal inspection requirements.

S. 2258

At the request of Mr. MOYNIHAN, the names of the Senator from New Jersey (Mr. BRADLEY), the Senator from North Dakota (Mr. BURDICK), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 2258, a bill to grant a Federal charter to the 369th Veteran's Association.

S. 2263

At the request of Mr. LAUTENBERG, the name of the Senator from Pennsylvania (Mr. HEINZ) was added as a cosponsor of S. 2263, a bill to amend title 23, United States Code, to reduce the amount of certain Federal-aid highway funds for any State in which the minimum age for the purchase or public possession of alcoholic beverages is less than 21 years.

S. 2275

At the request of Mr. CHAFEE, the name of the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 2275, a bill to establish a program to improve the leadership and management skills of school administrators, and for other purposes.

S. 2307

At the request of Mr. BOSCHWITZ, the names of the Senator from Colorado (Mr. HART), the Senator from Michigan (Mr. LEVIN), the Senator from Illinois (Mr. PERCY), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Maryland (Mr. MATHIAS), and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 2307, a bill making a supplemental appropriation to carry out title II of Public Law 480.

SENATE JOINT RESOLUTION 143

At the request of Mr. D'AMATO, his name was added as a cosponsor of Senate Joint Resolution 143, a joint resolution to authorize and request the President to issue a proclamation designating the calendar week beginning with Sunday, June 3, 1984, as "National Garden Week."

SENATE JOINT RESOLUTION 148

At the request of Mr. KENNEDY, the name of the Senator from Delaware (Mr. ROTH) was added as a cosponsor of Senate Joint Resolution 148, a joint resolution to designate the week of May 6, 1984, through May 13, 1984, as "National Tuberous Sclerosis Week."

SENATE JOINT RESOLUTION 171

At the request of Mr. STENNIS, the names of the Senator from New York (Mr. D'AMATO) and the Senator from Arkansas (Mr. BUMPERS) were added as cosponsors of Senate Joint Resolution 171, a joint resolution for the designation of July 20, 1984, as "National P.O.W./M.I.A. Recognition Day."

SENATE JOINT RESOLUTION 184

At the request of Mr. HOLLINGS, the names of the Senator from Texas (Mr. TOWER) and the Senator from Missouri (Mr. EAGLETON) were added as cosponsors of Senate Joint Resolution 184, a joint resolution to designate the week of March 4, 1984, through March 10, 1984, as "National Beta Club Week."

SENATE JOINT RESOLUTION 193

At the request of Mrs. HAWKINS, the names of the Senator from Kansas (Mr. DOLE), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Ohio (Mr. GLENN) were added as cosponsors of Senate Joint Resolution 193, a joint resolution designating March 6, 1984, as "Frozen Food Day."

SENATE JOINT RESOLUTION 204

At the request of Mr. HATCH, the names of the Senator from Maryland (Mr. MATHIAS), the Senator from Alaska (Mr. STEVENS), the Senator from Virginia (Mr. TRIBLE), and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of Senate Joint Resolution 204, a joint resolution to designate "Women's History Week."

SENATE JOINT RESOLUTION 210

At the request of Mr. TRIBLE, the names of the Senator from Utah (Mr. HATCH), the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Connecticut (Mr. WEICKER), the Senator from Kansas (Mr. DOLE), the Senator from Georgia (Mr. NUNN), the Senator from Wisconsin (Mr. KASTEN), the Senator from North Carolina (Mr. HELMS), the Senator from Idaho (Mr. MCCLURE) and the Senator from Oklahoma (Mr. NICKLES) were added as cosponsors of Senate Joint Resolution 210, a joint resolution to designate the period commencing January 1, 1984, and ending December 31, 1984, as the "Year of Excellence in Education."

SENATE JOINT RESOLUTION 213

At the request of Mr. D'AMATO, the names of the Senator from Ohio (Mr. GLENN), the Senator from North Dakota (Mr. ANDREWS), the Senator from Tennessee (Mr. SASSER), the Senator from North Carolina (Mr. HELMS), the Senator from Idaho (Mr. SYMMS), the Senator from Rhode Island (Mr. PELL), and the Senator from Ohio (Mr. METZENBAUM) were added as cosponsors of Senate Joint Resolution 213, a joint resolution designating 1984 "The Year of the Secretary."

SENATE JOINT RESOLUTION 222

At the request of Mr. LAUTENBERG, the names of the Senator from Indiana (Mr. QUAYLE), the Senator from New Jersey (Mr. BRADLEY), and the Senator from Vermont (Mr. STAFFORD) were added as cosponsors of Senate Joint Resolution 222, a joint resolution designating the month of June 1984 as "Student Awareness of Drunk Driving Month."

SENATE JOINT RESOLUTION 225

At the request of Mr. MOYNIHAN, the names of the Senator from Texas (Mr. BENTSEN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Louisiana (Mr. JOHNSTON), the Senator from New York (Mr. D'AMATO), the Senator from Florida

(Mrs. HAWKINS), the Senator from Indiana (Mr. LUGAR), the Senator from Georgia (Mr. MATTINGLY), and the Senator from Vermont (Mr. STAFFORD) were added as cosponsors of Senate Joint Resolution 225, a joint resolution designating the month of March 1984 as "National Eye Donor Month."

SENATE JOINT RESOLUTION 231

At the request of Mr. DODD, the names of the Senator from Kansas (Mr. Dole), the Senator from Montana (Mr. BAUCUS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Florida (Mr. CHILES), and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of Senate Joint Resolution 231, a joint resolution to provide for the awarding of a gold medal to Elie Wiesel in recognition of his humanitarian efforts and outstanding contributions to world literature and human rights.

SENATE JOINT RESOLUTION 237

At the request of Mr. HATCH, the names of the Senator from Connecticut (Mr. DODD), the Senator from Tennessee (Mr. SASSER), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Ohio (Mr. GLENN) were added as cosponsors of Senate Joint Resolution 237, a joint resolution to designate the week of November 25, 1984, through December 1, 1984, as "National Home Care Week."

SENATE CONCURRENT RESOLUTION 62

At the request of Mr. MATTINGLY, the name of the Senator from Alabama (Mr. HEFLIN) was added as a cosponsor of Senate Concurrent Resolution 62, a concurrent resolution to direct the Commissioner of Social Security and the Secretary of Health and Human Services to develop a plan outlining the steps which might be taken to correct the social security benefit disparity known as the notch problem.

SENATE CONCURRENT RESOLUTION 72

At the request of Mr. MOYNIHAN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of Senate Concurrent Resolution 72, a concurrent resolution calling on the President to appoint a special envoy for Northern Ireland.

SENATE CONCURRENT RESOLUTION 91

At the request of Mr. DECONCINI, the names of the Senator from Colorado (Mr. ARMSTRONG), and the Senator from Alabama (Mr. HEFLIN) were added as cosponsors of Senate Concurrent Resolution 91, a concurrent resolution expressing the sense of the Congress that the provisions of the Internal Revenue Code of 1954 relating to installment sales and the regulations prescribed by the Secretary of the Treasury under such provisions, or any other provisions of the Internal Revenue Code or regulations, should not be modified or amended in any way that will alter the manner in which mortgage-backed builder bond translations are currently taxed.

SENATE RESOLUTION 93

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois (Mr. PERCY) was added as a cosponsor of Senate Concurrent Resolution 93, a concurrent resolution authorizing the Rotunda of the U.S. Capitol to be used on April 30, 1984, for a ceremony commemorating the days of remembrance of victims of the Holocaust.

SENATE RESOLUTION 287

At the request of Mr. COCHRAN, the name of the Senator from Iowa (Mr. JEPSEN) was added as a cosponsor of Senate Resolution 287, a resolution establishing a Task Force on Agricultural Credit.

SENATE RESOLUTION 306

At the request of Mr. KENNEDY, the names of the Senator from Tennessee (Mr. SASSER), and the Senator from Maine (Mr. MITCHELL) were added as cosponsors of Senate Resolution 306, a resolution to preserve the food stamp program and other food assistance programs.

SENATE RESOLUTION 329

At the request of Mr. NUNN, the names of the Senator from Maine (Mr. COHEN), and the Senator from Nebraska (Mr. EXON) were added as cosponsors of Senate Resolution 329, a resolution expressing the support of the Senate for the expansion of confidence building measures between the United States and the U.S.S.R., including the establishment of nuclear risk reduction centers, in Washington and in Moscow, with modern communications linking the centers.

SENATE RESOLUTION 336

At the request of Mr. DOLE, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of Senate Resolution 336, a resolution to proclaim "Circle K International Week."

SENATE CONCURRENT RESOLUTION 95—RELATING TO FUNDING FOR FOREIGN LANGUAGE AND INTERNATIONAL EDUCATION

Mr. DODD (for himself and Mr. PELL) submitted the following concurrent resolution; which was referred to the Committee on Appropriations:

S. CON. RES. 95

Whereas a number of national education task forces and commissions, including the National Commission on Excellence in Education, have outlined a serious decline in the study of foreign languages in the United States and have recommended increased second language training at all eduational levels;

Whereas leading members of the defense and intelligence communities have expressed concern about America's lack of expertise in international studies and in foreign language proficiency;

Whereas the United States has produced insufficient numbers of qualified area studies and foreign language specialists during the last decade to meet our future defense, diplomatic, and intelligence needs;

Whereas the study of the less commonly taught but strategically important languages and cultures such as Japanese, Chinese, Arabic, and Russian is extremely limited in the United States;

Whereas new programs in the combined study of business, foreign languages, and international relations would make a significant contribution to the reversal of America's declining economic competitiveness in international trade;

Whereas in comparison with the investments of America's allies and potential adversaries, the United States Government's investment in foreign language and international education historically has been quite small;

Whereas approximately 80 percent of the Nation's foreign language training in the less commonly taught languages takes place at federally funded National Resource Centers for Foreign Languages and International Studies;

Whereas for fiscal years 1984 and 1985 the present Administration has recommended zero budget funding for the Office of International Education and Foreign Language Studies, which funds the National Resource Centers and the Fulbright-Hays Scholarship program; and

Whereas Congress has consistently rejected the Administration's proposals and fully funded the Office of International Education and Foreign Language Studies for fiscal year 1984: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the fiscal year 1985 funding levels for Federal foreign language and international education and exchange programs should be maintained or increased above fiscal year 1984 levels.

● Mr. DODD. Mr. President, today I am submitting, along with the distinguished ranking member of the Education Subcommittee, Mr. PELL, a concurrent resolution expressing the sense of Congress that funding levels for foreign language and international education and exchange programs should be maintained or increased above fiscal year 1984 levels. Representative LEON PANETTA of California is introducing identical legislation in the House.

We are offering this concurrent resolution in response to the administration's zero funding request for title VI and Fulbright-Hays 102(b)(6). This action is taken as part of a planned elimination of nine small categorical programs, totaling approximately $143 million in current spending.

The effect of this elimination of Federal support would be the extinction of many international education and foreign language programs on U.S. campuses.

This exclusion of Federal funding is especially baffling in light of the findings of the President's own Commission on Excellence in Education. The Commission stated in "A Nation at Risk:"

We live among the determined, well educated, and strongly motivated competitors. We compete with them for international standing and markets, not only with products but also with the ideas from our own laboratories * * * America's position in the world may once have been reasonably secure with only a few well-trained men and women. It is no longer.

This task force, as well as many others, have identified the need to support and enhance what might be termed, "international education"—foreign language and cultural studies, and student exchange programs—in an effort to help secure the national defense and promote economic security.

One area critically dependent upon adequate instruction in foreign languages and culture is international trade.

The United States has been a traditional leader in international trade. Our merchandise trade deficit, however, in 1983 was estimated to be $70 billion with the likelihood of reaching a startling $100 billion in 1984.

No one will dispute that there are a number of contributing economic factors for the decline in American foreign trade supremacy. The lack of understanding and knowledge of our customer nations and their languages, nonetheless, has played an important role in this decline.

Japanese business executives, on the other hand, attribute much of their country's success in international trade to their in-depth knowledge of American culture, consumer habits, and language.

For example, in 1979, according to the President's Commission on Foreign Language and International Studies, there were approximately 10,000 English-speaking Japanese business representatives assigned to the United States who were involved in some way with providing goods for the American consumer.

At the same time, there were fewer than 900 American business representatives in Japan. The majority of these American businessmen possessed little or no knowledge of the Japanese language. In fact, they were often forced to rely on their foreign buyers for the translation of messages and contracts.

International trade is just one area where the need for familiarity with other countries and their people and language is evident. Several Federal agencies are in need of individuals proficient in foreign language.

For example, Adm. Bobby Inman, former Deputy Director of the CIA, recently voiced his concerns regarding the lack of qualified linguists needed in various important positions within the CIA and NSA.

Craig T. Wilson, Special Assistant to the Secretary of Defense for Intelligence and Human Resources, reported that approximately one-half of the 13,000 positions in the DOD requiring foreign language skills were filled by employees who did not possess the necessary language competence.

Federal agencies are not exclusive in their need for professionals with foreign language skills. Other fields where the need for foreign language expertise is becoming more acute are public service, law enforcement, teaching, and science and research.

It is highly ironic that as the need increases dramatically for a well-trained cadre of American professionals who can deal effectively with trade deficits, the economy, research and development, national defense, and world political events, the administration's proposed budget has zero funded support for international education programs and foreign language studies, title VI and Fulbright-Hays 102(b)(6).

The administration's title IV proposal would terminate support for 91 national resource centers, 50 undergraduate international studies programs, 800 foreign language and area studies fellowships, approximately 30 research projects for language and area teaching materials, and terminate support for 26 new matching grants, now in their second year of funding in areas relating to international business and economic competitiveness made possible under part B of title VI.

Under Fulbright-Hays 102(b)(6), the adminstration's proposal would eliminate support for approximately 36 group projects abroad, 11 foreign curriculum consultants, 35 faculty research projects abroad, 98 awards for Ph. D. dissertation research abroad, and 11 projects implementing special binational agreements.

It is highly unlikely that the Nation will have adequate numbers of professionals who possess the required knowledge and understanding of foreign countries and their languages if Federal support for these programs is withdrawn.

Dr. Fritz Stern, professor of history at Columbia University said it well:

There is no substitute for trained familiarity with the culture and history and languages of our principal allies, our principal economic partners, and, increasingly, our principal rivals.

Mr. President, I hope the Senate will act quickly and affirmatively on this concurrent resolution.●

SENATE RESOLUTION 351—WAIVING CONGRESSIONAL BUDGET ACT

Mr. McCLURE, from the Committee on Energy and Natural Resources, reported the following original resolution; which was referred to the Committee on the Budget:

S. RES. 351

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. 746, to establish the Illinois and Michigan Canal National Heritage Corridor in the State in Illinois, and for other purposes. S. 746, the "Illinois and Michigan Canal National Heritage Corridor Act of 1983", as reported, authorizes the enactment of new budget authority which would first become available in fiscal year 1984.

The waiver of section 402(a) of such Act is necessary to permit Congressional consideration of S. 746. Such bill was not reported on or before May 23, 1983, as required by section 402(a) of the Congressional Budget Act of 1974 for such authorizations.

AMENDMENTS SUBMITTED

EXPORT ADMINISTRATION ACT AMENDMENTS

JEPSEN AMENDMENT NO. 2711

(Ordered to lie on the table.)

Mr. JEPSEN submitted an amendment intended to be proposed by him to the bill (S. 979) to amend and reauthorize the Export Administration Act of 1979; as follows:

On page 53, after line 9, add the following new section:

CARGO PREFERENCE REQUIREMENTS

SEC. 19. (a) The Senate finds that—

(1) the United States balance of merchandise trade in 1982 was a negative $31,800,000,000;

(2) the United States share of world exports has declined from 15.4 percent in 1970 to 13 percent in 1982;

(3) one out of every eight United States manufacturing jobs is for export production and 20 percent of our industrial production is exported;

(4) agriculture is the largest employer in the Nation providing for almost twenty-three million jobs, one million three hundred thousand of these being export related;

(5) the value of agricultural exports has dropped 18.9 percent since 1981 and United States agricultural market share has dropped precipitously for such commodities as coarse grains, wheat, cotton, soybean meal and oil, rice, and poultry;

(6) increased ocean shipping costs will negate numerous United States efforts to promote exports;

(7) current world market conditions translate increased export prices into reduced income for domestic producers and lost United States sales abroad for such goods as agricultural products, coal, forest products, fertilizers, chemicals, ores and metals, and pulp and paper products;

(8) increased import costs for such goods as petroleum and other bulk materials will increase energy costs and production costs for the agricultural, fertilizer, iron and steel, rubber, textile, chemical, nonferrous refining, and paper industries;

(9) trade barriers have proven harmful to United States industry, labor, and consumers in the past;

(10) world bulk shipping capacity is currently in excess and is expected to remain so for at least the next decade;

(11) the United States merchant marine is uncompetitive in the world market with United States-flag bulk shipping costs as much as 300 percent higher than the world average; and

(12) ocean shipping costs comprise a significant portion of import and export costs and these costs will be increased by expansion of cargo preference requirements.

(b) It is the sense of the Senate to further expansion of cargo preference requirements imposed under section 901 of the Merchant Marine Act, 1936 (46 U.S.C. 1241), and the Joint Resolution of March 26, 1934 (48 Stat. 500, chapter 90; 46 U.S.C. 1241-1), whether for commercial or other trade, is not in the interest of the United States and should not be imposed.

NOTICES OF HEARINGS

COMMITTEE ON THE BUDGET

Mr. DOMENICI. Mr. President, the Senate Committee on the Budget will continue hearings on the First Concurrent Budget Resolution for Fiscal Year 1985 beginning on Tuesday, February 21. All hearings will be held in room 608 of the Dirksen Senate Office Building. The following is a list of the witnesses scheduled to testify at the hearings:

TUESDAY, FEB. 21, 9:30 A.M.

George P. Shultz, Secretary of State;

TUESDAY, FEB. 21, 1:30 P.M.

Dr. Terrel H. Bell, Secretary of Education;

Dr. Jo Ann Krueger, Principal, Manzano High School, Albuquerque, NM;

Dr. Allan Odden, Education Commission of the States;

Dr. Patricia Graham, Dean, Graduate School of Education, Harvard University;

WEDNESDAY, FEB. 22, 9:30 A.M.

Margaret Heckler, Secretary, Department of Health and Human Services;

Vita Ostrander, President-Elect, American Association of Retired Persons;

Dr. Karen Davis, Chairman and Professor, Department of Health Policy and Management, Johns Hopkins University;

THURSDAY, FEB. 23, 9:30 A.M.

Mr. M. Lee Rice, President, Shipbuilders Council of America;

Gen. W. Y. Smith, (retired), Wilson Center for Public Policy; and

Mr. Josh Epstein, Guest Scholar, Brookings Institute.

Mr. DOMENICI. Mr. President, the Senate Committee on the Budget has rescheduled its meeting with George P. Shultz, Secretary of State, from 9:30 a.m. to 2:30 p.m., Tuesday, February 21, 1984. The meeting will be held in room 608 of the Dirksen Senate Office Building.

For further information, contact Carolyn McCallum of the Senate Budget Committee at 224-0849.

SUBCOMMITTEE ON FOREIGN AGRICULTURAL POLICY

Mr. BOSCHWITZ. Mr. President, the Subcommittee on Foreign Agricultural Policy of the Committee on Agriculture, Nutrition, and Forestry has scheduled a hearing on agricultural trade legislation pending before the subcommittee. Specifically, the subcommittee will examine two bills: S. 2005, the Agricultural Export Trade Equity Act of 1983, and S. 2304, the Food Aid and Export Market Promotion Act.

The hearing will be on Thursday, February 23, 1984, at 9 a.m. in room 328-A, Russell Senate Office Building.

For further information please contact committee staff at 224-2035.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HELMS. Mr. President, The Committee on Agriculture, Nutrition, and Forestry will hold a hearing to review the recommendations made by the Grace Commission regarding the Department of Agriculture.

The leadoff witness will be J. Peter Grace, Chairman, Executive Committee, President's Private Sector Survey on Cost Control in the Federal Government.

The hearing will be held on Wednesday, February 22, 1984, at 9 a.m. in room 328-A, Russell Senate Office Building.

For further information please contact committee staff at 224-2035.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Committee on Energy and Natural Resources to consider the nomination of Richard H. Francis, of Virginia, to be president of the Solar Energy and Energy Conservation Bank.

The hearing will be held on Thursday, February 23, beginning at 10 a.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, room SD-366, U.S. Senate, Washington, D.C. 20510.

For further information regarding this hearing, you may wish to contact Mr. David Doane of the committee staff at 224-7144.

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of public hearings before the Subcommittee on Energy Research and Development to review the President's proposed budget for the Department of Energy's research and development programs.

These oversight hearings which will be held in room SD-366 of the Dirksen Senate Office Building have been scheduled as follows: Monday, March 5 at 10 a.m.—Environment and safety programs; Monday, March 12 at 10 a.m.—Fossil programs; Friday, March 16 at 9:30 a.m.—Conservation and renewable energy programs; Tuesday, March 20 at 2 p.m.—Energy research programs; and Thursday, March 22 at 2 p.m.—Nuclear energy programs and nuclear waste activities.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Subcommittee on Energy Research and Development, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510.

For further information regarding this hearing, you may wish to contact Mr. Paul Gilman or Mr. Elliot Chakoff of the subcommittee staff at 224-4431.

ADDITIONAL STATEMENTS

AMAZING GRACE

● Mr. SYMMS. Mr. President, Peter Grace is challenging us to meet a national economic imperative.

Mr. Grace had proven that about 30 percent of our taxes never get past the "in" and "out" boxes in millions of Washington offices.

Peter Grace is talking about Government waste—a taboo word in the hallways of Washington agencies. For this reason alone, Mr. Grace is a heretic in this town, an unwanted prophet. Because he does not live here, because he must earn a profit for himself and his employees, Mr. Grace understands that nothing that is wantonly wasteful can long survive—not even big government. He believes in the morality of stretching tax dollars. He knows that the ultimate social issue, the final fairness issue, in Washington today is waste.

Mr. Grace has a strong belief that government has a deep, moral obligation to spend wisely and well—for the sake of benefactor and beneficiary alike.

This is the source of Mr. Grace's anger. So if he strikes you as unnecessarily caustic or rude, understand the source of his anger. Mr. Grace knows the numbers, and he sees our inexcusable dereliction of duty in those numbers. This is why President Reagan asked him to head the President's Private Sector Survey on Cost Control. And that is why each and every Member of this body has an obligation to read the Commission's report and see it acted upon.

Mr. President, I ask that an article from November 28, 1983, edition of Barron's be printed in the RECORD.

The article follows:

[From Barron's, Nov. 28, 1983]

AMAZING GRACE—BARING WASHINGTON'S MONUMENTAL WASTE

(By Thomas G. Donlan)

WASHINGTON.—J. Peter Grace believes that President Reagan could wipe out at least half of the nation's $200-billion deficit with a stroke of his pen.

The U.S. government makes Grace mad. "People should know that at least 30 percent or 35 percent of their taxes are wasted, absolutely wasted." His anger is formidable. At 70, the third-generation head of W. R. Grace & Co. is an irascible chief executive

who bullies subordinates and gets things done. Grace remade a family steamship and trading company into an international conglomerate that runs everything from chemical plants to taco joints. So, it's no surprise that President Reagan picked him to run the latest effort to remake the government in the shape of a business.

Grace recruited 161 corporate big shots for the President's Private Sector Survey on Cost Control. The 161, in turn, loaned the commission more than 1,300 accountants and managers who actually poked through the files and records of government departments in search of waste. Grace reckons that nearly two years of poking and report-writing cost the companies involved more than $60 million. A special charitable foundation handled the finances so that money or time spent could be tax-deductible.

From that $60 million came 41 books full of recommendations as gigantic as an $18-billion reformation of the Civil Service pension system and as picayune as the discovery of 64 Indians who were not old enough to qualify for the pensions they were receiving. The 2,287 specific recommendations call for estimated savings of $297 billion over three years; $68 billion in user fees and other "revenue enhancements" over the same period; and $68 billion worth of one-shot cash flow accelerations. (The commission warns that these figures include some double counting, wih the same problems discovered twice by different subcommittees. The final report, due to be put in Reagan's Christmas stocking late next month, is supposed to eliminate the duplications.)

About 60 percent of the changes would require legislation. But, if the surveyors are right and the President and all other executive-branch officials implemented all the recommendations, at least $100 billion—probably much more—would be lopped off the deficit next year. If Congress went along, too, there would be a surplus.

Peter Grace thinks the executive branch and the Congress will resist much of the task force's suggestions. He gives the commission a 40 percent chance that its report will not be consigned to the same government junk heap littered with the reports of every other President's commission. "That's a fighting chance," Grace says. He approvingly quotes Mother Theresa: "God didn't create me to be successful. He created me to be faithful."

Grace also believes that two more years of large deficits and Treasury borrowings will crowd out private investment and sink the economic recovery. A large faction in the Reagan Administration, led publicly by treasury Secretary Donald Regan, does not agree, but Grace shrugs off the opposing point of view. "That's politics. Maybe they are saying that so they can get through 1984." Grace believes—at least with that 40 percent probability—that things will get so bad that the American people will demand a change.

Grace, who says most of his job is now public relations, aims "to get the American people up in arms so that they want the numbers of the committees." Right now, he claims, "90 percent of the American people don't know what's going on." He says he wants to do what the banks did when they aroused people to demand repeal of tax withholding on dividends and interest.

One big difficulty, he admits, is that some of the commission's recommendations go against long historical precedents. The commission wants, for example, to repeal the Davis-Bacon Act, a 1935 law requiring government contractors to pay the "prevailing wage," which frequently works out to a union wage higher than the cheapest labor available. The commission says repeal of Davis-Bacon and two similar laws could save $11.6 billion in the first three years. Sixteen previous government study commissions made the same suggestion.

For the most part, however, the survey avoided policy judgments. Its reports rip this and slash that with the best of previous commissions, but it also argues that hundreds of billions of dollars could be saved by doing things more efficiently, rather than doing less.

There would be just as many MX missiles and M-1 tanks rolling off the production lines, just as many soldiers and sailors defending the nation. But retired soldiers would not get military pensions while they worked at civilian jobs.

There would be just as many needy people receiving government aid. But loafers and cheaters would be penalized, and the middle class would find their Social Security checks taxed and find themselves paying more of their medical bills.

Some business would be losers, because they wouldn't sip so deeply at the government trough. Others would be winners, because they would provide services that the government now does ineptly or wastefully.

Here's a sample of the Grace Commission recommendations. (Most of the commission's figures are calculated as three-year savings in order to allow time for implementation of each change.)

DATA PROCESSING

Nothing made the surveyors madder than the government's misuse of computers. "In the early 1960s, the federal government was the acknowledged leader in using state-of-the-art computers. . . . Today, about half the government's inventory is so old that it is no longer supported by the manufacturers and must be maintained by specially-trained personnel."

The government spends at least $12 billion a year on computers, but little thought is given to compatibility. The New York regional office of Health and Human Services, the survey notes, has 10 different incompatible brands of computers. Thus, it is difficult to cross-check welfare applications with other records.

The Air Force has obsolete computers that generate 500,000 pounds of paper a month. The computer subcommittee estimated modernization would save $580 million over three years.

The Army Corps of Engineers has 20-year-old General Electric computers that were obsolete in the mid-'Sixties. The surveyors found a corps district that spent $127,000 over 20 months to maintain one such computer, which ran two hours a month. The cost: $3,175 per hour.

The government's computers, on average are 6.7 years old—twice as old as industry's average. And with a procurement process that takes up to four years, many computers are obsolete when they arrive. One way to handle that problem is not to use the equipment, even though the taxpayers have bought it. The Federal Aviation Administration shelled out $4 million for data terminals in 1976, but never installed them. The FAA decided the equipment needed modifications, which still haven't been made.

The Department of Transportation had a different solution. It contracted out $18 million worth of time-sharing in fiscal 1982 even though its own computers were idle more than half the time.

PROPERTY MANAGEMENT

Imagine the total amount of office space used by business in the nation's 10 largest cities. Now quadruple that. That's how much space the federal government uses. It owns buildings, acquired for $42 billion, worth no one knows how much today. In practically every sector of the government, the surveyors found much property that is useless or misused.

There are 4,000 military installations in the U.S. The Defense Department considers 132 "significant." Congress, however, eyes each installation as a source of payroll and prosperity; any attempt to close one brings fierce opposition from legislators from the affected area. The surveyors estimated $2 billion would be saved if installations were consolidated for efficiency.

As for the U.S. Postal Service, more than one-third of its post offices—12,469—serve fewer than 100 customers. Consolidation could save $272 million over three years.

Military aircraft consumed $5.7 billion worth of aviation fuel in fiscal 1981, yet there's no program to manage fuel consumption. The surveyors reckoned that reducing power on takeoffs, keeping engines within specifications and other practices could save $1.2 billion over three years.

Federal hospitals also don't conserve energy. The surveyors figure they could save $16 million to $55 million by applying the energy conservation measures that are standard in other hospitals.

The General Services Administration, which manages most of the public buildings, isn't up to private standards. According to the surveyors, a comparable private outfit runs with one-sixth the data-processing expenses, one-seventeenth the personnel and one-four-teenth the cost.

The federal government has $20 billion in construction contracts outstanding. The surveyors report that at least $800 million is sheer waste because the government specifies exact materials to be used instead of specifying performance and letting the contractor procure the materials. They also recommended assigning project managers instead of interagency committees to supervise construction; the average project takes 24 months to build and consumes another five years in delay and change orders. Project managers could save the government $450 million over three years, the surveyors estimate.

CASH MANAGEMENT

The government frequently pays early and bills late, or never. It has $219 billion in receivables, of which $35 billion is delinquent. That does not count $97 billion (as of fiscal 1981) in delinquent Internal Revenue Service accounts. What the government needs, according to the surveyors, is an Office of Financial Management with a chief financial officer who could be as tough on the government as such officials are on the departments in a corporation.

The task force also estimated that, if the government paid all its bills on the due date, it would reduce cash outlays by $6.3 billion. (But $1.4 billion would be offset by prompt payment of bills the government now pays late.) In addition, the government would not have to pay interest on $4.9 billion that otherwise would be added to the national debt. At 10 percent interest, a "one-shot" savings of $4.9 billion saves $1.6 billion in interest over three years.

Cash management policies throughout government are not in tune with the aggressive approaches of big corporations. With $7

billion a day in cash flow, cutting the float on funds in transit by 1 percent would amount to a one-shot saving of $21 billion, on which $7 billion in interest would be saved in three years.

The Department of Housing and Urban Development contacts delinquent borrowers three times a year and has a success rate of 15 percent-20 percent. Private debt collectors contact debtors 24 to 36 times a year and have an 80 percent success rate. The surveyors estimate HUD could recoup $19 million by hiring private collection agencies.

Other examples: It costs the Army $4.20 to issue a payroll check, compared to the private sector average of $1. That is $40 million a year lost to ineffeciency. Similarly, the Veterans Administration spends more than $100 to process each medical claim. The private insurance average is less than $6.

FRAUD, WASTE, AND ERRORS

The task force report on transfer payments reads as though it were written by victims of combat fatigue. The surveyors estimated that $4.1 billion in overpayments were made in 1982 due to ineffective verification of eligibility and payment size in welfare, food stamps, Medicaid, housing assistance and Supplemental Security Income. Just requiring quarterly income reports and cross-checking with the IRS could save $2.2 billion over three years, the surveyors believe.

Then there's Social Security. It made an estimated $14.6 billion in erroneous payments from 1980 to 1982. Its income-reporting system is three years behind schedule, which is costing the government $128 million a year in interest alone.

Then there's the Veterans Administration, which has no accuracy verification system for its $5 billion a year payments to veterans and their survivors. Such a system, the surveyors say, could save Uncle Sam $1.5 billion over three years.

PERSONNEL AND RETIREMENT

Civil Service and military retirement costs add up to $37 billion a year and have been rising 13.6 percent annually for the last 36 years. These current costs, of course, ignore the unfunded future liabilities of the systems, which now amount to $1.1 trillion and are growing at nearly $100 billion a year, assuming a 6 percent discount rate and 40-year amortization. (Social Security represents another $1.6 trillion or so in unfunded pension liability.)

The surveyors, in a recommendation sure to make the commission hated by nearly every federal employee, recommended bringing federal retirement benefits in line with those in the private sector. For Civil Service, the minimum retirement age would rise from 52 to 62, retirement benefits would be a reduced percentage of the last year's pay, early retirement penalties would be increased, cost-of-living allowances would not be allowed to rise faster than the pay for active workers and all federal employees would be forced to pay into Social Security. Changes in the military pension plan would not be so stiff, but would reduce the benefits of early retirement. This recommendation carries the biggest single ticket in the whole 41 volumes: $38 billion over three years.

There's more. A federal worker accrues sick days without limit, then at the end of his or her career, adds them onto total service for calculation of the pension. Ending this practice would save $1.1 billion over three years, the Grace group argues.

The surveyors estimated that nearly one-third of all government employees in the Washington, D.C., area are in the wrong job grade or title. Overpayments are estimated at $682 million a year. Another $34 million is spent intentionally overpaying workers: anyone reduced to a lower level position because of a general layoff is paid at the old salary for two years.

PROCUREMENT

The federal government made more than 18 million purchases, costing $159 billion, in fiscal 1982. Items held in inventory are valued at $88 billion. The surveyors focused on the $125 billion spent for the military. But they failed to probe one area in which waste, cost overruns and other problems frequently pop up: weapons systems.

Grace says Reagan told him there's a lot of waste in Defense. Please find it. But don't touch the weapons systems." Grace, who supports the Administration's increases in defense, agreed. "Who am I to say you don't need the MX missile? It's too serious, too technical and too important, and it's life and death."

However, the President's stricture left plenty of room for criticism of the military. The surveyors recommended three major new policies: awarding dual contracts to competitive suppliers, writing multiyear procurement contracts and giving spare parts contracts to competitors. They also recommended better accounting and auditing. And they said the new policies also should be applied to civilian agencies.

The effect of better purchasing discipline is hard to measure, but the surveyors gave some estimates: Dual sourcing should save $340 million a year. Spare parts could be ordered more efficiently to save $600 million on the F-18 fighter plane alone. A better balance between ordering large quantities and the cost of holding inventory could save $3.5 billion on a one-shot basis and another $1 billion over three years.

GRANTS AND SUBSIDIES

The surveyors were generally skeptical of federal programs designed to assist businesses and individuals who have come on hard times or need help to get going. Several programs attracted particular attention.

In 1954, wool was considered a strategic commodity because of its importance for military uniforms. Since then, the use of synthetic fibers has reduced its importance, but the U.S. Department of Agriculture still has a $42.1-million (its value in fiscal 1980) program to encourage wool production. The surveyors say the government spends at least $2.63 a pound to increase production of wool worth 88 cents a pound.

In 1980, Congress appropriated $946 million to aid victims of the disaster at the Mount St. Helens eruption. Only $386 million was spent for relief. What happened to the rest is a mystery.

One final example: the ACTION agency, which runs Vista, the Peace Corps and other volunteer activities, spends 22 cents of every dollar on administrations, vs. 12 cents for the United Way.

PRIVATIZATION

The federal government is the nation's largest power producer, insurer, lender, borrower, landowner, tenant, holder of grazing areas and timberland, owner of grain and operator of hospitals, warehouses, ships and trucks. The survey enthusiastically recommends shifting many of these functions to the private sector. Sales of assets would raise billions and, anyway, the surveyors say, many run at operating losses because of mismanagement.

Renewing a plaint ignored since the first Tennessee Valley Authority dam went up, the surveyors recommend "disengagement" from hydroelectric power and say the government stands to save $18.5 billion over three years.

There are 238 military commissaries in the continental U.S., including six in the Washington, D.C. area, five in San Francisco and five in San Antonio. The surveyors question the need for subsidized food service, especially in view of the fact that 48 percent of commissary customers are not from active duty military families. The government could save $2.4 billion by turning over management of needed commissaries to private stores, closing those that aren't needed and ending the subsidy for discounts that average 30 percent off private stores' prices.

In fiscal 1981, it cost the Veterans Administration $45 a day to contract out for an individual's nursing home care. The VA's cost in its own facilities was $109 a day. The VA continues to build new nursing homes and spends $61,250 per bed compared to $15,900 per bed for one private firm cited in the report.

Since 1972, the federal government has spent $32 billion in aid for sewage treatment plants under the Clean Waters Act, but the Environmental Protection Administration says another $118 billion still is needed. The surveyors recommend leasing back existing plants to private operators to finance the next generation of improvements.

Other areas recommended for privatization and contracting out include Space Shuttles, the federally owned airports in the Washington, D.C., area, the federal civilian vehicle fleet, some activities of the Coast Guard and Social Security's data-processing department.

USER FEES

Where privatization seems too difficult or impractical, the surveyors recommend charging users for federal services instead of spreading the burden over all taxpayers.

The surveyors also recommended raising about $500 million a year in user fees to support the Coast Guard.

Visitors to National Parks paid an average three cents each toward operations and maintenance that costs every taxpayer $1.53 a year. The Grace group suggested raising $20.7 million by hiking fees or adding fees. Raising the admission fee for a family of four at Grand Canyon National Park from $2 to $5 would still cost less than the same family would pay to ride the elevator to the top of the Empire State Building.

Taxpayers pay 95 percent of the cost of searches for documents under the Freedom of Information Act. Shifting the burden to the requesters, most of whom represent large businesses, would save $232 million over three years, the surveyors said.

The 41 reports of the President's Private Sector Survey on Cost Control make a stack more than three feet high. It is doubtful that anyone in the government will read every word. The important question is whether officials will read the sections covering their areas of responsibility.

Grace says the White House and the Office of Management and Budget have set up an accountability system that should trace reaction to each of the 2,287 recommendations. He contends that most of the recommendations are "ageless" and can be implemented whenever the government ac-

quires the necessary political will. And he says some are already accepted.

Grace claims credit for the survey for a $4.9 billion savings expected in fiscal 1985 through cash management improvements; a $172 million savings over three years from eliminating 1,200 administrative positions at the Department of Health and Human Services; and recapture during the next year of some $65 million in delinquent student loans owed by current or retired federal employees.

That's $5.2 billion down, $427 billion to go.●

MORTGAGE REVENUE BONDS: A FAIR ALTERNATIVE

● Mr. HUDDLESTON. Mr. President, there is a lot of talk these days about the fairness of many governmental policies we are being asked to adopt by this administration. As a democratic government, which represents people at every income level, I believe that it is extremely important to promote policies that increase the ability of as many people as possible to share in the American dream.

One of the attainable goals we have traditionally held out to people in this country is the opportunity to own their own home if they work hard and are productive members of society. By promoting widespread homeownership, we have assured that people will have decent housing in which to raise their families and that they will have the opportunity to invest in the future of our great country.

Unfortunately, I believe that the Federal Government is in the process of breaking the promise we have made to the working people in this country, namely, that they can share in the great American dream of homeownership.

In the last 3 years, a downward trend has developed regarding homeownership. Since 1980, homeownership in this country has dropped 2 percent, and if interest rates continue to remain at their current high levels, we can expect this trend to continue. Currently, the average mortgage rate is almost 14 percent, and this rate is simply pricing low and moderate income families out of the housing market.

One of the most effective steps we can take to reverse this trend is to get interest rates down to a reasonable level. However, lowering interest rates is tied to the broader and more complex problems of huge Federal deficits and the economic policies that have produced them.

So far, we have been unsuccessful in getting the kind of cooperation and leadership from the administration that would have had an immediate impact on the huge deficits we now face. Absent this cooperation, the prospect of significantly reducing deficits and interest rates in the near future is extremely remote. However, there are other positive steps we can and must take to offset the negative impact that excessive interest rates have on homeownership.

One of the most important contributions we can make is to continue the highly successful mortgage revenue bond program that expired at the end of 1983. At a time when normal interest rates were pricing people out of the housing market, this program helped to keep housing affordable for low and moderate income Americans. In Kentucky, the program has been used very effectively, and I believe that it should and must be continued.

During the last session of Congress, I cosponsored S. 137, which would have repealed the December 31, 1983 sunset date on single family mortgage revenue bonds. Although the Senate passed a termination of the sunset in another tax bill I supported, it was dropped in conference in an effort to use it as leverage to get more controversial tax legislation passed at a later date.

I believe that the cost of mortgage revenue bonds is reasonable, and that there is a continuing and urgent need for them. To kill this very valuable program is not fair to the low and moderate income Americans who have a right to expect that they can own their own homes.

I call upon the leadership of the Senate and the Finance Committee to place before the Senate legislation that would terminate the existing sunset on mortgage revenue bonds. I also call upon the administration to curb its paranoia of tax-exempt bonds, and to help bring greater fairness to the housing market.

The mortgage revenue bond program makes housing more affordable for low and moderate income Americans. It generates tax revenue and provides jobs for out-of-work Americans. In 1983, bond proceeds provided financing for about 220,000 units, generated about 100,000 jobs and produced about $800 million in taxes. The median income of State mortgage bond program beneficiaries was about $18,000 in 1981 and $23,000 in 1982, as compared to approximately $39,000 for home buyers served by conventional loans.

I believe that we should reinstitute the mortgage revenue bond program—it is the only fair thing to do.●

NATIONAL POW/MIA RECOGNITION DAY

● Mr. D'AMATO. Mr. President, I rise today to cosponsor Senate Joint Resolution 171, introduced by my distinguished colleague and friend, the senior Senator from Mississippi. This resolution would designate July 20, 1984, as "National POW/MIA Recognition Day."

As of today, 2,494 Americans remain unaccounted for in Southeast Asia. This includes 1,150 known to have been killed in action, but whose remains have never been recovered. All but 14 of these 2,494 have now been listed as "presumed dead" by the Department of Defense.

However, since 1975, hundreds of Indochinese refugees have reported firsthand, live sightings of Americans still held captive in Southeast Asia. Over 180 of these reports are still under investigation by the Joint Casualty Resolution Center.

Mr. President, we owe a great debt to those Americans still unaccounted for in Southeast Asia, to their families, and to all American prisoners of war. They have had to endure often brutal and inhuman treatment by their captors. Having served their country far beyond the call of duty, these men, at the very least, deserve our recognition. This resolution to set aside a day in their honor is one small step we can take now.

I will continue to press for maximum official efforts by the Department of Defense, the Department of State, and our intelligence community to document and investigate all reports of Americans still being held captive in Southeast Asia. Until we can bring them home, we must join together in support of this measure to make certain that their memory continues to live.

I ask my colleagues to join with me in support of this important measure. We must keep faith with those who have sacrificed so much for our country.●

IOWA CONFRONTS HIGH HEALTH CARE COSTS

● Mr. GRASSLEY. Mr. President, I would like to call to my colleagues' attention the progress my State of Iowa is making in confronting the problem of high health care costs. Following the recommendations of the Governor's commission on health care costs, and with the tireless efforts of the Health Policy Corp. of Iowa, a quiet revolution is brewing.

The level of cooperation displayed by the various groups involved is most impressive. Business, labor, and the State government have exhibited a true team spirit in tackling the monumental job of controlling skyrocketing health care costs. This work is being done with the cooperation and the assistance of hospital representatives, doctors, and insurers. By involving all factions and interest groups affected by the problem, a consensus-building forum is possible.

While disagreements are by no means rare, the key to the coalition's success is participation and a willingness to consider opposing viewpoints. The ultimate goal is shared by all: Quality care in an affordable environ-

ment. As a guest of this health risk task force on one occasion, I was impressed by their ability to address difficult and potentially divisive issues. It is apparent to me that the Iowa approach is working.

I urge my colleagues to take note of Iowa's tremendous progress in opening lines of communication in order to address a common concern. The cost of health care, particularly as it relates to medicare, is an issue the Congress must soon consider. Iowa's experience demonstrates that, with cooperation, we can meet this challenge.

I submit for the RECORD on article entitled "A Quiet Revolution Comes to Iowa."

[From Public Welfare, Winter 1984]

A QUIET REVOLUTION COMES TO IOWA

(By Michael V. Reagen and Marilyn J. Musser)

Iowa is known as a sedate agricultural state with miles of rolling prairies dotted by a few towns and cities. But appearances can be deceiving. Iowa's tranquil image belies a quiet but spirited revolution churning in corporate board rooms, union halls, and legislative offices. This revolution is creating dynamic new partnerships between public and private interests, alliances dedicated to tackling problems that face individual cities and the state as a whole. In the past, these groups worked separately, although they may have shared common goals. Now they are working together: business, labor, government, as well as other groups.

Today in Des Moines, business leaders have set aside competition to strive for revitalization of the downtown business district. Recently workers at a Cedar Rapids packing plant agreed to a major pay cut, a concession granted when the company was confronted with bankruptcy. And across the state, business, labor, insurance carriers, and other groups are cooperating to contain health care costs.

Such a private-public team now is being formed in Iowa with the state Department of Human Services (DHS) as one of the participants. A collaboration between the public DHS and private-sector groups offers benefits for all. Many similar kinds of services are offered by public and private agencies—assistance programs for alcohol and chemical abuse, for example. Coordinating services will foster efficiency and eliminate duplication. This saves money for both sectors. Also, it provides a forum for the business sector to demonstrate its commitment to maintaining and improving the quality of life for Iowans.

An unpredictable economy, increased demands for services, and limited fiscal resources have called for solutions that are out of the ordinary. As the Reagan administration persists in efforts to contain the national debt, federal contributions continue to shrink for programs providing job assistance and unemployment benefits, child care, health care, treatment for substance abuse, and other needs. Clients facing reduced federal support look for help from Iowa's human services departments, which also find their own resources trimmed. Taxpayers are unwilling to help shoulder the state's new financial burden, even though Iowa had less than $1 million in its treasury last summer.

BUILDING A PARTNERSHIP

The DHS is confronted, then, with stretching smaller budgets to meet increased human needs, a nationwide dilemma. Because of the flagging economy, the flow of money into DHS programs is restricted; yet the same economic conditions inflate welfare rolls. The department is faced with two choices: better coordinating programs with those offered elsewhere to make better use of resources and avoid duplication, or cutting back department offerings. Reducing services in a time of increased demand is not acceptable, so the obvious choice is collaboration to continue providing programs and help for Iowa's human services clients.

Building such a partnership involves four steps: Developing a climate for communication among individual leaders in the DHS and private sector, a climate that encourages trading of ideas as well as debate; acknowledging the joint responsibility of the two groups and the need for their sustained participation; recognizing the strengths and weaknesses of participating groups; and identifying a body of people, with representatives from both sectors, to help mold policy.

This process is not unique in Iowa. The state's health care industry already has taken steps to address critical issues that were forcing health costs higher and squeezing the budgets or corporations and individuals alike. These efforts to make quality health care affordable and accessible to all residents can serve as a model for the human services.

The partnership between public and private health care sectors has been forged with participation from government, major employers, labor unions, the medical profession, insurance carriers, and consumer interest groups. Coalitions of business and labor leaders across the state have been discussing their role as major purchasers of health care. Government, as another major purchaser, also is an essential member of the team; and legislative initiatives are primary components of the overall strategy to control the cost of health care. Hospital representatives, doctors, and insurance carriers are integral members of the group, since their services are at the heart of the issue. Reform of Iowa's health care system has demanded a statewide perspective and a collaborative approach to implementing reforms.

One organization, the Health Policy Corporation of Iowa (HPCI), has distinguished itself in coordinating and supporting the exchange of ideas of disparate groups. A private, nonprofit agency, HPCI has been designated to carry out recommendations from a governor's study panel on health costs and to design and implement strategies for health planning and research. It is recognized as a catalyst for many public and private initiatives. During Iowa's intensive two-year effort to control its health costs, each group involved has faced its part in the problem and its possible role in a solution. HPCI links these efforts and provides a forum.

BEATING THE COSTS

The forum on the health care delivery system was launched in 1981 when Governor Robert Ray announced the formation of a commission to develop initiatives aimed at controlling health care costs in Iowa. Medicaid expenses had increased 600 percent in just ten years; and the cost of health insurance premiums for state employees had risen to $23 million a year. Both business and labor leaders were concerned about the effect of health care costs on Iowa's economy. In response, eleven people were selected to serve on the Governor's Commission on Health Care Costs. The commission membership represented all the groups having an interest in the matter—business, labor, providers, consumers, and government. Chairing the panel was R. Melvin Henderson, dean of academic affairs at Simpson College.

During its sixteen-month study, the commission identified problems such as long average lengths of hospital stays, high utilization rates, and great variances in those rates around the state. It also suggested strategies for solving the problems and laid out a ten-year agenda. The commission called for an increased emphasis on market incentive for competition and also recognized the need for enabling legislation. The group acknowledged the need to expand the types of facilities from the traditional hospital to health maintenance organizations and other alternatives. It also cited the need to improve the health care information system to provide consumers with current and precise information.

While the commission was doing its work, other movements were underway to address the health cost issue. The former Iowa Health System Agency (IHSA), a health planning organization, formed a task force to study how to make health planning more effective. At the same time, another group of business, labor, and insurance representatives was discussing its possible role in implementing changes and recommendations from the Governor's Commission on Health Care Costs. During a joint 1981 meeting, the IHSA task force and the business-labor coalition found they had a common interest: the formation of an independent corporation representing major purchasers, consumers, and providers of health care. The IHSA agreed to undergo corporate restructuring; and the private, nonprofit HPCI was formed in May 1982.

Twenty-one individuals representing the major interest groups, including business, labor, consumers, and hospitals, were appointed to three-year terms on the HPCI board. Board Chair Charles S. Johnson, vice-president of finance for Pioneer Hi-Bred International in Des Moines, was the leading spokesperson of the business sector concerning health cost management. Also a member of the governor's commission, Johnson summed up the challenge to the HPCI board this way:

"Critics of the efforts to manage health care costs often contend that the issue is one of either spending more or getting less health care, that is, rationing. This, in my opinion, is not the case. Quite the opposite. We are either going to learn to manage the system so that we get optimum results for the resources spent, or we will continue to spend in the present wasteful way and hasten the day when the limited resources available to health care force us to ration."

Johnson minces no words with peers in outlining the responsibility of major employers, such as his own firm, in reforming the health care system. He points out that business, labor, and governments as major buyers have played an important part in the way health care is delivered today. He is critical of how major employers have purchased health care and the poor job they have done at specifying what kind of care should be purchased, at what price, and in what quantities. He says that businesses must start addressing the issue of costs, as

well as the type of care available, insisting that there be alternatives that can provide quality care for fewer dollars.

The current vice-chair is Melvin Henderson, chair of the former commission. Recently he observed that HPCI brings together distinct groups with a common concern, but no common strategy for achieving their goals—yet. In a situation such as this, Henderson has pointed out, the participants must consider several different viewpoints and be willing to share their turf. "The board members are learning that reducing health care costs is all our turf. Every group has its own interests and should have. . . . [At the same time], it appears that people are willing to look at others' concerns. . . . The board exemplifies disagreement and conciliation," he said.

Solutions hinge on cooperation and participation—and a willingness of each of the groups to see itself as part of the problem.

PRIORITIES AND DIFFERENCES

Physicians are another group reassessing their role in the health delivery system. John Tyrrell, a Manchester family practice physician, represents the Iowa Medical Society. Tyrrell insists that maintaining a high level of care is a priority for Iowa's doctors, which colors their attitudes on the kind of care they offer and what they charge for that care. Medical technology offers many ways to save, improve, or prolong life—and many of these are costly. At the same time, Tyrrell points out that "everyone agrees that health care is becoming unaffordable," so a question arises as to how much of this new technology should always be offered or used. He said that physicians must address the cost when determining treatment, adding, "We're just going to have to lean toward the quality angle." At the same time, both patient and doctor must realize that "good medical care doesn't have to be deluxe medical care."

The board is wrestling with issues on which there is no firm consensus. Questions remain. For example, to what extent should Iowa's health care system be regulated by the state? Which alternatives to hospitals, such as health maintenance organizations, should be promoted by HPCI?

Labor representative Don Rowen, executive vice-president of the Iowa Federation of Labor, AFL-CIO, notes that the HPCI board has taken steps that do not always agree with labor's view. For example, his constituency feels that some alternative forms of health care delivery actually save money, while some simply shift costs. Rowen's constituency may not agree with all decisions made by the HPCI board; but Rowen said, "That doesn't keep us from working. As representatives of working people, we have a long-term commitment to make sure that quality health care is affordable."

HPCI is providing a forum for the exchange of differing views and a climate for cooperation in controlling health care costs. Through this effort, the state's health care leaders have served as catalysts for significant initiatives involving both the public and private sectors. HPCI advocated a legislative proposal that received resounding support from the 1983 session of the Iowa General Assembly. The centerpiece of this package was the establishment of the Iowa Health Data Commission, a clearinghouse that will improve the availability of information on physician and hospital charges around the state. This level of disclosure has never been achieved by any other state.

HPCI also helped establish community-based groups on health policy and planning. Major public education campaigns have been undertaken, and continuing support for the dialogue and action involving key interest groups must continue.

Iowa has accomplished much in just a two-year period. The state's problems were severe. Nonetheless, health care providers and purchasers have avoided a fruitless confrontation and instead have formed a viable alliance. Major purchasers—the government, labor unions, and large employers—have demonstrated their commitment in their cost-management initiatives. The challenge facing these interest groups in the future will be to sustain momentum and maintain positive relations as the initial strategies take hold.

The model for building the private-public partnership has proven effective in the complex field of health care delivery and policy, so it is reasonable to assume it could be applied successfully to other types of human services. Such a partnership is essential when economic hardship tries both citizen and government alike, requiring nontraditional solutions.

Changing demographics deepened the dilemma. The typical family of two parents and two children is a thing of the past; the numbers of single-parent households, on the rise since the 1970s, will continue to increase. The changing structure of these families creates a need for more community services and trained professionals to deal with individuals who are alone or who cannot cope with their responsibilities.

There are some signs the Iowa economy will show modest improvement in the months ahead, but tight money and limited resources will continue. High interest rates will limit diversification of industry. Agriculture, long the strongest element of the state's economy, has been hiring fewer workers—and the drought will exacerbate this situation. Young workers will continue to leave the state, for which an unemployment rate of 4 to 5 percent is predicted. As a country, we will continue to move from an industrial to an informational society characterized by high technology. These shifts cause stress, lost jobs, and displaced workers. New and better human services must be ready to meet the demands.

OTHER ALLIANCES

During his 1981 campaign for cutbacks in federal welfare funding, President Reagan urged less public and more private involvement in the delivery of human services. He stressed volunteerism as a way to meet the needs government can no longer afford to finance. This is plausible, but it is not enough. Shared authority and responsibility for community programs is essential. Community leaders—public and private—must share accountability for meeting the needs of residents. To do this, human services administrators must tap the private-sector volunteer pool and corporate philanthropy.

In Iowa, these steps already are being taken. Every other Friday in Des Moines, leaders in government, industry, and labor sit down for breakfast at what can best be described as a human services round table. Called "Friday Forums," these discussions focus on issues ranging from human services to the arts to nuclear arms. The forums were established by Iowa DHS officials in cooperation with Drake University and the Des Moines Chamber of Commerce. The purpose was to establish an alliance of local leaders in Des Moines, the State's center of business.

Friday Forum speakers have represented all sectors of the community and have included a former governor, the present governor, a university president, a publishing executive, an assistant city manager, and a Roman Catholic bishop. These sessions are more than just friendly gatherings; they establish communication among community leaders who might not otherwise meet. Friday Forums have been particularly enlightening for DHS representatives who have learned they must translate their goals and concerns into terms familiar to private business leaders.

Twenty-nine local human services planning groups comprise another aspect of the partnership. Over 350 citizens represent the community agencies, businesses, and service organizations that ultimately provide and pay for human services. Among those participating are the United Way, Junior League, chambers of commerce, churches, colleges, as well as government agencies and elected officials. These planning groups identify specific community needs, inventory existing services, and pinpoint the gaps and duplication in service. They also develop collective funding recommendations and long-range plans. The focus is on integration: providing the best services to the most people by eliminating duplication, reducing costs, and bridging gaps in service.

One example of success in establishing effective planning groups can be seen in the Des Moines district of DHS, which includes eight counties and the state's capital. A human services coordinating board, representing city, county, and state governments and the regional United Way, has recently completed an inventory of human services in the greater Des Moines area.

Another nonprofit-private industry connection has blossomed in the Des Moines area—the Central Iowa Food Bank. It provides food for the hungry through donations from industries. In turn, the businesses receive tax breaks.

In Wapello County, a council with representatives from private and public organizations may soon appoint members from industry. The council has already worked with industry on many occasions. After a recent layoff of John Deere employees in Ottumwa, the company asked the council to make a special presentation to employees on community services.

Other districts meet with local human services agencies and businesses on specific problems, such as how to respond to utility cutoffs or how to distribute federal commodities to needy citizens. When word of federal surplus commodities hit the DHS Waterloo District, several unions, an area agency on aging, and the offices of a U.S. congressman and senator worked together to develop a model commodity distribution plan. DHS, which was designated by the governor to coordinate statewide commodity distribution, applied this plan throughout the state. Interaction between community groups and industries in each district resulted in a cadre of volunteers to distribute cheese and butter. Last year, a monthly average of 4,600 volunteers distributed 8.6 million pounds of cheese and butter to the poor. The potential exists to expand the cooperation shown in commodity distribution to overall human services planning.

The relationship between the private and public sectors in human services was examined more closely at the Governor's Conference on Human Services last fall. Chairing the event were two key figures in Iowa's business forum: Charles Johnson, from Pio-

neer Hi-Bred and HCPI chair, and Marvin Pomerantz, a leader in the building industry.

The business community and the DHS both provide services that affect the quality of life. To the extent that business and industry are successful or profitable, employment increases and the jobless rate decreases. Government tax revenues increase, and the demand for human services such as food stamps decreases. Insofar as health and human services are successful, clients become self-supporting, tax-paying consumers of business goods and services. This boosts business profits. By turning tax consumers into taxpayers, the tax base is broadened, profits are increased, and demand for human services is reduced further.

Clearly, the spirit and substance of the public and private partnership as a means of improving human services are thriving in Iowa; the quiet revolution is having an impact. The HPCI model for the public-private partnership, the Friday Forums, and human services planning groups all demonstrate that new alliances can make a difference. It may well be that the nurturing of such alliances will become, in the near future, an important part of the job for all human services managers.●

IDAHO BUSINESSMAN OF THE YEAR

● Mr. SYMMS. Mr. President, my good friend Bob Hammond of Idaho Falls was recently honored by Idaho State University as the State's businessman of the year. I cannot think of anyone more deserving of that honor.

Bob is an outstanding businessman who worked his way up the ladder from office clerk to president of a major company. He has also been very active in numerous civic and charitable causes. He has been president of the local chamber of commerce, a captain for the United Way, a fundraiser for the Boy Scouts, for schools, hospitals, and other worthwhile organizations. He has also found time to serve as a deacon in his church and to maintain an interest in sports and politics. He believes strongly that businessmen and women should become involved in politics and community service. And he believes that his success in business is directly related to his efforts as an inveterate volunteer.

I am proud of Bob Hammond. He has set an example that all of us—especially the young—can admire and attempt to follow. The Idaho Falls Post-Register recently published a fine feature article on Bob written by the paper's business editor Joe L. Marker. Mr. President, I ask that the article be printed in the RECORD.

The article follows:

[From the Post-Register, Nov. 3, 1983]

IDAHO FALLS BUSINESSMAN RECEIVES ISU ACCOLADE

(By Joe L. Marker)

Idaho Falls businessman Robert "Bob" Hammond, president of the Idaho-Montana Division of Arnold Machinery Co., has been named "Idaho Businessman of the Year" by Idaho State University.

The award will be presented to him at a formal dinner Nov. 10 at 7 p.m. at Little Tree Inn in Pocatello. The guest speaker will be the new president of the University of Utah, Dr. Chase N. Peterson, who headed the artificial heart program of which Dr. Barney Clark was the recipient.

Hammond said he feels he is "really about as a native, grassroots Idaho businessman as there is in this area."

Supporting that statement is the fact that his great grandmother, Mrs. Jane Hammond, was the first white woman to settle in his native Custer County. His mother, Sue O'Connor Hammond, also came from an early settler family in Forney. His great grandparents came to Idaho from Missouri.

Bob Jr. attended grade school in Mackay and high school in Challis, then graduated from Idaho State University with a degree in Business and Pre-Law. He served in the U.S. Army as an artillery officer in Germany, and upon discharge came to Idaho Falls looking for employment.

He married Lorna Osterberg of Idaho Falls in 1955. Her parents had both lived in Idaho since the early 1900s. After the Hammonds were married they spent a year in Germany together while he was stationed there in the U.S. Army.

Hammond started his business career in the fall of 1956 as a timekeeper and office clerk at the Clark Concrete Corporation on South Yellowstone Highway.

After that he took a job as office manager and estimator for a contractor that built the new highway from Clark Hill to Granite Hill east of Ririe in Bonneville County.

When the contract was completed Hammond took employment as a parts manager and service manager for the Lang Company in Idaho Falls. Two years later Lang was sold to Arnold Machinery, and Hammond became a salesman for Arnold in Idaho Falls. Three years later he was named branch manager here, and in 1967 was named a vice president of the company. Five years later he was elected a director of the company and subsequently he became president of the Idaho-Montana Division.

Hammond has been active in civic and business affairs in Idaho Falls, the state and the Intermountain area, having served as president of the Greater Idaho Falls Chamber of Commerce in 1973, and as one of the major team captains in United Way on numerous occasions, and on fund-raising drives for Eastern Idaho Vocational-Technical School.

He is the Idaho member on the Intermountain Health Care board of directors, and was the recipient in 1980 of the Idaho Associated General Contractors "Outstanding Award for the Associate Members" of that organization.

He has also been active in the Republican Party as a precinct committeeman in New Sweden and has served as master of ceremonies for numerous banquets and rallies, including Steve Symms' campaign kickoff in Eastern Idaho.

He maintains an interest in sports and supports the ISU Bengal Boosters.

Hammond has served as a deacon in the Idaho Falls First Presbyterian Church and chaired fund-raising campaigns for Teton Peaks Council, Boy Scouts of America.

Hammond has a philosophy of living in which he says "I believe strongly in volunteerism and service to the community for the betterment of mankind. I also believe strongly in the inherent dignity of the individual and that everyone is entitled to treatment with courtesy, consideration, respect and fairness, because it takes the whole community, working together to insure the quantity and quality of life that we citizens of Idaho have come to love and enjoy."

He says his success in business "is directly related to the efforts and fun that I've had participating in community and state service and civic projects. Business is the one truly innovative factor in our society and consequently I believe that businessmen and women should take leadership roles in political, charitable and civic organizations whose efforts lead to our community and state improvement."

Hammond and his son Lance farm in New Sweden, and he also still owns the family homestead, which is a swimming pool resort and ranch near Challis.

The Hammonds also have two daughters, Kathrin in Idaho Falls and Mary who lives at home.●

PROPOSED ARMS SALES

● Mr. PERCY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of proposed arms sales under that 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 such notification, 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.

In keeping with the committee's intention to see that such information is available to the full Senate, I ask to have printed in the RECORD at this point the notifications which have been received. The classified annexes referred to in several of the covering letters are available to Senators in the office of the Foreign Relations Committee, room SD-423.

The notifications follow:

DEPARTMENT OF DEFENSE,
DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., January 27, 1984.

In reply refer to: I-16423/83ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding under separate cover Transmittal No. 84-26, concerning the Department of the Navy's proposed Letter of Offer to Australia for defense articles and services in excess of $50 million. Since most of the essential elements of this proposed sale are to remain classified, we will not notify the news media.

Sincerely,

PHILIP C. GAST,
Director.

TRANSMITTAL NO. 84-26

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i)(U) Prospective Purchaser: Australia.

(ii) Total Estimated Value: Major Defense Equipment (as defined in Section 47(6) of

the Arms Export Control Act) ——; Other ——; Total ——.

(iii) Description of Articles or Services Offered: ——.

(iv)(U) Military Department: Navy (AOY).

(v)(U) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vi)(U) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold: See Annex under separate cover.

(vii)(U) Section 28 Report: Case not included in Section 28 report.

(viii)(U) Date Report Delivered to Congress: January 27, 1984.

POLICY JUSTIFICATION

(U) As an ally under the ANZUS Treaty, Australia plays a major role in assuring the stability of Southeast Asia and the South Pacific and is strategically located with respect to the Indian Ocean. Therefore, the United States has cooperated in improving Australia's military capability through foreign military sales, logistics agreements, and combined exercises.

(U) The sale of this equipment and support will not affect the basic military balance in the region.

(U) The principal contractors will be the Raytheon Corporation of Lowell, Massachusetts, and the General Dynamics Corporation of Pomona, California.

(U) Implementation of this sale will not require the assignment of any additional U.S. Government personnel to Australia; however, in country contractor technical services will be performed by one contractor representative for six months.

(U) There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEPARTMENT OF DEFENSE,
DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., January 27, 1984.

In reply refer to: I-04602/83ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 84-24 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 $26 million. 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,
Director.

TRANSMITTAL NO. 84-24

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: Major Defense Equipment (as defined in Section 47(6) of the Arms Export Control Act)—$22 million; Other—$4 million; Total—$26 million.

(iii) Description of Articles or Services Offered: A quantity of 2,538 Improved-TOW anti-armor missiles.

(iv) Military Department: Army (VGK).

(v) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:

(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: Case not included in Section 28 report.

(viii) Date Report Delivered to Congress: January 27, 1984.

POLICY JUSTIFICATION

SAUDI ARABIA—IMPROVED-TOW MISSILES

The Government of Saudi Arabia has requested the purchase of a quantity of 2,538 Improved-TOW (I-TOW) anti-armor missiles at an estimated cost of $26 million.

This sale is consistent with the stated U.S. policy of assisting other nations to provide for their own defense by allowing the transfer of reasonable amounts of defense articles and services. It will demonstrate the continuing willingness of the U.S. to support Saudi Arabia which is an important force for moderation in the region.

The I-TOW missiles will be used to build war reserve stock levels and will support the modernization of the Saudi Arabian Forces (SALF) by enhancing its anti-armor capability. The Saudis have previously purchased 10,738 TOW missiles and have been offered another 2,538 missiles which they have not yet accepted. The entire TOW program, including this offer, totals 15,814 missiles, well below the requirement validated by the U.S. Government for basic loan and war reserves. The SALF will have no difficulty in absorbing these items.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the Hughes Aircraft Company of Canoga Park, California.

Implementation of this sale will not require the assignment of any additional U.S. Government or contractor personnel to Saudi Arabia.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEPARTMENT OF DEFENSE,
DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., January 27, 1984.

In reply refer to: I-16420/83ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 84-27 and under separate cover the classifed annex thereto. This Transmittal concerns the Department of the Navy's proposed Letter of Offer to Italy for defense articles and services estimated to cost $94 million. 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,
Director.

TRANSMITTAL NO. 84-27

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective Purchaser: Italy.

(ii) Total Estimated Value: Major Defense Equipment (as defined in Section 47(6) of the Arms Export Control Act)—$0 million; Other—$94 million; Total—$94 million.

(iii) Description of Articles or Services Offered: Refurbishment and upgrade of two Italian Navy TARTAR Weapon Systems.

(iv) Military Department: Navy (MBC).

(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 September 30, 1983.

(viii) Date Report Delivered to Congress: January 27, 1984.

POLICY JUSTIFICATION

ITALY—REFURBISHMENT OF TARTAR WEAPON SYSTEMS

The Government of Italy has requested the purchase of refurbishment and upgrade of two Italian Navy TARTAR Weapon Systems at an estimated cost of $94 million.

This sale will contribute to the foreign policy and national security objectives of the United States by improving the military capabilities of Italy; furthering NATO rationalization, and interoperability; and enhancing the defenses of the Western Alliance.

This sale is the second phase of an extensive modernization of the surface-to-air capability of the Italian Navy. The Italian Navy is currently procurring the TARTAR Weapon Systems under FMS for its newly constructed guided missile destroyers (DDGs). This sale will expand and upgrade the surface-to-air capability of the newly constructed DDGs.

The sale of this equipment and support will not affect the basic military balance in the region.

The principal contractors will be the Raytheon Corporation of Waltham, Massachusetts; General Electric of Pittsfield, Massachusetts; FMC/Northern Ordnance of Minneapolis, Minnesota; and Vitro Corporation of Silver Spring, Maryland.

Implementation of this sale will not require the assignment of any additional U.S. Government personnel or contractor representatives to Italy.

There will be no adverse impact on U.S. defense readiness as a result of this sale.●

THE 1984 AUTOMATED MANUFACTURING CONFERENCE AND EXHIBITION

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

● Mr. HOLLINGS. Mr. President, it is no secret that America's position as a world leader in industrial output is being threatened and the necessity of industry to retool for the future is upon us. We must find ways to increase productivity, reduce costs, and improve quality of production if we want to compete competitively in the world marketplace.

That is why I commend the efforts of the South Carolina State Development Board and others in their sponsorship of the first comprehensive Automated Manufacturing Conference and Exhibition to be held in the Southeast. The conference will be held at the Textile Hall Convention Center in Greenville, S.C., March 19-22.

This conference will showcase more than 100 exhibitions displaying state-of-the-art equipment which will intro-

duce participants to systems, devices, and techniques that will drive the workplace into the next century. The diversity of exhibitions is expected to generate 10,000 to 12,000 attendees from many manufacturing disciplines throughout the industrial base of the Southeast.

From robots to metal working, to computer software to energy management, the exhibitors will have products and services impacting almost every aspect of industry. Upper management and purchasing managers will also find their time well spent as they view hi-tech adaptations of recent science fiction to the real world of production, inventory control, data acquisitions, and improving efficiencies throughout the plant.

The conference will also offer a series of seminars on the many transformations that hi-tech may well create in our society. The primary focus will be how the economic structure of the society of the future will differ from the industrial society we have known. A special emphasis will be placed on the social consequences of computers and telecommunications and how these technologies will change the very nature of markets and ideas.

This conference is a good step in helping us understand the systems, devices, and techniques that will drive the workplace of the next century and thereby help America to reclaim its share of the international market.●

NATIONAL GARDEN WEEK

● Mr. D'AMATO. Mr. President, I rise today to add my name as a cosponsor of Senate Joint Resolution 143, a resolution introduced by my distinguished colleague from Montana, to commemorate the calendar week beginning with Sunday, June 3, 1984, as National Garden Week.

Gardening ranks as one of America's most popular leisure activities. Over 33 million families in the United States today have gardens on their property.

Gardens are not only a recreational and economical resource, they also provide beauty and tranquility to areas lacking these aesthetic qualities. Many urban dwellers are tilling the soil of their rooftop gardens, providing them personal enrichment and enjoyment.

But gardening is more than just a pastime. It is an economic investment. The high cost of groceries has given people cause to take up the hoe. Families are able to cut down on food bills by growing their own tomatoes, cucumbers, onions, lettuce, beans, etc. This not only provides good food for the table while cutting costs, but also gives Americans a feeling of accomplishment and self-worth.

I urge my colleagues to join me in this worthy proposal by cosponsoring this legislation to recognize our Nation's gardeners.●

STATE AND LOCAL RIVER CONSERVATION ACT

● Mr. MOYNIHAN. Mr. President, today I join my distinguished colleague from Minnesota (Senator DURENBERGER) as a cosponsor of the State and Local River Conservation Act. Senator DURENBERGER introduced the bill as S. 1756 on August 3, 1983.

Some 7,000 miles of river throughout the Nation are protected under the Wild and Scenic Rivers Act. As the name indicates, this act created a Federal program to preserve the wild and scenic character of our most outstanding rivers. Selective preservation of these resources is vital in view of the strong pressures toward regulation of river flows and development along river banks.

Although the Federal program targets the most precious American rivers, it cannot protect all the suitable rivers. State and local governments must take the initiative to extend protection to additional streams found to have exceptional value as free-flowing waters. About half the State currently pursue river conservation programs, with the degree of protection varying widely. In most cases, a paucity of funding rather than a lack of interest operates as the primary constraint.

Since establishing its program in 1972, my own State of New York has designated for protection 1,248 miles of river, more than any other State. Many of the rivers flow through the vast and beautiful Adirondack Park, as well as more densely populated areas. The agency that administers the program, the New York State Department of Environmental Conservation, is reviewing 8 additional rivers and estimates that up to 70 more are potentially eligible. For each designated river, the DEC prepares in cooperation with local communities a conservation plan including land use controls, protection of wetlands, flood plains, and cultural resources, and recreational use of the river. Yet the program faces a severe staffing shortage, with no personnel working full time on river conservation.

S. 1756 would encourage such State and local efforts. The bill would authorize $5 million per year in Federal matching grants to States and communities for planning efforts and program administration. An additional $2 million could be used for statewide river assessments. The bill would strengthen conservation efforts by requiring that the State concur with any proposed activity along a designated river requiring a Federal permit. Finally, S. 1756 would provide tax incentives for the donation of lands, easements, and rights-of-way and would encourage the use of volunteers in river conservation programs. I urge my colleagues in the Senate to support the passage of this valuable legislation.●

CONTROLLING THE NUCLEAR PROLIFERATION DILEMMA

● Mr. HUMPHREY. Mr. President, approaching the troubling dilemma of controlling nuclear proliferation has proven difficult for scientists and scholars, as well as Presidents and Congresses, for nearly four decades. With the rapid and ever-expanding knowledge of nuclear technology must come the will to limit its spread, and hence lessen the threat of nuclear war.

This morning I am submitting for the RECORD two separate editorials carried recently by the Washington Post and the Washington Times. The Washington Post editorial of February 9, 1984, carries a clear and sensible message: Our Government has a right, as well as the opportunity, to substantially reform our role in the spread of crucial nuclear equipment and material. The Washington Times of February 8, 1984, describes with a flair the potential impact of our present policy. Indeed, rational individuals do not desire to see countries without military nuclear capability achieve that end, and certainly not as a result to a lax U.S. policy. Both articles articulate the advantages of establishing a firm U.S. export policy for nuclear components classified as significant for nuclear explosive purposes.

I strongly recommend these two editorials to my colleagues, and am certain that, in reading them, they will fully understand the objectives of the Humphrey-Roth amendment. We plan to offer our amendment when this body considers the export administration amendments of 1983.

I ask that the texts of these two articles appear in the RECORD.

The material follows:

[From the Washington Times, Feb. 8, 1984]

TERROR PROLIFERATES

When 20-kiloton nuclear explosives—the size that leveled Hiroshima and Nagasaki—simultaneously devastate Washington, Manhattan, London, Paris, Bonn, Peking, Moscow, and Leningrad, is there any chance missiles won't fly? Not on your life.

The six-ton weapon that brought World War II to an end was delivered in a B-29 bomber. Four decades of technological development have made it possible to put those same 20 kilotons of nuclear power into a suitcase. A nuclear kiloton has the destructive force of 2,000 pounds of TNT.

The U.S., the U.S.S.R., Britain, France, Red China, and India all have nuclear weapons. Israel and South Africa *may* have nuclear capability. Taiwan, Pakistan, Brazil, and Argentina have nuclear research programs that could lead to weapons development. And so do Iraq and Libya.

Iraq and Libya?!

American manufacturers freely export products and technology classified as "significant for nuclear explosive purposes" by

the Nuclear Regulatory Commisson. Sens. Gordon J. Humphrey, R-NH., and William V. Roth, R-Del., are leading the drive to amend the Export Administration Act to prohibit such exports to any "nonweapons" nation that refuses full nuclear facility inspection by the International Atomic Energy Agency. The vote is scheduled for tomorrow. We strongly support the Humphrey-Roth Amendment.

While the nuclear freezeniks follow the morally easy path of criticizing the Western nuclear deterrent, they ignore the quiet, unsensational spread of atomic weapons technology to the Second and Third Worlds, some leaders of which think of themselves as latter-day political messiahs sent to cleanse the Earth of non-believers. It doesn't take much imagination to see how dangerous nuclear weapons would be in such hands.

A popular misquotation has Lenin saying that the capitalists would sell their enemies rope with which to hang the sellers. The lyrics are wrong, but the melody isn't. Lenin was prophetic when he said capitalists would "strive toward their own suicide" by selling military technology to their worst enemies. Humphrey-Roth is a long stride toward the problem's still-distant solution.

No one believes more strongly in the free market than we. But we don't think anyone should sell dynamite to children, or nuclear technology to governments with grudges.

[From the Washington Post, Feb. 9, 1984]

CONTROLLING NUCLEAR EXPORTS

Nobody much likes even thinking about the ominous questions of nuclear proliferation. But it remains true that the threat of nuclear weapons is not limited to the armories of the five powers that acknowledge possessing them. Perhaps six or eight others are moving toward them some of them countries with histories of radically unstable and aggressive politics. The United States can't do much about the technology that these countries already command. But it can do a lot to slow down the flow of crucial equipment and materials to them.

The Senate will have an opportunity to make an important contribution when—sometime this month—the Export Administration Act finally comes to the floor. A bipartisan group of senators led by Gordon Humphrey of New Hampshire intends to offer an amendment tightening the standards under which this country permits exports with implications for nuclear arms. Those exports would be prohibited to countries that have refused to open their nuclear facilities to inspection by the International Atomic Energy Agency. The amendment would allow the president to make exceptions where he was prepared to cite reasons of national security. But this change in the law would end the practice of licensing extremely sensitive exports inconspicuously at low levels of government.

This amendment is a response to two particularly egregious cases last year. In one the administration routinely approved a transfer of heavy water to Argentina, which subsequently announced that it possesses all the processes needed for the manufacture of weapons. In the other case, during a trip to India, Secretary of State George Shultz assured his hosts that the United States would allow them to buy here certain equipment for their Tarapur reactor. India has already exploded what it calls a "device" and the rest of the world calls a bomb. Neither India nor Argentina permits IAEA inspection of all its nuclear facilities. The Indian sale, incidentally, seems recently to have got derailed, casting some doubt on all the assertions by successive administrations that this kind of thing is essential to American diplomacy in South Asia.

The technology now in the hands of Argentina and India—not to mention South Africa, Iraq, Pakistan and the rest—is irrevocably theirs. But that's all the greater reason for the United States to be careful about certain further sales and the conditions under which they are licensed. It is important to give great visibility to these sales, and to force the people at the top of government—both the U.S. government and the recipient—to think carefully about what they are doing. That's the purpose of the amendment now being put forward by Sen. Humphrey and his colleagues. People who are uneasy about the proliferation of nuclear weapons will want to see it passed.●

THE 25TH ANNIVERSARY OF THE MARXIST REGIME OF FIDEL CASTRO

● Mr. D'AMATO. Mr. President, 1984 marks the 25th anniversary of the Marxist regime of Fidel Castro on the island of Cuba. It is an anniversary marked by sorrow and apprehension by peaceful, freedom loving people throughout the world.

The Castro government has already trumpeted the so-called gains achieved in the two-and-a-half decades since it rode to power on its now-familiar calling card of bullets and bloodshed. But, objectively, what are the genuine hallmarks of 25 years of Communist inspired government on this island 90 miles off the coast of Florida?

Forced rationing has effectively denied the people of Cuba quality food and consumer goods since 1962. The Old Town section of Havana is in crumbling disrepair, yet still serves as inadequate housing for thousands. Inhuman and degrading prisons hold countless political prisoners who are randomly beaten if they do not renounce viewpoints that differ from Castroite ideology. Cuban troops and insurgents have crossed the globe to sow the seeds of bloody revolution, willfully wreaking havoc on internal and regional stability.

It is abundantly clear that little progress can be found in the "success story" being mouthed by the Castro regime 25 years after gaining control of Cuba. Instead, the world sees a troubled Caribbean nation, propped up by Soviet military and economic assistance, serving as a hired gun to stimulate violence and conflict while unable to provide adequately for its citizens at home.

Mr. President, I ask to have printed in the RECORD a recent article in the Wall Street Journal authored by a constituent of mine. A perceptive analyst of the Cuban Government, Roland A. Alum, Jr., is a professor at the John Jay College of Criminal Justice of the City University of New York.

The article follows:

CASTRO'S LEGACY TO CUBA: A CULTURE OF POVERTY

The presence of Fidel Castro's regime in Cuba, and Cuba's global involvement, have been the most important factors in bringing U.S. and world attention to Latin America and the Caribbean over the last 25 years. The day after tomorrow, on Jan. 1, 1984, Fidel Castro celebrates his 25th anniversary in power. As noted recently in the London Telegraph, Cuba may well be edging toward George Orwell's regimented "dystopia" (a word coined by Irving Kristol meaning a utopian vision gone horribly awry) of 1984 as it nears its own revolution's silver jubilee.

Despite the disappointing evidence, we continue to hear suggestions proposing the Cuban system as an alternative for the currently torn, semi-feudal and militarized Central American nations. The proponents of the "Cuban model" claim that most of the sociopolitical problems besetting Central America have been solved in post-1959 Cuba; that the socioeconomic problems inherited by Castro are well on their way to being eliminated. However, years of fact-finding by qualified social scientists—many of whom started out quite sympathetic to the Castro regime—contradict this popular notion.

Perhaps the most authoritative perspective on the effects of Castro's internal policies comes from the publication of material relating to the research of the world renowned social-anthropologist Oscar Lewis and his associates. The research for this work was done in Havana between 1969-70, shortly before Mr. Lewis's death. He had attempted, in his still little-known Cuban research project, to test his debated theory on the "culture of poverty," particularly his own corollary. He believed that the so-called culture of poverty could not exist in a socialist society because the conditions that supported it were expected to be present solely in capitalist-oriented economies.

Douglas Butterworth, a collaborator with Mr. Lewis, concludes with disillusionment in his book "The People of Buena Ventura" (University of Illinois Press, 1980) that after years of efforts to "reeducate and indoctrinate" the poor, those poor have not lived up to the expectations of the state. In fact, he adds with surprise, this is so despite such tangible benefits as the creation of public housing and utilities. Mr. Butterworth relates the social problems he found among poor people relocated to housing projects in Havana—problems that closely resemble Mr. Lewis's requisites for a culture of poverty: classist attitudes, regionalism, quarrels, violence, delinquency, theft, vandalism, mutual suspiciousness and distrust, racism, sexism, fatherless homes, spouse-beating, prostitution. blackmarketeering, drug trafficking, escapism into folk religion and the occult, and so forth.

Furthermore, Mr. Butterworth honestly admits that a case for a culture of poverty in pre-Castro times could not be scientifically documented. Thus, the project's findings validate the observations given in so many other accounts, including those from Cuban emigres who normally are not taken seriously. Simply put, the culture of poverty seems to be visible in post-revolutionary Cuba, though not necessarily as a survivor of the ancient regime. The culture of poverty exists in Cuba today as a new element that apparently did not exist prior to 1959, despite the many known deficiencies of the old system.

Scientific data on contemporary Cuba have further implications. In 1968, prior to his on-site field work, Mr. Lewis wrote: "It is my impression that the Castro regime—unlike Marx and Engels—did not write off the so-called 'lumpen proletariat' as . . . inherently reactionary and anti-revolutionary. . . ." If Mr. Lewis's (and Mr. Butterworth's) own subsequent field accounts and the growing corpus of Cubanology are not enough to disprove that thesis, the mass exodus from Cuba of three years ago certainly contradicts Mr. Lewis's original quotation.

Much publicity is still being given to the social undesirables who were among the 130,000 or so refugees (almost 1.5% of the entire Cuban population) fleeing Cuba in the summer of 1980. In fact, the lead character in the new Al Pacino film "Scarface" is a Cuban refugee who came to the U.S. through the "freedom flotilla" only to rise as a kingpin in the underworld. The important fact to note about this new wave of immigrants, as sociologist Sylvia Pedraza-Bailey has found, is that the vast majority of them were born and/or raised under Castro's rule and come from the lower socioeconomic strata. In other words, these are the people expected to have been the primary beneficiaries and supporters of socialist policies.

We are still being told by the proponents of the Cuban model that the government's goal is the creation of what the Argentine physician "Che" Guevara optimistically called the "new man": an altruistic, highly motivated, totally committed socialist individual. However, many of the traits enumerated in Mr. Lewis' description of the culture of poverty are now exhibited among young Cubans raised under the dictates of the new regime. This is no longer a matter of speculation; experienced researchers reporting on "new Cubans both inside and outside of the island have now documented this phenomenon.

Taking into account the evidence at hand—as well as the government's own criteria for success—one is led to reach three conclusions about post-revolutionary Cuba: first, that the extolled Homo Novus a la Che Guevara turned out to be exactly the opposite of what the Cuban leaders expected (or claimed to expect); second, that contrary to Mr. Lewis' earlier impression, the Castro regime—like Marx and Engels—did write off the 'lumpen proletariat' (i.e., the poorest of the poor); third, that in the light of theories ascribing deviant and criminal behavior to the economic order, particularly those placing the burden exclusively on capitalism, there is a pathetic need for a revision of Cuban social theories. In sum, careful students of the revolutionary process conclude that the Cuban system has not only failed in eradicating social problems ascribed to the pre-revolutionary structures, but it may have exacerbated those problems and even created new ones.

Appraisals of other aspects of the Cuban model are just as gloomy. Internationally renowned scholars such as Hugh Thomas, Carlos Ripoll and Irving Horowitz have contrasted many of the much-publicized myths surrounding the Cuban phenomenon with the internal realities. Assessing the limits of Cuba's appeal, Gordon Lewis, an independent Marxist at the University of Puerto Rico, has put the matter quite candidly: "It is curious that so many . . . groups (still) accept the Cuban-Soviet model when that very same model is under severe scrutiny. . . ." A model that, he warns unabashedly, "can only mean the road to the totalitarian society."

On the balance sheet, objective experts concur that probably the most outstanding achievement of Cuba's highly militarized government has not been in the social or economic arenas, but rather in its projection of a favorable image abroad. Harvard Prof. Jorge Dominguez, University of Miami historian Jaime Suchlicki, and Kisinger Commission economist Carlos Diaz-Alejandro agree that the self-perpetuation of Castro's uninterrupted administration (which is one of the oldest in the world) is, ironically, one of his greatest political achievements.●

PROPOSED ARMS SALES

● Mr. PERCY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that 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 such notification, 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 Foreigh Relations Committee.

In keeping with the committee's intention to see that such information is immediately available to the full Senate, I ask to have printed in the RECORD at this point the notification which has been received. The classified annex referred to in the covering letter is available to Senators in the office of the Foreign Relations Committee, room SD-423.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., February 13, 1984.

In reply refer to: I-04617/83ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 84-18 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Air Force's proposed Letter of Offer to Turkey for defense articles and services estimated to cost $70 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

You will also find attached a certification as required by Section 620C(d) of the Foreign Assistance Act of 1961, as amended, that this action is consistent with Section 620C(b) of that statute.

Sincerely,

PHILIP C. GAST,
Director.

TRANSMITTAL NO. 84-18

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective Purchaser: Turkey.
(ii) Total Estimated Value:

	Millions
Major defense equipment [1]	$65
Other	5
Total	70

[1] As defined in section 47(6) of the Arms Export Control Act.

(iii) Description of Articles or Services Offered: A quantity of 15 F-4E aircraft.

(iv) Military Department: Air Force (SNN and SNU).

(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: Case not included in Section 28 report.

(viii) Date Report Delivered to Congress: February 13, 1984.

POLICY JUSTIFICATION

Turkey—F-4E aircraft

The Government of Turkey has requested the purchase of 15 F-4E aircraft at an estimated cost of $70 million.

This sale will contribute to the foreign policy and national security objectives of the United States by improving the military capabilities of Turkey in fulfillment of its NATO obligations; furthering NATO rationalization, standardization, and interoperability; and enhancing the defenses of the Western Alliance.

These 15 F-4E aircraft will contribute to the modernization of the Turkish Air Force. The aircraft will be provided in accordance with and subject to the limitations on use and transfer provided for under the Arms Export Control Act as embodied in the terms of sale. This sale will not adversely affect either the military balance in the region or U.S. efforts to encourage a negotiated settlement of the Cyprus question.

There will be no prime contractor in this sale since the aircraft will be provided from inventory.

Implementation of this sale will not require the assignment of any additional U.S. Government personnel or contractor representatives to Turkey.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

U.S. DEPARTMENT OF STATE,
Washington, D.C., February 9, 1984.

Pursuant to section 620C(d) of the Foreign Assistance Act of 1961, as amended (the Act), and the authority vested in me by Department of State Delegation of Authority No. 145, I hereby certify that the provision to Turkey of 15 F-4E aircraft at an estimated cost of $70 million is consistent with principles contained in section 620C(b) of the Act.

This certification will be made part of the certification to the Congress under section 36(b) of the Arms Export Control Act regarding the proposed sale of the abovenamed articles and is based on the justification accompanying said certification, and of which such justification constitutes a full explanation.

WILLIAM SCHNEIDER, Jr.,
Under Secretary of State for Security Assistance, Science and Technology.●

FORCED LABOR IN THE SOVIET UNION

● Mr. SYMMS. Mr. President, it is disturbing to realize that slavery—often thought of as only an ugly episode in the archaic past—is a thriving 20th century institution. I refer to numerous reports of forced labor in the Soviet Union.

I would like to add here that Wes Gullet of the Senate Republican Conference has worked many long and unpaid hours to spread the awareness of the Soviet slave system in the committee rooms and editorial offices of Washington, D.C. He is to be commended for his humanitarian efforts. Working with Wes, members of my staff recently received firsthand information on this subject when they were briefed by Mikhail Makarenko, a Soviet dissident now living in the United States. Mr. Makarenko is not afraid to speak out, despite considerable personal risk, on his knowledge of human rights abuse in the Soviet Union. He presents weighty, empirical evidence that the Soviets rely heavily on forced labor as a major segment of their economic system. He shows that slavery is being used to manufacture export commodities and to construct the Soviet natural gas pipeline to Western Europe. Their purpose? To increase hard-currency earnings by lowering the cost of production of exports with slave labor. In this way, the Soviets are able to subsidize their ever-growing military machine, and to keep their patchwork economy operating.

Mr. President, what adjectives can we find to describe the use of human beings as chattel? How do we convey the slow, living horrow of slavery in mere words? In a Marxist-Leninist society, slavery in one form or another is the only remaining system of incentives—the incentive of mere survival. Slavery belies the basic lie, the inherent hypocrisy of the so-called workers' state, in which the most hallowed ideals of free labor are perverted to serve the interests of a totalitarian state.

Mr. President, only someone who has lived in such a system could describe it. I direct my colleagues to a letter by just such an individual, one Anatoly Marchenko, that was reprinted in the Wall Street Journal on January 20, alongside an editorial in that newspaper. I ask that the articles be printed in the RECORD.

The material follows:

[From the Wall Street Journal, Jan. 20, 1984]

MAGGOTS AND PRODUCTION QUOTAS IN A SOVIET CAMP

The following statement was addressed to U.S.S.I. Procurator-General A.M. Rekunkov Nov. 16, 1983, by Anatoly Marchanko, a prisoner in a Perm labor camp. It reached the West through Soviet human-rights activists and was translated by New York-based Khronika Press:

This will be the fourth time I have written you about arbitrary acts of labor-camp officials and their insulting behavior toward political prisoners.

I know that other political prisoners from our camp have sent similar statements to the Procurator's Office. Our appeals to the organs of supervision and control have been met with silence (yours, for example), or with formal answers covering up or justifying illegal and arbitrary acts. That makes the Procurator's Office and you personally accomplices in the "violation of socialist legality" (which seems to be your term for cruel and humiliating treatment), a new twist in the history of "developed socialism."

Let me recall some facts:

On May 4, 1983, the political prisoner Zurab Gogiya noticed a maggot in his bowl of soup. He told two friends, Stepan Khmara and S. Uvarov, about it and expressed his dissatisfaction to the senior cook. The camp commander Maj. Osin sent all three to punishment cells for 15 days (for slandering the kitchen). Two additional punishments were added: The three prisoners were deprived of canteen privileges and of family visits.

Gogiya, Khmara and Uvarov protested Osin's action. The three received similar answers from the Procurator's Office: "The substandard preparation of food was not substantiated by our examination. . . . The punishment was correct."

Not substantiated by examination!

On July 11, the political prisoner A.K. Kolpakhbaev extracted a maggot from his supper. It was still alive! I saw it myself and presented this unsubstantiated-by-examination fact—a live maggot—to officer of the day Capt. Sidyakov. The following day, July 12, political prisoner Ivan Kovalev fished out with his spoon another such "fact." He visited the kitchen together with the officer of the day Lt. Volkov and found another maggot in a cooking pan.

On July 19, political prisoner A.Y. Shipkov discovered a maggot in his breakfast.

Are those sufficient facts to call for a serious inspection of the food and the kitchen? And to cancel the unjust punishments of the first three prisoners? Not at all! Shipkov and Kolpakhbaev managed to escape any consequences of their "tactless discoveries." (They were looking forward to visits and lodged no complaint after observing the fate of their fellow prisoners.) Kovalev addressed a complaint to Osin. The next day Kovalev was deprived of canteen privileges. Soon thereafter he was sent to a punishment cell for 15 days. When his term expired on Aug. 2, Kovalev was not released. He was sentenced to 12 more days in the punishment cell; on Aug. 14 to another 15 days and then to six months in the camp prison. Of course, different pretexts were given for Kovalev's punishments. (They can find a reason to punish anyone, anytime. So what if it's a fake. Just try to prove it!) We all understood the real reason for Kovalev's punishment—his complaint about the maggots.

Neither the state nor the hard-earned money of Soviet taxpayers supports us. We Soviet prisoners pay for our food, clothing, boots and even our barbed wire and guards. The cost of those items is subtracted from our earnings in the camp. They take one ruble a day for the camp chow. It is only one ruble, but it gives us the right to decent food, cooked without maggots.

My statement has another point: the reason for punishment and persecution. Other than silly reasons (such as "appeared at work without a jacket," "reading after curfew," etc.) and false reasons, the favorite reason is "nonfulfillment of the production quota." That was the formal basis for the punishment of Khmara, Gogiya, Uvarov, Kovalev and many other prisoners. You must meet the quota without regard to your physical capacity (Khmara, a cardiac patient, was assigned to heavy labor), without regard to your background or skills, without regard to whether you are in the barracks or in a punishment cell. For nonfulfillment of quota, you face loss of canteen privilege, cancellation of family visits, a punishment cell, or transfer to the camp prison or a separate prison. It is not just forced labor—it is squeezing out the prisoner's vital juices. "We will starve you and freeze you not because you are Ivan Kovalev but because you are not fulfilling your quota," Kovalev was told in the camp prison by Ponomarev, the camp doctor! Of course the Procurator's Office confirms: "punished correctly," "the administration acted lawfully."

A propaganda display has been built in our camp: "Where Our Products Go." We see that products of the workshop with the unrevealing name "Institution VS 389/35" are sent to the Socialist countries, and exported to Egypt, Pakistan, India and France. Of course, they are forwarded through in Sverdlovsk or some other town without the hallmark of the prisoner who produced them. VS 389/35 is only a subsidiary of those great enterprises producing for export. We know to what countries our products are sent, but do the buyers know where the products are made? Do they know who produced them, receiving for their labor thin soup with maggots and, if they fail to produce their "quota," the punishment cell?

The facts that I have cited permit me to assert that the labor-camp system together with the Procurator's Office (in the camps for political prisoners there are KGB officers as well) constitute a versatile machine for squeezing from the convicts sufficient surplus value to make Soviet products manufactured for export really competitive on the world market.

The Procurator's Office deserves a place in the trinity. It is always on the side of the MVD and the KGB, always against the prisoners. And never on the side of the law.

Anatoly Marchenko was born in 1938, the son of a Siberian railroad worker. Since his first conviction for a political crime (treason, for an attempt to flee to Iran in March 1961), Mr. Marchenko has spent more time in prison, labor camp and internal exile than he has at liberty. He is the author of "My Testimony" (Dutton, New York, 1969), about conditions in the post-Stalin penal system. Mr. Marchenko was sentenced in September 1981 to 10 years in labor camp and five years of internal exile for his second book "From Tarusa to Chuna" (Strathcona, Royal Oak, Mich., 1980), an account of a 53-day hunger strike he conducted in 1975.

Ivan Kovalev, the son of prisoner of conscience Sergei Kovalev and husband of Tatiana Osipova, also a prisoner of conscience, was sentenced in April 1982 to five years in labor camp and five years of internal exile for participation in the Moscow Helsinki Group, a human-rights organization.

Stepan Khmara was born in the Ukraine in 1937. He was sentenced in December 1980 to seven years in labor camp and five years of internal exile for participation in the Ukrainian Herald, a samizdat journal.

Zurab Gogiya, a journalist born in 1946, was sentenced in September 1980 to five years in labor camp and three years of internal exile for circulating nationalist leaflets in Georgia.

THE SLAVE LABOR ISSUE

The nearby letter from a Soviet labor camp in the Perm region should make interesting reading for the U.S. Treasury Department. The well-known political prisoner Anatoly Marchenko is putting some facts on the table about Soviet forced labor that Treasury Secretary Regan has seemingly preferred to ignore.

One of the duties of the Treasury Department is to enforce an obscure law prohibiting the importation of "all goods, wares, articles and merchandise mined, produced or manufactured wholly or in part in any foreign country by convict labor or forced labor." This law, Section 307 of the 1930 Smoot-Hawley Tariff, was almost unknown in Washington until Commissioner William von Raab of the U.S. Customs Service read about it in the Reader's Digest. Commissioner von Raab, a Reagan appointee, was preparing to enforce it when the higher-ups found out and sent the issue to the graveyard of a high-level interagency committee, we're told. Section 307 is still on hold. Congressional sources say Treasury wants to drop this hot potato by promoting Commissioner von Raab to some less controversial job.

It's all an embarrassing spotlight on one of the Soviet Union's more repugnant features. At a conservative estimate, some two million prisoners labor in the Gulag. The total Russian work force is about 115 million, and forced labor is much less productive than the rest, but still two million workers are not insignificant in anyone's economy, and certainly not when thought of in human terms. They fell trees, mine gold and uranium, polish glass (for chandeliers!), assemble wooden chairs and, in the case of Mr. Marchenko's Institutions VS 389/35, operate lathes. According to a Central Intelligence Agency report, some Gulag-made wooden furniture, electrical components and glass camera lenses may be reaching the U.S. Private sources also charge that forced labor contributes to production of anhydrous ammonia, one of the main Soviet exports to the West.

Physical conditions in the camps are appalling enough, but the situation is infinitely worsened by the arbitrary conduct of the MVD authorities. By a recent Russian law, camp directors can extend a prisoner's sentence almost at will.

Unions, human-rights groups and congressmen have been hampered in raising this issue by the lack of specific information on imports coming from the camps. Some charges have been vague or inaccurate, to the point of being repudiated by those Soviet dissidents who have adopted a policy of rigid accuracy. But Mr. Marchenko's account comes through reliable channels, and he has been highly credible in the past. Apparently the MVD itself likes to brag about its Gulag-made exports.

If the government really wanted to learn, it could probably find out all it needs to know to exclude forced-labor imports. It may seem like a small issue in terms of the actual value of the imports involved, but if anyone in Washington is really serious about human rights, it becomes a very large issue. We wonder why the adminsitration seems so willing to brush it away.●

HUNGER: A NATIONAL PROBLEM

● Mr. SASSER. Mr. President, I rise today to address an issue which has attracted considerable attention lately, namely, the issue of hunger in America. While I find the administration's insensitivity to this problem shocking, I do not find it surprising.

Indeed, upon close examination of the President's recently submitted fiscal year 1985 budget, one can see all too clearly where this issue stands in the administration's list of priorities. One of the most severe cuts would result in the termination of more than one-half million low-income pregnant women, infants, and children from the supplemental food program for women, infants, and children, the so-called WIC program.

Another proposal in the President's budget would merge the child care food program and the summer food program and then freeze funding at the fiscal year 1985 levels. This would effectively result in a cut of nearly 20 percent below "current services" levels for these programs.

The administration's suggestion that hunger is an "anecdotal" problem in America clearly misrepresents the reality of the hunger problem. The President's task force on food assistance simply skirts the issue when it declares that since hunger "can neither be positively refuted nor definitely proved, it is likely that hunger will remain as an issue on our national policy agenda for an indefinite future."

Well, Mr. President, remarks such as these simply disregard the fact that twice as many people sought free meals in 1983 at many of Tennessee's soup kitchens than in the previous year. Remarks such as these disregard the fact that a family of four participating in the AFDC program receives only $154 per month: and that food stamp participants nationwide are expected to feed each member of their family on a mere 46 cents per day.

On a recent visit to Miami, Fla., I came across an article in the Miami News which brings the problem home most forcefully. The article describes a situation which unfortunately is typical of all too many families in this great land of ours. The story describes the plight of Sandra Alfonso and her four children. I urge my colleagues to read the article and remember that stories like these are occurring in every city and town in the Nation at this very minute.

Mr. President, I ask that the text of the Miami News article be inserted in the RECORD at this point.

The article follows:

HUNGER IN DADE COUNTY

(By John Doussard)

"It's OK," Sandra Alfonso said, "There's a lot of good things in beans. There's a lot of good things in rice. And there's not money for anything else. Meat is too expensive. Vegetables are too expensive. I buy beans in lots of colors, red and white and black and green, so the children don't get tired of eating them all the time. Beans are good for them."

Dinner is the only meal the two oldest, Jose, 13, and Sandra, 7, eat at home. They're old enough to go to school and receive a free lunch there, although occasionally they have a bag of cookies or a pound cake as a treat at home. From Thursday's dinner, Alfonso had set aside one extra meatball so that the two babies—Farah, 3, and Elba, not quite 1½—would have something to eat the next day at lunch.

It is Jose who worries his mother, Jose the one she talks about when asked almost anything about the kids. He is a good boy, but at 13 is beginning to notice what is around him, what he doesn't have that others do—a radio, new tennis shoes. And food. Like every teen-ager, he is always hungry, asking for fried chicken and cookies and pound cake, as much as he wants every day. And then he sits down to a table that is always the same, last week fading into the week before, variety coming in colors, not tastes.

"I buy milk for the babies," Sandra Alfonso said. "If I don't have money for milk they get sugar water. They like sugar water. It tastes good and fills them up when there is nothing else. Milk costs $2.50 a gallon and that is a lot of money.

"But when I can I try to buy the milk and save it for when they go to bed. That way, the babies have something nice in their stomachs when they go to sleep."

Is there hunger in America?

For four months, the President's Task Force on Food Assistance had investigated that simple, single question. And two weeks ago in Washington, the group was back with its preliminary report, with answers.

President Reagan had called for the task force in August, after the Census Bureau had reported domestic poverty—the number of people living without enough to adequately feed and clothe themselves, and live in safe shelter—was the highest since 1965, the year Lyndon Johnson had declared America's War on Poverty. The numbers were staggering in a land of wealth: 34.4 million Americans, 15 percent of the country. In a memo to White House counselor (now Attorney General-designate) Edwin Meese, Reagan said the report had left him "perplexed." Wasn't the government, he said, already taking care of this sort of thing?

But even as the question was being asked in Washington, Dade County was living answers of its own. For more than a year now, agencies that care for the estimated 300,000 living in poverty in Dade have been inundated with request for assistance—food, mostly—on a scale that many say is unprecedented here, in some cases comparable to the poverty of the '30s.

Some shelters are reporting caseloads where pleas for help have doubled; most come not from the estimated 4,000 homeless who wander South Florida's streets, but from what is now being called "the new poor"—an unemployed working class.

In July, a Government Accounting Office study showed the unemployed middle class as the fastest growing segement of the hungry in America. And while Dade County's unemployment figures have dropped to the lowest point in two years, agency workers say many who show up at their doors are people whose jobs have, perhaps permanently, disappeared. Those who have given

up looking don't show up in the government's unemploymemt figures.

"If you're talking about people who are dying of malnutrition, then no, there is no hunger in America," said Mary Smith of the Christian Community Service Agency. "But if you define hunger as not having enough to eat to meet the minimum daily requirements for basic nutrition, then yes, there's a lot of that here.

"There are families of four in Dade who are having to decide who eats tonight, Mom and Dad or the kids, or if everyone should get just a taste to tide them over. And we're not just talking about Liberty City and Overtown. Only 50 percent of the hunger in Dade Count is confined to what's called the '18 targeted areas' where you expect the poor to live. The other half is spread out among the rest of us."

Last week 10,000 senior citizens showed up at the Orange Bowl ro receive two, two-pound blocks of surplus government cheese and a half gallon of milk. Hundreds had shown up by 4 a.m. to wait, and at 7—three hours before the Red Cross said it would open its doors—more than 2,000 people stood in line.

"How can anyone say there's no hunger?" said Sonia Cohen, a Red Cross spokesman. "You have to ask yourself: 'Who would stand in line just for a piece of Cheese?' The only ones eligible for this stuff were senior citizens receiving SSI [Supplemental Security Income], and if anyone thinks they were doing it just to save a few dollars, they're crazy.

"You have to be very, very hungry to stand in line for this stuff. I wouldn't do it, especially not at their age. Would you?"

One problem the President's task force identified was the lack of a statistical yardstick by which to measure the nation's hunger. "We cannot report on any indicator," they wrote, "that will tell us where and how much hunger has gone up in recent years." But there are numbers of a kind.

In Dade, despite tougher eligibility requirements imposed by the Reagan administration for welfare (Aid to Families with Dependent Children), the number of families receiving such assistance in Dade has risen dramatically in the last year, from 13,797 households in 1982 to more than 22,000. Another 80,000 families receive food stamps. For a family of four, welfare brings in $273 a month, and as much as $253 in food stamps, the amount based on a sliding fee determined by a family's resources. If a family received the maximum amount, its $6,312 annual total would still fall more than $3,000 below the federal poverty line.

The task force said such participation in government programs was a clear indication that the needs of the hungry were being met. ". . . For the vast majority of low-income people, the private and public parts of the income maintenance and food assistance efforts are available and sufficient for those who take advantage of them," the task force concluded. But even those charged with maintaining those programs aren't so sure.

"There are a lot of people out there who don't meet the minimum eligibility requirements to get in our programs who are still going hungry," said Mae Bryant, program manager for social services for the state's Department of Health and Rehabilitative Services.

"And some of those who meet our requirements are going hungry, too. In this town, $273 won't pay your rent in the worst part of town. And for older people on fixed incomes, well, their benefits don't mean a thing. A lot of them are single people now. That means they get $76 a month from us to eat on."

If hunger visits every part of Dade, it is the very young and very old who are most susceptible to its ills. According to statistics from Metro's Department of Human Resources, nearly one-third of all children in Dade under 18 live in poverty; for children under six, the number is one in every five. Together, the very young and very old comprise 50 percent of the country's poor.

"It's not just hunger," said Catherine Hertel, director of professional services for United Family Services, "but the effects of poor nutrition as well. Vegetables and meat and fresh fruit cost a lot of money, so the poor don't buy them. When they eat, it's a lot of starches that will fill them up, potatoes, rice, beans and bread.

"I have an old man I know who takes his Social Security check when it arrives each month and goes out and buys 30 cans of spaghetti so he'll have something to eat for the rest of the month. That's all he eats. Is he starving to death? No. But who knows what he's doing to himself."

Last year, a federal government survey ranked Miami as the nation's sixth poorest city—Fort Lauderdale was 77th—but like most figures that try to account for Miami's poor, the numbers are probably wrong, unable to account for the phantom population of refugees that move quietly through South Florida. "A lot of people who need help aren't counted in because they're refugees—Haitians, South Americans—who don't qualify for anything," said Herman Izquierdo, who works in the Little Havana office of the Christian Community Assistance Agency.

"We have as many as 25,000 Nicaraguans alone down here who need some form of help and can't get it. They live in small apartments with two or three families—13 or 14 people—jammed into one place.

"They're anonymous people."

Though no exact figures on hunger exist, some separate facts do. An October report by the U.S. Conference of Mayors charges "more hunger today than at any time since the 1930s," and a study by the Center on Budget and Policy Priorities estimates the number of people standing in soup lines increased by 50 percent in 1983.

In the cities, the story is told in the numbers of hungry who line up for food: In Chicago, 6 million tons of food were distributed by food banks in 1982; three times that amount were distributed in the first 10 months of '83 alone. In Seattle, the amount of free food distributed has risen 300 percent since 1980. In Columbus, Ohio, an Emergency Assistance Task Force took more than 200,000 requests for food last year.

In October, a House subcommittee heard a panel of doctors testify that nutrition deficiencies were causing increasing problems around the country, including a high proportion of poor children whose bodies are below normal weight and height. A Harvard study among school children from Boston's poor neighborhoods found "a substantial growth failure" among children under 5, and the Washington-based Food Research and Action Center, using Census Bureau figures, estimated that because of tougher Reagan administration guidelines, only 22 million of the estimated 34 million Americans living below the poverty line received food stamps. Fifty million people, the center said, qualified.

"I'm at an age where I can remember back to the Depression, and that's the only thing I remember that's like what we're seeing now," said Howard Cawein, director of Daily Bread, a Miami volunteer food bank that distributes surplus food to charitable agencies throughout the county. When it opened 18 months ago, Daily Bread supplied 26 agencies. Today, it has 181—private charities, churches, government outlets. At the Salvation Army, one of the agencies it serves, the number coming for help has doubled in the last year.

But in the end, with no firm—statistical—data to work with, the President's task force concluded that, while hunger existed, it could not be accurately measured and was not caused by cuts to social service programs enacted by the Reagan administration, estimated to be $12 billion by the Congressional Budget Office. The report's findings have since drawn fire from the U.S. Conference of Mayors, the National Governors Association and private and church-related charitable groups including the National Council of Churches.

"We have not been able to substantiate allegations of rampant hunger" in America, the task force concluded. "We regret our inability to document the degree of "non-clinical" hunger because our lack of definite quantitative proof contributes to a climate in which policy discussions become unhelpfully heated . . ."

The only hard information in Sandra Alfonso's life is the knowledge that each month there won't be enough food to last all 30 days, that after three weeks her children will be able to eat only through the kindness of someone else. She is not starving, at least in a medical sense, but her life is one in which much of the food that many Americans take for granted is not even a remote possibility.

She moved again two weeks ago, to a small apartment only a few blocks from the concentrated affluence of the Omni. It's one long room, actually, divided with 8-foot sheets of plasterboard that don't reach the ceiling. The dividers slice out two small bedrooms, each only big enough for a dresser and bed and to turn around in. It's $260 a month. The bare bulbs hang from exposed wires, and pipes from the upstairs make the bathroom an obstacle course. But it's still cheaper than her old place a few blocks further north. They were paying $275 for it.

"That's 15 dollars I can save," Alfonso said, "and 15 dollars can buy a lot of food for my kids."

Each month, she receives $315 in welfare payments and another $171 in food stamps. Making out a budget on that kind of money is relatively simple: rent, food and whatever is left goes to pay whatever part of the utility bill she can. Her apartment came with a gas stove, but she uses a hot plate that has only one burner working. "It's not so bad," she says, "you just have to start getting things ready real early." There simply wasn't enough money to get the gas turned on.

Sandra Alfonso came to America from El Salvador 15 years ago, a quiet 17-year-old girl who had seen a picture of the United States once in a book and begged her mother to let her come see it for herself. They'd made a deal—if Sandra finished the sixth grade, her mother would let her come to America. She landed in New York in November of 1968, a place that still makes her smile. A month later she met Jose Alfonso. They were married before spring. Jose Jr. came two years later. Sandra and the two

babies were born in Miami, after Jose had driven down on a lark with friends. She left him three years ago, when she was pregnant with Elba, the little one.

The average welfare assistance in America allots 46 cents to feed each member of the family at every meal. Alfonso has only about two-thirds of that to work with, making things stretch by serving one meal a day to everyone except the babies. She tries to serve meat once a week—ground beef or chicken—and occasional treats. The children, like kids everywhere, don't like vegetables, but they're too expensive for the Alfonso family anyway. She buys only a few carrots from time to time to stick in soup with potatoes.

When her food stamps run out around the third week of the month, she is luckier than many others. Some people buy popcorn when their food stamps run out, which fills up the stomach and fools it until the first of the month. Others buy only bread. But Alfonso has credit at one of the small Spanish groceries that dot neighborhoods around here. It is a trade-off: In exchange for shopping in a place where the prices are higher, she gets credit at the end of the month when there's nothing left to eat.

"So I have to go to the Spanish stores. They are good people, but I have to keep buying things to keep getting the credit. What I do is save a little bit back each time I go. That way I can also go to the Grand Union and buy something like milk."

She is a methodical shopper: She buys whatever is the cheapest. Rice comes in 15-pound sacks. "Welfare mothers are the best budget managers in the country," said Mae Bryant of HRS. "They have to constantly think and juggle because what they have is never enough. They're always thinking, 'This month I pay the light bill and then skip it next month so I can pay the phone.' No one realizes how much stress there is living that way."

Alfonso said she tries from time to time to find odd jobs, part-time work that won't take her too far from the neighborhood. It's been three years since she worked a steady job, caring for an elderly woman on the Beach who eventually moved back up north. "I like working, I like making money," she said, "and no one wants to stay around all day."

There have been a few things since, such as selling cosmetics door-to-door for a friend, but nothing that lasted more than a few hours or days. The main problem is a familiar one to poor women: There are few places to leave the children during the day, and almost no job for which they are qualified pays enough to hire a babysitter.

"I don't worry about me," she said. "God is with me everywhere I am. But I worry about the children. I worry about them being in this neighborhood. I don't let them play outside, only at school. I worry at the end of the month when there is no food and I can't get a dollar to pay for something to eat. So I pray to God a lot. I go to my church on Tuesday and Thursday and Sunday, and I pray that my children will have a life.

"But I don't think this will ever end. I don't think it will ever get better. I won't be able to give my kids anything more than what they have right now. I won't ever have money to buy them things. What I hope will happen is that my children will grow up and get jobs.

"They'll grow up and be working and, when they do, one of them will want to take in the old woman who is their mother and take care of her."●

ADVANCE NOTIFICATION: PROPOSED ARMS SALES

● Mr. PERCY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that 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, 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 two such notifications have been received, which I submit for the RECORD.

Interested Senators may inquire as to the details of these advance notifications at the office of the Committee on Foreign Relations, room SD-423.

The notifications follow:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., February 9, 1984.

In reply refer to: I-00999/84.

Dr. HANS BINNENDIJK,
Professional Staff Members,
Committee on Foreign Relations,
Washington, D.C.

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 tentatively estimated to cost in excess of $50 million.

Sincerely,

PHILLIP C. GAST,
Director.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., February 8, 1984.

In reply refer to: I-00073/84.

Dr. HANS BINNENDIJK,
Professional Staff Members,
Committee on Foreign Relations,
Washington, D.C.

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 tentatively estimated to cost in excess of $50 million.

Sincerely,

PHILLIP C. GAST,
Director.

THE GOOD SAMARITAN VOLUNTEER MILEAGE BILL

● Mr. ARMSTRONG. Mr. President, is Government policymaking voluntarism a luxury that few Americans can afford?

This question, Mr. President, was posed at a congressional hearing and struck with lightning bolt force. Lightning then struck twice when the answer came back loud and clear: Yes, Government policy does discourage voluntarism.

To reverse this policy, Senator DAVE DURENBERGER and I are introducing the Good Samaritan Volunteer Mileage Act.

The facts are indisputable. Though social needs are greater than ever, fewer and fewer Americans are financially able to deliver meals to shut-ins, visit the sick, take scouts on camping trips, drive a cancer-stricken child to daily treatments, or help conduct the local special Olympics.

This decline is at least partly the fault of Federal tax policy which prevents proper reimbursement for volunteer costs. Although costs of owning and operating a car exceed 24 cents a mile, volunteers can deduct from their taxes only 9 cents for each volunteer mile driven, or about one-third of the actual costs.

The result? Americans no longer just volunteer; they have to pay to volunteer.

The good samaritan volunteer mileage bill Senator DURENBERGER and I are introducing will correct this problem. It is simple. Volunteers would be able to deduct the same mileage costs as businessmen and Government workers, who use cars in their work—20 cents a mile.

The justice of this bill is clear. Consider the following cases: A State volunteer director attends a week-long volunteer convention in Hawaii. As long as most of the day is spent in volunteer meetings, the trip—airfare, meals, lodging, sightseeing, et cetera—is fully deductible. When the director returns, and resumes work driving about the State coordinating volunteer activities, only 9 cents a mile is deductible.

A Salvation Army volunteer who comforts the sick can deduct only 9 cents a mile for driving to the hospital. Yet a salesman calling on that same hospital to sell medical supplies not only earns a salary but deducts 20 cents a mile from his Federal tax return.

A Red Cross volunteer reporting to a disaster shelter during a flood is allowed by the Federal Government to

deduct only 9 cents a mile to get there. Yet a paid employee of the Federal Emergency Management Agency is reimbursed 20 cents a mile to drive to the same shelter.

Or consider neighbors who band together to establish neighborhood citizen watches to patrol their streets. They can deduct only 9 cents a mile, but a security guard hired to patrol the same neighborhood can deduct 20 cents a mile.

Or consider the chairman of the Denver chapter of the American Red Cross who each year drives more than 2,300 volunteer miles. Though he is allowed a deduction of only 9 cents a mile, the actual cost for owning and running his car exceeds 25 cents per mile.

More than 92 million Americans volunteer their time, services, skills, and cars to help the needy, the victims of natural disasters, the homeless, the sick, the imprisoned, the homebound. The total value of these services exceed $64 billion, according to the Gallup organization.

These volunteers are essential to our national well-being. Without them, there is a real question about whether our less fortunate could even survive. Neighbors helping neighbors is an American tradition; it is something that the Federal Government should encourage, not tax.

But voluntarism is becoming a luxury that too few Americans can no longer afford because Federal policy is horribly out of date.

The volunteer mileage deduction became law in 1958. Then the deduction was 7 cents a mile, gasoline sold for 29 cents a gallon, and oil was 15 cents a quart. Today, gasoline costs upward of $1.29, and oil exceeds $1 a quart—increases of more than 300 percent and 500 percent.

And what can volunteers deduct for their mileage?

Only 9 cents a mile, just a 28-percent increase in 25 years.

It is no surprise, then, that volunteer leaders report their frustration in trying to recruit and retain volunteers and their cars:

The Junior League of Denver reports a sharp drop in school volunteers, especially in low-income urban areas where mothers must drive crosstown to reach their children's schools.

The director of the Colorado Office of Voluntarism reports that three seniors programs are threatened because the low mileage deduction allowed by the IRS make it impossible for seniors to fit volunteer work and expense into their budgets.

The District of Columbia retired senior volunteer program reports that "volunteers are unable to continue volunteering as a result of high costs of driving their car."

Contact, a youth community communications hotline in Syracuse, N.Y., reports increasing resistance from volunteers to requests for participation in workshops away from volunteers' homes.

Montgomery County, Md., reports a dramatic decrease in willingness of volunteers to provide cars to deliver services. It is so serious the county is considering loaning county cars to volunteers, at considerable expense to the county.

These and other case histories underscore why this legislation is urgently needed. High gasoline costs and the refusal of the Federal Government to allow volunteers on adequate deduction for mileage costs in computing their Federal income taxes jeopardize the quality—and in some cases, the very existence—of many vital volunteer programs.

Congress should not want responsibility for the decline in voluntarism.

To help the spirit of voluntarism to prosper, I urge quick enactment of the good samaritan volunteer mileage bill.●

TAX REFORM

● Mr. SYMMS. Mr. President, in my 12 years in the Congress, I have learned that it is very difficult to reform years of bad policy and Government excess. Nevertheless, reform can be achieved—excesses can be redressed.

We are paying for our excesses today. And we will continue to pay for our excesses as long as we continue to borrow against the future. With bracket creep, we have continued to increase the tax burden for Americans. Now we tax away more than 20 percent of our gross national product. Spending has also increased sharply, to 23 percent of the GNP in 1980. We accomplished this dubious record by milking the middle-income taxpayer. Ignoring the tax burden we had heaped on him, ignoring the high cost of living, ignoring the middle-class contribution to the Nation's wealth—Congress allowed taxes to rise through bracket creep. This was far worse than taxation without representation; it was Government by autopilot.

Then, as inflation hit the double-digit rate, something else happened—our taxing and spending policies began to affect not just the middle class, but the less fortunate as well.

Elder citizens were severely penalized for years of frugality and thrift. Young people and minorities were beginning to land their first skilled jobs, becoming better off than they had ever been before. Then the double blows of bracket creep and inflation took away any gain.

In short, Congress had turned the rationale for incentive inside out, making a cruel joke out of every pay bonus.

Well, we finally did something about bracket creep. We killed it. Beginning in January 1985, indexing will restore incentives; once again, pay bonuses will actually mean something. And the beauty of this major tax reform accomplishment is that it is extremely unlikely that any Congress will be able to summon the arrogance necessary to repeal the indexing of our taxes. Such a Congress would have to withstand a firestorm of open outrage and popular indignation unprecedented in recent times.

I mention this to remind ourselves that there are victories in Washington, that destructive economic and tax policies can be changed. Mountains can be moved if enough of us push hard enough, long enough.

Mr. President, I ask that an article by Robert W. Merry in the December 7, 1984, edition of the Wall Street Journal be printed in the RECORD.

The article follows:

[From the Wall Street Journal, Wednesday, Dec. 7, 1983]

THE '81 TAX BILL'S LONG-TERM RETURNS

(By Robert W. Merry)

WASHINGTON.—I took over this newspaper's coverage of tax and budget legislation in early 1980, just as the country's ruling Democratic Party, panicking over a collapsing bond market and an approaching election, mounted a rare assault on the large budget deficits plaguing the government. The assault failed.

I now leave that assignment after covering the effort of Sen. Robert Dole and other Republicans to mount an attack on today's deficits, far larger than anyone dreamed possible four years ago. That effort also failed.

And every effort in between has failed. Nothing changes, it would appear.

But appearances are wrong. In fact, a great deal has changed during the years I've beheld the spectacle of Congress grappling with fiscal policy. The debate and balance of political power surrounding the issue of taxes and spending have been transformed entirely, and probably for a long time to come. Democrats, once predominant on the issue, have lost control of it. Tax increases, once automatic and hidden, now must be enacted in specific detail and in the open. And the White House, once limited in influence over such issues, seems to be emerging with enhanced power.

BACK TO THE 1970'S

The key to all this was the electoral earthquake of 1980 and Ronald Reagan's remarkable political success in curbing the country's tax-burden growth even in the absence of commensurate spending-growth curbs. This policy is best exemplified by tax indexing, the plan to expand tax brackets with inflation so Americans won't find themselves pushed into ever-higher brackets as their incomes rise along with prices. That plan is scheduled to take effect Jan. 1, 1985, and it increasingly appears that critics won't be able to marshal enough support to repeal it or scale it back before that date.

To understand the significance of indexing, it's necessary to go back to the 1970s, when inflation began its insidious attack on the nation's economy. The result was automatic revenue windfalls for the government

and great political flexibility for those in Congress inclined toward more and greater spending programs.

Throughout the 1950s and much of the 1960s, the nation's tax burden, as a percentage of the gross national product, had fluctuated between 17% and 18.5%. By the early 1970s, it began creeping up to about 19%. Then came the mid-1970s and ever-higher inflation. Taxes shot up to 19.5% of GNP in fiscal 1974 and stayed above that level thereafter, except for one year. The tax burden reached 21.9% in fiscal 1981, and President Carter's fiscal-1982 budget projected it to rise to 22.7% by fiscal 1983.

Three important facts attended this development. First, Congress never really voted for this tax-burden growth. While some "tax reform" measures of the 1970s did expand the tax base by eliminating certain tax preferences—provisions that favored business, the wealthy or other groups of taxpayers—most revenue measures passed in this period actually were billed as tax reductions. Taxes were rising through "bracket creep."

Second, when Congress did enact so-called tax reductions, it generally gave more relief to lower-income Americans. Tax-relief measures generally were aimed at those earning less than $15,000 to $20,000 a year. Those earning more than $30,000 or so were considered well off and got much less relief. Meantime, bracket creep, intertwined with Congress's tax action, increased the progressivity of the tax code in ways that greatly increased the tax burden on the middle class. These same people also shouldered a substantial share of the big Social Security tax increases enacted in 1977.

Third, this growing tax burden never closed the fiscal gap, never brought the government close to a balanced budget. As government receipts rose, government spending rose even more. By 1980, total spending reached 23% of GNP, compared with a range of 17% to 19.5% during the growth years of the 1950s and the 1960s. As a consequence, President Carter's tax projections rose inexorably so he could redeem, at least on paper, his promise of eventually balancing the budget.

In retrospect, it seems inevitable that such policies would be rejected; more and more ordinary Americans felt they were getting little sympathy from Washington politicians as they struggled to keep their after-tax income abreast of inflation. The result was that the Democrats lost much of the middle class—and hence their mandate to rule.

Enter President Reagan and a fresh crop of Senate Republicans hell-bent on slashing the nation's tax burden. When the dust settled after the tax battles of 1981 and 1982, the president had succeeded in reducing the burden substantially. Mr. Reagan's projections call for an annual tax burden of 19% to 20% of GNP after economic recovery erases the effects of recession on tax receipts. By contrast, President Carter foresaw persistent tax-burden figures near 23%.

What's more, there won't be any more automatic revenue windfalls for the government. They will be eliminated by the 1981 law that indexes tax brackets. If Congress wants more revenue, it will have to vote for new measures and take the political heat.

This fact carries profound political significance. No longer can politicians dispense political favors without regard to the tough questions of spending-and-revenue trade-offs. Representing back-home constituencies will become much more difficult and much less fun—but probably more responsible.

This remains only dimly perceived by many on Capitol Hill. As the significance of tax indexing began to seep into the congressional consciousness, many simply assumed that it would be repealed, just as the president's individual income-tax cuts were expected to be scaled back. But it now seems apparent that that won't happen, for the simple reason that it would set off that middle class that, battered and angry in 1980, fostered this tax-policy revolution in the first place.

In fact, many Democrats were skittish when House Speaker Thomas P. O'Neill sought to scale back this year's individual tax-cut installment, beginning with taxpayers earning $40,000 to $50,000. Connecticut's Rep. Barbara Kennelly, a Democrat with well-honed political instincts, noted at the time that a two-income family living on $50,000 with two children in college and a 12% mortgage probably doesn't consider itself very well off at all. And many young House Democrats are warning their leaders that attacks on tax indexing would fall unacceptably hard on lower- and middle-income Americans. Tax brackets are narrower at those income levels, and inflation pushes those taxpayers into higher brackets much more quickly. As for Republicans, "it's Holy Grail for us," says a top GOP House staff official.

Thus, indexing seems to have arrived, bringing with it some big implications. Among them:

Experimental economics: Although there's widespread skepticism about supply-side predictions that economic growth spurred by Mr. Reagan's tax cuts can slash deficits, that proposition now seems destined for a genuine test (depending, of course, on the nature of monetary policy in coming months). The Reagan tax cuts won't be obliterated by Congress before they have a chance to have some of the impact predicted by supply-siders. And to whatever extent they do have impact, that will reduce the need for future tax increases.

Tax-Spending Trade-offs: Bereft of automatic tax increases, congressional friends of various spending interests will find themselves in an entirely new political game. They may win some revenue-raising concessions in order to protect some pet programs, but almost certainly they will have to give up some other spending in exchange. The balance of political power, once held by spending advocates, is now much more evenly divided between spending and tax-cut advocates, with tax-cutters clearly holding the edge as long as they hold the White House. Already, in fact, we see a dearth of new spending measures getting serious attention in Congress.

Institutional Changes: The administration actually could get even more leverage over Congress as lawmakers come to grips with the distasteful choices they will face on fiscal matters. One way to escape the political whipsaw is to dump more responsibility on the president, to give him greater power to rescind congressionally mandated spending. This seemed laughably impossible a few years ago; it's now being discussed more seriously than ever, and many lawmakers see growing support for it.

Tax Reform: When Congress does more to raise revenues, it probably will follow the 1982 course and pare down tax preferences before attempting to take back the broad-based tax-rate cuts enacted in 1981. It won't be easy: The corporate and other special interests, with their high-priced lobbyists and special access to Congress, may look back on the big 1981 bill, that catchall of tax goodies, as their greatest hour. But taking on some of them surely will be more palatable than raising the ire of that tax-weary middle class. Thus, Congress may be headed toward a synthesis of the tax-preference hostility of tax-reform advocates and the rate-reduction advocacy of supply-siders.

All this certainly is not to suggest that these developments will lead to a balanced budget any time soon. Nearly four years of covering fiscal legislation does not exactly breed political naivete. But it is to suggest that the Reagan revolution is just beginning to be felt politically by a Congress in the grip of tax and spending decisions amid huge projected deficits. From now on, fiscal battles will be fought on an entirely new battleground.●

SOVIET JEWRY

● Mr. MOYNIHAN. Mr. President, one frequently hears reference made to "doublespeak," George Orwell's fitting characterization of the deliberate distortion of the meaning of words to the point where they serve not to convey ideas or information but rather to obscure and to deceive.

As my colleagues know, for many years the Soviet Union has been embarked upon a sustained propaganda attack against the legitimacy of the State of Israel, a campaign in which doublespeak has been raised to levels of state policy. In this, as I have stated, Israel serves as a metaphor for the West. Israel's very right to exist as a sovereign nation has been challenged frequently through attacks on Zionism, and the institutions of the Israeli Government.

Incredibly, Pravda, the official voice of the Soviet Communist Party, has gone so far as to accuse Zionists of complicity with Nazi atrocities against Jews during the Second World War. The thinly disguised anti-Semitism of the Soviet Government, and its simple-minded mendacity in respect thereof, is nowhere more blatant than in an article published in Pravda on January 17. It is attributed to one Vladimir Bolshakov, a professional propagandist whose particular specialty seems to be the discrediting of Zionism as racism.

In the course of one medium-length article, Bolshakov manages to equate Zionism with racism, fascism, and nazism.

In the Pravda article to which I have referred, Mr. Bolshakov asks: "How can there be any question of anti-Semitism in the U.S.S.R.—a country where the propaganda of racism and national enmity, including anti-Semitism—is forbidden by law?"

The facts reveal this outrageous claim for what it is.

Recently, the Greater New York Conference on Soviet Jewry announced that in the course of 1983 only 1,314 Jews were permitted to emigrate from the Soviet Union. This is

the lowest level of Jewish emigration in 20 years, and it represents a 98-percent decline from the 51,320 Jews who left the Soviet Union in 1979.

I would like to have printed in the RECORD at this point a table detailing the emigration levels for the months of 1983 in comparison to previous years.

The table follows:

JEWISH EMIGRATION FROM THE U.S.S.R.

	1979	1980	1981	1982	1983
January	3,722	2,803	850	290	81
February	3,837	3,023	1,407	283	125
March	4,418	3,049	1,249	289	101
April	4,296	2,469	1,155	288	114
May	4,163	1,976	1,141	205	116
June	4,358	1,767	866	182	102
July	4,068	1,205	779	186	167
August	4,711	770	430	238	130
September	4,663	1,307	405	246	135
October	4,746	1,424	368	168	90
November	4,193	789	363	137	56
December	4,145	889	434	176	97
Total	51,320	21,471	9,447	2,688	1,314

Source: Figures provided by the Greater New York Conference on Soviet Jewry.

Mr. MOYNIHAN. The Soviet Government—and the officially sanctioned Anti-Zionist Committee established last April—would like the world to believe that the majority of Jews who may have wanted to emigrate have now done so. This is not the case.

There are today in the Soviet Union, as best as can be determined, some 3 million Jews. Of these, more than 400,000 have begun the tenuous and dangerous process of applying for exit visas. Those daring to apply for visas are subject to KGB harassment that includes physical intimidation, dismissal from jobs, and threats of imprisonment.

Virtually all Jews are discriminated against in the Soviet Union. One is not permitted to learn Hebrew or to teach classes on religion. Jews do not win admittance to university, or to responsible positions in government or society. Those who in these circumstances therefore desire to leave are mercilessly persecuted. These are facts.

During 1983, Soviet authorities increased already strong pressure on Jews who wished to express themselves religiously and culturally. Hebrew classes are disrupted, prayer services are dispersed—Jews in the Soviet Union are not able to celebrate the religious holidays central to their faith. An ominous illustration of the heightened pressure on observant Jews is the harsh sentence given to Iosef Begun by a Soviet court on October 14. Begun, whose offense was to desire to emigrate and his effort to teach the Hebrew language, received the maximum sentence of 12 years—7 years in prison and 5 years in internal exile.

Begun's harsh sentence is in return a grim reminder of what Soviet authorities had earlier done to Anatoly Shcharansky, a leader of the Jewish cultural movement in the 1970's. Shcharansky, falsely accused of espionage on behalf of the United States and sentenced in 1978 to 13 years, has suffered in labor camps and is now imprisoned in the notorious Chistopol prison. His family fears that he is gravely ill and is not receiving proper medical care—they fear for his life.

In December, the fate of Iosef Begun, Anatoly Shcharansky, and other Soviet Jews became even more uncertain as the Soviet Government imposed a new law permitting prison officials to extend by up to 5 years the sentence of prisoners who allegedly disobey or oppose labor camp authorities. The new measure, article 188-3 of the Criminal Code of the Russian Republic, went into effect on October 1, 1983. The measure is a weapon to be used against Soviet dissidents who continue to refuse to renounce their causes while incarcerated.

When Pravda asks, "How can there be any question of anti-Semitism in the Soviet Union?" the free world must resound with the names of Anatoly Shscharansky, Iosef Begun, Ida Nudel, Levi Elbert, and the thousands of other Jews in the Soviet Union, who suffer especially because they yearn to leave.

In 1984 doublespeak must not deceive us. For if we do not speak out for human rights—for the basic rights of Soviet Jews—we permit the Soviet Government to deceive the world. The definition of truth begins to fade and we find ourselves in a world where human rights have no meaning. The world George Orwell described.●

AMNESTY FOR ILLEGALS

● Mr. EAST. Mr. President, the American people want our immigration laws enforced. They do not want Congress to capitulate to this invasion and grant amnesty to millions of illegal aliens.

No one knows what the cost of amnesty will be. However, one thing is certain, we could double the entire budget of the Immigration and Naturalization Service for a fraction of the added welfare costs of amnesty.

Victor Riesel, a distinguished columnist, warns in the February 18 issue of Human Events that "Amnesty for Illegals Could Bankrupt U.S."

I ask that his article be printed in the RECORD.

The article follows:

. . . AMNESTY FOR ILLEGALS COULD BANKRUPT U.S.

(By Victor Riesel)

Your personal calculator will explode unless it can reckon the billions of dollars it will cost the U.S. at a minimum before 1990 if all illegal aliens or "undocumented workers" are given full amnesty under the bills now being conjured in Congress.

Our country, with its wide-open borders, would lose some $150 billion before the century's final decade rolls in.

There's far more here than elephantine sums looted from ballooning entitlements by those who sometimes insouciantly enter our nation. The damage includes the cost of American and legal aliens displaced from their jobs by the "undocumented" ones. It's estimated that 65 legitimate workers are bumped from their employment by every hundred illegals who are smuggled or simply wander in.

I've been on this illegal-alien story since Jimmy Carter's theoreticians beatifically dubbed the newcomers "undocumented workers." I've discovered that even those most knowledgeable in law enforcement areas and universities aren't certain how many illegals there are, how many come in annually or how many treat themselves to the entitlements ranging from food stamps to Medicaid.

The lowest estimate puts working illegals at 5.5 million. The moderates place them at 12 million. And the specialists who pore over computer inputs and printouts will wager there are more than 20 million.

This does not reflect on our border patrols or the Immigration and Naturalization Service. What force can round up the tens of thousands who sneak in monthly? Each illegal can be outfitted quickly and supplied with a full set of his or her documents for as little as $25 to $100, depending on the locale.

The Social Security Administration tries. It issues about 12 million cards yearly. And 200,000 of them go to legal aliens who are prohibited from taking jobs in this country. The cards are needed for bankbooks, stockholders registration, driver's licenses, university enrollment and all sorts of payments.

However, only a small number of these account for false identity capers. But cards are lost or passed on by some who leave the country. Yet in the next five years there will be about a million of them around.

What did confound even a coordinated group made up of U.S. agency experts is the impossibility of tourniqueting the flood of false identity papers. Only an identity card, carefully devised of material which would be almost uncounterfeitable, could do it. But there are strong forces opposed to such "ID"—though such tickets are mandatory in many nations.

A dramatic report comes from a Rice University (Texas) study that concludes that illegals displace American workers who in turn cost the nation some $25 billion annually. This loss spurts from the payment to the jobless of unemployment compensation, the drop of income tax from the displaced, and lowering of tax revenue because the "undocumented workers" frequently are paid under the table and take less on the record for the IRS.

The tragedy is that some of the legal aliens and a citizenry edged out of work by the newcomers stay on the unemployment list for lengthy periods. This adds to the cost of production because the employer's unemployment compensation rates covering his entire work force increase. This upward adjustment is usually permanent.

Exactly how many of our people are disemployed by "undocumented workers" can't be counted because the number of illegals is estimated from five million to 20 million. Some of them reportedly commute. They come. They buy false identities. They save sufficiently to return home. They visit their families on a line from Mexico to Hong Kong and then slip back in.

They especially hurt our minority workers—many blacks, Hispanics and others who are in apparel shops, "factories-in-the-fields" (agricultural employment), and in hotels and restaurant kitchens.

This adds more jobless to welfare and Medicaid rosters. And if the "undocumented workers," with their forged papers, are senior citizens, it pumps up Social Security and more swiftly empties the Medicare fund.

Add to this the steady dispatch of dollars abroad by the illegals. This is cautiously estimated at about $3 billion yearly. It increases our rocketing foreign balance-of-payments deficit. Surely the monies are needed by families abroad.

But what of our own workers desperate for the dollars here? What of the difficulty to trace fakery of those in our entitlement programs whose checks are sent abroad and who suddenly develop wives and other dependents? The General Accounting Office has probed that one.

Yet the Congress is prepared to enact a general amnesty law. Why? The cost of this is judged by the Office of Management and Budget (OMB) at $2 billion to $3 billion annually during the next five years. This would spring from the entitlements which newly legalized aliens would acquire.

It doesn't include the annual loss of billions of dollars from those pushed from their jobs by illegals. The OMB's figures are the most cautious.

Why should the "undocumented" ones be granted anything if they've been here only a few years and have hurt our own workers? Why should the taxpayers have to make up about $30 billion a year? Amnesty, unless limited, isn't charity. It's masochism.●

WE NEED MORE MAYORS LIKE AL McCLUSKEY

● Mr. SYMMS. Mr. President, back in my hometown of Caldwell, Idaho, we have a very interesting and hard-working mayor named Al McCluskey. Mayor McCluskey does not wait for things to happen; he makes them happen. He does not wait for Uncle Sam to solve the city's problems; he takes the initiative and encourages the citizens of Caldwell to do the same.

The Idaho Statesman, in a recent editorial, called attention to several of Mayor McCluskey's especially imaginative ideas and proposals such as punishing drunken drivers by putting the letters "DUI" on their license plates, and organizing a Mexican-American Advisory Council to promote better relations between Hispanics and Anglos in Caldwell.

Some of his ideas cannot actually be applied to a given situation. But Mayor McCluskey at least is trying to find solutions to Caldwell's problems in Caldwell, instead of looking to Washington with his hopes high and his hand out. We need more mayors like him in Idaho and every other State.

Mr. President, I ask that the Idaho Statesman editorial, "There's Life After Red-Eyed Pete," be placed in the RECORD.

The editorial follows:

THERE'S LIFE AFTER RED-EYED PETE

No matter how you feel about Caldwell's potential for becoming a booming retirement community, you have to hand it to Mayor Al McCluskey. He keeps coming up with interesting ideas.

The latest from Caldwell's inimitable chief executive is his proposal to promote the city as a place for retirees to settle. McCluskey talks—enthusiastically, of course—about Caldwell's peaceful nature, medical facilities, recreational opportunities and good climate.

Whether McCluskey will succeed remains to be seen, but he already has shown that he is willing to play his hunches and try his ideas—apparently without worrying unduly about testing the political wind aforehand.

McCluskey has floated a lot of ideas in his three years as mayor. He proposed punishing drunken drivers by putting the letters "DUI" on their license plates. He came up with a scheme to generate power by installing a turbine in Indian Creek. He organized the Young Adult Advisory Council so that juvenile first-offenders could stay out of court by appearing for retribution before a group of residents. He organized a Mexican-American Advisory Council to try to promote better relations between Hispanics and Anglos in Caldwell.

And, most recently, he amused the whole valley by promoting the whimsical funeral of Red-Eyed Pete, the traffic light that used to hang at the intersection of Fifth Avenue and Interstate 84.

Not all of McCluskey's ideas will pan out, but the important thing is that he keeps plugging away. Idaho could use more like him.●

ROY RICHARDS

● Mr. MATTINGLY. Mr. President, I should like to congratulate Mr. Roy Richards, president and founder of Southwire Co. in Carrollton, Ga., for being named Copper Man of the Year for 1984. Mr. Richards is the first copper fabricator to receive this honor.

Mr. Richards was the driving force behind the development of the continuous casting of copper rod in 1963, a process that revolutionized the copper industry and advanced his small west Georgia wire mill into the international marketplace. Today, 60 percent of the copper rod made in the free world is on continuous casting machines designed by Southwire Co.

It is, indeed, an honor for me personally and on behalf of the State of Georgia to recognize Mr. Richards' outstanding achievements. I hope that other fine Georgians continue to follow Mr. Richards' pursuit of such fine technological advances.●

SENATOR BRADLEY, A TEAM PLAYER

Mr. BYRD. Mr. President, in today's Washington Post, there appears an article on our colleague, the senior Senator from New Jersey (Mr. BRADLEY). Though the article concerns Senator BRADLEY's career as a professional basketball player, it touches on those qualities which have made Senator BRADLEY a successful Senator as well. These include his ever-ready willingness to work as a team player and his disciplined dedication to the task at hand, whether it be perfecting his basketball skill or mastering the many duties which make up a Senator's day. I congratulate the distinguished Senator on the honor he received as of last Saturday night in New York. If other Senators have not noticed it, I call attention to the article entitled "Bradley: Team Player Gets Singular Honor." I would like just to read a sentence or two, as follows:

No. 24 belongs to the ages now. It hangs high above the Madison Square Garden floor, with No. 19, No. 22 and No. 10. Up there for generations to remember with affection. Four jerseys from the——

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

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

BRADLEY: TEAM PLAYER GETS SINGULAR HONOR

(By Tony Kornheiser)

NEW YORK.—No. 24 belongs to the ages now. It hangs high above the Madison Square Garden Floor, with No. 19, No. 22 and No. 10. Up there for generations to remember with affection. Four jerseys from the greatest team I ever saw, the New York Knickerbockers of 1969 to 1973: Reed's, DeBusschere's, Frazier's and now Bradley's. Camelot's team. A team of truth and beauty, a team of all for one and one for all, a team whose whole was always greater, than the sum of its parts.

On Saturday night, a man who has spent his adult life in public view, a man of discipline and accomplishment, a fine and good man in rare position to become a great man, warmed himself in the brilliant sun of gratitude. As 19,591 fans—including former teammates like Dave DeBusschere, Earl Monroe, Jerry Lucas, Phil Jackson, Cazzie Russell, Dick Barnett and Dave Stallworth—cheered lustily, Bill Bradley, once a small forward and now a U.S. senator from New Jersey, was awarded the ultimate athletic honor, having his uniform retired.

"I remember years ago," Bradley told the crowd, "after a game in Chicago, a man coming up to me and asking me, 'Do you really like playing ball?'

'Yes, yes, I do,' I told him.

" 'I think I know what you mean,' he said. 'I used to play the trumpet in a band. We were good. So good that we got offers to tour, the others wanted to do it, but I didn't.'

" 'Why not?' I asked him.

" 'I guess because it didn't fit in my life's plan. It didn't seem secure. So I went to law school instead.'

" 'And do you like the law?' I asked him.

" 'Yes,' he said. 'But not like playing the trumpet.' "

A week before the ceremony, Bradley sat in his Senate office and spoke about the honor about to come. "I first heard about it last summer," he said. "I kind of felt like, well, okay." He waved his arms in an embarrassed manner. "I'd had some second thoughts about it. Part of me said, 'I don't think I should have it retired until after

Monroe, maybe even Barnett.' Part of me asked the question: 'Do you deserve this?'

"But ultimately, I said that's for others to judge, whether I do or I don't. Do I feel like I was a contributing member of that group? Yes. Do I feel like I played a significant role? Yes. So the more I thought about it, the more I felt very sentimental about it, the more I liked it.

"But was I great?" Bradley considered the question fully; he never averaged more than 16 points per game in 10 pro seasons, his career average was under 13 points per game. "No, I don't think I was great—not if you define great through points. But if you define it in different terms it becomes more complex. In the pros I really had to sense what my role was; I had to be much more subtle than in college."

He smiled at the sense of what he'd done, how he'd changed, who he was. "That's why this means so much to me. Because it's done within the concept of the team. There was an element of truth to that team.

"It wasn't that we won, but how we won. We did it in a way that energized everybody. The crowd was a part of it, and we were a part of it individually and as a whole. We were all breathing in at the same moment, all exhaling at the same moment. Maybe in one game, or a two-of-three, we might be overpowered. But if the series lasted long enough, we'd have found a way to win."

If he chose, Bradley could paper the walls of his office with photos that give testimony to his athletic prowess. Instead, he has hung only two. One was taken at the buzzer ending the dramatic seventh game of the 1970 championship series against Los Angeles, in which Bradley's clenched fists are halfway to heaven. And the other, taken seconds after the Knicks' 1973 championship clincher against those same Lakers, in which Bradley has jumped into Reed's arms, basketball's version of the famous Don Larsen-Yogi Berra moment of ecstasy.

It is instructive that Bradley, not given to public passion, should declare these photos his personal favorites.

"The elation, the emotional release, the sense of accomplishment, the sense of joy," Bradley said, smiling as much at what they say to him as what they say about him. "I guess those are the peak moments."

He seemed slightly embarrassed at his uncharacteristic emotional expansiveness, but the lesson outweighed the risk. "What kept me playing," he said, "were the experience of those peaks, he wanting to have them again, and those moments when things worked together correctly—the backdoor play; the pass that leads to the pass that leads to the basket; the sense that somehow or other things were right, the group meshed."

All for one, one for all.

"Those moments," Bradley said, satisfied that indeed the Knicks had managed to catch the wind, "those moments have an inexorable rightness to them."

When he left professional basketball in 1977, Bradley left for good. Unlike so many athletes who suffer withdrawal pains and cannot adjust to a life beyond the playing fields, Bradley never looked back in longing. Not since then has he played a game of basketball. No full court. No half court. Not even one-on-one. What's done is done.

And yet there was a time last summer. Well, better to let him tell it:

"I had turned 40," Bradley said, "and for a present somebody had given me a tape of the seventh game of the 1970 championship. I took it home and played it for my 5-year-old daughter; it was the first time she'd ever seen me playing basketball. She knows Willis and Dave, and when she saw the tape she said, 'There's Mr. Reed.' I said, 'That's right. And there's Mr. DeBusschere.' She looked at the man I was pointing to and said, 'That's not Mr. DeBusschere. Mr. DeBusschere has gray hair.' "

Bradley chuckled. Age, you unrelenting thief, you.

"Anyway," Bradley said, "after I watched it, I really kind of got the itch. So I went down to a playground near the house and started shooting around. I went through my warm-up routine, the one I'd done since I was 14 years old. Only I didn't spend my usual three hours doing it, just 40 minutes. The first 10 minutes were just range finding. I went from spot to spot, trying to hit 13 or 15 in a row. I didn't do much jumping; I couldn't. But I found that you never really lose your shot, you just lose the ability to get your shot. You lose the ability to move and the ability to last. Tell you the truth, after I found my range, it felt terrific. The only problem was the next day."

Bradley's laugh was as rich as hot fudge.

"The next day my knees were aching."

Bradley went down to the court a few times after that. Once there were some kids shooting around, and they said to him, "Let's play." He was convinced they didn't know him. "How could they? I was just some older man shooting baskets in a playground."

Bradley declined the game. It wasn't part of his life's plan any more.

The trumpet stays in a case now, its lovely notes stilled. Perhaps forever. The song is gone, but the melody lingers on.

EXECUTIVE CALENDAR

Mr. BAKER. Mr. President, today's Executive Calendar on this side shows that nominations under the Department of the Interior beginning under New Reports and continuing on page 2, as well as nominations placed on the Secretary's desk in the Foreign Service, have been cleared for action by unanimous consent. May I inquire of the minority leader if he is prepared at this time to consider all or any portion of those nominations?

Mr. BYRD. Mr. President, the minority is prepared to proceed only with the two nominations on page 1 of the calendar.

Mr. BAKER. I thank the minority leader.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, that suggests that there is one nomination we can do at this time that has been cleared on both sides. That is Calendar Order No. 461, the nomination of Richard Thomas Montoya, of Texas, to be an Assistant Secretary of the Interior. I ask unanimous consent that the Senate now go into executive session for the purpose of considering that nomination.

There being no objection, the Senate proceeded to the consideration of executive business.

DEPARTMENT OF THE INTERIOR

The PRESIDING OFFICER. The nomination will be stated.

The legislative clerk read the nomination of Richard Thomas Montoya, of Texas, to be an Assistant Secretary of the Interior.

Mr. McCLURE. Mr. President, the Committee on Energy and Natural Resources unanimously approved the nomination of Richard Thomas Montoya, of Texas, to be an Assistant Secretary of the Interior for Territorial and International Affairs on Thursday, February 9, 1984. A hearing to consider Mr. Montoya's nomination was held on Monday, February 6. I would like to express my strong support for the selection of Mr. Montoya to assume the role of Assistant Secretary.

Mr. Montoya is currently serving as Acting Assistant Secretary for Territorial and International Affairs, having previously served as Deputy Secretary. As such, he has demonstrated the ability and skills essential to serve effectively in the position for which he has been nominated.

Mr. President, on behalf of the Energy and Natural Resources Committee, I am pleased to recommend Senate approval of the nomination of Richard Thomas Montoya to be an Assistant Secretary of the Interior for Territorial and International Affairs.

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

Mr. BAKER. I move to reconsider the vote by which the nomination was considered and confirmed.

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

The motion to lay on the table was agreed to.

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

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

LEGISLATIVE SESSION

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

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

ORDER FOR RECESS UNTIL 10:30 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 10:30 a.m. tomorrow.

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

ORDER FOR RECOGNITION OF CERTAIN SENATORS TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that on tomorrow, after the recognition of the two leaders under the standing order, six Senators be recognized on special orders for not to exceed 15 minutes each as follows in this order: Senators JEPSEN, PROXMIRE, BAUCUS, ABDNOR, EXON, and HART.

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

ORDER FOR VOTE TOMORROW AT 2:30 P.M. ON S. 1765

Mr. BAKER. Mr. President, the request I am about to put now I believe is clear in all its components, but let me state it now for the consideration of the minority leader and other Members.

I ask unanimous consent that, at the hour of 2:30 p.m. on tomorrow, February 22, the Senate proceed to vote on the passage of S. 1765, the death penalty bill, and that paragraph 4 of rule XII be waived.

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

PROGRAM

Mr. BAKER. Mr. President, it is anticipated that, after the execution of special orders, there will be a brief period for the transaction of routine morning business, to be followed by a resumption of the consideration of the unfinished business, which is the death penalty bill.

Mr. President, it is the intention of the leadership on this side to ask the Senate to turn to the consideration of S. 52, which is Calendar Order 356, the career crime bill, after the disposition of the death penalty bill.

After the time for the transaction of routine morning business is completed, the Senate will resume consideration of the unfinished business, which is S. 1765, the death penalty bill. A vote on that measure will occur at 2:30 p.m. The leadership on this side has announced its intention to ask the Senate to turn to consideration of the career crime bill after the disposition of the death penalty bill.

DIVISION OF TIME ON DEBATE

Mr. President, the minority leader has suggested, and very properly so, that we allocate the time available for debate on the death penalty bill tomorrow. We do not know exactly when we shall be on the death penalty bill, but I would estimate that we can be on it by 12 o'clock, which will leave approximately 2½ hours for debate before the vote occurs at 2:30 p.m.

I ask unanimous consent that the time for debate on the bill tomorrow be divided on the ratio of 1½ hours under the control of the minority leader or his designee and 1 hour under the control of the distinguished chairman of the committee or his designee. Before the Chair puts that request, the meaning of the request is that if there is 2½ hours, it will be divided 1½ hours to 1 hour. If there is more time, the remaining time, if any, will be divided on the same ratio in order to assure equity on both sides.

I put the request.

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

THE IOWA CAUCUSES

Mr. BAKER. Mr. President, I wish to make this brief and somewhat facetious statement. Today is the day after the Iowa caucuses, and I am sure that Members on both sides of the aisle wish to congratulate the winners and commiserate with those who did not win, especially to point out that Senator HART will be with us tomorrow and will make a speech in this special order time. We will all be here listening. I cannot help but be a little nostalgic, Mr. President, in no way diminishing or disparaging the second place finish of Senator HART in Iowa. Three years ago I also was a candidate but on the other side of the ticket, and while Senator HART received 15 percent and was second and a great winner, I received 17 percent and was third and got bombed. So times do change according to the perspective. I congratulate Senator HART and assure him I will be there listening with keen interest to hear how he did that and to hear the latest report from the battle scene in Iowa.

RECORD TO REMAIN OPEN UNTIL 5:30 P.M.

Mr. BAKER. Mr. President, may I say to the minority leader that I know of nothing else to be done today. I am prepared to ask that the Record remain open today until 5:30 p.m., and if we have nothing else to transact, I put that request and propose then to ask the Senate to stand in recess.

Mr. BYRD. Mr. President, that will be fine.

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

Mr. BYRD. I thank the majority leader. I have nothing further.

Mr. BAKER. I thank the minority leader.

RECESS UNTIL 10:30 A.M. TOMORROW

Mr. BAKER. Mr. President, if no other Member is seeking recognition and the minority leader has nothing further, I move, in accordance with the order previously entered, that the Senate now stand in recess until 10:30 a.m. tomorrow.

The motion was agreed to; and at 4:31 p.m. the Senate recessed until Wednesday, February 22, 1984, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate February 14, 1984, under authority of the order of the Senate of February 9, 1984:

THE JUDICIARY

Harry L. Hupp, of California, to be U.S. district judge for the central district of California vice A. Andrew Hauk, retired.

Sarah Evans Barker, of Indiana, to be U.S. district judge for the southern district of Indiana vice Cale J. Holder, deceased.

IN THE NAVY

The following-named captains of the U.S. Navy for promotion to the permanent grade of commodore, pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

MEDICAL CORPS

Caudill, Robert Paul, Jr.
Sears, Henry James Tipp
Summitt, James Knox

SUPPLY CORPS

Whittaker, James Benjamin
Phillips, Robert Avery
Squibb, Rodney Kaye

CIVIL ENGINEER CORPS

Kelley, Frederick Guyer

DENTAL CORPS

Koch, Robert Wayne

IN THE NAVY

The following-named captains of the Line of the Navy for promotion to the permanent grade of commodore, pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

UNRESTRICTED LINE OFFICER

Johnson, Thomas James
Ailes, Robert Heber
Bump, Stanley Earl
Campbell, Norman Dean
Quast, Harry Stillman
Koenig, John Weldon
McGrail, Charles Reynolds, Jr.
Adams, John Warren
Palmer, Leslie Nelson
West, Ralph Whitaker, Jr.
Wheatley, Gary Francis
Loftus, Stephen Francis
Sharp, Grant Alexander
Clexton, Edward William, Jr.
Colley, Michael Christian
Taylor, Raynor Andrew Kent
Seesholtz, John Richard
Fox, Thomas Robert
Taylor, Jeremy Dolph
Schwaab, Denis Thomas
Less, Anthony Albert
Gentz, Richard Corbett
Rich, Roger Lee, Jr.
Cossey James Donald
Toney, Robert Lee
Pittenger, Richard Fay
Donovan, Francis Raymond
Gallo, Salvatore Frank
Zeller, Raymond Guy
Kersh, John McKay
Truly, Richard Harrison
Miller, Paul David

ENGINEERING DUTY OFFICER

Holloway, Lowell John
Horne, Roger Bigelow, Jr.

AERONAUTICAL ENGINEERING DUTY OFFICER

Friichtenicht, Richard Del
Kirkpatrick, John Henry

SPECIAL DUTY OFFICER (INTELLIGENCE)

Studeman, William Oliver

IN THE ARMY

The Army National Guard of the United States officers named herein for appointment as Reserve Commissioned Officers of the Army, under the provisions of title 10, United States Code, sections 593(a), 3385, and 3392:

To be major general

Brig. Gen. Joseph W. Griffin, [redacted].
Brig. Gen. Kenneth W. Himsel, [redacted].
Brig. Gen. William A. Jackson, [redacted].
Brig. Gen. Hubert M. Leonard, [redacted].
Brig. Gen. Lloyd M. Price, [redacted].
Brig. Gen. Ivan R. Smith, [redacted].

To be brigadier general

Brig. Gen. Alvin D. McArthur, [redacted].
Brig. Gen. Teddy E. Williams, [redacted].
Col. Ronald Bowman, [redacted].
Col. Charles D. Brackeen, [redacted].
Col. Billie J. Brinkley, [redacted].
Col. Lytle Brown III, [redacted].
Col. Donald Burdick, [redacted].
Col. Glen R. Chapin, [redacted].
Col. Richard L. Chastain, [redacted].
Col. Irwin K. Cockett, Jr., [redacted].
Col. Richard D. DeMara, [redacted].
Col. Norman E. Duckworth, [redacted].
Col. Carl G. Farrell, [redacted].
Col. James H. Garner, [redacted].
Col. Thomas R. Hearn, Jr., [redacted].
Col. Marion H. Kinon, [redacted].
Col. Howard I. Manweiler, [redacted].
Col. Bobby L. Matthews, [redacted].
Col. Amedeo C. Merolla, [redacted].
Col. Wafford H. Merrell, Jr., [redacted].
Col. William K. McDaniel, [redacted].
Col. Max V. McLaughlin, [redacted].
Col. Russell E. Summerlin, [redacted].
Col. Richard D. Sylvain, [redacted].
Col. David J. Thomas, [redacted].
Col. Mel C. Thrash, [redacted].
Col. Robert C. Thrasher, [redacted].
Col. George W. Treadwell, [redacted].
Col. Richard G. Weinberg, [redacted].
Col. Stanley J. Wilk, [redacted].

Executive nominations received by the Secretary of the Senate February 16, 1984, under authority of the order of the Senate of February 9, 1984:

DEPARTMENT OF DEFENSE

Robert H. Conn, of Virginia, to be an Assistant Secretary of the Navy (new position—Public Law 98-94 of September 24, 1983).

THE JUDICIARY

Edward J. Garcia, of California, to be U.S. district judge for the eastern district of California vice Philip C. Wilkins, retired.

BOARD FOR INTERNATIONAL BROADCASTING

Edward Noonan Ney, of New York, to be a member of the board for International Broadcasting for a term expiring April 28, 1985, vice Charles David Ablard, term expired.

FOREIGN SERVICE

The following-named persons of the agencies indicated for appointment as career members of the Senior Foreign Service of the classes stated, and also for any other appointments indicated:

For appointment as a career member of the Senior Foreign Service, class of Minister-Counselor, a Consular Officer, and a Secretary in the Diplomatic Service of the United States of America:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Donald D. Cohen, of Maryland.

For appointment in the Foreign Service as a career member of the Senior Foreign Service of the United States of America, class of Counselor:

U.S. INFORMATION AGENCY

Robert Barry Fulton, of Pennsylvania.

For appointment as a career member of the Senior Foreign Service, class of Counselor, a Consular Officer, and a Secretary in the Diplomatic Service of the United States of America:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Robert H. Bell, of Virginia.

The following-named persons of the agencies indicated for appointment as Foreign Service Officers of the classes stated, and also for the other appointments indicated herewith:

For appointment as Foreign Service officers of class 2, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

Manuel F. Acosta, of Arizona.

DEPARTMENT OF COMMERCE

Eric R. Weaver, of the District of Columbia.

U. S. INFORMATION AGENCY

Marcia Annette Grant, of the District of Columbia.

For appointment as a Foreign Service officer of class 3, a Consular Officer, and a Secretary in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

Alfreda Elizabeth Meyers, of Arizona.

For appointment as Foreign Service officers of class 4, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

Vivienne Zoe Ascher, of New Hampshire.
Holly Hamachek Ashby, of Texas.
Elizabeth Pritchard Barr, of Maryland.
John L. Berntsen, of Wisconsin.
Michael Anthony Butler, of Virginia.
Karen Ruth Clark, of California.
Margaret E. Colvin, of New Hampshire.
Robert William Dry, of Florida.
William D. Fleming, of Pennsylvania.
Jane Leahy Miller Floyd, of Washington.
Stephen Reid Fox, of Washington.
James Jay Hamilton, of New York.
William Thomas Harris, Jr., of Florida.
Robert B. Houston III, of Washington.
Kristie Anne Kenney, of Virginia.
Anne M. Koenig, of California.
Robert Lawrence Lane, of Virginia.
Edward Alex Lee, of Texas.
Robert L. Luaces, of New York.
Donnie Paul Minyard, of Virginia.
Anthony C. Newton, of New Jersey.
Kenneth Morgan Peoples, of Louisiana.
Constance Ann Philpot, of the District of Columbia.
David R. Ramos, of Texas.
Charles E. Robertson III, of Michigan.
Camille Elizabeth Sailer, of Pennsylvania.
Fabio Marino Saturni, of California.
Marc J. Sievers, of Utah.
Bernarr L. Stadius, of Oregon.
Jacques Stanitz III, of Ohio.
Judith Anne Strotz, of Virginia.
Eleanor Bly Sutter, of New York.
Nadia Tongour, of California.
A. Daniel Weygandt, of Virginia.
Alejandro Daniel Wolff, of California.

For appointment as a Foreign Service officer of class 4, a Consular Officer, and a Secretary in the Diplomatic Service of the United States of America:

U.S. INFORMATION AGENCY

Pamela M. Seaton, of Louisiana.

The following-named members of the Foreign Service of the Departments of State and Commerce, to be Consular Officers and/or Secretaries in the Diplomatic Service of the United States of America, as indicated:

Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

Elizabeth Jamieson Agnew, of Virginia.
Paul A. Albers, of Minnesota.
Phillip Lee Anto, of New York.
Lee P. Arellano, of Virginia.
Richard Charles Beer, of Virginia.
James Bigus, of California.
Richard E. Blee, of Virginia.
Juliana I. Bray, of Wisconsin.
Charles C. Burgess, of Florida.
Kevin A. Callahan, of Virginia.
John J. Carroll, of New York.
Arjun Rex Chakrawarti, of Louisiana.
Mark D. Cheng, of Massachusetts.
Martha Cheng, of Kansas.
Kenneth Stephen Chern, of New York.
Edith C. Clark, of California.
John C. Clarkson, of Washington.
Judith M. Cline, of New Mexico.
Anne Kathryn Cusick, of California.
Mary Elizabeth Daly, of Virginia.
Garland L. Dennett, of Utah.
Ronald James Deutch, of Texas.
Joseph L. Dodds, of South Dakota.
Robert Anthony Dolce, of Connecticut.
Boyd Raymond Doty, of Florida.
Jonathan C. Downs, of Pennsylvania.
Philip Raymond, Drouin, of Connecticut.
Lewis Keith Elbinger, of Connecticut.
Stanley T. Enga, of Hawaii.
David P. Ewing, of Massachusetts.
Carol S. Fuller, of Pennsylvania.
David W. Fulton, of Virginia.
Keith Gainey, of Ohio.
Stephen A. Good, of Virginia.
James Bingham Gray, of California.
Mary Elizabeth Hayes, of Colorado.
Craig A. Hoepfl, of Virginia.
John S. Holt, of Texas.
David P. Hunt, of the District of Columbia.
Jason Hyland, of California.
Nancy C. Johnson, of Virginia.
Randall D. Johnson, of Virginia.
William Kelly Joyce, Jr., of Michigan.
Hyong-Bum Kim, of the District of Columbia.
Ann P. Lambert, of Missouri.
Christopher Larson, of New York.
Robert J. Lavey, of Nebraska.
Ruth Gillian Leavitt, of Virginia.
Steven P. Levine, of the District of Columbia.
Elizabeth J. Lewandowski, of the District of Columbia.
John Arthur Lowell, of Texas.
Robert E. Mattingly, of Maryland.
Louis Mazel, of Massachusetts.
Elizabeth A. McIntyre, of Massachusetts.

Glenn B. Miller, of Massachusetts.
Bryan M. Mills, of Texas.
Maria E. Morales, of the District of Columbia.
Richard Howell Morgan, of Louisiana.
Nancy J. Norem, of California.
Daniel John O'Grady, of Michigan.
Richard Para, of Texas.
Paul C. Payne, of North Carolina.
James Allison Phillips, of California.
Jeannette Cohn Piña, of California.
Susan M. Ratliff, of the District of Columbia.
Raymond Douglas Richhart, Jr., of California.
Earl M. Rickerson, of New York.
John W. Roberts, of the District of Columbia.
Debra S. Sands, of California.
Anita G. Schroeder, of Maryland.
Eric K. Sletten, of Nevada.
Eugenia M. Smith, of Ohio.
Fred L. Smith, of Virginia.
Gary C. Stansbury, of Arizona.
Richard M. Stephenson, Jr., of Virginia.
Margaret E. Straub, of Virginia.
McKim Symington, Jr., of the District of Columbia.
Marianne Toner, of Pennsylvania.
Thaddeus W. Troy, of North Carolina.
Scott W. Tschirgi, of Pennsylvania.
Jonathan Standeh Turak, of Maryland.
David Andrew Tyler, of Illinois.
Stephen Andrew Vann, of Alabama.
Jeanne R. Vertefeuille, of Virginia.
John H. Walbridge, Jr., of New Jersey.
Samuel Robert Watson III, of Virginia.
Janet M. Weber, of New York.
Joseph W. Wippl, of Minnesota.
Mary Hillers Witt, of Virginia.
Steven H. Zaveloff, of New York.
Robert B. Zuehlke, of Virginia.
Consular Officers of the United States of America:
Travis A. Finley, of California.
Joseph J. Hazewski, of Arizona.
Annette J. Moore, of California.
Raymond M. Nowakowski, of Pennsylvania.
Secretaries in the Diplomatic Service of the United States of America:
John Robert Crook, of Maryland.
Robert F. Grealy, of Massachusetts.
Carol A. Murray Kim, of Virginia.
Gregory D. Stoloff, of New York.
John R. Thomson, of New York.

IN THE COAST GUARD

The following Regular and Reserve officers of the U.S. Coast Guard for promotion to the grade of lieutenant commander:

Keith R. Colwell
William D. Chappell
Thomas J. Neill
Eric H. Olsson, Jr.
Michael L. Stafford
Lawrence B. King
James H. J. Schaeffer
Michael A. Roberts
David F. Miller
Daniel J. Elliott
Jeffrey M. Garrett
Leonard J. Kelly, Jr.
James M. Seagraves
Brian V. Hunter
Guy E. Motzer
Ronald R. Weston
Richard R. Beardsworth
John C. Burson
Terence M. Hurley
Richard E. Lang
Philip M. Sanders
William J. Lee II
Michael L. Hardie
Kenneth U. Dykstra
Philip G. Matyas
James L. House
Peter K. Mitchell
Kevin J. Eldridge
Thomas W. Sechler
Lawrence I. Kiern
Richard A. Koehler
Mark A. Fisher
Joseph F. Ahern
David M. Loerzel
James M. Dwyer
Richard L. Ryan
Daniel G. Henderson
Daniel F. Ryan II
Marcus E. Jorgensen
Michael E. Saylor
Gary Krizanovic
Stefen G. Venckus
Scott W. Allen
Timothy W. Hylton
James M. Garrett
Victor J. Zoschak, Jr.
Jeffrey J. Hathaway
Joseph A. Conroy, Jr.
Joseph P. Brusseau
James C. Vansice
Bruce A. Russell, Jr.
Albert F. Suchy IV
Guy R. Colonna
Scott F. Kayser
Stephen K. Toney
Michael W. Collier
Ronald A. Nilsen
Dana A. Goward
John T. O'Connor
Robert L. Gazlay
Richard S. Hartman, Jr.
David W. Gault
Gregory B. Kirkbride
Kyle W. Blackman
Robert M. Wicklund
Drew F. Vanriper
Gary W. Palmer
John T. Murray
Walter E. Hanson, Jr.
Arthur E. Brooks
Charles L. Miller
Joseph C. Bridger III
Gerald M. Davis
Michael L. Maxey
Robert J. Brulle
Myles S. Boothe
William G. Braceland
Timothy C. Haugan
Michael M. Blume
David G. Dickman
Thomas D. Johns
James E. Spence
Ronald R. Borison
Robert L. Porter, Jr.
Mark E. Ashley
Michael J. Chaplain
Jeffrey J. Seeley
Steven G. Hilferty
Domenico A. Diiulio
Kenneth A. Ward
Jeffrey G. Lantz
Robert N. Petersen
Paul A. Dufresne
Richard A. Huwel
David W. Reed
Richard J. Fitzpatrick
John A. Wcislo
Steven L. Nylund
Steven G. Hein
Thomas C. King, Jr.
Christopher Schoonmaker
David W. Mackenzie
James B. Crawford
James J. Vallone
Susan M. Krupanski
Bradley J. Willis
Edmond R. Morris
Jerzy J. Kichner
Stephen J. Harvey
Richard J. Formisano
Roger D. Kacmarski
Thomas C. Mielke
Donald R. O'Malley
Glenn F. Epler
Carl E. McGill
Patrick E. Ryan
James F. Reed
James Rutkovsky
Randall W. Freitas
Thomas M. Curelli
Ralph L. Crawford, Jr.
Raymond J. Brown
Steven M. Waldmann
Thomas J. Mackell
George H. Detweiler, Jr.
Walter Brawand III
Richard A. Roth
Adan D. Guerrero
Allen L. Thompson, Jr.
John J. McQueeney II
John S. Sedlak
Dan Deputy
William A. Kosty
Robert J. Papp, Jr.

IN THE COAST GUARD

The following officers of the U.S. Coast Guard Reserve for promotion to the grade of captain:

Paul E. Burke
John B. Schempf

The following officer of the U.S. Coast Guard Reserve for promotion to the grade of commander:

David M. Bernstein

The following Regular officers of the U.S. Coast Guard for promotion to the grade of lieutenant:

Douglas P. Riggins
John J. O. Lapke
Joseph V. Pancotti
William J. McHenry
William V. Smyth
Scott M. I. Holley
Martin D. Stewart
Charles E. McMahon
Johnny L. Hollowell
Duane M. Smith
Christopher T. Boegel
George A. Cognet
James W. Kelly
Harvey H. Kammerer
Daniel A. Neptun
Earl W. Fairchild, Jr.
Gary J. Fox
Robert P. Rutledge
Russell E. Glendenning
James W. Johnson
John C. Gifford
Robert E. Carson
Robert L. Hood, Jr.
Douglas J. Wisniewski
Kevin P. Mizak
Robert W. Nutting
Bradley M. Jacobs
Chet A. Hartley
Gregory A. Kmiecik
Leland L. Jones
Jeffrey O. Stull
Allen Lotz
Franz P. Schiffmann
George G. Arbutina
Kurt W. Nancarrow
David B. McLeish
Francis J. Sturm
David C. Spillman
Mark Boe
Christopher A. Abel
Norris E. Merkle
Robert C. Parker
William D. Wiedenhoeft
Frank E. Mullen
Keith C. Gross
Joel F. Sasscer
Jon D. Allen
William H. Jones
Dan S. Takasugi
Christopher J. Conklin
Kevin S. Cook
Dane S. Egli
Frank H. Leidy
Thomas K. Ehni
Douglas B. Lane
Jeffrey D. Stieb
Charles N. Dickerson
William J. Belmondo
George D. Walker, Jr.
Mark B. Case
Bruce E. Viekman
Patrick T. Kelly
Kenneth L. King, Jr.
Curtis L. Dubay
Bruce M. Ross
Michael L. Blair
Charles S. Johnson, Jr.
Richard L. Boy, Jr.
Timothy R. Girton
Donald R. Wright
Robert C. Ayer
Ronald A. Gan
Neil E. Vandevoorde
Daniel D. Cronin
David P. McDede
David C. Aurand
Michael J. Burgard
G. Arthur Robbins
Mark J. Fiebrandt
William R. Grawe
Stephen L. Sielbeck
Jon M. Watson
Michael S. Swegles
Dana E. Ware
Richard J. Preston, Jr.
Francis A. Dutch
Daniel K. Oliver
Kevin A. Redig
Kevin E. Lodeen
John D. McCann, Jr.
Kenneth L. Savoie
Neal J. Armstrong
Emil Sikorsky III
Stephen J. Darmody
Peter J. Boynton
Herbert A. Black III
Kenneth Carvalho
John H. Russell
Donald A. Moore, Jr.
Donald L. Sturdivant, Jr.
David A. Medina
Neil O. Buschman
David H. Sump
Michael B. Amonson
Keith Letourneau
Joseph T. Ahern
David R. King
Alexander O. Simonka, Jr.
Michael J. Scanlon, Jr.
Jay P. Blinkinsop
David G. Holman
Paul H. Crissy
Thomas L. Koontz
Philip T. Daniels
William G. Boehm
Vincent B. Mitchell III
Daniel R. May
William J. Semrau
Eric M. Jewess
Edward E. Baker
James K. Louttit
Mark A. Kowalski
John Costello
Linda Johansen
Susan Donner

The following Regular officers of the U.S. Coast Guard for promotion to the grade of lieutenant (junior grade):

Richard L. Wharton
Edward D. Zacharias
Perry J. Colburn
Patrick Timmerman
Duane E. Stenbak
Richard E. Hoffman
David A. Flag
Richard A. Boyd
William M. Eastman
William R. Wilson
Philip B. Serinis
David K. Seavey
James E. Morrison
Steven R. Baum
Timothy J. Rourke
Andrew L. Daly
Lyle A. Rice
Paul J. Cormier

The following Regular officer of the U.S. Navy to be a permanent commissioned officer in the Regular Coast Guard in the grade of lieutenant:

Kim N. Rose

IN THE MARINE CORPS

The following-named colonels of the Marine Corps for promotion to the permanent grade of brigadier general, pursuant to title 10, United States Code, section 624:

Frederick E. Sisley
James D. Beans
Joseph P. Hoar
Royal N. Moore, Jr.
Donald E. P. Miller

IN THE AIR FORCE

The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform duties indicated with grade and date of rank to be determined by

the Secretary of the Air Force provided that in no case shall any of the following officers be appointed in a grade higher than that indicated:

MEDICAL CORPS

To be colonel

Betts, Stanley L., xxx-xx-xxxx
Pevey, Willard J., xxx-xx-xxxx

To be lieutenant colonel

Matamoros, Aurelio, Jr., xxx-xx-xxxx

To be major

Arnold, Roy M., xxx-xx-xxxx
Chacon, Frank T., xxx-xx-xxxx

To be captain

McGhee, Judith E., xxx-xx-xxxx

DENTAL CORPS

To be major

Anderson, Gary A., xxx-xx-xxxx
Hermesch, Charles B., xxx-xx-xxxx
Hurt, John D., xxx-xx-xxxx
Roth, William C., xxx-xx-xxxx
Wilson, Steven R., xxx-xx-xxxx

To be captain

Bedell, Charles E., xxx-xx-xxxx
Blair, Kevin F., xxx-xx-xxxx
Dickson, Scott S., xxx-xx-xxxx
Frazier, Robert Q., xxx-xx-xxxx
Layton, Stephen C., xxx-xx-xxxx
Smith, Ronald T., xxx-xx-xxxx
Vaughters, Vincent C., xxx-xx-xxxx

The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with grade and date of rank to be determined by the Secretary of the Air Force provided that in no case shall any of the following officers be appointed in a grade higher than that indicated:

LINE OF THE AIR FORCE

To be lieutenant colonel

Eskeli, Terrence L., xxx-xx-xxxx
Robinson, Roy H., III., xxx-xx-xxxx
Sievers, Donald W., xxx-xx-xxxx

To be major

Carpenter, David A., xxx-xx-xxxx
Carver, John P., xxx-xx-xxxx
Dillman, Wayne D., xxx-xx-xxxx
Strange, James T., Jr., xxx-xx-xxxx
Whitecotton, William I., xxx-xx-xxxx

The following-named officer for reappointment to the Active Duty List of the Regular Air Force in the grade indicated under the provisions of section 1210 and 1211, title 10, United States Code.

To be captain

Nunemaker, Donald G., Jr., xxx-xx-xxxx

The following officers for permanent promotion in the U.S. Air Force, in accordance with sections 624 and 1552, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

To be lieutenant colonel

Blanchard, Michael D., xxx-xx-xxxx
Parton, Edgar L., III xxx-xx-xxxx

The following Air Force officers for permanent promotion in the U.S. Air Force, in accordance with section 601, title VI, transition provisions, Defense Officer Personnel Management Act of 1980, with date of rank to be determined by the Secretary of the Air Force:

To be lieutenant colonel

Duckworth, Dale L., xxx-xx-xxxx

The following officer for promotion in the Air Force Reserve, under the provisions of sections 1552 and 8366, title 10, United States Code (non-EAD):

To be Lieutenant colonel

Nelson, Roger L., xxx-xx-xxxx

The following person for appointment as Reserve of the Air Force (ANGUS) in the grade indicated, under the provisions of sections 593, 8351 and 8392, title 10, United States Code:

To be colonel

Lamb, Robert J., xxx-xx-xxxx

The following persons for appointment as Reserve of the Air Force, in the grade indicated, under the provisions of section 593, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated:

MEDICAL CORPS

To be colonel

Chollet, Hillary A., xxx-xx-xxxx
Jackson, James K., xxx-xx-xxxx
Jenkins, Douglas W., Jr., xxx-xx-xxxx

To be lieutenant colonel

Bond, William L., xxx-xx-xxxx
Clarke, Angela A. W., xxx-xx-xxxx
Feigleman, Bernard H., xxx-xx-xxxx
Kenyon, Barbara A., xxx-xx-xxxx
Kumar, Vasantha A. R., xxx-xx-xxxx
Larosa, John J., xxx-xx-xxxx
Long, Philip M., xxx-xx-xxxx
Martin, William C., xxx-xx-xxxx
Methner, John P., xxx-xx-xxxx
Schultz, R. J. Black, xxx-xx-xxxx
Tucker, Garrett R., III, xxx-xx-xxxx
Wilson, William E., xxx-xx-xxxx

The following persons for appointment as Reserve of the Air Force (ANGUS) in the grade indicated, under the provisions of section 593 and 8351, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code:

MEDICAL CORPS

To be lieutenant colonel

Hagen, William M., xxx-xx-xxxx
Skellenger, William S., xxx-xx-xxxx

IN THE AIR FORCE

The following-named officers for permanent promotion in the U.S. Air Force, under the provisions of section 628, title 10, United States Code, as amended, with dates of rank to be determined by the Secretary of the Air Force:

LINE OF THE AIR FORCE

To be lieutenant colonel

Ross, Raymond M., xxx-xx-xxxx

To be major

Beavers, Robert G., Jr., xxx-xx-xxxx
Francis, Roger A., xxx-xx-xxxx
Larson, Dennis L., xxx-xx-xxxx
Smith, Lewill C., xxx-xx-xxxx

CHAPLAIN

To be lieutenant colonel

Irvin, Henry C., xxx-xx-xxxx
McCulloh, Ralph E., xxx-xx-xxxx

To be major

Mulnix, John R., xxx-xx-xxxx

IN THE AIR FORCE

The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, provided that in no case shall any of the following officers be appointed in a grade higher than lieutenant colonel.

LINE OF THE AIR FORCE

Gallagher, Thomas N., xxx-xx-xxxx
Lawrence, Kathryn E., xxx-xx-xxxx
Lieberg, Gary E., xxx-xx-xxxx
Louder, Robert B., xxx-xx-xxxx
Medford, James W., xxx-xx-xxxx
Metzger, John R., xxx-xx-xxxx
Moyer, John D. W., xxx-xx-xxxx
Nelson, Kenneth D., xxx-xx-xxxx
Roberts, William C., III, xxx-xx-xxxx
Shipley, Robert R., xxx-xx-xxxx
Smith, Roy C., xxx-xx-xxxx
Traylor, Bobby C., xxx-xx-xxxx
Wieder, George A., xxx-xx-xxxx
Young, Gary C., xxx-xx-xxxx

The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, provided that in no case shall any of the following officers be appointed in a grade higher than lieutenant colonel.

CHAPLAIN

Zebron, Samuel, xxx-xx-xxxx

JUDGE ADVOCATE

Jones, Charles G., xxx-xx-xxxx

NURSE CORPS

Avery, Betty J., xxx-xx-xxxx
Berg, Jessilyn, xxx-xx-xxxx
Bonner, Cynthia U., xxx-xx-xxxx
Cottrill, Sue M., xxx-xx-xxxx
Davis, Colleen W., xxx-xx-xxxx
Dobson, Rita E., xxx-xx-xxxx
Kamper, Sandra M., xxx-xx-xxxx
Sullivan, Mary P., xxx-xx-xxxx
Tossing, Rosanne K., xxx-xx-xxxx

MEDICAL SERVICE CORPS

Carroll, Roland J., Jr., xxx-xx-xxxx
Foster, C. Stephen, xxx-xx-xxxx
Gray, Glen H., xxx-xx-xxxx
Hight, Fred T., Jr., xxx-xx-xxxx
Hughes, Christopher L., xxx-xx-xxxx
Jones, Thomas K., Jr., xxx-xx-xxxx
Lonsdale, Thomas J., xxx-xx-xxxx
Machado, Joseph A., III, xxx-xx-xxxx
Roger, Roland J., xxx-xx-xxxx
Steiger, Carl L., xxx-xx-xxxx

BIOMEDICAL SCIENCES CORPS

Bybee, Ronald F., xxx-xx-xxxx
Miller, Roger L., xxx-xx-xxxx
Morgan, Edwin B., Jr., xxx-xx-xxxx

IN THE AIR FORCE

The following Air National Guard of the United States officers for promotion in the Reserve of the Air Force under the provisions of section 593(a) title 10 of the United States Code, as amended:

LINE OF THE AIR FORCE

To be lieutenant colonel

Maj. Robert T. Cates, xxx-xx-xxxx.
Maj. William G. Crow, xxx-xx-xxxx.
Maj. Robert F. Deuel, xxx-xx-xxxx.
Maj. George J. Elledge, xxx-xx-xxxx.
Maj. Henry A. Gallmeyer, xxx-xx-xxxx.
Maj. Jack S. Hill, xxx-xx-xxxx.
Maj. Eugene T. Maratta, xxx-xx-xxxx.
Maj. Richard E. McLane II, xxx-xx-xxxx.
Maj. Alan M. Miller, xxx-xx-xxxx.
Maj. Paul W. Sandefer, xxx-xx-xxxx.
Maj. Dale K. Snider, Jr., xxx-xx-xxxx.
Maj. Randal M. Thomas, xxx-xx-xxxx.
Maj. Steven Westgate, xxx-xx-xxxx.
Maj. David F. Wherley, Jr., xxx-xx-xxxx.
Maj. Benjamin R. Whitlaw, xxx-xx-xxxx.

MEDICAL CORPS

Maj. Anis A. Khan, xxx-xx-xxxx.

IN THE AIR FORCE

The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with grades and dates of rank to be deter-

mined by the Secretary of the Air Force provided that in no case shall the officers be appointed in a grade higher than that indicated.

LINE OF THE AIR FORCE

To be major

Smith, Lewill C., xxx-xx-xxxx

To be captain

Andreozzi, Alane A., xxx-xx-xxxx

The following officer for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform duties indicated with grade and date of rank to be determined by the Secretary of the Air Force provided that in no case shall the officer be appointed in a grade higher than that indicated.

CHAPLAIN

To be captain

Harris, Walter M., xxx-xx-xxxx

IN THE AIR FORCE

The following-named officers for permanent promotion in the U.S. Air Force, under the appropriate provisions of section 624, title 10, United States Code, as amended, with dates of rank to be determined by the Secretary of the Air Force:

LINE OF THE AIR FORCE

To be lieutenant colonel

Abate, Nicholas, xxx-xx-xxxx
Abbott, Ira R., III, xxx-xx-xxxx
Acker, John F. F., xxx-xx-xxxx
Ackermann, Edward, xxx-xx-xxxx
Ackert, James E., xxx-xx-xxxx
Acton, John E., xxx-xx-xxxx
Adams, Wiley F., xxx-xx-xxxx
Aho, Donald A., xxx-xx-xxxx
Alber, Steven C., xxx-xx-xxxx
Albers, Robert M., xxx-xx-xxxx
Alcala, Gabriel J., xxx-xx-xxxx
Aldebol, Anthony W., xxx-xx-xxxx
Aldrich, Charles L., xxx-xx-xxxx
Alexander, David W., xxx-xx-xxxx
Alexander, Dean C., xxx-xx-xxxx
Alexander, Joseph D., xxx-xx-xxxx
Alexander, Robert W., xxx-xx-xxxx
Alexander, William D., Jr., xxx-xx-xxxx
Alexander, William S., xxx-xx-xxxx
Alexandrow, Nick, xxx-xx-xxxx
Allard, David C., xxx-xx-xxxx
Allen, John C., xxx-xx-xxxx
Allen, Kirby E., xxx-xx-xxxx
Allen, Richard L., xxx-xx-xxxx
Allen, Robert C., xxx-xx-xx...
Allen, Robert G., Jr., xxx-xx-xxxx
Allison, Ronald L., xxx-xx-xxxx
Alringer, Richard A., xxx-xx-xxxx
Altevogt, William C., xxx-xx-xxxx
Alton, Jack W., Jr., xxx-xx-xxxx
Alvin, Ronald C., xxx-xx-xxxx
Ammirati, Louis J., xxx-xx-xxxx
Anderson, Charles E., xxx-xx-xxxx
Anderson, Frank J., Jr., xxx-xx-xxxx
Anderson, Robert D., xxx-xx-xxxx
Anderson, Wayne H., xxx-xx-xxxx
Andrea, Ronald L., xxx-xx-xxxx
Angerman, George G., xxx-xx-xxxx
Anglemyer, Richard M., xxx-xx-xxxx
Anthony, Michael D., xxx-xx-xxxx
Applegate, William J., xxx-xx-xxxx
Applewhite, Jim R., xxx-xx-xxxx
Araki, Clyde S., xxx-xx-xxxx
Arkfeld, Gerald L., Jr., xxx-xx-xxxx
Armington, Judie A., xxx-xx-xxxx
Armstrong, Bill L., xxx-xx-xxxx
Armstrong, Donald J., Jr., xxx-xx-xxxx
Ashmore, Frederick M., xxx-xx-xxxx
Aston, James A., xxx-xx-xxxx
Atkinson, Thomas F., Jr., xxx-xx-xxxx
Attuso, Ronald V., xxx-xx-xxxx
Aubrey, James R., xxx-xx-xxxx
Auwarter, Carmen E., xxx-xx-xxxx
Auyong, Dayton H. C., xxx-xx-xxxx
Avery, Gerald N., xxx-xx-xxxx
Babcock, Richard R., Jr., xxx-xx-xxxx
Babiak, Nicholas J., xxx-xx-xxxx
Babyok, Robert F., Jr., xxx-xx-xxxx
Baginsky, Vincent J., xxx-xx-xxxx
Bailey, Joseph A., Jr., xxx-xx-xxxx
Bailey, Maxwell C., xxx-xx-xxxx
Baird, Wayne J., xxx-xx-xxxx
Baker, Charles W., Jr., xxx-xx-xxxx
Baker, David E., xxx-xx-xxxx
Baker, Ellery E., xxx-xx-xxxx
Baker, John R., xxx-xx-xxxx
Baker, Joseph D., xxx-xx-xxxx
Baker, Norman R., xxx-xx-xxxx
Baker, William H., xxx-xx-xxxx
Bala, Walter A., xxx-xx-xxxx
Balazs, Brent W., xxx-xx-xxxx
Baldassari, Ronald J., xxx-xx-xxxx
Balthun, Wayne E., xxx-xx-xxxx
Bangs, Geoffrey E., xxx-xx-xxxx
Bangs, Terry L., xxx-xx-xxxx
Banks, Joe M., II, xxx-xx-xxxx
Bannon, Edward A., xxx-xx-xxxx
Baralt, Raymond A., xxx-xx-xxxx
Barash, Harry M., xxx-xx-xxxx
Barber, Michael A., xxx-xx-xxxx
Barbi, Kenneth W., xxx-xx-xxxx
Barbier, Kermit M., xxx-xx-xxxx
Barclay, Robert L., xxx-xx-xxxx
Baril, Thomas E., xxx-xx-xxxx
Barlow, James D., xxx-xx-xxxx
Barna, Theodore K., xxx-xx-xxxx
Barnes, Linda B., xxx-xx-xxxx
Barr, Robert D., xxx-xx-xxxx
Barrett, Robert P., xxx-xx-xxxx
Barrows, Donald K., xxx-xx-xxxx
Bartee, Luther M., xxx-xx-xxxx
Bartlett, Frank R., xxx-xx-xxxx
Bartlow, Robert L., xxx-xx-xxxx
Barucky, Jerry M., xxx-xx-xxxx
Bass, Marvin G., xxx-xx-xxxx
Bassett, Frederick E., xxx-xx-xxxx
Batchelder, Floyd P., xxx-xx-xxxx
Bates, Eugene F., xxx-xx-xxxx
Bauer, George C., III, xxx-xx-xxxx
Bauer, Lee A., xxx-xx-xxxx
Bauer, Stephen A., xxx-xx-xxxx
Baxter, Lewis D., xxx-xx-xxxx
Bayless, Robert F., xxx-xx-xxxx
Beard, Michael W., xxx-xx-xxxx
Beauregard, Avery J., xxx-xx-xxxx
Beck, David R., xxx-xx-xxxx
Becker, Allan R., xxx-xx-xxxx
Beeck, Kenneth R., xxx-xx-xxxx
Beekman, William D., xxx-xx-xxxx
Behr, Robert D., xxx-xx-xxxx
Bein, Peter J., xxx-xx-xxxx
Beishke, John J., Jr., xxx-xx-xxxx
Belche, George R., xxx-xx-xxxx
Bell, Charles T., xxx-xx-xxxx
Bell, Glenn L., Jr., xxx-xx-xxxx
Bell, Robert L., xxx-xx-xxxx
Bellan, James M., II, xxx-xx-xxxx
Bellinger, Robert W., xxx-xx-xxxx
Belmont, Gary R., xxx-xx-xxxx
Belote, William A., Jr., xxx-xx-xxxx
Benn, Clyde E., xxx-xx-xxxx
Bennett, Edwin W., Jr., xxx-xx-xxxx
Bennett, Ronald W., xxx-xx-xxxx
Benson, Jerry L., xxx-xx-xxxx
Bentley, Bedford T., Jr., xxx-xx-xxxx
Benton, Jeffrey C., xxx-xx-xxxx
Berg, Walter R., xxx-xx-xxxx
Bergquist, Ronald E., xxx-xx-xxxx
Berner, Brent A., xxx-xx-xxxx
Berney, Patrick M., xxx-xx-xxxx
Berry, Bruce M., xxx-xx-xxxx
Berry, Edward M., III, xxx-xx-xxxx
Bertino, Thomas A., xxx-xx-xxxx
Bertrand, Randall L., xxx-xx-xxxx
Berty, Barry J. T., xxx-xx-xxxx
Bessert, Galen C., xxx-xx-xxxx
Bethart, Edgar J., Jr., xxx-xx-xxxx
Bettcher, James R., xxx-xx-xxxx
Bielowicz, Paul L., xxx-xx-xxxx
Billick, Donald M., xxx-xx-xxxx
Birk, Frank T., xxx-xx-xxxx
Bischoff, Ronald W., xxx-xx-xxxx
Bitner, Charles B., xxx-xx-xxxx
Bixler, Christie E., II, xxx-xx-xxxx
Blackman, William J., xxx-xx-xxxx
Blackwell, Lotus B., III, xxx-xx-xxxx
Blaho, Albert J., xxx-xx-xxxx
Blaisdell, Franklin J., xxx-xx-xxxx
Blamey, John T., xxx-xx-xxxx
Blanchard, Warren C., Jr., xxx-xx-xxxx
Blankenbeker, Cleon J., xxx-xx-xxxx
Blaxton, Eldon C., xxx-xx-xxxx
Bliss, Robert D., xxx-xx-xxxx
Blocher, Bruce K., xxx-xx-xxxx
Bloom, Richard L., xxx-xx-xxxx
Blutt, Kenneth E., xxx-xx-xxxx
Boatright, Ronald L., xxx-xx-xxxx
Boggan, James F., xxx-xx-xxxx
Bolalek, Philip J., xxx-xx-xxxx
Boland, Thomas J., xxx-xx-xxxx
Boland, Thomas R., xxx-xx-xxxx
Bole, Samuel J., xxx-xx-xxxx
Bomersbach, Richard L., xxx-xx-xxxx
Boneske, Franklin, xxx-xx-xxxx
Bonfiglio, Victor J., xxx-xx-xxxx
Bonin, James J., Jr., xxx-xx-xxxx
Bonitz, William A., xxx-xx-xxxx
Bonn, Robert C., Jr., xxx-xx-xxxx
Bonner, John H., xxx-xx-xxxx
Booker, Michael P., xxx-xx-xxxx
Boone, John S., xxx-xx-xxxx
Booth, George R., xxx-xx-xxxx
Bordenave, Robert J., xxx-xx-xxxx
Boroczk, Dennis M., xxx-xx-xxxx
Bortfeld, Stephen R., xxx-xx-xxxx
Borum, John P., xxx-xx-xxxx
Bose, Clarence M., xxx-xx-xxxx
Bossart, Roger A., xxx-xx-xxxx
Boswell, Gordon F., xxx-xx-xxxx
Boswell, Irving W., III, xxx-xx-xxxx
Boswell, James W., xxx-xx-xxxx
Botta, Joseph E., xxx-xx-xxxx
Botula, Charles, III, xxx-xx-xxxx
Bourke, Thomas J., xxx-xx-xxxx
Bourque, James K., xxx-xx-xxxx
Bowen, Edward C., xxx-xx-xxxx
Bowen, Gordon H., xxx-xx-xxxx
Bower, Frederick B., Jr., xxx-xx-xxxx
Bowles, Robert J., xxx-xx-xxxx
Bowman, Gerald L., xxx-xx-xxxx
Bowman, Robert D., xxx-xx-xxxx
Boyce, Earl J., xxx-xx-xxxx
Boyd, George V., III, xxx-xx-xxxx
Boyd, Stephen B., xxx-xx-xxxx
Boyer, David G., xxx-xx-xxxx
Brackett, Howard R., Jr., xxx-xx-xxxx
Brackin, William W., xxx-xx-xxxx
Brady, Doyle E., xxx-xx-xxxx
Brady, Roger A., xxx-xx-xxxx
Bragaw, Charles L., xxx-xx-xxxx
Brashear, Dick D., II, xxx-xx-xxxx
Brauer, Harold E., xxx-xx-xxxx
Brearey, Jonathan L., xxx-xx-xxxx
Breckenridge, Daniel W., xxx-xx-xxxx
Breen, Paul M., xxx-xx-xxxx
Breese, David L., xxx-xx-xxxx
Brennan, Edward J., xxx-xx-xxxx
Brewer, Richard R., xxx-xx-xxxx
Bridal, Donald D., xxx-xx-xxxx
Bridges, Clayton G., xxx-xx-xxxx
Brinkman, Roy D., xxx-xx-xxxx
Bristow, Richard D., xxx-xx-xxxx
Broas, Michael J., xxx-xx-xxxx
Brod, Thomas J., xxx-xx-xxxx
Brogan, Dennis M., xxx-xx-xxxx
Brogdon, Bill D., xxx-xx-xxxx
Brooks, John W., xxx-xx-xxxx
Brooks, Robert J., xxx-xx-xxxx

Brooks, William C., xxx-xx-xxxx
Broom, Steven M., xxx-xx-xxxx
Brown, Charles B., xxx-xx-xxxx
Brown, David A., Jr., xxx-xx-xxxx
Brown, Doyle D., xxx-xx-xxxx
Brown, Gerald W., Jr., xxx-xx-xxxx
Brown, Harold R., Jr., xxx-xx-xxxx
Brown, Herbert R., III, xxx-xx-xxxx
Brown, James T., xxx-xx-xxxx
Brown, Richard E., III, xxx-xx-xxxx
Brown, Scott B., xxx-xx-xxxx
Brown, William R., xxx-xx-xxxx
Brownlee, Donald H., xxx-xx-xxxx
Bruchas, James M., xxx-xx-xxxx
Bruner, Richard E., xxx-xx-xxxx
Brunson, Richard L., xxx-xx-xxxx
Brus, Robert A., xxx-xx-xxxx
Bryan, Oscar V., Jr., xxx-xx-xxxx
Bryan, Steven A., xxx-xx-xxxx
Bryant, James H., xxx-xx-xxxx
Bryden, James F., xxx-xx-xxxx
Buchan, Francis, xxx-xx-xxxx
Buchanan, Paul E., Jr., xxx-xx-xxxx
Buckley, David C., xxx-xx-xxxx
Buckner, John H., Jr., xxx-xx-xxxx
Buckner, Mark S., xxx-xx-xxxx
Budzinski, Willard C., Jr., xxx-xx-xxxx
Buettner, Terry W., xxx-xx-xxxx
Buffin, John K., xxx-xx-xxxx
Buffkin, Bobby D., xxx-xx-xxxx
Bulat, Antone S., xxx-xx-xxxx
Bundy, Richard B., xxx-xx-xxxx
Buono, Bruce J., xxx-xx-xxxx
Burke, Joseph P., Jr., xxx-xx-xxxx
Burke, Joseph W., xxx-xx-xxxx
Burke, Thomas L., Jr., xxx-xx-xxxx
Burleson, Thomas H., Jr., xxx-xx-xxxx
Burns, Edward J., III, xxx-xx-xxxx
Burns, Robert A., xxx-xx-xxxx
Burr, Annette L., xxx-xx-xxxx
Burton, Robert O., xxx-xx-xxxx
Busch, William W., xxx-xx-xxxx
Buss, Michael J., xxx-xx-xxxx
Butt, Edward L., xxx-xx-xxxx
Byars, William R., xxx-xx-xxxx
Byers, Mel D., xxx-xx-xxxx
Byrne, Mary, xxx-xx-xxxx
Cabe, Robert D., xxx-xx-xxxx
Cafiero, Carl A., xxx-xx-xxxx
Cain, John H., xxx-xx-xxxx
Caldwell, Hartley M., III, xxx-xx-xxxx
Caldwell, Jon D., xxx-xx-xxxx
Calhoun, William L., xxx-xx-xxxx
Cameron, Hugh C., xxx-xx-xxxx
Campany, Richard C., Jr., xxx-xx-xxxx
Campbell, Douglas A., xxx-xx-xxxx
Campbell, Edward L., xxx-xx-xxxx
Campbell, Harry G., xxx-xx-xxxx
Campbell, John J., xxx-xx-xxxx
Campbell, Richard., H., xxx-xx-xxxx
Campbell, Wayne D., xxx-xx-xxxx
Cannan, David, M., xxx-xx-xxxx
Cannava, Vincent A., xxx-xx-xxxx
Cannon, Randall F., xxx-xx-xxxx
Capella, William L., xxx-xx-xxxx
Capozella, William P., xxx-xx-xxxx
Caravello, Christopher, xxx-xx-xxxx
Carberry, Don L., xxx-xx-xxxx
Cardiel, Richard B., xxx-xx-xxxx
Cardona, Angel A., xxx-xx-xxxx
Carlson, Bruce A., xxx-xx-xxxx
Carlson, Dennis A., xxx-xx-xxxx
Carlson, James R., xxx-xx-xxxx
Carlton, James A., xxx-xx-xxxx
Carney, John M., xxx-xx-xxxx
Carosella, Peter, xxx-xx-xxxx
Carpenter, Bryan F., xxx-xx-xxxx
Carpenter, Francis E., xxx-xx-xxxx
Carpenter, Gary E., xxx-xx-xxxx
Carreras, Gilbert D., xxx-xx-xxxx
Carroll, Alfred R., Jr., xxx-xx-xxxx
Carroll, Jerald E., xxx-xx-xxxx
Carroll, Terence W., xxx-xx-xxxx
Carruthers, Riley W., xxx-xx-xxxx
Carson, Charles A., Jr., xxx-xx-xxxx
Carson, Leonard R., III, xxx-xx-xxxx
Carstensen, Richard D., xxx-xx-xxxx
Carter, Douglas J., xxx-xx-xxxx
Carter, Harold N., xxx-xx-xxxx
Carter, James E., xxx-xx-xxxx
Carter, Robert E., xxx-xx-xxxx
Carvell, Frank J., xxx-xx-xxxx
Cary, Mitchell D., xxx-xx-xxxx
Casati, Richard W., xxx-xx-xxxx
Casteel, Terence L., xxx-xx-xxxx
Cates, Charles E., xxx-xx-xxxx
Certain, John N., xxx-xx-xxxx
Chabot, Gary A., xxx-xx-xxxx
Chadsey, David E., xxx-xx-xxxx
Chadwick, Larry M., xxx-xx-xxxx
Chalmer, Lawrence R., xxx-xx-xxxx
Chambers, Howard B., Jr., xxx-xx-xxxx
Chandler, John W., xxx-xx-xxxx
Chaney, Joseph A., xxx-xx-xxxx
Chapman, John C., Jr., xxx-xx-xxxx
Chapman, Michael G., xxx-xx-xxxx
Chapman, Thomas N., xxx-xx-xxxx
Chappelear, James W., Jr., xxx-xx-xxxx
Chenard, Wayne P., xxx-xx-xxxx
Chenette, Rudolph L., xxx-xx-xxxx
Cheney, Kevin J., xxx-xx-xxxx
Chesnut, David J., xxx-xx-xxxx
Chilcott, Gary A., xxx-xx-xxxx
Childs, Robert G., xxx-xx-xxxx
Choate, Charles M., Jr., xxx-xx-xxxx
Christen, Barry W., xxx-xx-xxxx
Christensen, John L., Jr., xxx-xx-xxxx
Christensen, Peter K., xxx-xx-xxxx
Christensen, Robert G., xxx-xx-xxxx
Christeson, Gerald F., xxx-xx-xxxx
Christian, James W., xxx-xx-xxxx
Christol, James S., xxx-xx-xxxx
Christopherson, James E., xxx-xx-xxxx
Cioli, Brian H., xxx-xx-xxxx
Cira, Anthony T., xxx-xx-xxxx
Cisar, Alexander M., xxx-xx-xxxx
Clapp, John K., xxx-xx-xxxx
Clapper, William L., Jr., xxx-xx-xxxx
Clark, Daniel R., xxx-xx-xxxx
Clark, David C., xxx-xx-xxxx
Clark, Gerald D., xxx-xx-xxxx
Clark, Harry J., xxx-xx-xxxx
Clark, James R., xxx-xx-xxxx
Clark, Jerry W., xxx-xx-xxxx
Clark, Lawrence E., xxx-xx-xxxx
Clarke, John P., xxx-xx-xxxx
Claxton, Bernard D., xxx-xx-xxxx
Claybourn, Bobby E., Jr., xxx-xx-xxxx
Clearwater, Frederick B., xxx-xx-xxxx
Clements, John P., xxx-xx-xxxx
Clevenger, James D., xxx-xx-xxxx
Clifton, Wesley A., xxx-xx-xxxx
Clinch, Thomas P., xxx-xx-xxxx
Clough, David N., xxx-xx-xxxx
Coakley, Donald J., xxx-xx-xxxx
Coates, Donald R., xxx-xx-xxxx
Cobb, William T., xxx-xx-xxxx
Cochard, Douglas D., xxx-xx-xxxx
Coco, Malcolm P., Jr., xxx-xx-xxxx
Coffman, Charles W., xxx-xx-xxxx
Coffman, William R., xxx-xx-xxxx
Cohn, Jerrold, xxx-xx-xxxx
Cole, Herman A., Jr., xxx-xx-xxxx
Cole, Ray M., Jr., xxx-xx-xxxx
Cole, Richard A., xxx-xx-xxxx
Coleman, Joseph W., xxx-xx-xxxx
Coleman, Kenneth R., xxx-xx-xxxx
Collazodavila, Vicente, xxx-xx-xxxx
Collins, Brent R., xxx-xx-xxxx
Collins, Fredric R., xxx-xx-xxxx
Combs, Earle B., III, xxx-xx-xxxx
Combs, Ronald H., xxx-xx-xxxx
Comstock, Robert W., Jr., xxx-xx-xxxx
Concannon, James P., xxx-xx-xxxx
Conley, Willie D., xxx-xx-xxxx
Conner, Michael A., xxx-xx-xxxx
Converse, Larry E., xxx-xx-xxxx
Converse, Lowell A., xxx-xx-xxxx
Cook, Darrell E., xxx-xx-xxxx
Cooke, Damon L., xxx-xx-xxxx
Cooley, Kenneth R., xxx-xx-xxxx
Coon, John E., xxx-xx-xxxx
Cooper, Floyd L., Jr., xxx-xx-xxxx
Cooper, Ronald E., xxx-xx-xxxx
Cooper, William T., xxx-xx-xxxx
Corcoran, Michael J., xxx-xx-xxxx
Corlett, Clair R., xxx-xx-xxxx
Cornelius, Kenneth A., xxx-xx-xxxx
Cornell, Joel R., xxx-xx-xxxx
Corson, Robert A., xxx-xx-xxxx
Cort, Richard A. C., xxx-xx-xxxx
Corum, Larry E., xxx-xx-xxxx
Cotner, Keith L., xxx-xx-xxxx
Coughlan, Peter, xxx-xx-xxxx
Council, James P., Jr., xxx-xx-xxxx
Courter, Jimmie R., xxx-xx-xxxx
Cousins, Paul A., xxx-xx-xxxx
Covert, Robert L., xxx-xx-xxxx
Cowart, Eddy D., xxx-xx-xxxx
Cox, Berry T., xxx-xx-xxxx
Cox, Donald J., xxx-xx-xxxx
Cox, Gerald G., xxx-xx-xxxx
Cox, Joseph H., Jr., xxx-xx-xxxx
Cox, William M., xxx-xx-xxxx
Coy, Jerry D., xxx-xx-xxxx
Cramlet, John B., xxx-xx-xxxx
Crane, Alfred C., Jr., xxx-xx-xxxx
Crawford, Frederick L., II, xxx-xx-xxxx
Creighton, Barry F., xxx-xx-xxxx
Creller, Arnold M., xxx-xx-xxxx
Crick, Robert T., xxx-xx-xxxx
Crimmel, William W., xxx-xx-xxxx
Croasdale, John R., xxx-xx-xxxx
Crockett, Ray A., xxx-xx-xxxx
Cronin, Andrew T., xxx-xx-xxxx
Crosby, Michael W., xxx-xx-xxxx
Crossen, John G., xxx-xx-xxxx
Crowder, George E., Jr., xxx-xx-xxxx
Crum, Daniel F., xxx-xx-xxxx
Cruz, David J., xxx-xx-xxxx
Cruz, David J., xxx-xx-xxxx
Cull, George M., xxx-xx-xxxx
Culley, Larry L., xxx-xx-xxxx
Cummings, David D., xxx-xx-xxxx
Cunningham, Mell G., xxx-xx-xxxx
Cunningham, Nevin N., xxx-xx-xxxx
Cunningham, Paul H., xxx-xx-xxxx
Cunningham, Paul M., Jr., xxx-xx-xxxx
Curran, Craig V., xxx-xx-xxxx
Current, William E., xxx-xx-xxxx
Cutcliff, Leo M., Jr., xxx-xx-xxxx
Cvancara, Dennis A., xxx-xx-xxxx
Cylke, Michael W., xxx-xx-xxxx
Cyr, Henry L., Jr., xxx-xx-xxxx
Czarkowski, Joseph F., xxx-xx-xxxx
Czonstka, Steven J., xxx-xx-xxxx
Dack, Lawrence A., xxx-xx-xxxx
Dade, Robert W., xxx-xx-xxxx
Dahljelm, Harvey D., xxx-xx-xxxx
Dale, Mark C., Jr., xxx-xx-xxxx
Dalton, Robert E., xxx-xx-xxxx
Daly, Robert P., II, xxx-xx-xxxx
Daniel, William T., Jr., xxx-xx-xxxx
Daniels, Charles W., xxx-xx-xxxx
Danielson, David C., xxx-xx-xxxx
Dannelly, Larry R., xxx-xx-xxxx
Danos, Dean J., xxx-xx-xxxx
Darby, Thomas A., xxx-xx-xxxx
Daspit, Eugene J., xxx-xx-xxxx
Daugherty, Gerry R., xxx-xx-xxxx
Daugherty, John P., xxx-xx-xxxx
Daveport, George R., xxx-xx-xxxx
Davidson, Sally L., xxx-xx-xxxx
Davidson, Thomas E., xxx-xx-xxxx
Davis, Arthur P., xxx-xx-xxxx
Davis, Charles R., xxx-xx-xxxx
Davis, Gene R., xxx-xx-...
Davis, Jerome N., Jr., xxx-xx-xxxx
Davis, Louis S., xxx-xx-xxxx
Davis, Richard D., xxx-xx-xxxx
Davis, Timothy A., xxx-xx-xxxx
Dawson, Robert E., xxx-xx-xxxx

Dean, Robert E., xxx-xx-xxxx
Decker, Joseph F., II, xxx-xx-xxxx
Defend, Alan E., xxx-xx-xxxx
Delboy, Frederick D., xxx-xx-xxxx
Deletetsky, Richard P., xxx-xx-xxxx
Delhoyo, Sergio A., xxx-xx-xxxx
Dellario, Sammy W., xxx-xx-xxxx
Delorey, Edward A., xxx-xx-xxxx
Delucca, Domingo A., xxx-xx-xxxx
Denega, Peter, xxx-xx-xxxx
Denelsbeck, John S., Jr., xxx-xx-xxxx
Dennard, Michael D., xxx-xx-xxxx
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Miller, Roger L., xxx-xx-xxxx
Morgan, Edwin B., Jr., xxx-xx-xxxx
Nelson, Robert C., xxx-xx-xxxx
Nemmers, Stephen J., xxx-xx-xxxx
Nichols, James B., xxx-xx-xxxx
Olfenbuttel, Robert F., xxx-xx-xxxx
Orrell, Doyle L., xxx-xx-xxxx
Palagi, Peter A., xxx-xx-xxxx
Peterson, Lamont R., xxx-xx-xxxx
Porter, Paul F., xxx-xx-xxxx
Readinger, Sharon A., xxx-xx-xxxx
Rogers, Earl D., xxx-xx-xxxx
Sanders, Mary A., xxx-xx-xxxx
Smogur, Thomas G., xxx-xx-xxxx
Stork, Roger L., xxx-xx-xxxx
Sutay, Robert J., xxx-xx-xxxx
Swanson, John W., xxx-xx-xxxx
Sweigart, Marlin L., xxx-xx-xxxx
Tanner, Merle R., Jr., xxx-xx-xxxx
Tedor, John B., xxx-xx-xxxx
Tenaglia, Ronald J., xxx-xx-xxxx
Termaath, Stephen G., xxx-xx-xxxx
Warner, Ronald D., xxx-xx-xxxx
Warnken, Reimund G., xxx-xx-xxxx
Wasem, Gary A., xxx-xx-xxxx
Worthy, Charles D., Jr., xxx-xx-xxxx
Yoshii, Dan O., xxx-xx-xxxx

IN THE NAVY

The following-named medical college graduates to be appointed permanent captain in the Medical Corps in the Reserve of the U.S. Navy, pursuant to title 10, United States Code, section 593:

Cowan, George S. M. McSwain, Norman E.

The following-named ex-Navy officers to be appointed permanent commander in the Medical Corps in the Reserve of the U.S. Navy, pursuant to title 10, Untied States Code, section 593.

Kostiuk, Eugene S. Young, Stanley B.

Michael C. Egan, ex-Naval Reserve officer, to be appointed permanent commander in the Medical Corps in the Reserve of the U.S. Navy, pursuant to title 10, United States Code, section 593.

IN THE NAVY

The following-named Naval Reserve Officers Training Corps candidates to be appointed permanent ensign in the Line or staff corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Butler, Otis E., III
Cole, Harry H.
Coonce, Thomas R.
Cummins, Cory S.
DeAngelis, Paul M.
Denny, Jeffrey G.
Dooris, William J.
Erdman, Bernard W.
Evans, Kenneth J.
Gauthier, Ronald D.
Green, Michael G.
Gross, Rodney D.
Hill, Timothy S.
Irvin, Ronald B. M.
Kiefer, Claudia J.
Kim, Thomas P.
Koszenski, Harry C.
LaRoche, Roy E., Jr.
McCarthy, Peter J.
Nelson, Christopher J.
Padelford, Timothy P.
Parkhurst, David C., II
Poarch, Julia E. Y.
Quick, Robert J.
Richter, John A., II
Ross, Alexander J.
Simmons, Howard C., II
Snyder, Diane L.
St. John, Theodore J.
Surrett, Robert L.
Whitten, John J.

The following-named Navy enlistee candidates to be appointd permanent chief warrant officers, W-2, in the U.S. Navy, pursuant to title 10, United States Code, section 555:

Cervantes, Mario C.
Szymanski, William J.
Williams, William H.

IN THE MARINE CORPS

The following-named Marine Corps enlisted commissioning education program graduates for permanent appointment to the grade of second lieutenant in the U.S. Marine Corps, pursuant to title 10, United States Code, section 531:

Avey, Thomas G., xx...
Baldwin, Mary H., xx...
Becker, James C., Jr., xx...
Buchanan, Larry, xxxx
Caldwell, Gregory R., xxxx
Campbell, Kent P., xx...
Capets, David, xx...
Chamberlain, Thomas J., xx...
Cooney, James J., Jr., xx...
Coulson, Robert W., xx...
Cristy, Jose G., II, xxxx
Dominick, James V., III, xx...
Dorn, Ralph P., xx...
Ellis, Steven J., xx...
Ellrick, Daniel A., xx...
Fuller, Scott J., xx...
Giles, Herman H., Jr., xx...
Gillan, Daniel J., xx...
Groves, Michael A., xx...
Hansen, Charles C., xx...
Hansen, Richard D., xx...
Hurston, David L., xx...
Justice, Barry D., xx...
Lewis, Effie L., xx...
Lewis, Michael D., xx...
Londrie, Harold R., xx...
Marshall, Larry R., xxxx
Martin, Tracy L., xx...
Martin, William E., xx...
Matherly, Ray A., xx...
Meredith, William E., Jr., xx...
Pierce, Keith W., xx...
Radtke, Steven C., xx...
Ragland, John P., xxxx
Schultz, Paul D., xx...
Sodergren, Mark J., xx...
Stopp, David A., xx...
Wall, Jay C., xxxx
Weston, Tammy R., xx...
Williams, Joe F., Jr., xx...
Wilson, Joseph A., xx...

The following-named Naval Reserve Officers Training Corps graduates for permanent appointment to the grade of second lieutenant in the U.S. Marine Corps, pursuant to title 10, United States Code, section 2107:

Abraham, Peter E., xxxx
Adam, James P., xx...
Allen, Scott T., xx...
Ambrosi, John T., xx...
Anderson, Richard A., xx...
Anderson, Richard L., xxxx
Andy, Joseph A., xx...
Anglin, Paul S., xx...
Angulo, Vince E., xx...
Ankewich, Carl M., xx...
Anthony, Eric D., xx...
Appleton, Thomas J., xxxx
Bachman, Joseph R., xxxx
Bailes, Elbert L., III, xx...
Bain, Dale W., xx...
Baker, Byron L., xx...
Ball, Michael S., xx...
Bass, Keith W., xx...
Beatty, James R., xx...
Belke, Stephen W., xx...
Bell, Jo A., xx...
Benford, Leo W., xxxx
Bennett, Calvin B., III, xx...
Bennett, Sherri L., xx...
Benson, Charles A., Jr., xx...
Berkowitz, Robert J., xx...
Berryman, Michael C., xx...
Bishop, James H., xx...
Blackmon, Warren A., xx...
Bland, Richard K., xx...
Blashka, Bruce G., xx...
Blaylock, Mikel F., xx...
Bogan, Harold A., xx...
Boggs, Sharon R., xxxx
Bonn, Bo R., xx...
Bookwalter, Timothy J., xx...
Boraks, Michael W., xx...
Bowers, Robert E., xx...
Boyer, Richard D., xx...
Brackett, Donald C., xx...
Brannen, Daniel J., xx...
Bremer, James K., xx...
Brow, John A., xx...
Brower, John A., xx...
Brown, Bernard L., xx...
Brown, Stephen J., xx...
Burke, Adrian W., xx...
Burkhart, Lynn L., xx...
Bywaters, Kevin L., xx...
Cady, Kevin L., xx...
Cajka, Daniel A., xx...
Capotosto, David A., xxxx
Carhart, Scott T., xx...
Carpentier, Thomas F., xx...
Carter, Perry W., xx...
Castaneda, Filmer M., xx...
Castellvi, Robert F., xxxx
Cave, Edward H., xxxx
Chan, Bruce A., xx...
Chapman, Murray W., xx...
Cicchinelli, Matthew R., xx...
Clark, Jamie E., xx...
Clark, Paul K., xx...
Clark, Robert D., xx...
Claucherty, Jonathan S., xx...
Claus, Robert C., xx...
Clay, Stephen W., xx...
Clayton, Larry, xx...
Cluck, Carl L., xx...
Cochran, John W., xx...
Comer, Vernon B., xx...
Cope, William R., xx...
Corderman, Gary L., xx...
Costa, Anthony P., xxxx
Cover, Christopher R., xx...
Cowan, Charles W., xx...
Craighead, Donald R., xx...
Crenshaw, Craig C., xx...
Crouch, Robert M., xx...
Croy, Steven R., xx...
Cubbege, Jill E., xx...
Culhane, Brian M., xx...
Cunningham, Eugene R., xx...
Damm, Eric M., xx...

Davenport, David A., XX...
Davis, George W., III, XX...
Deliberto, Gary R., XX...
Dirksmeier, Peter J., XX...
Dixon, James K., XX...
Dolan, Michael J., XX...
Dosev, Cristov, XX...
Douglas, Michael S., XX...
Dowling, Christopher S., XX...
Downes, Eric S., XXXX
Downs, Bruce M., XX...
Dunn, Keith E., XX...
Earnest, Lisa M., XX...
Efta, Damian D., XX...
Epplin, Michael A., XX...
Eshelman, William P., Jr., XX...
Evers, Clayton O., XX...
Everson, Mark J., XX...
Fack, Joachim W., XX...
Fahy, John P., XX...
Ferrando, Stephen A., XX...
Ferrick, Michael G., XX...
Fischler, Kenneth S., XX...
Fishburn, David A., XX...
Flores, Shawn R., XX...
Flynn, Michael D., XX...
Foster, Sterling H., XX...
Fox, Thomas M., XX...
Franklin, Glenn M., XX...
Gaines, Mark E., XX...
Gainey, Wesley R., XX...
Gaiter, Valerie Y., XX...
Games, Timothy E., XX...
Garner, Ches H., XX...
Garvey, Dennis P., XX...
Gass, James D., XX...
Gibson, Thomas L., XX...
Gill, Kenyon M., III, XX...
Glodosky, David M., XX...
Goolsby, Thomas C., Jr., XX...
Gordon, John R., III, XX...
Goudreau, Thomas J., XX...
Green, Edward M., XX...
Guenther, Uwe W., XX...
Gunderson, Kevin R., XX...
Hahn, Peter L., XX...
Haliday, Christian N., XX...
Hall, Mark E., XX...
Hankins, David S., 0692
Hanna, Guy C., XX...
Hannay, Jeffrey M., XXXX
Hanyok, Michael B., XX...
Harchelroad, Mark R., XX...
Hardiman, Timothy J., XX...
Hawes, Eric A., XX...
Hayden, Christopher E., XX...
Henderson, Michael P., XX...
Higgins, Timothy P., XX...
Hightower, Michael C., XX...
Hite, Jeffery A., XXXX
Holladay, Steven M., XX...
Hurd, Rodney O., XX...
Ingebretsen, Carl R., XX...
Jackson, Harry B., Jr., XXXX
Janousek, Guy M., XXXX
Jasper, Marc W., XX...
Jaworski, John J., XXXX
Jebens, Mark S., XX...
Jensen, Donald K., XX...
Johnson, Ledell, XXXX
Johnson, Stewart J., XX...
Jones, Glennon F., XX...
Jones, Reginald L., XX...
Joyce, Robert E., XX...
Kasky, Wendy L., XX...
Kaupp, David S., XXXX
Kazin, Gerard G., XX...
Kelley, Craig A., XX...
Kenkel, James D., XXXX
Kesh, Robert D., XX...
Kim, Earl T., XX...
Kingston, James L., XXXX
Kinney, Troy W., XX...
Kirkland, Charles L., XX...
Kittelson, John O., XX...
Kmiecik, Janet M., XX...
Koerber, Darrel L., XX...
Kowalski, Michal, XX...
Kratzert, John L., XX...
Kroh, Thomas S., XX...
Lanicek, Richard E., XX...
Larson, Thomas E., XX...
Lawler, Brian A., XXXX
Lessig, Thomas F., XXXX
Light, Martin C., Jr., XX...
Lindsey, Bruce D., XX...
Little, Thomas E., XX...
Lobbezoo, Mark A., XX...
Lones, Kenneth R., II, XX...
Lotocki, Michael J., XX...
Lynch, Mark V., XX...
Lynn, Thomas A., XX...
Maclean, Andrew B., XX...
Mahoney, Joseph E., XX...
Malone, Douglas R., XX...
Mann, Alan A., XX...
Marino, Richard M., XX...
Mark, Michael A., XX...
Marks, Aaron B., XX...
Martellotto, Michael J., XX...
Massey, Jill M., XX...
Matthews, Brent R., XX...
McCarthy, Gary J., XX...
McClintock, Bruce J., XX...
McConnell, Kevin M., XX...
McCoy, Michael D., XX...
McCubbin, Timothy I., XX...
McEowen, John A., XX...
McGinn, Patrick M., XXXX
McGugan, Patrice L., XX...
McHugh, Andrew M., XX...
McIntosh, Benjamin R., XXXX
McLaughlin, John R., XX...
McLendon, Charles S., XXXX
Mendel, John E., XX...
Merinar, John R., Jr., XX...
Meyer, Timothy E., XX...
Micucci, Michael A., XX...
Mikkelsen, John K., XX...
Mikkelson, David P., XX...
Mills, Craig D., XX...
Mills, William G., III, XX...
Mitchell, Joel J., XX...
Monteferrante, Richard A., XX...
Morgan, David P., XX...
Morgan, Richard W., Jr., XX...
Morgan, William F., XX...
Morrison, Wayne, XX...
Morse, Timothy E., XX...
Muchowicz, Mark S., XX...
Murphy, James S., XX...
Murphy, Thomas J., XX...
Murphy, Timothy J., XX...
Murray, Susan L., XX...
Nicolai, John A., XX...
Niebuhr, Dyvonne S., XX...
Nishioka, Carl H., XX...
Noel, William E., XX...
Norris, William T., XX...
Nowicki, Anthony W., XX...
Null, Dejuan P., XX...
O'gburn, John G., XX...
O'Hara, Stephen C., XX...
Oliver, Randy K., XX...
Olszko, Christopher J., XX...
Oshea, Richard T, XXXX
Owens, Michael J., XX...
Padgett, Mark L., XX...
Panknin, James D., Jr., XX...
Parker, William J., XX...
Partin, Robert W., XX...
Pavack, Anthony C., XXXX
Pavolko, Michael T., XX...
Peacock, David A., XX...
Perry, Robert R., Jr., XX...
Phaneuf, Jeffrey M., XX...
Phelan, James J., III, XX...
Phillips, David E., XX...
Pike, John R., XX...
Pilotte, Steven J., XX...
Polins, Gregory R., XX...
Powell, Patrick A., XXXX
Powers, Joel R., XX...
Pratt, Alan M., XX...
Price, Ernest E., IV, XX...
Probert, Edward W., Jr., XX...
Pugh, James B., XX...
Ramirez, Roberto F., XX...
Rampey, William J., Jr., XX...
Reddy, Peter C., XX...
Reid, Terry L., XX...
Reinwald, Shawn M., XX...
Remick, Daryl F., XX...
Reschar, John V., Jr., XX...
Richards, Larry A., XXXX
Ridley, Frank M., IV, XX...
Riggs, Arthur A., III, XX...
Riley, Wendall, XX...
Robertson, Darrell F., XX...
Robinson, Kevin J., XX...
Rogers, Steven J., XX...
Romano, Carl V., XX...
Rominski, Michael T., XX...
Rucker, Kenneth L., XX...
Runkel, Edward L., XX...
Runyon, David A., XX...
Rupert, Jeremiah, I, XX...
Ryan, David A., XX...
Schmidt, Michael D., XX...
Schmidt, Steven B., XX...
Schmitz, Richard M., XX...
Sederburg, Kelvin B., XX...
Selman, Thomas H., III, XX...
Seroka, Gregory D., XX...
Setzer, Steven R., XX...
Sharp, Daniel L., XX...
Shawhan, Kirk A., XX...
Shinnick, John D., Jr., XX...
Simmons, Paul F., XX...
Slavens, Douglas J., XX...
Slewka, Anthony P., XX...
Smith, Kevin P., XX...
Snyder, William D., XX...
Sokoloski, Glenn D., XX...
Spondre, Ira, XX...
Spratt, Katherine G., XX...
Stansfield, Floyd J., XX...
Stauffer, Richard V., XX...
Stinson, James E., XX...
Sullivan, Stephen M., XX...
Sumner, Mark D., XX...
Swatzell, William J., XX...
Talaber, Richard E., XX...
Taylor, Daniel A., XX...
Terando, David J., XX...
Thomas, Gary L., XX...
Thompson, Phillip F., XX...
Thompson, Randy H., XX...
Thompson, William G., XX...
Thormer, Darrel L., XX...
Titus, Mark D., XX...
Tringali, Arthur M., XX...
Vanstee, Peter M., XX...
Vasley, Anthony G., XX...
Vernon, Gregory J., XX...
Vickers, David A., XX...
Volandt, Stephen L., XX...
Walls, William J., XX...
Walter, John J., XX...
Walton, William D., XX...
Welker, Ernest B., Jr., XX...
Wendt, Roger A., XXXX
Wersel, Richard M., Jr., XX...
Wessinger, Courtney S., XX...
Westman, Michael R., XX...
Whitaker, Barron D., XX...
White, Jeffrey L., XX...
Wilbourn, James N., III, XX...
Wild, Mark A., XXXX
Wilkinson, Timothy M., XX...
Williams, Anthony K., XX...
Williams, Edward V., XX...

Williams, Jon H., xx...
Wilson, Lonnie M., xx...
Wilson, Timothy M., xx...
Wojtysiak, Randall W., xx...
Wolf, David J., xx...

IN THE MARINE CORPS

The following-named officers of the Marine Corps Reserve for transfer into the Regular Marine Corps under the provisions of title 10, United States Code, section 531 and 555:

To be colonel

MacFarlane, John L., xxx-xx-xxxx

To be major

Bader, Bruce W., xxx-xx-xxxx
Glassmire, Charles F., xxx-xx-xxxx
Hobart, Ted W., xxx-xx-xxxx
Jacobson, George G., xxx-xx-xxxx
James, Peter A., xxx-xx-xxxx
Moon, Frederick J., xxx-xx-xxxx
Smith, William H., xxx-xx-xxxx

To be captain

Arp, Richard P., xxx-xx-xxxx
Bosco, Dennis E., xxx-xx-xxxx
Buescher, Howard G., xxx-xx-xxxx
Buranosky, Joseph F., xxx-xx-xxxx
Burke, Jeffrey L., xxx-xx-xxxx
Burke, Paul J., xxx-xx-xxxx
Buynak, Larry R., xxx-xx-xxxx
Caulfield, Thomas V., xxx-xx-xxxx
Cleveland, William R., xxx-xx-xxxx
Compton, Danny M., xxx-xx-xxxx
Conant, Thomas L., xxx-xx-xxxx
Dalton, Robert C., xxx-xx-xxxx
Daugherty, Lester A., xxx-xx-xxxx
Doyle, Scott A., xxx-xx-xxxx
Dunn, John M., xxx-xx-xxxx
Elkins, Steven T., xxx-xx-xxxx
Fox, John N., xxx-xx-xxxx
Frawley, James J., xxx-xx-xxxx
Gaare, Thomas G., xxx-xx-xxxx
George, Brian J., xxx-xx-xxxx
Gleason, Phillip B., xxx-xx-xxxx
Guddeck, William J., xxx-xx-xxxx
Haney, James J., xxx-xx-xxxx
Henry, Allen C., xxx-xx-xxxx
Hingston, William A., xxx-xx-xxxx
Johnson, Oke I., xxx-xx-xxxx
Ladner, Paul F., xxx-xx-xxxx
Lange, William M., xxx-xx-xxxx
Maserjian, James B., xxx-xx-xxxx
Medeiros, Herbert J., xxx-xx-xxxx
Osborn, Michael R., xxx-xx-xxxx
Powell, Gary B., xxx-xx-xxxx
Pryor, Roger M., xxx-xx-xxxx
Raleigh, Robert K., xxx-xx-xxxx
Rogers, James A., xxx-xx-xxxx
Rohde, Stephen J., xxx-xx-xxxx
Sapp, Vernon T., III, xxx-xx-xxxx
Smith, Del C., III, xxx-xx-xxxx
Smith, Jackie B., xxx-xx-xxxx
Stratton, David B., xxx-xx-xxxx
Taylor, George J., xxx-xx-xxxx
Thomas, John A., xxx-xx-xxxx
Wales, Michael C., xxx-xx-xxxx
Warmke, Donald D., xxx-xx-xxxx
Watson, Gary W., xxx-xx-xxxx
Zaffuto, Mark J., xxx-xx-xxxx

To be lieutenant

Abrams, David L., xxx-xx-xxxx
Alexander, Teri L., xxx-xx-xxxx
Alles, Mark J., xxx-xx-xxxx
Amberg, Teresa J., xxx-xx-xxxx
Arends, Elizabeth A., xxx-xx-xxxx
Arnold, Chester A., xxx-xx-xxxx
Audette, Stephen T., xxx-xx-xxxx
Babb, George B., Jr., xxx-xx-xxxx
Bailey, James C., xxx-xx-xxxx
Bembenek, Denis J., xxx-xx-xxxx
Bickenbach, John P., xxx-xx-xxxx
Birkholz, Keith A., xxx-xx-xxxx
Black, William M., Jr., xxx-xx-xxxx
Blair, Brian R., xxx-xx-xxxx
Blanchard, Christophe E., xxx-xx-xxxx
Bocker, Peter E., xxx-xx-xxxx
Bohorques, Don L., Jr., xxx-xx-xxxx
Bolleau, Lamont D., Jr., xxx-xx-xxxx
Bolander, Jeffrey W., xxx-xx-xxxx
Boyle, Terrence R., xxx-xx-xxxx
Braden, Cydnie C., xxx-xx-xxxx
Bradley, Scott G., xxx-xx-xxxx
Breckenridge, Robert E., xxx-xx-xxxx
Brown, Stephen E., xxx-xx-xxxx
Brown, Wes W., xxx-xx-xxxx
Browning, Ronald E., xxx-xx-xxxx
Bruggeman, Robert Q., xxx-xx-xxxx
Bucher, John R., xxx-xx-xxxx
Buckley, Paul J., xxx-xx-xxxx
Burns, Wanda J., xxx-xx-xxxx
Camarena, Carlos J., xxx-xx-xxxx
Cameron, Stephen J., xxx-xx-xxxx
Canterbury, Jincy L., xxx-xx-xxxx
Caporale, Louis D., Jr., xxx-xx-xxxx
Carter, Michael R., xxx-xx-xxxx
Cass, Benjamin M., xxx-xx-xxxx
Cline, Don D., xxx-xx-xxxx
Cole, Joseph M., xxx-xx-xxxx
Colley, William C., xxx-xx-xxxx
Collins, Sherwood E., III, xxx-xx-xxxx
Comingore, Carol A., xxx-xx-xxxx
Cooke, John J., III, xxx-xx-xxxx
Costello, Brian T., xxx-xx-xxxx
Cowan, Donald M., xxx-xx-xxxx
Coz, Peter B., xxx-xx-xxxx
Crittenden, Ann L., xxx-xx-xxxx
Crowe, William B., xxx-xx-xxxx
Cushman, Daniel I., xxx-xx-xxxx
Cyrus, John W., III, xxx-xx-xxxx
Czarnecki, Gerald L., xxx-xx-xxxx
Daily, Douglas J., xxx-xx-xxxx
DeGeorge, Edwin W., Jr., xxx-xx-xxxx
Delaney, Thomas R., xxx-xx-xxxx
Delugo, Richard M., xxx-xx-xxxx
Devin, Timothy J., xxx-xx-xxxx
Dipasquale, Jeffrey D., xxx-xx-xxxx
Dobbins, Richard E., Jr., xxx-xx-xxxx
Eiler, David E., xxx-xx-xxxx
Elkins, David M., xxx-xx-xxxx
Farino, Dale F., xxx-xx-xxxx
Farley, Milford G., II, xxx-xx-xxxx
Farra, Patrick K., III, xxx-xx-xxxx
Farrell, Janet H., xxx-xx-xxxx
Ferguson, Michael A., xxx-xx-xxxx
Ferketish, Gregory M., xxx-xx-xxxx
Fletcher, Paul K., xxx-xx-xxxx
Flohr, Michael E., xxx-xx-xxxx
Flores, Edmund F., xxx-xx-xxxx
Frank, Timothy E., xxx-xx-xxxx
Franklin, John B., Jr., xxx-xx-xxxx
Gaither, Timothy P., xxx-xx-xxxx
Gentry, Bart R., xxx-xx-xxxx
Ghannam, John H., xxx-xx-xxxx
Gibbs, Thomas B., xxx-xx-xxxx
Gielow, Harold R., xxx-xx-xxxx
Giles, Danny L., xxx-xx-xxxx
Gilmore, Ronald F., xxx-xx-xxxx
Gilmore, John F., xxx-xx-xxxx
Glazer, Thomas E., xxx-xx-xxxx
Gough, Patrick J., xxx-xx-xxxx
Gresham, William F., xxx-xx-xxxx
Griffith, David P., xxx-xx-xxxx
Griffith, Rayburn G., xxx-xx-xxxx
Guy, Frederick T., III, xxx-xx-xxxx
Hammer, Raymond W., xxx-xx-xxxx
Hammond, Steven P., xxx-xx-xxxx
Hartz, Gregory., xxx-xx-xxxx
Hasey, Richard M., xxx-xx-xxxx
Haskell, Kip J., xxx-xx-xxxx
Haynes, Charles T., xxx-xx-xxxx
Heggy, Patrick C., xxx-xx-xxxx
Hensley, Edward B., Jr., xxx-xx-xxxx
Hergert, John G., xxx-xx-xxxx
Herrmann, Kevin G., xxx-xx-xxxx
Hertig, Steven J., xxx-xx-xxxx
Hesse, David M., xxx-xx-xxxx
Hickey, John E., xxx-xx-xxxx
Hill, Jack H., xxx-xx-xxxx
Hittle, Daniel C., xxx-xx-xxxx
Hodge, Randall A., xxx-xx-xxxx
Hogg, Steven D., xxx-xx-xxxx
Hough, David K., xxx-xx-xxxx
Hovland, Joel B., xxx-xx-xxxx
Hunt, Albert M., Jr., xxx-xx-xxxx
Irick, Ronald P., xxx-xx-xxxx
Jensen, Robert D., xxx-xx-xxxx
Jerothe, Douglas J., xxx-xx-xxxx
Jewett, Laurence L., xxx-xx-xxxx
Jones, Alan M., xxx-xx-xxxx
Kaplan, Albert H., xxx-xx-xxxx
Keena, Timothy E., xxx-xx-xxxx
Kelley, Patrick C., xxx-xx-xxxx
Kelly, Robert W., Jr., xxx-xx-xxxx
Kernop, Gary G., xxx-xx-xxxx
Kirchner, Lorin R., xxx-xx-xxxx
Koehler, Edwin L., Jr., xxx-xx-xxxx
Kolos, Daniel W., xxx-xx-xxxx
Konold, Eugene L., Jr., xxx-xx-xxxx
Kuhnert, Robert A., xxx-xx-xxxx
Kuiken, Peter A., xxx-xx-xxxx
Lawrence, Jeffery J., xxx-xx-xxxx
Lewis, Alan R., xxx-xx-xxxx
Lilley, Gene T., Jr., xxx-xx-xxxx
Little, Stephen L., xxx-xx-xxxx
Louf, Brian J., xxx-xx-xxxx
Malay, Mark P., xxx-xx-xxxx
Matt, Peter D., xxx-xx-xxxx
Mattfeld, Stanley J., xxx-xx-xxxx
Mayer, Daniel L., xxx-xx-xxxx
Mazur, Frank D., xxx-xx-xxxx
McAdam, Kean, xxx-xx-xxxx
McCarthy, David M., xxx-xx-xxxx
McCarthy, Peter G., xxx-xx-xxxx
McCue, Edward M., III, xxx-xx-xxxx
McCullough, Patrick J., xxx-xx-xxxx
McCusker, Michael J., xxx-xx-xxxx
McFadden, Rick T., xxx-xx-xxxx
McGinnis, Maureenbur, xxx-xx-xxxx
McKinnon, Ann M., xxx-xx-xxxx
McMenomy, Chris D., xxx-xx-xxxx
McNulty, Daniel A., xxx-xx-xxxx
McNulty, Dennis M., xxx-xx-xxxx
Mengelkoch, Jerry G., xxx-xx-xxxx
Meyer, Lawrence D., xxx-xx-xxxx
Miller, Eric W., xxx-xx-xxxx
Minor, Richard A., xxx-xx-xxxx
Miranda, John A., xxx-xx-xxxx
Mizerak, William P., xxx-xx-...
Molofsky, Joseph, xxx-xx-xxxx
Morris, Ailneal, xxx-xx-xxxx
Morrison, Barry K., xxx-xx-xxxx
Moss, Edward J., xxx-xx-xxxx
Mulvaney, Edward P., xxx-xx-xxxx
Munson, Douglas A., Jr., xxx-xx-xxxx
Murphy, Donald R., xxx-xx-xxxx
Murphy, John D., Jr., xxx-xx-xxxx
Myers, Leslie M., Jr., xxx-xx-xxxx
Nicholson, Lawrence D., xxx-xx-xxxx
Nixon, Harold J., xxx-xx-xxxx
Nold, Mark L., xxx-xx-xxxx
Olevsky, Richard S., xxx-xx-xxxx
Oltorik, Thomas F., Jr., xxx-xx-xxxx
Owens, Christophe S., xxx-xx-xxxx
Peabody, Charles B., xxx-xx-xxxx
Pederson, Peter S., xxx-xx-xxxx
Petrosino, Steven P., xxx-xx-xxxx
Praught, Timothy J., xxx-xx-xxxx
Prendergast, Thomas J., Jr., xxx-xx-xxxx
Preston, Glenn H., xxx-xx-xxxx
Pricskett, James T., xxx-xx-xxxx
Progar, Thomas A., xxx-xx-xxxx
Pultro, Joseph N., xxx-xx-xxxx
Quick, John L., xxx-xx-xxxx
Rawers, Brian A., xxx-xx-xxxx
Ray, Jacky E., xxx-xx-xxxx
Rayfield, Richard M., xxx-xx-xxxx
Reid, Beverly J., xxx-xx-xxxx
Ridgeway, Scott W., Jr., xxx-xx-xxxx
Robb, David R., xxx-xx-xxxx
Robertson, Maureen A., xxx-xx-xxxx
Robins, Andrew L., xxx-xx-xxxx

Rocha, Joseph M., xxx-xx-xxxx
Rosenberger, Glenn W., xxx-xx-xxxx
Russell, Robert P., xxx-xx-xxxx
Sabal, Dennis G., xxx-xx-xxxx
Salaz, David R., xxx-xx-xxxx
Sargent, Bradford M., xxx-xx-xxxx
Sawyer, Kevin C., xxx-xx-xxxx
Schmidt, Robert A., xxx-xx-xxxx
Schneider, Glenn T., xxx-xx-xxxx
Schreiber, Paul K., xxx-xx-xxxx
Schuler, Sue I., xxx-xx-...
Schwarm, Karl A., xxx-xx-xxxx
Schwob, Matthew P., xxx-xx-xxxx
Scott, Kevin M., xxx-xx-xxxx
Shafer, George C., III, xxx-xx-xxxx
Singley, Charles E., Jr., xxx-xx-xxxx
Sinnott, James R., xxx-xx-xxxx
Sloane, Eric M., xxx-xx-xxxx
Stoss, Debra L., xxx-xx-xxxx
Sullivan, Bret T., xxx-xx-xxxx
Sullivan, John M., Jr., xxx-xx-xxxx
Summer, Ellen E., xxx-xx-xxxx
Sutz, Steven S., xxx-xx-xxxx
Talkington, Rory E., xxx-xx-xxxx
Tanzler, Mark H., xxx-xx-xxxx
Tierney, David H., xxx-xx-xxxx
Torres, Herminio, Jr., xxx-xx-xxxx
Truba, Gregory A., xxx-xx-xxxx
Trujillo, Michael V., xxx-xx-xxxx
Turner, Robert J., Jr., xxx-xx-xxxx
Turner, Venice J., xxx-xx-xxxx
Underwood, William E., IV, xxx-xx-xxxx
Venetten, James P., xxx-xx-xxxx
Vaughan, Gary A., xxx-xx-xxxx
Vaughn, Paul E., xxx-xx-xxxx
Vaught, Edward E., xxx-xx-xxxx
Viers, Michael W., xxx-xx-xxxx
Volodkevich, Irene J., xxx-xx-xxxx
Vonada, Andrew L., xxx-xx-xxxx
Wade, Paul R., III, xxx-xx-xxxx
Wagner, Erich J., xxx-xx-xxxx
Walden, Robert E., xxx-xx-xxxx
Walker, Patrick T., xxx-xx-xxxx
Walsh, Edward M., xxx-xx-xxxx
Walter, Donald A., xxx-xx-xxxx
Wasek, James S., xxx-xx-xxxx
Watson, Kent A., xxx-xx-xxxx
Webb, Michael K., xxx-xx-xxxx
West, William G., xxx-xx-xxxx
Will, Alan B., xxx-xx-xxxx
Willison, Gary L., xxx-xx-xxxx
Winter, Edward J., xxx-xx-xxxx
Wolf, Stephen S., xxx-xx-xxxx
Wong, George, xxx-xx-xxxx
Wray, Osamu, xxx-xx-xxxx
Yarnell, Edward, xxx-xx-xxxx
Yecke, Dennis J., xxx-xx-xxxx
Young, William O., VII, xxx-xx-xxxx
Zabicki, Walter T., xxx-xx-xxxx
Zaborowski, Francis S., xxx-xx-xxxx
Zuest, Bruce, xxx-xx-xxxx

To be warrant officer

Benner, Walter F., xxx-xx-xxxx
Bowden, John W., III, xxx-xx-xxxx
McEvoy, Paul E., xxx-xx-xxxx

IN THE MARINE CORPS

The following-named Naval Reserve Officers Training Corps graduates for permanent appointment to the grade of second lieutenant in the U.S. Marine Corps, pursuant to title 10, United States Code, section 2107:

Davis, Mark A., xx...
Flemming, Keith L., xx...
Higbee, Robert W., xx...
Holbrook, Robert C., xx...
Nees, James E., xx...
Schum, John M., xx...
Sellers, Bruce C., xx...

The following-named temporary disability retired officer for reappointment to the grade of major in the U.S. Marine Corps, pursuant to title 10, United States Code, section 1211:

LaFreniere, Aurel E., xx...

Executive nominations received by the Senate February 21, 1984:

The following-named officers for promotion to the grade indicated under the provisions of article II, section 2, clause 2 of the Constitution of the United States of America:

IN THE NAVY

To be captain

Commander Daniel C. Brandenstein, xx... xxx-xx....

To be commander

Lt. Commander Dale A. Gardner, xxx-x... xxx...

IN THE AIR FORCE

To be colonel

Lt. Col. Guion S. Bluford, Jr., xxx-xx-xxxx.

To be lieutenant colonel

Maj. Brewster H. Shaw, Jr., xxx-xx-xxxx.

CONFIRMATION

Executive nomination confirmed by the Senate February 21, 1984:

DEPARTMENT OF THE INTERIOR

Richard Thomas Montoya, of Texas, to be an Assistant Secretary of the Interior.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

HOUSE OF REPRESENTATIVES—*Tuesday, February 21, 1984*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore (Mr. WRIGHT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,
February 9, 1984.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Tuesday, February 21, 1984.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As we open our hearts to another day, O God, we are conscious of Your blessing on every side. We thank You that You nurture us, forgive us and cause us opportunities for joy and satisfaction. May we not put aside the remembrance of all the good gifts we have received, and may not the presence of freedom in a good land become commonplace in our thoughts. We thank You, O gracious God, for this day. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested a bill of the House of the following title:

H.R. 3655. An act to raise the retirement age for judges of the Superior Court of the District of Columbia and judges of the District of Columbia Court of Appeals.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1330. An act to authorize the U.S. Army Corps of Engineers to provide grants to the several States to encourage and foster the construction of necessary public capital investment projects, and for other purposes; and

S. 2040. An act to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 with respect to the treatment of mortgage backed securities, to increase the authority of the Federal Home Loan Mortgage Corporation, and for other purposes.

PRIVATE CALENDAR

The SPEAKER pro tempore. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

FRANK L. HULSEY

The Clerk called the bill (H.R. 719) for the relief of Frank L. Hulsey.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

PHILLIP HARPER

The Clerk called the bill (H.R. 1426) for the relief of Phillip Harper.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

RESTORATION OF COASTWISE TRADING PRIVILEGES TO THE VESSEL "LA JOLIE"

The Clerk called the Senate bill (S. 1015) to clear certain impediments to the licensing of the vessel *La Jolie* for employment in the coastwise trade.

Mr. BIAGGI. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

MOUNTAHA BOU-ASSALI SAAD

The Clerk called the bill (H.R. 936) for the relief of Mountaha Bou-Assali Saad.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

THE ITALIANS WIN FRIENDS IN LEBANON BY ESTABLISHING A HOSPITAL

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of California. Mr. Speaker, the Italian portion of the multinational force in Beirut left that city over the weekend. The Italian soldiers' departure was most moving. Children hugged them. Women gave them flowers. It seems that the Italians had established a hospital; 60,000 Lebanese—Moslem, Palestinian, Christians, anybody who was hurt, was given medical help.

Our marines were also leaving Beirut this weekend. These fine young men were not embraced and accompanied by children to their boats. We did not build a hospital, Mr. Speaker. We apparently did not allow our American marines to become friends with the Lebanese.

We did send 5-inch and 16-inch shells into Moslem villages and town squares; and, as Navy Secretary John F. Lehman remarked, "You cannot preclude hitting the odd sheperd in the hills," when firing the 16-inch guns.

Mr. Speaker, I suggest that we should learn from the Italians. Two hundred million Moslems throughout the world will have good reason to think kindly of them. What will they think about us Americans and our President, the people who sent the 5- and 16-inch shells?

LEBANON—A FOREIGN POLICY FAILURE

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, as the events leading to our tragic policy in Lebanon unfold, and as we watch the withdrawal of our marines from the bunkers of Beirut, we lament the failure of American foreign policy in

the [redacted]—the purpose of which was never made clear to Congress or the American people.

That policy cloaked in ambiguity has now cost our Nation 264 lives. It has resulted in the deaths of thousands of innocent Lebanese and the pointless destruction of entire villages in that country. It has encouraged the radical elements of the Arab world, while further endangering our friends in Israel.

[redacted]

The true story of this failed policy is now emerging. It has become clear that [redacted] implemented that policy over the objections of our Nation's military leaders and continued that policy at the urging of his Secretary of State in spite of numerous signs that it could never work. It was a policy that defied commonsense. It was a policy which naively presumed that military intervention by a superpower could be more effective than diplomatic initiatives.

[redacted] has properly taken the blame for the Lebanon debacle. Now, he must rebuild our foreign policy in that region. For that reason, I call upon the Secretary of State George Shultz to resign in order to clean the way for a new, more constructive American policy in the Middle East. There is no disagreement that Secretary Shultz has come to symbolize the Reagan policies in that region. Similarly, no greater signal could be provided of our intention to set a new course in the Middle East and in our foreign policy than the resignation of Mr. Shultz.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The House will be in order.

The Chair would like to suggest that the rules of the House prohibit the engagement of private conversation with someone who is in the process of speaking or has just concluded speaking and would ask the gentleman on his left and the gentleman on his right to extend to one another the courtesies commonly expected of Members of the House.

SACRIFICES SHOULD BE BORNE EQUALLY

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, returning from the February recess, the unanimous message among constituents is do something about the Federal deficit. This is the first time in all the recesses that we have taken that the view is almost unanimous; by liberals, by conservatives, by [redacted], Independents, and [redacted] All that our constituents [redacted] for, Mr. Speaker, is that if [redacted] going to sacrifice, we should [redacted] equally, whether it is in [redacted] spending and domestic spending, whether it is talking about tax reform, and whether it is talking about entitlements.

The message is, "[redacted] that sacrifice." Mr. Speaker, we [redacted]

The majority leader, representing House Democrats, is right in stating that military spending must be part of this bipartisan agenda to reduce the deficit.

TIME TO IMPLEMENT A NEW POLICY IN LEBANON

(Mr. COLEMAN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLEMAN of Texas. Mr. Speaker, it is clear that the administration's current policy has failed in Lebanon. It is time for our marines to leave their untenable site, but it is also time to develop an effective policy for Lebanon, one that does not leave the country at the mercy of Syria's whims.

Syria has made no secret of its territorial claims to Lebanon, and has used the sect conflict within the country to achieve internal chaos, leaving Lebanon powerless and its people suffering. The Assad government claims that it was invited into the country to keep the peace but instead has fueled discord for its own gain. It will only benefit from the vacuum left by the collapse of the Gemayel government.

Syria has signaled the Lebanese Government that it will not negotiate a reconciliation until the Israelis have withdrawn from the south, leaving the country helpless and indefensible. With the abrogation of President Gemayel's 1983 accord with Israel, Syria will allow a negotiation process to begin. But this peace process will amount only to complete deference to Syrian goals since the new Government of Lebanon will have to meet the approval of the Assad government. The only government that will meet such standards is one that is so weak that it cannot resist the strategic moves of Soviet-backed Syrian forces.

If Syria gets its way, the United States will lose more than the support of the friendly Lebanese Government. It will also lose a vital strategic buffer between Israel and a hostile, violent government. The United States cannot let this happen. A Lebanon that is sympathetic to Syria will put an intolerable stress on the border with Israel. If our peacekeeping efforts have failed, our resolve to protect and strengthen the popularly elected Gemayel government must not. It is time to implement a new policy that allows us to effectively counter threats to our strategic interests in Lebanon.

[redacted] was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, one message came through loud and clear while I was home in Kansas this past week. With respect to the deficits, they want both Democrats and Republicans, both the White House and the Congress to stop the rhetoric, stop the posturing, stop the finger pointing, and to stop looking for someone to blame. They are tired of all of that, and they are mighty worried that these deficits as far as the eye can see are going to bring recovery to a screeching halt.

They are worried that if we in Washington do not bury the hatchet, we could end up burying the country.

It was also clear to me that they recognize that everyone is going to have to share in resolving this mess. They know that it is going to mean holding the line on spending, and they are willing to accept their part of that as long as it is fair. They know that it is going to mean some changes on the tax side and again they are willing to accept that as long as it is part of a sensible, balanced package.

Kansans are levelheaded, practical people. They have a good inate sense of when we have a problem that demands urgent attention, one that cannot afford to be put off. They are right on this one. And I encourage the President and the leadership of both parties to do what they say: Lower the rhetoric and get busy developing a real resolution before we finalize the first budget resolution.

AMERICANS WANT MARINES OUT OF BEIRUT THIS WEEK

(Mr. RATCHFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RATCHFORD. Mr. Speaker, Americans, are confused about Lebanon, but I know I share their hope that this week brings an end to our tragic military involvement in that country.

As proud and patriotic as Americans are, nobody wants more marines killed or wounded, sitting ducks in a raging

civil war. That is the message from the folks back home.

Mr. Speaker, this country must stay strong and protect freedom around the world. But before we commit troops in the future, we must be certain of our foreign policy goals, and just as certain that we can and will protect the troops we commit to fulfill those goals.

The need for a clear foreign policy is the lesson of our tragic involvement in Lebanon.

A SALUTE TO OUR WINTER OLYMPIC REPRESENTATIVES

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, I rise today to commend the skill, artistry, and dedication of our American representatives to the 1984 winter Olympic games. Along with millions of Americans, I watched last week as American athletes competed against the world's best. We can all take pride in their performances.

Although the technology of television made those Olympic games more personal than ever, even this extensive coverage could not show the effort and sacrifice American athletes made just to be there. Their grace and seemingly effortless performances belies the years of training and sacrifice to reach world class competition.

Unlike many other nations, American support for Olympic athletes in the past has been minimal. I am very happy that this attitude is changing. We owe these young champions all the opportunities, all the support we can give.

Five gold medals, and countless championship performances are things which we can all share. The achievements of our young men and women should be inspiration to every American. I know all my colleagues join me in saluting our winter Olympic representatives. And we look forward to the efforts of our summer Olympic athletes in Los Angeles.

WHAT A DIFFERENCE A YEAR MAKES

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, I am here to sing a new hit song, "What a Difference a Year Makes."

Last year the refrain that we heard constantly from the well of this House was a condemnation of the President, blaming the President of the United States for the then existing economic statistics. Unemployment was up, and interest rates were up, and all these bad signs.

Today what a difference a year makes. Just as the well of the House was full of speeches blaming the President for what existed, it is time now to sing that new song, "What a Difference a Year Makes," and give credit to the President because all the economic indicators are up. Unemployment is down. Employment is up. Housing starts are up. Auto sales are up. Every conceivable gross national product statistic is up. Factory output is up. You name it, the President ought to have credit for it, just as he received the blame for it a year ago when the refrain was, "Blame the President."

What a difference a year makes. All we have to do now is, with courage that is lacking in this Congress, to attack the deficit without rhetoric and without pointing the finger of blame as the finger was pointed at the President last year.

THE BALANCED BUDGET AMENDMENT

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, we have been asking the Democratic leadership of this House since the 2d session of the 98th Congress to bring to the floor of the House for a vote a proposed balanced budget amendment to the Federal Constitution.

To date we have not been successful in bringing it to the floor of the House for a vote.

I have news for my colleagues this morning. Last Friday, in California, we took an historic step. We filed a little over 600,000 signatures by petitions which will put on the ballot for November 1984 the issue of whether or not we, in California, want to make California the 33d State in the Union demanding that the Federal Government get its fiscal house in order by adopting this proposed constitutional amendment.

I might also advise my colleagues that an initiative is underway in the State of Montana, which would make the 34th State that would be on the ballot in November 1984 as well.

We could avoid the impending constitutional crisis whereby this Congress is required to call a constitutional convention by proposing the amendment—at least bringing it on the floor of the House for a vote.

I again ask the Speaker to do that.

VOLUNTARY SCHOOL PRAYER AMENDMENT

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, today we return from recess where supposedly we went home and listened to what the American people were telling us about what needs to be done in this Congress.

I suspect the message we got from the American people is essentially the one that we brought back when we came back in January. The American people want an agenda acted on which is in fact an agenda that they believe in and not a greedy special interest agenda such as has been characterized in this House over the last several months.

Part of that agenda is the voluntary school prayer constitutional amendment. And, Mr. Speaker, at this time I would hope to offer a unanimous-consent request calling for consideration of such an amendment.

The Chair has ruled that in order to make this request I must have the clearance of the majority and minority leadership. This request has been cleared by the minority leadership.

So I would now yield to a spokesman from the majority leadership for the appropriate clearance.

I wish the gentleman from Texas could speak for his leadership.

But, Mr. Speaker, I hear no response from the leadership. That should make it clear to the American people who stands in the way of voluntary school prayer, the Democratic leadership of the House.

RESULTS OF IOWA CAUCUS

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, I watched with great fascination last night as C-Span gave us live coverage of the Iowa caucuses and then later on the various network coverages and I want to tender an apology to the Democratic leadership of the House.

I had thought that the various systems by which you stacked the deck and the ways in which you stacked the committees and staffs were peculiar to the House. But I watched Mr. Mondale win 45 percent of the vote and 88 percent of the delegates last night and I frankly could not believe the way it was stacked. GARY HART got one-third as many votes as Mr. Mondale and is going to get 2 delegates to Mr. Mondales's 48. And that represents, if that continues this year, Mr. Mondale will be the least legitimate nominee of a party since William Howard Taft caused the split of the Republican Party in 1912.

□ 1220

I think it is an amazing kind of mathematics that 45 percent of the vote equals virtually 90 percent of the delegates to the convention.

A BALANCED FEDERAL BUDGET

(Mr. MACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MACK. Mr. Speaker, I, like many other Members, spent a great deal of my time back in southwest Florida talking to the people about what the problems were and how they perceived the deficit. But, in addition to that, I had the opportunity to read an editorial which really caught my eye. The editorial was referring to a recent Gallup poll of union members about a balanced Federal budget. Sixty-three percent of those indicated that they supported a balanced Federal budget. The interesting thing was that, apparently, the leadership of the AFL-CIO is out of step with its members. And the reason that caught my eye is because that seems to be what we are experiencing right here on the floor of the House.

It was my intention at this time and I had hoped that I would have the opportunity to offer a unanimous-consent request calling for consideration of an amendment to require a balanced budget. But the Chair has ruled that in order to make this request, I must have the clearance of the majority and the minority leadership. The request has been cleared by the minority leadership, and I would now yield to a spokesman from the majority leadership for an appropriate clearance.

Mr. Speaker, there being no approval, I think it is clear who is blocking the will of the American people.

MAJOR ISSUES AWAIT DEBATE IN THE HOUSE

(Mr. BARTLETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT. Mr. Speaker, last week, this House took a recess for Washington's Birthday. We recessed for the entire week. We became perhaps the only institution in the country that would not only take the day off but take the entire week off, and it was over the objections of many of us in this House, because many of us would have had us last week and this week begin to debate the major issues that are facing this country—the issue of deficit reduction, the issue of spending, the issue of a line-item veto, the issue of a constitutional amendment to balance the budget, and bankruptcy reform.

I am disappointed to note that this week again we return and we are not debating any of these issues on the floor.

So at this time, as I did the previous week, I would hope to offer a unanimous consent request calling for consideration of a line-item veto constitutional amendment. The Chair has ruled that in order to make this request, I must have the clearance of the majority and the minority leadership. This request has been cleared by the minority leadership. I would now yield to a spokesman from the majority leadership for an appropriate clearance.

Mr. Speaker, I hear no response, and that should continue to make it clear to the American people who stands in the way of a line-item veto and deficit reduction.

WINTER OLYMPIC PARTICIPANTS FROM STATE OF WASHINGTON WIN FOUR MEDALS

(Mr. MORRISON of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORRISON of Washington. Mr. Speaker, the citizens of the State of Washington are justifiably proud, for our citizens brought home four of those eight medals that we have just won in the winter Olympics, the best production of the American Alpine team ever in our history.

These names now are household items for the rest of this country: Debbie Armstrong, from Seattle; Rosalynn Sumners, from Edmonds; Phil and Steve Mahre, of my own Yakima Valley. We cannot quite claim Bill Johnson. He is from California, but he trained at Mission Ridge in central Washington State.

These accomplishments in the winter Olympics point out the quality of these young Americans and their will to win, and we are very proud of them. It also points out the unique recreational opportunities that abound in the Evergreen State.

REPRESENTATIVE BARBER CONABLE: A CLASS ACT

(Mr. BOEHLERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Speaker, I would like to add my statement of regret to those already being made around the country about the upcoming retirement of one of the most respected Members of this body. I am speaking of Congressman BARBER CONABLE.

These are some of the phrases that have been used to describe Congressman Conable in recent press reports: "Refreshing," "candid," "wise," "a truly independent thinker," "a man of unquestioned integrity and firm adherence to principles," "one of the brightest and most effective Members of the House," and "a tribute to reason and civility." And I could go on listing the richly deserved praise—some praise, I should add, from publications not particularly sympathetic to Congressman CONABLE's conservatism.

But Congressman CONABLE's achievement transcends any partisan or ideological consideration. He has set a standard to which all of us should aspire. He has never bowed to special interest groups or to narrow ideologies. He has never compromised his principles for passing political gain. For 20 years, he has been first and foremost his own man.

BARBER CONABLE is a true statesman. His departure is a loss for me, for New York State, and for the entire American public. BARBER CONABLE is the type of Representative who restores people's faith in government.

AMERICAN POLICY IN LEBANON

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, I could not believe by ears when I heard my colleagues from the other side of the aisle criticizing American policy in Lebanon. Because that is exactly what it was, it was American policy, it was policy that was voted on in this House by Members of both the Democrat and the Republican Parties.

John Kennedy said in 1962 that America would pay any price, support any friend, oppose any foe, to preserve liberty and freedom. He did not just say we would get in the ones we could win.

President Reagan has sent Mr. Habib and Mr. Shultz, and now Mr. Rumsfeld, from capital to capital, working many hours trying to bring about peace in Lebanon. I think we have learned that our foreign policy, especially foreign policy in the Middle East, is not always easy. But should we have abandoned the Lebanese people, that would not have been clear foreign policy, it would not have been right foreign policy, and it would not have been American.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the order of the House of February 9, 1984, the Chair announces that the Speaker has today appointed the following Members to represent the House of Representatives at appropriate ceremonies on February 22, 1984, the birthday of George Washington: Mr. BOUCHER of Virginia; and Mr. BATEMAN, of Virginia.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following com-

munication from the Clerk of the House of Representatives:

FEBRUARY 10, 1984.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, the Clerk received at 12:30 p.m. on Friday, February 10, 1984, the following message from the Secretary of the Senate: That the Senate agree to the amendments of the House to the Bill S. 1388.

With kind regards, I am,
Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
February 21, 1984.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit sealed envelopes received from The White House as follows:

(1) At 1:20 p.m. on Thursday, February 16, 1984 and said to contain a message from the President whereby he transmits the annual report for fiscal year 1983 of the National Endowment for the Arts and the National Council on the Arts;

(2) At 4:15 p.m. on Friday, February 17, 1984 and said to contain a message from the President whereby he transmits the United States Foreign Science and Technology Cooperation Report; and

(3) At 4:15 p.m. on Friday, February 17, 1984 and said to contain a message from the President together with draft legislation entitled the "Central America Democracy, Peace and Development Initiative Act of 1984" and a section-by-section analysis thereon.

With kind regards, I am,
Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

ANNUAL REPORT OF NATIONAL ENDOWMENT FOR THE ARTS AND NATIONAL COUNCIL ON THE ARTS FOR FISCAL YEAR 1983—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and Labor:

(For message, see proceedings of the Senate of today, Tuesday, February 21, 1984.)

□ 1230

DRAFT LEGISLATION ENTITLED THE "CENTRAL AMERICA DEMOCRACY, PEACE AND DEVELOPMENT INITIATIVE ACT OF 1984"—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-172)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

(For message, see proceedings of the Senate of today, Tuesday, February 21, 1984.)

THE 1983 ANNUAL REPORT ON THE U.S. GOVERNMENT'S INTERNATIONAL ACTIVITIES IN THE FIELDS OF SCIENCE AND TECHNOLOGY — MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and the Committee on Science and Technology:

(For message, see proceedings of the Senate of today, Tuesday, February 21, 1984.)

CIVIL SERVICE MISCELLANEOUS AMENDMENTS ACT OF 1983

Mrs. SCHROEDER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4336) to make certain miscellaneous changes in laws relating to the civil service, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 4, strike out beginning with line 1 over to and including line 23 on page 5.

Page 6, line 2, strike out "SEC. 6." and insert "SEC. 5.".

Page 6, line 16, strike out all after "(d)(1)" down to and including "which" in line 17, and insert "The revolving fund referred to in section 1304(e)(1) of this title".

Page 7, line 8, strike out "SEC. 7." and insert "SEC. 6.".

Page 7, line 9, strike out "implementation" and insert "operation".

Page 7, line 11, strike out "and currently in operation".

Page 7, line 14, strike out "4703(d)(1)(B)" and insert "4703(d)(1)".

Mrs. SCHROEDER (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentlewoman from Colorado?

Mr. PASHAYAN. Mr. Speaker, reserving the right to object, and I will not object, I rise in support of H.R. 4336, the Miscellaneous Civil Service Amendments Act of 1983. This piece of legislation originated in the House Subcommittee on Civil Service. Our colleagues in the Senate made three changes in the bill just before the Washington-Lincoln recess. I have no objection to any of the amendments and urge my colleagues to approve the legislation again.

The Senate deleted section 5, amending the Vacancies Act, because the proposed changes were substantive. Until further study can be done, the vacancy appointment process will remain as it is now. In addition, the bill has been amended to continue use of the OPM revolving fund by the President's Commission on Executive Exchange. The Commission will still be allowed to collect fees from its participants as it would have in the House bill. Finally, the limit on the number of personnel participating in the Navy personnel demonstration programs at China Lake and San Diego, Calif., has been removed at the request of the Department of the Navy.

This bill will amend the current civil service laws in a manner beneficial to the conduct of our Government.

Mrs. SCHROEDER. Mr. Speaker, if the gentleman will yield, the House passed this bill on November 16, 1983. As it passed the House, the bill made eight minor changes in the civil service laws. These changes related to reemployment of administrative law judges, the Federal Labor Relations Authority, the Vacancies Act, the executive exchange program run by the President's Commission on Executive Exchange, and a personnel demonstration project conducted by the Navy in southern California.

The Senate passed the bill a week ago Thursday with three minor amendments. One amendment struck all the changes to the Vacancies Act. This was done at the request of the administration, which wants to consider possible changes more closely. A second amendment, also made at the request of the administration, permits the President's Commission on Executive Exchange to utilize the revolving fund already extant at the Office of Personnel Management, rather than create a new revolving fund in Treasury. The third amendment permits the Navy to extend the coverage of its personnel demonstration project to additional employees at the Naval Ocean Systems Command in San Diego. Cur-

rent law limits the project to 5,000 people.

Neither the House-passed version nor the bill as amended by the Senate costs any money. The Commission on Executive Exchange is, however, rather desperate for the revolving fund authority contained in this bill, since its authority to collect and expend participation fees ended on December 31, 1983.

Mr. PASHAYAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2708, FOREIGN LANGUAGE ASSISTANCE FOR NATIONAL SECURITY ACT OF 1983

Mr. DERRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 98-599) on the resolution (H. Res. 440) providing for the consideration of the bill (H.R. 2708) to further the national security and improve the economy of the United States by providing grants for the improvement of proficiency in critical languages, for the improvement of elementary and secondary foreign language instruction, and for per capita grants to reimburse institutions of higher education to promote the growth and improve the quality of postsecondary foreign language instruction which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF H.R. 2751, NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES ACT AMENDMENTS OF 1983

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 351 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 351

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2751) to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. It shall be in order to consider an amendment printed in the Congressional Record of October 27, 1983, by, and if offered by, Representative Coleman of Missouri and all points of order against the amendment for failure to comply with the provisions of clause 5(a), rule XXI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from South Carolina (Mr. DERRICK) is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Ohio (Mr. LATTA) for purposes of debate only, and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 351 is an open rule providing for the consideration of H.R. 2751, a bill to amend the National Foundation on the Arts and Humanities Act of 1965, and for other purposes. The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. The rule makes in order an Education and Labor Committee amendment in the nature of a substitute which shall be considered as an original bill for the purposes of amendment. The rule also waives points of order against an amendment by Mr. COLEMAN of Missouri for failure to comply with clause 5(a) of rule XXI. Clause 5(a), rule XXI prohibits an appropriation in a legislative bill. Mr. COLEMAN's amendment would violate the rule because it authorizes expenditures for a new program establishing a National Medal of Arts, although these expenditures would come from funds already appropriated for the National Endowment for the Arts. Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, H.R. 2751 provides that the Institute of Museum Services be transferred from the administrative jurisdiction of the Department of Education to the National Foundation on the Arts and the Humanities. This makes permanent a change already effected by the interior appropriation bills for fiscal years 1982 and 1983, and makes conforming and technical changes in the law consistent with that action.

H.R. 2751 also amends the authorization levels for the National Endowment for the Arts, the National Endowment for Humanities, and the Institute of Museum Services. The bill also provides a set-aside of National Endowment for the Arts funds for cultural institutions in the District of Columbia which are of national significance.

Mr. Speaker, House Resolution 351 will provide for full and open consideration of this legislation. I urge adoption of the rule.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is one thing in the committee report on this bill that is made in order by this rule which caught my attention. The dissenting views begin with the sentence:

H.R. 2751, a seemingly innocuous technical bill, is another attempt at dismantling the Omnibus Reconciliation Act of 1981.

Since that reconciliation bill is the one known as the Latta-Gramm bill, I decided to check a little further. It turns out that this bill increases the authorization levels for the National Endowment for the Arts, the National Endowment for the Humanities and the Institute for Museum Services for fiscal year 1984 approximately 40-percent higher than the levels set in the Reconciliation Act of 1981. However, the appropriations for these three agencies have exceeded their authorizations for the past 2 years in violation of the Reconciliation Act of 1981.

In the time since this rule was reported from the Committee on Rules on October 27, 1983, the current year's appropriation was agreed to which sets funding levels slightly below the authorizations in this bill. This means that any discussion about fiscal year 1984 funding levels in this bill is now futile.

This has raised the point, Mr. Speaker, as to how we get into these situations where we have these deficits.

THE DEFICITS AND A BALANCED BUDGET

(Mr. LATTA asked and was given permission to proceed out of order.)

Mr. LATTA. Speaking about the deficits, we are hearing more and more rhetoric, and I have to be very kind when I say rhetoric, about the deficits and who is responsible for them. I got to thinking that maybe the American people would like to look in on what has been happening during the past couple of years with some of the spending legislation, some of the authorizations, which help create the problem with deficits.

The President, whether he is Jimmy Carter or Ronald Reagan or Gerald Ford, or whoever he might be, does not spend any more money than is first authorized and appropriated by the Congress, the Congress of the United States. So I asked the staff to pick out some votes, and we are going

to be doing this periodically just to keep the record straight, over the past couple of years to see how we have been voting in this House as between the parties, because a very definite trend has been established.

Let us go back to that Gramm-Latta bill that we have heard condemned many, many times, because it saved money. It saved money. We reduced the Carter budget, which he left for this administration, from its growth of about 11 percent—and I stress the word growth—over the preceding year to about 6 percent—6 percent growth. We ended up saving about $50 billion. The vote was taken on the 7th day of May 1981 to save that amount of money. Well, now, who voted for what? Seventy-four percent of our Democratic friends voting that day voted not to save that money, but to spend it. Lo and behold, on our side, for the first time in memory on an important piece of legislation, all the Republicans voted to save money. Not one single Republican voted against that piece of legislation.

Then we had the reconciliation bill which we heard condemned many, many times because it, too, saved money, and it changed basic law to save that money, $37.3 million. How did our Democratic friends vote on that? Well, by the record, and it is clear, all one has to do is turn to that little CONGRESSIONAL RECORD and read it for yourself, on the 26th day of June 1981, 88 percent of our Democratic friends voted to spend the money, add to the deficit, and only 1 percent of the Republicans.

Then a little bit later, on October 6, 1981, we had a Labor-HHS appropriations bill which we wanted to recommit to save just a tiny amount, only $700 million of the taxpayers' money, and how did they end up voting on this piece of legislation on that particular day, H.R. 4560? Eighty-eight percent of our Democratic friends voted to spend the money; 22 percent of our Republican friends voted to do likewise.

On the 12th day of November 1981, we had H.R. 4075, the Interior appropriations bill. On the floor, the motion was made to recommit it to committee to save $1.1 billion, which would not be added to the deficit. Well, by the record, 87 percent of our Democratic friends voted not to save the money and 4 percent of our Republican friends voted not to save the money.

On the 16th day of November 1981, on House Journal Resolution 357, on the continuing resolution, a motion to recommit with instructions to save $4 billion, and not to add it to the deficit, 86 percent of our Democratic friends voted not to save the money, but to add it to the deficit, and 10 percent of our Republican friends voted likewise.

Mr. SIMON. Mr. Speaker, will the gentleman yield?

Mr. LATTA. Not at this moment. I will be happy to yield when I finish.

Mr. SIMON. All right. I thank the gentleman.

Mr. LATTA. Mr. Speaker, I have just a few more learning experiences to pass along to the gentleman before I yield, and at that time I will be happy to yield. If he would like to change his votes, I think it is a little bit late.

On the 22d day of November 1981, on House Joint Resolution 357, on the conference report of the continuing resolution, a motion to recommit to save $3.2 billion, 96 percent of our Democratic friends voted not to save the money, and once again we got none of our Republican friends voting not to save the money.

On the 24th day of May 1982, when we had the first budget resolution substitute up to save $52 billion, we had 91 percent of our Democratic friends voting against it and 10 percent of our Republican friends.

On the 10th day of June 1982, we had the substitute back up, where we had 81 percent of our Democratic friends voting not to save the money, but to spend it, and 8 percent of our Republican friends.

On the 24th day of June 1982, we had H.R. 5922, an urgent supplemental veto override of $1.3 billion in savings, and 91 percent of our Democratic friends voted to spend the money and not to save it, add it to the deficit, and 29 percent of our Republican friends voted to do likewise.

On the 3d day of August 1982, on H.R. 6862, on a reconciliation bill dealing with the Post Office, $3.1 billion in savings. Well, how was the vote? Ninety-one percent of our Democratic friends voted to spend the money; 22 percent of our Republican friends voted to spend the money.

□ 1240

On the 18th day of August 1982, on H.R. 6955, on the reconciliation conference report to save $3.3 billion, 61 percent of our Democratic friends voted to spend the money and 18 percent of our Republican friends voted to spend the money.

On the 1st day of October 1982, on House Resolution 604—and this is mighty important because we are hearing about it to a considerable extent around the country now, dealing with the balanced budget amendment, and we might recall that the Senate has passed that with an adequate number of votes to be submitted to the States for confirmation, and it had failed here in the House; and how did they vote?—71 percent of our Democratic friends voted against that balanced budget amendment, and 11 percent of our Republican friends voted that way.

On the 23d day of March 1983, on House Concurrent Resolution 91, on the first budget resolution—and we might recall that that was a big spending item—we could have saved $9 billion, but 86 percent of our Democratic friends voted to spend the money, along with 2 percent of our Republican friends.

On the 11th day of May 1983, on H.R. 1983, the Emergency Housing Assistance Act, where we could have saved $800 million—and that is not very much money around this place, but to the taxpayers around the country it is a lot of money—87 percent of our Democratic friends voted to spend the money, and 6 percent of our Republican friends voted likewise.

On the 2d day of June 1983, on H.R. 3133, on the HUD appropriations bill, $10 billion could have been saved. But how did they vote? Eighty-four percent of our Democratic friends voted to spend the money, and 4 percent of our Republican friends voted to do likewise.

On the 23d day of June 1983, on House Concurrent Resolution 91, on the conference report, where $8.3 billion in savings could have been had, 82 percent of our Democratic friends voted not to save the money and 24 percent of our Republican friends voted likewise.

On the 28th day of June 1983, on H.R. 3363, the Interior appropriations bills, where we merely wanted a little 4-percent reduction—and we all remember that—we could have saved $300 million of the taxpayers' money, but only 84 percent of our Democratic friends voted against the savings, and, lo and behold, once again we found 100 percent of our Republican friends voted to save the money.

On the 13th day of July 1983, on H.R. 1, the Housing Rural Recovery Act, where $16 billion was involved, 91 percent of our Democratic friends voted to spend it and 17 percent of our Republican friends voted to do likewise.

On the 3d day of August 1983, on H.R. 3021, on health insurance and new programs for the unemployed, $1 billion was involved, and 83 percent of our Democratic friends voted to spend the money, along with 22 percent of our Republican friends.

□ 1250

On the 15th day of September 1983, on H.R. 3391, the Trade Adjustment Assistance Act, where we could have saved $100 million—not very much money around this place, but around out over the country where we have the taxpayers it is a lot of money—80 percent of our Democratic friends voted to spend it, 10 percent of our Republican friends voted to do likewise.

On the 21st day of September 1983, on H.R. 1036, the Community Renewal Employment Act, $3.5 billion, 87 percent of our Democratic friends voted

to spend it, 12 percent of our Republicans voted to do likewise.

On a continuing resolution on the 8th day of November 1983, on House Joint Resolution 403, where we could have saved a billion dollars, 75 percent of our Democratic friends voted not to save it, 10 percent of our Republicans voted likewise.

So it goes. We are going to put it in the record and anybody who wants to check them out are welcome to do so.

I will be happy to yield to my friend, the gentleman from Illinois, if he wants to change any of his votes.

Mr. SIMON. Mr. Speaker, will the gentleman yield?

Mr. LATTA. Did I catch the gentleman napping?

Mr. SIMON. I am sorry.

Mr. LATTA. I would be happy to yield.

Mr. SIMON. Well, first of all, I was intrigued by the gentleman's nonpartisan remarks that he just made here.

Mr. LATTA. I stated the record exactly as it was and is. If the gentleman would like to check the record, he will find it exactly that way.

Mr. SIMON. Well, first of all, the record probably is as the gentleman suggested on the various votes.

Mr. LATTA. Not probably, it is as I stated it.

Mr. SIMON. All right, I trust the gentleman from Ohio implicitly.

Mr. LATTA. I thank the gentleman.

Mr. SIMON. Maybe not the gentleman's judgment, but when he presents his facts.

Mr. LATTA. Well, the gentleman had better trust my judgment and change some of his votes.

Mr. SIMON. But in addition, of course, many of the things the gentleman talks about are programs, the so-called savings, are things that really impacted on poor people; but I noticed one major omission. I did not hear anything about these wasteful weapons programs, how each side voted on those.

There are two other things that I think would be very informative if the gentleman from Ohio would come back to this body and tell us how many of those wasteful things that he talked about the President signed and how many of those wasteful things the gentleman talked about that the Republican Senate approved. I think the gentleman could come back with a more full report a little later on that would be very informative.

Mr. LATTA. Well, the gentleman has heard nothing yet. Just wait until we get it all out there. We are going to have it all out there. We are just starting.

Mr. SIMON. Well, I look forward to a more complete report from the gentleman from Ohio.

Mr. LATTA. This is a pretty good start, does not the gentleman think?

The SPEAKER pro tempore (Mr. KAZEN). Does the gentleman yield back the balance of his time?

Mr. LATTA. Mr. Speaker, I will reserve the balance of my time.

Mr. DERRICK. Mr. Speaker, I yield 1 minute to the gentleman from Kansas (Mr. GLICKMAN) for purposes of debate only.

Mr. GLICKMAN. Mr. Speaker, I would say to the gentleman from Ohio that if he would devote one-tenth of the effort that he just did going through a partisan exchange of the cause of the problems of all the world to a constructive and bipartisan debate on how to reduce this deficit, the world and the country would be enternally grateful.

I was just home for several days in Kansas and what the people were telling me was the same message. Republicans, Democrats, and Independents, stop the partisan finger pointing at who caused all the problems in the past. That is all the gentleman did was tell us about the past.

Mr. LATTA. Mr. Speaker, will the gentleman yield there?

Mr. GLICKMAN. Let me just finish my point.

Mr. LATTA. Mr. Speaker, if the gentleman will yield, I think the gentleman is misstating, because we stated exactly what the votes were.

The SPEAKER pro tempore. The gentleman from Kansas refuses to yield.

Mr. GLICKMAN. Mr. Speaker, let me give the gentleman some time as soon as I finish.

The partisanship, whether it exists on the gentleman's side or on our side, the excessive partisanship is resented by the American people who see very, very large deficits, caused by both the gentleman's party and my party and they want constructive solutions, not a historic litany on who caused all the problems in the past.

I have said many times before, let us split the blame. You take half the problem and I will take half the problem and then I think the American people will go forward with trying to figure out what can be done in the future.

The idea now is to encourage a responsible bipartisan consensus on reducing this budget deficit, not to go point by point as to who created all the evils, because I say to the gentleman from Ohio (Mr. LATTA), there are plenty of evils to share.

Mr. SIMON. Mr. Speaker, will the gentleman yield?

Mr. GLICKMAN. Yes, I am glad to yield.

Mr. SIMON. Mr. Speaker, I simply want to commend the gentleman from Kansas. He is absolutely on the mark.

In the State of Illinois and in the State of Kansas and all over this country, they are tired of the partisan bickering. It does us no good, neither party any good to do this. We ought to be sitting down together working. Frankly, we ought to be doing it before this coming election, not after the election. We ought to be moving on it now.

I commend the gentleman. I think he is absolutely on target.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say in response, I was listening to the gentleman from Illinois when he commended me on the nonpartisanship when we were spelling out the votes, Republicans versus Democrats.

I do not think that it is partisanship when you lay before the Congress and the American people what the votes are. I am not ashamed of any votes I ever cast here. I might have recast some of them if I had it to do over; but certainly at the time I cast those votes I thought I was doing the best thing for my country. If anybody wants to get down in the well, I can recall a gentleman who used to be in this body who is now the mayor of New York City, Mr. Koch, you will recall that he was quite liberal. He voted for everything that came along, but as soon as he became mayor of New York, he said this, and this is not exactly probably word for word, but he said, "I wish I had some of those votes back that I cast for all those spending programs," because he had a budget coming.

Sure, I think that this problem transcends political parties and partisanship. I agree with that a hundred percent, but I disagree with this argument that is going around and we are hearing it these days, look at the Reagan deficit, look at the Republican deficit.

Well, I am telling you that the record does not show that the Republicans have been voting for all of these add-ons. If you want it all spelled out, I am going to take the time to put it all in the record. If we have to go back over the last 25 years when you have been in control of this Congress, since I have been here, and spell out word for word, vote for vote, on who has been voting for all these increases.

You know, you have got to accept part of the responsibility. I am willing to accept my part of the responsibility. Yes; I voted for programs in defense, so has the gentleman. I am not ashamed of it. We were headed for the draft under Mr. Carter. The Armed Services Committee was about ready to start hearings on the draft, if you recall, because we were not getting adequate personnel into the services. We were not able to keep the people that we wanted to keep.

What did we do? We voted for increased pay for those people so we could get the type of individuals that we wanted and to keep those individuals and I am proud of it. I am proud of it.

So I do not know what all the hankering is all about; but I am telling you this, it is high time that this bipartisan commission is named on the Democratic side so they can get down to work on trying to agree on something to reduce this deficit. We have appointed the Members on our side on the House and on the Senate side. Where are the appointees on the Democratic side?

Oh, I know they are saying to the President of the United States, "You give us a long list where you are going to riddle the Defense Department by $100 billion and then we will come down and talk."

Well, now, what kind of a President would we have to do that?

Are you saying on the Democratic side that you do not want to reduce the deficit, you only want to talk about it?

I was a member of the Gang of 17. We met many times down there with the Secretary and with the Members on the other side and with the Members on this side in good faith and in good conscience. I am ready, willing and able, as a Member who has been appointed on our side to go down there any time to meet on this question in a bipartisan fashion.

It is past time, sure, regardless of who is to blame for these deficits, it is past time to do something about them and you cannot do it by passing every piece of legislation that comes on this floor. We had one up in the Rules Committee this morning, a good program, because it dealt with foreign languages. We need it. The gentleman from Illinois was up there testifying on it. We need it, but the question is whether or not it ought to be back with the States where it rightfully belongs, or whether we ought to take it on down here in Washington and add to our deficits.

We could certainly do it in Ohio, where they have increased our income taxes under the Celeste administration, with a Democratic-controlled House and Senate back there by 90 percent. They have got the money. We do not have the money here in Washington to do it. It is a question of where the responsibility adequately belongs.

We cannot do everything down here for everybody. We cannot do everything that Fritz Mondale is telling the American people to get those votes. "Do everything for everybody, just elect me President of the United States."

We have heard that guff far too long. It is time now to sit down on that issue and try to come up with a budget that we can all support and save this country economically while we have the time to do it.

□ 1300

That is what we are talking about and hopefully that will come about.

Mr. DERRICK. Mr. Speaker, I want the gentleman from Ohio to know that it has been my great pleasure to sit over here for the last 20 minutes and hear his articulate and erudite discussion of the fiscal affairs of this Nation. If we have no more speakers over there, Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE HONORABLE HENRY A. WAXMAN, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Hon. HENRY A. WAXMAN, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, D.C., February 13, 1984.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, The Capitol, Washington, D.C.

DEAR MR. SPEAKER: This is to inform you, pursuant to Rule L (50) of the Rules of the House of Representatives, that my district office was served with a deposition subpoena issued by the United States District Court for the Central District of California. I will, in consultation with the General Counsel to the Clerk of the House, make the determinations required by Rule L (50).

Sincerely,

HENRY A. WAXMAN,
Member of Congress.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House of the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
February 10, 1984.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: This is to notify you, pursuant to Rule L(50) of the Rules of the House of Representatives, that I have received a subpoena issued by the Superior Court of the District of Columbia. I will, in consultation with my General Counsel, make the determinations required by Rule L (50).

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES ACT AMENDMENTS OF 1983

The SPEAKER pro tempore. Pursuant to House Resolution 351 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2751.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2751, to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes, with Mr. GLICKMAN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Illinois (Mr. SIMON) will be recognized for 30 minutes and the gentleman from Missouri (Mr. COLEMAN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. SIMON).

Mr. SIMON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, what we are doing here is basically making some technical changes. We are bringing up the authorization to the levels that are more realistic, that comply with appropriations and comply at least in a small part with need.

The reality is that arts are a help to the economy of this country. The reality is we are going to be remembered as a civilization someday not for the bombers we build or the tanks we make or the ribbons of concrete with which we sometimes brutalize the landscape. We are going to be remembered for other things, and this touches on those other things.

We as a nation on a per capita basis spend much less than the other democracies. I am pleased to say I believe this bill is noncontroversial and passed out of committee unanimously.

I rise in support of H.R. 2751, the National Foundation on the Arts and Humanities Act of 1983.

H.R. 2751 has two purposes. First, the bill makes technical amendments to the Museum Services Act of 1976 and the National Foundation on the Arts and Humanities Act of 1965. These amendments will transfer the Institute of Museum Services from the Department of Education to the National Foundation on the Arts and Humanities. Although the de facto transfer was accomplished in the fiscal year 1982 and fiscal year 1983 Interior Appropriations bills, the authorization legislation has not been amended. Without these changes, the Director of IMS is required to report to the Secretary of Education as if the Institute were still within the Department. Also without these changes, the Director of the Institute is not eligible to serve on the advisory panel for the National Foundation of the Arts and Humanities. H.R. 2751 amends the enabling statutes of both the Institute and the Foundation to recognize the transfer of IMS.

H.R. 2751 also amends the 1980 amendments to the National Foundation on the Arts and Humanities and the Museum Services Acts to provide higher authorizations for fiscal years 1984 and 1985. The authorizations for all three agencies within the Foundation have been held level for the past 2 fiscal years. At the same time, the 1981 Reconciliation Act and the 1982 and 1983 Interior Appropriations have exceeded authorization levels. H.R. 2751 recognizes the support the Endowments and IMS have received from Congress during the past 2 years and raises the authorizations to more closely conform to actual appropriations.

Cultural support is an investment, returning far more to local economics than it costs. For example, for every $1 spent on cultural activities, at least $4 is spent on related activities such as transportation, lodging, and restaurants. A February 1983 study of the New York area credited the arts with over 110,000 jobs and an infusion of $5.6 billion into the local economy. Funding for the arts is good business and it is important to our spirit as a Nation.

The administration has informed us that they have no objection to H.R. 2751. I urge you to vote for this bill.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. SIMON. I am pleased to yield to the chairman of our full committee, the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. First I want to take this opportunity to compliment the gentleman from Illinois (Mr. SIMON) who has spent so much time in bringing this bill to the floor and working out a much better program than we have had in the past. It has been my privilege to support the legislation from day one and observe these improvements throughout the years.

Mr. Chairman, I rise in support of H.R. 2751, the National Foundation on the Arts and Humanities Act Amendments of 1983. The major purposes of the bill are:

To recognize the transfer from the Department of Education of the Institute for Museum Services as an independent agency within the Foundation; and

To provide funding authorizations for 1984 and 1985 for the Foundation programs.

The transfer of the Institute for Museum Services was accomplished in fact by fiscal years 1982 and 1983 Interior appropriation bills, but conforming changes in the original statutes for the Institute and the National Foundation are needed to recognize the transfer of the Institute from the Department of Education to the Foundation as a member agency.

H.R. 2751 raises the authorization ceilings for the National Endowment for the Arts, the National Endowment for the Humanities and the Institute of Museum Services to more closely conform to the actual appropriations provided by the Congress. This bill recognizes the additional support the Endowments and the Institute for Museum Services have received from Congress during the last 2 years.

Established in 1965, the National Endowment for the Arts has provided funds and services to local nonprofit groups and individuals in such fields as folk art, literature, media art, dance, theatre, opera, and visual arts. Also, created in 1965 was the National Endowment for the Humanities to provide similar support in such fields as history, philosophy, languages, linguistics, archeology, and certain aspects of the social sciences. The newcomer to the Foundation, the Institute for Museum Services, authorized in 1976, provides matching grants to museums, botanical gardens, aquariums, and zoos. I have supported these programs from their inception, and I continue to support them as one important means of improving the quality of the arts and humanities and sharing these treasures with more and more Americans, especially the youth of this country.

It is important for all of us to realize the tremendous value of the arts, humanities and museum services, not only in deepening our understanding of our culture and history and enhancing the quality of life for our citizens, but to recognize the value of the economic impact these programs have on the local community. While these dollar amounts are usually small, their impact on the local community is not.

Cultural support is a wise investment of Government dollars for a number of reasons. Witnesses have testified before the Subcommittee on Postsecondary Education, chaired by my distinguished colleague Representative PAUL SIMON, that dollars spent on the arts generate nonart dollars in businesses such as restaurants, lodging, and transportation at a rate of at least $4 for every $1 spent on cultural activities. Also the impact of cultural activity on the tourism industry is significant, and tourism is an important source of revenues for the States. The jobs and increased revenues stimulated by the arts activities are returned to the Treasury in taxes, more than returning Government's original investment. It is a good program, that works well and makes sense.

The National Endowments work to preserve art forms that are typically American from all parts of the Nation. In my own State of Kentucky the National Endowment for the Arts has provided grants to the Appleshop Crafts program where Kentucky craftspeople are provided with living, working, and exhibition space. Appleshop provides the means for the continuation of Kentucky crafts, the protection of our cultural history, and the opportunity for sharing our American heritage.

The National Endowment for the Arts also provides grants to the Louisville New Playwrights, a theater organization devoted to producing plays by unknown talents, giving them a place to begin their artistic careers. If the appreciative audiences and fine critical reviews are not enough to show the success of the program, the Pulitzer Prize winning works should be. The future generation of theatergoers will be provided with quality works, because the funds are available from the Government to encourage these young artists now.

These two programs in Kentucky are an indication of how the Foundation and Institute can exemplify both the past and the future of artistic achievement, and programs of this type are being nurtured and developed with support from the NEA, NEH, and IMS in every State in the Union.

On May 10 the full Committee on Education and Labor, which I am privileged to chair, marked up H.R. 2751 and reported the bill by voice vote. In doing so, the committee renewed and reaffirmed our national commitment to the survival of the arts, the humanities, and museum services for our Nation. H.R. 2751 strengthens the National Foundation and Institute in several ways, but most importantly by increasing the authorization to keep pace with the Appropriations Committee. This is an important step toward acknowledging the value of the arts, humanities, and museums in our society. However, even with the proposed increases the United States is far behind many other countries in terms of support for the arts and humanities and museums. We have tremendous talent in the United States that needs to be encouraged and nourished, not slighted by a shortsighted policy.

I am pleased that H.R. 2751 is before the House today and that we have the opportunity to take a leadership role in acknowledging that not only is it appropriate for Government to provide the means to stimulate cultural growth and greatness, it is a necessary and proper role. I urge all of you to join the Committee on Education and Labor in passing this beneficial legislation for the preservation of our cultural heritage, as well as to provide opportunities for our continued growth in artistic development.

Mr. SIMON. I thank the chairman of the full committee.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. SIMON. At this time I yield to the distinguished gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Chairman, I thank the gentleman for yielding and would

like to take this opportunity to commend the gentleman from Illinois (Mr. SIMON) for his extensive and committed work in this area. But for his leadership and commitment, I am not so sure that the National Endowment for the Arts would fare as well.

I rise for the purpose of engaging in a colloquy with the chairman.

Mr. Chairman, as you know, I had intended to offer two related amendments to this bill aimed at combating the use of National Endowment Funds for programs or projects which promote stereotyping or in any way serve to denigrate any ethnic, racial, religious, or minority group.

My amendments were prompted by a recent disclosure that the endowment had provided some $40,000 to the Virginia Opera Association which included funds for a modern production of "Rigoletto" which contained an advertisement campaign patently offensive to the Italian-American community.

It was also prompted by a second disclosure that the Endowment is also providing some $850,000 in funds to assist the Metropolitan Opera House in New York City's Lincoln Center conduct its current season. Included in their schedule is another modern version of "Rigoletto" to be produced by the English National Opera Co. Here again the change in theme from the 15th century to Little Italy in the 1950's and words such as las-cosa nostra are introduced into the lyrics.

I have called upon the Chairman of the Endowment to take steps to combat this problem but as of yet without success yet I consider the issue to be worthy of further investigation.

Therefore, Mr. Chairman, in recognition of the substantive and serious impact of these amendments on Endowment activities I would be willing not to offer them with an assurance that you will authorize a hearing of your subcommittee as soon as possible to investigate these and other known cases of Endowment Funds being inappropriately used for these purposes as well as to explore ways to avert future incidents.

I will be happy to yield to the chairman who hopefully will provide me with that assurance.

Mr. SIMON. I thank the gentleman from New York.

I am pleased to give him that assurance. It is a sensitive, delicate area.

Clearly the gentleman does not want and I do not want censorship, and that is not what you are asking for. At the same time, we want to make sure that Federal funds are not used to denigrate any nationality, race, any creed, and that is what the gentleman is interested in and what I am interested in.

I have had a brief discussion with the Chairman of the National Endowment for the Arts about this problem and we will hold hearings, I can assure the gentleman from New York, to see if there is not some way, without having Federal censorship or anything like that, that we can send a signal to all who receive any funds that we do not want these funds to be used in any way to in any way put down any nationality, any race, any creed, any group of people.

Mr. BIAGGI. I want to thank the chairman for that assurance. I am not surprised by his response because it is consistent with his whole philosophy of life, and we are grateful to him for that assurance. His point about censorship is well taken. It has never been my intention to invoke any form of Federal censorship. However, I maintain in the strongest possible terms that it is a blatant misuse of Federal tax dollars if it serves to offend any group of citizens from our great Nation.

Mr. COLEMAN of Missouri. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, I rise in support of H.R. 2751, the National Foundation on the Arts and Humanities Act Amendments of 1983.

Mr. Chairman, this bill makes technical amendments to effect the transfer of the Institute of Museum Services (IMS) from the Department of Education to the National Foundation on the Arts and Humanities, increases the authorization levels for the National Endowment for the Arts (NEA), the National Endowment for the Humanities, and the IMS to be consistent with fiscal year 1984 appropriations.

Also, I am offering an amendment to H.R. 2751 to establish a national medal of arts. The national medal of arts would be awarded by the President to no more than 12 individuals or groups a year who make outstanding contributions to the arts in the United States. The National Council on the Arts, a congressionally mandated body within NEA, would select the recipients of the medal, and all costs would be borne by NEA. Recipients of the award could be artists or patrons. The idea of the national medal of arts was conceived by the President's Task Force on the Arts and Humanities after being charged by the President with finding a way to reward contributions to the arts by performing artists and supporters.

The costs associated with this medal are to be borne by the NEA from its administrative budget. To have the medals made by a private firm—which is less costly than by the U.S. Mint—and to account for administrative time on the part of the National Council members, will cost, according to NEA, less than $25,000 the first year, and less than $16,000 each following year.

This national medal of arts will be a small way of saying thanks to our American artists and to patrons of the arts.

The administration has indicated its support of this bill, and the inclusion of the amendment establishing a national medal of arts was a direct request of the NEA Chairman and the President.

I want to thank my good friend from Illinois, Mr. SIMON, for his willingness to work with this side of the aisle on this bill and for his support of the national medal of arts. I urge my colleagues to support H.R. 2751.

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Mr. SIMON. Mr. Chairman, I yield 2 minutes to the gentleman from Puerto Rico (Mr. CORRADA).

Mr. CORRADA. Mr. Chairman, I rise in support of H.R. 2751, the National Foundation on the Arts and Humanities Act.

The National Foundation on the Arts and Humanities, and the Institute for Museum Services have been charged with encouraging and supporting national progress and scholarship in the humanities and in the arts, recognizing that while this is primarily an activity of the private sector, there remains a role for the Federal Government in its advancement.

H.R. 2751 would provide authority for the continuation of these programs through fiscal year 1985, and would make technical amendments to the existing act to reflect the 1982 transfer of the Institute of Museum Services to the National Foundation.

Mr. Chairman, these amendments are not controversial. Members on both sides of the aisle recognize the value of our investment in arts and humanities programs, which return $4 in spending for each dollar invested in a cultural event. In most instances, only a small portion of even that dollar investment comes from Federal sources, as these grants attract private contributions in ratios of up to $6 private for each public dollar.

I urge my colleagues to join me in support of this simple, technical extension of the National Foundation on Arts and Humanities and to vote in favor of passage of the bill.

Mr. SIMON. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. DOWNEY).

In addition to being a member of the Committee on Ways and Means and an influential member of this body, he also chairs the Congressional Caucus on the Arts.

Mr. DOWNEY of New York. Mr. Chairman, I rise in support of H.R. 2751 and congratulate both the gentleman from Illinois (Mr. SIMON) and the gentleman from Missouri (Mr. COLEMAN) for the work they have done. I also want to pay special recognition to the gentleman from Illinois who serves as an executive board member

as well of the Arts Caucus and is known throughout this country for his unique and valuable contributions to the arts in America.

Mr. Chairman, I have had the opportunity to serve now as caucus chairman for almost 2 years and it is with excitement and pleasure that I report to you on the tremendous increase in artistic activity in this country as a result of the money that this Government has set aside for the arts since 1965. There is just no question that the imprimatur of the National Endowment for the Humanities and the Arts serves to stimulate more private money, more corporate money for the arts. And with the help of Mr. SIMON and Mr. YATES, the subcommittee chairmen of the Committee on Appropriations, we have managed, this Congress has, to provide the necessary fuel for the artistic fire in this country. There is just no doubt that as we age as a society we begin to recognize the value of arts and science to this society.

Where would we be without the thriving dance communities that we have; the orchestral groups; things like "Hall Walls" in Buffalo that encourage young artists to participate and show their works? All of this is a response to the role that the National Government has played.

Again, I want to add my strong words of support to the work the gentleman from Illinois has done and to make sure my colleagues recognize the critical role the Endowment on Humanities and Museum Services has played to the cultural and social development of this country.

Mr. Chairman, I rise in support of H.R. 2751, legislation sponsored by my distinguished colleague from Illinois, who is also a member of the Congressional Arts Caucus Executive Board.

Since 1965, the National Endowments for the Arts and Humanities have maintained strong bipartisan support throughout all Republican and Democratic administrations. In 1981, these agencies even received a stamp of approval from the Reagan administration's Task Force on the Arts and Humanities. That report stated that the endowments "are sound and should remain as originally conceived." But, in each budget proposed by the Reagan administration, NEA and NEH were slated for funding cuts—and the Institute of Museum Services was proposed to be eliminated. Furthermore, in the Reconciliation Act of 1981 the authorization levels of all three agencies were drastically lowered.

Congress, however, led by Mr. YATES, his subcommittee, and a growing number of Arts Caucus members, fought to hold appropriations for NEA, NEH, and IMS to levels which allow the agencies to maintain their leadership in America's artistic community.

Consequently, for the past several years, appropriations for NEA, NEH, and IMS have been higher than their authorization levels. H.R. 2751 merely brings past legislation in line with current congressional decisions. In addition, the bill transfers the IMS from the Education Department to the National Foundation on the Arts and Humanities—a more appropriate administrative position for the third important partner in our Federal support program for our Nation's cultural activities.

I urge approval of the bill and commend Mr. SIMON for his outstanding work on behalf of the arts and humanities in America.

● Mr. FORD of Michigan. Mr. Chairman, I rise in support of H.R. 2751, the National Foundation on the Arts and Humanities Act Amendments of 1983. This bill renews a commitment by the Federal Government to continue its important role in promoting and protecting our Nation's cultural and artistic resources.

Specifically, the bill would authorize an increase in funding for the current fiscal year for programs in the National Endowment for the Arts, the National Endowment for the Humanities and the Institute for Museum Services. This increase is approximately 16 percent higher than the amount provided for the programs in the preceding 2 years. In addition, the bill would transfer the Institute of Museum Services from the Department of Education to the National Foundation on the Arts and Humanities which will facilitate the coordination and communication among the three agencies.

The endowments were established in 1965, and between 1965 and 1980 our Nation experienced a virtual explosion of the arts and humanities. Within the short span of 15 years, professional symphony orchestras increased sixfold; professional theater groups grew tenfold; and the number of dance companies expanded from 30 to 400. For the first time, we as a nation have come closer to insuring that access to our Nation's vast cultural resources are not determined by economic or geographic circumstances.

In the glow of this enormously successful and relatively inexpensive Federal venture, President Reagan initiated deep cuts in 1981, through the Gramm-Latta Reconciliation Act. These cuts reduced by almost half the authorization level that was established for the arts and humanities programs by the 1980 reauthorization bill. The higher authorization levels, established by the 1980 reauthorization, had been overwhelmingly adopted in the House by voice vote. Actual funding for the programs has exceeded these low levels, but has remained constant for the past 2 years. In effect, this is a reduction in funding given the impact of inflation.

We cannot afford to reduce Federal support for these programs and weaken their effectiveness. We have been enriched through the creative energies of our most talented individuals, and through their works we are provided a clearer vision of ourselves and of our Nation. No less important, the arts and humanities stimulate and strengthen economic growth in our communities. For every dollar spent on cultural activities, a minimum of $4 more is spent on related activities such as transportation, lodging, and restaurants that will bolster local economies. The Federal share is only a small fraction of the total amount spent on the arts. "Seed" money provided by the Federal Government can be the single catalyst needed to revitalize an entire urban area. My own State, Michigan, still in the process of recovering from the worst economic crisis experienced since the Great Depression, needs these programs more than ever to help rekindle its spirit and foster economic growth.

H.R. 2751 would unequivocably reaffirm support for the arts and humanities. It would rescind the legislation which enacted cuts in 1981 and would authorize funding for the current fiscal year at levels more in line with the amounts already appropriated. I am very pleased that this bill has bipartisan support and hope for its early enactment.●

● Mr. FRENZEL. Mr. Chairman, the purposes of H.R. 2751 are wonderful. I am pleased that all the amendments have been worked out in advance.

I have supported the National Endowment for the Arts since I came to this House. I still do. But increases of the amount contemplated in H.R. 2751 should not be passed, at a time when most Members are lecturing each other, and their constituents, about the deficit.

No element of our budget should be increased by the huge percentages called for in H.R. 2751.

Passage of this bill will merely reinforce what the people have always known. The Congress will never tighten the budget belt for any of its pet programs.

I have no objection to increasing the authorization for the National Endowment for the Arts by the amount that the entire budget is increased. I have no such similar affection for the Endowment for the Humanities, a program which delivers little of use to the people.●

● Mr. JEFFORDS. Mr. Chairman, I rise in support of H.R. 2751, the National Foundation on Arts and Humanities Amendments. This legislation authorizes funding for the National Foundation on Arts and Humanities, and it transfers the Institute of

Museum Services to the jurisdiction of the Foundation. In doing so, H.R. 2751 further legitimizes the Foundation as an institution crucial to the growth of arts and humanities in America.

Since this body created the Foundation as an independent executive agency in 1965, it has played an important role in the expansion of arts and humanities throughout communities across this Nation. The Foundation provides leadership to all those involved in the arts and humanities by serving as their advocate and as a source of information.

Because the Foundation is a catalyst for private activity, it is especially successful in promoting American cultural endeavors. Through matching and challenge grants, apprenticeships, and fellowships, the Foundation encourages private citizens to study and enjoy all aspects of American culture.

By transferring the Institute of Museum Services from the Education Department to the jurisdiction of the National Foundation on Arts and Humanities, this legislation insures the coordination necessary to effectively promote activity in this field.

Once again, Mr. Chairman, I must reiterate my strong support for the adoption of this bill. The Foundation must continue to provide opportunity for artists, intellectuals, and audiences to expand their creativity and enjoyment throughout America.●

● Mr. WEISS. Mr. Chairman, I take this occasion to express my strong support of H.R. 2751 to increase the authorization levels for the National Endowment for the Arts (NEA), the National Endowment for the Humanities (NEH) and the Institute for Museum Services (IMS). The measure simply brings the authorization levels in line with the appropriations that have been enacted for fiscal year 1984.

When the existing authorization levels were set in the Reconciliation Act of 1981 (Gramm-Latta II), the administration argued that the private sector would more than make up for cuts in the arts and humanities. But corporations and foundations soon found themselves swamped with demands from many social service groups that were also suffering from Federal cutbacks. The small proportion of private sector giving that goes to the arts has tended to focus on large, well-established institutions. And State and local governments have been unable to stretch their limited resources to provide greater funding of the arts.

Moreover, struggles by arts groups to become more financially independent often prove counterproductive. Strenuous fundraising diverts energy from creative efforts. Higher admissions prices shut out the people on limited budgets, undermining one of the NEA's original purposes—to open the arts to a wider audience.

The fact is that arts organizations have no place else to turn. If we are going to encourage and strengthen our Nation's artistic and cultural life, then we absolutely must support strong Federal funding for the arts.

H.R. 2751 is one more step in the effort to restore the Federal commitment to the arts and to help the arts community recover from the recession and earlier budget cuts.

It clearly merits the support of this House.●

● Mrs. COLLINS. Mr. Chairman, I rise in support of H.R. 2751 which amends the National Foundation, on the Arts and Humanities Act. It will correct a serious problem within the Institute of Museum Services by providing that the terms of board members will continue until their replacements have taken office. This will eliminate the lack of a quorum which affected board meetings in the past. Money spent on the arts is an investment in the future. For fiscal 1984, the arts were budgeted for only $248.7 million or 0.00028 percent of the total estimated $900.1 billion budget. That contrasts with 31 percent of the budget for military spending. The arts are worth fighting for and funding and I urge my colleagues to do both.●

Mr. COLEMAN of Missouri. Mr. Chairman, if there is no other time to be taken by the majority, the minority would yield back the balance of its time.

Mr. SIMON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute now printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

H.R. 2751

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

SHORT TITLE

SECTION 1. This Act may by cited as the "National Foundation on the Arts and the Humanities Act Amendments of 1983".

TECHNICAL AMENDMENT

SEC. 2. The National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 951 et seq.) is amended by striking out the first section thereof and inserting in lieu thereof the following:

"TITLE I—ENDOWMENTS FOR ARTS AND HUMANITIES

"SHORT TITLE

"SECTION 1. This title may be cited as the 'National Foundation on the Arts and the Humanities Act of 1965'.".

DECLARATION OF PURPOSE

SEC. 3. Section 2 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 951) is amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively, and

(2) by inserting after paragraph (5) the following new paragraph:

"(6) that museums are vital to the preservation of our cultural heritage and should be supported in their role as curator of our national consciousness;".

ENTITIES WITHIN FOUNDATION

SEC. 4. (a) Section 4(a) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 953(a)) is amended—

(1) by striking out "and a Federal Council" and inserting in lieu thereof ", A Federal Council", and

(2) by inserting ", and an Institute of Museum Services" before "(hereinafter established)".

(b) Section 4(b) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 953(b)) is amended by inserting ", and for institutions which preserve the cultural heritage of the United States" after "United States".

CONTINUITY OF MEMBERSHIP OF NATIONAL COUNCILS

SEC. 5. (a) Section 6(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 955(c)) is amended by inserting at the end thereof the following: "Notwithstanding any other provision of this subsection, a member shall serve after the expiration of his term until his successor takes office.".

(b) Section 8(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 957(c)) is amended by adding at the end thereof the following: "Notwithstanding any other provisions of this subsection, a member shall serve after the expiration of his term until his successor takes office.".

MEMBERSHIP OF THE FEDERAL COUNCIL ON THE ARTS AND THE HUMANITIES

SEC. 6. (a) Section 9(b) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 958(b)) is amended by inserting "the Director of the Institute of Museum Services," after "Humanities,".

(b) Section 9(c)(4) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 958(c)(4)) is amended by striking out "and the Institute of Museum Services".

AUTHORIZATION OF APPROPRIATIONS

SEC. 7. (a) Section 11(a) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A) by striking out "$154,000,000 for fiscal year 1984, and $170,000,000" and inserting in lieu thereof "$128,500,000 for fiscal year 1984, and such sums as may be necessary", and

(B) in subparagraph (B) by striking out "$152,000,000 for fiscal year 1984, and $167,500,000" and inserting in lieu thereof "$127,000,000 for fiscal year 1984, and such sums as may be necessary",

(2) in paragraph (2)—

(A) in subparagraph (A) by striking out "$20,000,000 for fiscal year 1984, and $22,500,000" and inserting in lieu thereof "$10,000,000 for fiscal year 1984, and such sums as may be necessary",

(B) in subparagraph (B) by striking out "$16,500,000 for fiscal year 1984, and $18,500,000" and inserting in lieu thereof "$11,500,000 for fiscal year 1984, and such sums as may be necessary", and

(3) in paragraph (3)—

(A) in subparagraph (A) by striking out "$36,000,000 for fiscal year 1984, and $40,000,000" and inserting in lieu thereof

"$28,000,000 for fiscal year 1984, and such sums as may be necessary", and

(B) in subparagraph (B) by striking out "$40,000,000 for fiscal year 1984, and $44,000,000" and inserting in lieu thereof "$20,000,000 for fiscal year 1984, and such sums as may be necessary".

(b) Section 11(d) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(d)) is amended by inserting "under this title" after "made".

ALLOCATION OF FUNDS FOR DISTRICT OF COLUMBIA

SEC. 8. With funds made available to carry out the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 951 et seq.), the Chairman of the National Endowment for the Arts shall exercise the Chairman's authority under such Act to make grants, in an aggregate amount of not less than $500,000 for each of the fiscal years 1984 and 1985, to groups in the District of Columbia which are of national significance and which receive no funds under any program administered by the Secretary of the Interior or by any entity established within the Department of the Interior.

ESTABLISHMENT OF INSTITUTE OF MUSEUM SERVICES

SEC. 9. Section 203 of the Museum Services Act (20 U.S.C. 962) is amended by striking out ", within the Department of Education" and inserting in lieu thereof "within the National Foundation on the Arts and the Humanities".

NATIONAL MUSEUM SERVICES BOARD

SEC. 10. (a) Section 204(a)(2) of the Museum Services Act (20 U.S.C. 963(a)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (iii) by inserting "and" at the end thereof,

(B) in clause (iv) by striking out "; and" and inserting in lieu thereof a period, and

(C) by striking out clause (v), and

(2) in subparagraph (B) by striking out "clause (v)" and inserting in lieu thereof "clause (iv)".

(b) Section 204(b) of the Museum Services Act (20 U.S.C. 963(b)) is amended by adding at the end thereof the following: "Notwithstanding any other provision of this subsection, a member shall serve after the expiration of his term of office until his successor takes office.".

(c) Section 204(c) of the Museum Services Act (20 U.S.C. 963(c)) is amended by striking out "Eight" and inserting in lieu thereof "Except as provided in subsection (d)(2), eight".

(d) Section 204(d)(2) of the Museum Services Act (20 U.S.C. 963(d)(2)) is amended by striking out "eight" and inserting in lieu thereof "seven".

CONFORMING AMENDMENT

SEC. 11. Section 205(a)(2) of the Museum Services Act (20 U.S.C. 964(a)(2)) is amended by striking out the first sentence.

AUTHORIZATION OF APPROPRIATIONS

SEC. 12. Section 209(a) of the Museum Services Act (20 U.S.C. 967(a)) is amended by striking out "$40,000,000 for fiscal year 1984, and $45,000,000" and inserting in lieu thereof "$13,490,000 for fiscal year 1984, and such sums as may be necessary."

REPEALERS

SEC. 13. Sections 521, 523, and 524 of subtitle A of the Omnibus Education Reconciliation Act of 1981 are repealed.

Mr. SIMON. Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AMENDMENT OFFERED BY MR. SIMON

Mr. SIMON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SIMON: Page 6, strike out lines 4 through 15 (and redesignate succeeding sections accordingly).

Page 8, line 5, strike out "$13,490,000" and insert in lieu thereof "$20,150,000".

Mr. SIMON. Mr. Chairman and my colleagues, this basically has two portions.

First, it changes the museum authorization to conform to actual appropriations.

Second, it strikes, on page 6, a section that has some opposition from the administration. I had discussed this with my distinguished colleague from Illinois, Mr. YATES, who was on the floor just a few minutes ago, who has provided just exceptional leadership in this whole field of the arts and humanities and all of us in Congress and in the Nation are indebted to him for his leadership. But I think we can work out some problems that do exist for the Washington Performing Arts Society and some other groups when it comes up to appropriations. As far as I know, there is no controversy on this amendment.

I move its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. SIMON).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. COLEMAN OF MISSOURI

Mr. COLEMAN of Missouri. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLEMAN of Missouri: Page 8, after line 10, insert the following new section:

NATIONAL MEDAL OF ARTS

SEC. 14. (a) There is hereby established a National Medal of Arts, which shall be a medal of such design as is deemed appropriate by the President, on the basis of recommendations submitted by the National Council on the Arts, and which shall be awarded as provided in subsection (b).

(b)(1) The President shall from time to time award the National Medal of Arts, on the basis of recommendations from the National Council on the Arts, to individuals or groups who in the President's judgment are deserving of special recognition by reason of their outstanding contributions to the excellence, growth, support, and availability of the arts in the United States.

(2) Not more than twelve of such medals may be awarded in any calendar year.

(3) An individual may be awarded the National Medal of Arts only if at the time such award is made such individual—

(A) is a citizen or other national of the United States; or

(B) is an alien lawfully admitted to the United States fo permanent residence who (i) has filed an application or petition for naturalization in the manner prescribed by section 334 of the Immigration and Nationality Act and (ii) is not permanently ineligible to become a citizen of the United States.

(4) a group may be awarded the National Medal of Arts only if such group is organized or incorporated in the United States.

(5) The presentation of the National Medal of Arts shall be made by the President with such ceremonies as the President may deem proper, including attendance by appropriate Members of Congress.

(c) Funds made available to the National Endowment for the Arts shall be used to carry out this section.

Mr. COLEMAN of Missouri (during the reading). I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. COLEMAN of Missouri. This is the amendment I discussed in my opening statement. It would create a National Medal of the Arts, to be given by the President on the recommendation of the National Council on Arts, to give to patrons and artists in this country recognition for their contributions to the arts. I do not think it is controversial. It has the support of the administration.

Mr. SIMON. I thank the gentleman for yielding.

Mr. Chairman, I commend the gentleman from Missouri for this amendment. It does not add any increased authorization to the bill, no increased cost to the bill. I think it is a very worthy thing and I am pleased to urge support of it.

□ 1320

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. COLEMAN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KILDEE

Mr. KILDEE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KILDEE: Page 8, after line 10, insert the following new section:

INSTITUTE OF AMERICAN INDIAN ARTS

SEC. 15. (a) The Secretary of the Interior shall—

(1) enter into a long-term agreement with the College of Santa Fe, Santa Fe, New Mexico, to provide educational facilities for the use of, and to develop cooperative educational/arts programs to be carried out with the postsecondary fine arts and museum services programs of, the Institute of American Indian Arts administered by the Bureau of Indian Affairs,

(2) conduct such activities as are necessary to improve the facilities used by the Institute of American Indian Arts at Santa Fe College, and

(3) provide museum facilities in Santa Fe, New Mexico, for the benefit of the Institute of American Indian Arts.

(b) Subsection (a) shall take effect on October 1, 1984.

Mr. KILDEE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. KILDEE. Mr. Chairman, my amendment would direct the Secretary of the Interior to enter into a long-term agreement with the College of Santa Fe in Santa Fe, N. Mex., to provide educational facilities for the use of the Institute of American Indian Arts administered by the Bureau of Indian Affairs.

The Secretary is also directed to upgrade the facilities used by the Institute, particularly studio and museum facilities, and to develop cooperative educational arts programs. This would also allow for the transfer of remaining Institute programs which are presently located on the campus of the Santa Fe Indian School operated by the All Indian Pueblo Council.

This amendment is not a new authorization or program. It simply stabilizes the existing arrangement whereby the Institute of American Indian Arts leases facilities on a year-by-year basis. Authority for the funds for the Institute already exist, as this is an ongoing program. Facility plans also currently exist including plans for a museum facility, which will be submitted in the course of the Bureau of Indian Affairs budget request. This is not an entitlement and any funds would be subjected to an appropriation.

The existing relationship with the College of Santa Fe has proved extremely beneficial to the Institute, which has been given the full use of library, gymnasium, and support facilities. Furthermore, the students of both schools have benefited greatly by a liberal program exchange policy, which has allowed Indian students to take academic courses to augment their artistic training. The amendment has the backing of both institutions and is in conformance with the goals of the Board of Directors of the Institute. In addition, when implemented, the amendment will help insure the proper maintenance and preservation of one of our Nation's primary collections of Native American art, a collection whose current condition and housing is a national disgrace.

Mr. SIMON. Mr. Chairman, will the gentleman yield?

Mr. KILDEE. I yield to the gentleman from Illinois.

Mr. SIMON. I thank the gentleman for yielding.

Mr. Chairman, I am pleased to rise in support. It seems to me this is a sensible amendment. It also calls attention to an area where, frankly, we, as a Nation, have not done what we could in the way of doing more than just keeping native Americans in almost a welfare state.

I appreciate the work that my colleague from Michigan and my colleague from Missouri did on the tribally controlled college bill.

We have made some steps forward—and this is another step forward. I commend the gentleman. I think it is an excellent amendment.

Mr. RICHARDSON. Mr. Chairman, will the gentleman yield?

Mr. KILDEE. I yield to the gentleman from New Mexico.

Mr. RICHARDSON. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of the amendment to H.R. 2751, the National Foundation on the Arts and Humanities Act of 1983, offered by the gentleman from Michigan (Mr. KILDEE), to make permanent the current cooperative relationship between the College of Santa Fe in my district in New Mexico and the Institute of American Indian Arts (IAIA).

The College of Santa Fe and the IAIA are in the third year of a contract agreement that permits the IAIA to share a number of facilities with the College of Santa Fe. The IAIA was forced to vacate their previous site to make room for a new Indian school. The IAIA provides a unique, rich, and historically significant artistic contribution to an already culturally diverse campus. Santa Fe College students are given the opportunity to take art courses taught by IAIA instructors. Conversely, IAIA students take a number of the outstanding humanities courses that are offered at the College of Santa Fe. This cultural and educational exchange has proven to be extremely beneficial for the College of Santa Fe, the IAIA, as well as the entire Santa Fe community. Strong support for a continuing relationship between these two fine institutions is shared by both schools and the community.

Mr. Chairman, not only does the IAIA benefit from being located in an academic setting, the institute benefits financially as well. Possible alternative sites for the IAIA have been thoroughly explored over the past few years and each alternative would be more costly and logistically impractical for the institute.

The Santa Fe Indian School, which currently houses the IAIA museum and a couple of IAIA studios, strongly supports making the arrangement between the College of Santa Fe and the IAIA permanent provided that other programs at the Santa Fe Indian School are left intact.

Finally, a permanent relationship between the college and the institute would allow for long-term planning. Presently, the college has available land for the construction and eventual expansion of an IAIA art museum. However, without the knowledge of a permanent relationship, no substantive planning for the building of the museum is feasible.

Mr. Chairman, as the old saying goes, "If it ain't broke, don't fix it." The current relationship between the College of Santa Fe and the Institute of American Indian Arts works well and to the benefit of all those involved. It only makes sense to make this relationship permanent so that the two institutions can begin to plan for the future and build on their current success.

I urge Members to vote for this amendment and for final passage of the National Foundation on the Arts and Humanities Act. I want to again take this opportunity to thank my colleague from Michigan for offering this amendment and to commend him for his outstanding work and leadership on issues affecting native American education.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. KILDEE).

The amendment was agreed to.

Mr. MORRISON of Connecticut. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of H.R. 2751.

Federal support for the arts and humanities is not a frill. It is essential for maintaining our country's rich cultural life and fostering creativity and imagination among our citizens. And on a purely economic level, Federal dollars spent on the arts represent one of the best investments Government can make.

Every dollar given to the arts community by the National Endowment for the Arts, the primary vehicle for Federal support for the arts, has been matched by $1 to $3 of private support or earned income. In turn, every $1 spent by the arts community returns between $7 and $12 in income to the community in the form of direct income, such as employment, and through the process that economists call the "multiplier effect"—the development of stores and restaurants, tourism, and neighborhood revitalization sparked by artistic activity.

In my district, performances at the newly renovated Shubert Theater in New Haven, Stratford's American Shakespeare Theater, the Yale Repertory Theater, the New Haven Symphony, and Long Wharf attract audiences from all over the Northeast. New Haven's Audubon Street renovation has encouraged new restaurants and stores and has provided the community with a center of cultural activity. These kinds of artistic endeavor have a direct impact on Connecticut's economy. In 1979, the most recent year for

which I have seen statistics, audiences attending Connecticut cultural events spent $25 million on goods and services other than admissions, resulting in a total economic impact of $72 million. For 87 percent of those in the audiences, the cultural event was the primary reason for their being in the area—and 17 percent came from outside New England to attend.

Overall, in Connecticut, the nonprofit arts industry has an economic impact of over $331 million. It provides more than 8,500 jobs. It spent a total of $41.1 million (in 1978, the most recent year for which statistics are available), which led to a total economic of $96.5 million within the State, and returned $1.9 million in Federal income taxes and $154,230 in State taxes.

This Congress has made it clear that we are not willing to accept the massive cutbacks that the administration has proposed since 1981. Last year, our appropriation for the National Foundation on the Arts and the Humanities was substantially higher than the authorization level set by the Gramm-Latta Reconciliation Act of 1981. It is time that we established authorization levels that are more in line with what we have demonstrated we are willing to invest in the arts and humanities.

Mr. Chairman, we are all concerned about the Federal deficit, but the amounts we are talking about here are tiny fractions of 1 percent of the Federal budget. Eliminating Federal support for the arts entirely would have no noticeable impact on balancing the budget, but would have a tremendous cost in terms of lost jobs, development, and taxes.

My district contains the seventh poorest city in the country, New Haven. Bringing diverse kinds of people into the center city is essential for improving its economic health. We have seen that a strong Federal support for the arts can play a major role in stimulating economic revitalization in New Haven, elsewhere in the third Connecticut District, and in our Nation as a whole.

Mr. STRATTON. Mr. Chairman, it was my understanding that there was not going to be any voting today, so I was not on the floor at the time the consideration of the request for the money for the National Foundation on the Arts and the Humanities Act Amendments of 1983 was made in the House. The majority whip, Mr. FOLEY, assured us on February 9, page H691, that "we do not intend to schedule any legislation at this juncture."

As a result, I am not as well prepared to express my views on this legislation as I would like to be. But let me state the case as I see it. I am opposed to this legislation because the National Foundation on the Arts is an elitist organization. They are not interested in the efforts of small communities. The city of Schenectady, my home, for example, has conducted a very outstanding program for reviving art and music productions in the old Proctor's Theater. The community has raised over $1 million for this purpose. Yet every time a list of grants and supporting funds come out from the Foundation, it is only the large cities, like New York or Philadelphia, or the world-famous Metropolitan Opera Company who get any attention. I think this is totally out of line. Previous administrations did not ignore small communities. If Congress is to authorize all this money then certainly there ought to be encouragement for the smaller communities, particularly in areas where funds are hard to come by.

If this record of elitism continues, I intend to oppose any appropriation for the National Foundation on the Arts and Humanities, both in the House and in the other body. It is in the smaller communities of America where Federal funds can do the most good. We do not need to spend our tax dollars to make the rich richer. We need to help those less renowned areas who are making herculean efforts to see that their people have a reasonable opportunity to see great artistic productions, just as can be done by the people of the city of New York.

I hope the conference committee will take this point into consideration.

The CHAIRMAN. Are there further amendments? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MORRISON of Connecticut) having assumed the chair, Mr. GLICKMAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2751), to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes, pursuant to House Resolution 351, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SIMON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2751, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

IS THE HOUSE OF REPRESENTATIVES REALLY GOING ABOUT THE NATION'S BUSINESS?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WALKER) is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, I take a little time here today to call the attention of Members of the House to the fact that we are at 1:30 in the afternoon and have completed our legislative schedule again for today.

I raise this again, as I have on several previous occasions, to ask whether or not we are really going about the Nation's business.

Now, whatever your views are on the National Foundation on the Arts and the Humanities Act that we had before us today, I think you do have to raise the question as to whether or not that is the single most important item that could have been brought to the House floor on a day back from recess; and, even if it was among the more important items that could have been brought before us, whether or not this was the only item that should have been considered in the House of Representatives. In fact, that is the only item that we considered here today after being home for a full week on recess.

I would suggest that the rest of the schedule for this week hardly is one that is going to cause the Members a great deal of difficulty in leaving early each day.

We have a bill up tomorrow to create a hunger committee, which I doubt will be very controversial, and we are likely to be finished early tomorrow soon after we go into session at 3 o'clock in the afternoon. Later on in the week we have the Foreign Language Assistance for National Security Act, it again being very doubtful that we are going to spend a lot of time on that particular bill either.

That is the entire schedule for this week.

Mr. SILJANDER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Michigan.

Mr. SILJANDER. I am amazed that I got up at 4-something this morning to rush on a Red-Eye flight to come to Washington, D.C. I was informed that we may have something substantive to do, to vote on and to talk about. And

rather than communicating with constituents, you and I are sitting on the floor here today, an empty Chamber, no votes having been taken, nothing productive done.

May I say that I did do one thing that I feel might be somewhat relevant to this whole effort of getting up early in the morning and flying here for virtually nothing. There is discharge petition, I would like to inform the Members and those listening, No. 7. It deals with H.R. 1176. H.R. 1176 unlike other bills, is an important bill. It has 334 cosponsors, not one or two, not just Democrats or Republicans, but 332 liberals, conservatives, and moderate Republicans and Democrats.

The bill deals with mortgage revenue bonds, an issue to assist and to help the homeowner who is suffering from high prime interest rates. And I have offered a discharge petition because the bill is bottled up. Now, is it bottled up because it is not important? I do not think there is a Member of Congress who feels that opportunities for home mortgages for the American people is not an important issue. But it is bottled up for one reason: Politics.

It is bottled up because they are holding it hostage for tax increase bills, as happened last year, or for some other type of bill.

On behalf of 334 of us of all forms of ideology on both sides of the aisle, I call upon the leadership who has control of the bill to please release the bill, please let a bill out of committee that the vast majority of Members of this body support. And if they will not, will the 334, at least 218 of you, courageously stand up, walk down to the well and please sign Discharge Petition No. 7 so that we can say that we did something this week instead of absolutely nothing, and did something positive for the taxpayers of America.

Mr. WALKER. Mr. Speaker, is the gentleman suggesting that, with 334 cosponsors, that might have been something that we could have taken up on the floor today, since we finished at 1:30 in the afternoon, and we have got at least, under a normal working man's day, 4 hours left?

Of course, too often around here we do not regard ourselves in the same class as normal working people in this country. We quit early in the afternoon. But the fact is that here we are, and we could have been doing something.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, I am grateful to the gentleman from Michigan for bringing up the fact that there has been a discharge petition filed on the mortgage revenue bond extension.

During my conversations with people back in my district, they have informed me unanimously that mortgage revenue bonds are extremely vital to keep the recovery going in our home construction and real estate industries.

I think that feeling is shared by most of the Members of Congress in cosponsoring the bill that has been offered by my colleague, the gentleman from Michigan.

However, as we know around here, merely cosponsoring a piece of legislation does not mean that we are pushing that legislation unless we decide to do something like signing a discharge petition to get that legislation out of committee and moving on the floor of the House of Representatives.

One of the reasons why the omnibus tax increase bill put together by the Ways and Means Committee did not even get a rule approved on the floor of the House last November was because the Ways and Means Committee deliberately obstructed an extension of the Mortgage Revenue Bond Act and did not include that in that omnibus bill.

Now, I understand that the Ways and Means Committee has not had a change of heart. That is not unusual, considering the record of that committee, because I remember during my first session here 4½ years ago there were 290-some cosponsors on an accelerated business depreciation bill, over two-thirds of the House of Representatives, and then Chairman Ullman locked it in his bottom drawer and it took the election of Ronald Reagan as President of the United States to give the Ways and Means Committee the push to pick that up and pass it.

□ 1340

Had President Reagan not been elected, I think that the tomb that is currently presided over by the gentleman from Illinois (Mr. ROSTENKOWSKI) would still lock up that very meritorious bill cosponsored by a majority of the Members of the House, just like the keeper of the Committee on Ways and Means tomb is doing with the bill of the gentleman from Michigan. So I wish you luck in getting Discharge Petition No. 7 signed.

Mr. WALKER. I thank the gentleman from Wisconsin.

Both gentlemen have made a very important point here. We have three-quarters of the Members of the House who have cosponsored a bill, and yet what we are being told is that that bill cannot be scheduled to come out here on the floor for consideration. Regardless of the fact that three-quarters of the Members of this House think it is important enough to move forward, it does not get scheduled, and instead, we go through whole weeks where we accomplish next to nothing, where we do very, very minor pieces of legislation and do not bring bills of this type to the House floor.

I think what it does is, it says to the American people that this House is not working; that we are not doing the people's business; that the American people's agenda is not being addressed on this House floor and is, in fact, being blocked from being addressed on this House floor. Every week that we have one of these light schedules, every week where we come to 1:30 in the afternoon and shut this place down to all intents and purposes, have no votes at all, and so on, and every week that the American people look into this Chamber and see a handful of people here with the business over, they ought to ask the question why? What in the world are we really doing around here if we cannot address an agenda, even an agenda where three-quarters of the Members of the House say on a particular bill that it is something that they want done, and yet it is never scheduled.

Mr. SILJANDER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Michigan.

Mr. SILJANDER. I thank the gentleman for yielding.

Mr. Speaker, I think the gentleman from Wisconsin and the gentleman from Pennsylvania bring up good points. Here is an opportunity for those of us who oftentimes just freely cosign bills because someone back home might want us to, to really put some leadership behind a signature for once. Some of those 334 of us who have cosponsored an extension of mortgage revenue bonding bill, here is an opportunity for us to stand up courageously and tell the leadership on all sides of the aisle that we have cosigned a bill because we believe it is in the best interest of the people back home. Those of us who are desirous of finding or building a new home and cannot do so, mortgage revenue bonds will give us, an extension, will give many Americans an opportunity to build that dream home, to purchase the home of those Americans' desires, those of us who had an interest in a new home.

Here is an opportunity for us to stand up courageously, walk down to the well and put our John Hancock on something that would be productive for the American people.

Mr. WALKER. I appreciate the gentleman's statement, and I think the gentleman is well aware of the fact that if his bill were to sponsor something like National Cauliflower Week and he got 218 signatures on that, of course, that would be brought immediately to the House floor and we would consider that out here. That momentous occasion would take place on the floor and, sure enough, National Cauliflower Week would be proclaimed with 218 signatures. The gentleman has 334 signatures on his bill that

really does something on behalf of the American people, and he cannot get it brought to the floor.

It tells us that something is awfully screwy around this place and that there is a screw loose in our operating procedures.

One thing that we did hear on the House floor today, though, that I thought was rather disturbing and I think maybe would be worth our while to talk about a little bit, was a statement made eariler today by the gentleman from Arkansas, a member of the leadership of the Congress, who suggested on the House floor that he thought that George Shultz should resign. I assume that he may have been speaking on behalf of his leadership, since he is a leader who speaks regularly on the House floor in the 1-minute remarks carrying his party policy position.

He suggested that George Shultz ought to resign over the question of Lebanon; that we had a failed policy in Lebanon and that it is high time for people to resign based upon that failed policy.

I would suggest to the gentleman from Arkansas that there is plenty of blame to go around for the failed policy in Lebanon and it ill behooves this body to suggest that we can lay the blame at George Shultz's doorstep or at the doorstep of the President of the United States. I would suggest that this body has contributed as much as anybody to the failed policy in Lebanon, and probably more than most.

It was not the President of the United States who originally proposed some months ago that we have an 18-month time period for affecting the policy in Lebanon. As a matter of fact, up until that time the policy had been rather successful. The Marines had not been attacked at that point. We were pursuing the peacekeeping role there. And all of a sudden the House of Representatives, in its infinite wisdom, decided that we had to step in and take charge of the policy. We had to implement the War Powers Act.

So a compromise was arrived at with this administration for an 18-month policy in Lebanon, and therein our problems began. I would suggest that beginning with that particular resolution we began on a downhill track in Lebanon that was absolutely then turned into a disaster when Congress came back from its recess a few weeks ago and suggested in the Democratic Caucus that it was time to cut and run in Lebanon, thereby encouraging the Syrians, encouraging the radical groups in the Middle East, to think that they could in fact keep the United States from implementing a policy and that they can implement a policy of their own.

I would suggest that that blame rests right here; that there is at least as much blame as can be heaped upon the President of the United States and upon the Secretary of State. Therefore, if we are going to talk about resignations, I would suggest that maybe we better start talking about people in this Chamber who are also responsible for having us implement that kind of policy and spoke out very loudly for it; that if resignations are in order, the resignations ought to come in this body as well.

Mr. SILJANDER. If the gentleman will yield further, let me just make sure that I am not mishearing the gentleman.

There is a statement made on the floor that George Shultz should resign as Secretary of State because of the failure of our policy in Lebanon. Is that a summary?

Mr. WALKER. That is precisely what the statement was earlier today.

Mr. SILJANDER. Let me throw out an example, alluding to what the gentleman was saying earlier.

Mr. WALKER. Let me just clarify. The gentleman serves on the subcommittee that handles this matter; is that correct?

Mr. SILJANDER. I serve on the Europe and Middle East Subcommittee that deals with this matter, and the Foreign Affairs Committee that dealt with the 18-month resolution, and I sit on the same committee that introduced what I would call a cut-and-run resolution.

Let us bring our memories back. A cut-and-run resolution was introduced by the majority party into the Committee on Foreign Affairs. The very next day, after the shock signals went across the ocean to the Middle East, the shock signals shaking the Middle East, that the Congress is considering an immediate, prompt withdrawal of American troops from Lebanon, what happened the very next day?

The very next day the shelling increased so heavily, in fact heavier than it had been for many years. The following day the entire Moslem contingent of the Cabinet resigned, and we are to the disaster, the accelerated disaster in Lebanon today——

Mr. WALKER. If the gentleman will allow me to reclaim my time for just a moment, was that not also the period of time when the Moslems that had been a part of the Lebanese Army that were being trained by the United States and was working itself into being a fairly effective fighting force on behalf of a united Lebanon, did they not begin to leave the army in droves soon after that resolution came in that the gentleman is describing, an event of unraveling?

□ 1350

Mr. SILJANDER. Mr. Speaker, will the gentleman yield further?

Mr. WALKER. I am glad to yield to the gentleman from Michigan.

Mr. SILJANDER. Sixty percent of the Lebanese Army are Moslems, the regulars. Many of them left and went to their barracks, refusing to fight, refusing to support a government that many of them perceived, with the outside world, including the multinational force contingent and the Americans who are a part of that force, was receiving support that was waning and lacking.

So if there has been any attempt to destabilize Lebanon or any reaction to the negative policies, it was a reaction to the fact that there was a cut-and-run resolution, in my opinion, introduced in the Foreign Affairs Committee in the House of Representatives a day before the shelling increased, 2 days before the Moslems decided to resign and begin in the Cabinet of the Gemayel government the acceleration of death, of bombing, and of intensity of warfare in that country.

And this is no coincidence. May I add that I cannot believe that it happened to be a coincidence. I think the American people can see for themselves that at any time we in America and we in this Congress move on a key foreign policy issue those shock waves are felt and respected and oftentimes misinterpreted overseas, and the foreign policies of our friends and enemies alike are oftentimes assessed based on what they perceive our policy in this Congress to be. So that was a bad time, it was the wrong time, it was the wrong issue, and it was the wrong place to introduce a cut-and-run resolution.

Mr. WALKER. Mr. Speaker, I thank the gentleman.

I would simply say to the gentleman that as far as I was concerned, I had some questions about our policy in Lebanon, as I think many Members did. I am in the position of being one who did not vote for the 18-month resolution. I thought that was a bad idea. And I would not have voted for the resolution that emerged from the Democratic caucus either because that was really a rotten idea.

The point is that the policy that was being implemented out of this House added up to one total disaster and tragedy. I think that the American people have to make an assessment of that. And to have someone come to the floor out of the Democratic leadership, as it was suggested here today, and say that all of this should fall on the doorstep of George Shultz and the President of the United States is to make nonsense. They have to assume their responsibility. They are partially responsible for the policy, and I submit that this House and this Congress are very much responsible for the policies we implement as well. It is a real shame to have that kind of statement made that was made earlier today.

Mr. GEKAS. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Speaker, that was exactly what I was thinking today when the resignation of the Secretary of State was called for, and I felt perhaps it follows that everyone who contributed in some way to the final resolution in Lebanon should also resign. That means that we would have mass resignations in the Congress itself if logic were to be followed through, because in my judgment, as the gentleman from Michigan said and as the gentleman in the well has also iterated, the debate in this very Chamber contributed to the misunderstandings or miscalculations or proper calculations, as it turned out, that Syria made in taking whatever action it did to finally force the hand of the multinational force and to cause the redeployment of our marines.

Mr. WALKER. Certainly the Syrians do not need very much encouragement in the Middle East to become disruptive and to try to do everything they can in order to emasculate and undercut our foreign policy. They are acting as puppets of the Soviet Union, and they need no encouragement. To receive the kind of encouragement they got day after day after day here just a couple of weeks ago coming out of this House of Representatives compounded the tragedy in Lebanon.

I do not know whether we ever had a viable policy there or not. As I stated earlier, I always had questions about it. But the fact is that I do know one thing, that we compounded the tragedy horribly by what came out of the House of Representatives, what was interpreted around the country and around the world as representing the majority sentiment of this House of Representatives, and we have to bear at least a portion of this responsibility. I think not to bear a portion of the responsibility and not to admit that we also failed is to bury our heads and to demagogue the issue to a great extent.

Mr. GEKAS. Mr. Speaker, will the gentleman yield further?

Mr. WALKER. I am glad to yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Speaker, I agree with the gentleman, and I just want to add one footnote to all of this. In my judgment, history will judge that George Shultz' decision and, therefore, the Government's decision and America's decision made in Lebanon was one that was rooted in noble ideas. The nobility of going to the rescue of a land which traditionally has been a democracy, a land which has been pro-West and supporting all the values in which we pride ourselves, and to establish a final opportunity for that nation to find its own identity again, that in itself justified the presence of our marines. If one asks the marines themselves, they will practically to a man indicate that they wanted to carry out that mission of peacekeeping and to give Lebanon a chance to survive.

Even if we looked at it more completely than just the nobility of what we attempted to do there, looking at it from the point of view of the national security and economic interests of our Nation, it was the right thing to do to try to establish a presence in Lebanon. What that presence ultimately will be, presence there must be.

Mr. WALKER. Mr. Speaker, the gentleman makes a good point. We were in there trying to support a legitimate Government of Lebanon. Out of the tragedy of Lebanon is likely to come an illegitimate government, a government dominated by Syrian interests, a nation partitioned that, therefore, can offer no hope to its people.

It reminds one of the tragedy compounded by this Congress after our experience in Southeast Asia when many Members of this Congress patted themselves on the back and congratulated themselves for having been a part of withdrawing the United States from Southeast Asia, for helping to implement a policy in Southeast Asia where we refused to win the war and refused to allow our soldiers to do any more than go into the field and be shot at. And yet what we see as a result of that policy is a mass genocide that took place in Southeast Asia, an absolute tragedy of immeasurable proportions that took place there, because once again this Congress chose to cut and run rather than to carry out a defined policy and a defined mission.

I seriously question whether or not we have not also created the climate for infinite tragedy in the Middle East with the policies that this Congress is in large part responsible for bringing about.

Mr. SILJANDER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman form Michigan.

Mr. SILJANDER. Mr. Speaker, I think it is important that we assess this and ask, what alternatives did we have?

We could have stayed in Lebanon beyond the objections, according to the pollsters, of the American people. The Marines could have stayed and been shot at and possibly picked off one by one. But the President, sensing the situation as it was, sensing the Syrian and the Druze influence as it was, decided that the second option was not a logical one either—cut and run.

What does cut and run imply? To get up and leave implies that, "Yes, Ayatollah Khomeini, you have successfully influenced American foreign policy." It means that a pint-sized dictator of Iran has pointed his finger at what is called and termed one of the great world powers, and he would have succeeded in manipulating our foreign policy by attacking and killing Americans.

And obviously, where would that policy have ended? In a tragedy. An American University president was assassinated. Do we pull out all our professionals? Thirty-three Americans were also tragically killed by another kamikaze, radical Islamic car bombing of our Embassy in Beirut. We had a bombing of our Embassy in Kuwait. And where do the terrorist attacks stop, and then where does our policy need to be addressed? And then how far and where will we go in terms of allowing those attacks, those cowardly, vicious kamikaze terrorist attacks? How far will we let them go in telling us and manipulating our foreign policy?

So obviously the President is not in a position and should not be in a position to allow those types of terrorists to dictate and mandate our foreign policy.

So what is the third alternative? The third alternative was a commonsense phased redeployment of our marines from a more vulnerable position onshore to a less vulnerable position offshore.

The other part of the commonsense alternative is that we have been training the Lebanese Army. There are now five brigades trained by the United States, one by the French, and in another 30 days there should be two more Lebanese brigades fully trained.

What the President has said is that we will fill in our void, the MNF void, with our French and U.S.-trained Lebanese brigades. Let them try as best they can to handle their own situation as best they see fit. It is a commonsense, logical approach.

But are we cutting and running? No. Our 6 Fleet is still there as a major deterrent. American foreign policy is still strong, and, as the gentleman from Pennsylvania alluded to it, as long as a legitimate constitutional Government of Lebanon stands, we should maintain our commitments, for if we falter on our commitments in Lebanon, what good is our American commitment anywhere in the world?

Mr. WALKER. Mr. Speaker, I thank the gentleman from Michigan.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding.

I have hesitated even to stand up here and speak because I tend to get excited when I think about the situation in Lebanon and what happened to our marines. But I think there is something that really ought to be pointed out, and the gentleman from Pennsylvania has touched on it when

he said the Congress ought to have the guts to stand up here and take partial blame for what happened.

I read the report of the Armed Services Subcommittee on what happened when the Marine headquarters was blown up, I saw all the criticism piled on the Marine Corps, and I hope all the Members of Congress listened to what kind of an effect that report had and what kind of an effect the one from the Pentagon had on the future of enlistments by U.S. citizens in the armed services. I am a former marine, and I have gone out and I have talked to some of the ROTC units around this country. Since 1975 ROTC programs on some of the most liberal campuses across this Nation have expanded tenfold. Patriotism is back in America.

And what did this Congress do? I can tell the Members what it did. Since the bombing on October 23, when we lost the 241 marines, nothing was happening in Lebanon because, without the aid of Congress and without the aid of all these engineers and architects, the U.S. Marine Corps, that battalion that was over there, went out on its own to protect themselves against terrorism. What did they do? They went out, with the cooperation of the Lebanese Government and the Army, and they commandeered over 100 of these reinforced steel shipping containers like we see on board ships. These things are 40 feet long and 8 feet wide.

And what did they do? They redeployed themselves out of the buildings and between the shoreline and the airport. They dug themselves in so that they had sleeping quarters, they had headquarters, and they had places where they could protect themselves against catastrophic loss. And they did it without the help of these gentlemen in the Congress. They did it all by themselves.

But what happened? From October 23 until we came back in session there was not one major attack on the U. S. Marine Corps battalion in Beirut, not one. As a matter of fact, there were even friendly give-and-takes between the so-called Druze militia and the other factions that were there.

□ 1400

I went over there between Christmas and New Year's and spent several days, not only talking to American marines, everybody from lance corporals to the top dog over there, and there was no danger of any catastrophic loss to our marines and the situation was stable.

But what happened the day we came back here? Congress and the Democrats started talking about that we have to pull our marines out of Lebanon. We have to pull them out of there. We have got to get them home and the minute we did that, that is when Syria and that is when all these religious factions in opposition to the legitimate government in Lebanon began to put the pressure on and that is when all hell broke loose over there.

So let me tell you, whose fault was it? It was the fault of the U.S. Congress and more particularly those members of the Democratic Party and some Republicans who did not have the guts to keep our people there and keep peace at that time.

I started to talk about the ROTC. You know, in that report that came back from the Armed Services Subcommittee, they talk about wanting to take the bars and stripes of U.S. Marine officers and enlisted men because of a bad decision they made for leaving those marines in a barracks building.

Well, you know, all the way through history, whether it is the First World War, the Second World War, the Korean war, the Vietnam war, when a commander makes a decision of whether to put his troops here or there, you do not take his stripes because somebody got killed, because that man was trying to make the right decision; and yet this Congress is recommending that we take somebody's bars and stripes.

Do you know what is going to happen to young men today that want to go to college and there is an ROTC program there and, sure, they can go to college free providing they guarantee that when they graduate they spend x number of years in time in the armed services, do you think they are going to make a career out of the Army, the Navy, or the Marine Corps or the Air Force if this Congress is going to come along and say 10 years later to that young man who served his country, "You made a bad decision. We want to put a letter in your file so that you can never be advanced or promoted again."

Congress ought to keep its nose out of it. The Constitution provides for foreign policy to be conducted by the President of the United States of America. That is what he was elected for and you and I should not be interfering.

If we had not interferred, we would still have stability and peace in Lebanon today and we would have a chance for the survivability of that government.

Now, what is going to happen? I am scared to death that 3 or 4 or 5 years from now when Syria and Russia have taken over as the dominant force in the Middle East that you are going to be called on to put 150,000 marines in there to save the likes of Israel and Saudi Arabia and some of the other countries, and instead of that we pulled out, we turned tail and we ran because of the Congress of the United States.

We ought to be ashamed of ourselves.

Mr. WALKER. I thank the gentleman from New York.

I am glad to yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Speaker, I thank the gentleman for yielding.

With the gentleman's indulgence, I would like to comment on a statement made earlier in the gentleman's special order. The statement that I make does not mean to diminish the point the gentleman was making at the time, which is that the House is not making progress, is not scheduling work. That is a valid point and I support the gentleman when he makes it.

As a matter of fact, sometimes I think from a taxpayer's standpoint, it is the very best thing when the House makes no progress, for that is the only time that they are protected.

On the other hand, I think the House has the obligation to move forward and to try to make improvements in the name of all the people of the United States, so I am grateful for the gentleman's effort.

The point I wanted to make is that the problem of mortgage revenue bonds was raised earlier in the conversation. Someone suggested that that bill has never emerged. It has never emerged from the Ways and Means Committee by itself; however, it was a part of the Ways and Means Committee bill that was rejected by the House when the rule fell last year.

Many Members, in fact, the majority of the House voted against the rule and many Members who support the extension of mortgage revenue bonds voted against the rule because in total they thought that the bill was deficient and I believe that no Member should ever have to vote for a portion that he or she likes when the rest of the bill is inadequate. I vote against appropriations all the time on that basis; but I just want to say that at least in defense of the committee, it did bring out that bill in a package. While it would have been nicer to bring it out alone, at least the committee's work should not be considered a total failure in that respect.

I thank the gentleman for yielding.

Mr. WALKER. Mr. Speaker, I thank the gentleman from Minnesota very much for making the point. I think it is important to have that on the record.

I guess the point that this gentleman made earlier was just the fact that if we had something for National Cauliflower Week and got 218 signatures on it, we would run it out here to the floor immediately and act on it. In this case, evidently this bill has 334 cosponsors. It does seem to me that something with that kind of popularity might be eligible for some singular action on the House floor, rather than

have it tied to a number of other controversial items that were in the tax package.

Since the Congress does seem to have plenty of time on its hands some of these afternoons, it does seem to me that might be the kind of bill that we could be looking to take up and certainly the leadership could get the support of most Members of the House to single out that item and bring it out on to the floor for singular action.

Mr. FRENZEL. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from Minnesota.

Mr. FRENZEL. The gentleman, I think, is dead right. I think the point is very good. I wish that the committee had brought out the bill individually.

As the gentleman knows, however, the other body has a penchant for snapping up the House bill numbers and sending them back with allegedly unconstitutional provisions, and so often our committee is reluctant to release bills in single file for fear of what might happen to them in the processes here.

I do not offer that as a personal excuse, but just as an explanation of one of the reasons why it has not moved the way the gentleman and I would prefer.

Again, I think the gentleman has made a good point and I do not diminish that at all. I thank the gentleman.

Mr. WALKER. Mr. Speaker, I thank the gentleman. I must agree with him that the irresponsibility of the other body is a legend.

Mr. Speaker, I would simply close this special order by making the point again that I do think that it is somewhat questionable that here we are on an afternoon, Congress has finished its business, we have not moved on to the legislative agenda that the American people would like to see addressed and we are in a position of closing down the House each week, having not addressed the major issues before the American people.

□ 1410

That is something that needs to be looked at by the Members of this body and the question needs to be asked: Why?

I yield back the balance of my time.

IMPACTS OF EQUAL RIGHTS AMENDMENT ON OUR LAWS AND SOCIETY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. SENSENBRENNER) is recognized for 60 minutes.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order this afternoon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, this is the fourth in a series of nine special orders exploring the impact that House Joint Resolution 1, the proposed equal rights amendment, will have on our laws and society. The first three special orders covered the subjects of the effect the ERA will have on rights relating to abortion; on our armed services; and on veterans preference programs at the Federal, State, and local levels. This special order will be devoted to possible impact of the ERA on the thousands of private and parochial schools that exist in our country today. If we take proponents at their word, the impact could cause an undesirable upheaval in private and parochial education.

When House Joint Resolution 1 was before the full House Committee on the Judiciary, the gentleman from California (Mr. LUNGREN) offered an amendment which read as follows:

SEC. 2. Nothing in this article shall be construed to relate to private or parochial educational institutions.

Despite the fact that it received bipartisan support, it failed by a vote of 12 to 19. However, sharp and long debate over the amendment shows that Congress needs to spell out whether we want the ERA to affect so sensitive an area as private and religious education. The amendment would have parochial single-sex schools—seminaries, all-boy or all-girl high schools, colleges, et cetera, from being attacked as being discriminatory.

In testimony that was received by the House Judiciary Committee's Subcommittee on Civil and Constitutional Rights, it became apparent that witnesses could not provide assurances that the ERA would not impact on private and parochial schools. Some witnesses were convinced that the ERA, however, would have a great impact on private and parochial schools.

Before addressing the issue, I would like to summarize and quote testimony that was given to our subcommittee and the Senate Judiciary Subcommittee on the Constitution, which devoted a whole day of hearings to this important issue.

Prof. Grover Rees, of the University of Texas Law School, stated:

Another possibility is an expansion of 'state action' to cover for instance, institutions receiving government benefits, tax exemptions, or licenses. This would call into question the consitutionality of single-sex private colleges, and might also cause religious institutions such as the Roman Catholic Church which retain an all-male ministry to lose their tax exemption. (Those who argue that such tax exemptions are required by the First Amendment are referred to the Court's recent decision in the *Bob Jones* case. If sex discrimination is treated like race discrimination, the Catholic Church has exactly the same constitutional right to its tax-exempt status as the racially discriminatory religious institution in that case had.)

Dr. Bernice Sandler, executive director, Project on the Status of Women, Association of American Colleges, stated to the subcommittee on September 14, 1983:

Men's single-sex schools that do not have Federal funds may be vulnerable to losing their federal tax-exempt status as a charitable institution. The standards applied to make that determination would be those set forth by the Supreme Court in the recent case involving Bob Jones University. In that case, the Court noted that the denial of tax-exempt status is permissible, though not compelled, under the Constitution.

Mrs. Phyllis Schlafly of the Eagle Forum stated:

Therefore, if ERA were ever added to our Constitution, it would give the Government a fundamental overriding interest in eradicating sex discrimination; and this interest would override the First Amendment rights of all religious schools. That means that churches which do not ordain women (or which treat women differently in any way) would lose tax exemption for their schools and seminaries.

Prof. Henry Monaghan, of Columbia University Law School, in testimony before the Subcommittee on Civil and Constitutional Rights, stated he had no doubt that the tax-exempt status of a general university that discriminated on the basis of sex—that is, a single-sex universities or colleges—could be revoked. While indicating there may be a difference between a seminary and a university he did state:

I guess I think you could also revoke the tax exemptions of even a theological school or a seminary that was discriminatory. The government is under no obligation to subsidize what it can't prohibit.

In testimony before the Senate Judiciary Subcommittee on the Constitution, Prof. Jeremy Rabkin of Cornell University testified that:

Following the Court's ruling in Bob Jones, then, it seems inescapable that all single-sex institutions must be denied tax exemptions. Thus the ERA would not only make all-women's colleges ineligible for tax exemptions, but also Catholic seminaries, for example, unless they admit women for training to the priesthood.

He went on further to note:

It seems inescapable that a institution like Yeshiva University of New York, which does have co-educational programs, must still forfeit its tax exemption if it maintains separate seating for men and women in religious services.

After hearing what the experts had to say on this issue, it does not take a strained imagination to see that the equal rights amendment could have a sweeping impact on many of our private and parochial schools.

The ERA refers to "equality of rights under the law." This means there must be some sort of State action involved before the ERA is triggered. The 14th amendment, which also has a State action requirement, has been construed broadly so that the distinction between what is private action and what is public—State—action has become quite muddled. Just recently, the U.S. Supreme Court more clearly and greatly expanded the State action requirement to render a law unconstitutional.

In *Bob Jones University* v. *United States* (No. 83-3, decided May 24, 1983, 51 U.S.L.W. 4593), the Supreme Court held that the Internal Revenue Service was permitted to revoke the tax-exempt status of a university which for religious reasons prohibited interracial dating and marriages. If the equal rights amendment becomes a part of our Constitution, and sex is elevated to the level of a suspect classification, it is very possible that the Internal Revenue Service, using the same "public policy" rationale articulated in the *Bob Jones* case, would deny tax-exempt status to religious educational institutions that discriminate on the basis of sex—that is, those which do not train women to become priests, rabbis, ministers, and so forth—or 501(c) tax-exempt status to private single-sex institutions.

In full committee, statements were made by the chairman of the subcommittee (Mr. EDWARDS of California) and the gentlewoman from Colorado (Mrs. SCHROEDER) that tax-exempt status without any other State or Federal involvement. The House Judiciary Committee was assured that purely private clubs, fraternities and sororities would not be affected under the ERA. However, I would like to note that in the State of Maryland, a lawsuit has been filed to take away the tax-exempt status of Burning Tree Country Club. Burning Tree is a single-sex country club in Maryland, a State that has an equal rights amendment in its constitution. An opinion rendered to State Senator Stewart Bainum, Jr., by Steven Sachs, the Maryland attorney general, found:

> In summary, it is our opinion that article 81, § 19(e)(4), as applied to single-sex country clubs, violates article 46 of the Declaration of Rights, the Equal Rights Amendment.

I bring this up as a person who has no opinion as to the constitutionality of this law under the Maryland constitution. We do not have a similar case in Wisconsin. However, it does show that people are already in court arguing that State action can constitute nothing more than a State granting tax-exempt status. Other State action, such as providing guaranteed student loans, et cetera, would not be required.

During House Judiciary Committee debate on the amendment, it became apparent that the proponents of the ERA who were opposed to the amendment and who spoke on the issue did not know what effect the ERA would have on these institutions. For example, no legal authority was given at the hearings or in markup to prevent IRS from removing the tax-exempt status of private single-sex schools or certain religious educational institutions in accordance with public policy. In fact, it appeared that a double standard would be used with men's single-sex schools being outlawed while women's single-sex schools would be allowed to continue to operate under a tax-exempt status if fulfilling a compensatory purpose. While observations were made that the standard would be strict judicial scrutiny, on one opponent of the Lungren private and parochial schools amendment could clearly articulate how this standard would be applied.

I would like to mention that even if one does not accept the premise that the granting of tax-exempt status is State action, State action under the ERA could be a variety of things, many of which have already been construed as State action for purposes of the 14th amendment and various civil rights statutes. Public involvement could mean an institution receiving direct financial assistance from the Federal, State, or local government for its educational programs or building programs; indirect financial assistance—that is, grants, loans, or guaranteed student loans—made to students for tuition costs; tuition tax credits at the Federal or State level to parents who send their children to private or parochial schools; to name a few. In fact, Dr. Donna Shalala, president of Hunter College, who was selected to testify by ERA proponents at a hearing before the Senate Subcommittee on the Constitution on October 13, 1982, on the effects of the ERA on private education, stated:

> I do not know of any institution in the country in which there is not public involvement.

Thus, it seems the ERA would affect all private educational institutions.

In the area of parochial schools, similar and different concerns arise. For example, the Catholic Church, Orthodox Jewish Synagogue, and the Mormon Church all have policies that distinguish in their treatment between men and women. Constitutional scholars differ over the ERA's application to religious and parochial schools.

Thus, it seems clear that the ERA will greatly impact on our private and parochial schools. We must ask ourselves if we should leave it up to the Federal judiciary—the unelected branch of Government—to decide if there will be any impact and what that impact will be. I would hope that if the ERA is brought up again it would be under a rule that would allow an amendment to be offered on this important question.

At this point I include the following:

[From the Washington Post, Oct. 14, 1983]

(By James J. Kilpatrick)

TAKING THE ERA LITERALLY

Little by little, a new legislative history is being created for the Equal Rights Amendment, and in the process some troubling second thoughts are taking shape. If ratified, ERA manifestly would work some change in our law. The question is, What change?

For the record, we are talking about this proposed amendment to the Constitution "Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex."

Orrin G. Hatch of Utah, chairman of the Senate's subcommittee on the Constitution, recently published an informative booklet under the title of "The Equal Rights Amendment: Myths and Realities." The senator is opposed to the amendment, but his essay is in no way inflammatory. From his subcommittee also comes the testimony of two witnesses, Prof. Jeremy A. Rabkin and Dr. Donna Shalala, on the narrow issue of the ERA's effect upon private education.

Hatch's measured conclusion is that the amendment's words "mean what they seem to mean—that *no* law establishing disparate treatment for men and women will be constitutional." The intent of the ERA, in the words of Prof. Philip Kurland, is to establish "unisex by national mandate." Thus we are talking of radical change in both state and federal law. Is such change desirable?

Shalala is president of Hunter College. She was chosen by proponents of the ERA to testify in support of the amendment before Hatch's subcommittee. In her judgment, ratification of the ERA would require the integration of all single-sex private schools and colleges receiving any form of direct or indirect public funds Adoption of the amendment would prohibit all forms of public scholarship assistance or free textbooks at such institutions. The ERA would require that single-sex fraternities and sororities be made bisexual. All school policies would have to be sex-neutral; if there is a rule on length of hair, the same rule must apply to both sexes.

Rabkin, director of the Program on Courts and Public Policy at Cornell, concurs in this assessment. He raises a question I myself have raised many times before: as a matter of constitutional law, would "on account of sex" be equated with "on account of race"? He finds it difficult to dispute this prospect, and he finds the prospect disturbing.

At its last term, in the famous case of Bob Jones University, the Supreme Court rewrote the law on tax-exempt institutions. If an institution violates "fundamental national policy," said the court, it is not "charitable," and if it is not "charitable," it cannot qualify for tax deductions. In that case, racial discrimination was held to violate fundamental national policy. It scarcely can be disputed that an amendment to the Constitution also would reflect "fundamental national policy."

On this line of reasoning, said Rabkin, Catholic seminaries could not qualify for tax exemption "unless they admit women for training to the priesthood." Also, "It seems inescapable that an institution like Yeshiva University in New York, which does have coeducational programs, must still for-

feit its tax exemption if it maintains separate seating for men and women in religious services." Unlike existing civil rights statutes, the ERA contains no exceptions for religious institutions, or for such single-sex tax-exempt groups as the Boy Scouts and Girl Scouts.

Are sex and race under the ERA constitutionally equal? Does no law mean no law? The amendment's supporters have the burden of proving the equation would not rule hereafter.

□ 1420

Mr. SENSENBRENNER. I yield to the gentleman from California.

Mr. LUNGREN. I thank the gentleman for yielding. First, I would like to ask him a question. Has the gentleman been informed as to whether the record of the Committee on the Judiciary on this legislation has been printed and is available to other Members?

Mr. SENSENBRENNER. No; it is not. The committee report that was to contain the full transcript of proceedings in the markup in the Committee on the Judiciary that was approved by the committee on my unanimous-consent request has not been filed with the Clerk of the House of Representatives and printed and available for distribution.

I was told during the markup, the first week of November, that I could not have 2 additional days to file dissenting views to the equal rights amendment and other Members additional time to file supplemental or minority or additional views, because they have to hurry up and file the report with the Clerk of the House.

Well, Mr. LUNGREN, that was 3½ months ago, and it seems to me that the rush-rush job of the committee in November has somewhat fallen astray. And I believe that that committee report and the dissenting views and the transcript of the proceedings before the full Committee on the Judiciary would be very enlightening to the Members and to the public at large if it were released by the pro-ERA majority of the Committee on the Judiciary.

Mr. LUNGREN. Is it not also true that if the ERA were to come to us under regular legislative procedure that that report would, in the normal course of things, be available for review by all Members of the House before they were required to vote on this issue?

Mr. SENSENBRENNER. That is certainly correct. And even in most cases where a bill is brought up under suspension of the rules; as the ERA was done in November, the committee report is available for the Members to study before they cast their votes on the subject.

Mr. LUNGREN. And the purpose for that of course is to give the membership the benefit of the deliberations of the subcommittee and committee that was charged with the responsibility of considering this issue and hopefully give them an ability to make an informed judgment as opposed to voting out of ignorance.

Mr. SENSENBRENNER. The gentleman from California (Mr. LUNGREN) is absolutely correct.

I have a feeling there are many ERA supporters in the Committee on the Judiciary that want to play "I Have Got a Secret" with the committee report for fear it will be damaging to their case should they bring the ERA up again on the floor of the House of Representatives.

Mr. LUNGREN. I want to thank the gentleman for bringing this issue to the attention of the membership of this House. Some who might wander into this Chamber at this time might wonder why we are dealing with such a serious issue when there does not seem to be an overwhelming interest, at least as evidenced by the attendance of the membership.

I think it is important for us to point out the fact that we were denied an opportunity to debate this issue in the full light of the total membership when in fact this issue was brought up under a Suspension Calendar method, in which we were limited to 20 minutes per side on the question, itself, and that in fact no amendments were offered because they were not allowed to be offered at that time.

And the gentleman specifically has taken this special order to talk about an issue that I raised in the full committee and that is the impact of the equal rights amendment on private educational institutions.

I believe, as the gentleman does, that this warrants serious scrutiny. The expansion of the State action doctrine with respect to racial classifications under the 14th amendment is a possible foreshadowing of its applicability to gender-based classifications.

It must be remembered that proponents of the equal rights amendment argue strenuously and seriously that it is needed in order to obtain the same protection afforded by the courts with respect to racial-based classification.

The gentleman mentioned Dr. Donna Shalala, who was of course selected by the ERA advocates to testify at the Senate hearings. She indeed testified:

I do not know of any institution in the country in which there is not public involvement.

Mr. Jeremy Rabkin, director of the program on courts and public policy at Cornell University, testified before the same Senate subcommittee that—

Following the court's ruling in *Bob Jones*, then it seems inescapable that all single-sex institutions must be denied tax exemptions.

Thus ERA would not only make all-women colleges ineligible for tax exemptions but also Catholic seminaries, for example, unless they admit women for training to the priesthood.

Rabkin further testified that:

It seems inescapable that an institution, Yeshiva University in New York, which does have coeducational programs must still forfeit its tax exemption if it maintains separate seating for men and women in religious services.

In testimony by our Subcommittee on Civil and Constitutional Rights, Professor Monaghan of the Columbia University School of Law, again a supporter of ERA, testified: "There may be a difference between a seminary and a university." He then went on to add, however: "I guess I think you could also revoke the tax exemption of even a theological seminary that was discriminating."

I must confess that I am a practicing Roman Catholic. I have some concern about whether women should or should not be members of the priesthood. But I do not think the forum for that debate ought to be in the Congress of the United States or ought to be on a State legislative level or certainly should not be ultimately decided by the Supreme Court of the United States.

Mr. SENSENBRENNER. I think the gentleman makes a very valid point, and that is that issues of religious doctrine, such as ordination of women to the priesthood or the ministry, seating of men and women in different sections of the church or synagogue for purposes of religious services should not be decided by the Government under the first amendment to the Constitution and the traditions that we have developed in this country since the Bill of Rights was adopted.

□ 1430

Those issues should be thrashed out within the hierarchical procedures that are set forth in that particular religious denomination. Now I happen to be a member of a church that does permit the ordination of women to the priesthood, albeit that was accomplished not without a considerable amount of controversy within the Episcopal Church. But I think that that is the place where those issues should be resolved, not here in Congress, not across the street in the Supreme Court, and definitely not downtown in the offices of the IRS, where some person can decide by administrative fiat whether or not that institution should continue to enjoy a tax exemption.

Mr. LUNGREN. If the gentleman will recall the debate we had in the full committee over what standard would apply in terms of interpretation by the court, there were varying opinions on that. And the advocates could not tell us precisely what standard would apply.

But I would suggest to the gentleman that it might be good for us to

make the membership, the full membership of this House, cognizant of the fact that under one interpretation we would go beyond what we have discussed here. And that is, we would go beyond the question of tax exemption and we would go to the question of whether under certain standards being applied to the ERA there would be a determination by courts that in fact such institutions would be themselves unconstitutional. Thus allowing a member of the sex that is not allowed priesthood, for instance in the Catholic Church, a woman, to bring a lawsuit saying that in fact the very institution of a seminary would be unconstitutional and attacking its very existence in that regard.

Mr. SENSENBRENNER. Reclaiming my time, the gentleman from California is correct that if the courts should adopt the absolute standard in judging discrimination cases brought under the equal rights amendment, should it be passed and ratified, that would have the precise result.

Now that goes back on almost 200 years of American jurisprudence where in church controversy cases the courts will look at whether the church has followed its own canons or its own procedures in determining the controversy, but will not apply the canon law in terms of imposing its judgment on the church in the outcome of that controversy.

In other words, the court's jurisdiction is limited to an overview of the procedural system that the church has set up for itself, rather than the substantive system.

Now, if we go to the strict judicial scrutiny standard which might be the standard that the courts adopt and the proponents cannot tell us that for sure, then, in effect, what we are doing is giving some bureaucrat down at the IRS the opportunity to decide for himself or herself whether an institution that does discriminate by sex according to church rules will be able to maintain its tax exemption. That is the holding in the Bob Jones case where the court said the IRS was not required to revoke Bob Jones University's tax exemption, but that it could do so by making a determination that the public policy against racial discrimination overruled the church policy against interracial dating and marriages.

Mr. LUNGREN. So if the gentleman will yield further, the bottom line here is that the problem is that we do not know what the full impact of the ERA will be on private and parochial educational institutions. I have a very good idea what it may very well be, but I cannot speak with any assurity on that because that would ultimately be decided on the Supreme Court level.

Unfortunately, the text of the amendment itself gives us no clue on what the likely impact will be. The answer that the courts will decide is an abnegation of our responsibility as lawmakers to clearly delineate public policy.

It seems to me that some of the proponents are in the position of the well-known caricature of a used car salesman and that is they promise more or less than what is there for sale. They have told us on the one hand, do not be concerned about the questions of interference in church matters. And on the other hand, they have told us, well, it should be decided by the courts because they ultimately must make the decision anyway.

In other words, they have said, we should not take cognizance of this fact and we should not attempt to specifically say this is an area that we think ought not to be decided by the legislature or by the judicial branch, but within the confines of those churches themselves. And that is where we are. And that is where we were in the Judiciary Committee. And it was for that reason that I offered an amendment before the full Judiciary Committee markup that stipulated that nothing in the ERA shall be construed to relate to private or parochial educational institutions. It is thus apparent that the ERA could potentially have a dramatic impact on private educational institutions because we refuse to attach even this simple amendment to it. Many of us who are sympathetic to the plight of these institutions were therefore chagrined over the decision of the House leadership to deny Members of this body an opportunity to offer clarifying language when the ERA was brought up under the so-called suspension, but as I think we should refer to it, the gag rule imposed last November 15.

The cavalier take-it-or-leave-it manner in which we were forced to operate was an obvious attempt to ignore the substantive issues relating to the proposed amendment.

And therefore, for this body to have acted in any other fashion than to have voted down the ERA at that time would have been the height of irresponsibility.

If I might say so gentleman, in conclusion, I spoke to one of the strong supporters from the other side of the aisle on the ERA after its defeat. And I asked her why it was brought up. And she said: "We had our reasons."

And I inquired as to whether those reasons included a sincere desire to have that passed.

And at that point she mentioned to me that if we had allowed amendments to be adopted at least two amendments would have been adopted. Certainly the one with respect to the question of abortion-neutral stance and certainly the one with respect to whether women would be required to engage in combat as a result of the application of ERA.

And I said: "What is wrong with that?"

And she then stated to me: "Because those of us who support ERA would have lost 50 supporters for ERA if those amendments had been adopted."

And that brings the question to me whether or not we can fashion an ERA which takes care of the various problems that were articulated in the hearings, both on the Senate and the House side, and it suggests to me that we had better deal with those openly on the floor if we are honestly going to present the American people the full-scale debate to which they are entitled and to which we have a responsibility to engage as their representatives.

Again I want to thank the gentleman for giving me this time. I want to thank the gentleman for taking this time. And I would hope that the fact that we have not had the printed record of the committee deliberations and the committee report presented to the membership here would be one reason why Members would resist bringing to the floor the ERA under a Suspension Calendar in the near future. So that if we are to deal with this issue, we deal with some information so that we might make informed judgment as opposed to voting out of ignorance.

Mr. SENSENBRENNER. I thank the gentleman from California for his very own pointed remarks, particularly in bringing to light the fact that the Judiciary Committee has not filed the committee report after 3½ months of saying that it had to be filed almost immediately and also bringing to the membership's attention the conversation that he had with one of the principal supporters of the equal rights amendment.

We have had a similar situation in my State of Wisconsin that I think is in point to this entire debate as well. The State legislature in Wisconsin in 1982 considered an amendment to the State constitution that was worded identically to the proposed Federal ERA. Both the Wisconsin Assembly and the Wisconsin Senate added language that made that amendment abortion neutral, such as the amendment that I hope to be able to propose to the Federal ERA here in the House of Representatives. And that amendment was successful in both the State assembly and the State senate.

Now as soon as that amendment was adopted and the ERA became abortion neutral, some of the most avid supporters of the State ERA put their support on the back burner, including our Gov. Anthony Earl.

And, as a result, the amendment has not been brought up for second consideration in the State legislature to be placed on a referendum ballot to see

how the voters will decide on it during the 1983 and 1984 legislative sessions.

Now, from what the gentleman from California (Mr. LUNGREN) has stated, together with what has happened in my home State, I am really beginning to wonder whether some of the avid proponents of the ERA want to amend the Constitution to take care of the economic discrimination that is acknowledged by practically everybody to exist in our society, or whether they want to continue using this issue as a way to put together political hit lists and raise funds for their favorite organizations, knowing full well the equal rights amendment will never pass this Congress or be ratified by 38 States.

□ 1440

I now yield to the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN of Utah. Mr. Speaker, I appreciate the gentleman from Wisconsin yielding and his scholarly report that he has given, and the gentleman from California.

Let me say that in my home State of Utah in 1973 I think we were the first State to take a look at ratifying the ERA. It failed in 1973; it failed again in 1975. One of the reasons it failed is what you gentleman have been talking about today regarding the private parochial institutions. It also failed because of the abortion, military and privacy angles that came up.

Let me say that at that particular time, as we analyzed it, we wondered about the few short words that were included in the equal rights amendment and we wondered if really we were taking away the discretion of the legislature, and we felt that we were. We came to the conclusion that what we were doing, in effect, was taking away all the reams and thousands of printed pages that have come about in statutory law and the common law and relegating that to the courts. We did not feel good about that. Consequently, it did not pass. Later, as a member of the National Conference of State Legislators, when I was Speaker of the Utah House, we came to the conclusion that it would never pass 38 States in its given condition, and I really think it is an exercise in futility to bring it up under a suspension or gag rule, of all ways to bring it up, on something as important as this, and that the Lungren amendment should have been put in at the time in the Judiciary Committee.

But to the issue that we are discussing today, the ERA creates a conflict between freedom of religion and sexual equality. Take for example the Roman Catholic Church which teaches that only men should train for and hold the priesthood. Catholics believe that they should retain their tax-exempt status even though the church runs all-men seminaries and parochial schools. They believe that the first amendment gives them that right.

Now, the ERA would strike down all laws which discriminate on the basis of sex. If the ERA passes, what would happen to the tax laws which grant the tax-exempt status to private and parochial schools and religions which treat men and women differently?

A recent Supreme Court decision gives us an indication of what might happen. In Bob Jones against Regan, the Supreme Court struck down the tax-exempt status of a religious school because the school discriminates on the basis of race. The schools' pleas invoking the first amendment freedom of religion were ignored. The Court set a precedent by ruling that the Government's fundamental overriding interest in eradicating racial discrimination in education * * * substantially outweighs whatever burden denial of tax benefits places on petitioners' exercise of their religious beliefs."

In a recent congressional hearing on the ERA, the Senate's chief sponsor of the ERA was asked if the ERA would strike down the tax-exempt status of schools, seminaries, and churches which treat men and women differently. Here is the Senator's answer to Senator HATCH:

> Again, Mr. Chairman, you have an interpretation of religion conflicting with the interpretation of the equality of sex. You are in exactly the same situation that you would have if you have a conflict between freedom of religion and racial equality.

Is it so farfetched to believe that the Supreme Court would use Bob Jones as a precedent to strike down churches' tax-exempt status? Certainly not. If the same strict scrutiny rule used to interpret racial discrimination is used on sex discrimination cases, these churches that we are speaking about and their schools stand to lose their tax-exempt status.

Feminists have their own ideas about the tax-exempt question. The National Organization for Women (NOW), the most vocal and powerful proponent of the ERA, has demanded that religious seminaries recruit men and women equally.

Instead of determining it upon their own theological and ecclesiastical background, what they believe is their own canon of ethics, they now demand that they bring in men and women equally.

They urge tax exemptions be denied any church actively opposed to abortion or ordaining women.

What assurances do we have that a Supreme Court sympathetic to NOW's demands would not use the ERA to strike down the tax-exempt status of churches? Absolutely none. The only way to protect the tax-exempt status of churches and church-owned schools is to pass the Lungren amendment that was brought up in the Judiciary Committee.

If this comes up again, I would surely hope that something this important, something that has been debated this long in so many legislative halls, speaking of all of the hours in just our own State we used on it, that we could at least bring up these amendments here on the floor.

Mr. SENSENBRENNER. I thank the gentleman from Utah for stating very articulately what the issue really is relating to the tax-exempt status of churches and private and parochial schools and seminaries where men and women are treated differently.

In quoting the National Organization for Women's publication, I think it very clearly states that what will happen if the ERA is passed and ratified is that that organization will be the first to file a lawsuit in court attempting to revise the religious practices of a number of churches and denominations that operate in this country through Federal judicial decree.

I do not think that is the type of freedom of religion that the framers of the first amendment to the Constitution thought and what the Supreme Court has upheld for the almost 200 years of the history of the first amendment. There is a danger that the first amendment and religious freedom of expression can be chinked away with the ERA, and I would hope that the Lungren amendment would be adopted should the ERA be brought up again.

● Mrs. LLOYD. Mr. Speaker, under the language of the ERA would a private school, which is not coeducational, or which does not admit male and female students on an identical basis be subject to legal attack?

We have a recent Supreme Court decision which gives us a good reason to believe that an all-girl or all-boy school might have a difficult time surviving. A great number of private schools receive some measure of indirect public assistance. Passage of the equal rights amendment would set out the public policy that differentiation on the basis of sex in and of itself is suspect. And the Supreme Court has said that the IRS has the authority to deny exemptions to any institution acting contrary to public opinion.

It is not likely that all of these schools would be subject to affirmative action but it does follow that they could face a loss of assistance should they choose to run counter to the public policy stated in the ERA.

Of course, the admission practices and guiding philosophies of the private institutions are dictated by religious doctrine. But if these institutions receive public assistance and if they conduct their affairs in opposition to a fundamental public policy; that is, nondiscrimination on account of sex, they are likely to find themselves challenged.

We need to protect private schools, secular as well as religious, which choose to make distinctions on the basis of sex by including language in the ERA which prevents a denial of their tax exemptions.●

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

IOWA, LEBANON, AND THE HYPOCRISY OF THE LIBERAL DEMOCRATS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGRICH) is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, the topic of my special order, because of last night's events in Iowa, and today's comments by the deputy Democratic whip, the gentleman from Arkansas (Mr. ALEXANDER), is: Iowa, Lebanon, and the hypocrisy of the liberal Democrats.

I was first struck with this last night when I tuned into what was excellent coverage of the Iowa precinct caucuses by C-Span and to discussions on two of the networks to discover that fairness, openness, and equal opportunity in the liberal Democratic Party means that if you are Walter Mondale and you get 45 percent of the vote, you get 88 percent of the delegates. You get almost 2 delegates for every percentage of the vote that you got. If you are everybody else in the Democratic Party, it does not matter what you got, because you are not going to get to play.

It really struck me that here was a precinct caucus environment absolutely suited for Walter Mondale, designed for a candidate who had sold out to big labor, who sold out to the National Education Association, and who could bring to bear real muscle. A man who in case after case, in newspaper story after newspaper story, had wired the caucuses and had thousands of workers, as JOHN GLENN's campaign tried to point out, almost certainly cheating in terms of the Federal Election Commission rules, absolutely violating the intent of the public financing of Presidential campaigns. In addition to the money Mondale was spending, the United Auto Workers, the AFL-CIO, the National Education Association were each in effect cheating by adding their money on behalf of Mondale. In a setting in which he had every possible advantage, he still could only get 45 percent of the vote. But in the past, for the last 60 years, 45 percent of the vote for a front runner in a rigged game would have been a disaster. They had further defined rigging the game, because under the new rules of the Democratic Party, 45 percent equals 90 percent.

Now, that is a kind of mathematics which says if you have got the muscle and you are the insiders, you are going to win. If you do not have the muscle and you are not the insiders, you have not got a prayer.

I think in this setting I could not help but reflect last night—and I have to confess, as a student of politics and as somebody who has watched it for a number of years—I was absolutely astounded at the difference, sitting there as a citizen at home, between what was happening over on the one side, which was the popular vote total, and what was happening on the other side.

There was GARY HART, at 15 percent. He got one-third the vote of Walter Mondale. He gets 2 delegates. Walter Mondale gets 48. That is a 24-to-1 rate on delegates compared to a 3-to-1 rate on votes.

Here is George McGovern, who gets a fairly respectable vote; he gets nothing. Here is Jesse Jackson and ALAN CRANSTON. You can go right down the list. They get nothing. They are totally closed out, not because they were not getting votes, but because the game is now so thoroughly rigged that even if you take on big labor, even if you take on the National Education Association, even if you take on a favorite son from next door, even in a setting where he should have swept the board, you still cannot win.

□ 1450

I was flabbergasted. I must say I thought C-SPAN did an extraordinary job of covering a precinct caucus in Des Moines and allowing us to watch for several hours and see how the game was rigged. It was an interesting experience.

I have to say, furthermore, as I watched that, as it sank in on me that there was an absolute lock on Iowa for Walter Mondale almost despite anything he could do to blow it, I began to reflect on the way in which liberal Democrats use language. The way in which they feel very comfortable blatantly saying one thing and doing another. Blatantly standing up and saying that they are for fair elections in public financing, except, of course, all of their allies are going to cheat like United Auto Workers and the AFL-CIO and the National Education Association. They are for equal chance to compete, except that only the boss candidate gets to win.

Now, in that setting, I sat here today and I listened to the gentleman from Arkansas, the deputy whip (Mr. ALEXANDER) talk about how Mr. Shultz, the Secretary of State, is responsible for whatever happens in Lebanon. Now, I know personally, because I watched him do it, that the deputy whip is in fact very well aware of the power of television. Last year, in fact, he used the power of television and the House floor to be able to communicate certain ideas he believes in. Since I know that he is an educated man and is aware that Syria now owns television sets, I feel reasonably comfortable that he must be aware of the fact that the Syrian Embassy watches American television. The reality which we face, which I do not think a single liberal Democrat has yet confronted, is that when they go through week after week after week of hysterical, irresponsible and vicious demagoguery and that foreign countries watch that kind of language. When they say over and over again we are going to force the United States to withdraw from Lebanon or El Salvador or wherever they want us to withdraw from next, foreign countries watch that sort of behavior. Foreign countries have now watched the United States for a long enough period of time they understand the relationship between American domestic politics, and the capacity of the American Government to stay in business and to do things.

So, for some of these liberal Democrats to first make it impossible to stay, to communicate in public their commitment to not staying, and to then attack the Reagan administration for not having been able to stay, it seems to me is in fact an extraordinary setting.

Mr. KASICH. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Ohio.

Mr. KASICH. I thank the gentleman for yielding.

Mr. Speaker, what I find particularly interesting in this line of reasoning is that I was here on the floor of the House and sat back in Committee when we decided in a bipartisan manner to proceed with a policy that allowed the President to deploy our Marines in Lebanon for 18 months. I opposed this policy. When it came time to vote on this issue, I stood on this floor and saw the leaders of the Democratic Party go to their membership and twist arms to get them to vote for the 18-month agreement. They said the President needs bipartisan support, and leadership on our side has agreed to join the President. Make no mistake, Democrat leaders brought pressure to bear—some of my friends within the Democratic Party told me about instances where their arms were twisted—when we considered our course of action in Lebanon.

Now we turn around and see these same people on the liberal side of the aisle trying to point a finger, a partisan finger, as we discuss the situation in Lebanon. I think everyone should make note of the fact that it was the President and the bipartisan leadership on both sides of the aisle who came together and said that if we reached a situation in Lebanon where there was a breakdown in authority, that America, as part of the multina-

tional force, would withdraw. That is essentially what happened. The President provided the leadership to say that we have given it our best effort, it has not worked out and it is time for use to leave. For the liberals to start screaming and pointing fingers at the President is the height of hypocracy.

Certainly, to try to make political points out of this sorry situation is not the decent thing to do.

The people who entered into supporting this 18-month agreement all share responsibility for it—Republicans and Democrats alike. They ought to just accept it and realize it was a bipartisan commitment to get in and it ought to be a bipartisan commitment now that we are getting out. The finger pointing ought to stop. We have a tragic situation over there and politics has no place at this point in time.

Shame on the liberals on that side of the aisle. Shame on the demagogs who now seek to make some political advantage out of what was a bipartisan foreign policy in one of the crucial parts of this world. Shame on you. Stop this handwringing and fingerpointing and do not do it any more, for the American people are not going to forgive you for this kind of demagoguery at a very difficult time in this Nation's history.

Mr. GINGRICH. The gentleman from Ohio used a fascinating phrase. he talked about the decent thing to do. Let me suggest that the Members of this body and the country need to look at the Iowa results, and realize that 40 percent of the vote in Iowa was to the left of Walter Mondale. That is, if you take the votes that went to HART, McGOVERN, CRANSTON, and Jackson, 40 percent of the Democratic Party in Iowa was to the left of Walter Mondale in regard to Walter Mondale as a centrist candidate.

The savagery of that left, I think, is going to be stunning. It was Senator GARY HART who said in Iowa that 300 American boys died because Walter Mondale took months to make up his mind. Now, in terms of a vicious, personal attack of one Democrat upon another, and in terms of the kind of, I think, irresponsible demagoguery we are going to see in the near future, that comes pretty close to taking the cake. We now have a setting where the gentleman from Colorado, who is even more liberal than Mr. Mondale, is complaining because it took Mr. Mondale 18 days to make up his mind on Grenada. Presidents do not usually have that sort of convenience, and he is complaining and is trying to ascribe in an effort to move further and further to the left so that we will end up with a HART-CRANSTON-McGOVERN candidacy. The real left wing versus the Walter Mondale candidacy that, up until a few months ago, most of us thought was the left wing, and as someone has said recently, possibly with the Republican Party offering a space for Mr. GLENN, who clearly has no room left for him in the Democratic Party.

Mr. PARRIS. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Virginia.

Mr. PARRIS. I thank the gentleman for yielding.

Mr. Speaker, I found the gentleman's comments in regard to the exercise in Iowa last night of considerable interest. As I watched the media reports of that activity and then read the newspapers this morning, the thing that struck me is that an estimated something in the vicinity of 100,000 people took part in the Democratic caucuses on yesterday. The successful candidate, Mr. Mondale, got 24,000 votes and a few.

That 100,000 is some 20 percent of the average congressional district population that any one of the Members in this Chamber represents; 20 percent of my constituency, for instance, or yours. The 24,000 votes that was received by the frontrunner does not make a good city council race in most of the municipal areas of my district.

The second gentleman, the runner-up, got the magnificent total of 8,000-some odd votes, which I would hardly interpret as a mandate, but it catapulted him into the second runner's spot for the Democratic Presidential nomination.

I submit that I know some dogcatchers in some of my parts of Virginia that got there with not very many more votes than that, and certainly not very many less.

Mr. GINGRICH. Does the gentleman seriously suggest that some of the people who ran for dogcatcher would, in fact, make better Presidents than some of the people who ended up in the runner-up position?

Mr. PARRIS. I am not sure I would go that far. I was engaged in a mathematical exercise.

Mr. GINGRICH. I just wanted to check and make sure we kept this in a serious vein.

Let me pick up on the gentleman's point for just a second, though.

If you listened to the American news media last night, the 24,000 votes, which is not enough to win any congressional primary in America now, for 24,000 votes Walter Mondale was picking up 48 out of the 50 delegates and was being annointed as the probable President on the basis. The fix was in, that the rules had been so thoroughly rigged that, in fact, for 24,000 votes we are going to now choose the Democratic nominee for President, and other people who had a chance to run were being excluded by the droves, both in the newspaper headlines this morning and in the television coverage last night.

□ 1500

I think that there is a very grave danger here that if we repudiate a generation of one-citizen, one-vote, and we start moving into a period when a member who gets 45 percent can get 95 percent of the delegates, the Democrats are likely to nominate the least legitimate candidate for the Presidency since the Republicans nominated William Howard Taft in 1912.

So what we are seeing is a reversion to a preprogressive movement fix in which the bosses get their candidates virtually without regard to what happens in the primaries. As the newsmen kept saying last night over and over again, "We don't see any way you can stop Mondale." And this is at a point when he was getting 45 percent of the vote.

Mr. LUNGREN. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from California.

Mr. LUNGREN. Mr. Speaker, I think the gentleman might be a little too harsh on that 24,000 figure. I have it on good authority that those 24,000 people who voted for Mondale equaled the number of employees of the three networks that covered the story in Iowa. So certainly there ought to be some importance attached to that.

Mr. GINGRICH. Mr. Speaker, what I would like to know, and I think it would be a fascinating thing to find out, is how many votes per paid union worker Mondale got in Iowa. I suspect it cannot be much more than about 30 per paid union worker.

I would say that in a situation where it is totally rigged, where every possible advantage is on behalf of the better known former Carter Vice President, for him to only get 24,000 votes and declare it a victory is a sign, I think, of a remarkable myopia.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

I think one of the Presidential candidates on the Democratic side, Mr. Jackson, has been making exactly the same point that the gentleman from Georgia is making now, that in fact he is running in a rigged election, that he does not stand a chance regardless of how well he does in the popular vote. If, for instance, next week in New Hampshire he should do very, very well in the popular vote, the chances are that he still will not get very many delegates because, once again, the fix will be in.

So I think once again the gentleman's point is supported by at least one of the candidates who is running in the primary and who understands precisely what is done by the Democratic party when they seek to freeze

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out minorities and freeze out real popular participation and instead go back to the old boss system. I think that the gentleman's example of what took place in Iowa last evening is precisely correct.

Mr. GINGRICH. Mr. Speaker, as the gentleman knows, we have been trying to make the point here in the House, there is a tendency for this body to be run by liberal Democrats basically on a boss system. I think last night's primary was a revelation. It showed, as Mr. Jackson has been saying, that it is part of the whole system, and that it is just the nature of the late 20th-century liberal Democratic Party that bosses ought to have more to say than ordinary people. I think we are seeing that really settle in.

But I want to go back to the reason really why I tied Iowa and Lebanon together. The frightening thing for the future of democracy is the capacity of our friends on the left to use words to mean whatever they want. So fairness gets to be rigged rules in the primary, so responsible bipartisanship becomes irresponsible demogoguery, and so we end up today with the fourth-ranking Democrat in this House rising to suggest that the Secretary of State should resign because a policy fails— a policy which failed at least in part because of the liberal Democrats in this House.

And I think that that kind of—and I would be delighted if the gentleman who is laughing would like to try to defend some of the behavior we have been describing. I think it is easy enough to laugh, but the reality is that the dictator in Syria, Assad, clearly watches us on television. His embassy watches this House on television. They read the newspaper accounts. When the gentleman's party continues this decade-long tradition of weakness in foreign policy, they come to the conclusion that we are weak.

It was Assad who said about three weeks ago as a dictator speaking to an American interviewer that the United States is like a runner who is short of breath. We have no staying power. We have no capacity to survive in the world at large. He was confident that with the help of this Congress, our foreign policy would collapse.

The gentleman may think it a laughing matter, but I suspect the people who are dying in Beirut do not.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding.

I, too, was disturbed by the message we saw coming from the Democratic side of the aisle that somehow we made a mistake in Lebanon and Secretary Shultz should pay for that mistake with his job.

I can recall the words that have been printed many times, the statement by John Kennedy during his inaugural address, when he said that the United States would bear any burden, oppose any foe, pay any price to preserve liberty and freedom throughout the world, and I think it is important that Kennedy did not say that we are only going to take on the ones that we know we can win, and if it looks like we might lose, if it looks like we might not prevail in trying to preserve democracy in any particular place in the world, then we will withdraw and we will retreat.

I think certainly the Gemayel government qualified under the Kennedy proposition as being a government that we should have supported, that we should have helped, and I think it is frustrating to participate in a bipartisan ratification of a policy when we decided in this House to stay in Lebanon, we decided it was an American policy, it was not a Democratic policy, it was not a Republican policy, it was not just the policy of the President, but it was the American policy to be in Lebanon and to gamble and to hope that the small chance of that very fragile government surviving would pay off.

I have seen lately coming from some quarters in this Nation the suggestion that somehow Mr. Gemayel is in the same boat as Mr. Diem and other people we have supported in years past, and that somehow the United States just cannot have an effect in trying to preserve or to spread democracy throughout the world, the suggestion that somehow we are always doomed to failure.

I am reminded today that because we at least acted, although we did not act as firmly as we should, we acted in Korea, and today we have an ally in South Korea that otherwise would not have been there had the United States not been interested at that time in opposing a foe of liberty and freedom and in supporting a friend and a potential friend. Because we supported the South Koreans and because we helped them, we have today a very strong nation there which participates in the Western coalition of democracy.

It is frustrating also to see again—and I think the gentleman hit it on the head when he said the Syrians watch television—it is frustrating to see my colleagues get up on the floor of the House and telegraph signals to the Syrians that this Congress does not have staying power. I think if there was any message that the Syrians and Assad should have taken from what went on in this House in the display, the partisan display of rhetoric against the President, it was that if they waited long enough, the United States would leave, and if they waited long enough, the U.S. Congress would put enough pressure on the administration that it would not take Syrian troops in Lebanon or Beirut to drive the Americans out, that it would happen because of what was happening in Congress.

That is not a proper message to send to the Syrians. I think that once again the old proposition that foreign policy should leave the American shores with one voice and with a certain unity between the legislative branch and the executive branch has never been more important than it is today.

So I would hope that we will maintain a presence in Lebanon. I think that it is more important than ever that we maintain a presence there now because the government is in a state of transition. What occurs there is in a very fast moving transition. It is more important than when we had a static situation to stay there now so that we might shape to some degree what happens in Lebanon.

Mr. GINGRICH. Mr. Speaker, I want to go over this for just a minute again, because we had a very distinguished and very well educated Member of this body a few minutes ago who thought this was all a joke. Let me say that I may use very strong language because, frankly, I am sickened by some of the things I see done in this country.

I look back on 1974 and 1975 and I see—and I say it flatly, not as a partisan statement but as an absolute reality—that the liberal Democratic wing in this House cut off aid to Vietnam and sent a signal. Today I can show you the interviews with North Vietnamese generals in which they said flatly it was them watching the U.S. Congress which convinced them they could launch an offensive in the south. I look at the boat refugees who are killed and raped by pirates today because people in this building, in this very Chamber, had no guts and because they cut off a policy. On whose hands is that blood?

I look then at 1979 when a very weak national Democratic administration sent a signal around the world that said, "The United States is against you if you are pro-American and a dictator, and we are not going to bother you if you are anti-American and a dictator." And what happened? The Shah fell.

Does anyone want to seriously argue that a fundamentalist, Islamic regime under Khomeini is better for human rights? Do any feminists want to come in here and say that women are better off in Iran today?

□ 1510

Does anybody want to come in and say that the butchery under Khomeini has been any better than what we had under the Shah? I am not defending the Shah, but I am saying that the reality is in a Third World country like

Iran that what has happened is despicable, and U.S. policies were partly to blame.

Look at Nicaragua. Look at La Prensa, which even under Somosa was a free newspaper, which is now being strangled. There are now Communist agents of both Cuba and the Soviet Union working.

It was this liberal Democratic wing of the Democratic party that sent the signals.

Look at Afghanistan. If the Russians had any sense that the United States had the courage to supply weapons to Afghanistan, there would have been no invasion.

Look at Poland, where a free labor union effort was repressed with impugnity. Then in 1980 the hostage crisis became so disgusting that the American people became so sickened with weakness that they frankly threw out, both in the Senate and in the White House, the liberal Democrats who caused these problems.

Where are we today? The leading candidate for the Democratic nomination, Mr. Mondale, refers to Gemayel's government as a Christian faction. This is language worthy of Neville Chamberlain, who always found an excuse not to help Czechoslovakia and who would have found an excuse, I think, to avoid going anywhere.

Where would we draw the line? Clearly, Mr. HART would not draw the line in El Salvador. He probably would not draw the line in Mexico. He might in Texas. The primary has not been held there yet.

The fact is I frankly get angry because I look around the world and I look at violence in Afghanistan, violence in Beirut, violence in El Salvador, violence in the South China Sea, and I do not see America to blame, despite all the efforts of McGovern, Mondale, and HART, and despite the efforts of liberal Democrats in this Chamber.

I think if the United States were stronger, if we had more courage, if we were bolder, the world would be safer. I think we would be in better shape today.

When I see the deputy Democratic whip get up and attack the Secretary of State for at least having tried, then frankly I do get a sense of outrage. I think the strong language is justified by the even stronger realities that innocent men and women and children are being killed today because in this Congress, people sent a signal that the United States did not have the courage to last. If I were an American ally, frankly, I would be scared. I would look at this Congress, I would look at some of the people who have a leading role in this Congress on foreign policy and I would ask myself, are those reliable allies? They said last fall, as the gentleman from California and Ohio pointed out, let us have a bipartisan foreign policy in Lebanon and that did not last 4 months.

Now, if you cannot at the very top of a party have a policy that lasts 4 months and if you publicly signal the absence of that foreign policy problem, then it should little surprise you that enemies and your opponents around the world are willing to look at you and to say, as Hassad, the dictator in Syria, said:

The United States has no ability to stay. The United States has no capacity to last in the world at large.

Thank you, Mr. Speaker.

COAL SEVERANCE TAXES MUST BE PROHIBITED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CORCORAN) is recognized for 10 minutes.

● Mr. CORCORAN. Mr. Speaker, I am today introducing legislation, the Coal Severance Tax Prohibition Act of 1984, that would amend the Energy Policy and Conservation Act to prohibit States from imposing severance taxes on coal. Unlike legislation I sponsored in the 97th Congress (H.R. 4841 introduced on October 27, 1981) and legislation I cosponsored in the 96th Congress (H.R. 6625 introduced by Congressman PHILIP R. SHARP on February 26, 1980), the bill I am today introducing prohibits such taxes rather than imposing a 12½ percent ceiling on such taxes.

According to the Illinois Commerce Commission, electricity ratepayers in the service territories of the four major electric utilities in Illinois paid over $45 million coal severance taxes during 1982 as follows:

Central Illinois Light Co. (Peoria)	$1,914,667
Central Illinois Public Service (Springfield)	80,065
Commonwealth Edison (Chicago)	41,834,910
Illinois Power (Decatur)	1,431,171
Total	45,260,813

These figures were provided to me by the Illinios Commerce Commission in a January 25 letter and are slightly higher than the understated figures provided by the Commission on January 19. Mr. Speaker, for the benefit of our colleagues, I would like to include in the RECORD at this point the text of the January 10 letter I sent to Chairman O'Connor of the Illinois Commerce Commission and his January 19 response. Additionally, I would like to include the text of my bill.

The material follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., January 10, 1984.

Hon. PHILIP O'CONNOR,
Chairman, Illinois Commerce Commission, Chicago, Ill.

DEAR PHIL: I am interested in pursuing the issue of coal severance taxes. My main interest is the impact of such taxation on Illinois ratepayers.

As you may know, I have pursued this matter in the past. During the 96th Congress, I cosponsored severance tax limitation legislation, H.R. 6625. This bill was sponsored by Congressman Philip R. Sharp. During the 97th Congress, I introduced similar legislation, H.R. 4841. Both of these bills were referred to the Energy and Commerce Committee, of which I am a member.

I would appreciate your thoughts on this issue, especially in terms of Illinois impact of coal severance taxes that are in effect in other states. I would also be interested in knowing the status of any energy severance taxes that Illinois imposes or is considering imposing.

Thank you for your assistance in this matter.

Sincerely,

TOM CORCORAN,
Representative in Congress.

STATE OF ILLINOIS,
ILLINOIS COMMERCE COMMISSION,
Chicago, Ill., January 19, 1984.

Hon. TOM CORCORAN,
Member of the U.S. House of Representatives, Washington, D.C.

DEAR TOM: In response to your inquiry of January 10, I am forwarding some information on the severance tax issue, particularly as it applies to coal delivered to Illinois.

Illinois utilities in 1982 purchased 24,871,128 tons of Illinois coal at an average cost of $31.05 per ton ($28.30 for the coal and $2.75 for transportation). Illinois coal accounts for approximately 59.1% of the coal that Illinois utilities use. Another 1,157,663 tons of coal (or 2.7% of the coal used) comes from Indiana. Neither Illinois nor Indiana imposes a severance tax on coal at this time.

The remaining 38.2% of the coal used in Illinois comes from Colorado, Kentucky, Montana and Wyoming. Each of these states imposes a severance tax on the coal extracted from it, with each applying a different tax rate. The effective tax rate ranges from 2% to 30% and we have estimated that the resulting taxes amount to approximately $43,367,883 for 1982, or 10% of the cost of coal excluding transportation costs. As transportation costs can nearly double the price of coal, severance taxes can be considered as 5% of the final price paid. The accompaning tables provide specific data on prices and severance taxes for coal delivered to Illinois utilities.

With regard to your question about Illinois' imposition of severance taxes, there is at present a 4% tax on timber production in the state but this is the only tax on a natural resource now imposed. Proposals impose a severance tax on exports from Illinois have been introduced in recent sessions of the Illinois General Assembly. However, the bills have not passed either house.

Severance taxes are, of course, among a wide array of taxes affecting utilities in the state. A member of our staff is currently compiling information on the impact of taxation on selected Illinois utilities in terms of consumer costs. We will be happy to provide you with this material as it becomes available. In the mean time, please contact us with any questions regarding issues and the enclosed information on severance taxes.

If I can be of any further assistance to you or your constituents, please do not hesitate to contact me.

Sincerely,

PHILIP R. O'CONNOR,
Chairman.

H.R. 4869

A bill prohibiting States from imposing coal severance taxes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Coal Severance Tax Prohibition Act of 1984".

(b) The Congress finds that—

(1) certain States impose severance taxes on coal, while other States impose no such taxes;

(2) much of the coal subject to severance taxes is destined for shipment in interstate commerce;

(3) coal is one of of our Nation's most valuable natural resources;

(4) production and use of this valuable natural resource must be encouraged; and

(5) increased costs due to coal severance taxes are passed on to consumers.

(c) Title V of the Energy Policy and Conservation Act, relating to general provisions, is amended by adding after part C of the following new part:

"PART D—PROHIBITION OF IMPOSITION OF COAL SEVERANCE TAX

"COAL SEVERANCE TAX PROHIBITION

"SEC. 571. (a) A State may not impose a severance tax with respect to any coal produced in such State and destined for shipment in interstate commerce.

"(b) For purposes of subsection (a), the term 'severance tax' means any tax or fee established by any State (or any political subdivision thereof) and levied on, measured by, or otherwise imposed with respect to coal. Such term shall not include any income tax, sales tax, property tax, or any other similar tax or fee if such tax or fee—

"(1) applies with respect to a broad range of business activities or types of property, and

"(2) does not result in a significantly higher rate of tax or fee than is generally applicable to the other activities or property with respect to which it is imposed.".

(d) The table of contents of such Act is amended by adding at the end thereof the following:

"PART D—PROHIBITION OF IMPOSITION OF COAL SEVERANCE TAX

"Sec. 571. Coal severance tax prohibition.".

(e) The amendments made by subsections (c) and (d) of this Act shall take effect on the first day of the first month beginning more than 30 days after the date of the enactment of this Act.●

THE SEXUAL ASSAULT ACT OF 1984

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 60 minutes.

Mr. HOYER. Mr. Speaker, prior to my coming to the Congress, when I served as president of the Maryland Senate, I also acted as chairman of the Maryland General Assembly's special legislative committee on rape and related offenses.

Out of the work of this committee came the adoption in 1976 of a major revision and reform of the State's laws and evidentiary rules concerning rape and sexual offenses. This development was clearly the result of the recognition at the time of the marked increase in the incidence of rape, together with a growing concern in society about the emotional trauma and treatment experienced by the victims of this crime.

This heightened awareness, Mr. Speaker, both of the difficulty faced by the prosecutors in successfully prosecuting rape cases and in the mistreatment and handling of victims of these crimes by the very system that should protect them prompted Maryland to modernize and reform its rape and sexual offense laws.

Unfortunately, the positive reform undertaken by the States has not yet reached the Federal level. Although sexual offense crimes are principally a concern of State law enforcement to the extent that they occur within the special maritime and territorial Federal jurisdiction, they become a significant Federal law enforcement problem as well. It is imperative, in my opinion, and in the opinion of my cosponsors, Congressman CARR of Michigan, Congresswoman MIKULSKI of Maryland, and Congresswoman FIEDLER of California, for Federal sexual offense laws also to be updated in order to insure the availability of effective prosecutional tools.

To this end, Mr. Speaker, I and my colleagues are introducing legislation which seeks to reform existing Federal laws as they pertain to sexual offenses. In brief, our bill would replace the current law by adopting a series of graded sexual offenses. A second significant change would be to replace the term "rape" with a reformulation of the offense in terms of a sexual assault. In addition, it would eliminate the spousal exception and would make the statute "sex neutral"; that is, it would apply to both hetero and homosexual forcible circumstances as well as expanding the scope of the law's protection to males.

Let me for a moment, Mr. Speaker, review the current Federal statute as it pertains to this crime.

Title 18, United States Code, section 2032, which punishes statutory rape, sets the age of consent at 16 years. Under the provision, only females can be victims, and the age of the perpetrator is not an element in the crime. Thus, it is possible to have a defendant younger than the victim.

I would stress that this is in a consensual relationship.

Second, title 18 of United States Code, section 113(a), which punishes assault with intent to rape, requires a specific intent to have intercourse as an element of that crime. The touching of a person's intimate parts will not sustain a conviction, without proof that the perpetrator intended to have intercourse.

Title 18, United States Code, section 2031, provides for a rape conviction to carry the death penalty or any term of years up to life imprisonment. The Federal statute has been interpreted by the courts to incorporate the common law definition of rape. Thus, it has been held that rape involves carnal knowledge of a female, not the offender's wife, by force or threat of bodily harm and without her consent.

In my bill, the adoption of graded sexual offenses is based upon the theory that these crimes should be categorized and dealt with in terms of the seriousness of the offense, the degree of criminal activity undertaken by the assailant, and the extent of harm suffered by the victim. The appropriate penalty then would be based upon the character and circumstance of the commission of the offense.

Presently, Mr. Speaker, Federal law fails to acknowledge that the factual circumstances of all sexual offenses are not the same and are thus not subject to the same penalty. This series of gradation would reflect the reality of the actual situation and would permit a greater latitude of discretion among the prosecutor, defense attorney, and presiding judge, in determining the outcome of the individual cases.

In setting out the different gradations, I relied upon, first, the degree of sexual imposition, and second, the gravity of harm inflicted upon the victim. These determinants are, to a large degree, identifiable and measurable.

Thus, the proposed legislation would replace the current single crime of "rape" with a series of graded offenses ranging from sexual battery, which would be a misdemeanor punishable by imprisonment not to exceed 1 year, to aggravated sexual assault, which would be a felony punishable by up to life imprisonment.

The gradations, Mr. Speaker, are as follows:

Sexual battery is defined as an intentional touching, either directly or through the clothing of any person's intimate parts without that person's consent.

Aggravated sexual battery involves the same intentional touching as sexual battery, but the magnitude of harm caused by the perpetrator in many cases will be greater. In certain instances, contact will be aggravated by the use of actual force, intoxicants, or other similar substances, or as is so often the case, the threat of bodily harm. Additional aggravating circumstances are where the contact is performed upon certain segments of society that are deserving of societal protection, such as children under the age of 12 and those who are known by the

offender to be unable to appraise the nature of such conduct, whether by reason of mental disease or defect or intoxication. The presence of aggravating circumstances raises the likelihood of harm to the victim and measures the degree of criminal activity undertaken by the assailant. Thus, the offense is punishable in this case by imprisonment of up to 10 years.

Sexual assault involves a significantly greater degree of sexual imposition. The term "sexual act" is defined, and in this instance would call for a term of years up to 15 years.

Aggravated sexual assault occurs where the sexual assault is accomplished by the use of physical force or by a threat that any person will be imminently subjected to death, serious bodily injury or kidnaping, such as where the assailant employs or displays a dangerous or deadly weapon or is aided and abetted by one or more other persons.

□ 1520

Obviously the presence of multiple assailants heightens both the dangers to the victim and the psychological trauma to which the victim is subjected.

Additional aggravating circumstances are when the assault is performed upon a child not yet 12 years of age if the offender is at least 4 years older and where the assault is performed upon an individual whose ability to appraise his or her conduct has been substantially impaired by the imposition of intoxicants or other similar substances by the offender. The crime in this instance is punishable by imprisonment not to exceed 25 years.

Unquestionably, a victim of aggravated sexual assault suffers personal humiliation, degradation, substantial emotional trauma, and often physical harm. Under the legislation proposed if during the offense of aggravated sexual assault the offender inflicts severe bodily injury, disfigurement, permanent disease, or protracted incapacitating mental anguish upon the victim or any person, then the offender is subject to a term of life imprisonment.

Lastly, there is a provision dealing with sexual abuse of minors, a particularly vulnerable section of our society. Under my bill, anyone who knowingly engages in a sexual act with a minor who has attained the age of 12 years but has not attained the age of 16 and who is at least 4 years younger than the offender commits sexual abuse of a minor and may be imprisoned up to 5 years.

In addition to gradation, a second significant change imposed by the legislation is to replace the term "rape" with a reformulation of the offense in terms of sexual assault. This is more than a symbolic gesture or a simple renaming of a violent crime, for it does represent a significant break with tradition and with the connotations surrounding the word "rape."

The change carries with it a substantial rethinking both in how we view the crime of rape as well as how it is prosecuted. By defining the offense in terms of assault, which by definition implies nonconsent, the legislation attempts to redirect the factfinder's focus away from the victim to the offender's actions.

The problem of eliminating sexist traditions, which have evolved around the concepts of "consent" and "against her will" is enormous. Historically, the overriding significance attached to determining whether the victim has consented has had serious repercussions upon the victim who often felt as if she were the offender.

The third change is elimination of the spousal exception. Under English common law a man could not be found guilty of raping his wife. This justification has been explained in terms of consent, which has been deemed a matrimonial privilege existing for as long as the term of marriage. The theory that a woman possessed the right to deny her spouse sexual access was, and is still, viewed by many State statutes as being inconsistent with the social expectations regarding marriage. Another justification for the spousal exception is that historically women were regarded as the property, and I will repeat that, historically women were regarded as the property of their husbands, just as children were regarded as property of their fathers.

When American State legislators enacted laws dealing with the crime of rape, the spousal exception was, in many instances, written into the statutory definition of rape or, in other States, was adopted by case law. Many States have reformed their rape laws in this area, following the lead of Michigan, the State of my cosponsor, the gentleman from Michigan (Mr. CARR), under whose statute marriage is a defense except in those cases where the couple was living apart and one had filed for separate maintenance or divorce. Maryland also permits marriage as a bar to prosecution for rape except where the defendant and victim at the time of the offense were living separate and apart pursuant to a decree of divorce "a mensa et thoro," more commonly known as legal separation.

Presently State laws vary widely as to the extent to which spouses may be prosecuted for the crime of rape. The majority of States have statutory provision which shield spouses from protection. Let me repeat that. The majority of the States shield spouses from prosecution for the rape of their spouse. A number of these States, however, do eliminate this shield where the couple is living apart or has filed for divorce, separate maintenance or legal separation. Six States, in fact, have enacted legislation which totally abolishes spousal immunity.

The justifications for eliminating this immunity are compelling, in my opinion, however rational the arguments may be for retaining the exception. Violent crimes against spouses are a national problem. Such crimes committed within the privacy of homes by those who publicly profess love and then brutalize their spouse in private moments needs to be addressed. It has been estimated that one-third of the women who seek shelters have also been sexually assaulted by their spouses. The problem that confronts legislators when considering the spousal exception is deciding at what point, if any, should the government intervene in a marital relationship.

It is true that marriage involves a prior and continuing relation of intimacy. The law does not recognize, however, the right of a spouse to beat the other nor does the law erect legal shields behind which spouses may engage in otherwise violent behavior. In this instance, sexual assault carries additional burdens. It involves violence as well as a specific kind of degrading and unwanted intimacy. The law does not sanction sexual violence between strangers or among friends. There is no justification for permitting it between spouses.

Last, as I indicated previously, the legislation is sex neutral and thus applies both to hetero and homosexual forcible circumstances as well as expanding the scope of the law's protection to males.

Mr. Speaker, the goals of reforming Federal law in the area of sexual offenses are these: To facilitate prosecution of these heinous crimes, and, second, to insure that the interests of victims are respected in the criminal justice process.

I believe that the legislation introduced by the gentleman from Michigan (Mr. CARR), the gentlewoman from Maryland (Ms. MIKULSKI), the gentlewoman from California (Ms. FIEDLER), is a significant, important, and needed step forward in the reform of our criminal statutes and the protection of innocent victims.

Mr. CARR. Mr. Speaker, will the gentleman yield?

Mr. HOYER. At this time I will be glad to yield to the distinguished cosponsor of the bill from the State of Michigan (Mr. CARR).

Mr. CARR. Mr. Speaker, I want to congratulate the gentleman on the leadership he has taken in this very important issue which I know is important to all of us.

Mr. Speaker, I am joining Mr. HOYER today in introducing a bill to fight one

of the most serious violent crimes in America today—the crime of rape.

In the past few years, our society has experienced a revolution in our thinking about rape. We are finally coming to realize that this very personal violation of privacy is fundamentally a crime of violence. Its victims come from every age group, every sex, and every walk of life. We have realized that this crime is a grave threat to the safety and well-being of all our citizens.

We have also realized that it is often not easy to put the sexual assault criminal behind bars. Some of society's most violent criminals are walking the streets today because the laws in many parts of our country—and on the Federal books—are not adequate to address crimes of sexual assault.

We need laws that acknowledge the complexity of sexual assault. Just as not every murder is a first degree murder, not every sexual assault is a first degree offense. We try the crime of murder by degree, and we should do the same with the crime of sexual assault.

On that score, I am proud to commend my State of Michigan for its leading role in bringing rape laws into the 20th century. In 1975 my State set an example for many other States by putting a staircase of sexual assault laws into our State code.

The most violent sexual assaults in Michigan continue to draw a very severe penalty—life imprisonment. However, cases involving little or no violence—cases which once might have been thrown out of court—are now prosecuted as well, and a conviction often results.

Let me offer a brief picture of the progress this law has brought about in Michigan. In Detroit, the conviction rate for rape has held steady at 70 percent since 1975, when the sexual conduct statute went into effect. The number of convictions in Michigan as a whole jumped from 8 per month before 1975 to 21 per month between 1976 and 1978.

Many States have followed this example, resulting in improved conviction rates across the country. However, the Federal code maintains the archaic view of rape as a one-dimensional crime. It is crucial that we bring our Federal standard into line with the progressive laws of States such as Michigan, Maryland, and California.

This is not only important in the few sexual assault cases tried under Federal jurisdiction, it is important in setting the pace for thinking across our Nation, in creating a model for States which have not updated their laws.

Why is this so important? Because there is one forcible rape in our Nation every 7 minutes. The number of rapes reported has climbed steadily over the past decade. However, the number of convictions nationwide remains at about 50 percent. Too many sexual criminals continue to walk the streets in our country.

By modernizing sexual assault laws on the Federal books, we are saying that 50 percent is not enough. We are putting the Federal Government solidly behind the States' efforts to fight this unspeakable crime. We are helping set a standard that puts violent criminals behind bars, and we are assuring that all Americans can walk the streets and live their lives safely and without fear.

□ 1530

And convictions are up. Whereas the national average of 50-percent conviction rate, in Detroit the conviction rate for rape has been held steady at 70 percent since the law was passed in 1975. When the sexual conduct statute went into effect the number of convictions in Michigan as a whole jumped from 8 per month to 21 per month in a period between 1976 and 1978.

If we can have victims step forward, have the defendant treated as the problem rather than the victim, if we can have assurance of swift, speedy, and forceful justice, I am confident that the requirement and the deterrent against criminal sexual assault will be improved. It is a most important problem. Once again, I want to congratulate Congressman HOYER for bringing this to the attention of the Nation.

Mr. HOYER. I thank the gentleman for his statement and congratulate him as well for his leadership and hard work in the formulation of this legislation. His office has been very much involved. Mr. CARR personally has been involved. We think many of the suggestions he has made and brought to this legislation have significantly improved it.

I want to thank the gentleman from Michigan. And I point out that what he says is absolutely correct, the Michigan statute which was one of the first adopted if not the first adopted in the Nation, which recognized the necessity to more specifically define the actual crimes that were involved in this case and also to protect the victim from what historically was in trials dealing with the crimes of rape, an attack on the victim, uniquely in terms of criminal defense law; that statute was a great step forward for the Nation; it was the basis of the Maryland reform.

And I might say it was also given great attention by the States of California and New York which, very shortly after Michigan adopted its statute, followed suit. I congratulate the gentleman from Michigan for his real contribution in this effort.

Mr. CARR. By congratulating me you really congratulate the State legislators in the State of Michigan, the principal sponsor of the bill being State Representative Mary Brown.

I might ask you to rehearse for us just briefly the jurisdiction. As you both know, the Federal law is not the primary law of criminal sexual assault in America. But there are important areas of criminal jurisdiction. I think it would be helpful on the record for you to enumerate that.

Mr. HOYER. I appreciate the gentleman's question.

The jurisdiction to which this reform bill will apply is defined in 18 U.S.C. 7 as those lands over which there is Federal jurisdiction now or will occur in the future; primarily in an area that is well known to most persons, such as the military bases of our Armed Forces either here or around the world. So that would be a principal situs.

In addition, it will also apply to the maritime jurisdiction of the United States, as pointed out by Congresswoman MIKULSKI, who serves on the Committee on Merchant Marine and Fisheries. She pointed out that vessels at sea under the U.S. flag and U.S. jurisdiction will fall under this legislation as well.

The gentleman (Mr. CARR) is correct that the primary responsibility for the enforcement and formulation of the criminal laws of this land are at the State level. However, as the gentleman also knows, there were a significant number of prosecutions for rape in this country under Federal law and we believe this statute will facilitate the U.S. attorneys in the prosecution of those cases and will also make more confident victims which, as the gentleman points out, are very reluctant to come forward, confident in the fact that because of the broad range of offenses and the definition of those offenses legislatively, that the probability of conviction of their assailants has been substantially heightened.

Mr. CARR. I thank the gentleman.

One other area where the gentleman enumerated the value of this bill earlier today was in the Federal prison system. I think that needs to be said as well. The bill we introduce today is sex-neutral. It matters not the sex of the victim or indeed the sex of the offender; what makes a difference is the sexual nature of the assault.

And as we know, in prisons throughout America, no less the Federal penal system, there is a problem of homosexual rape which may, in fact, be only a violation of prison rules at this point in time. If this bill is passed into law it would, in fact, be an additional Federal criminal offense.

Mr. HOYER. I think the gentleman makes a very good point. Certain Federal correctional facilities, over which the Federal Government may have jurisdiction, will be included. During the time that we had hearings in the State

of Maryland in 1975, we had some 20 hearings; many local correctional facility personnel testified before us on the rising incidence of sexual assaults committed by inmates against one another.

And we had many psychologists and psychiatrists testify as to the very significant nature of the trauma that such crimes perpetrated on the victims. In many instances because of the fact they were homosexual rapes, the trauma on the victim was much greater than it would have been in a heterosexual rape. I think the gentleman makes a good point. This bill will apply to homosexual rape and it will point out the seriousness of those kinds of attacks in correctional facilities and will provide additional tools for prosecutors to go after that kind of criminal conduct.

Mr. CARR. I thank the gentleman for his comment and I think one final discussion should be had on the record.

In the State of Michigan, and I believe in the State of Maryland and in other States, their criminal sexual offense laws have shielded the victim from having his or her past sexual conduct be made in evidence in a court of law, in a so-called rape trial. That is not included in this particular piece of legislation. It was done so intentionally.

I think the gentleman from Maryland ought to explain to those people who will be looking on as interested parties, they might be interested in knowing why.

Mr. HOYER. In Maryland and in Michigan we proceeded on sort of a two-track system. One dealt with the substantive definition of the crime and the penalties for violation thereof.

The other, the second track dealt with the evidence that could be introduced in the prosecution or defense of that crime. The gentleman from Michigan is referring to the latter aspect with which we did not deal in this legislation.

We did not do so because Federal rule 412 already prohibits the introduction of reputation or opinion evidence of the victim regarding past sexual behavior. Under that rule specific acts of sexual behavior by the victim are also not admissible except for very limited purposes. Now, one of the things that we were interested to find in the course of our hearings is that historically, chastity was not defined as the lack of sexual relations with others.

Chastity in effect, historically, was a state of mind. So the reputation for chastity was effectively a reputation for clean minds. Obviously, over the years, that changed. What would happen in the defense of a rape trial is that the defense attorney would try to undermine the reputation of the victim; not really to say whether or not that victim had been attacked or viciously assaulted but in effect to say this victim somehow, because of past experiences, is not as eligible for the protection of the law as she otherwise might be.

Clearly, that was, from our perspective, a prejudiced view. It was also a view which undermined the quest for truth, which tried to focus attention upon the victim rather than at the crime that had been perpetrated against the victim.

□ 1540

But, luckily, we did not have to deal with it in this legislation because Public Law 95-540 which added rule 412 to the Federal rules of evidence addressed that issue.

Mr. CARR. I thank the gentleman for his explanation.

Mr. HOYER. Mr. Speaker, I urge the Members to give very serious attention to this legislation which we believe is a needed and effective step forward in the prosecution of crimes of great concern to our society.

GENERAL THADDEUS KOSCIUSZKO—VALIANT SOLDIER, COURAGEOUS PATRIOT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, February 12 marked the 238th anniversary of the birth of Gen. Thaddeus Kosciuszko, the great Polish patriot and soldier, who made significant contributions to the cause of American independence. Although he was not a native American, General Kosciuszko's heroic and selfless actions during the American Revolution were held in such high esteem that Congress bestowed on him the rights and privileges of American citizenship and the rank of brigadier general.

Tadeusz Andrzej Bonawentura Kosciuszko was born in Mereczowczyzna, Poland, in 1746, and began his education in military strategy and engineering at the Warsaw Corps of Cadets. The King of Poland, impressed with Kosciuszko's natural ability in military matters, sent him to France to pursue further studies, and he developed an expertise in military fortification.

The news of the outbreak of hostilities in America kindled Kosciuszko's imagination and his desire to fight for the cause of liberty. He abandoned his commission in the royal Polish forces, leaving his homeland temporarily to serve under General Washington in the American response to British oppression.

His first assignment was the construction of a fortification against the expected attack near the Delaware River, and for his efforts Kosciuszko was given a colonel's commission and was appointed to the staff of General Gates at Ticonderoga. Kosciuszko was again able to display his brilliance as a military strategist at the Battle of Saratoga. The British plan was to isolate New England from the other colonies, and by helping to defeat this strategy and force the surrender of Britian's general "Gentleman Johnny" Burgoyne, Kosciuszko helped bring France and Spain into the struggle for American independence, because these countries now felt that the colonies had the potential to win.

Perhaps Kosciuszko's most important undertaking was the construction of an American fortification at West Point. His talent lay in his ability to make use of an area's terrain for defense purposes, and the British were forced to change their plans when they realized that this fortification was impregnable. Consequently, the British abandoned the North and the Hudson Valley and attempted their defeat of the colonies from the South. However, Kosciuszko also moved to the South, and continued to use the same military tactics, which ultimately led to the defeat of the British.

Kosciuszko spent 6 years in the American Army. His long, faithful, and meritorious service was recognized in 1783 when Congress made him a brigadier general, and his brave and resourceful actions were not overlooked by America's Founding Fathers. He became a true friend of Thomas Jefferson, whom he made executor of his will. As a final act of gratitude and respect, Gen. George Washington nominated General Kosciuszko for membership in the Order of the Cincinnati, which had been formed by the officers of the Continental Army. His induction into the order was the highest compliment the Continental Army could award.

Mr. Speaker, I am proud to join Polish-Americans in the 11th Congressional District of Illinois which I am honored to represent, and Americans of Polish descent all over this Nation, in commemorating the birth of Thaddeus Kosciuszko, a great and true friend of the United States. His name will forever remain a symbol of courage for Americans, and people all over the world, who are dedicated to the cause of freedom.●

RAY CLOUGHERTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. COYNE) is recognized for 5 minutes.

● Mr. COYNE. Mr. Speaker, in these political times it has become somewhat fashionable to speak disparagingly of the contributions by civil servants to our national well-being. Often overlooked is the difference a single

dedicated Government employee can make in the lives of people who, usually as a last resort, turn to the Government for assistance.

Ray Clougherty, a longtime employee of the Veterans' Administration in Pittsburgh, is the type of Federal worker who made a difference for thousands. Since I came to Congress in 1981, Mr. Clougherty has worked diligently to meet the needs of my constituents with special cases before the Veterans' Administration, just as he did for many years for my predecessor in the Congress.

Ray Clougherty's nearly 41 years of service with the VA began shortly after he served in Europe with the Army in World War II. He worked in the VA Pittsburgh regional office in personnel services before going to work in VA centers in the city. In 1972, he began work at the Highland Drive VA Center, and was personnel officer there until February 1981. He then served as program analyst in the Office of the Director until his retirement this year.

Earning the respect of his coworkers throughout his years of service in the VA, Ray Clougherty showed the leadership qualities necessary to make a Government agency serve its intended beneficiaries. I know that his example will inspire others to do likewise.●

EXPORT-IMPORT BANK FINANCING NOTIFICATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. NEAL) is recognized for 15 minutes.

● Mr. NEAL. Mr. Speaker, I am informing the House today of the U.S. Export-Import Bank's proposal to extend a direct loan of $104,276,445 to enable the Republic of Indonesia to purchase four new Boeing 929 jetfoil boats from the Boeing Co. of Seattle.

According to the Eximbank, this sale is expected to be the first phase of a program in which Boeing will join P. T. Pabrik Kapal Indonesia ("P. T. Pal") in manufacturing a total of 10 jetfoil vessels for use by the Indonesian Navy in shore patrol.

The Indonesian project is expected to enable Boeing, the only U.S. manufacturer in the hydrofoil industry, to keep open that part of its operation—which employs 285 people—and to compete in a worldwide market for a potential $2.5 billion in export sales over the next 10 years.

This Eximbank financing notification was referred to me as chairman of the Banking Committee's Subcommittee on International Trade, Investment and Monetary Policy. Under section 2(b)(3)(i) of the Export-Import Bank Act of 1945, as amended, the Eximbank is required to notify Congress of any proposed direct credits or financial guarantees, or combinations thereof, of $100 million or more. Unless the Congress determines otherwise, the Eximbank may give final approval to the proposed transaction after 25 days of continuous session of the Congress after notification.

I am submitting for the RECORD the complete Eximbank notification, which provides additional details on the proposed transaction. I would welcome any questions or comments my colleagues might have on this proposal.

The Eximbank material follows:

EXPORT-IMPORT BANK
OF THE UNITED STATES,
Washington, D.C., January 31, 1984.

Hon. STEPHEN L. NEAL,
Chairman, Subcommittee on International Trade, Investment and Monetary Policy, Committee on Banking, Finance and Urban Affairs, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Eximbank has submitted a statement to the Speaker of the House of Representatives and the President of the Senate in accordance with the provisions of Section 2(b)(3)(i) of the Export-Import Bank Act of 1945. I am taking the liberty of providing you with a copy of this statement.

Sincerely,

NANCY S. PIGMAN,
Congressional Relations Officer.

EXPORT-IMPORT BANK
OF THE UNITED STATES,
Washington, D.C., January 31, 1984.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES,
The Speaker's Room, U.S. Capitol, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to Section 2(b)(3)(i) of the Export-Import Bank Act of 1945, as amended, Eximbank hereby submits a statement to the United States House of Representatives with respect to the following transaction involving U.S. exports to the Republic of Indonesia ("ROI").

A. DESCRIPTION OF TRANSACTION

1. Purpose

Eximbank is prepared to extend a direct credit in the amount of $104,276,445 to the ROI to facilitate the purchase from the United States of four new Boeing 929 jetfoils and related engineering and technical services. The total U.S. export value for this transaction is estimated to be $160,425,300.

The four jetfoils and related services represent the first phase of a potential ten vessel program. The Boeing Company will assist P.T. Pabrik Kapal Indonesia ("P.T. Pal"), the national shipbuilding company, to co-manufacture vessels in later phases of the program.

2. Identity of the parties

The ROI will be the borrower and will issue an unconditional full faith and credit obligation to repay the Eximbank Credit. P.T. Pal will purchase the jetfoils and related services, and Indonesia's Navy will operate the vessels.

3. Nature and use of goods and services

The principal goods to be exported from the U.S. during the period 1984–1987 are four new Boeing 929 jetfoils and related engineering and technical services. Most of the major components of the four jetfoils will be manufactured in the Seattle-Renton-Everett area by Boeing Marine Systems. It is also expected that other United States suppliers located in 40 states will furnish components and spare parts. Final outfitting of the vessels will take place in Indonesia.

The Indonesian Navy will use the jetfoils to police Indonesia's internal archipelagic waters and coastal areas in a surveillance and control system developed by Indonesia's Ministry of Science and Technology. The Navy will employ these craft to patrol fisheries, conduct search and rescue, enforce marine environmental controls, provide service aids to navigation, suppress smuggling and control piracy in the Malaccan Straits area.

B. EXPLANATION OF FINANCING

1. Reasons

In July, 1983, Eximbank issued a preliminary commitment offering to provide financing for four Boeing jetfoils and related engineering and technical services. The preliminary commitment was issued on terms considered necessary to meet competition from foreign official financing on alternative patrol boats.

This export will provide a total of 1,813 man-years of U.S. employment, of which approximately 90 man-years are in small businesses. The Boeing Company is the only remaining U.S. supplier in the hydrofoil industry. Boeing advises that without this export, it would have had to suspend jetfoil production, resulting in an immediate reduction in its workforce of 285. Such a suspension would remove the United States from a market with an estimated potential of $2.5 billion in export sales over the next ten years, providing up to 17,000 man-years of employment.

2. The financing plan

The financing plan for the total U.S. procurement supported by the Eximbank direct credit is as follows:

	Amount	Percentage of U.S. costs
Cash Payment	$56,148,855	35
Eximbank Credit	104,276,445	65
Total	160,425,300	100

(a) Eximbank Charges

The Eximbank Credit will bear interest at the rate of 9.5 percent per annum, payable semiannually. There will be a commitment fee of 0.5 percent per annum charged on the undisbursed portion of the Eximbank Credit. In addition, there will be a credit application fee of 2 percent of the amount of the Eximbank Credit.

(b) Repayment Terms

The financing for the jetfoils will be repaid in two repayment schedules of 20 semiannual installments each, beginning February 28, 1987 for disbursements made through August 31, 1986; and beginning December 31, 1988 for disbursements made after August 31, 1986.

Attached is additional information on Eximbank activity in and economic data on the Republic of Indonesia.

Sincerely,

WILLIAM H. DRAPER III.

Eximbank exposure in the Republic of Indonesia as of November 30, 1983

[In thousands of dollars]

Direct Loans	736,522
Financial guarantees	35,800
Bank guarantees and other	3,830

Insurance	15,823
Medium-term	(1,761)
Short-term	(14,062)
Total exposure	791,975

REPAYMENT EXPERIENCE

Payment of principal, interest and fees due on Eximbank loans to Indonesian borrowers have usually been prompt.

INDONESIA—KEY ECONOMIC INDICATORS

[Exchange rate: 1981: US$1 = 630 rupiah; 1982: US$1 = 660 rupiah; 1983: US $1 = 970 rupiah]

	1981	1982	1983
Population (million midyear)	150	153	156
GDP (percent growth in constant 1973 prices)	7.9	2.3	[1] 2–3
GDP (in millions of dollars, current prices)	86,500	90,350	
Per capita (dollars)	540	590	
Consumer price index	180	198	[2] 220
Money supply (rps. billion—December 31)	6,486	7,121	[3] 7,823
Foreign investment approvals (nonoil) (in millions of dollars)	1,012	1,291	[1] 1,500
Net official international reserves (in millions of dollars—December 31)	6,244	4,154	[1] 4,500
External official debt [4] (disbursed—in millions of dollars—December 31)	15,709	17,500	[1] 22,000
Debt service (in millions of dollars)	2,100	2,500	[1] 2,700
	1981–82 actual	1982–83 actual	1983–84 budget
Government budget (rps. billion): [5]			
Routine expenditures	6,978	6,996	7,275
Development expenditures	6,940	7,360	9,290
Domestic revenues	12,213	12,418	13,823
Development receipts (external loans and grants)	1,709	1,940	2,742
	1981–82 actual	1982–83 actual	1983–84 estimate
Official balance of payments (in millions of dollars): [6]			
Overall balance (change in off. reserves)	—988	—3,280	1,000
Current account	—2,790	—6,715	—5,500
Exports, merchandise	22,994	18,751	18,700
Oil and LNG (gross)	18,824	14,858	14,000
Nonoil	4,170	3,893	4,700
Imports, merchandise	19,969	20,364	18,500
Oil and LNG sector imports	5,408	4,874	4,500
Nonoil	14,561	15,490	14,000
	1981	1982	[1] 1983
United States-Indonesian trade (in millions of dollars): [7]			
Indonesian exports to the United States	6,022	4,224	4,400
U.S. share of Indonesian exports (percent)	18.3	22.5	24.7
Indonesian imports from the United States	1,297	2,017	1,800
U.S. share of Indonesian imports (percent)	13.5	14.2	14.0

[1] Embassy estimates.
[2] October.
[3] September.
[4] Government debt, including debt of state corporations such as Pertamina and Garuda.
[5] Indonesian fiscal year April 1 to March 31 (Source: fiscal year 1983–84 budget).
[6] Source: Fiscal year 1983–84 budget and the statistical annex to the President's speech of August 16, 1983.
[7] Trade flows based on U.S. Department of Commerce statistics, while market share is calculated using Indonesian official statistics.
Source: Bank Indonesia, Central Bureau of Statistics, Ministry of Finance, Investment Coordinating Board, U.S. Department of Commerce, Embassy Estimates.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MACK) to revise and extend their remarks and include extraneous matter:)

Mr. DANNEMEYER, for 30 minutes, today.

Mr. CORCORAN, for 10 minutes, today.

Mr. EMERSON, for 60 minutes, on February 22.

Mr. WALKER, for 60 minutes, on February 22.

Mr. GINGRICH, for 60 minutes, on February 22.

Mr. WEBER, for 60 minutes, on February 22.

Mr. MACK, for 60 minutes, on February 22.

(The following Members (at the request of Mr. KILDEE) to revise and extend their remarks and include extraneous matter:)

Mr. HOYER, for 60 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. COYNE, for 5 minutes, today.

Mr. ANNUNZIO, for 60 minutes, on February 22.

Mr. ALEXANDER, for 60 minutes, on February 22.

(The following Members (at the request of Mr. CARR) to revise and extend their remarks and include extraneous matter:)

Mr. NEAL, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. STRATTON, immediately preceding the vote on H.R. 2751, National Foundation on the Arts and the Humanities Act Amendments of 1983, on today.

(The following Members (at the request of Mr. MACK) and to include extraneous matter:)

Mr. PHILIP M. CRANE in two instances.

Mr. SCHULZE.

Mr. VANDER JAGT.

Mr. CORCORAN.

Mr. DANNEMEYER.

Mr. LIVINGSTON.

Mr. MICHEL.

Mr. DUNCAN.

Mr. MARRIOTT.

Mr. FRENZEL.

Mr. GREEN in three instances.

(The following Members (at the request of Mr. KILDEE) and to include extraneous matter:)

Mr. FASCELL.

Mr. ROE.

Mr. GAYDOS.

Mr. KILDEE.

Mr. ECKART.

Mr. RATCHFORD.

Mr. BEDELL.

Mr. LEHMAN of Florida.

Mr. COELHO.

Mr. HAMILTON in two instances.

Mrs. HALL of Indiana.

Mr. MAVROULES.

Mr. ANDERSON of California in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mrs. BOXER.

Mr. LOWRY of Washington.

Mr. OBERSTAR.

Mr. MATSUI.

Mr. LANTOS.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1330. An act to authorize the U.S. Army Corps of Engineers to provide grants to the several States to encourage and foster the construction of necessary public capital investment projects, and for other purposes; to the Committee on Public Works and Transportation and the Committee on Government Operations.

S. 2040. An act to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 with respect to the treatment of mortgage backed securities, to increase the authority of the Federal Home Loan Mortgage Corporation, and for other purposes; to the Committee on Banking, Finance and Urban Affairs and the Committee on Energy and Commerce.

ADJOURNMENT

Mr. CARR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 41 minutes p.m.) the House adjourned until tomorrow, Wednesday, February 22, 1983, at 3 p.m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on February 9, 1984, the following report was filed on February 14, 1984]

Mr. RANGEL: Select Committee on Narcotics Abuse and Control. Annual report for the year 1983 of the Select Committee on Narcotics Abuse and Control, first session (Rept. No. 98–598). Referred to the Committee of the Whole House on the State of the Union.

[Submitted February 21, 1984]

Mr. BONIOR of Michigan: Committee on Rules. House Resolution 440. Resolution providing for the consideration of H.R. 2708, a bill to further the national security and improve the economy of the United States by providing grants for the improvement of proficiency in critical languages, for the improvement of elementary and secondary foreign language instruction, and for per capita grants to reimburse institutions of higher education to promote the growth and improve the quality of postsecondary

foreign language instruction (Rept. No. 98-599). Referred to the House Calendar.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X:

Consideration of H.R. 3082 by the Committees on Interior and Insular Affairs and Public Works and Transportation extended for an additional period ending not later than March 6, 1984.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SCHULZE:

H.R. 4868: A bill to provide that a consent to the application of former section 820 of the Internal Revenue Code of 1954 shall be treated as timely made in certain cases; to the Committee on Ways and Means.

By Mr. CORCORAN:

H.R. 4869. A bill prohibiting States from imposing coal severance taxes; to the Committee on Energy and Commerce.

By Mr. GEPHARDT (for himself, Mr. FAUNTROY, Ms. FERRARO, Mr. GRAY, Mr. KASTENMEIER, Mr. LELAND, Mr. MARKEY, Ms. MIKULSKI, Mr. RATCHFORD, Mr. RODINO, Mr. SABO, Mr. SHANNON, Mr. STOKES, Mr. TORRES, Mr. TOWNS, and Mr. YATES):

H.R. 4870. A bill to provide for the solvency of the medicare program and to reform the health care financing system; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. DANNEMEYER:

H.R. 4871. A bill to require amendment of the Internal Revenue Code of 1954 to provide a simple income tax with a single low rate of tax and to require the Secretary of the Treasury to propose legislation to establish such an income tax; to the Committee on Ways and Means.

By Mr. DUNCAN:

H.R. 4872. A bill to amend the Internal Revenue Code of 1954 to provide that interest credited on a deposit or account in a bank or other financial institution shall not be included in income if such interest cannot be withdrawn because of a bankruptcy or other insolvency proceeding; to the Committee on Ways and Means.

By Mr. FASCELL (for himself and Mr. BROOMFIELD) (by request):

H.R. 4873. A bill to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to authorize development and security assistance programs for fiscal years 1984 and 1985, and for other purposes; to the Committee on Foreign Affairs.

By Mr. FASCELL (for himself, Mr. BARNES, Mr. BROOMFIELD, and Mr. LAGOMARSINO) (by request):

H.R. 4874. A bill to establish a long-term framework to build democracy, restore peace, and improve living conditions in Central America, to authorize assistance for the fiscal years 1984 through 1989, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GUARINI:

H.R. 4875. A bill to amend the Internal Revenue Code of 1954 to provide for a deduction for certain amounts paid into a reserve for service liability losses and expenses of design professionals, and for other purposes; to the Committee on Ways and Means.

By Mr. HOYER (for himself, Mr. CARR, Ms. MIKULSKI, and Ms. FIEDLER):

H.R. 4876. A bill to amend title 18 of the United States Code with respect to sexual assaults; to the Committee on the Judiciary.

By Mr. LANTOS (for himself, Mr. GILMAN, Mr. BARNES, Mr. PHILIP M. CRANE, Ms. FERRARO, Mr. GREEN, Mr. LONG of Maryland, Mr. MICA, Mr. PORTER, Mr. MRAZEK, Mr. SILJANDER, Mr. VANDER JAGT, Mr. ACKERMAN, Mr. AUCOIN, Mr. OBERSTAR Mr. SIKORSKI, and Mr. SIMON):

H.R. 4877. A bill to require that the U.S. Embassy in Israel be located in the city of Jerusalem; to the Committee on Foreign Affairs.

By Mr. NIELSON of Utah:

H.R. 4878. A bill to amend the trade readjustment program under the Trade Act of 1974 with respect to the time within which payments for training may be made to adversely affected workers; to the Committee on Ways and Means.

By Mr. OBERSTAR:

H.R. 4879. A bill to amend title II of the Social Security Act to repeal the separate definition of disability presently applicable to widows and widowers; to the Committee on Ways and Means.

H.R. 4880. A bill to amend title II of the Social Security Act to modify the actuarial reduction formula as it applies to surviving spouses who qualify for disability insurance benefits after first having become entitled to reduced widow's or widower's insurance benefits, to assure that their own coverage credits (on which such disability benefits are based) will be more realistically recognized in the resulting combined benefit amount; to the Committee on Ways and Means.

H.R. 4881. A bill to amend title II of the Social Security Act to extend the period during which a surviving spouse or surviving divorced spouse must have initially become disabled in order to qualify for widow's or widower's benefits before attaining age 60, in cases where such surviving spouse or surviving divorced spouse works after the death of the insured individual on whose wage record such benefits are payable; to the Committee on Ways and Means.

H.R. 4882. A bill to amend title II of the Social Security Act to extend the benefits of the delayed retirement credit to surviving spouses and surviving divorced spouses who work and whose widow's or widower's insurance benefits are higher than their old-age insurance benefits; to the Committee on Ways and Means.

H.R. 4883. A bill to amend section 102 of the Social Security Amendments of 1983 to include individuals between the ages of 46 and 55 within the special provisions (now applicable only to individuals age 55 or over) which liberalize the insured status requirements for certain employees of nonprofit organizations whose services were mandatorily covered by such amendments; to the Committee on Ways and Means.

By Mrs. SCHNEIDER (for herself, Mr. ST GERMAIN, and Mr. ORTIZ, and Mr. COUGHLIN):

H.R. 4884. A bill to impose a moratorium on fishing for Atlantic striped bass in order to restore that species, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. SHANNON:

H.R. 4885. A bill to provide a one-time amnesty from criminal and civil tax penalties for taxpayers who notify the Internal Revenue Service of previous underpayments of Federal tax and pay such underpayments in full with interest; to the Committee on Ways and Means.

By Mr. SCHULZE:

H.R. 4886. A bill to specify further those actions of nonmarket economy countries in discouraging or preventing emigration that will make those countries ineligible for trade benefits under title IV of the Trade Act of 1974; to the Committee on Ways and Means.

By Mr. VANDER JAGT:

H.R. 4887. A bill to permit until January 1, 1987, the duty-free entry of magnetron tubes used in microwave cooking appliances; to the Committee on Ways and Means.

By Mr. RITTER:

H.J. Res. 485. Joint resolution to designate the week of October 7, 1984, through October 13, 1984, as "National Birds of Prey Conservation Week"; to the Committee on Post Office and Civil Service.

By Mr. GREEN:

H.J. Res. 486. Joint resolution to designate the month of March 1985 as "National Hemophilia Awareness Month"; to the Committee on Post Office and Civil Service.

By Mr. LANTOS (for himself, Mr. ACKERMAN, Mr. BARNES, Mr. BERMAN, Mr. BEVILL, Mr. BONIOR of Michigan, Mrs. BOXER, Mr. CHAPPIE, Mr. CLARKE, Mr. DEWINE, Mr. DWYER of New Jersey, Mr. EVANS of Illinois, Mr. FORSYTHE, Mr. RALPH M. HALL, Mr. HAWKINS, Mr. HORTON, Mr. HOWARD, Mr. HYDE, Mr. KASICH, Mr. KINDNESS, Mr. KOGOVSEK, Mr. KOSTMAYER, Mr. LAGOMARSINO, Mr. LEVIN of Michigan, Mr. LEWIS of Florida, Mr. LIVINGSTON, Mr. LONG of Maryland, Mr. MCCAIN, Mr. MCGRATH, Mr. MADIGAN, Mr. MARKEY, Mr. MONTGOMERY, Mr. OWENS, Mr. O'BRIEN, Mr. RATCHFORD, Mr. RICHARDSON, Mr. ROE, Mr. SABO, Mr. SCHEUER, Mr. SIMON, Mr. SISISKY, Mr. SKELTON, Mr. STANGELAND, Mr. VANDER JAGT, Mr. WILLIAMS of Ohio, Mr. WON PAT, Mr. VENTO, and Mr. WORTLEY):

H.J. Res. 487. Joint resolution to designate June 6, 1984, "D-Day National Remembrance"; to the Committee on Post Office and Civil Service.

By Mr. FEIGHAN (for himself, Mr. TORRICELLI, Mr. SMITH of Florida, Mr. BERMAN, and Mr. SOLARZ):

H. Con. Res. 259. Concurrent resolution expressing the sense of the Congress that the Vatican should recognize the State of Israel and should establish diplomatic relations with that country; to the Committee on Foreign Affairs.

By Mr. WORTLEY:

H. Con. Res. 260. Concurrent resolution expressing the sense of Congress that the Soviet Union should allow Igor Ogurtsov to be released from internal exile and allowed to emigrate to the West without renouncing his views; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. GONZALEZ introduced a bill (H.R. 4888) for the relief of Pedro Narvaez-Gua-

jardo, Rosario Bernal de Narvaez, and family; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resoiutions as follows:

H.R. 470: Mr. PHILIP M. CRANE.

H.R. 659: Mr. MARLENEE and Mr. WEBER.

H.R. 881: Mr. YATES, Mr. SCHUMER, Mr. MRAZEK, Mr. CONTE, Mr. DONNELLY, Mr. LAFALCE, Ms. FERRARO, Mr. TOWNS, and Mr. SMITH of New Jersey.

H.R. 991: Mr. MCCURDY.

H.R. 1092: Mr. KOSTMAYER and Mr. HOWARD.

H.R. 1249: Mr. SPRATT.

H.R. 1788: Mr. KOLTER.

H.R. 1797: Mr. ROSTENKOWSKI.

H.R. 1815: Mr. ADDABBO and Mr. CROCKETT.

H.R. 1880: Mr. ASPIN and Mr. BIAGGI.

H.R. 1891: Mr. BROWN of Colorado, Mr. DURBIN, Mr. MCEWEN, Mr. PASHAYAN, and Mr. REID.

H.R. 1918: Mr. SHAW, Mr. CHAPPIE, and Mr. KOLTER.

H.R. 2053: Mr. LANTOS, Mr. SHUSTER, Mr. WISE, and Mr. OTTINGER.

H.R. 2204: Ms. MIKULSKI, Mr. LAGOMARSINO, and Mr. RAHALL.

H.R. 2372: Mr. WILSON and Mr. ARCHER.

H.R. 2468: Mr. ROWLAND and Mr. STENHOLM.

H.R. 2852: Mr. DYSON.

H.R. 2927: Mr. HANCE, Mr. REGULA, and Mr. VANDER JAGT.

H.R. 3082: Mr. DEWINE.

H.R. 3141: Mr. WAXMAN, Mrs. KENNELLY, and Mr. GRAY.

H.R. 3282: Mr. ANNUNZIO, Mr. LELAND, and Mr. COURTER.

H.R. 3477: Mrs. HOLT and Mr. DANIEL B. CRANE.

H.R. 3482: Mr. MOODY, Mr. SABO, Mr. GEJDENSON, Mr. BIAGGI, Mr. MARKEY, and Mr. RATCHFORD.

H.R. 3734: Mrs. ROUKEMA.

H.R. 3778: Mr. DOWNEY of New York, Mr. EDGAR, Mr. MATSUI, Mr. OWENS, and Mr. WOLPE.

H.R. 3803: Mr. COLEMAN of Texas, Mr. BEREUTER, Mr. REID, Mr. LEWIS of Florida, Mr. OXLEY, Mr. STUDDS, Mr. WISE, Mr. ECKART, Mr. PETRI, Mr. GEJDENSON, Mr. LOWRY of Washington, Mr. DENNY SMITH, Mr. WEBER, Mr. RICHARDSON, Mr. HOWARD, Mr. ERDREICH, Mr. LUNDINE, Mr. TAUKE, Mr. LENT, Mr. GOODLING, and Mr. DAUB.

H.R. 3811: Mr. FOLEY, Mr. LANTOS, Mr. ANDERSON, Mr. FISH, Mr. STARK, Mr. DONNELLY, Mr. HUGHES, and Mr. STRATTON.

H.R. 3858: Mr. STENHOLM, Mr. KOLTER, Mr. WHITLEY, Mr. TAUKE, Mr. YOUNG of Alaska, Mr. PENNY, Mr. WILLIAMS of Ohio, and Mr. HARTNETT.

H.R. 3917: Mr. PATTERSON.

H.R. 3961: Mr. BILIRAKIS.

H.R. 4034: Mr. SIMON, Mr. ROE, Mr. NIELSON of Utah, Mr. DURBIN, Mr. CORCORAN, and Mrs. MARTIN of Illinois.

H.R. 4049: Mr. MRAZEK, Mr. MCNULTY, Mr. WILSON, Mrs. LLOYD, Mrs. BOXER, and Mr. ZSCHAU.

H.R. 4050: Mr. MRAZEK, Mr. MCNULTY, Mr. WILSON, Mrs. LLOYD, Mrs. BOXER, Mr. ZSCHAU.

H.R. 4051: Mr. MRAZEK, Mr. MCNULTY, Mr. WILSON, Mrs. BOXER, and Mr. ZSCHAU.

H.R. 4067: Mr. HARRISON, Mrs. SMITH of Nebraska, Mr. CORRADA, Mr. FOLEY, Mr. ROYBAL, Mr. VENTO, Mr. SAVAGE, Mr. LEHMAN of California, Mr. RAHALL, Mr. BOEHLERT, Mr. MINETA, and Mr. FAUNTROY.

H.R. 4110: Mrs. MIKULSKI and Mr. SILJANDER.

H.R. 4117: Mr. BEDELL, Mr. BONKER, Mrs. BOXER, Mr. CONYERS, Mr. DYSON, Mr. KINDNESS, Mr. LAGOMARSINO, Mr. MARTINEZ, and Mr. WYDEN.

H.R. 4125: Mr. ACKERMAN and Mr. WEAVER.

H.R. 4164: Mr. FORD of Tennessee.

H.R. 4262: Mr. BONER of Tennessee and Mrs. LLOYD.

H.R. 4263: Mr. BONER of Tennessee and Mrs. LLOYD.

H.R. 4287: Mr. DURBIN, Mr. PEPPER, Mr. PERKINS, Mr. FUQUA, Mr. HORTON, Mr. KENNELLY, and Mr. DORGAN.

H.R. 4300: Mr. MADIGAN, Mr. KASICH, Mr. WEISS, Mr. WHITEHURST, Mr. MCKINNEY, Mr. BATES, Mr. BARNES, Mr. EVANS of Illinois, Mr. TORRICELLI, Mr. BOSCO, and Mr. YOUNG of Missouri.

H.R. 4405: Mr. LUNDINE, Mr. OTTINGER, Mr. LENT, and Mr. DOWNEY of New York.

H.R. 4427: Mr. NOWAK and MCCOLLUM.

H.R. 4431: Mr. EMERSON.

H.R. 4440: Mrs. BOXER, Mr. DASCHLE, Mr. DOWNEY of New York, Mr. DWYER of New Jersey, Mr. EDGAR, Mr. FEIGHAN, Mr. FORD of Tennessee, Mr. FORSYTHE, Mr. LELAND, Mr. LOWRY of Washington, Mr. MARKEY, Mr. MARTINEZ, Ms. MIKULSKI, Mr. MINETA, Mr. MITCHELL, Mr. MORRISON of Connecticut, Mr. NOWAK, Mr. OBERSTAR, Mr. OTTINGER, Mr. SABO, Mr. TOWNS, and Mr. WILLIAMS of Ohio.

H.R. 4447: Mr. YATES, Mr. WISE, Mr. LEVIN of Michigan, Mr. KILDEE, Mr. SEIBERLING, Mr. MCNULTY, Mr. OWENS, Mr. LELAND, Mr. PATTERSON, Mr. KASTENMEIER, Mr. BEDELL, Mr. GEJDENSON, and Mr. VENTO.

H.R. 4500: Mr. BEREUTER, Mr. BILIRAKIS, Mr. BURTON of Indiana, Mr. COLEMAN of Missouri, Mr. DANNEMEYER, Mr. DAVIS, Mr. DEWINE, Mr. HARTNETT, Mrs. HOLT, Mr. HOYER, Mrs. JOHNSON, Mr. KINDNESS, Mr. LAFALCE, Mr. LEWIS of California, Mr. LEWIS of Florida, Mr. MARRIOTT, Mrs. MARTIN of Illinois, Mr. MCEWEN, Mr. PORTER, Mr. SKEEN, Mr. WEBER, and Mr. WYLIE.

H.R. 4505: Mr. MORRISON of Connecticut, Mr. ROSE, Mr. HOWARD, Mr. BERMAN, Mr. CORCORAN, Mr. BATES, Mr. MATSUI, Mr. CARNEY, Mr. ROE, Mr. STUDDS, Mrs. BOXER, Mr. CLAY, Mr. KILDEE, Mr. ERDREICH, Mr. TORRES, Mr. MARTINEZ, Mr. CARPER, Mr. BEILENSON, Mr. MAVROULES, Mr. KOLTER, Mr. LELAND, Mrs. HALL of Indiana, Mr. SIMON, Mr. DELLUMS, Mr. FLORIO, Ms. OAKER, Mr. FISH, Mr. D'AMOURS, Mr. DYSON, Mr. COELHO, Mr. BONIOR of Michigan, Mr. DYMALLY, Mr. RATCHFORD, Mr. DANIEL B. CRANE, Mr. FROST, Mr. OBERSTAR, Mr. FAZIO, Mr. MINETA, Mr. TORRICELLI, and Ms. FERRARO.

H.R. 4507: Mr. SCHULZE.

H.R. 4571: Mr. CHAPPIE, Mr. HYDE, Mr. MONTGOMERY, Mr. ROBERTS, Mr. RODINO, Mrs. ROUKEMA, Mr. SENSENBRENNER, Mr. TAUKE, Mr. WILLIAMS of Montana, and Mr. WORTLEY.

H.R. 4594: Mr. CLARKE and Mr. RITTER.

H.R. 4616: Mr. EDGAR, Mr. LANTOS, and Mrs. SCHROEDER.

H.R. 4676: Ms. KAPTUR, Mr. PERKINS, Mr. SABO, Mr. LELAND, Mr. MITCHELL, Mr. MARTINEZ, Mr. CROCKETT, Mr. RANGEL, Mr. RAHALL, Mr. WILLIAMS of Ohio, Mr. WON PAT, Mr. DWYER of New Jersey, Mr. EVANS of Illinois, Mr. STOKES, Mr. SOLARZ, Mr. CONTE, and Mr. VENTO.

H.R. 4772: Mr. JEFFORDS.

H.R. 4788: Mr. BEVILL, Mr. FISH, Mr. KINDNESS, Mr. HAMMERSCHMIDT, Mr. PATMAN, and Mr. APPLEGATE.

H.R. 4813: Mr. FAUNTROY and Mr. MOODY.

H.R. 4865: Mr. JEFFORDS and Mr. HARKIN.

H.J. Res. 95: Mr. BROWN of California and Mr. SHUMWAY.

H.J. Res. 120: Mr. DICKS.

H.J. Res. 121: Mr. ST GERMAIN, Mr. SISISKY, Mr. HOPKINS, and Mr. BRITT.

H.J. Res. 196: Mr. PRITCHARD, Mr. WYDEN, Mr. WALGREN, and Mr. MOORE.

H.J. Res. 332: Mr. BILIRAKIS, Mr. FORD of Tennessee, Mr. JACOBS, Mr. PERKINS, Mr. TRAXLER, Mr. WON PAT, Mrs. BOGGS, Mr. EMERSON, Mr. HAMILTON, Mr. LIVINGSTON, Mr. LOWERY of California, Mrs. MARTIN of Illinois, Mr. SHELBY, Mr. DENNY SMITH, Mr. SWIFT, Mr. SYNAR, Mr. TAUZIN, and Mr. WYDEN.

H.J. Res. 356: Mr. ROSE, Mr. KASICH, Mr. BIAGGI, Mr. TOWNS, Mr. DOWDY of Mississippi, Mr. CAMPBELL, Mr. MADIGAN, Mr. SLATTERY, Mr. WON PAT, Mr. MARTINEZ, Mr. REID, Mr. MARRIOTT, Mr. KINDNESS, Mr. HAYES, Mr. DAUB, Mr. MOODY, Mr. ANDREWS of Texas, Mr. MCGRATH, Mr. FRENZEL, Mr. LEWIS of Florida, Mr. QUILLEN, Mrs. BYRON, Mr. WINN, Mr. GUNDERSON, Mr. WIRTH, Mr. BLILEY, Mr. WHEAT, Mr. CHAPPELL, Mr. HALL of Ohio, Ms. MIKULSKI, Mr. SCHEUER, Mr. BARTLETT, Mr. GEKAS, Mr. MARKEY, Mr. RATCHFORD, Mr. MCNULTY, Mr. WILSON, Mr. MURPHY, Mr. WHITTAKER, Mr. GUARINI, Mr. LELAND, Mr. RANGEL, and Mr. RAHALL.

H.J. Res. 373: Mr. ACKERMAN, Mr. ADDABBO, Mr. ALEXANDER, Mr. ANDERSON, Mr. ANNUNZIO, Mr. ASPIN, Mr. BARNARD, Mr. BATEMAN, Mr. BATES, Mr. BEDELL, Mr. BEILENSON, Mr. BENNETT, Mr. BERMAN, Mr. BILIRAKIS, Mr. BOEHLERT, Mr. BOLAND, Mr. BORSKI, Mr. BOSCO, Mrs. BOXER, Mr. BROOKS, Mr. FROST, Mr. BURTON of Indiana, Mrs. BURTON of California, Mr. CAMPBELL, Mr. CARNEY, Mr. CARR, Mr. CHAPPELL, Mr. CHAPPIE, Mr. CLAY, Mr. COATS, Mr. COELHO, Mr. COLEMAN of Missouri, Mrs. COLLINS, Mr. CONTE, Mr. COOPER, Mr. CORRADA, Mr. COUGHLIN, Mr. COYNE, Mr. CRAIG, Mr. DANNEMEYER, Mr. DARDEN, Mr. DASCHLE, Mr. DE LA GARZA, Mr. DELLUMS, Mr. DIXON, Mr. DREIER of California, Mr. DURBIN, Mr. EDGAR, Mr. EDWARDS of California, Mr. EMERSON, Mr. ENGLISH, Mr. FAUNTROY, Mr. FAZIO, Mr. FISH, Mr. FLIPPO, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FRANK, Mr. FRANKLIN, Mr. FRENZEL, Mr. FUQUA, Mr. GAYDOS, Mr. GLICKMAN, Mr. GONZALEZ, Mr. GORE, Mr. GRAMM, Mr. GRAY, Mr. HAMILTON, Mr. HAMMERSCHMIDT, Mr. HARKIN, Mr. HATCHER, Mr. HAWKINS, Mr. HEFTEL of Hawaii, Mr. HIGHTOWER, Mr. HORTON, Mr. HOWARD, Mr. HUCKABY, Mr. HUTTO, Mrs. JOHNSON, Mr. JONES of North Carolina, Mr. KILDEE, Mr. KOLTER, Mr. KOSTMAYER, Mr. LAGOMARSINO, Mr. LANTOS, Mr. LEACH of Iowa, Mr. LELAND, Mr. LEVINE of California, Mr. LEWIS of Florida, Mr. LOWERY of California, Mr. LUKEN, Mr. LUNGREN, Mr. MCCAIN, Mr. MCCANDLESS, Mr. MCEWEN, Mr. MCGRATH, Mr. MCHUGH, Mr. MADIGAN, Mrs. MARTIN of Illinois, Mr. MARTINEZ, Mr. MATSUI, Mr. MAVROULES, Mr. MAZZOLI, Mr. MILLER of Ohio, Mr. MILLER of California, Mr. MINETA, Mr. MONTGOMERY, Mr. MOODY, Mr. MURPHY, Mr. MURTHA, Mr. NATCHER, Mr. NELSON of Florida, Ms. OAKAR, Mr. O'BRIEN, Mr. OLIN, Mr. ORTIZ, Mr. OTTINGER, Mr. OWENS, Mr. PACKARD, Mr. PASHAYAN, Mr. PATTERSON, Mr. PRICE, Mr. PRITCHARD, Mr. RANGEL, Mr. REID, Mr. RICHARDSON, Mr. ROBERTS, Mr. ROE, Mr. ROEMER, Mr. ROSE, Mr. ROYBAL, Mr. RUSSO, Mrs. SCHNEIDER, Mr. SHAW, Mr. SHUMWAY, Mr. SIKORSKI, Mr. SKEEN, Mr. SKELTON, Mr.

SMITH of Iowa, Mr. ROBERT F. SMITH, Mr. STANGELAND, Mr. STOKES, Mr. STUMP, Mr. SUNIA, Mr. TALLON, Mr. TAUKE, Mr. THOMAS of California, Mr. TORRES, Mr. TOWNS, Mr. UDALL, Mr. VENTO, Mr. VOLKMER, Mr. WALGREN, Mr. WAXMAN, Mr. WEAVER, Mr. WEISS, Mr. WHEAT, Mr. WHITLEY, Mr. WHITTEN, Mr. WINN, Mr. WIRTH, Mr. WOLPE, Mr. WON PAT, Mr. YATES, Mr. YATRON, Mr. YOUNG of Florida, and Mr. YOUNG of Alaska.

H.J. Res. 389: Mr. EDGAR and Mr. ROE.

H.J. Res. 404: Mr. HILLIS.

H.J. Res. 407: Mrs. MARTIN of Illinois, Mr. DANNEMEYER, Mr. LOWERY of California, and Mr. O'BRIEN.

H.J. Res. 416: Mr. BATEMAN.

H.J. Res. 423: Mr. LONG of Louisiana, Mr. ARCHER, Mr. TRAXLER, Mr. MRAZEK, Mr. FORSYTHE, Mr. YOUNG of Missouri, Mr. NIELSON of Utah, Mr. MCCAIN, Mr. AKAKA, Mr. DUNCAN, Mr. LAGOMARSINO, Mr. MARKEY, Mr. BIAGGI, Mr. MCGRATH, Mr. UDALL, Mr. DIXON, Mr. SUNIA, Mr. FORD of Tennessee, Mr. ACKERMAN, Mr. DAVIS, Mr. KOSTMAYER, Mr. STENHOLM, Mr. BORSKI, Mr. WYDEN, Mr. LEVINE of California, Mr. HOWARD, and Mr. SHUMWAY.

H.J. Res. 443: Mr. FOWLER, Ms. MIKULSKI, Mr. AKAKA, Mr. CORRADA, Mr. PANETTA, Mrs. BYRON, Mr. BONKER, Mr. LUKEN, Mr. FAUNTROY, and Mr. STOKES.

H.J. Res. 445: Mr. LUJAN, Mr. MINISH, Mr. PATTERSON, Mr. LEVINE of California, Mr. LATTA, Mr. RODINO, Mr. ORTIZ, Mr. CHAPPIE, Mr. TAUKE, Mr. LEACH of Iowa Mr. SNYDER, Mr. HOPKINS, Mr. COUGHLIN, Mr. PACKARD, Mr. CARPER, Mr. HAYES, Mr. LUNDINE, Mr. SPRATT, Mr. BORSKI, Mr. GUNDERSON, Mr. OWENS, Mr. PATMAN, Mr. MONTGOMERY, Mr. HILLIS, Mr. TORRICELLI, Mr. SCHUMER, Mr. DAVIS, and Mr. WHITTAKER.

H.J. Res. 451: Ms. SNOWE, Mr. MOAKLEY, Mr. HUTTO, Mr. WON PAT, Mr. HOYER, Mr. FORSYTHE, Mr. MARTIN of New York, Mr. O'BRIEN, Mr. THOMAS of California, Mrs. KENNELLY, Mr. DREIER of California, Mr. MORRISON of Connecticut, Mr. ARCHER, Mr. LEWIS of California, Mr. BEVILL, Mr. EVANS of Illinois, Mr. ADDABBO, Mr. LAGOMARSINO, Mr. CLAY, Mr. HARRISON, Mr. MAZZOLI, Mr. WINN, Mr. BATES, Mr. DWYER of New Jersey, Mr. LEWIS of Florida, Mr. MCCLOSKEY, Mr. UDALL, Mr. DIXON, Mr. ROE, Mr. WOLF, Mr. FRANK, Mr. BIAGGI, Mr. LUDINE, Mr. WYLIE, Mr. GRADISON, Mr. OWENS, Mr. FORD of Tennessee, Mr. SMITH of Florida, Mr. WEISS, Mr. PASHAYAN, Mr. BILIRAKIS, Mr. LELAND, Mr. KASICH, Mr. HAMMERSCHMIDT, Mr. PATMAN, Mr. NIELSON of Utah, Mr. HYDE, Mr. SOLARZ, Mr. DUNCAN, Mr. MCCAIN, Mr. FRENZEL, Mr. BONIOR of Michigan, Mr. ROBINSON, Mr. MADIGAN, Mr. SAWYER, Mr. GIBBONS, Mr. BERMAN, Mr. MCGRATH, Mr. FAZIO, Mr. SCHEUER, Mr. AKAKA, Mr. DYSON, Mr. RATCHFORD, Mr. BRITT, Mr. ACKERMAN, Mr. DERRICK, Mr. HORTON, Mr. KOSTMAYER, Mr. FISH, Mr. STENHOLM, Mr. BEDELL, Mr. SIMON, and Mr. WORTLEY.

H.J. Res. 458: Mr. ACKERMAN, Mr. LONG of Louisiana, Mr. DINGELL, Mr. KASICH, Mr. HAMILTON, Mr. HARRISON, Mr. CROCKETT, JR., Mr. MOAKLEY, Mr. BROYHILL, Mr. O'BRIEN, Mr. ROE, Mr. ENGLISH, Mr. KOSTMAYER, Mr. ORTIZ, Mr. FISH, JR., Mr. SISISKY, Mr. HOYER, Mr. WOLF, Mr. WYDEN, Mr. ADDABBO, Mrs. BOGGS, and Mr. WEAVER.

H.J. Res. 475: Mr. WHITLEY, Mrs. SCHNEIDER, and Mr. SHELBY.

H. Con. Res. 123: Mr. CROCKETT, Mr. VENTO, and Mrs. SCHNEIDER.

H. Con. Res. 216: Mr. DANIEL B. CRANE, and Mr. MCCANDLESS.

H. Res. 327: Mr. MRAZEK, Mr. MCNULTY, Mr. WILSON, Mrs. LLOYD, Mr. MCCURDY, Mrs. BOXER, and Mr. ZSCHAU.

H. Res. 337: Mr. EVANS of Illinois, Mr. LIPINSKI, Mr. WYDEN, Mr. MITCHELL, Mrs. BURTON of California, Mr. MCCLOSKEY, Mr. KOLTER, Mr. MOLLOHAN, Mr. COYNE, Mr. TALLON, Mr. GEJDENSON, Mr. HALL of Ohio, Mr. RATCHFORD, and Mr. HEFTEL of Hawaii.

H. Res. 372: Mr. DANIEL B. CRANE and Mr. MCCANDLESS.

H. Res. 377: Mr. CROCKETT.

H. Res. 433: Mr. HATCHER, Mr. ROWLAND, Mr. WILLIAMS of Montana, Mr. LONG of Louisiana, Mr. HARRISON, Mr. CROCKETT, Mr. TOWNS, Mr. PENNY, Mr. FAUNTROY, and Mr. BEDELL.

EXTENSIONS OF REMARKS

MEMBERS OF SMALL BUSINESS COMMITTEE APPEAL TO SAVE VITAL PROGRAM

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. BEDELL. Mr. Speaker, last week 38 members of the Small Business Committee took an unusual step by sending a letter to the Ways and Means Committee in an effort to save a vital small business program.

The Small Business Administration's pollution control loan program was set up to help small businesses obtain long-term reasonable rate financing for their Government-mandated pollution control expenditures. The SBA has used their authority under the program to guarantee tax-exempt bond issues that are used by small businesses to finance the cost of their pollution control equipment. Investors are offered Government-guaranteed, tax-free bonds, while small companies are able to obtain long-term, low-rate financing for these nonrevenue producing assets.

By all measures the program has been a success. It even generates revenue for the Federal Treasury from the management fees collected from the participating small businesses. The management fee is supposed to cover SBA's losses from the program, but the default rate has been so low that SBA's losses have been covered by the interest earned on the loan reserve pool. As of June 30, 1983, there was a balance of $38.5 million in the loan reserve pool—$23.7 million was income generated from fees and $5.6 million was the interest income.

The most important thing about this SBA program is that it allows small business the same benefits as big business. Of course, big business does not need Federal guarantees to issue tax-exempt pollution control bonds. By the end of the third quarter of 1983 alone, big business floated approximately $2.3 billion in tax-exempt pollution control bonds. By contrast, the SBA program was funded at $250 million.

Unfortunately, the IDB provision of H.R. 4170 contains language that would severely cripple this important small business program. While exemptions are carved out in the IDB provisions for other Federal programs, such as veterans' and student loans, this vital SBA program was inadvertently left out of the bill.

Mr. Speaker, we hope this action by the Small Business Committee will help bring this unfortunate oversight to the attention of the Ways and Means Committee, and we hope we can work together to save this program. I think we can all agree that it is not the intention of the Ways and Means Committee to strip away rights from small business and put them at a competitive disadvantage their big business counterparts.

At this point, I would like to include in the RECORD the letter that the 38 members of the Small Business Committee sent to the Ways and Means Committee, and an outline discusses the history and importance of the program.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SMALL BUSINESSS,
Washington, D.C., February 7, 1984.

Hon. DAN ROSTENKOWSKI,
Chairman, Ways and Means Committee.

DEAR MR. CHAIRMAN: As members of the Small Business Committee, we wish to make you aware of a program that is of great importance to the small business community. The Small Business Administration's pollution control loan program was designed to help small firms obtain long-term reasonable rate financing for Government-mandated pollution control expenditures.

By all measures, the program has been a success. It even generates revenues for the Federal Treasury from the management fees collected from the participating small businesses. The management fee is supposed to cover SBA's losses from the program, but the default rate has been so slow that SBA's losses have been covered by the interest earned on the loan reserve pool.

Most importantly, however, this SBA program allows small businesses to obtain pollution control financing on the same basis that big businesses obtain it. This is vital, since this type of expenditure is non-revenue producing, and generally not available from conventional sources.

Big businesses have sufficient credit to offer tax-exempt pollution control bonds to the public. Small firms do not. Because of this, together with the relatively small size of their issues, many small firms would not be able to obtain pollution control financing without the help of SBA's program.

Last year, the Small Business Committee reported H.R. 3020, which reauthorized the pollution control program in the SBA's fiscal year 1984 and fiscal year 1985 budget. H.R. 3020 also makes it clear that SBA cannot discriminate against small firms wishing to finance their pollution control expenditures on a tax-free basis as big businesses do.

Unfortunately, H.R. 4170, the revenue measure reported by the Ways and Means Committee last session, would have prevented this SBA program from fulfilling its mandate. By denying the use of Federal loan guarantees in conjunction with tax-exempt bonds, hundreds of small firms would be forced to finance their Government-mandated pollution control expenditures at a much higher cost than their big business competitors.

Although we share your concern about our nation's serious deficit problem, we are sure you will agree that it is not the kind of program you want your Committee to abolish. Thus, we strongly recommend that your Committee exempt this SBA program from any restrictions on the issuance of tax-exempt bonds.

Sincerely,

Parren J. Mitchell, Berkley Bedell, Neal Smith, Joseph P. Addabbo, Henry B. Gonzalez, John J. LaFalce, Joseph M. McDade, Silvio O. Conte, William S. Broomfield, Lyle Williams, Win Weber, Henry J. Nowak, Andy Ireland, Nicholas Mavroules, Ike Skelton, Dennis E. Eckart, Thomas A. Luken, Gus Savage, Ron Wyden, Buddy Roemer, Norman Sisisky, Dan Schaefer, David Dreier, Guy V. Molinari, Christopher H. Smith, Michael Bilirakis, Gene Chappie, Sherwood L. Boehlert, Hal Daub, Toby Roth, Estaban Edward Torres, Tom J. Vandergriff, Robin C. Britt, Charles Hatcher, Charles A. Hayes, Richard Ray, Charles W. Stenholm, and James R. Olin.

FACTS ABOUT THE SBA'S POLLUTION CONTROL LOAN PROGRAM

PURPOSE OF THE PROGRAM

The Small Business Administration's pollution control loan program was established to help small businesses obtain long-term, reasonable rate financing for government-mandated pollution control expenditures. The SBA was given the authority to guarantee tax-exempt bond issues that small businesses used to finance pollution control expenditures. No substitute for the SBA program exists.

THE PROGRAM WORKS

This program, when it has been able to function as Congress intended it to function, met the objective of helping small business finance the costs of complying with environmental protection laws.

The program earns the government money because of the fees collected from small business participants. Almost $24 million in fees and over $5.5. million in interest on those fees has accrued to date. The default rate is so low that the interest earned on the fees is sufficient to cover program losses.

BIG BUSINESS HAS AN ADVANTAGE OVER SMALL BUSINESS, SMALL BUSINESS NEEDS THIS PROGRAM FOR EQUALITY

The program was designed to give small businesses the same opportunity that big businesses have to finance government-mandated pollution control abatement facilities.

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

Big businesses do not need the guarantee or small issue pooling authority because of their access to the capital markets and the size of their bond issue tax-exempt pollution control bonds.

Big businesses issued $513 million in tax-exempt pollution control bonds in the first quarter of 1983. That is twice the amount Congress authorized for all small businesses in fiscal year 1983.

RECENT ACTION ON THE SMALL BUSINESS POLLUTION CONTROL PROGRAM

The Administration has sought for two years to deny small businesses the same benefits that big businesses have in pollution control financing. First, the Treasury issued Revenue Ruling 81-216 to deny small businesses the ability to pool their pollution control bond issues and receive tax-exempt status. The FY83 continuing resolution helped to overcome that obstacle.

Next, the Administration tried to cut the loan guarantee authority in SBA's pollution control program. But the House and Senate Small Business Committees restored those funds, as well as extra authority to meet the pent-up demand in the small business community for the program.

Finally, on January 1, 1982, the OMB denied the SBA the authority to guarantee any tax-exempt financing. (Tax-exempt financing is necessary for small business because of savings on interest and the longer periods that development bonds allow versus commercial loans. Big businesses use tax-exempt bonds to finance their pollution control expenditures.)

Since this OMB-imposed ban on SBA guaranteed, tax-exempt pollution control financing, SBA concluded only one deal for taxable financing. Before the OMB order, SBA had 98 applications for tax-exempt financing. Those 98 applications have since been rejected by the SBA.

SBA has not used one single dollar of their authority to help small businesses get tax-exempt pollution control financing in over 20 months.

In February legislation was introduced (H.R. 6189) which seeks to deny SBA authority to discriminate against small businesses that want to use SBA guarantees in connection with tax-exempt bonds. Immediately following this, the Administration proposed a deferral of the operating expenses for SBA's pollution control loan guarantee program. House Resolution 76 was passed unanimously on March 3 to disapprove this deferral.

The House Small Business Committee proposed $500 million for fiscal year 1984 in their June 1983 proposed authorization levels. The Senate Small Business Committee recommended $250 million for fiscal year 1984 in their (October 7) authorization bill.

IMPLICATIONS OF WAYS AND MEANS COMMITTEE BILL

IDB caps for pollution control financing and denial of tax-exemption of bond status if a Federal guarantee is provided would be disasterous for the SBA pollution control program. IDB caps for pollution control financing would prohibit local and regional agencies from fulfilling their statutory responsibilities to meet specific community preferences. Without the tax-exempt status for federally-guaranteed bonds, small businesses would be unable to acquire the necessary capital to install the pollution abatement facilities mandated by Federal, state and local laws. Small businesses would not have the same advantages that big businesses presently have in pollution control financing.●

CONGRESSIONAL TRIBUTE TO EVELYNNE MARIE MEADE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. ANDERSON. Mr. Speaker, on February 29, 1984, the faculty club of the University of California at Davis, will be honoring Evelynne Marie Meade on her retirement after her many years of service to the university. This occasion also has special meaning to me because Evelynne served as my executive secretary while I was Lieutenant Governor of California.

Evelynne lives in Sacramento with her husband Elmer. They have had four sons: Rick, Gary, Randy, and Jim.

Mrs. Meade was born in Sacramento, Calif., and attended Sacramento High School, Sacramento City College, and the University of California at Berkeley. In December 1941, she began what will be on March 1, 1984, 35 years and 2 months of California State and university service. Evelynne began as an intermediate typist clerk and worked for the California State department of employment, department of social welfare, and the department of natural resources. She then moved on to become stenographer/clerk for the department of public works, for the chief of fairs and expositions and was senior stenographer/clerk in the audits division of the department of finance.

It was in January 1959, that Evelynne came to work for me as senior stenographer/clerk and later served as secretary and executive secretary. She became the first female executive secretary to serve a constitutional officer in the history of California. During my years as Lieutenant Governor, I found her to be a dedicated and trusted public servant who met every challenge head on. Evelynne was not only a very efficient and effective executive secretary, but my wife Lee and I counted her and her husband Elmer as our close personal friends.

After leaving my office, Evelynne came to the University of California at Davis. Since November 1967, she has been the executive assistant to Chancellor Emeritus Emil M. Mrak. It is easy to say that her presence will be deeply missed.

My wife, Lee, joins me in congratulating Evelynne for her many years of service to the people of California. I would like to wish her and her husband, Elmer, along with their four sons and six grandchildren: Michael, Kip, Thomas, Melissa, Misha, and Heidi, an enriching, happy, and prosperous future.●

THE "OTHER" REFUGEES

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. PHILIP M. CRANE. Mr. Speaker, in recent months we have all heard a great deal about the plight of the civilians of El Salvador. Many of them have been forced to flee their homeland because of the civil war that has raged there for several years now. This is indeed a tragic situation, and one that should not be ignored.

It seems strange to me, however, that little or nothing is said about the refugees of another country in that same region: Nicaragua. For the most part, the U.S. media has ignored the situation that has prevailed there since the Sandinistas seized power in 1979. Seldom do we hear about the nearly 250,000 Nicaraguans who have fled their homeland since that year, but the question must be asked: Why have they fled? Do prosperous, free and content people leave their native land for no reason? The answer is painfully obvious; the Nicaraguan people have responded with their feet to the oppressive and totalitarian rule imposed upon them. Rather than endure the injustice and the tyranny of the Marxist-Leninist regime which the Sandinistas have sought to create, many brave Nicaraguans have taken their chances in other, freer nations.

The time has come to recognize Central America's "other" refugees. I recommend the following article that recently appeared in the Washington Times as an excellent and enlightening account of their plight. It details some of the abuses and atrocities committed by the Sandinistas against their own people.

[From the Washington Times, Jan. 26, 1984]

REFUGEES FLEE NICARAGUA, TELL OF SANDINISTA ATROCITIES

(By Jay Mallin Sr.)

A growing number of refugees are fleeing Sandinista-run Nicaragua, according to reports reaching the U.S. State Department, and some of these refugees are relating accounts of atrocities committed by the Sandinistas in rural areas.

The Nicaraguan exodus is approaching, comparatively, the size of the exodus from communist Cuba over the past years. To date some 80,000 Nicaraguans have fled their homeland to neighboring Costa Rica and Honduras. The population of Nicaragua is 3 million.

A number of Nicaraguans at a refugee camp near the town of Tilaran in Costa Rica recently were interviewed by U.S. refugee officials. The Washington Times has obtained transcripts of the interviews, in which the refugees reported witnessing killings, beatings and rapes and told of being subjected to a torrent of verbal abuses and degradations at the hands of the Sandinistas.

Most of the refugees fleeing Nicaragua have crossed the border into Costa Rica on Nicaragua's southern border. There are now approximately 50,000 Nicaraguans in Costa Rica. Only about 2,400 are in refugee camps; the remainder are undocumented.

Honduras, to the north, has received about 28,000 Nicaraguans. More than half of these have been Miskito Indians from the northeastern portion of the country. Some 1,000 Indians from the town of Francia Sirpi trekked into Honduras last December, protected by 250 warriors and accompanied by Catholic Bishop Salvador Schlaefer.

Mistreatment of citizens by the Sandinista regime has not been limited to the rural areas near Costa Rica. The Miskito Indians have been a particular target. In a speech delivered a few days ago at the Foreign Service Institute, Deputy Assistant Secretary of Defense for Inter-American Affairs Nestor D. Sanchez stated:

"The Nicaraguan National Directorate seems to be following the Cuban example with zeal. It relentlessly attacks persons and organizations such as the Catholic Church or the Indian communities of the east coast it fears might challenge its power."

Following are excerpts from the transcripts of interviews with the Tilaran refugees. The full names of the interviewees are withheld for their protection:

Gabriel: "In San Miguelito a woman, mother of two children, who attended Catholic Masses, was taken from her house at midnight. They shaved her hair and cut her. All the soldiers raped her and then they cut her throat. Everyone who attends Mass is persecuted."

Emilia: "When they arrived at my house they made zanganadas (rude remarks). They robbed everything, hit people, tortured. The children 12 to 15 years old were taken away, forced to join them. Those that refused had their hands destroyed one by one so that they would tell where their parents were. Then they cut their throats; they don't waste bullets on children."

Fidelina: "They put my brother in his house and killed him in his own house. They left him buried in the patio of the house."

Margarito: "They made my son and my son-in-law dig holes. Later they seized one of my sons, tied him up, knocked him down. They beat him, killing him. They cut my son-in-law's throat."

Rofina: "They killed my two sons and cut off their fingers and toes. Then they pulled their bodies behind a horse."

Cecilio: "Some men arrived at my house, saying they were contras (rebels) and asking me to tell them where the camps were. I told them I didn't know anything and then they accused me of being a piricuaco (peasant slang for Sandinistas meaning rabid dog) and said they would take me away. Once we were far from my house they said they were not contras but were from State Security.

"Almost 40 of the 200 men that came to my house remained with me. They took me to a deep ditch. They began to torture me. They tied my hands behind me, leaving bruises. They hit me. The blows were with the weapons they carried, AKs. They blindfolded me, they covered my mouth. They got on top of me. They wanted to know if I had any contact (with the rebels).

"They took my money and my clothes, leaving me completely naked. Because I am a tailor I had a measuring tape. They tightened it around my neck until I was almost without oxygen. They hit my spine. The torture was for almost an hour, and they warned me that if they found me in my house the next day, they would kill me, and that is why I came here.

"Anyone who makes an accusation (against the Sandinistas) is tortured and disappears together with his family. I am frightened because of this information I am giving."●

TRIBUTE TO NAT KRUMBEIN

HON. NORMAN SISISKY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. SISISKY. Mr. Speaker, I would like to share with you and our colleagues the achievements of one of the Commonwealth of Virginia's remarkable citizens.

The Order of the Lion Award is Alpha Epsilon PI's premier award. It was established by AEPI's national council resolution in 1947, and can only be awarded by the national council.

The criteria for the award requires service on either the supreme board of governors or the fiscal control board; and this service should extend over a span of many years and exhibit achievement above and beyond the call of duty. It is awarded only when there is a suitable candidate available. There have been only 30 recipients of this award since 1948.

Nat Krumbein will be receiving this award on Saturday, March 10, 1984, in Richmond, Va.

He was first elected to the national board in 1963, at the 50th anniversary convention held in New York. He rose through the ranks and in August 1971, at Lake Geneva, Wis., was elected national president. He has served on the fiscal control board for 4 years and has served as a director of the Alpha Epsilon PI Foundation since 1963. He currently serves as vice chairman of the foundation.

Mr. Krumbein has established and is funding a scholarship through the foundation for undergraduate students.

Nat has been the founder of many chapters of this fraternity at many different universities. In addition, Nat has helped get hundreds of students into college who would not have otherwise received a college education. His commitment to the youth of our Commonwealth has been and is admirable and it is only fitting that he is receiving this prestigious award.●

WHAT KIND OF INDUSTRIAL POLICY FOR AMERICA AND THE AUTO INDUSTRY?

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. FLORIO. Mr. Speaker, on February 8, I chaired a hearing of the Subcommittee on Commerce, Transportation, and Tourism regarding the future of the auto industry in light of the Federal Trade Commission's tentative approval of a proposed joint venture between General Motors and Toyota.

One of the issues addressed in this hearing was whether we can any longer afford the haphazard approach we have taken to the future of the auto industry. In a recent article in Fortune, which I am here inserting in the RECORD, former White House adviser Stuart Eizenstat argues that our current makeshift approach to industrial policy often results in self-defeating and contradictory policies.

Whether a decision like the FTC decision on the joint venture, with the far-reaching consequences some observers suggest it could have, is a satisfactory way of making industrial policy is an important question which we should continue to explore.

[From Fortune, Jan. 23, 1984]

INDUSTRIAL POLICY: NOT IF, BUT HOW

(By Stuart E. Eizenstat)

Every President since George Washington has practiced microeconomics in a piecemeal, uncoordinated way.

If industrial policy were all the things its critics writing in Fortune have made it out to be—a guise for protectionism, centralized planning, and increased government intervention—I would be opposed too. But it need not be any of these things. A well-considered industrial policy would be only the more effective organization of what every President since George Washington has been doing in a piecemeal, uncoordinated way when he makes decisions affecting individual sectors of the economy.

Industrial policy is as old as the Republic. The encouragement of exports, relief from import competition, construction of highways and waterways, development of railroads and airlines, subsidized water for the West, price supports for farmers, the space program, environmental regulations, tax incentives for business investment and home ownership, stockpiling of strategic metals—all these involve industrial policy decisions that directly affect particular sectors of the economy.

From my White House experience it is clear that Presidents, whether Democratic or Republican, liberals, moderates, or conservatives, will continue to make industrial policy decisions affecting particular industries as surely as day follows night. Our political system and economic necessity ensure that Presidents are continually bombarded by requests for special relief from individual companies and entire industries. Whether it is Lockheed and Conrail with President Nixon, Chrysler and synthetic fuels with

President Carter, or quotas on Japanese cars, Chinese textiles, and European steel with President Reagan, microeconomic decisions are inevitable. They are part of a political process by which Presidents seek to satisfy influential economic interests in order to govern effectively and to secure reelection. We are not confronted with a simple choice between less or more government intervention. The choice is between frequent ad hoc interventions and more coordinated policy.

Decisions are now made without any effort at coordination and synthesis. Every significant regulatory decision by a federal agency has an impact on the industry regulated, but in my experience agencies promulgate regulations only in the context of their narrow mandates. This was the case, for example, with the Carter Administration's cotton-dust regulations, which required extensive engineering changes in manufacturing plants. The regulators did not consider the effect on the competitiveness of the U.S. textile industry.

The result of the lack of coordination is a crazy quilt—a makeshift industrial policy of often contradictory individual decisions. The effective tax rates on corporations show perverse disparities, depending on what industry they are in. The federal government supports almost half the R&D undertaken in the U.S. but, again, with no coordinated result. More than $100 billion a year in federally subsidized loans and loan guarantees is dispersed to industries with no consideration of the impact that other governmental decisions—import relief, procurement, tax incentives, R&D—have on those same industries. Each decision is subject to the pressures of the moment. We give import relief to the auto industry, and at the same time we impose on it expensive regulatory burdens and relatively high tax rates, while providing little federal R&D help.

Consider the trade area. While I was at the White House, every supplication for trade relief came across my desk before arriving at the President's. I met frequently with representatives of industries as disparate as shoes and steel, textiles and automobiles. President Carter was a firm and vigorous free trader, yet statutory, economic, and political considerations that operate in every Administration led to temporary import relief for CB radios, high-carbon ferrochrome, industrial fasteners, color TV sets, footwear, and textile goods. In our Administration as in its predecessors, relief was rarely conditioned on an industry commitment to shape up so as to avoid the need for more relief later.

Nowhere was this more evident than with the Carter Administration's efforts to assist the ailing steel industry—another excursion into "industrial policy." In 1980 the Commerce Department, in close cooperation with management and unions in the industry, sent to the White House a program to reinstate the trigger price mechanism for import relief and to provide favorable tax write-offs and a stretchout of antipollution deadlines. It was a fait accompli by the time I saw it. The industry was pleased, but the public got little from the package. Management made no firm commitments to rationalize capacity and modernize plants, and labor gave no concessions on wages or work rules. Meeting with the C.E.O. of the major steel companies in the Roosevelt Room of the White House, I was able to obtain only a vague last minute promise to reinvest the additional cash flow attributable to the relief program in modernization of plant and equipment. This was too little and too late, as shown by U.S. Steel's subsequent purchase of Marathon Oil Co. Because no effective mircoeconomic process was in place, the steel rescue amounted to an open-ended handout.

It is time to stop handing out relief without achieving anything for the public good. An industrial policy can help obtain broader public benefit from the inevitable special relief that Presidents will grant.

The Chrysler aid package, which I worked on with Secretaries of the Treasury Michael Blumenthal and William Miller, did entail trade-offs. There the government was faced with the bankruptcy of a major U.S. company, an increase in concentration and loss of competition in the auto industry, and a large additional drain on the unemployment insurance and welfare systems. The aid package put together with Congress required major sacrifices by management, creditors, and labor. It led to a new management team, a revamped fleet of cars, and significant wage concessions. Chrysler, and tens of thousands of jobs, were saved—and the federal government made money on the deal!

Many economists of various ideological stripes oppose industrial policy as an evasion of sound macroeconomic policy. Again, it need not be. A well-managed fiscal and monetary policy is central to economic and industrial health. At this time our prime target must be a reduction in the budget deficit and lower interest rates to promote sustained economic growth. But there is still a supplemental need for a more coherent set of micro-policies than those now employed by Presidents.

I see "industrial policy" as something that moves with and does not try to oppose basic market forces; that discourages protectionist relief without clear industry-led plans to deal with fundamental problems; and that eases the adjustments required by rapid industrial change. None of the following components of such a policy should provoke hysteria:

Government-assisted job-training efforts through the private sector for workers displaced by industrial change. The U.S. should move from welfare-liked extended unemployment payments to an integrated employment and training system.

Expanded and better-directed government R&D efforts to assist new industries that have major export opportunities and older industries that have the possibility of modernizing to remain competitive.

A small coordinating unit within the White House domestic affairs office I headed in the Carter years. It would apprise the President and Congress of the effects that federal actions in areas of trade, taxes, procurement, loans, and the like have on the competitive position of industries, and it would help the President coordinate these actions. The unit should be backed up by the Commerce Department's industry analysis section.

A tripartite labor, management, government board to serve as a mechanism for dialogue—not as a planning group. Its central mission should be to help find ways to increase management efficiency, worker productivity, and wage moderation, all without the club of recession. It could help achieve trade-offs between government, labor, and management. I well recall something that Lane Kirkland of the AFL-CIO told us at the White House during our days of double-digit inflation and high interest rates: if we got him 5% interest rates from the Fed, he would help get us 5% wage demands from the unions. The pay and price committees we established late in the Carter Administration began to provide a forum for dialogue, but the requirement that they act in the open according to the "sunshine laws" impaired their effectiveness. So did the poor overall economic environment—a clear indication that no industrial policy can succeed without positive fiscal and monetary policies.

Some proponents of industrial policy have urged the establishment of a federal financing institution modeled on the old Reconstruction Finance Corporation. This idea should be approached with great caution. A Treasury study done during our Administration noted many positive accomplishments by the RFC. It provided needed investment funds during a time of collapse in private capital markets, and it helped in the transition from a peacetime to a wartime economy by financing defense plants. But the RFC became politicized over the years, and what role a revived RFC would have in today's economy remains ill defined.

Industrial policy along the lines I have indicated would not be a panacea, of course, even with a much longer list of components. But together with sound budget, tax, and monetary policies, such an approach could help America finish the balance of the 20th Century in a healthier, stronger, more competitive position than it otherwise would. The question is not whether to have an industrial policy, but whether to have it with or without coordination.●

THE 10TH ANNIVERSARY OF LENOX HILL HOSPITAL

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. GREEN. Mr. Speaker, I rise to recognize and congratulate the Lenox Hill Hospital, which will be commemorating the 10th anniversary of its health education center on March 5.

This storefront facility was the first of its kind in New York City, offering free health education and information to more than 200,000 New Yorkers. Since that time, the health education center has established itself as a national leader in preventative medicine through such programs as free health education and screening, literature, exhibits, lectures, audiovisual programs, counseling, and the tel-med telephone service, which features free tape recorded messages answering tens of thousands of health-related questions annually.

On the occasion of its 10th anniversary, I ask my colleagues to join me in recognizing the outstanding contributions that the Lenox Hill Hospital Health Education Center has made to the health and welfare of the New York community. I encourage this center to continue expanding its diverse community programs as a model for other health facilities in the Nation.●

FOURTH QUARTER FINANCIAL REPORT OF CONGRESSIONAL STEEL CAUCUS

HON. LYNN MARTIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mrs. MARTIN of Illinois. Mr. Speaker, in accordance with Executive Committee Order No. 1, I am respectfully submitting herewith the financial report of the Congressional Steel Caucus for the fourth quarter of 1983, for insertion into the RECORD. The report is as follows:

Quarterly Report: Fund Balance Statement, 1983, U.S. House of Representatives, Congressional Steel Caucus

Balance remaining (as of September 30, 1983)	$4,879.19
Total revenues (clerk hire, dues, donations)	15,105.05
Total	19,984.24
Less expenses:	
October 1983	5,862.82
September 1983	6,339.98
December 1983	4,280.59
Total	16,483.39
Total unexpended revenues (as of December 31, 1983)	3,500.85

Quarterly Report: Cumulative Statement of Expenses, U.S. House of Representatives, Congressional Steel Caucus

Salaries	$55,241.79
Travel	0
Stationary	718.74
Postage	211.31
Telephone	1,126.37
Publications	527.35
Equipment	5,586.45
Printing	1,643.50
Miscellaneous	12,152.18
Total expenses (as of December 31, 1983)	77,207.69

98TH CONGRESS—MEMBERS OF THE CONGRESSIONAL STEEL CAUCUS

(Members who have paid dues as of December 31, 1983)

Sonny Montgomery, Bill Nichols, George O'Brien, Bill Coyne, Bill Clinger, Cardiss Collins, Ron Wyden, Bud Hillis, Donald Pease, Jim Oberstar, Gus Savage, Nick Joe Rahall, Ray Kogovsek, Bob McEwen, Sam B. Hall, Robert Walker, Clement Zablocki, John Murtha, Richard Shelby, Ralph Regula, and Mark Siljander.

Tom Bevill, Tom Kindness, Stan Lundine, Henry Nowak, Robert Roe, Alan Mollohan, Mary Rose Oakar, George Gekas, Peter Kostmayer, Robert Borski, Howard Nielson, Frank Guarini, Robert Davis, Joeseph Kolter, Chris Smith, Jamie Whitten, Charles Wilson, William Goodling, Jack Edwards, and Doug Barnard.

Joseph Gaydos, Doug Walgren, Bruce Vento, Lawrence Coughlin, Barbara A. Mikulski, Joseph Addabbo, Joseph McDade, Richard Schulze, Austin Murphy, Jack Fields, Doug Applegate, George Miller, Marty Russo, Don Ritter, John Dingell, Dennis Eckart, James Martin, E. Thomas Coleman, Clarence Miller, Gene Taylor, and Bud Shuster.

William Ford, Tom Luken, Bob Edgar, Katie Hall, Louis Stokes, Gus Yatron, Harley O. Staggers, Clarence Long, Ben Erdreich, Lyle Williams, George Brown, Thomas Ridge, Mel Price, Lynn Martin, Bill Young, Thomas Carper, Bernard Dwyer, Bill Emerson, William Lipinski, and Marcy Kaptur.●

LOST INTEREST UNDER BANKRUPTCY

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. DUNCAN. Mr. Speaker, because of a quirk in the tax-accounting rules, many depositors of bankrupt financial institutions are required to pay income tax on interest that they have not received and may never receive—merely because the interest was credited to their accounts prior to the filing of the bankruptcy petition. This interest is often in limbo. In cases where it may never be paid, it should be taxed only if and when it is actually received by the depositors.

Taxing it when received not only would provide a more accurate measure of each year's income, it would delay the tax until the year in which the depositors receive the funds on which the tax is imposed. In fact, until that latter year, many of the recipients may not even have money to pay the tax.

This quirk in the current tax law is something that, I believe, Congress never intended. It arises because of the interplay between the tax-accounting rules in Internal Revenue Code section 451 and a doctrine known as the constructive-receipt doctrine.

Under the constructive-receipt doctrine, a depositor reporting taxable income on a cash receipts and disbursements method of accounting—the method used by most individuals—includes interest in income during the year it is credited to the account and first available for withdrawal. Thus, if a bank credits interest to an account and the interest is available for withdrawal by the depositor until the next day, when the bank files a bankruptcy petition, the interest must be included in the depositors' income that year—even though it is no longer available for withdrawal and even though it may never be paid.

This lost interest, although included currently in income, cannot be deducted until the first taxable year during which there is no longer any chance that it will be paid. Due to the unique complexity of the claims arising in a bankruptcy, particularly with the failure of an uninsured bank, the lost interest may not be allowed as a deduction until some time in the distant future.

If the lost interest were not included in income in the first place, no deduction would be necessary and, in fact, no future deduction would be allowed under current law.

Therefore, the bill I am introducing today would modify the tax-accounting rules under Internal Revenue Code section 451 to eliminate the unnecessary harsh treatment of depositors of an insolvent financial institution by providing a more reasonable accounting of their interest income. Interest that is otherwise includable in their current taxable income under present law, but that they have not received, would not have to be included in their taxable income until the year it is received.●

TRADE ACT OF 1974

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. SCHULZE. Mr. Speaker, today I am introducing legislation which would expand on a provision of the Trade Act of 1974 known as the Jackson-Vanik amendment. That amendment was added to promote freedom of emigration in nonmarket economy or Communist countries, and the law states that most-favored-nation (MFN) trade benefits and low-interest credits will not be available to such countries if they deny their citizens the opportunity to emigrate, or if they impose more than a nominal tax on those who desire to emigrate.

The purpose of this provision of our law was to promote fundamental human rights in those countries. Yet I and many of my colleagues have found over the years that these few restrictions are not sufficient to adequately cover the types of harassment and deprivation suffered routinely by citizens in Communist countries who express the desire to emigrate.

We in the Congress are confronted with these issues each year when we vote on whether to permit the administration to waive the provisions of Jackson-Vanik in order to give Communist Romania the benefit of receiving favorable MFN status. It is on these yearly occasions when it becomes most clear the types of Government-encouraged hardship suffered by would-be emigrants in many nonmarket economy countries.

As an example, during last year's discussion of practices in Romania, the U.S. Helsinki Watch Committee stated that "Romania's internal policies have deteriorated to the point where Romania is now one of the worst human rights offenders in Eastern Europe." The Commission on Security and Cooperation in Europe reported last year that emigration statistics alone do not give an accurate picture of emigration, and that behind almost each of the emigration figures "were months and

often years of harassment and procedural and economic obstacles."

A further example was found last year in the semiannual report by President Reagan to the Commission on Implementing the Helsinki Final Act by Romania, covering the 6-month period between December 1, 1982 and May 31, 1983. That report discussed extensive harassment and stated that:

Repressive policies on human rights matters makes its position more compatible with those of the Sovient Union and some other Eastern European countries.

A report by the Senate Foreign Relation Committee of last year cities specific types of harassment of those desiring to emigrate, stating that:

It has been reported that often . . . individuals desiring to emigrate are harassed at their workplace or fired from their jobs and that their children and spouses are also harassed.

Mr. Speaker, these and other similar observations by creditable organizations such as these are most disturbing, and reflect what I and many of my colleagues have heard from these and other sources. In fact, there are numerous specific forms of harassment which have been listed by various sources and which have come to the attention of me and a number of my colleagues. The legislation I am introducing today expands the provisions of Jackson-Vanik to include actions which we know take place and which we believe are not only condoned by the Government involved, but most often instigated by the Government.

My legislation is offered in the hopes that its passage will discourage these types of human rights violation and in the hope it might help relieve a little of the suffering currently inflicted on would-be emigrants in Communist countries. In the words of the U.S. Helsinki Watch Committee:

The spirit of the (Jackson-Vanik) amendment has been interpreted to include the human rights situation as a whole.

The legislation adds the following regarding Communist countries seeking MFN benefits and credits, to include a country that:

(4) Discriminates, or permits, encourages or condones discrimination because of religious beliefs;

(5) Permits, encourages, or condones harassment of would-be emigrates and their families in all forms, including but not limited to the following: (a) Eviction from dwelling place; (b) arbitrary detention, arrest, or imprisonment, including subjection to charges of economic crimes such as parasitism and theft; (c) confiscation of ration cards; (d) confiscation of identification cards; (e) harassment in school or on the job; (f) deprivation of place in school; (g) dismissal from job, demotion from job, relocation/transfer of employment; (h) confiscation of household goods; and (i) incarceration in psychiatric hospitals.●

SUPPORT GROWS FOR CIGARETTE EXCISE TAX INCREASE

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. OBERSTAR. Mr. Speaker, in 1982, during consideration of the Tax Equity and Fiscal Responsibility Act of 1982, Congress came very close to enacting a permanent increase in the cigarette excise tax to 16 cents. Regrettably, the increase was made temporary, only through 1985.

In October, I introduced H.R. 4125 which would raise the excise tax permanently to 28 cents per package. The 28-cent figure represents the amount of tax which Congress would have imposed in TEFRA, had it simply indexed the excise tax to inflation during the period 1951 through 1981. In 1951, Congress imposed an 8-cent tax and did not increase it for 31 years.

H.R. 4125 now has 14 cosponsors. In addition, in December, the Advisory Council on Social Security recommended an increase in the Federal excise tax on cigarettes.

I ask that a report of the Coalition on Smoking OR Health on the action by the Advisory Council be made part of the record at this point.

I urge Members who have not yet joined in supporting H.R. 4125 to do so now. This legislation will make a significant contribution to deficit reduction.

ADVISORY COUNCIL ON SOCIAL SECURITY RECOMMENDS AN INCREASE IN THE FEDERAL CIGARETTE EXCISE TAX

In early December the Advisory Council on Social Security concluded its deliberations and recommended that federal excise taxes on cigarettes be increased with the additional revenue to be earmarked to the Federal Hospital Insurance Trust Fund. The Advisory Council on Social Security was appointed in September 1982 to recommend solutions to the financial crisis facing the Federal Hospital Insurance Trust Fund and Medicare program. Over the past 15 months the Advisory Council has held extensive hearings and considered a wide variety of options for reducing the expected deficit in the Medicare program.

From the beginning the Coalition urged the Advisory Council to recommend an increase in the cigarette excise tax to reduce the Medicare deficit. Under intensive pressure from the tobacco lobby, the Advisory Council in August 1983 originally voted not to recommend an increase in the federal cigarette excise tax. However, after fully considering all of the evidence about the relationship between smoking and health and the health care costs directly attributable to smoking, the Advisory Council voted to reverse its position in September 1983 and to recommend an increase in the cigarette and alcohol excise taxes as the only tax increases to be included in its Report. Critical to the Advisory Council's decision was a finding by its that there is a direct demonstrated correlation between the use of cigarettes and increased federal health care costs. The Council also concluded that an increase in the cigarette excise tax represents "the most fair and equitable" of the revenue enhancement alternatives considered.

The recommendations of the Advisory Council have been forwarded to Department of Health and Human Services Secretary Margaret Heckler for her review and approval. They will then be forwarded to Congress for consideration. What action Congress will take during an election year is difficult to predict but given the mounting federal deficit and the financial crisis facing the Medicare system, Congress is under increasing pressure to act.●

A TRIBUTE TO WILLIAM BEHMOIRAM

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. GREEN. Mr. Speaker, I would like to take this time to congratulate six distinguished citizens, who will be honored at the 72d anniversary banquet of the National Council of Young Israel. Young Israel with its branches in the United States, Canada, and Israel is an organization which has dedicated itself through its various programs and activities to providing both religious and nonsectarian benefits to the citizens and individual communities of our Nation. It has stood up for the principles that make America great. It has encouraged people to become active in community affairs and the free political process, while remaining true to the ancient Torah heritage of the Jewish people.

Such a record of service however, is only possible through the unselfish commitment of various individuals in a community. The people to be honored at Young Israel's banquet are model examples of such individuals.

William Behmoiram, who is a prominent leader of the Jericho, Long Island Jewish community and president of the Forest Green Park Cemetery, will receive the Young Israel "Humanitarian Award" for demonstrating continued concern for the welfare and dignity of his fellow man.

Jack Gold, a leader of Young Israel branches in Crown Heights and Belle Harbor, will receive the "Community Service Award." Mr. Gold has dedicated his life to the selfless service of his community.

Mr. and Mrs. Ruby and Judy Gruenbaum, prominent leaders of the Forest Hills Young Israel community will receive the "Golden Shofar Award." Both have been key figures in the National Young Israel movement; Mr. Gruenbaum as vice president of the national council and Mrs. Gruenbaum in her enthusiastic activity as a member of the presidium of Young Israels Womens League.

The spiritual leader of the Young Israel of Hillcrest, and one of the leading figures of the American orthodox rabbinate, Rabbi Simcha Krauss, will receive the "Silver Shofar Award" for his record of accomplishment as one of Americas leading pulpit rabbis.

William Tate, who is the vice president of district 65 United Auto Workers of America and chairman of the board of the Bedford Stuyvesant Restoration Corp. will receive Young Israels "Man of the Year Award." Mr. Tate has received many citations for his tireless efforts on behalf of noble causes and has long been active in the struggle for human rights and freedom.

I would like to recognize and bring to the attention of my colleagues that all the aforementioned individuals have devoted much of their time, effort and care for the betterment of their communities and to the furtherance of the principles of Young Israel and our country.

I would also like my colleagues to recognize the following citizens for their devotion and service to the National Council of Young Israel. As I have previously mentioned the Young Israel is an organization whose valuable programs benefit all. At Young Israels 72d anniversary banquet in New York City these distinguished people will be presented with citations of honor in recognition of their devoted service. The following people in alphabetical order will receive Young Israels prestigious Shofar Award:

Mr. and Mrs. Norman and Zena Dachs of the Young Israel of Woodmere, N.Y.

Rabbi and Mrs. Heshy Gissinger, of the Young Israel of Bedford Bay, N.Y.

Mr. and Mrs. Harry Goldfarb of the Young Israel of Flatbush, N.Y.

Mr. and Mrs. Carl Goldstein of the Young Israel of Pelham Parkway, N.Y.

Mr. and Mrs. Louis Horowitz of the Young Israel of Oak Woods, Mo.

Mr. Joe King of the Young Israel of Williamsburg, N.Y.

Mr. and Mrs. Sidney Mochan, president of Young Israel of Avenue K, Brooklyn, N.Y.

Mr. and Mrs. Howard Turner of the Young Israel of Oceanside, N.Y.

Mr. and Mrs. Herbert Weiss, president of Young Israel of Greater Miami, Fla.

Mr. and Mrs. Joseph Zoldan, national commander, Jewish War Veterans of U.S.A. of the young Israel of Canton, Ohio.

At their banquet the National Council of Young Israel will also have a special memorial to the late New York State Senator Jeremiah Bloom, of the 19th senatorial district. He will be remembered for his distinctive responsibility and leadership regarding many noble causes.

All of the above-mentioned distinguished persons being honored by the National Council of Young Israel are deserving of national attention and recognition for their great efforts on behalf of their communities.●

MATTHEW PATRICK LYNCH

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. BERMAN. Mr. Speaker, Matthew Patrick Lynch of Sherman Oaks, Calif., will be honored on February 24, 1984, on the occasion of the completion of his term of office as president of the Sherman Oaks Chamber of Commerce.

Mr. Lynch has involved himself in his community in many ways and through many organizations. He has served as an officer of the San Fernando Valley Business and Professional Association, the Committee Investigating Valley Independent City County (CIVICC), Breakfast Forum, West Valley Community Hospital, Mid-Valley Police Council, Build Rehabilitation Industries, Inc., United Chambers of Commerce, and the Free Enterprise Committee. He is a member and supporter of many other community-oriented organizations, and in addition serves on the advisory boards of the Citizens Legal Defense Alliance, the Panorama Institute of Health, and the California Child Study Foundation.

It is a privilege to have the opportunity to memorialize the talents, energy, and public spirit of this dedicated gentleman.●

USIA ADVISORY COMMISSION ON PUBLIC DIPLOMACY

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. MICHEL. Mr. Speaker, it is becoming increasingly clear that our overseas information programs are an important part of our overall foreign policy. The recent report of the U.S. Information Agency's Advisory Commission on Public Diplomacy emphasizes this fact.

Because of the importance of this report, I would like at this time to insert into the RECORD, "A Message from the Chairman," by Commission Chairman Edwin J. Feulner, Jr., and a summary of the points made by the Commission in its report to the Congress.

A MESSAGE FROM THE CHAIRMAN

(By Edwin J. Feulner, Jr.)

Public diplomacy has come of age.

During the last several years, as foreign policy decisions have been seen to have a direct impact on American politics and the economy, the role of public diplomacy has been substantially heightened. In recognition of this fact, the importance of the U.S. Information Agency within the foreign affairs community has been correspondingly increased.

This Administration, with the Commission's strong support, has undertaken a long-term commitment to augment USIA's financial resources and modernize its facilities. It is heartening to those who believe in the importance of public diplomacy that the long-time "starvation diet" of the Agency has been to some extent overcome, particularly at a time of great pressure to reduce federal spending. Funding levels have increased in the last three years, although measured in constant dollars, the Agency still operates at a substantially lower budget level than it enjoyed in its peak post war years.

Effective communication of American policies and values is an important tool for the policymaker. There are severe limitations on military action in virtually any foreign policy crisis. Similarly, concerted economic action is difficult because of domestic political considerations and because coordinated action among allies is often difficult to achieve. Thus, public diplomacy often becomes the most appropriate, indeed sometimes the only, course of action available to our policymakers.

However, public diplomacy is important in its own right not just as the "other option." As Disraeli said, "It is with words that we govern men." The role of semantics is critical in any battle of ideas. This Commission has expended considerable effort during the past year on this issue, and we invite public discussion of the subject.

My colleagues and I have traveled throughout the world a great deal during the past several years, and we have talked with many USIA officers and American ambassadors. We have also met with a number of senior foreign policymakers in Washington. We have been consistently impressed by the quality of USIA personnel and the high regard in which they are held by others in the foreign affairs community. Their ability to reach foreign opinion leaders, to explain the subtle nuances of American foreign policy, to convey the universal regard that Americans of all political persuasions have for our system of government, and their ability to respond quickly with official U.S. Government views on fastbreaking events make the USIA professional an essential part of the American foreign policy process.

Much of USIA's work is not new. It includes time-tested techniques which are used by our allies and adversaries as well: exchange programs, foreign radio broadcasting, television, magazines, books, libraries and cultural centers, and many other activities which are discussed and evaluated in this report.

The current Administration, and particularly USIA Director Charles Z. Wick, have brought new energy and a renewed sense of purpose to the Agency. Director Wick, while occasionally criticized for his personal style, has nonetheless brought the Agency to the forefront of U.S. foreign affairs. New initiatives, such as "Euronet" (satellite television links to embassies in Europe), modernization of the Voice of America, youth exchanges, and substantial expansion of educational exchange programs, have led to a heightened sense of the importance and relevance of the mission of USIA.

Director Wick has opened up USIA to new ideas and new people. Private sector advisory committees have brought some of the best minds from America's private sector to the work of public diplomacy. Their ideas have been a positive stimulus to USIA.

Certain policy and managerial changes have raised criticism as well as support among members of Congress and the national news media. While this Commission has been alert to such criticism, it is our judgment that the improvements have far outweighed whatever shortcomings might be seen in the Agency.

The communication skills and advisory capabilities of USIA today are being more effectively utilized. Their full use in the making of foreign policy—as well as in policy implementation—will not be realized until the Director of the U.S. Information Agency participates regularly as a statutory advisor to the National Security Council. This is a recommendation which the Commission has made previously. We strongly endorse it again this year.

The United States Information Agency is effectively carrying out its legislative mandate. We commend this report to everyone interested in public diplomacy.

THE ROLE OF USIA AND PUBLIC DIPLOMACY

The Commission recommends that a Presidential Directive be issued implementing Congressional intent that the Director of USIA serve as a statutory advisor to the National Security Council and as the principal advisor to the President on foreign public opinion and the conduct of public diplomacy.

The Commission recommends that a task force be created under the National Security Council to assess the problem of semantics in the international "war of words" and propose an institutionalized means to counter misleading terminology and increase the accuracy of international political discourse.

The Commission recommends that USIA's capability to assess the probable reaction of foreign public opinion be utilized in the making of every major foreign policy proposal or policy options study.

VOICE OF AMERICA

The Commission believes it is urgent and essential that the U.S. do more to ensure that the Voice of America can deliver a strong, reliable signal worldwide.

The Commission recommends that VOA give a higher priority to research and development on direct satellite broadcasting (DBS) technology.

The Commission recommends that a Special Representative of the President with the rank of ambassador be appointed to coordinate U.S. Government activities relating to the negotiation of VOA transmitter site agreements.

The Commission believes that placing Radio Marti within the Voice of America is questionable public policy that sets a precedent of uncertain consequence. The Commission recommends that USIA take care to ensure that VOA's Charter is not compromised, that Radio Marti meets the highest standards of accuracy and objectivity, and that it not become the voice of any single segment of American society.

RESEARCH

The Commission recommends that the staff and budget of the Office of Research be increased substantially to provide the research capability required for national security and foreign policy needs and for the regular and methodical evaluation of Agency programs and products.

EXHIBITS

The Commission recommends that USIA strengthen American cultural and political presence through an expanded exhibits program in Western Europe and the Third World.

PRIVATE SECTOR PROGRAMS

The Commission recommends that Congress not extend the requirement that it be notified fifteen days in advance of all USIA program grants.

The Commission recommends that USIA seek and encourage promising new organizations to participate in its grant programs. Effective, traditionally-funded organizations, subject to careful scrutiny and periodic review, should continue to play a central role in multiplying what can be accomplished through government programs.

DONATED BOOKS

The Commission recommends that Congress enact legislation increasing the tax deduction for donated books to increase the incentive for publishers to donate books for USIA program use.

ENGLISH TEACHING

The Commission recommends that the Agency strengthen its English teaching programs and give increased support to Binational Centers.●

PATRICIA OLSON PLACES FIRST IN VOICE OF DEMOCRACY CONTEST

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. FLORIO. Mr. Speaker, I would like to bring to the attention of my colleagues an outstanding resident of Cherry Hill, N.J., Patricia Olson. Patricia, in her junior year at Cherry Hill High School East, has been awarded first place in the New Jersey Voice of Democracy contest, sponsored by the Veterans of Foreign Wars. Patricia represented the Cherry Hill V.F.W., Post 2218.

The contest required all entrants to write a short composition on a specific topic. This year's topic was "My Role in Upholding Our Constitution." In winning the statewide competition, Patricia won a $2,000 scholarship and earned the right to represent New Jersey in the national competition, which will be held in Washington, D.C. in March.

Patricia's composition, which emphasizes the fundamental right of all Americans to express themselves freely, shows a unique appreciation of life in a free society. Indeed, her family, friends, and fellow New Jerseyans should take pride in her accomplishment.

I commend Patricia for this fine achievement, and know that she will serve New Jersey well at the national competition in March. I am sure that my colleagues will join me in wishing Patricia Olson the best of luck, not only in Washington, D.C. but in her every endeavor. I respectfully request that Patricia's winning composition be entered in the CONGRESSIONAL RECORD.

Patricia Olson's winning composition follows:

"Freedom is the building block of our beloved Constitution—the supreme law of the land. The freedom of religion, the freedom of speech, the freedom of the press, and the freedoms to assemble and to petition—these freedoms were given to us by our Founding Fathers so that we would be active American citizens. Even if Americans disagree with Government leaders, Americans have the right to exercise these civil liberties.

My idea of how to uphold the Constitution was inspired by Voltaire's words, "I'll disagree with everything you say, but I will defend to the death your right to say it." Although Voltaire specifically addresses the freedom of speech in this quotation, the general meaning can be applied to all four freedoms.

America is a special land because it allows anyone to practice whatever religion he desires. Unlike other countries, America permits its people to worship openly without fear of being arrested or penalized for their religious beliefs. As an American, I have been given the freedom to practice my chosen religion. My role in upholding the Constitution in this instance is to be an active church member.

The freedom of speech is the most significant civil liberty granted in the Bill of Rights. However, this is truly a privilege that is overlooked much too often. Americans are able to express their opinions at any time, yet they are either hesitant to do so or they lack a means of communications. We have been fortunate enough at our school to have a cable television station. Through this station, I have been given the opportunity to speak out on issues of concern to my school and to my community. It is my role and it is my responsibility as an American to utilize these resources that are available to me.

I emphasize the importance of the freedoms of speech and of the press. Other countries do not allow their citizens these freedoms. In Russia, newspapers are censored, novelists are silenced, and even history books are altered to erase records of dissent. We are not subjected to these restrictions. And yet, freedom of the press is taken for granted much too often by Americans. Editorials and opinions can be printed as well as straight news stories. I feel that it is my duty as a productive American citizen to write letters to the editor and to read about government happenings. By doing this, I support the Constitution.

The right to assemble and to petition is essential in a democratic society. This liberty gives us the ability to gather and to write a list of grievances to the government. This is the very essence of democracy, and it allows us to interact with the government directly.

To uphold the Constitution is certainly a great responsibility. Because of this, my role in doing so is multi-faceted. Treasuring and using these four freedoms are important in this task of supporting the supreme law of the land. However, sometimes I feel that this is not enough. I must also encourage my friends to exercise their civil liberties. The freedoms of speech, religion, assembly, and petition are sometimes taken for grant-

ed. However, I say "From Every Mountainside, Let Freedom Ring."●

NATIONAL HEMOPHILIA AWARENESS MONTH, MARCH 1985

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. GREEN. Mr. Speaker, I rise to bring my colleague's attention to a House joint resolution I am introducing today which will make March 1985 "National Hemophilia Awareness Month." This bill will help to clarify some of the misconceptions the public has about hemophilia. At the present time, there is much fear among the public and hemophilia victims themselves about the correlation between hemophilia and acquired immuno-deficiency syndrome (AIDS).

Hemophilia is caused by an "inactivity of one of the blood proteins necessary for clotting." It strikes mostly males of all races, nationalities, and economic levels. Although it is a genetic disease, a family history of hemophilia is not required to contract it. Hemophilia occurs in 1 out of every 4,000 males. At present, there is no cure for hemophilia. Treatment, which causes the blood to clot temporarily, is very expensive.

Although a majority of the public believes that external bleeding causes hemophilia victims the most trouble, this is not the case. The major problem for hemophilia patients is internal bleeding, which can occur at any time without cause. This bleeding results in permanent change of muscles and joints and causes considerable pain.

Since November 30, 1983, 21 cases of AIDS have been identified among patients with hemophilia. Because hemophiliacs fear that donors may have AIDS there has been a marked decline of hemophilia patients receiving clotting factor treatment. This action is dangerous because the risk of damage to joints is greater than the risk of contracting AIDS. The National Hemophilia Association urges all hemophilia victims to continue clotting treatment.

There is also a fear among the public that by coming into contact with hemophilia patients they risk contracting AIDS. Currently, there are no data to prove such a theory.

"National Hemophilia Awareness Month" will educate the public about this disease. It will separate the facts from the myths about hemophilia. I, therefore, urge my colleagues to cosponsor this resolution and support all the activities and events that take place during this month.

The resolution is as follows:

H.J. RES. 486

Whereas hemophilia is an incurable hereditary disorder that prevents proper coagulation of the blood;

Whereas hemophilia, which strikes males almost exclusively, occurs in one of every 4,000 live male births regardless of race, nationality, or family economic status;

Whereas hemophilia can lead to disabilities or death for some hemophiliacs;

Whereas, despite recent medical advances in the diagnosis and treatment of hemophilia, many hemophiliacs continue to face unpredictable medical complications due to the disorder;

Whereas with proper medical treatment and adequate financial assistance, hemophiliacs can live healthy, normal, and independent lives; and

Whereas increased public awareness of the causes and effects of hemophilia will help dispel many common misconceptions concerning the disorder: 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 March 1985 is hereby designated as "National Hemophilia Awareness 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 ceremonies and activities.●

NUCLEAR TEST BAN CHALLENGE

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mrs. BOXER. Mr. Speaker, on January 23, 1984, Congressman MAVROULES joined me in introducing House Joint Resolution 441, the nuclear test ban challenge. The Boxer-Mavroules resolution calls upon the President to halt underground nuclear weapons testing and challenges the Soviet Union to do the same.

John F. Kennedy said his most shining hour in the White House was signing of the Limited Test Ban Treaty. Indeed, the most significant arms control achievement since World War II remains the Limited Test Ban Treaty advanced and successfully negotiated with the Soviet Union by President Kennedy in 1963.

Over 100 nations have joined the United States and the Soviets in signing this treaty which continues in effect today. Unfortunately, the arms race continues with underground nuclear tests being a crucial part of the process of developing new weapons which the nuclear powers eventually deploy.

Over 1,300 tests by nuclear explosion have been conducted by various nations since the United States dropped atomic bombs at Hiroshima and Nagasaki. Tests continue to this day with the United States conducting an average of 20 tests per year for the period from 1963 to 1983.

In 1983, many of us worked for a bilateral resolution which eventually passed the House of Representatives calling for a mutual ban on testing, development, and deployment of nuclear weapons. Most observers believe that the test ban is the appropriate first step to achieving a nuclear freeze.

RECENT HISTORY

A comprehensive test ban treaty has been sought by all six Presidents prior to Ronald Reagan. President Eisenhower remarked that the failure to stop all nuclear explosions was the greatest regret of his Presidency. President Kennedy succeeded with the limited test ban which he hoped would be the first step toward a comprehensive ban. Since President Kennedy's success in 1963, progress has been slow. Soviet President Brezhnev and President Nixon agreed in 1974, in response to a Soviet proposal to stop all explosions, to ban explosions of nuclear weapons larger than 150 kilotons. This agreement became known as the Threshold Test Ban Treaty. A companion treaty was negotiated by Presidents Ford and Brezhnev in 1976 which restricted testing of peaceful nuclear devices to levels below 150 kilotons. Although the Threshold Test Ban Treaty (TTBT) and the Treaty on Nuclear Explosions for Peaceful Purposes (PNE) were signed by Mr. Brezhnev and our Presidents, the Senate has yet to ratify them which makes them nonbinding. However, both countries have adhered informally to the treaties' provisions.

The most recent progress was made during the Carter administration in negotiations between the United States and the Soviet Union and the United Kingdom. Most major issues for a Comprehensive Test Ban Treaty were resolved including many sensitive verification questions. The Soviets agreed to:

First, a network of seismic monitoring stations on Soviet territory;

Second, provisions in principle for the use of onsite inspections to resolve suspicious events;

Third, an international exchange of seismic and other testing data;

Fourth, a moratorium on peaceful nuclear explosions.

Unfortunately, events in Afghanistan and Iran and other political considerations caused these negotiations to stagnate and die. President Reagan has refused to support negotiations for a comprehensive test ban and formally abandoned these negotiations in July of 1982.

VERIFICATION

The primary objection most commonly raised to proposals for a ban on underground testing has to do with the issue of whether such a ban can be verified. Opponents have argued that the Soviets might cheat on such a treaty, and it would be difficult to distinguish between a small explosion and an earthquake. This objection

simply is not valid in light of scientific progress since 1963. Perhaps the best article on this subject was published in the October 1982 issue of Scientific American entitled "The Verification of a Comprehensive Nuclear Test Ban," by seismologists Lynn R. Sykes and Jack F. Evernden. They discuss a range of scenarios and conclude that in the worst case—the Soviets attempting to evade detection of an explosion by muffling it in an underground cavity such as a salt mine or by conducting it to coincide with an earthquake—they are confident we could detect such a blast down to about 10 kilotons with instruments outside the Soviet Union and down to about 1 kiloton with stations inside the Soviet Union such as those agreed to during the trilateral negotiations mentioned above. Satellites and other technology are also useful in policing such a treaty. Explosions at less than 1 kiloton would have little if any military value when one considers that the Hiroshima bomb was 13 kilotons and most modern strategic weapons have warhead yields in excess of 100 kilotons to the megaton range. In testimony at a congressional briefing in January of 1983, Professor Sykes stated, in part:

My sense is that most of the scientists who have worked on this problem conclude that the scientific and technical methods needed to verify a comprehensive ban were clearly established by 1968, if not earlier. The problem of a comprehensive ban has always been largely political. This was certainly the case after 1968 * * *. The test ban talks that took place from 1977 to 1980 resolved in principle all of the longstanding issues about verification of a comprehensive test ban treaty.

Professor Sykes goes on to state that perhaps the only real reason to not negotiate a test ban is the desire to continue testing in order to develop a new generation of nuclear weapons. Continued testing has the potential to produce weapons which are even more destabilizing and to encourage further proliferation of nuclear weapons to other countries.

THE BOXER-MAVROULES RESOLUTION

What makes the Boxer-Mavroules resolution unique among recent test ban initiatives is that it contains a specific action plan and a first step which can be taken by the United States to achieve a test ban on underground testing. The process has the successful precedent in that President Kennedy employed a similar approach in 1963 when he announced at American University that the United States would not conduct its next atmospheric test and challenged the Soviets to do the same resulting in a rapidly negotiated treaty which has endured to this day. Virtually all objections to "What do we do if the Soviets either overtly or covertly violate the treaty?" can be answered with a simple response. First, scientific advances make such a violation virtually impossible. Second, if the Soviets conduct tests in violation of the treaty, we can simply resume our testing program and be no worse off than we are today.

America's last five-star general, Omar Bradley, anticipated our plight over 25 years ago when he said:

The central problem of our time—as I view it—is how to employ human intelligence for the salvation of mankind. It is a problem we have put upon ourselves. For we have defiled our intellect by the creation of such scientific instruments of destruction that we are now in desperate danger of destroying ourselves. Our plight is critical and with each effort we have made to relieve it by further scientific advance, we have succeeded only in aggravating our peril.

I urge Members on both sides of the aisle, who share a concern for peace and survival, to join me in cosponsoring House Joint Resolution 411.●

HOUSE JOINT RESOLUTION 441—NUCLEAR TEST BAN CHALLENGE

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. MAVROULES. Mr. Speaker, on January 23, my colleague BARBARA BOXER and I introduced the nuclear test ban challenge resolution, House Joint Resolution 441. We call upon the President to suspend all testing of nuclear weapons and to challenge the Soviet Union to do the same.

All arms control negotiations between the United States and the Soviet Union are currently stalled, and it is unlikely the deadlock will be broken. Meanwhile, in the absence of negotiations, a new generation of nuclear missiles is being deployed in Europe, dangerous first strike systems are being tested and produced, and the arms race is expanding into outer space.

To break the current jam in arms negotiations and to prevent further escalation in the arms race, we propose that the United States initiate a moratorium on nuclear weapons testing and challenge the Soviet Union to suspend its testing. Such an initiative will also encourage a freeze on the production and deployment of nuclear weapons. House Joint Resolution 441 is a logical and sensible first step toward our ultimate goal of mutual arms reduction.

House Joint Resolution 441 has five steps:

The United States will suspend all testing of nuclear weapons including underground explosions.

A challenge will be made to the Soviet Union, Great Britain, and other nuclear powers to suspend their testing.

It will become U.S. policy that testing will be resumed only if the Soviet Union proceeds with further underground testing of nuclear weapons.

The United States shall make use of all existing technology to verify that nuclear explosions have ceased.

The President will initiate negotiations for a permanent United States-Soviet Comprehensive Test Ban Treaty.

History has given us a precedent. In 1963, John F. Kennedy declared a U.S. moratorium on nuclear weapons testing. The Soviet Union responded by suspending their testing. Within months, the United States and the Soviet Union signed the Limited Test Ban Treaty, which outlawed nuclear explosions in the Earth's atmosphere and under the ocean. We must build upon the success of that approach to put an end to all nuclear weapons testing.

The current administration is the only one in over 30 years that has not made a Comprehensive Test Ban Treaty a national objective. Beginning under the Eisenhower administration, negotiations for a Comprehensive Test Ban Treaty have made considerable headway. The Limited Test Ban Treaty of 1963, the Threshold Test Ban Treaty of 1974, the Peaceful Nuclear Explosions Treaty of 1976, and other agreed principles are all examples of progressive steps in arms control. If the present administration is serious about arms control, this resolution offers them the chance to prove it.

We, in this House, representing millions of Americans who want to put an end to the nuclear arms race, have demonstrated our commitment and concern over this issue. In 1983, we won a victory by adopting a nuclear weapons freeze. We have been successful in stopping production of a new generation of chemical weapons. Our effort to block production of the MX missile will continue and intensify. We must add to that list of accomplishments an end to the testing of nuclear weapons and a step taken toward arms reduction. Therefore, I urge the House to support the nuclear test ban challenge resolution.●

SOCIAL SECURITY ACT AMENDMENTS BENEFITING WOMEN

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. OBERSTAR. Mr. Speaker, in virtually all respects, the Social Security Act, on its face, no longer discriminates on the basis of gender. Yet, in application, many provisions of the law result in lower benefits to women, not only because of fewer years in the work force and lower wages, but also because provisions placed in the law

years ago have not been reviewed and updated. To correct these inequities, I am today introducing five bills.

My first measure would repeal the separate definition of disability which is now applicable only to widows and widowers so that their disability claims would be considered on the same criteria used for all other disabled individuals. Women would be the primary beneficiaries of this change since most widowers would be entitled to greater benefits on their own work records as a result of higher average wages and a greater number of years in the work force. (This provision is also contained in H.R. 3411, a more comprehensive disability bill I introduced last year.)

When survivor's benefits were first extended to widows in 1967, no reliable estimate could be made as to the number of individuals who would be newly entitled to benefits. To protect the OASI Trust Fund from possible excessive outlays, several limitations were imposed. I believe it is time that each of these limitations be reviewed, but I call particular attention today to the continued use of a separate definition of disability.

To quality for disability insurance benefits or SSI benefits, each applicant must establish that he or she suffers from medically determinable impairments so severe as to preclude any substantially gainful activity. Claims are approved if medical evidence meets or equals a published listing of impairments which the medical profession and the Social Security Administration have agreed are so serious as to preclude employment. If disabilities are severe, but do not quite meet the listings, wage earners and SSI applicants are entitled to a second evaluation step which takes into consideration age, education, and previous work history. Recent figures are not available, but past experience with the disability insurance program resulted in 80 percent of all claims being approved on the basis of medical evidence alone and an additional 20 percent approved when the limitations imposed by age, lack of education or limited experience were evaluated.

Claims are automatically denied without reference to age, education, and experience for widows and widowers if disabilities do not quite meet the listings. As a result of this disparity in definition of disability, the State Disability Determination Service frequently is required to render two separate, contradictory disability decisions. On applications filed concurrently, a widow's claim is denied because she is not disabled. At the same time, her claim for disability insurance benefits as a worker or supplementary security income is approved because she is disabled.

Since the administration began conducting continuing disability investigations in March 1981, we have all become painfully aware of the stringency of the definition of disability as it applies to wage earners and SSI applicants. I do not believe we can ask that these harsh standards be ameliorated and, at the same time, continue to impose an even harsher standard of disability on widows. I urge my colleagues to insist that this change be included in any disability legislation considered by this body this year.

My second bill addresses the method of computing a benefit when a widow is entitled to her own disability benefit and to an additional amount as a survivor based on the work record of her deceased husband.

A worker's disability benefit is determined as if he or she had reached age 65 while a widow's benefit is actuarially reduced if she is less than 65 years of age. If a widow qualifies for her own disability benefit first and subsequently qualifies for a widow's benefit, an actuarial reduction is applied only to the difference between her own benefit and her survivor's benefit. If she applies for an age-reduced widow's benefit first and is later found eligible for her own disabled worker's benefit, the reduction in her widow's benefit is never recomputed to reflect her own entitlement.

The following example assumes that a widow would be entitled to a survivor's benefit of $400 a month at age 65 based on her deceased husband's work record and that she is also eligible for a disability benefit of $250 a month on her own employment:

If a widow qualifies for her own disability at age 59½, her monthly benefit would be $250. If, at age 60, she filed for an age-reduced widow's benefit, her monthly payment would be her own $250, plus a widow's benefit computed by reducing the full $400 by her own $250 and then actuarially reducing the $150 difference for each month she is less then 65 years of age. In this case, the age-reduced entitlement would be $107 a month. Her total monthly annuity would be $357.

If this same widow began receiving an age-reduced widow's benefit at age 60 without qualifying first for her own disability benefit, her $400 monthly entitlement would be reduced to $286. If she became eligible for her own disability benefit at age 60½, her total monthly payment would never rise above $286. Under the provisions of the legislation I am introducing, her benefit would be recomputed to reflect the fact she received a widow's benefit for 6 months. In this example, her new widow's entitlement would be $388 a month. She would then receive her own $250, plus the age-reduced difference between her own benefit and her widow's benefit or $250, plus $103 for a total monthly annuity of $353.

This recomputation is similar to that which now occurs if a wage earner applies for an actuarially reduced early retirement benefit at age 62 and subsequently becomes eligible for a disability benefit. It is equitable to the widow because it takes into consideration her own work efforts regardless of whether she qualifies first for a disability benefit or first for a widow's benefit.

A third measure addressed to the problems faced by disabled widows is an extension of time to qualify for benefits.

Under current law, a disabled widow's benefit is payable only if a widow becomes disabled within 7 years of her husband's death or within 7 years of the time she last qualifies for mother's benefits. If she becomes disabled after 7 years, she is ineligible for widow's benefits until she reaches age 60.

The presumption of law has been that a widow neither caring for young children nor disabled, is capable of self-support. If a widow accepts the responsibility of self-support and enters the work force, she will qualify for her own disabled worker's benefit before her protection as a widow expires. Any benefit payable however, can be totally inadequate if the widow has very few years in the work force.

My bill would extend the 7 year survivor benefit period by 3 calendar months for each quarter of social security coverage earned by a widow after her husband's death. Under the provisions of this bill, a widow who enters into and remains in the work force will never lose the protection of survivor's benefits although the amount payable on the basis of the deceased husband's wage record would continually decline as her own personal entitlement increased due to her own work efforts.

My fourth bill would extend delayed retirement credits to widows who work past age 65 before filing for survivors' benefits.

Under present law, any worker who delays retiring has his or her entitlement increased by three-twelfths of 1 percent for each month after age 65 that a benefit is not paid. This bonus, which will rise to 8 percent after 1989, is meant to partially compensate the worker for the months of benefits which will never be paid. Although the 3 percent per year credit is not adequate, it is comparable in its intent to the actuarial reduction which is applicable when a worker retires early. In effect, the savings to the Old Age and Survivors Insurance Trust Fund resulting from delaying retirement are shared with the worker who remains in the work force after age 65.

This credit is seldom of any value whatsoever to a widow because any increase in her own entitlement merely serves to reduce the supplemental amount to which she is entitled on the basis of her deceased husband's work

record. The resultant savings accrue only to the trust fund.

My bill would require the Social Security Administration to apply the delayed retirement credit to the highest wage record on which benefits are paid to any individual. Under the provisions of this measure, a widow who works past age 65 will also share in trust fund savings.

The final bill I am introducing today would extend the graduated insured status provisions of Public Law 98-21 to persons between the ages of 46 and 55 who were working for nonprofit organizations on January 1, 1984, and who became subject to social security as a result of the Social Security Amendments of 1983.

The 1983 amendments recognized that some nonprofit employees would reach retirement age before they could work a sufficient length of time to qualify for social security benefits. To prevent this from happening, the amendments reduced the calendar quarters of social security coverage required to qualify for benefits for persons between the ages of 55 and 64, who were working for nonprofit organizations on that date. Individuals who had attained age 60 before January 1984 can become eligible for social security benefits with as few as 6 calendar quarters of social security wage credits. Under the graduated revised coverage requirements, nonprofit employees who reached age 55 or 56 last year can qualify for benefits with 20 quarters of employment under social security. Individuals less than 55 years of age, however, still require 40 calendar quarters of wage credits to qualify for retirement benefits. My bill would eliminate this "notch" by requiring 2 additional quarters of coverage for each year or partial year the individual was less than 55 on January 1, 1984.

Changes made to the Social Security Act apply equally to men and women. The law itself, in most respects, does not discriminate. Women continue to receive far less in retirement benefits than men receive as a result of lower wages and fewer years in the work force. In many cases, however, benefit differences exist because we have not reviewed provisions of the law for philosophical consistency. To my mind, we have an obligation to look beyond the letter of the law to the bottom line and make the changes that are necessary to remove inequities and vestiges of discrimination which result from the application of provisions of law which are not in and of themselves discriminatory.

I urge my colleagues to join me in this endeavor.●

A FRIEND'S LOSS

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. LEHMAN of Florida. Mr. Speaker, few of our colleagues are held in more esteem or enjoy more affection and respect than DANTE FASCELL.

When tragedy struck the FASCELL family earlier this month and the news came that DANTE and Jeanne-Marie's only son had been killed in a car accident, a pall of dismay descended over the Members of this House.

Members of the Florida delegation, especially those of us who represent south Florida, were approached repeatedly by colleagues expressing their shock and sympathy. People wanted so strongly not to believe.

The Miami Herald, in an editorial published on February 11, shows how deeply DANTE's and Jeanne-Marie's loss has been felt in our community. I know that this support and the affection and support of their friends in Washington will help to see them through this terrible time.

Mr. Speaker, the Herald editorial follows:

A FRIEND'S LOSS

Death always shocks the victim's relatives and friends, even when it results from advanced age or extended illness. When it strikes unexpectedly at a young person in his prime, the impact is even greater.

Congressman and Mrs. Dante Fascell now are enveloped in the protective embrace of hundreds of thousands of South Floridians and of thousands more who know them in Washington. The tragic death Thursday morning of their only son in an accident on Seven Mile Bridge has moved the entire community.

The sense of loss is deepened, if that is possible, by the universal acknowledgement that the new bridges of the Florida Keys are very special to Representative Fascell. He fought hard for the funds to rebuild them, and he proudly displayed the accomplishment during his re-election campaign in 1982.

Dante and Jeanne-Marie Fascell inspire an affection among their neighbors that goes far beyond respect for the skills that last year brought him the prestigious chairmanship of the House Foreign Affairs Committee. Their warmth and humor over the years have made genuine friends of mere constituents.

On behalf of all South Florida, then, The Herald offers deepest sympathy to Mr. and Mrs. Fascell and to their two daughters. May the support of their many friends help to sustain them in this terrible loss.●

WINSTON-SALEM "BIGGER THAN LIFE" MEDAL OF HONOR HERO LAID TO REST AT ARLINGTON NATIONAL CEMETERY

HON. STEPHEN L. NEAL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. NEAL. Mr. Speaker, on Monday, February 13, another American hero was laid to rest at Arlington National Cemetery. He was Lawrence Joel, holder of the Medal of Honor, who died February 4 in his hometown of Winston-Salem, N.C. His death, at age 54, was attributed to a diabetic coma.

Mr. Joel was buried with full military honors at Arlington on a day that was as eerie as the occasion was solemn. A chilling mist hung in the afternoon air. Dense fog shrouded the cemetery, obscuring the treetops and wafting among the gravestones, as if ghosts of the entombed were on the march. To those who watched, and those who wept, it was a scene not soon to be forgotten.

I describe the scene in some detail because it was symbolic of the lack of public attention accorded, these days, to our war heroes; and, I might add, to those who have sacrificed all or part of themselves in the several wars our country has fought. The drizzle, the chill, and the fog made of Joel's burial a very private rite. That, I am compelled to believe, is the way an indifferent public wanted it.

Except for hometown media coverage, Joel's death and burial received little public notice. Yet here was a man whose exploits on November 8, 1965, are bound, when one reads of them, to bring a flush of pride to any but the most callous among us.

So I want to take a few minutes, Mr. Speaker, to tell my colleagues about Lawrence Joel, about his valor, and about the humility with which he wore the mantle of greatness.

To begin with, it must be said that his suffering neither began nor ended on the battlefield. Of his early life, it is sufficient to say that he was black, born of humble parents in a southern town in 1928, and raised during the Great Depression. For almost 20 years after his memorable action, he carried the wounds of war upon his body and in the core of his being.

After retiring from the Army in 1972, he worked as a counselor for the Veterans' Administration until, last summer, ill health drove him from his job. At the time of his death, his vision was so poor he could not drive a car. He had applied for, and had been denied, civil service disability benefits.

Yet he who had suffered so much for so long inflicted so little pain on other people, including the enemy. His

heroic feats were performed as a medic, fighting without a gun to save the lives of comrades wounded in a Viet Cong ambush. I quote the citation accompanying his Medal of Honor:

Specialist Sixth Class (then Sp5c) Joel demonstrated indominatable courage, determination, and professional skill when a numerically superior and well-concealed Viet Cong element launched a vicious attack which wounded or killed nearly every man in the lead squad of the company. After treating the men wounded by the initial burst of gunfire, he bravely moved forward to assist others who were wounded while proceeding to their objective. While moving from man to man, he was struck in the right leg by machinegun fire. Although painfully wounded his desire to aid his fellow soldiers transcended all personal feeling. He bandaged his own wound and self-administered morphine to deaden the pain enabling him to continue his dangerous undertaking. Through this period of time, he constantly shouted words of encouragement to all around him. Then, completely ignoring the warnings of others, and his pain, he continued to search for wounded, exposing himself to hostile fire; and, as bullets dug up the dirt around him, he held plasma bottles high while kneeling completly engrossed in his life saving mission. Then, after being struck a second time and with a bullet lodged in his thigh, he dragged himself over the battlefield and succeeded in treating 13 more men before his medical supplies ran out.

Displaying resourcefulness, he saved the life of 1 man by placing a plastic bag over a severe chest wound to congeal the blood. As 1 of the platoons pursued the Viet Cong, an insurgent force in concealed positions opened fire on the platoon and wounded many more soldiers. With a new stock of supplies, Sp6c. Joel again shouted words of encouragement as he crawled through the intense hail of gunfire to the wounded men. After the 24-hour battle subsided and the Viet Cong dead numbered 410, snipers continued to harass the company. Throughout the long battle, Sp6c. Joel never lost sight of his mission as a medical aidman and continued to comfort and treat the wounded until his own evacuation was ordered. His meticulous attention to duty saved a large number of lives and his unselfish, daring example under the most adverse conditions was an inspiration to all.

Lt. Col. James Hutchens, who was the chaplain of Joel's company when it came under fire that day, stated it even more eloquently at Joel's memorial service in Fort Myer Chapel:

Every man on Hill 65 that day can look back today and say that he's alive because of Lawrence Joel. I watched Joel that day, and the best way I know to describe him is that he was bigger than life. I was convinced that he was indestructible. There was a shield around him, and I know God protected him.

"If Joel leaves a legacy," Colonel Hutchens said, "it's that he served not only his country but his God and his Savior at a time when it was very important. His model for his comrades and for the world as a whole was a man not afraid to lay down his life for his friends. . . . I knew during those few hours on November 8, 1965, that there was not a greater man who had walked on this Earth."

Mr. Speaker, only a few people were present at Mr. Joel's funeral. Among them were Secretary of the Army John O. Marsh, Jr.; five other holders of the Medal of Honor; several bemedaled officers and men who had served with Joel in Vietnam; and standing inconspiciously at the edge of the small crowd at the graveside, the general, now retired, who organized Joel's brigade and led it into Vietnam.

About 35 members of Joel's family also were present. They might not have been able to attend had not the Department of the Army snipped its own redtape, at the last minute, and provided transportation for them.

Mr. Speaker, it is often said these days that what America needs most is a few national heroes. I wish the people who say such things would realize that we already have them all over this land. They live quietly among their neighbors, still bearing the scars of the wars in which they served, still serving their country in other ways.

Lawrence Joel was such a man, and symbolic of all such men. He was embarassed by the attention sometimes paid to him. And those others of whom I speak are much like Joel. In offering their lives, they enabled others to live. He served with uncommon valor: they, with the fortitude and courage that is a common American virtue.

I salute Lawrence Joel, Mr. Speaker. And I salute his comrades, living and dead, who have, whenever duty called, shouldered the responsibility of defending our great country.●

A VIEW OF AMERICA'S FUTURE

HON. DAN MARRIOTT

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. MARRIOTT. Mr. Speaker, it is now 1984. George Orwell predicted a dim future for our truly American beliefs, traditions and goals. It was a wrong prediction. Despite what many cynics have stated, despite the criticisms often heard about our society and despite the forecasts for a depressing future, America is alive and strong. I, for one, am tired of all the complaints we have heard about our country. It still, after all, despite stumbling blocks, is the best road in the universe toward freedom and individual liberty. It is, as stated by our President, "The best, last hope of mankind." I am ready to stand up for America—and for the people that make up America.

Robert F. Dee, chairman of the board for Smith Kline Beckman Corp., has made a statement entitled, "From Sea to Shining Sea" and put forth his reasons why America is "better than ever." As I believe more of us should be quoting Mr. Dee than Mr. Orwell, I would like to bring his comments to your attention. I attach his statement here and I ask that my colleagues look closely at not only the patriotism expressed in Mr. Dee's words, but also the truth.

FROM SEA TO SHINING SEA

As a new year starts—especially one in which George Orwell predicted political deterioration on a global scale—it's interesting to assess where things stand.

When I watch TV news and some of the TV specials and read some of the articles in newspapers and magazines, I detect an all-too-frequent pervasive cynicism about the present and future of America.

If you listen to the media (and, I'm sorry to say, to some of the academic) cynics, you get the feeling that America is in bad shape.

Tom Wolfe, author of "The Right Stuff," a book and now a film about our space program, tells about a speaker he heard addressing a large group of students at a college. He opened the meeting by saying, "America is a leaden, life-denying society."

BETTER THAN EVER

I take the stand that America is no such thing, that it's in better condition today than it has ever been, politially, socially and economically. And especially when you compare the United States with other countries.

Here are a few points to consider:

Americans are healthier than ever; we're living longer and living healthier. Since 1970, the death rate from heart disease has dropped 25 percent and deaths due to strokes have declined by 40 percent.

The crime rate is down; in the first six months of 1983, continuing the previous year's trend, decreases were reported in all major crimes in all parts of the country.

Inflation has dropped dramatically. In 1983, wholesale prices rose only six tenths of 1 percent, the smallest rise since 1964. Last year's rise in consumer prices was only 3.8 percent, the smallest increase in more than a decade.

Interest rates, while high, have declined substantially. The prime rate averaged less than 11 percent in 1983, compared to 1981's average of 19 percent.

Unemployment has dropped faster than even the most optimistic expectations.

The productivity rate is moving upward after a long period of sluggishness.

We have the strongest stock market since the end of World War II.

For the first time in nearly 20 years, surveys show Americans expressing greatly increased confidence in the government.

Obviously not everything is perfect. We're confronted with a major discrepancy between the income and outlays of the Federal government of perhaps $200 billion a year and a cold war that has once again intensified. So I'm not an uncritical optimist. But looking toward the broad horizon, I believe that major progress has been made on many fronts in our country.

Some of the cynics accuse Americans of a lack of "morality" in our economic system, quite apart from its successes.

Yet the fact is that compared with two thirds of the planet—where bribery political corruption and violations of human rights are taken for granted—American morality and respect for human rights are unexcelled.

Racism? In only a very few countries of the world are there laws that prohibit racial discrimination and at the same time actively

seek to redress past wrongs. Our country has made great progress in this respect, even though we still haven't reached the Promised Land and must redouble our efforts.

Environmental hazards? We have better air quality than we ever had in our cities 50 years ago. Although pollution problems still persist, public reaction has made polluters keenly sensitive to the problems and substantial progress has been made.

I usually end these messages with a plea to readers to write their elected representatives. I urge you to continue doing so when you see problems that need correction, whether in the private or public sectors.

But my main message as we begin 1984 is that there's absolutely no reason for cynicism about America's present and future . . . from sea to shining sea.●

DOES THE ADMINISTRATION SEEK MILITARY VICTORY IN CENTRAL AMERICA?

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. HAMILTON. Mr. Speaker, on Monday, September 12, 1983, the Under Secretary of Defense for Policy, Mr. Fred C. Ikle, delivered a speech entitled "U.S. Policy for Central America—Can We Succeed?" In the speech, Mr. Ikle said, "We seek victory for the forces of democracy. And that victory has two components: One, defeating militarily those organized forces of violence that refuse to accept the democratic will of the people. Two, establishing an adequate internal system for justice and personal security." After reading the speech, I initiated correspondence with President Reagan, inquiring whether it was the policy of the United States to seek military victory in Central America. The correspondence follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, D.C., October 7, 1983.

Hon. RONALD W. REAGAN,
President, The White House,
Washington, D.C.

DEAR MR. PRESIDENT: In a recent speech before the Baltimore Council on Foreign Relations, Under Secretary of Defense Fred C. Ikle defined the U.S. policy objectives in Central America in terms of a military victory.

Under Secretary Ikle said "we seek victory for the forces of democracy." He lists the following two components of a victory:

One: Defeating militarily those organized forces of violence that refuse to accept the democratic will of the people.

Two: Establishing an adequate internal system for justice and personal security.

Under Secretary Ikle's emphasis on military victory and his silence on the role of negotiations contradicts the methods and objectives you outlined before a joint session of the Congress on April 27, 1983.

You specified four basic goals in your speech:

"We will support democracy, reform and human freedom;

"We will support economic development;

"We will support the security of the region's threatened nations;

"We will support dialogue and negotiations—both among the countries of the region and within each country";

You, then, added that "the United States will work toward a political solution in Central America which will serve the interests of the democratic process."

The emphasis your speech places on four basic objectives—among them, military security, rather than military victory—contrasts sharply with Under Secretary Ikle's speech.

I would like to know whether Under Secretary Ikle's speech accurately states your policy.

I appreciate your consideration of this matter. I look forward to your response.

With best regards,
Sincerely yours,
LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East.

THE WHITE HOUSE,
Washington, D.C., November 21, 1983.

Hon. LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East, House of Representatives, Washington, D.C.

DEAR LEE: Thank you for your letter to President Reagan concerning Under Secretary of Defense Fred C. Ikle's address on Central America to the Baltimore Council on Foreign Relations. You ask whether or not the Under Secretary's remarks accurately state President Reagan's policies. By focusing on the entire text, rather than singling out a particular phrase, one can see that Dr. Ikle's statements were completely in line with the President's policy, which simultaneously seeks to promote economic development, political democracy, improved human rights and an end to Marxist-Leninist and extreme rightist violence in the entire region. As an official of the Defense Department it is logical he would give some emphasis to the military aspects of the situation. Even at that, however, he emphasized a point the President has often made, that three-fourths of our assistance is economic, not militarily. Dr. Ikle also underscored the need for a program which would include humanitarian assistance to ensure the ultimate success of our policy.

With best wishes,
Sincerely,
KENNETH M. DUBERSTEIN,
Assistant to the President.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, D.C., December 1, 1983.

KENNETH M. DUBERSTEIN,
Assistant to the President, The White House,
Washington, D.C.

DEAR MR. DUBERSTEIN: Thank you for your letter of November 21st in reply to my letter to the President of October 7, 1983 concerning a speech before the Baltimore Council on Foreign Relations by Under Secretary of Defense Fred C. Ikle regarding United States policy objectives in Central America.

I appreciated your response but feel one question still needs to be answered: Does the President specifically endorse Dr. Ikle's call for military victory in the region?

I appreciate your consideration of this question and would appreciate a prompt reply.

With best regards,
Sincerely yours,
LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East.

THE WHITE HOUSE,
Washington, D.C., December 28, 1983.

Hon. LEE H. HAMILTON,
Subcommittee on Europe and the Middle East, House of Representatives, Washington, D.C.

DEAR LEE: Ken Duberstein asked me to acknowledge your follow-up letter requesting clarification of the President's position regarding U.S. policy objectives in Central America. Your letter has been shared with the President's advisers for their consideration, and you will hear further following this review.

With best wishes,
Sincerely,
M. B. OGLESBY, Jr.,
Assistant to the President.

THE WHITE HOUSE,
Washington, January 31, 1984.

Hon. LEE H. HAMILTON,
Subcommittee on Europe and the Middle East, House of Representatives, Washington, D.C.

DEAR MR. HAMILTON: This is in response to your follow-up letter of December 1, 1983, concerning the President's position on U.S. policy objectives in Central America. Ken Duberstein's initial response of November 21, 1983, indicated that Dr. Ikle's speech to the Baltimore Council on Foreign Relations (copy attached) was consistent with the President's policy. As he explained at that time, it is logical that Dr. Ikle, as an official of the Department of Defense, would give emphasis to the military aspects of the situation. However, a careful reading of Dr. Ikle's speech makes clear that he did not call for "military victory in the region," nor has the President ever called for a military victory. Thus, I believe the question in your letter of December 1, does not arise.

Sincerely,
ROBERT C. MCFARLANE.●

SISTER CLAUDIA BURKE: A MARVEL TO BEHOLD

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. KILDEE. Mr. Speaker, I would like to bring to the attention of my colleagues a truly remarkable program run in my district by the Franciscan Sisters of the Poor for those who are needy during this economic crisis in Michigan. The program is administered by an equally remarkable nun, Sister Claudia Burke, and it is through her and the others that the Catholic Outreach program works to insure that the needy are fed, clothed, and housed in Flint, Mich. The good works of Sister Claudia and Catholic Outreach recently were detailed in an article published in the Catholic Weekly. The article follows:

SISTER CLAUDIA BURKE: A MARVEL TO BEHOLD

(By George Jaksa)

FLINT.—She has enough drive and stamina to put many young adults to shame.

She also has a commitment to the poor and down-and-outers that is a marvel to behold.

Thousands of people have come to her office for emergency help. They may need money to buy gasoline for a trip to Ann Arbor, funds to meet house payments, grocery money, or payment of a utility bill.

The need never seems to end and nor does the determination of Sister Claudia Burke to help them.

Helping others has been the life pattern of Sr. Claudia since she entered the Franciscan Sisters of the Poor 40 years ago. Her early years in the order were spent working with the needy at the Catholic community services agency in Cincinnati, Ohio.

For the last 21 years Sister has been in Flint in social services work. She joined Catholic Social Services of Flint in 1960 and made a lifetime impression with many whom she helped with adoptions.

At the same time, she and the other Franciscan Sisters were helping needy and down-and-outers at Holy Angels Convent now St. Michael Church where she was mother superior.

Holy Angels convent became known as a place where a person could be sure of getting a sandwich if they were hungry. And, many lined up to get the noontime handout.

Holy Angels convent also was a pantry for nonperishable goods, collected and stored until they were given away. The convent basement also was a storage area for furniture and clothing for the needy.

Not only were Sr. Claudia and the other Franciscan Sisters noted for their good works but their cheerful dispositions worked almost as many wonders as their handouts.

Sr. Claudia's resourcefulness is a component of her marvelous witness to Christian principles. Over the years money has been raised to help people through selling pumpkins, handmade calendars, donuts at area donut shops, government grants and bingo games.

Bingo is the big money maker since Sister founded Catholic Outreach seven years ago. The games bring between $80,000 and $100,000 annually to the Outreach program.

When the economy is tight, bingo revenues decline. And as might be expected, when the economy is slow more people come to Catholic Outreach at Garland St. and Third Ave. in downtown Flint looking for help.

Catholic Outreach realizes revenues from its own bingo games, from the Catholic Community Services and from the efforts of Christian Service Commissions and their extended membership at four Flint parishes.

Two-thirds of the revenue from Christian Service Commission sponsored games at Sacred Heart Church are earmarked for Catholic Outreach. All of the revenues earned by Christian Services Commissions of St. Pius X, St. Agnes and St. Francis of Assisi parishes go to Catholic Outreach.

Individual gifts and government grants also aid the work of Catholic Outreach where Sr. Claudia directs a staff of three full-time staffers, a part-time employee and a full-ltime volunteer:

But, the need is greater than the resources. They are so great that there have been times that Catholic Outreach has been closed only to reopen when more funds become available.

Sr. Claudia said part of the problem for many residents is that their income, based on a $4 to $5 per hour wage, won't make ends meet in an economy built around an auto worker's paycheck.

Paying utilities, rent, land contract obligations, keeping the family car running and even coming up with enough money for groceries becomes a big challenge.

"Many of these people make enough money so they aren't eligible for government assistance and yet don't get enough to pay their bills," Sr. Claudia explained.

Friends are planning to honor Sr. Claudia at a 7 p.m. Mass Friday, Feb. 3, in St. Michael Church, Fifth Ave. at N. Saginaw St. Bishop Kenneth Povish will be principal celebrant of the liturgy where Sr. Claudia will renew her vows. A reception will follow.

Supporters of Sr. Claudia and Catholic Outreach are hoping to obtain enough money through donations to purchase a van or small truck to help Sister in operation of Catholic Outreach. The vehicle also would be used to pick up and distribute food, furniture and other items.

Contributions designated "Anniversary Fund" can be mailed to Catholic Outreach, P.O. Box 815, Flint, MI 48501.

As usual, donations will be cheerfully accepted.●

THE NATIONAL RECOVERY—AS OTHERS SEE IT

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. GAYDOS. Mr. Speaker, this administration likes to speak in glowing terms about the national economic recovery. It sees the end of the recession. It sees Americans flocking back to work in droves. It sees a time when all roads will run downhill—if we only stay the course.

That is the view the President gets from 1600 Pennsylvania Avenue.

He would get a different one from an unemployment line in the Commonwealth of Pennsylvania.

From the vantage point of more than 100,000 unemployed workers in just two counties from my 20th congressional district—Allegheny and Westmoreland—there is little sign of the much heralded economic recovery. The only things they see going downhill are their jobs, their lives, and their futures.

The view of the unemployed is more accurately depicted in an editorial from the February 4 edition of the Valley News Dispatch in Tarentum, Pa., than from the economic reports issued by the White House.

I am inserting a copy of the editorial into today's RECORD in hopes that it may catch the eyes of some officials within the administration and let them see the recovery as others do.

The editorial follows:

[From the Valley News Dispatch, Feb. 4, 1984]

HERALDED RECOVERY HASN'T REACHED US

Alle-Kiski Valley residents must stifle a yawn when they read and hear those daily optimistic stock market reports and booming economic forecasts.

They haven't seen much of recovery here.

Once again yesterday we learned that the country's civilian unemployment rate dropped to 8 percent in January while the rate in the four Alle-Kiski Valley counties rose in December.

And for the short-term, the expectation is that the unemployment figures in January and February in the Alle-Kiski Valley will continue to climb. That's when people hired for the Christmas rush are laid off and join those laid off from such weather-sensitive industries as construction.

William J. Ceriani, regional labor market analyst for the state Office of Employment Security, while noting the recovery has been slower to come to this area than the rest of the nation, remains confident. He said, "Slowly but surely there's some improvement in the economy overall."

In numbers of people, Allegheny County now has 73,600 out of work, Butler 7,600, Armstrong 5,000 and Westmoreland 25,700.

That is close to 115,000 people in our four counties who are unemployed.

No wonder they view with skeptism a White House budget that proposes more billions of dollars for defense while recommending further cuts in social aid and health programs for the jobless, elderly, handicapped and poor.

Our congressmen, along with U.S. Senators Heinz and Specter and Gov. Thornburgh, must fight to see to it that these unemployed people in Western Pennsylvania receive full and necessary assistance from their federal and state governments.

Being told, as they are every day, that the recovery is on the way is not good enough.

They and their families have to survive in the meantime.

And that takes government help, not another kick in the shins.●

STRIPED BASS MORATORIUM

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mrs. SCHNEIDER. Mr. Speaker, I am today introducing a bill that seeks to restore the endangered population of the striped bass along the Atlantic coast. For almost 400 years, Americans have enjoyed the pursuit and the dining pleasure of the striped bass, a fish unique to our shores which has been called "the aquatic equivalent of the bald eagle." The first colonists learned about the striped bass from the Indians, and it was this food source that enabled them to avoid starvation during the early winters on Cape Cod. The first conservation statute in this country, passed in New England in 1639, outlawed the use of striped bass as fertilizer. Later, funds from the sale of the fish were used to build the Nation's first public schools. Since that time, the striper, which

spawns in fresh water, migrates along the coastlines of 11 States and often grows to a size above 50 pounds, has justly earned a reputation as the king of the Atlantic gamefish.

Now, however, within the brief span of 10 years, the striped bass has gone from its greatest period of abundance to the most catastrophic period of scarcity in its long history. Since 1973, reported landings of striped bass have fallen by 90 percent along the Eastern seaboard. The annual survey of reproductive success in the Chesapeake Bay, the region which historically accounted for up to 90 percent of the coastal migratory stock, has reached an all-time low.

Today, all that remains of this once-booming fishery are primarily the very old and the very young—and even these are in perilously short supply. The striped bass, according to the scientists conducting the Emergency Striped Bass Study authorized by the Congress in 1979, is in danger of being lost as a usable resource. The interim report of the striped bass study, released last week, recommends imposing an immediate and severe restriction on the harvesting of striped bass including "consideration of a total moratorium." This report states that "the coastal migratory stock cannot continue to support the level of fishing mortality that currently exists."

The bill which I am proposing would mandate a coastwide moratorium on the possession of striped bass by all fishermen, along the Atlantic coast and spawning rivers and tributaries, for a period of 3 years. This is the minimum amount of time that scientific experts deem necessary for any recovery of the striped bass population to begin. If the annual survey of reproductive success in the Chesapeake Bay should remain at a critical level, the moratorium could be extended for an additional 2 years. In the event we do attain our goal before the end of the 3 years, there is a provision for lifting the moratorium.

It is clear that fishing pressure is not the only reason for the terrible decline of the striped bass. Laboratory studies indicate that the fish, particularly in the early life stages, are dying from chemical contamination, and the scientific report calls for a substantial reduction in the discharge of toxic materials into nursery and spawning areas. Any ultimate solution must place emphasis on efforts such as the recent initiative to begin restoring the Chesapeake Bay habitat. But that is going to take many years and many millions of dollars. According to the scientists, the striped bass simply cannot withstand the dual stresses of habitat contamination and fishing mortality.

There are several precedents, both historical and recent, which indicate that the striped bass population can indeed return in abundance if fishing effort is curtailed. One hundred years ago, an ardent fisherman and conservationist named Robert Roosevelt—Theodore Roosevelt's uncle—warned that "the large bass are diminishing at so rapid a rate that there is danger that before many years have passed, surf fishing will have ceased to be practiced." By the turn of the century, his prediction had proven true. The striped bass populations that once filled many streams and estuaries on the Eastern seaboard had been fished out. Commercial and recreational fishermen focused their attention on other species. Finally, during the mid-1930's, the striped bass began to return in abundance. By 1973, landings were at an all-time high.

During the past decade, severe restrictions on fishermen in the Hudson and James River areas have resulted in a rapid turnabout in striped bass abundance. In 1976, commercial fishing for striped bass in the Hudson River was banned because of elevated levels of PCB's detected in the fish. A similar ban was imposed in the James River, due to unsafe concentrations of kepone. Since the sale of these fish was halted, the populations in both rivers have bounced back. Last year, the annual survey of reproductive success in the Hudson was the second highest in 10 years. In comparison to the Chesapeake, however, both the Hudson and James River populations of striped bass contribute a small portion of the coastal fishery.

I am urging this measure not only for the sake of conservation, but because the decline of the striped bass has caused a significant loss of revenue to the economy of the Northeast region. A recently published economic study under the sea grant program reveals that the striped bass' gradual disappearances resulted in the loss of approximately 7,500 jobs and $220 million in economic activity to the coastal areas of 10 states in 1980.

The striped bass is clearly a "money fish," and it is not commercial fishermen alone who are responsible for the overfishing. The sea grant economic survey shows that over 80 percent of the coastal recreational fishermen also sell their catch. This means that the depleted striped bass population remains vulnerable to thousands of fishermen, using highly-sophisticated equipment. The numbers of fishermen are far greater, and the pollution far more pervasive, than existed during the earlier decline at the turn of the century.

I am calling for a congressional initiative for a coastwide moratorium on the taking and possession of the Atlantic striped bass for a 3-year period.

My own State of Rhode Island has already taken this step, but one State alone will not make the difference. A moratorium is a drastic measure, but this species is in real trouble and the Atlantic States do not seem able to respond to the crisis in a timely and effective fashion. Also, of all the management alternatives, a ban affecting all fishermen is the most equitable solution and the one that promises the quickest results.

Congressional action would end the bickering between States and among commercial and recreational fishermen. It would be an equitable solution, which would allow time for the States to arrive at the crucial permanent management measures required once the moratorium is to be lifted.

Within my State, and among fishing and conservation groups all along the coast, I have received indication of strong support for the congressional action which I am calling for. Thousands of people, who have known the meaning of fishing for striped bass, deeply desire that future generations have the opportunity to pursue this fish for pleasure or livelihood.

Mr. Speaker, I urge speedy consideration and enactment of this important legislation.●

TEN WAYS TO IMPROVE TV'S CAMPAIGN COVERAGE

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. FRENZEL. Mr. Speaker, former President Gerald R. Ford, in an article in the February 18 issue of TV Guide, has made 10 suggestions for improvement of TV campaign coverage.

The Ford proposals are not radical. They are simple and sensible. In fact, there is so much plain good sense in them that they will undoubtedly be ignored by networks and stations alike.

Of particular interest to Congress is the Ford proposal No. 7. It states simply: "Don't use exit polls."

Several committees of this House have directed their attention to exit polling. Under the leadership of Congressmen SWIFT and THOMAS, the Committee on House Administration has spoken out strongly against exit polls. So far, legislation on this subject seems unwise, but it hoped that the networks might surprise us with responsible conduct.

The Ford article follows:

10 WAYS TO IMPROVE TV'S CAMPAIGN COVERAGE

(By Gerald R. Ford)

We've just entered the 1984 Presidential campaign year. How will television news cover the campaigns and the candidates? A majority of Americans receive their political news primarily from television. Is it doing a good enough job? Could it do better—and if so, how?

To find out, we asked former President Gerald R. Ford to give us his views on how television affects Presidential campaigns

and how it could improve its coverage. His comments and suggestions take the form of 10 "modest proposals" for the networks to adopt during 1984 and subsequent election years.—The Editors

1. Let the candidates speak for themselves—but give them adequate time to do so. One of the things that irks me are 10- or 15-second sound bites from the candidates' speeches that correspondents who cover campaigns almost invariably insert into their news spots. I understand the problems the reporters face: the need to put together, under deadline pressure, a piece that is telegenic and also contains information. But the problem of the short sound bite is twofold. First, it leads to taking things out of context. Second, it causes candidates to tailor their speeches for the cameras, which means viewers often hear simplistic, overly generalized answers.

There is no way to respond to a question about the economy or unemployment or foreign policy in 10 or 15 seconds. And yet that's how long Presidential candidates generally get on the nightly news to deal with these complex issues. What is at fault here is the system: a system in which news-program producers feel they have to do a nightly campaign piece, but don't think that it warrants more than one or one and a half of the precious 22 or so minutes they have for all the night's news.

The answer seems simple enough: don't do a campaign spot every night. But when you do one, give the candidate time to develop his thoughts.

2. Come to grips with the issues better. It would be tremendously helpful to the electorate if the networks would take each of the candidates and, for five to 10 minutes, perhaps a half dozen times between Labor Day and Election Day, let them expand on their views about specific subjects. I'm not suggesting that the candidates produce these segments. They should be questioned by reporters or anchorpeople. But there has to be a better way to illustrate the different views presented by the major candidates, and a better way to offer them adequate time to express themselves.

Television is good at bringing out candidates' personalities. The camera doesn't lie and, after months of watching, we have a pretty good idea of what each candidate is like. How do they act under pressure? How do others react to them? Are they the kind of people who can successfully undertake what has to be the most important job in the world?

We can learn some of this from watching nightly coverage. But to get behind the personality of a candidate and discover how he thinks, we should be able to see him respond to specific—and detailed—questions.

3. Concentrate less on polls and surveys. Each of the networks now has its own pollster. That's good business for the people who take polls, but I think it is bad for viewers. If the networks would take the time they spend on polls and use it instead on discussions of the issues by the candidates, there would be a healthy payoff for voters.

The question occurs to me: why do networks conduct so many polls? One answer is that because of the new technological developments of the past few years, polls provide good visuals. The figures are also dramatic—such and such a percentage feel this or that about a candidate. The problem here is that polls tend to oversimplify things. And oversimplification is one of the things we need least during a political campaign.

4. Break out of Washington more. I suggest that in 1984 the candidates hold major—and nationally televised—press conferences in all areas of the country. During these, local reporters should have the chance to ask questions. We initiated regional press conferences when I was in the White House, and they were tremendously successful. The White House press corps, perhaps, didn't like them so much. But the regional press did. And the questions local reporters put to me were instructive—both for viewers who saw them on television and for me.

People in the Midwest, the South, or the West have different concerns than those who spend their lives covering politics on the Potomac. We should all learn what those local concerns are, and how the policies promoted by the candidates will affect the vast majority of Americans who live beyond the New York-Washington corridor.

In addition to local press conferences, I'd also suggest that the nightly news shows make a policy of getting out into the countryside. Perhaps spend one evening doing a special report on what's happening in Pittsburgh; another in Detroit; another in San Antonio, Texas; or Fresno, Cal. Deal with how the solutions being offered by each of the candidates would affect the people in those places, or places like them.

5. Get the candidates to debate on television. None of the debates I've ever seen or taken part in have been perfect, but they are an effective way for Americans to contrast the candidates and see how each presents his case. In two campaigns, I think debates have been crucial to an election: John F. Kennedy's 1960 debates with Richard Nixon helped him immeasurably. And I think that candidate Ronald Reagan was aided by his performance against incumbent President Jimmy Carter 20 years later.

The format, however, could stand some improvement. For example, I'd like to see the candidates question each other directly. And it would be educational if there were more than the single debate between the two major-party candidates that was held in 1980. Mr. Carter and I met three times. That seems like a good number. Two of the debates might be conducted by having members of the press ask the questions, while the third would pit the candidates face-to-face.

6. Be scrupulously fair and accurate. Don't report simply to make headlines. During the 1976 campaign, there was an allegation that I had misused funds during one of my Congressional races. The matter was thoroughly investigated by a special prosecutor who made the determination that there was no substance whatsoever to the allegation. Now, during the time the prosecutor was looking into the matter, one network correspondent—I won't say who—gave something like 10 minutes of air time to the allegation over a three-week period. I know that because I had my press secretary, Ron Nessen, check it out. How much time did the reporter give the news that the charges were unfounded? Thirty seconds—if that.

This is a clear indication of unfairness—both on the reporter's part and the network's. I'm not arguing that the charge should not have been reported. But once it was, it seems to me that there was no reason to speculate on the outcome until the prosecutor had reached a decision.

One possible reason for reporting of this type is the competition among correspondents to get on the air—a rush for scoops for headlines that will guarantee them space on the evening news. Another is carelessness. The solution lies with those who produce the nightly news programs. They must prune correspondents' copy with care to ensure that the news is balanced and even-handed. They must avoid the cheap shot, the careless phrase.

7. Don't use exit polls. I do not believe that exit polls—the polls networks take by interviewing people after they have voted—should be used at all. Nor am I in favor of early projections made from vote counts before the polls have closed.

If a network, on the basis of 100 exit-polls comments throughout a state, were to predict a Presidential winner at noon on Election Day, the report could have serious repercussions—both in that state and nationally. Projections based on exit polling are unscientific and can often be misleading.

On the other hand, I have nothing against the old network technique of calling a race based on scientific surveys of selected voter precincts once the polls have closed. If the networks were to trace the vote in their selected precincts over the past 10 years, for example, they could probably forecast the winner. That is different from an exit poll; it is using the actual, final voting results.

Such voting-precinct studies, as they're called, are accurate. And they use factual, publicly available information. People who are interviewed by networks as they leave the polls are under no obligation to tell the truth. They might simply be telling their network interrogators what they think the networks want to hear.

8. Get away from lengthy coverage of the national Presidential nominating conventions. There are portions of the conventions that should be seen by everyone. But much of what goes on is journalistic chaff and could easily be dispensed with. What I suggest is that the networks give thoughtful consideration to funding the Public Broadcasting Service and allowing it to broadcast the conventions gavel-to-gavel. PBS could keep a start-to-finish visual record of the proceedings, which would be valuable historically. The networks could then use their own initiative to determine how much they wanted to cover.

9. The week before the election, devote a substantial amount of time to the historical stand of each candidate on the issues. The networks each maintain computerized files of all the videotape they have shot during the campaign. The week before the elections, they should use those files to compile a video record of how each candidate stands on the issues facing the Nation. In the past, these tapes have often been used to chide candidates about their positions. When Vice-President George Bush, for example, denied having used the phrase "voodoo economics," it was simple for the networks to dig out the tape of him saying it. But I see a more constructive use for these invaluable video archives: if the network news producers would carefully extract a candidate's positions on domestic and foreign policy, unemployment, inflation, the deficit—all the issues that face us—and present them to the public, it could be tremendously educational for voters.

This would have to be done carefully. Remarks should not be taken out of context. But if the montage were done with precision, it would be possible for viewers to see exactly where each of those running for President stood on every key issue. It would bypass television's tendency to focus on personalities and help the electorate make a truly knowledgeable decision when they walk into the voting booth.

10. Don't start coverage of the Presidential campaigns until Jan. 1 of the election year. The people who run the network news divisions will probably scream bloody murder at this suggestion and tell us that, because of competition, it's impossible to hold back. But it could be done, and here is how: pass a law making it illegal for candidates to receive, or for anyone to donate, money to a Presidential campaign before Jan. 1 of the election year. Money is the mother's milk of politics. The Democratic hopefuls—some of whom have been running for more than a year—so far have raised more than $15 million. They'll probably raise another $10 million before they're through. If the money were cut off until Jan. 1, there'd be a lot less campaigning—and a lot less to cover.

What we'd get is a campaign that resembles those in other democratic countries, where the process takes weeks instead of months, and where issues are foremost in people's minds, not personalities. Shorter campaigns would remove much of the "horse-race" aspect of American politics. That would probably offend some of our political pundits, because it means less work for them.

But a shorter campaign, with television focusing on the issues and giving the voters an accurate, balanced picture of where the candidates stand, could do a lot to get more of us where we belong on Election Day—in the voting booths.●

COMMUNITY NURSING CENTERS LEGISLATION

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. WYDEN. Mr. Speaker, I am pleased to join with several of my colleagues in introducing legislation which will encourage a new, less costly alternative in health care delivery—the community nursing center (CNC).

There are many senior citizens throughout the United States who would be able to live at home if in-home or other nursing services were available to them under the medicare system. Instead, they often must live in long-term care institutions where the needed care is provided, but at a much greater cost. By bringing CNC's into the medicare system, our Nation's elderly will have a real alternative to high cost institutional care.

Clipping the wings of soaring health care costs cannot be done by reducing the eligibility and benefits of millions of Americans in need, but by developing better and more economical approaches toward meeting those needs. The CNC proposal is, in short, an example of how to save money without gutting and cutting federally supported health care programs.

Additionally, rather than creating a whole new group of provider organizations, this proposal would build upon the well known abilities of community-based nursing organizations. These organizations include visiting nurse agencies (VNA's) and the extensive nursing components of municipal health departments, almost all of whom are now medicare providers. CNC's would, however, have clearly defined service areas, in order to avoid the problem of an oversupply of providers.

In order to qualify as a CNC, an agency must provide its services at substantially lower costs than other medicare providers in the same area who offer the same type of services.

The VNA's and public health nursing departments have a proven track record under medicare as low-cost providers on any index used—whether per visit or per case. Health Care Financing Administration (HCFA) cost comparison studies have borne this out.

A CNC differs from hospital outpatient departments and neighborhood health centers because of its professional nursing orientation and its emphasis on providing necessary service in or out of the home rather than in a single setting.

This bill, which was introduced with minor differences in the Senate by Senators INOUYE of Hawaii and PACKWOOD of Oregon, would help to prevent the unnecessary institutionalization of this Nation's senior citizens and would help cut medicare costs by more effectively utilizing the 1.6 million registered nurses in this country.

Mr. Speaker, I urge my colleagues to take a good look at this legislation. I hope they will also find merit in the idea and will join me in supporting this new concept in health care delivery.

The bill follows:

H.R. 4865

A bill to amend titles XVIII and XIX of the Social Security Act to provide coverage for community nursing center services under the medicare and medicaid programs, and for other purposes

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Community Nursing Centers Act of 1984".

MEDICARE PROVISIONS

SEC. 2. (a) Section 1861 of the Social Security Act is amended by inserting after subsection (aa) the following new subsection:

"COMMUNITY NURSING CENTER SERVICES

"(bb)(1) The term 'community nursing center services' means any of the following items and services which are furnished to an individual by a community nursing center (as defined in paragraph (2)) or by others under arrangements made by such center, which are furnished under a nursing plan of care established and reviewed in accordance with paragraph (3), and which are furnished at the community nursing center, the individual's home, or any other appropriate location:

"(A) part-time or intermittent nursing care furnished by or under the supervision of a registered professional nurse;

"(B) physical, occupational, or speech therapy;

"(C) social services necessary to and supportive of the overall nursing plan of care and included in such plan;

"(D) part-time or intermittent services of a home-health aide who has successfully completed a training program approved by the Secretary;●

REPORT TO THE CONGRESS ON THE NATIONAL ARCHIVES

HON. JIM BATES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. BATES. Mr. Speaker, two institutions of great importance to all Americans will celebrate their 50th birthdays this year. The first is the National Archives in whose care rests the Declaration of Independence, the Constitution, and all Federal Government records of lasting historical importance.

The second institution, less well known, but no less significant, is the National Historical Publications and Records Commission. I have the honor to sit on this Commission as the sole delegate from the House of Representatives. I would like to give you some idea today of the role of this Commission and its accomplishments in the preservation of our Nation's history.

The act of Congress that established the National Archives also provided for a National Historical Publications Commission which would "make plans, estimates, and recommendations for such historical works and collections of sources as seems appropriate for publication and/or otherwise recording at the public expense." There was no funding for the Commission and no staff, but the Commission could plan.

President Harry Truman, impressed by volume 1 of "The Papers of Thomas Jefferson," took steps to create a more comprehensive program for the publication of the public and private writings of those who have contributed greatly to the development of this Nation. While there was still no funding, the Commission encouraged historical institutions to undertake preservation projects.

Congress launched the Commission's grant program in 1964. Using a combination of Federal and private funds the Commission was able to assist a number of documentary projects.

New legislation in 1974 allowed the Commission to undertake project for the collection, preservation, arrangement, and description of historical records in addition to its continuing publications function. Since that time the Commission has become a major driving force in the effort to save valuable State and local government records, to preserve deteriorating historical photograph collections, to

assist in training archivists, curators, and conservationists.

Since the founding of the Commission 50 years ago 385 volumes have followed the first volume of the Jefferson Papers. The works have varied from the "Papers of Gen. George C. Marshall" to "Freedom: A Documentary History of Emancipation."

In addition, the Commission has sponsored the publication of more than 150 separate microform editions of manuscript and archival collections of broad research interest. These total over 5,700 reels of microfilm and over 1,000 microfiche. The Commission has also sponsored the publication of the "Directory of Archives and Manuscript Repositories in the United States," a basic reference tool found in every research library.

Speaking on February 3, 1984, to the Truman Institute, Dr. Robert M. Warner, Archivist of the United States and Chairman of the Commission, pointed out the Commission's leading role in publishing the papers of black Americans. February is Black History Month and the collection and preservation of the invaluable records of Americans such as Frederick Douglass, Booker T. Washington, and Marcus Garvey is a tribute to the work of the Commission and the rich history of this Nation.

I have been honored with the appointment to the Commission by the Speaker of the House of Representatives. The Commission has brought to life the history of this great Nation and preserved its important traditions. I look forward to beginning its second 50 years with the other members of this distinguished Commission.●

FUNDAMENTAL SCIENCE IN THE STATES

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. WALGREN. Mr. Speaker, in today's struggle to maintain our Nation's scientific leadership, there is a clear need to make the most of all the scientific talent available to us. There are a number of areas where scientific talent is underused, among them women, minorities, and scientists at less prominent universities.

One effort to deal with this problem is the National Science Foundation's experimental program to stimulate competitive research (Epscor). This 5-year program was established to increase the ability of scientists at universities in five States, which were among the lowest in Federal research funding, to compete successfully for Federal research funds. The Epscor program, which provided awards to help support statewide research improvement plans, is scheduled to end in 1984.

In an editorial in the February 17, 1984, issue of Science, Prof. Gary A. Strobel, who directs the Epscor project at Montana State University, describes achievements made by his university under the program. Dr. Strobel believes that the accomplishments of Epscor, made with a modest Federal investment, demonstrate the need to broaden this approach to advance science and science education nationwide.

The Subcommittee on Science, Research and Technology is presently conducting its annual review of NSF's budget, and we will be looking at all of the Foundation's programs. It is helpful to have the benefit of a university's experience under Epscor, and I would like to share Dr. Strobel's thoughtful article with my colleagues:

[From Science, Feb. 17, 1984]

FUNDAMENTAL SCIENCE IN THE STATES

The total federal research budget of the United States for 1983–1984 is approximately $47 billion. About 14 percent of this ($6 billion to $7 billion) is dedicated to fundamental research, and half of this sum is spent at colleges and universities. Campuses in the ten states that are best funded have received the bulk (60 to 65 percent) of the federal research dollars, while only 1 to 2 percent goes to schools in the ten states where the funding is low.

The sophisticated equipment, laboratory facilities, libraries, and the high-quality professionals at the top institutions are a vital part of the relatively good health and status of the U.S. research picture. However, in view of the changing demographies in the country, it may be time to consider a greater distribution of high-quality science centers. Would an increase in research dollars to states that are not well funded and to the poorly funded institutions in the richer states enhance our total science base, improve undergraduate education in science, and provide better graduate education in these locations? Should incentives and opportunities, be provided to scientists in these locations to become more competitive? The answer to these questions is affirmative for a number of reasons.

Since the middle to late 1970's there has been a dramatic increase in the number of people who receive Ph.D.'s at the top universities and find employment in the medium-level universities throughout the United States. Their ability to acquire competitive grants from federal agencies is hindered by heavy teaching loads, an inability to develop scientifically compelling grant applications, academic isolation, lack of mentors, and poor local support for scientific research and creative activity. Thus, the total scientific talent of these individuals has not been captured. Their research and teaching effectiveness might be greatly improved by funding their research efforts. To rectify some of these problems, the National Science Foundation in 1980 launched the Experimental Program to Stimulate Competitive Research (EPSCoR) in five states that were at the bottom in total federal research funding: Montana, South Carolina, Arkansas, West Virginia, and Maine. After each state had thoroughly assessed its problems and developed a comprehensive plan, a modest sum of $2 million to $3 million was awarded to each state. Since 1980 dramatic strides have been made in upgrading science in these states through speaker programs, extensive extramural peer review of proposals, consultants, infusion of new state and private dollars, and shifting of teaching loads.

In Montana the EPSCoR program, known as MONTS ("Montanans on a New Trac for Science"), has relied on more than 500 peer reviewers in evaluating its scientific proposals. It has supported several hundred seminar speakers and consultants. At present, well over 50 percent of the original MONTS investigators have acquired extramural research funds. These funds have come from federal, state, and private organizations and agencies, and the amounts are nearly double those originally received from NSF. Furthermore, after NSF-EPSCoR funding has ceased, the MONTS program will continue with state funding. In Montana, the unique local and regional land, water, and wildlife resources have been well suited for study by MONTS investigators. For example, MONTS paleontologist John R. Horner, now independently funded by NSF, is continuing to excavate in north central Montana where he discovered extensive dinosaur nesting sites, complete with eggs and young.

Ultimately, increased scientific activity in the EPSCoR institutions stengthens both undergraduate and graduate education. In some cases, political leaders realized that economic development in their area is directly related to the status of research activities at the educational institutions of the state. The achievements made under EPSCoR, with a relatively modest federal investment, show that his approach should be broadened by NSF and other federal and state agencies to advance science and science education nationwide.—Gary A. Strobel, MONTS Project Director and R. G. Gray, Professor, Montana State University, Bozeman 59717.●

ENVIRONMENTAL CLEANUP BENEFITS INDUSTRY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. ROE. Mr. Speaker, on January 9 my fellow colleague from New Jersey Representative JAMES J. FLORIO had the opportunity to address the New Jersey Chapter of AWARE, a group whose main intent is to alert women about resource and energy issues confronting our country today. As you know, Mr. FLORIO is the author of the 1980 Superfund law which set up a national fund to help clean up our Nation's hazardous waste sites.

In his address, the South Jersey Representative shared with AWARE members and representatives from utilities and energy organizations his views on the increased need for strong environmental protection policies. Furthermore, Mr. FLORIO once again reiterated his firm belief that stringent environmental regulations benefit not only the environment and consumers, but industry and the business community as well.

As someone who also believes industry would profit from renewed clean air and water regulations especially, I would like to submit a review of the Florio AWARE address to my colleagues' attention.

[From the Madison Eagle, Florham Park, Jan. 12, 1984]

FLORIO SAYS ENVIRONMENTAL REGULATIONS BENEFIT BUSINESS

(By Ida Picker)

"Environmental regulations are in the best interests of the business community," U.S. Representative James J. Florio (Democrat-Pine Hill, NJ) told the audience of about 80 people at a dinner sponsored by A.W.A.R.E. (Alerting Women About Resources and Energy) on Monday, Jan. 9 at the William Pitt Colonial Inn in Chatham.

James Florio is perhaps best known as the primary author of the act known as the "Superfund," passed in December 1980, whose purpose is to provide funds and authority to clean up hazardous waste dumpsites and to respond to chemical spills.

Speaking on one of his favorite topics, environmental protection regulations, Rep. Florio emphasized that, contrary to the prevailing philosopy in the country, environmental regulations are financially beneficial to industry.

He outlined the ways in which clean air and water regulations are cost-effective for the business commujity.

1. As a means of preserving the public trust. Adhering to environmental regulations can be a means of giving industry and business a "clean bill of health." Florio pointed out that the Chemical Manufacturers Association came forward this year to endorse the concept of reauthorization of the Superfund, although in 1980 they opposed it. The chemical industry, Florio said, had come to the realization that they should not be perceived by the public as opponents of cleaning up toxic waste.

Industries, he continued, are using regulations as a marketing device to show the public they are in compliance with regulatory standards.

2. Cost savings. Although compliance requires an initial investment, ultimately it will save money, Florio assured the group.

"Regulations are an economic blessing in disguise," he said. Following the example of 3M Company, industry can produce less waste, resulting in a higher degree of productivity. Recycling waste is another cost-saver.

"It goes without saying," Florio added, that compliance reduces the possible liability of a company."

3. Jobs and economic development potential. Regulations spur "innovative scientific achievement" and help "focus America's inventive genius," he said.

The hazardous waste/solid waste industry is in itself a whole new industry, creating jobs. Adherence also assures the continued well-being of New Jersey's water-intensive major industries by assuring a supply of good water to the food processing, pharmaceutical, agricultural and chemical industries.

4. A level playing field for industry. What is wanted is "even-handed sensible regulation," where everyone is required to adhere to the same rules, Florio asserted, When regulations are poorly enforced, industry does not know what to do.

His presentation was well-received by the audience which included representatives of JCP&L (Jersey Central Power and Light), PSE&G Public Service Electric and Gas), Burns and Roe, an energy consulting firm, an energy activist group based in Washington, D.C. called Citizens Energy Coalition, as well as a number of interested A.W.A.R.E. members.

Following his talk, he knowledgeably handled audience questions about environmental concerns such as acid rain and nuclear generators.

The sponsor of the event A.W.A.R.E., is a New Jersey chapter of a national organization, N.E.W. (Nuclear Energy Women).

According to A.W.A.R.E. President, Caren Freyer, a former Chatham Township resident, the purpose of the group, formed in 1980, is "to educate women of the need for different energy alternatives." Although many of the 300 members from New Jersey, New York and Pennsylvania are associated with utility companies, it is a "no-biased organization," Ms. Freyer said, designed as a "forum for energy." The group, she said, takes neither a pro-nuclear nor a pro-solar energy stand.

A.W.A.R.E. is open to the public and welcomes new members. Dues are $2 per year. Anyone interested should contact Fran Sentner, PSE&G, T-5A, P.O. Box 570, 80 Park Plaza, Newark, NJ 07101.●

THE ACTIVITIES OF THE SUBCOMMITTEES ON HEALTH AND SAFETY OF THE COMMITTEE ON EDUCATION AND LABOR DURING THE FIRST SESSION OF THE 98TH CONGRESS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. GAYDOS. Mr. Speaker, the Subcommittee on Health and Safety, on which I am privileged to serve as chairman, conducted oversight hearings during the 1st session of the 98th Congress on the following matters subject to the jurisdiction of the subcommittee. They were:

I. The administration of the Federal Mine Safety and Health Act of 1977 with respect to coal mining.

II. Benchmark staffing levels for States which operate their own occupational safety and health programs under section 18 of the Occupational Safety and Health Act of 1970.

III. Fire and explosion at Texaco storage tank facility at Newark, N.J., January 7, 1983.

IV. The activities of the Occupational Safety and Health Administration with respect to dormant regulatory activities involving 116 substances.

I. THE ADMINISTRATION OF THE FEDERAL MINE SAFETY AND HEALTH ACT OF 1977 WITH RESPECT TO COAL MINING

The subcommittee conducted a series of oversight hearings on coal mine safety and health at which the following individuals testified:

Mr. Richard Trumka, president, International Union of United Mine Workers of America.

Hon. Ford B. Ford, Assistant Secretary of Labor for Mine Safety and Health.

Mr. Joseph Lamonica, Administrator, Coal Mine Safety and Health.

Mr. Robert H. Quenon, chairman, Bituminous Coal Operators' Association.

Mr. Joseph D. Brennan, president, Bituminous Coal Operators' Association.

Mr. James A. Clem, vice president, Safety and Industrial Hygiene, Bituminous Coal Operators' Association.

Mr. Ralph E. Bailey, chairman, American Mining Congress.

Mr. Ralph Hatch, chairman, Coal Mine Safety Committee, American Mining Congress.

SYNOPSIS OF TESTIMONY

1. MR. TRUMKA, ON BEHALF OF THE INTERNATIONAL UNION OF UNITED MINE WORKERS OF AMERICA (UMWA)

A. GENERAL COMMENTS ON MINE SAFETY AND HEALTH

Our ultimate goal should be zero fatalities and zero injuries in our industry.

We have seen a trend away from penalty assessment that Congress mandated in 1977. Right now, penalties for non-S&S—and S&S means a significant and substantial violation of the law—are cited for $20. Twenty dollars will allow you to violate the law if it is a non-S&S violation.

At one time, 80 percent of the violations cited by MSHA were considered significant and substantial. In the last quarter of 1982, that percentage fell to 13 percent.

The following are now considered nonsignificant and insubstantial: The lack of rock dust, 4.5 percent accumulation of methane, unguarded and exposed power circuits on a shuttle car, violations of the roof control plan, unsupported, loose, broken, inadequately supported, a power center located within 80 feet of the pillar line, and 5 inches of coal dust and loose coal in shuttle car roadway.

We have seen a direct correlation between districts that cite a larger number of S&S violations and a smaller number of S&S violations. Those that cite significant and substantial have a better accident frequency rate and fatality rate.

There are areas of the law where regulations have never been passed, areas dealing with recordkeeping, with toxic substances and standards for handling of toxic substances, pattern violations which was placed in this 1977 act, training for construction workers in the mining industry, health and safety regulations for construction workers in the safety industry, and we must go back to strict enforcement and return to a penalty system that provides strong incentives for compliance.

The year 1978, which was our best year in mine health and safety, was also the year that MSHA employed the greatest number of mine inspectors. In 1979, that number decreased and the rate increased. In 1980, the number of inspectors decreased further, and the rate increased further. In 1981, the number of inspectors decreased and the rate went up. In 1982, the number of inspectors, while not back to the 1978 level, was increased and the rate tipped. Now we are asked to eliminate an additional 129 inspectors from coal enforcement.

The fatality rate for surface mines in this country right now has decreased. In 1968, it was 1.2. Right now, it hovers at about 0.03. It is about the same, identical rate as the European miners have for underground mines. Our surface rate is identical to the European underground rate. Our underground rate is roughly twice the surface rate, roughly twice of what it is in England, Germany and comparable countries.

I would suggest that every violation of a health standard be considered S&S, every violation—violations of noise standards, violations of the dust standards. We had an inspection that they found 4.8 milligrams in the atmosphere of that mine. The prescribed standard that you advanced was 2 milligrams. The atmosphere was never to exceed those 2 milligrams. An inspector found an atmosphere of 4.8. He found that to be nonsignificant and insubstantial. I find that finding inhumane and callous.

MSHA has announced that they will use the National Gypsum decision as a springboard to not only attack significant and substantial as it applies to mandatory safety standards, but as it applies to health standards.

I do not think we have a long wall in the country that is in compliance with the dust standards right now.

At each mine throughout the country that is a UMWA mine, we have a safety committee composed of three people. Into the contract we have negotiated provisions for them to enforce the law. That safety committee is paid for by the local.

Many of the districts have district inspectors that also assist the safety committee and Federal inspectors. The three safety committeemen are there on a full-time basis. We have roughly 50 people in our safety division that we pay for that help us in the fields. We have increased the number of safety people periodically.

Seventy percent of the underground coal mines in the United States are below the mandated standard of 2 milligrams of respiratory dust per cubic meter of air. The 30 percent who exceed such standard are in long-wall mining. To the extent that CAV's take away from enforcement of the act, the UMWA would object to them, because, "We do not think that they are authorized under the act."

B. NORTH AMERICAN COAL CO. NO. 6 MINE

I asked a team of my inspectors to conduct an inspection simultaneously with or immediately following the inspection team of MSHA. They did that. At the North American Coal Co. No. 6 mine, my inspectors went into the mine on the 16th, 17th, and 18th of February. MSHA inspectors were there the 14th, 15th, 16th, 17th and 18th of February. Our inspections coincided somewhat. MSHA had a team of four inspectors; we had a safety committee and three inspectors. MSHA logged 17 inspection shifts and found 12 violations and issued one 104-B order. The UMWA inspection team logged 18 inspection shifts—1 additional inspection shift—and they found 160 violations of the law.

For the fourth quarter, MSHA in their entire inspection found 135 violations at that mine, 5 of which they considered as S&S. That is in an entire inspection quarter.

The mine was chosen for the inspection because it had an incident rate of 22.7 in the fourth quarter of 1982, as opposed to an industrial average of 19.4.

After hearing the results, I questioned my inspectors. I asked them perhaps if they had been unduly hard. They indicated to me that in the vast area of that mine and in the few days they had to inspect it, they looked for big things. They were not nitpicking.

2. HON. FORD B. FORD AND MR. LAMONICA, ON BEHALF OF THE MINE SAFETY AND HEALTH ADMINISTRATION (MSHA)

A. NORTH AMERICAN COAL CO. NO. 6 MINE

On January 3, 1983, MSHA commenced an inspection of the North American Coal Co. Powhatan No. 6 Mine in its entirety which concluded with a close-out conference on March 31, 1983. During the 3-month MSHA inspection, there was full participation by the representatives of the miners. Several UMWA safety committeemen at the mine accompanied our inspectors throughout the inspection and also participated in the pre and postinspection conferences.

During the course of the MSHA inspection, the UMWA conducted its own inspection of the Powhatan No. 6 Mine. Its inspection commenced on February 16 and concluded on February 18. At the time the UMWA finished its inspection, the MSHA inspection was still in progress and was not completed until March 31, 1983.

On February 22, 1983, the UMWA issued a report of its inspection, a copy of which was received by the MSHA St. Clairsville office on the same day. After reviewing the report and determining a number of the conditions noted by the UMWA did not constitute violations of any MSHA standard, MSHA inspectors were sent the next day, February 23, to conduct a spot hazard inspection. During the spot inspection, MSHA investigated the remaining conditions identified by the UMWA to attempt to determine if violations of Federal safety and health regulations existed. This followup inspection in response to the report was performed at the Powhatan No. 6 mine on February 23, 24, 25, and 28, 1983, and a representative of miners accompanied the MSHA inspectors each day.

During the followup spot inspection eight citations were issued, five of which were directly related to conditions identified in the union report. A report of the followup spot inspection was then prepared and copies were transmitted to both mine management and the UMWA district 6 office. No response concerning the followup inspection and report was received from the UMWA.

After completing the spot inspection in response to the UMWA report, MSHA continued its inspection of the Powhatan No. 6 mine which concluded on March 31, 1983. As of February 18, when the UMWA concluded its inspection, MSHA had issued 115 citations at the mine. During the last month of the inspection, MSHA issued an additional 21 citations and 2 orders. Thus, a total of 136 citations and 2 orders were issued during the inspection of the mine in its entirety—not including the 8 citations issued during the spot followup inspection in response to the UMWA inspection report.

The UMWA report of their inspection of the North American Coal Co. Powhatan No. 6 mine contained a total of 146 conditions described as violations of safety and health standards. Of the 146 conditions reported, 28 referred to breaker posts not being installed in cross cuts along the track and belt. Current MSHA regulations and criteria for roof control plan approval refer to the use of breaker posts during pillar mining only. During the MSHA inspection no pillar mining was being done at the Powhatan No. 6 mine. However, the installation of breaker posts in these areas may be required under State law.

The UMWA inspection report also described 15 conditions concerning problems with belt rollers which were stated to be violations. The mere presence of stuck or frozen rollers in a belt conveyor system does not constitute an MSHA violation.

Of the 146 conditions reported by the UMWA, approximately 90 of the conditions did not constitute violations of Federal safety and health standards at the Powhatan No. 6 mine. The remaining conditions did not include enough information for MSHA to determine if a violation of the particular standard referenced by the UMWA existed when the UMWA inspection was made. Moreover, MSHA was unable to

substantiate any violations regarding these conditions during the spot followup inspection. Before an MSHA inspector can issue citations for violations, the conditions associated with the violations must be fully substantiated. In addition, a mine is a constantly changing environment and new conditions are encountered in a mine on a daily basis as the working faces advance. Potentially hazardous conditions are also often corrected by mine operators, which foreseeably may have occurred in this case after the UMWA inspection. Thus, a violation noted one day may not exist the next and vice versa. As a result, it is difficult, if not impossible, to reinspect a mine and make a determination as to whether a violation existed on a particular date.

B. GENERAL REMARKS

Last year MSHA accomplished a major reorganization, hired and began training more than 200 new coal mine inspectors and specialists, continued major rulemaking projects and embarked on new ones, focused special emphasis programs on the worst hazards, and set up new forums for dialog among industry, labor, and Government.

In both the coal and the metal and nonmetal mining industries in 1982, injury rates continued the steadily downward trend they have shown for many years. In coal mining, the all-injury rate declined from 8.92 injuries per 200,000 employee hours in 1981 to 8.06 in 1982. The actual number of reported injuries also fell from 18,821 in 1981 to 16,561 last year. What these figures mean is that, last year, coal mining became a safer industry in which to work.

The same was true in metal and nonmetal mining. The all-injury rate in the industry dropped from 5.65 in 1981 to 4.49 in 1982, again following the encouraging trend of declining rates we have seen for some time. Comparisons between 1982 and the previous years in metal and nonmetal mining are somewhat difficult, however. A substantial sector of this industry was exempted from MSHA jurisdiction through appropriations riders during part of last year, so that complete injury and work-time data could not be collected. But the data MSHA did compile showed continued progress.

Fatal injuries also declined compared with the previous year. In coal mining, there were 122 deaths in 1982, down from 153 in 1981, and indications are that the trend is continuing. As of February 25, 1983, there were 8 fatalities compared to 33 on this date a year ago. Likewise, in metal and nonmetal mining, accidental deaths also decreased from 84 in 1981 to a new historical low of 67 last year.

In recent months, MSHA initiatives have made important strides toward making "cooperation" more than a catchword. Current MSHA initiatives are leading to more dialog and more cooperative activities among the sectors of the mining community than ever before.

MSHA district organizations are no longer strictly in the business of inspections. They also assist mine operators to improve safety and training programs. Training specialists newly assigned to the districts work with both management and labor in solving safety and health problems at selected mines where simply conducting more inspections is not the answer.

MSHA has forged stronger lines of communication and teamwork with State mine safety programs across the Nation.

In line with the President's commitment to comprehensive regulatory reform, MSHA is now reviewing several groups of its rules. The goal is to clarify vague requirements that can lead to arbitrary or conflicting interpretations, to remove overlaps and duplications, to eliminate any requirements that do not further safety and health, to accommodate state-of-the-art technology, and to reorganize the regulations so they will be easier to understand and use.

Last year, MSHA revamped the rules for civil penalty assessments. The new rules gave greater credit for correcting violations promptly and provided a flat penalty for any violation that is not significant and substantial. Industry has reacted positively to these revisions, and under these rules, the vast majority of violations MSHA inspectors find are being corrected promptly.

MSHA is now engaged in reviewing eight major groups of metal and nonmetal mine safety and health regulations, as well as all the safety standards that apply to underground coal mining. Additional major reviews scheduled to begin soon will deal with education and training regulations and with reporting and recordkeeping requirements.

MSHA's goal is to complete all these reviews and to have improved regulations covering these areas in place before the end of 1984.

In this regulatory review process, participation by industry, labor representatives, and all members of the mining community who may be affected by rule changes is an integral part of MSHA's plan. To insure that the mining public has every chance to take part, MSHA asked the mining public for comments even before beginning to draft possible revisions in coal and metal/nonmetal review projects. In the metal and nonmetal project, public comments were used in selecting priority areas for review and, last spring, MSHA held 26 public conferences throughout the country to obtain advance input into the revision process.

Shortly MSHA will be proposing a new rule designed to streamline approval and certification of mining equipment. This proposal will allow for an alternative procedure for certain mining equipment approvals, under which the required product testing could be performed by the manufacturer or by a third party rather than by MSHA if certain requirements are met. Such a rule will benefit MSHA, industry and the miners by helping to speed approvals of new equipment, reducing backlogs of equipment awaiting tests, and conserving MSHA resources, while continuing to insure that such equipment is safe for use in the mines.

Last spring MSHA offered for the mining community's consideration several suggestions concerning areas where the law might be changed to give MSHA more flexibility to do a better job.

They are:

First, the current requirement for two complete annual inspections at every surface mine should be eliminated.

Second, in certain situations a notice of violation should issue instead of a citation.

Third, MSHA should be given more flexibility in approving training plans. The requirements of 24 hours training for new surface miners and 8 hours refresher training for all miners should be deleted.

Fourth, MSHA should be allowed to provide onsite consultation at producting mines.

MSHA and the Secretary of Labor still oppose the transfer of jurisdiction over surface stone, sand and gravel, et cetera, to OSHA under an appropriations rider. The appropriations rider last year caused great disruption at MSHA.

3. MR. QUENON, MR. BRENNAN AND MR. CLEM, ON BEHALF OF THE BITUMINOUS COAL OPERATORS' ASSOCIATION (BCOA)

The coal mining record in health and safety since 1969 is one of continuing improvement. The fatality rate, for example, has dropped from 0.17 per 200,000 hours worked in 1969 to 0.06 in 1982.

Records indicate BCOA member companies have consistently been ahead of the industry generally. The number of fatalities at BCOA companies, for example, has declined from 100 in 1969 to 41 in 1982, even though employment increased by approximately 35,000 people.

Pursuant to a contractual commitment between BCOA and UMWA there is a joint industry health and safety committee composed of three safety and health experts appointed by BCOA and three by the UMWA. The joint committee has the general charge of addressing health and safety matters of importance to the industry. It is also charged specifically with consulting with MSHA and the Depart-

ment of Health and Human Services on regulatory matters. While the individual approaches of the members may differ there is consistent agreement on the overall goals and often on specifics.

In response to recommendations based on joint committee investigations, MSHA has revised the application of standards for installation of cabs or canopies on mining equipment, and for illumination of working places, resulting in improved miner safety. Field tests of self-contained, self-rescue devices conducted by MSHA in cooperation with the joint committee resulted in a reconsideration of the MSHA conclusion that the normal deployment system would be for miners to wear or carry the devices. This was a positive development leading to a more acceptable and practical deployment system.

There is also a joint BCOA/UMWA training committee which has just finished revising its training program for UMWA health and safety committee members.

BCOA companies also have training commitments under the national bituminous coal wage agreement, which address both health and safety and skill development. In addition, most companies have extensive training programs for the various managerial levels with particular emphasis on frontline foremen.

The 1969 act was and is designed to prevent accidents caused by physical conditions in coal mines. Among other matters, disaster-type accidents, falls of roof, and the work environment are addressed, standards are set, and enforcement procedures written. There is no doubt the overall effect of these things has been beneficial.

However, BCOA believes that the effectiveness of the enforcement strategy has reached its optimum level. In order to move forward in accident prevention, we must build upon the present initiatives with new approaches such as, first, the development and introduction of new technology to remove miners for high risk situations; second, continued research and development in production technology with built-in safety factors; and, third, the intensification of management initiatives to instill the safety habit in every employee so that accidents caused by so-called human errors can be reduced significantly.

These basic problems cannot be remedied solely by the enforcement strategy. Progress is mainly dependent upon management's efforts, with the full cooperation of the work force and its institutions, and upon the recognition by MSHA of the inapplicability of its present approach in addressing the human factor.

Management is accepting its primary responsibility in the safety area, by implementing and managing those programs necessary to fulfill that obligation.

The employees at a given coal mine and the labor organization which may represent them must accept the responsibility to work safely and to use their institutional actions to further the ongoing safety effort.

The Government's enforcement resources should be directed objectively at those elements of the mining process with the greatest degree of risk and toward continuing problems which are amenable to the enforcement approach. Regulations should be directed at real safety concerns. Any promulgation of new regulations should be made only after full opportunity for meaningful and credible comments by all interested parties. It is only after those comments are considered that a decision as to the need for feasibility or regulations should be made.

The reorganization of MSHA, which gave the district managers all the tools for enforcement, training and the total safety effort has been in place since last spring. Conceptually, this shifts the emphasis to the overall goal of improving safety with enforcement being just one component of achieving that goal. It is a healthy step in the proper direction.

It is perhaps too early to pass total judgment on all aspects of the reorganization, but coupled with the fixed penalty approach for nonhazardous violations which are abated timely, it appears that more time and resources are available to concentrate on the more important safety problems in the mining environment.

BCOA is pleased that MSHA has undertaken a review of the mandatory regulations adopted under authority of the statute. The existing coal regulations probably are the most comprehensive and detailed of any set of health and safety regulations for any industry. Basically, those regulations are expansions of the interim standards set out in the 1969 act, supplemented by regulations in other areas the act directed the Secretary to address, and additional regulations covering matters the agency identified as potential problems.

Until now, no comprehensive review of the regulations has been attempted, although a changed coal industry has emerged in the 13 years since the basic interim mandatory standards were written. The 1983 coal industry is characterized by revolutionary changes in technology, economics, ownership pattern, work force demography, and more significantly by new management perspectives. It clearly is time for a comprehensive review of the regulations to bring them in line with today's needs.

In addition to reviewing the standards, BCOA also has proposed regulations setting out a procedure for MSHA approval of the mine operator's plans, such as for ventilation and roof control. The act currently requires these to be submitted to the Secretary for his approval. The procedure is defective because no independent review is provided in the event the Secretary withdraws or declines approval of the operator's proposed plan. In addition to establishing a means for independent review of the issue, the BCOA proposal would establish reasonable deadlines for MSHA and operator responses. This principle is of extreme importance to the coal industry. The present inequities can be remedied by regulation which will not change a single mandatory standard and in no way reduce MSHA authority to approve or disapprove an operator's plan. MSHA's credibility and performance will be strengthened by a system in which its decisions are subjected to the scrutiny and reinforcement of an independent review.

Pending the results of the regulatory review process, BCOA is not, at this time, urging statutory change. We do have areas where, if the act were opened, we would seek improvements. The physical standards required by the act are still a sound foundation for safety, subject to updating and improvement through the rulemaking process.

BCOA believes that the MSHA jurisdiction should include independent contractors performing work on mine property. It has taken this position very strongly in the past, and still believes that MSHA jurisdiction over such contractors should be continued. In addition, independent contractors should be for purposes of the act, held accountable as operators for their actions in dealing with health and safety conditions.

BCOA believes that the current number of training hours required for new entrants and for annual retraining has proven to be adequate and effective.

4. MR. BAILEY AND MR. HATCH ON BEHALF OF THE AMERICAN MINING CONGRESS (AMC)

The worldwide recession caused a significant decrease in the demand for mining products. This decline in demand for domestic production resulted in mines operating at less than full capacity, and in some cases being shut down. The lower level of production resulted in significant unemployment in the mining industry. Unemployment in coal mining was 18.1 percent in 1982 compared with 7.2 percent in 1981.

The industry has made significant progress in reducing the fatal injury rates since the passage of the 1966 Federal Metal and Nonmetallic Safety Act and the 1969 Coal Mine Health and Safety Act. The industry's engineering advances and the efforts of its safety professionals have played a

major role in the improvement of safety and health. For each 100 million metric tons of coal produced by underground mining in 1980, the United States had 31 fatalities, compared to 80 in West Germany, 30 in Great Britain, and 94 in France. However, the accident frequency is still not acceptable to the mining industry.

The 1977 act does not adequately treat violations according to their seriousness or the degree of operator fault. Although the National Gypsum decision and the reform of the civil penalty regulations were the first steps toward balanced enforcement, citations are still required to be issued and fines assessed for even the most trivial of violations. Mine closure orders issued on the basis of violations that are "significant and substantial" and caused by the operator's "unwarrantable failure" to comply with the act. These terms, however, are not clearly defined in the act and have been loosely applied so that, in sharp contrast to OSHA, closure orders can be issued for violations that do not warrant such drastic action.

The 1977 act indiscriminately requires mandatory enforcement inspections at all mines, regardless of their safety records, and severely restricts consultive nonenforcement visits at operating mines. The result is that inspectors are generally viewed as policemen rather than safety professionals who could provide constructive assistance.

The shotgun approach of the mandatory inspection requirements, when combined with the mandatory requirements for issuing citations and assessing fines, prevents the Secretary from applying MSHA's resources in an effective way and inhibits operators from seeking consultation from the agency.

Rather than improving safety and health, present inspection procedures tend to be disruptive, time consuming, and confrontational. MSHA should have discretion to focus its enforcement activities at those locations where enforcement is warranted.

The Secretary should be authorized to focus the agency's resources on the prevention of accidents and their causes. MSHA should conduct compliance assistance visits, training programs, and safety analysis programs for any operator who requests them. And operators should be permitted to request these programs without the fear of retaliatory enforcement.

A meaningful right to contest alleged violations should be afforded operators. Like OSHA, an automatic stay of enforcement should be allowed for nonserious violations which are challenged in good faith by the operator. An operator should be granted a stay of enforcement by the Review Commission for violations which are alleged to be serious if the operator establishes that the delay would not threaten the health or safety of the miners.

The mine plan approval system was originally intended to allow mine operators flexibility in meeting regulatory requirements. If properly implemented, it would have provided for site-specific compliance methods with general regulatory requirements. However, over the years this laudable goal has been thwarted by MSHA's development of standardized lists of plan requirements, which are in essence a form of ad hoc rulemaking without the benefit of public input.

Additional requirements for mining plans without a thorough investigation of the needs have resulted in the reduction of actual hours engaged in production. The inflexible position of not recognizing the differences in geological strata from mine to mine in approving roof control plans and the constant threat of not having a roof control or ventilation plan approved unless it includes the inspector's demands, cut heavily into morale and productivity. These areas of overregulation should be carefully examined and remedial action taken.

AMC has proposed a formal mine plan approval procedure which would encourage cooperative efforts to arrive at an agreed upon site-specific mine plan. If elements of the plan were not agreed to, they would be subject to review by an independent administrative law judge of the Federal Mine Safety and Health Review Commission.

Were regulation achieves greater safety, AMC has no quarrel. But, where it does not enhance safety, AMC believes that Federal regulation is misplaced and is counter productive. Rigid, inflexible, thoughtless regulation, no matter how well intended, can have a plainly detrimental effect on achieving a safe, effective and productive mining industry. It is the overregulation and enforcement of the Act as an end in itself that has caused the industry most of its problems.

It is important, however, not to lose sight of the fact that the root cause of the industry's problems with the Mine Safety and Health Act is the act's overwhelming emphasis on the issuance of citations rather than on accident prevention.

MSHA should issue citations and assess fines in a timely fashion. Unfair delays caused by Government inaction can result in the unavailability of witnesses or the loss of evidence and can ultimately deprive mine operators or individuals of an opportunity for a meaningful defense.

AMC members recognize and accept their responsibility to manage the mines and enforce safety and health rules. Yet, mine operators are cited and fines assessed for violations committed by miners in contravention of safety training and clearly enunciated company policy.

Under section 110 of the act, except for smoking violations, civil penalties for violations are assessed solely against the operators. Violations committed by individual miners, even if willful, are imputed to the operator, and the offending miner has no responsibility for them. The assumption which underlies the strict liability concept ignores the fact that foremen cannot observe and control the action of all miners at all times.

Operators should have an affirmative defense in those instances when the violation is caused by an individual miner in contravention of conpany policy or rules or mandatory health or safety standards. This affirmative defense should be available if the operator can establish that the violation was caused by a miner who has been instructed in the operating procedures required by the governing policy, rule or standard, and that such policy has been enforced by the operator.

Secretary Ford has allowed early preproposal public involvement during MSHA's current regulatory review. This commendable procedure ought to be a standard part of MSHA rulemaking. It would also be desirable to require formalized rulemaking procedures that would require MSHA to justify a standard thorough cross examination, if it is challenged. Even though the legislative history to the 1977 act provides the Secretary with discretion to hold formal hearings, this procedure for validating standards has never been used.

In addition, with respect to health standards, unlike safety standards, operators have no opportunity to petition the agency for a variance that would allow for an equally effective or better alternative means of compliance. Similarly, manufacturers of mining equipment are unable to petition for variances.

II. BENCHMARK STAFFING LEVELS FOR STATES WHICH OPERATE THEIR OWN OCCUPATIONAL SAFETY AND HEALTH PROGRAMS UNDER SECTION 18 OF THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

A. EVOLUTION OF THE "BENCHMARK" ISSUE

Section 18 of the Occupational Safety and Health Act of 1970 provides a detailed procedure for a State to develop and establish an OSHA program for approval by the Occupational Safety and Health Administration.

More specifically, a State plan must develop and enforce safety and health standards which, "will be at least as effective as" Federal standards.

Additionally, the State plan must "have the legal authority and qualified personnel necessary for the enforcement of such standards."

Section 23 of the act provides for Federal grants not to exceed 50 per-

cent of the total cost of State programs.

Shortly after the OSHA Act became effective on April 28, 1971, the then OSHA Administration initiated a procedure to encourage States to develop occupational safety and health programs that would receive OSHA's approval. At the same time the OSHA Administration purposely limited the number of inspectors to be employed by Federal OSHA, based on the assumption that the States would assume responsibility for occupational safety and health through OSHA approved programs and it would not be necessary for OSHA to maintain a substantial inspection force of its own.

Many States did submit their OSHA programs for approval and it quickly became a concern of organized labor that if these State plans were approved based upon a limited inspection force—more or less comparable to the then limited Federal inspection force—that the congressional mandate would be flouted.

Accordingly, the AFL-CIO commenced an action against OSHA in 1974 contending that unless OSHA was restrained by court order, it would be granting approval to State plans which has inadequate staff.

This litigation culminated in 1978 in a decision by the U.S. Court of Appeals for the District of Columbia that OSHA could only grant final approval to a State that had a "fully effective" program. The matter was then remanded to the U.S. District Court for the District of Columbia for the establishment of specific staffing requirements for each state which had submitted a plan for approval.

In April 1980 OSHA and the AFL-CIO submitted a report to the court which was adopted by the court. This set forth specific staffing levels for both safety inspectors and health inspectors. These numbers are the so-called benchmarks.

The publication of these staffing levels indicated that of the 24 jurisdictions which had requested approval of their plans, only the State of Connecticut had staffing levels equal to the benchmarks.

The current OSHA Administration has endeavored to address the situation by requesting an amendment to the OSHA appropriations bill which would grant the authority to OSHA to approve state plans with staffing levels less than those established by the court order.

Such rider was included in the initial continuing resolution for fiscal 1983 but was dropped from the subsequent resolution which funds OSHA for the remainder of 1983.

House Report 97-980, which accompanied House Joint Resolution 631, the continuing appropriations bill for fiscal 1983—(Public Law 377), states that the authorizing committees should "carefully examine" the "staffing levels in those states that operate their own occupational safety and health programs under Section 18 of the Occupational Safety and Health Act."

Following the inclusion of the rider in the initial continuing resolution for fiscal 1983, OSHA in November 1983, published in the Federal Register the so-called revised benchmarks. These would have allowed 21 of the 24 jurisdictions to qualify for final approval as having the requisite safety and health inspectors.

B. SYNOPSIS OF OVERSIGHT HEARING PURSUANT TO THE RECOMMENDATIONS CONTAINED IN HOUSE REPORT 97-980 . . . "TO CAREFULLY EXAMINE" THE "BENCHMARKS" ISSUE, THE SUBCOMMITTEE CONDUCTED A SERIES OF OVERSIGHT HEARINGS AT WHICH THE FOLLOWING INDIVIDUALS TESTIFIED

Mr. H. Wayne Mount, Administrator, Division of Occupational Safety and Health, Department of Labor and Industrial Relations, State of Hawaii.

Mr. Clayton Deane, assistant commissioner, Department of Labor and Industry, Commonwealth of Virginia.

Mr. Jan Thomas, chief administrator, Virginia Occupational Safety and Health Program.

Hon. Thorne G. Auchter, Assistant Secretary of Labor for Occupational Safety and Health.

Mr. Patrick Tyson, Deputy Assistant Secretary of Labor for Occupational Safety and Health.

Hon. Thelma Stovall, commissioner, Kentucky Department of Labor.

Mr. Steve Forbes, Federal/State Coordinator for Kentucky OSHA.

Hon. Edgar L. McGowan, commissioner of labor, State of South Carolina.

Mr. Michael D. Ragland, deputy commissioner of labor, State of North Carolina.

Hon. Donald D. Owsley, administrator, State of Wyoming Occupational Health and Safety Department.

Hon. Joyce Hearn, member of the House of Representatives for the State of South Carolina, and chairman of the national advisory committee on occupational safety and health.

Mr. George H. Cohen, attorney at law, on behalf of the AFL-CIO.

Mr. Jack Sheehan, United Steelworkers of America, AFL-CIO, on behalf of the AFL-CIO.

1. MR. MOUNT, ON BEHALF OF THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS, STATE OF HAWAII

Hawaii's OSH law was passed in 1972, the plan was initially approved in 1973 and became operational in January 1974. Concurrent Federal jurisdiction was withdrawn by operational status agreement in May 1976 and certification was forthcoming in April 1978.

The Hawaii OSH plan integrates safety and health enforcement with voluntary compliance programs, consisting of training, consultation, education and information programs. It has a certified occupational health laboratory and a technical library complete with loan services for reference material and visual training aids. The library loan service is available to everyone and we find U.S. Government agencies among our greatest users.

The currently authorized staffing level—by State biennium budget and annual 23(g) grant—is 18 safety inspectors and 9 health inspectors. The OSHA benchmark plan, as accepted by the district court, set Hawaii's "fully effective" staffing levels at nine safety and nine health inspectors. The more recent adjustment of the benchmark proposed by OSHA to meet Federal equivalency further reduced staffing to four safety and two health inspectors. If Hawaii were to accept the judgment of the district court or OSHA without challenge, the Hawaii program would be decimated. Hawaii does not believe that any degree of program effectiveness can be maintained in Hawaii if they are to be constrained to the staffing levels contained in either proposal.

The currently authorized staffing levels grew out of our experience with the Hawaii Industrial Safety Division with appropriate allowances for adding an occupational health dimension in all program elements. Only modest growth has been experienced since pre-OSHA coverage and part of the growth was needed to accomodate the necessary liaison and coordination between State and Federal OSH programs. Implementation of the benchmarks would be a giant step backward in Hawaii.

We have no quarrel with the basic issues which led to the suit and the judgment that staffing and funding plans should exist to assure satisfactorily effective enforcement. We disagree, almost totally, with the procedures employed and the formula used in developing the staffing levels accepted by the court. One of the immediate problems we had with the court order was the apparent focus on a completely new program term "fully effective." We question the meaning of this term and the apparent focus of the order on this term. If the court order is to have practical meaning, this term begs for definition.

The court directed the use of the best information and techniques. We maintain that this was not done since averaged national data was generally applied, even though specific State data was readily available. The court directed consideration of the State's ability to allocate inspectors efficiently. This was not done, even though OSHA was aware that States have better information than is available nationally. On the basis of current, and constantly updated information,

we are able to schedule inspectors into specific establishments which are experiencing injuries and illnesses. Lacking establishment information, OSHA provides shotgun coverage of entire industries on the basis of analysis, often 2 years or more old. The benchmark formula assumes the OSHA system to be in effect in all jurisdictions.

The court also directed consideration of productivity influence on health inspections. This was not done although it was generally known that many States, such as Hawaii, have analytical laboratory services onsite and under local program control. OSHA relied, and continue to rely, on central laboratory facilities and the U.S. postal system.

One of the arbitrary decisions made was the exclusion of all nonmanufacturing industries with 10 or fewer employees from any enforcement coverage. Rationale for this decision was not provided. Our experience does not support the view that injuries and illnesses are confined to larger establishments. This arbitrary exclusion, if implemented, would affect 80 percent of Hawaii employers and bar 17 percent of our employees from the promised protection of the law.

Public sector—State, county, and city government—in Hawaii represents almost 15 percent of the work force. The benchmark formula allowed public sector inspection coverage at 2 percent of total safety and 1.8 percent of the health inspection coverage applied in the private sector. This is woefully inadequate particularly since local government employment also has pockets of high hazard activities.

We believe one of the very serious mistakes made during the formulation of the benchmarks was the assumption that you can average the dissimilar industrial activities of all States, design inspection response to the apparent needs of the resulting industrial model and expect the same response to be effective when applied to the actual industrial mix of each State.

The benchmark constraints would rarely permit us entry for inspection into agriculture, wholesale and retail trades, and the services industry.

Hawaii is one of three jurisdictions now under active consideration for final approval of our State program under section 18(e) of the OSH Act. We are eligible because our enforcement staff is at or greater than the court-ordered benchmarks. We recognize that we qualify within the benchmark staffing criteria because Hawaii is more dissimilar to the benchmark model than are the other 21 jurisdictions, for which great staffing increases are directed. We are eager to obtain the statutory promise to final plan approval and we feel that our program is deserving. However, we also believe that our eligibility—because of the dissimilarities—and the denial of consideration to equally deserving States is alone sufficient grounds to challenge the credibility of the benchmarks.

Our Hawaii State legislators, who have supported our plan from the start, have not recently asked, and I hope will not soon ask, "What is the minimum effective staffing level or what is the optimum staffing level?" Will they believe the Administrator's response that 27 inspectors are needed, or will they believe a senior U.S. court's view that 18 inspectors would be "fully effective," or OSHA who suggests that 6 inspectors would be adequate for now?

2. MR. DEANE AND MRS. THOMAS ON BEHALF OF THE OCCUPATIONAL SAFETY AND HEALTH PROGRAM, COMMONWEALTH OF VIRGINIA

The Federal benchmarks system relies totally on an assumption that the number of inspections determines the effectiveness of an OSHA program and that more inspections mean safer workplaces. Our position is quite simple—we do not believe that the use of any benchmark criteria has proved helpful or should be paramount in evaluating the effectiveness of individual State programs, and we believe the entire system should be scrapped and replaced with more flexible and qualitative standards that are based on the real results being achieved by State health and safety programs.

The Commonwealth of Virginia operated worker safety programs for more than 25 years prior to the passage of OSHA in 1970. The Commonwealth of Virginia has consistently fallen below the national average in work related injuries and accidents. At this time the Virginia program is seeking certification by the U.S. Department of Labor and is not yet at the point of seeking final approval. However, if the Commonwealth were at that point, regardless of how efficient or effective the program may be, final approval could not be given because of failure to meet staffing benchmarks. Why? Not because we have been ineffective in safeguarding workers' safety—we clearly have been effective—but because we are not meeting an arbitrary benchmark figure on staffing and funding; because in fact, we have been consistently doing a better job with less money and fewer people in providing safety and health in the workplace as reflected by injury and accident statistics.

The record clearly shows that Virginia workplaces are, on the average, safer than the average workplaces nationally, indicating to reasonable persons that the Virginia OSHA program is at least as effective as the United States OSHA program.

When the Bailey's Crossroads building collapsed, killing 14 workers, and the kepone poisoning episode occurred, Federal OSHA was asserting jurisdiction in Virginia. In 1977, just prior to the time Virginia OSHA took over, there were 11 Federal safety inspectors and 5 Federal health inspectors in the Commonwealth of Virginia. Currently, Virginia OSHA has 38 safety inspectors and 18 health inspectors.

We urge Congress to clarify its intent that the appropriate standard for granting or withdrawing approval of a State OSHA program is whether the State program is at least as effective as the Federal program in protecting worker safety. In making this clarification, we request that the Congress mandate that the Secretary of Labor, in determining whether to approve or disapprove of State programs, evaluate workplace safety and health results. We think the present approach of evaluating a State program largely on the basis of the extent to which it mirrors the Federal system is wrong.

In addition, we recommend that the Congress review the problem of court-ordered inspector staffing levels. It seems to me that every State should have the assurance that its OSHA program, with respect to staffing, will be approved if it maintains an inspector force at the level indicated by the actual funding of the Federal share of the program by the Congress.

3. MR. AUCHTER AND MR. TYSON, ON BEHALF OF THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Twenty-four States and jurisdictions are now operating programs with initial Federal approval. Twenty-one of these State plans have also received certification, an intermediate mark of Federal approval signifying that the plans in question have successfully completed a 3-year developmental period and have in place all the structural components of an effective program, such as enabling legislation, regulations, review procedures, adequate safety and health standards, and the like. Some of these State plans have been in operation for as long as 10 years and are long overdue for final approval under section 18(e) of the act, an approval the States and their legislatures expected to have been achieved within 4 to 5 years of initial approval of their plans.

OSHA is unable to grant final approval to otherwise eligible State OSHA programs because of unrealistic requirements for compliance staffing levels.

The 1978 court decision stipulated that it did not matter what the staffing level of the Federal program was; State programs, in order to gain final approval, had to have compliance staffing at levels that were "fully effective." The court told the Secretary to develop numbers or benchmarks for such fully effective levels.

This, to our knowledge, was the first time in the legislative and judicial history of the act that the term "fully ef-

fective" appeared. The phrases—"at least as effective," "adequate funds," "satisfactory assurances," "effective and comprehensive * * * program,"—appear in the criteria for approval of State plans enumerated in subsection (c) of section 18 of the act. Nowhere were fully effective compliance staffing levels discussed in the congressional hearings or debates that preceded passage of the act.

The appeals court did not define a fully effective program but directed the Agency to do so. The formula OSHA subsequently used to develop the 1980 staffing benchmarks was based on the assumption of a need for sufficient safety and health compliance officers to provide a regular presence in all workplaces covered under the act.

In our judgment, the Congress did not envision regular inspections in every workplace and did not intend that the States should strive toward that goal. The act requires only "satisfactory assurances" that there will be the "qualified (State) personnel necessary" for enforcement purposes and that "adequate (State) funds" will be devoted to that purpose. Almost every paragraph of section 18 of the act established the concept of a State program "at least as effective" as the Federal. It is unlikely that Congress intended the portion of the Nation covered by State plans to face an OSHA compliance presence considerably larger than the Federal.

The Court also required OSHA to establish a timetable for each State to achieve its benchmark levels, but provided that if Congress failed to appropriate sufficient funds, States could not be required to move to those levels. At the same time, the court order precluded OSHA from granting final approval until the full benchmarks levels were reached.

Thus, in the last analysis, the benchmarks issue is a funding issue. The Congress in the past several years, by the funds it has provided for State staffing, has in effect indicated through the appropriations process that the staffing goals established in 1980 were excessive. The court of appeals recognized that this might be the case when it stated that "the Secretary may draw up his plan and find at some point in the future Congress is unwilling to appropriate the funds requested." We believe that it is unfair to deny final approval to effective State programs because they cannot meet requirements for which there are no available Federal matching funds at present and no likelihood of such funds in the future.

The State plan States have expressed concern that this continued impasse over benchmarks might cause some State legislatures to discontinue funding for their programs. If that occurs, it is estimated that it would cost the Federal Government more than $110 million to maintain the present complement of State plan compliance officers now being funded with 50 percent matching funds appropriated by the various State legislatures. This would mean a 128-percent increase in the cost of implementing the OSHA program in these States.

Because the appeals court decision explicitly provides that State staffing benchmarks may be modified by the appropriations process, the President's reguest for supplemental appropriations for 1982 and his budget requests for both 1983 and 1984 have contained language allowing OSHA to grant final approval to otherwise eligible State plans when their comp-liance staffing was at least the equivalent of Federal staffing.

The language in the 1982 and 1983 requests would not have required any reduction in existing State staffing even though many States exceeded, and continue to exceed, "equivalent" staffing levels. The language would merely have set equivalent levels as a minimum condition for final approval. Because there was concern, however, on the part of some States that a benchmark equivalent to the Federal level might be used to restrict States to that level, additional language was included in the 1984 budget request to make clear that under "equivalent" benchmarks OSHA could not "require States to reduce staffing that exceeds these levels."

The proposed appropriations language in our judgment is in accord with the terms of the court order and would not eliminate the concept of a fully effective benchwork goal, even though we now believe such a goal is unreasonable and unwarranted. States would still be expected to move toward fully effective staffing levels as funding became available.

The ultimate goal of the 1980 benchmarks process was to establish for each plan State an allegedly ideal number of safety and health inspectors needed to provide a fully effective enforcement level. It was the intention of the then OSHA Secretary that the numbers should be quite high.

The central question in determining the number of safety and health inspectors needed for a fully effective program for each State was how frequently an establishment should receive a regularly scheduled inspection. Two panels, each consisting of eight Federal and six State employees, were asked to determine, based on data and experience, an optimum frequency and duration for "general schedule" inspections in establishments that had been categorized as to size of work force and degree of hazard. These inspection frequencies were then multiplied by the number of establishments in each industry in each State. Also figuring in the calculations were estimates of the time required to complete unscheduled inspections, as well as estimates based on Federal experience of available persons hours per year. The result of this process was publication on April 25, 1980, of State staffing benchmarks which required States to increase their safety compliance staffs by 48 percent had their health compliance staffs by 439 percent.

The report filed by the Department of Labor with the court in 1980 stated that OSHA would undertake a comprehensive review of the benchmark model within 2 years in order to determine whether the benchmarks should be revised.

Early in 1982 OSHA undertook such a review. The Agency concluded that the formula on which the 1980 benchmarks had been predicated was flawed in several respects and had resulted in inappropriately high staffing requirements in some States. Accordingly, in March 1982, OSHA began preparing a proposal to revise the methodology employed and to take a more pragmatic approach, which would give greater consideration to efficient allocation of resources.

The Agency's action in this regard was suspended in September 1982, when the Congress included language in the fiscal year 1982 Supplemental Appropriations Act permitting OSHA to consider for final approval otherwise eligible State plans meeting equivalent Federal staffing levels.

OSHA is in the process of contracting outside the Agency for expert assistance to review the basis for determining staffing benchmarks for a fully effective enforcement program. The Agency's objective is to establish, through a joint Federal-State effort, viable staffing goals which are consistent with the 1978 district court order, the 1980 OSHA report to the court, and the recent NACOSH recommendation. Any proposal to revise the benchmarks would, of course, be published for public comment.

Another solution to the benchmarks impasse might be an amendment to the act that would State specifically that State compliance staffing levels must be "at least as effective" as Federal levels. Such an amendment would require only a slight modification in the language of section 18 to clarify the ambiguity that led to the appeals court decision that caused the problem in the first place.

4. MS. STOVALL AND MR. FORBES ON BEHALF OF KENTUCKY OSHA

The State legislation which enabled Kentucky to assume responsibility for occupational safety and health activities in the Commonwealth was enacted more than a decade ago.

The point which should be emphasized is that the Kentucky occupational safety and health program today is a multifaceted effort and has been so

for nearly 10 years. The enforcement portion of this effort, which we all recognize is an important and highly visible part of the effort is just that—only part of the effort.

While OSHA's report to the court in the benchmark case stated:

Consultations and other employer education efforts will alter management decisions in such areas as investments, job design, new technologies, plant organization and overall commitments to workplace safety and health. With the futher development of these new and existing programs, the agency expects that the changing attitudes among workers, employers, and the public will be even more marked in the next few years. The result will be that educational and voluntary assistance programs and initiatives by employers and employee organizations will in many instances effectively achieve safe and healthy workplace environments, thus, reducing the need for inspections.

It failed to acknowledge that States such as Kentucky already had active voluntary assistance programs—operating for nearly 7 years at that time—which had been achieving "safe and healthy workplace environments, thus, reducing the need for inspections."

The method used by OSHA for establishing the initial benchmark staffing levels treated the State programs as if no State had ever conducted an inspection prior to 1980.

Furthermore the proposal failed to recognize that efforts by safety officers and industrial hygienists complement each other through a system of referral inspections. The field person of the Kentucky occupational safety and health program, whether a safety officer or industrial hygienist is a safety and health professional. Our staff has been cross trained in both disciplines.

The fact that the safety enforcement staff and the health enforcement staff complement each other's capabilities, however, was never considered in the establishment of the original benchmarks as health staffing levels were established by one group and safety staffing levels were established by another without any communications between groups.

A history of safety and health inspections, a history of safety and health referrals, a history of voluntary compliance programs, and perhaps most important a history of declining injury and illness rates all indicate that the Kentucky program at its present staffing levels is achieving the objectives of both Federal and State occupational safety and health laws.

As a former member of the Kentucky General Assembly, as Lieutenant Governor—in which I presided over the Kentucky Senate—and as an observer of Kentucky State government for over 30 years, it is my opinion that the 1980 benchmark levels, particularly for industrial hygiene are at such an unrealistic and insurmountable level that before the Kentucky General Assembly would quadruple the State industrial hygiene compliance staff, you will see enforcement responsibilities returned to the Federal Government. It is my understanding that the level of staff which would then be maintained by OSHA in Kentucky would be roughly half of the present staff. In my opinion those who would suffer the most in such a turn of events would be the working men and women of Kentucky.

While we do feel our present staffing level is near optimum for enforcement purposes, we also recognize the need for the establishment of minimum staffing levels for the State programs. It is our suggestion, therefore, that a new staffing level study be convened in which those most knowledgeable about a State, particularly State program administrators, be given leading roles. Furthermore, we would suggest that, in contrast to the previous benchmark effort, individual State-specific data be used in determining staffing needs. This might include not only the number, type, and size of workplaces in the State, but also the geographic spread of businesses throughout the State. It might include not only the number of safety officers and industrial hygienists, but also the degree of cross-training they have received, their locations throughout the State, the number of referrals that are made, et cetera. It might include an historical perspective involving not just previous enforcement data, but also background information surrounding voluntary compliance efforts, consultation, training, and educational services.

5. MR. MC GOWAN, ON BEHALF OF THE SOUTH CAROLINA OSHA PROGRAM

South Carolina was the first State to obtain initial approval, and became operational January 1, 1973. On August 3, 1976, Assistant Secretary of OSHA, Mort Corn, certified that South Carolina had completed all development steps and was fully operational.

But Assistant Secretary Bingham took the narrowest possible interpretation of the court order and ignored important factors which the court had recognized. The court specifically limited its decision to measurement of a fully effective enforcement program. This is not the same as a total OSH program. The court recognized this when it required the Assistant Secretary to consider "a scheduling system which analyzes past injury experience to ascertain those employers or groups of employers most likely to have hazards which could be eliminated by inspection" in regards to safety factors, and added the further language "the extent to which hazardous exposures can be eliminated by inspection" as to health factors. The Assistant Secretary never considered this aspect in responding to the court order. Instead, the Assistant Secretary announced the benchmarks predicated on inspecting every workplace in America for compliance with the occupational safety and health standards. Some were to be inspected every 1.7 years and others every 70 years. This approach—that enforcement is the total program—will never accomplish the goal which Congress set.

The Assistant Secretary and the AFL-CIO in their joint report to the court established the number of enforcement officers as being the sole criterion of an effective program. Even if one considers that the number of enforcement officers is a criterion of an effective program, it is only a minor criterion. However, even if it is the sole criterion, in arriving at the numbers the Assistant Secretary employed bad methodology applied to bad data.

The data for enforcement officer productivity was taken from Federal experience prior to 1978. From the inception, State enforcement officers' productivity has been higher than that of their Federal counterparts. This is due basically to the State enforcement officers' paperwork not being geared to trying the case in the courthouse, whereas the Federal paperwork is geared toward litigation.

The benchmarks have been made obsolete by additional elements since their original calculation. Congress addressed the issue when it exempted many employers with 10 or fewer employees from general inspection. It addressed the issue when it exempted larger employers who voluntarily participate in consultation programs. Also, Congress has not adequately approriated funds consistent with the benchmarks for the State programs. The court recognized how relevant congressional budgetary decisions are in its order when it stated that the numbers would have to be revised if Congress failed to fund a benchmark-sized enforcement program.

Faced with these realities, the States as well as the Federal OSHA, have worked creatively to focus enforcement activities where they can be most effective. South Carolina has cross trained safety and health personnel so that referrals are much more detailed and a wall-to-wall inspection of a referred case is no longer necessary.

The benchmarks should be repudiated as soon as possible by both Congress and the U.S. Department of Labor. Congress should make it clear to the U.S. Department of Labor that the congressional intent was to grant final approval to States whose overall OSHA programs are totally effective.

At the same time, the U.S. Department of Labor should immediately

begin to establish real and valid criteria to measure the effectiveness of State programs for final approval. These criteria should be responsive to the court's order and place standards enforcement in its proper perspective as only a part of an effective and total OSH program. Most importantly, these criteria should be developed in the manner Congress has prescribed. The Administrative Procedures Act is Congress recognition that agencies make their best decisions after access to all the relevant information that a concerned public wishes to offer. Part of the problem in developing the benchmarks was lack of input from the States who were involved in the programs, lack of input from OSH professionals who cared very much about achieving effectiveness, and lack of input from the public.

6. MR. RAGLAND, ON BEHALF OF THE NORTH CAROLINA OSHA PROGRAM

The North Carolina State plan was certified as being fully operational in October 1976 and since that time, we have been eligible for, and have been anticipating, final approval of our State plan. Most likely, this would have been granted by now, if it were not for the benchmark issue and the meaning of "fully effective State programs."

While North Carolina is concerned about the level of both the safety and health benchmarks as they presently exist, perhaps there is even more concern for the total impossibility of meeting, and the lack of necessity for, the unrealistic health benchmarks. Industrial hygienists are just simply not available at the levels established by the benchmarks, nor are they required. A point made by one of our sister States back in 1980, which always was favorably received, but never acted upon, involved the fact that the deliberations to determine the appropriate number of safety and health enforcement personnel, not only ignored the impact of, and interrelationships with, consultation, education, training, and so forth, as indicated above, but also ignored the fact that the safety compliance officers and the industrial hygienists work in conjunction with each other. Well-trained safety compliance officers, for whom there is a much greater availability than industrial hygienists, are capable of recognizing the presence, or absence, of potential health hazards and can make intelligent, professional referrals to their health counterparts, thereby eliminating the need for industrial hygienists to make complete wall-to-wall inspections in precisely the same establishments as have been recently inspected by safety officers.

Yet, the method of calculating the benchmarks totally ignored this factor. To ignore this capability, not only wastes resources, both manpower and funds, but places an additional burden on the businessman of having two separate lengthy inspections, while one complete and one partial inspection would suffice.

OSHA should commence at once to establish new benchmarks which, regardless of the terminology used—"fully effective" or "as effective as"—reflect the varying needs and conditions for State to State. The formulation of the benchmarks should take into account the appropriate relationships of enforcement, consultation, education, training, and other voluntary assistance programs that may result in exemptions for certain employers. This process should recognize the impact of the referral system and the interaction between safety and health. The comprehensive history of inspection capabilities already compiled by the various States should provide a valuable data source in determining what can be reasonably expected to be accomplished and measure this against what reasonably should be expected, and thereby project appropriate levels of increase—if necessary.

Congress should also play a role. It should determine just what is to be expected of State programs pursuant to section 18 of the Occupational Safety and Health Act, and not leave this to the various whims of succeeding assistant secretaries. Congress should provide specific language as to what is required, that is, "fully effective" or "as effective as" State programs for final approval, and to what extent it intends to commit funds. It might even consider the requirement of an independent body to pass judgment on a State's performance as to its worthiness for final approval, such as NACOSH, for example.

In assessing these positions, Congress should take into account just what State programs are actually doing. It should consider the thousands of inspections, consultations, and training programs being provided as a result of State programs. Present staffing in most State programs comes far closer to the benchmarks in question than does the staffing in non-State plan States. Injury/illness rates and their trend since State plan approval should be considered. In North Carolina, for example, in 1981 the lost workday rate was 64 percent below the comparable rate for the entire Nation. For the same period the lost workday case rate was 46 percent below that of the entire Nation. There has been an overall steady decline in the various rates since initial approval of North Carolina's State plan.

The proposed benchmarks for North Carolina would require 83 safety officers as opposed to the 38 we are presently allotted. One hundred nineteen industrial hygienists would be required, compared to the present allotment of 13. While we recognize the need to increase the industrial hygienist enforcement staff, we certainly would never need anything near the present benchmark figure. As a matter of fact, we believe that our State program as it presently exists is certainly "as effective as" its Federal counterpart.

7. MR. OWSLEY, ON BEHALF OF THE DEPARTMENT OF OCCUPATIONAL HEALTH AND SAFETY, STATE OF WYOMING

With rare exceptions, there are no highly sophisticated industries in Wyoming and Wyoming OSHA cannot justify to its commission, its legislature or to its Governor, the necessity of hiring seven additional industrial hygienists simply to placate a misbegotten benchmark figure derived from an over-compensating formula, designed by the old Federal OSHA regime as an artificial barrier to State plan approval.

The State of Wyoming applauds Mr. Auchter and his staff for their rational approach of attempting to require State staffing on a pro rata equivalency to Federal staffing levels. However, these percentage benchmarks were, because of congressional funding curtailments, extremely low, and in Wyoming, which allows no deficit spending, the ever-watchful State legislature would restrict this agency to these staffing levels, thus emasculating our program to the point that it would be virtually worthless.

In a practical sense, considering the economic situation at this time, it would not only be impractical, but totally foolhardy, for our commission to approach the Wyoming Legislature to request additional personnel to meet the "fully effective" benchmarks. Further, during the recent review of our agency under the "sunset proceedings" our legislature was very concerned that after 12 years of effort Wyoming has been unable to obtain its final determination under section 18(e) of the Federal law. No amount of dialog could convince that body that final approval hinged on a requirement of more than tripling our industrial hygiene section, when their audit report clearly displayed the fact that this agency is sufficiently staffed to provide full coverage for both health and safety for the industrial mix in this State.

A comparison of just five of the State program States demonstrates the complexity of the problem of attempting to establish one formula which can be applied to all State programs. Consideration must be given to the unique differences of each State. The industry mix, history and experience, distance traveled to complete schedule requirements, and number and size of establishments are but a few of the factors that must be involved in the decisionmaking process.

For example, in the four States, other than Wyoming, manufacturing

is a large part of their worker population. Wyoming's public administration, at 6.3 percent of worker population, far exceeds manufacturing, at 3 percent.

Each State has it own unique mixture of items to consider in order to determine its manpower needs. Some items are the number of establishments, how they are clustered, their size, their business, and their hazards. Another is the travel to get to the establishment.

"Fully effective" is obviously a desirable goal, but, in a practical sense, could hardly be what Congress felt was attainable when the Occupational Safety and Health Act of 1970 was passed.

8. MS. HEARN, ON BEHALF OF THE NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH

At the NACOSH quarterly meeting in March 1983, it adopted the following:

RESOLUTION

The National Advisory Committee on Occupational Safety and Health recommends to the Secretary of Labor that revised benchmarks for measuring State plan effectiveness be immediately developed and that these benchmarks be based upon current data and program direction and that specifically recognize the following factors:

1. The extent of voluntary compliance with promulgated standards.

2. The nature of occupational injuries and illness in each standard industrial classification and the application of promulgated standards to these hazards.

3. The appropriate roles of training and consultation in reducing workplace injury and illness rates, particularly in standard industrial classifications where standards are not readily applicable.

4. The program effects of Congressional exemptions for small businesses, of improved inspection targeting systems, of inspection exemptions for employers with injury rates below the national average, of Congressional budget limitations, and of new standards with self-enforcement provisions.

5. The most current data concerning each State.

And it be further resolved that the National Advisory Committee on Occupational Safety and Health recommends to the Secretary of Labor that appropriate action be taken by Congress to address this issue.

Most of the State plans have been operational for more than 5 years now. Many of them are more effective than their Federal counterparts in neighboring States. Recognition of their effectiveness is due. Final approval should be realistic for those who are having an impact on the accident and illness rates in their workplaces lest we lose their valuable contribution to the total effort.

After 9 years of litigation, administrative and political activity, the benchmarks remain a focus of a larger more crucial question—a question Congress is uniquely qualified to answer. What do we want from the Williams-Steiger Act, the Occupational Safety and Health Act of 1970? Various interest groups, various courts, and various administrations in the Labor Department have answered the question in various ways. Each pleads its special knowledge of "the intent of Congress."

Congress knows its own intent. We ask that you state it by resolution, by recommendation to the Secretary of Labor, by committee report or by any other mechanism available to you. It is time to regather the efforts now diverted to the benchmarks and refocus upon our primary goal which is minimizing exposure to hazards in the workplace. If it is your intent that the States play a meaningful role in the national occupational safety and health effort, we need to know whether it is to be limited to standards enforcement or whether their role is more broad. We also need to know what efforts you intend to support financially. With this information the Secretary of Labor can promulgate regulations for final approval which are realistic and consistent with our national effort and States can make considered decisions concerning their continued commitment.

9. MR. COHEN AND MR. SHEEHAN, ON BEHALF OF THE AFL-CIO

In 1970 Congress made the judgment that occupational safety and health had to be dealt with on a "uniform, nationwide basis"—section 2(b)—through a centralized Federal system.

In this connection, one major purpose of the act was "to expand significantly the number of properly trained personnel to work in the field of occupational safety and health" (S. Rep. No. 91-1282, Leg. Hist. 162). The scheme of the statute provides for a centralized system of Federal inspectors who are federally trained to enforce the Federal substantive rights created by the act. Congress concluded such a centralized system offered a promise of levels of worker protection which would far surpass the spotty record of "achievement" that had marked the performance of the individual States.

To be sure, Congress established a procedure whereby even after Federal standards are promulgated, a State which desires to reacquire jurisdiction over and responsibility for developing and enforcing standards may do so. But given that the States' refusals to act had led to Federal action in the first place, Congress was understandably reluctant to turn the responsibility over safety and health back to the States absent precise assurances that the States could demonstrate the capacity to do what they had failed to do historically—to protect workers effectively. To this end, the Congress fashioned a procedure whereby the State must submit a "plan" which, inter alia, meets certain stringent criteria. The two key criteria for purposes of this discussion are set forth in section 18(c)(4) and (5). Those subparagraphs provide that the plan must:

(4) contain ( ) satisfactory assurances that such (state) agency or agencies have or will have . . . *qualified personnel* necessary for the enforcement of said standards.

(5) give ( ) satisfactory assurances that such state will *devote adequate funds* to the administration and enforcement of such standards. (Italic added.)

The OSHA administration apparently would have this committee believe that the court created out of whole cloth the notion of a "fully effective" compliance staffing level (Auchter statement). It goes so far as to berate the court of appeals on the grounds that Congress could not have intended to precondition final approval of State plans upon States having in place a "fully effective" enforcement capability, suggesting that such a result necessarily would be incompatible with the purpose of the act. In this regard, we believe that the Assistant Secretary seriously underestimates the extent to which the Congress that enacted OSHA subscribed to the fundamental principle that an "effective enforcement program"—section 2(b)(1)—is essential to achieving the overriding statutory objective of "assur(ing) so far as possible every working man and woman in the Nation safe and healthful working conditions"—section 2(b).

In any event, this much is clear: The court's use of the term "fully effective"—far from contravening the legislative intent—derives from and adheres to that intent. For as explained, Congress insisted upon assurances that States would as a condition of reacquiring jurisdiction devote the compliance personnel and funds "necessary to do the job." Obviously, Congress did not want the job done on an inadequate, haphazard or sporadic basis as had been the case prior to the passage of the act; Congress wanted the job done properly and that goal cannot be attained absent fully effective enforcement programs.

In sum, as the Assistant Secretary ultimately acknowledges, the administration's ardent desire to grant final approval to any State plan where the compliance staffing levels, while not fully effective, equal—that is, are "equivalent to" or "at least as effective as"—the Federal levels, is foreclosed by the language of the act, as definitively interpreted by the court. And to the extent that this OSHA administration seeks to replace the fully effective enforcement standard for approving State plans with a Federal comparability standard, this would, of course, require an amendment to the act.

In recognition of the fact that over time changed circumstances might justify a revision of the benchmark criteria and, in turn, the number of compliance personnel necessary for fully effective enforcement programs, a procedure was established for adjusting or

modifying the benchmarks because of "new data, information or other relevant considerations." The report contemplates that a revision of the benchmark model itself may be accomplished by any one of three possible means—congressional action as described in footnote 40 of the court's opinion; adjustments in response to petitions by individual States; and, finally, by administrative action initiated by the Secretary. As to the latter, the report states:

As discussed previously, the determination of the benchmark levels established by the Department has been based upon numerous data elements, inspection philosophies, assumptions, and judgments, all of which are subject to change as new data and experience are developed.

Therefore, the Department will, no later than the second anniversary date of the submission of this report (i.e., April 1982), undertake a comprehensive review of the benchmark model to determine whether the experience up to that time, or changes in enforcement technique require a revision of the Department's initial benchmark.

The AFL-CIO expressly agreed to this provision.

Even at this point, the Assistant Secretary retains the right to commence further rulemaking on State plan benchmarks where, for example, experience or changes in enforcement techniques would, in the Secretary's judgment, justify a revision of the earlier benchmarks. The critical point remains, however, that no change in the benchmarks can be predicated on the Secretary's legally erroneous interpretation of section 18 (c)(4) and (5) as requiring only that a State provide staff personnel and funding levels at least as effective as or equivalent to the Federal enforcement program.

Pending "final approval" each State is continuing to administer and enforce its own program while receiving 50 percent matching Federal funds. Meanwhile, each of the States retains the wherewithal to obtain final approval by demonstrating its commitment to worker safety and health, that is, by meeting the compliance staffing and resources requirements reasonably imposed in the 1980 benchmarks. Unless and until each State does so, a grant of final approval would make a mockery of the Congress efforts that led to the enactment of OSHA—such approval would return matters to where they stood in 1967 when the States were exercising jurisdiction over occupational safety and health issues even though they did not devote adequate manpower and resources to get the job done.

All that remains of the Assistant Secretary's position is his creation of the specter of a possible mass closedown of State plans which purportedly would mean a significant increase in the cost of the Federal Government's program. There is a distinctly hollow ring to that threat, especially as to those States which remain dedicated to raising the status of occupational safety and health within their geographical boundaries. And, even if the threat were bona fide, why should the Federal Government allow itself to be financially blackmailed into ceding jurisdiction back to the States in circumstances where there is no health and safety justification for such action?

The AFL-CIO has uniformly subscribed to the notion of reviewing and, if the need be, revising benchmarks. We have never opposed that.

Maybe we ought to ask OSHA to take a look at the methodology, scrap it if they do not like it, come in through the regular procedure with another methodology, and take a look at the data base—is the data base too stringent and was there enough information in the data base—and then apply the formula.

I certainly do not think the passage of OSHA was predicated on the fact that there would be State plans. I think that was far to the contrary. I look back on that time, and I almost feel that if we didn't even have section 18 in the act, the momentum, the concern at that time OSHA was going through—whether you had 18 in there or not—there was just a general perception that the States have failed in this area.

So I would like to indicate that it was just the other way around. Maybe if there was really a perception that the States were going to come in, there might have been more focus on section 18 than there was. There was hardly any. The legislative history in this area is rather sparse.

There is no basis—let alone any compelling justification—for an amendment of sections 18(c)(4) and (5) of the act. For unless and until such State seeking final approval has in place sufficient personnel and funding levels to do the enforcement job effectively, the preeminent purpose of the act—that is, to protect worker safety and health—will not have been served. Thus, the Assistant Secretary's above-described attempt to rely upon an appropriations rider is nothing more than a backdoor device to accomplish indirectly a drastic substantive change in those provisions of the act.

C. ACTION TAKEN BY THE COMMITTEE ON EDUCATION AND LABOR

Following the conclusion of the oversight hearings by the Subcommittee on Health and Safety, the chairman submitted the following for consideration by the Committee on Education and Labor at its meeting on July 13, 1983.

DIRECTION TO THE CHAIRMAN OF THE EDUCATION AND LABOR COMMITTEE ON OSHA STATE PLANS

I move that the chairman be directed to communicate to the chairman of the Committee on Appropriations and to the chairman of the Subcommittee on Labor-Health and Human Services-Education of the Committee on Appropriations that it is the position of the Committee on Education and Labor that:

First, any statutory restriction having an effect on the methodology utilized by the Occupational Safety and Health Administration to assess State plan approvals under section 18 of the Occupational Safety and Health Act of 1970 is an authorizing committee issue and, therefore, solely within the jurisdiction of the Committee on Education and Labor;

Second, that the committee specifically opposes any statutory limitation which predetermines staffing levels for State plan approval based on "equivalent to Federal staffing levels" formula as not consistent with law and, therefore, opposes the inclusion of such a limiting amendment to any appropriations measure.

After discussion by the committee, the measure was adopted and submitted to the chairman of the House Committee on Appropriations and its Subcommittee on Labor-Health and Human Services-Education.

III. FIRE AND EXPLOSION AT TEXACO STORAGE TANK FACILITY AT NEWARK, N.J., JANUARY 7, 1983

On January 7, 1983, a fire and explosion occurred at a Texaco storage tank facility at Newark, N.J., killing one person, injuring several others, and causing substantial property damage.

The Subcommittee on Health and Safety conducted 2 days of oversight hearings at which the following individuals testified:

Mr. Gary E. Pittman, operations manager for Texaco, Cherry Hills, N.J.

Mr. Larry V. Utke, general attorney, Texaco.

Mr. Marvin L. Dimond, assistant general manager, marketing operations, Texaco.

Mr. Robert Fitzpatrick, battalion chief, Newark, N.J. Fire Department.

Mr. Emil Nardone, captain, Newark, N.J., Fire Department.

Mr. John B. Miles, Director of Field Coordination and Experimental Programs, OSHA.

Mr. Roger Reeves, chairman, committee on safety and fire protection, American Petroleum Institute.

Mr. Michael Hildebrand, coordinator of safety and fire protection, American Petroleum Institute.

Mr. John C. Gerard, Washington representative, National Fire Protection Association.

Mr. Martin F. Henry, flammable liquids field service, National Fire Protection Association.

Mr. Dan J. Piliero, general counsel, National Fire Protection Association.

SYNOPSIS OF TESTIMONY

1. MR. PITTMAN, MR. UTKE AND MR. DIMOND, ON BEHALF OF TEXACO

The Texaco Newark Sales Terminal is located across the Hudson River from New York City. It consists of a number of petroleum storage tanks which we use for the storage of gasoline, No. 6 fuel oil, No. 2 furnace oil, and diesel fuel. This material is delivered into the terminal primarily by pipeline or barge. It is stored temporarily in large tanks before shipment out in smaller quantities to customers usually by barge or tank truck.

On the night of January 6, 1983, there was to be a pipeline receipt from the Colonial Pipeline Co. of 38,000 barrels of super unleaded gasoline. It was to be stored in tank No. 67. At the time the delivery was scheduled, it was determined that there was not enough room in tank No. 67 to hold the entire delivery. Consequently, arrangements were made to transfer some of the product already in tank No. 67 to storage tank No. 5. There was ample time available to easily make this transfer before the pipeline delivery was completed.

What actually happened is that the transfer of sufficient product to tank No. 5 was not completed in time. The result was an overfill of tank No. 67 near the end of the pipeline delivery which was not detected in time to prevent the overflow. The overflow of gasoline in tank No. 67 was contained in a safety dike which surrounds the tank but as the gasoline was exposed to open air it began to vaporize. In turn we believe the vapors from the gasoline were ignited by an open flame on an adjoining property.

There would have been no explosion and no fire at all had existing, standard company instructions been followed. This was one of those improbable situations in which a combination of mistakes by several different people, as well as other unusual circumstances, all come together in a short timeframe to contribute to a tragic accident. For example, had proper scheduling and timing of the deliveries taken place the delivery would have been accomplished without incident. Or, if proper gaging and monitoring of the incoming delivery had taken place throughout the evening in accordance with our standards, procedures and instructions, any one of several people on duty at the time would have realized a problem was developing and taken corrective action.

More specifically, Texaco's standard instructions and procedures require that during the receipt of a pipeline delivery tanks are to be gaged on an hourly basis to determine that the incoming product is flowing at a proper rate into the designated tank. Knowing the capacity of the tank and the amount of the delivery to be received it is a simple matter to see if you will run out of tank storage space before the receipt is complete.

In addition, Texaco instructions require a person to be at the tank receiving the delivery 30 minutes prior to completion of the delivery. This person is to observe the product level and accomplish the closing procedures at the tank. In this instance, all of the overflow which occurred happened in the last 15 to 20 minutes of the delivery. We found out later that operators on duty did not arrive at the tank until shortly before the scheduled completion of delivery. They discovered the spill and advised Colonial to stop pumping—but it was too late.

If our operators had detected the developing overfill condition earlier it would have been possible to prevent an overflow of the tank by the following methods:

First, simply call the Colonial Pipeline and request that they immediately shut down or cease pumping operations.

Second, closing Texaco's valve against the Colonial Pipeline.

Third, diverting the flow of product to another tank in our terminal.

Our procedures at the Newark Sales Terminal relative to the receipt of pipeline deliveries are long established and completely consistent with NFPA codes and industry practices for safe petroleum product handling. The same procedures and practices have been followed over many years at this terminal with a safe receipt of literally many, many thousands of deliveries of product. In addition, the safety procedures in effect at Newark are also consistent with safe product handling procedures we use at other terminals throughout the United States with an extraordinary safety record up until the time of our explosion and fire in Newark.

Our investigation indicated:

First, it was determined the procedures are fully adequate and did not need to be changed or amended.

Second, the basic difficulty appears to have been a people problem. We took what we believe was necessary disciplinary and corrective action with employees involved. Five were discharged including one supervisor. A sixth employee was suspended for 4 weeks. The plant manager was replaced. Finally, an area manager was demoted and reassigned.

Third, a comprehensive review of our instruction and procedures for all remaining employees at the terminal was conducted in order to assure again that all of our employees at this terminal are familiar with the detailed company procedures.

Fourth, in order to prevent this type of occurrence at any of our other terminals throughout the United States we have had meetings with terminal superintendents, managers, and terminal employees as well as team inspections of every Texaco terminal in the United States in order to verify that safe practices and procedures in accordance with existing Texaco instructions are being followed. A discussion of the Newark fire and explosion with each of them has served to reinforce an awareness and need for safe product handling.

2. MR. FITZPATRICK AND MR. NARDONE, ON BEHALF OF THE NEWARK, N.J., FIRE DEPARTMENT

The Texaco facility in Newark is one whose functions are solely the storage and delivery of petroleum products. There is no production of petroleum product on this site.

The serious incident at the Texaco storage facility in Newark, on the morning of January 7, was caused by the overfilling of a gasoline storage tank receiving a shipment via pipeline. Approximately 150,000 gallons spilled into the common dike enclosure and vapors drifted approximately 1,000 feet to an incinerator in an industrial facility which provided the source of ignition. The flame flashed back to an adjacent tank within the common diked area and it was this tank that exploded. One person was killed, two dozen injured, and many millions of dollars in property damage occurred.

The human element appears to have played a key role in the cause of this incident. Failure to physically check the tanks at prescribed intervals and properly record the information, along with error in computing the amount of product going into and coming out of various tanks, led to the overflow of tank No. 67.

None of these tanks were equipped with automatic high-level alarms which we feel would have alerted the terminal operators to the overflow condition.

There was no installed fire protection system, although a portable foam appliance was available on location.

All tanks were surrounded by a common dike to accept any overflow which might be generated by these tanks.

None of the tanks in this entire facility was protected by any type of automatic high-level alarm or shutoff. It should be noted that the Texaco Co. was in compliance with the accepted practices of the National Fire Protection Association. The Flammable Liquid Code of the NFPA (standard No. 30) specifies a number of alternative methods for guarding against the dangers of overflow.

Newark's Fire Prevention Code references the National Fire Codes of the National Fire Protection Association (NFPA).

This incident points out the need for safeguards in addition to relying solely on the human element, especially during the large volume transfer of class I flammable liquids which pos-

sesses the potential for large loss of life and property.

What clearly emerges from this serious incident is that safeguards, in addition to the human element, are urgently required in order to prevent catastrophes of this magnitude in the future.

The Newark Fire Department has already petitioned the NFPA Flammable and Combustible Liquid Code Committee to revise its code to require all three methods of monitoring the filling of tanks rather than allow a choice of only one of them as is the present situation.

Legislation requiring this has been introduced in the New Jersey Senate and it is recommended that nothing less than these minimum requirements be enacted nationwide.

3. MR. MILES, ON BEHALF OF THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

On January 7, 1983, the day on which the accident at the Texaco installation at Newark, N.J. occurred, two compliance officers from OSHA's Dover area office—a safety specialist and an industrial hygienist—began an investigation which was completed on April 26. On May 3, the Agency issued a serious safety citation to Texaco for violation of section 5(a)(1) of the Occupational Safety and Health Act, with a proposed penalty of $720 and a proposed abatement date.

The citation stated that employees of Texaco U.S.A. were exposed to hazards associated with fire and explosion that resulted from the overfilling and consequent overflow of a gasoline storage tank or tanks. The citation further stated that these hazards existed for two reasons. First, the employer had failed to provide adequate supervision to insure that the operating procedures and safeguards prescribed in the company's operating manual were being followed during the receipt of gasoline at the terminal pipeline and inplant transfer operations. And, second, the employer had not provided a program for all employees involved in these tank-fill operations to assure that they were familiar with, and followed, the procedures for safe operations outlined in the operating manual.

On May 26, 1983, Texaco U.S.A. filed a notice contesting the citation, the proposed penalty, and the abatement date.

Assuming that properly designed, well-maintained tanks are provided, the greatest hazard in tank farms occurs during the transfer of liquids to and from storage rather than in storage itself.

Factors to be considered in the transfer and storage of flammable liquids include the physical characteristics of the liquid itself, the reliability of the mechanical equipment used, and the knowledge and awareness of employees of the hazards of the operation. Tank overflow or overfilling is possible when valves, alarms, or other mechanical transfer devices malfunction. Proper maintenance and periodic testing can insure proper operation.

Subpart H of OSHA's general industry standards (29 CFR Part 1910) regulates the safe storage and handling of hazardous materials. These standards are based upon national consensus standards—standards developed and approved by groups in the private sector with representation from industry, labor and specialists—and were adopted by OSHA in 1971. Certain provisions of subpart H specifically apply to the storage, use, and handling of flammable and combustible liquids. Among other things, they require that storage tanks for flammable and combustible liquids be constructed of certain specified materials, that a minimum distance be maintained between tanks, depending on their contents, and that certain measures be instituted to control sources of ignition and prevent accidents during transfer operations.

In addition to specific standards, the act itself provides a general duty clause, section 5(a)(1), which states that an employer must "furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm * * *"

It is OSHA's policy to use its limited resources to enforce its standards in establishments where reliable information indicates the needs are the greatest. More than 80 percent of OSHA's safety inspection resources are now being concentrated in establishments in high-hazard industries. To be classified as a high-hazard industry, an industry's lost workday injury incidence rate must be higher than the national average for all industries, which was 3.7 lost workday injuries for every 100 full-time workers in 1981, the latest year for which data are available. In low-hazard industries—industries with lost workday injury incidence rates lower than the national average—OSHA also inspects but such inspections are limited primarily to investigations of fatalities, other catastrophes and accidents, and employee complaints.

The petroleum and petroleum product industry, which includes tank farms, is ranked by OSHA as a low-hazard industry since the incidence of injuries resulting in lost workdays in this industry was 2.7 per 100 full-time workers in 1981. In fact, since 1976, when the Bureau of Labor Statistics began reporting identifiable occupational injury and illness statistics for this industry, it has consistently demonstrated a better-than-average safety record than all private sector industry.

Consequently, OSHA inspections of petroleum tank farms and similar facilities have been, for the most part, investigations of employee complaints and accidents, including fatalities/catastrophes. From July 1972 to April 1983, the agency conducted 175 inspections at "petroleum bulk stations and terminals." Thirty-one of those inspections were in response to accidents—23 involved fatalities/catastrophes—and 95 were in response to employee complaints. The remaining inspections consisted of 18 planned or programed inspections and 31 followup inspections.

The results of these inspections have generally reflected the low incidence of injuries in this industry. For example, 79 of the 175 inspections—45 percent—resulted in no citations. Of the remaining 96 inspections, 57 establishments were issued a total of 188 other-than-serious violations. Forty-six establishments were issued a total of 77 serious, willful or repeat violations. Only 30 of the establishments were cited for violating OSHA's standards applicable to tank farm operations; 12 establishments were cited for 14 violations of section 5(a)(1) of the act.

There has been criticism in the New Jersey press about the amount of OSHA's proposed penalty. The penalty structure established in the OSHA Act relates, in every instance, to violations of standards or other OSHA requirements, not to numbers of fatalities or injuries. While a willful or repeated violation could result in assessment of a civil penalty of as much as $10,000, there was no evidence to support such a citation in this particular case. When there has been loss of life due to violation of a standard and the Government has proven willful disregard of that standard, criminal penalties of up to $10,000 and/or 6 months imprisonment can be imposed upon conviction.

The maximum that OSHA can legally propose to fine a company for a serious violation is $1,000. In this instance, after analyzing factors required by the statute to be considered in calculating a penalty, such as the number of employees at the plant, their proximity to the hazard, and the gravity of the hazard, OSHA proposed a $720 fine for the alleged serious violation. All procedures in this inspection follow well-defined, long established policies.

4. MR. REEVES AND MR. HILDEBRAND, ON BEHALF OF THE AMERICAN PETROLEUM INSTITUTE (API)

The petroleum industry is concerned for the safety of its employees and the general public. The consensus standards process as utilized in the development of NFPA-30, the Flammable and Combustible Liquids Code, provides a flexible and practical approach to prevent tank overfills. Section 2-9 of this document is especially applicable to the Texaco fire at Newark, N.J. Regardless of the methods utilized, how-

ever, safe operations must require complete adherence to the rules and procedures by those employees who are performing the actual tasks at hand.

With respect to the use of automatic shutoffs on tanks, there have been failures. There has been, throughout the industry, some discussions on this and we have not developed hard numbers, but there have been failures in the system, and like all devices, they require maintenance and even with the maintenance, however, you do not have a totally fail-safe type of system.

At the present time, an API task force is looking into this and doing literature research and exploring the various types of devices that would be available, and new technology that would be available, as well as actual field experience where some of these have been installed.

The assumption that high level alarms or automatic shutoffs would solve the problem is not a correct one.

Obviously any open flame can ignite a petroleum vapor cloud from gasoline. An open-flame source at another piece of property near the particular tank farm should be controlled by zoning or local ordinance, that is the way it has been handled for many years, and it still seems to be an appropriate method.

5. MR. GERARD, MR. HENRY AND MR. PILIERO, ON BEHALF OF THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA)

NFPA is a nonprofit, technical and educational membership organization, founded in 1896. It has remained the principal public advocate for safety since its inception. As a practical means of supporting such advocacy NFPA develops and publishes fire safety codes and standards.

One of the functions of NFPA's standards is that they serve as the basis of governmental regulation. Federal, State, and local governmental authorities adopt NFPA standards as the basis of law and regulation and enforce provisions of NFPA standards. In this context, it is important to note that NFPA standards have consistently withstood judicial scrutiny and that the consensus based process generally constitutes proof of reasonableness in courts of law.

Approximately 200 employees of the Federal Government, representing some 25 Federal agencies, and about 500 employees of State and local government serve on NFPA committees which, together with many individuals, insures that the public interest is represented in the committee activities.

NFPA 30, the Flammable and Combustible Liquids Code, was first published in 1913. Over the course of the intervening years, it has been revised on numerous occasions, as conditions and experiences have dictated. The current (1981) edition is adopted, in whole or in great part by 35 States. The code has also been adopted by the Occupational Safety and Health Administration (OSHA) of the U.S. Department of Labor. Substantial segments of NFPA 30 are also used, as per copyright agreement, by other code-developing bodies, such as the Uniform Fire Code (UFC), and the Building Officials and Code Administrators (BOCA).

The subject of protection against overfilling of tanks is relatively new to NFPA 30, in that the subject was not addressed at all until the 1976 edition. The wording that was introduced in 1976 remained unchanged in the 1977 and 1981 editions.

John P. Caulfield, the director of the Newark Fire Department, has submitted a formal proposal to the NFPA 30 committee recommending changes in the 1984 edition.

There is not anything that is totally fail-safe. There have been overfills on tanks that have been equipped with high-level alarms, that either did not function or were out of service. The alternates that are presented in the code are adequate if properly implemented. There may come a day when they develop the better high-level alarm and automatic shutdown, but at this point the options that are presented in the code are probably the best available options that one can have.

In the development of our standards, NFPA recommends what would be an appropriate safety level, and recommends a model or appropriate safety level for a State or a locality to use. It is then for the State and locality to take that recommended standard and should it determine that that standard has been violated for the people of that State, through their legislative process, to determine what is the appropriate thing.

IV. THE ACTIVITIES OF THE OCCUPATIONAL SAFETY AND HEALTH ADMINSTRATION WITH RESPECT TO DORMANT REGULATORY ACTIVITIES INVOLVING 116 SUBSTANCES

A hearing was conducted to assess the proposed activities of the Occupational Safety and Health Administration with reference to an internal OSHA document reporting on the status of 116 substances where rulemaking activities were dormant.

The following individuals testified before the subcommittee:

Hon. Thorne G. Auchter, Assistant Secretary of Labor for Occupational Safety and Health.

Dr. Leonard Vance, Director of Health Standards Programs for OSHA.

SYNOPSIS OF TESTIMONY

When this OSHA Administration assumed office early in 1981, we found a helter-skelter collection of standards activity—much of it of an information-gathering nature—on many substances found in American workplaces. Work on some of those substances had been sporadically in progress since 1973. There were dozens of standards projects that OSHA had allowed to remain dormant for years.

OSHA began the process of culling active regulatory development projects from inactive ones late in the summer of 1982. As a first step, the staff had to identify all of the partially completed activities. The Federal Register was scoured for notices regarding OSHA rulemaking activities. All in all, 116 such projects were found. Of these 116 rulemaking projects, the latest informal public hearing—on a proposed standard for beryllium—was held on August 16, 1977. The most recent notice of proposed rulemaking was published in November 1975. A breakdown of the nature of the activities associated with these projects follows:

Nine informal public hearings—seven held in 1975; two held in 1977.

Twenty-three notices of proposed rulemaking—all published in 1975.

Forty-seven advance notices of proposed rulemaking—all published between 1973 and 1976.

Sixty-one requests for information—one published in 1979; five published in 1978; two published in 1977; and fifty-three published prior to 1977.

Only 23 of the 116 items listed were full-fledged regulatory proposals and only six of these proposed to revise current permissible exposure limits. The rest were requests for information on various toxic chemicals in which OSHA had some interest at the time. OSHA alternatively titled these requests for information as either "Requests for Information" or "Advance Notices of Proposed Rulemaking" in the Federal Register. Decisionmaking regarding what to call the requests appears to have been arbitrary as both types of Federal Register notices contained the same amount of limited information. It was only with the advent of OSHA's Regulatory Management System in 1981 that use of the title "Advance Notice of Proposed Rulemaking" was confined to projects with which the Agency had every intention of proceeding with the next stage of the rulemaking process—publication of a formal "Notice of Proposed Rulemaking."

In order to insure that Agency standards setting proceeded in an orderly fashion, it was apparent that OSHA's management and the public had to have a clear idea of what OSHA was working on and what OSHA was not working on. In determining how staff work on standards development would proceed during my tenure at OSHA, a detailed system for the development of OSHA safety and health standards known as the regulation management system was undertaken. One element of this system involves preparation of three preliminary documents for each standards

action contemplated: First, an Assistant Secretary's summary, second, a research and analysis plan, and third, a work plan.

The document that apparently formed the basis of the erroneous charge which is the subject of this hearing was an early draft of just such an Assistant Secretary's summary, prepared by a preliminary team, which began its work late in the summer of 1982. A summary of this kind is one of several planning documents prepared to help determine whether OSHA should proceed with the development of a proposed standard. This particular preliminary planning document, however, has not yet been presented as a basis for decisionmaking on standards development. Indeed, I had not even seen the document until the recent publicity brought it to my attention.

It is certainly not an OSHA policy statement, as the media reports imply. On the contrary, each of the 17 pages of this document bears the statement:

This draft is not final and bears no official endorsement. It should not be reproduced nor reported upon as official OSHA policy.

This language should have made it very clear that the document was simply an early working draft.

The purpose of this exercise was to compile an inventory of all partially completed standards projects and to evaluate their status. Ultimately, it will be my decision whether to reactivate any of these regulatory projects and my responsibility to inform the public of that decision.

This administration of OSHA has never proposed to "scrap" action on the 116 substances listed in the draft summary. OSHA has never had any intention of allowing any part of the dormant standards project to move forward if doing so would threaten the health of workers.

Months ago, OSHA staff asked the National Institute for Occupational Safety and Health (NIOSH) to review the 116 substances listed in the draft summary, and to report on the adequacy of the present OSHA permissible exposure limits. OSHA met NIOSH staff on this matter on March 30, April 21, and June 15, 1983. The evaluation by NIOSH is continuing.

Overlooked in the allegations about OSHA's plans for the 116 substances are the following important facts: First, 110 of the 116 standards development projects were initiated in the years 1973 through 1976. Second, in the years following, there was little if any action on these substances. Since 1975, hearings have taken place on only two substances—sulfur dioxide and beryllium—and that the most recent of these occurred in August 1977. Third, OSHA has standards in place for 112 of the 116 items on the list in the draft summary. (These regulations are found in the Federal code at 29 CFR 1910.1000).

It has been alleged that OSHA is planning to "eliminate the files" on these 116 inactive projects. This is absolutely untrue. In the 13 years of its history, OSHA has accumulated literally hundreds of cubic feet of paper records which have exceeded the storage capacity of the file cabinets in the Agency's Directorate of Health Standards Programs. There was almost no control over this pile of paper in the past years. OSHA had never cleaned or updated any of its health standards files. Unused or inactive files were placed in boxes and containers of all types and simply pushed into corners. As a result, many cubic feet of valuable Agency records were misplaced, discarded or otherwise improperly disposed of over the years. In recent months, in conjunction with the National Archives and Records Service—an agency of the General Services Administration—OSHA has conducted a major files cleanup and archiving operation in the Directorate of Health Standards Programs. This has resulted in the preparation of over 125 cubic feet of records for permanent, retrievable storage. These documents are awaiting transfer to the appropriate Federal records center. This is the first time in the Agency's history that the records of valuable Agency health standards development have been properly archived.

OSHA's present regulatory agenda includes items that were not being worked on at all when this administration took office. As new data have become available, OSHA's regulatory priorities have changed. The regulatory management system has allowed OSHA the flexibility to react to new information about such substances. For example, OSHA now has standards actions under way for ethylene oxide, ethylene dibromide, and methylenedianiline.

Mr. Speaker, I would like to take this opportunity to thank the Members of Congress and the other individuals who have appeared as witnesses before the subcommittee. I particularly want to thank all the Members of the subcommittee who have cooperated and participated in the activities of the subcommittee.●

LOUISIANA ENTERPRISE ZONES

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. LIVINGSTON. Mr. Speaker, where this Congress has failed, Louisiana Gov. Dave Treen has succeeded. He has led the Louisiana Legislature in a program enacting enterprise zones that are beginning to pay off for local economies. Tax breaks for business are creating jobs for workers.

As an original cosponsor of H.R. 1955, the Enterprise Zone Employment and Development Act of 1983, I urge the leadership of this body to follow Louisiana's lead and enact legislation at the Federal level.

The details of Louisiana's success are contained in the following February 2, 1984, editorial of the Times-Picayune, which I commend to my colleagues:

NEW TAX ACT PAYING OFF

A tax incentive program sponsored by Gov. David C. Treen and approved by the Legislature in 1981 has begun to pay dividends for the state's economy.

The Enterprise Zone Tax Relief Act provides incentives to companies to locate in places where unemployment is high. That could be almost any place in Louisiana, although some areas are much worse off than others. Participating companies receive exemptions from sales taxes on construction materials and a $2,500 credit against corporate income and franchise taxes for each new job created. Local governments can grant local sales tax exemptions also if they choose.

Local and state economies get the additional jobs and payrolls, and local and state governments get expanded tax bases.

Since the act was passed, Gov. Treen has approved for the tax benefits 41 companies that were first screened and approved by local governments and the state Board of Commerce and Industry. Ten of the companies were recently approved, and they are expected to provide 1,159 jobs, primarily in economically depressed north Louisiana, although a printing company in New Orleans also is on the list.

The new list reflects the kind of economic diversification that should rebound to the benefit of the state's economy for years to come. In addition to the New Orleans printing company, which will employ 70 persons, the latest list includes a Shreveport manufacturer of plastic toys that will employ 180, a forest products company in Plain Dealing that will provide 22 jobs, a Delhi company that will make systems for cotton baling and also employ 22 and a company in Benton that will produce diesel starters and parts and employ 175.

Louisiana's long-standing 10-year tax exemption program for new and expanding industries has largely benefited heavy, capital-intensive industries, from which the state's economy has benefited. The new tax relief act appears to be off to a good start in promoting the kind of smaller manufacturing industries the state needs to expand its economic base and provide jobs in areas where jobs are scare.●

LEGISLATION TO CREATE AN INDEPENDENT OIL TRADING COMPANY

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. ST GERMAIN. Mr. Speaker, I am pleased to join with my colleague from New York in the introduction of

legislation to create an independent oil trading company.

The establishment of an oil trading corporation—to store gasoline and home heating oil that would be sold during times of shortage—would seek to put an end to the phenomenon of price increases during times of plenty. A lack of management, rather than a lack of crude seems to be at the root of our current energy problems.

Recent events concerning the price of energy demonstrates the need for such a trading company. While we have enjoyed a virtual oil glut over the past few years, we are not immune to unexpected shortages. We have learned the hard way that even a hint of a shortage sets off a chain reaction that results in panic buying, hoarding and, ultimately, price increases. A good example of this is home heating oil prices jumping 25 cents a gallon this winter. Despite a crude oil glut, low inventories at the start of winter seemed standard procedure with the oil companies and the American consumer paid for it dearly.

On several occasions in this and earlier Congresses, I have advanced the idea of establishing a backup supply of crude in the Northeast so there would be a reserve in the event of an emergency. This reserve would serve as an insurance policy, if you will, to many Americans who might otherwise be left "high and dry" should there be a serious energy crisis. The oil trading company proposed in this legislation is an extension on this theme. By definition, it would be a much needed stabilizing influence in an industry that, to say the least, has an enormous effect on our economy.

Mr. Speaker, an oil trading company would provide us the opportunity to learn from lessons of the past. Hindsight tells us that shortages and the accompanying panic buying and hoarding cause prices to jump. And when the smoke clears, and inventories are replenished, those prices remain high. I urge my collegues to join Mr. OTTINGER and me in their sponsorship of this consumer-oriented legislation.●

THE CASE OF ANTANAS TERLECKAS

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. FASCELL. Mr. Speaker, recent events in the Soviet Union have once again focused the world's attention upon that nation and the enigmatic quality of its political system. One characteristic of that system is perfectly clear, however—the repression suffered by those individuals within the Soviet Union who dare to openly question the prevailing political orthodoxy promulgated by the Kremlin leadership.

One of these dissenters is Antanas Terleckas, a Lithuanian patriot whose commitment to human rights and the historical heritage of his Baltic homeland have made him the subject of unremitting repression at the hands of the KGB. Mr. Terleckas, who was but 15 years of age when first arrested by Soviet occupation forces in Lithuania, was imprisoned from 1957-61 for alleged treason, from 1973-74 for human rights activities, and was most recently sentenced in 1980 to another 3 years in labor camp and 5 years in internal exile. This latest sentence followed a wave of repression in Lithuania directed primarily at human rights activists who, along with their fellow Balts in Estonia and Latvia, had signed a memorandum condemning the 1939 Ribbentrop-Molotov Pact.

As the world is now aware, this cynical pact between Hitler and Stalin gave the former "permission," so to speak, to occupy Lithuania while Stalin was given a free hand in Latvia, Estonia, and Finland. Antanas Terleckas' signature was the first to appear, along with 44 others, on the memorandum protesting this disgraceful episode in history; 2 months later, he was under arrest for "anti-Soviet agitation and propaganda." After a sham trial almost a year later, Terleckas was sent to the Perm labor camp for political prisoners, to share the bitter fate of other courageous human rights activists such as Yuri Orlov, Anatoly Marchenko, and Vasyl Stus.

Commenting on Terleckas' sentence, a group of Lithuanian activists wrote that "Antanas Terleckas committed no crime, but merely did his sacred duty, an obligation which everyone must shoulder. The term "criminal" applies rather to the reprisals that are being carried out by the security organs, because such use of force is an unreconcilable enemy of any rights or freedoms." The West German newspaper Deutsche Tagepost, pointed out that "Antanas Terleckas was accused of nationalism, because he communicated the truth, which is indisputable, but unpleasant to the Soviet Union."

During one of his many interrogations, Antanas Terleckas was told by a KGB agent that it was dangerous for one with his political views to live in Lithuania. What may have been an off-hand remark by a minor functionary has apparently become official policy. In November 1981, Terleckas wrote "I was warned that my life would be made very difficult and that after 5 years of exile, I would return with my health broken." At one point, he was offered amnesty from his scheduled exile if he would renounce his past activities. Needless to say, Terleckas refused. Now, I have just received word that Antanas Terleckas' health is indeed rapidly deteriorating. The debilitating effect of the prison camp and the difficult environmental conditions in which he lives are threatening his life.

Mr. Speaker, the Lithuanian underground journal "Ausra" has warned that "if the world fails to hear the plea of this prisoner, if there is no flood of demands to free this freedom fighter, he may perish." I think I speak for all the Members of this body, when I call upon the Soviet Government to free Antanas Terleckas from his exile and allow him to return to his beloved native Lithuania.●

ENTERPRISE ZONES: OPPORTUNITY FOR REAL, LASTING ECONOMIC GROWTH

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. VANDER JAGT. Mr. Speaker, on January 12, 1984, a special op-ed article appeared in the Detroit News, Detroit, Mich., entitled Enterprise Zones—Creating a Climate for Growth. It began as follows:

> The idea sprouted either amid the rubble of Charlotte Street in the South Bronx or on some other mean streets in towns and cities across the country. The idea, in a nutshell, was to turn the mean streets back into the main streets.
>
> How? The same way these once flourishing areas had grown in the first place: by creating the climate for local and private initiative to do its best.

The author was the distinguished Secretary of Housing and Urban Development, Samuel R. Pierce, Jr. and he was describing enterprise zones, an idea which is embodied in H.R. 1955. In this relatively short session, this body will have to deal with many important issues. One that must not fall by the wayside is the enterprise zone legislation. President Reagan in the state of the Union address underscored his strong support for enterprise zones.

Enterprise zones requires the cooperation and initiative of local and State governments and the private sector. It gets the Federal Government out of the way and encourages the removal of local, State, and Federal burdens that have impeded operation of the free enterprise system in blighted areas.

While this body has failed to take up the enterprise zone legislation, 20 States have enacted legislation creating their own programs. They are already operating in a number of States with positive results in business startups or expansions, private sector investments and jobs saved and created.

There are carefully targeted incentives for those who participate in enterprise zones. They will stimulate the creation of jobs and physical revitalization of blighted areas. The stage is set for an enterprise zone effort that can help turn decay into growth, slums into thriving communities and the jobless into taxpaying workers.

Enterprise zone legislation has passed the Senate and well over a majority of this body, including a majority of the Ways and Means Committee are sponsors of H.R. 1955. Enterprise zones offer hope. Enterprise zones create public-private partnerships.

This body should not be an obstacle to implementation of this modest concept on a national scale. We must not let this session end without passing H.R. 1955.

I commend Secretary Pierce's description of the enterprise zone idea to the Members of this body and hope it will encourage progress in passing this legislation. The Detroit News article follows:

[From the Detroit News, Jan. 12, 1984]

ENTERPRISE ZONES—CREATING A CLIMATE FOR GROWTH

(By Samuel R. Pierce, Jr.)

The idea sprouted either amid the rubble of Charlotte Street in the South Bronx or on some other mean streets in towns and cities across the country. The idea, in a nutshell, was to turn the mean streets back into the main streets.

How? The same way these once-flourishing areas had grown in the first place: by creating the climate for local and private initiative to do its best.

From the beginning the idea had bipartisan support. (New York congressmen Jack Kemp, a Republican, and Robert Garcia, a Democrat, were in the vanguard.) Democrats as well as Republicans in the Senate and House signed up for it and borrowed a name from the British, who were trying something similar: enterprise zones. The Reagan administration gave it leadership, and the president has sent a bill to Congress proposing that enterprise zones be supported by law.

At the same time, many states began to develop their own enterprise-zone laws, and so far 20 states have enacted such laws. Today, the stage is set for an enterprise-zone effort that can help turn decay into growth, slums into thriving communities, and the jobless into taxpaying workers.

The idea is simple: Get people to change the way they think about these areas. Change the perception of them from pits of despair to centers of opportunity. There are a number of ways to do that, but we decided early on that there was one way not to do it: by imposing heavy-handed requirements from Washington and pouring in more money from the federal Treasury.

That way, we had learned, failure lies. And the elements of failure are well-known: bureaucratic red tape, mismanagement (or worse) of public funds, and—what is even more critical—the loss of local and private initiative.

Instead, the enterprise-zones concept throws the ball to local and private initiative. For a change, it gets the federal government out of the way and encourages the removal of local, state, and federal burdens that have impeded operation of the free enterprise system in blighted areas. It says to governors and mayors and other local officials: "Look, in the next three years the secretary of the U.S. Department of Housing and Urban Development is going to designate 75 enterprise zones throughout the country. Some of those zones could be in your state or your community.

"But there are no guarantees, because it's going to be an open competition. You just have to come up with a strategy, a plan that offers the best prospect for success of your zone or zones.

"If you win the competition, the federal government will help by targeting tax breaks for job creation and investment in plant, equipment, and housing, and relaxing some restrictions on the operation of the free enterprise system.

"With effective pooling of your own resources, plus those from the private sector (perhaps a venture capital pool from local banks) and such federal programs as community development block grants and urban development action grants, you'll be able to improve local services to the zones: better fire and police protection, and better sanitation and transportation. Such services will make your zone more attractive for people to invest in, and to work and live in."

That's what the enterprise-zone concept says to state and local officials. It offers even more incentives to investors—to businessmen and businesswomen, big and small, to individuals who want to invest some of their assets in one or more of the new zone enterprises. To such investors, the concept says, "If you operate a business in an enterprise zone, the federal government will give you certain tax and regulatory relief. These benefits, together with those your state and community will provide, will give you substantial opportunities to make a go of your enterprise. You will also have the added satisfaction of creating jobs and participating in your area's revitalization."

Finally, the enterprise-zone legislation addresses potential workers. It says, in effect, "Here's an opportunity for employment where there probably was none before. Your income tax will be lower than it would be in other areas. Your opportunities for training in a new skill or trade will be better, and therefore your prospects for advancement will be brighter.

"Your personal success will be tied to the success of the business and zone you work in. Your contribution is an essential factor in this process."

In short, incentives for everyone who participates are written into the enterprise-zone bill. It is realistic in that it appeals to self-interest as well as civic pride.

It is realistic, too, in that its initial goals are limited. By limiting the numbers of zones to 75 in the first three years, the bill admits frankly that it is an experiment. It also opens the prospect for evaluation and fine tuning in the light of experience.

Finally, it offers hope in areas where that essential commodity is usually lacking. Through public-private partnership, depressed areas can recapture the economic momentum they somehow lost somewhere along the line.

The administration's bill has passed the Senate once and 245 congressmen—well over a majority—are sponsoring it in the House. Therefore, I look to Congress to enact the enterprise-zone law.●

THE PRESIDENT'S BUDGET

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, February 15, 1984, into the CONGRESSIONAL RECORD:

THE PRESIDENT'S BUDGET

The President's 1985 budget, presented to Congress just last week, continues to cut domestic spending as it delays major tax increases and moves forward with a huge military buildup. His budget calls for outlays of $925 billion, revenues of $745 billion, and a deficit of $180 billion. He projects large but declining deficits in later years. The deficits are the largest in history.

A distinguishing feature of the budget is that the deficits are greatly underestimated. The underestimate is due to economic assumptions that are too optimistic, overstating revenues and understating outlays. The President's view that the deficit will fall to $123 billion by 1989 is based on projections of extremely favorable economic growth, inflation, jobs, and interest rates exceeding the best results of the 1950's and 1960's. For example, Treasury bill rates of 9% would have to drop to 5%, and for the next seven years we would have to have economic growth averaging 4.3%, to make Mr. Reagan right. Mr. Feldstein, the Chairman of the Council of Economic Advisors, acknowledges the problem when he says that "it's clear that our forecast . . . is only appropriate on the assumption that there will be significant action after the election to deal with the deficits." If the deficits are not cut, he continues, "we would expect lower real growth and higher inflation." Mr. Feldstein adds that the budget is not what the administration wants to see happen in 1985.

Perhaps the most distinguishing feature of the budget is that it does not deal with the deficits, whether in 1985 or in later years. It does not indicate what revenue or spending policies might be implemented to bring revenue into line with spending. It does not advise Congress what the President would do about the deficits. Until only a few weeks ago, Mr. Reagan appeared to be saying that deficits do not matter. The important things are growth in the economy, the conquest of inflation, the creation of jobs, and the raising of productivity. But in the days shortly before the budget was submitted, the President apparently decided that deficits do matter. In the parts of the budget prepared last, this concern is obvious. It is missing altogether in the parts of the budget prepared first. Mr. Reagan now seems to accept that he must find a way to trim the huge deficits. Still, his budget proposes no immediate, direct action.

Rather than tackle the deficits forthwith, the President puts forward two constitutional amendments pertaining to the budget process. One would demand that the budget be balanced every year. The other would give the chief executive power to veto single items in appropriation bills. Whatever their merits, these proposed amendments would require lengthy consideration, so years would pass before they could become the law of the land. Thus, neither one provides a realistic way to check the swelling deficits of the 1980's. In a similar vein, Mr. Reagan suggests that a bipartisan commission study

the deficit and then recommends spending cuts. In the meantime, Congress would make a "downpayment" on the deficit by enacting spending cuts totalling $100 billion over the next three years. While the deficit is expected to reach approximately $600 billion over the next three years and a $100-billion reduction would be welcome, the downpayment would be only a modest start. Besides, members of Congress have noted that the President apparently has limited the areas of compromise on spending, so the mandate of the bipartisan commission and the focus of the downpayment might be quite narrow. Mr. Reagan has remained firm in his belief that the large military buildup should continue, that the big 1981 tax cuts should be preserved, and that the domestic budget alone is excessive.

When asked about a tax hike, the President does not reject it, but says: "To those who say we must raise taxes, I say, 'Wait!' " Instead, he suggests a study of the tax code to be completed in December of 1984, after the general election. The idea is that the study would show us how revenue could be raised by closing tax "loopholes" and broadening the tax "base," admirable efforts by any standard. But even if the recommendations of such a study were promptly translated into law—a highly doubtful outcome given the complexity of the tax code and the intensity of resistance to changing it—a major impact on the deficits would not be apparent for several years.

A more realistic (but still optimistic) view of the deficit, one put forward by the nonpartisan Congressional Budget Office, suggests that Mr. Reagan's budget will lead not to gradually declining deficits, but to deficits rising sharply to $300 billion by 1989. These "super deficits" will not be eliminated by economic growth. They stem directly from accelerated defense spending, ballooning interest payments on the national debt, and excessive tax cuts, not from uncontrolled domestic spending. Mr. Feldstein, the President's own economist, notes that "the things that raise the deficit are defense spending, interest on the national debt, and the tax reductions. The thing that has reduced the deficit has been the decline in domestic spending, excluding Social Security."

Because Mr. Reagan's budget contains overly optimistic economic assumptions, does nothing to address the deficits, and provokes intense nonpartisan criticism, it is hardly surprising that the President and his top economic staff quickly and publicly backed away from it. The budget had hardly reached my desk when Mr. Reagan called the deficits in the budget "totally unacceptable." Mr. Feldstein expressed the same sentiments when he said, "None of us likes the budget, from the President on down." Even so, it was offered as the nation's fiscal blueprint.

The reaction in Congress could have been predicted. The President's budget has come under sharp attack from Republicans and Democrats alike, principally because it ignores the deficits. Because the budget is so faulty, legislators are saying that Congress should not delay the crafting of a new budget, one that will preserve the economic recovery now underway. Negotiations between Mr. Reagan and Congress on a program to reduce the deficits immediately must supersede all consideration of what the President has offered so far.●

A PLEA FOR ILYA VAITZBLIT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. LANTOS. Mr. Speaker, I rise today to join my colleagues in the call of conscience vigil for Soviet Jews. I would first like to extend my congratulations to my distinguished colleague from Pennsylvania, LAWRENCE COUGHLIN, who has assumed the responsibility of organizing this year's vigil. The vigil serves the important function of reminding us of the continuing repression of Soviet Jews.

Mr. Speaker, I wish to call to the attention of this House the plight of Ilya Vaitzblit. It is in many ways typical of so many Soviet Jews. He first applied to emigrate in 1973, but his application was refused on the pretext of his alleged access to classified material. He has repeatedly made application since 1973, and each time has been denied.

Ilya has suffered from multiple sclerosis since 1966. This fact is acknowledged by the Soviet authorities, as he was declared by a Soviet medical commission to be an invalid of the "first group" (completely disabled patients, obtaining their livelihood through permanent support from others). Presently he is nearly deaf, half blind and confined to bed with his limbs paralyzed.

Ilya's son and brother have already emigrated to Israel, and his hope and theirs is to be reunited before he dies.

It is difficult to imagine that a regime can be so unfeeling toward humanitarian cases. With nothing to gain by continuing to hold Ilya, the Soviet regime nonetheless proceeds in this insanity.

The position of Soviet Jews is essentially an ostracism in their own country. Unable to practice fully their religion, they are also denied permission to emigrate to join their fellow believers. The cries of the world to end this repression are met with silence, and the numbers of Jews allowed to emigrate is reduced.

Today, as we recall the plight of all Soviet Jews, I ask that you consider the case of Ilya Vaitzblit. The pain that he suffers by the uncertain future of his request to emigrate is a pain that many feel. As Members of Congress, we must continue to speak out against this reprehensible Soviet activity and against this violation of the Helsinki Final Act.●

PERSONAL EXPLANATION

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. CORCORAN. Mr. Speaker, due to my absence, I was not present when the House voted on February 8 and 9. Had I been present, I would have voted in the following way:

WEDNESDAY, FEBRUARY 8

On a motion to approve the House Journal of Tuesday, February 7, "yea."

On adoption of the adjournment resolution for the Washington district work period, "nay."

On the Moorhead amendment to H.R. 555, construction work in progress, to codify a ruling of the Federal Energy Regulatory Commission in lieu of the committee-passed bill, "paired for."

On final passage of H.R. 555, "paired against."

On a motion to commit Thursday, February 9 the resolution making committee assignments, with instructions to constitute committees in actual proportion to the House's political party membership, "paired for."

On adoption of the conference report on S. 1340, Rehabilitation Act amendments, "yea."

On adoption of the rule providing for consideration of H.R. 2899, environmental research bill, "yea."

On final passage of H.R. 2899, "yea."●

FUTURE FARMERS OF AMERICA

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. NATCHER. Mr. Speaker, I join with the members of the Future Farmers of America as they observe National FFA Week with the theme "Keeping America on the Grow—Vocational Agriculture and FFA."

Future Farmers of America is an organization that develops agricultural leadership, cooperation, and citizenship. Members are high school students enrolled in vocational agriculture classes in public high schools and area vocational education centers. Currently there are nearly a half million active FFA members. Degrees of membership are awarded on the basis of individual achievement in the organization. Each member begins as a Greenhand and progresses to Chapter Farmer Degree in the local chapter. The State Farmer Degree is presented by the State FFA association and the American Farmer Degree is presented by the National FFA organization.

Each chapter develops an annual program of activities and each member of the chapter carries out a supervised occupational experience program. The Future Farmers of America provides awards recognizing members of achievement at the chapter, district or area, State, and National levels. These award programs directly relate to the supervised occupational experience programs so that every vocational agriculture-FFA member can participate.

Kentucky has 14,398 members and 149 chapters. Last year 1,023 members and 123 FFA advisers attended FFA leadership training at the Kentucky FFA leadership training center in Hardinsburg, Ky., to develop skills and ability lead local chapters. Kentucky FFA chapters also participated in the National Safety Award program, Building Our American Communities Award program, and FFA farm operation identification program. I am especially proud that Spencer County, located in the Second District of Kentucky which I have the privilege to represent, was the State winner of the Building Our American Communities Award.

I know of no group of young people who are accomplishing more in the field of agriculture for their home communities, State, and Nation than members of the Future Farmers of America. I want to take this opportunity to commend the members of Future Farmers of America for their accomplishments during the past year and to wish them continued success in the future.●

FLAT TAX LEGISLATION INTRODUCED

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. DANNEMEYER. Mr. Speaker, not too long ago, I conducted a poll among my constituents in the 39th District regarding problems in the present tax system and possible corrective measures. The results are very telling.

Ninety-five and four-tenths percent agreed that our current tax system is too complex and inefficient.

Ninety-four and two-tenths percent agreed that our current rate structure is burdensome to individuals and to the economic well-being of the Nation.

Eighty-two and five-tenths percent agreed that a flat-tax system should be instituted in place of the present progressive tax system.

Seventy-three and eight-tenths percent agreed that a flat-rate tax of 15 percent with no exemptions or deductions would be preferable to the present system (the entire text and results of the poll appear at the end of this statement).

Because this is a Government of the people, by the people and for the people, I say it is about time the Members of Congress started listening to the people. It is about time we started governing in their interest instead of bowing to the temptations of the special interests.

It is for this reason that I am introducing legislation to do away with the problems which plague our present tax system. The bill I am proposing today would require the Internal Revenue Service to develop a flat-tax system that would result in a tax rate of not more than 15 percent upon individuals and corporations starting January 1, 1987. For individual taxpayers, I have called for a personal exemption, a deduction for dependents, a deduction for charitable contributions, a deduction for home mortgage interest on a taxpayer's principal residence, an exemption for capital gains, and no tax at all for the poorest households. As for corporations, I have allowed for a flat tax of not more than 15 percent to be applied to gross revenues with a deduction for capital expenses, a deduction for amounts paid for goods and services, and a deduction for charitable contributions.

A flat-tax system such as the one just described would provide numerous advantages over the present system.

First, it would allow for a reduction in the tax rate for most Americans resulting in lower taxes paid by individuals and their families. In 1982, the marginal tax rate for a family of four earning median income was 25 percent. For a family earning one-half median income, the tax rate was 16 percent. And for a family earning twice median income, the tax rate was 40 percent and higher. The average tax rate for corporations in 1982 was 20.5 percent.

Second, it would eliminate the intolerable complexity of the present tax system. The Commissioner of Internal Revenue in 1977 summarized the difficulties in the progressive tax system when he stated that the basic filing procedures for U.S. tax returns were beyond the comprehension of most people. As every American who has ever filed an income tax form is acutely aware, the myriad of deductions and exemptions, the special calculations, the multiple methods, and all the confusing limitations are enough to start the innocent taxpayer's head spinning. It is no wonder that a great many Americans have given up on the task of filling out their own tax forms and sought help from a third party—a lawyer, accountant, or whomever. In 1954, only 18 percent of taxpayers used tax return preparers; over 80 percent filled out their forms personally. In 1982, 61 percent of 1040 forms were prepared by specialists—over 32.8 million taxpayers overall.

Business taxpayers are faced with an even greater dilemma. In 1977, businesses spent an estimated 109 million man-hours filling out W-2 forms alone. Yet, when one has tackled the first form, a collossus of others loom around the corner—form 941, form 1120, and on and on. To fill out all these items costs the corporate sector a great deal, with small businesses being hit the hardest. In 1976, small businesses nationwide spent more than $11 billion to have their Federal income tax forms prepared.

This burden is not the fault of the IRS. It is the result of a long history of congressional tax legislation, the sum of which seems to have no clear rhyme or reason. Indeed, in a 1975 address to the Tax Foundation, then Secretary of Treasury William E. Simon said, "I'm not even sure the IRS experts understand the system anymore. How can they when they are dealing with a Tax Code and regulations that exceed 6,000 pages of fine print?"

The legislation I am introducing would not only enable postcard tax forms to become a reality, thereby saving the taxpayers a great deal of time and expense, but it would also greatly simplify the job of the IRS.

Third, the flat tax I am proposing would give the economy an additional boost. It would increase incentives to earn and produce, thereby stimulating economic growth and additional Federal revenues. If middle income Americans have to give Uncle Sam $1 and change for every additional $2 earned, is it any wonder that more and more individuals are disinclined to earn that extra dollar? The same logic can be applied to the corporate sector. With high marginal rates, there is a diminished incentive to produce and make additional profit. A flat-tax system would enhance this incentive and hence stimulate productivity and employment.

Furthermore, the double taxation of savings which exists in the present tax system penalizes capital formation which is essential to economic growth. Also, tax expenditures—deductions, credits and exemptions—distort investment flows by directing money away from the competitive marketplace into noncompetitive projects. Both of these problems would be largely eliminated by switching to a limited deduction, flat-rate tax approach.

Fourth, because tax administration would be infinitely more efficient under a flat-tax system, the IRS could focus on eliminating the present underground economy by drastically reducing the number of tax evaders, thus raising additional Treasury revenue. The IRS estimates that unreported income and overstated deductions—

the underground economy—has risen from an estimated $29 billion in 1973 to $87 billion in 1981, and estimates for 1985 are $120 billion. And these estimates might be low. Other students of the Federal income tax put the size of the underground economy as high as $542 billion a year. If the latter figure is any where near accurate, it represents potential revenues large enough to balance the budget on an annual basis.

Fifth, the flat-tax proposal I am introducing will automatically incorporate tax indexing into the tax system, thus eliminating any bracket creep phenomenon where inflation pushes one's income into higher tax brackets without Congress voting a tax increase.

Sixth, a flat tax would give a resulting perception of equity back to the tax system. Former Commissioner of Internal Revenue Jerome Kurtz recently said, "A tax system such as ours—which relies heavily on taxpayer cooperation—can only work if most taxpayers perceive the system as fair." Yet, the poll results from my district indicate that there is an overwhelming loss of faith in the present progressive tax system due primarily to its excessive complexity and enormous inefficiency. Recent polls taken by the noted public opinion pollster Louis Harris confirm that this is a nationwide problem. A flat tax, in turn, would make everyone pay their fair share while adding new life to the economy.

One of the most frequently heard objections to the flat-tax concept is that it sounds good, but it will not work. However, Hong Kong has had a flat-tax system since 1966, virtually identical to the one I am suggesting today, and it has worked. The Hong Kong system has a flat rate of taxation of 15 percent for individuals and 16.5 percent for corporations, with very few deductions or exemptions allowed.

The results of Hong Kong's flat-tax policies have surpassed even the most optimistic estimates. In the period immediately following World War II, Hong Kong was in the economic doldrums. An impoverished and devastatingly depressed state, its annual per capita income stood at a mere $180. But, since that time, minimized disincentives on savings and investment due to the low levels of taxation have led to an economic growth rate of 9 percent per year in Hong Kong, including double-digit growth in the last few years. Even in the recession year of 1981, investment and job creation stimulated by low rates of taxation held the unemployment level to 3.8 percent. Moreover, the enormous economic growth stimulated by a narrow tax base and low rates of taxation has yielded increased tax revenues for the Government. Currently, Hong Kong has a budget surplus, a near absence of public debt, and no need to resort to the inflationary practice of deficit financing. At the same time, Hong Kong provides its citizens with a rather generous social safety net including extensive housing, education, health, transportation, social security, and other social services, not to mention the fact that the poorest 20 percent of the population has benefited extensively from the fivefold increase in per capita income since 1948. Is it any wonder that officials in Hong Kong are so enthusiastic about the virtues of a simple and inexpensive flat-tax system?

Experience is the best teacher. Given the facts, the need for the flat-tax system I am recommending is very clear. Now it is time for the Government to open its eyes to both the problems of the present tax system and the wishes of the American people. It is time we adopted a flat tax.

QUESTIONAIRE RESULTS

(Numbers indicate percentages)

Do you agree or disagree with the following statements?

(1) Our current tax system is too complex and inefficient. Agree strongly 87.9, agree somewhat 7.5, undecided 1.6, disagree somewhat 2.0, and disagree strongly .9.

(2) Our current rate structure is burdensome to individuals and to the economic well-being of the nation. Agree strongly 82.8, agree somewhat 11.4, undecided 1.6, disagree somewhat 3.2, and disagree strongly 1.1.

(3) The United States tax system ought to have different tax rates for different levels of income. Agree strongly 17.2, agree somewhat 14.1, undecided 7.3, disagree somewhat 14.6, and disagree strongly 46.8.

(4) A single-rate tax applied evenly to all but the poorest individuals with very few deductions allowed would be preferable to the present system. Agree strongly 68.0, agree somewhat 14.5, undecided 4.5, disagree somewhat 3.9, and disagree strongly 9.0.

(5) If you agree in question 4, the flat rate for this tax should be: 10 percent 34.3, 12 percent 14.4, 15 percent 43.3, 18 percent 6.0, and 20 percent 2.1.

NOTE.—A recent study has indicated that a 14-16 percent rate is necessary to sustain present levels of tax revenue with very few deductions allowed.

(6) Some deductions should be allowed, including:

(a) Car loans; (b) charitable contributions; (c) debts-losses; (d) interest income; (e) home mortgage; (f) medical expenses; (g) state-local taxes; and (h) tuition costs.

Agree strongly: (a) 19.2, (b) 43.1, (c) 21.1, (d) 30.8, (e) 47.1, (f) 43.2, (g) 33.8, (h) 22.9. Agree somewhat: (a) 8.6, (b) 19.8, (c) 12.2, (d) 11.2, (e) 11.4, (f) 17.8, (g) 36.1, (h) 12.1. Undecided: (a) 6.4, (b) 6.7, (c) 16.5, (d) 9.4, (e) 5.9, (f) 15.2, (g) 9.6, (h) 10.0. Disagree somewhat: (a) 14.8, (b) 4.4, (c) 14.7, (d) 9.0, (e) 6.0, (f) 9.2, (g) 7.0, (h) 10.5. Disagree strongly: (a) 51.0, (b) 25.9, (c) 35.5, (d) 39.6, (e) 29.5, (f) 14.5, (g) 13.5, (h) 44.5.

(7) Some exclusions of income should be allowed including those for: (a) Capital gains, (b) social security income, and (c) housing allowances for ministers and teachers of Gospel and parochial schools.

Agree strongly: (a) 34.7, (b) 62.9, (c) 11.3. Agree somewhat: (a) 16.4, (b) 13.9, (c) 7.5. Undecided: (a) 9.2, (b) 5.0, (c) 12.3. Disagree somewhat: (a) 10.3 (b) 4.0 (c) 12.8. Disagree strongly: (a) 29.4 (b) 14.2 (c) 56.1.

(8) A one-time personal exemption should consist of: (a) $1,000, (b) 2,000, (c) 3,000, (d) 4,000, (e) 5,000, and (f) other.

(a) 12.6, (b) 13.6, (c) 13.0, (d) 5.4, (e) 24.6, and (f) 30.8.

(9) Additional exemptions should be allowed for:

The blind: Yes 81.6, no 18.4.
The disabled: Yes 80.1, no 19.9.
The elderly: Yes 76.8, no 23.2.
Children: Yes 57.3, no 42.7.

(10) Poor households earning less than the following each year should be exempt from tax (assume family of four): Under $10,000 38.4, under $12,000 22.0, under $15,000 23.8 and other 15.7.

(11) A flat-rate tax of 15 percent with no exemptions or deductions would be more preferable than our progressive rate tax with all of the present exemptions and deductions.

Agree strongly: 48.5, agree somewhat: 25.3, undecided: 6.0, disagree somewhat 6.9, and disagree strongly: 13.3.

(12) Our present progressive rate income tax would be more preferable than a flat tax if: (a) The tax rates were lowered, (b) some, but not all, of the deductions were eliminated, and (c) existing tax laws were evenly and fairly enforced.

Agree strongly: (a) 32.4, (b) 18.8, (c) 40.4. Agree somewhat: (a) 12.3, (b) 16.7, (c) 11.4. Undecided: (a) 5.7, (b) 7.6, (c) 6.8. Disagree somewhat: (a) 9.0 (b) 11.2 (c) 6.1. Disagree strongly: (a) 40.6 (b) 45.6 (c) 35.3.

(13) The flat-rate tax concept warrants further study.

Agree strongly 80.4, agree somewhat 8.5, undecided 1.5, disagree somewhat 1.9, and disagree strongly 7.5.●

THE RETIREMENT OF CAPT. PAUL GUNDERMAN

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. COELHO. Mr. Speaker, I rise today before my colleagues to honor a great Californian on his retirement from 31 years of service with the California Highway Patrol. Capt. Paul L. Gunderman ended his career with the CHP on December 30, 1983, and will celebrate his retirement at a party to be given in his honor on March 3, 1984.

Paul is a fine example of a man dedicated to his country, community, and his family. His career began in 1952 when he joined the Pasadena Police Department, and his 31 years in law enforcement have carried him almost the entire length of the State. In 1973, Paul received his captain's bars and was assigned to Los Banos, becoming the first captain assigned to the office when it was upgraded from a lieutenant's command. Captain Gunderman served in that post until coming to Merced in 1977, where he remained until his retirement.

Besides his dedication to his career, Paul has served as vice president of the Merced United Way and as chairman of Kops for Kids, which collects toys for children in the Merced area. Paul also serves as the secretary of the North Merced Rotary.

Paul Gunderman can be proud of his service to his job and to his country. Paul's retirement will be a loss to the California Highway Patrol, but we all wish him a long and happy future. I am honored to have this opportunity to pay tribute to such an outstanding American.●

JIMMY CRUM

HON. JOHN R. KASICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. KASICH. Mr. Speaker, I appreciate this opportunity to extend national recognition for the outstanding humanitarian efforts of WCMH-TV sports director Jimmy Crum.

Jimmy is known as the sports authority in central Ohio and in 1970 was named the most outstanding sportscaster in Ohio by the National Sportscasters and Sportswriter Association. A native of Mansfield, Ohio, he began a broadcasting career at the age of 14 of WMAN radio. He served with the Marine Corps and Armed Forces Radio, then attended Ohio University majoring in radio. He joined TV 4 in Columbus in 1953 after working for WOUI and WRFD radio stations.

However, Jimmy Crum is much more than a sportscaster for in spite of his prestigious professional awards for excellence in broadcasting, he continually is involved in programs to bring a better life to handicapped children.

In 1965, he personally initiated the nonprofit "Recreation Unlimited" fund at TV 4 which has raised almost $800,000 in 18 years to send handicapped children to summer camp. Jimmy's interest in the handicapped dates back many, many years when he was inspired by the courage of a young polio victim at Children's Hospital.

His numerous activities include the Franklin County Society for Crippled Children where he served as chairman of the board, Ohio Society of Prevention of Blindness, Children's Hospital, United Cerebral Palsy of Columbus and Franklin County, State Occupational Therapy Board, Ohio Easter Seal Society. Professionally, he has been active in the local chapter of American Federation of TV and Radio Artists, which he helped to organize, and is a past president of the Ohio Sportscaster Association.

Among Jimmy's awards and tributes are two Kennedy Foundation International Awards, Ohio Easter Seal Society's "Golden Brace" Award, Ohio Young Republicans' Francis P. Bolton Humanitarian Award, and the 1977 Outstanding Columbus Citizen Award by Central Ohio Chapter Public Relations Society of America.

He has received the Ohio Governor's Award for his achievements in community involvement, and the Columbus mayor and Franklin County commissioners proclaimed May 10, 1978, as Jimmy Crum Day for his outstanding and tireless efforts with many community organizations.

In addition, he possesses a regional Emmy Award, a Billboard Award, and the John Hervey Award for Excellence in Reporting.

Mr. Speaker, I am proud to bring the accomplishments of this distinguished central Ohioan to the attention of my colleagues. The dedication and spirit of Jimmy Crum is an inspiration to us all and I ask my colleagues to join with me in a heartfelt and warm tribute to this outstanding American for his selfless and devoted efforts on behalf of handicapped children.●

EXECUTIVE ORDER 9066

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. MATSUI. Mr. Speaker, on February 19, 1942, President Franklin D. Roosevelt signed Executive Order 9066, the Presidential document which set into motion a series of governmental actions which resulted in one of the most extraordinary episodes in the history of this country: The forced exclusion and detention of U.S. citizens and legal resident aliens of Japanese ancestry.

In and of itself, the Executive order was not a constitutionally questionable document. It ordered the military command to provide security within this Nation's borders at a time when the United States had been thrust into a global war. The President acted within his constitutional powers in issuing such a command.

However, it is clear from Government documents that there was a clear intent in the Executive order to discriminate against persons of Japanese ancestry, including those who were American citizens. A memorandum to the President from the U.S. Attorney General, Francis Biddle, dated April 17, 1943, states, "You signed the original Executive order permitting the exclusion so the Army could handle the Japs. It was never intended to apply to Italians and Germans."

As a result of Executive Order 9066, over 120,000 persons of Japanese ancestry, the majority of whom were American citizens, were forced under armed military guard to leave their homes, their businesses, and their careers, and were placed in military detention camps for the duration of World War II.

The findings of the Commission on Wartime Relocation and Internment of Civilians, which concluded an 18 month study with a report to the Congress titled "Personal Justice Denied," were unequivocal in stating that American citizens and legal resident aliens of Japanese ancestry presented no security threat to the United States, and that there was no justification for the actions taken against them. The report states:

> The promulgation of Executive Order 9066 was not justified by military necessity, and the decisions which followed from it—detention, ending detention and ending exclusion—were not driven by analysis of military conditions. The broad historical causes which shaped these decisions were race prejudice, war hysteria, and a failure of political leadership * * *. A grave injustice was done to American citizens and resident aliens of Japanese ancestry who, without individual review or any probative evidence against them, were excluded, removed and detained by the United States during World War II.

Mr. Speaker, during the month of February when this Nation celebrates the birthdays of George Washington and Abraham Lincoln, two of the greatest Presidents this Nation has ever known, two towering figures who symbolize the birth of the American democratic ideals of freedom and equality, it also behooves us during this month to recall the actions of another President who stands in equal greatness.

It does us well, Mr. Speaker, to remember February 19, 1942, not to diminish the greatness of Franklin Delano Roosevelt, but to remind ourselves that a democratic nation requires the vigilance of its leaders and of its people. While we can look with pride at our past achievements and to the benefits of freedom and liberty we now enjoy, we must also have the courage to look to our past errors and to rectify them if we are to remain the leader among the free nations of the world.●

SELF-DETERMINATION OF THE BALTIC STATES

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. PHILIP M. CRANE. Mr. Speaker, as a proud member of the Ad Hoc Committee on the Baltic States and Ukraine, I am honored to rise in support of Senate Concurrent Resolution 80. This resolution speaks forcibly of the overwhelming need for the United States to continue diplomatic recognition of the sovereignty of the three in-

dependent Baltic republics—Estonia, Latvia, and Lithuania.

America must fulfill her national obligation, as an adherent to the United Nations Charter, to promote and encourage international respect for human rights and fundamental freedoms in those captive states.

How many of us really know what "democracy" is? The term connotes different meanings to different people. I will wager, however, that those who do not live under its purview know what democracy is not.

The imprisoned peoples of the Baltic States need to know that the United States of America is concerned with restoring their lost democratic principles of political and cultural self-determination. The Soviet Union must be made aware that these peoples have the right to be granted freedom to choose their own governments without outside intervention or subversion. Such are the laudable aims of Senate Concurrent Resolution 80. If we do not support these shared goals, we will only serve to degrade that undefinable essence of democracy that we enjoy in America.●

SAN MATEO COUNTY YOUTH AND PARENTS PLAN ACTION ON DRUG ABUSE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. LANTOS. Mr. Speaker, this past week, during the district work period, a group of my constituents gathered in my office to plan a coordinated effort to eradicate alcohol and drug abuse in San Mateo County. Attending this meeting was a cross-section of citizens ranging from concerned parents to social service professionals working in the field of prevention of substance abuse. The ideas generated in our discussion, and the meeting itself, may provide incentive for my colleagues in the House who may also want to take initiative in addressing this widespread problem.

Teenage substance abuse affects our whole society; it is no respector of persons. We can all be touched by the tragic consequences of young people whose lives are maimed and destroyed because they do not know how to say "no." If we do not meet this problem head-on, I am convinced we will stand by to see our society decay from within.

As my constituents pointed out, we must work together at local, State, and Federal levels. There is room for anyone who wants to help. Many different groups are needed. Overlap and duplication of effort may be avoided through coordination and communication, but no one should hesitate to become involved in some aspect of prevention. We have only ourselves, our youth, and our Nation to save.

Many creative ideas were proposed in our group discussion, including the suggestion that taxes be increased on alcohol, with the resulting funds targeted for programs to prevent teenage substance abuse. Another suggestion is to make alcohol advertisements nondeductible as a business expense. This would force the alcohol industry to take the money for advertisements out of their profits.

A final suggestion was to encourage professional athletes and entertainment stars to provide responsible leadership in informing the Nation's youth of the dangers of drug and alcohol abuse. Those are the models who have enormous influence on teenagers today.

I will soon introduce legislation calling upon the Congress to urge the advertising sponsors of the summer Olympic games in Los Angeles to use part of their advertising time for public service advertisements aimed at the prevention of alcohol and drug use and abuse.

I urge my colleagues in the House of Representatives to join me in this national and grassroots effort to help our youth learn when and how to say "no" to peers and pushers when the pressure is on.●

SALUTE TO OLYMPIC MEDAL WINNERS

HON. MIKE LOWRY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1984

● Mr. LOWRY of Washington. Mr. Speaker, it is with great pride that I rise to congratulate the four Washington State athletes who won medals at the winter Olympics. Giant slalom winner Debbie Armstrong from Seattle, figure skating silver medalist Rosalynn Sumners of Edmonds and of course Phil and Steve Mahre of Yakima, the first and second finishers in the men's slalom, are a great source of pride for all Americans and particularly for those of us from Washington State. Not only are they gifted atheles who displayed considerable grace under pressure, they demonstrated the Olypmic spirit itself. I congratulate these four great competitors for their performances at Sarajevo.●