SENATE—*Tuesday, March 6, 1984*

(Legislative day of Monday, March 5, 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.

Though I speak with the tongues of men and of angels, and have not love, I am become as sounding brass, or a tinkling cymbal. And though I have the gift of prophecy, and understand all mysteries, and all knowledge; and though I have all faith, so that I could remove mountains, and have not love, I am nothing. And though I bestow all my goods to feed the poor, and though I give my body to be burned, and have not love, it profiteth me nothing. Love suffereth long, and is kind; love envieth not; love vaunteth not itself, is not puffed up, doth not behave itself unseemly, seeketh not her own, is not easily provoked, thinketh no evil; rejoiceth not in iniquity, but rejoiceth in the truth; beareth all things, believeth all things, hopeth all things, endureth all things. Love never fails.—I Corinthians 13: 1-8 (KJV).

Dear God, help us to love one another. In the name of Jesus, incarnate love. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

SENATE SCHEDULE

Mr. BAKER. Mr. President, after the two leaders are recognized under the standing order, three Senators are to be recognized on special orders of not to exceed 15 minutes. I would propose two modifications of that. First, I ask unanimous consent that the time allocated to me may be combined with that time allocated to the distinguished Senator from Minnesota (Mr. BOSCHWITZ) and, second, I ask unanimous consent that after the Proxmire special order the distinguished minority leader be recognized on special order of not to exceed 15 minutes.

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

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

Mr. BAKER. Yes, I yield.

Mr. BYRD. I wish to thank him for arranging for me to have some additional time. If he does not object, I would like to ask unanimous consent that I be able to reserve the 10 minutes up front and add that to the 15.

Mr. BAKER. Yes. Mr. President, I certainly have no objection to that and I put that request.

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

Mr. BYRD. I thank the majority leader.

Mr. BAKER. I thank the minority leader.

Mr. President, after the execution of special orders there will be a period for the transaction of routine morning business until 12 noon in which Senators may speak for not more than 5 minutes each. At 12 noon, as is our usual custom, in order to accommodate the caucuses of Senators away from the floor, the Senate will stand in recess until 2 p.m. At 2 p.m., the Senate will resume consideration of the unfinished business, at which time the committee amendment will be the pending question.

RESERVATION OF LEADERSHIP TIME

Mr. BAKER. Now, Mr. President, the minority leader has reserved his leader time to be added to the special order which has heretofore been provided. I ask unanimous consent that I may reserve the remainder of my leader time for use during the course of this day.

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

Mr. BAKER. Now, Mr. President, I am prepared to proceed with the special orders, but I believe the first special order Senator is not present yet. Therefore, I ask unanimous consent that I may suggest the absence of a quorum without it charging against any of the special orders.

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

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

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

The Assistant Secretary of the Senate proceeded to call the roll.

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

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

RECOGNITION OF SENATOR BOSCHWITZ

The PRESIDING OFFICER. Under the special order, the Senator from Minnesota (Mr. BOSCHWITZ) is recognized for not to exceed 15 minutes.

CONSEQUENCES OF OUR LEBANON POLICY

Mr. BOSCHWITZ. Mr. President, on Friday, the distinguished minority leader spoke on the subject of U.S. policy in Lebanon. In his statement he criticized the Secretary of State for what he called "an exercise of self-deception and delusion over American policy in Lebanon which was nothing short of astounding."

More astounding to me is the ability of my distinguished colleague to disavow any responsibility for the consequences of our Lebanese policy. In my judgment, the Secretary of State is correct when he observes that Congress is "partly" to blame.

We cannot delude ourselves into thinking that we have no responsibility for the setback in Lebanon or that the debate on the Senate floor, in committee, and in the press had no effect at all. There was equivocation, and that equivocation was construed by forces opposing us, not merely as a debate being conducted in a free society. That equivocation was interpreted as an opportunity, just as we would have construed it if we had seen divisions in the camp of one of our opponents.

One only has to read Lebanese and Middle Eastern newspapers and talk to Arabs to realize that the congressional debate on Lebanon was an important factor in the erosion of support for President Gemayel. They read our papers and are well aware of the tone of debate in Congress. The belief in Lebanon and Syria that the U.S. Congress would not sustain the President's policy was a key factor in forming Syrian and Lebanese attitudes.

Mr. President, each major Lebanese newspaper—six, seven, or eight of them—has a correspondent or a stringer in Washington. The congressional debate was covered closely.

One Lebanese observer noted to a staff member of the Foreign Relations Committee that "the congressional debate strengthened the Syrian hands and weakened those who looked to the United States. By the middle of January, it was clear that the Americans were looking for a way out. The signal

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

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was sent that the Lebanese would have to look for an alternative external source of support—someone in the region."

The Syrians also watched with interest as support for the Lebanon policy of the administration eroded. A Syrian Government-inspired radio broadcast commented on December 31, 1983:

> • • • it seems that President Reagan does not consider U.S. public opinion; neither is he interested in the statements of U.S. congressmen and the advice of many experienced U.S. officials. • • • thus he is making many open statements that stress his insistence on keeping the U.S. forces in Lebanon despite domestic and foreign criticism.

Mr. President, Syrian Foreign Minister Khaddam told visiting leaders that the United States was "short of breath" and could not sustain its policy in Lebanon.

We were told the same thing, in the bluntest, most direct language possible, at a bipartisan breakfast held in the majority leader's office in January, by Ambassador Donald Rumsfeld, our special Middle East negotiator: That the Syrians saw the divisions that existed in this country as evidence of a "shortness of breath," that we would not be able to sustain the policy that the President wished to pursue in Lebanon.

We, as Members of the Senate, must understand that our words and deeds have a substantial impact on the actions of others. Many times, I have heard my colleagues on the Senate floor state that through our debate we were sending a message, that the country and the world were listening. Indeed, they do. They did listen in Lebanon. All the factions did, and drew a conclusion that we were "short of breath"—and they will again, and they will elsewhere.

On February 22, 1984, the Syrian Domestic Radio Service stated:

> After President Reagan made his haughty statements regarding his insistence on keeping the Marines in Lebanon, he adopted a decision to pull the Marines out • • • under pressure from the new balance of power in Lebanon, the pressure of U.S. public opinion, and the pressure from some U.S. congressional circles.

Indeed, Mr. President, the Lebanese and the Syrians and others in the Middle East were listening to what was occurring in Congress. Stating the fact that the congressional debate on Lebanon helped to weaken the Amerian position in Lebanon is true, and in no way, in the words of the minority leader, "exhibits a distaste for the democratic system which is not worthy of the Secretary of State." No one will deny that public debate is fundamental to maintaining a democracy. The problem we must all examine is how to have a public debate on foreign policy without misleading our friends or foes alike. One way to resolve the problem is for Congress to take responsibility for its words and deeds.

We must also bear some responsibility for the inability of the United States to establish a sustainable national consensus on foreign policy. We, in Congress, are not shy to assert our rights under the Constitution in the conduct of foreign policy. Through a series of laws we have attempted to codify these rights. The War Powers Act, the Arms Export Control Act, and many others are all proper attempts to preserve our role in shaping the foreign policy of our Nation. Unquestionably, during the last decade, Congress has reasserted itself quite vigorously.

In doing so, however, we must assume a greater share of the responsibility for the policy that is eventually adopted.

If one speaks to our foreign friends, the single greatest complaint is the lack of consistency in American policy. Congress bears some of the responsibility for this perception. Concerning Lebanon, in September we authorized our 18-month participation in the multinational peacekeeping force.

Our purpose was to display to all the parties involved that the United States was prepared to maintain its commitment to the people of Lebanon for an extended period. Not 6 weeks later, the issue was reopened when two resolutions were introduced. One resolution shortened our participation; the other ended it. The signal was sent that the Congress of the United States cannot sustain a policy if a significant price has to be paid.

Certainly, Mr. President, as I have said, it is not all Congress. In Lebanon, as in other parts of the world, inconsistencies are found in government. However, I believe very firmly in constancy in foreign policy. I believe it is absolutely essential. I believe that there is no substitute for constancy of resolve.

This morning, Members of the Senate met with Chancellor Kohl of Germany, He, too, spoke about it. He spoke about the lack of constancy, the lack of resolve that existed in Europe 45 years ago, and that gave Hitler at that time an opportunity to take advantage of that inconstancy of resolve.

Constancy in foreign policy, in my judgment, is essential. Bipartisanship in foreign policy is essential as well, if we are to obtain the constancy that is necessary.

The distinguished minority leader has a great feeling for this body. I am sure he believes exactly what he stated on Friday, but I respectfully disagree.

I do not agree, as the minority leader said, that the statement of Secretary Shultz, to quote the minority leader, was "a petty and vindictive exercise in sour grapes." I think the Secretary of State was correct—that the Senate, Congress, must share a part of the blame for the events that occurred in Lebanon.

This speech should not be regarded as a defense of one policy or another. It is not necessary to reopen that debate. We simply have to go on; and if we go on with bipartisanship, if we go on with constancy, I think that not only will our goal in the world be clearer, but also, peace will be more easily achieved.

Mr. President, I yield the floor, and 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, I wish now to reclaim a portion of the time that was reserved earlier by unanimous consent, and I so ask unanimous consent.

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

THE SECRETARY OF STATE

Mr. BAKER. Mr. President, the distinguished minority leader recently made remarks with respect to the Secretary of State and the policy that he is implementing on behalf of the President.

Mr. President, first, I commend the distinguished Senator from Minnesota for his remarks today. He indicated to me that he wished to respond to the minority leader's remarks and I believe wished to do so on this past Friday. I asked him not to do that because at that time an order had already been entered for the Senate to stand in adjournment following on after the presentation of the minority leader and rather than change that I asked the Senator from Minnesota if he would defer until this week in the remarks which he has just now made.

I wish to express to him my appreciation for that.

Mr. President, the distinguished minority leader made remarks on Friday to which on further reflection I think I should respond. His remarks pertained to statements attributed to Secretary Shultz to the effect that the congressional debate on the presence of U.S. Forces in the multinational force in Lebanon contributed to the failure of our attempts to achieve a diplomatic solution in that country. The minority leader commented further that I, like many of my colleagues in both Houses did not favor having a marine component in the multinational force.

That, Mr. President, is true as far as it goes, but it goes only so far. I did not favor a marine presence in Leba-

non because I feared that it would detract from our ability in the long term to exert our influence in the region and to continue our efforts to achieve a just and lasting resolution of the Palestinian problem, which remains the core of so much of the conflict in that conflict-ridden region. On numerous occasions, I expressed those reservations to the Secretary and to the President.

It was, nevertheless, the President's decision that our interests required U.S. participation in the return of the multinational force to Lebanon. Once made, I accepted and supported that decision. In order to demonstrate congressional support for a policy with the worthwhile goal of restoring the sovereignty of the legitimate Lebanese Government and achieving the withdrawal of all foreign forces from Lebanese territory, I cooperated with the leadership of the House of Representatives in fashioning a resolution of support for the policy and its objective. I would assure the minority leader that I am in no way troubled by my role in that effort. In order to demonstrate to the Soviets, the Syrians and their proxies that the United States was committed to the policy and would persevere in our efforts to achieve its objectives, we wrote into that resolution an 18-month authorization. There was indeed significant debate on that resolution, but a clear majority of both Houses supported it and it was enacted.

As I read the report of Secretary Shultz' remarks, it was not the debate on the resolution of which he was complaining. It was the continued debate long after the resolution was passed with the various threats of amending the resolution or abrogating it that began to undermine the perception that America would adhere to its stated policy and objectives. I agree totally with the Secretary that such continued carping could not have been helpful in a region where consistency of purpose is essential. Whether or not we would have been successful without it, I do not know. Whether or not it hastened the deterioration of the security situation in Beirut to the point where the Marine presence no longer served a useful function, I can only speculate. But on the whole, on the general thrust of his remarks, the minority leader should know that I agree with Secretary Shultz.

The Secretary has, as well, made a broader point and it is one that he and I have discussed on a number of occasions. That is that the United States with its responsibilities and obligations as a superpower is likely to face with increasing frequency situations of ambiguity and imprecision where neither diplomatic efforts nor the exertion of force can promise a certain outcome. It will require the nicest of judgments in our determination of whether and how the United States should be involved. On our ability to make those judgments, as the Secretary said on Thursday, depends "our capability to defend our interests * * * ."

We do need now, Mr. President, to address these questions. Perhaps in addressing these questions we should review whether the War Powers Resolution, as it now stands, remains an appropriate mechanism for the interaction between the executive and the legislative branches of Government. I am personally convinced that we cannot continue to begin each military involvement abroad with a prolonged tedious and divisive negotiation between the executive and the legislative branches of Government. The world and its many challenges to our interests simply do not allow us that luxury.

Finally, Mr. President, I believe George Shultz to be as fine a Secretary of State as this country has had. I am proud to be the Republican leader of the Senate at a time when George Shultz is serving a Republican administration as Secretary of State and he has my total and unqualified support for that service.

Mr. President, I thank the Chair and I yield the floor.

Mr. BYRD. Mr. President, in order that the whole picture may be put into its context in a proper and even way, I will ask unanimous consent to have printed in the RECORD my statement of last Friday, March 2, titled "U.S. Policy in Lebanon," which responded to the news report concerning the Secretary of State's having blamed Congress in a considerable way for the administration's failures in Lebanon.

I ask unanimous consent to have my March 2 statement reprinted at this point in the RECORD immediately following the statement by the distinguished Senator from Minnesota and the distinguished majority leader. In other words, I am today repeating what I said on March 2. I also ask unanimous consent to have printed in the RECORD an article from the Washington Post of March 2, 1984, entitled, "Shultz Says Hill Partly To Blame in Mideast Failure."

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

U.S. POLICY IN LEBANON

Mr. BYRD. Mr. President, the Secretary of State, Mr. George Shultz, did some vocal calisthenics on yesterday that ought to be responded to.

I see in today's Washington Post the following headline: "Shultz Says Hill Partly to Blame in Mideast Failure." I will read the first two paragraphs:

"Secretary of State George P. Shultz charged yesterday that a doubting Congress—"

He did not just limit that to Democrats. He talks about both parties when he talks of Congress—

"was partly to blame for the failure of U.S. policy in Lebanon, and warned that the United States may have to "check out" of other situations abroad if congressional restraint on the use of military force is not eased.

"Shultz, reflecting a bitterness that many in the administration feel over the collapse in Lebanon, said the congressional debate over the deployment of U.S. Marines in Lebanon "just totally took the rug out from under U.S. interests" there by leading the Syrians to doubt U.S. resolve."

Mr. President, I personally do not dislike our Secretary of State. I voted for the confirmation of his nomination and, by way of obiter dictum, I voted against his predecessor. But the Secretary of State, I would say, indulged in an exercise of self-deception and delusion over American policy in Lebanon which was nothing short of astounding.

This is just another example of this administration's attempt to rewrite history, to find a scapegoat for a failed policy. To argue that congressional debate over the wisdom of our Marine deployment in Lebanon "just totally took the rug out from under U.S. interests" there, exhibits a distaste for the democratic system which is not worthy of a Secretary of State. How fragile that policy must have been, in reality, if simply debating it would somehow destroy it.

Congress authorized the President to continue the U.S. participation in the multinational force for 18 months, although I did not vote for the 18-month authorization.

If I may make a personal reference to the majority leader of the Senate, he did not personally agree with that policy from the very beginning, if I am not incorrect in recalling news reports and conversations—and even statements on the floor, I believe—in which he so said. He, however, as majority leader, understandably loyally supported the President in this matter, but he did not personally favor putting the Marines in there to begin with.

I call attention to this because I am referring to the distinguished leader of the Secretary of State's own party in the Senate. I think it is to Mr. Baker's credit. He was wiser, much wiser, than some other people in Washington.

The American participation failed because the assumption upon which our policy was grounded proved unworkable. Neither the leadership of President Gemayel nor the viability of the Lebanese Armed Forces was up to the task of building a strong leading coalition in Lebanon.

We were continually being told that "progress is being made," progress is being made."

The fractured political and military conflict which has engulfed Lebanon did not occur because the U.S. Congress debated American policy there.

I would suggest that petty and vindictive exercises in sour grapes on the part of the Secretary of State will only bear bitter and unproductive fruit.

The Secretary of State would be far better off reassessing the fundamental reasons why exercises in military power as a fulcrum of American foreign policy are not adequate for this great Nation. Any policy which cannot withstand the scrutiny and the examination of the highest representative body of this land—and the body which under the Constitution is the only body that can declare war—is not going to stand the test of time, but will, by definition, be basically flawed and will fail.

[From the Washington Post, Mar. 2, 1984]

SHULTZ SAYS HILL PARTLY TO BLAME IN MIDEAST FAILURE

(By John M. Goshko)

Secretary of State George P. Shultz charged yesterday that a doubting Congress was partly to blame for the failure of U.S. policy in Lebanon, and warned that the United States may have to "check out" of other situations abroad if congressional restraint on the use of military force is not eased.

Shultz, reflecting a bitterness that many in the administration feel over the collapse in Lebanon, said the congressional debate over the deployment of U.S. Marines in Lebanon "just totally took the rug out from under U.S. interests" there by leading the Syrians to doubt U.S. resolve.

The debate took place under the 1973 War Powers Resolution requiring congressional approval for use of force abroad. Shultz was critical of this, saying it is not "a very good requirement" and "ought to be reviewed by the Congress."

In testimony before the Senate Appropriations subcommittee on foreign operations, the secretary said bluntly that congressional reluctance to deploy U.S. forces where casualties are likely has undercut the credibility of military power as an instrument of U.S. policy.

"We are going to face many situations where U.S. interests are at stake, but where the situation is ambiguous and can move in all sorts of directions and where we could advance American interests if we could apply a modicum of force combined with diplomatic efforts and sustain [the force] over a period of time," he said.

"If we're not able to do that, we're going to check out of a lot of American interests," he added.

His warning foreshadowed what could become a major issue in this year's presidential campaign: the feeling of Democrats that President Reagan is too quick to resort to military power as a solution to foreign policy problems, and the administration counterargument that the Democrats' post-Vietnam fear of conflict overseas has given adversaries the sense that they can act without fear of reprisal.

The War Powers Resolution, passed toward the end of the Vietnam war, requires congressional approval before the president can send troops for sustained periods to areas where they face a threat of attack.

Last September, after some initial hesitation, Congress authorized Reagan to keep the Marines in Beirut for 18 months. But after 241 U.S. servicemen were killed in a terrorist truck-bombing of Marine headquarters last October, a major debate broke out over whether the Marines should be withdrawn.

Reagan first opposed withdrawal in emotional terms, charging at one point that House Speaker Thomas P. (Tip) O'Neill, Jr. (D-Mass.), who was backing a pullout, wanted to "surrender" in Lebanon. Then, just as Congress was moving to vote on the issue and as the Lebanese army and government appeared to be collapsing, the president reversed field and ordered the Marines removed to ships offshore.

His decision was made following a split inside the administration that pitted Defense Secretary Caspar W. Weinberger and Vice President Bush against Shultz, who believed that a pullout would severely damage U.S. credibility in the Middle East. State Department officials since have made clear Shultz's belief that Congress' behavior strengthened the hand of his adversaries in the administration and convinced Syria that the United States lacked the will to stick with its Lebanon policy.

Lebanon, Shultz said yesterday, demonstrated that the War Powers Resolution, with its requirement of prolonged consultation with Congress, inhibits the administration from successfully executing policy because, "no matter what room you hold it in," the policy becomes public through leaks that allow hostile governments to know U.S. intentions.

The Associated Press quoted him as saying in a later interview that congressional pressure to withdraw the Marines was a "light-switch approach." He added: "It's hard to conduct a policy in which you're on-again, off-again in terms of what you might be authorized to do."

CENTRAL AMERICA

WASTE AND CORRUPTION IN OUR AID PROGRAMS

Mr. BYRD. Mr. President, the administration is proposing to provide nearly $2 billion in economic assistance to Belize, Costa Rica, El Salvador, Guatemala, Honduras, and Panama for fiscal years 1984 and 1985. Of this amount, $673 million is to be provided to El Salvador, $308 million to Honduras, and $130 million to Guatemala.

Over the next 5 years, the administration is proposing to spend $8.4 billion on these six countries. These figures are stunning, particularly in light of the fact that the American people are faced with $200 billion budget deficits here at home as a result of this administration's economic policies. We still have more than 9 million Americans out of work—Americans deserving of support from their own Government.

Even more disturbing to me are the reports of waste and corruption in our Central American aid programs. And yet, this administration is doing little, if anything, to demand an accounting of how our moneys are being spent, particularly in El Salvador, Honduras, and Guatemala. According to a recent study by the General Accounting Office, the United States has little or no control over how our funds are being spent in these countries.

Over the past 4 years, $1.4 billion in economic assistance has been provided to the countries of Central America, of which 40 percent has been in the form of direct cash transfers. The Agency for International Development maintains that these dollars, directly being transferred to these governments, are being used to import critical raw materials and spare parts to keep the private sector going into these countries.

In addition, the Congress has been assured that the use of these funds was being monitored effectively by our Government. On August 4, 1982, Mr. Otto Reich, who was at that time AID's Assistant Administrator for Latin America, testified before the Senate Foreign Relations Committee that each aid-funded import transaction in Central America:

. . . Generates documentation evidencing the financial flow and movement of imports. The central bank, which monitors these transactions closely, maintains complete files on each transaction which is attributed to the A.I.D. program. A.I.D. receives regular reports from the central bank and periodically audits the complete file.

However, the GAO found the direct opposite to be the case. In interviews conducted primarily with AID in Washington, the AID missions in Central America, and representatives of the central banks in those countries, the GAO found that dollars are disbursed directly into host country bank accounts where they are commingled with other funds. At this point, AID's financial control ceases.

AID has claimed that the dollars we provide are used for productive imports from the United States and that controls exist to assure this. However, the GAO found that, in fact, the money can be spent anywhere on anything.

According to the GAO, all that AID has required of the recipient country is documentation that it has imported goods and services totaling the dollar amount of assistance we have provided. AID is satisfied if the dollar volume of the imports does not fall below the amount of economic support funds we have provided the recipient country. However, this is relatively easy to document since the normal trading patterns between the United States and the recipient countries show a larger amount of goods and services from the United States flowing into these countries than the aid being provided.

For example, we provided El Salvador $44.9 million in cash transfers in 1981, while the total value of our exports to that country was $249.9 million. In 1982, the cash transfer was $100 million compared to $242 million in imports from the United States. In 1983, $120 million was provided as a cash transfer, while El Salvador imported $275.4 million in goods and services from the United States.

Therefore, AID's attribution control process, referred to by Mr. Reich in his August 4, 1982 testimony, merely assures that the recipient country purchases are at least equivalent to the amount of the cash transfer. The purchases are not tied to the procurement of specific goods and services. As a matter of fact, by increasing the hard currency available to El Salvador without tying it to any specific use, the elites have more available to them to finance the importation of luxury items.

The GAO also found that controls to prevent capital flight through overinvoicing of imports are weak. Overinvoicing works this way. A Salvadoran firm will contract with an American

supplier to purchase $100,000 worth of fertilizer. However, when the Salvadoran goes to the central bank to have dollars paid that supplier, he will produce an invoice that states the fertilizer cost $130,000. Thus, the Salvadoran firm is able to pocket $30,000 from that one purchase of fertilizer which actually cost $100,000. AID's own internal audits point to the fact that this lack of control has led to mismanagement and corruption in our programs.

An extensive critique of these audits is to be found in a February 20, 1984 article written by Phil Taubman for the New York Times. According to Taubman:

> Abuses cited in the reports included the illegal diversion of funds for private gain, fraudulent accounting procedures and spending that never reached the people it was intended to help.

And as Taubman pointed out:

> Most of the criticism of the aid programs was made in State Department audits that have not been publicized . . .

U.S. development assistance programs fund specific development project activities, usually to improve the health, living conditions, and education of the poor majorities in the Third World. Project implementation depends on host country implementing agencies and AID project officer oversight.

However, the GAO found the recipient country institutions necessary to implement these projects in Central America to be very weak. In the case of Honduras, AID has run out of good local institutions to absorb the development aid. In fact, last year AID testified before the Congress that it was at the limit, or had exceeded its capacity to run the program in Central America. According to the GAO, given the existing staff and types of projects involved, this problem will get worse as additional funds, proposed by the administration, pour into the region.

GAO found that AID project officers are now primarily desk bound because of manpower shortages, which effectively preclude their monitoring the progress of development projects. In addition, audit coverage for Central America also is limited in that there are presently only six auditors in AID's Inspector General Office to handle all of Latin America and the Caribbean.

As the GAO stated to one of my staff aids during a briefing:

> If there are allegations of corruption in our aid programs (for Central America), AID does not have any documentation to refute these charges.

When a recipient country enters into an agreement with the International Monetary Fund to provide balance of payments support, the IMF oftentimes stations at least one person in the central bank to insure that the moneys are going for the purposes stipulated in the agreement between the Fund and the recipient country. Yet, with nearly $2 billion in economic assistance proposed for the countries in Central America over this year and next, we have not established a similar monitoring system in the central banks.

In light of the massive budget deficits facing the American people and the continued misery faced by more than 9 million of our own unemployed, I cannot support this aid program for Central America. Even if we were not facing serious domestic economic problems, I find it hard to support the program. It is a program over which our Government does not even control how the resources are being spent. All too often our aid efforts have failed in the past, particularly when they involve direct cash transfers, whereby the elites enrich themselves at the expense of the vast majority of the people who are supposed to be the primary beneficiaries of these programs.

I urge my colleagues to study the New York Times article very closely. It is a good documentation of mismanagement and corruption in our aid programs in Central America—documentation provided by our own Government. Despite this documentation, this administration wants to pour even more money into the region in the absence of even modest restrictions as to how this money is to be spent.

I ask unanimous consent that the New York Times article by Mr. Philip Taubman be printed in the RECORD.

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

[From the New York Times, Feb. 20, 1984]

ABUSES DISCLOSED IN AID PROGRAMS IN LATIN NATIONS

(By Philip Taubman)

WASHINGTON, Feb. 19.—United States economic assistance programs in Central America suffer from extensive mismanagement and corruption, according to State Department audits and a Congressional study.

At a time when the Reagan Administration has proposed major increases in economic aid to the region, these reports show, many of the institutions responsible for distributing American assistance have had difficulty handling the present level of financing.

Abuses cited in the reports included the illegal diversion of funds for private gain, fraudulent accounting procedures and spending that never reached the people it was intended to help.

BIG INCREASE IN AID SOUGHT

There are no exact figures for the amount of money wasted or misused, but both Administration officials and Congressional investigators estimated that the total runs into millions of dollars annually.

Most of the criticism of the aid programs was made in State Department audits that have not been publicized and in a classified report by the General Accounting Office that has been described to members of Congress but not yet submitted in written form. Several State Department audits reporting on similar problems have been the subject of news reports in the last several weeks.

WIDESPREAD ABUSES DENIED

The effectiveness of American assistance is expected to become a major issue when Congress reconvenes this week after the winter recess. The legislators will begin consideration of the Administration's request to nearly double economic aid to Central America in the current fiscal year, adding $400 million to the $430 million already approved, and to spend $6 billion in direct economic aid and $2 billion in trade credits there over the next five years.

"They haven't shown they know how to spend the money they have," Representative Clarence D. Long, a Democrat from Maryland and the chairman of a key House appropriations subcommittee, said on Friday. Representative Michael D. Barnes, a Maryland Democrat who is chairman of the House Foreign Affairs subcommittee on Latin America, said, "The effectiveness of the A.I.D. programs will be a major consideration in the minds of many members."

The classified study recently completed by the General Accounting Office, the Congressional auditing agency, concluded that the State Department lacked adequate financial controls over foreign aid and could not fully account for millions of dollars in economic assistance to Central America, according to members of Congress familiar with the study.

While acknowledging that some mismanagement and corruption exists, State Department officials denied there were widespread abuses.

"I can't say there is no corruption or opportunity for management improvement," Jay F. Morris, the deputy administrator of the Agency for International Development, said, "but I can't say there is massive or rampant corruption either. We're working hard in the region to improve management practices."

In recent years, Congressional concern about Administration policy in Central America has tended to focus on military aid, and there appears to be substantial resistance to the White House proposal to triple security assistance to the region in the current fiscal year to $373 million. But Mr. Long, Mr. Barnes and other Democratic leaders said that because of the substantial increases requested in economic aid, Congress will also take a hard look at those programs.

Some of the aid problems, according to the government studies, were caused by the chaotic conditions in the region, including the civil war in El Salvador, and the lack of local groups trained to manage the distribution of economic aid. Internal State Department audits found numerous examples of tangled bookkeeping and bureaucratic disarray in Central American government agencies involved in the aid programs.

U.S. ORGANIZATIONS CRITICIZED

United States organizations, including A.I.D., were also criticized for inadequately monitoring assistance efforts and, in some cases, developing programs unsuited to local conditions.

Administration officials, taking their lead from recommendations made last month by President Reagan's commission on Central America, which was headed by Henry A. Kissinger, have said that a major infusion of economic and military aid in the region is both advisable and feasible.

M. Peter McPherson, the administrator of A.I.D., recently outlined goals he said could

be achieved with increased economic aid. "This region can absorb and effectively use a very substantial program," he said.

Specifically, Mr. McPherson said that in the process of trying to stabilize the shaky economies in Central America, United States aid could help achieve a real growth rate in the region of 6 percent per year within six years, eventually generating 250,000 new jobs annually.

In addition, he said, in five years primary school enrollment, which stood at 84 percent in 1981, would be above 95 percent, the infant mortality rate would be cut by 15 percent from the current level of 65 per thousand, and sewer and water coverage would be increased by 25 percent with improved housing for 100,000 families.

AGRICULTURAL GROWTH PREDICTED

The Administration has also predicted that agricultural production can be increased by 4 percent a year by 1989, generating 80,000 jobs every year.

To get this growth started, the Administration has asked Congress to increase economic assistance to El Salvador by $134 million this year, bringing the total for 1984 to $332 million. The White House has requested $341 million in 1985. The supplemental request for Honduras, $84.5 million, would bring the total for the year to $169 million, with $139 million scheduled for 1985.

Under the Administration's request, Costa Rica would receive an additional $75 million this year, bringing its total to $180 million. In 1985, Costa Rica would get $208 million. Guatemala would receive $34 million this year, $20 million more than originally approved by Congress, with an additional $96 million next year. Economic aid to Panama would more than triple this year to $46 million. The total in 1985 would be $40 million.

The Administration proposes to funnel the money to Central America in several ways, including direct support for development projects such as the construction of school buildings and indirect aid, including balance-of-payments support, to shore up the economies.

Both kinds of assistance have produced problems in the past, according to the audits and studies. State Department officials and members of Congress said that abuses identified in specific programs reflected widespread problems among A.I.D. operations in Central America.

A public sector employment program in El Salvador, for example, has been troubled by serious management failures, according to an internal State Department audit. The project, which was initiated in 1980, was intended to stimulate economic activity by financing labor-intensive public works, including street improvements and the construction of water and sewer lines. The United States agreed to contribute $60.4 million and the Salvadoran Government pledged $19.8 million.

The State Department audit, conducted in 1982 by the inspector general at A.I.D., concluded that while the project had produced substantial employment, it was having "very serious implementation and administrative problems."

Specifically, the report said: "Labor and material resources were, to some extent, being wasted, diverted to unauthorized purposes and inefficiently used. Some internal controls over the payroll system were weak and some funds may not be reaching the intended recipients. The administrative affairs of the coordinating committee were in disarray."

When inspectors visited construction sites in El Salvador, they found it was "a common practice" for Salvadoran authorities to borrow laborers for other purposes while charging their costs to the employment project. At one site, 18 percent of the laborers listed on attendance sheets were working elsewhere on unauthorized activities, the report said.

Defending the quality of this and other programs, A.I.D. officials said that while the audit reports are often highly critical, they are part of the process of improving and refining programs and are usually done at the request of agency officers.

An A.I.D. audit completed last month and publicized this month warned that the land redistribution program in El Salvador that is supported with American funds was in trouble because most of the farm cooperatives created under the first phase of the program "are not financially viable."

The report concluded that many of the cooperatives "had massive capital debt, no working capital, large tracts of land that were nonproductive, substantially larger forces than needed and weak management."

In Honduras, according to an internal State Department memorandum written late last year, a number of economic development projects "are experiencing serious implementation problems or lengthy delays." Several of the projects mentioned in the memorandum, which reported general progress on the economic assistance front in Honduras, were sharply criticized in audits earlier in the year.

One audit, completed in September, examined the performance of a municipal development bank that began receiving United States aid in 1974. The assistance to the bank, which was set at $5 million, was supposed to contribute to increased bank financing of construction projects.

State Department auditors, however, concluded that the bank "has some very serious problems." Their report said the bank "had not achieved—and will not achieve for some time—the status of a financially viable organization." The bank's problems included a large portfolio of delinquent loans on which interest and principal were overdue and were not being collected.

When the auditors reviewed the bank's finances, they found that instead of a $200,000 operating profit reported by the bank in 1982, it had actually lost $400,000. The State Department suspended payments to the bank for three months early in 1983 but resumed the assistance in July after determining that reforms had been instituted.

Another program in Honduras, an agricultural assistance project, has experienced problems beginning with its original design by the State Department, according to a department audit. The $95 million project, which was supposed to receive $25 million in American aid, was intended to improve agricultural productivity by helping government farm agencies better support small farmers.

A 1982 report by the inspector general at A.I.D. concluded: "The program design was very ambitious, complex and fraught with flaws and erroneous assumptions. As a result, most activities show little progress and the program had many serious implementation, operational and administrative problems."

Like many economic assistance projects in Central America, according to A.I.D. officials, this effort was hampered by a shortage of trained workers and bureaucratic rivalries in the recipient nation.

The division of the Ministry of Natural Resources in Honduras that was responsible for administering the agricultural program had, according to the audit report, "a series of very complex problems."

THREE EMPLOYEES SLAIN

"It was not a legal entity," the report said. "It had no authority. It did not have the needed personnel. It was not performing its reporting responsibilities. It was not providing budget information in a timely manner. And its administrative aspects were in disarray."

A school construction program in Honduras has also had problems, according to State Department reports. The $27 million program, supported by $15 million in American assistance, foundered when completed construction did not meet stringent inspection requirements and, as a result, the Ministry of Education in Honduras could not pay for the work with program funds. Only $2 million of the $15 million has been spent and fewer than 300 classrooms have been built instead of the 2,100 originally planned.

Assistance programs in Guatemala, which have received only limited amounts of American aid in recent years, have had different problems. In one bilingual education project designed to aid Guatemalan Indians, three Guatemalan employees have been killed. In at least one of the cases, State Department officials said, there is evidence linking the Guatemalan Army to the killing.

The Reagan Administration has complained that it is difficult to carry out assistance programs in Guatemala when the Government appears to condone attacks on citizens associated with the projects.

Because of the problems in El Salvador, Honduras and Guatemala associated with direct aid for development projects, the Administration plans to emphasize balance-of-payments support in the region to help countries finance the import of essential commodities and, by extension, strengthen their economies.

Under this system, American dollars are distributed by the central bank of the recipient nation to businessmen who need the dollars to buy imports from the United States.

In El Salvador, however, the management of this system by the Central Bank has been critized by State Department, Congressional and private auditors. A confidential study prepared for the Central Bank of El Salvador by Authur Young & Company, a private consulting company, found that the bank lacked an effective mechanism for preventing Salvadoran businesses from drawing more dollars than they are entitled to through the use of inflated receipts.

Mr. Morris, the deputy administrator of A.I.D., said the problems had been exaggerated in press reports earlier this week. He said that while steps have been taken by the Central Bank to improve the auditing of purchase transactions, the imposition of comprehensive controls would slow the "injection of needed liquidity" into the Salvadoran economy.

BACK TO BECHTEL?

Mr. ZORINSKY. Mr. President, last Friday I had the misfortune to catch the Washington Post's banner headline, "Shultz Says Hill Partly to Blame in Mideast Failure." It was early, before coffee, and I blinked and thought I must have read "Haig." But no, there it was, affable, admirable George Shultz blathering away and

looking for a scapegoat. How quickly these days our Secretaries of State forget the Constitution and the Democratic process once they are enshrined at Foggy Bottom. Is it time to say "Back to Bechtel?"

After all, it is the Constitution that gives Congress the responsibility to declare war—and we may safely surmise that the Founding Fathers, had they envisioned the undeclared wars of the 20th century would have written something like the War Powers Act into the Constitution. But George Shultz believes the War Powers Act is not a very good requirement. Perhaps he would prefer a declaration of war for exercises such as the one in Lebanon. But against whom would we have declared it? More likely, he would have us return to the good old days when Presidents made war with no constitutional basis and no popular support. Everyone disagrees about the lessons of Vietnam, but no one disagrees with the proposition that if we could not or would not win it, we should not have been in it. No one, except perhaps for George Shultz, if you carry his statements to a logical conclusion.

Mr. President, I believe all of us, including the Secretary of State ought to look at the real problem in Lebanon, which was a failed policy from start to finish. At the beginning of our Lebanese fiasco, the administration introduced U.S. troops into Lebanon with no clear idea of what mission they were intended to accomplish or how they should proceed. Consequently, it should come as no great surprise at the end of our engagement in Lebanon, that we are faced with an unmitigated disaster.

U.S. Armed Forces did not fail. They did as they were told: hang out at the airport and try not to get killed. It is no wonder that the military brass and the Secretary of Defense were never persuaded that such a policy had great merit. Congress did not fail. We debated the proposal, argued against it and reluctantly went along with it mostly in the name of supporting the President. The policy failed, pure and simple. And it failed because those who designed it made bad judgments and considered little the consequences of the proposed action.

If the Secretary of a domestic department had designed and presided over such a colossal failure, he or she would have been run out of town on a rail. No one, not the Congress, the Defense Department, nor any of the opponents of this policy, pulled the rug out from under the administration as George Shultz claims. We simply looked at the rug and said in effect, "We don't believe in magic flying carpets, George." Needless to say, the rug did not fly. Yet the Secretary of State peevishly persists in maintaining that the rug did not fly only because the Congress did not believe in it, a ridiculous and childish notion if ever I heard one. If anything, the Congress by applying pressure to remove our forces from Lebanon has helped the administration to save face after its own folly got it into trouble.

Perhaps the whining and the searching for scapegoats may be forgiven as just the way of Washington. It is outrageous, however, for the Secretary of State to attack the War Powers Act as the source of his troubles. Even with the War Powers Act it was all too easy to stray into Lebanon. Without it, our own democratic process for full debate and decisionmaking with consent of the governed would be seriously jeopardized.

The Secretary also should be reminded that the 18 months authorized by the Congress for the stationing of U.S. Forces in Lebanon has not run out. If the administration wanted to keep U.S. Marines in Beirut, the War Powers Act is not it its way. A more powerful indictment of the functioning of democracy might be that it let us get into Lebanon rather than it forced us out. But if the Secretary is right when he says that the United States is going to have to check out of other foreign forays unless the representatives of the people in Congress tow the line, then I have a suggestion for him. Let us begin with another of the administration's failed policies—the one in Central America, which threatens a retreat and an humiliation far larger than the one in Lebanon.

Mr. President, rather than review the War Powers Act, I believe we ought to review U.S. interests and policies abroad, and I believe the Secretary of State ought to take the lead in that review. If he cannot, then just as Dorothy returned to Kansas from her odyssey to the "Land of Oz," I believe George Shultz ought to give some thought to going back to Bechtel.

Mr. EXON. Mr. President, the remarks made by my colleague from Nebraska (Mr. ZORINSKY) were so much on point and so well delivered and so reasoned out that I felt obligated to congratulate my friend and colleague. I simply say that I wish, in this body, we could spend less time fixing blame for what has or has not happened and more time solving the problems at hand. My colleague from Nebraska outlined very well his objections to the charge by the Secretary of State that somehow the Congress of the United States was involved in the total disaster that the administration led us into in Lebanon. My colleague from Nebraska is a distinguished member of the Committee on Foreign Relations and, as the record votes will show, support the Reagan administration on most of its foreign policy initiative. I suggest that Senator ZORINSKY has been a very thoughtful and considerate person with regard to the several votes we have had on Lebanon on the floor and also, I think, can be counted upon for listening carefully to the positions of the administration. Therefore, I thought it was particularly significant that the senior Senator from Nebraska told it as it was in defense of the Congress of the United States on what I, too, agree was an unworthy and unnecessary downgrading of the attempts that were made on the floor of both the House of Representatives and the U.S. Senate to give thoughtful, considerate attention to the administration's difficulties in Lebanon.

I simply say, Mr. President, that Senator ED ZORINSKY has said it very well, and I hope that our colleagues on both sides of the aisle will take the time to read his remarks in the RECORD if they did not have an opportunity to hear his remarks.

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

Mr. EXON. I yield to the minority leader.

Mr. BYRD. As I commended the Senator from Nebraska (Mr. ZORINSKY) on his incisive remarks, I wish also to commend Mr. EXON on his remarks. I, as he too has suggested, hope that all Members on both sides will read all of the remarks that have been made in this context, including the comments of the Secretary of State, Mr. Shultz, whose remarks last week initiated this debate.

CONGRESS AND LEBANON

Mr. PELL. Mr. President, I wish to strongly support the distinguished minority leader in his statement on Lebanon made last Friday. As my colleagues will recall, the minority leader took exception to remarks made by Secretary of State Shultz to the effect that "Congress was partly to blame for the failure of U.S. policy in Lebanon."

The fact is that it was the administration's ill-considered overeagerness to plunge into the Lebanon swamp with a military show of force that has brought us to where we are today. You will recall, Mr. President, that many of us questioned the idea of giving the President a wide-open authorization without requiring more information as to exactly what U.S. Forces would be responsible for, what they could reasonably be expected to achieve and what would constitute a successful completion of their mission. If the President had been required to think through these issues, I am convinced that he could have spared himself and the American people a great deal of anguish.

In the end, the administration got what it wanted—a bipartisan authorization for participation in the multinational force for up to 18 months. But surely, no one expected this authorization to be provided without debate or

opposition. That happens only in the Supreme Soviet, and I am sure that the President does not expect the same kind of unquestioning support from the Congress that the Soviet leader demands from his so-called legislative body.

No, Mr. President, it is not the Congress that is to blame for the events that led to the redeployment of U.S. Marines and the crumbling of support for the Gemayel government. It was a failed policy, formulated by the administration and doggedly pursued in spite of the fact that everyone knew that progress was not being made in bringing about a reconciliation among Lebanon's warring factions, that is to blame.

I would also like to remind my colleagues that it was a Presidentially appointed commission, headed by retired Adm. Robert Long, that criticized the administration for its overemphasis on a military presence in Lebanon and recommended that greater priority be given to a diplomatic solution. Moreover, opinion polls have shown overwhelming public opposition to our military involvement in Lebanon. So it is not only the Congress that has questioned the wisdom of the administration's Lebanon policy.

The President very forthrightly took responsibility for the Beirut tragedy that claimed the lives of 264 marines. The administration should be just as forthright in accepting responsibility for U.S. policy in Lebanon instead of looking for scapegoats.

All of us can learn from this experience. We must understand that it was not particular people, but a failed policy, which was at fault. We should focus now on making sure that these policy errors are not repeated. We must do better in the future.

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

Mr. PELL. I yield.

Mr. BYRD. I merely seek to commend Mr. PELL, and also to thank him for his kind remarks.

Mr. SARBANES. Mr. President, we are in morning business, I take it?

The PRESIDING OFFICER. We are in morning business.

Mr. SARBANES. Mr. President, I want to observe that the matter under discussion, in effect, was reopened by the Secretary of State. I think the response of the distinguished minority leader, the Senator from West Virginia, to the comments of the Secretary of State was absolutely in order.

When the matter of U.S. troop involvement in Lebanon was considered by the Senate with respect to an 8-month authorization, the vote for it was 54 to 46. Subsequently, it is my recollection, some of those who were in the majority, that is, for the broad authorization, expressed misgivings about what was transpiring with respect to our policy there. Those who were in the minority had expressed their misgivings from the very outset, had questioned the policy and had not been supportive of it. They thought a mistake was being made.

I am not sure to whom the Secretary addressed his charges, in effect, throwing blame upon Congress in the remarks which were reported on the 2d of March. Of course, Congress is a large institution, with 535 Members, and some of us in Congress had taken very clear positions with respect to this issue very early on. To the extent the Secretary feels that those in the Senate who had supported his policy subsequently expressed misgivings about it, then his criticism ought to be addressed to those people. If we are going to reopen the issue, I, for one, am prepared to have it fully debated here, on the floor of the Senate.

That, in fact, might serve important purposes if the majority leader wishes to undertake it. I notice both he and the Senator from Minnesota criticized the minority leader earlier today. If they feel that we should examine the whole issue it seems to me that some purpose might well be served by it, particularly with respect to the subsequent misgivings expressed about the policy by those in the Senate who had been supportive of it at the outset, as opposed to those who perceived that it would indeed take us down a path filled with pitfalls.

I know we do not have enough time today to engage in an extended debate, but perhaps we should consider doing so. I simply want to underscore again that this entire issue was opened and raised by the Secretary of State in what I regard as intemperate and inadvisable remarks, and I very strongly support the minority leader in his response to the charges which the Secretary of State made last week.

Mr. BYRD. Mr. President, will the distinguished Senator from Maryland yield?

Mr. SARBANES. I yield to the minority leader.

Mr. BYRD. I thank the distinguished Senator from Maryland for his remarks, both as to their substantive nature and for his kind references to the minority leader.

U.S. POLICY IN LEBANON

Mr. CRANSTON. Mr. President, the failure of administration policy in Lebanon has been extremely costly.

We have lost lives.

We have squandered resources.

We have weakened our prestige.

This policy failed because it was based on totally unrealistic assumptions, the most obvious of which was the faulty assumption that the U.S.S. *New Jersey*'s cannons and 1,600 marines pinned down at the Beirut airport could bring peace and stability in a nation where factional civil wars have raged for centuries.

Hopefully we can learn from these mistakes and move forward as a nation.

But we will not move forward if we indulge in the type of self-deception evidenced by administration spokesmen in recent days. Displaying a remarkable disdain for democracy, alibi artists have floated the trial balloon for the 1984 elections that it was really congressional debate over the appropriate role of the 1,600 marines in Beirut that led to the failure of the U.S. mission there. This, despite the fact that Congress ultimately gave the administration carte blanche authorization to keep marines in Beirut for at least 18 months.

Mr. President, the debate in Congress over the proper role of U.S Military Forces in the Lebanese civil war was and is an essential part of our democratic form of Government of the people. It is also an essential part of our responsibilities under the War Powers Act. This debate reflects the deep-rooted skepticism of citizens throughout this Nation over the course and direction of administration policy in Lebanon. To suggest that this debate should have been muzzled is to strike at the very root of a representative government where powers are shared by the executive and legislature.

The lesson here is one which has best been expressed by our distinguished minority leader, Senator BYRD, when he reminded colleagues last Friday in this Chamber that:

> Any policy which cannot withstand the scrutiny and the examination of the highest representative body of this land—and the body which under the Constitution is the only body that can declare war—is not going to stand the test of time, but will, by definition, be basically flawed and will fail.

Mr. President, the original charge that Congress was to blame for "the loss of Beirut" was leveled last week by Secretary of State George Shultz against Congress as a whole. Senator BYRD spoke last week in eloquent defense of the congressional role. He in turn has been criticized today by members of the majority party.

I reject this unjustified criticism of the minority leader by members of the President's party. Many Members of the majority party had deep reservations about the wisdom of administration policy in Lebanon. Some had the courage to voice them. Others should not now criticize the minority leader for defending the appropriate and responsible role played by Congress on this fundamental issue of war and peace.

THE SCHOOL PRAYER ISSUE

Mr. PROXMIRE. Mr. President, today and yesterday and perhaps for

days to come the Senate will debate the school prayer issue.

I am astonished that the Supreme Court has made the decision that it has made and I am surprised that we do not permit prayer in the schools. I think if there is anything we need in the schools of America it is an understanding of the ethical obligation that all American citizens should have. Far more important than any skill we develop or any competence or any degree of intelligence is our moral conviction. And that is something that it seems we now deny—an opportunity to have any formal way of speaking to the consciences of our schoolchildren.

To me, prayer is simply a conversation with your conscience. What prayer does is to instruct our consciences. It tells us how we should, as human beings, behave.

The prayer by the Chaplain this morning—and, incidentally, I think the best moments of the Senate are those prayers that the Chaplain gives—the prayer by the Chaplain this morning was a prayer that was an appeal to love. It was a formal prayer. It was the kind of prayer that has been uttered by Chaplains in the past. It was not an unusual prayer. But it spoke of the importance of love and how vital love is in the life—or should be—in the life of any human being, how love means being kind and not envying others and bearing all things and that love never fails us.

What is wrong with that? How can anybody protest that kind of message? When we have a problem in our school with drugs and alcohol and tobacco and all kinds of other problems, we do not permit prayer in the schools. It is really an astonishing situation in this great country of ours.

Mr. President, I challenge any Senator in the debate that is going to ensue here on the floor to name one prayer—any prayer—that Senators have ever heard that contained any evil, any wrong. What do we do when we pray? We pray for tolerance, we pray for love, we pray for kindness, for gentleness, for helping other people. That is what we pray for. That is the heart of what prayers are. We pray to make ourselves better persons.

Now, many—let us face it, it is a fact of life—many millions of children never heard a prayer. Their parents do not go to church. They have that right. They do not pray at meals. And they have that right. And that, I suppose, is quite common in America. So they have no opportunity to hear a prayer.

Now, in my view, it is very difficult for people to develop an ethical outlook on life without having some relationship with prayer that, as I say, instructs one's conscience.

I might just conclude this little observation by saying that in the many years I have been here, I have listened to prayers of the Chaplains. They have always been elevating, often inspiring. I have never heard a single word that could possibly corrupt a Senator.

And some say, "Well, we are adults. We are grown up. We are not children."

Well, the fact is that we have pages here who are not grown up, who are still young, and they attend school. They hear the prayers every morning. I have not heard any parent ever tell me that they do not want their child to be a page because the child would have to listen to a prayer in the morning. And that is what we do here. And I think it is elevating.

I cannot imagine the reason for protesting this, although I certainly respect the feeling that many people have that this should be a family matter, this should be something that should be confined to a particular church or particular region. But, Mr. President, I think that the prospect of having a prayer in the school—which, incidentally, and I have looked over these three alternatives that are before us. Each of them, in my judgment, could still be barred by the State—and in all probability would be in the State of Wisconsin; we have never permitted prayer in the schools for over 100 years in Wisconsin—could be barred by the school board, could be barred by the principal. You would only have the prayer if it were voluntary, if the State permitted it, if the school board permitted it, if the principal permitted it.

Under these circumstances, it is very hard for me to see how this could possibly be an abuse and how it could bring anything other than a higher tone, higher level of ethical conduct by our people.

MORE NUCLEAR DEFENSIVE WEAPONS ARE NO ANSWER TO THE ARMS RACE

Mr. PROXMIRE. Mr. President, the most common illusion in modern nations is that the achievement of peace on Earth depends primarily on building bigger, stronger more powerful and deadly military establishments. Throughout the centuries—with few exceptions—countries have built military power for the single purpose of achieving a peaceful world. Certainly that has been true of our country. Every war we have fought since we won independence 200 years ago has been for the oppressed, and for most Americans the purpose of achieving peace. World War I was the war to end all wars. World War II was to stop the military aggressions of Hitler and Hirohito. We fought in Korea to achieve peace in Asia and fought again in Vietnam for the same reason. Our latest engagement in Lebanon again has been not to serve any desire to acquire territory or economic advantage, but to bring peace to the Middle East. Indeed we came to the Middle East as peacekeepers.

Time after time we have gone to war in the name of peace. Is such a reaction always wrong? No. Can we ever go to war to achieve peace? Yes. In World War II we were attacked at Pearl Harbor. Then Germany declared war on us. We had no choice.

Now we are called upon for a further refinement of our principle of achieving peace through building our military power. This is not just a comforting psychological alibi. We justify building these new military nuclear weapons as strictly defensive. We are asked to build defensive capability to stop a Soviet international ballistic missile attack.

We have a big and decisive advantage over the Soviet Union in technology. The President has called for congressional funding of a multibillion dollar program to build a defense against Russian nuclear missile attack. Superficially it sounds great. The young geniuses working at the Livermore Lab in California to perfect these newest nuclear weapons contend that they are not building weapons to destroy lives. They say the weapons they perfect are the very opposite. They will save lives. So here is a doubly appealing argument for building up military strength to seek peace. First, the new nuclear weapons make us stronger and less vulnerable. Second, if deterrence does not work—if the Soviet Union should decide that it will risk the possibility of our counterattack—then we can shoot down their nuclear missiles before they reach an American target. So what is wrong with this approach? Why not build defensive nuclear strength?

The answer is devastating. It is that the first victim of this policy is deterrence. We have not had a superpower war since the end of World War II. Why? Because such a war would be an invitation to national suicide for any power that started it. That deterrent has worked. A successful antiballistic system would threaten, maybe destroy, the deterrent. The success of such an antiballistic system—the end of deterrence—would not be one sided. All our experience teaches us that whatever technological breakthroughs we might make will be followed by Soviet breakthroughs shortly afterwards, so what protection would an antiballistic system give us? Such a system would literally have to be perfect. If 10 percent of Russian missiles penetrated any defensive curtain we set up, we could lose tens of millions of lives and most of our major cities. But say, unlike any other weapon system in history, this one works perfectly, would we be safe? Of course not. The greatest antiballistic missile system

conceivable would protect us against only one method of delivering nuclear weapons: That is through space. They would not protect us against further technological advances that will miniaturize nuclear weapons, so they can be carried by individual persons. There are an infinite variety of ways that hostile power equipped with a large number of small nuclear weapons could penetrate our thousands of miles of coastline and deploy and detonate nuclear weapons and do so right under the trillion dollar plus perfect antinuclear missile defense system we had so elaborately built. No. Building more nuclear weapons—defensive or offensive—whether relying on sheer numbers and power like the Soviets or more refined technology as we do, more nuclear arms will never buy the answer. Then what is the answer? We have to stop, to freeze. We have to go in precisely the opposite direction. We will not achieve peace by building more arms. We will achieve peace by stopping the construction of arms. We have to stop manufacture of nuclear weapons. We have to stop deployment of these weapons. And above all and No. 1, we have to stop testing nuclear weapons. Testing constitutes the heart of the nuclear arms race. Testing is essential to effective research.

So we must find a way in our nuclear arms negotiations with the Soviet Union to push for the freeze. Both our countries have everything, literally everything to gain from arms control. Both countries have everything to lose from a continued arms race so we have reason to hope that both countries will accept stringent verification procedures, to assure both sides that there would be no cheating. This must include satellite monitoring and onsite inspection without notice. Hard to achieve? Of course. But the survival of both countries and maybe all of mankind depends on it.

AMNESTY INTERNATIONAL REPORTS

Mr. PROXMIRE. Mr. President, recently my attention has been called to a news release from Amnesty International. Here the worldwide human rights movement recounts the atrocities perpetrated against Paraguayans by the suppressive government of Alfredo Stroessner.

The report documents the killings, imprisonment, and torture of all citizens who dare criticize the 30 years of emergency decree enacted by the government. It names a police annex known as the laboratory where, in night torture sessions, political suspects have been beaten, whipped, given electric shocks with cattle prods, had their heads held under water polluted with excrement, were hung by the ankles, and were confined for long periods in cramped boxes.

The list of those abused and killed by Stroessner's reign of terror is lengthy. While his method of erasing an adversary through murder is a high price to pay, his numerous victims demonstrates his willingness to go to any length to maintain control.

Our Nation historically does not turn its back on such barbarous acts. In the past we have attempted to perserve the sanctity of human life and individual freedom by exposing their violators.

Just as it is important that we publically condemn Stroessner's savagery, it is equally essential that we are able to denounce violations.

Unless we have recanted our priority to human rights, the necessity to commit ourselves as a world leader has not decreased. Ratification of the Genocide Convention, which outlaws the murder and serious mental or physical harm of a racial, ethnic, or religious group will undoubtedly prove that commitment.

We must make this heinous crime of genocide illegal under international law by putting the force of the United States behind it. Let us show the world our unabated support for human rights by ratifying the Genocide Convention.

RECESS UNTIL 2 P.M. TODAY

The PRESIDING OFFICER. under the previous order, the Senate will stand in recess until the hour of 2 p.m.

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

EXTENSION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, I ask unanimous consent that the time for the transaction of routine morning business be extended until not past the hour of 2:15 p.m. under the same terms and conditions.

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

APPOINTMENTS BY THE VICE PRESIDENT

U.S. AIR FORCE ACADEMY

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 9355(a), appoints the following Senators to the Board of Visitors of the U.S. Air Force Academy: the Senator from Alaska (Mr. STEVENS), from the Committee on Appropriations; the Senator from Kentucky (Mr. HUDDLESTON), from the Committee on Appropriations; the Senator from Arizona (Mr. GOLDWATER), from the Committee on Armed Services; and the Senator from Nebraska (Mr. EXON), at large.

U.S. MILITARY ACADEMY

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 4355(a), appoints the following Senators to the Board of Visitors of the U.S. Military Academy: the Senator from Idaho (Mr. MCCLURE), from the Committee on Appropriations; the Senator from Louisiana (Mr. JOHNSTON), from the Committee on Appropriations; the Senator from Michigan (Mr. LEVIN), from the Committee on Armed Services; and the Senator from Florida (Mrs. HAWKINS), at large.

U.S. NAVAL ACADEMY

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 6968(a), appoints the following Senators to the Board of Visitors of the U.S. Naval Academy: the Senator from Oregon (Mr. HATFIELD), from the Committee on Appropriations; the Senator from South Carolina (Mr. HOLLINGS), from the Committee on Appropriations; the Senator from Iowa (Mr. JEPSEN), from the Committee on Armed Services; and the Senator from Maryland (Mr. SARBANES), at large.

U.S. COAST GUARD ACADEMY

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 14 U.S.C. 194(a), appoints the following Senators to the Board of Visitors of the U.S. Coast Guard Academy: the Senator from Oregon (Mr. PACKWOOD), from the Committee on Commerce, Science, and Transportation; the Senator from Virginia (Mr. TRIBLE), from the Committee on Commerce, Science, and Transportation; the Senator from South Carolina (Mr. HOLLINGS), from the Committee on Commerce, Science, and Transportation; and the Senator from Connecticut (Mr. DODD), at large.

U.S. MERCHANT MARINE ACADEMY

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 46 U.S.C. 1126(c), appoints the following Senators to the Board of Visitors of the U.S. Merchant Marine Academy: the Senator from Oregon (Mr. PACKWOOD), from the Committee on Commerce, Science, and Transportation; the Senator from Alaska (Mr. STEVENS), from the Committee on Commerce, Science, and Transportation; the Senator from Hawaii (Mr. INOUYE), from the Committee on Commerce, Science, and Transportation; and the Senator from New York (Mr. MOYNIHAN), at large.

CONCLUSION OF MORNING BUSINESS

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

VOLUNTARY SCHOOL PRAYER

Mr. BAKER. Mr. President, in a moment, I intend to make a statement which I perhaps will do each morning or each day as we begin the debate on the pending measure, for as many days as we are on it.

I do not know how long this will go. I said on yesterday that I thought we might be on it a week or two.

The Senator from Connecticut indicated to me that he thought we ought to have a time certain to vote on June 1. It sort of stretched longer than I had expected to ask the Senate to be on this issue, and now he has indicated that we might work out something to vote at an earlier time, and I am perfectly willing to do that. I think this is close to the time we should face up to this issue.

The point is that the pending question is the committee amendment to the joint resolution reported by the committee. There are all sorts of amendments that may be offered and may not be offered. But I think that if there is a willingness to vote on this matter today or tomorrow or this week, we ought to take about 15 or 20 minutes, maybe 30, to figure out what we are going to vote on, and then we ought to vote.

Mr. President, in a moment, I am going to suggest the absence of a quorum, and I hope that the quorum will run long enough so that I may explore the number of amendments that may be held by Members who wish to offer them, and to make sure that we understand how those things relate to each other and that they may be technically accurate.

I am pleased to hear that there may be a possibility that we can get an early disposition of this issue.

Mr. President, on yesterday, the same day the Senate began its debate of a constitutional amendment to allow voluntary prayer in schools and other public buildings, the Supreme Court of the United States handed down an important ruling that bears directly on the matter before us.

The High Court ruled yesterday that municipalities may not be barred from displaying the Nativity scene as part of an officially sponsored Christmas exhibit.

As the majority opinion written by Chief Justice Burger noted:

> To forbid the use of this one passive symbol, the creche, at the very time people are taking note of the season with Christmas hymns and carols in public schools and other public places, and while the Congress and legislatures open sessions with prayers by paid chaplains, would be a stilted overreaction contrary to our history and to our holdings.

But the finding of the Court most salient to the Senate's current deliberation is this:

> No significant segment of our society and no institution within it can exist in a vacuum or in total or absolute isolation from all the other parts, much less from government.
>
> Nor does the Constitution require complete separation of church and state; it affirmatively mandates accommodation not merely tolerance, of all religions, and forbids hostility toward any.

Mr. President, there is the heart of the matter before us. It is whether or not a succession of rulings by the Court some 20 years ago descended step by step the long stairway from accommodation to tolerance to hostility toward the free exercise of religion in our public schools and other public places. I believe it is time, Mr. President, that we ascended those stairs once again.

Nothing has been more important to the history and heritage of this country than the free exercise of religion—the accommodation of religion—and 81 percent of the American people have made clear they want this freedom and accommodation guaranteed in the classroom as they are in the Congress, and in the courts themselves.

This is our business today, Mr. President, and the Court's ruling could not be more timely or more instructive.

Mr. President, I do not wish to yield the floor at this time, but I see the Senator from Missouri and the Senator from Connecticut on their feet. If either Senator wishes me to yield for the purpose of a question, I will be pleased to do it.

Mr. DANFORTH. Mr. President, I do not ask the majority leader to yield for a question, other than to inquire whether I would be allowed to speak on the subject of school prayer at this time.

Mr. BAKER. Mr. President, I believe that would be in order. There is one matter that I wish to provide, however, and that is that no tabling motion will be in order against the amendment or against the committee amendment as the Senator speaks.

Mr. DANFORTH. Nothing so exciting.

Mr. BAKER. Very well. I yield now to the Senator from Connecticut, if he wishes me to.

Mr. WEICKER. I thank my distinguished colleague, the majority leader.

Mr. President, as I indicated at the outset of the debate, I do not think any such sleight-of-hand parliamentary maneuvers are in order on a subject as crucial as this, and I do not intend to take any.

I am not the one who, less than 24 hours after the debate began, requested a whip check for a cloture motion on this constitutional amendment. That was instigated by the office of the majority leader. So I am the one who really is a little nervous at this point.

However, the majority leader should be assured that I have no such parliamentary maneuver in mind. Indeed, I believe, for example, that the Senator from Missouri wanted to speak to the issue, rather than have a quorum call, if it seemed perfectly acceptable to all concerned. Under no circumstances would I propose to make a tabling motion.

I should like to make two comments in relation to the majority leader's comments about the Supreme Court decision.

No. 1, I ask the distinguished majority leader what this does to the condemnation of Supreme Court rulings vis-a-vis the matter of prayer in schools. This one, apparently, is acceptable to the majority leader. He likes this particular decision of the Supreme Court. I wonder if what we are going to do on the floor of the Senate is to accept the Supreme Court decisions we like and reject the ones we do not like. I accept the decision of the Court in the sense that it is now the law of the land.

The second thing I would like to point out is that this decision should put anyone of the Christian faith on guard as to what happens when government gets into the business of dictating our faith.

I note that in part, the decision as it relates to the nativity scene was passive—passive—therefore, acceptable. I do not know how those of you who are Christians feel about the nativity, but I never looked upon the nativity as being a passive event or a passive scene.

What the Supreme Court has done in this case is to interpret my faith in a way that is totally unacceptable to me.

So, I am delighted that the majority leader is apparently satisfied. I believe the decision renders the nativity as a commercial event now. It belongs to folklore. This is a very interesting description of the nativity. But if that is what the majority leader and others are willing to accept in the cause of victory, fine. I find that to be demeaning to my particular faith.

Mr. BAKER. Mr. President——

The PRESIDING OFFICER. The majority leader has the floor.

Mr. BAKER. I yield further to the Senator from Connecticut.

Mr. WEICKER. On the matter of entertaining discussions as to when we can vote on this issue, I have no problem with discussing that proposition. I would be more than glad to sit down with him and discuss the issue. As I indicated to him, I thought it a little strange after reading media accounts that even before we could begin the debate, I learned that we were going to have 1 or 2 weeks of debate. So I offered the majority leader June 1 as a time certain for a vote.

I have to remind the majority leader, for example, that the court-stripping amendment related to busing that was before us—the Johnston

amendment—took 11 months to dispose of during the last session of Congress. So in relative terms, what we are talking about here is a couple months.

So I have no problem in sitting down and trying to arrive at some middle ground. On the other hand, if this matter is going to be pressed in the unseemly way which it has been pressed up to this point—and I remind you that what we have before us is a matter that was not even voted out with recommendation by the Judiciary Committee. The first time in the history of the U.S. Senate a constitutional amendment comes to the floor without a recommendation, and not only one of them, three of them. Now we have before us amendments without any recommendations from the originating committee. Now less than 24 hours later, we are in the process of tallying votes for cloture.

I know my good friend from Tennessee and his regard for the constitutional procedures of this body, but I remind you that nothing has been said that would indicate that there cannot be a time certain for a vote, nor has anything been said relative to a filibuster.

I would like to know why the haste? Is it to satisfy the majority leader, or the administration, or pressure groups from the outside?

Mr. BAKER. Mr. President, I will tell the Senator from Connecticut with all due deference and respect. I made my statement about filing a cloture motion next Monday immediately after the Senator from Connecticut said it would be the first of June before we could vote.

Mr. WEICKER. The Senator from Connecticut never said that. The Senator from Connecticut said he offered to the majority leader a June 1 date for a time certain for a vote. The majority leader had said in the press he was going to a vote in 2 weeks.

What I tried to do is set some parameters for the debate, as we have done many times, so as to arrive at a time that can be agreed to by the various Senators who care to address themselves to the subject.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, I thank the Senator from Connecticut for the statements he made so far, the very most attractive of which I find is the possibility of voting this afternoon.

Mr. WEICKER. Do we know what we are voting on?

Mr. BAKER. That is what I am going to say.

Mr. WEICKER. All right.

Mr. BAKER. If we are going to vote this afternoon, we need time to find out who has amendments because no one should be cut off if they have amendments, to find out if there is some sort of consensus on what form and what sequence they will be offered in and to set a time certain.

Maybe that is tonight at 6 p.m., or 5 p.m. Maybe it is tomorrow.

But I am genuinely encouraged to think we may be able to wrap this thing up in an orderly way yet this week.

Mr. WEICKER. In response to the majority leader, my offer was that we have an up and down vote on the pending business before the Senate.

Mr. BAKER. The pending business is the constitutional amendment.

Mr. WEICKER. That is right.

Mr. BAKER. The pending question is the committee amendment. But the pending question that is the committee amendment is also amendable. And as the Senator from Connecticut has properly said you know we should not rush to judgment on this thing. We certainly do not want to cut off anyone who has an amendment. For instance, the Senator from Utah has discussed with me certain aspects of a proposal that I find very attractive that would elaborate and extend the option and the voluntary nature of this undertaking.

I wish to pursue that with the Senator from Utah as I do with other Senators who have similarly discussed with me the possibility of providing for language which might provide the absolute maximum flexibility and the absolute minimum or the absolute absence of coercion or compulsion.

As long as Senators are pursuing that very laudable purpose I would not wish for this matter to be cut off.

So, it is my intention now to proceed with those negotiations, and it may be that we can have something to vote on this afternoon. But I cannot assure the Senator from Connecticut that it is going to be on the pending question. It may be an amendment to the pending question. It may be on the pending question. It may be on a substitute.

But since the Senator from Connecticut has indicated a willingness to vote for something this afternoon at 5 p.m., I would like to take up that offer and see if I can frame it in a way that we will all understand that it will be open and above board and we can proceed with at this time.

Mr. WEICKER. The Senator from Connecticut is very specific. We can vote on the pending amendment. But the Senator from Tennessee wishes to negotiate with his colleagues, those who are on the same side of the issue, so they devise something that would receive the necessary votes. That is not the offer of the Senator from Connecticut. My offer was to take what we have before us now and vote up or down on it. I see the difficulty now as differentiating between the shennanigans of the Judiciary Committee and the razzle-dazzle presented out here with three or four amendments, complicated by modifications and additions, and so forth. I do not think we should vote on anything that the proponents of the issue can devise in a matter of an hour. So I am willing only to have an up or down vote on the committee amendment as we have it presently before us.

Mr. BAKER. Could I ask the Senator would he be willing to vote up or down on the committee amendment and then on the resolution itself?

Mr. WEICKER. No; because as the Senator realizes when I started off in this debate in good faith with the majority leader, it was with the understanding that there would not be any unseemly cutoff of debate nor would there be a filibuster. And indeed there is not going to be any filibuster. But I do reserve myself all the options available to best is portray by views on this critical issue and to protect all of my rights on the floor and avoid being blind sided.

Mr. BAKER. The truth is I am not trying to blindside the Senator. I am trying to make sure we can identify an amendment that may be offered and show it to the Senator from Connecticut in advance of any further action. That is not blindsiding the Senator.

Mr. WEICKER. I think the first step of my good faith is that I gave the assurance to the Senator from Tennessee of the fact I was willing to agree to a time certain for a vote, regardless of what time was finally decided. That eliminated the possibility of filibuster. And I gave that assurance without and prior negotiation whatsoever.

I would suggest that if there is going to be any negotiation, the Senator from Tennessee might give up the idea of a cloture motion and we will then sit in an equal situation with each other. But if you are going to talk cloture, then I will talk time.

I do not think either one of us should be doing that because I think the body as a whole should have the opportunity to register their opinion on this matter.

Mr. BAKER. There is an old saying in Tennessee "Don't scream until you are shot," and no motion has been filed yet. What I did do was to authorize a whip check, which I zealously regard as my prerogative as a leader and will continue to do. I have not yet filed a cloture motion, and I can assure the Senator if we can arrive at a logical sequence of votes or even one vote at a time to do it, I have no intention of filing a cloture motion. But I am sure the Senator will understand that one of the fundamental functions of the leadership is to find out where the votes are.

I think that we have something going here that we should not let slip away. I think there is a chance we can resolve this issue with a vote one way

or the other today. I think we need about 30 minutes to find out.

If some Members insist on their right to offer an amendment, and maybe they will not, the Senator from Connecticut can be absolutely sure I am not going to file a cloture motion in that 30 minutes, and I accepted at face value the representations of the two Senators, the Senator from Missouri and the Senator from Connecticut, that no tabling motion would be made. I have no great fear of a tabling motion. But I think it would be unseemly indeed if a tabling motion produced a vote before Senators had an opportunity to try to frame the issue to their own liking and satisfaction. It may be we will have to have more than one vote.

But in any event, Mr. President, I think we should pursue the idea of trying to find the time certain to vote this afternoon or dispose of this issue yet today.

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

Mr. BAKER. I yield for a question.

Mr. BUMPERS. This is sort of in the form of a statement and a question.

First of all, I wish to say that the majority leader has always been extremely accommodating to Members on this side, always polite, always considerate, and I wish to say that here is one Senator who wishes to publicly express his appreciation for that.

Having said that, I also wish to say that next to the Holy Bible, the Constitution of the United States is the most sacred document in existence, so far as I am concerned.

When it somes to amending the Constitution of the United States I belong to the "wait-just-a-minute club." The people of this country in their infinite wisdom have only seen fit to tinker with that document 26 times in almost 200 years, and the first 10 of those amendments, known as the Bill of Rights, were added in 1791, 2 years after the Constitutional Convention.

Now, I am going to be prepared to vote at the right time on these amendments, and I do not intend to participate in the filibuster or to unduly delay the debate. Some of us are very thoughtfully and prayerfully considering this whole measure. We want to be sure that we do not, as a preacher I used to know in Arkansas said, "run past more than we are going to catch up to."

And it occurs to me that I know how much religious freedom there is in this country right now. But as my staff and I have pondered this amendment for the past 24 hours, I am not at all sure how much we will have if and when this passes, and I rather suspect it is going to.

But we keep referring to this as a prayer in school amendment. I have consistently favored voluntary prayer in school—or anywhere else—and I will continue to. But one of these amendments, Senate Joint Resolution 218, is not a prayer in school amendment. It is a prayer in school or any public institution.

Congress is an institution and it is a public institution. As I read this amendment, Reverend Moon can lead his delegation into the Senate right now and start a devotional service, and there is not anything anyone can do to stop him, if I read this amendment correctly. And I have doubts about considering such a proposal without a lot of consideration.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, I thank the Senator from Arkansas, and I am sure he understands that I am reluctant to interrupt him.

Mr. BUMPERS. I am sorry. I did not mean to make a long statement.

Mr. BAKER. I really do have to try to continue with the matter at hand, and I respect the right of the Senator from Arkansas to continue his remarks as he may wish.

But let me do one thing before we proceed now. Let me try to put things in perspective once more, as I did on yesterday when we began this.

As I recall my remarks at that time, what I said is this is a sensitive and emotional issue. I take upon myself two or three chores. The first is to try to the extent possible to demobilize this issue and to approach it on a rational and reasonable basis.

The second is to make sure that there is every opportunity for every Senator to speak on this issue not once or twice but as many times as the rules permit and their preferences may dictate.

At that time, Mr. President, I put the Senate on notice that I expect it would take all of this week and perhaps all of next week and that I had no intention of filing a cloture motion prematurely and certainly not before the end of this week.

Today I have amended that by saying I do not intend to do that until sometime next week.

Now, with that, Mr. President, I received word that the Senator from Connecticut might entertain the possibility of a vote this afternoon, and I confess I was tempted to explore that as indeed I am trying to do now, but I am sure Members will understand, especially those who signal that they have amendments they wish to offer or amendments they are attempting to construct and may offer, that those Senators would not wish to be cut off without the opportunity to pursue that.

So a moment ago I said that I will put in a quorum in order to gain the time for Members to explore that possibility. I supplemented that by saying I am not trying to blind side anyone. But I will indeed show that amendment if one is produced that some Senator wishes to introduce to the Senator from Connecticut. I will amend that to include the Senator from Missouri who I see on his feet and smiling broadly.

And I just want to make sure everyone understands what we are about.

The last thing I ever want anyone to think is that I am trying to push this thing too fast or that I am trying to take advantage of anyone. I am not. But I am also trying, if you will pardon the expression, to look after the flock, because there are Members who do wish to be heard, and there are Members who do wish to offer amendments I suppose.

Now, having said all that, Mr. President, I suppose there is some element of risk in yielding the floor that someone may offer a tabling motion, but I have no great concern about that.

I think a tabling motion ought to be defeated, if one is offered, simply for the reasons that I have already stated; that is, Members should have the opportunity to explore the alternative possibilities of amendments or substitutes that they may wish to offer.

I will not seek a unanimous-consent agreement to provide against tabling amendments for any particular length of time, nor will I doubt the assurances given me by the two Senators who are on their feet at this time, that is the Senator from Connecticut and the Senator from Missouri.

I will do this, Mr. President, I will now attempt to meet with those who have indicated to me a preference for some variation on the committee amendment, and I will attempt to ascertain who among them wishes to offer amendments and in what form. I will then return to the floor and make that known to anybody who wants to know, so that nobody can feel they have been blind sided. Then, I hope, Mr. President, we will reexamine the question of when we can have a vote.

Mr. President, I yield the floor.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr. President, religious passion run so deep on the issue before the Senate that partisans both pro and con are tempted to claim that God is on their side. Constituents have told me that they are praying that I will reach the right conclusion on amending the Constitution. I am deeply touched by these remarks. I have the highest regard for the faith and commitment of all who feel so passionately about school prayer. But, the debate on school prayer is not between the godly and the ungodly. For strongly held religious reasons, people have arrived at opposite conclusions on the pending amendment. Certainly supporters of the amendment have

been more active than opponents in expressing their opinions to Members of the Senate. But that does not mean that the beliefs of those in opposition are less deeply held. The fact is that, speaking from faith, many devout men and women are offended by the prayer amendment and strongly oppose it.

Last week, Members of the Senate received a letter written "to express vigorous opposition to proposed constitutional amendments" signed by representatives of the following religious organizations: American Baptist Churches in the U.S.A., American Jewish Committee, American Jewish Congress, Anti-Defamation League, Association of Evangelical Lutheran Churches, Baptist Joint Committee on Public Affairs, B'nai B'rith Women, Church of the Brethren, the Episcopal Church, Friends Committee on National Legislation, Lutheran Church in America, Lutheran Council in the USA, National Council of Churches of Christ, National Council of Jewish Women, Presbyterian Church (USA), Progressive National Baptist Convention, Seventh Day Adventists, Union of American Hebrew Congregations, Unitarian Universalist Association of Churches in North America, United Church of Christ, and United Methodist Church.

This letter of March 1 reflects the official position taken by a number of denominations. These are not agnostics or atheists opposing prayer. These are religious people expressing what they call "vigorous opposition" to a prayer amendment to the Constitution. Therefore, Mr. President, if we adopt this amendment to the Constitution, we will, in one stroke, answer the prayers of some devoutly religious Americans and offend the consciences of other devoutly religious Americans.

One might ask why anyone could feel strongly against a prayer amendment. A colleague once asked me, "What harm can it do?" Prayer cannot hurt, it might be said; therefore, how can anyone object to it? Mr. President, I would like to answer these questions, not to take one side of a theological argument—that would be uncalled for on the Senate floor—but to explain how it is possible for some to object to the amendment on the ground of religious belief.

Tomorrow is Ash Wednesday. The Gospel which will be read in the Episcopal Church tells us a great deal about prayer. It begins at Matthew 6: 1, part of the Sermon on the Mount. Christians are told by their Lord that when they pray, they are not to make a public display of it. They are not to stand in a public place so as to impress their neighbors. They are not to pray for the sake of public appearances, but to do the opposite. They are told to pray in secret, and their Father who sees them in secret will reward them. In other words, to many religious people, prayer is a personal matter between them and God, and the admonition to keep it personal and not flaunt it before others is taken as a requirement of their Lord.

For those who emphasize the private nature of prayer, involvement by the public sector in organizing public religious observances is at variance with one's conscience. For example, in 1981 the North Carolina Baptist Convention said:

> Prayer is a personal communication between an individual and God and does not depend on either the permission or sponsorship of government or its agents.

Moreover, if prayer is personal, it is reasoned that no court imposed restriction on religious observance in the classroom interferes in any sense with the true prayer life of students. As the March 1, 1984, letter to Members of the Senate puts it:

> No Supreme Court decision has ever removed God or religion from the public schools. The carefully drafted opinions . . . do not keep a student from exercising his or her human and constitutional right to pray.

James Dunn, executive director of the Baptist Joint Committee on Public Affairs has written:

> Prayer is too sacred, too intimate, too personal to be prostituted by government involvement.

Prayer, he says, is intimate and personal. It is also sacred. What does it mean to say that prayer is sacred? The sacredness of prayer means that prayer is not mundane, not trivial, not the offhand expression of a passing fancy. Prayer is a relationship with the transcendent, with the holy, with what the German theologian Rudolf Otto called the "mysterium tremendum." If this is so, if prayer is sacred, a relationship with the holy, then it follows that prayer should not be cheapened. It should not be trivialized. It should not be prostituted. This is what James Dunn believes would happen simply by virtue of Government involvement. But one need not go that far in order to fear the prostitution of prayer. It could be concluded that a classroom period of prayer for schoolchildren from diverse religious backgrounds might sooner inspire boredom, or even giggling, than reverence.

Opponents of a school prayer amendment might further argue that the sacredness of prayer and the holiness of God are debased by the often heard statement that the Supreme Court has removed God from the classroom, and a constitutional amendment will put God back in the classroom. To many religious people, God is not dependent on the Supreme Court or the Congress. Objects may be kept out of the classroom, chewing gum for example. God is not chewing gum. He is the Creator of heaven and Earth.

To repeat, some religious opponents of public school prayer would argue that prayer is personal and not a matter for the public sector's involvement. Some would argue that prayer is sacred and not to be trivialized in the schoolroom. But all opponents would argue that prayer has substance, that its content is important, and that not all prayers are created equal.

Advocates of school prayer seem to say that all prayer is good, regardless of its content, that all prayer is equally efficacious, that the fact of prayer is important, not the content. This point of view would be flatly rejected by religious opponents of the proposed amendment. To them, the content of prayer is of very great concern. The idea that any formulation devised by any teacher or student has an equal claim to be recognized as a suitable prayer is summarily dismissed. Christians, told by Jesus that "whatever you ask in my name, I will do it," (John 14: 13) take that instruction seriously. They conclude their prayers by saying, "In the name of Jesus," or "Through Jesus Christ." For Christians, that is the appropriate form of prayer. For Jews, it is not. A teacher, or a school district, or a student leading prayer must make a choice. Either a formula thought essential to Christians and contrary to Judaism is or is not included in the prayer. And there are a great number of Christians and Jews who would insist that whether the name of Jesus is included or excluded in a prayer is crucially important.

To members of liturgical churches, that is, churches that pray from a book, the words chosen for a prayer receive painstaking attention. Proposals to change familiar wording are heatedly debated. Anyone who doubts this should refer to the itense controversy still raging in the Episcopal and Roman Catholic churches on liturgical reform. To these denominations, the content of prayer is of deep, even divisive concern, and to say that it should not be is to shout into the whirlwind. What is more, members of liturgical denominations, if asked to pray in school or some other public place, would more than likely reach for their prayer books. It would be an interesting exercise to comb through the hundreds of prayers contained in the Book of Common Prayer with the view to finding any that would be suitable in an interfaith setting. Prayer, for many religious people, is by its nature related to the doctrinal beliefs of the denomination. As Edwin X. Travers, a Catholic school teacher in Maryland, has written:

> Any prayer in our schools that offends no one will be no prayer at all.

A major theme of the Old Testament prophets goes much further than dismissing certain prayer as inad-

equate. The prophets believed that prayer in a vacuum, divorced from social justice, is an abomination. Repeatedly, the prophets of Israel condemned public display of religious piety which masked injustice to the poor and disadvantaged. For example:

Amos 5: 21–24:

I hate and despise your festivals; I will not be pleased with your assemblies . . . Take away from me the noise of your songs . . . Let justice roll on like water, and righteousness like a mighty stream.

Isaiah 1: 13–17:

Come no more with your meaningless offering! . . . I cannot endure iniquity and a solemn assembly! . . . even though you multiply your prayers, I will not hear. Your hands are full of blood. Wash you selves! . . . Learn to do good! Seek justice, restrain the ruthless; protect the orphan; defend the widow.

Jeremiah 7:

Do not trust in false words, saying 'The temple of the Lord, The temple of the Lord, The temple of the Lord. . . . You are trusting in words of falsehood which cannot profit. Will you steal, murder, commit adultery and swear falsely . . . and then come and stand before me? . . . As for you, do not pray for this people, or lift up a cry of prayer for them. Do not intercede to me, for I will not hear you. Do you not see what they are doing?

This same theme is found in the New Testament. Matthew 7: 20–21:

You will know people by the deeds they do. Not everyone who says to me, "Lord, Lord" will enter into the kingdom of heaven but he who does the will of my father in heaven.

Finally, religious people can cite the parable of the pharisee and the tax collector in Luke 18: 9–14 as basis for their insistence both that not all prayer is of equal value, and that self-righteous, boastful prayer is perverse.

Because many religious people are intensely interested in the content of prayer and are unwilling to concede that one prayer is as good as any other, they are anxious that they retain control of their children's religious training. Parents can determine the churches their children attend. Parents can guide religious education within the home. But many parents have no practical alternative to sending their children to public school and no control whatever over the identity or religious beliefs of their children's teachers. Under our Constitution, religion cannot be a test of public employment. A school board is not permitted to deny employment on the ground that a teacher is a Baptist or a Roman Catholic, or a Scientologist or a follower of the Reverend Moon. But, under the Constitution as it now stands, a parent can insist that the teacher keep his religious opinions to himself. This would not be so under the proposed amendment. Today, a Protestant parent can insist that a Catholic teacher refrain from suggesting a voluntary recitation of the rosary. No longer, if we adopt this amendment. If followers of the Reverend Moon were to move from the airport to the classroom, parents can insist that they not participate in any religious observance. No longer, if we adopt this amendment. The religious development of very young children would take place in the classroom, at the initiative of teachers or even other students, and it would be beyond the reach of concerned parents. This point was forcefully made in the December 3, 1981, Baptist Messenger, the newspaper of Oklahoma Baptists, where the editor wrote:

I am uncomfortable at the prospect of any school official or teacher setting a time for Bible reading and prayer, or choosing a passage for Bible reading. As a parent, I don't want someone whose religious beliefs I don't know teaching my children the Bible. That's why I exercise care in choosing a church to attend. I would rather teach the Bible at home and at church than risk the confusion that can result from some of the cult and strange doctrines being pushed on the pliable minds of children and youth today.

Mr. President, I want to express my reluctance, even embarrassment, to stand on the floor of the Senate, quote Scripture and talk about religious beliefs. I am sensitive to the fact that the people of Missouri elected me to be their Senator, not their pastor. They elected me to serve all of them, regardless of their religious beliefs or lack of religious beliefs. I am a priest of the Episcopal Church. That is true. That is part of me. But I have tried to distinguish between my role as Senator and my role as priest, and not to confuse the two. Many people who are not Episcopalians, not Christians, not religious have asked me to represent them in this body, and I intend to do that, as best I can, for all the people.

I do not stand here today to argue for one religious position or another. That is not my place. All I want to point out is that within America there are at least two positions on school prayer which are strongly held by very religious people. Some devout people, acting out their faith, ask us to amend the Constitution to permit prayer in public school. Other people, equally devout, ask us not to amend the Constitution. My only point today is to explain to the Senate some religious objections to the amendment, to state that many denominations ask us not to act, and to note that their position is deeply felt and can be advanced with a plentitude of Biblical references.

So, Mr. President, we have a choice to make. We can choose to do nothing, to keep the Constitution as it is, to allow personal prayer in public school, but not officially sanctioned group prayer. Or, we can choose to amend the Constitution, to weigh in on the side of those many religious people who favor the sanctioning of group prayer in public schools. Whatever our choice, some very good people, who practice their religion, will be deeply hurt. The least we should do is to be sensitive to that hurt and tolerant of those whose beliefs are different than our own.

My own view is that in this case the best course for the Senate to follow is to do nothing. To allow a child to pursue his own religious life without the structure of school sponsored observances is as close to neutrality as we can come. To take the affirmative step of amending the Constitution is to decide that now is the time to foster one religious position against another.

Mr. President, legal scholars will say that the definition of the establishment of religion has been broadened by two centuries of court decisions. But even under the most narrow definition, establishment of religion includes an affirmative step taken by Government to favor one religious position over another. That is what we are asked to do this week. We are asked to favor one religious position over another. We are asked to permit in public schools religious observances which are desirable to some and offensive to others. To vote for this amendment is to vote for the establishment of religion. That is a step we should not take.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. STENNIS. Mr. President, I propose to address the Senate for a fairly brief time regarding some of my views in connection with the pending matter, and that is the question of whether or not we shall pass or submit to the people for their consideration and perhaps passage a proposed constitutional amendment that would, in effect, nullify a decision of the Supreme Court of the United States on the subject of the legality of prayer in public schools; the question of whether that decision shall be nullified and controlled by the plain language of one of these proposed amendments.

Mr. President, standing somewhere near here, although I did not have this actual space, 22 years ago I prepared an amendment of the type that I have just referred to. On the day that I was going to introduce that amendment, which was the first one on the subject matter following that Supreme Court decision, I went instead to the funeral of a Member of this body, the late Senator Francis Case of South

Dakota. I requested an associate of mine, the late Senator Robertson of Virginia, to put my remarks in the RECORD and introduce for me the proposed amendment that I have just referred to. That was done, and it appears on page S11713 of the CONGRESSIONAL RECORD, Senate part, in the year 1962.

We debated that subject matter here for some weeks.

There was tremendous interest throughout the country and a great deal of consideration here, but there was a division among the people as to what type of an amendment should be before us and passed, and there was uncertainty in the minds of a great number of people about what would be proposed—perhaps a prescribed prayer and they did not know who was going to prescribe it or compose it. The matter fell away as to activity not for the lack of interest and concern, but for the lack of ability to get together on the meaning and just what words would be composed or put together, what route we would take in trying to get the remedy accepted.

But it has not been a dead issue because of a lack of concern in those intervening years. I think it is more important and the need is more demanding even than it was in those days. I hope that this debate here and in the House of Representatives, and throughout the body of the land by various groups of people, will rekindle the fires of that interest and lead to the proper kind of action.

I am not in the habit of demeaning or downgrading any court, so I do not propose to say anything for the purpose of downgrading the Supreme Court of the United States as it was constituted then. I think a grave error was made. I believe there was a certain feeling or concern of a strange kind felt at the time, that the members of the Court thought, with sincerity, that concerning that provision in the Constitution about no law establishing a religion should be passed they were under a duty to read into that wording the idea that even a prayer, an innocent prayer, voluntarily entered into by children or adults in public schools was harmful, not only harmful but prohibited by the Constitution.

With great deference to that court, that court being supreme, I still believe it was wrong in its conception and wrong in its conclusion, and it brought about a harm of a new kind.

Now when you tell a schoolchild or anyone else that it is against the law or unlawful to have prayer in public schools, I think they jump to the conclusion that all prayer is wrong or tainted or has something the matter with it. I think that spirit and that belief, which is honest, has caused us to drop into a quagmire of uncertainty, doubt, suspicion, and neglect that must be remedied.

Mr. President, I would like to refer to my remarks made in 1962. I ask unanimous consent that those remarks that were submitted to the body by the late Senator Robertson, appearing, as I said, on page S11713 of the CONGRESSIONAL RECORD, be printed in the RECORD at this point. They are fairly brief.

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

STATEMENT BY SENATOR STENNIS

I have the conviction that people all over the country who rejoice in the spiritual heritage of this Nation were shocked, as I was, to learn that the Supreme Court has held that the permissive daily recital of a simple nondenominational prayer by public-school children breached the constitutional wall of separation of church and state. The prayer thus condemned by our highest Court did nothing more than acknowledge the pupils' dependence upon an Almighty God and ask His blessings upon them, their parents, their teachers, and their country. Only those who desired to do so joined in the recitation of this prayer; no compulsion was involved.

It is not my purpose or intent at this time to challenge point by point the rationale of the majority opinion in this case. However, I could hardly believe my eyes when I read that the Court had held that the prayer, even though admittedly nondenominational, and even though participation in it was admittedly voluntary, violated the first amendment, which merely prohibits the Congress from passing a law "respecting an establishment of religion, or prohibiting the free exercise thereof."

With all respect, I think the Court has utterly misconceived a great constitutional principle. I, for one, cannot comprehend how a religion is established by permitting school children who wish to do so to say a simple prayer. It is my belief that by this decision the Court has twisted freedom of religion into a quarantine against religion.

I submit that it offends both reason and logic to contend that the now outlawed prayer in any manner resulted in the establishment of any religion. The prayer is nonsectarian and nondenominational. The opinion of the Court concedes that participation in it is without compulsion. Under these circumstances few will believe that any real question of the church dominating the state is involved, and I have always been of the opinion that this was the basis of the constitutional provisions upon the subject.

If there was any question of sectarianism involved, or any issue of favoring one religious group over another, the situation, of course, would be entirely different. All we have here, however, was a conscientious effort to permit children who wished to do so to say that they believed in an Almighty God and to call forth His blessings. The Court has denied this right and the implications of its decision are enormous.

This, of course, is not the first time that the Court has departed so far from established constitutional concepts. There is a remedy, however, for the American people. It is by the process of a constitutional amendment, and I am today introducing an amendment designed to right the wrong which the Court has perpetrated. I realize, of course, that this is a delicate subject and one which needs and deserves careful study. However, I am convinced that, if necessary, my amendment can be perfected so that our constitutional guaranty of freedom of religion will be retained but will not in the future be allowed to become an instrument for the suppression of religion.

The voice of the people is already welling up in all of the corners of this Nation in protest against this decision, and I predict that the necessary amendment will be adopted by the Congress and ratified by the States quickly and decisively. The voice of those who believe in the spiritual heritage of this Nation and in the existence of a Supreme Being will be heard in an ever-swelling chorus.

Perhaps as never before in history we need today the comfort and support of moral and spiritual values. We here in the Senate do not deny ourselves the edifying effect of the eloquent prayers of our Chaplain. They give us faith and strength for our daily tasks. The children of our public schools, on a permissive basis, should not be denied the same privilege which we have established for ourselves. We should act promptly to fill the void in the spiritual life of our children which will exist by reason of the Court's decision.

Mr. STENNIS. Mr. President, I shall briefly present my more up-to-date thoughts.

Most importantly, the idea of prayer and the conception and spirit is something the great majority of the American people believe in. The record is clear. Every major poll has indicated that the citizens of this country overwhelmingly support the concept of prayer in schools and public places. Every day, right here in this body, we proclaim it over and over, as they do in the House of Representatives on the other side of this great building. We open the Senate with prayer.

Since May 1980, eight national polls—of course, we cannot run the Government by polls but they indicate sentiment—have asked if the person being interviewed favors or opposes a constitutional amendment allowing prayer in our public schools. The percentages for those who favor the amendment were 76 percent for, 76 percent for, 74 percent for, 73 percent for, 68 percent for, 79 percent for, 71 percent for, and 81 percent for in those respective years who approved.

So the question may be asked now, if so many Americans favor allowing prayer in schools, why should we find that it is not allowed? Because those of us who are responsible for making decisions in the leadership, decisions that affect our public schools, have continued to interpret the decision of 1962 and subsequent decisions, so far as our actions are concerned, to mean that we let it rest, that it not be allowed in our schools at all.

It is for that reason, along with others, that I offer today my support to the idea that the Supreme Court at that time, even though they were honest about it, gave an outright misinterpretation to the law as it existed then, and believed firmly, a majority

of them did, that they were stating the law as it should be.

I do not support the amendment that is now offered to try to change our Constitution in any affirmative way or modify it in an affirmative way. The provision merely means that prayers shall not be prohibited will not be precluded, because of what is already in the Constitution, which says government shall make no laws establishing a religion. That was declared by the 13 Colonies who banded together, after long debate and difference of opinion on many subjects, on July 4, 1776.

It is an amazing thing, but we have lived now for over 200 years under that Constitution, during turbulent times of stress and strain, civilian disagreement that took the form of war at one time, uncertainty, worldwide wars, now with weaponry where opposing sides have weapons that could destroy the other half of the world, which, God forbid, they will never turn loose.

We now have the oldest continuous form of government, as I understand, which has continued without interruption for over 200 years, the only one that has. It is bound to have great strength behind it, great spiritual strength. And still we are making this grave error, I submit, on such a simple, understandable, fundamental practice, the freedom of having prayer together with others in our public schools.

I think it is important to point out further that the action that we take now, if we adopt the proposal pending, will not automatically add this amendment to the Constitution. That can only be accomplished by the will of the people acting through the several State legislatures. I remind you that it takes three-fourths of those State legislatures to finally adopt this amendment, or to change the Constitution.

I am emphasizing that because we ought to totally exclude the idea that this is a scheme, that this is a trick, or this is a way of trying to slip into the Constitution a provision that is contrary to the belief and the practice of our people.

We have not had but just a few changes, a relatively few changes, in all these years, and have not had any change in the Constitution by the people on this highly important and delicate subject.

We had a change in interpretation by the Court. I say again that I speak with deference to the Court and the individuals who I think made that grave error, if error it was.

So, we today are just proposing that an amendment clearly expressing the situation be submitted to the people—to the people. They cannot originate an amendment themselves except by force of arms and no one would want to do it that way. They cannot legally originate an amendment, more than 220 million people in America. Still, they do not have the power to originate a new provision or to change one word of the Constitution until there has been action by the leadership of some kind. There is a way in addition to the way that we propose here, but without the initiation of power, of action of some kind by the leaders selected by the people.

What comes first? We are living in troublesome times. We really have trouble here at home with our money affairs. We are running in debt at the rate of over $200 billion a year and we are talking about it a lot but we are doing precious little about it. But if we will, we shall come to and we shall get together on that and we shall not let the country be lost.

But how can we put last the things that ought to be first? I do not get out here and parade around. I am a rather conservative person, I think, especially in matters concerning spiritual affairs. I want everyone to have their choice and their freedom in this field as well as other fields as much as they can. At the same time, I do not think that we can properly nurture and continue to have our spiritual blessings if we go merrily along ignoring some fundamentals.

My belief is that, talking about our youth now, these intervening years to which I have referred have left our youth disappointed and uncertain. On Sundays and other days, our youth are taught now the meaning and value of prayer. Then, on Monday, they are told by a voice of authority, the law, that prayer is actually prohibited in the public schools. This, to their minds, or to individual adults, not only discounts prayer but, in effect, teaches and proclaims every day, or seems to, that prayer is evil and wrong and it is therefore, for that reason, prohibited and held for shame. This condemnation is sweeping and applied to the child's mind so as to make it appear, I repeat, that all prayer must be wrong and must not be accepted and must not be practiced.

This harmful condition must be given a remedy. Every individual, every organized group, every church should try by every possible effort, I think, to find a way, more particularly those of us who are in this position of leadership. Under present conditions, though, the harm is multiplied every day. It continues to eliminate and destroy the worthwhile things of life that shape us and let us find our way to the other fruits of civilization.

This amendment, I think either one of them that is pending now, will point to the true light and by that light, we shall find our way. And God help us as we go, trying to find the true way, the spiritual way, and the way that will be effective and lead us in these times of stress and strain.

Mr. President, I yield the floor.

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

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

Mr. JEPSEN. Mr. President, I rise in support of the constitutional amendment to restore the opportunity of voluntary prayer in our Nation's public schools in the form of Senate Joint Resolution 73, as submitted to the Congress and amended by President Ronald Reagan and sponsored by my distinguished colleague from South Carolina (Mr. THURMOND).

I call to the attention of my colleagues the serious nature of amending the Constitution of the United States. It is a process rightly long and difficult. It is only after a thorough examination of this proposed change that I wholeheartedly urge my colleagues to join with me in voting to restore this simple freedom to the children of America.

In the 1962 and 1963 decisions, the Supreme Court created a prohibition against the recitation of prayer or the reading of Bible verses in public schools. Far from guaranteeing neutrality in the classroom, the Federal Government has sent a clear message to all students: prayer in school is unconstitutional. Subsequent decisions sent more strident messages, such as:

The Constitution does not protect speech if it is religious in nature;

A thankful verse before a meal is against the laws; and

There must be something wrong about God and religion when a chess club is permitted to meet while a Bible study group violates the Constitution.

I am certain that these are not the lessons the American people want their children learning in the public schools.

It is of the utmost importance that the Congress reverse these messages by sending Senate Joint Resolution 73 to the States.

We must remove the obstacles to the free exercise of religion and freedom of speech; we must restore the right of children in America to pray voluntarily and vocally in public schools; we must reaffirm the heritage for which our forbearers fought and died. President Reagan's proposed amendment would accomplish these goals. It reads:

Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in prayer. Neither the United States nor any State shall compose the words of any prayer to be said in public schools.

I do not know how anyone could object to that.

The Supreme Court has created obstacles to the free exercise of religion in public schools through its broad interpretation of the establishment clause.

An analysis of debates and actions by the First Congress indicates that the intent of the first amendment was two-fold. The establishment clause was to prevent the Federal Government from establishing a national church, or indicating governmental preference of one sect over another. The free exercise clause was to secure the right to worship without being compelled to do so in a manner contrary to the individual's conscience.

It is very simple, very direct, and very well stated.

The final version of the first amendment reads.

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

I want to emphasize, I want to read, I want to say again, "for prohibiting the free exercise thereof." Congress shall not do that. Why should the Supreme Court be allowed to do that? An often used explanation for the broad interpretation of the establishment clause is Thomas Jefferson's phrase. "The wall of separation between church and state."

This is mentioned in the private letter—as has been pointed out earlier on the floor—to the Danbury Baptist Association in 1802. That phrase has been invoked especially by those who are opposing voluntary prayer by children of this country in their schools. It has been invoked so often that many people do not realize that this principle is not in the Constitution. Jefferson's statement was made 13 years after the first amendment was drafted. Mr. Jefferson was in France when the First Congress drew up the amendment and he had nothing to do with it. His one statement can hardly indicate an authoritative determination of the intent of the first amendment.

On the contrary, throughout Thomas Jefferson's life—as president of a university, where he made it possible to meet and study the Bible, and on many other occasions—he assumed, as did all of our forefathers, those planks and those Judeo-Christian principles as a foundation for everything. That was put in writing, and everything that was done in the early days declared that we are endowed by our Creator. To them, acknowledging God and having a God-conscience was so absolutely a part of their very being that they used the words over and over again: "self-evident." They did not have to have a rule. They did not have to have an interpretation of anything. They lived their lives that way.

Jefferson revealed time and time again his understanding of the necessity of church and state interaction. In President Jefferson's first message to the people, he asked:

> Can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that their liberties are the gift of God?"

Does that sound like a man who says we separate church and state? Of course not.

The 1962 and 1963 Supreme Court decisions are a misinterpretation of the intent of our Nation's Founders. There is ample evidence that the Court did not give adequate regard to the religious heritage of America or the historical background of the first amendment.

They should have done their homework. I cannot believe that fairminded men would have ever made the decision they made.

The basic changes made in the 1960's in free exercise of religion and free speech rights were made by an edict of our Highest Court. It is up to Congress and the States to remove the obstacles to voluntary prayer in public schools.

The Supreme Court indicated that it wished to establish governmental neutrality with regard to religion. Prior to the Engel (1962) and Schempp (1963) decisions, the Court concluded that the establishment clause was not intended to provide complete separation between government and religion. One example is the 1952 Zorach against Clauson decision which States:

> The first amendment, however, does not say that in every and all respects there shall be a separation of church and state. Rather, it studiously defines the manner, the specific ways, in which there shall be no concert or union or dependency one on the other. That is the commonsense of the matter. Otherwise the state and religion would be aliens to each other—hostile, suspicious, and even unfriendly.

By reversing the considerations stated in Zorach, the Court did not choose neutrality toward religion but rather the exclusion of religion from the training grounds of our Nation's citizens. Our Nation's single most precious resource is our youth. It is well that they be not only properly trained, but properly exposed and introduced to the absolute value system that we have had throughout the history of this country—that which is based on the Judeo-Christian principles.

In his dissenting opinion to the Schempp (1963) decision, Justice Potter Stewart identified the result of the exclusion of religion from public schools:

> For a compulsory State education system so structures a child's life—

I repeat:

> For a compulsory State education system so structures a child's life that if religious exercises are held to be an impermissible activity in schools, religion is placed at an artifical and State-created disadvantage. Viewed in this light, permission of such exercises for those who want them is necessary if the schools are truly to be neutral in the matter of religion. And a refusal to permit religious expercises thus is seen, not as the realization of State neutrality, but rather as the establishment of a religion of secularism, or at least, as Government support of the beliefs of those who think that religious exercises should be conducted only in private.

We must restore the right of children to pray and worship God. The question today is how we guarantee religious freedom in America. Denying children the opportunity to pray is not religious freedom. Singling out students who wish to organize voluntary prayer or Bible study groups is not religious freedom.

The amendment under consideration today would not require local school boards to organize prayer in classrooms nor would it require students to participate in prayer. It would remove the stigma attached to prayer and a belief in God that exists in our Nation's classrooms today.

It would stop the harassment and discrimination against students who are denied the right to religious free speech while their fellow students are guaranteed other forms of free speech. It would correct their current mistreatment as second class citizens.

The proposed amendment would restore a reasonable balance between the rights of students who want to pray and those who object.

To deny our children their constitutional right to the free exercise of religion in the public schools is to deny them their national heritage. The free and enthusiastic reliance and acknowledgment of a Supreme Being and the history of America are inseparable. The document that signaled the birth of this Nation clearly illustrates the important role religious faith played in the founding of our Republic.

The Declaration of Independence proclaimed it:

> Self-evident, that all men are created equal, that they are endowed by their creator with certain unalienable rights • • • And that the new Nation was founded "with a firm reliance on the protection of Divine providence • • •"

It is all there. It has been there for over 200 years.

Since 1865, our coins have carried the inscription, "In God We Trust," which became the national motto in 1956. The words, "Under God," were added to the Pledge of Allegiance in 1954 by Congress. Our national anthem, "The Star Spangled Banner," includes the phrases "Praise the pow'r that hath made and preserved us as a Nation" and "and this be our motto, 'In God We Trust.' "

It is consistent with this heritage for public schools to have included some form of prayer from their inception. Only in the last 20 years has prayer

and the public acknowledgement of God been banned from public classrooms: A predicament that would be inconceivable to out Founding Fathers.

Mr. President, Congress and the States with the support of a large majority of Americans can remove the obstacles to voluntary prayer in schools, can restore the right of children to pray and worship God, and can reaffirm America's heritage.

We can begin the process in the U.S. Senate with an affirmative two-thirds vote on Senate Joint Resolution 73.

Mr. President, I present these remarks in these opening days of this debate. I shall have other remarks from time to time that discuss the full spectrum of this issue. One of the things that I did not talk about today was our children in this country. I will have more to say about that later on. I will also, Mr. President, bring documentation with regard to some of the distortions that have been brought out about the history of individuals, including Thomas Jefferson. I do not mean that they are distortions by any Members of this body, but rather they have been used often enough and long enough by those who oppose the acknowledgment of God on any basis that pretty soon without even consciously thinking about it, people accept them as fact.

Well, they are not fact.

I thank you, Mr. President, for this time.

Mr. WEICKER. Mr. President, I think this might be a good point for me to respond to my good friend from Iowa on the one point he raises which was the subject of Thomas Jefferson and Mr. Jefferson's relationship to the first amendment.

In the issue of October 1983 in a magazine Church and State, the magazine conducted an interview with Prof. Dumas Malone, biographer in residence, at the University of Virginia, probably the foremost Jefferson scholar in the United States.

I wish to read portions of that interview because I think it very clearly clarifies, and no one has any dispute. It is the foremost expert on the matter of Jefferson, his ideas, the history of his times.

The question was asked of Professor Malone:

Question: Prof. Malone, Thomas Jefferson once wrote that the First Amendment created a wall of separation between church and state. Was that just a private opinion of Jefferson's or did that metaphor represent what he and the other Founding Fathers intended to accomplish?

MALONE. Well, I'm sure that there were a great many of the people at that time who were not as concerned about the separation of church and state as he was or as ardent advocates of religious freedom.

They had got rid of the church establishment in Virginia, and human nature being what it is, you would certainly think that some of the people would favor that establishment and would still look back on it with nostalgia.

But I have the general impression, and we have no way of measuring the sentiment, that most people approved of this since the Bill of Rights, the first ten amendments to the Constitution, was in response to popular sentiment. I have always assumed that most people went along with this, but, of course, not as much as Jefferson.

QUESTION: Some modern day scholars say that the First Amendment was only intended to protect religion from government power, that it wasn't also intended to protect the government from politically aggressive religious groups. Was that Jefferson's view of it?

MALONE. Well, you've got to understand what the First Amendment of the Constitution is, what the Bill of Rights is—a restriction of the power of government. The First Amendment was to protect the interests, not of churches, but of individuals.

The federal convention had created a stronger government. It was obvious that the previous federal government was much too weak, so they created this government. There were a lot of people who thought it went too far. Patrick Henry said it "squints of monarchy." And there was a demand that something be put in there to limit its power, especially with regard to individuals.

Incidentally, it was all to the advantage of the weaker religious groups. They were the great beneficiaries of it. For example, in Virginia the Baptists and Presbyterians and the Methodists highly approved of it. The dissenting groups in New England also were great beneficiaries of this amendment. Jefferson's famous letter was written to one of these groups, the Danbury Baptists. The First Amendment was their support against the ruling groups. And he got letters from all over the country during his own administration. Letters from the Presbyterian Church, for instance, saying that his policies and the policy of religious freedom had permitted the Presbyterian Church to grow.

But, now, that's not to say that some of the leaders didn't want to protect the government against very active clergymen. They're two different things.

QUESTION: Many of Jefferson's critics, then and now, as you point out, charged him with being an atheist, with being hostile to religious belief. That wasn't really the case, was it?

MALONE. No, not at all. Jefferson certainly was not an atheist. He definitely believed in God. He thought that the universe demanded a Creator. He had a sense of God as a Creator and had great reverence for Him. "The heavens declare the glory of God and the firmament showeth his handiwork." He had that feeling much more probably than I do.

But he didn't like ceremonies of any sort, neither religious or political. He walked over to be inaugurated as president, you know. He didn't have that in his nature which I think was just a lack in him. I think most human beings like a certain amount of ceremony.

Jefferson was very ethical, profoundly ethical. He talked about morals a great deal. He didn't talk much really about religion, but there is a great deal in his letters to his grandchildren and his children about morality. He made a terrific point of it.

Somebody has said that he know more about Jesus than any president of the United States. He was thoroughly familiar with the teachings of Jesus and thought they were the finest ethics in the world. In his early young manhood, he sort of went back to the ancients. He thought they provided a sufficient philosophy of life, but as he got older he thought that was inadequate. He said some beautiful things about the teachings of Jesus, and I think he undoubtedly tried to live by them.

Mr. JEPSEN. Mr. President, if the Senator will yield, could I add something?

Mr. WEICKER. Let me finish, if I might.

As I say, Jefferson was no enemy of the churches. He contributed regularly to them. One of the last things he did in his life was to draw the plans for the Episcopal Church in Charlottesville to which he made a contribution. The minister of that church, who taught Jefferson's grandsons, presided at his funeral. And while he was president of the United States he contributed to a fund for the erection of a Catholic Church. So he was not an enemy of religion.

Jefferson was very unlike Thomas Paine. Thomas Paine attacked all the churches on the ground that they weren't really religious. Most of the people who decried Paine's Age of Reason had probably never read it. And he perhaps had a little more merit than religious people would give him. But, nonetheless, he did attack them all.

Jefferson would never have done anything that foolish. He honored other people's opinions. Every once in a while in one of his letters you'll find a comment about somebody's having a very irrational belief, but on the whole he had respect for other people's opinions.

But, I say to the Senator from Iowa, make no mistake about what Thomas Jefferson felt about religion and Government in this country. His were the words. His were the words to erect a wall of separation between church and State.

Now, the one question that I have to ask the Senator from Iowa, and I have listened to the Senator's very eloquent remarks, is tell me, tell the body where a child cannot pray in the United States today, where a child, not an institution, not a school, not a class, tell me where it is under our present laws, under the present Constitution, under the court decisions of this land, under the laws of this land, where can a child not pray?

Mr. JEPSEN. In school.

Mr. WEICKER. A child can pray in school.

Mr. JEPSEN. If a child can pray in school, then I do not know what we are doing here. We are misinformed and everyone in this body is misinformed and the whole debate is uncertain.

Mr. WEICKER. The Senator is absolutely correct. What is being said is that there has to be an organization to that child's prayer, be it a class organization, a school organization, or a law, et cetera.

A child is free to pray today. A child can pray during his lunch hour. A child can pray prior to an exam. A child can pray before he comes up to bat. A child can pray in school. A child

can. An individual can. That is a total freedom.

What the Senator is doing in this amendment is to say that freedom is no longer total but rather circumscribed in a certain way. That is the argument. We have total freedom today. Anything that is passed in this Chamber makes that freedom all the less.

I might add do not forget what we are talking about. There is no difference in the Constitution as a matter of age. There is no differentiation whatsoever. We are all free from the time we are born to the time we die to go ahead and pray anywhere, anytime. There is no restriction on the individual. The restriction comes on government. The school is government.

In the course of my discourse last night with a certain acting type, he indicated he did not realize the school was government. School is the government. At least public school is. That is the government.

So there is no restriction. Everyone in this Nation is free to find their own way to their Maker, to the Creator.

But what the Senator does here today is to say in what form that worship is to be, and that is the essence of the debate.

Indeed I would be the first one to join the Senator from Iowa in any situation where a child of his or her own volition or indeed anyone else in this country is being denied the right to pray.

Now, again, I repeat my question: Tell me where it is that anyone in this Nation is denied the right to make his appeal, his prayer to his God.

Mr. JEPSEN. I have great respect for the Senator from Connecticut. I will have that answer in detail on tomorrow because obviously if I were to stand here and say I did answer it, the Senator would say it is not correct.

The fact we are having this debate, the fact that the whole Nation is focused in on this indicates to me there must have been some problems with praying in public schools.

You can do about most anything you want in public schools as long as you do not say grace before a meal.

Mr. WEICKER. What the Nation wants, is the use of religion as a disciplining force in the secular life of the Nation. Now that is what should not happen. Anyone is free to pray. They are free to pray today.

No, there is not a freedom for the school to organize prayer. I would agree with the Senator. There is not a freedom for the State to organize children to pray. There is not a freedom for the school board to order the children to pray, but the child, as an individual, may pray, as, indeed, I may.

Mr. JEPSEN. I will elaborate on that. You have sort of thrown the gauntlet down.

Mr. WEICKER. No, I am not throwing the gauntlet down. The Senator knows this. He knows he is my dear friend and is one of the most fair, most knowledgeable, and most able Senators in this body. He is a man of deep religious convictions.

No gauntlet is being thrown down, because you are articulating merely what is being said out there on the street. You are right. The whole Nation is saying: "Why can't they pray?" I want to make that clear right now. They can pray. You are absolutely accurate in articulating the principal question on the lips of many American people.

I hear it repeated time and time again—"Well, 80 percent of the Nation wants prayer." Now we get into a different field. Eighty percent of the Nation wants it. My answer to that is very simple: Eighty percent of the Nation supported racial discrimination at one time, 80 percent of the Nation went ahead and discriminated against the retarded and disabled at one time. Now, shall we have followed 80 percent of the Nation in what it felt on either of those issues?

Now, let me turn the coin over. Eighty percent of the Nation wants abortion as defined by the Supreme Court decision. Yet, are we not trying to contest that? Eighty percent of the Nation wants ERA, the equal rights amendment. Are we following that popular opinion?

Let us understand that the job of a U.S. Senator and the President of the United States is a matter of leadership and not a matter of finding out where the percentages lie. In this case, 80 percent of the Nation—according to however the poll is phrased, it would not make any difference to me—is wrong, as it was wrong when it discriminated in any form whatsoever.

So I am hoping that we do have a complete debate on the floor. The distinguished Senator from Iowa has well articulated a point of view that is clearly the prevalent point of view in this country. I am not arguing that point with him at all.

And I want to use this by way of an occasion to speak to some comments that have been made lately, because I happen to know of the admirable manner in which the Senator from Iowa conducts himself.

In the course of this debate I have heard references to those of us who espouse my viewpoint as being clearly more committed to the Constitution of the Soviet Union than we are to the United States.

Mr. JEPSEN. Not from this Senator.

Mr. WEICKER. No, and that is why I want to make this point so as to display my respect for the integrity and for the candor and for the great depth of commitment of the Senator from Iowa.

But let me just comment on those other persons who are delivering themselves of the reasoning behind the positions that many of us take—more committed to the Constitution of the Soviet Union than we are our own; these are the opinions of Larry Flynt and Hugh Heffner and Madalyn Murray O'Hair, and right on down the list.

The one thing that is a common bond here between the Senator from Iowa and the Senator from Connecticut is our deep religious conviction and how best to express it. That is the only element, if you will, of difference between us—not the fact that there are not 100 people of deep faith in this body, but how best to express it.

So, let the garbage collectors and those that care to find the basis for their arguments in nonreason get out of the debate. They have no place in it.

On the contrary, this is the most important debate that any of us have faced; at least I believe that to be the case during my career in the U.S. Senate.

I am well pleased, I might add, in the tenor of that debate, as to what has been said on both sides of the issue by all persons. These has been no meanness, no vituperation, no dirt, but rather each side forcefully trying to explain, in historical terms, contemporary terms, the reasons for what it is they are doing.

Now, again, I repeat, on the matter of the authors of the first amendment, Thomas Jefferson and James Madison—and they were the authors of the first amendment of the Constitution of the United States—I am afraid you are going to have to find your authority elsewhere. It does not lie in those two men. Writing after writing, which I will be glad to read or submit for the record, clearly sets out what it is they meant. What they intended was to avoid the great tragedies of history in this country.

I might add that even in their time—you cannot blame our Nation for drawing apart from its Constitution—even in their day you had the establishment of religious in State after State. My State of Connecticut was the worst on this point. The State of Connecticut, the State of New Hampshire, and the State of Massachusetts were the three States that had established religions, long after the first amendment was passed.

Mr. JEPSEN. Way up into the 1800's.

Mr. WEICKER. Even after the first amendment was passed, these States hung onto their churches to the detriment of other faiths within their State bounds.

As a matter of history, both Jefferson and Madison were enormously impressed by the State of Pennsylvania.

Pennsylvania had the most heterogeneous group of religions, many of which had come from the New England States, which were rather rigid in the application of their various doctrines.

So on this matter of the historical significance of the authors of the first amendment, they were firm in their views as to what it is they were trying to achieve by keeping both the State and the Government apart.

If I could read just one more quote, then I will be glad to listen to my friend.

Mr. JEPSEN. I just wanted to ask a question about Jefferson sometime when it would fit. Can I do that?

Mr. WEICKER. I beg the Senator's pardon?

Mr. JEPSEN. I would like to explore with you—and you will have to help me some because I am not totally sure, but I think it is accurate—about what Thomas Jefferson did. You have interpreted what has been written or what others have said. But also in history—and I am not the student, nor do I pretend to be, that my distinguished colleague is or others—but did not Thomas Jefferson serve as president of the University of Virginia at one time?

Mr. WEICKER. That is correct.

Mr. JEPSEN. And at that time, did not Thomas Jefferson specifically make arrangements for Bible studies and rooms and facilities provided on that campus for studying religion?

Mr. WEICKER. I cannot answer that question.

Mr. JEPSEN. I will get you the documentation. He did.

Mr. WEICKER. The answer is that Virginia, like several other States, had an established religion, which was the Anglican religion, and it was from that both Jefferson and Madison sought to withdraw. And, indeed, that is what precipitated—as you know, one of the three great things that Jefferson wanted written on his tombstone were the Facts of the Articles of Religious Liberty in the State of Virginia, which was the spawning ground for the first amendment.

In order, those three items were: the Declaration of Independence, the Articles of Religious Liberty in the State of Virginia, and his involvement with the University of Virginia. That is what he wanted to be remembered for. It is in those Articles of Religious Liberty in the State of Virginia that Jefferson and Madison sought to depart from the establishment of State religions.

In the Malone interview, the question was asked:

Was there much interplay between Jefferson and Madison in developing the concepts that led to the First Amendment?

Malone: There was no disagreement whatever between them about freedom of religion. The Virginia Statute for Religious Freedom was passed after Jefferson had left the country and was in France, and it was passed under the guidance of Madison. Madison saw it through. So you see they were completely together so far as doctrine.

Jefferson and Madison thought there was a great value in having religious diversity. They talked a lot about Pennsylvania. Pennsylvania was one of the most heterogeneous of the colonies and had a great variety of religions and minor sects of all sorts and had the highest degree of religious freedom. And Jefferson and Madison thought there was safety in numbers. Whenever you have one dominant group it was likely to be tyrannical.

Question:

Church-state separation was a radical concept at that time, wasn't it? How did Jefferson come to endorse such a radical concept?

Malone: Why, I don't know. I have great difficulty in figuring out where people get their ideas. Where did Jefferson get this idea? Where did he get that idea? Since I can't tell you where I got my own ideas, I find it extremely difficult to do. I think it was just his own. It was just inseparable from his idea of the freedom of the mind.

He thought that authoritarian governments tended to be tyrannical. And he talked about kings and priests in the same sentence. By priests he didn't mean just Catholics; he meant any clergymen. He thought they were disposed to limit freedom and even to suppress freedom of the mind. And he had history on his side. They certainly had. So the only thing to do was to get them out of it entirely and say that the functions of government extend only to action, no opinion.

And then the last question:

Church and State: The Congregationalist clergy, the established clergy in New England, opposed him in his campaign for president. Did that have an effect on his views toward the clergy in politics?

Malone: They certainly did, but his views were all established before that. As a matter of fact, he says that the conflict in Virginia [over the Statute for Religious Freedom] was the bitterest of his life. I've never been quite able to believe that because it seems to me that the attacks on him by the Congregational clergy in New England far surpassed anything I know about in Virginia. They denounced him in the pulpits you see. From the pulpit! They said all sorts of outrageous things about him, that he was going to confiscate Bibles and to hide your Bibles. They accused him of personal immorality and the stories of his personal immorality were circulated by his religious opponents. Stories for which there was no foundation in fact. He was a very moral man.

So the matter of Thomas Jefferson and the first amendment was just as hotly contested in that day as indeed now it is in this school prayer debate on the Senate floor.

Mr. JEPSEN. I accept the very scholarly and historical aspect of what the Senator is reading, about what other folks have written, about how they interpret what Jefferson said. I think that is what that is.

What I want to stay with for just a minute, and I will be very brief, is not what somebody interpreted that he said or what he meant.

He is not here to tell us what he meant, but we have this very scholarly dissertation on it.

There are facts as to what he did. One of these I have discussed with the Senator with regard to one of the things we are not permitted to do, to provide facilities in public schools for Bible studies, and offer religious activities.

As I pointed out, they can teach yoga, the Communist manifesto, and have all kinds of meetings with offbeat groups on any subject, so long as it is not about God. Jefferson, by his actions, provided for that.

This is very simple. It is not very scholarly, but it is simple. I have one other question: Were not the school boards and the schools put into the Washington, D.C., area when Jefferson was President?

Mr. WEICKER. I cannot answer that.

Mr. JEPSEN. I believe so. Also, I think one of the two basic books that were part of that school system was the Bible. With Jefferson, with his supposed deep concern to keep this total wall of separation, provided that the Bible be one of the basic textbooks in the school system. I believe that is correct.

Mr. WEICKER. Let me read to the Senator the appropriate clause of the bill relating to the establishment of religious freedom which Jefferson himself wrote.

SECTION 2. We, the General Assembly of Virginia, do enact that no man—

It does not say men or women or 10-year-olds or 2-year-olds—

should be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burdened in his body or goods, or shall otherwise suffer on account of his religious opinions or beliefs, but that all men shall be free to profess and by argument to maintain their opinions in matters of religion and the same shall in nowise diminish, enlarge or affect their civil capacities.

This brings me back to the request I made of the Senator: Where is it in this Nation that a man cannot, where an individual cannot, profess his or her religious beliefs? Not a class, not a school or an individual. That is, unless by his arguments here on the floor today, and those who join with him, there is a difference in the application of the Constitution dependent upon the age of the person involved.

Mr. EAST. Mr. President, could I make inquiry of the Senator? I do not like to disturb the Senator's fine discourse on the merits of Senate Joint Resolution 73, but I would like to make a personal inquiry, if I might.

I was interested at some point in making a statement in support of the joint resolution.

Mr. WEICKER. Mr. President, I think the Senator should do so right now.

Mr. EAST. Mr. President, I do not mean to interrupt the Senator.

Mr. WEICKER. President, I think we should move to other Senators for discussion. I have no desire to hold the floor.

Mr. EAST. The Senator has always been very gracious on a matter such as this when we have been here, the two of us. I did not want for a moment to have this interpreted as asking him to yield the floor so I could offer some allegedly greater wisdom.

Mr. WEICKER. I yield the floor.

Mr. EAST. I thank the Senator. I am honored that the Senator is on the floor at this time. Whether he will find my comments particularly useful or enlightening I leave to his fine judgment.

Mr. President, I would like to take a few moments to state my support for Senate Joint Resolution 73. As a member of the Judiciary Committee I have been a cosponsor of the measure, and I think it has great merit. I would like to show for the record why I have this confidence in it.

I think what we need to do, Mr. President, in examining this, because it is a very emotional issue, is to try to get back to some fundamentals of the Constitution in terms of what the framers intended by the first amendment, the so-called no establishment clause.

It is as clear as anything can be that the purpose of the first amendment and the no establishment clause was to do two things: One, it was to forbid the Central National Government from creating a national church—Presbyterian, Baptist, Catholic, Jewish, whatever—to forbid the central National Government. It says, "Congress shall make no law regarding the establishment of a religion." In the context of that century, the 18th century, that meant the official church state, for example the Anglican church in England.

Two, it means to reserve to State and local government a monopoly or control over this question of the relationship between church and state. That was the situation at that time.

For example, in Massachusetts you had a very close relationship between church and state. In Rhode Island, you had none at all. You had many States or previously colonies, such as North Carolina where I come from, or Virginia, where the Anglican church was the official church, but other churches were free to form voluntarily through private financing.

But one cannot stress too strongly here that the intention of the first amendment by the framers was purely and simply this: To forbid the establishment of, one, a national church. I do not know of anyone in America today who is questioning that proposition. And, two, their intention was to leave it to State and local government to decide the nature of that relationship.

Madison shepherded through the first Congress the Bill of Rights, of which the first amendment was a part. That was the clear intent and the clear purpose, without any question.

The modern court, the contemporary court, has gone very much astray from that. Beginning in 1962 in Engel against Vitale and then following the Abington School District against Schempp case, the Court developed this idea that the first amendment applied not only to the central National Government, which was the intention of the framers, but that it applied to State and local government also.

There they clearly violated one of the basic tenents the framers had in mind, namely, that State and local government would make the decision.

They went further: Over a period of nearly 20 years, it came to the point, through Federal extension and control by the Supreme Court, that State and local government, in their public schools and sometimes in other areas, were being forced to stamp out all vestiges where there was a religious symbolism or connection between church and state.

That was never, never the intention of the framers. To the contrary, their point was, leave it to State and local government to make those determinations.

Curiously, as the decades went on here, beginning from the early sixties, it appeared the Court was becoming hostile to traditional religious beliefs in this country. They talked about, for example, separation of church and state in the Constitution.

Well, I would remind students of the Constitution, to get back to my theme of constitutional fundamentals, the phrase separation of church and state appears nowhere in the Constitution. It was a phrase used on occasion by Jefferson pertaining to the situation in Virginia as he thought they ought to do it in the State of Virginia. He was the author of the statute of religious liberty in the State of Virginia as he thought Virginia ought to do it. That was Jeffersonian democracy, to let State and local government decide.

Let us carry this now to its logical extreme. Let us say, for example, that separation of church and state were accepted as a constitutional premise, which I submit you could not because it is not even in the Constitution.

Let us say further that we require that all vestiges of traditional religious belief or practice in this country of the Judaic-Christian heritage were required to be eliminated. Look at the monstrosity we would create. We could have no chaplains in the Armed Forces; we could have no religious facilities on military bases. We could not open the Senate or the House with prayer. We could not have "In God We Trust" on our coins. We could not say "God Save This Honorable Court" when the Supreme Court opens, and Lord knows, it needs it. We could not allow the President, at the conclusion of his Presidential oath, to say—and every President has acknowledged that he needs it—"So Help Me God."

All of that would have to be eliminated. Why? Well, now, you see, Mr. President, according to the opposition, you can have absolutely no vestige, no symbolism whatsoever between church and state at any level in the American federal system.

Do you know where that leaves us ultimately, Mr. President? It leaves us with the Central National Government establishing a national religion of secularism. And that is the total perversion ultimately of the intention of the framers, which was that we would have no established national religion. In this case, the religion was becoming secularism. It is a world view. It is materialistic, it is naturalistic.

I think the American people maybe were not constitutional experts but they began to feel, down in the recesses of their hearts and souls where commonsense resides, that something had gone astray, that this was a tortured and wretched interpretation of the Constitution that Madison, Jefferson, and other great men of that period could not have meant.

It is interesting to note that even the Supreme Court, fortunately, is now beginning to see the point apparently, possibly. Yesterday, in the Rhode Island decision regarding the nativity scene, the Chief Justice, in a 5 to 4 decision, said this:

> To forbid the use of this one passive symbol, the creche, at the very time people are taking note of the season with Christmas hymns and carols in public schools and other public places * * * would be a stilted overreaction contrary to our history * * *"

He concluded:

> Any notion that these symbols pose a real danger of establishment of a state church is farfetched indeed.

And that it is. It would appear in this very close decision that even the Court itself is now beginning to see it had gone astray and that it must come back to a commonsensical interpretation of this first amendment. It is an encouraging sign, this Rhode Island decision of yesterday. If we pass this amendment, and I submit it is a very modest amendment, we would be contributing to a continuation of that commitment to the idea that State and local government can handle the matter.

What is so radical about that proposal? That is exactly what Madison had in mind, who is known as the Father of the Constitution. That is exactly what Jefferson had in mind, who is known as the great founder of religious liberty in this country. What two greater spokesmen in our founding period than Madison and Jefferson?

They would agree with that decision. They would agree with it in the sense that the State of Rhode Island and the local government of Rhode Island can make that decision on their own.

I would not attempt to dictate to the school board of Omaha, Nebr., how they might best handle their situation. I trust the school board and local authorities of Raleigh, N.C. Some people are appalled today and would say, "You mean you would trust State and local government to make decisions of this kind?" Yes, I would.

What is so radical about that? That is pure Madisonian-Jeffersonian federalism. That was the purpose of the first amendment: The Central National Government would not create a national religion and State and local government would be free to handle the matter.

It is curious today when you propose that kind of solution, some are appalled that you would trust State and local government, that you would trust the people at the local level to make that decision. Do you know why there is such a strong reaction to it today, Mr. President? It is part of the mood of this country that the elites on the banks of the Potomac always know best, be they bureaucrats, be they lodged on the Supreme Court, be they Members of the U.S. Senate or the House, or the President.

Oh, goodness gracious, we could not dare trust State and local government to make wise and prudent decisions. How un-Jeffersonian that is and how un-Madisonian it is.

No, I confess; I plead guilty. There are many matters of a policy nature in this country that must be decided that I am willing to trust State and local government with. If you say, "Senator, that earmarks you as a profound radical," then I say, "I am sorry, but I think Jefferson and Madison made great sense and I think the great centralists or elitists of today are wrong—wrong in their fundamental understanding of the U.S. Constitution."

Let me end on this note to put it in perspective. I get communications from my constituents and I suspect every Senator here does. They say, "Gentlemen, why are you wasting your time on such matters as prayer, abortion, busing? You should be dealing with questions of the Federal budget, deficits, national defense."

Of course, they are correct. But you see, it is not we but they, it, the Court, that created the constitutional crisis. It is they, for example, who took the abortion effort in their Roe against Wade decision in 1973, nationalized it and polarized it and pulled us into the tumult. Why not have left it where it was, State and local government to decide?

The same thing with prayer. They have polarized it, nationalized it, pulled us into the tumult. Again, if they had left it with State and local government, I think it could have been resolved in time in practical and suitable ways.

Same thing with busing. If local school boards wanted to bus, let them bus. If they thought it would contribute to a more harmonious racial relationship in their communities, I would have no objection to the people of Boston busing, the people of Los Angeles, the people of Raleigh, N.C.

Yes, you might say, "EAST, I cannot believe what you are saying; you would actually trust State and local government and local people to make decisions of that kind. You are correct, I would." And if we had been allowed to do that and the Court had not intervened and been so active and polarized and nationalized this issue, we would not have to be today debating this kind of issue. We could be debating national issues, which is what Madison and Jefferson had in mind for us to do by giving us a Central Government of limited and defined power.

So I submit and I tell to my good constituents, yes, I wish it were so, I wish we did not have to deal with abortion, busing, prayer, the so-called social issues. But did we raise the point? No. The Court did.

There is a little glimmer of hope in all this right now. Recently, the Supreme Court in an abortion decision indicated they thought Roe against Wade was wrong. If we could reelect a President in 1984 who will appoint a few more Sandra Day O'Connors, that issue will no longer be a national issue. It will be back at the State level where it belongs. And as to the nativity scene decision which was handed down yesterday by a close 5-to-4 decision, if we can reelect a President in 1984 who will appoint justices who think like Sandra Day O'Connor and the majority in that opinion, prayer will go back to where it belongs, busing will go back to where it belongs, and the U.S. Senate and the U.S. House of Representatives can once again turn to the kinds of issues that Madison and Jefferson thought we ought to be dealing with, namely those national in scope.

People ought to read the federalist No. 10 where Madison artfully defines Federalism. He notes this point. It is the idea that in a federal system you have laboratories of democracy. Virginia can try it one way, Pennsylvania another, North Carolina another, and out of the ferment of democratic State and local experimentation would be the great vitality of this Federal republic. But that offends the elitists and the centralists today.

No; I have been challenged before in this debate on the Senate floor by people who have said to me, "Senator, do I understand you to be saying you would trust State and local government to make decisions of this kind?" Ladies and gentlemen, that is exactly what I am saying. Am I radical for having said so? No. I am a Jeffersonian, Madisonian, democratic with a little "d." And that is what this amendment is all about. It is a simple, modest effort to allow State and local government to deal with a very modest, simple thing; namely, Will voluntary prayer be allowed in the schools of their respective communities?

Now, is that not something? Is that not something?

So I support this amendment. It is modest, very modest. It is the least we can do to encourage the trend, the very least we can do.

Now, with all due respect to those who have offered an alternative that, well maybe we ought to allow just silent prayer, I respect their integrity, but when you stop and think about it, that is a little silly, is it not? You can say, "EAST, you can pray silently in the schools."

Well, how would they know if I were not anyway? Would the principal call me down to the office and say, if we did not have that amendment, "EAST, is it true you were silently praying in the men's room?" Oh, come now, this is 1984, but even George Orwell did not have that fertile of an imagination. As the President said the other night, we already have the right to remain silent with the fifth amendment. We do not need a constitutional amendment to do that.

Now, if we are going to do something, let us do something that is modestly worthwhile, and this is Senate Joint Resolution 73. If we cannot see our way on this one, we might as well drop it. Eventually, I think the commonsense of the American people, because it is a democratic Republic, will bring about the change that we want. The greatest glimmer of hope I see—and I end on this note—is the Supreme Court itself in changing its mind. I have suggested to the White House in this campaign that I regret it has become a political issue. I have suggested to the White House in this campaign that one of the prime issues they ought to raise is this: If Ronald Reagan is reelected President, he will nominate more Sandra Day O'Connors to serve on the Supreme Court and we can once again continue the trend of returning to the sound and fundamental principles of a Madisonian-Jeffersonian democracy. I say hallelujah to that, and I hope I do not offend anybody by saying amen, the great blessing it will be.

So I commend to my colleagues their very serious attention to this amendment. It is constitutionally firm. It is good commonsense. And I will bet you the overwhelming majority of the American people would support it if

they understood constitutional essentials and fundamentals were involved.

I hope the debate can stick to those because that is what is critical—the fundamental constitutional premises involved and what did the Framers intend.

So, Mr. President, on that note, I shall cease and desist. I have appreciated the indulgence of the Chair for allowing me to speak on this very important matter.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER (Mr. ABDNOR). The Senator from Nebraska is recognized.

Mr. EXON. I wonder if my friend and colleague from North Carolina might enlighten this Senator. I have been listening to a considerable amount of the debate today on this issue. Frankly, I think I share the basic beliefs that have been expressed today with regard to Senate Joint Resolution 73 and its intent as expressed by the Senator from North Carolina, with the understanding that I do not necessarily endorse some of the political decisions that the Senator from North Carolina hopes the people will make in November of this particular year. But aside from that, which I think is not the issue—and I suspect my friend might agree with that—I have been agonizing over this and maybe he can enlighten me. I am not a lawyer and I do not believe my friend from North Carolina is.

Mr. EAST. Yes, the Senator is a lawyer.

Mr. EXON. The Senator is a lawyer.

Mr. EAST. Yes. Yes.

The PRESIDING OFFICER. The Sergeant at Arms will restore order in the gallery.

Mr. EXON. The Senator from——

The PRESIDING OFFICER. One moment. The Sergeant at Arms will restore order in the gallery, please.

Mr. EXON. The Senator from Nebraska is pleased to know the Senator is a lawyer. Therefore, maybe he can help me interpret the wording of this constitutional amendment. Earlier in the day—it was not an original thought by me—the Senator from Arkansas (Mr. BUMPERS) brought up a concern that he had, which is the basic belief of this Senator, that we should allow prayer in some form in the public school. He brought up two issues. One, he said he was concerned about the phrase "or other public institutions." He raised a question, a legal question. The Senator from Arkansas is a lawyer. When he asked that legal question, I began to say, "Now, wait a minute. We pass an awful lot of laws here, and probably some constitutional amendments, that are addressed as meaning one thing and, once written into the law, seemingly mean something else—at least, as interpreted by the Supreme Court."

The question that the Senator from Arkansas brought up was this: When you say other public institutions, I assume it means this building, a public institution. Would that mean that if this would become part of the Constitution, quasi-religious groups, which probably the Senator from North Carolina and this Senator from Nebraska would not consider religious groups, would be able to come into this building and have individual or collective prayer meetings of 1 person or a 1,000?

Would that be guaranteed if this resolution became part of the Constitution?

Mr. EAST. I do not see any reason why they could not, nor why they should not, if they followed the normal rules in securing a room and conducted it in a way which is in conformity with the rules of the Senate. For example, the liquor lobby can come in and get a room and hold a reception to entertain Senators and Congressmen to lobby, let us say, a tax, potential excise tax on liquor. And so it goes.

We have groups all the time coming in and utilizing Capitol Hill facilities to lobby for various causes and interests. I would have no objection if a Jewish group, a Christian group, a Protestant group, or a Catholic group, whatever it might be, for some reason saw fit, under the normal rules and regulations of the U.S. Congress, to wish to utilize a particular room, such as the Mansfield room, between the hours of 5 and 6. I would have no objection to that.

I think what is unfortunate—and the Senator raises a valid question—is that whenever we adopt an amendment, one never knows quite what the courts might do with it. That is why I wish we did not need anything and would have the courts accept what was the intention of the Framers and simply leave these matters to State and local government. But they have chosen not to do it.

Also, I would prefer, as a simple matter, as a way we could have dealt with this, to withdraw the jurisdiction of the courts to hear these cases. We have the power under article 3. We do it in other cases, but there has been no disposition in the Congress to do that. So they leave us no choice but to fall back on the amending process.

So there is always a degree of uncertainty in it. That is true in this case. But, that just adheres to the nature of language and the potential for court interpretation of it. But, yes, I presume it would mean that.

I would see no personal objection. Why should they not be able to do so? Every other lobby group in America can come into these buildings, and the same argument can be made with respect to the schools. I state the case. But it seems to me that you can do about everything you want to in the public schools today except pray. Everything else is fair game.

I think the American people are beginning to wonder: Is it not strange that everything else seems to go in public schools, except, of all things, you cannot have voluntary prayer. It is an absurdity. It is a denial of the whole proper understanding of the Constitution and intention of the framers as regarding the establishment clause.

Second, I think it violates that part of the Constitution regarding religious liberty. We have liberty to do everything else in this country on school property, in public institutions. The one thing you cannot do is have anything to do with religious symbolism.

I am getting back to my point. What has been going on here is that you are creating a national religion of secularism. That is the ultimate, complete perversion of the first amendment. That is exactly what they did not want—to establish a national religion.

If you left it up to Madalyn Murray O'Hair, she would establish the national religion of atheism; and it is a religion, if by religion you mean a perspective of life. Her perspective is a total naturalistic and materialistic faith. Hers is a no-God religion. She is entitled to that. Certainly, the first amendment does not guarantee her the right to impose that religion as the national religion of this Federal Republic, and that is what has been occurring. That is why the American people, I think, are finally welling up in their commonsense and saying: "I never had any course in constitutional law, but I have always had great respect for Thomas Jefferson and James Madison and George Washington and Banjamin Franklin, and I cannot think they would approve anything as perverse as what is going on today," and they are absolutely correct.

I regret that it has come to the point where we must spend our valuable time niggling over constitutional amendments on matters that ought not even have been brought before us. We ought to be in here discussing the deficit or national defense, things properly assigned to us under article 1, section 8 of the Constitution.

Here we are debating issues that Madison and Jefferson intended to be handled by State and local government. Again, if there is one thing the modern centralizers and elitists in Washington—which has been going on for decades—cannot stand, it is the thought of State and local government deciding anything.

I think it is a very radical position they take. I do not think my position is radical. Why? It is Jeffersonian and Madisonian, and I do not know anyone who is more mainstream constitutionalist than James Madison, known as

the Father of the Constitution, and Thomas Jefferson, who is known as the great founder and symbol of democratic, representative government in the United States.

I stand with those two gentlemen, and I think it is good company, and it sure beats Madalyn Murray O'Hair.

Mr. MELCHER. Mr. President, will the Senator yield at that point?

Mr. EXON. This Senator has the floor, I think.

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

Mr. EXON. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Nebraska has the floor.

Mr. EXON. I thank my friend from North Carolina. He has established very well that he is indeed a lawyer, and I apologize for not knowing that earlier. I asked a simple question and got an eloquent and very lengthy answer, in a very lawyerlike fashion.

Mr. EAST. I apologize.

Mr. EXON. I wonder if the Senator can help me with a little more free advice.

Mr. EAST. Yes; generally, with lawyers, free advice is worth about what you pay for it.

Mr. EXON. I am afraid that might be the case, but I preface my remarks with that.

I simply want to say that there is nothing in this language in Senate Joint Resolution 73 that prevents or establishes any local control. I take it that if this becomes part of the Constitution, a group of Communists could enter my school back in Lincoln, Nebr., and hold a seance to Lenin. I am sure it is not intended, but would not that be allowed under this particular language?

Mr. EAST. Conceivably, Ku Klux Klanners can come on public property today. Nazis can do it; everybody else can do it.

Again, I get back to my point: The doggone thing is that everybody can do it but somebody who might be coming on public property in the name of traditional religious Judeo-Christian values in this country, and they are forbidden.

I say that you have established a national religion and have been in the process of doing it, until the blessed nativity scene of yesterday, of establishing a national religion of secularism.

You can have a meeting and promulgate every other ism in the world today except the great faiths that have stood the time in the West and in the great Western heritage and the great Western tradition.

I say something has gone awry, something has gone amiss. We need to try to correct it.

I think the Court is sensing it, and I think this amendment is a modest contribution in that direction.

Mr. EXON. I thank my friend from North Carolina.

This Senator feels we should do something about this area. I am asking him questions to make sure that we are following the right track.

Mr. EAST. That is right.

Mr. EXON. That is the well-thought-out track to get the job done.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I believe there are no other speakers for this evening. I ask unanimous consent that there now be a period for the transaction of routine morning business until no longer than 6 p.m. under the same terms and conditions as previously ordered.

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

DR. KISSINGER'S PLAN TO RESHAPE NATO

Mr. BAKER. Mr. President, in a recent article for Time magazine, former Secretary of State Henry Kissinger examined the current state of the NATO alliance and found it in need of both strategic reform and structural repair.

Dr. Kissinger found particularly troublesome the lack of an agreed, credible strategy for defending Western Europe against a Soviet attack, the ambivalence in European capitals about the worth and purpose of intermediate—range weapons and arms control, the conflict between prevailing American and European notions of how best to conduct East-West relations generally, and the tendency of European powers to separate themselves from the United States in dealings with the Third World.

Dr. Kissinger's blueprint for repairing the structure of the alliance has become a subject of considerable controversy on both sides of the Atlantic. He maintains that by 1990 Europe should assume the major responsibility for conventional ground defense of the alliance, that the Supreme Allied Commander of NATO's armed forces should be a European with an American deputy, that the Secretary-General of NATO should be an American rather than a European, and that Europe should take over those arms-control negotiations that deal with weapons stationed on European soil.

There is much more where this summation came from, Mr. President. Dr. Kissinger has written one of the most logical yet provocative treaties on the Atlantic alliance to appear in a very long time. It is a masterful treatment by a master of diplomacy, and it richly deserves the careful consideration of the Senate.

I ask unanimous consent, then, that the full text of Dr. Kissinger's Time magazine article, "A Plan to Reshape NATO," be inserted in the RECORD at this time for the benefit of my colleagues.

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

[From the Time magazine, Feb. 28, 1984]

A PLAN TO RESHAPE NATO

(By Henry Kissinger)

(After 35 years of preserving peace in Western Europe, the Atlantic Alliance confronts new military, political and social realities. In this article, a former Secretary of State proposes dramatic—and in his view, vital—steps to help the alliance meet the challenges ahead. Among them: NATO's Surpeme Allied Commander should be a European, not an American, as is now the case; Europe should have a decisive voice in certain nuclear arms-control talks and greater responsibility for its ground defense. If Europe refuses to accept that responsibility, the U.S. should withdraw up to half of its ground forces from Europe.)

Lebanon and the Soviet succession have preoccupied us in recent weeks, but the Atlantic Alliance must remain the pivot of American policy. On its unity depends the security of free peoples. From its cohesion will flow whatever hopes the Soviet succession offers for a new dialogue. Unfortunately, just as storms recur in nature, crises recur in the Atlantic Alliance. Nearly every Administration for a generation has been involved in them. However, the present controversies in NATO are both unprecedented and unsettling.

In West Germany, Scandinavia, the Low Countries and even in Britain (though to a lesser extent), "peace" movements have been pulling governments in the general direction of their policies, even though those governments disagree with their premises. In addition, the main opposition parties in West Germany and Great Britain—which, in the nature of democratic politics, can be expected to get into office eventually—are advocating policies that amount to unilateral nuclear disarmament for their countries. Because these groups hold sway over key segments of public opinion, too many European leaders—even conservative ones—have yielded to the temptation to demonstrate their peaceful intentions the easy way, by pretending to be reining in a bellieose and insensitive U.S. through their ministrations. As a result, among those who shape public attitudes—and thereby set what become the limits of the politically possible—there is less intellectual or philosophical agreement than in any previous period.

This creates an exceedingly dangerous situation. An alliance cannot live by arms alone. To endure it requires some basic agreement on political aims that justify and give direction to the common defense. If military arrangements provide its only bond, it will sooner or later stagnate. It will

surely prove unable to take advantage of diplomatic opportunities for an easing of tensions. That is the central issue before the Atlantic Alliance today. It requires a remedy that is fundamental, even radical—in the literal sense of going to the root.

Four problems in particular are gnawing at the alliance:

(1) Lack of an agreed, credible strategy. The gap between NATO's formal strategy and what the public will support has widened dangerously. The so-called flexible response devised in the 1960s remains NATO's official doctrine. It contemplates a defense of Europe that begins with conventional weapons and then goes up the ladder of nuclear escalation—until it reaches whatever level is necessary to halt Soviet aggression. In today's circumstances this doctrine has a fatal weakness: neither existing nor projected NATO conventional ground forces are adequate to repel a major Soviet conventional attack. Therefore, the doctrine would require a nuclear response at an early stage. Yet strategic nuclear parity deprives the threat of strategic nuclear war of much of its credibility; mutual suicide cannot be made to appear as a rational option. And no alternative nuclear strategy has been developed. Partly for this reason, public opinion, essentially unopposed by most of NATO governments, is moving powerfully against any reliance on nuclear weapons—even tactical ones.

The alliance is thereby trapped in a precarious combination of (a) inadequate conventional forces, leading to (b) reliance on nuclear weapons in (c) a strategic environment that makes the threat of their use, and therefore their deterrent value, less and less credible, and (d) a public climate of growing nuclear pacifism that undermines what credibility remains. Lack of a coherent defense policy leaves the alliance, possessing a huge stockpile of enormously destructive weapons, disarming itself pschologically.

(2) Intermediate-range weapons and arms control. The arrival of the new U.S. intermediate-range weapons in Europe late last year was properly hailed as a major success. For if public demonstrations and Soviet pressure had succeeded in blocking that deployment, the Soviet Union would in effect have achieved a veto over NATO's military dispositions. But unless the alliance clarifies the purpose of these missiles, the accomplishment is likely to be transitory, since the basic European attitude toward the missiles is that of a host toward a now unwanted guest whose invitation to dinner it would be too awkward to withdraw. Some prominent Europeans purport to see in the missiles' presence a hidden American design to confine a nuclear war to Europe. Others treat them as one of those peculiar American aberrations that periodically upset the alliance's equilibrium. Too few recognize, and even fewer are willing to admit, that in fact the missiles link the strategic nuclear defense of Europe and the U.S. Weapons capable of reaching Soviet territory stake the American homeland to the defense of Europe; they do not enable America to remain immune.

European ambivalence makes it excruciatingly difficult to define "progress" toward arms control, while the nearly desperate eagerness with which progress is pursued makes its attainment less likely. The Soviets have refused even to discuss any proposal balancing U.S. intermediate-range missiles in Europe against the Soviet arsenal at a lower level. They insist on total withdrawal of American missiles while retaining a large number of their own. The goal of leaving Europe vulnerable to Soviet nuclear blackmail is obvious. Yet significant segments of European opinion persist in blaming the U.S. for the deadlock. In Europe and in the U.S. this attitude must in time erode the public support needed not only for missile deployment but also for coherent arms control.

(3) East-West relations. Behind the sharp differences over defense strategy and arms control lies a parallel dispute over the alliance's posture toward the Soviet Union. Too many Europeans accept the caricature of a U.S. run by trigger-happy cowboys whose belligerence has provoked Soviet "intransigence. Many Americans, on the other hand, consider such European notions naive and believe that together with the pacifist and neutralist demonostrations, they reflect a trend toward appeasement that encourages Soviet intransigence.

(4) Relations with the Third World. Most European leaders believe that they have a special opportunity to establish preferential relationships with Third World countries. In the flash points of the Middle East, Africa and Central America, they see U.S. approaches as hopelessly tainted by an obsession with Soviet ambitions; some hope to win favor in the Third World by an ostentatious dissociation from the U.S. More than a few Americans view such behavior as a free ride paid for by U.S. sacrifices or as a positive incitement to Third World radicalism.

These differences could be healthy if they led to compatible and constructive policies for the 1980s and '90s. So far this has not happened. Mutual recriminations have created opportunities for Soviet political warfare even during this period of stagnation in the Kremlin leadership. The Politburo is obviously convinced that the West has become so paralyzed concerning nuclear weapons that there is no urgency about nuclear arms control; the Soviets can simply wait for a while to harvest the fruits of Western anxieties. By contrast, there may be concern in Moscow that NATO will move to close the gap in conventional forces; hence the willingness to resume the talks, moribund for ten years, about limiting conventional arms. Does this reflect a genuine interest in arms control, or is it a means to thwart the desparately needed Western conventional buildup by creating the same conditions by which public opinion was mobilized on the missile question? And what is one to make of the almost deferential pleas by all major NATO countries for the resumption of a dialogue that the Soviets have interrupted? Or of the upgrading of all major European delegations except the French to the Andropov funeral, compared with the Brezhenev rites 15 months ago—especially as Andropov's rule was marked by the flagrant attempt to influence the German election, the walkout from arms-control talks and the shooting down of the Korean airliner, not to speak of Andropov's 15-year stewardship of the KGB?

Will the Soviets see Western pleas for dialogue as a demonstration of good will, or will they learn from the compulsion to demonstrate good intentions after months of harassment that in transigence pays because the West has weak nerves? Will we fail to relax tensions because the Soviets conclude that atmospherics can substitute for dealing with the real causes dividing the world? Europe is not moderating the U.S. and the U.S. is not stiffening Europe's spine, as the folklore on each side would have it. More likely, each is in danger of paralyzing and demoralizing the other. Western disunity is perhaps the principal obstacle to progress in East-West negotiations.

This state of affairs has deeper causes than particular policies on either side. The present NATO structure is simply not working, either in defining the threat or in finding methods to meet it.

Existing arrangements are unbalanced. When one country dominates the alliances on all major issues—when that one country chooses weapons and decides deployments, conducts the arms-control negotiations, sets the tone for East-West diplomacy and creates the framework for relations with the Third World—little incentive remains. for a serious joint effort to redefine the requirements of security or to coordinate foreign policies. Such joint efforts entail sacrifices and carry political costs. Leaders are not likely to make the sacrifice or pay the cost unless they feel responsible for the results.

An imbalance such as the one now existing cannot be corrected by "consultation," however meticulous. In the long run, consultation works only when those being consulted have a capacity for independent action. Then each side takes the other seriously; then each side knows that the other's consent has to be won. Otherwise, consultation becomes "briefing." Agreement reflects not conviction but acquiescence for want of an alternative.

The present imbalance is not new. It has existed ever since World War II. But military dependence on another nation has a cumulative impact. When dependence no longer results from wartime destruction but from a policy choice, made under conditions of relative prosperity, it can breed guilt, self-hatred and a compulsion to display independence of the U.S. wherever doing so is safe, especially with regard to some Third World issues and certain aspects of East-West relations.

The problems has become even more acute because the generation of leaders that built NATO has virtually disappeared. Those who governed Europe during the early postwar years were still psychologically of the era when Europe bestrode the world. Global thinking came naturally. European leaders assumed responsibility for their own security policies and gave it up only reluctantly because of special circumstances. But nearly 40 years have passed since the end of World War II. The new leaders were reared in an era when the U.S. was pre-eminent; they find it politically convenient to delegate Europe's military defense to us. Too many seek to position themselves somewhere between the superpowers—the first step toward psychological neutralism. Thus Europe's schizophrenia: a fear that the U.S. might not be prepared to risk its own population on a nuclear defense of Europe, coupled with the anxiety that America might drag Europe into an unwanted conflict by clumsy handling of Third World issues or East-West relations.

The rush to condemn our actions in Grenada by so many of our European allies is a case in point. What could have been in the minds of their leaders? Even making allowance—especially in the case of Britain—for totally inadequate consultation, they could hardly have wanted us to fail. That would surely have affected our willingness to run risks in defense of other areas, ultimately including even Europe. Rather, they must have assumed that their actions were irrelevant and costless: that we would not be deterred, that we would exact no penalty and

that therefore it was safe to use the incident to score points with "progressives" at home and with Third World radicals abroad.

The change in the nature of European leadership has been paralleled in the U.S. Our new elites do not reject NATO any more than do their European counterparts. But for them, too, the alliance is more a practical than an emotional necessity, more a military arrangement than a set of common political purposes.

On both sides of the Atlantic, we find ourselves threatened by the dominance of domestic politics over global political strategy. In Europe this leads in too many countries to a faintly disguised neutralism. In the U.S. it accelerates our already strong tendency toward unilateralism and isolationism.

U.S. leaders have too often adjusted foreign policies to political pressures, bureaucratic infighting or changing intellectual fashions. The history of the American attitude toward intermediate-range missiles in Europe is an example. These were proposed to the Europeans in 1957-58 installed in Britain, Italy and Turkey by 1960 and withdrawn in 1963. They reappeared later in 1963 as part of a NATO multilateral force, and were abandoned once again by 1965. They were put before NATO for the third time in 1978 and accepted once again in 1979. Not surprisingly, Europeans organizing to stop the current deployment are encouraged by the knowledge that previous American decisions have not proved immutable.

Similarly, our allies have had to adjust from passionate U.S. advocacy of SALT II to its rejection, and then to the fact that we have chosen to observe a treaty we refuse to ratify; from a strategic doctrine of massive retaliation to one of flexible response; from a policy of détente to one of confrontation and back to conciliation, not to speak of the gyrations in our Middle East policy—all in addition to the reassessments that occur whenever a new Administration comes into office. Each change of course leaves victims among European leaders who have staked their domestic policies that the U.S. later abandons. Each lurch encourages a kind of neutralism, as Europeans seek to avoid being made hostage to sudden swings in American policy.

A continuation of existing trends is bound to lead to the demoralization of the Western alliance. An explicit act of statesmanship is needed to give new meaning to Western unity and a new vitality to NATO. In my view such an effort must have three components: (a) a more significant role for Europe within NATO, (b) a reform of the NATO organization and (c) a reassessment of current NATO deployment.

A NEW ROLE FOR EUROPE

During the entire post-World War II period it has been an axiom of American policy that for all the temporary irritation it might cause us, a strong, united Europe was an essential component of the Atlantic partnership. We have applied that principle with dedication and imagination, insofar as it depended on American actions, in all areas except security. With respect to defense, the U.S. has been indifferent at best—at least since the failure of the European Defense Community—to any sort of Europeanization. Many in this country seemed to fear that a militarily unified Europe might give less emphasis to transatlantic relations or might botch its defense effort and thus weaken the common security. The opposite is almost certainly the case.

In the economic field, integration was bound to lead to transatlantic competition, even to some discrimination. What defines a Common Market, after all, is that its external barriers are higher than its internal ones. In the field of defense, by contrast, increased European responsibility and unity would promote closer cooperation with the U.S. A Europe analyzing its security needs in a responsible manner would be bound to find association with the U.S. essential. Greater unity in defense would also help to overcome the logistical nightmare caused by the attempt of every European nation to stretch already inadequate defense efforts across the whole panoply of weapons. For example, there are at least five kinds of battle tanks within NATO, different types of artillery and different standards for calculating the rate of consuming ammunition. In a major conflict it would be nearly impossible to keep this hodgepodge of forces supplied.

Thus the paradox: the vitality of the Atlantic Alliance requires Europe to develop greater identity and coherence in the field of defense. I am not talking about traditional "burden sharing," paying more for the existing effort. I have in mind something more structural—a more rational balance of responsibilities. The present allocation of responsibilities fails to bring the allies to reflect naturally about either security or political objectives. Everyone has been afraid to take the initiative in changing the present arrangement, lest doing so unravel the whole enterprise. But since drift will surely lead to unravel the whole enterprise. But since drift will surely lead to unraveling—if more imperceptibly—statesmanship impels a new approach.

STRUCTURAL REFORM

Structural reform cannot substitute for a sense of purpose and clear doctrine. But if pursued with care and sensitivity, it can help catalyze the development of shared political purposes. These common objectives require that European judgments on security, East-West diplomacy and other matters emerge from Europe's own analysis. Mere acquiescence in American decisions, briefings and pressures provides a facade of unity; shared purposes require a deeper sense of participation. Specifically:

(1) By 1990 Europe should assume the major responsibility for conventional ground defense. This is well within the capability of a group of countries with nearly one and one-half times the population and twice the G.N.P. of the Soviet Union. The Soviets, moreover, have to divide their forces on at least two fronts.

(2) This requires that planning for Europe's defense become a more explicitly European task. Heretofore, the Supreme Allied Commander Europe (SACEUR) has been American. In the new arrangement a European officer should take that traditionally American place, probably with a U.S. deputy. Such a change is also likely to give a new perspective to allied strategic planning. The U.S. has generally achieved its military successes by the weight of the equipment that our vast indistrial potential has made available. This has tended to tempt our military leaders to equate strategy with logistics. European nations have rarely enjoyed such a material margin; rather, they have had to rely on superior leadership, training, initiative and tactics—precisely what NATO needs in an age of nuclear parity and renewed emphasis on conventional defense.

(3) Since the beginning of NATO, the Secretary-General, who is responsible for running the alliance's political machinery, has been European. In the new structure, with its greater emphasis on political coordination, it would make more sense for this official to be American—whenever the new Secretary-General, Lord Carrington, decides to retire. Meantime, no Western leader is better qualified for guiding NATO's transition than the wise and thoughtful Carrington.

(4) Europe should take over those arms-control negotiations that deal with weapons stationed on European soil. The INF negotiations with the Soviets (for intermediate-range missiles) and the MBFR negotiations (on conventional forces) have heretofore been conducted by American delegations. Both of these negotiations should be "Europeanized" as quickly as possible, with a European chairman, an American deputy and a mixed, though predominantly European, delegation.

The structure that I am proposing would enable Europeans to confront—on their own initiative and in their own context—issues that have been evaded for at least two decades: the precise definition of an adequate conventional defense; the nature of the so-called nuclear threshold—the point where there is no choice except conventional defeat or nuclear escalation; the relationship between strategy and arms control. Since nuclear weapons would presumably be used only if conventional defense failed; Europe would be responsible for setting the nuclear threshold by its own efforts; it could relieve its nuclear anxieties by the simple expedient of augmenting its conventional defenses.

By the same token, European leadership in the MBFR and INF negotiations would place final responsibility for both conventional force levels and intermediate-range missile deployment in Europe with the leaders whose countries will have to bear the brunt—for good or ill—of the outcome of these negotiations. This is especially important with respect to the American intermediate-range missiles in Europe. That deployment makes sense only if the allies genuinely believe that the prospect of a nuclear blow from Europe on Soviet territory will help deter a Soviet conventional attack or nuclear blackmail. If our principal allies do not share this conviction, the psychological basis for the deployment will evaporate.

European chairmanship of the INF talks would oblige Europe's leaders to face the issue head-on; their domestic critics would no longer be able to argue (as they do now) that U.S. intransigence is the principal obstacle to arms control.

As for the U.S., it would of course participate in these deliberations—in a less dominant position—through its continued membership in the integrated command, its responsibility for nuclear defense, and its ground, naval and air forces in Europe.

REDEPLOYMENT

The issue of redeploying American forces touches raw European nerves like no other. The slightest hint of altering present arrangements jangles sensibilities; it evokes fears of American withdrawal and prospects of European neutralism. But if present trends continue, it is certain to become a central issue in the alliance relationship. Before dealing with it in the context of a program of NATO reform, a few facts must be noted:

(1) The present NATO deployment of five American divisions and supporting air and naval forces evolved in the 1950s, when

NATO's doctrine was massive retaliation—to react to aggression with an immediate and overwhelming nuclear blow against Soviet territory. Massive retaliation paradoxically required that the total forces on the Continent be kept below the level required for conventional defense. NATO did not wish to tempt Soviet conventional aggression by doing anything to suggest that a Western response would be limited to nonnuclear means. Hence the American conventional deployment in Europe reflected political, not military, criteria: it was intended to give us no choice about nuclear retaliation and to leave the Soviets no doubt that this would be the consequence of even a conventional war. European conventional forces represented a similar political decision: they too were conceived as a trip wire for our nuclear riposte. From the birth of NATO a full conventional defense has been part neither of its strategy nor of its efforts.

(2) This situation became anomalous when the growth of Soviet strategic forces deprived general nuclear war of much of its credibility. Yet NATO deployment has been essentially unaffected by the change. NATO has improved its conventional defenses but has not closed the gap in such forces. As the current NATO commander made clear recently, even counting the five American divisions that have remained in Europe, the alliance is still unprepared to withstand a major Soviet ground attack for more than a few days. European ambivalence continues 35 years after NATO's creation. Our allies remain unwilling to develop forces strong enough to provide an alternative to nuclear weapons—and yet much of their public opinion shies away from even thinking about nuclear deterrence.

(3) Were we to start all over again, we would therefore hardly repeat the decision of the '50s in today's circumstances. Let us assume a group of wise men and women from both sides of the Atlantic came together to plan a global strategy unconstrained by the past. Assume further that it started from the premise that ultimately the defense of the West is indivisible and that European security should be viewed under the aspect of the defense of the West in Europe—as a thoughtful French observer, Francois de Rose, put it. Such a group would almost surely conclude that the sensible division of responsibilities would be for Europe, with economic resources and manpower exceeding those of the Soviet Union, to concentrate on the conventional defense of the Continent. To maintain the global balance of power—by definition as essential for Europe as for America—the U.S. would emphasize highly mobile conventional forces capable of backing up Europe and contributing to the defense of, for example, the Middle East, Asia or the Western Hemisphere.

Such a division of responsibilities would also enable our military establishment to shift some of its intellectual energies and scientific research from a hypothetical esoteric war in an area where we have major allies to the defense of regions where conflicts is much more likely. In such regions our allies are less prone to see their interests immediately engaged, and the countries being threatened are in a worse position to assist in the defense effort.

Even if we were to start all over again, an irrefutable case would exist for maintaining considerable American ground forces in Europe. This would be essential to keep our allies from feeling abandoned and to eliminate any Soviet misunderstanding that the defense of Europe no longer reflects a vital American interest. In a new division of responsibilities we should also preserve and preferably strengthen existing U.S. land-based airpower on the Continent. And we should continue our responsibility for both strategic and tactical nuclear defense, assuming that we and the Europeans could agree on a strategy for the latter. American intermediate-range missiles should remain in Europe to "couple" the nuclear defenses of both sides of the Atlantic so long as European leaders desire them. No change in naval deployments would be involved.

Why then is such a division of responsibilities not realized? The principal obstacle is psychological. For all their criticisms of American policy, Europeans dread a return to isolationism in the U.S. Americans fear that any tinkering with deployment would drive Europe into explicit neutralism. And some in the Pentagon would rather maintain our troops in Europe in a less than rational deployment than return a portion to the U.S. where they are more exposed to congressional budget cutters.

In my view, persisting in a deployment that is losing its rationale accelerates these attitudes. Pacifism and neutralism are on the march in Europe even under the present setup; isolationism in America is not yet so vocal but is being powerfully encouraged by endless allied disputes. An alliance that cannot agree on its political premises cannot sustain itself by clinging to military arrangements decided a generation ago in totally different circumstances. With current trends the issue of the rationale for the NATO deployment will become unavoidable. If it arises not as an integral component in a comprehensive design but as a single question of whether to continue stationing American troops in Europe, unilateral changes will be arbitrarily imposed by the potentially most destructive means—the American budgetary process. Then indeed we might see in America a psychological wrench away from Europe and in Europe a panicky resentiment against the U.S. A changes in deployment without a positive political and strategic purpose, withdrawal for its own sake, might shock our allies into neutralism; it could mislead our adversary and tempt aggression.

There is an urgent need for a serious and rapid re-examination of NATO doctrine, deployment and policies, conducted by men and women known for their dedication to Western unity. The group—to be formed immediately after our elections—must begin with one of the most divisive issues before the alliance: an agreement on the nature and scope of the threat. The group must avoid the tendency of previous such efforts, which set unrealistic goals and thereby magnified the problem. A deadline for completion should be set—certainly no longer than two years.

Theoretically, such a study could lead to one of three outcomes: 1) The group could come to the same conclusions about the optimum division of responsibilities in an agreed global strategy outlined above. Given the disagreements about the nature of the interests involved in regions outside of Europe and the domestic priorities of most European countries, such a conclusion, however rational, is extremely improbable. 2) The group could agree that the strategic interests of the West require a full conventional defense, but that for practical and psychological reasons, Europe can undertake the required effort only if the present American ground deployment in Europe is maintained intact. 3) The group could decide that the realities of European domestic politics preclude more than the current gradualistic, marginal improvement of defense efforts.

I hope very much that Europe would choose the second option. If Europe should agree to build a full conventional defense and were prepared to express that commitment in unambiguous yearly obligations to increase its forces, the U.S. should accept the judgment that its present ground forces in Europe are an indispensable component. Such a decision might in fact invigorate the conventional arms-reduction talks and in time lead to stability at a lower level. But if Europe should opt for a perpetuation of the present ambivalence or for only a token improvement, then the U.S. will owe it to the overall requirements of global defense to draw certain conclusions. If Europe by its own decision condemns itself to permanent conventional inferiority, we will have no choice but to opt for a deployment of U.S. forces in Europe that makes strategic and political sense. If nuclear weapons remain the ultimate deterrent to even conventional attack, a gradual withdrawal of a substantial portion, perhaps up to half, of our present ground forces would be a logical result. To provide time for necessary adjustments, that withdrawal could be extended over five years. To ease the transition further, we could, if Europe agreed, keep the excess ground forces in Europe for a time afterward in a new status analogous to that of the French forces, prepared for use in Europe but also available for use in emergencies outside it. Any withdrawal would make sense only if the redeployed forces were added to our strategic reserve; if they were disbanded, the effect would be to weaken the overall defense.

The proposed redeployment would leave intact air and naval forces, as well as intermediate-range missiles, so long as Europe wants them. A useful byproduct of the process would be a systematic re-evaluation of the existing inventory of very short-range tactical nuclear weapons, a legacy of three decades of ad hoc decisions; these weapons now represent at one and the same time an increment to deterrence and the greatest danger of unintended nuclear war because, being deployed so far forward, they are unusually subject to the exigencies of battle.

In this scheme, withdrawal would be not an end in itself—as it will if frustrations on both sides of the Atlantic go much further—but one component of an adaptation to new circumstances extending over some eight years that rededicates the U.S. to the alliance for the indefinite future.

Psychology is immensely important in international relations, especially when policies turn not only on cold, professional assessments of the national interest by trained political leaders, but on public opinion. I would like to believe that restructuring the alliance to give Europeans greater responsibility for their own defense, while important American forces remain in Europe, will be seen not as an abandonment but as an embrace of Europe. It is a means of enlisting Europeans as full partners in the process of decision on which their safety as well as ours depends. For a son of Europe reared on the existing NATO orthodoxy, the very idea of even a partial redeployment is painful—all the more so after Lebanon. But we will not be fulfilling our obligations to the West if we fail to put forward an initiative to forestall the crisis that will other-

wise confront us in much worse circumstances.

POLITICAL OBJECTIVES

By themselves, neither organizational nor doctrinal adaptations can remedy the political incoherence rending NATO. This article has emphasized security issues. However, a few general observations on the alliance's political problems are necessary.

(1) Those leaders on either side of the Atlantic who value the alliance, with all its failings, as the ultimate guardian of Western freedom must seek urgently to end political disputes over East-West relations and North-South policy, especially Western conduct in the flash points of conflict in the Third World. The tendency to grandstand before domestic audiences, the growing self-righteousness, will in time make a mockery of the key assumption of the Atlantic Alliance: That we share a common approach to security. Defense requires after all some agreed political purpose in the name of which it is conducted. The Atlantic Alliance must urgently develop a grand strategy for East-West problems and Third World relations applicable for the rest of this century. Otherwise, it will tempt constant pressures and crises.

(2) The U.S. cannot lead the alliance or even contribute to its cohesion if we do not restore bipartisanship to our foreign policy. Ever since the Viet Nam War, we have disquieted our friends and confused, where we have not emboldened, our adversaries by periodic wide swings on essential elements of our policies. But the national interest does not change every four or eight years. At some point the national interest must be accepted by our public as clearly recognizable and constant. Otherwise, we shall become a source of dangerous instability, still relevant for our power but irrelevant for our ideas. A presidential election year is probably not an ideal time to forge a bipartisan consensus. But whoever wins the presidential election faces no more important and urgent challenge than to restore the element of bipartisanship to our foreign policy.

(3) European governments must meet head-on the disturbing trends toward pacifism and neutralism in their countries. These movements are led by people of conviction; they cannot be defused by accommodation. They can only be resisted with a compelling vision of a new future. If European governments continue to humor those who profess to see the danger to the peace in a bellicose America, not an intransigent Soviet Union, they will find themselves making concession after concession and will become hostages of their critics.

The current condition of the alliance cries out for a rethinking of its structure, its doctrine and its unifying purposes. The creativity and courage with which we approach this challenge will determine whether the alliance enters a new and dynamic period or gradually withers.

I have outlined proposals to reinvigorate allied cohesion by defining clear responsibilities for each side of the Atlantic, to be implemented over a period of years. On that basis European leaders could defend cooperation with the U.S. as something they sought as a matter of their own conviction and in their own national interest. American leaders would have a rational, understandable policy to defend and would benefit from dealing with a more equal partner. A new era of allied creativity and American dedication could give inspiration to the generation that has come to maturity since World War II and since the postwar crises that infused NATO's founders with their sense of common purpose.

We must not let our future pass by default to the neutralists, pacifists and neoisolationists who systematically seek to undermine all joint efforts. The nations bordering the North Atlantic need above all faith in themselves and the will to resist the siren calls of those who use fear and panic as instruments of policy or domestic debate. In the end we must fulfill our trust: to preserve and strengthen a North Atlantic alliance that represents the hope of human dignity and decency in our world.

UNITED STATES HAS PHILIPPINE POLICY OF BENIGN NEGLECT

Mr. MELCHER. Mr. President, the Reagan administration has developed an attitude of wait and see relationship with the Philippines since the President's visit to Manila was canceled last fall. While the official explanation was the President's agenda was too crowded, the speculation here and in the Philippines was that the President's safety would be at risk in the aftermath of the Aquino assassination, and/or that he canceled the visit to note his displeasure of that killing. Since then, the administration, for reasons that are not clear, has had a Philippine policy of benign neglect.

While needed policy decisions are not made, the economic events worsen in the Philippines with a dollar shortage causing a severe credit impasse, a devaluating currency, and a moratorium imposed by the International Monetary Fund preventing private foreign banks from turning over their loans.

President Reagan and his campaign advisers may be pondering what line the President should take on meeting any potential political overtones that would be resented by the near million United States-Filipino voters. To delay our Philippine policy is foolish because not only do they need us—we need them.

This nation of 52 million friendly people have special ties and kinship to the United States and we had better treasure, cherish, and build on that solid relationship for reasons of mutual defense, trade, and cultural and educational exchanges.

The Philippines is an old country with an old national language, Tagalog, common to the 426 populated islands out of the more than 7,000 islands that comprise the Philippines. For at least 2,000 years the people of the Pacific islands and the mainland of Asia have blended together in the Philippines. They are for Southeast Asia the melting pot of the many diverse cultures of the Orient. They are one nation, one government, and are a freedom-loving bilingual people as English is taught and spoken in all schools.

Last December, on my first trip to that beautiful, sunny land, I took pride in our country's relationship with the warm-hearted, cultured, and proud Filipinos.

Well might they be a proud people. They fought for their independence from Spain. They won it in the valleys and hills and mountains of Luzon, the islands comprising the Visayas, and in the jungles of Mindanao. At the turn of the century Admiral Dewey arrived in Manila Bay to snuff the last belches of power of a Spanish empire, but the real struggle against domination by Spaniards had been decades of guerrilla war by the rebel Filipinos.

In World War II our forces were driven out of Bataan and Corregidor and the conquering Japanese Army occupied the Philippines for 3 years. When MacArthur returned, U.S. forces helped the Filipinos, who had maintained insurgent opposition to the Japanese Army during all of the 3 years of Japanese occupation. Combined together they took control of key spots of the Philippines, including Manila and Manila Bay.

The final defeat of the Japanese Army on Luzon was accomplished by the persistent pursuit of the Filipino Army in the mountains of Luzon.

Out of this struggle emerged the more than 1 million Filipino war veterans who energetically established the complete independence of the Philippines and embarked their country on a course of a democratic republic. Their industries, economy, and trade expanded. Their reconstruction and new construction moved forward at a rapid pace.

Their land reform and agriculture exploded in a way that has not been matched by any of the other countries of the old Spanish empire.

To visit the Filipino people is to understand that rapid advance.

They are a people who love, support and revere their families, from the birth of each baby throughout life to the passing of each and every grandparent, uncle, aunt, and cousin.

They are a people who value education, pursue education from kindergarten to the colleges and universities of the Philippines and to English-speaking learning centers in the States including Stanford, Harvard, Yale, and our great land grant universities as well as Oxford and citadels of education in England. It is of interest to me that Gen. Fidel Ramos, a teenage courier for Marcos during World War II, was a classmate of our own Gen. Charles Gabriel, Air Force Chief of Staff, Gen. Bennie Davis, SAC Commander, and Gen. John Wickham, Army Chief of Staff, of the West Point Class of 1950.

The Filipinos are a warm and kindly people, compassionate toward others, and loyal to their friends. They have imagination and a flair for humor and the fun of life. They are creative in dramatizing their strong feelings.

So it is with them in their strong support for democratic principles. They take it seriously, but dramatize their vigor and support for democracy.

They are not and never intend to be a knee-jerk, autonomous people bowing to either the status quo of government nor infringements on their individual freedoms.

For strategic defense of Southeast Asia, the hub for the United States and our allies is the Philippines. It is our southern Orient-Pacific outpost and our bases at Clark Field (Air Force) and Subic Bay (Navy) are indispensable. The agreement on those bases was recently renewed for 5 years with $180 million U.S. annual rental payments which is not entirely acceptable to the Filipinos. While they agreed to the terms, it is such a cheap and unwieldy arrangement that parts of it already need modification.

For trade, Manila is the gateway to the 52 million Filipinos as well as another 100 million people of friendly Southeast Asian countries.

Doubts about the stability or criticism of the Marcos government cannot be allowed to freeze U.S. actions on Philippine matters. The administration has not even cleared a $10 million emergency food aid program for unemployed Filipino families proposed collectively last December by Cardinal Sin, the Marcos government, Care, and the Manila Rotary Club.

No move to clear the first year's rental on the military bases has been made, although the Philippines are desperate for cash.

The White House may be waiting for clear signs of political stability for the Philippine parliamentary elections coming up in May. I wrote to President Marcos in January to relay some of the feelings here questioning the opportunities for free political processes. I have his response and submit copies of both of our letters. I also have been informed last week by Philippine Ambassador Benjamin Romualdez that Speaker Querube Makalintal of their Parliament, the Batasang Pambansa, had sent letters of invitation to the President of the U.S. Senate, and the Speaker of the U.S. House, inviting both Senators and Representatives to come as quests and observers of the May elections and that similar letters were being sent to Japan, Britain, and France. For our part, we should accept the invitation.

I am submitting a copy of that invitation.

In conclusion, I say to the White House: Cease the delay in actions concerning the Philippines. Food aid for the malnourished, unemployed families must not be put off. Mutual agreements on defense, economic assistance, and trade concessions are the essence of long-term agreement between longtime allies and trading partners.

The Philippines qualify.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter to the Honorable Ferdinand E. Marcos, President, Republic of the Philippines, from me dated January 19, 1984; a letter to me from President Marcos, dated February 11, 1984; and a letter to the Honorable GEORGE BUSH, President of the Senate, from Querube C. Makalintal, Speaker of the Batasang Pambansa, dated February 29, 1984.

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

U.S. SENATE,
January 19, 1984.

Hon. FERDINAND E. MARCOS,
President, Republic of the Philippines, Manila.

DEAR MR. PRESIDENT: My wife and I, as well as my staff members and Major Mattingly, our Air Force escort, appreciated the opportunity to meet you and Mrs. Marcos and thoroughly enjoyed our visit and the luncheon with you at Baguio City. The hospitality of yourself and the Cabinet ministers that we met with and all of the people of the Philippines with whom we came into contact was warm, friendly and encouraging, much beyond our expectations.

The historic United States-Filipino alliance through 80 years and four wars must be sustained and strengthened. I believe we can.

As we discussed at Baguio, I saw our goals for our visit to be twofold: First, the use of food aid from the United States to the Philippines to meet urgent and immediate needs, to be followed by long-term concessionary and barter trade arrangements. Secondly, a need to enhance joint defense efforts between the United States and the Philippines, recognizing the strategic importance of the Philippines for our mutual interests and the defense of Southeast Asia. I am more convinced since our visit to your beautiful land that these two goals were not only correct but that they also need the urgent attention of the U.S. Congress and government.

Following our meeting with you, Mr. President, on December 16 at Baguio, I met with Cardinal Sin on Saturday, December 17, and on the following day, which was Sunday, December 18, I met with UNITO and other opposition leaders including Doy Laurel, Speaker Jose Laurel, Fernando Lopez, Ambroca Padilla, Soc Rodrigo and Eva Kalaw. On December 20, I met with Minister Tanco, U.S. AID officials, representatives of the U.S. Embassy, Catholic Relief Services, CARE, and some Philippine business interests to discuss an Aide Memoire regarding short term and long term food aid from the United States.

I delivered that Aide Memoire to U.S. officials on my return here to Washington, and I believe it will receive a favorable response. A letter from Cardinal Sin dated December 27 to Ambassador Mike Armacost has been considered here in Washington by government officials and I have urged that it be approved very quickly. This December 27 proposal by Cardinal Sin is somewhat distinct from the Memoire, calling for immediate authorization by the United States for food assistance, but is very essential since it could provide food assistance to a great number of unemployed families within a matter of days.

I met with Assistant to the President for National Security Affairs Robert C. McFarlane on January 17. I specifically asked that the United States agree to the Cardinal's letter requesting 30 metric tons of rice to replace a like amount purchased by the Philippine government for immediate food aid to unemployed families be confirmed by cable to the U.S. Embassy in Manila within the next 48 hours. I stressed to Mr. McFarlane the importance of food aid and mutual defense efforts between the Philippines and the United States which you and I have previously discussed.

Because it is of mutual advantage both in the short term and the long term for the Philippines and the United States to follow through on the food aid, trade and defense agreements it might appear, Mr. President, that in a timely manner these goals will be accomplished. However, as I made clear in a public news conference in Manila on December 21, there are questions about the credibility of the current Philippine government policies that must be answered. Inquiries have been made by Members of the U.S. Congress and by the American public. I am asked, Mr. President: (1) If I can assure the integrity of the Philippine Parliamentary elections in May; (2) If I can assure the democratic individual freedoms common to both the people of the Philippines and the people of the United States; (3) If I can assure that Amendment Number 6, giving special extraordinary powers to you as President as well as special provisions for presidential arrests, will be revoked.

The morning before we left the Philippines, I had the pleasure of a lengthy breakfast and visit with General Ramos, your nephew, whom you will recall we had the pleasure of first meeting in your presence at Baguio. General Ramos' reputation here with our military leaders, some of whom graduated as classmates with him from West Point in 1950, is of the highest caliber. I have been disappointed and confused to learn that his direct control of the Constabulary now and during the May Parliamentary elections is no longer clear-cut.

I am well aware of the demands made by Unito and other opposition leaders to assure their active participation in the May elections.

While I do not seek to intrude myself in the affairs of your government, Mr. President, I must be very candid and forthright and tell you that most or all of these points were raised with me in the meeting I had with opposition leaders on December 18 and that many of these same points have been urged on me by business, professional, and church leaders. I wish to do everything possible to persuade our Congress and our government to move immediately on the matters of our mutual interest, but my credibility in being persuasive hinges directly on the Philippine government's credibility on these very points that the opposition raises. The common bond that has closely allied our two countries has been the assured advancement of democracy for individual freedoms.

I encourage you, Mr. President, to give this letter your thorough consideration and prompt response.

Best regards.

Sincerely,

JOHN MELCHER, U.S.S.

FERDINAND E. MARCOS,
PRESIDENT OF THE PHILIPPINES,
February 11, 1984.

Hon. JOHN MELCHER,
Senator, U.S. Congress, Washington, D.C.

DEAR SENATOR MELCHER: Your visit with us last month gave Mrs. Marcos and me some of our most pleasant moments in the new year and a welcome opportunity for some key officials in our government to take a close look at certain important aspects of current Philippine-United States relations.

I appreciate the emphasis you placed during our conversations on United States food aid to the Philippines, long-term concessionary and barter trade arrangements, and the value of joint defense efforts by the Philippine and United States Governments in the context of strategy for the defense of Southeast Asia. With respect to food, you are of course aware of the Philippine government's resolve to pursue the successes in its program of self-reliance, and I am confident that the question of food aid in any area where it may have some relevance will be accorded the proper perspective.

It is good to learn of your meetings with leaders of the political opposition because this assures me that you went away with a fuller insight into the Philippine government's programs and policies in response to the country's peculiar conditions and requirements.

I am grateful for the pains you have taken to convey to me the concern that seems apparent in inquiries you say have been addressed to you by some members of the U.S. Congress and "the American public." I wish to assure you and through you the interlocutors you have cited, that the parliamentary elections on May 14 will have the fullest measure of integrity—comparable, I must say, to the high respectability which American citizens are accustomed to see in their own elections—and that the individual freedoms, which had been ours to enjoy even before Admiral Dewey's troops came to the Philippines, will receive continuing protection by our government. If there is any doubt about this as a result of mythical events recounted with strange relish and outstanding inventiveness by some sectors of the American media, I shall be deeply indebted to you if you could find an occasion to bring our devotion to democratic principles to the awareness and appreciation of those who have preferred thus far to regard us with skepticism.

The uneasiness conveyed in your letter over Amendment No. 6 to our Constitution and over provisions in our laws for "presidential arrests" can only be a manifestation of an unbelievably durable lack of knowledge of Philippine conditions despite all the information communicated by us to the world through all forms of media.

Amendment No. 6 reads:

"Whenever in the judgment of the President (Prime Minister), there exists a grave emergency or a threat or immence thereof, or whenever the interim Batasang Pambansa or the regular National Assembly fails or is unable to act adequately on any matter for any reason that in his judgment requires immediate action, he may, in order to meet the exigency, issue the necessary decrees, orders, or letters of instructions, which shall form part of the law of the land."

It is an attempt on the part of liberal-thinking constitutionalists to avoid resorting to what is referred to in Constitutional Law as the Commander-in-Chief provision, found in Section 9 of Article VII of the Philippine Constitution, which is as follows:

"Sec. 9. The President shall be commander-in-chief of all armed forces of the Philippines and, whenever it becomes necessary, he may call out such armed forces to prevent or suppress lawless violence, invasion, insurrection, or rebellion. In case of invasion, insurrection, or rebellion, or imminent danger thereof, when the public safety requires it, he may suspend the privilege of the writ of habeas corpus, or place the Philippines or any part thereof under martial law."

It is to be noted that the powers embodied in the Commander-in-Chief provision involve the:

(1) calling out of the Armed Forces;

(2) suspension of the privilege of the writ of habeas corpus;

(3) the proclamation of martial law throughout the Philippines or any part thereof.

Amendment No. 6 on the other hand is a provision meant more for an emergency condition caused by inaction on the part of the Batasang Pambansa (the Parliament) whether for lack of time or any other reason. An example would be the case of Presidential Decree No. 1896, which was issued under the authority of Amendment No. 6, providing for the registration of all voters in the Philippines. The members of Parliament agreed in caucus that they had no time to work out the details but agreed on the basic essentials and requested the President to issue a decree after the adjournment of the Batasang Pambansa for the Christmas season. Incidentally, it was the opposition that insisted on the new registration of all voters in the Philippines, whether already registered or not.

There are, by the way provisions in existing laws concerning crimes which are the object of so-called "presidential arrests." I refer to the Anti-Subversion Law, the original Republic Act 1700, as amended and the Revised Penal Code which contains provisions on the penalty to be imposed for the crimes of sedition, rebellion, insurrection and conspiracy or attempt to commit these crimes. I point this out because the elimination or amendment of Amendment No. 6 will not change the substance of the existing Anti-Subversion Law or the provisions of the Revised Penal Code. Incidentally, the power to issue a Preventive Detention Action has been suspended by me in an order to the Minister of National Defense, the Minister of Justice, the Chief of Staff of the Armed Forces, and the Chief of Constabulary dated January 23, 1984 which provides that no request for such Preventive Detention Action shall be entertained from December 1, 1984.

To conclude, there are instances where the President may exercise his emergency powers but, acting with prudence, he may be unwilling to call out the Armed Forces, or suspend the writ of the privilege of habeas corpus, or proclaim martial law. Amendment No. 6 grants him the alternative of merely submitting this matter to the courts immediately or of issuing an order which would stop a suspected individual from engaging in what the evidence has shown to be any of the crimes of sedition, rebellion, insurrection, or conspiracy or attempt to commit these crimes.

Such alternative would be parallel to the action taken by President Lincoln, after the attack on Fort Sumpter at the start of the American civil war, when he ordered the arrest of some persons identified by the military as participants in preparations for the civil war against the Union. He refused to release these persons notwithstanding the order of the Supreme Court, believing that his duty as President required such actions as may be necessary to preserve the Union of the United States. He also appropriated funds for additional Federal troops and for the railroad without the approval of Congress.

The Federal Constitution does not have a commander-in-chief provision nor does it authorize the proclamation of martial law, the suspension of the privilege of the writ of habeas corpus by the President alone, or the calling out of the Federal troops in cases of civil disorder (notwithstanding which the National Guard marched in full battle gear during a riot at Kent University and killed four students). I reiterate this precisely to show that it was to avoid having to use this extreme power of the Commander-in-Chief that Amendment No. 6 was adopted because it is a more benign and more just measure and at the same time it ensures swift and efficacious suspension of acts prejudicial to the stability of the state.

In view of the prudence implicit in Amendment No. 6, one can't possibly fail to notice that the decree-making power granted under its authority is less than that of the President of France, whose power as such gains even more force and scope on account of the fact that he is at the same time the presiding officer of his country's highest tribunal.

I am puzzled by your statement that Lt. General Fidel V. Ramos has lost direct control of the Constabulary. As it happens Gen. Ramos is the Chief of Constabulary (full title: Director-General of the PC-Integrated National Police), a position from which he had not for one moment been estranged since he came to it. I fully agree with you about the excellence of his reputation; I need not declare, therefore, that precisely because of that I have no intention to take away his control of the Constabulary

I am delighted by your reiterations of solicitude and note with understanding your desire to satisfy some friends in the U.S. Congress and in the Philippine opposition that there is no reason for their doubts and fears to linger. I assure you that events in the future will fully demonstrate the validity and the democratic quality of the policies and measures with which we are striving to promote the welfare of the Filipino people. You will recall that I fought in a war for freedom and nearly lost my life in numerous battles of that war, battles, I must say, to which Filipino soldiers were drawn to defend the American cause. Having made that recollection, you will, I hope, be encouraged to consider that democracy is safe in this country, among our people, notwithstanding the alarums from some quarters.

Please visit with us again.

Sincerely,

F. E. MARCOS.

BATASANG PAMBANSA,
QUEZON CITY, PHILIPPINES,
February 29, 1984.

Hon. GEORGE BUSH,
President of the Senate, U.S. Senate, Washington, D.C.

SIR: On May 14, 1984, we shall hold the election for the Batasang Pambansa or National Assembly of the Republic of the Philippines. One hundred eighty-three members will be elected directly by the voters, in addition to whom there will be fourteen representatives to be chosen by sectoral groups.

Considering the keen interest which has been shown by the American government

and people in contemporary political developments in the Philippines, for both historical and pragmatic reasons, I would like to invite you, as President of the Senate, together with your assistant and three members whom you may choose, to visit our country as our official guests and observe at first hand the coming political exercise. We shall be pleased to accord you all the facilities that may be needed so that you may freely inform yourselves about our electoral process.

I am confident that your visit will be of great mutual benefit to our countries, and bring them even closer together in friendship and understanding.

I would be grateful if you could advise me of your decision within the next few weeks. Mr. Antonio M. de Guzman, Secretary-General of the Batasang Pambansa, will be ready to coordinate with whomever you may designate to make the necessary arrangements for your visit.

Please accept my sincere greetings and best wishes.

Very truly yours,

QUERUBE C. MAKALINTAL,
Speaker.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 2:14 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 1750. An act for the relief of Apolonio P. Tumamao and others;

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; and

H.R. 4957. An act to apportion certain funds for construction of the National System of Interior and Defense Highways for fiscal year 1985 and to increase the amount authorized to be expended for emergency relief under title 23, United States Code, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. THURMOND).

At 3:16 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 597. An act to convey certain lands to Show Low, Arizona.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 653. An act to amend Public Law 96-162 to provide a credit to the State of Washington or the Yakima Indian Nation for certain construction costs associated with the Yakima River Basin water enhancement projects;

H.R. 2645. An act to amend the Act of August 15, 1978, regarding the Chattahoochee River National Recreation Area in the State of Georgia; and

H.R. 3825. An act to establish a boundary for the Black Canyon of the Gunnison National Monument, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 653. An act to amend Public Law 96-162 to provide a credit to the State of Washington or the Yakima Indian Nation for certain construction costs associated with the Yakima River Basin water enhancement project; to the Committee on Energy and Natural Resources.

H.R. 2645. An act to amend the Act of August 15, 1978, regarding the Chattahoochee River National Recreation Area in the State of Georgia; to the Committee on Energy and Natural Resources.

H.R. 3825. An act to establish a boundary for the Black Canyon of the Gunnison National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

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. DURENBERGER:

S. 2390. A bill to amend the Federal Regulation of Lobbying Act; to the Committee on Governmental Affairs.

By Mr. SIMPSON (for himself and Mr. CRANSTON):

S. 2391. A bill to amend title 38, United States Code, to revise the authority for the collection of a fee in connection with housing loans guaranteed, made or insured by the Veterans' Administration; to the Committee on Veterans Affairs.

By Mrs. KASSEBAUM (for herself and Mr. PACKWOOD):

S. 2392. A bill to authorize the President to appoint Donald D. Engen to the Office of Administrator of the Federal Aviation Administration; to the Committee on Commerce, Science and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURENBERGER:

S. 2390. A bill to amend the Federal Regulation of Lobbying Act; to the Committee on Governmental Affairs.

INTERGRITY IN LOBBYING ACT AMENDMENTS OF 1984

Mr. DURENBERGER. Mr. President, today I introduce the Integrity in Lobbying Amendments of 1984 (S. 2390), a bill to amend the Federal Regulation of Lobbying Act of 1946. The central purpose of this legislation is to improve the management of the existing lobby disclosure program and to encourage lobbyists to provide more and better information. My intention is also to stimulate a new and productive round of debate over innovative ways to improve Federal lobby disclosure policy.

Many will recall the confrontational lobby disclosure debates of the late 1970's. At that time Congress, spurred by Watergate and other scandals to open up the legislative process, unsuccessfully sought broad disclosure requirements for lobbyists. Led by the American Civil Liberties Union, countless businesses, charitable and religious groups, law firms and trade associations banded into a "grand coalition" to oppose the legislation and protect their constitutional right to lobby. The battle was fought with an intensity unusual even by Capitol Hill's standards. And, needless to say, rarely had the professional relations of lobbyist and legislator hit such a low.

With the memory of that ordeal still fresh, the predominant stance on lobby disclosure today is to let sleeping dogs lie. Few of my colleagues, and I suspect even fewer lobbyists, want to revive the bad blood of the 1970's. But the current truce remains an uneasy one that waits to be broken at the next hint of scandal. Indeed, it is no secret that the same proponents of strict disclosure laws in the 1970's, who portrayed lobbyists as sinister and corrupting influences, are waiting to take control of the issue again.

Mr President, I hope to break this cycle of accusation and acrimony—repeated in the 1950's, 1960's and throughout the 1970's—with an initiative that rejects some common themes of past efforts. First of all, I do not believe it is possible to "abuse" the right to lobby, either individually or systematically. But at the same time, neither do I hold that Congress must uncover abuse before it may constitutionally seek disclosure of lobbying activities.

Instead, I start with the presumption that lobbyists have little to hide and, in fact, that they share with Congress a professional interest in helping to make the system more open and accountable. Furthermore, I believe it is possible to build upon this base of mutual interest to construct constitutionally sound lobby disclosure policies from which there can be much public benefit.

These benefits are threefold: First, timely information on lobbying activi-

ties can help Congress reconcile the conflicting goals of popular sovereignty—the principle that government is responsive to the people—and equal representation—the ideal that no single interest receives undue consideration over others because it is more effectively represented. Information on the extent of the imbalance in resources devoted to representing competing interests will alert Members of Congress to the need to listen more closely to the weaker voices, and so aid in our determination of the public interest. Second, information on who is lobbying on what issues can help alert and mobilize competing interest groups, enabling more voices to be heard. And finally, an open and accountable lobbying process can further the sense of ethics and professionalism among the diverse lobbying community, while at the same time enhancing the public's confidence in Congress and our decisionmaking. These objectives—which have nothing to do with ferreting out abuse—deserve our further legislative efforts.

S. 2390 would implement these policies primarily by relying on a long underappreciated resource: The professional integrity of lobbyists. Few realize the extent to which we already rely on this resource. Last November, during oversight hearings held by the Committee on Governmental Affairs on the 1946 Federal Regulation of Lobbying Act, the Department of Justice confirmed that it has not attempted to enforce the act since the early 1950's. The Department indicated, moreover, that it did not plan to do so in the future in light of the act's constitutional problems. The upshot is that the 1946 act, though still mandatory, is obeyed through self-regulation, rather than external enforcement. And every quarter the 6,500 or so lobbying organizations who report their activities do so largely voluntarily, without coersion.

The Integrity in Lobbying Amendments would ratify, and attempt to build upon, this already functioning system of self-regulation. First, it would strike the unenforced criminal penalties section from the 1946 act. This would not make compliance with the act any less mandatory than it is now. But it would remove the basis upon which the act's disclosure requirements were drastically narrowed in a 1954 Supreme Court decision, U.S. against Harriss.

Essentially, the Harriss decision provided that only lobbying organizations which have as their principal purpose the face-to-face-lobbying of Members of Congress are required to disclose their lobbying expenditures. It also provided that such organizations do not have to disclose information on the lobbying of congressional staff, or on grassroots lobbying efforts, because the act's definitions of these activities were not clear enough to permit their enforcement with criminal penalties. In removing the penalties, this bill would make unnecessary the exemption of those activities from disclosure.

Second, S. 2390 would give the Secretary of the Senate and Clerk of the House sole authority to jointly interpret and administer the 1946 act. Currently, the law is interpreted by the Justice Department in accord with the restrictive Harriss decision; the only administrative functions provided for in the act consist of the passive collection and distribution of lobby registration and reporting forms by the Secretary and Clerk. Under S. 2390, these officers would play a much greater role. In particular, it is my intent to empower the Secretary and Clerk to request from lobbyists the kinds of information originally sought by Congress, but not required under Harriss—including disclosure of grassroots lobbying and the lobbying of congressional staff. It is also my expectation that they would reinterpret the act's "principal purpose" criterion to require disclosure by all organizations that employ persons whose principal purpose is to lobby.

Finally, S. 2390 would change the name of the 1946 Federal Regulation of Lobbying Act to the "Integrity in Lobbying Act," in belated recognition of the important role of lobbyists' ethics in the implementation of this statute.

Mr. President, I realize there will be those who challenge the self-regulatory thrust of my bill as unrealistic, pointing to lobbyists' opposition to earlier efforts to reform Federal lobby disclosure policy. But there are important differences between this and the earlier efforts. Past proposals would have dramatically increased paperwork burdens on lobbyists, and created regulatory mechanisms that could have deterred individuals from exercising their constitutional rights; S. 2390 raises no such concerns. Meanwhile, I have yet to be convinced that lobbyists fundamentally object to helping Congress make the system more open and accountable, or that my colleagues would not take upon themselves a more active role in enforcing the act if they thought it would produce tangible public benefits.

Mr. President, the Committee on Governmental Affairs will hold hearings on the Integrity of Lobbying Amendments next month. I would like to invite my colleagues and any interested members of the public to develop their recommendations for improving upon this bill, or to suggest other alternatives for resolving the lobby disclosure debate amicably. Surely, if we fail to make progress on this issue in the current environment, we will all be faced with more agonizing decisions in the controversial times that inevitably lie ahead.

Mr. President, I ask that a copy of S. 2390 be printed in the RECORD.

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

S. 2390

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Integrity in Lobbying Act Amendments of 1984".

FEDERAL REGULATION OF LOBBYING

SEC. 2. Section 310 of the Federal Regulation of Lobbying Act (2 U.S.C. 269) and the section heading are amended to read as follows:

"ADMINISTRATION AND INTERPRETATION

SEC. 310(a)(1) Notwithstanding any other provision of law, the Clerk of the House of Representatives (hereinafter in this Act referred to as the 'Clerk') and the Secretary of the Senate (hereinafter in this Act referred to as the 'Secretary') shall have the sole authority to jointly administer and interpret the provisions of this Act.

"(2) The Comptroller General of the United States (hereinafter in this Act referred to as the 'Comptroller General') shall provide the Clerk and the Secretary with such advice and assistance as they may jointly request pursuant to this section, except that nothing in this section shall authorize the Clerk of the Secretary to compel any such action by any person described in section 307 of this Act.".

AMENDMENT TO TITLE

SEC. 3. Section 301 of the Legislative Reorganization Act of 1946 (60 Stat. 812), is amended by striking out "Federal Regulation of Lobbying Act" and inserting in lieu thereof "Integrity in Lobbying Act" and all references to the Federal Regulation of Lobbying Act shall be considered to be references to the Integrity in Lobbying Act.

EFFECTIVE DATE

SEC. 4. This Act shall become effective on the date of its enactment.

ADDITIONAL COSPONSORS

S. 74

At the request of Mr. MELCHER, the name of the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of S. 74, a bill entitled the "Reye's Syndrome Act of 1983."

S. 627

At the request of Mr. PACKWOOD, the name of the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of S. 627, a bill to authorize the establishment of a national scenic area to assure the protection, development, conservation, and enhancement of the scenic, natural, cultural, and other resource values of the Columbia River Gorge in the States of Oregon and Washington, to establish national policies to assist in the furtherance of its objective, and for other purposes.

S. 1695

At the request of Mr. CRANSTON, the name of the Senator from Utah (Mr. GARN) was added as a cosponsor of S. 1695, a bill to amend the National Trails System Act by authorizing for

study the Pony Express Trail under the provisions of the act.

S. 1980

At the request of Mr. MURKOWSKI, the names of the Senator from Arizona (Mr. DECONCINI), the Senator from California (Mr. WILSON), and the Senator from Kentucky (Mr. HUDDLESTON) were added as cosponsors of S. 1980, a bill to recognize the organization known as the Polish Legion of American Veterans, U.S.A.

S. 2065

At the request of Mr. EXON, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2065, a bill to provide equitable adjustments in the natural gas market and consumer relief.

S. 2080

At the request of Mr. PACKWOOD, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2080, a bill to make permanent a tax provision to encourage employers to provide legal services for their employees.

S. 2102

At the request of Mr. ROTH, the names of the Senator from Massachusetts (Mr. TSONGAS), the Senator from Ohio (Mr. GLENN), the Senator from Washington (Mr. EVANS), the Senator from Rhode Island (Mr. CHAFEE), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. 2102, a bill to charter the National Academy of Public Administration.

S. 2185

At the request of Mr. HEINZ, the names of the Senator from Maine (Mr. COHEN) and the Senator from Wyoming (Mr. SIMPSON) were added as cosponsors of S. 2185, a bill to amend the Internal Revenue Code of 1954 to extend the targeted jobs tax credit.

S. 2257

At the request of Mrs. KASSEBAUM, the names of the Senator from Indiana (Mr. QUAYLE), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Florida (Mrs. HAWKINS), the Senator from California (Mr. WILSON), and the Senator from New Jersey (Mr. BRADLEY) were added as cosponsors of S. 2257, a bill entitled the "Senior Citizens' Tax Improvement Act".

S. 2266

At the request of Mr. CRANSTON, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Washington (Mr. GORTON), the Senator from New Jersey (Mr. BRADLEY), and the Senator from Kentucky (Mr. HUDDLESTON) were added as cosponsors of S. 2266, a bill to grant a Federal charter to Vietnam Veterans of America, Inc.

S. 2307

At the request of Mr. BOSCHWITZ, the names of the Senator from Maine (Mr. COHEN), the Senator from New York (Mr. MOYNIHAN), and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 2307, a bill making a supplemental appropriation to carry out title II of Public Law 480.

S. 2353

At the request of Mr. GRASSLEY, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2353, a bill to amend the Internal Revenue Code of 1954 to provide that one-half of the amounts paid by a self-employed taxpayer for his or her health insurance premiums will be allowed as a business deduction.

S. 2366

At the request of Mr. D'AMATO, his name was added as a cosponsor of S. 2366, a bill to require custodians of public money to deposit funds not later than 3 business days after the date of receipt, and for other purposes.

SENATE JOINT RESOLUTION 73

At the request of Mr. THURMOND, the name of the Senator from Alabama (Mr. DENTON) was added as a cosponsor of Senate Joint Resolution 73, a joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer.

SENATE JOINT RESOLUTION 129

At the request of Mr. PRESSLER, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of Senate Joint Resolution 129, a joint resolution calling upon the President to seek a mutual and verifiable ban on weapons in space and on weapons designed to attack objects in space.

SENATE JOINT RESOLUTION 203

At the request of Mr. HUDDLESTON, the names of the Senator from South Carolina (Mr. THURMOND), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Alabama (Mr. DENTON) were added as cosponsors of Senate Joint Resolution 203, a joint resolution designating the week beginning April 8, 1984, as "National Mental Health Counselors Week".

SENATE JOINT RESOLUTION 222

At the request of Mr. LAUTENBERG, the names of the Senator from Kansas (Mrs. KASSEBAUM) and the Senator from Arkansa (Mr. PRYOR) 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 224

At the request of Mr. BOREN, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of Senate Joint Resolution 224, a joint resolution to designate the week of April 1, 1984, as "National Amateur Wrestling Week".

SENATE JOINT RESOLUTION 225

At the request of Mr. MOYNIHAN, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Ohio (Mr. GLENN), and the Senator from Iowa (Mr. JEPSEN) 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 237

At the request of Mr. HATCH, the names of the Senator from Georgia (Mr. MATTINGLY), the Senator from Texas (Mr. BENTSEN), the Senator from Utah (Mr. GARN), the Senator from Connecticut (Mr. WEICKER), and the Senator from North Dakota (Mr. ANDREWS) 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 JOINT RESOLUTION 246

At the request of Mr. EXON, the name of the Senator from Nebraska (Mr. ZORINSKY) was added as a cosponsor of Senate Joint Resolution 246, a joint resolution strongly urging the President to secure a full accounting of Americans captured or missing in action in Southeast Asia, and for other purposes.

SENATE JOINT RESOLUTION 247

At the request of Mr. HUMPHREY, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of Senate Joint Resolution 247, a joint resolution to designate March 25, 1984, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy".

SENATE RESOLUTION 312

At the request of Mr. HUMPHREY, the names of the Senator from New Hampshire (Mr. RUDMAN), the Senator from South Dakota (Mr. ABDNOR), the Senator from North Dakota (Mr. ANDREWS), the Senator from Maine (Mr. COHEN), the Senator from New Mexico (Mr. DOMENICI), the Senator from Washington (Mr. GORTON), the Senator from Nevada (Mr. HECHT), and the Senator from Montana (Mr. MELCHER) were added as cosponsors of Senate Resolution 312, a resolution to honor Cmdr. Alphonse Desjardins, founder of La Caisse Populaire de Ste-Marie, Manchester, N.H.

SENATE RESOLUTION 335

At the request of Mr. MOYNIHAN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of Senate Resolution 335, a resolution calling on the Office of Management and Budget to withdraw its proposed revisions to Circular A-122.

NOTICES OF HEARINGS

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH. Mr. President, the Senate Committee on Governmental Affairs will hold a hearing on labor rates and distribution in Defense contracts on Wednesday, March 7, at 10

a.m. in SD-342 of the Dirksen Senate Office Building. For further information, please contact Mr. Link Hoewing at 224-4751.

SUBCOMMITTEE ON ENERGY AND MINERAL RESOURCES

Mr. WARNER. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Energy and Mineral Resources to consider S. 2362, to amend the Mineral Lands Leasing Act of 1920, and for other purposes.

The hearing will be held on Tuesday, April 10, beginning at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Subcommittee of Energy and Mineral Resources, 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. Bob Terrell of the subcommittee staff at 224-5205.

Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Energy and Mineral Resources to consider S. 1770, to extend the lease terms of Federal oil and gas lease numbered U-39711.

The hearing will be held on Wednesday, March 14, beginning at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Subcommittee on Energy and Mineral Resources, 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. Roger Sindelar of the subcommittee staff at 224-5205.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Reserved Water, of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, March 6, to hold a hearing to consider S. 1084, a bill to designate additional rivers as components of the National Wild and Scenic Rivers System, and for other purposes; S. 416, a bill to amend the Wild and Scenic Rivers Act by designating a segment of the Illinois River in Oregon and the Owyhee River in Oregon as components of the National Wild and Scenic Rivers System; S. 2095, a bill to amend the Wild and Scenic Rivers Act by designating the Wildcat River for study as a national wild and scenic river; and 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.

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

SUBCOMMITTEE ON TACTICAL WARFARE

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Tactical Warfare, of the Committee on Armed Services, be authorized to meet during the session of the Senate on Tuesday, March 6, at 9 a.m., to receive testimony on Army programs.

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

SUBCOMMITTEE ON STRATEGIC AND THEATER NUCLEAR FORCES

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Strategic and Theater Nuclear Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 6, in open session to be followed by a closed session, to hold a hearing on ICBM modernization program.

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

SUBCOMMITTEE ON SOIL AND WATER CONSERVATION

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Soil and Water Conservation, Forestry and Environment of the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Tuesday, March 6, to hold a hearing on the funding and operation on the U.S. Department of Agriculture conservation programs.

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

SUBCOMMITTEE ON COLLECTION AND FOREIGN OPERATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Collection and Foreign Operations, of the Select Committee on Intelligence, be authorized to meet during the session of the Senate on Tuesday, March 6, at 2:30 p.m., to hold a closed-session hearing on intelligence matters.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, March 6, to hold a hearing on the nominations of Sidney Jones to be Under Secretary for Economic Affairs, Department of Commerce and Irving Margulies to be General Counsel, Department of Commerce.

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

COMMITTEE ON THE JUDICIARY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, March 6, in order to receive testimony in the continuation of the confirmation hearings of Edwin Meese III to be Attorney General of the U.S. Department of Justice.

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

ADDITIONAL STATEMENTS

A NEW IDEA TO PROMOTE U.S. EXPORTS

● Mr. HUDDLESTON. Mr. President, I would like to call to the attention of my colleagues the new International Development Institute (IDI) and TradExpo, the U.S. International Trade Center, which together, after 7 years of research and design, are scheduled to open by the end of 1984.

The IDI and TradExpo concept form a new and innovative system to increase U.S. exports and overseas development in the private sector. It is particularly designed to help small and medium size companies to enter the export market and to give all American enterprise access to markets in 170 countries with a year round world trade center, educational center and research center.

The health of our economy is a primary concern to the welfare of the American people. If our economic health is to be maintained, we must make progress toward increasing seriously lagging exports from the United States and participating more competitively in the global marketplace.

There appears to be no argument with the assertion that vigorous U.S. exporting is desirable. One out of every eight jobs, says the Commerce Department, depends directly on exports. America's foremost comparative advantage, agricultural products, accounts for $2 out of every $5 worth of our exported goods, and comprises a large and vital part of the American farmer's income. Our exports are also crucial, in financing the purchase of ores and oil, which we cannot produce in the amounts we need. We are firmly locked into export trade as a determinant of our national well-being.

There is further consensus that our exporting income is rapidly spiraling downward. Our share of the world market has fallen from 23 to 14 percent over the past two decades, contributing to the huge trade deficit projected for 1983, topping $69 billion and

resulting in 40 percent of the increase in unemployment. American farm exports have declined from a high in fiscal year 1979 of $43.8 to fiscal year 1983's $34.5 billion, a 21-plus percent plunge.

Informed opinion is even confluent about what has caused our waning overseas sales:

A worldwide recession that moderated demand while price supports and other factors kept production high;

A musclebound dollar which overpriced our goods and services in world markets;

Economic advantage taken by other countries, especially in Japan and Europe, by means of protectionist policies; and

The perception elsewhere that the United States is an unreliable supplier, given past policies that attempted to use trade as a political lever.

SOLUTION

Where thinking diverges, however, is in deciding upon a proper course of action to remedy this bad situation, which is growing steadily worse. Recent Federal response has been to provide limited governmental assistance while attempting to create an improved trading climate by subduing inflation, negotiating away protectionist policies, and instituting long-term guarantees that rule out the use of trade as an international nightstick. Beyond that, Federal officials insist that export business should be stimulated primarily through private initiative, and we agree.

In hearing before the House Agriculture Committee in February 1978, Dr. Peter Nelsen, chairman of the International Development Institute and the Agricultural Trade Council, said to those present that America needs improved marketing and production techniques to first balance foreign trade, second, stabilize our farm economy, third, decrease unemployment, and fourth, use our production potential to allay the hunger of the world. These problems are still with us and, despite efforts to solve them, some have grown worse than they were when IDI and TradExpo were proposed 7 years ago. We must awaken to the reality of these problems, understanding that not to decide is, indeed, to decide.

It was from the need for greater foreign sales efficiency that a new approach, operating in the private sector, was developed to meet all the needs of suppliers and buyers in export trade. The system that has been proposed as part of the solution to our shrinking presence in world markets is composed of two complementary, noprofit corporations: the U.S. International Trade Center (to be called TradExpo) and the International Development Institute (IDI).

HOW TRADEXPO AND IDI FUNCTION

TradExpo and IDI are designed to provide American businesses, which have an unrealized export potential, with an efficient, cost-effective way to reach foreign buyers. While trade centers are not a new idea, teaming a large, central and permanent trade exposition with educational and research services that draw informed customers and encourage interdisciplinary understanding is an innovative step that exceeds the scope of state or regional centers.

TradExpo, a private, nonprofit trading company, and the first to register as such under the Export Trading Company Act of 1982, will provide a direct and accessible link between American sellers and foreign buyers. It is anticipated that the year-round, permanent trade center will, at completion, have facilities in Washington and a nearby rural site for 5,000 businesses to display and demonstrate their goods and services to the 200,000 foreign shoppers who circulate through the capital area annually.

Expert, on-the-spot, up-to-the-minute informational services will be available at TradExpo, expediting the complex legal and financial arrangements that often impede foreign trade. Buyers can, therefore, make their purchases without confusion, delay or further travel. Exhibitors' fees at TradExpo will be modest and should be far more cost-effective than formerly existing means of penetrating foreign markets.

TradExpo will thus successfully address the needs of smaller businesses. These needs were stated, analyzed, and discussed in a 1982 report by the Senate Small Business Committee. As a member of that committee, I helped to initiate and draft this report. The report said that of nearly 1,200 surveyed firms, most said they were reluctant to export chiefly because they lacked the necessary specialized expertise, and/or their limited budgets were strained in meeting the high cost of reaching foreign buyers by traditional means. The report also pointed out that only 200 firms control 80 percent of America's exports, even though "20,000 small firms in this country have the potential to competitively and profitably market their products overseas. Clearly one of the greatest opportunities for reversing the no-growth trend in our Nation's exporting lies with tapping that potential and increasing the number of small business exporters." Analysis of the committee's report indicates that TradExpo facilities will help solve or alleviate 87 percent of the problems facing these potential exporters.

IDI, TradExpo's companion corporation, is also designed to meet informational needs of buyers and sellers. IDI is an educational and applied research institute that will form a link between what we learn each year about technological advancement and putting that knowledge to work.

IDI's Education Center will conduct monthly seminars on 12 major categories of technology affecting human needs: fisheries and oceanography, health, education, productivity, energy, forestry, transportation, agriculture, nutrition, communications, water, and housing. These seminars, open to TradExpo participants and invited guests from worldwide business, academic and, governmental communities, will keep world leaders abreast of the latest developments in their respective fields and provide a forum for interdisciplinary discussion. The education center will also offer graduate and undergraduate study programs, in cooperation with four Washington area universities, multilingual technical training programs, and nuts and bolts courses in exporting.

That such educational endeavors can create a multiplying effect on trade was among the points made by Nelson Denlinger of U.S. Wheat Associates, Inc., in a statement to the House Agricultural Committee this fall. Denlinger said:

> We have found that market educational programs have paid very large long-term dividends to U.S. wheat exports over the years.

Donald V. Earnshaw, Deputy Assistant Secretary of Export Development in the International Trade Administration, said in his testimony before the same committee that his organization had successfully carried out overseas conferences and seminars on the fundamentals of exporting to the great advantage of all participants.

IDI's Applied Research Center will, on request, suggest appropriate technological systems suitable for use in specific locations and test how well technology in place functions. It will keep an extensive data base, assuring that access to the most recent technological improvements is available. Perhaps the center's most important function, however, is carrying out demonstration projects either at IDI facilities or at onsite locations overseas, aimed at developing the infrastructure of Third World countries. These midsized projects could fill the gap between the small Peace Corps development efforts and huge aid projects undertaken by large businesses or governments. They will differ from most previous projects in a greater emphasis on followthrough; rather than carrying out a feasibility study, designing a solution, installing necessary equipment and considering the job finished, IDI's projects will consider technical training, management advice and project evaluation necessary before viewing a project as complete.

TradExpo and IDI will produce a wide range of positive change. Smaller companies will be able to begin selling internationally, and larger businesses can establish or expand existing overseas contacts. Direct transactions will be simplified, more efficient and hence, less costly. Rental of exhibit space at TradExpo is designed to be less expensive than participation in a series of regional trade shows.

Advantages to overseas buyers include the convenience of one-stop, anytime shopping; full comparison and demonstration of products; simplified transactions; and, access to the services of the education and research center.

The system also works toward solution of persistent Federal Government problems. A 10- to 12-percent increase in U.S. exports would reduce the trade deficit by 50 percent, increase GNP by 1.5 percent and provide hundreds of thousands of new jobs. TradExpo will also answer many of the loudly voiced needs of smaller businesses and create corporate and individual tax revenues without huge governmental expenditures. Finally, TradExpo will serve as an export stimulant without necessarily resorting to retaliatory measures in order to counter protectionist policies of many foreign nations.

Private citizens will gain from TradExpo's encouragement of economic growth, reduced necessity for foreign aid programs, diversity of available products resulting from the strength of smaller businesses, and the general stability of the world that follows active trade interdependence.

TRADE AND THE DEVELOPING WORLD

All countries, particularly Third World countries, at present require appropriate technology and services to show them how to best utilize their purchases. TradExpo and IDI can assume a large part of this challenge. If the United States does not satisfy world needs, other countries will reap the consequent benefits. American interest certainly lies in developing infrastructure and in establishing trade relationships with LDC's, resuming a leadership posture there before these huge potential markets become dominated by other, more aggressive nations. As Roger Asendorf of the American Soybean Association told the House Agriculture Committee this fall:

ASA believes the Federal outlay for overseas market development for agricultural commodities is one of the U.S. Government's best investments in the future prosperity of not only agriculture, but the national as a whole.

In many areas of the world, basic needs are immediate and pressing. The times challenge the humanity of the world, for even though some 500 million people on this planet experience hunger and starvation, agricultural commodities are in surplus in a number of countries. A kink in the circulation of resources leaves some countries impoverished and hungry while others pile up unsold surpluses.

Overseas development projects, such as those available through IDI, will assist countries and people to develop the capacity to earn what they need. They will be able to turn labor to capital, and capital to the necessities of life and further improvement. As the capacity to import is developed in LDC's, the global distribution of agricultural products will improve, thereby reducing the problems of surpluses in producing countries and unmet demand in LDC's.

ACTION

Speaking for the Agricultural Trade Council before the House Agriculture Committee in February 1978, Dr. Nelsen said that if a fraction of expenditures for sudsidies and set-aside programs were spent on market development and the establishment of sound infrastructural bases for trade in LDC's, problems of the farm economy, of unemployment, of the trade deficit and of sluggish GNP growth would diminish. This fall, nearly 6 years and little action later, W. Glenn Tussey of the American Farm Bureau Federation posed the same question to the same committee: "We ask if we would not be further (sic) ahead 5 years from now in world markets if we were to shift a substantial portion of domestic farm expenditures to an effort that would make us truly competitive in world markets?"

Secretary of Agriculture John Block told the same committee, "* * * the productive capacity of our farmers * * * must be supported * * * by domestic farm programs that facilitate export." Secretary Block offered no program, but insisted, "There must be a better way."

The better way may be through efforts such as TradExpo/IDI, which have been carefully examined and praised by business and academic leaders, Governors, officials in the executive branch, and Congress. It is an approach that will stimulate the economies of all 50 States, individually and collectively, even as it puts fresh knowledge to use and encourages the shift of developing countries from demeaned recipients of charity to friendly, self-sustaining trading partners. It is in the interests of both U.S. industry and Government to support this kind of innovative program.

Unlike most Government-funded aid programs, TradExpo and IDI will provide ongoing benefits, without the need for continued Government assistance.●

S. 2363, SEX DISCRIMINATION IN EDUCATION REFORM ACT OF 1984

● Mr. CHAFEE. Mr. President, in adopting title IX of the Education Amendments of 1972, Congress sought to reverse longstanding inequities in the treatment of women by education institutions in the United States. In order to renew our commitment to equal educational opportunities for all citizens, I am pleased to join Senator PACKWOOD in sponsoring S. 2363, the Sex Discrimination in Education Reform Act of 1984.

The purpose of title IX is to insure that schools and universities receiving Federal assistance provide equal opportunities for both men and women. In enacting title IX, the Congress clearly intended to guarantee equal access by both sexes to the programs and activities of federally supported institutions. This includes such areas as admission, athletics, counseling, housing facilities, financial aid, course selection, employment, vocational education, and other activities.

Title IX has served our Nation well. Since the law took effect, female students have made tremendous progress in educational pursuits which had traditionally been dominated by men. The most notable gains have been in athletics. The number of females involved in high school and intercollegiate athletic programs has soared since the passage of title IX, and the proportion of scholarships offered to talented women athletes by colleges and universities has risen from 1 out of 100 in 1974 to 22 of every 100 offered today.

In the decade since title IX became law, the enrollment of women in vocational educational courses has risen significantly, along with the admission of women to schools of business, law, and medicine. Title IX has also provided important protections for the employees of educational institutions from unequal treatment based upon their gender.

The positive effects of title IX extend far beyond its applicability to women in educational institutions. Title IX has helped to guarantee that no area of professional development in our society is limited on the basis of sex. The range of title IX should extend beyond its applicability to individual programs or activities. Congress intended the protections of title IX to apply on an institution-wide basis, and this legislation will clarify that intent.

Although the wording of title IX bars discrimination in any educational program or activity receiving Federal financial assistance, Congress has consistently emphasized that the law should be interpreted to bar discrimination throughout an institution which receives any form of Federal support. It was never the intention of

Congress to prohibit sex discrimination in an institution's financial aid program, yet allow the institution to engage in discriminatory athletic practices. An educational institution which receives even a single dollar of Federal assistance should not be permitted to limit access to any of its activities on the basis of sex.

The U.S. Supreme Court's recent narrow interpretation of title IX in the Grove City College against Bell decision compels action by Congress to clarify the scope of coverage intended by the law. S. 2363 makes it clear that institutionwide coverage by title IX is triggered by the receipt of Federal financial assistance in any form, whether through student aid, direct Federal support to the institution, or Federal support for a particular program.

Passage of this legislation will reaffirm the commitment of Congress to eliminate sex discrimination in education and to promote equality of opportunity at all levels of our society. Title IX has enabled us to make great strides in this vital endeavor. Now is not the time to turn back.

I commend my colleague, Senator PACKWOOD, for introducing this important measure and look forward to working in support of its speedy passage.●

S. 2366—THE FEDERAL MONEY MANAGEMENT ACT OF 1984

● Mr. D'AMATO. Mr. President, I rise today in support of S. 2366, the Federal Money Management Act of 1984, introduced by my distinguished colleague from the State of Delaware. This legislation would require the Federal Government to deposit checks within 3 business days of receipt.

According to the Grace Commission report, there have been numerous instances where the deposit of public funds has been unduly delayed. These delays result in the loss of interest that could have been earned if the money had been promptly deposited. Clearly, this practice is wasteful and unwarranted. The Grace Commission recommended that the Federal Government immediately improve its cash management practices.

Under current law, the Federal Government is allowed until the 30th day of the month of receipt for deposit of incoming checks. S. 2366 would eliminate this delay by requiring the deposit of funds within 3 business days of receipt. If the U.S. Government were to deposit checks within this time period, it could save taxpayers up to $166 million per year.

With Federal deficits approaching nearly $200 billion, I feel that every effort must be made to save taxpayer dollars. Therefore, I am pleased that the Senate Finance Committee, under the leadership of Chairman DOLE is considering the provisions of S. 2366 as part of its $100 billion deficit reduction package.

The Federal Government has a duty to the American people to manage their tax dollars in the most efficient manner possible. I believe that S. 2366 is a first step toward improving Federal cash management.

Mr. President, I am pleased to add my name as cosponsor of S. 2366, and I urge my colleagues on both sides of the aisle to support this legislation.●

NATIONAL WOMEN'S HISTORY WEEK

● Mr. DOMENICI. Mr. President, as we all know, this week is National Women's History Week—a valuable opportunity to reflect on the past contributions women have made to our growth as a people and a nation. In rising today to commemorate this week, I am reminded of the remarks I made last year at this time. I stated that while designating a week to take special note of women and their role in our development is certainly a worthy gesture, we must concurrently realize that this block of time is inadequate to do justice to the immeasurable value of women's contribution to every area of American life. Further, as we celebrate these accomplishments all week, taking note of individual women and the trails they have blazed for others into countless fields and professions, we should look forward to a time when these firsts are no longer regarded as unusual. Astronaut Sally Ride, whose trip on the space shuttle last summer made her last year's most famous female first, expressed this same sentiment far more aptly when she inquired what all the fanfare was about and wished her presence on the shuttle had not been viewed as such a big deal.

Last month, the 164th birthday of Susan B. Anthony, certainly among the most famous characters in women's history, was characterized by toasts to the suffragist and indefatigable advocate of full rights for all women. It was also an opportunity in this political year for our major parties to draw attention to their platforms regarding the issues of concern to American women and note the accomplishments each had made on their behalf. This is understandable, particularly in view of all that has been said and written about a gender gap. However, Susan B. Anthony's namesake and great niece commented that if her aunt were alive today she would not necessarily belong to any party. Rather, she would stand outside the parties and see what she could negotiate between them.

Mr. President, there will always be political parties, and happily, men and women, while they might share the same professions, interests and goals, will always be somewhat different natures. What I think is important is that these differences be tapped and combined for the enrichment of all of our lives and the betterment of our society.

Let us thus celebrate this year's National Women's History Week with a vision that while the past may have polarized the sexes, the future offers us an opportunity to embark on a new and surely some beneficial course. Just as this Nation would have never attained all it has without the unique contribution of American women, let us not forget that there remain many areas which have not reached their full development because the participation of women has been limited. In the interest of eliminating these obstacles, let us all, in our own lives and individual spheres of influences act, as Susan B. Anthony would have, to bring opposing sides together in the knowledge that through combining strengths we will reach—and likely exceed—our potential.●

JOHN PAUL HAMMERSCHMIDT—VFW AWARD

● Mr. PRYOR. Mr. President, my colleague in the House of Representatives, JOHN PAUL HAMMERSCHMIDT, is today being awarded the 1984 VFW Congressional Award for outstanding service to the Nation.

This could not be given to a more deserving and dedicated Member of Congress. For the past 17 years, when Congressman HAMMERSCHMIDT came to Washington, he has been a true friend of the veteran, a watchman for veterans' benefits, and a strong leader in writing legislation for veterans.

I came to Congress from the Fourth District of Arkansas in the same year that my friend JOHN PAUL HAMMERSCHMIDT came to represent district three. We have been colleagues since that time, and we have worked together on a number of programs for the veterans of Arkansas and the Nation. I am proud to claim him not only as a fellow Arkansan but also as a colleague in our mutual determination to serve veterans throughout the country.

Congressman HAMMERSCHMIDT is ranking minority member of the House Veterans' Affairs Committee. During World War II, he served in the China-Burma-India Theater as a pilot in the Army Air Corps. He comes from Harrison, Ark., in one of the most beautiful and mountainous areas of our State and Nation.

Let me end with a quotation from commander in chief of the VFW, Clifford G. Olson, who said this when he announced that Congressman HAMMERSCHMIDT would receive this award:

Representative JOHN PAUL HAMMERSCHMIDT has served his country and its veterans well over the years. It is indeed fitting that he receive the Congressional Award

from the Veterans of Foreign Wars of the United States. He thus will join the illustrious Senators and Representatives who have been honored in this manner for several years.

This summarizes so well the special pride all of us in Arkansas feel for our friend and colleague, JOHN PAUL HAMMERSCHMIDT.●

SENATOR TOWER DISCUSSES CONGRESSIONAL INVOLVEMENT IN DEFENSE AND FOREIGN POLICY

● Mr. DOMENICI. Mr. President, today the Budget Committee received testimony about the defense budget from Senator TOWER, chairman of the Armed Services Committee. This was not the first time that Senator TOWER has testified before the Budget Committee. In fact, it was the third time, but it was unique because Senator TOWER used the opportunity not to discuss the need for higher defense budgets and a stronger national defense, but rather for the need to conduct an internal reassessment of congressional involvement in defense and foreign policy. This statement is thoughtful and timely, and I recommend that every Senator read it. Therefore, Mr. President, I ask that Senator TOWER's prepared testimony given before the Budget Committee this morning be included in the RECORD at the conclusion of my remarks.

Senator TOWER spoke insightfully about the need to streamline the congressional process of approving and implementing an agency budget. He describes accurately the problems of overlapping committee jurisdictions, the problems of repetitious congressional votes on issues which need not be addressed more than once in a session, and the general disruptive effect that congressional action or inaction often produces on defense and foreign policy. He suggests that Congress should review its constitutional duties in this area and consider reorganizing to produce a more efficient and effective process.

Mr. President, Chairman TOWER also made an eloquent call for the Senate to use this process to provide greater leadership and to cultivate among our constituents a greater appreciation for America's role in the world and the broad requirements of our defense and foreign policy. All of this to be directed toward rebuilding a bipartisan consensus on defense and foreign policy.

I think all of us realize what a dangerous world in which we live. Yet here is one of our Nation's leading experts on defense and foreign policy matters—chairman of the Senate Armed Services Committee—who is quite pessimistic about our ability to develop a coherent, stable defense policy. In Chairman TOWER's own words:

I would characterize the immediate future of the defense program, in financial and programing terms, as very unstable.

I think Chairman TOWER has raised some very important issues. He stresses that we should strive to institute reforms that satisfy the four objectives of developing consensus, commitment, stability, and steadiness of purpose for our national defense and foreign policy.

Each Senator should read this statement and consider the issues raised by Senator TOWER.

The statement follows:

STATEMENT OF SENATOR JOHN TOWER, BEFORE THE COMMITTEE ON THE BUDGET

A NATIONAL SECURITY AGENDA FOR THE CONGRESS

Mr. Chairman, I appreciate the opportunity to present to this Committee, for the third and final time as Chairman of the Armed Services Committee, my personal views on our country's future requirements for national defense.

In preparing for this hearing, I had given thought to updating testimony presented over the last two years, wherein I outlined many of the current and future challenges to our foreign policy, emphasized the need to continue rebuilding our defense posture, and identified some of the practical and financial pitfalls that prevent efficient execution of the the defense program in an unstable defense budgeting environment.

I commend these issues to you once again; they are central and enduring. Clearly, the problem of redressing the current military imbalance with an adversary that still maintains a broader based and more aggressive weapons modernization program is just as persistent today as it ever has been. The foreign, domestic, and economic implications of a widening gap between the relative military capabilities of the United States and the Soviet Union should weigh heavily in our national planning—including that done by this Committee—for the foreseeable future. We will do the country a great disservice if we avoid this central problem and its enormous implications for the Nation's future well-being.

On second thought, however, I concluded that these issues will play, unfortunately, an extremely limited role, if any, in the context of the immediate search for a solution to this year's budget impasse. The plain truth is that Congress has not listened to these arguments over the past two years, and probably will not seriously consider them in its deliberations on the President's FY 85 budget. Despite this Administration's best efforts to present a defense budget based on visible threats and long-term security requirements, the Congress is determined to consider defense issues only in the context of near-term affordability.

This is an old, but I sense, growing problem, one that is now polarizing the relationship between Congress and the President on the issue of national defense and is frustrating efforts to develop and execute a balanced and stable defense program.

Insofar as the Congress is part of the problem, it must be part of any solution. This has caused me to reflect upon a national security agenda for the Congress that might assist in reestablishing fundamental points of reference for leaders of both branches of government and of both parties, as we attempt to secure the long-term interests of the United States in a volatile and uncertain world. This agenda has five important elements, from Congressional self-examination and reform to consensus building and leadership. We should begin by reviewing the proper role of Congress in setting national priorities and formulating the Federal budget.

REVIEW OUR RELATIONSHIP TO THE EXECUTIVE BRANCH

Holding the power to tax and spend, Congress, of course, has played, and will continue to play, a major role in the Federal budget process. But in more recent years some in Congress have assumed an almost sanctimonious attitude that I believe vastly inflates our individual and collective competence.

Some have taken to ignoring Presidential budgets—not just parts of them, but whole budgets. Rather than working our will through the Committee system, we ask the President to "send us a more realistic budget," or we barter back and forth in highly informal, politicized and public "negotiations." Members of Congress, even freshman Members, write their own prescriptive budgets for the entire Federal Government.

So, the first priority should be to assess the basic relationship of the Congress with the Executive Branch. The Congress may decide that these current trends are appropriate. In fact, as the Chairman of an authorizing committee, no one has had a greater interest than I have in protecting the prerogative of Congressional oversight. However, I suspect that such a review would highlight several key, constitutionally derived limitations.

We are a relatively unorganized group of 535 individuals with no real executive authority, whose collective decisionmaking capabilities are diffused and painfully limited. Our knowledge of, and responsibility for, governing Federal agencies is also limited. Our government was organized to include only one Executive Branch, and the taxpayers should be paying for only one,

It is a weak government indeed that is ruled exclusively by the lowest common denominator of its legislature and the perpetual acquiescence of its executive. No Senator or Congressman is elected to serve all the people. Before we reject it out of hand, we must acknowledge and respect the need in our form of government for Presidential leadership, lest we presume to set a course for the nation substantially at odds with that which he has proposed. A President's statement and agenda of national priorities is not inviolate but, in principle, I believe it should carry more weight than that of any Committee of Congress.

After reviewing in general terms our proper role in setting national priorities and formulating the Federal budget, the Congress should turn to an internal reassessment of its increasing involvement in defense and foreign policy.

RECONSIDER CURRENT TRENDS IN CONGRESSIONAL BEHAVIOR

Here again I am concerned about current trends in Congress. When the President convened a bipartisan commission to address Social Security issues, its results were accepted and enacted into law. While similar commissions have been organized on Strategic Forces and Central American policy, their results and recommendations still face repeated debate and challenge. When we in Congress act upon difficult issues such as taxes and Social Security we tend not to want to revisit them anytime

soon. However, this does not seem to hold true in defense and foreign policy. It is not my view that the work of bipartisan commissions should necessarily be rubberstamped by the Congress. I do believe, however, that the work of such outside experts on important long-term problems in defense and foreign policy deserve as much serious consideration as that given to the resolution of domestic problems.

The area of arms control is another example of how our responsibilities for Congressional oversight are taken to the extreme in areas far removed from our immediate constitutional duties. Too few can resist the temptation to publicly advise the President on how to negotiate with the Soviet Union, and propose their own schemes for arms control. In the recent past, more often than not, Congressional intrusion has played the foil to U.S. negotiating positions, while the Soviets wait stoically for further U.S. concessions at the bargaining table. Many times, the source of our intrusion in foreign policy is domestic politics; that is, the desire to fulfill the narrow wishes of America's many ethnic minorities, or to enhance one's credibility in the media.

In defense policy, the Congress—occasionally including my own Committee—is engaged in too much micro-management at the expense of the broader review of defense requirements and priorities. Moreover, Congress itself is often the source of the restrictive rules, regulations and guidelines that prevent the efficient use of taxpayer dollars. The defense authorization and appropriation acts contain over one hundred General Provisions, many of which tell the Department of Defense what it cannot do to spend defense dollars more wisely.

The provisions of the Davis-Bacon Act require the payment of prevailing wages, usually union rates, for contracting on Federal construction projects. If Davis-Bacon were eliminated, the fiscal year 1985 Military Construction program, if approved intact, would cost roughly $300 million less than has been requested.

In attempting to protect Federal employees, the Congress also restricts DOD's ability to contract-out for various services. The additional cost to the taxpayers exceeds $500 million in Budget Authority over a three-year period.

And, of course, base closures and realignments—correctly viewed as legislatively infeasible—are worth billions over time.

In addition, Congressional action on individual defense programs can also be a primary cause of increased costs. We have stretched out programs, and even continued those for which there is no longer a valid military requirement, such as the A-10. In some cases we have promoted dual-sourcing where the real demand is barely sufficient to support one producer, or insisted upon sole-sourcing where competition would be excluded.

Many of these restrictions, and they are almost too numerous to count, amount to Congressionally mandated waste. It is also interesting to note that while Congress has never had a stronger grip on defense management than it has today, we have never complained louder about waste, fraud, and abuse. While I will continue to try to seriously address these issues, I will not be moved prematurely by those who decry the Defense Department's so-called waste, fraud and abuse, and so propose enormous cuts in the defense budget, but in fact fail to support the legislative changes necessary to achieve reforms.

Addressing this larger problem head-on—that is, the lack of Congressional self-restraint—is perhaps the precursor to a third item on the agenda.

LEGISLATIVE REFORM

After looking back to our constitutional roots and comparing them with current Congressional practices, I believe the Congress should be willing to consider legislative reforms, such as a reorganization of the Committee system and the Congressional budget process, to remove unnecessary layering and overlapping jurisdictions.

This Committee has already received testimony from many witnesses on potential changes to the Congressional budget process, and I will devote more thought to this issue in the coming months. For now, I can only say that it is getting somewhat embarrassing, in responding to questions about reform of this budget process, to explain that we are so bogged down in the process that we haven't got the time to consider changing it.

Without making reference to any specific proposal for legislative reform, I would clearly be inclined to inject the current system with a greater capacity for institutional leadership and self-discipline. I believe the need for such leadership is clear. During the last fifteen years, the average years of service in the Senate has declined from 11.6 to 8.5 years, the lowest average since 1955. The 97th Congress had a greater proportion of Senators serving first terms (56 percent) than any Congress since 1923. The drift of power away from the full committee and toward subcommittees has thus been recently combined with a period of higher turnover and declining experience and longevity among Senators.

In addition, we have too many committees with overlapping jurisdictions. The 92 hearings held by the Armed Services Committee last year accounted for only 54 percent of the Senate hearings in which the Department of Defense presented testimony. I speak with a vested interest, but also, I believe, in the interests of the Senate in arguing that the committees of greatest expertise should be given more exclusive responsibility for recommendations to the Senate. It should also be evident that, except in the review of conference agreements, the Senate need not vote on the same issue more than once a year. Serious consideration ought to be given to whether or not we really need a separate authorization and appropriations process, and whether their consolidation might not result in a reduction in the Congressional workload, and in more cohesive and clear statements of legislative intent.

FIDELITY AND LEADERSHIP

If the Senate can reassess its relationship with the executive branch, move away from the current tendencies towards narrow self-interest, and reorganize itself to speak more clearly on issues of national importance, then I believe we would be prepared to offer the kind of leadership for the country that was envisioned in the Constitution.

Senator Russell once asked a colleague about the results of recent elections. The colleague replied that his margin of victory over the years had been steadily climbing, and he was now getting over 85 percent of the vote. Russell responded to the effect that this margin of victory was much too high for a Senator, because it showed that he was doing too much following and not enough leading. The more time we spend in the Senate, he argued, the more leadership we owe the Nation.

And so, a fourth item on the national security agenda is the need for Congress, particularly the Senate, to provide greater leadership, and to cultivate among our constituents a greater appreciation for America's role in the world and the broad requirements of our defense and foreign policy.

This will undoubtedly be a considerable challenge. Somewhere along the way, we have failed to impart to the current generation, including many in Congress, an adequate appreciation of international affairs. While many claim to understand the dangers and costs of war, too few are schooled in the balance of diplomatic and military arts required to prevent it. Rather than providing background and insight to America's long-term interests, too many Members return from their fact-finding trips abroad with "clientitis," an affliction generally associated with junior Foreign Service Officers.

Leadership and statecraft have a special place in the Senate, but they do not come naturally in our political system. In my view, we must work harder to strike the proper balance between moving the country in the direction our constituents want it to go—frequently towards disengagement and isolationism—and leading the nation towards where we must go if we are to maintain a global political and military balance of power in the years ahead. This, indeed, is our highest duty.

REBUILD A BIPARTISAN CONSENSUS ON DEFENSE AND FOREIGN POLICY

All these thoughts, Mr. Chairman, are focused on what I believe is one of the nation's highest priorities: rebuilding a bipartisan consensus on defense and foreign policy.

In foreign policy, the results of our rancorous disagreements are all too obvious. In defense, while the results are less open to public view, they are no less detrimental.

The current impasse on defense is largely the result of contrasting approaches to the strategic problem of how best to meet our international obligations. The Administration maintains that these obligations, and the military requirements identified to support them, should provide the basis for the defense budget request. Conversely, the Congress generally seems to argue that domestic politics and available resources should determine "how much is enough" for defense.

In my view, we must soon come to a resolution of these differences. In the last three years the Congress has made major reductions in the defense budget—In fiscal year 1982 a reduction of $7 billion, in fiscal year 1983 $18 billion and in fiscal year 1984 $17 billion—and it appears as though substantial reduction in fiscal year 1985 are inevitable. We in Congress complain about mismanagement and waste in the Pentagon and yet it is these large annual funding changes which make sound program management impossible and cost overruns a certainty.

I would characterize the immediate furture of the defense program, in financial and programming terms, as very unstable. The Department of Defense is planning for future increases beyond what appears to be politically feasible; and some in Congress are considering reductions from the President's request well beyond the bounds of prudent risk. In reaching the correct budget figures for fiscal year 1985 and the outyears, I would emphasize four important objectives: consensus, commitment, stability, and steadiness of purpose.

I hope that we in the Congress and the Administration can approach this problem with open minds; the Administration sensitive to the need to restore a bipartisan consensus on national defense, and we in Congress true to our constitutional obligation to provide for the common defense.

There will always be risks in compromise, but the potential long-term benefits to the nation could make it well worth the effort.●

UNIFORM MINIMUM DRINKING AGE ACT OF 1984

● Mr. LAUTENBERG. Mr. President, on February 7, I introduced S. 2263, the Uniform Minimum Drinking Age Act of 1984, which was referred to the Committee on Environment and Public Works. I was joined in sponsoring this important legislation by Senators PELL, BURDICK, and HEINZ. S. 2263 would gradually reduce highway assistance to those States who refuse to raise their drinking age to 21 after a period allowed for States to make progress toward that goal.

I was delighted to note, Mr. President, that last December 5, at their meeting in Secaucus, N.J., the Coalition of Northeastern Governors adopted a resolution addressing the vital issue of a uniform minimum drinking age. This resolution had the strong support of Governor Cuomo of New York and Governor Garrahy of Rhode Island, both of whom have shown outstanding leadership on this issue. We in New Jersey anxiously await the implementation of this resolution by Governors throughout the Northeast and the adoption of 21 as the uniform minimum drinking age.

Mr. President, I ask that a copy of the Governor's resolution appear in the RECORD.

The resolution follows:

CONEG POLICY RESOLUTION ON MINIMUM ALCOHOL PURCHASE AGE

Nationally, more than 11 million families have had a member killed or seriously injured by a drunk driver in the past 10 years. A conservative estimate of society's loss in wages, productivity, medical and legal costs resulting from drunk driving crashes is estimated to exceed $24 billion each year. Statistics indicate that one out of two Americans will be involved in an alcohol-related crash during their lifetime.

Driver impairment from alcohol plays a role in about 40 percent of all crashes involving serious injury and about 50 percent of all fatal crashes. Young drivers 16-24 years of age are most often involved in alcohol-related crashes.

In analyzing all the current approaches which include stiffer laws; education, increased enforcement and prosecution, the reduction of youth involvement in alcohol crashes is best achieved by raising the purchase age. A 1981 study conducted by the Insurance Institute for Highway Safety, found that nine states which raised the purchase age experienced a 28 percent reduction in alcohol crashes for the age groups affected by the legislation.

Currently, the legal purchase age for CONEG member states is as follows:

Connecticut	20
Massachusetts	20
New Hampshire	20
New Jersey	21
New York	19
Pennsylvania	21
Rhode Island	20

The establishment of a minimum age for the purchase of alcoholic beverages is a viable means of reducing alcohol-related crashes among young drivers. However, this must be accomplished on a regional basis to avoid fatalities from drivers crossing state borders to drink legally. The enactment of a single, consistent purchase age for all CONEG states is the most responsible goal to pursue. Therefore, the CONEG Governors are resolved to provide a uniform alcohol purchase age, and agree to work together to achieve this goal at the earliest possible date.

Adopted December 5, 1983.

HEALTH INSURANCE FOR THE UNEMPLOYED

● Mr. HEINZ. Mr. President, on January 25, 1984, the Steel Valley Unemployed Center in Homestead, Pa., released a survey of 671 people who either were or are now unemployed. The results of this survey depict the high levels of unemployment that still exists throughout the United States, and the continuing need to focus Federal attention and assistance to these depressed areas, which appears to be especially true where health care is concerned.

Unemployment figures have recently received front page attention with national rates of unemployment declining dramatically from 9.5 percent in August 1983 to 8 percent in January 1984. Nonetheless, as the results of the Steel Valley survey cautions, these national figures do not tell the complete story. In part, these figures distort the real picture; in hundreds of communities across the United States, large pockets of unemployment still exist and are causing severe hardship among many American families. Nine million Americans are still looking for work but cannot find suitable employment. Many have been unemployed for more than 1 year and have exhausted Federal benefits. In addition, a great number of unemployed workers have lost all health benefits and are putting off needed medical care.

The Steel Valley Unemployed Center survey supports this contention. Of the 628 respondents to questions regarding income status, 222 people or 35.3 percent reported no income at all while an additional 312 people, or 49.5 percent, reported unemployment compensation or welfare payments as their only income source. In addition, of the 671 respondents to questions regarding medical coverage 268 people, or 39.9 percent, reported no health insurance protection and 75 people, or 11.1 percent, of the population surveyed required immediate care but were forced to delay treatment.

Mr. President, I have been a strong advocate for continued Federal unemployment benefits for those who have lost their jobs through no fault of their own. I have also fully supported creation of a Federal program designed to provide coverage to unemployed workers in need of health care and will continue to seek a solution to this problem. The survey conducted by the Steel Valley Unemployed Center of Homestead reminds us all that the problem for the unemployed and uninsured has not gone away, and that the need for Federal action remains paramount. While we have taken some steps forward on unemployment compensation, it is clear that a comprehensive reform of this program must be a high national priority. In addition, I believe this survey documents, once again, that a significant proportion of the unemployed are at substantial health risk because they lack health insurance coverage. For this reason, I believe we need action on S. 951, our bill to provide assistance to unemployed workers who have lost their needed health care benefits.

I ask that the survey conducted by the Steel Valley Unemployed Center be included in the RECORD.

The survey follows:

DECEMBER 1983–JANUARY 1984 UNEMPLOYED SURVEY OF MEDICAL AND INCOME NEEDS

Total surveyed: Income 628, medical 671 (not all answered all parts); jobs question 385 (not on all forms).

Income: 628:

No income, 222 equals 35.3 percent; UC only, 184 equals 29.2 percent; welfare, 128 equals 20.3 percent; part time, 88 equals 14.0 percent; full time, 13 equals 2 percent, 3 at more (.47 percent) 10 at less (1.6 percent).

Medical insurance 671:

Yes, 403 equals 60 percent (private 225 plus welfare 178); no, 268 equals 39.9 percent; private, 225 equals 33.5 percent (16.6 percent—less spouse coverage); spouse, 114 equals 16.9 percent (111 purchased policy equals 16.5 percent, subtracted from 22.5 percent); welfare, 178 equals 26.5 percent; rejected by welfare 100 equals 14.9 percent.

Need immediate care—with no insurance 75 equals 11.1 percent, with insurance 41 equals 10.1 percent.

Would vote for a Federal jobs program 385 total (not on all forms):

Yes, 380 equals 98.7 percent; no, 5 equals 1.3 percent.

Survey sources: Steel Valley Unemployed Center files, USW 1397 Christmas Party, Local 61 Marine and Shipbuilders Christmas Party, United Electrical Local 610, St. Peters Food Bank for McKeesport-Clairton area and railroad workers local UTU 3263.●

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, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chariman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that such a notification has been received.

Interested Senators may inquire as to the details of this advance notification at the office of the Committee on Foreign Relations, room SD-440.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., March 5, 1984.

Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, 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,

GLENN A. RUDD,
Deputy Director.

S. 684—THE NEED TO OVERRIDE THE PRESIDENT'S VETO

● Mr. ABDNOR. Mr. President, President Reagan recently vetoed S. 684, a water resources research bill which I was honored to sponsor. That bill, which passed the Senate by unanimous consent, establishes new, tighter restrictions for a Federal/non-Federal partnership for water resources research work.

I believe the veto was unwise. I believe the veto undermines a fair and responsible policy, for it would, if sustained, leave in place authorities that should be tightened.

Mr. President, several of my colleagues and I are today sending a letter to our colleagues in the Senate explaining our reasons for urging the Senate to override the veto of S. 684.

I am honored that 19 of my most distinguished Republican colleagues have joined me in signing this letter: Senators BOSCHWITZ, D'AMATO, DURENBERGER, GARN, GOLDWATER, GORTON, GRASSLEY, HATCH, HATFIELD, HEINZ, HUMPHREY, MCCLURE, MURKOWSKI, PRESSLER, STAFFORD, STEVENS, SYMMS, WALLOP, and WARNER.

I urge our colleagues on the Democratic side to join with us.

I urge my colleagues in the Senate to join me and this distinguished list of colleagues in voting to override the veto.

Mr. President, I ask that a copy of the letter be printed in the RECORD.

The letter follows:

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, D.C., March 6, 1984.

DEAR COLLEAGUE: We are writing to you to ask for your vote to override the President's veto of S. 684, the Water Resources Research Act of 1983.

It is always difficult to oppose a President of one's own party when he vetoes legislation. Nevertheless, we believe President Reagan made the wrong decision on S. 684. We believe this is responsible legislation. We believe it should become law. S. 684 strengthens current law in several ways:

S. 684 provides matching grants to the water research institutes that exists in each state. S. 684 uses existing non-Federal institutions for needed water research; this is federalism at its best.

S. 684 gradually increases the non-Federal level of responsibility required from the institutes, eventually requiring a contribution of two non-Federal dollars for each Federal dollar. By asking more from non-Federal interests than is required under existing law, S. 684 assures a sounder allocation of Federal resources.

S. 684 continues the partnership in water research grants, generally on an equitable 50-50 cost-sharing basis with non-Federal interests.

S. 684 authorizes $36,000,000 a year. This compares with program authorizations totalling $53,500,000 during the most recent fiscal year of the existing program.

While President Reagan has not sought to finance water research programs, Congress has continued to appropriate money to meet these needs. Congress should recognize that reality. Yet we also need to tighten the standards for such support.

By overriding the veto of S. 684, the Senate will achieve those goals.

We hope that you will join us in voting to override the veto of S. 684.

Sincerely,

Robert T. Stafford, James Abdnor, Jake Garn, James A. McClure, Steve Symms, Mark O. Hatfield, Orrin G. Hatch, Rudy Boschwitz, Malcolm Wallop, John Warner, Chuck Grassley, Dave Durenberger, Gordon Humphrey, Slade Gorton, Frank H. Murkowski, Ted Stevens, Barry Goldwater, John Heinz, Larry Pressler, Alfonse D'Amato.●

PROPOSED AMENDMENT—VOLUNTARY SCHOOL PRAYER

Mr. BAKER. Mr. President, earlier today I indicated that an effort would be made to see what amendments might be offered to the prayer joint resolution, which I have attempted to do. By no means do I have a complete inventory. Indeed, it was almost all together on this side of the aisle, as those things usually are.

But an effort was made to identify points of view and potential amendments and to see what sort of language might be put together to offer at some point. I also indicated, so that all Senators would be apprised of that situation, that I would supply copies. I believe the best way to do that is simply to put a proposed amendment in the RECORD.

Now, I do not mean to imply that this is the only amendment that will be offered or that it is in final and perfect form, or that it is in any way an agreed compromise. It is not. It is, rather, a synthesis of ideas that was produced in the course of the afternoon that I think are worthy of examination by Members of the Senate in furtherance of our efforts to dispose of the issue before us.

I ask unanimous consent, Mr. President, that a form of the amendment be printed in the RECORD at this point.

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

Strike all after the resolving clause, and insert the following:

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

"ARTICLE —

"(1) Nothing in this Constitution shall be construed to prohibit individual, group vocal or silent prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in prayer. Neither the United States nor any State shall compose or mandate the words of any prayer to be said in public schools.

(2) The authorization by the United States or any State of equal access to the use of public facilities by voluntary religious groups shall not constitute an establishment of religion."

UNANIMOUS-CONSENT AGREEMENT—NOMINATION OF WILLIAM A. WILSON

Mr. BAKER. Mr. President, the minority leader is here now and he has advised me that an agreement in respect to the consideration of the nomination of William A. Wilson of California has been cleared on his side. Let me put the request at this time.

As in executive session, I ask unanimous consent that on tomorrow at 11:30 a.m., the Senate go into executive session for the purpose of considering the nomination of William A. Wilson of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Holy See, and that it be considered under the following time agreement:

One hour on the nomination, to be equally divided between the chairman of the Committee on Foreign Relations and the ranking minority

member or their designees; and, upon the conclusion or yielding back of the time, that the Senate then proceed to vote on the nomination of William A. Wilson.

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

Mr. BAKER. I thank the minority leader for his help in making it possible to address this issue tomorrow.

May I say for the benefit of Members that this means there will be a vote at or earlier than 12:30 p.m., barring unforeseen circumstances. We will go to this measure at 11:30 a.m. There is a maximum of an hour for debate and while that might not produce the vote exactly at 12:30, Members should be on notice of the strong possibility that there will be a vote sometime around 12 noon tomorrow. A rollcall vote is anticipated.

Mr. President, I have two matters that I would propose to take up now. One is House Concurrent Resolution 264, if the minority leader is agreeable to proceed to consideration of that.

Mr. BYRD. Mr. President, it is agreeable.

ORDER TO HOLD HOUSE CONCURRENT RESOLUTION 264 AT THE DESK

Mr. BAKER. Mr. President, I ask unanimous consent that, once the Senate receives from the House Concurrent Resolution 264, a concurrent resolution authorizing the Rotunda of the Capitol to be used for a ceremony on March 15, 1984, commemorating the anniversary of the birth of President Andrew Jackson, it be held at the desk pending further disposition.

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

Mr. BAKER. Mr. President, next I would propose to ask the Senate to take up a message from the House on H.R. 4194, if the minority leader is agreeable.

Mr. BYRD. Mr. President, there is no objection.

Mr. BAKER. I thank the minority leader.

EXTENSION OF ENERGY POLICY AND CONSERVATION ACT

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 4194.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House disagree to the amendment of the Senate to the bill (H.R. 4194) entitled "An Act to extend the expiration date of section 252 of the Energy Policy and Conservation Act.".

Mr. METZENBAUM. Mr. President, the United States is totally unprepared for another major oil shortage.

There is no standby allocation program in place to protect the American people.

There is no program to make sure that petroleum products get to farmers, or hospitals, or fire and police departments, or that they could afford it, even if it was available.

There is no program to insure that we are not hit with massive unemployment and high inflation because of another oil crisis.

The American public is completely vulnerable.

Yet we—the Congress and President Reagan—do nothing.

I offered the amendment that is pending today because I believe Congress must enact some form of standby allocation program to protect the American people in case of a major oil emergency.

This amendment does not attempt to establish any specific standby allocation. Instead, it attempts to force Congress to address this critical issue by directly linking it to legislation that extends the antitrust immunity for major American oil companies that participate in the international energy agency.

Let me explain where we stand. Last November, in the last week of the first session, the Senate passed H.R. 4194, a bill which would extend through June 30, 1985, the antitrust immunity afforded to oil companies that participate in the IEA. At the time, I argued that we should not authorize such a long-term immunity unless we also take steps to protect the American public by enacting some form of standby allocation program.

In order to force Congress to deal with this issue, I offered the following amendment:

Provided, however, that such legislation (the IEA antitrust immunity) shall terminate on June 1, 1984, unless a statute has been signed into law to authorize standby authority to the President to allocate crude and petroleum products for essential domestic use during an international oil shortage.

The Senate adopted that amendment, which I offered in cooperation with Senator McCLURE, and it was sent to the House. At the administration's request, the House refused to accept that language. Therefore, the issue now facing the Senate is whether we will recede from our original language or whether we will insist on this amendment.

I urge my colleagues to join with me in support of this amendment. As drafted, it does two things:

First, it provides for a short-term extension of the IEA antitrust immunity. It does not block the participation of oil companies in the IEA. If this amendment is adopted, that antitrust immunity would continue through June 1, 1984. And if we pass some form of standby allocation program, then the antitrust immunity would be extended all the way until June 30, 1985.

Second, my amendment forces Congress to deal with the critical issue of passing legislation to protect the American public in time of a major oil shortage. If you believe Congress should adopt some form of standby controls to deal with an energy crisis, you should vote to insist on this Senate amendment.

Again, this amendment allows the oil companies to participate in the IEA without further delay—but it also forces Congress to adopt some legislation to protect the American economy by June 1 of this year as a condition for providing a long-term antitrust immunity.

I believe it is highly appropriate to attach such conditional language to the IEA antitrust immunity legislation. I believe they should be linked together. If legislation is necessary to allow oil companies to meet and plan for an international oil crisis, surely legislation should also be adopted to protect the American public in time of such a crisis.

Frankly, as many of you know, I do not support the United States participation in the International Energy Agency. As I have stated before, I do not believe it is sound policy to provide the major international oil companies with limited immunity from antitrust laws. Such immunity allows those companies to share data about the world market and to divvy up the world oil supply in times of an international shortage, all under Government sanction.

To say the least, I do not trust those companies to act in the public interest.

But I am also opposed because our involvement in IEA will double the hardship for our own people when such a major oil crisis occurs. Few of my colleagues realize that our IEA treaty requires the United States to actually give up its own supplies to other countries just when we will need those supplies at home.

Under the current IEA obligation, a blockage in the Strait of Hormuz that reduces the world petroleum supply by 7 percent would reduce oil supplies to the United States by 1.1 million barrels of oil per day. By comparison, the Arab oil boycott of 1983 resulted in a loss of about 1 million barrels of oil per day.

If that significant shortage occurs, the IEA agreement would be triggered, and the United States would be obligated to send an additional 1.3 million barrels of oil per day to other countries. The total shortfall would be 2.4 million barrels of oil per day. In other words, we would be doubling the economic disaster on the American people.

Under current administration policies, the U.S. Government is asking its

people to make greater sacrifices in the middle of a major international oil crisis. Yet the Government is unwilling to pass legislation to protect the consumers from severe dislocations and price hikes that would occur because of that sacrifice.

In my opinion, this is a recipe for an economic—and political—disaster.

There is no question that we will have another major oil disruption—one that could well send our economy into another tailspin. The only question is when that will happen.

A number of experts have confirmed this view in testimony before the Senate Committee on Energy and Natural Resources. Recently the chairman of the Energy Committee, Mr. McCLURE, expressed deep concern about the instability of the world oil markets.

Let me review some of that testimony:

Senator McCLURE, in his committee opening statement:

The unpredictability of the international energy situation has been amply demonstrated. Over the past ten years, there have been three major oil supply disruptions which have increased oil prices more than ten fold . . .

The inescapable conclusion is that the stability we see today in the oil market is but a veneer that could quickly and easily be stripped away. Simply because public attention is not focused at present on our energy situation does not mean that we are no longer vulnerable to oil supply interruptions.

When Energy Secretary Donald Hodel was asked if he believes an oil disruption could occur again, he made the following statement:

I cannot give a mathematical or numerical quantification. I can give you an opinion which is based on a composite of my own experiences and what I hear from the staff. If I had to bet, I would bet that there will be some kind of disruption of supply or a perceived disruption of supply out of that area some time in the course of this year.

Other experts at that hearing also warned against complacency:

Melvin A. Conant, editor of Geo-Politics of Energy:

A major shortfall in international oil supply—such as could ensue in the Middle East Gulf—would probably bring with it a sudden surge upward in price . . . *even a slight rise in energy demand due to economic recovery will turn OECD economies back to OPEC; there will be no other option for the international barrel.* (Mr. Conant's emphasis in italic).

Anthony H. Cordesman, international policy editor, Armed Forces Journal:

Even a short-term interruption could raise prices significantly at a critical time in world economic recovery, and an interruption of several months might drive prices as high as $40–$45 per barrel.

Mr. President, the United States is clearly vulnerable to another major oil shortage. Yet the administration has refused to accept any form of standby allocation controls that would protect the American public in time of an energy crisis.

In fact, the administration has only one response: Let the free market reign.

If an oil crisis occurs, the administration has stated time and again it will not intervene. No effort will be made to allocate oil to farmers in areas where refinery supplies are low. No effort will be made to protect the poor or the elderly who will be hit with massive fuel bills. No effort will be made to avoid a repeat of the gas lines we experienced during past crises.

Recently the GAO was asked what would happen to oil prices if we followed the administration's free market approach in the middle of an oil crisis. Since the administration has refused to adopt any standby measure to prevent price increases that would obviously occur in event of an oil shortage, we must ask, how high will the price of oil go? How far is the administration willing to let prices increase without interfering in the market?

In its May 1983, report, GAO stated:

Large disruptions of 10 and 19 million barrels of oil per day (on the international market) could double or triple oil prices and have serious effects on inflation, economic growth, and unemployment—even under conditions of substantial unused production capacity such as those present during the past year.

GAO pointed out that an intermediate level of disruption—about 10 million barrels per day disruption on the world market—would raise spot prices by about $37 per barrel. (That is, an increase by $37/barrel, not up to $37/barrel.) And a drastic disruption of 19 million barrels per day would raise contract prices by about $70 per barrel, while spot prices could temporarily rise by more than $100 per barrel.

What effect would such price increases have on the consumer? According to GAO, gasoline prices would at least double in the moderate disruption scenario and more than triple in the severe disruption.

Inflation would increase by almost 3 percent during a moderate disruption, and in a severe disruption inflation could be increased as much as 11.4 percent.

The 10 million barrels per day disruption would temporarily reduce real GNP growth by as much as 3 percentage points, representing a loss of about $99 billion. The 19 million barrels per day disruption would have severe impacts. The real GNP growth rate could be temporarily reduced by over 13 percentage points, according to the model showing the largest economic effects . . . this growth reduction represents a peak annual GNP loss of $415 billion.

A moderate disruption would result in a loss of at least 1 million jobs.

The severe disruption scenario would result in a loss of up to 6 million jobs.

The conclusion of GAO's report states:

Despite current slack market conditions and assuming SPR drawdown at the maximum pumping rate, oil price increases in large supply disruptions could be severe.

Except for the most severe disruptions, oil prices keep rising after the disruption is over due to lags in the price response to market changes and continued inventory buildup. (p. 40)

Mr. President, several of my colleagues have expressed support for my objective, but they point out that President Reagan vetoed similar legislation 2 years ago. That legislation, S. 1503, made no specific proposals, but ordered the administration to draw up an emergency allocation plan. It was approved by the Senate by an overwhelming margin of 85–7. When President Reagan vetoed it in March 1983, many of his Republican supporters, including Senators BAKER and McCLURE, argued in favor of a veto override on the Senate floor. But the President pulled out all stops and presented it as a test of Presidential strength. Ultimately, a majority of the Senate still voted to override—58–36 with five not voting—but the veto was sustained for lack of a two-thirds margin.

I believe a majority of the Senate still supports some form of standby controls to deal with an oil shortage. I do not believe it is sufficient merely to tell our constituents, "Well, we tried 2 years ago, but now you are unprotected." That is just not an acceptable response.

Congress does have a responsibility to enact some standby legislation to protect the American people in time of a major oil crisis. We have recently passed the 10th anniversary of the 1973 Arab oil boycott. That was a watershed event. It changed our habits of using oil and gasoline. It had a major, long-term impact on the American economy.

We cannot afford to let history repeat itself.

We need to adopt standby legislation now, not during a crisis when a political firestorm develops. I urge my colleagues to vote to insist on the Senate position, so we may prod Congress as a whole into again passing vital legislation to protect the American public in the event of another major oil shortage.

Mr. BAKER. Mr. President, I move that the Senate insist on its amendment and request a conference with the House and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. McCLURE, Mr. DOMENICI, Mr. WALLOP, Mr. WARNER, Mr. JOHNSTON, Mr. FORD, and Mr. METZENBAUM conferees on the part of the Senate.

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

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

The motion to lay on the table was agreed to.

ORDERS FOR WEDNESDAY

ORDER FOR RECESS UNTIL 10:30 A.M.

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 THE RECOGNITION OF SENATORS WILSON, PROXMIRE, AND BYRD

Mr. BAKER. Mr. President, I have a request for three Senators to speak on special orders on tomorrow. Therefore, I ask unanimous consent that, after the recognition of the two leaders under the standing order, Senators WILSON, PROXMIRE, and BYRD be recognized on special orders for not to exceed 15 minutes each and in that order.

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

ORDER DESIGNATING A PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I further ask unanimous consent that after the execution of the special orders that the time, if any, remaining prior to the hour of 11:30 a.m. be devoted to the transaction of routine morning business in which Senators may speak for not more than 30 minutes each.

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

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, under the order previously entered, the Senate, at 11:30 a.m., will go into executive session for the purpose of considering the Wilson nomination under a time agreement. A vote is expected on that nomination, and votes are expected on or in relation to the prayer issue during the day tomorrow. Senators should be on notice that tomorrow may be a busy day.

PROGRAM

Mr. BAKER. Mr. President, on tomorrow, the Senate will convene at 10:30 a.m. After the recognition of the two leaders under the standing order, Senator WILSON, Senator PROXMIRE, and the minority leader will be recognized on special orders for not to exceed 15 minutes each, to be followed by a period for the transaction of routine morning business in which Senators may speak for not more than 3 minutes each, or until no later than 11:30 a.m.

Mr. President, at 11:30 a.m., the Senate will go into executive session to consider the nomination of William A. Wilson to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Holy See under a time agreement.

Following the disposition of that matter, Mr. President, the Senate will return to legislative session and resume consideration of the unfinished business, which is Senate Joint Resolution 73.

Mr. President, it is anticipated that rollcall votes will occur tomorrow and, during the day, perhaps several.

RECESS UNTIL TOMORROW AT 10:30 A.M.

Mr. BAKER. Mr. President, I see no other Senator seeking recognition. I move, in accordance with the order previously entered, that the Senate now stand in recess until the hour of 10:30 a.m. tomorrow.

The motion was agreed to, and the Senate, at 5:52 p.m., recessed until Wednesday, March 7, 1984, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 6, 1984.

THE JUDICIARY

H. Russel Holland, of Alaska, to be U.S. district judge for the district of Alaska vice James A. von der Heydt, retiring.

Edward C. Prado, of Texas, to be U.S. district judge for the western district of Texas vice C. Frederick Shannon, Jr., resigned.

GENERAL SERVICES ADMINISTRATION

Jack L. Courtemanche, of California, to be Administrator of General Services, vice Gerald P. Carmen, resigned.

FOREIGN SERVICE

The following-named persons in the Agency for International Development for appointment as Foreign Service officers as indicated:

For appointment as Foreign Service officers of class 1, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

Gary Dale Adams, of Virginia.
James A. Anderson, of Virginia.
James Michael Anderson, of Maryland.
Vivian L. C. Anderson, of Pennsylvania.
Gerrit Henry Argento, of New Jersey.
Larry T. Armstrong, of California.
Paul Edward Armstrong, of New York.
Byron H. Bahl, of the District of Columbia.
Austin J. Ballard, of Virginia.
Ralph E. Barnett, of Virginia.
Joseph W. Beausoleil, of Virginia.
Quincy Benbow, of Maryland.
James W. Bender, of Pennsylvania.
Bruce Merlin Berry, of Maryland.
Timothy L. Bertotti, of Michigan.
Richard Donley Biava, of California.
Neil Bartley Billig, of Virginia.
Clark H. Billings, of Colorado.
Martin H. Billings, of Connecticut.
Ralph Bird, of Florida.
Gary Bryan Bisson, of New Hampshire.
Dianne Metzger Blane, of the District of Columbia.
Lucian A. Bonkowski, of California.
Gerard R. Bowers, of Maryland.
Charles C. Brady, of Texas.
James B. Brody, of Illinois.
Donald Gregory Brown, of Virginia.
Richard Rolland Brown, Jr., of Maryland.
Richard Burke, of Virginia.
Barry S. Burnett, of New York.
William Charles Busch, of Virginia.
Douglas William Butchart, of California.
Edward E. Butler, of New Jersey.
Carlos Raul Cabrera-Morales, of Puerto Rico.
C. Stuart Callison, of Connecticut.
Francis R. Campbell, of Minnesota.
Joseph P. Carney, of Florida.
Robert L. Chamberlain, of the District of Columbia.
John C. Chang, of California.
Edwin Thomas Chapman, of Virginia.
David Alan Cohen, of New Jersey.
Constance L. Collins, of Virginia.
Charles R. Connolly, of California.
John M. Cornelius, Jr., of Oklahoma.
Edward T. Costello, of Washington.
Robert Carey Coulter, Jr., of California.
Philip Thomas Cox, of Texas.
Larry Keith Crandall, of Colorado.
Richard LaVelle Crist, of California.
Christopher D. Crowley, of Virginia
Henry Bernard Cushing, of the District of Columbia.
Vincent Cusumano, of Illinois.
Robert T. Dakan, of California.
Paul Anthony Daly, of Florida.
Dante D'Antonio, of New Jersey.
Lawrence A. Dash, of the District of Columbia.
Ronald A. Davidson, of New York.
James W. Dawson, of Florida.
Leslie A. Dean, of California.
Raymond A. DeBruce, of Florida.
Patrick D. Demongeot, of Connecticut.
David Charles Denman, of Florida.
Gilbert D. Dietz, of Virginia.
Ann M. Domidion, of New Jersey.
Thomas Raymond Donnelly, of Florida.
Barbara Ann Dotherow, of Hawaii.
Raymond E. Dropik, of Florida.
Warren B. Duerbeck, of Florida.
Michael deH. Dwyre, of California.
Scott W. Edmonds, of Arizona.
Frank R. Egi, of Virginia.
Rollo L. Ehrich, of Virginia.
Kenneth C. Ellis, of Colorado.
William B. Erdahl, of California.
Jeffrey Walter Evans, of New Jersey.
Betty Morris Facey, of New Mexico.
William H. Faulkner, of Virginia.
John E. Fink, Sr., of Maryland.
Hunter Alexander Fitzgerald, of Maryland.
John N. Ford, of California.
Marion H. Ford, of Texas.
John Angelo Foti, of Texas.
Jack H. Francis, of Maryland.
Sara A. Frankel, of California.
David Walter Frederick, of Iowa.
Robert Lee Friedline, of Virginia.
Paul W. Fritz, of Virginia.
Michael A. Fuchs-Carsch, of Maryland.
Jon A. Gant, of North Dakota.
David J. Garms, of Virginia.
Philip-Michael Gary, of Virginia.
Brent Lee Gatch, of California.
Thomas L. Geiger, of Virginia.
William T. Gelman, of Florida.
Joseph E. Gettier, of New York.
Dale Claire Gibb, of Virginia.
Jon William Given, of Florida.
Carl P. Gleason, of Virginia.
Myron Golden, of Ohio.
Coinage Napoleon Gothard, Jr., of Alabama.

Gerald Gerhard Graf, of Virginia.
John W. Greenough, of Washington.
Clark Stephen Gregory, Jr., of Michigan.
Patrick Hoover Griffin, of Washington.
Clarence H. Groceman, of Virginia.
J. Paul Guedet, of California.
John Noel Gunning, of Virginia.
Michael J. Hacker, of Florida.
Howard Raymond Handler, of Virginia.
Allen C. Hankins, of Virginia.
Harry Benjamin Harris, of California.
Charles T. Hash, of Montana.
Robert Hechtman, of Virginia.
Robert Charles Henrich, of Virginia.
Francis Robert Herder, of Virginia.
Reyes G. Herrera, of Arizona.
Andra James Herriott, of Virginia.
Jon F. Hines, of New Hampshire.
Jay Hirama, of Colorado.
John T. Howley, of Virginia.
Robert Webb Huddleston, of Maryland.
Leland Stanford Hunsaker, of Florida.
Mary K. Huntington, of the District of Columbia.
Charles Husick, of Virginia.
Michael J. Ireland, of Florida.
James A. Ito, of Hawaii.
Joseph Wayne Jacobs, of Maryland.
Charles R. Jenkins, of Florida.
Joseph S. Jenkins, of Missouri.
Harry Richard Johnson, of Rhode Island.
Richard Alan Johnson, of Maryland.
Rodney William Johnson, of Virginia.
George Jones, of Colorado.
Frederick Alois Kalhammer, of California.
Jalil S. Karam, of Washington.
Helene Kaufman, of the District of Columbia.
John Carleton Kelley, of Maryland.
Kevin Kelly, of California.
Raymond A. King, of New Jersey.
Hjalmar P. Kolar, of Virginia.
Michael J. Korin, of Texas.
Walter Edmund Kreutzer, of California.
Louis Hurford Kuhn, of Florida.
Kurt Keith Kunze, of Virginia.
Larry K. Laird, of Florida.
Terry L. Lambacher, of Florida.
G. Franklin Latham, of New Jersey.
Daniel L. Leaty, of New York.
David Leibson, of Pennsylvania.
James Alexander Leo, of Texas.
Robert A. Leonard, of Florida.
Robert M. Lester, of New York.
John J. Lewis, of Missouri.
Arthur S. Lezin, of Oregon.
William Arthur Libby, of California.
Terrence F. Liercke, of Virginia.
Joseph Marion Loudis, Jr., of Virginia.
Marie M. Love, of California.
Thomas C. Luche, of Virginia.
Ken Lyvers, of Kentucky.
Frederick E. Machmer, Jr., of Texas.
Daniel J. Mackell, of Maryland.
Anita Mackie, of Missouri.
William R. MacLauchlan, of Florida.
Paul Eugene Maddy, of Iowa
James O'Donnell Maher, of Virginia.
Karl L. Mahler, of California.
William Mann, Jr., of Texas.
Gary Theodore Mansavage, of Oregon.
Nick James Mariani, of California.
Kenneth L. Martin, of Maryland.
William Alton Mashburn, of Virginia.
Bernard H. Masters, of Virginia.
Robert Joseph Maushammer, of Nevada.
Dayton Louis Maxwell, of Maryland.
Robert Scott McCandliss, of California.
George Thomas McCloskey, of Florida.
Evelyn Cecelia McLeod, of Maryland.
David Gordon Mein, of Maryland.
Donald Neale Melville, of California.
Charles Gary Merritt, of Virginia.
Richard J. Metcalfe, of Virginia.
Henry Landon Miles, of Idaho.
Duncan R. Miller, of Virginia.
George William Miller, of Indiana.
John M. Miller, of California.
Ihsan Leila Mogannam, of Florida.
Dennis Howard Morrissey, of Virginia.
Tridib K. Mukherjee, of Texas.
Edward Muniak, of Illinois.
Tibor Nagy, of Florida.
William Bennett Nance, of North Carolina.
John W. Neave, of Virginia.
Richard Bernard Nelson, of Virginia.
Wayne R. Nilsestuen, of Florida.
Malcolm S. Novins, of Virginia.
F. E. Obey, of Massachusetts.
Thomas L. O'Connor, of Pennsylvania.
Patrick Joseph O'Neill, of Virginia.
David Arthur Oot, of New York.
F. Samuel Ostertag, of Virginia.
Norma Jean Parker, of New York.
Frank Richard Pavich, of California.
Jose M. Pena, Jr., of Texas.
Dale Brian Pfeiffer, of New Jersey.
Edward J. Ploch, of Virginia.
Raymond J. Potocki, of Florida.
James H. Purcell, of Virginia.
Leroy Purifoy, of Texas.
Alexander A. Ralli, of Maryland.
Samuel S. Rea, of the District of Columbia.
B. Donald Reese, of Virginia.
Henry W. Reynolds, of California.
Charles R. Rheingans, of Virginia.
William Stacy Rhodes, of Virginia.
William Wells Rhodes, of Maryland.
Raymond F. Rifenburg, of California.
Norman Rifkin, of the Virgin Islands.
William Douglas Robbins, of Maryland.
Jose A. Rodriguez-Acevedo, of the District of Columbia.
Marschal D. Rothe, Jr., of Maryland.
D. Gale Rozell, of California.
Ronald Glover Russell, of California.
Stephen Cameron Ryner, of California.
Bernard J. Salvo, of Virginia.
Arthur D. Schantz, of California.
James A. Schill, of Virginia.
Christina Hussey Schoux, of California.
William Pierre Schoux, of California.
William Franklin Schrider, of Maryland.
Marvin A. Schwartz, of Florida.
Samuel T. Scott, Jr., of Texas.
Erwin Clayton Seeley, of Virginia.
Staishchandra P. Shah, of Florida.
Donald K. Shannon, of Florida.
Walter J. Sherwin, of Maryland.
Peter W. Shirk, of Ohio.
Spencer Mapes Silberstein, of Florida.
Derek S. Singer, of Illinois.
Steven H. Singer, of California.
Ralph M. Singleton, of Texas.
Glenn G. Slocum, Jr., of Florida.
George Laurant Smith, of Michigan.
James F. Smith, of the District of Columbia.
Jack R. Snead, of California.
Richard P. Solloway, of Florida.
William Charles Spat, of Massachusets.
John C. Speicher, of Florida.
Jonathan Lasker Sperling, of Virginia.
J. C. Stanford, of Florida.
Dwight R. Steen, of Virginia.
Dan F. Sutton, Jr., of Virginia.
Alan George Swan, of Virginia.
Samuel Taylor, of Mississippi.
Kurt Henry Teil, of Pennsylvania.
John Alexander Tennant, of California.
Daniel S. Terrell, of Virginia.
Richard Marshall Thacher, of Virginia.
Howard Clark Thomas, Jr., of Arizona.
Jack Elwyn Thrower, of Oklahoma.
Terrence P. Tiffany, of Oregon.
Edwin Randall Tolle, of Florida.
Rose M. Veith, of Florida.
Bendeguz Attila Viragh, of Virginia.
Paul Grant Vitale, of Virginia.
George A. Wachtenheim, of Florida.
LeRoy LaMar Wagner, of Florida.
Donald Francis Walls, of Texas.
David Andrew Walsh, of New Hampshire.
Sean Patrick Walsh, of Virginia.
William E. Wanamaker, of California.
James Thomas Ward, of Texas.
Robert Mark Ward, of New York.
Charles G. Warren, of Louisiana.
Mark G. Wentling, of Kansas.
Boyd V. Whipple, of California.
Michael K. White, of Virginia.
Paul Edward White, of Virginia.
William R. White, Jr., of New York.
Willie Amzie Whitten, Jr., of Virginia.
Bernard Dwight Wilder, of Florida.
Harry G. Wilkinson, of California.
Aaron S. Williams, of Florida.
Stephen C. Wingert, of California.
Marcus L. Winter, of Florida.
Charles H. Witten, of Kentucky.
Arthur Wong, of Ohio.
John B. Woods, of Florida.
Kenneth B. Youngs, of California.
Michael Stephen Zak, of New York.
Eric R. Zallman, of Florida.
John C. Zeigler, of Arizona.
Fred L. Zumwalt, of Arizona.

For appointment as Foreign Service officers of class 2, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

Arjuna O. Abayomi-Cole, of Pennsylvania.
George Byron Addison, Jr., of Virginia.
Edward Orville Aker, of Maryland.
Gary E. Alex, of Illinois.
Basharat Ali, of Tennessee.
Dinsmore J. Alter, of Florida.
Edward Allen Baker, of Texas.
Stafford H. Baker, of Minnesota.
John A. Becker, of Illinois.
L. Marcia Bernbaum, of Florida.
Beatrice Kay Beyer, of New Jersey.
John Heflin Bierke, of California.
Anatole T. Bilecky, of Virginia.
Herbert G. Blank, of California.
James William Bonner, of Florida.
Donald W. Boyd, Jr., of Florida.
Theodor Edward Bratrud, Jr., of Arizona.
Gary W. Bricker, of Oklahoma.
Lawrence Martin E. Brown, of Maryland.
Cynthia Ann Bryant, of Florida.
Robert Vincent Burke, of New York.
John J. Burns, of Virginia.
J. Raymond Carpenter, of the Commonwealth of Northern Mariana Islands.
Joseph M. Carroll, of New York.
Robert V. Chandler, of Florida.
Barnett Chessin, of Virginia.
Philip Ely Church, of Oregon.
Donald B. Clark, of New Hampshire.
Jaime E. Concepcion, of New York.
Donald Stephen Connors, of Virginia.
Gary W. Cook, of Texas.
Thomas L. Cooper, of Idaho.
Charlotte M. Cromer, of Texas.
R. C. Cummings, of Florida.
Michael M. Curtis, of Arizona.
Anne Leone Dahlstedt, of Virginia.
Gussie L. Daniels III, of Texas.
Rene R. Daugherty, of the District of Columbia.
Richard J. Delaney, of California.
Gilda DeLuca, of California.
Rose Marie Depp, of Maryland.
Pablo DeRuiz, of Virginia.
Harold L. Dickherber, of Missouri.
Valerie Leona Dickson, of Texas.
Daniel V. Dikcius, of New York.
Buddy King Dodson, of Missouri.
Larry Joseph Dominessy, of New York.

Lance Torrey Downing, of Virginia.
Carl A. Dutto, of Virginia.
Timothy Edwards, of Georgia.
William E. Egan, of Florida.
Thomas Harden Eighmy, of New Hampshire.
Rodolphe H. Ellert-Beck, of Florida.
Andrew Brant Evans, of Pennsylvania.
John Anthony Fasullo, of California.
Charles E. Fields, of Tennessee.
Richard Finley, of the District of Columbia.
William B. Flynn, Jr., of California.
Donald Foster-Gross, of Vermont.
Vivian Hunter Gallas, of Kentucky.
Alan V. Getson, of Virginia.
Ernest F. Gibson, of Florida.
Patricia S. Gibson, of Florida.
Robert E. Gilson, of Florida.
William R. Goldman, of Pennsylvania.
Joseph Baxter Goodwin, of Missouri.
Walter Anthony Grady, of the District of Columbia.
Richard Handler, of Illinois.
James E. Hao, of Hawaii.
Roy A. Harrell, Jr., of Texas.
Thomas Taliaferro Harriman, of Virginia.
Paul E. Hartenberger, of Texas.
Michael E. Hauben, of Virginia.
Barry Neal Heyman, of Virginia.
John L. Hjelt, of Oregon.
Archie C. Hogan, Jr., of Texas.
Barbara D. Howard, of Pennsylvania.
Horace W. Hunter, of Tennessee.
John A. Huxtable, of New York.
Gary Mark Imhoff, of Ohio.
Thomas C. Ivers, of California.
Billy J. Jadwin, of Texas.
Thomas Kavansa Jefferson, of Washington.
Lance Harold Jepson, of Michigan.
William Howard Johnson, of Texas.
T. David Johnston, of Florida.
Mary D. June, of Virginia.
Edward Louis Kadunc, Jr., of Florida.
Cary Lynn Kassebaum, of Virginia.
Thomas A. Kellermann, of Maryland.
Wayne Jerry King, of California.
Lawrence John Klassen, of California.
Kenneth W. Klemp, of Florida.
Douglas Taylor Kline, of the District of Columbia.
Leslie C. Koski, of Arizona.
Edward J. Krowitz, of Virginia.
Girard Joseph La Bombard, of Hawaii.
Arthur J. Laemmerzahl, of Virginia.
Vara L. La Foy, of Virginia.
Theodore Adelard La France, of Virginia.
Wilson G. Lane, Jr., of Florida.
Joseph L. Langlois III, of Louisiana.
Mark Jeffrey Laskin, of California.
Richard Whatley Layton, of Florida.
George E. Lewis, of Washington.
Donald R. MacKenzie, of Florida.
Thomas R. Mahoney, Jr., of Virginia.
Laurier D. Mailloux, of California.
Charles James Mantione, of Illinois.
Akim L. Martinez-Reboyras, of Puerto Rico.
Thomas Allen McKee, of New Hampshire.
Richard Dennis McLaughlin, of New York.
Jean H. Meadowcroft, of California.
Dora L. Meeks, of Florida.
James R. Meenan, of California.
Henry D. Merrill, of Maryland.
Nancy Fox Metcalf, of Virginia.
Paul D. Morris, of Utah.
Beverly C. Morton, Jr., of Kansas.
Barnabas Mosley, of California.
Gerald Levan Nell, of Pennsylvania.
David Robert Nelson, of Virginia.
Thomas J. Nicastro, of Missouri.
Stephen T. Norton, of California.
Garry J. O'Brien, of Vermont.
George William Oglesby, of Florida.
Timothy J. O'Hare, of Indiana.
B. Eilene Oldwine, of New York.
Norman L. Olsen, of Washington.
Peter R. Orr, of Virginia.
James Franklin Osborn, of Pennsylvania.
Thomas E. Park, of New York.
Charles J. Patalive, of California.
Roy Arthur Patterson, Jr., of Georgia.
Carl H. Penndorf, of Virginia.
Paul H. Pina, of Arizona.
Cameron Leon Pippitt, of Virginia.
Diane Skelly Ponasik, of Virginia
Carlos F. Poza, of Florida.
Marianne Lorenz Priebe, of California.
Allen Peter Randlov, of Virginia.
Gordon L. Ransom, of Florida.
Allan E. Reed, of California.
Robert F. Ritchie, of Virginia.
Richard A. Rodman, of Virginia.
Alvin Roman, of Nevada.
Lee Ann Ross, of California.
Robert Lyle Rucker, of California.
Brian Dale Rudert, of Florida.
Alberto M. Ruiz de Gamboa, of California.
Bill L. Ryan, of Idaho.
Willie C. Saulters, of Florida.
John David Schneider, of Massachusetts.
Kenneth Glenn Schofield, of Florida.
Karl James Schwartz, of Virginia.
Alan Augustine Silva, of Massachusetts.
Mark I. Silverman, of California.
Monica Knorr Sinding, of Virginia.
David H. Smith, of Virginia.
Hugh I. Smith, of Maryland.
James Thompson Smith, Jr., of Virginia.
Marsha Ann Smith, of Texas.
Floyd Rudolph Spears, of Louisiana.
George William Steckel, of Hawaii.
Howard I. Sternberger, of the District of Columbia.
Benjamin A. Stoner, of the District of Columbia.
Sherry E. Suggs, of Texas.
William F. Sugrue, of Connecticut.
Stephen A. Szadek, of New York.
Mohamed Tanamly, of New Jersey.
Lucretia D. Taylor, of Georgia.
John Henry Thomas, of Alabama.
Rudolph Thomas, of the District of Columbia.
Robert A. Thompson, of Illinois.
David Frederick Tiedt, of Virginia.
Myron Eugene Tomasi, of California.
Joe L. Tucker, of Maryland.
John William Tucker, of Virginia.
Ronald E. Ullrich, of Virginia.
Charles Maxwell Uphaus, of Missouri.
Stephen F. Wallace, of Virginia.
Anne Veronica Walsh, of Pennsylvania.
Arthur Louis Warman, of Texas.
Marion Kohashi Warren, of Virginia.
Doral Morris Watts, of Illinois.
Richard F. Webber, of Virginia.
Clemence J. Weber, of Texas.
Janice M. Weber, of Pennsylvania.
Gene Wright Westlake, of California.
Cam Harlan Wickham, of California.
Brian Wickland, of California.
Andrew Lee Wiley, of California.
Jacob Willebeek-Le Mair, of Maine.
Cecile A. Williams, of Texas.
Edward Woodrow Williams, of Maryland.
Howard Stanley Wills, of Tennessee.
Judith N. Wills, of the District of Columbia.
Curt Cornelis Frederik Wolters, of Washington.
Theodora Wood-Stervinou, of Tennessee.
Darma K. Wright, of Washington.
John Kuan Yang, of California.
Frank Joseph Young, of California.
Raouf N. Youssef, of New Jersey.
Robert Frederick Zimmerman, of Florida.

For appointment as Foreign Service officers of class 3, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

David Russell Adams, of Virginia.
Marilyn Janet Arnold, of Virginia.
Henry Felix Birnholz, of New York.
Madeleine Marcouyeux Brown, of the District of Columbia.
Letitia Kelly Butler, of Texas.
Emma Marie Celhay, of Ohio.
Elmer L. Conrad, of Virginia.
Blair Cooper, of California.
William Claiborne Darkins, of Virginia.
Peter H. Deinken, of Texas.
Steven J. Freundlich, of Virginia.
Gladys Gilbert, of the District of Columbia.
Julianne Rose Gilmore, of Texas.
Larry W. Harms, of Florida.
H. Donn Hooker, of Maryland.
Donald Kennedy, of California.
Kathleen Grantham LeBlanc, of California.
Lewis William Lucke, of Texas.
Laura McPherson, of Arkansas.
Andrea Whitaker Mohn, of California.
Carolyn M. Moore, of California.
Roma Margaret Nedeff, of West Virginia.
Thomas J. Nickle, of Washington.
Beatrice Perez, of California.
Jose Arturo Rivera, of Maryland.
Martin N. Schulman, of Califorina.
Robert B. Stader, of California.
Jerry D. Tarter, of Texas.
Anthony A. Vollbrecht, of South Dakota.
Raymond W. Waldron, of Oregon.
Neil James Woodruff, of New York.
Marian Yoshioka, of Illinois.

HOUSE OF REPRESENTATIVES—*Tuesday, March 6, 1984*

The House met at 12 noon.

Rev. Danny Souder, pastor, Northwest Baptist Church, Gainesville, Fla., offered the following prayer:

Let us pray.

O Lord, You have said;

If my people, which are called by my name, shall humble themselves, and pray, and seek my face, and turn from their wicked ways; then will I hear from heaven, and will forgive their sin, and will heal their land.—II Chronicles 7: 14.

Father, help us honor Your name by the way we live. We acknowledge You as the Ruler of all nations. May we humble ourselves and willingly submit to You and demonstrate that humility through asking for Your wisdom in all decisions we make this day. May we be in the spirit of prayer in all our decisions. Father we have sinned. Help us to agree with You and to change our minds and do Your will, not ours. Thank You, Lord, that when we meet Your conditions, then You will heal our infirmities. Help us to see that for peace and justice to reign in our land and our world, they must begin in our hearts individually as we seek a right relationship with You. We love You and thank You for Your blessings.

In Jesus' name I pray. Amen.

THE JOURNAL

The SPEAKER. 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 a bill of the following title, in which the concurrence of the House is requested:

S. 979. An act to amend and reauthorize the Export Administration Act of 1979.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair recognizes the gentleman from Texas (Mr. WRIGHT) for 1 minute, and this will be the only 1-minute speech before the call of the Private Calendar.

THE REVEREND DANNY LEE SOUDER

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, Rev. Danny Lee Souder, who brought our prayer today, is the pastor of the Northwest Baptist Church in Gainesville, Fla., but he comes from my district. He is the son of two of my very closest and best friends, Bill and Dodie Souder of Hurst, Tex. Bill is the mayor of that city, and his wife, Dodie, the mother of our guest chaplain today, works with me in my 12th District congressional office.

Reverend Souder is 38 years of age but he made his commitment to the ministry many, many years ago. He attended Texas Christian University in Fort Worth and then went on to receive his master of divinity degree from Southwestern Baptist Theological Seminary in Fort Worth, and served later as a student pastor at Southern Methodist.

Many times Reverend Souder has stated his purpose and goal in life "to please and glorify the Lord and to lead my family to do the same." Helping him to achieve that goal are his lovely wife, Karen, also of Fort Worth, Tex., and their two children, Shelley and Scott.

PRIVATE CALENDAR

The SPEAKER. This is the day for the call of the Private Calendar. 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. 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.

There being no objection, the Clerk read the bill, as follows:

H.R. 1426

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 203(a)(4) and 204 of the Immigration and Nationality Act, Phillip Harper shall be held and considered to be the natural-born alien son of Gorden K. Kleven, citizen of the United States: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

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.

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. BOUCHER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

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. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER. This concludes the call of the Private Calendar.

PRESIDENTIAL MEDAL OF FREEDOM FOR DAVID

(Mr. ANDREWS of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDREWS of Texas. Mr. Speaker, we have recently heard of the medical advances gained as a result of the personal sacrifices made by Dr. Barney Clark, the first recipient of an artificial heart. Over the past decade we have followed, as a nation, the condition of David Phillip Vetter the "Bubble Boy" of Houston, Tex.

David was born with severe combined immunodeficiency (SCID), and was placed in a germ-free environment seconds after birth. This sterile bubble enabled David to survive for 12 years, longer than any other victim of SCID.

David's cooperation in medical research has yielded findings leading to a better understanding of cancer, SCID, and other immunity disorders. The final phase of David's contribution to medical knowledge began in

October 1983, when he was given a transplant of bone marrow. This transplant was intended to create an immunity system within David's body. Instead, his body reacted adversely.

David left his bubble in February in order to be treated for medical complications. It was David's first opportunity to hug and kiss his parents and sister. Despite tremendous efforts to treat David, his condition worsened. Fifteen days later David died.

Yesterday, Congressman MICKEY LELAND and I introduced a resolution which calls on the House to support the nomination of David for the Presidential Medal of Freedom. In introducing this resolution in David's memory, we send our wishes to his family, confident in the knowledge that the sacrifices which David made on behalf of mankind and the inspiration which his courage instilled in all Americans will not be forgotten.

I urge my colleagues to join us in support of his resolution.

PRIMARY ELECTIONS

(Mr. WILLIAMS of Montana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS of Montana. Mr. Speaker, perhaps there are some lessons to be learned in this confusing and surprising primary election season that is upon us.

It seems that primaries place a higher premium on profile than they do on courage. Primaries, whether they be Republican primaries or Democratic primaries, are an exhaustive test of our candidates' stamina but they take small measure of the candidates' ability to govern.

The individual primaries, due perhaps to the immediacy and finality of their judgment, serve to inflate or collapse a candidate way out of proportion with that candidate's ability and worthiness. In that way, the primaries cheat Americans who need to view the candidates through the long haul, not in the split-second snapshot of one State's primary.

LEGISLATION TO MAKE PERMANENT THE TAX-FREE STATUS OF EMPLOYER SPONSORED PREPAID LEGAL PLANS

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, today I am introducing legislation to make permanent the tax-free status of employer sponsored prepaid legal plans, developed to provide legal services to their employees and families.

These employer-sponsored plans have enjoyed tax-free status since 1976 but the status is scheduled to expire on December 31 of this year. I believe the case has been made to extend—indeed make permanent—their tax exempt status.

At the time when Congress first provided for the temporary tax-exempt status for these plans, it wanted to see if this incentive would stimulate growth of these plans and would it drain excessive revenues from the Treasury.

The results are in and seem to provide the basis for my legislation. According to the National Resources Center for Consumers of Legal Services, since 1975 the number of these plans has grown from 75 to 700. Further, the number of individuals benefitting from these plans has soared to more than 10 million in the 12 short years that these plans have been in existence.

Meanwhile, the costs to the Treasury have been minimal—just $20 million in 1982.

An identical bill to mine, S. 2080, has already been introduced in the Senate. The legal plans I propose to protect through permanent tax exemption help individuals in such areas as will drafting, guardianships and family law matters. Their continuation and expansion would be consistent with our Nation's advocacy for legal services for all which helps promote equal justice for all.

□ 1210

IN SUPPORT OF "EQUAL ACCESS" LEGISLATION

(Mr. BONKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONKER. Mr. Speaker, at this time, the Senate is bogged down in a heated debate over amendments to the Constitution to deal with issues. There is an alternative "equal access" legislation which provides a constitutionally sound means of protecting religious speech in public high schools without running afoul of the first amendment's establishment clause.

This legislation is based on the notion that when a school opens its facilities to student groups during noninstructional periods, it should not be allowed to discriminate against student groups who wish to meet voluntarily for religious purposes. In other words, the bill would insure that student religious groups would have the same right to meet on campus as other student groups.

This is the position the U.S. Supreme Court took when it applied the equal-access concept to student meetings at a State university in Widmar against Vincent.

The legislation is limited to public secondary schools and includes a number of safeguards to prevent school or Government involvement in the student-initiated religious meetings. A companion bill, sponsored by Senator HATFIELD, enjoys broad bipartisan support.

From both a Biblical (Matthew 6) and a constitutional point of view, I believe the "equal access" concept is the best way to go. Many religious and civil liberties groups agree.

Mr. Speaker, it is inequitable to prevent high school students from meeting voluntarily for religious purposes during noninstructional periods when a school permits student meetings for virtually any other legitimate purpose. Such a double standard is inconsistent with the principles of free speech and Government neutrality toward religion.

I would urge my colleagues to consider this alternative as the debate over religion in public schools continues.

WHO STANDS IN THE WAY OF VOLUNTARY SCHOOL PRAYER?

(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 was very encouraged to read the CONGRESSIONAL RECORD on 4366 entitled, titled, "The Majority Leadership Does Not Obstruct Consideration of the School Prayer Amendment."

An eloquent statement by the majority leader, Mr. WRIGHT of Texas. It occurred to me that on a morning after some 3,000 had gathered in the rain to talk about and ask for prayer in school, on a morning after an all-night vigil in this building in which people had prayed for prayer in school and a morning after a number of Members had held special orders and some 65 Members had talked about the need for a constitutional amendment to permit prayer in school; that possibly we could move toward bringing up prayer in school.

And so, Mr. Speaker, I would hope that the leadership will announce in the next day or two a date certain, when in fact, with due consideration, as was stated yesterday by the very distinguished majority leader, with due process and with previous notification of the entire membership, we could bring up prayer in school. The minute we hear that day certain, we will cease for unanimous consent.

But until then, having cleared it with the minority leadership, I would now yield to a spokesman for the majority leadership for appropriate clearance to ask unanimous consent to bring up voluntary school prayer constitutional amendment.

Mr. Speaker, I hear no response. That should make it clear that until we hear a date certain the American

people will know who stands of voluntary school prayer.

The Democratic leadership of this House.

WHO STANDS IN THE WAY OF A BALANCED BUDGET AMENDMENT?

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, while we heard discussion yesterday about bringing up the school prayer amendment under the regular procedures with the majority leader saying that they would not stand in the way of that, we have had no such indication that they are willing to allow the balanced budget amendment onto the floor.

The fact is that today we will take up some supplemental appropriation bills so we continue to spend and spend and spend in this body and it is high time that we also get some action on the balanced budget.

So, I would hope to offer a unanimous-consent request calling for consideration of such an amendment. Now, the chair has ruled that in order to make the request, I must have the clearance of the minority and majority leaderships, and I can assure the chair that the minority leadership has fully cleared this request, and, so now I would have to get a clearance from the majority leadership, and I would be glad to yield to anyone who wants to give me that kind of clearance.

Well, once again today for the 21st consecutive day there is no response to that, which once again makes it clear that it is not the minority, but rather the majority that is standing in the way of consideration of a balanced budget amendment to the Constitution.

WHO STANDS IN THE WAY OF LINE-ITEM VETO?

(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, at this time, I would hope to offer a unanimous-consent request calling for consideration of the 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 appropriate clearance.

Mr. Speaker, I hear no response. That should make it clear to the American people who stands in the way of the line-item veto and cutting Federal spending, the Democratic leadership of this House.

□ 1220

VOLUNTARY SCHOOL PRAYER

(Mr. RITTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RITTER. Mr. Speaker, "In God We Trust" is printed on our public coinage and, ironically, is inscribed above the entrance to the Supreme Court Building. "One Nation under God" is part of our Pledge of Allegiance. Congress starts each day with a prayer. Why should the Federal Government, indeed why should the Congress keep prayer out of our public schools?

I urge the Democratic leadership of the House to give this matter of voluntary school prayer early consideration. A chance to discuss prayer in our schools, on the House floor, should not be held hostage to partisan consideration. Some House Democrats would like to support prayer in schools, but their leadership says no consideration on the floor.

School prayer existed for many years before Madelyn Murray O'Hair led a practically one-person crusade to remove prayer from the schools. Her young son, who helped her, has since completely reversed himself. Our responsibility to a higher order is what makes us different from our totalitarian adversaries. Why not give school children a daily opportunity to recognize that higher order which stands for so much that is good in our lives.

I have been a longtime supporter of reinstating prayer in the schools and will continue to be in the future. I believe the time has come to allow God back into our classrooms in the Lehigh Valley and across America and by doing so encourage the traditional and family values upon which this great Nation was founded.

I have cosponsored legislation calling for a constitutional amendment to reinstate voluntary school prayer and I will do all I can to press for its early enactment.

It is important that we here in Congress protect the rights of all our citizens, therefore how can we ignore the basic rights of our children regarding the freedom to pray?

A great majority of Lehigh Valley citizens and Americans want prayer to be part of their childrens public education but because of the Supreme Court's misinterpreted view of the establishment clause of the first amendment which states that, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise there of," for 20 years our children have been without this important part of their daily school activities. I believe the amendment promoting voluntary school prayer should be passed as soon as possible thereby reflecting the wishes of the American people.

SPECIAL ORDERS ON ISSUES

(Mr. WEBER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEBER. Mr. Speaker, since this legislative session began, many of us have been using the vehicle of special orders to bring to the attention of the American people a number of issues that the Democratic leadership refuses to schedule for debate during regular legislative business.

Last night we went to extraordinary lengths to fully debate the issue of school prayer, which has been tied up in this House Judiciary Committee for 22 years. At various times in the last few weeks, Mr. Speaker, we have heard rumors about attempts on the part of the Democratic leadership to restrict our ability to bring our message to the American people either by putting a tag on C-Span coverage designating it as nonlegislative business, or we have even heard there is a possibility of cutting off C-Span altogether.

Yesterday we found out that the gentleman from California (Mr. COELHO) has actually introduced legislation that would prohibit challengers from using C-Span tape against their incumbents.

Mr. Speaker, the ultimate hypocrisy of that, coming from the majority side of the aisle where that practice was initiated against the Republican leader, Mr. MICHEL, in the last election should be obvious to everyone.

Mr. Speaker, we implore you, on behalf of the American people, to listen to the American people. They do not want this process closed up any more; they want it opened up so all the American people can see what the House is doing and, more importantly, what it is not doing.

LET'S BRING UP SCHOOL PRAYER

(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, last night, as several of my colleagues have noted, we held a special order throughout the night. We had a number of people, some 63 Members of Congress, come forward and give very eloquent arguments in favor of bringing up and passing a school prayer constitutional amendment. I can see friends on the House floor, including the gentleman from Florida (Mr. MACK), the gentleman from Indiana (Mr. HILER), the gentleman from

Ohio (Mr. LATTA), the gentleman from Florida (Mr. BILIRAKIS), and the gentleman from Minnesota (Mr. WEBER). A number of Democrats who came forward and argued those issues that they have not been allowed to argue because they have not been brought up on the House floor and have been bottled up by the Democratic leadership of this House.

The gentleman from Arizona (Mr. MCCAIN) in particular, who was a POW in North Vietnam, finished this special order with a very eloquent talk about how prayer held our POW's together as Americans when they were guests at the Hanoi Hilton in North Vietnam.

I would ask, Mr. Speaker, that we give our children the same right that our POW's had in the Hanoi Hilton. Let us bring up school prayer and let us have a full and fair debate and let us pass the Kindness measure.

NEED FOR ORGAN DONATIONS

(Mr. MARRIOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARRIOTT. Mr. Speaker, on March 4, Sunday evening, Jennifer Phillips, a 13-year-old girl from Hyrum, Utah, died. Jennifer died not because the medical profession does not have the technology to enable Jennifer to live; on the contrary, it does. Jennifer died because we have not been able to keep up with medical technology.

Jennifer was awaiting a liver transplant, just like hundreds of other young children throughout our Nation. Jennifer, in the words of Dr. Linda Book, at Primary Children's Hospital in Utah, "awaited the operation that never came." It finally became too late for Jennifer.

The operation never came because we do not have a proper and functioning system to educate Americans on the need for organ donations, a system to allow for the quick and speedy transport of tissue typing to match donor/recipients, a system to allow for the transport of organs to transplantation centers.

More people, especially children, can be saved each year if people fill out donor cards, if emergency room personnel had as normal procedure the ability to present a victim's parents the choice to give life after their own personal loss.

Mr. Speaker, today the House Ways and Means Committee is marking up legislation for an organ donor transplantation center, part of which will educate the public on the critical organ donation needs. While I do not agree with all of the provisons included in H.R. 4180, let us bring it to the floor on a priority basis and pass an acceptable measure.

Jennifer and many others might be alive today had we enacted this legislation a year ago.

HARD-CORE UNEMPLOYED AUTO WORKERS

(Mr. HERTEL of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERTEL of Michigan. Mr. Speaker, I arise again today to address the House on the greatest problem still facing our Nation, that of the millions of Americans that are still unemployed. We have tens of hundreds of thousands of auto workers still unemployed after years. Even with the auto industry selling more cars and having higher profits. There are still many unemployed.

Yet we see no program in this Congress, no program from the administration, no program from the minority party on helping these hard-core unemployed, people who are having problems supporting their families and people who are having problems facing repossession of their homes.

I ask the minority leader, the minority whip, to arise to discuss and set a date for arriving at assistance and job training programs for these hard-core unemployed.

Once again we get no response at all from the minority about these people who have been suffering increasingly during the 3 years of the Reagan administration. We will continue to make this request that we work together for these hard-core unemployed.

I am not surprised at this time that there is no one from the minority leadership on the floor. There is no one from the majority leadership on the floor, nor has there been during this last half-hour of session, as all the Members know, because we are not doing business right now, we are having 1-minute speeches. But we will continue to make that request through a letter through the proper channels to the minority party leadership and the administration for the unemployed of this Nation.

GOVERNMENT SHOULD BE A GOVERNMENT

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, when I heard of the Supreme Court decision yesterday in the Pawtucket nativity scene I felt like I suffered a punch in the stomach.

I have a deep respect for religious faith in general and for the religion of the majority of my fellow countrymen, but the story depicted in the nativity scene is not part of my history or my heritage. It is wrong for the Government, any government, to display in public the religious nature of any religion, whether it be my religion or another religion. The Government should be a government, not a cheerleader for any religion.

□ 1230

AUTHORIZING USE OF THE ROTUNDA OF THE CAPITOL IN COMMEMORATING ANNIVERSARY OF THE BIRTH OF PRESIDENT ANDREW JACKSON

Mr. BONER of Tennessee. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the concurrent resolution (H. Con. Res. 264) authorizing the rotunda of the Capitol to be used for a ceremony on March 15, 1984, commemorating the anniversary of the birth of President Andrew Jackson, and, with the concurrence of the chairman and ranking minority member of the committee, I ask for its immediate consideration.

The SPEAKER pro tempore (Mr. HAMILTON). The Clerk will report the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 264

Resolved by the House of Representatives (the Senate concurring), That the rotunda of the United States Capitol is hereby authorized to be used on March 15, 1984, from 10 until 10:30 o'clock ante meridiem for a ceremony as part of the commemoration of the anniversary of the birth of Andrew Jackson, the seventh President of the United States. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The SPEAKER pro tempore. The gentleman from Tennessee (Mr. BONER) is recognized for 1 hour.

Mr. BONER of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, may I first express my gratitude to Chairman HAWKINS and Ranking Minority Member FRENZEL for allowing me to bring this resolution to the floor.

Mr. Speaker, this resolution authorizes the use of the Capitol rotunda for a brief ceremony commemorating the anniversary of the birth of ANDREW JACKSON, the seventh President of the United States and the first elected Representative to Congress from the State of Tennessee.

The ceremony is scheduled for March 15 and will take place in front of the Jackson statue in the rotunda. The President of the Ladies Hermit-

age Society will lay a wreath and members of the Tennessee congressional delegation will make brief remarks to commemorate Jackson's birthday.

Again, Mr. Speaker, I want to thank Chairman HAWKINS, Representative FRENZEL, and the committee staff for permitting me to bring this resolution to the floor today.

Mr. Speaker, I move the previous question on the concurrent resolution.

The previous question was ordered.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING FUNDING FOR CLEMENT J. ZABLOCKI MEMORIAL OUTPATIENT FACILITY IN KRAKOW, POLAND

Mr. HAMILTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4835) to authorize funding for the Clement J. Zablocki Memorial Outpatient Facility at the American Children's Hospital in Krakow, Poland.

The Clerk read as follows:

H.R. 4835

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) such amounts as may be necessary of the Polish currencies held by the United States shall be available for construction of a new facility at the American Children's Hospital in Krakow, Poland, which would be known as the Clement J. Zablocki Outpatient Facility. Such currencies may be utilized without regard to the requirements of section 1306 of title 31, the United States Code, or any other provision of law.

(b) There are authorized to be appropriated to the President $10,000,000 of which—

(1) $3,000,000 shall be for equipping and furnishing the Clement J. Zablocki Outpatient Facility at the American Children's Hospital in Krakow, Poland;

(2) $3,000,000 shall be for improving medical equipment at the American Children's Hospital in Krakow, Poland; and

(3) $4,000,000 shall be for providing medical supplies to Poland through private and voluntary agencies, including the expenses of purchasing, transporting, and distributing such supplies.

Amounts appropriated pursuant to this subsection are authorized to remain available until expended.

The SPEAKER pro tempore (Mr. BONER of Tennessee). Pursuant to the rule, a second is not required on this motion.

The gentleman from Indiana (Mr. HAMILTON) will be recognized for 20 minutes and the gentleman from Michigan (Mr. BROOMFIELD) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. HAMILTON).

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4835, to authorize funding for the Clement J. Zablocki Memorial Outpatient Facility at the American Children's Hospital in Krakow, Poland.

The bill, which has the bipartisan support of 48 cosponsors, was ordered favorably reported by the Committee on Foreign Affairs by a unanimous voice vote on February 29, 1984.

As my colleagues well know, Clem Zablocki was determined to relieve the plight of everyday Poles, to strengthen successful humanitarian efforts of the U.S. Government directed at the Polish people, and to enrich the bonds of friendship between the American and Polish peoples.

H.R. 4835 serves all of these laudable objectives which our late chairman skillfully advanced. Through this legislation, the man who was responsible for the construction of the original American Children's Hospital, and for its development into one of the finest hospitals in Poland, will now have a living memorial to his outstanding efforts and a posthumous expansion of those efforts.

Specifically, the legislation before each Member does two things. First, it authorizes the construction of the Clement J. Zablocki Memorial Outpatient Facility to be paid for from excess Polish currencies held by the U.S. Government.

Second, the legislation authorizes the appropriation of $10 million, which will be used in three different ways:

One, the new Zablocki outpatient facility will be equipped and furnished with $3 million of the total authorization figure. Included in this figure will be purchases from the United States of a number of hardware items, including tile, doorknobs, and other items that will benefit American businesses and workers.

Two, another $3 million will replace and improve medical supplies to various Polish hospitals and to the Polish people through American private voluntary agencies.

Finally, I would point out that if Clem were with us today, he would be happy to see the wholly bipartisan cosponsorship of H.R. 4835. Democrats and Republicans across the ideaological spectrum, including the ranking minority member of the committee, Mr. BROOMFIELD, and the House minority leader, Mr. MICHEL, have joined in cosponsoring this legislation. The bill also has been favorably received by the administration and the Polish Government.

Mr. Speaker, I urge the adoption of H.R. 4835.

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the distinguished chairman of the Committee on Foreign Affairs.

Mr. FASCELL. Mr. Speaker, I am pleased to offer my enthusiastic support for H.R. 4835, legislation to create the Clement J. Zablocki Memorial Outpatient Facility as part of the American Children's Hospital In Krakow, Poland.

It was Clem Zablocki's foresight and humanitarian concern which led to the construction of the Krakow hospital in 1964. That hospital is today the best hospital in Poland and its research and training facility are outstanding.

A plaque located in the main lobby of the hospital says in its few noble words what Clem Zablocki's effort was really all about. This is what it says:

Erected by the American people to promote the welfare and health of the children of Poland and dedicated to the enduring friendship between the people of the United States of America and Poland.

Throughout its 20 year history the hospital has more than lived up to that goal. Last year alone it served 5,000 Polish children. Another 50,000 children were treated in various outpatient programs and some 80,000 examinations were carried out by its staff.

Prior to our late chairman's death it was determined that the hospital had an urgent need to improve the hospital's medical equipment and expand its excellent services with a new outpatient facility.

That is what this legislation does. It authorizes the construction of that facility and provides that it be named in honor of Clem Zablocki. That designation and recognition will be prominently displayed on the hospital's exterior and inner lobby entrance. Above all, the facility will be the kind of living memorial that Clem would have wanted and of which he would have approved. What better way to further Clem Zablocki's constant and determined efforts to foster good will and humanitarian assistance between the American and Polish peoples.

For all these good reasons I was honored to have introduced H.R. 4835. Appropriate to Clem's style and philosophy, I was joined in this effort by a bipartisan group of 48 cosponsors, including the distinguished ranking minority member of the Foreign Affairs Committee and Clem's good friend, Mr. BROOMFIELD, and the House minority leader, Mr. MICHEL. In addition, the proposal is favorably received by the administration as well as the Polish Government.

It is therefore with deep respect to the memory of Clem Zablocki that I urge the unanimous and favorable adoption of H.R. 4835.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I strongly offer my support for this bill. This proposal authorizes funding for the Clement J. Zablocki Memorial Outpatient Facility at the American Children's Hospital in

Krakow, Poland. All of us can support this noble plan for building a living memorial to the memory of Clem Zablocki, and helping the Polish people in the process.

As all of you know, Clem Zablocki was responsible for the construction of the American Children's Hospital in 1964. As the son of immigrant parents, Clem Zablocki rose to the highest levels of our Government, yet never forgot his roots and his people. He was proud of his heritage and was always mindful of those in need, both in America and in his Ancestral homeland. Thanks to his vision and dedication, that hospital is one of the finest in Poland. These are difficult times in that nation, however, and the hospital desperately needs our help to upgrade its medical equipment and services.

The proposal before us can accomplish this purpose. It authorizes the construction of a new outpatient facility which will bear our late chairman's name. Excess Polish currencies held by the U.S. Government will be made available for use in the project.

The bill also authorizes funds to equip and furnish the existing facility and to provide medical supplies to the Polish people through American private voluntary agencies. This humanitarian gesture during the current period of austerity in Poland will be appreciated by the Polish people, and the children of that land.

As a tribute to a great American, and as a gesture of good will to a warm people, I urge support of this legislation.

● Mr. BOLAND. Mr. Speaker, I can think of no finer tribute to our late colleague and friend, Clem Zablocki than the prompt adoption of H.R. 4835.

Through his leadership of the House Foreign Affairs Committee, Chairman Zablocki had an opportunity to fashion dozens of programs whose sole purpose was to help people around the world who were suffering. Whether it was through the provision of disaster relief, food assistance, or medical care, Clem Zablocki believed that the United States had a special obligation to bring its resources to bear on behalf of the less fortunate members of the world community. He understood that humanitarian assistance can be much more that a mere gesture, it can be a means by which the people of the United States make the values of their society manifest to the people of the world.

H.R. 4835 is in the best spirit of Clem Zablocki. The construction of a Zablocki Outpatient Facility at the American Children's Hospital in Krakow and the dispensing of needed medical supplies to other health facilities in Poland would be of incalculable assistance to the Polish people. No one was more aware of the plight of the people of Poland than Clem Zablocki and no one was more concerned about doing something to relieve that plight. He wanted the people of Poland to be aware that the American people would never forget the ties of friendship that bind us, and that we would never cease trying to mitigate, where possible, the harsh effects of the regime under which they live. What better way to signal our solidarity with the Polish people than by building and equipping a facility dedicated to healing? It is precisely the kind of approach which Clem Zablocki would have endorsed and, while his record of service in this House will be his lasting memorial, I believe that it would be an appropriate and fitting tribute.

Mr. Speaker, H.R. 4835 deserves an overwhelming endorsement by the Congress and I urge my colleagues to give it their support.●

● Mr. BIAGGI. Mr. Speaker, I rise in strong support of this legislation which would authorize the construction of a new outpatient facility at the American Children's Hospital in Krakow, Poland, to be named in honor of our late beloved colleague, Clement J. Zablocki.

I am sure all of us who still mourn the loss of Clem Zablocki would have preferred to have considered this legislation while Clem was still with us. However, fate has worked against us and we do this as a posthumous testimonial to Clem Zablocki.

Clement Zablocki was one of our most distinguished Members with a career in this House spanning more than three decades and replete with tremendous accomplishments. Clem Zablocki was also a national leader of the Polish-American community, hailing from the great city of Milwaukee. Clem was an unwavering supporter of the right of people of Poland to be free, and grieved deeply over the course of events in that nation since the advent of martial law.

This is a simple bill in content but profound in its intent. We propose a tangible and visible symbol to honor the life and times of Clement J. Zablocki. His legacy of service and love of his fellow man will endure for years to come and the new facility named in his honor in Krakow will serve as a constant remembrance of this great man whom I was honored to call my friend and who I miss deeply.

Let us approved this bill quickly and allow work to proceed on this facility. As we do, let us pause and remember all that Clem Zablocki did for this House and this Nation. Let us in turn do something which will do justice to his memory.●

Mr. HAMILTON. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. HAMILTON) that the House suspend the rules and pass the bill, H.R. 4835.

The question was taken; and—two-thirds having voted in favor thereof—the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

□ 1240

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 492.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

URGENT SUPPLEMENTAL APPROPRIATION FOR THE DEPARTMENT OF AGRICULTURE, 1984

Mr. WHITTEN. Mr. Speaker, pursuant to the order of the House of Wednesday, February 29, 1984, I call up for consideration in the House as in the Committee of the Whole the joint resolution (H.J. Res. 492) making an urgent supplemental appropriation for the fiscal year ending September 30, 1984, for the Department of Agriculture.

The Clerk read the title of the joint resolution.

PARLIAMENTARY INQUIRY

Mr. LOEFFLER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LOEFFLER. Mr. Speaker, I make this parliamentary inquiry because the bills under consideration today—House Joint Resolution 492 and House Joint Resolution 493, which provide for urgent supplementals for the Public Law 480 program and low income energy assistance—are the first appropriations bills to come before the House this year. It is my purpose to be certain that I and other Members fully understood the procedures that will be used in scorekeeping for these and future appropriations bills.

In particular, my inquiry relates to the enforcement of section 311 of the Congressional Budget Act. I have several questions, so if the Chair will bear

with me, I will proceed as expeditiously as possible.

Mr. Speaker, I note that the Parliamentarian's status report on the current level of total Federal spending, printed in the CONGRESSIONAL RECORD of February 22, indicates that there are $3,079 million in budget authority and only $16 million in outlays remaining under the aggregate spending ceilings set forth in the concurrent resolution on the budget for fiscal year 1984.

Under section 311 of the Budget Act, once Congress has completed a second budget resolution, bills, resolutions or amendments providing new budget authority or new spending authority as described in section 401(c)(2)(C) of the Budget Act, would be subject to a point of order against their consideration in the House if their adoption would cause the aggregate budget authority or outlay ceilings in the most recently agreed to budget resolution to be exceeded.

For fiscal year 1984, as was the case in fiscal year 1983, the first budget resolution included language which allows enforcement of section 311 after October 1 of the fiscal year, if Congress does not adopt a second budget resolution by that date.

As reported by the Appropriations Committee, both bills under consideration would cause the aggregate outlay ceilings under the first budget resolution to be breached—although not the aggregate budget authority ceiling—which, under enforcement provisions in effect for fiscal year 1983, would have resulted in these bills being subject to a point of order under section 311.

Is my understanding correct that this year the operation of section 311 has been further modified by a provision, section 5(B), contained in House Concurrent Resolution 91, the first concurrent resolution on the budget for fiscal year 1984—the so-called Fazio language?

Further, could the Chair explain how section 5(B) of House Concurrent Resolution 91 affects the applicability of section 311 points of order to spending bills, including those before us today, and to any amendments that may be offered to such bills?

Is it correct that neither the total level of outlays nor a committee's outlay allocation under section 302(A) of the Budget Act would be considered in determining whether a section 311 point of order would apply to spending bills or amendments thereto?

Could the Chair explain the basis upon which it makes a determination regarding the discretionary budget authority remaining available to committees of the House?

Further, is it not the case that once the Congress adopts a second budget resolution for fiscal year 1984, updating and revising the first budget resolution, that the provisions of section 5(B) in House Concurent Resolution 91 would no longer be in effect, and section 311 would operate as set forth in the Budget Act, based on the newly established aggregate ceilings and provisions in the second budget resolution? Finally, can one assume that the Appropriations Committee's discretionary budget authority allocation will be reduced by the amounts in these bills plus any amendments adopted that increase spending, once they are enacted?

I thank the Chair for its explication of this matter and note again that I made this parliamentary inquiry so that the membership can better understand the scorekeeping procedures under which we will be operating for the remainder of the year.

Mr. WHITTEN. Mr. Speaker, may I be heard?

The SPEAKER. The Chair will hear the gentleman.

Mr. WHITTEN. Mr. Speaker, I would like to call attention before the Chair's ruling, if I may, that this hightlights again the fact that we need some understanding about these matters as they are developed.

The leadership of both the Democratic and the Republican Parties were very anxious that this committee recommend and that the Congress approve the $8.4 billion for the U.S. contribution to the International Monetary Fund in fiscal year 1983. Adjustment was made in the fiscal year budget ceiling to take care of that, but despite our sincere and hard-working efforts, both the authorization and the appropriation for the $8.4 billion came up in, fiscal year 1984, instead of 1983. Where both leaderships and the Budget Committee had made arrangements to take care of that in 1983, that budget adjustment did not carry forward into this year. So the gentleman is substantially correct, except he is not taking into account the agreement that we had with the leadership of both parties that adjustments would be made in the budget ceiling. They were not made, they have not been made, and I wish to urge now that while the gentleman is substantially correct, it goes counter to the understanding we had with both parties. I hope that action will be taken promptly to correct the existing situation.

The SPEAKER. The Chair will respond to the inquiry of the gentleman from Texas.

The gentleman from Texas has requested the Chair to interpret the relationship betwen bills providing new spending for fiscal year 1984 and the provisions of the most recently agreed to budget resolution for that fiscal year.

As the gentleman has pointed out in his inquiry. The first concurrent resolution the budget for fiscal year 1984 (H. Con. Res. 91), adopted by the House and Senate on June 23, 1983, provided, in section 5, that it would become the second concurrent resolution on the budget for the purpose of section 311 of the Budget Act. Failing actual adoption of a second budget resolution by October 1, 1983. However, section 5(b) of the budget resolution provided for a more limited application of section 311 than would apply if a second budget resolution had actually been adopted. The Speaker received today from the chairman of the Committee on the Budget a revised status report on the current level of spending under the budget resolution. The status report indicates that any measure providing budget in excess of $6 million would cause the total level of outlays under the budget resolution to be exceeded. The chairman of the Committee on the Budget included in that letter a summary and explanation of the operation of section 5 of the budget resolution once outlays are exceeded, and the Chair will now read that statement, which is responsive to much of the gentleman's inquiry: "The procedural situation with regard to the spending ceiling will be affected this year by section 5(b) of House Concurrent Resolution 91. As I explained during debate on the conference report on that resolution, enforcement against breaches of the spending ceiling under section 311(a) of the Budget Act will not apply where a measure would not cause a committee to exceed its appropriate allocation pursuant to section 302(a) of the Budget Act. In the House, the appropriate 302(a) allocation includes "new discretionary budget authroity" and "new entitlement authority" only. It should be noted that under this procedure neither the total level of outlays nor a committee's outlay allocation is considered. This exception is only provided because an automatic budget resolution is in effect and would cease to apply if Congress were to revise the budget resolution for fiscal year 1984.

The intent of the section 302(a) discretionary budget authority and new entitlement authority subceiling provided by section 5(b) of the resolution is to protect a committee that has stayed within its spending allocation—discretionary budget authority and new entitlement authority—from points of order if the total spending ceiling has been breached for reasons outside of its control. The 302(a) allocations to House committees made pursuant to the conference report on House Concurrent Resolution 91 were printed in the CONGRESSIONAL RECORD, June 22, 1983, H4326.

The Chair has been advised that each of the supplemental appropriation joint resolutions scheduled for today, House Joint Resolution 492 and House Joint Resolution 493, provides

more than $6 million in budget outlays for fiscal year 1984 and would thus cause the total level of outlays to be exceeded. The Committee on Appropriations has, however, a remaining allocation of $2 billion, $351 million in discretionary budget authority, according to tables prepared by the Budget Committee, inserted in the CONGRESSIONAL RECORD of March 1, 1984, and included in today's status report. The amount of budget authority contained in the joint resolutions scheduled for today is well within that allocation. As to amendments to those joint resolutions, or to other spending measures for fiscal year 1984, germane amendments which increase budget authority are in order as long as they do not cause the measure, as amended, to exceed the total remaining allocation of discretionary budget authority to the committee with jurisdiction over the measure or amendment.

The Chair's determination, whether a measure or amendment thereto, violates section 311 as made applicable by the budget resolution, is based upon estimates made by the Committee on the Budget, pursuant to section 311(b) of the Budget Act, of the remaining allocation to each committee. Once a bill providing new budget authority or entitlement authority is enacted, the remaining allocation of the committee with subject matter jurisdiction will be changed by the net amount of new budget authority contained in the measure, and the Chair is confident that the Commmittee on the Budget will keep the Chair currently informed as to the status of each committee.

The Chair would finally point out that the provisions of section 5 of the current budget resolution would cease to apply if Congress does adopt a second concurrent resolution on the budget for fiscal year 1984. In that event, the actual prohibition contained in section 311 of the Budget Act would take effect, unless modified by any special procedures contained in a second budget resolution.

□ 1250

The Clerk read the joint resolution, as follows:

H.J. RES. 492

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1984; namely:

DEPARTMENT OF AGRICULTURE

PUBLIC LAW 480

EMERGENCY FOOD ASSISTANCE FOR AFRICA

For an additional amount for "Public Law 480", for commodities supplied in connection with dispositions abroad, pursuant to title II of the Agricultural Trade Development and Assistance Act of 1954, as amended, $90,000,000, of which $90,000,000 is hereby appropriated; and in addition not to exceed $90,000,000 shall be available from Commodity Credit Corporation inventory for sale on a competitive bid basis or barter to the African countries requiring emergency food assistance, or any country for use in assisting in emergency food assistance to Africa, as authorized by section 101(b) of Public Law 98-107. In the event Commodity Credit Corporation stocks are not available, the Corporation may purchase commodities to meet emergency requirements.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: on page 2, line 7, strike out "$90,000,000, of which $90,000,000 is hereby appropriated," and insert in lieu thereof "$150,000,000, of which $150,000,000 is hereby appropriated and made available through December 31, 1984;"

Mr. WHITTEN. Mr. Speaker, I rise in support of the amendment and in explanation of the amendment.

Before you is a resolution providing disaster relief for 18 African countries. These in most cases are small countries, with small populations. In many of them they are governed by tribe, or have tribal government. Somebody has described it as an arrangement whereby there is no provision to take care of the loser.

This does not only mean we are trying to help those where their standard of living is very, very low, but where over the last 2 years they have had absolute disasters in connection with the production and growth of food because of the worst drought of the century. People are dying and others are facing starvation. It is on that basis that the President recommended $90 million in relief through Public Law 480 where we would provide for commodities.

I have not talked on these subjects in recent years very much. But for a long time I had quite a number of studies made of the so-called relief programs. The programs whereby we provided funds, provided commodities, and in many cases purchased the materials, steel and copper and all of the other things, and commissions were paid for the handling and the purchase of these commodities.

It is to be noted that out of the $150 million here, about 40 percent will go into shipping costs, which are required under the law.

That being true, we have examined this in years past and we found that commissions are paid on the other end in many of these foreign countries. Then in some instances the new commodities have been laid aside while other things were taken care of and the food rotted.

The point I make is that with the best of intentions we are providing these commodities for relief of starving people. Our real problem is to get it inside the country and distributed so that it will really be used.

BARTER FOR STRATEGIC MATERIALS

In looking this matter over and in looking at the record it developed that in many of these countries they have strategic materials that are of value to our country. I know they have diamonds, nickel, copper, petroleum, phosphate rocks, copper, cobalt, and so forth. This is not true for every country, but most have some materials of strategic value. In looking at the record we will not sell commodities in these countries except at about twice the price they can buy them from some other country, which means that we are passing up the method that would help to get the food to the people.

It is surprising, but if you will check the record you will find that it is a whole lot easier to sell something where it goes through the regular trade channels in those countries than it is to give it away. Where you give it away it is in the way of the normal trade patterns and it is in the way of the local merchants, thus they resist. It is in the way of everything and it is just next to impossible to get food or materials into proper hands; whereas if you lay it on the counter and offer it for sale at competitive prices the people that handle it buy it, they handle it through their regular operations, and it gets there twice as fast.

I do not have time to go into that any further at this time, but I have evidence of this through the years.

NEED TO SELL AT COMPETITIVE PRICES

Our country wants to give the food away but in the President's recommendation they will not permit us to sell anything, let our competitors have all of the cash market while we furnish the free food.

We are not trying to restrict the $150 million that will be given in commodities to relieve suffering. We are saying that in addition thereto, however, since these countries do have strategic meterials that our country shall match the price of other countries in making commodities available through normal channels where it will get to the people a lot faster based on past experience. Our recommendation is thoroughly sound.

PURPOSE OF CCC

May I say the Commodity Credit Corporation was set up for the purpose of doing just what I am talking about. It has been said, however, that restrictions have been placed on the CCC selling competitively. So we provided in the last Congress a provision that the Secretary of Agriculture could maintain normal markets, could protect the assets of the Corporation by waiving any such restrictions in case they do exist. So I just want to note that this amendment, in my judgment, improves the request and gets us back into world trade.

The SPEAKER pro tempore (Mr. PANETTA). The time of the gentleman from Mississippi (Mr. WHITTEN) has expired.

(On request of Mr. SMITH of Iowa and by unanimous consent, Mr. WHITTEN was allowed to proceed for 5 additional minutes.)

Mr. SMITH of Iowa. Will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. I want to point out that this $90 million additional for CCC is important. I think a lot of people overlook how important it is.

With the overvaluation of the dollar, it is cheaper to buy the products that they need, which is corn and milo, in this area that this is going to. In this part of Africa they want corn and milo; they are not wheat eaters. So the overvaluation of the dollar has resulted in the United States having about the only supplies left in the world. What this means is that if some other countries do not put money up to buy corn and milo, which would have to be bought in the United States, then we are going to be woefully short of the kind of support that we ought to have in this kind of a relief program.

And if we cannot provide a way so that they can buy it as cheaply here as it is in other countries, then it will not work right. So this provision is a terribly important thing.

I want to ask the gentleman this, too: There is nothing to keep them, if they want to barter, from delivering 2 years from now? There is nothing that says they have to deliver a shipload of ore and take a shipload of grain back. They could make an agreement with CCC to take the grain now and deliver 2 years from now or 3 years from now; is that correct?

Mr. WHITTEN. The gentleman is certainly correct. We saw fit to put the word "barter" in here. However, I do not know that it was necessary because the Commodity Credit Corporation has the right to barter anyway. But to strengthen it we put the word barter in the resolution that we have, and it is in line with the authority already granted in the charter of the Corporation.

May I say that the Corporation has the responsibility of moving these commodities to get them in their hands for the best price they can.

Mr. SMITH of Iowa. I commend the gentleman for this additional provision in this bill.

Mr. WHITTEN. I hope, Mr. Speaker, that we will go along with this provision. It is a breakthrough in an area where I think it is badly needed, and that is to regain our world markets. Certainly it is sound from our standpoint to sell the $90 million in commodities. To stand by and let them have to buy from our competitors, if they want to buy it, is unsound. I repeat again: It is much, much easier to sell things for what they will bring and to get it into the country through the normal channels than it is to dump it at the wharves where it frequently rots, and where there is no means for distribution, because it is upsetting the normal trade patterns.

Mr. DOWNEY of New York. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from New York.

□ 1300

Mr. DOWNEY of New York. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from New York.

Mr. DOWNEY of New York. Mr. Speaker, we are here to consider an emergency supplemental appropriation to $150 million for African food aid. Our colleagues in the Appropriations Committee have acted quickly to bring this matter to the floor and we must insure that it passes.

Many of us remember the devastating famine that struck the African Sahel more than a decade ago. At that time our newspapers were full of news about the widespread starvation and the dislocation of people that resulted from a drought that had lasted for 6 years. At that time, the United States responded generously with food assistance to the affected countries.

Today the situation is, if anything, more serious. The Food and Agriculture Organization of the United Nations estimates that as many as 150 million people throughout Africa are affected by the famine. Twenty-four countries, which have already been badly shaken by the world recession, now face the prospect of trying to find enough food for millions of their citizens. Many countries have to deal not only with their own citizens but also with refugees from other countries where the famine is worse, or where civil war has disrupted government attempts to deal with the famine.

The United States has already responded to this crisis. We are not alone. Other nations have responded generously to appeals for assistance. But as the situation continues to deteriorate it is clear that we need to do more and step up our efforts. It is estimated that an additional 1.6 million metric tons of grain will be needed to meet the food aid needs of the 24 affected countries. Our appropriation of $150 million would provide an additional 400,000 metric tons to meet this goal.

The administration would prefer to limit this appropriation to $90 million. In addition, they propose a long term, 5 year $500 million Economic Policy Initiative for Africa which would offer tangible support for those countries prepared to undertake the policy reforms needed to improve productivity. I am sure that we would all support such a program, which might help in solving the long term problems of African economic growth. And we would probably want to do a great deal more. But in the meantime we cannot offer the 150 million people facing starvation a long term policy initiative to fill their stomachs. Nor can we hold these people's survival hostage to their government's willingness to adopt policy reforms acceptable to the administration. We must act quickly to get as much of the needed food aid to them as quickly as possible. I urge my colleagues to vote for House Joint Resolution 492.

Mr. WEISS. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from New York.

Mr. WEISS. I thank the gentleman for yielding.

Mr. Speaker, I simply want to take this occasion to commend and compliment the distinguished gentleman and to express my gratitude to him on behalf of really literally millions of people who are going to benefit from the action the gentleman and his committee have taken in reporting the bill which we are acting on today.

The urgency with which the Appropriations Committee has responded to this awful crisis which has already killed hundreds of thousands of people in Africa, is really quite remarkable. I do not think there has been anything in recent years to compare with this urgency. I know that we may well have to come back for more assistance, before the famine is over but for now the gentleman's action and that of his committee will provide both hope and real life saving assistance to millions of people in Africa.

Mr. Speaker, I am in strong support of House Joint Resolution 492, the urgent supplemental appropriation for famine relief to Africa. Having thanked the chairman of the Appropriations Committee for expediting this legislation and having commended all the committee members for unanimously approving an increase from $90 million to $150 million in the appropriation, I want to express special appreciation to the gentleman from New York (Mr. MCHUGH) for offering the amendment in committee to provide for the $60 million increase.

Support for an even higher level of funding is evident from the list of nearly 70 cosponsors for H.R. 4863, a bill that I introduced on February 9, to provide $300 million for food and $50 million for inland transport and other nonfood aid.

I am supporting House Joint Resolution 492 because of the critical need to expedite this aid. The level of assistance in this legislation has bipartisan, bicameral support.

I am deeply concerned that this legislation does not specifically provide

for inland transport. There is a scarcity of vehicles, fuel and spare parts thoughout sub-Saharan Africa that could undermine our efforts to save starving people. The committee has directed the Agency for International Development [AID] to reprogram sufficient funds for transport, but such funds may not be available for reprograming. Therefore, I am hopeful that the Senate will, when it acts provide funds for this purpose.

I am, as I have indicated, concerned that $150 million may be inadequate, considering the extent of the famine. The administration has said that the African nations could not absorb $150 million worth of food. However, no data have been produced to bolster that claim. In most of the drought-stricken nations, imports—including food aid—have reached levels in past years that exceed the amounts that $150 million will provide. If these nations have absorbed higher levels of food in the past, they can do so again this year.

I suspect that the administration's proposed level of aid is not based on an analysis of absorption capacity or even on estimates of need. Rather, the $90 million seems to be an arbitrary figure proposed early in January, before the U.S. missions in Africa reported their estimates of need, and before AID contracted for a study of need.

Determining the need for famine relief is extremely difficult and estimates are imprecise at best. However, I believe we should heed the warnings that severe food shortages are likely to continue for many months. In the southern African nations, forecasters say the upcoming harvests will be dismal. Many African nations will probably experience their worst shortages in the final months of the year. Starvation is stunting the growth of hundreds of thousands of children, destroying families and devastating entire communities. Drought and famine are threatening the very future of these struggling nations. It is not a matter of whether we can afford this famine relief. The question is whether we can afford the human cost of any further delay. I urge my colleagues to support this $150 million supplemental appropriation and to be prepared to approve additional famine relief to Africa at a later date, as the need becomes even more evident.

In closing, I again congratulate the chairman and members of the Committee on Appropriations for their urgent action.

Mr. WHITTEN. I appreciate the statement of my colleague from New York. I wish to point out he has had a deep interest in this matter. I am glad to see we are in agreement, in that the point at issue, the point we must think about is getting it in there where the food can be used and be made available.

It is in that area where we have difficulty in some places in the world. I think we need to keep in mind, if you really want to help, you had better make it available through normal channels as well as on a giveaway basis.

I just hope, as was done in the full committee, that our colleagues will go along with us. May I say, Mr. Speaker, it indicates how fast we are trying to move here in considering this bill as we are today. I hope everybody will back us up.

Mr. CONTE. Mr. Speaker, I move to strike the last word, and I rise in support of the bill.

Mr. Speaker, I want to give my full support to this bill. It is a funding bill to help some 24 nations in Africa who are suffering from one of the worst droughts in history. The famine and death which have come from this drought make it imperative that we act as quickly as possible to the aid to these countries to prevent further malnutrition and starvation.

The administration request was for $90 million under title II of the "Food for Peace" Public Law 480 for donations and $90 million in sales from Commodity Credit Corporation stocks at competitive prices. In the full committee consideration, the donation figure was raised from $90 to $150 million to make certain that we could get the maximum aid possible over to Africa within the reasonable absorption rates that the transportation and distribution systems can support. I worked with the majority side to get general agreement that this body would not rush to support additional amounts right behind this request unless we had a better understanding of what the requirements are and what the system can handle. The Agricultural Subcommitte of the Appropriations Committee has a hearing scheduled tomorrow on the Public Law 480 funding requirements, so we should have a more definite requirement for total food aid required to help these countries in the very near future.

The critical need for this assistance is unquestioned. In a letter to me dated February 23, 1984, the Administrator of the Agency for International Development, Peter McPherson, wrote the following:

I share the President's view, as I am sure you do, that the United States has a responsibility to respond quickly and generously to people around the world who are in need of emergency humanitarian assistance. However, unless the President's supplemental food aid request is acted on in the near future, it will come too late in the fiscal year to permit us to order, ship and deliver food on a timely basis. In fact, food must be ordered before June if fiscal year 1984 funds are to be utilized since obligations are incurred only when commodities are actually loaded on ships.

In other words timing is all-important here, and that is why we have brought this bill to the floor as an urgent supplemental. It is a single-item bill which under the procedure being used will not be subject to amendments which might endanger its prompt enactment.

The needs have been determined through the cooperation of a number of U.S. and international agencies, including AID field missions, the Food and Agriculture Organization of the United Nations the U.S. Department of Agriculture, the world food program, the European Community, other donor nations and, of course, the recipient national. In recommending the amounts included in the bill, our committee has attempted to weigh the overall needs with the recipient nations' capabilities for receiving, storing, and distributing food commodities. This is not an exact science in Africa by any means, but this is our best estimate at this time.

While our estimates may have to be adjusted in the future, there is no question as to the human disaster which is occurring right now in Africa. Literally thousands of African children and adults are dying every day, and millions more are threatened by starvation or severe malnutrition due to a deadly combination of drought and civil strife. The potential number of people affected, perhaps as high as 100 to 150 million, is staggering.

The United States has traditionally led the way in disaster assistance wherever it has been needed, and I am proud of that record. Enactment of this urgent supplemental is essential to continue that tradition, to assist people who are in desperate trouble, and to encourage other donors to follow our lead.

This request is within the discretionary budget authority ceiling for fiscal year 1984. We should act favorably on this bill as quickly as possible, and I urge the Members to support it.

Mrs. SMITH of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I would be glad to yield to my distinguished minority ranking member of the Subcommittee on Agriculture Appropriations.

Mrs. SMITH of Nebraska. Mr. Speaker, I rise in support of House Joint Resolution 492. This bill provides needed funding for famine assistance in 18 African countries. The committee has approved $150 million to be administered through title II of the food-for-peace program.

This amount is $60 million more than the administration had requested for the fiscal year. The committee agreed to the additional funding only after provisions were made to extend the availability an extra 3 months

until December 31, 1984. We also included report language that is intended to prevent the funds from being spent unless it is certain that they can be used without waste.

I would like to call the Members' attention to the provision providing the Secretary of Agriculture with authority to use up to $90 million worth of Commodity Credit Corporation commodities for sale at competitive bid or barter to aid in the relief effort.

It is the committee's intention that by this provision we will prevent the collapse of the commercial trade channels. I think it is wise and moral to give what we can, but experience has shown that many more benefits are accrued to Nations if their private, commercial sectors are allowed to operate.

The Secretary is not forced to use this provision, but the language makes it clear that the authority does exist. In the case of famine, I think we need not worry about violations of GATT as much as we might otherwise.

As the time progresses, the subcommittee and committee will monitor the situation. If evidence should arise that additional aid is needed, I am sure that the chairman and subcommittee members will give full consideration of further assistance. I thank my friend (Mr. CONTE) for yielding.

Mr. CONTE. Mr. Speaker, I yield back the balance of my time.

Mr. DE LA GARZA. Mr. Speaker, I move to strike the requisite number of words. I rise in support of the legislation and concur with the sentiments and interests of the distinguished gentleman from Mississippi, our friend, the chairman of the Committee on Appropriations.

I would like to state for the record something which, even though it is supportive of the legislation, should be made known, both to these 18 countries and to the people of the world. We, in the United States of America, at this time are laboring under an almost $200 billion deficit. At the same time our interest on borrowed money before now has accumulated to some tremendous proportions of our debt and our national budget.

And here in America we have documented hunger, probably not of the nature or the caliber which these countries we are attempting to work with have. But in my own congressional district the freezes and cold weather of January presented us with a problem of insurmountable magnitude—for many, no food, or the unavailability of food. Many people had to depend on one meal a day that was given by the Government, distributed by volunteers.

I would like the people of the world and these nations to know that in spite of this, we are willing to help, because of the good nature and charitable basic instincts of the American people.

But it is not a prosperous nation, it is not a nation with overflowing funds that is doing it; but a people who, themselves, are suffering, maybe not to the degree that these countries are. I think this should be made explicitly clear that, in spite of our problems, the American people are willing to sacrifice, because this appropriation will be a sacrifice.

We are speaking now of additional taxes; we are speaking now of additional cuts in many areas, in many social programs which the people of the United States need.

But I do not think that I could say that one person in my congressional district would say: "No, don't vote to help in that amount." But I think that the world should know that we do this because this is our tradition in our democratic society. This is our basic responsibility to the world community.

Beyond that, I would like to ask the chairman a couple of questions because as the chairman mentioned, and I agree wholeheartedly with him, as chairman of the Committee on Agriculture, we should dispose of at world prices wherever possible; to do this section 101B of Public Law 98-107 was passed last year.

And as the chairman knows this is basically the jurisdiction of the Committee on Agriculture. But yet the Appropriations Committee enacted it into law, bypassing the Committee on Agriculture.

Out of respect to the chairman and because we agreed with what he intended to do, we presented no challenge to our jurisdiction.

I would like to state that for the record and state to our distinguished chairman that we appreciate what he is trying to do. But I would hope that in the future that we at least have consultation, that we work together, as we should, the Committee of Jurisdiction and the Committee on Appropriations to achieve the worthwhile end which the distinguished chairman, the gentleman from Mississippi, so desires.

□ 1310

I would agree with what he intends to do. But, I would hope that in the future we would work more closely together to satisfy the basic jurisdictional necessities.

Mr. WHITTEN. Certainly, if I may, Mr. Speaker, I certainly look forward to and always have to working with my colleague and friend from Texas, the chairman of the Committee on Agriculture.

Let me repeat here, however, some things that have occurred through the years I think because of neglect or failure to use.

The Commodity Credit Corporation was created many years ago under the laws of the State of Delaware. Later it was made a Government corporation by the Congress of the United States. Its purpose in the act is to support American farm prices at comparative levels with the cost of what they produce and to protect the Corporation's assets by selling competitively in world markets.

Our agriculture is dependent on exporting about a third of our production.

When the Corporation Control Act was passed—and I had something to do with it—it was provided therein that nothing we did shall restrict the Corporation from discharging its responsibilities. That responsibility is to support American farm prices to offset the increasing take of industry and labor, that the price support be at a level where the farmer would have the purchasing power like they had during the 1909 to 1914 time period, or a percentage thereof. That is the basis for parity.

The Corporation then was charged with selling in world trade competitively to retain our foreign markets.

Not only did that fall into disuse, but legislation was passed restricting the Corporation, which, in my judgment, is counter to the intent and the provisions of the Corporation Control Act.

I may say that the Tennessee Valley Authority is another corporation of the same kind.

So I wish to cooperate with my colleague, but I also would like for him and me to sit down and go over that Corporation and see if we can get it back in business, because the farmer is bankrupt now. I certainly know he does not want to fall back on jurisdiction and I do not.

The SPEAKER pro tempore. The time of the gentleman from Texas (Mr. DE LA GARZA) has expired.

(By unanimous consent, Mr. DE LA GARZA was allowed to proceed for 5 additional minutes.)

Mr. DE LA GARZA. Yes, my distinguished colleague is eminently correct and we have no disagreement. The fact is though that he disagreed with the basic law and I did also. I only mention that proper procedure would dictate that we do it together.

Mr. WHITTEN. If the gentleman will yield further, we have worked together without exception and as long as I am here and the gentleman is here I am sure we will continue to do so.

Mr. DE LA GARZA. I appreciate that.

Also I would like to ask the gentleman one question.

The commodities which the CCC has at this time are 75 million bushels of corn, 9 million bushels of barley, 1 million bushels of oats, 1 million bushels of rye, 29 million bushels of sorghum, 15 million bushels of soybeans, 19 mil-

lion bushels of wheat, 1 million hundredweight of rice. Now, does this legislation give first priority to these items or if we were to legislate in our committee——

Mr. WHITTEN. One of the mistakes that I think we made, we let only employees of the Department of Agriculture be directors in the Commodity Credit Corporation. And they in turn are dominated—I say most of the time—by the Secretary of Agriculture. He in turn is under the pressures from the State Department.

So I do not think that they have given the attention to protecting the Corporation's assets that are called for by the general law having to do with corporations.

I would also like to call attention again to another matter. When we are asking $1 trillion in 6 years for military spending, is it sound to strip yourself of all food reserves? If the situation is so bad as to require $1 trillion for military spending, then should we strip ourselves of our reserves?

In 1941, at the start of World War II, what saved us was we had food. If we get down to where we try to get price by scarcity, by limiting production, this is the most dangerous time in the history of our country for that condition to exist. But what they have on hand should get preference in exports.

Mr. DE LA GARZA. I basically agree with the gentleman. The appropriation bill gives them authority nonetheless though to purchase food commodities, not necessarily to utilize these limited inventories, but——

Mr. WHITTEN. Poverty and starvation have no time to wait 3 months for a ship to get there from here if we can make it available elsewhere. It does not say do it, but it lets them meet the starvation needs of the people in three or four directions, one of which is to buy commodities.

And another thing is we have surpluses and if France wants to help, for instance, we can sell them commodities and let France contribute to the cause.

So we tried to give them the leeway to meet the needs of starving people.

Mr. DE LA GARZA. That is what I wanted to clarify for the record. I appreciate the distinguished gentleman stating that that they would do it in the fastest, most feasible manner available and not be limited necessarily to the stocks available. The Department would have authority to purchase commodities for relief abroad.

Mr. WHITTEN. Certainly, that is right.

Mr. BREAUX. Mr. Speaker, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman from Louisiana.

Mr. BREAUX. I thank the gentleman for yielding.

I apologize for just coming on the floor and not being totally aware of the transaction, but I think this is very, very important, and I thank the gentleman for raising it.

Am I to understand that what is now contained in the appropriation language makes a permanent change in the directive that Congress has given to the Commodity Credit Corporation as to how and under what terms they are to dispose of any surpluses that are owned by the Government?

Mr. DE LA GARZA. That was done last year under Public Law 98-107. That was already done last year.

Mr. BREAUX. What is being changed this year that the gentleman has expressed concern about?

Mr. DE LA GARZA. This legislation continues giving the Corporation that authority, and I was trying to remind the distinguished chairman of the Appropriations Committee that the basic jurisdiction lies in the Committee on Agriculture. Although we agree with him and support him because he is doing the right thing and also because of our utmost respect for him; nonetheless, we should work together in the future.

Mr. BREAUX. I thank the gentleman.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield further?

Mr. DE LA GARZA. I yield to the gentleman from Mississippi.

Mr. WHITTEN. I would like to call attention to a technical difference here, but we did provide, in the law of last year where we worked together in getting some relief, the following language:

Provided further, That, hereafter, in order to restore and maintain United States share of world markets and to restore capital of the Corporation for its operations, any restrictions or limitations on the authorities and obligations of the Commodity Credit Corporation to sell in world markets, as provided by its Charter, may be waived or suspended by the Secretary of Agriculture.

So I would say under existing law the Secretary of Agriculture has this authority through this provision that we put in last year when we worked together on the bill taking care of agriculture appropriations.

Mr. DE LA GARZA. The distinguished chairman as always is correct and that is my basic understanding and agreement.

Mr. Chairman, I endorse and support what you are attempting to do. I did want to provide a caveat that although we have problems, and hunger in the United States; nonetheless, we are willing to assist the people of the world.

Mr. SOLOMON. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, as the ranking Republican member on the Foreign Affairs Subcommittee on Africa I would like to offer my congratulations to the gentleman from Mississippi for the expeditious way in which this emergency supplemental request for food and assistance in Africa has been handled.

Time is of the essence and if the funds to be made available under this legislation are to be used efficiently and constructively, the administration must have the necessary funding in place by the end of this month.

I wonder if the gentleman from Mississippi would engage in a short colloquy with me on some clarification.

I have several concerns about which I desire some clarification.

As I understand it our Government has thus far received emergency funds, food aid, requests from 24 African countries during our current fiscal year 1984. A number of these countries have had these requests answered in full by funds already provided under the continuing resolution last fall. However, there remain 12 outstanding requests for food assistance totaling some 170,000-plus metric tons of food, as well as anticipated requests representing some 45,000 additional metric tons of food and this anticipated request comes from six countries, three of whom, Tanzania, Togo, and Botswana have not heretofore made any emergency requests.

My question is this: Could the gentleman explain the timeframe that we are dealing with in this supplemental? In other words, it is my understanding that the supplemental should carry us through the end of the calendar year of December 1984 and that is 3 months beyond the formal end of the fiscal year.

□ 1320

Mr. WHITTEN. May I say I do not feel qualified to answer all of the questions the gentleman raised. This matter was submitted to us as a $90 million item by the President. We had before us Mr. McPherson, AID Administrator. We had also USDA Secretary Amstutz. They went into the matter before us and the budget request before us. We did not explore or go into other matters that may be pending. So for that reason I do not think that I am informed enough to answer the question.

I yield to my colleague, who is familiar with this.

Mr. SOLOMON. I think I have the time.

Mr. WHITTEN. If I may.

The SPEAKER pro tempore. The gentleman from New York (Mr. SOLOMON) has the time.

Mr. SOLOMON. The gentleman from New York (Mr. MOLINARI) asked me to yield, so I will yield to him.

Mr. WHITTEN. The gentleman from New York (Mr. SOLOMON) has the time, but I would like him to yield to the gentleman from Michigan (Mr. WOLPE), if he would.

Mr. MOLINARI. I can answer the question, I believe. In my conversations with AID, it was explained that it would be difficult to distribute the total amount appropriated here within this fiscal year. They had requested that additional time be leveraged and given to them, and it was agreed that 3 months more would be added to the period, which took us to the end of the year.

Mr. SOLOMON. At this point, let me just ask this one additional question, and this time I will yield to the chairman of the Africa Subcommittee, if that is all right with the chairman of the Appropriations Committee.

Mr. WHITTEN. Certainly, I wish the gentleman would.

Mr. SOLOMON. Given that fact, plus the fact that this is a Public Law 480 program, is the administration given enough leeway in disbursing the assistance, and is there any possibility that these funds could be impounded or otherwise returned to the Treasury if they are not extended by a certain deadline? Could the chairman of the Africa Subcommittee clarify that for us?

Mr. WOLPE. I am not certain I have the direct response to the latter question.

AID did request an additional 3 months beyond the end of the fiscal year, if the gentleman will yield further, to assure the additional program of the additional food aid moneys.

As was indicated by the previous speaker, it takes AID about 3 months, sometimes more, from the time the request is received to the time the food is delivered to the recipient country to assess the country's distribution capabilities, and so on.

Precisely what would occur if the total sum is not expended beyond that time, I assume the money would lapse at that point, and I am advised that that is correct, and a new authorization would be required if the total sum was not spent within the alloted time frame.

Mr. SOLOMON. I am still trying to find out whether it is necessary to impound the money if it was not needed and was not spent, or does it just lapse without being spent? Is there anything built into the legislation which deals with that subject?

Mr. SMITH of Iowa. If the gentleman will yield, I will point out that this is a supplemental for 1984, with the funds remaining available until December 31, 1984.

In addition to that, we are talking about the Southern Hemisphere. They will not be out of the problem until at least next April because the bad year that they are in now, the crop will not be harvested until next April.

So it is necessary to deal with this in a 1985 appropriations bill anyway. All we can do is deal with the balance of 1984, and then we will have to have a fast track on 1985 because they will need money for more than 3 months in fiscal year 1985. They will need it at least until next April.

The SPEAKER pro tempore. The time of the gentleman from New York (Mr. SOLOMON) has expired.

(By unanimous consent, Mr. SOLOMON was allowed to proceed for 5 additional minutes.)

Mr. SOLOMON. I wonder if any one of you gentlemen could comment on the precedent or the advisability of making Public Law 480 assistance available to Communist countries or countries that can be fairly described as being members of the Soviet bloc.

In looking over the list of countries from which we have received requests, I note, for example, Ethiopia, Mozambique, and Angola. I would just like to ask, Are there any constraints or waiver requirements necessary in cases such as these in these kinds of countries?

Mr. WOLPE. If the gentleman will yield, the direct response is no, there is no new particular waiver requirements that are required.

The United States has maintained historically a tradition of responding to the humanitarian needs of people irrespective of their government's political persuasion. When it comes to food, when it comes to the issue of hunger, that has been our historic policy. We try, in short, simply to save lives.

In Ethiopia, all the U.S. assistance is handled by the Catholic Relief Services, with the exception of $800,000 that was provided to the U.N. Disaster Relief Office last September for inland transportation.

In Angola, all American assistance has been handled by UNICEF.

In Mozambique, CARE just initiated a program there in January, which is now handling the American assistance effort.

Prior to that time, U.S. aid was managed by the U.N. World Food program, and some was provided on a government-to-government basis.

Mr. SOLOMON. Well I am very glad to hear that none of this money is going directly to those countries that I have mentioned, that it is going directly to the PBO's or the private organizations.

Mr. Speaker, let me just say that I am not opposing this legislation. I think that the point needs to be made that the administration took into account anticipated requests in formulating the proposal for $90 million in supplemental food aid.

Now that the committee has added $60 million to the administration's request, I am somewhat concerned that additional requests might be made and it may stimulate additional requests because of what we are doing.

I have some rhetorical questions just to throw out.

For instance, what are other countries doing to help alleviate the food problems in Africa?

What are the Soviets doing, if anything, to help?

And are there any estimates of what the Soviets are taking out of those countries?

I am thinking particularly of the Soviet plundering of offshore fishing sites in Mozambique and all along the west Africa coast, as well as billions of dollar of arms sales which are forced and foisted on bankrupt countries like Ethiopia.

In other words, are we picking up the tab after the Soviets have completed their exploitation of these countries?

I think we are, and I think that is wrong, and I think we ought to be careful in the future about how we deal with it, about putting pressure on Russia not to help exacerbate the problem that we have today.

Mr. WOLPE. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Michigan.

Mr. WOLPE. I thank the gentleman for yielding.

I do have at least a partial response to the question that the gentleman raised.

Of the 2 million tons that have already been pledged, donors other than the United States have committed about 1.45 million tons. These donors include Argentina, Australia, Austria, Belgium, Canada, China, Denmark, France, West Germany, the Islamic Committee, Italy, Japan, Kuwait, the Netherlands, Spain, Sweden, the United Kingdom, the U.S.S.R., Vietnam, and the World Food Program.

The Soviet contribution thus far, I am informed, has been about 10,000 tons of the total.

Mr. SOLOMON. I thank the gentleman, and I yield back the balance of my time.

Mr. McHUGH. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I rise in support of this joint resolution and urge my colleagues to support it as well. As its name suggests, this is an urgent supplemental appropriation and for that reason I want to particularly thank the chairman of the committee, Mr. WHITTEN, for expediting its consideration.

The urgency in this case, Mr. Speaker, relates to the fact that at this moment 3 to 4 million people in Africa are in imminent danger of starvation. Thousands are dying almost daily as a result of the worst famine to afflict that continent in many years. Unless we and other donors respond with meaningful food assistance, and do so promptly, our worst fears will be realized.

The estimates of the food necessary to meet immediate needs vary. For example, certain international organizations such as the Food and Agricultural Organization [FAO] estimate the need at approximately 1.6 million metric tons. In February, the U.S. Agency for International Development [AID] concluded that about 1.1 million metric tons are required. The truth is that no one can be absolutely certain about the precise amount, but it is clear that the need is great and immediate.

The administration requested a supplemental appropriation of $90 million which, under title II of the Public Law 480 program, would provide about 245,000 metric tons of food. In considering this request, the Appropriations Committee adopted an amendment I offered to increase the appropriation to $150 million in title II funds. This would enable us to provide at least 350,000 metric tons.

In responding to such emergencies in the past, the United States has generally provided about one-half of the emergency food assistance extended by the international community. Assuming that the total need is something in the neighborhood of 1.1 million metric tons, this appropriation will not cover one-half of the aid required. However, in considering the logistics involved in purchasing and delivering the food to those Africans in need, the committee concluded that AID could effectively deliver no more than 350,000 to 400,000 metric tons by December 31, 1984. It was on this basis that the committee settled on the figure of $150 million.

Regardless of the amount of aid provided, Mr. Speaker, we are all concerned that the food reach the people in need. From time to time there have been cases where the food has been diverted for private gain, or, because of inadequate delivery mechanisms or outright discrimination on the part of recipient Governments, it has not reached all of those whom we intended to help. For this reason, the committee report expressly states that we expect AID "to obligate these funds in a manner that will assure that the commodities are efficiently and effectively delivered without discrimination to those affected by the famine."

In this connection, our committee report further directs AID to make funds available from existing moneys to meet the nonfood needs related to the food-assistance effort, including inland transportation of the commodities. Many of the isolated areas do not have the necessary infrastructure, equipment, or personnel to distribute these commodities. Therefore, AID is expected to provide funds necessary to meet these related nonfood needs.

In addition to the title II moneys, the resolution also makes up to $90 million for the Commodity Credit Corporation inventory available for sale on a competitive bid or barter basis. Inventory commodities are available to the African countries in need of emergency assistance or to any country for use in its African relief effort. This provision will make food aid available in instances where funds or goods are available for exchange by the CCC.

In closing, I would again urge my colleagues to vote for this measure. It is a humane response to a major tragedy. If we are to avert catastrophe in Africa, we must respond swiftly with the necessary assistance. This joint resolution does that, and it deserves our support.

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Mr. ADDABBO. Mr. Speaker, will the gentleman yield?

Mr. McHUGH. I yield to the gentleman from New York.

Mr. ADDABBO. I thank the gentleman for yielding.

I want to take this opportunity to commend the gentleman in the well for the work he has done on this and the amendment that he offered in the committee to increase the funding for this much needed program.

Mr. Speaker, there continues to be a fundamental lack of understanding within the administration about the issue of hunger. Whether it is the soup kitchen in America or aid to famished Africans, this administration attempts to solve these crises by appropriating fewer resources than needed. This policy is only applied to human services, food, housing, education, and other essential needs of human beings. When it comes to defense, there is always plenty of money to pursue the nuclear-arms race.

I stand before you today to urge that we throw our weight behind House Joint Resolution 492, a bill which will provide $150 million in urgent funds to African food aid. A policy of minimalization, as the administration requests, will result in the immediate death of thousands of the 150 million Africans in 24 countries threatened by starvation.

This figure reflects a firm commitment that any slack is too much, that one death is one too many. There is a numbers game being played now between the administration and concerned parties in Congress; the bottom line is that the food must be delivered.

To avert wholesale death requires that the bill not be delayed in Congress. The food must reach Africa by June, which means Congress must pass the enabling legislation as soon as possible. Otherwise, our efforts to prevent the starvation of millions will be for naught.

There are several additional measures we can take to fill the discrepancy in resources as well. First, we can make 300,000 tons of grain available through the emergency grain reserve. Another possibility is to request that the Administrator for the Agency for International Development (AID), Peter McPherson, transfer 10 percent of the reserves that he controls under title I to title II (Public Law 480) of the emergency food aid bill.

Finally I must express my concern that any bill providing aid to Africa specify that the food is given to the people and not to governments as political weapons.

Mr. Speaker, the message is that people are starving in Africa. Fighting hunger must take priority in our deliberations; 100,000 dead in Mozambique are too many. This Nation and others need our help. I urge the administration and my colleagues in Congress to pass this bill independently of others and assist in the delivery of necessary aid to famished African peoples.

Mr. ROTH. Mr. Speaker, I move to strike the requisite number of words and I rise in support of the bill.

Mr. Speaker, we all sympathize with the suffering that is continuing because of the drought in Africa. The results have been devastating and makes it imperative that assistance be made to those who are in extreme need of food.

However, the legislation also provides this Congress with the auspicious occasion to help those here at home as well as the unfortunate abroad. At the present time our country has been blessed with an ample supply of dairy products and all kinds of agricultural products.

Last year, I introduced a concurrent resolution urging the Secretary of Agriculture to use his present authority to barter surplus agricultural commodities for needed minerals and materials for our natural stockpiles. Progress has been made with this barter resolution because of the legislation that was passed last year.

The legislation before the House at this time would enable this bartering procedure to be put into mutual and beneficial use. Both for those in dire need of life-sustaining food and also for our own people here. I would like to wholeheartedly urge the Commodity Credit Corporation to use its authority to arrange for the movement of these agricultural commodities through the barter system as defined in the Dairy and Tobacco Adjustment Act of 1983. This action gives Congress the ability to offer a helping hand to those who are suffering and extremely suffering from a shortage of food and also at the same time replenish our stockpiles of minerals and metals.

I think this legislation here is giving us an example of issues to come. The issue of hunger is going to be with us, it is going to be one of the key issues, the issue of food, one of the key issues not only in the next decade, but for the rest of our lifetime.

This is an omen of things to come in my opinion. The issue of food will dwarf all other issues for the remainder of our lifetime; 200,000 people are added to the world population every day. For every two people we see today, we will see three at the turn of the century.

Where is the food going to come from to support these people? I think these are the points that we try to underscore again, and again, and again when we debate the Dairy and Tobacco Adjustment Act of 1983.

I urge my colleagues to support this legislation but also to keep in mind that the future, the future of the legislation debated in this House, is going to revolve around issues like this, and we have to be mindful of the future issues coming if we are going to be able to adjust to that legislation and be able to make the appropriate decisions when that legislation comes before us.

That means that we have to be cognizant of what the agricultural community is contributing to this country and to the world and also the future of the entire issue of food.

Mr. WOLPE. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I rise in support of House Joint Resolution 492.

Mr. Speaker, I rise to express the strongest possible support of this urgent supplemental appropriation for emergency food assistance to Africa. The crisis is real, and it is immediate. I want to pay tribute to the chairman of both the Agriculture Subcommittee and the full Appropriations Committee, the gentleman from Mississippi, for acting so expeditiously on this most important matter and the humanitarian spirit which that action conveys. We should act with equal speed on this matter and in so doing encourage our colleagues in the Senate to maintain this fast track that the Appropriations Committee has initiated.

Mr. Speaker, more than 150 million people in at least 24 countries in Africa now face famine as a consequence of a devastating drought that is threatening the widest area in Africa in recent history.

Thousands of African children and adults are dying daily; millions are facing starvation. In Mozambique alone, an estimated 100,000 people have died already as a result of the drought. Compared to the African famine of 1973 to 1974, which claimed between 200,000 and 300,000 lives, the current catastrophic food shortages claim an even more devastating toll.

In most countries this is at least the second year of the drought. Mr. Speaker, this past summer, I traveled to some of the drought-stricken parts of Ethiopia with a number of my colleagues from this body. We visited an emergency food distribution center and an intensive feeding center in the Gondar region and saw crowds of people waiting in the rain for food.

After having already walked for days, they waited without shelter from the cold and the rain, to receive some of the food that would be delivered by a small airplane because no trucks could reach that area. We also saw the plane in Gondar, it was out of service for a few days because of mechanical problems.

Many of these people may have already died because the international donor community and the United States have not become seized by the sense of urgency that is required to organize a significant response to this human tragedy.

Mr. Speaker, this situation is not unique to Ethiopia, where reports last June indicated that as many as 50 to 100 children were dying daily. The threat of starvation, malnutrition, disease, and irreversible loss of livestock is very real in these 24 countries in western, eastern, central, and southern Africa.

For the international relief efforts and the American contribution to those efforts to have a real impact, it must be emphasized that time is of the essence.

Mr. Speaker, I am tremendously encouraged not only by the response of the Appropriations Committee to the supplemental, but also by the tremendous bipartisanship in support of this issue, both in the House and in the Senate.

I want to pay particular tribute to the gentleman from New York (Mr. McHUGH), the gentleman from Pennsylvania (Mr. GRAY), the gentleman from New York (Mr. MOLINARI), and the ranking member of the House Subcommittee on Africa (Mr. SOLOMON) for the assistance they have extended in moving us to this point. One gentleman has provided particularly a forceful and effective leadership on this issue, and that is the gentleman from New York (Mr. WEISS). I just want to express my personal appreciation for the leadership he has brought to bear on this matter.

Mr. Speaker, the most recent figures available from the U.N. Food and Agricultural Organization on food aid to the 24 affected countries indicates that of the 3.3 million tons of food aid required through 1984, about 2 million tons have been pledged of which 800,000 have been delivered. This leaves an unmet need of 1.3 million tons, of which all but 121,000 tons need to be delivered by September. The U.S. share of the 2 million tons already pledged is about 540,000 tons or 27 percent. This consists of 320,000 tons in regular food for peace programs and 220,000 tons in aid from the title II emergency reserve. Of the remaining 1.3 million tons of unmet food needs AID has recently approved an additional contribution of 50,000 tons, and with the passage of this emergency supplemental for $150 million AID will be able to contribute a further 375,000 tons toward the unmet needs. This could bring the total U.S. contribution toward the 1.3 million tons of unmet food needs to about 425,000 tons or 32 percent.

Mr. Speaker, while the United States has traditionally provided 50 percent of Africa's food aid needs, a contribution of one-third of the current unmet needs, which is what this supplemental would accomplish, would, nevertheless have a significant impact in Africa and will also encourage the rest of the donor community to expedite their pledges and deliveries.

Let me emphasize that this amount should be viewed as the minimum that the United States should be prepared to offer in the current crisis. Even though there has been some discrepancy between the FAO and AID estimates on food aid needs, due to the differing methods and to the fact that AID does not have missions in all of the affected countries, is it clear to all that the magnitude of this drought and the likelihood of it continuing necessitates the expeditious and generous marshaling of all available resources by the international donor community to help save lives throughout Africa.

Mr. Speaker, let me close by briefly addressing a few related issues:

First, on the issue of time it must be emphasized that the officials at AID, who have been working so hard on this issue, have indicated that they desperately need the Congress to pass this supplemental by the end of March to allow them time for the efficient programing of this aid in the crucial months ahead. It is equally important that this bill will make these funds available through the end of this calendar year, giving AID the time and resources necessary to move the additional food. It takes roughly 3 months to actually get approved food aid to the recipient countries.

Second, on the issue of efficient distribution and monitoring of food aid in the recipient countries it is clear that a major bottleneck in the relief efforts is the poor transportation capacity of many of the affected countries. We encourage AID to continue to obtain the necessary funding for inland distribution and other nonfood emergency needs from the Office of Foreign Disaster Assistance [OFDA] and to make use of OFDA's $50 million borrowing authority when necessary. Additional funding for nonfood emergency needs may become available in October, if we pass a foreign assistance bill, as a result of an amendment of Mr. SOLARZ and myself to provide $16 million specifically for these needs. We also applaud AID's efficient monitoring of

U.S. assistance and acknowledge that most American food aid is handled in recipient countries by American private voluntary organizations.

Third, on the issue of political considerations, specifically regarding aid to countries identified as Socialist or Communist, I only want to remind this body that the United States has the most laudable tradition of responding to the humanitarian needs of people irrespective of the political persuasion of their Governments. Simply put: the United States tries to save lives. This has never meant and does not mean that we provide assistance in an irresponsible manner if there is evidence to suggest a misuse of relief aid. Our officials at AID have been very diligent in assuring that American aid is handled mostly by American PVO's and monitored by American or international organization officials.

Mr. Speaker, the loss of each life on this planet resulting from a lack of food is a tragedy, particularly when our warehouses are filled with surplus food and when we have had ample advance warning of such impending natural disasters. The current crisis in Africa is a further tragedy given the experience of the international relief efforts during the Sahellian drought of 1973-74. While many lives were saved by the provision of food aid, many more were lost because of the slow response time and bureaucratic delays of the donor countries. By passing this bill today we will help assure that this shameful tragedy is not repeated.

Finally, let me recommend that all of my colleagues take the opportunity this week to see the exhibit of photographs taken by Senator JACK DANFORTH in Mozambique and Senegal recently which graphically demonstrate the urgency of the food crisis in Africa. The exhibit opens this Thursday in the Senate Caucus Room [SR 325] of the Russell Building.

I thank again, the gentleman from Mississippi for his tremendous assistance in this most important effort.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

(On request of Mr. WEISS and by unanimous consent, Mr. WOLPE was allowed to proceed for 1 additional minute.)

Mr. WEISS. Mr. Speaker, will the gentleman yield?

Mr. WOLPE. I yield to the gentleman from New York.

Mr. WEISS. I thank the gentleman for yielding. I am very appreciative of his kind and, indeed, overly generous remarks about my role in this matter.

Mr. Speaker, I simply want to take note of the fact that while the gentleman was handing out some very deserved plaudits to other Members, the fact is that he, as the chairman of the Subcommittee on Africa, has consistently throughout the years played a very effective and leading and absolutely essential role in maintaining the focus of the food needs of the desperately hungry people of Africa and on the urgency of the action that was required.

I want to underscore what the gentleman has said concerning additional needs of both food and nonfood assistance. As the Members of the House know, I introduced legislation providing for $300 million in food assistance, an amount that would meet approximately 50 percent of this year's requirements. It calls for an additional $50 million in nonfood assistance. I am heartened by the fact that in a matter of days that bill has gained some 70 cosponsors from both sides of the aisle.

□ 1340

So I am confident that if the administration acts diligently to distribute the food that is provided for in this appropriation measure, there will be support in this House and in the affected committees to provide the additional amounts needed to avert starvation.

Mr. WOLPE. I thank the gentleman for his observations.

The SPEAKER pro tempore. The time of the gentleman from Michigan (Mr. WOLPE) has expired.

(By unanimous consent, Mr. WOLPE was allowed to proceed for 1 additional minute.)

Mr. WOLPE. I thank the gentleman for his kind remarks. It is always dangerous to single out names in an effort that so many people have been involved with. The gentleman from Wisconsin (Mr. ROTH), the gentleman from North Dakota (Mr. DORGAN), the gentleman from South Dakota (Mr. DASCHLE), there are so many folks. So many people have been involved consistently moving us to the point where we are now.

I just think it is really reflective of the best humanitarian tradition of this country that this kind of legislation can command bipartisan support and the sense of urgency that it evidently has.

Mr. MOLINARI. Mr. Speaker, I move to strike the requisite number of words, and I rise in support of the resolution.

Mr. Speaker, I am pleased to join in this bipartisan humanitarian effort.

About 2 weeks ago, a number of us got together at a press conference to pledge support for an emergency supplemental aid bill to the starving in Africa. It was significant to note that most of those present had some personal identification with the problem; indeed, most of them had visited Africa and saw for themselves the starvation, the swollen bellies, the children dying.

In my case, I was privileged to represent the House of Representatives last November in Rome at the Food and Agriculture Conference. The drought and famine in Africa dominated the entire conference. I heard representatives of the African nations begging for assistance, and I returned from that trip with a strong commitment to do whatever possible on my own part to seek immediate relief.

While I am pleased to be taking up the issue today, I cannot help but wonder why we could not have acted even more quickly and how many more lives might have been saved if we could have acted more expeditiously. The necessary action now is to pass this legislation and trigger the food distribution process.

Mr. Speaker, Sunday night last, the night before yesterday, there was an hour-long program that was sponsored by, I think it was World Vision. It depicted the horrors of what is happening in Africa. My wife and I were watching the program together, and after about 10 minutes, of watching and crying on her part, she had to get up and leave the room. It was that bad.

I was tempted myself to take the easy way out and walk, knowing that I was going to support this legislation when it hit the floor, but I forced myself to stay because I wanted to receive the full impact of what was happening over there.

I hate to overdramatize what is happening, but I think it is important that we do note some examples. One that hit me very deeply was the story of a mother who had twins. She did not have enough milk in her breasts to nurse both children, and she decided that what she should do would be to make a choice and to feed but one of those two children. That choice she made, and she suffered the torment of watching the other child die slowly. A tough, tough decision, and it certainly underscores the need for what we are doing here today.

The gentleman from Texas before pointed out that it is kind of ironic that here we are at a time when the biggest issue in the country is the budget deficits and we are talking about sending $150 million in economic and food aid to the needy countries in Africa. I think that tells a story about this great country of ours; that while we do have such serious problems, we are willing to dig down a little deeper to help those who need that help so desperately.

We should understand, Mr. Speaker, that approximately 40 percent of the moneys that are appropriated will be spent on transportation. The administration and AID had originally recommended $90 million. I introduced legislation of my own which would have

provided the same figure that we are discussing today, $150 million.

Let us remember that as of February 23 there was only $23 million left in the emergency food aid budget, and it was estimated that the remaining money would be committed within the next 2 or 3 weeks in order to address food needs on a timely basis.

Let us talk for a moment about the procurement of commodities; that takes about 4 to 6 weeks on average. Ocean transport is another 2 to 4 weeks, and for landlocked countries, inland transport can take another 4 to 6 weeks. So we can begin to understand the magnitude of the problem facing us.

Although this appropriation is a necessary short-term response, it is important to note that the United States is continuing to develop long-term solutions. For example, in January the administration announced a proposed economic policy initiative for Africa which would be a 5-year, $500 million program. The program would offer tangible support.

The SPEAKER pro tempore. The time of the gentleman from New York (Mr. MOLINARI) has expired.

(By unanimous consent, Mr. MOLINARI was allowed to proceed for 2 additional minutes.)

Mr. MOLINARI. The program would offer tangible support for those countries prepared to undertake the policy reforms needed to improve productivity.

I am proud to join in the bipartisan spirit that we have here today and to have worked together with my colleagues who spoke before me. I am also proud of the role that our country is playing in responding as quickly as we can, either through congressional action or voluntary contributions that are being made across the Nation.

To quote the Secretary of State, George Shultz: "The first basic truth is that our common humanity compels us to respond to the specter of famine across sub-Sahara Africa."

Traditionally, the United States has taken the lead in the food crisis and sets an example for the other more fortunate nations of the world to follow. I hope and trust that that will follow our action today.

Mr. DASCHLE. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I rise in support of House Joint Resolution 492, which appropriates $150 million in emergency food assistance to nations throughout the African continent, nations where thousands of people have starved to death and where millions face starvation.

I applaud the speed with which the House Appropriations Committee has acted on this life-and-death matter, and hope that if more assistance is needed at a later day, as well may be the case, that we will again see quick action.

I am going to focus my remarks on the problem of getting our food aid to those most in need. We can, without great difficulty, get U.S. food from the farm to the port of the recipient country or the port nearest to the recipient country. Then, however, comes what is often a major obstacle in getting food and supplies delivered within the country.

Ideally, the supplemental appropriations bill would have included money for nonfood emergency needs such as inland transportation, seeds, medicines, animal feed and vaccines, well-digging and well-deepening, and logistics expertise.

African nations, dependent on agricultural economies and in the midst of a multiyear drought, do not have the financial resources to cover the costs of these nonfood emergency needs. If our food aid is to be of real use, we must assist in this effort. While costs of distributing food aid vary from country to country, Catholic Relief Services estimates that it costs $100 to $150 a ton to cover transport, handling, and storage costs.

Some governments are making extraordinary efforts to provide drought relief. Upper Volta, for example, has launched a national drought appeal. All government salaried workers have been taxed for a drought fund and the government has appealed to all nongovernment workers to contribute voluntarily to the fund. The Government, however, simply does not have enough tax revenues to respond the way it would like to the drought.

Seed grains are desperately and immediately needed in several countries, since seeds have been eaten and there now are not enough to plant. In the Sahel and Ethiopia, seed grains are needed by April 15 for planting. Catholic Relief estimates that in Ghana locally purchased seed grains cost about $500 a ton.

Water shortages are a tremendous problem throughout Africa. Because of the drought, wells are drying up and need to be deepened and, in some cases, new wells dug. The shortages of water affect both people and animals and also affects production. For instance, in northern Togo ponds that usually provide drinking water for animals have dried up. Some factories have been forced to stop production of palm oil because of lack of water, thus further weakening the country's revenue base.

Medicine and medical supplies are in critically short supply. Returning Lutheran World Relief people report that lack of medical supplies in Mauritania is making malnourished people highly susceptible to disease. Outbreaks of measles are occurring in Mali and Upper Volta, while meningitis is reported in Upper Volta.

Rinderpest and other animal diseases have been reported in many African nations. Protection against disease is even more important than normal because the drought has tended to cluster animals where water and feed are available. Lutheran World Relief reports that herders in southern Mauritania have driven their animals south into Mali in search of food and water. There are virtually no animals in southern Mauritania. All have either been driven south or died. In southern Mali, on the other hand, the animal population has increased markedly due to the influx from Mauritania.

Some African governments need assistance in the area of logistics. The Norwegian Red Cross, for example, has sent a logistics expert to work with the Mauritanian Government on relief distribution. This is an area in which the United States can be of great assistance.

While an amendment adding money for nonfood emergency items such as those discussed above would not be germane to this bill under House rules, I would strongly urge that we accept any nonfood provisions that might be contained in a Senate bill. All of the instances I mentioned concerning nonfood needs are things seen and reported by Catholic Relief Services and Lutheran World Relief people who have recently returned from Africa.

Finally, I would like to address the concern expressed by some that it will be difficult for the United States to get $150 million worth of food allocated, ordered, packaged and at a U.S. port by December 31, 1984. This is often referred to as our "absorptive capacity." While it seems that we should have this ability, we do have the alternative of pursuing other avenues of distribution, such as the world food program, private voluntary agencies, and the International Committee of the Red Cross.

It only takes for instance, 13–18 days to ship food from New Orleans to Ghana and 20–27 days for the trip from New Orleans to Mozambique. And we do have the ability to increase our processing capacity. Our vegetable oil production is only running at 72 percent and our cornmeal production at 70 percent of capacity.

Arthur Simon, director of Bread for the World, pointed out in his testimony before the Senate Foreign Relations Africa Subcommittee last week, "Absorptive capacity can be readily and quickly increased, because it is related to resources provided for gasoline, trucks, trailers, spare parts, aircraft, personnel and the like."

He went on to point out that 73 trucks and 15 trailers in Chad will increase the amount of food that the country can take in and distribute by 5,000 tons per month. And in the

Sahel, in the 1970's drought, the use of three military planes for food distribution significantly increased the ability to deliver food.

Ken Hackett of Catholic Relief Services also addressed the absorptive capacity issue in his testimony before the Senate Foreign Affairs Subcommittee on Africa. He pointed out that while distribution problems do exist, of course, it is not a prohibitive factor. He said that the port of Abjidan in West Africa, which can deliver food to Upper Volta and Mali, has the capacity to double its present volume. The port of Lome and Dakar can handle significantly more tonnage, and the transport infrastructure problems in Ghana have been improved enough to allow more truck transport of food and supplies.

Again, thanks to Chairman WHITTEN and other members of the Appropriations Committee for their attention to the Africa supplemental bill. The fact that this bill has been reported out of committee as a separate piece of legislation should help us get it signed into law quickly.

Our colleagues on the Senate side have said that they will also act quickly on a supplemental appropriation for Africa. I hope that the Senate will resist any attempts to tie the bill to other supplemental requests, particularly any controversial requests such as military and economic aid to El Salvador. Any delay will cost lives.

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Mr. FRENZEL. Mr. Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The gentleman is advised that there is an amendment pending. The committee amendment is pending at the present time.

Mr. FRENZEL. Then, Mr. Speaker, I move to strike the last word.

The SPEAKER pro tempore. The gentleman from Minnesota (Mr. FRENZEL) is recognized for 5 minutes.

Mr. FRENZEL. Mr. Speaker, the amendment which I would offer when it is appropriate to do so would delete the committee's $90 million which is available for CCC sale or barter of commodities to African nations requiring food assistance.

The aim of that amendment is not to deny food assistance where it is essential from a humanitarian standpoint, but to make sure that our aid is directed through the proper channel.

The proper channel in this case, in my judgment, is through the Public Law 480 program. The committee has already appropriated $150 million for Africa, a figure with which I agree, through Public Law 480, even though the administration believes that figure to be $60 million too high.

Now, if the $150 million is not enough, I would suggest that it would be far more sensible to appropriate more into the Public Law 480 program rather than to risk a possible violation of our international trade agreements and our relations with our trading partners by offering preferential sale or barter arrangements through the CCC. We have already done that with our $1 billion of blended credit sales to other nations, after expressing vociferous criticism of similar subsidies offered by other countries.

This kind of preferential financing under the CCC would only add to the arguments that the United States is the country that is playing on an uneven playing field. It would harm our efforts to obtain additional international agreements to limit subsidized credit arrangements which are being conducted by others.

I understand that the administration now has the authority to make these sales, and, further, that the legislation does not force any funds to be spent. However, it seems to me to be a very bad signal, particularly at a time when the European Community's common agricultural program is under review and likely to be changed substantially.

Mr. Speaker, I know that this amendment is not going to pass, and I am not going to put the House to the extra time of taking a vote on it. I raise it only to make the points noted in my presentation.

I will vote for the resolution anyway because my colleagues have convinced me of the need and because the authority to which I object probably never will be used.

I support House Joint Resolution 492 even though it exceeds the administration's request and is an urgent supplemental appropriations bill of the type which I do not usually vote for.

The severity of the drought and the testimony of my colleagues have convinced me that this is a necessary gesture. Nevertheless I am disappointed that we have gone through some fiction of eliminating the 302(b) budget allocation. I wish that we had instead waived the whole Budget Act because that is, in fact, what should have been done in this case.

However, because it is a necessary bill, the need is great, the urgency is apparent, and I shall vote for the bill in any case.

Mr. Speaker, I yield back the balance of my time.

Mr. DORGAN. Mr. Speaker, I move to strike the last word, and I rise in support of the bill.

Mr. Speaker, first I would like to commend the committee chairman and the members of the committee for the prompt work they have done on this legislation.

We have a lot of legislation before Congress, but not a lot of it deals with life and death. The legislation we are talking about here literally determines whether some people in this world will live or will die.

The description of the hunger problem in Africa has been amplified by many Members; 100,000 people have died in Mozambique alone, and another 100,000 have fled Mozambique into Zimbabwe. The Zimbabwe medical authorities are now fighting a couple of thousand cases of cholera.

There are 150 million people who are hungry in the sub-Saharan region of Africa; 45,000 children under the age of 5 die every day, day after day after day, in this world from hunger-related causes; 600 million people go to bed every night with an ache in their bellies because they do not have enough to eat.

In the sub-Saharan region of Africa we have a crisis, and that is what this bill is all about.

I thought this visual aid might be instructive. I have had a little jar on my desk for a couple of years. This is a food ration called CARE. I always thought, when I grew up in a small town and heard about a CARE package, that it was a cardboard box that someone put some potatoes in and a can of vegetables and some meat and sent it overseas and somebody opened the box and ate the food.

This is from the CARE organization, under title II of Food for Peace—80 grams of grain and 10 grams of oil. It is a CARE ration for 1 day for one child. This type of aid keeps 19 million children alive every day. It is the only thing between those children and death. This is a CARE package, and it is precious little. We are talking today of precious little, too; of 1 percent of the 1985 foreign aid request—just 1 percent.

I mentioned a couple of weeks ago on this floor the late singer, Harry Chapin, whom many of us on the floor of this House had worked with on hunger issues. He used to talk about hunger in a unique way. He said that if 40,000 children died in New Jersey last evening, there would be headlines all across the world. But the fact is that 40,000 children under the age of 5 die every day across this world from hunger-related causes, and there are not headlines because the winds of hunger blow every minute, every hour, and every month, and it is not an issue that gets enough attention.

That is why I am so pleased that the members of this committee and the Members of this Congress will, I hope, now move to meet this food crisis in Africa.

We have grain bins that are bulging in my part of the country. We are asking farmers if they will please put 50 percent of their land out of production and not plant it. One cave in Kansas City alone—think of this—one cave in Kansas City, Mo., contains 3,000 train carloads of nonfat dry milk

that the Government owns and does not know what to do with. Indonesia needs nonfat dry milk. Many Third World countries need and can use dairy products that are stored in caves. They need the wheat and the barley and the corn that we grow in such abundance.

Anyone in this Chamber who has sat in the dirt across the way from someone in this world who is hungry and starving—and many of us have when we have been in various parts of the world—understands that as we deal with other people in Africa or Central America or any other place in the world, the Soviets and others can match us gun for gun and bullet for bullet, but they cannot match us bushel for bushel because the Soviets cannot produce enough food for themselves. We have created a modern miracle in this country. We have the most efficient, technologically proficient agriculture industry in the history of civilization.

We produce far more than we can use, and that is precisely what this world needs. I would like to see us go much further than what we are doing today. I would like to see us send far, far fewer machineguns and far fewer tanks and far fewer bullets in our foreign assistance programs all around the world and send much more food and food know-how to the people in this world who are hungry. I think that builds friendships for life. It is precisely what the world needs, and it is precisely what the Soviets, the other superpower, cannot give.

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I would just like today to say to the chairman of the committee and say to the other Members of Congress that, although we are not talking about a great amount of money relative to other spending measures that we have in Congress, this bill is critical. It is one of the most important pieces of legislation to move us toward the right kind of foreign assistance to the people who desperately need it around this world.

I am really proud to be a Member of Congress when it plays a role like this. If this amount of money is not enough, then we must do more.

This kind of CARE ration that goes to the people in this world who are dying will keep those people alive. It builds the kind of friendship and I think the kind of stability that also promotes world peace. World peace is threatened by hunger, as Harry Chapin used to say. Let us act today because it is humanitarian, but let us also do it because it is in our own enlightened self-interest. It is that simple and it is also right.

Mr. Speaker, we can play a positive and creative role in Africa's future by mobilizing the right kind of emergency food aid today. I support a minimum urgent appropriation of $150 million of food aid for Africa and the rushing of emergency wheat reserve stocks and transportation aid to that hungry continent.

Yesterday I read a report of the halting progress of "constructive engagement," the Reagan administration's diplomatic effort to bring warring South Africa, Angola, and Mozambique to the conference table. I agree that we should be using diplomatic tools and not military aid to help bring peace and justice to Africa's southern states, although I question whether we have moved fast enough and forcefully enough to bring South Africa into the 20th century of racial justice and human dignity. But that is another story.

CONSTRUCTIVE ENGAGEMENT THAT WORKS

What I wish to underscore today is that we can constructively engage South Africa—and all of the hungry continent. We can do so by responding effectively, compassionately, and speedily to the mounting food crisis that threatens 150 million Africans in at least 24 nations. We can help avoid another "disaster in the desert" by rushing food aid to drought-stricken people, instead of waiting until starvation already has claimed many victims—as we and other donor nations did during the Sahelian drought of 1973–74.

I do not suggest that we abandon genuine, realistic diplomatic efforts to achieve peace and justice in southern Africa. What I do contend is that we can actively pursue a parallel track that offers greater hope for immediate progress, lasting partnerships, and improved U.S. security. I further argue that we now take humanitarian and foreign policy steps that do not require Soviet acquiescence, Cuban troop withdrawals, and protracted negotiations.

EMERGENCY FOOD AID

Whereas time may be on our side in peace negotiations, it is on no one's side in the continental African drought. The present need of 150 million Africans for ample food aid at first staggers the mind. Some 100,000 people have died in Mozambique alone from hunger and hunger-related causes. A recent article chronicles the plight of another 100,000 Mozambicans who have fled their food-starved homeland for neighboring Zimbabwe. There, the Government of Zimbabwe has been stunned by the refugee influx and health officials have already battled 2,000 cases of cholera.

We need not wring our hands in despair over this grim situation—or over the food shortages in 23 other desperate nations. We have thousands of bushels of grain bulging in bins across this Nation. For a cost of only 1 percent of next year's foreign-aid request, we can pass an urgent supplemental appropriation today and thereby offer hope and life to a hungry continent.

AID AND TRADE

For such a modest investment, we not only do what is right. We also help to build and reinforce bridges to nations in the Third World. We also show the world that the United States will not shrink from its traditional leadership role in responding to human catastrophes. This, more than the billions of arms aid we send around the world, can give us the edge in showing which of the superpowers really responds to human needs. It is clear that the Soviets can match us bullet for bullet in Africa and elsewhere, but they will never compete with us bushel for bushel in efforts to keep people alive.

Looking beyond the aid needs of Africa, I welcome the Appropriations Committee's attention to the trade needs of Africa and America. Making available an additional $90 million to the Commodity Credit Corporation for competitive sales or barter of food stocks could help our languishing farm economy and also boost our national security.

Obviously, most food-short nations are also cash-short. But a study, which the Congressional Research Service recently prepared for me, shows that we have some $27 billion in potential barter trade involving swaps of U.S. food for strategic materials and oil in Third World nations. The latter include such drought-troubled nations as copper-rich Zambia and cobalt-rich Zaire. In times past we bartered some $1.7 billion in farm commodities to meet defense stockpile goals. It is time to revive this trade by targeting specific opportunities for barter.

ENOUGH AID NOW

I share a concern of many other Members that the $150 million supplemental may not adequately meet Africa's current food needs. The United Nation's Food and Agriculture Organization reports unmet food aid needs totaling 1.3 million tons. Bread for the world and other food groups believe this may understate the case due to spreading drought. So if the United States fulfilled its traditional role of providing about 50 percent of emergency food aid, we would have to supply about 650,000 to 750,000 tons and appropriate closer to $300 million to pay for this aid. In addition, we should now be providing about $50 million to meet nonfood emergency needs for inland transportation, seeds, and medicine. We need to insure, for example, that our food aid reaches the people who need it.

I am ready to support the $150 million supplemental with the understanding that Congress will soon act on nonfood emergency and provide added supplemental funding in line with the FAO reports. I know there is

widespread support for adequate aid since 94 other Members joined me in a letter to the President urging that he rush approved aid to Africa, use the emergency wheat reserve, provide needed nonfood emergency aid, and work with Congress on an adequate supplemental.

There is absolutely no reason why Africans—or anyone—should be dying from a lack of food while our granaries are overflowing from a lack of decent prices. We should not be stockpiling 3,000 carloads of dairy products in one cave alone, while Mozambiquan refugees queue for rations in food-short Zimbabwe.

As David Lamb argues in his new book "The Africans,"

> To be oblivious to the problems of Africa is to promote more international misery, hunger, and instability—to increase the threats to peace in the world.

Today we should err on the side of generosity, not frugality. For the hungry African child will not eat in the future if he does not eat today.

Mr. WHITTEN. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I earlier rose to speak in behalf of the committee amendment. I do this to thank my colleagues and also to point out several things that make me believe this is one of the greatest steps we have taken in many, many years.

First, may I point out that in these countries where they are run by tribes, it is understood that there is no room in the country for the losers in any dispute, which means a real problem to get food to those who need it. That does not apply to all countries involved here, but it does to some of them.

I repeat again, if our purpose is to help people who are starving, then how to get it to them is a major part of it. For us to just vote for this to get headlines and then ship it over and dump it out, that does not solve the problem. I think the record clearly shows that the best way to get it to them is to go through whatever the normal trade routes are so that you have folks helping you to get it into the country and helping you to distribute it. But this goes much further than that. This is what I take the extra time for, to call attention to in the RECORD.

American agriculture today is bankrupt. I sat in my office talking to people from Nebraska yesterday, where they are selling farm equipment for about 10 cents on the dollar. People standing in line trying to get loan money so they can farm.

This year we had the Secretary of Agriculture before us along with Mr. Lesher, the Department's chief economist. We are the only country in the world that does not sell competitively. That is, what we have and do not need, we should sell it for what it will bring. We are the only country, according to the testimony this past week before our committee, that does not sell competitively. That is one thing to think about.

Agriculture, in this country, is bigger than the steel industry, the automobile industry, and the housing industry combined. To strike out that purchasing power, one-fifth of our economy, will bring us all down, if you do not mind.

The other thing, we have handled this in past years—I will not take up your time, but I have the record. The Commodity Credit Corporation is a $25 million Corporation to support farm prices at a fair level in comparison with costs. That is in the charter of the Corporation.

The Corporation was also organized to move our commodities, surplus to domestic needs, into world trade for barter, or for sale at a competitive price, at a level to protect the assets of the Corporation.

In addition to that, I had a big part in the writing of the Corporation Control Act. At that time when we had some corporations that we did not even keep up with. In that act we exempted the Commodity Credit Corporation from being hamstrung in carrying out its responsibilities, which were to support prices at a fair level.

Now, it shows that industry and labor over the years have increased their percentage share of the consumer dollar from 49 percent to 69 percent.

The farmer, who is dependent on the export market for a third of his product, is getting instead of 51 percent, 31 percent. They are broke. They are bankrupt.

The Secretary of Agriculture, Mr. Block, was before our committee last week.

"Oh," he said, "Mr. Chairman, we are doing a lot of good. We are lending out twice as much money in Farmers Home Administration operating loans as 3 years ago."

I said, "Mr. Secretary, you proved your point. They had to prove they could not get money anywhere else before they could qualify for that loan."

So, I am saying to you here again, we established the principle of letting the Commodity Corporation: First, support prices at a fair level relative to what the other two sectors are getting in the marketplace; and second, to see that we retain our export markets which are equivalent to about a third of what we produce. We set that precedent here and we said we would sell it on a sound basis at a sound time.

Now, for those that say we should not sell because the law has been restricted, if the law restricts it, it is not in keeping with the Corporation Control Act. But if it did, last year in our bill we fixed that, because we said the Secretary of Agriculture could set aside any restriction on the Commodity Credit Corporation discharging its responsibilities. We want to see that the farmer, the biggest market that industry and labor has, gets a fair price for his commodities compared with what they cost to produce and see that his product in turn is sold around the world competitively like everybody else.

So, I say, this is a very important bill. We are trying to meet the needs of people and trying to get the food in where they can eat it. Dumping it on the ground at the harbor does not solve the problem. Nobody intends that. We have two ways of trying to get the food to them.

I have not been active in this field for a good many years, but you would be surprised how much we get headlines over here on how much we ship out and how much money they make out of it, how much money they make on the other side, but the food is never distributed.

So we made a conscientious effort to solve the problem. In doing so I hope we reestablish the right of the American farmer to retain his foreign markets so that we will have a healthy agriculture. We must keep up the purchasing power that it has, for it is as big as the next three biggest industries. It is one-fifth of our economy. It is the foundation of our entire economy. If we do not do something to help, it is going to pull all the rest of us down. Keep it in mind.

Mr. BEREUTER. Mr. Speaker, I rise today in strong support of this urgent supplemental which will provide emergency funds to title II of the Food for Peace program. It is unconscionable to turn our backs on the massive famine that has brought the African Continent to its knees. This tragic situation has not only disrupted African participation in the normal channels of world commerce, but it has also effectively halted the internal development of many nations. Decades of improvement have come to a halt. Progress in education, nutrition, and institution-building have been replaced by the struggle simply to survive.

This supplemental is a very important piece of legislation. There can be no greater credit to this body than when we share a priority and work together to take the kind of action that will save lives and restore a measure of hope for vast numbers of people less fortunate than ourselves. But I would take my remarks one step further. I would urge my colleagues to search for measures that can be tapped without further congressional action. For instance, last week, 18 wheat-State colleagues joined me in sending a letter to President Reagan, urging him to authorize the release of wheat from

the food security wheat reserve for immediate shipment to those African countries who presently have on hand with USAID requests for wheat and wheat-foods. This is a measure that does not require our action here in the Congress, nor does it require agreement with our colleagues in the Senate. It only requires that the President act, for the law that created the food security wheat reserve states that up to 300,000 metric tons can be withdrawn in any 1 fiscal year and provided to countries determined by the President to be disaster areas. Therefore, I urge my colleagues to discover what other kinds of immediate assistance may be available to those nations that are so desperate. For example, perhaps a contact with USAID Administrator Peter McPherson urging that section 416 of the Agriculture Act of 1949 be utilized to permit the greater use of milk and milk products might be effective. The authority exists, but it is not used to the fullest extent possible. When talking about nutritional needs, we must recognize that processed foods and products can be available more quickly than those that must first be milled, processed, or ground. Another idea might be to press for increased uses of soybean oil—an excellent source of protein—under the Public Law 480 program.

We all share tremendous concerns for starving people, but our concerns are not enough. We must actively seek creative ways to use existing authorities and stocks. I urge my colleagues to act today on this vital supplemental measure, and not to stop with this vote. We are the most affluent and productive nation in the world. We must simply push ourselves to examine our laws, statutes, and stocks to find the other ways to help.

● Mr. BROWN of California. Mr. Speaker, I raise today in strong support of the House Joint Resolution 492, the urgent supplemental appropriations for Africa food aid. This bill would appropriate $150 million in supplemental funds for emergency food assistance to 18 African nations. Africa is suffering from the worst famine in recent history. Millions of African people are threatened this very moment with severe malnutrition and starvation. While we have sent emergency food and transportation assistance to Africa over the last year, this additional amount is desperately needed.

As early as last spring, Members of this House began appealing to their colleagues, the administration, and to the President for increased food assistance to Africa. We have all read the pain-filled accounts in the news outlining the destruction caused by the drought, the children starving, the farmers eating their seeds instead of planting new crops.

Last year, several Congressmen wrote Peter McPherson, head of the Agency for International Development (AID) requesting emergency food and transportation assistance to Ethiopia, a country which has been severely affected. Early this year, a special order was held on the present situation in Africa, where the drought has wreaked havoc in 24 African nations. This is not a new issue. Peoples of these nations are starving.

House Joint Resolution 492 would appropriate supplemental funds for emergency food assistance to these nations. The funds would be expended through title II of the Public Law 480 programs, a program which I have supported and worked on as a member of the Agriculture Committee. This money will provide for approximately 400,000 metric tons of food, to be distributed by the Agriculture Department's Commodity Credit Corporation.

The resolution also urges the CCC to make available for sale an additional $90 million worth of food to African nations or to nations providing emergency food aid to Africa.

Mr. Speaker, the tragic suffering and painful deaths caused by this drought, have been thoroughly discussed on this floor. It is time to act. I urge my colleagues, on both sides of the aisle, to support this legislation, and any additional assistance which we can give to reduce the suffering and starvation taking place in Africa today.●

● Mr. JEFFORDS. Mr. Speaker, I would like to express my support for House Joint Resolution 492, the urgent supplemental appropriations for the Agriculture Department for fiscal year 1984. This bill would provide $150 million in emergency food relief for 18 African nations. These funds would be distributed through the Commodity Credit Corporation (CCC) under title II of Public Law 480. This bill also urges the CCC to make an additional $90 million worth of food available for sale to African nations at competitive world prices or in exchange for strategic minerals.

These African nations are in the midst of a very severe crisis, which, by most indications, is likely to get worse in the course of this year. The United States has traditionally been the largest provider of emergency food relief, responding to past crises with close to 50 percent of needed assistance. We are far from reaching that mark at the current time. This supplemental appropriation would be an important step toward that goal.

At this time of heartening political initiatives aimed at resolving the political strife in southern Africa, we must not ignore the profound human suffering in other parts of the continent. Our position as a respected mediator on the continent depends in part on our willingness to respond to the most fundamental need of the African nations—that of food. We must not hesitate in coming to the aid of these starving populations.

I agree with many of my colleagues that trimming the mounting Federal deficit must be a priority of this body. However, in the course of this effort, we must not lose sight of our national interest and priorities. The sum of $150 million is small by comparison to the amounts of military aid which we provide to many nations. This bill itself represents a substantial compromise in the amount requested, as many of us have supported H.R. 4863, which would appropriate $350 million in relief assistance. Therefore, in the spirit of compromise and of upholding our national priorities for humanitarian assistance, I urge all of my colleagues to support this very important bill.●

● Mr. BOLAND. Mr. Speaker, I support House Joint Resolution 492, a measure which is crucial to international efforts to respond to the famine in Africa.

House Joint Resolution 492 would provide $150 million in food assistance and $90 million in Commodity Credit Corporation food sales for African nations experiencing severe drought conditions. The African drought has produced suffering on a level that is almost impossible to comprehend. Incidences of hunger, malnutrition, and starvation have occurred in 18 African nations at a rate that should shock those of us fortunate enough to live in a land of relative abundance. The United States has had a long and distinguished tradition of responding to international crises and House Joint Resolution 492 is in keeping with that tradition. Millions of people will benefit from the emergency food aid which this measure will make available, and it is imperative that we act quickly to get the help to those who need it before the situation in Africa worsens.

Mr. Speaker, the root causes of the agricultural problems in Africa cannot be addressed by this legislation. I hope that we can fashion a subsequent measure to assist African nations in improving their agricultural techniques. What we can, and must do at this time, however, is to act to reduce the level of human misery in those countries. House Joint Resolution 492 will assist in accomplishing this result and I urge its adoption by the House.●

● Mr. FAUNTROY. Mr. Speaker, it is with enthusiasm that I support House Joint Resolution 492, the urgent supplemental appropriation to provide emergency food assistance to Africa.

This urgent supplemental appropriation which would provide an additional $150 million under Public Law 480 pursuant to title II of the Agricultural Trade Development and Assistance

Act is consistent with the humanitarian record our country has established in meeting the food needs of countries ravaged by hunger and food deficits.

This critically needed urgent supplemental would also make available $90 million from the Commodity Credit Corporation inventory for sale on a competitive bid basis or barter to 18 countries in Africa suffering from declines in agricultural production due to drought and erratic rainfall.

The situation that House Joint Resolution 492 seeks to address is grave and it requires an immediate response. The total food aid requirement for Africa is 3.3 million tons and only 1.7 million tons have been allocated to date. Food production is in decline and people are at risk. House Joint Resolution 492 is a substantive and humanitarian response and it deserves the support I am sure we will give it. Let us pass House Joint Resolution 492.●

● Mr. COYNE. Mr. Speaker, the grave situation in Africa argues for swift action on the bill now before us, House Joint Resolution 492, the urgent supplemental appropriations for African food aid. I hope that this House approves this measure overwhelmingly, that the Senate does likewise, and that the President will put his signature on the law so that we can initiate the process of feeding the hungry.

We know how serious the famine has become in Africa. The United Nations reported in January that two more nations, Upper Volta and Guinea-Bissau, have been added to that organization's list of African countries which face an emergency food situation, bringing the number of threatened countries to 24. Those nations need a total of 3.3 million tons of food over and above what they are able to produce. The United Nations reported that only 1.7 million had been received or pledged, with 1.2 million tons necessary by June in order to prevent further famine.

When it comes to meeting the emergency food needs of the world, the United States, the wealthiest and most productive agricultural nation in the world, has traditionally met 50 percent of the needs. We are not meeting that need in Africa, where the situation grows more serious by the day. A combination of factors has contributed to the specter of famine which now haunts the continent. For the last decade, the Sahara Desert has crept south, causing a blight from Somalia to Senegal. In the southern part of the continent, the worst drought of the century has compounded the situation. In Mozambique, for example, thousands have starved to death and 700,000 suffer acute malnutrition. A rapid growth in the population rate, a general decline in the standard of living, and widespread failure of agricultural programs have caused the hunger.

While much will have to be done in the long term to address such adverse circumstances, we must be concerned at the moment with the short term. If we do not act with dispatch, people will die by the thousands. Many more will bear a hunger few of us can imagine.

House Joint Resolution 492 appropriates $150 million in supplemental funds for emergency food assistance to 18 African nations. The funds, which must be spent this year, would be spent under title II of the Public Law 480 program. They should provide for the purchase of 400,000 metric tons of food which will be distributed by the Agriculture Department's Commodity Credit Corporation.

At this point, I think it would be worthwhile to explain why we need a supplemental appropriation. Of the 1.7 million tons already contributed in African food aid by January of this year, about 187,000 metric tons, or about 11 percent of the total, was contributed by the United States under title II of Public Law 480. That contribution, plus aid to other countries around the world, has helped to deplete the title II emergency reserve. Without a new appropriation, we would be unable to make even this limited additional contribution.

I am especially pleased that this bill also urges that the Commodity Credit Corporation make available for sale an additional $90 million worth of food, at competitive world prices, to African nations or those nations which provide emergency food aid to Africa.

Mr. Speaker, when a number of us raised this issue during a special order in the House of Representatives on February 1, I noted that talk alone would not put food into the mouths of those who need it. I joined others in requesting that we act quickly on a supplemental appropriations measure. I am pleased that Mr. WHITTEN and the other members of the Appropriations Committee share our view. Their action in bringing this bill to the House floor in such a short period shows a recognition of the peril in Africa. I hope other Members of the House share in that recognition, and that they join us in voting for House Joint Resolution 492, the urgent supplemental appropriations for African food aid.●

● Mr. PANETTA. Mr. Speaker, I rise in strong support of House Joint Resolution 492 making an emergency supplemental appropriation of $150 million in food aid for Africa, and would like to commend the House Committee on Appropriations for its swift action in bringing this urgent matter to the floor.

As we proceed in this matter, it is essential that we not lose sight of the magnitude of the present food crisis in Africa nor the cruel toll it is exacting. As many as 150 million people in at least 24 African countries today face malnutrition and even starvation as a result of 2 years of drought. In Mozambique, where it is reported that 100,000 persons have already perished, much of the local population is subsisting on little more than tree leaves, roots, and nuts.

Time is simply running out for the people of Mozambique and elsewhere in drought-plagued sub-Saharan Africa. We need only to remember the last great African famine of the early seventies when some 200,000 to 300,000 people perished to begin to understand the potential devastation of this unfolding human tragedy.

The United Nations Food and Agriculture Organization (FAO) recently concluded that 3.3 million metric tons of food are needed simply to weather the immediate crisis. The donor nations have thus far committed only 1.7 million tons toward that goal. Much of the resulting difference will have to be made up in the next few months if we are to forestall widespread starvation in the region.

In this respect, I am pleased that the Committee on Appropriations chose to increase by $60 million the President's original request for emergency food aid under the food-for-peace program—Public Law 480. But passage of this supplemental ought not to be construed as an end in itself. Instead, I am hopeful that the food aid under consideration today is a downpayment on a larger, international effort to assist the people of Africa in moving toward self-sufficiency.

The effects of 2 years of drought on the 4,000-mile stretch of territory from Senegal to Somalia are inescapable. Yet both the scope and severity of the present food crisis have been exacerbated by a number of factors not endemic to Africa, but found in virtually all developing nations. These include civil strife which interrupts food production, ill-advised government agricultural policies, underdeveloped infrastructures which impede food distribution and storage, and deteriorating balance of payments which make the importation of food-stuffs and modern agricultural technologies prohibitively expensive for many Third World countries. Clearly addressing these catalysts of hunger must be the focus of long-term development programs.

But why should we be concerned about the welfare of those living many thousands of miles from our shores? The answer, I think, has to do with who we are and how we perceive ourselves as a nation. The United States alone among nations of the world has the tremendous food resources to sustain those living today on the edge of starvation. Given this abundance, it is unconscionable that we could watch with indifference the suffering of

those less fortunate. From the earliest days of our history, Americans have held as sacred the innate worth of human beings, irrespective of class or circumstance. As a nation, we have brought meaning to that principle by shouldering in large measure the burden of feeding the world's starving. Others have followed our example, and U.S. leadership today will help determine the magnitude of the international response to the unfolding tragedy in Africa.

As a member of the House Budget Committee, I am only too aware to the pressing need to put our own house in order. Budget difficulties have forced us to question all forms of Government spending, including development assistance. Yet with respect to Africa the only alternative to development assistance is a continent that will forever live from hand to mouth and forever be dependent on the generosity of others.

In this respect, I believe we must carefully rethink present foreign aid policies with their emphasis on military assistance. Spending on urgently needed humanitarian and development projects has, as many of my colleagues are aware, actually lost ground with respect to inflation since 1981. On the other hand, U.S. security assistance to foreign governments posted a 73-percent increase over the same period. Clearly this imbalance requires our full attention if we are to come to grips with the problems of underdevelopment.

Mr. Speaker, the immediate issue before this body is whether we will act today to avert a human tragedy. Approval of House Joint Resolution 492 is a vital first step toward that goal. It is equally appropriate that we take this opportunity to rededicate ourselves to the search for long-term solutions to world poverty and the misery it brings.

I appeal to all my colleagues to join in this effort.●

● Mr. TOWNS. Mr. Speaker, I rise today in strong support of House Joint Resolution 492, calling for an urgent supplemental appropriation for the Department of Agriculture in the fiscal year ending September 30, 1984, to provide emergency food assistance to Africa. Millions of African people are threatened this very moment with severe malnutrition and starvation due to sharp declines in their agricultural production during the past 2 years as a result of droughts and erratic rainfall.

The World Food Conference, concerned with recognizing the extent of the world food problem and analyzing techniques to solve it, has singled out Africa as the only continent where it is impossible for its countries to feed themselves because their grain consumption exceeds their grain production. Grains comprise the vast majority of food consumption in Africa, as in the rest of the world, and the United States holds about two-thirds of the world grain stocks. This year, U.S. farms produced unprecedented surpluses. Commodities requested to combat famine and malutrition are furnished from the Commodity Credit Corporation which spent an estimated $543.3 million in 1983 on the high cost of the storage and handling of surplus foodstuffs. Last year, the Department of Agriculture stored some 1.3 billion bushels of feed grain, 365 million bushels of wheat, 23 million hundredweight of rice, and 3.4 billion pounds of dairy products, while each year 15 to 20 million people die worldwide as a result of hunger and malnutrition. No where is the situation more devastating than in Africa. Emergency actions must be taken to forestall a human catastrophe in 24 African countries where the United Nations has estimated that 150 million Africans are chronically hungry.

Both the Food and Agriculture Organization of the United Nations and the U.S. Department of Agriculture estimate that an additional 1.5 million metric tons of food aid will be needed in these 24 African nations during the remainder of this fiscal year. About 75 percent of the needed food aid must arrive in African nations by June. Traditionally, the United States has provided about 50 percent of food aid. We currently have about $60 million remaining in Public Law 480 title II emergency funds for worldwide needs. However, current requests of $68 million from Africa already exceed that amount. It is also expected that sizable food requests from Africa will continue coming in at a rate that we must be prepared to keep up with. In view of field reports from the Food and Agriculture Organization, private voluntary agencies, and our own foreign missions describing staggering food deficits, I believe that President Reagan's $90 million supplemental request of emergency food assistance for Africa will not fulfill the U.S. share of unmet food aid to Africa. It is for this reason that I support a supplemental appropriation of $150 million to meet the devastating emergency food needs of Africa.●

● Mr. AuCOIN. Mr. Speaker, Africa is being ravaged by a famine of staggering proportions. Three years of drought have imposed a legacy of hunger on nearly 150 million people in 23 African nations. Over 100,000 people have died in Mozambique; 75 to 100 people a day are dying in Ethiopia. Widespread malnutrition is preventing the normal development of thousands of African children, causing permanent damage to the nervous system and the brain. Seed set-aside for next season's planting has been eaten in desperation.

According to the U.N. Food and Agriculture Organization, 3.3 million metric tons of food is needed immediately in Africa. To date, only 1.7 million metric tons have been allocated. Additional food must be delivered by June, to arrive before the rainy season.

The United States, with the largest food reserves of any nation in the world, is best prepared to meet the emergency need. To date, we have provided 10 percent of the food to meet the current crisis. The bill before us today, H.R. 492, will provide an additional $150 million in aid to 18 African countries. This translates into 400,000 metric tons of food, far short of overall needs.

The bill also calls for the U.S. Commodity Credit Corporation to offer $90 million in surplus food for sale or barter. And to insure that U.S. aid is distributed quickly and fairly, the bill directs the Agency for International Development to closely monitor delivery.

Mr. Speaker, while the current drought is the major cause of this crisis, it is not the only cause. Rapid population growth, war, a worldwide economic recession, and sometimes ineffective agricultural policies have contributed to a slowdown in food production in Africa. Since 1960, African food production has increased by less than 2 percent a year.

For humanitarian reasons, as well as long-term security reasons, we need to give higher priority to development programs in Africa. Increasing food production is not a one-vote proposition. It will require a commitment and attention over the long haul. The administration request for a supplemental bill reflects a recognition of immediate problems. Recent statements by Secretary Block and Secretary Shultz to increase assistance for rural and agricultural development indicate that there is a growing realization of long term needs.

H.R. 492 is above President Reagan's request for $90 million in emergency food aid. An increase I feel is more than justified for by our actions today, we can prove that our wealth is tempered by generosity, our strength as a nation by compassion.

I urge my colleagues to vote for this bill.●

● Mr. BARNES. Mr. Speaker, a crisis of great magnitude has hit the African Continent. A devastating drought is affecting some 150 million people in 24 African countries; millions are going hungry, millions are sick, and about one-third may be facing starvation.

Sadly, this crisis involves much more than just a food shortage. Disease is spreading, child malnutrition is rising at an alarming rate, and livestock herds are being wiped out. Water levels have dropped significantly and, in some parts, have dried up completely. Furthermore, there is still a great

need to provide transportation assistance for internal distribution of food aid, particularly to remote areas in landlocked countries.

Ten years ago in sub-Saharan Africa, famine led to the starvation of thousands on the continent. Today, millions of Africans are again seriously threatened by the effects of an even more serious and widespread drought, which has compounded the already existing problems of poverty, inadequate health care, animal diseases, irregular rainfall, agricultural production, population growth. Many people do not seem to appreciate the catastrophic proportions of this crisis. And the U.S. Government response, although of late somewhat encouraging, has not been enough.

The Food and Agriculture Organization first issued an alert in April 1983 and is continuing in its appeal for international assistance for Africa. The FAO has determined that 3.3 million metric tons of food aid is needed, yet only 2 million metric tons have been pledged by the United States and other countries, leaving a gap of 1.3 million metric tons. The United States has historically provided 50 percent of disaster relief; yet our contribution has been only 270,000 metric tons—well below what we should be providing. The administration has proposed an emergency food aid supplemental of $90 million; this is encouraging, but more is needed.

The legislation before us allows for a marked improvement, increasing the U.S. share of food aid to 30 percent. House Joint Resolution 492 appropriates $150 million in supplemental funds for emergency food assistance to 18 African nations. This emergency supplemental will provide for approximately 400,000 metric tons of food, to be distributed by USDA's Commodity Credit Corporation. The measure also urges the CCC to make available for sale an additional 90 million dollars' worth of food to African countries or to countries providing emergency food aid to Africa.

It should be clear to all of us by now that more food assistance is needed and that the United States should be more responsive to international appeals.

The timeliness of such assistance is crucial. Food aid urgently needs to be expedited if large numbers of people are to be saved from starvation.

The United States needs to do more to help meet this great need. I fully support House Joint Resolution 492 and strongly urge my colleagues to vote for the measure.●

● Mr. LEHMAN of California. Mr. Speaker, today the House will be considering House Joint Resolution 492. The bill calls for $150 million in supplemental funds for emergency food assistance to 18 African nations suffering from drought-induced famine. All funds will be expended through title II of the Public Law 480 program and must be spent by December 31, 1984.

I realize that this country is struggling to overcome crippling deficits and that to succeed in our efforts to balance the budget we must be prepared to swallow some very bitter deficit-reducing pills. However, we are talking about $150 million—less than 65 cents per person in this country—to save the lives of millions of African men, women, and children.

I would like to know how we can justify turning our backs on a starving continent when we spent over $12 billion last year to pay farmers not to grow wheat. Compared to the meager cost of House Joint Resolution 492, PIK cost more than $50 per person in this country. This bill calls for a little more than 1 percent of the PIK total and would provide a valuable outlet for our surplus agricultural products. Instead of paying farmers not to grow we should be distributing their commodities to areas of the world where they are desperately needed.

I think it is time we straighten out our fiscal priorities and utilize our resources in the most effective, fiscally responsible manner possible. PIK does not qualify; $150 million to help assure the future of a valuable, productive continent does.●

● Mr. RANGEL. Mr. Speaker, I rise to express my strongest possible support for the supplemental appropriations for African food aid bill.

The drought and famine ravaging Africa is real. It is cutting a swath westward through the Sahel, and southward through eastern and southern Africa. Hundreds of thousands of people have died as a result of this natural catastrophe. An estimated 100,000 people starved to death last year in Mozambique alone. Hundreds of thousands of others are refugees. We are witnessing a human calamity, the dimensions of which may surpass the drought of the early 1970's.

Mr. Speaker, the urgency of this crisis requires an ongoing effort by the United States to provide the most essential necessities of life to poorer nations. We have an overabundance of food, food which is stored needlessly when others need it to survive. Our farmers are the most productive in the world, and should be called upon to participate in the relief of those suffering from hunger and malnutrition.

Time is a luxury which millions of Africans literally do not have. We cannot ignore the plight of these millions, Mr. Speaker, and I am particularly pleased that the members of the Committee on Appropriations moved so swiftly in bringing this measure to the House floor. They are to be commended, and their efforts are to be applauded. Let us hope that our priorities in foreign aid will swing in the direction of increased humanitarian aid, and away from military exports.●

● Mr. McGRATH. Mr. Speaker, I rise in strong support of the emergency supplemental appropriation to assist nations across the African Continent who are suffering from one of the worst droughts in history. The devastating famine which has ravaged this continent has resulted in death and suffering which we as Americans can hardly perceive. As a nation with one of the most abundant harvests in the world, the United States has a responsibility to quickly and generously address this human disaster.

Passage of the legislation before us will ensure prompt action for the transportation of food and emergency supplies to the African Continent. Timing is a key factor at this point since the daily loss of lives can only be halted with adequate nutritional assistance.

The threat of severe malnutrition or starvation to thousands of African children and adults is clear. No one today disputes the critical need for additional assistance to that continent. The $150 million in the bill before us will provide 400,000 metric tons of food aid. Although the administration orginally requested a $90 million increase, the Appropriations Committee concluded that this amount had to be raised in order to make a significant impact on the African famine. The additional $60 million will extend availability an extra 3 months until December 31, 1984.

Enactment of this legislation is essential as the United States continues its tradition of providing disaster assistance wherever it is needed. Favorable action on this legislation and continued assistance in the future to the African Continent is a moral obligation which I am proud to meet.●

The SPEAKER pro tempore (Mr. PANETTA). The question is on the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. Are there any further amendments to the joint resolution?

If not, without objection, the previous question is ordered on the joint resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a

quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 374, nays, 29, not voting 30, as follows:

[Roll No. 37]

YEAS—374

Ackerman	Donnelly	Hutto
Addabbo	Dorgan	Hyde
Akaka	Dowdy	Ireland
Albosta	Downey	Jacobs
Alexander	Duncan	Jeffords
Anderson	Durbin	Jenkins
Andrews (NC)	Dwyer	Johnson
Andrews (TX)	Dymally	Jones (NC)
Annunzio	Dyson	Jones (OK)
Anthony	Early	Jones (TN)
Applegate	Eckart	Kaptur
Aspin	Edgar	Kasich
AuCoin	Edwards (AL)	Kastenmeier
Barnard	Edwards (CA)	Kazen
Barnes	Edwards (OK)	Kemp
Bartlett	Emerson	Kennelly
Bateman	English	Kildee
Bates	Erdreich	Kindness
Bedell	Erlenborn	Kogovsek
Beilenson	Evans (IA)	Kolter
Bennett	Evans (IL)	Kostmayer
Bereuter	Fascell	LaFalce
Berman	Fazio	Lagomarsino
Bethune	Feighan	Lantos
Bevill	Ferraro	Latta
Biaggi	Fiedler	Leach
Bliley	Fish	Leath
Boehlert	Flippo	Lehman (CA)
Boggs	Florio	Lehman (FL)
Boland	Foley	Leland
Boner	Ford (MI)	Lent
Bonior	Ford (TN)	Levin
Bonker	Fowler	Levine
Borski	Frank	Levitas
Bosco	Franklin	Lewis (CA)
Boucher	Frenzel	Lewis (FL)
Boxer	Garcia	Lipinski
Breaux	Gaydos	Lloyd
Britt	Gejdenson	Loeffler
Brooks	Gekas	Long (LA)
Broomfield	Gephardt	Long (MD)
Brown (CA)	Gibbons	Lott
Broyhill	Gilman	Lowery (CA)
Bryant	Gingrich	Lowry (WA)
Burton (CA)	Glickman	Lujan
Byron	Gonzalez	Luken
Campbell	Goodling	Lundine
Carney	Gore	MacKay
Carper	Gradison	Madigan
Carr	Gray	Marlenee
Chandler	Green	Marriott
Chappell	Gregg	Martin (IL)
Chappie	Guarini	Martin (NC)
Clarke	Gunderson	Martin (NY)
Clinger	Hall (IN)	Martinez
Coats	Hall (OH)	Matsui
Coelho	Hall, Ralph	Mavroules
Coleman (MO)	Hall, Sam	McCain
Coleman (TX)	Hamilton	McCollum
Conable	Hammerschmidt	McCurdy
Conte	Harkin	McDade
Conyers	Harrison	McEwen
Coughlin	Hartnett	McHugh
Courter	Hatcher	McKernan
Coyne	Hawkins	McKinney
Crockett	Hayes	Mica
D'Amours	Hertel	Michel
Daniel	Hightower	Mikulski
Darden	Hiler	Miller (CA)
Daschle	Hillis	Miller (OH)
Daub	Holt	Mineta
Davis	Hopkins	Minish
de la Garza	Horton	Mitchell
Dellums	Howard	Moakley
Derrick	Hoyer	Molinari
Dickinson	Hubbard	Mollohan
Dicks	Huckaby	Montgomery
Dingell	Hughes	Moody
Dixon	Hunter	Moore
Moorhead	Robinson	Stratton
Morrison (CT)	Rodino	Studds
Morrison (WA)	Roe	Sundquist
Mrazek	Roemer	Swift
Murphy	Rogers	Synar
Murtha	Rose	Tallon
Myers	Rostenkowski	Tauke
Natcher	Roth	Tauzin
Neal	Roukema	Taylor
Nichols	Rowland	Thomas (CA)
Nowak	Roybal	Thomas (GA)
O'Brien	Russo	Torres
Oakar	Sabo	Torricelli
Oberstar	Savage	Towns
Obey	Sawyer	Udall
Olin	Scheuer	Valentine
Ortiz	Schneider	Vander Jagt
Ottinger	Schroeder	Vandergriff
Owens	Schulze	Volkmer
Oxley	Schumer	Walgren
Panetta	Seiberling	Watkins
Parris	Sensenbrenner	Waxman
Pashayan	Sharp	Weber
Patman	Shaw	Weiss
Patterson	Shelby	Wheat
Pease	Sikorski	Whitehurst
Penny	Siljander	Whitley
Pepper	Simon	Whittaker
Perkins	Sisisky	Whitten
Petri	Skeen	Williams (MT)
Porter	Skelton	Williams (OH)
Price	Slattery	Winn
Pritchard	Smith (FL)	Wirth
Pursell	Smith (IA)	Wise
Quillen	Smith (NE)	Wolf
Rahall	Smith (NJ)	Wolpe
Rangel	Smith, Robert	Wortley
Ratchford	Snowe	Wright
Ray	Snyder	Wyden
Regula	Spence	Yates
Reid	Spratt	Yatron
Richardson	St Germain	Young (AK)
Ridge	Staggers	Young (FL)
Rinaldo	Stangeland	Young (MO)
Ritter	Stenholm	Zschau
Roberts	Stokes	

NAYS—29

Archer	Dreier	Packard
Badham	Fields	Rudd
Bilirakis	Gramm	Schaefer
Brown (CO)	Hansen (ID)	Shumway
Burton (IN)	Hansen (UT)	Shuster
Cheney	Kramer	Smith, Denny
Craig	Lungren	Stump
Crane, Daniel	Mack	Vucanovich
Crane, Philip	McCandless	Walker
Dannemeyer	Nielson	

NOT VOTING—30

Clay	Hefner	Pickle
Collins	Heftel	Shannon
Cooper	Livingston	Solarz
Corcoran	Markey	Solomon
DeWine	Mazzoli	Stark
Foglietta	McCloskey	Traxler
Forsythe	McGrath	Vento
Frost	McNulty	Weaver
Fuqua	Nelson	Wilson
Hance	Paul	Wylie

□ 1420

Mr. BURTON of Indiana changed his vote from "yea" to "nay."

Ms. SNOWE and Mr. TAUKE changed their votes from "nay" to "yea."

So the joint resolution, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

● Mr. NELSON of Florida. Mr. Speaker, during a meeting of the caucus of the Budget Committee in H-137, the bells did not ring for the vote. Had I been present to vote, I would have voted "yea."●

PERSONAL EXPLANATION

Mr. TRAXLER. Mr. Speaker, had I been present on the final passage of House Joint Resolution 492, I would have voted "aye."

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1652, AMENDING RECLAMATION SAFETY OF DAMS ACT OF 1978

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 98-613) on the resolution (H. Res. 453) providing for the consideration of the bill (H.R. 1652) to amend the Reclamation Safety of Dams Act of 1978, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2133, INCREASING SMALL BUSINESS COMPETITION IN FEDERAL PROCUREMENT PROCESS

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 98-614) on the resolution (H. Res. 454) providing for the consideration of the bill (H.R. 2133) to amend the Small Business Act, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR THE CONSIDERATION OF H.R. 4164, VOCATIONAL TECHNICAL EDUCATION ACT OF 1983

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 98-615) on the resolution (H. Res. 455) providing for the consideration of the bill (H.R. 4164) to strengthen and expand the economic base of the Nation, develop human resources, reduce structural unemployment, increase productivity, and strengthen the Nation's defense capabilities by assisting the States to expand, improve, and update high-quality programs of vocational-technical education, and for other purposes, which was referred to the House Calendar and ordered to be printed.

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 493.

The SPEAKER pro tempore (Mr. GONZALEZ). Is there objection to the

request of the gentleman from Mississippi?

There was no objection.

URGENT SUPPLEMENTAL APPROPRIATION FOR THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, 1984

Mr. WHITTEN. Mr. Speaker, pursuant to the order of the House dated March 1, 1984, I call up for consideration in the House the joint resolution (H.J. Res. 493) making an urgent supplemental appropriation for the Department of Health and Human Services for the fiscal year ending September 30, 1984.

The SPEAKER pro tempore. The Clerk will report the joint resolution.

The Clerk read the joint resolution, as follows:

H.J. RES. 493

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1984, namely:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

SOCIAL SECURITY ADMINISTRATION

LOW INCOME HOME ENERGY ASSISTANCE

For an additional amount for "Low income home energy assistance", $200,000,000.

The SPEAKER pro tempore. The gentleman from Mississippi (Mr. WHITTEN) is recognized for 1 hour.

Mr. WHITTEN. Mr. Speaker, I yield 30 minutes for the purpose of debate only to the gentleman from Massachusetts (Mr. CONTE) pending which I yield such time as he may consume to the gentleman from Kentucky (Mr. NATCHER) chairman of the subcommittee which conducted the hearings, and whom I am asking to handle this bill on the floor.

□ 1430

The SPEAKER pro tempore. The Chair recognizes the very distinguished and illustrious chairman of the subcommittee, the gentleman from Kentucky (Mr. NATCHER).

Mr. NATCHER. Mr. Speaker, I want to thank my chairman, the gentleman from Mississippi (Mr. WHITTEN), the chairman of the full Committee on Appropriations, for yielding to me at this time.

The matter that we present under the direction of my chairman has the full support of the Appropriations Committee. I want to take this opportunity to thank my chairman for the support which he has given to all of the programs under the jurisdiction of the Labor, Health and Human Services and Education Subcommittees. In particular we appreciate the speed with which he has moved the matter before us today, House Joint Resolution 493.

House Joint Resolution 493, Mr. Speaker, provides for an urgent supplemental of $200 million for the low income home energy assistance program. As the Members of this House know, this program provides cash and inkind assistance to help poor families, particularly the elderly, meet the high cost of home energy.

Funds are distributed as block grants to the States who then have broad discretion to set eligibility and payment levels.

Under the law some 19 million families are potentially eligible for assistance and about 6.6 million families are expected to receive assistance from this program in fiscal year 1984. The average family will receive about $200 toward their energy costs.

House Joint Resolution 493 increases energy funding from $1,857 million, the amount provided in Public Law 98-139, to $2,075 million.

Mr. Speaker, according to the Weather Service nationwide the winter of 1983-84 has been 16 percent colder than last year and 6 percent colder than a normal winter. In addition, energy prices have continued to rise. The combination of a colder winter and higher prices means that poor families will pay about 9 percent more for energy this year than last.

Mr. Speaker, last fall the committee had been informed that additional funds would be available during this winter as a result of the Exxon overcharge case. We now know that this money will not be available this year. This fact together with the severity of the winter convinced the President to request the $200 million which we are considering today.

The Members of this House, Mr. Speaker, I believe, are for this House joint resolution almost unanimously. This is an urgent matter with many States already out of funds.

The subcommittee hearings disclose the additional amounts for each of our States and for the territories.

Mr. Speaker, I recommend this House joint resolution to the Members of the House. The additional $200 million requested by the President and recommended by the committee, Mr. Speaker, should be approved.

Mr. CONTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the administration's request for an additional $200 million for the low-income energy assistance program.

This request was submitted on February 8 by the President. The Labor, Health and Human Services, and Education Appropriations Subcommittee held a prompt hearing on February 23, thanks to the good chairman, the statesman from Kentucky, BILL NATCHER, and it approved the request unanimously.

The request was then considered by the full committee on February 29, and again approved unanimously, and reported to the House.

The regular Labor/HHS/Education appropriations bill for fiscal year 1984 enacted into law on October 31, contained $1.875 billion, $100 million less than last year. Both the House and the Senate committees were aware of the possibility of additional funds becoming available from an oil price overcharge case, United States against Exxon.

The second continuing resolution, as passed by the House, included an additional $195 million for this program. That amount was dropped, however, in conference after lengthy discussions with the young slasher, Dave Stockman. We reached an agreement that we would see if Exxon oil overcharge funds became available.

If they did not, and if there were need for additional funds, the administration agreed to submit a supplemental in early February, upon the return of Congress.

That is exactly what happened. No Exxon funds are available, and there is a need.

We have the report of the Department of HHS, which we examined in our hearing, and which is printed in the hearing record, which makes clear that the need for additional funds for low-income energy is urgent, as a result of two of the coldest winter months on record.

The factors which point to the need are as follows:

NEED FOR LOW INCOME ENERGY SUPPLEMENTS: MORE ENERGY CONSUMED, HIGHER PRICES, AND MORE HOUSEHOLDS SERVED

There is less money available for low income energy assistance this year than was spent last year.

This winter is 16 percent colder than last, and 6 percent colder than the 30-year norm.

According to HHS estimates, low-income households are spending 9 percent more on heating this year than last. I actually think it is higher than that. In the month of January, for instance, oil has jumped 20 cents a gallon in my part of the country, to a price 10 cents higher than it was last year.

The Department of HHS says most States expect to serve more households.

Some 19 States have received or requested all available funds.

At least 6 other States have asked for advances on funds being held in reserve for the third and fourth quarters. The $50 million made available by OMB for this purpose is all spoken for.

Other States are taking applications that they will only be able to pay if a supplemental is enacted.

The weather agencies predict that we will continue to see cold weather. In the past week, two of the worst bliz-

zards of the season swept the Northeast and Midwest.

The States that have already received all funds available to them span the country, from Oklahoma, to Oregon, to Wisconsin, to Massachusetts, to Georgia, and Alabama.

As of February 16, the National Oceanic and Atmospheric Administration estimates that, as a result of the freezing weather in December and January, and a continued outlook for cold, people in our Nation will spend a total of $4.970 billion more on heating this winter than they did last year.

That is the situation with which we are faced.

When Congress reconvened in February, the Speaker and I sent a letter to Dave Stockman, reminding him of the administration's commitment to seek additional funds, and calling upon him to seek a supplemental.

I am pleased to say that the administration has followed through on its commitment.

In the response I received from the Honorable Mr. Stockman, dated March 1, he states the following:

Since cold winter weather has persisted in many parts of the nation, with some states having exhausted their full year allocation of low income energy funds, the Administration has requested a $200 million supplemental appropriation for fiscal year 1984. We hope Congress will act quickly on this request.

I will insert both the Speaker's and my letter, and the response from Mr. Stockman at the end of my remarks.

Mr. Speaker, we have just acted on a request to provide assistance to the needy in Africa, and I am pleased that we did. I supported that effort.

I hope we can act just as quickly to provide assistance to our own people, to help those who might not be able to pay the oilman when he comes to the door, to keep their home fires burning.

This has been a cold winter, a bitterly cold winter. It has hit our people hard, and the fuel bills still need to be paid.

The Department has said it can get the money to the States within a day or two of enactment.

I urge the Members to support House Joint Resolution 493.

The material follows:

STATES WHICH HAVE REQUESTED OR RECEIVED ENTIRE FISCAL YEAR 1984 ALLOTMENT (19)

Alabama, Delaware, District of Columbia, Georgia, Indiana, Iowa, Maine, Maryland, Massachusetts, Minnesota, Montana, New Hampshire, Ohio, Oklahoma, Oregon, South Dakota, Vermont, Virginia, and Wisconsin.

SIX STATES ASKING ADVANCES

Missouri, New York, Rhode Island, Washington, Michigan, and West Virginia.

HOUSE OF REPRESENTATIVES,
Washington, D.C., January 25, 1984.

Hon. DAVID STOCKMAN,
Director, Office of Management and Budget, Old Executive Office Building, Washington, D.C.

DEAR DAVE: This is to follow up on the concerns that we, along with members of the Appropriations Committee, have expressed concerning the steps that need to be taken to assure an adequate level of funding for low income home energy assistance this winter.

As you will recall, in a letter addressed to the Chairman of the Senate Labor, Health and Human Services and Education Appropriations Subcommittee dated November 9, 1983, you stated that the Office of Management and Budget continued to hope that Exxon funds would be available to supplement appropriated fuel assistance funds this winter, but should that not happen, you would reapportion $241 million currently held in reserve for certain states. In that letter, you stated:

"If it becomes evident during the heavy heating months beginning in December that states need additional funds for the winter period, we will reapportion the third and fourth quarter money for immediate availability to meet those needs."

You also state in that letter:

"Should it also be evident in this event that the Exxon case funds will not be available to the states for the third and fourth fiscal quarters, we will promptly seek a 1984 supplemental sufficient to restore the existing third and fourth quarter apportionments and thereby maintain program levels throughout the remainder of the year."

In acknowledgement of that letter, and in reliance on the intent that additional funds would be provided, the House and Senate conferees stated the following in the conference report to the second continuing resolution for fiscal year 1984, House Report 98-450, dated November 12, 1983:

"The conferees direct that if the judgement funds from the case *United States* v. *Exxon* are not available for the low-income home energy assistance program by early February 1984, the Office of Management and Budget will re-apportion available 1984 funds and submit a request for supplemental appropriations for the low income home energy assistance program in the amount of at least $200 million."

As you know, this winter has been extremely cold. Depending on which agency you talk to, December was either the coldest or the second coldest on record. The nation's heating bill during the December 18-31 cold spell was 41 percent above normal, and cost the nation an additional $1.76 billion in heating costs. There has been an additional cold spell in January, and another is now being predicted. The cost of heating oil is now rising in response to the increased consumer demand, and the cost of natural gas continues its spectacular rise this winter following the trend of the past two years.

While you state in your letter that the low-income fuel assistance funds available in fiscal year 1984 are equal to the amount available in fiscal year 1983, due primarily to carryover funds, it must be noted that last winter was abnormally warm. In addition, your figures do not take into account the $200 million made available to the states last winter under the Warner amendment. Finally, carryover amounts vary from state to state. In fact, for states that traditionally have the heaviest demand for assistance, and have never built up any kind of funding cushion, like our own state of Massachusetts, there is no carryover from fiscal year 1983 and the amount available this winter is absolutely below what was available last winter.

In light of the weather and the state-by-state funding situation, it is to be expected that states will need additional funds. In fact, the signs are mounting quickly, both from the states themselves, and from information provided to us by our Colleagues, that there is indeed a need for such funds. Prompt action is required to provide the resources to meet this need.

Since it is now clear that Exxon money will not be available in the short-term, we urge you to immediately take the steps outlined in your letter.

As you know, simply advancing third and fourth quarter payments will not address the problems of cold weather states which fully exhaust their annual allocations during the first half of the year. Consequently, what needs to be done to address the problem seriously is for the Office of Management and Budget to submit the supplemental request of $241 million, as indicated in your November 9 letter, at the first available opportunity, which is likely to be when the Administration's fiscal year 1985 budget proposal is sent to Congress on February 1. Pending action on the supplemental, the Office of Management and Budget should proceed to make immediately available to the states by whatever appropriate mechanism such as deficiency apportionment, the funds that will be provided through the supplemental. This would accomplish the two things that are needed, additional funds, and getting those additional funds out to the states to permit them to use the funds during the remaining months of winter.

This suggested course of action would be fully in accord with the conference report to the second continuing resolution for fiscal year 1984, the letter referred to above, and conversations that occurred at the time with you and your staff.

We call on you, Dave, to take the steps that are necessary as a result of the freezing winter we are experiencing:

Reapportion available fiscal year 1984 funds;

Submit a supplemental of $241 million; and

Release the $241 million to the states immediately in anticipation of the enactment of the supplemental.

Please advise us of any action planned by the Office of Management and Budget by February 1.

With continued best regards, we are

Cordially yours,

THOMAS P. O'NEILL, Jr.,
The Speaker.

SILVIO O. CONTE,
Member of Congress.

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., March 1, 1984.

Hon. SILVIO O. CONTE,
House of Representatives, Washington, D.C.

DEAR SIL: Thank you for your letter concerning the Low Income Home Energy Assistance (LIHEA) program. We share your concern that States be able to assist low income households with their heating needs.

The Administration has taken expeditious action to meet low income heating assistance needs during this colder-than-normal winter. As I indicated last fall, OMB has

reapportioned $50 million of third and fourth quarter LIHEA funds for immediate availability, since States LIHEA obligations were higher than projected due to unusually cold December weather. Massachusetts' full allotment had already been available for obligation during the second quarter.

Since cold winter weather has persisted in many parts of the nation, with some States having exhausted their full year allocation of low income energy funds, the Administration has requested a $200 million supplemental appropriation for fiscal year 1984. Massachusetts would receive $8.4 million of added funding from this supplemental. We hope Congress will act quickly on this request.

We believe our prompt actions will ensure that States have adequate resources for heating assistance to low income households during this very cold period.

Thank you for your interest in this program.

Sincerely,

DAVID A. STOCKMAN,
Director.

Mr. NATCHER. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. OTTINGER) for the purposes of debate only.

Mr. OTTINGER. Mr. Speaker, I thank my distinguished colleague from Kentucky for yielding.

I would like to congratulate him and the gentleman from Massachusetts for their quick action on what is really a critical problem. Indeed it is not an exaggeration to say that this program is a matter of life and death to many poor families in this country, especially those with high heating bills.

According to a recent report by the Special Committee on Aging, approximately 60,000 lives are lost annually to hazards associated with cold weather, including hypothermia, fires and carbon monoxide poisoning from space heaters, pneumonia, flu, and other infectious diseases.

□ 1440

Based on statistics gathered by the Center for Disease Control, the Aging Committee report estimates approximately 2,000 more elderly died in this year's December–January cold wave than in the same period a year ago. Just at the time many of the Nation's poor and elderly were hoping for a temporary break in their heating bills, the coldest December ever recorded simply wiped them out. And in January, heating oil prices exploded 20 percent in New York and elsewhere to boot.

For these reasons, I wrote the President over 5 weeks ago urging him to request a supplemental appropriation. I am pleased that the administration acted affirmatively on that request. In the past, the administration has managed to cut the low-income energy assistance program by 11 percent from 1980 through 1983 when adjusted for inflation, and by 16 percent when adjusted for residential energy inflation. Moreover, these cutbacks occurred during a period when the number of people living in poverty has risen by 8 million individuals. Clearly, even if December had not been the coldest on record, this program would merit an increase.

I would like to direct the attention of my colleagues to the summary of a recent report by the National Community Action Foundation which addresses the magnitude of the overall need for the low-income energy program. This report concludes:

Home energy expenditures for minimum consumption are up 108 percent since 1978, and 47 percent since the LIEAP was created in 1980. Funding for the program, however, has increased only 17 percent.

The gap between expenditures of income spent by the poor on basic home energy and aid offered through the low-income energy assistance program is widening more each year. The gaps can only grow faster as natural gas decontrol takes effect in 1985.

To keep that percentage of real income devoted to energy by the poor the same as it was in 1978, $4.9 billion would have been needed in energy benefits alone this fiscal year to serve the eligible population.

Four million households had utility service terminated for nonpayment in 1982 alone.

Lastly, if energy costs grow 4 percent a year, the eligible population would need $9.3 billion in 1989 just to keep their purchasing power constant.

I therefore urge my colleagues to support this legislation as a small but necessary step toward reversing the cuts in this critical program.

Mr. Speaker, I am including for the RECORD a letter from the Northeast-Midwest Congressional Coalition urging support for the program, as well.

The letter is as follows:

NORTHEAST-MIDWEST CONGRESSIONAL COALITION, U.S. HOUSE OF REPRESENTATIVES,

March 6, 1984.

DEAR COALITION MEMBER: We are writing to urge your support for H.J. Res. 493, the Urgent Supplemental Appropriations for Low Income Energy Assistance. The $200 million supplemental will come to the floor today.

Funding for the fiscal 1984 low income energy assistance program—over $100 million below the fiscal 1983 level—has proven to be wholly inadequate in a number of states across the country. This is due largely to a colder than normal winter and skyrocketing energy costs. Energy bills have been a particular problem in the Midwest, for example, because of the natural gas price increases of past years and this year's colder winter.

Although a number of states have run out of funds already or are nearly out, many states have kept waiting lists in anticipation of the supplemental. (Increased funding for the program was promised in the Continuing Resolution if oil overcharge funds did not become available and if the states needed additional resources). As of February 22, Illinois had 25,000 applications pending.

The combination of cold weather, high energy costs, energy-inefficient housing, and large numbers of low income and elderly people makes energy assistance a program of critical importance to Northeastern and Midwestern states. The need for the additional appropriation is clear. The administration requested the supplemental and supports it, and the Department of Health and Human Services has agreed to get the money to the states within 1-2 days of congressional approval.

We hope you will support H.J. Res. 493. If you have any questions, please call Jon Clark at x6-3920.

Sincerely,

James L. Oberstar, Co-chair; Bob Edgar, Vice-chair; Silvio O. Conte, Vice-chair; Frank Horton, Co-chair; Howard Wolpe, Vice-chair; Claudine Schneider, Treasurer.

Mr. CONTE. Mr. Speaker, I yield such time as he may consume to my good friend, the gentleman from Pennsylvania (Mr. RIDGE).

Mr. RIDGE. Mr. Speaker, I rise today in support of House Joint Resolution 493.

In my home State of Pennsylvania, many of our low-income households continually face the prospect of heat or eat; the choice becomes more difficult with each passing day. Record cold weather has placed such a demand on home heating assistance that it is now projected that Pennsylvania alone will be $23 million short in meeting the need. The bill before the House today provides much-needed relief toward meeting the high cost of energy assistance.

Most of the homes in my district are heated with natural gas. Just to give a brief example of how natural gas prices have eaten up a family's purchasing power, let me offer a couple of statistics.

In Pennsylvania, 55 percent of our households are heated with natural gas. Between 1982 and 1983, the statewide average price of natural gas increased 43 percent. And although consumption of natural gas during this same period dropped appreciably, households still had to wrestle with gas bills that were over 20 percent higher from the previous year.

The average yearly cost to heat homes by natural gas rose to $880 last year, and for low-income households, this represents about 27 percent of their total income.

I could go on and cite other aggravating examples of what has turned into a continuing, seasonal crisis for many of our constituents, but I am sure every one of my colleagues can offer equally shocking facts about the cost of heating homes in their districts and the impact these costs have had on the elederly.

Mr. Speaker, I support this bill and appeal to all Members to likewise lend their support to House Joint Resolution 493. Until this Congress has the

chance to rework our current natural gas policy—and I hope we're given that chance—we can expect to face this dilemma for each winter to come.●

● Mr. STOKES. Mr. Speaker, I rise in strong support of House Joint Resolution 493 making an urgent supplemental appropriation of $200 million for the low-income home energy assistance program.

Mr. Speaker, the need for additional funds is supported by several factors. First, this has been an unusually harsh winter for most areas of the country. According to National Oceanic and Atmospheric Administration estimates, the winter of 1983–84 has been 6 percent colder than a normal winter and 16 percent colder than the winter of last year. For some locales in the Nation, this winter rates as the coldest in this century.

Added to the problem of freezing temperatures is the fact that energy prices have continued to escalate, although admittedly at a less rapid rate than in recent years. Natural gas prices rose nationally by about 4.3 percent from January to December 1983. Electricity rose about 2.7 percent during the same period. Fuel oil prices are on a decline, yet, I'm sure the people using this form of energy would still attest to its costiness.

Finally, Mr. Speaker, unemployment continues to be a problem that is plaguing numerous individuals as well as families in major portions of the country; a problem, as far as I can see, that is without a solution in the immediate future.

At a time when many middle- and upper-income Americans are complaining about the high cost of fuel, rising energy prices and harsh weather conditions, we can clearly speculate that an already difficult situation is even more difficult for our low-income and unemployed citizens.

Poor Americans spend proportionately more of their income on fuel costs than do other families. When hit with additional heating expenditures, these families have little flexibility in their household bugets to accommodate the extra burden. Sacrifices are often made in other essential areas such as food, medical care, and clothing, to name just a few. This is an important consideration when poor families are expected to pay 9 percent more to heat their homes this winter than they did in the winter of 1982–83.

Mr. Speaker, thus far, the State of Ohio has paid a portion of home heating bills for over 378,000 Ohio families and provided emergency assistance to prevent heat shutoffs to another 70,000 households. After February 10, the Ohio State office received over 10,000 applications for assistance which could not be met. The need for this type of assistance is overwhelming.

It is my hope that House Joint Resolution 493 will be approved by the Congress and signed by the President without delay. Although the funds contained in this measure will not fully meet the total energy assistance needs of the poor, they are a critical step toward a more realistic and responsible program to help poor people cope with the higher costs of energy today.●

● Mr. BOLAND. Mr. Speaker, I strongly support House Joint Resolution 493 which will provide urgently needed funds for the low-income home energy assistance program.

As my colleagues know, the winter of 1983–84 has been particularly severe in many areas of the country. In some States, including those in New England, record cold temperatures have placed an inordinate strain on the resources available to help the poor and the elderly pay their fuel bills. My own State of Massachusetts has already spent several million dollars more this winter on fuel assistance than it did last year and a substantial shortfall is projected without additional Federal assistance.

The possibility of a need for a supplemental appropriation was acknowledged by the administration last fall during the preparation of the continuing resolution. The means by which the administration had hoped to fund the supplemental is not available, but the need for more assistance is real and it must be addressed. For many people in this country, the combination of unusually cold weather and rising fuel costs have produced a severe budgetary strain. The fuel assistance program is designed to help these people and prompt action by Congress on House Joint Resolution 493 will permit aid to be made available this winter—when it is needed.

Mr. Speaker, House Joint Resolution 493 is necessary legislation. The administration has promised that the additional funds will be available to the States within 2 days of congressional approval. Action by the House today will be consistent with our efforts to assist those for whom the energy crisis, which so many of us seem to have forgotten, is a part of daily life.●

● Mr. FORD of Michigan. Mr. Speaker, I rise in strong support of House Joint Resolution 493, the urgent supplemental appropriations for low-income energy assistance. This bill provides $200 million for the remainder of this fiscal year for the low-income energy assistance program which provides vital payments to the poor, particularly the elderly, to help meet their home energy costs. My home State of Michigan as well as most of the remainder of the Nation has been plagued by a colder than normal winter and steadily increasing energy costs. This program is critical to Michigan which desperately needs Federal funding to assist low-income residents.

The final continuing appropriations resolution for fiscal year 1984 contains no funding for low-income energy assistance because the Reagan administration expected funds from the Exxon overcharge case to be available for this program. However, this case has not been resolved in time to provide funding for this program. As a result, the current funding level is $100 million below the fiscal year 1983 level. This supplemental is necessary to insure that the elderly do not go without heat for the remainder of the winter. The Department of Health and Human Services has promised to get the money to the States within a few days of congressional approval and I urge my colleagues to support this important resolution.●

● Ms. SNOWE. Mr. Speaker, I am pleased to rise in support of House Joint Resolution 493, the urgent supplemental appropriation which provides $200 million for the low-income energy assistance program. As a longtime advocate of this and other energy assistance programs, I am pleased that the administration requested this additional funding, and I commend my colleagues on the Appropriations Committee and in the House leadership for giving this supplemental such a high priority for consideration. I hope that the Senate will act equally promptly so that this money can be disbursed to the States for use during this heating season.

According to the National Oceanic and Atmospheric Administration (NOAA), fuel use nationwide was 7 percent above normal and 17 percent above last winter. Given that the average annual heating bill for a Maine family is $1,200, Maine's benefit amount of $350 this year provides only a minimum of relief for families and individuals facing staggering fuel bills. I might also add that there is a sizeable waiting list for this program, meaning that thousands of other eligible households receive no assistance at all.

Fortunately, the $2.7 million that Maine will receive under House Joint Resolution 493 will enable the State to serve almost all of the 8,000 people who are expected to apply for assistance before this year's program ends at the end of the month.

Low-energy assistance provides an important role in helping to meet the energy needs of the poor, the elderly, and the handicapped all across the country. I urge my colleagues to support House Joint Resolution 493.●

● Mr. FAUNTROY. Mr. Speaker, I rise in support of House Joint Resolution 493, an urgent supplemental appropriation for low-income energy assistance. This resolution would appropriate $200 million for low-income

energy assistance. This amount, together with $1,875 million appropriated in the Labor/HHS appropriation for fiscal 1984 (Public Law 139), would provide $2,075 million for this program in fiscal 1984.

This supplemental appropriation is needed desperately. Because of the long cold winter and the high cost of energy, many in our country have been unable to pay their fuel bills. They have had to turn to low-income home energy assistance programs (LIHEAP) in order to keep the heat on in their homes. Because more people need more assistance than we expected, many States have exhausted their energy assistance funds and others will do so before the end of the winter season.

What is true for the Nation is true for the Nation's Capital. The District of Columbia Energy Assistance Office has been overwhelmed with requests for energy assistance. Last year, the Energy Assistance Office had only accepted 10,676 requests for energy assistance by May. This year 13,415 people have already been accepted into the program and we have 2 months of heating bills to go. The District of Columbia Energy Office is already using its funds designated for summer cooling assistance to help pay for heating assistance. Unless this supplemental appropriation is approved, there will be some very deserving people who will not be able to purchase the energy they need to make their homes inhabitable.

Mr. Speaker, let us pass. House Joint Resolution 493.●

● Mr. FRENZEL. Mr. Speaker, I rise in opposition to House Joint Resolution 493, urgent supplemental appropriations of the Department of Health and Human Services for low-income energy assistance. This bill provides $200 million in additional funds for low-income energy assistance, above and beyond the $1.875 billion already provided for the program.

I understand that we are considering this supplemental because an expected source of funding for the program, a pending Exxon overcharge case, was not resolved as soon as anticipated. Nevertheless, with real energy costs in substantial decline, there is no economic reason to spend more than in previous years.

This is not an original appropriation. We have already provided almost $2 billion for low-income energy assistance. It makes no sense to me to provide additional funds now, as winter is ending, in recognition of the low temperatures of 2 or 3 months ago.●

● Mrs. KENNELLY. Mr. Speaker, I rise in strong support of House Joint Resolution 493, the urgent supplemental appropriations for the low-income energy assistance program. This $200 million has been requested by the administration to meet funding requirements of this program for this fiscal year.

LIEAP provides vital aid for poor families, particularly the elderly, in keeping their homes warm throughout the winter. In the State of Connecticut, LIEAP assistance is critical for low-income households. Already this winter, 60,000 families in Connecticut have been certified to receive help. It is likely that a record number of households will receive assistance with home heating bills this winter.

The 1983–84 winter has been 12 percent colder than last year's winter in Connecticut. While spring may seem just around the corner here in Washington, I can assure my colleagues that snow and freezing temperatures are a reality in my State, and will continue to be a fact of life for Connecticut residents throughout this month. Energy costs are disproportionately high in my region of the country compared to the rest of the country; over the month of January we in Connecticut have had the additional misfortune to suffer a sharp 15-cent-per-gallon hike in fuel oil prices.

Today's urgent supplemental will mean an additional $4.2 million for low-income residents of Connecticut. This will mean help for the 1,400 families who are newly coming in the door of social service agencies each week to apply for aid. This will also mean help for families who have received a grant but who face emergency heating needs.

I urge a yea vote on House Joint Resolution 493.●

Mr. NATCHER. Mr. Speaker, I move the previous question on the joint resolution.

The previous question was ordered.

The joint resolution 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.

CONFERENCE REPORT ON S. 47, SHIPPING ACT OF 1984

Mr. JONES of North Carolina. Mr. Speaker, I call up the conference report on the Senate bill (S. 47) to improve the international ocean commerce transportation system of the United States.

The clerk read the title of the Senate bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of February 23, 1984.)

The SPEAKER pro tempore. The gentleman from North Carolina (Mr. JONES) will be recognized for 30 minutes and the gentleman from Kentucky (Mr. SNYDER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the conference report on S. 47, the Shipping Act of 1984. This conference report was signed by all but one of the House conferees, and all but one of the conferees of the other body. The other body considered this report on February 23, 1984, and approved it by a vote of 74 to 12.

On October 17, 1983, this House passed H.R. 1878, the Shipping Act of 1983, without any dissenting votes. We then took S. 47 from the desk, struck the language previously passed by the other body, and inserted the language of H.R. 1878. A conference was called and met until February 22, 1984, when the agreed-upon version of S. 47 was signed by the conferees. The conference report was filed under the appropriate rule and ordered printed on February 24, 1984.

The Shipping Act of 1984 represents one of the major pieces of maritime legislation of the 20th century. It has been over 7 years in the making. It will replace the Shipping Act of 1916 as the major regulatory regime for international ocean liner shipping for United States foreign commerce.

While compromise was necessary to achieve the result before the House today, the underlying structure of this regulatory legislation remains as it has been since we first saw the need for a change in law some four Congresses ago. The 1916 shipping Act that has regulated international ocean commerce all these years had outlived its original purpose, not because it was basically unsound, but because its broad and general language was gradually interpreted by courts in ways that have burdened that United States steamship industry which it was originally designed to assist.

Lest anyone think this bill is designed to further a particular segment of the ocean transportation industry, let me point out that the misinterpretation of the Shipping Act of 1916 hurt the entire ocean transportation network. That network includes the common carriers or steamship operators directly regulated by the law, as well as shippers—who are the direct consumers of shipping services—ports, nonvessel operating common carriers, freight forwarders, and ultimately the retail consumer. The carriers, shippers, and consumers affected include foreign as well as American interests. While the streamlined system of regulation provided in the Shipping Act of 1984 will aid in the maintenance of the critical liner segment of the United States merchant marine, the bill's approach is one of evenhanded, nondiscriminatory regulation designed to

provide our importers and exporters with an ocean transportation system sufficient to their commercial needs.

The conference agreement generally adopts the House-passed language. Carriers subject to the act may enter into agreements that go into effect within a time certain. The compromise bill will, however, allow the Federal Maritime Commission to seek a court-granted injunction where it finds that an agreement that substantially reduces competition will produce unreasonably high transportation rates or unreasonably reduce transportation services. The conferees agreed that the right of independent action may not be denied an ocean conference member, provided that member gives 10 days notice of the new reduced rate or change in service. Added to the House-passed version is a requirement that independent self-policing be provided when requested by one member of the conference. It was further agreed that ocean conferences may regulate the way in which their members engage in service contracts.

The liberalization of exemptions in the controlled carrier law, which remains part of the Shipping Act, was not agreed to by the conferees, and controlled carriers will be regulated as they have been since 1978. Some definitions changes were agreed to, including one which defines shippers associations who may negotiate with conferences, and one which expands the exemption from tariff filing to include waste paper, recycled scrap metals, and certain unfinished forest products. The advisory commission created to study the way in which the Shipping Act functions in a competitive society was modified by the conferees, and the effective date of the law was reduced to 90 days after enactment.

While maintaining as competitive environment as is possible given the real world of international ocean commerce, S. 47, as it appears before you, accomplishes the goals sought by the Congress over the past several sessions. It will reduce delay and costs in regulation. It will provide certainty by all who are affected by the regulatory process. It establishes the primacy of the Shipping Act. It will harmonize our regulatory system with the shipping practices of our trading partners.

S. 47 is sound legislation. There have been many who played essential roles in its development and refinement. These include the gentleman from New York, Mr. BIAGGI, the chairman of the Merchant Marine Subcommittee and sponsor of the House bill; the gentleman from Kentucky, Mr. SNYDER; the gentleman from New Jersey, Mr. RODINO, chairman of the Judiciary Committee; and in the other body, Senators GORTON, PACKWOOD, STEVENS, INOUYE, and LONG have played important roles. The executive branch has been ably represented by Secretary of Transportation Elizabeth Dole and former Secretary of Transportation Drew Lewis. Let me pay particular thanks to our able colleague, the gentleman from New Jersey, ED FORSYTHE, who has been instrumental in the development of this legislation but who is not here today to share our satisfaction at this accomplishment. We all wish the best for him.

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Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the conference report on S. 47, the Shipping Act of 1984.

This legislation has reached the end of a long and arduous journey. I want to thank the chairman of the Merchant Marine Committee, Mr. JONES, and the other members of that committee for the cooperation and consideration they have shown to the Judiciary Committee throughout our deliberations.

Cartels among international ocean carriers have existed at least since the 1870's. The participation of American-flag carriers in these cartels was sanctioned by the Shipping Act of 1916 which, as amended, is still in effect. Although many of us believe that cartels are fundamentally inconsistent with the competitive principles underlying our economic system, we must confront reality. Most other nations with whom we trade either sanction or support the cartel system. Carriers that serve the U.S. trades must be given a clear set of rules that allows them to function in this international environment. These rules should, insofar as possible, encourage competition; but they must also allow carriers, including American-flag carriers, to receive a rate of return that allows for technological development and the reliable and quality service required by shippers.

The amended Shipping Act will continue the longstanding U.S. policy of tolerating certain concerted activities among ocean common carriers. But the act will place strict limits on this activity. Overall, the bill is designed to reduce the costs of Government regulation, encourage the development of a uniform Government policy toward international shipping, and grant both common carriers and shippers sufficient competitive freedom to foster an efficient and modern international ocean transportation system. It does so by adopting an entirely new and expedited procedure for FMC review of agreements among common carriers and by devising new standards for assessing the legality of those agreements. It also extends to the Federal Maritime Commission broader authority—and heightened responsibility—for enforcing the law.

It is true that the bill somewhat broadens the antitrust immunity that exists under the law today. For example, private parties who are injured will, for the most part, have to seek relief under the Shipping Act, not under the antitrust laws. To insure that private parties are protected, the conference bill strengthens the private remedies available to injured persons, allowing them to seek damages with interest computed from the date of injury, and, if the traditional standards of equity are met, to obtain preliminary injunctive relief. And the antitrust enforcement agencies retain their authority to act against concerted conduct that is secret or beyond the scope of agreements filed with the Maritime Commission, an area of considerable abuse in the past.

The Maritime Commission has a substantial challenge before it. Implementation of the new procedures and standards rests with that agency. The Committee on the Judiciary will be monitoring closely the record of the FMC in bringing enforcement actions under the newly crafted, flexible competition standard [section 6(g)]. If properly enforced, this new standard will allow the carriers sufficient latitude to enter into arrangements with procompetitive benefits—for example, agreements that allow carriers to reduce the cost of shipping or allow better or more frequent service. At the same time, the FMC must act to prevent agreements that might have substantially anticompetitive effects without offsetting benefits. If the Commission, in applying its expertise to such agreements, knows that less anticompetitive agreements could achieve all or most of the same benefits, it should act to prevent the offending agreement from being implemented or continued.

To enforce the general standard, the FMC has been granted authority to represent itself in the district courts. This departure from the general principle of centralized litigation authority is warranted, in my view, only because of the need for expedited action by the FMC and because of the Commission's status as an independent agency. If the FMC does not exercise this authority in the public interest, Congress may have to reexamine its disposition of the enforcement responsibilities between the FMC and the Department of Justice.

The new general standard and the more comprehensive list of prohibited acts will apply, after the effective date, to agreements on file with the Commission and currently in effect. Thus, if violations of these new provisions occur, the FMC will be able to act against the offending parties under its new authority, even if the

agreement was originally filed and implemented under the Shipping Act of 1916.

For the record, I want to correct a typographical error in the joint explanatory statement of the committee of conference [H. Rep. 98-600]. On page 38 of that statement, in the paragraph that ends at the top of the page, there is a mistaken reference to "section 7(a)(2)." The reference should be to "section 7(c)(2)," so that the corrected sentence reads: "Both the carriers and the shippers receive additional antitrust immunity from private antitrust suits under section 7(c)(2)."

I am pleased that we are now taking the final steps to send this legislation to the President. The Committee on the Judiciary will be watching with great interest and high hopes to see if the sound objectives of this legislation can be attained.

Mr. JONES of North Carolina. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. I thank the gentleman for yielding me this time.

Mr. Speaker, I join the distinguished chairman of the Merchant Marine and Fisheries Committee in urging support of the conference report on S. 47. His leadership in bringing this important bill to this final step on the road to enactment is deserving of our highest commendation and appreciation. It has been a pleasure to work with him on this legislation, and I hope we will be able to continue to work together to strengthen the American merchant marine in the remainder of this Congress and in the Congresses to follow.

Before discussing the bill itself, I would like to pay tribute to some of those who played key roles in the development of this legislation—former Transportation Secretary Drew Lewis; the present Secretary, Elizabeth Dole; the highly respected chairman of the Judiciary Committee—and my good friend—the gentleman from New Jersey (Mr. RODINO); and the leaders on our committee from the other side of the aisle, the gentlemen from New Jersey and Kentucky, Mr. FORSYTHE and Mr. SNYDER. Each of them took a deep interest in this legislation and contributed generously of their time and talents to its development. A great deal of credit for the final form of the legislation also goes to our friends in the other body, especially the chairman of the Commerce Committee and the senior Senators from Alaska, Hawaii, and Washington. Special recognition is also due to the excellent work of the staffs, whose expertise contributed greatly to resolving the many difficult issues this bill presented. I would especially like to mention Gerry Seifert, George Mannina, Kip Robinson, Ric Ratti, Rudy Cassani, Steve Little, Ann Mueller, Linda Livingston, and Cyndy Wilkinson. Their efforts helped us produce a bill that is considerably clearer and more precise than the law it succeeds.

Mr. Speaker, the underlying premise of this legislation is that the United States needs a strong and healthy merchant marine. As the world's greatest trading nation, we need a merchant marine for our economic protection and well-being. And we need a strong merchant marine for our national defense. While those propositions seem to me to be self-evident, they have nevertheless not been accepted by the majority of the American people or by their elected representatives. As a result, we have, over the years, failed to do many of the things that should have been done to increase the size and economic health of our merchant marine.

Conversely, we have done several things that we should not have done. Many of our actions have hampered our merchant marine, restricted it, and made it less able to compete with foreign fleets. Some of our own laws have hurt, rather than helped, our American maritime industry—especially that part of it that competes with the fleets of other nations.

The legislation we are acting on today is an attempt to modify some of those adverse effects of our laws. It is designed to free the ocean liner segment of our maritime industry from those constraints and bureaucratic impediments in the present law that have made it less able to compete in international trade. It will remove some of the shackles on efficiency and profitability with which we have hampered our fleet.

The subject of this legislation is extremely complex, involving as it does the interrelationship between international ocean commerce and our domestic antitrust laws. It involves the interests not only of the ocean carriers, but also the interests of shippers, ports, freight forwarders, importers, and consumers in general. Resolving the often competing interests of these groups has not been easy. It has, in fact, required the work of four Congresses, four committees, and almost 60 hearing and markup days to bring the legislation to this stage. It is an understatement to say the legislation has been carefully and thoroughly considered.

As the principal author of this bill and the chairman of the subcommittee that was primarily responsible for its development, I can attest to the careful consideration we gave to all points of views and the difficulties we faced in resolving them. We were also faced on several occasions with uninformed and misleading newspaper and television editorials in opposition to our efforts. We persisted through all these obstacles, attempting at all stages to educate those who opposed us out of lack of information and to work with those who had genuine and well-founded concerns. It has been a long and difficult fight, and I am heartened by the fact that in the end, our position prevailed and we are able to do something important for our country—namely helping to strengthen our American merchant marine.

When I became chairman of the Merchant Marine Subcommittee in 1981, the general subject of this legislation had already been considered by two previous Congresses. I refer to H.R. 11422 in the 95th Congress and H.R. 4769 in the 96th. H.R. 11422 would have authorized closed conferences, antitrust immunity for shippers' councils, and the legalization of deferred rebates. That legislation, after 7 days of hearings, was not ordered reported by the committee because the Carter administration indicated it was undertaking a complete study of the maritime industry and the legislation which might be necessary to rectify the wrongs addressed by H.R. 11422.

Following continuing oversight of the problems of the regulated liner industry, H.R. 4769—which became known as the omnibus maritime bill—was introduced on July 12, 1979. Under the leadership of then chairman, John Murphy and the ranking minority member PETE MCCLOSKEY, the committee, in 1979 and 1980 held 27 days of hearings and received testimony from over 90 witnesses. At the conclusion of those hearings, a clean bill (H.R. 6899) was introduced, marked up, and ordered reported by unanimous voice vote to the House of Representatives. Included in the omnibus maritime bill was title II, which addressed the very issues that are dealt with in S. 47.

Title II of H.R. 6899 was ordered sequentially reported to the House Judiciary Committee, which ordered reported a version of that title that significantly varied from the terms of the bill as reported by the Committee on Merchant Marine and Fisheries. Due to matters extrinsic to the merits of the proposals by the committees involved in considering the omnibus maritime bill, no resolution of the differences was reached, nor did the House have an opportunity to consider this legislation.

In the 97th Congress, Chairman JONES and I introduced H.R. 4374. As introduced, the bill amended the 1916 Shipping Act but was not a complete rewrite of that act. We held 3 days of hearings on the bill in the fall of 1981. In March of 1982, following receipt of the administration's policy paper on the ocean liner industry, the subcommittee staff, at my direction, prepared and circulated a working draft, which was intended to be used as the vehicle for subcommittee markup. This draft changed the format of the bill and expended its scope and content to more

closely parallel the companion Senate bill, S. 1593. Following circulation of this draft, the subcommittee received numerous suggestions for technical and substantive changes—many of which were adopted during subcommittee markup.

On March 30, 1982, the subcommittee went into markup session to consider H.R. 4374. The subcommittee adopted the staff working draft with additional amendments, and ordered the bill reported to the full committee.

After subcommittee markup on H.R. 4374, the committee had presented to it a series of proposed amendments that would implement an agreement reached by representatives of shippers and U.S. ocean liner companies as to how the concerns of the shippers could be met. The major parts of this agreement were offered as amendments to the bill at full committee markup.

On May 4, 1982, the full committee met in markup session to consider H.R. 4374. Final consideration was continued to May 11, when the full committee again met and endorsed, in major part, the work of the subcommittee and then adopted five and rejected two amendments. The first amendment that was adopted provided for the mandatory right of independent action by conference members and authorized the use of service contracts.

The second assured the freight-forwarding industry that the existing payment of brokerage would be retained. The third made a series of technical and clarifying changes. The fourth amendment made clear that the act would have no effect upon any pending litigation. The fifth amendment expanded the definition of forest products. The first amendment that was rejected would have removed Federal Maritime Commission jurisdiction over all maritime labor agreements. The other amendment that was rejected would have permitted the formation of shippers' councils with attendant antitrust immunity.

H.R. 4374, after being reported by the Merchant Marine and Fisheries Committee, was referred to the Judiciary Committee. That committee reported the bill out with major changes on July 30, 1982. Following extensive negotiations between the two committees, a compromise version was agreed on and taken to the floor. It was passed by the House on September 15, 1982 by a vote of 350 to 33. The bill died when the Senate failed to act before the 97th Congress adjourned.

In this Congress, the long effort for maritime regulatory reform began with the introduction of H.R. 1878 on March 3, 1983. The Senate had passed their version of the bill, S. 47, on March 1, 1983, by a vote of 64 to 33. We held another day of hearings on the subject. At those hearings the bill was supported by the Secretary of Transportation, by a shipper/carrier panel, and by numerous other witnesses. The bill was ordered reported by the Committee on Merchant Marine and Fisheries on April 12, 1983.

As with previous bills, H.R. 1878 was referred to the Judiciary Committee for consideration. That committee, following hearings on May 18 and 19, 1983, ordered the bill reported as an amendment in the nature of a substitute, on June 15, 1983.

The amendment in the nature of a substitute reported by the Committee on the Judiciary made a number of significant changes in H.R. 1878. The most important of these were: First, retention of a competition standard for approval of agreements together with adoption of a streamlined preclearance procedure; second, elimination of FMC's role in filing and enforcement of tariffs; third, expiration of the antitrust immunity conferred by the bill 2 years after the study commission has filed its report, or December 31, 1988, whichever is earlier; fourth, requirement of independent pricing action for any member of a conference on a maximum of 10 days' notice to the conference, including a provision allowing a shipper to designate the type of goods and the point of origin or destination to be covered by a loyalty contract; and sixth, a series of other changes intended to preserve and protect competition, including other limitations on the antitrust immunity extended by section 7 of the bill, a provision requiring the study commission to report on marine terminal operators' need for antitrust immunity, and the elimination of a statutorily imposed minimum 1¼ percent brokerage fee for freight forwarders.

The two committees again carried on lengthy negotiations to try to resolve the differences between the two bills. This was accomplished in September 1983 and a compromise version of H.R. 1878 was brought to the floor under suspension of the rules on October 17, 1983, where it passed by voice vote. Following passage, the House amended S. 47 to conform it to the House bill and returned S. 47 to the Senate requesting a conference.

Differences between the House and Senate bills were resolved during the following 4 months and the committee of conference on S. 47 met and ordered reported a compromise bill on February 22 of this year. The Senate approved the conference report and passed the bill on the following day. Thus we come today to the last legislative chapter on what has been a long and difficult effort to reform the laws governing ocean liner shipping.

Almost without exception, during this entire period there has been little disagreement on the fact that the present law is unsatisfactory, that it is unclear and the results under it unpredictable, and that the administrative procedures under it are protracted and burdensome. These things have not been at issue. Rather, the controversies have been over the proper extent of the Government's role in this industry, how the industry should be regulated, and the proper balance between the industry, its customers, and consumers in general. These basic considerations were debated in terms of tariff filing, independent action, service contracts, a general, or public interest standard, closed versus open conferences, the need for further study of the industry, and the nature and extent of antitrust immunity for the ocean liner industry. These issues have now been resolved in S. 47 in a way which I believe will serve that industry and the Nation.

I would like to mention again, and emphasize, two of the key events in the development of this bill. One was the promulgation, in February 1982, of a coordinated administration position on maritime regulatory reform of the ocean liner industry. For the first time in many years, the executive branch spoke with one voice in urging a reaffirmation of the antitrust immunity of this industry, originally provided in the 1916 Shipping Act.

□ 1500

The SPEAKER pro tempore. The time of the gentleman from New York (Mr. BIAGGI) has expired.

Mr. JONES of North Carolina. Mr. Speaker, I yield 2 additional minutes to the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Speaker, The second key point was the so-called shipper-carrier agreement reached in the spring of 1982. That agreement was hammered out between representatives of the ocean liner industry and their customers, the users of ocean shipping. It insured that the effort to reaffirm and strengthen the antitrust immunity of the ocean liner industry would not result in an imbalance of power between the ocean operators and shippers.

Building on those two key events, we have produced a well-balanced bill that will free our ocean liner industry from some of the unique constraints that have made it less able to compete in international trade—while at the same time protecting the interests of both shippers and consumers.

I believe we have also produced a bill that is clear and unambiguous. It should correct one of the major faults of the present law, which is that there is not a clear standard of conduct for the ocean carriers to operate under or for the Federal Maritime Commission to administer with any certainty. In this bill, we have tried to provide pre-

dictability and certainty to both the enforcing agency and those who operate under the law's provisions. Under this bill the ocean common carriers will have more precise standards to measure their conduct against and also more severe penalties for violating those standards.

If this legislation achieves its objective of making our liner industry more competitive—and I believe it will—we will see more American ships carrying our trade. That means more American crews and jobs. In these days of unacceptably high unemployment, a bill that will produce more jobs for Americans is worthy of strong support.

Passage of this legislation is but one step in the important task of strengthening our merchant marine. Many other steps remain to be taken. This bill, however, is an example of what can be done when competing interests work to resolve their differences instead of working against each other. It is an example of the type of cooperation and compromise that is necessary to resolve conflicting views in a way that advances the national interest without harming any particular segment of our society. It is an example that I hope will be followed as we address other serious problems in the maritime industry.

I should like to assure my colleagues that passage of this bill will not end our interest in the ocean liner segment of the merchant marine. As chairman of the subcommittee on merchant marine, I intend to watch carefully the implementation of this legislation. This bill puts new and important responsibilities on the Federal Maritime Commission. That agency is charged with insuring that consumers are protected from any abuse of the antitrust immunity granted by the bill. We intend to maintain a close and continuing oversight over the Commission to make sure, not only that the benefits of the bill are realized, but also that it is effectively enforced and that the Commission fully carries out its responsibilities under the law.

I hope all Members of the House will join me in supporting the conference report on S. 47.

Mr. JONES of North Carolina. Mr. Speaker, I reserve the balance of my time.

Mr. SNYDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the conference report on S. 47, the Shipping Act of 1984. The conference report before the House today is very similar to H.R. 1878 which was approved by the House, without dissent, on October 17 of last year. S. 47 represents a long overdue revision of the laws which govern the regulation of the ocean-borne foreign commerce of the United States.

As a member of the Merchant Marine and Fisheries Committee for over 14 years, I have had the opportunity to observe the antiquated system under which the United States required its ocean common carriers to operate. Indeed, the United States is unique in the world in its regulation of ocean-borne foreign commerce.

Agreements, implementing the conference members agreed-upon activity, are currently required to be approved by the Federal Maritime Commission (FMC) prior to coming into effect. This is more often than not a lengthy process which results in many agreements becoming commercially obsolete by the time they are approved. In addition, the antitrust immunity, which Congress clearly intended to apply to ocean shipping when it enacted the Shipping Act of 1916, has been substantially eroded. As a result, there is no longer a clear antitrust standard for the carriers to operate under, or for the FMC to administer with any certainty of staying within the parameters of permissible activities and without the prospect of prosecution by the Justice Department. Because U.S.-flag carriers are located in the United States, they are the ones who feel the brunt of any Justice Department prosecution. On the other hand, the foreign-flag operators enjoy the protection of blocking statutes which their countries enact to prevent the turning over of their records to the Justice Department. S. 47 is an attempt to put U.S.-flag carriers on an equal footing with their foreign-flag competitors.

I am not, however, in complete agreement with the conference report. In particular, I am not satisfied with the bill's provision which retains the requirement that tariffs must be filed and enforced by the FMC.

Without a doubt, the taxpayers would be better off if the Government stepped out of the role of tariff filing and let the private sector take over. It would not only save money, but would also result in having the job done better. As an example, I point to an editorial which appeared in the February 1982 issue of American Shipper:

American Shipper long ago gave up in frustration over our attempts to gain current, useful tariff information direct from FMC (or cargo statistics from the Bureau of Census). We always turn to the commercial sources when we need information promptly, in time to be useful. So, why should the taxpayers pay the cost of keeping those files in the FMC building?

Commissioner James Carey of the FMC, admitted, during the Merchant Marine Subcommittee hearing on March 22, 1983, that the Commission's system of handling tariffs is inefficient and probably out of date by 40 years. This incredible statement regarding the Commission's bungling of tariff filings is confirmed by the FMC's own survey of shippers which has been included as a part of the committee's record on regulatory reform.

This is, in my opinion, an astonishing admission of incompetence by the Commission, which should not go unnoticed or unaddressed by Congress. The FMC's own statements make the case for eliminating the requirement that tariffs be filed at the Commission. It is incumbent that the current inefficient and outdated system be abolished and replaced with the requirement that tariffs be published commercially.

Another concern which I have regards service contracts. During the committee consideration of H.R. 1878, I raised several questions concerning the potential impact which service contracts could have on the U.S. foreign commerce. I asked that the shipper/carrier coalition comment on those concerns and their response has been included as part of the committee's printed record.

However, despite that response, I still have some lingering doubts. Basically, my fear is that there is a real potential for service contracts to be negotiated to cover too long a period of time, thus locking shippers into a situation of having to pay for service which they later discover they do not need. The result would be that these excess costs will be passed on to the consumer. While I appreciate the argument made by the shipper/carrier coalition that the competitive nature of shipping will guard against such costs being passed on to consumers, I must reluctantly continue to question the advisability of not statutorily limiting the duration of service contracts.

While I think that the conference bill is deficient in the area of tariffs and service contracts, I am heartened by the fact that the Advisory Commission, established in section 18 of the bill, will be studying each of these issues.

Despite my reservations on these two issues, I believe that the conference bill before the House today is a good bill. Indeed, enactment of a maritime regulatory reform bill has been a long time in coming. One of the major reasons for the past failures, I believe, was the absence of a single unified administration position on maritime reform. That has not been the case with the current administration. Early in the 97th Congress, former Secretary of Transportation, Drew Lewis, successfully argued the case for maritime regulatory reform before the Cabinet council and won. Secretary Dole has continued that effort and has been devoting a great deal of her time and effort to get the bill where it is today. I want to commend the Secretary for her tremendous work on this bill. Certainly the chairman of our committee, WALTER JONES, and our ranking minority member, ED FORSYTHE, as well as the chairman of the subcommittee, MARIO BIAGGI, are all

worthy of the commendation of this House for their leadership. Chairman RODINO and Congressman HAMILTON FISH of the Judiciary Committee likewise deserve our commendation for their work on this important legislation.

I urge my colleagues to approve the conference report.

Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. FISH).

Mr. FISH. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of the conference report on the Shipping Act of 1984 (S. 47).

This compromise legislation is the product of years of deliberations involving the relevant committees of the Congress, the Department of Transportation (DOT), the Federal Maritime Commission (FMC), and interested nongovernmental parties. A great deal of credit goes to Secretary Dole and her predecessor, Drew Lewis. Many in this House have labored for years on this legislation and we are certainly in their debt: Chairman JONES, and my colleague from New York Mr. BIAGGI; and on our side, the gentlemen from Kentucky (Mr. SNYDER) and from New Jersey (Mr. FORSYTHE). The priority aim of this bill is the revitalization of our merchant marine industry by reinserting certainty and predictability into the process by which the Federal Government regulates international ocean commerce.

The bill specifically identifies prohibited acts and gives the FMC a virtual exclusive role in enforcing those prohibitions. To be sure, we are talking about an antitrust exemption for international ocean carriers. But, at the same time, I am now satisfied that S. 47 contains adequate, procompetitve features. Provisions are contained in this legislation which will protect both those American companies that export and import products and the fundamental interests of American consumers.

To me, the most important procompetitive feature in this legislation is contained in section 5(b)(8). This provision guarantees the right of any member of a conference to take independent action on prices or services upon 10 calendar days notice to the conference. Independent action is the right of a conference carrier to charge a different rate, or institute a different service practice, than that of the rest of the conference. This universal right of independent action is a major step forward, protecting the options of individual carriers and shippers alike.

In addition, S. 47 also contains a modified, general interest standard, fashioned by the distinguished chairman of the Judiciary Committee, PETER RODINO. It is my understanding that the language of this general interest standard is now acceptable to the administration; that is, DOT, and to the carriers. It permits the FMC to seek an injunction to delay or suspend the effectiveness of any conference agreement if it "is likely . . . to produce an unreasonable reduction in transportation service or an unreasonable increase in transportation cost." See sections 6 (g) and (h).

Another procompetitive provision in this legislation concerns loyalty contracts. A loyalty contract, sometimes referred to as a dual rate contract, is a device used by ocean carriers or conferences to lock in the business of a particular company. Loyalty contracts have been frequently criticized as being anticompetitive exclusive dealing arrangements. In the conference version, the use of loyalty contracts is prohibited unless they otherwise meet the competitive standards of the antitrust scrutiny applicable to exclusive dealing arrangements in other industries.

Finally, section 18 of the bill authorizes the creation of an Advisory Commission that will reexamine the regulatory policies underlying international ocean transportation. The Advisory Commission will come into existence 5½ years after the enactment of S. 47. Among other things the Commission will make recommendations to Congress as to whether or not the practice of tariff filing, and its accompanying enforcement by the FMC, should be continued. When the House Judiciary Committee considered this legislation last summer, I was an author of an amendment to remove tariff filing and enforcement from the Shipping Act and that amendment was adopted at that time. However, it is no longer contained in this bill. I still retain the view that to use a Federal regulatory agency to enforce and legitimize price fixing agreements and other anticompetitive practices is inappropriate. Plain and simple, American taxpayers money should not be used to underwrite the costs of cartel practices. Hopefully, the Advisory Commission will adopt this same view at a later date.

Again, Mr. Speaker, I feel that the conference version of the Shipping Act is a fair, balanced compromise. I strongly urge the adoption of this conference report.

□ 1510

Mr. SNYDER. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. MOORHEAD).

Mr. MOORHEAD. Mr. Speaker, I rise in support of the conference report on S. 47—the Shipping Act of 1984.

This is important legislation both from a maritime perspective and an antitrust perspective. It recognizes the practical realities of the international maritime industry—such as the conference system and collective pricing agreements. But, at the same time, S. 47 includes numerous features—such as independent action and limitations on the use of loyalty contracts—that are fully consistent with the procompetitive philosophy of our antitrust laws.

This measure continues and expands an antitrust exemption that dates back to 1916. Revision of this statute is necessary because, over the years, there has been an ever-increasing application of the antitrust laws to international shipping serving the United States. In 1961, the Shipping Act was amended—most notably by a clause which provided for disapproval of conference agreements which the Federal Maritime Commission found to be "contrary to the public interest." This "public interest" standard has been interpreted by the Supreme Court to embody the anticompetitive principles of the antitrust laws (*FMC* v. *Aktiebolaget Svenska Amerika Linien*, 390 U.S. 238 (1968)). It is this decision, creating what is commonly known as the Svenska test, that has prompted the international ocean carrier industry to seek a legislative clarification of the exact nature of their antitrust immunity.

There are at least four fundamental problems with the current regulatory scheme. First, the system is unpredictable and a conference is never sure whether the Federal Maritime Commission will approve its agreements. Second, lengthy delays in the Commission's decisionmaking process have accentuated this uncertainty. Third, U.S. carriers complain of unequal enforcement of the antitrust laws, to their detriment. Fourth, the regulatory system strains our international relations—our trading partners complain that extraterritorial application of our antitrust laws is an unfair interference with international commerce.

This conference version of S. 47 responds to all of these problems. It eliminates the vague standards of current Commission review, including the "public interest" test. Instead, section 10 specifically lists prohibited acts such as rebating and unfair discriminatory or predatory practices. The bill also sets deadlines for prompt FMC review of conference agreements. Penalties are provided when prohibited conduct occurs.

At the same time, the procompetitive right of independent action has been greatly strengthened—allowing an individual ocean carrier to take separate pricing action on 10 days' notice. The compromise bill also prohibits loyalty contracts that would otherwise violate the terms of our antitrust laws. The general standard for FMC review of conference agreements has been modified so that its language will not recreate the problematic "public interest" test.

In short, this is a balanced compromise. The administration, Transportation Secretary Dole, and the maritime industry strongly support favorable action. I urge my colleagues to adopt the conference report.

Mr. SNYDER. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. SAWYER).

Mr. SAWYER. Mr. Speaker, I rise in support of the conference report on S. 47, which passed the House in the form of H.R. 1878, and which is properly called the Shipping Act. I find myself in the unique position of having studied the problems of maritime regulation from two different perspectives: With principal focus on the health of the carrier industry through the Committee on Merchant Marine and Fisheries, and the antitrust point of view as represented by the membership of the House Judiciary Committee.

While I support the bill before us, as well as its accompanying report, I must express once again the concerns I had while reviewing the bill during its consideration in the House. My principal reservation then involved the requirement that tariffs be filed with the Federal Maritime Commission (FMC) and that they in turn be enforced by that same agency. Though the Judiciary Committee acted to relieve the FMC of this responsibility, it is contained in this compromise bill. Moreover, an amendment which I offered in the Judiciary Committee to restrict the FMC's litigation authority has been watered down somewhat.

I have consistently taken the view that it is inappropriate for a Federal regulatory agency, such as the FMC, to serve as the publisher for trade prices, or tariffs, and then turn around and enforce them on behalf of those it is otherwise obligated to regulate; namely, the international ocean carriers. This is a position I took in supplemental views filed with the report of the Merchant Marine and Fisheries Committee, and when Mr. FISH offered an amendment in the House Judicary Committee to strike tariff filing and enforcement, I supported him then as well.

The compromise before us deletes the Fish amendment, and reinstates tariff filing and enforcement. I am, of course, well aware of the fact that the American carriers simply would not support any bill if the FMC were unwilling to once again assume what properly should be an industry responsibility. Unfortunately, over time they have apparently become used to the Government doing their work for them, and are understandably unwilling to change things. Though I am convinced that there are sufficient improvements in this legislation to warrant my support, I remain similarly convinced that regulatory agencies, such as the FMC, have no business filling this role on behalf of the shipping industry.

I note, further, that this bill retains some litigation authority for the FMC, a development which I believe is neither justified nor desirable. I do not like to see litigation authority sprinkled among the various agencies of the executive branch, and as a former prosecutor, I can say from experience that litigation is least effective when it is disbursed throughout a bureaucracy.

Under the compromise proposal before us, the FMC retains the right to seek equitable relief against cartel agreements which it believes do not meet the new general standard created in the bill. Moreover, it may represent itself in district court to enjoin conduct which represents a violation of the new act during the Commission complaint process. I am pleased to note that this power does not extend to the Federal courts of appeal without the express consent of the Attorney General of the United States.

As I have said many times, I believe that exceptions to the rule that the Attorney General should control the litigation of the executive branch should be few and far between. I offered my amendment in committee because I did not think that the FMC had carried its burden with regard to establishing the need for an exception in this case. I am still not persuaded, but once again I must say that I believe that such issues as independent action and the deletion of the sunset provision balance the scales. I unsuccessfully argued for the latter during consideration by the Judiciary Committee, and was supported by both the administration and the minority on the committee, ultimately succeeding in the version adopted by the House. Its presence in S. 47 would have undermined the predictability which this bill was designed to provide.

I very much look forward to the future recommendations of the Advisory Commission created under section 18 of the bill, and I note that the conference report requests that recommendations be made with regard to the role of the FMC in the collection of tariff filings and their enforcement. I hope that the Commission will also review the litigation power delegated to the FMC, and consider the effect of this sort of precedent.

□ 1520

Mr. SNYDER. Mr. Speaker, I have no further requests for time.

Mr. JONES of North Carolina. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. FEIGHAN).

Mr. FEIGHAN. Mr. Speaker, let me thank the chairman of the Merchant Marine and Fisheries Committee and congratulate him and the chairman of the Judiciary Committee for their exceptionally fine work in bringing about this conference report.

I rise in support of the conference report on S. 47, the Shipping Act of 1984.

I have been privileged to participate in the deliberations of this bill before the Committee on the Judiciary. In our role as guardians of the antitrust laws and the consumer and economic interests these laws are intended to protect, we have had a long and hard look at this legislation.

Many of us initially had serious reservations about allowing the broadened antitrust immunity that this legislation confers. The amendments approved by the Judiciary Committee alleviated most of these concerns. I am pleased that the managers of the conference have agreed to these critical amendments. In particular, the conference bill includes a flexible review standard that will allow the Federal Maritime Commission to act against substantially anticompetitive agreements. With this standard, the FMC will have the authority to prevent agreements of the type that it can disapprove today under the "public interest" standard. Although the revised wording of this standard gives ocean carriers the freedom to enter into efficiency or technology enhancing agreements, it gives no carte blanche to eliminate competition.

Indeed, as the bill makes clear in other sections, the Congress has been guided by a need to maintain a minimum level of competition within an international environment in which ocean cartels have the blessing of most other countries. Thus, although conferences may continue under the new act, they must provide for a right of any member to take independent pricing action on 10 days' notice to the conference. And loyalty contracts, which conferences have used in the past to discourage shippers from patronizing nonconference carriers, will no longer be permitted if such arrangements would violate the antitrust laws.

Our success in crafting a compromise bill is suggested by the support this conference report has received from both carrier and shipper groups. Probably none of us who have worked on this legislation is satisfied with every provision, word, and nuance. But we have achieved a responsible and constructive bill that should have a number of substantial benefits. Among these are diminished regulatory costs, an expedited review procedure for agreements that are filed with the FMC, and greater certainty and uniformity in interpretation of the law.

I am pleased to have had an opportunity to participate in the development of this sound regulatory reform legislation. I urge my colleagues to join me in voting to approve the con-

ference report. Of course, the true verdict on this bill will come only after it has been in effect for a number of years. We have high hopes—but we shall remain vigilant in assessing the need for further reform as demonstrated by real-life experience with this regulatory model.

● Mr. FORSYTHE. Mr. Speaker, I rise in support of the conference report on S. 47—the Shipping Act of 1984. This conference report was recently approved by the House and Senate conferees after considerable compromise between the two bills previously passed by the respective Houses.

This legislation revises the Shipping Act of 1916 and represents the most important maritime legislation enacted in many, many years. The Congress has been considering revisions to the 1916 Shipping Act for a number of years. There is an extensive record in support of this conference report. Hearings have been held for several years. Last year, this House passed similar legislation by an overwhelming vote. Unfortunately, because of discussion and debate in the other body the bill was not enacted. With this conference report, the differences between the two Houses have now been resolved.

This legislation will continue exemptions from the antitrust laws for certain agreements and activities dealing with international shipping that are subject to regulation by the Federal Maritime Commission. It recognizes that U.S. liner vessel operating companies must function in an environment not totally within their control that is governed by international rate structures and world economic pressures. It allows these liner companies to join together in shipping conferences to establish freight rates and organize shipping activities. Subject to the terms of the legislation, these conferences can operate without the restrictions that might otherwise be involved from the application of the antiturst laws. The legislation also expedites consideration and approval by the Commission of agreements among the liner operators and the shipping conferences. This has been a matter of great concern for the U.S. operators because of the extended delays in obtaining approval of these types of agreements under the current law. The bill has a clearly defined set of prohibited acts and sets forth penalties for violations of these prohibited acts which would be enforced by the Commission under the terms of the Act.

This legislation will be an economic shot in the arm for our liner operating companies. It will provide a means to reduce some of the costs for these operators and that will result in savings to U.S. shippers and, ultimately, U.S. consumers. For example, once a vessel is committed to sail, the expenses of that vessel are fixed. These expenses will be nearly the same whether that vessel is fully loaded or only partially loaded. We have seen figures showing that if a vessel is only 50 percent loaded, that operator would have to charge a shipper over $1,200 per container in order to cover the operator's costs. If that same vessel were fully loaded that charge to the shipper would be reduced to a little over $700 per container. Obviously, it is in the best interests of American shippers, American consumers, and ultimately our Nation's economy to have a shipping policy which encourages high utilization rates of our vessels. This is just one of the many benefits of this legislation.

One key element which was resolved in the discussions of the conferees is the issue dealing with the relationship between the services provided by the vessel operators and the needs of the shippers. This bill provides a mechanism for allowing an operator the right to take independent action from the rates set by a shipping conference in the setting of his shipping rates. This provision of the bill will lead to increased competition among the vessel operators and that, of course, also leads to better prices for the shippers.

It is now time to approve this conference report so that we can send the bill to the President for his signature. We have received indications from the administration that they are ready, willing, and able to approve this bill. In that context, I think it is important to note the great contributions of the former Secretary of Transportation, Drew Lewis, and our present Secretary of Transportation, Elizabeth Dole, in helping to pave the way for enactment of this important legislation. The hard work of these two Secretaries and their staffs as well as the participation of the Federal Maritime Commission, greatly facilitated the development of this legislation. Furthermore, without the efforts of the members and staffs of the four congressional committees involved—the House Merchant Marine and Fisheries Committee, the House Judiciary Committee, the Senate Commerce Committee, and the Senate Judiciary Committee, this conference bill would not be the truly good compromise that it is.

Mr. Speaker, this legislation can be considered among the landmarks in the maritime field. It is long overdue and it will have long-term benefits for a large segment of our merchant marine fleet and some of the associated industries. It must not be viewed, however, as the salvation for the merchant marine. This is only the first step. This country needs a strong merchant marine for national defense, international trade, and domestic economic well-being. What we have today is a shadow of our former great maritime industry. Our shipyards are in dire straits. The graduates of our fine maritime academies are having difficulty finding seagoing jobs. Many of our vessel operators have old, inefficient ships that cannot compete economically with foreign fleets. Essential strategic materials needed to keep our Nation's industrial activities operating come to this country on foreign-flag ships.

But, most importantly, we are losing the capability to support a national defense effort should this country ever find itself again in need of mobilizing any kind of large defense force. We have all heard about the need for expanding vast sums of money to acquire new weapons systems and for deployment of well-trained troops. The irony is that we may not have the ships to carry these weapons and troops away from our shores. If a major conflict were to occur somewhere in the world, we might have to say, "Sorry, we can't get there! You will have to come here!"

I intend to devote my energies to an effort to turn this sad situation around. I hope to develop some legislative initiatives designed to rebuild our merchant marine. This will not be an easy task. It will require a lot of hard work, compromise on all sides, and some commitments from the various parts of the maritime industry, the executive branch, and the Congress.

So, Mr. Speaker, I urge my colleagues to approve the conference report on S. 47 as one major effort in the revitalization of our merchant marine and then to join with me in exploring additional ways to help this industry.●

● Mr. HUGHES. I rise to urge support for the conference report on S. 47, the Shipping Act of 1984.

As a member of both the Judiciary and Merchant Marine Committees over the past few Congresses, I have witnessed from its inception the painful progress of this legislation. The fact that we are acting on a conference report today is a real achievement for those who have patiently and persistently worked for sound reform of maritime regulatory law.

Along the way, we have had many concerns and setbacks. But the legislation that has emerged from the conference committee is both sound and pragmatic. It addresses the fundamental concerns of both the carriers who operate the ships and the shippers who need efficient and reliable transportation services. I am pleased to see that the final version contains many of the key provisions of the amended bill reported by the House Judiciary Committee last year. Among these are an approval standard that allows the FMC to act against substantially anticompetitive agreements, a right of each conference member to take inde-

pendent pricing action on 10 days' notice to the conference, and an advisory commission that will assess the performance of the new regulatory scheme after 5 years of operation. One of the problems that we have battled in the past—protracted regulatory delays in FMC review of agreements—is addressed in section 6 of the bill. The model for expedited review of these agreements is the premerger clearance procedure effectively used by the antitrust agencies in reviewing proposals for takeovers under the antitrust laws. Although the procedure has been somewhat modified to fit the special circumstances of the maritime industry, it offers the FMC an opportunity to implement timely and effective regulatory review that will benefit both the carriers and their customers.

This legislation gives the FMC a specific list of prohibited acts to enforce. And it gives the FMC exclusive authority for enforcing the flexible competitive standard. Thus, we shall have a scheme that should minimize unwarranted delays and fosters the development of a uniform body of law. The challenge is now with the FMC to see that the regulatory mandate is carried out with dispatch and with sensitivity to the policies of the act.

What we need is a pragmatic, but no-nonsense enforcement policy that gives the carriers flexibility in designing joint arrangements that are procompetitive or serve other valid policy interests of the act, but which firmly resists attempts to obstruct unnecessarily constructive competitive forces. That is not an easy task. But I, for one, believe that the FMC under the leadership of Chairman Green will meet this challenge.

The legislation will not leave the performance of the FMC unchecked. Congress will have an opportunity to examine the results of the new regulatory scheme when the Advisory Commission submits its report based on the first 5 years of application of this act.

I am pleased that the hard work of the members of both committees has resulted in this balanced and constructive reform bill. I urge my colleagues to join me in supporting the conference report.●

● Mr. SEIBERLING. Mr. Speaker, I rise in reluctant support of the conference report on S. 47, the Shipping Act of 1984.

When this bill came before the Judiciary Committee last year, I supported several amendments designed to strengthen competition in the maritime industry—including elimination of the Federal Maritime Commission's role in filing and enforcing tariffs, the eventual expiration of the antitrust immunity, and limitations on the use of loyalty contracts. Even with the adoption of these amendments, however, I felt that the bill authorized the continuation of unnecessarily anticompetitive behavior in the ocean carrier industry. I was even less happy with the bill that was ultimately approved by the full House last October.

Basically, my view is that it is time for meaningful deregulation of the maritime industry. We should eliminate the antitrust exemption which ocean carrier cartels now enjoy and which the proposal before us continues.

There is not a business in the country that would not like to be exempt from the antitrust laws. As Adam Smith said, whenever businessmen get together, the first thing they want to do is talk about prices. They want to have freedom from regulation, but at the same time they want to be able to get together and regulate prices and other terms of doing business among themselves. That is a classic dilemma in a free enterprise system, but long ago we decided not to tolerate cartel behavior in most industries. Other transportation industries which have never been permitted the relatively unregulated cartel behavior ocean carriers may engage in have been deregulated in recent years.

Price fixing and division of markets, if practiced by almost any other industry, are per se criminal violations of the antitrust laws, and can result in massive fines and even prison for the perpetrators. But the maritime industry remains free to engage in such practices which would otherwise violate the antitrust laws. And unfortunately, the compromise before us now does little to alter that basic problem.

However, I recognize that this bill is an improvement over the current regulatory system. Three specific provisions contained in the conference report increase the prospects for true competition in the carrier industry: First, a flexible approval standard for the FMC to review and, if necessary, seek to enjoin agreements among ocean common carriers that could be substantially anticompetitive; second, an absolute right of each common carrier that is a member of a conference to take independent pricing action on 10 days' notice to the conference; and third, a study or advisory commission that will review Government regulation of the international maritime indusy and make recommendations to Congress as to further legislative change.

I would have perferred that the Department of Justice have a stronger role in attempts to enjoin conduct allegedly in violation of the act. Unfortunately, the compromise removes some of the Department's antitrust jurisdiction over the maritime industry. I would also have preferred that the study commission established in the House bill begin its work sooner than the startup date provided for in the conference report. Furthermore, I think that the measure should have addressed the imbalanced situation facing shippers.

However, despite its flaws and omissions the compromise version of S. 47 is a step in the right direction and thus, as a conferee, I signed the report and will vote for it today on the floor.●

Mr. JONES of North Carolina. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

AMTRAK IMPROVEMENT ACT OF 1983

The SPEAKER pro tempore. Pursuant to House Resolution 320 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3648.

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 further consideration of the bill (H.R. 3648) to improve the cost effectiveness of the National Railroad Passenger Corporation, to authorize appropriations for such Corporation for the fiscal year ending September 30, 1984, and for other purposes, with Mr. BENNETT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose on Thursday, October 6, 1983, title I was open to amendment at any point.

Are there any further amendments to title I?

AMENDMENT OFFERED BY MR. FLORIO

Mr. FLORIO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FLORIO: Page 2, strike out lines 10 through 15, and insert in lieu thereof the following:

(2) in subparagraph (B), by striking out the period and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following new subparagraphs:

"(C) not to exceed $730,000,000 for the fiscal year ending September 30, 1984; and

"(D) not to exceed $724,000,000 for the fiscal year ending September 30, 1985.".

Page 2, line 17, insert "(1)" after "Sec. 102. (a)".

Page 3, after line 11, insert the following new paragraph:

(2) The amendment made by paragraph (1) shall not apply to any new service initiated during the fiscal year ending September 30, 1984, during the first year of operation of such service.

Page 8, line 4, through page 9, line 8, strike out section 105.

Page 13, after line 12, insert the following new section:

RESUMPTION OF SERVICE

SEC. 111. Section 404(f) of the Rail Passenger Service Act (45 U.S.C. 564(f)), as amended by section 110 of this Act, is further amended by inserting after the first sentence the following new sentence: "Within thirty days after the date of enactment of the Amtrak Improvement Act of 1983, the Corporation shall reinstitute rail passenger service between Tampa, Florida, and Saint Petersburg, Florida, as such service was in operation as of January 1, 1984.".

Mr. FLORIO (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 New Jersey?

There was no objection.

Mr. FLORIO. Mr. Chairman, the amendment is designed to update title I. This bill was originally considered by the House in October. Certain changes are needed to reflect the passage of time.

This amendment would do four things. First, the reported bill would require Amtrak to maintain rail passenger service between Tampa and St. Petersburg, Fla. To insure that the intent of the original bill is carried out, the amendment would require Amtrak to reinstate this rail service. Once the service was reinstated, the requirement in the reported bill to maintain the rail service would apply.

Second, this amendment would strike section 105 of the bill, which would establish a revolving capital fund for Amtrak. Since the House first considered this bill in October, some concern has been expressed about this provision. In response to that concern, I have agreed to delete this section.

Third, the amendment would provide a fiscal year 1985 authorization for Amtrak of $724 million as requested by Amtrak. The bill currently has a fiscal year 1984 authorization of $730 million. Thus, the proposed fiscal year 1985 authorization is less than the fiscal year 1984 authorization. This reduction is made possible by Amtrak's increasing efficiency.

I know the administration has only requested $680 million for Amtrak for fiscal year 1985. The $44 million authorization request difference reflects a disagreement over how much carryover money, appropriated for other purposes, is available for Amtrak's capital projects in fiscal year 1985.

For example, at the instruction of Congress, and due to the leadership of the gentleman from New York (Mr. LENT) Amtrak has set aside $20 million for construction of the West Side Connection project in New York City. The administration's budget request assumes this money can be used for other capital purposes. Amtrak's request, properly so, assumes this money should be used for its intended purpose.

Last year, as part of the jobs bill, Congress appropriated $80 million for job intensive Amtrak capital projects, mostly on the Northeast corridor. These funds were intended as additional funds to create jobs. However, the administration's request assumes that $20 million of this amount can be used for Amtrak's fiscal year 1985 capital projects. Amtrak's request assumes this money should be devoted to the purposes of the jobs bill, not for Amtrak's regular fiscal year 1985 capital program.

Finally, the administration's request assumes that Amtrak can use $4 million in funding, previously appropriated for purchase of the Northeast corridor, for unrelated capital projects. Since this would require approval through the appropriations process, Amtrak is not assuming use of this money for unrelated fiscal year 1985 capital projects. Thus, Amtrak's request of $724 million for fiscal year 1985 is more appropriate.

Finally, the reported bill establishes cost effectiveness criteria for 403(b) or State-supported trains. According to Amtrak's projections, these criteria should not affect any existing trains. However, some concern has been expressed that the new criteria could adversely affect new 403(b) service scheduled to be initiated during fiscal year 1984. I know the distinguished gentleman from Michigan, the chairman of the full committee, has that concern. This is a legitimate concern because it often takes time for a new service to build up ridership. This amendment would address that concern by providing for a 1-year grace period for new 403(b) service initiated during fiscal year 1984. The new criteria would not apply during the first year of operation, but would apply thereafter. Furthermore, new service initiated after fiscal year 1984 would be fully subject to the new criteria.

I believe this amendent to update title I is acceptable to the minority and I urge its adoption.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. FLORIO. I am happy to yield to the gentleman from New York.

Mr. LENT. As I understand it, the first provision of the amendment authorizes Amtrak for fiscal year 1985 at $724 million. This amount was requested by Amtrak in its fiscal year 1985 budget recommendation: is that correct?

Mr. FLORIO. That is correct.

Mr. LENT. This amount also assumes that Amtrak will achieve a revenue to cost ratio of 58 percent?

Mr. FLORIO. The gentleman is correct.

Mr. LENT. I would like to endorse the amendment. This is, indeed, commendable and I support the gentleman's amendment.

Mr. FLORIO. I thank the gentleman.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. FLORIO. I am happy to yield to the gentleman from Texas.

Mr. KAZEN. Mr. Chairman, let me ask the gentleman if under this bill the corporation has the authority to change routes, abandon some, and create others?

Mr. FLORIO. The gentleman is talking about Amtrak?

Mr. KAZEN. Yes, sir.

Mr. FLORIO. Yes; there is no change in the substantive standards that are used in this reauthorization.

Mr. KAZEN. Because it has come to our attention that there was some study made on some of these routes and that there would be a recommendation made that the line going west, east and west, that goes now on the Southern Pacific tracks from Houston to San Antonio, Del Rio, El Paso, and on out to the west coast, is going to be recommended that it be abandoned and in lieu thereof have the line run from El Paso to Dallas Fort-Worth and down to Houston.

□ 1530

In other words, cutting out the segment from El Paso, Del Rio, San Antonio, Houston. I am asking the gentleman is that possible under this bill without the permission of the Congress.

Mr. FLORIO. If the gentleman will yield back to me, the existing provisions in the law, not this bill, but the Amtrak law provide for periodic modifications in route and service structures in accordance with the formulas that are in the basic law.

I am not familiar with what the gentleman is talking about on that specific proposal but it is not in any way incorporated into this legislation.

Mr. KAZEN. I understand. But before I vote to authorize funds for them I would want some assurances that at least we Members of Congress that are affected would be notified or

given an opportunity to have some input.

Mr. FLORIO. There are notifications in the existing structure for those types of modifications that periodically Amtrak is called upon to make.

Mr. KAZEN. I thank the gentleman.

Mr. GONZALEZ. Will the gentleman yield?

Mr. FLORIO. Certainly.

Mr. GONZALEZ. I join my colleague. We share representation of that area. I would like to emphasize that this is an extremely important thing. I cannot visualize any national railroad system that would in any way impede this very historical line, the old Sunset Limited, that would come in from New Orleans, Houston, San Antonio, to El Paso and up the west coast to Los Angeles. It just seems to me, though, the gentleman has explained as far as it is possible that the impact of this authorization legislation is such that it does not address itself to the particular situation.

Mr. FLORIO. That is correct. And as with all of the Members, the committee with oversight responsibility in this area would be happy to inquire and to assist the gentleman in getting some clarification.

Mr. GONZALEZ. I deeply appreciate that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. FLORIO).

The amendment was agreed to.

Mr. FLORIO. Mr. Chairman, I ask unanimous consent to strike section 103 of the bill, as amended. This provision deals with deferral of Amtrak's deal, and it is dealt with administratively. I understand there is no opposition to this request.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Mr. LENT. Mr. Chairman, reserving the right to object, I wonder if the gentleman could indicate whether the provision he is striking is the debt provision, that is no longer relevant and that was the subject of some discussion in October of 1983 when the House last considered this bill?

Mr. FLORIO. Will the gentleman yield?

Mr. LENT. I yield to the gentleman from New Jersey.

Mr. FLORIO. The gentleman is correct.

Mr. LENT. Mr. Chairman, I thank the gentleman, and I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

AMENDMENT OFFERED BY MR. MORRISON OF CONNECTICUT

Mr. MORRISON of Connecticut. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MORRISON of Connecticut: Page 13, after line 12, insert the following new section:

SAFETY STUDY

SEC. 111. (a) The General Accounting Office shall undertake a study, in consultation with the National Transportation Safety Board, the Federal Railroad Administration, the Office of Technology Assessment, Amtrak, and representatives of engineers and former employees who were employed as the second person in Amtrak locomotives, of the safety implications of stationing only one person in each locomotive powering regularly scheduled Amtrak passenger trains in the Northeast Corridor.

(b) The General Accounting Office shall report to the Congress the results of the study undertaken under subsection (a) within 9 months after the date of enactment of this Act.

Mr. MORRISION of Connecticut (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 Connecticut?

There was no objection.

Mr. MORRISON of Connecticut. Mr. Chairman, this amendment would require the General Accounting Office to study whether the practice of stationing only one person in each locomotive powering regularly scheduled Amtrak passenger trains in the Northeast corridor is a threat to safety.

Until January 1, 1983, Amtrak's Northeast corridor trains were operated by Conrail crews. Every locomotive was staffed by two persons, an engineer and a so-called fireman, who functioned as an assistant to the engineer. At the beginning of 1983, as a result of the Northeast Rail Service Act of 1981. Amtrak took over direct responsibility for supplying its own crews for trains in the corridor. The assistant's position was eliminated, putting 250 individuals out of work and raising serious questions about Amtrak's ability to operate these trains safely.

Except for metroliner and commuter trains, which are designed to allow movement between the passenger and locomotive compartments, no other passenger or freight trains in this country operate without two persons at the head end of the train.

An engineer's job is not easy. In the Northeast corridor, the engineer must be prepared to run the train at speeds of up to 120 miles per hour. Engineers must be prepared to deal with permanent speed restrictions which differ from track to track and change frequently from section to section. Crossings, stop signals, stations, switches, temporary speed restrictions and scheduled and emergency road work must all be negotiated, sometimes in weather conditions that bring all other transportation systems to a halt. At the same time, the engineer is required to keep a forward lookout for possible obstructions, including people, watch the platform while leaving the station and keep the train running on time.

It is important to remember that these trains are operated by human beings, not machines. It is not unusual for engineers to work long, closely spaced shifts that tend to make them less alert. They sometimes get ill or incapacitated and may suffer emotional, financial, and other personal problems that make it difficult for them to give their full attention to their jobs for every moment of every workday.

Until January or last year, each engineer had an assistant, a person to help keep track of temporary orders, signals, and station stops. This assistant also helped the engineer keep an effective lookout, especially when the engineer was distracted or when visibility was affected by conditions, curves in the roadbed or platform location, and be there to help keep him alert or back him up in the event of a health emergency. That engineer is now on his own, apparently without an effective backup system to insure the safety of passengers and the public.

There is certainly evidence that engineers do not always see everything of consequence on the tracks. Two recent accidents demonstrate the point. On February 6, 1983, just a month after Amtrak took over staffing of the trains and began operating with only one person in the locomotive, an Amtrak train hit and killed a man in Pawtucket, R.I. According to newspaper accounts, the train had rounded a curve a quarter of a mile before impact. The engineer did not immediately see the man and his three children who were on the tracks collecting aluminum cans. The group was first spotted not by the engineer, but by a conductor farther back on the train. The conductor pulled the whistle and brake cord, but it was too late to save the father who died while attempting to push his son from the path of the train.

The second incident involved an Amtrak road worker who was hit by an Amtrak train in New Jersey. The conductor did not even find out that he had hit someone until he had arrived at the next station stop.

In response to these tragic events and discussions with Northeast corridor engineers and firemen, I originally prepared amendments which would have required Amtrak to return the second person to the cab. Safety appears to require that result. However, in deference to objectives raised by Amtrak and others that the current situation is not dangerous, I have substituted an amendment for a safety study.

My amendment would require the GAO to study the Safety implications

of stationing only one person in the locomotive cab and directs GAO to consult with the National Traffic Safety Board, the Federal Railroad Administration, the Office of Technology Assessment, Amtrak, and representatives of engineers and former employees who had been serving as the second person in the locomotive prior to January 1, 1983.

At a minimum, the study produced by the GAO should include an assessment of the effectiveness of equipment and locomotive design features in protecting passengers and the public from injury in the event of the death or disability of the locomotive engineer and the extent to which stationing a second person in the locomotive would relieve such dangers.

The GAO also should consider the extent to which locomotive design, weather, other duties, fatigue and other human factors limit an engineer's ability to keep an effective lookout and whether stationing a second person in the locomotive would appreciably alleviate such problems.

Finally, the GAO should provide an estimate of the annual cost of stationing a second person in these locomotives.

This is an important issue. Congress should not wait for a major and perhaps tragic accident to occur before it asks what steps were taken to protect the public. I urge my colleagues to support this amendment.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. MORRISON of Connecticut. I yield to the gentleman from New Jersey.

Mr. FLORIO. I will be happy to accept the gentleman's request for a study of the safety implications of Amtrak operating these trains without firemen. This is an issue that traditionally is dealt with in the collective bargaining process, but the gentleman raises legitimate, serious questions that should certainly be studied, and I will be happy to accept the amendment.

Mr. LENT. Will the gentleman yield?

Mr. MORRISON of Connecticut. I yield to the gentleman from New York.

Mr. LENT. It is my understanding that the subcommittee will be having safety hearings on a number of issues involving the railroads. At that time we would be happy to have the gentleman's testimony on the firemen issue I am sure.

However, does the gentleman know what the position of Amtrak is on this particular amendment?

Mr. MORRISON of Connecticut. Last year, when I was prepared to offer amendments that would have required the reinstitution of firemen on the corridor and directed Amtrak to bargain with representatives of the former employees, Amtrak objected, arguing that the trains were being safely operated.

In response to what Amtrak had to say, I modified my position and am offering this requirement for a study. I do not have a specific response of Amtrak to this particular proposal, but I do not see how they could in any way be opposed to a thoughtful and careful study of whether or not there is a safety problem, which I do think there is.

Mr. LENT. The fireman was commonly a member of the crew on railroad trains at the time of the steam engine, but with the disappearance of the steam engine the fireman position is no longer relevant.

Mr. MORRISION of Connecticut. Unfortunately, the terminology of the use of the word "fireman" creates that impression. But the truth is that we are talking here about trains traveling in excess of 100 miles an hour, and the fireman is actually an assistant engineer. And the only trains in this country of this nature, of this construction and traveling at this speed which do not have two persons in the cab are the trains in the Northeast corridor, the most heavily traveled passenger route in this country.

The people who do these jobs, the engineers and firemen, have expressed to me great concern about the safety implications and there have been fatalities since the change was made. We should have the GAO do this study and report back so we can clear the air one way or the other.

Mr. LENT. It is my understanding that Amtrak trains are equipped with alerters which are mechanical devices that are designed to immediately stop a train if the engineer does not respond appropriately to its signal. Is the gentleman familiar with that?

Mr. MORRISON of Connecticut. Yes. I am familiar with the alerters and I have discussed their operation with both engineers and firemen at some length. The alerters are designed to give the engineer a low-voltage electric shock if he does not touch metal in the cab sufficiently frequently, thereby indicating he is alert and active. If the engineer, once so alerted, does not reset the device—again, by touching metal—the train is automatically stopped.

These devices are not foolproof, however. The fact is that if an engineer slumps over, having had a heart attack or having fainted, and is in any way touching metal, the alerter will not do its job.

The CHAIRMAN. The time of the gentleman from Connecticut (Mr. MORRISON) has expired.

(By unanimous consent Mr. MORRISON of Connecticut was allowed to proceed for 2 additional minutes.)

Mr. MORRISON. The alerter can fail and for that reason it does not guarantee safe operation of the train in the event of an engineer's death or disability.

Beyond that, in other circumstances the amount of time that may elapse before the alerter is activated may be too long to adequately protect passengers and the public.

Mr. LENT. How does the gentleman respond to the fact that, for example, railroads like the Long Island Railroad has operated 430 trains per day without firemen, has done so for over 40 years, and the fact that Amtrak has been running trains without firemen now for 14 months and Amtrak's safety record today is better than when two persons were in the cab?

Mr. MORRISON. Let me deal with those two questions separately.

First, the Long Island Railroad is a commuter route. These routes involve frequent stops and low speeds which rarely exceed 40 to 50 miles an hour, never faster than 60 to 70 miles an hour. Most of the Long Island Railroad equipment is not of the sort that is being used on the Northeast corridor with only one engineer.

□ 1540

The equipment being used on the Northeast corridor travels both faster and is less accessible to entry from the passenger compartments, unlike both commuter and Metroliner equipment which are designed to allow easy access to the locomotive engineer from the passenger compartment.

As for the accident record, I do not think enough time has passed to conclude that the situation is not going to pose a long-term danger. We do know that, over the past 14 months, there have been at least two fatalities that may be attributed, at least in part, to a lack of visibility for the engineer when there is no help from a second person in the cab.

I think very few would sanction flying airplanes in similar circumstances in this country with only one pilot, yet we are operating trains in which a similar danger exists.

Mr. LENT. Let me just say I am not enthusiastic about the gentleman's amendment, but I want to commend him for watering it down to a study. Under those circumstances, I am not going to oppose the amendment.

Mr. MORRISON of Connecticut. I thank the gentleman. I think a study will do us all some good.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. MORRISON).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title I?

The Clerk will designate title II.

The text of title II is as follows:

TITLE II—MISCELLANEOUS PROVISIONS

EMPLOYEE PROTECTION

SEC. 201. Section 106(c) of the Rock Island Railroad Transition and Employee Assistance Act (45 U.S.C. 1005(c)) is amended by striking out "1984" and inserting in lieu thereof "1985".

AUTHORIZATION OF APPROPRIATIONS

SEC. 202. Section 507 of the Rail Safety and Service Improvement Act of 1982 (96 Stat. 2554) is amended by adding at the end the following new sentence: "There is authorized to be appropriated to the Secretary of Transportation for the Office of the Administrator of the Federal Railroad Administration $12,000,000 for the fiscal year ending September 30, 1984.".

UNITED STATES RAILWAY ASSOCIATION

SEC. 203. (a) Section 201(d)(1) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 711(d)(1)) is amended—

(1) by striking out "five" and inserting in lieu thereof "three";

(2) by striking out subparagraphs (B) and (D); and

(3) by redesignating subparagraphs (C) and (E) as subparagraphs (B) and (C), respectively.

(b) Section 201(d)(2) of such Act is amended by striking out the first sentence.

(c) Section 201(e) of the such Act is amended by striking out "1983" and inserting in lieu thereof "1985".

(d) Section 201(f) of such Act is amended by striking out "Three" and inserting in lieu thereof "Two".

(e) The first subsection (g) of section 201 of such Act is amended by inserting "FINANCE COMMITTEE FUNCTIONS.—" after "(g)".

(f) The first subsection (h) of section 201 of such Act is amended by inserting "REPRESENTATIVES.—" after "(h)".

(g) The second subsections (g) and (h) of section 201 of such Act are redesignated as subsections (i) and (j), respectively.

UNITED STATES RAILWAY ASSOCIATION AUTHORIZATION

SEC. 204. Section 214(c) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 724(c)) is amended—

(1) by striking out "and" after "September 30, 1982,"; and

(2) by inserting ", and not to exceed $3,000,000 for the fiscal year ending September 30, 1984" and "September 30, 1983".

NOTICE EXTENSION

SEC. 205. Section 308 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 748) is amended—

(1) in subsection (c)(1) by striking out "1983" and inserting in lieu thereof "1985";

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

"(3) No notice of insufficient revenues may be filed under this subsection after the sale or disposition of the interest of the United States in the Corporation under title IV of this Act."; and

(3) in subsection (e)(1) by inserting "or (c)" after "subsection (b)".

CONGRESSIONAL APPROVAL

SEC. 206. (a) Section 401(a)(3) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 761(a)(3)) is amended to read as follows:

"(3)(A) The Secretary shall implement any plan submitted under paragraph (2) only if such plan is enacted into law in its submitted or in a modified form. The Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate shall attempt to review and hold hearings on proposed legislation which embodies any such plan within 60 calendar days after such plan's submission to the Congress and shall attempt to report such proposed legislation within 120 calendar days after such submission.

"(B) The Secretary may expend funds appropriated for such purpose to implement any plan enacted under subparagraph (A) without prior approval of any committee of the Congress.".

(b)(1) Section 407(d) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 767(d)) is amended by striking out the second and third sentences and inserting in lieu thereof the following new sentences: "The freight transfer agreements shall be considered finally approved only upon their enactment into law, in the transmitted or in a modified form. The Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate shall attempt to review and hold hearings on proposed legislation which embodies any such freight transfer agreements within 60 calendar days after the transmittal of such agreements to the Congress and shall attempt to report such proposed legislation within 120 calendar days after such transmittal.".

(2) Section 408(a) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 768(a)) is amended by striking out "neither House of Congress has acted to disapprove the freight transfer agreements within 60 days" and inserting in lieu thereof "the freight transfer agreements have been enacted into law under section 407(d) of this Act".

BENEFIT EXTENSION

SEC. 207. (a) Section 701(a)(1) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 797(a)(1)) is amended by striking out "taken under this Act and" and inserting in lieu thereof "taken under this Act or".

(b) Section 701(d)(1) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 797(d)(1)) is amended by striking out ", or provide benefits for any individual employee in excess of $20,000." and inserting in lieu thereof a period and the following new sentence: "Such agreement and benefit schedule may not provide benefits for any individual employee in excess of $20,000, except that in the case of an individual employee who has elected to receive benefits under article IV of any benefit schedule prescribed under this section by the Secretary of Labor on December 11, 1981, and who has exhausted such benefits between April 1, 1983, and December 31, 1983, such benefits shall be extended for a period of six months from the date they were exhausted.".

RAILROAD ACCOUNTING PRINCIPLES BOARD

SEC. 208. (a) Section 11161(f) of title 49, United States Code, is amended by striking out "effective date of the Staggers Rail Act of 1980" and inserting in lieu thereof "members of the Board are appointed under this section".

(b) Section 11162(a) of title 49, United States Code, is amended by striking out "effective date of the Staggers Rail Act of 1980" and inserting in lieu thereof "members of the Board are appointed under section 11161 of this title".

(c) Section 11167 of title 49, United States Code, is amended by striking out "effective date of the Staggers Rail Act of 1980" and inserting in lieu thereof "members of the Board are appointed under section 11161 of this title".

(d) Section 11168 of title 49, United States Code, is amended—

(1) by striking out "1981" and inserting in lieu thereof "1984";

(2) by striking out "1982" and inserting in lieu thereof "1985"; and

(3) by striking out "1983" and inserting in lieu thereof "1986".

NONNAVIGABLE WATER

SEC. 209. (a) The property described in subsection (b) of this section is declared to be not a navigable water of the United States within the meaning of the Constitution and the laws of the United States, and the consent of Congress is hereby given to the filling in of, and the erection of permanent structures on, all or any part of such property. The right to alter, amend, or repeal this section is hereby expressly reserved.

(b) The property referred to in subsection (a) of this section consists of the following two parcels of land:

(1) All that piece or parcel of land, containing one hundred and eight acres more or less, situate, lying and being in the city of Jersey City, Hudson County, State of New Jersey, upon or around that certain lot or piece of land known as the Caven Point Area, being more particularly described as follows:

Beginning at a point in the southeasterly end of Caven Point Road, said point being located the following two courses from the intersection of the southeasterly right-of-way line of Caven Point Road with the northeasterly boundary line of the whole tract of land (course numbered 9 in Deed Book 3145, Page 439): (a) Along said line of Caven Point Road south 31 degrees 21 minutes 52 seconds west 359.61 feet to an angle point in the northeasterly right-of-way of Caven Point Road; (b) thence along same line south 52 degrees 42 minutes 47 seconds east 47.22 feet to the proper point of beginning;

thence south 58 degrees 49 minutes 22 seconds east along a line 287.51 feet to a point;

thence south 50 degrees 13 minutes 51 seconds east along a line 460.77 feet to a point;

thence south 13 degrees 06 minutes 47 seconds east along a line 312.39 feet to a point;

thence south 11 degrees 10 minutes 08 seconds east along a line 368.44 feet to a point;

thence north 69 degrees 48 minutes 51 seconds east along a line 328.80 feet to a point;

thence south 04 degrees 42 minutes 41 seconds west along a line 644.45 feet to a point;

thence south 24 degrees 29 minutes 01 seconds west along a line 213.78 feet to a point in the southerly edge of an existing concrete pier (41.30 feet wide);

thence south 44 degrees 26 minutes 38 seconds west along a line (being course numbered 28 in the above mentioned deed) 6.87 feet to a point;

thence north 47 degrees 47 minutes 04 seconds west along a line (being course numbered 29 in the above mentioned deed) 231.00 feet to a point;

thence south 44 degrees 16 minutes 49 seconds west along a line (being course numbered 30 in the above-mentioned deed) 26.34 feet to a point;

thence north 45 degrees 30 minutes 22 seconds west along the northeasterly line of lands now or formerly of the United States Government (Caven Point Marine Base) and the projection of same 1,905.57 feet to a point;

thence north 88 degrees 14 minutes 02 seconds west along a line 1,184.70 feet to a point in the southwesterly boundary line of the whole tract (course numbered 33 in the above-mentioned deed);

thence north 49 degrees 07 minutes 25 seconds west along said boundary line 340.61 feet to a point in the southeasterly right-of-way line of New Jersey State Highway Route 185;

thence along the same several courses and distances as recorded on the right-of-way plans for said Route 185 to the point or place of beginning.

(2) All that piece or parcel of land, containing 18 acres more or less, situate on the northwesterly side of New Jersey State Highway Route 185, more particularly described as follows:

Beginning at a point in the southeasterly right-of-way line of lands now or formerly of Lehigh Valley Railroad Company (National Docks Branch), said point being the intersection of said line with the southwesterly lines (if projected) of lands now or formerly of the United States Government (Caven Point Army Terminal);

thence south 45 degrees 37 minutes 46 seconds east along said southwesterly line of U.S. Government property 774.30 feet to a point in the northwesterly right-of-way line of New Jersey State Highway Route 185;

thence in a southwesterly direction along the several courses and distances along the right-of-way line of said Route 185 to the intersection with the northeasterly line of lands now or formerly of the trustee of the Lehigh Valley Railroad;

thence north 49 degrees 07 minutes 25 seconds west along said line and also along lands now or formerly of the Linden Urban Renewal Association 724.27 feet to a point in the aforesaid southeasterly right-of-way of the Lehigh Valley Railroad Company;

thence north 37 degrees 13 minutes 52 seconds east along the same line 953.84 feet to a point or place of beginning.

NORTHEAST CORRIDOR

SEC. 210. The second to the last sentence of section 704(a) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 854(a)) is amended by striking out "or reserve for expenditure".

TECHNICAL AMENDMENT

SEC. 211. Section 408(d) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 768(d)) is amended by striking out "further Federal financing before such date, such sale may be made before such date" and inserting in lieu thereof ", before June 1, 1984, funding from the Federal Government in excess of amounts authorized as of the effective date of the Rail Safety and Service Improvement Act of 1982, such sale may be made before June 1, 1984".

RAILROAD RETIREMENT BOARD

SEC. 212. Section 7 of the Railroad Retirement Act is amended by adding at the end the following new subsection:

"(f) The Board shall not, after the date of the enactment of the Amtrak Improvement Act of 1983, enter into any contract with any carrier or carriers (as defined for the purposes of section 1842(g) of the Social Security Act) to perform the functions set out in section 1842 of the Social Security Act with respect to individuals entitled to benefits as qualified railroad retirement beneficiaries described in such section 1842(g) and shall not, after September 30, 1984, continue any contractual relationship under any such contract.".

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

Mr. FLORIO. Mr. Chairman, I ask unanimous consent that the first four committee amendments to title II be considered as read, printed in the RECORD, considered en bloc and agreed to en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objections

The text of the committee amendments referred to is as follows:

Committee amendments: Page 14, line 3, through page 14, line 24, amend section 203 to read as follows:

UNITED STATES RAILWAY ASSOCIATION

SEC. 203. (a) Section 201(d)(2) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 711(d)(2)) is amended by striking out the first sentence.

(b) Section 201(e) of such Act is amended by striking out "1983" and inserting in lieu thereof "1985".

(c) The first subsection (g) of section 201 of such Act is amended by inserting "FINANCE COMMITTEE FUNCTIONS.—" after "(g)".

(d) The first subsection (h) of section 201 of such Act is amended by inserting "REPRESENTATIVES.—" after "(h)".

(e) The second subsections (g) and (h) of section 201 of such Act are redesignated as subsections (i) and (j), respectively.

Page 15, line 20, strike out "$3,000,000" and insert in lieu thereof "$2,500,000".

Page 18, line 1, through line 18, strike out section 207.

Page 19, line 15, through page 23, line 13, strike out section 209.

The CHAIRMAN. The Clerk will report the final committee amendment to title II.

The Clerk read as follows:

Committee amendment: Page 24, after line 7, strike out section 212 and insert in lieu thereof the following new sections:

RAIL SERVICE IMPROVEMENT

SEC. 212. Section 217(f)(1) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 727(f)(1) is amended—

(1) in subparagraph (A) by striking out "$137,000,000" and inserting in lieu thereof "$131,790,000";

(2) in subparagraph (C) by striking out "and" after the semicolon;

(3) in subpargraph (D) by striking out the period and inserting in lieu thereof a semicolon; and

(4) by adding at the end the following new subparagraphs:

"(E) of which not to exceed $4,925,000 shall be appropriated to the Secretary for transfer to the Delaware River Port Authority for the purpose of improving rail service;

"(F) of which not to exceed $210,000 shall be appropriated to the Secretary for transfer to the Department of Transportation of the State of Pennsylvania for 60 percent of the rehabilitation costs for the 5.6 mile Maitland Line off the Conrail main line in Mifflin County, Pennslyvania; and

"(G) of which not to exceed $75,000 shall be appropriated to the Secretary for transfer to the State of New Mexico for a study of the feasbility of establishing a high-speed rail corridor between Santa Fe and Albuquerque, New Mexico.".

NONNAVIGABLE WATER

SEC. 213. (a) The property described in subsection (b) of this section is declared to be not a navigable water of the United States within the meaning of the Constitution and the laws of the United States.

(b) The property referred to in subsection (a) of this section consists of the following two parcels of land:

(1) All that piece or parcel of land, containing one hundred and eight acres more or less, situate, lying and being in the city of Jersey City, Hudson County, State of New Jersey, upon or around that certain lot or piece of land known as the Caven Point Area, being more particularly described as follows:

Beginning at a point in the southeasterly end of Caven Point Road, said point being located the following two courses from the intersection of the southeasterly right-of-way line of Caven Point Road with the northeasterly boundary line of the whole tract of land (course numbered 9 in Deed Book 3145, Page 439): (a) Along said line of Caven Point Road south 31 degrees 21 minutes 52 seconds west 359.61 feet to an angle point in the northeasterly right-of-way of Caven Point Road; (b) thence along same line south 52 degrees 42 minutes 47 seconds east 47.22 feet to the proper point of beginning;

thence south 58 degrees 49 minutes 22 seconds east along a line 287.51 feet to a point;

thence south 50 degrees 13 minutes 51 seconds east along a line 460.77 feet to a point;

thence south 13 degrees 06 minutes 47 seconds east along a line 312.39 feet to a point;

thence south 11 degrees 10 minutes 08 seconds east along a line 368.44 feet to a point;

thence south 69 degrees 48 minutes 51 seconds east along a line 328.80 feet to a point;

thence south 04 degrees 53 minutes 00 seconds west along a line 516.88 feet to a point;

thence south 02 degrees 42 minutes 32 seconds west along a line 931.04 feet to a point;

thence south 04 degrees 42 minutes 41 seconds west along a line 644.45 feet to a point;

thence south 24 degrees 29 minutes 01 seconds west along a line 213.78 feet to a point in the southerly edge of an existing concrete pier (41.30 feet wide);

thence south 44 degrees 26 minutes 38 seconds west along a line (being course numbered 28 in the above-mentioned deed) 6.87 feet to a point;

thence north 47 degrees 47 minutes 04 seconds west along a line (being course numbered 29 in the above-mentioned deed) 231.00 feet to a point;

thence south 44 degrees 16 minutes 49 seconds west along a line (being course numbered 30 in the above-mentioned deed) 26.34 feet to the a point;

thence north 45 degrees 30 minutes 22 seconds west along the northeasterly line of lands now or formerly of the United States Government (Caven Point Marine Base) and the projection of same 1,905.57 feet to a point;

thence north 88 degrees 15 minutes 02 seconds west along a line 1,184.70 feet to a point in the southwesterly boundary line of the whole tract (course numbered 33 of the above-mentioned deed);

thence north 49 degrees 07 minutes 25 seconds west along said boundary line 340.61 feet to a point in the southeasterly right-of-way line of New Jersey State Highway Route 185;

thence along the same several courses and distances as recorded on the right-of-way

plans for said Route 185 to the point or place of beginning.

(2) All that piece or parcel of land, containing 18 acres more or less, situate on the northwesterly side of New Jersey State Highway Route 185, more particularly described as follows:

Beginning at a point in the southeasterly right-of-way line of lands now or formerly of Lehigh Valley Railroad Company (National Docks Branch), said point being the intersection of said line with the southwesterly lines (if projected) of lands now or formerly of the United States Government (Caven Point Army Terminal);

thence south 45 degrees 37 minutes 46 seconds east along said southwesterly line of U.S. Government property 774.30 feet to a point in the northwesterly right-of-way line of New Jersey State Highway Route 185;

thence in a southwesterly direction along the several courses and distances along the right-of-way line of said Route 185 to the intersection with the northeasterly line of lands now or formerly of the trustee of the Lehigh Valley Railroad.

thence north 49 degrees 07 minutes 25 seconds west along said line and also along lands now or formerly of the Linden Urban Renewal Association 724.7 feet to a point in the aforesaid southwesterly right-of-way of the Lehigh Valley Railroad Company;

thence north 37 degrees 13 minutes 52 seconds east along the same line 953.84 feet to a point or place of beginning.

AMENDMENT OFFERED BY MR. FLORIO TO THE COMMITTEE AMENDMENT

Mr. FLORIO. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. FLORIO to the committee amendment:

Page 25, lines 6 through 17, amend the proposed section 212(4) by inserting "and" after "rail service;"; by striking out the quoted subparagraphs (F) and (G); and by adding after the quoted subparagraph (E) the following new subparagraph:

"(F) of which—

"(i) not to exceed $40,000 shall be appropriated to the Secretary for transfer to the State of New Mexico for a study of the feasibility of establishing a high-speed rail corridor between Santa Fe and Albuquerque, New Mexico; and

"(ii) not to exceed $35,000 shall be appropriated to the Secretary for transfer to the State of New Mexico for a study of the feasibility of constructing a rail line for the carriage of coal and other commodities from northwestern New Mexico.".

Mr. FLORIO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the committee amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Mr. BROYHILL. Mr. Chairman, reserving the right to object, I have a parliamentary inquiry.

The CHAIRMAN. The Clerk is identifying the amendment. He will read it now.

Mr. BROYHILL. Do we have copies of these amendments on this side?

Mr. FLORIO. I believe so.

The CHAIRMAN. The Clerk will identify the amendment.

The Clerk designated the amendment to the committee amendment.

The CHAIRMAN. Has the gentleman from North Carolina identified the amendment on the minority side?

Mr. BROYHILL. Mr. Chairman, all I am trying to do is find out where we are. This is not the amendment that is at the beginning of title II; this is an amendment at section 212. Is that what we are dealing with?

Mr. FLORIO. This is the amendment——

The CHAIRMAN. It is the amendment to the fifth committee amendment. The Clerk is presenting the gentleman with a copy of it now.

Mr. BROYHILL. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey that the amendment be considered as read and printed in the RECORD?

There was no objection.

Mr. FLORIO. Thank you, Mr. Chairman.

Mr. Chairman, the fifth and last committee amendment to title II also needs some updating.

As reported, the committee amendment includes authorizations for certain rail service improvements, all taken from an existing authorization. However, one of the proposed improvements, rehabilitation of the Maitland Line in Pennsylvania, has already been funded, because of the very effective efforts of the gentleman from Pennsylvania (Mr. SHUSTER). Thus, this amendment would delete the $210,000 authorized for this project.

The reported committee amendment also includes a $75,000 authorization to study the feasibility of a high-speed rail line between Santa Fe and Albuquerque, N. Mex. The gentleman from New Mexico (Mr. RICHARDSON) has called to our attention another important need. To meet this need, the amendment would reallocate $35,000 of this authorization to study the feasibility of construction of a rail line to carry coal and other commodities from northwestern New Mexico. This is merely a reallocation. No additional money would be authorized.

Overall, this amendment would reduce the proposed authorizations for rail service improvements by $210,000. I urge its adoption.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. FLORIO. I yield to the gentleman from New York.

Mr. LENT. I thank the gentleman.

Is this amendment the amendment that would reallocate the funds from the Maitland line, so-called?

Mr. FLORIO. Yes. This does not reallocate the funding for that line; this just recognizes the fact that since the last time we dealt with this bill the funding has been approved and this therefore just indicates that this authorization is not required.

Mr. LENT. Is this the so-called New Mexico funding?

Mr. FLORIO. It deals with the concern of the gentleman from New Mexico, as well as the concern of the gentleman from Pennsylvania.

Mr. LENT. I thank the gentleman.

Mr. FLORIO. Mr. Chairman, I yield back the balance of my time.

● Mr. RICHARDSON. Mr. Speaker, when this legislation was being considered by the House Energy and Commerce Committee, I offered an amendment to provide $75,000 to the State of New Mexico to study the feasibility of establishing a high-speed rail corridor between Santa Fe and Albuquerque. New Mexico Gov. Toney Anaya has strongly endorsed this rapid transit proposal, but the State lacks the funds necessary to study whether or not the train would be economically viable. My amendment was approved by the full committee.

The amendment the distinguished chairman of the Energy and Commerce Subcommittee on Transportation, Mr. FLORIO, is offering today at my request, would simply transfer $35,000 of this $75,000 to study the feasibility of constructing a rail line for the carriage of coal and other commodities from northwestern New Mexico. This amendment does not increase or add any cost to the bill.

Mr. Speaker, over the past several years, the Federal Government has spent a great deal of money assisting areas faced with the abandonment of railroads which were no longer making money. This amendment would provide a very small amount of money to determine the potential profitability of a railroad from northwestern New Mexico. Does it not make sense to find out if something will work before it is built instead of spending Federal dollars to bail out a project that proves to be a failure?

There are currently a number of proposals to construct a railroad from the Farmington area in northwestern New Mexico. It is vital that we have an independent body to study these proposals on their merits and determine which plan would be the most beneficial in terms of energy development and the tranportation of coal and other commodities. The potential for rational coal development in this region is great. But the coal cannot be sold without firm transportation commitments. Those commitments, however, cannot be given without the existence of a transportation system.

Mr. Speaker, my home State of New Mexico ranks 43d among the 50 States in per capita income. San Juan County, in northwestern New Mexico, continues to suffer from high levels of unemployment. The jobless rate on the Navajo Nation is staggering rang-

ing anywhere from 50 to 80 percent. Construction of a railroad would have the positive dual affect of increasing employment in the construction and mining industries while also increasing revenues on the reservation through fees from additional coal mining.

This proposed study is strongly supported by the State of New Mexico. In fact, Governor Anaya has sent legislation to the State legislature that would provide $35,000 in State matching funds for the feasibility study.

Mr. Speaker, I want to thank the gentleman from New Jersey (Mr. FLORIO) for his tireless assistance on this issue of great importance to New Mexico. Congressman FLORIO was recently in New Mexico to hold a field hearing on the Staggers Act and agreed that we should provide funding for this study.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. FLORIO) to the committee amendment.

The amendment to the committee amendment was agreed to.

Mr. ANDREWS of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, may I enter into a brief colloquy with my friend from North Carolina (Mr. BROYHILL)?

I am reliably informed that in Raleigh, N.C., which is in my district and of course the capital of our State, there are two Amtrak passenger trains that come through the Raleigh station; one is about 8 o'clock in the morning and the other, I understand, about 8 o'clock in the evening. The station there stays open 24 hours a day.

I am reliably informed that recently Amtrak agreed, in part, because of money furnished by the State of North Carolina through the Department of Transportation, to add another passenger train which will run from Richmond through Raleigh, Durham, Greensboro, on to Charlotte. That train will pass through Raleigh about noon, I am reliably informed that at about that time that decision was made and we thought we now had this service, Amtrak announced that in order to save money, I presume, the station will no longer be open except about an hour before that 8 o'clock train comes through in the morning; in other words, about 7 to 8, and again from about 7 to 8 in the afternoon.

If that is true, and we have called the Amtrak principal office here in Washington, and they tell us they do not know if that is true or not, that they will try to find out and let us know. But if that is true, it is certainly an example of a ridiculous waste of money through the Amtrak budget here as well as the State of North Carolina—and I presume Virginia is participating as well in helping to finance this 1-year experiment. We would have a train coming through there at noon. If prospective passengers seek to go there at a reasonable hour; 11 or 11:30, whatever; to purchase tickets and secure whatever assistance they might need to board the train; they will not be able to do so because the station is closed.

I would not suppose that you are aware of that?

Mr. BROYHILL. If the gentleman would yield.

Mr. ANDREWS of North Carolina. I yield to the gentleman.

Mr. BROYHILL. I thank the gentleman.

I am certainly not aware of this situation. I am aware of the fact that a train between Charlotte and Raleigh is being planned and that the State of North Carolina would be participating in that experiment.

It would seem to me only logical that the station be opened in order to take care of the needs of passengers at the time the train runs.

Mr. ANDREWS of North Carolina. I would think so, as well.

Mr. BROYHILL. We would be certainly glad to work with you, and I am sure the gentlemen from New Jersey, New York, and others will, to assure that passenger needs are taken care of. If we are going to build ridership on these trains, we have to take care of the needs of the passengers.

Mr. ANDREWS of North Carolina. I appreciate the good work that you and all of those to whom you referred do and I want to support it, but it is difficult to support programs if they are being operated in the fashion I believe this is, and I ask for the gentleman's assistance in straightening out that matter.

I thank the chairman.

□ 1550

Mr. KAZEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to get into a colloquy with the distinguished chairman of the subcommittee. I notice in the report on page 24, section 404, service changes, where within 30 days after receipt of comments—and this goes to the question that I asked the gentleman when he was in the well a while ago—said that the route changes did not affect the present law.

Yet, I notice section 404 service changes. It says that within 30 days after receipt of comments submitted by the Secretary and the Commission, under paragraph 2 of the subsection, the Board of Directors of the Corporation shall consider such comments and shall submit to the Congress a final proposal setting forth criteria and procedures under which the Corporation would be authorized to add or discontinue routes and services within the national system of inner-city rail passenger service.

Now, the criteria and procedures set forth in such final proposal shall take effect at the end of the first period of 60 calendar days of continuous session of the Congress after the date of submission unless either the Senate or the House adopts a resolution during such period stating that it does not approve such final proposal.

In other words, my interpretation is that before they can change these routes, the Commission, through the Board of Directors will submit to the Congress that recommendation. Am I correct?

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. KAZEN. I yield to the gentleman from New Jersey.

Mr. FLORIO. I thank the gentleman for yielding.

The gentleman is correct in describing what the procedure is that is followed. What we have tried to do is to not in any way change the substance of law with regard to the process.

But, as the gentleman knows, the legislative veto decision, the so-called Chadha decision that came down, requires the Congress to adjust to that decision. This is our effort to adjust to that decision.

Mr KAZEN. I understand, ´ Mr. Chairman.

The only thing that I wanted to make sure of was that when there is a service that is going to be changed or discontinued that then the Congress will have an opportunity to study that proposal before it is actually put into effect; am I correct?

Mr. FLORIO. The gentleman is correct in accordance with the process that is spelled out as the gentleman just cited.

Mr. KAZEN. Thank you.

Mr. Chairman, the reason I want to be clear on this is because of the situation which I described to the gentleman a while ago where the Sunset Limited train that goes from New Orleans to Houston to San Antonio to Del Rio, to El Paso and then on out to the west coast to San Francisco is now, I understand, in the talking stage of being changed to go from El Paso direct to Fort Worth and Dallas and down to Houston, cutting out that segment from El Paso, Del Rio, San Antonio, and Houston. And we whose districts lie along that route would like to have something to say about it, we would like to have some input and certainly we would not like for it to go into effect without at least having had an opportunity to study the proposal and at least make some recommendations through you, Mr. Chairman, and your committee to the Amtrak Board of Directors.

Mr. FLORIO. The gentleman is correct in his citation of what the process is.

Mr. KAZEN. In other words, then, I can rely on the fact that no change will be made by the Board of Directors of Amtrak unless the Congress is given notice according to this procedure.

Mr. FLORIO. In accordance with the procedures that the gentleman has stated.

Mr. KAZEN. I thank the gentleman.

The CHAIRMAN. The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. BROYHILL

Mr. BROYHILL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROYHILL: Page 16, line 11, through page 17, line 24, amend section 206 to read as follows:

CONGRESSIONAL DISAPPROVAL

SEC. 206. (a) Section 401(a)(3) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 761(a)(3)) is amended to read as follows:

"(3) The Secretary shall implement any plan submitted under paragraph (2) unless, before the end of the 60-calendar-day period of continuous session of the Congress beginning on the date the plan was submitted, such plan is disapproved by the enactment of a joint resolution of disapproval, the matter after the resolving clause of which is as follows: 'That the plan submitted by the Secretary of Transportation under section 401(a) of the Regional Rail Reorganization Act of 1973 to the Congress on——, for the sale of the interest of the United States in the common stock of the Consolidated Rail Corporation, is disapproved.'. (The blank space shall be filled appropriately.) For purposes of this subsection—

"(A) continuity of session of the Congress is broken only by an adjournment sine die; and

"(B) the days on which either House is not in session because of adjournment of more than 3 days to a day certain are excluded in the computation of the 60-day period.".

(b)(1) Section 407(d) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 767(d)) is amended by striking out the second and third sentences and inserting in lieu thereof the following new sentences: "The Secretary shall implement any freight transfer agreements transmitted to the Congress under this subsection unless, before the end of 60 calendar days of continuous session of the Congress after such transmittal, such freight transfer agreements are disapproved by the enactment of a joint resolution of disapproval, the matter after the resolving clause of which is as follows: 'That the freight transfer agreements approved by the Secretary of Transportation under section 407(c) of the Regional Rail Reorganization Act of 1973, and transmitted by such Secretary under section 407(d) of such Act to the Congress on , are disapproved.'. (The blank space shall be filled appropriately.) For purposes of this subsection—

"(1) continuity of session of the Congress is broken only by an adjournment sine die; and

"(2) the days on which either House is not in session because of adjournment of more than 3 days to a day certain are excluded in the computation of the period described in this subsection.".

(2) Section 408(a) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 768(a)) is amended by striking out "neither House of Congress has acted to disapprove the freight transfer agreements within 60 days" and inserting in lieu thereof "the freight transfer agreements have not been disapproved under section 407(d) of this Act".

Mr. BROYHILL. Mr. Chairman, could I ask at this time to withdraw the amendment? I thought that all of the amendments were out of the way, and I am apparently proceeding a little too quickly here.

Mr. Chairman, I ask unanimous consent to temporarily withdraw the amendment, so long as I preserve my right to offer the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

AMENDMENT OFFERED BY MR. FLORIO

Mr. FLORIO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FLORIO: Page 15, lines 20 through 22, strike out "and" before "not to exceed"; and insert ", and not to exceed $2,500,000 for the fiscal year ending September 30, 1985" after "September 30, 1984."

Page 14, line 2, insert ", and $11,100,000 for the fiscal year ending September 30, 1985" after "September 30, 1984".

Page 18, lines 20 through 23, amend section 208(a) to read as follows:

SEC. 208. (a) Section 11161 of title 49, United States Code, is amended—

(1) in subsection (c)(2), by inserting ", except that no such individual may be paid at a rate which exceeds the rate prescribed for level V of the Executive Schedule" before the period; and

(2) in subsection (f), by striking out "effective date of the Staggers Act of 1980" and inserting in lieu thereof "members of the Board are appointed under this section".

At the end of the bill, add the following new section:

TECHNICAL CORRECTION

SEC. 214. Section 301(f) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 741(f)) is amended to read as follows:

"(f) OFFICERS.—The officers of the Corporation shall include a chief executive officer and a chief operating officer, who shall be appointed by the Board of Directors and who shall serve at the pleasure of the Board; and such other officers as shall be provided for in the bylaws of the Corporation.".

Mr. FLORIO (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 New Jersey?

There was no objection.

Mr. FLORIO. Mr. Chairman, this amendment is designed to update title II. It contains four provisions.

First, the reported bill, as amended, has a fiscal year 1984 authorization for the U.S. Railway Association of $2.5 million. The amendment would provide a fiscal year 1985 authorization of $2.5 million. I want to make it crystal clear at this point the committee's strong views regarding the continued need for the USRA. USRA was originally set up by Congress to serve as an independent source of information on Conrail. That need still remains. In particular, USRA must be prepared to evaluate for the Congress any proposal submitted by the Department of Transportation for the sale of Conrail.

Second, the reported bill has a fiscal year 1984 authorization for the FRA Office of Administrator of $12 million. This amendment would add a fiscal year 1985 authorization of $11.1 million, as requested in the budget.

Third, the reported bill includes in section 208 a reauthorization for the Railroad Accounting Principles Board. The House in early February passed H.R. 4439, a clean bill to reauthorize the Board. In response to a concern expressed by the Appropriations Committee, H.R. 4439 included a provision limiting the pay of the Board's staff to executive level V. This amendment would add a similar pay limitation to the reauthorization in section 208, thus making section 208 and H.R. 4439, as passed by the House, identical.

Fourth, the amendment includes a technical amendment to restore a section of the Regional Rail Reorganization Act of 1973 inadvertently repealed when the Congress passed a nonsubstantive recodification bill. The section to be restored provides for the officers of Conrail.

This amendment basically updates title II. I urge its adoption.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. FLORIO. I would be glad to yield to the gentleman from New York.

Mr. LENT. I thank the gentleman for yielding.

I intend to make a unanimous-consent request to amend line 3 of the first amendment of the amendments en bloc to change the figure $2.5 million for the USRA authorization to $2.1 million.

I understand the gentleman will not offer any objection.

Mr. FLORIO. I do not offer any opposition. That is the amount of the needed appropriation and in accordance with our understanding. I have no objection to that request, if it were to be made now, it would be fine.

Mr. LENT. Mr. Chairman, I wonder if I would be out of order at this time to make a unanimous-consent request.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. LENT. Mr. Chairman, I ask unanimous consent to strike "$2.5 million" in line 3 of the first amendment

of the amendments offered en bloc by the gentleman from New Jersey (Mr. FLORIO) and insert in lieu thereof "$2.1 million".

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FLORIO. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. FLORIO) as modified.

The amendment, as modified, was agreed to.

AMENDMENT OFFERED BY MR. BROYHILL

Mr. BROYHILL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROYHILL:

Page 16, line 11, through page 17, line 24, amend section 206 to read as follows:

CONGRESSIONAL DISAPPROVAL

SEC. 206. (a) Section 401(a)(3) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 761(a)(3)) is amended to read as follows:

"(3) The Secretary shall implement any plan submitted under paragraph (2) unless, before the end of the 60-calendar-day period of continuous session of the Congress beginning on the date the plan was submitted, such plan is disapproved by the enactment of a joint resolution of disapproval, the matter after the revolving clause of which is as follows: 'That the plan submitted by the Secretary of Transportation under section 401(a) of the Regional Rail Reorganization Act of 1973 to the Congress on , for the sale of the interest of the United States in the common stock of the Consolidated Rail Corporation, is disapproved.'. (The blank space shall be filled appropriately.) For purposes of this subsection—

"(A) continuity of session of the Congress is broken only by an adjournment sine die; and

"(B) the days on which either House is not in session because of adjournment of more than 3 days to a day certain are excluded in the computation of the 60-day period.".

(b)(1) Section 407(d) of the Regional Rail Reorganization Act of f1973 (45 U.S.C. 767(d)) is amended by striking out the second and third sentences and inserting in lieu thereof the following new sentences: "The Secretary shall implement any freight transfer agreements transmitted to the Congress under this subsection unless, before the end of 60 calendar days of continuous session of the Congress after such transmittal, such freight transfer agreements are disapproved by the enactment of a joint resolution of disapproval, the matter after the resolving clause of which is as follows: 'That the freight transfer agreements approved by the Secretary of Transportation under section 407(c) of the Regional Rail Reorganization Act of 1973, and transmitted by such Secretary under section 407(d) of such Act to the Congress on , are disapproved.'. (The blank space shall be filled appropriately.) For purposes of this subsection—

"(1) continuity of session of the Congress is broken only by an adjournment sine die; and

"(2) the days on which either House is not in session because of adjournment of more than 3 days to a day certain are excluded in the computation of the period described in this subsection.".

(2) Section 408(a) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 768(a)) is amended by striking out "neither House of Congress has acted to disapprove the freight transfer agreements within 60 days" and inserting in lieu thereof "the freight transfer agreements have not been disapproved under section 407(d) of this Act".

□ 1600

Mr. BROYHILL (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 North Carolina?

There was no objection.

(By unanimous consent, Mr. BROYHILL was allowed to proceed for 5 additional minutes.)

The CHAIRMAN. The gentleman from North Carolina (Mr. BROYHILL) is recognized for 10 minutes.

Mr. BROYHILL, Mr. Chairman, this amendment replaces the language that is in the bill found on page 16—section 206.

Under the present law, the administration and the Department of Transportation is charged with the responsibility of working out a sale of Conrail to the private sector. Under the law as it presently exists, such a plan must be submitted to the Congress and would be subject to legislative veto.

As all of us are very well aware, the Supreme Court decision, in the case of Immigration and Naturalization Services against Chadha, declared the legislative veto unconstitutional. So, that provision governing the sale of Conrail must be amended. And what my amendment does is to bring present law—the present legislative provision—within the constitutional framework of the Chadha decision. It provides that there be a two-House disapproval mechanism, which entails Congressional review of the plan and possible disapproval, if that is the way it should go, and a submission of that to the President for his signature. Accordingly, in order to preserve the role of Congress that was originally envisioned in that Act, this amendment simply corrects the constitutional infirmities of the mechanism that is currently in place.

My concern over the language in the bill is it replaces that legislative veto provision with language that goes entirely too far.

Section 206 of the bill provides that Congress must approve a plan to sell Conrail in its submitted or modified form. In other words, this provision would in effect permit amendment of any or every detail of a proposed plan to sell Conrail that is submitted to the Congress.

My concern is that this kind of process is going to have a chilling effect on the proposed sale of Conrail. Prospective buyers are going to be very reluctant to come forward if they are first going to have to negotiate with DOT and then, having gotten an agreement on the details of a plan for the sale of the system, having to come up here to negotiate with 535 Members as to every detail of the plan.

I want to point out to Members who are here and who may be listening back in their offices that what section 206 does is to say that the appropriate committees of the House and the Senate shall—and listen to this—attempt to review and hold hearings on the proposed legislation within 60 calendar days, and shall attempt to report such proposed legislation within 120 calendar days after such transmittal.

Now, there are no requirements whatsoever in section 206 that anything be done. It only has these recommended days in here that are guidelines. There is no definitive timeframe in which Congress must act on a plan that is submitted by the DOT under the language that is in section 206.

I repeat again, the language of this section states that the appropriate committee will only attempt to hold hearings on such plan for a sale within 60 days, and will attempt to report legislation within 120 days. I submit again that any potential buyer is going to be discouraged from consummating a plan with the Secretary, knowing that these uncertainties are out there on the horizon, and will have a chilling effect on any prospective buyers coming forward for the purpose of purchasing Conrail.

This is the result I think that we wish to avoid.

The process, under the language of the bill, is open ended. It is not going to encourage any prompt consideration or final consummation of a sale of the railroad.

I want to point out at this point that the administration is very strongly opposed to this section and strongly objects to this provision and has stated to me, in no uncertain terms, that this language in this bill would make this particular bill a candidate for veto if this bill is passed by Congress in the present form.

Now, we all know that Conrail has been found to be a profitable entity, and thus we have given the green light under present law to the Secretary to sell Conrail as an entity. That was the purpose of the amendments of 1981, it was an attempt to try to preserve Conrail as a system and to avoid having a sale in pieces.

I do not think we ought to jeopardize the efforts of the Secretary of Transportation in her efforts to try to

not only keep Conrail together as an entity, but of course to assure that that system is going to be continued to operate at a profit.

I offer this amendment not only on my behalf but on behalf of the gentleman from New York (Mr. LENT). What our amendment attempts to do is to protect the substantial investment, not only in terms of capital but also in terms of operating subsidies, that have been given to Conrail over the years since Conrail was created a number of years ago.

Again, Mr. Chairman, I urge that this amendment be adopted. All this amendment does is to replace the present legislative veto provision that is in the law regarding the sale of Conrail. It replaces that with a mechanism that is constitutional, and replaces the language in section 206 which is going to have a chilling effect on the sale of the system.

Mr. FLORIO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think all individuals who are interested in preserving rail service in the Northeast must rise in strong opposition to this amendment. There is mischief afoot here. The amendment would seek to take away Congress ability to review a sale of Conrail. Because the sale of Conrail would have enormous implications, it is essential therefore that we reject this amendment so as to insure that Congress plays a role in that sale process, as they currently do, unequivocably, in the existing law. There is no doubt now that no sale can take place without legislation. The FRA Administrator has indicated that publicly, the Deputy Secretary of DOT has privately to the gentleman from New York (Mr. LENT) and to myself recounted that. There is no doubt about that being the law now; and, therefore, the question is: Why try to change the law to remove the Congress from this whole process?

We simply cannot let the Department of Transportation have carte blanche to do what it wants in this area. DOT tells us to trust them. It is my firm belief that that is not enough.

Under the Northeast Rail Service Act, DOT hired an investment banker to oversee the sales process, as required by the law. After paying the investment banker, Goldman, Sachs, hundreds of thousands of dollars, DOT rejected Goldman, Sachs advice that a public stock offering was the best course of action. Despite that expert opinion, DOT rejected the advice. Yet we are asked to trust DOT.

We have invested over $7½ billion of the taxpayers' money to preserve rail service in the Northeast and Midwest. Finally, as a result of legislation passed 2½ years ago, that investiment is beginning to pay off, with profits of over $300 million for Conrail last year.

Incredibly, just when this investment is paying off, the Department of Transportation is considering actions to give the railroad back to those who caused the problem in the first place. The Department is discussing selling Conrail to substantial former owners of the Penn Central. What is even more shocking is that the price proposed by the former Penn Central owners is only $400 million.

That is 1 year's profits for Conrail after we paid the Penn Central over $2 billion for the assets a short time ago, not counting the more than $3 billion we invested to fix up the plant.

Many would doubt that an arm of the Federal Government could be so blind to such a bad deal. Unfortunately, countless news reports suggest the reason for the administration's blindness: they suggest a determination to sell Conrail before the election regardless of the consequences. We are facing the loss of rail service in the Northwest and Midwest and the loss of over 30,000 jobs if the Department succeeds. This is the same DOT that wanted to have a Conrail fire sale 2 years ago.

This is the same Department which refuses to agree that any sale must be approved in legislation passed by the Congress. Yet we are asked to trust DOT.

We have been told previously by DOT that legislation would be needed in any event to implement a Conrail sale. Despite that admission, DOT now opposes specifically requiring implementing legislation before Conrail could be sold. If legislation will be required in any event, why is DOT opposed to saying this up front? What other motive could they have? Do they want to give Conrail back to the Penn Central owners that badly?

Now, DOT says specific legislation would hinder the sale effort. But under current law, a sale is subject to a legislative veto, which we now know is unconstitutional. In my view, the ability of the Secretary to sell conrail was contingent upon the legislative veto. With the striking down of the legislative veto, the Secretary has no power in this area. This current uncertainty, in my view, is more of a hindrance to a sale effort than a clear requirement of specific legislation.

The sale of Conrail is an event of enormous importance.

□ 1610

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. FLORIO) has expired.

(By unanimous consent, Mr. FLORIO was allowed to proceed for 5 additional minutes.)

Mr. FLORIO. Mr. Chairman, Congress must have the right to thoroughly review a proposed sale before it can take effect. This amendment would dilute that right. This amendment would allow DOT to give Conrail back to the former Penn Central owners. It must be defeated.

Mr. LEHMAN of Florida. Mr. Chairman, I move to strike the last word. I also would like to thank the minority for yielding at this time to the majority side.

Mr. Chairman, I rise in opposition to the amendment.

As a member and now as chairman of the Transportation Appropriations Subcommittee, I have been working on the Conrail issue for the last 5 years. And, due in large measure to the efforts of the distinguished chairman of the subcommittee on Commerce, Transportation and Tourism (Mr. FLORIO), I have seen Conrail make a remarkable transformation during that time from being $200 million a year loser to a $300 million a year winner. In the future, many expect Conrail to do even better.

The stakes in selling Conrail are huge—both in dollar terms and in terms of the economic future of the Northeast and Midwest. It is both appropriate and necessary for Congress to carefully review this sale to insure the taxpayers are properly represented.

My basic problem with the Broyhill amendment is that it removes the assurance that Congress will have a role and a voice in this important transaction. If this amendment is adopted, it would be possible for the President to completely cut Congress out of this process.

I know many of you are hearing reassuring words from the administration saying "do not worry, we will consult with you every step of the way." My colleagues should know that the administration made similar commitments to our Appropriations Subcommittee last year—pledging to fully consult on their progress and informing us of their deliberations. Since that time, the Wall Street Journal and the Washington Post have been more informative than the Department of Transportation.

We have been trying without success to get answers on the record to fundamental questions surrounding this sale. Questions Congress has a right to know such as:

What guidelines are being followed concerning service cuts on Conrail lines?

On what basis has DOT decided that the taxpayers can realize more from a sale this year than if the sale were deferred for a year or two?

What minimums or benchmarks have been set for potential offers?

How can we be assured that the administration places higher priority on receiving a proper price for Conrail than on selling Conrail before the election to please those who view Federal ownership as "socialistic"?

How will Conrail's employees and management be properly protected?

How will Federal and State tax implications be regarded in any deal that is struck?

What guidelines are being followed to screen out potential bidders who may be more interested in Conrail as a tax shelter or real estate holder than as a railroad?

Are the DOT officials responsible for these negotiations, many of whom are totally inexperienced in transactions of this sort, getting the best expert advice available and are they using it?

Answers of "trust us," or "we will make the best possible deal" do not satisfy our subcommittee nor should they satisfy this body.

At the moment, there is no basis available for confidence in the administration's negotiators. The public record presents mere generalities to describe how they are going about this sale.

Furthermore, I believe Congress, as the taxpayers' representatives, has an obligation to review any transaction that might be proposed. I do not think any of my colleagues would want to be in a position of having abdicated one's responsibility should this taxpayer-owned railroad be sold too soon and for too little.

I urge a "no" vote on the amendment.

Mr. LENT. Mr. Chairman, I rise in very strong support of this amendment offered jointly by the gentleman from North Carolina and I.

When this Congress put together the Northeast Rail Services Act in 1981, it was contemplated that the Congress would have the right to exercise a two-House veto. But it was the Secretary of the Department of Transporatation who was given the exclusive authority to negotiate a sale of Conrail to the private sector. That legislation was the result of months of difficult negotiations between Conrail, rail labor, the Congress, and the then Secretary of Transporation Drew Lewis.

At that time, Conrail was a financial disaster. It was losing a great deal of money daily. It was operating then under substantial Federal subsidies; it was an inefficient railroad; it was a railroad burdened with high labor costs and excess trackage requirements; it was a railroad frustrated by time-consuming abandonment procedures.

□ 1620

The 1981 law empowered Conrail management to abandon trackage with greater ease, to renegotiate its labor protection requirements and streamline its operation.

Those few of us at that time who had faith in Stanley Crane as a railroad executive and confidence in his ability to put Conrail on a profitable basis over a period of time insisted on a provision requiring Conrail's eventual sale to the private sector. In those dark days for Conrail, few in the Congress anticipated the kind of miraculous recovery Conrail would experience under Crane's leadership. In the eyes of many at that time, Conrail was a loser and at best would be sold off only in pieces, cherry-picked to death by various elements of the private rail sector.

But the gentleman from New Jersey (Mr. FLORIO) and I insisted that as part of the package, Conrail must be sold off as an entity if it passed certain profitability tests to be conducted by the U.S. Railway Association. As we all know now, the tests were conducted in 1983 and Conrail passed them with flying colors. Under the terms of the 1981 law, the Secretary is now endeavoring to sell Conrail in one piece as an operating railroad in such a way to insure that vital rail service in the Northeast will be preserved.

Congress made it very clear in that 1981 law what the procedure for the sale of Conrail was. We made it clear that it was the responsibility of the Secretary of Transportation to handle the sale negotiations. We explicitly gave the Secretary that authority.

We gave the Secretary the authority to hire an investment banker to advise the Department as to the best way to sell Conrail. The firm of Goldman Sachs was retained as investment banker by the Secretary, and that firm continues to give financial advice to this day. It has offered DOT several options for sale, including a public offering. DOT has not rejected that advice; it is still a pending option.

But one thing the 1981 law never contemplated was the interjection of the Congress into the sale process, and for very good reason. Any Member of this body who has had any contact with the real world of business and finance, particularly railroad deals, knows that no responsible executive would conclude a most complicated multibillion-dollar purchase agreement with the Department of Transportation knowing that 535 Members of the House and Senate could rewrite the terms, knowing that various committees could hold hearings and, of course, under the glare of kleig lights and cameras play off one Conrail suitor against another.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. LENT. I would be happy to yield to the gentleman from New Jersey.

Mr. FLORIO. Does the gentleman acknowledge that the Department of Transportation has acknowledged that no sale can take place without legislation?

Mr. LENT. That is true, and that is the point that I would make to the gentleman. We are going to need to legislate before a sale can be consummated. That is the gentleman's protection.

Mr. FLORIO. And does the gentleman acknowledge that the amendment that is being offered removes the authority in the legislation?

Mr. LENT. There is a big difference, I would advise the gentleman from New Jersey, in getting technical legislation passed at the end of the negotiations to ratify some provision of the sale. A big difference between that, which was what we contemplated back in 1981, and what the gentleman has included in this bill which would inject the Congress into the Conrail sale negotiations. It is obvious from listening to the gentleman from New Jersey today that he wants Congress to jump into these negotiations with both feet and second-guess the Department of Transportation.

The CHAIRMAN. The time of the gentleman from New York (Mr. LENT) has expired.

(By unanimous consent, Mr. LENT was allowed to proceed for 5 additional minutes.)

Mr. LENT. Now, that 1981 law did contain a provision for a two-House veto. We anticipated that if the DOT were so ill-advised or so unwise as to conclude a deal that offended the senses of Congress, a deal that was outrageous, section 206 provided an outlet for Congress to disapprove of the sale.

That provision, of course, is no longer constitutional because of the ruling in the Chadha case, but as I have just indicated in my colloquy with the gentleman from New Jersey, there will come a time at the end of this negotiation process when Congress will have an opportunity to ratify this sale.

Somehow in 1983, the Committee on Energy and Commerce, for no apparent reason, reversed the original sale procedure when it rewrote section 206 so that as it now stands it would require the approval of both the House and the Senate to any sale agreement in such a way as to put the Congress squarely into the process of determining the terms of the sale.

Mr. Chairman, that approach is totally wrong. That sort of an approach will almost certainly prevent any sale of Conrail as an entity. Section 206 as it now stands is an open invitation to every group to exert its prerogatives to come to Congress to pressure Congress for special provisions or other changes in a purchase agreement.

Mr. BROYHILL. Mr. Chairman, will the gentleman yield at that point?

Mr. LENT. Yes, I would be happy to yield to the gentleman from North Carolina.

Mr. BROYHILL. I thank the gentleman for yielding.

Mr. Chairman, the concern that I have is that under the terms of the language which is in section 206, there is no assurance that the Congress would have any opportunity to act on any such recommendation for sale, because all the language says is that the committee shall, and I quote, "attempt to report such proposed legislation within 120 calendar days."

So there is no assurance in this language that any action would take place.

Mr. LENT. Well, certainly the provision in section 206 as it now stands is an invitation to every special interest group in the Nation to come running to pressure Congress for special provisions or other changes in any purchase agreement. Knowing that that threat exists, no thinking business executive is going to get involved in a congressional second-guessing game.

I am convinced that if we do not amend section 206 today, as provided in the amendment offered by the gentleman from North Carolina, the United States is never going to sell Conrail as an entity. What will happen, I fear, and every Congressman in the Northeast ought to be aware, is that instead, Conrail is going to be cherry picked to death, to pieces, by neighboring rail lines.

Mr. Chairman, I strongly urge my colleagues to support the Broyhill-Lent amendment to section 206 and return to the original intent of Congress of 1981.

Mr. SHUSTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the amendment offered by my good friend, the gentleman from North Carolina, and I do so for several reasons.

First of all, Congress has a right to decide whether or not Conrail is going to be sold. It has a right to decide because it was this Congress, as the prepresentative of the people, which made the decision to pass the law which made possible keeping Conrail together, and which made possible Conrail's virtual success.

So this Congress has a right, since there is over $3 billion of the people's money invested, to decide whether or not some proposed sale should be made.

But beyond the right that this Congress should have, this Congress has a responsibility to pass on any sale of Conrail. We must be deeply concerned over whether or not such a sale will break up Conrail. We must be deeply concerned whether such a sale will not only propose to break up Conrail, but much more subtly, much more insidiously, lay the foundation from which Conrail can be broken up in the years ahead.

We have come too far, both the Congress, the Conrail management and the Conrail employees, too far from a bankrupt railroad which seemed doomed to failure, to a success story, and I need not recite that success story here.

□ 1630

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. When I am finished, I will be happy to yield.

Mr. Chairman, I need not recite that success story here today. We all know of Conrail's success.

The point is that we cannot afford to let any administration make decisions which sow the seeds for possibly destroying Conrail as an entity.

Let me emphasize to my friends on my side of the aisle that we are not talking here just about the Reagan administration, because it is highly possible that any such sale would be consummated after November of this year, and while I know my colleagues and I on my side of the aisle hope that it is the Reagan administration, the facts are that it might be a Hart administration or a Mondale administration. And I say to my friends particularly in the Northeast and I say to my friends on the other side of the aisle that if it is a Hart administration, just how much concern, consideration, and understanding do you think we are going to get for Conrail?

So the issue is not simply the Reagan administration; it is any administration downtown. It is the Congress giving up its right to decide, spending over $3 billion of the taxpayers' money to save Conrail and then turning around and saying to whomever the administration might be: "Go ahead. You make the decision. You decide. We are going to wash our hands of this decision."

So I say to my friends that this Congress has a responsibility to help make that decision.

Finally, I would remind the many Members who joined me in the fight against the mandatory airbag a few years ago of what happened. If the Members will recall, when the administration—at that time it happened to be a Democratic administration— put out the mandatory airbag requirement, I led the fight to support a resolution of disapproval, and we had 60 days in which to get the resolution to the floor of the House to disapprove that mandatory airbag requirement. I had 171 signatures, I had overwhelming support, and we went to the same committee, as it turns out, the Committee on Interstate and Foreign Commerce at that time, and the Members might recall that with overwhelming support, that airbag resolution never saw the light of day. The subcommittee bottled it up. In fact, they did not even vote on it the day the vote was to occur. They hid in the Cloak Room so they did not have a quorum, and that is the way a resolution of disapproval which had the overwhelming support of the Members of this House never even got to the floor.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. SHUSTER) has expired.

(By unanimous consent, Mr. SHUSTER was allowed to proceed for 3 additional minutes.)

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. Let me just finish this before I yield.

So for my friends who say it is good enough to have a 60-day resolution of disapproval, it is good enough to handle it in that fashion, I point to the facts, I point to the evidence, and I say that the very committee we are talking about bottled up such a popular resolution just a few years ago.

So I say, no, this Congress, the Members elected by the people, have a responsibility to deal with this important issue, to decide not only how the taxpayers' $3 billion investment is going to be treated but to decide what kind of a transportation system we are going to agree upon, which in large measure is going to contribute to or help destroy the future of Pennsylvania and the entire Northeast.

So for all those reasons, Mr. Chairman, I urge my colleagues on both sides of the aisle, if they care about transportation revitalization, if they care about the Northeast and the Midwest, to vote to defeat this pernicious amendment that we have before us now.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I am happy to yield to my friend, the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding and I rise in opposition to the Broyhill-Lent amendment and in support of the legislation which has been so ably authored by our colleagues from New Jersey (Mr. FLORIO) and his committee.

As a Member of Congress from the Northeastern United States, I am too fully aware of the impact on our shippers of the decimation of our rail system perpetrated by Conrail over the past decade.

We have witnessed Conrail's indifference to the just concerns of our shippers and to the citizenry of New York State. In my congressional district suffered from Conrail's ripping up of a rail line servicing a number of our municipalities for the purpose of selling the metal for scrap. We have seen Conrail refuse to repair a major rail link over the Hudson River—in fact, the only rail crossing of the Hudson between New York City and Albany—despite legislation being passed by Congress authorizing them

to repair and utilize the Poughkeepsie Rail bridge.

All of the Members of Congress from the Northeast have had Conrail tell them time and time again, "since we are not a Federal agency, we do not have to respond to your entreaties," and then come back, hat in hand, asking Congress to pay their bills.

Now, we have legislation before us which calls for appropriate congressional oversight over any sale of Conrail.

Mr. Speaker, the shippers of the Northeast believe that this proposed legislation is certainly just. For, too often, they have seen Conrail ignore the entreaties of the duly elected legislators, and have seen Conrail turn a deaf ear on their just problems.

We in Congress must not allow the future of our rail lines to slip even further out of our control. Over $6 billion of our taxpayers funds have been invested in an effort to salvage rail service throughout the Northeast. It would be incredible to waive any oversight of the final disposition of our taxpayer's investment.

Our shippers are depending upon us, as their elected officials, to insure that our precious and irreplaceable rail system is preserved, for now and for our future. I cannot, therefore, support any proposal which would take that future out of our hands.

Our rail shippers throughout the Northeast have been suffering from inadequate rail service for the past decade. We owe it to them to make certain that their interests are considered in the future rail service for our region. I do not believe that any Federal agency should be empowered with the right to sell any or all of Conrail from under our shippers unless the Congress has the right to review that sale and insure that our Nation's best interests are being protected.

The Broyhill-Lent amendment limits and weakens congressional oversight of the sale of Conrail, allowing a giveaway of the $7 billion Federal investment without congressional approval.

Accordingly, Mr. Speaker, I urge all of our colleagues to join with us in opposing the Broyhill-Lent amendment and in supporting H.R. 3648.

Mr. SHUSTER. Mr. Chairman, I thank my friend, the gentleman from Pennsylvania (Mr. SHUSTER), and I would say to my friend that it is important that there is bipartisan opposition here to this amendment.

I can understand that the Members, particularly those of us on our side of the aisle, feel a need and a responsibility to a degree to support the administration's position here. Certainly I support the administration's position on many, many issues, but on an issue of this significance and this importance, let us not just in lock step and by knee jerk support the administration, love it though we do. Let us make our own independent judgment on what is best for transportation in America and what is best for the Northeast and the Midwest, and on that basis let us defeat this amendment.

Mr. LENT. Mr. Chairman, I wonder if the gentleman would yield to me for a moment?

Mr. SHUSTER. I am happy to yield to my good friend, the gentleman from New York, and I remind him that we stood together in the fight to preserve Conrail.

Mr. LENT. Mr. Chairman, I appreciate that fact, and I commend the gentleman for his leadership back in 1981. I am just sorry and regretful that the gentleman is not with us today.

I would just like to point out to the gentleman that if this language that is currently in the bill is allowed to stand and is not amended and it has the effect which we anticipate of chilling any prospects for sale of Conrail as an entity, with the result that Conrail has to be broken up in pieces, I wonder how the gentleman's shippers in New York are going to be protected under that set of circumstances.

Mr. SHUSTER. Mr. Chairman, I would respond to my friend by saying that the 1981 act did provide for a congressional veto, which we now know is unconstitutional, but it did therefor clearly provide for congressional involvement.

Now, if somebody is suggesting—and I certainly do not input these motives to my good friend—that by eliminating all of this language, it is just too much trouble and it is too cumbersome to have the Congress involved.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. SHUSTER) has again expired.

(By unanimous consent, Mr. SHUSTER was allowed to proceed for 2 additional minutes.)

Mr. SHUSTER. So if indeed there is a chilling effect, if in fact that is true, then it would be just as bad for Congress to have been involved in some other fashion. So you either have to be against the congressional involvement or against congressional involvement, and it seems to me we cannot say it was all right in 1981 to write in congressional involvement but today suggest that somehow congressional involvement would be wrong.

Mr. BROYHILL. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I am happy to yield to my good friend, the gentleman from North Carolina.

Mr. BROYHILL. Mr. Chairman, I think what we are talking about is two entirely different things.

Mr. SHUSTER. No. I would reclaim my time, Mr. Chairman, and say that the bottom line is that we are talking about congressional action on the veto of any sale in 1981 or the approval of any sale now, the difference being largely that the veto we now know is unconstitutional.

I am not saying that the language is perfect in the bill, but I am saying that fundamentally what it does is provide for congressional approval.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I am happy to yield to the gentleman from New Jersey.

Mr. FLORIO. Mr. Chairman, the gentleman is 100-percent correct in framing the issue. What we are talking about is retaining congressional review, oversight, and ultimate approval, and there is not any question that DOT has acknowledged the fact that approval would be required, and this amendment would effectively take out that ability of Congress to oversee and ultimately approve a sale.

The fact of a chilling of a sale is somewhat ludicrous because negotiations are going on right now. That is in a sense what concerns us. Negotiations are going on, and no one knows what is going on. The chairman of the ICC knows nothing about what is going on, and the chief executive of Conrail knows nothing about what is going on. What we find out as to what is going on and what is verified by the Department of Transportation is that there are other proposals that are floating around. One is the one that we read about in the Washington Post. The substantial former owner of the Penn Central has offered $400 million for this railroad that already has some $7 billion of taxpayers' money invested in it.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. SHUSTER) has again expired.

(On request of Mr. LENT, and by unanimous consent, Mr. SHUSTER was allowed to proceed for 4 additional minutes.)

Mr. FLORIO. Mr. Chairman, if the gentleman will yield further, the gentleman is aware of the fact that there is $2 billion worth of tax credits that go with this railroad system. Do we want here in Congress to be able to see that this railroad is sold for a railroad purpose so as to be sure that it is not sold for someone to liquidate or for someone to get the advantage of the tax benefits?

□ 1640

We should have the ability to ultimately approve, as we do in the law now. This amendment, unfortunately, will take that ability away; so the gentleman has framed it very well.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I will be happy to yield to the gentleman from New York.

Mr. LENT. I would just like to point out that the Department of Transportation has not kept the Members of

Congress in the dark. Just on the 28th of February the gentleman from New Jersey and I met with representatives of the Department of Transportation. The gentleman from Michigan (Mr. DINGELL) and the gentleman from North Carolina have also been kept up to date on the progress that has been made in the process of selling Conrail.

The Department is not attempting to circumvent the Congress here. We are kept fully aware. They will meet with anyone in the Congress at any time they want to be brought up to date on the progress or lack of progress on the Conrail negotiations.

Mr. SHUSTER. Mr. Speaker, if I might reclaim my time to respond to the gentleman, I would say that that is not an issue of concern to me.

I agree with the gentleman, and I do not have the same problems with the administration keeping us informed, but I say and I emphasize again, this is not all going to be accomplished by November. We are not just talking about the Reagan administration. We are talking about any administration; the Reagan administration, which many of us hope it is going to be, or the Hart administration, so the concern is not from this Member's point of view criticism of the present Secretary of Transportation. In fact, this Member has the highest regard for the Secretary of Transportation and the people with whom this Member deals down there.

The concern, whatever the administration might be——

Mr. LENT. Well, I share the gentleman's concern, whether it is the Reagan administration, the Mondale administration, or the Hart administration, whatever it might be, we all share that concern; but I think it should be pointed out there is no doubt that the Department of Transportation has made it clear that they intend fully to send any plan consummated to the Congress for review and, very possibly, ratification. That is a very different state of facts from what the gentleman's provision as incorporated by section 206 is.

Mr. SHUSTER. I would respond to my friend that I appreciate their good intentions. I am not sure should there be another administration they would have the same good intentions; but even if they were good intentions and even if they were carried out, never forget what happened to us, and we stood together on the airbag issue, never forget how that we had 60 days to disapprove that resolution and it was bottled up in committee. We never had a chance to work our will and this Congress, this House, has a right to work its will on the issue of the sale of Conrail and the language in the bill now is the only way I know of to provide for that.

Mr. BROYHILL. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from North Carolina.

Mr. BROYHILL. It is for that very point that I oppose the language as it is contained in section 206. The administration should negotiate a sale. There is no assurance in section 206 that that sale would be approved or even considered in committee. So, it seems to me if we want this process to go on, that we should at least adopt my amendment so as to assure that it will go forward.

Mr. SHUSTER. Let me respond to the gentleman, his concern in that there is no assurance that it will be considered in the committee. I offered to the gentleman before I came into the well to offer a perfecting amendment to strike out the words "the committee shall attempt to review and hold hearings" and to require the committee to hold hearings. The gentleman told me that was not good enough.

Mr. BROYHILL. Well, if the gentleman will yield, one Congress cannot tie the hands of another, so there is no assurance with that kind of language that the committee would act.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(At the request of Mr. BROYHILL, and by unanimous consent, Mr. SHUSTER was allowed to proceed for 2 additional minutes.)

Mr. BROYHILL. Mr. Chairman, if the gentleman will continue to yield, the only way that we can have assurance that the committee would act is with so-called expedited procedures. As the gentleman well knows, that kind of language is not in order here in the House, so that is the reason I did not offer it. If I could have, I would have offered expedited procedures to assure that the committee would act and the Congress would have a vote on this. But, unfortunately, because of the rules of the House, I am not able to do that.

Mr. SHUSTER. But certainly the gentleman is not questioning the good faith of the committee when they put in here the most they can put in under the rules, which spells out that they shall attempt to review and hold hearings and, indeed, the distinguished chairman has indicated to me that he would be willing to strike out attempt and say that the committee shall hold hearings, review and hold hearings, if that would satisfy the gentleman.

Mr. BROYHILL. If the gentleman will yield, these are vague terms and they leave in doubt as to how the Congress, or leaves to speculation at least, would review a very complex sales agreement and then enact it into law.

Mr. SHUSTER. By the gentleman's own admission, they are the best terms, the best words we can get. By the gentleman's own admission, we cannot strengthen that language much more.

Mr. BROYHILL. The gentleman may not be aware of this, I offered a compromise to the chairman of the subcommittee, which he turned down, and that is to make it an affirmative approval or a resolution of approval, as opposed to approval of every detail of the plan. He turned that down.

Mr. SHUSTER. Well, of course, what we have before us today is an amendment which would completely gut the ability of this Congress to approve the sale of Conrail, and that I vigorously oppose.

Mrs. ROUKEMA. Mr. Chairman, I move to strike the requisite number of words.

Mrs. ROUKEMA. Mr. Chairman, I rise in strong support of the Broyhill amendment.

I think we face a fundamental decision here today that bears directly on the future of freight rail service in the Northeast. Our choice is between voting for the Broyhill amendment which will assure the greatest chance of selling Conrail into the private sector as a single entity versus the Florio provision in H.R. 3648 that virtually guarantees that Conrail will be sold piecemeal.

Let us be clear. The Broyhill amendment seeks simply to return the Congress to the same position we were in after we passed the Northeast Rail Service Act. As you recall, that act directed the Secretary of Transportation to sell Conrail, giving Congress 60 days to disapprove the sale.

The Broyhill amendment would make the minor changes necessary to the law required after the Chadha decision, striking the legislative veto. Thus, Congress would again have 60 days to disapprove any plan submitted by the Secretary of Transportation for the sale of Conrail as an entity.

On the other hand, the language supported by Mr. FLORIO casts a cloud over the whole effort to sell Conrail by putting Congress in the position of approving or disapproving every minute aspect of the proposed sales agreement. Any astute businessman who might be interested in making an offer to purchase Conrail would be foolish to remain interested in acquiring Conrail if the potential buyer was told to negotiate first an agreement with the Secretary knowing full well that negotiations would then have to commence with 535 Members of the Congress.

If the Florio provision remains in the bill, it is likely that any parties who have expressed any serious interest in acquiring Conrail will lose interest and no new parties will demonstrate any interest.

Ultimately this will result in a transfer of Conrail in pieces, thus harming, not helping, rail service in the Northeast.

For this reason I urge you to reject the Florio provision and to support the Broyhill amendment thus assuring that Conrail can be sold as a single entity.

Mr. EDGAR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take my full 5 minutes. I just want to commend the gentleman from New Jersey for his leadership on this action.

Mr. Chairman, I rise in support of the committee position on section 206 of the bill and in opposition to the Broyhill-Lent amendment. In effect, the amendment now under consideration would place the issue of the sale of Conrail completely in the hands of Transportation Secretary Dole and the administration. We all know the reality that this session of Congress will be shortened due to the political conventions in the summer and the elections this fall. The proposed amendment would allow any sale of Conrail to go through in 60 days unless blocked by a joint resolution of Congress which could be vetoed by the President.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from New Jersey.

Mr. FLORIO. Mr. Chairman, I thank the gentleman for yielding. The gentleman has raised another important point. We will remove it from this administration and talk about it in terms of the gentleman from Pennsylvania—any administration.

Does anyone seriously think that a Secretary of Transportation would negotiate a sale that would not be approved by the President; so what we have is a situation whereby the Secretary might approve a sale that could be in the objective view of the Members of Congress inappropriate. The Congress would then take action to stop that sale, but that action would be vetoed by the President, whose Secretary agreed to the agreement.

The whole process the gentleman spells out is not as well thought out as it could be.

I appreciate the gentleman's opposition to this amendment.

Mr. EDGAR. Mr. Chairman, I thank the gentleman for his comments.

Clearly, the time constraints and the veto threat imposed by the conditions of the Broyhill-Lent amendment are intended to eliminate any real participation by the Congress in consideration of the sale of Conrail. The administration, of course, does not want Congress to get involved in Conrail negotiations. Ronald Reagan has committed himself to the sale of Conrail to the private sector. This is a Presidential election year. The political incentives for the administration to sell off Conrail on bargain terms to a private railroad before election day are quite obvious.

Only Congress can provide the necessary check to insure that the interests of Conrail workers, the communities served by Conrail, and the broad national interest are protected when the Secretary of Transportation sits down to make a deal on the sale of this now profitable and attractive property. More Conrail track miles are located in Pennsylvania than in any other State in our region. Already, communities in my State are facing a cutoff of essential rail service as a result of Conrail's reorganization under the Northeast Rail Services Act. This is true even though Congress placed several obligations on Conrail to try to preserve essential service under reorganization. How will communities in Pennsylvania and other Northeastern States be protected once Conrail is auctioned off to the highest bidder?

It must also be pointed out the Federal Government has now invested $7 billion in the preservation of Conrail service. In my view, our action to preserve freight rail service in the Northeast is one of our greatest successes in recent years. Countless businesses, jobs, and whole communities have been preserved through our action on this issue. Moreover, Conrail has now proved itself in the marketplace, making record profits in 1983.

But we cannot ignore the enormous Federal investment which we have made in Conrail. The process for recovery of that investment will be a key issue in any negotiations over the sale of Conrail. It would be a disaster for the administration to ignore the investment and the historic Federal commitment to Conrail for the sake of expediency in simply selling off Conrail to the private sector. Yet, this is what I fear will happen if Congress is effectively eliminated from negotiations or approval of the sale of Conrail.

I am not opposed to the sale of Conrail to any buyer so long as we find a way to protect national interests and preserve the commitments to adequate rail service which initially led us to create Conrail. In this regard, it is vital that we in the Congress who have played a crucial role in the creation and management of this corporation over the years have a real input into the terms of approval for any sale of this essential railroad.

I ask my colleagues to vote down the Broyhill-Lent amendment.

● Mr. LAFALCE. Mr. Chairman, I urge my colleagues to vote against the amendment being offered by the gentleman from North Carolina (Mr. BROYHILL).

At issue is the nature of a Conrail sale—whether Conrail is to be sold as an entity or in pieces.

I oppose the piecemeal sale of Conrail and I believe that the bill before us provides the greatest protection against such a sale. The amendment affords the administration the opportunity to sell Conrail in a piecemeal fashion even if Congress opposes such a sale.

Under the provisions of the amendment, the administration is required to submit a proposal for the sale of Conrail to Congress. The proposal would become effective within 60 days unless Congress enacts a resolution of disapproval that is signed by the President. Yet, it is highly unlikely that the President would approve congressional action that is contrary of the recommendations of his Transportation Secretary.

The bill before us requires the Department of Transportation to submit a proposal to sell Conrail as an entity or in a piecemeal fashion to Congress. Hearings must be held, and Congress must pass a bill approving the sale within 120 days. No sale could occur without congressional approval.

I am confident that Congress will not support the piecemeal sale of Conrail. I would hope that the administration will propose selling Conrail as an entity, but we should not take a chance.

I urge my colleagues to oppose the amendment thereby giving Congress the ability to effectively veto the piecemeal sale of Conrail.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. BROYHILL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BROYHILL. Mr. Chairman, I demand a recorded vote and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently, a quorum is not present. Pursuant to the provisions of clause 2, rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names.

[Roll No. 38]

Addabbo	AuCoin	Bethune
Akaka	Badham	Bevill
Albosta	Barnard	Biliraki s
Alexander	Barnes	Bliley
Anderson	Bartlett	Boehlert
Andrews (NC)	Bateman	Boggs
Andrews (TX)	Bates	Boland
Annunzio	Bedell	Boner
Anthony	Beilenson	Bonior
Applegate	Bennett	Bonker
Aspin	Bereuter	Borski

Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bryant
Burton (CA)
Burton (IN)
Byron
Campbell
Carper
Carr
Chandler
Chappell
Chappie
Cheney
Clarke
Clay
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Conable
Conte
Cooper
Coughlin
Courter
Coyne
Craig
Crane, Daniel
Crane, Philip
Crockett
D'Amours
Daniel
Dannemeyer
Darden
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
Dickinson
Dicks
Dingell
Donnelly
Dorgan
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fields
Fish
Flippo
Florio
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Franklin
Frenzel
Fuqua
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hansen (ID)
Hansen (UT)
Harrison
Hartnett
Hatcher
Hayes
Hefner
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Lloyd
Loeffler
Long (LA)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Martinez
Matsui
Mavroules
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McHugh
McKernan
McKinney
McNulty
Mica
Michel
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nielson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Pease
Penny
Pepper
Perkins
Petri
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Russo
Sabo
Savage
Sawyer
Schaefer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Simon
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Udall
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Wilson
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zschau

□ 1700

The CHAIRMAN. Three hundred ninety-two Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from North Carolina (Mr. BROYHILL) for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Five minutes will be allowed for this vote.

The vote was taken by electronic device, and there were—ayes 147, noes 254, not voting 32, as follows:

[Roll No. 39]

AYES—147

Andrews (TX)
Archer
Badham
Bartlett
Bateman
Bates
Bereuter
Bethune
Bilirakis
Bliley
Boehlert
Breaux
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Campbell
Chandler
Chappie
Cheney
Coats
Coleman (MO)
Conable
Coughlin
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Daub
Davis
Dreier
Duncan
Edwards (AL)
Emerson
Erlenborn
Evans (IA)
Fiedler
Fields
Franklin
Frenzel
Gingrich
Glickman
Gradison
Gramm
Green
Gregg
Gunderson
Hall, Ralph
Hall, Sam
Hammerschmidt
Hansen (ID)
Hansen (UT)
Hartnett
Hiler
Hillis
Holt
Hopkins
Hunter
Hyde
Ireland
Jenkins
Johnson
Kasich
Kazen
Kemp
Kramer
Lagomarsino
Latta
Leach
Leath
Lent
Lewis (CA)
Lewis (FL)
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Mack
Marriott
Martin (NC)
Martin (NY)
McCain
McCandless
McCollum
McEwen
McKernan
Michel
Miller (OH)
Molinari
Montgomery
Moore
Moorhead
Morrison (WA)
Myers
Nielson
O'Brien
Oxley
Packard
Parris
Pashayan
Patman
Pease
Petri
Porter
Pritchard
Pursell
Quillen
Roberts
Robinson
Rogers
Roth
Roukema
Schaefer
Schulze
Shaw
Shelby
Shumway
Skeen
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solomon
Spence
Stangeland
Stenholm
Stump
Sundquist
Tauke
Tauzin
Taylor
Thomas (CA)
Vander Jagt
Vandergriff
Vucanovich
Walker
Weber
Whitehurst
Whittaker
Winn
Wolf
Wortley
Zschau

NOES—254

Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Annunzio
Anthony
Applegate
Aspin
AuCoin
Barnard
Barnes
Bedell
Beilenson
Bennett
Bevill
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Britt
Brooks
Brown (CA)
Bryant
Burton (CA)
Byron
Carper
Carr
Chappell
Clarke
Clay
Clinger
Coelho
Coleman (TX)
Conte
Conyers
Cooper
Courter
Coyne
Crockett
D'Amours
Darden
Daschle
de la Garza
Dellums
Derrick
Dickinson
Dicks
Dingell
Donnelly
Dorgan
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (CA)
Edwards (OK)
English
Erdreich
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fish
Flippo
Florio
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gekas
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Gibbons
Gilman
Gonzalez
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Gray
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Hall (IN)
Hall (OH)
Hamilton
Harkin
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Hawkins
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Hightower
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Howard
Hoyer
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Huckaby
Hughes
Hutto
Jacobs
Jeffords
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kastenmeier
Kennelly
Kildee
Kolter
Kostmayer
LaFalce
Lantos
Lehman (CA)
Lehman (FL)
Leland
Levin
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Lipinski
Lloyd
Long (LA)
Long (MD)
Lowry (WA)
Luken
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MacKay
Madigan
Marlenee
Martin (IL)
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Matsui
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McCloskey
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Miller (CA)
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Mitchell
Moakley
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Morrison (CT)
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Ottinger
Owens
Panetta
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Smith (FL)
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Solarz
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Stokes
Stratton
Studds
Swift
Synar
Tallon
Thomas (GA)
Torres
Torricelli
Towns
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Volkmer
Walgren
Watkins
Waxman
Weiss
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Whitley
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Williams (MT)
Williams (OH)
Wilson
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Wise
Wolpe
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Wyden
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)

NOT VOTING—32

Ackerman
Berman
Biaggi
Carney
Collins
Corcoran

DeWine	Livingston	Rudd
Dixon	Markey	Sensenbrenner
Foglietta	Mazzoli	Shannon
Forsythe	McGrath	Siljander
Hance	Mikulski	Sisisky
Heftel	Nichols	Stark
Hertel	Paul	Weaver
Kindness	Pickle	Wylie
Kogovsek	Roybal	

□ 1710

Mr. WHITLEY and Mr. ROEMER changed their votes from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. EVANS OF ILLINOIS

Mr. EVANS of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EVANS of Illinois: At the end of the bill, insert the following new section:

EMPLOYMENT VACANCY FILING

SEC. 214. Section 704(c) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 797c(c)) is amended—

(1) by inserting "(1)" after "VACANCY NOTICES.—"; and

(2) by adding at the end a new paragraph as follows:

"(2)(A) As soon as the Board becomes aware of any failure on the part of a railroad to comply with paragraph (1), the Board shall issue a warning to such railroad of its potential liability under subparagraph (B).

"(B) Any railroad failing to comply with paragraph (1) of this subsection after being warned by the Board under subparagraph (A) shall be liable for a civil penalty in the amount of $1,000 for each vacancy with respect to which such railroad has so failed to comply.".

Mr. EVANS of Illinois (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 Illinois?

There was no objection.

Mr. EVANS of Illinois. Mr. Chairman, today I am offering an amendment to the Amtrak authorization bill which is designed to protect the rights of unemployed railroad workers.

Under section 704 of the Regional Rail Reorganization Act of 1973, Congress insured thousands of railroad workers certain right-of-first hire protections. These preferential hiring protections require the Railroad Retirement Board to maintain a list of unemployed railroad workers in order to promote the placement of those workers who possess the requisite skills and experience in appropriate positions with other railroads.

The railroads, in turn, are required to timely file with the Board any position vacancies for which the railroad intends to accept applications from workers other than the railroad's own employees.

This arrangement should work out well—railroads report the job vacancies to the Board, and the Board forwards to the railroad a list of eligible and capable workers seeking jobs. But there is just one problem: What happens if the railroad fails to report job vacancies to the Board?

Under current law, absolutely nothing happens. The Board has no statutory authority to enforce the reporting requirements Congress so clearly mandated in section 704 of the 3R Act.

My amendment is a simple, straightforward attempt to correct this situation.

It directs the Railroad Retirement Board to issue an official warning to any railroad found guilty of a first violation of the job reporting requirements contained in section 704(c) of the act. Following such a warning, any railroad found guilty of a second or subsequent violation of the law would be subject to a civil fine. This penalty would amount to $1,000 for each job vacancy not reported to the Board.

This amendment is a fair, reasonable solution to a very real problem. The Railroad Retirement Board has informed me that it believes most railroads do comply with the job reporting requirements. If this is so, my amendment will pose no threat or financial hardship to the law-abiding railroads.

But I have evidence, which I have presented to the distinguished chairman of the Commerce, Transportation and Tourism Subcommittee, Mr. FLORIO, that violations of the law have occurred. On such occasions, Congress should not be silent.

We must make it known that when a law is violated, appropriate sanctions will be imposed. If no appropriate enforcement mechanism exists, any law we pass is meaningless.

I urge my colleagues to support this simple, fair, and reasonable amendment in order to insure that the rights Congress awarded unemployed railroad workers are adequately protected.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. EVANS of Illinois. I yield to the gentleman from Illinois.

Mr. FLORIO. I thank the gentleman for yielding.

The committee has had an opportunity to look at the gentleman's amendment. It is a very good amendment and we are prepared to accept it.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. EVANS of Illinois. I yield to the gentleman from New York.

Mr. LENT. I thank the gentleman for yielding.

As I understand it, there is currently no penalty imposed for failure to report vacancies to the Railroad Retirement Board. This amendment would for the first time impose a penalty for failure to comply with an existing requirement, is that correct?

Mr. EVANS of Illinois. That is correct. The first offense would just merit a warning. The second and subsequent offenses $1,000.

Mr. LENT. I thank the gentleman for his explanation.

We have no objection.

Mr. EVANS of Illinois. I yield back the balance of my time.

Mr. CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. EVANS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. RAHALL

Mr. RAHALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RAHALL: On page 19, line 6, insert the following after the period:

Such section 11167 is further amended by adding the following at the end thereof: "The Commission is directed to postpone the adoption of the Uniform Rail Costing System (URCS) and continue to use Rail Form A methodology until the Board has developed its cost accounting principles. Such principles must be taken into account by the Commission during development and refinement of URCS.".

□ 1720

Mr. RAHALL. Mr. Chairman, this amendment is technical in nature to the Railroad Accounting Principles Board reauthorization contained in H.R. 3648.

The Board was originally authorized as part of the Staggers Rail Act of 1980 with a 3-year mandate to develop sound and reasonable railroad accounting principles necessary to determine the adequacy of railroad costs.

However, an appropriation was never provided for the Board and its authorization expired at the end of fiscal year 1983.

Because the work of the Board has become even more important than ever due to the ICC's recent changes in railroad ratemaking procedures, H.R. 3648 would reauthorize the Board for 3 years.

However, the ICC has in the meantime come up with its own version of a railroad costing tool and intends to finalize it this month. This procedure, known as URCS, has some serious flaws.

I note that it was because of our view that the ICC was unable to develop such costing principles on its own in the first place that the Railroad Accounting Principles Board was included in the Staggers Act. The Board would be independent from the ICC and would conduct its work under the auspices of the Comptroller General.

The Board is not only to promulgate railroad costing standards, but also to review what the ICC is doing in this area. However, the Board will not be

able to do this if the ICC has already finalized its version.

As such, my amendment would simply require the ICC to postpone URCS until the Board has a chance to review it.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. RAHALL. I yield to the distinguished chairman of the subcommittee.

Mr. FLORIO. Mr. Chairman, I would just reinforce the point the gentleman has made that this amendment is consistent with the actions of the House just a few weeks ago in voting to reauthorize the Railroad Accounting Principles Board. I think it is consistent with that, and I accept the amendment.

Mr. RAHALL. I thank the gentleman for his comments.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I want to compliment the gentleman on his amendment and to commend those responsible for this amendment to this point. This would allow the new Railroad Principles Accounting Board, which this body has just authorized and reauthorized and appropriated moneys for, to come up with the proper procedures for cost accounting for the railroads and ask the ICC to delay doing the same thing until the Principles Accounting Board can look at the procedure.

I commend the gentleman on his amendment, and I urge my colleagues to vote for it.

Mr. RAHALL. I thank the gentleman for his comments.

Mr. BROYHILL. Mr. Chairman, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from North Carolina.

Mr. BROYHILL. Mr. Chairman, could I also have the attention of the gentleman from New Jersey (Mr. FLORIO)?

It is my understanding that the Commission has under consideration a uniform rail costing system, and what this amendment would do is to delay the final promulgation of that particular rail costing system until the Board has had a chance to make recommendations.

My question is: Is there a requirement in this amendment that the ICC adopt the recommendations of the Board, or merely to take into account the Board's recommendations in the final promulgation of rail costing system?

Mr. RAHALL. In response to the gentleman's question, there is no such requirement in this amendment. It is merely a delay of the uniform rail costing system, the so-called URCS system, until the Board has had a chance to develop sound and reasonable railroad accounting principles.

Mr. BROYHILL. My question is with respect to what is required of the ICC at such time such recommendations are submitted to them.

Is the ICC required to adopt those recommendations in toto, or are they required to take into account the recommendations in the development and refinement of the uniform rail costing system?

Mr. RAHALL. The answer to the gentleman's question is the latter, that they are required to take into account the recommendations of the uniform rail costing system, but it is not a requirement that they be adopted.

Mr. BROYHILL. Can the gentleman shed any light onto the timeframe that would be required to come up with these recommendations? And how much time are we delaying the ICC from taking final action on the rail costing system?

Mr. RAHALL. Well, that is up to the congressional process of providing the moneys for the Railroad Accounting Board. As the subcommittee chairman has mentioned, we have taken that action here on the House side, and now it is dependent upon the Senate action.

Mr. BROYHILL. With those assurances, then, Mr. Chairman, I will withdraw my objection to this amendment and I will support it on those assurances of the gentleman from West Virginia.

Mr. RAHALL. I thank the distinguished gentleman for his support.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. RAHALL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FOLEY

Mr. FOLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FOLEY: At the end of the bill insert the following new section:

RAIL EMPLOYEE TAXES

SEC. 214. Section 11504(a) of title 49, United States Code, is amended by adding at the end the following new paragraph:

"(3) No part of the compensation paid by a rail carrier providing transportation subject to the jurisdiction of the Interstate Commerce Commission under subchapter I of chapter 105 of this title to an employee who performs his regular assigned duties as such an employee on a railroad in more than one State, shall be subject to the income tax laws of any State or subdivision thereof other than a State or subdivision thereof described in paragraph (2) of this subsection.".

Mr. FOLEY. Mr. Chairman, the purpose of this amendment is to clarify the intention of the law that railroad workers, transportation workers, should not be subject to multiple withholding unless they are residents of the State withholding or the locality withholding or have 50 percent or more of the mileage of their activity in that State or locality.

Mr. BROYHILL. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from North Carolina.

Mr. BROYHILL. I appreciate the gentleman yielding.

Mr. Chairman, we have examined this amendment. As the gentleman has stated, the problem here is that railroad workers are subjected to taxation in more than one State. What this amendment does is attempt to clarify that and to say that the worker will be taxed in his home State.

Mr. FOLEY. That is correct.

Mr. BROYHILL. We have no objection to the amendment.

Mr. FOLEY. I thank the distinguished gentleman.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the distinguished chairman of the subcommittee.

Mr. FLORIO. Mr. Chairman, we accept the amendment.

Mr. FOLEY. I thank the Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. FOLEY).

The amendment was agreed to.

Mr. CARPER. Mr. Chairman, I move to strike the last word for the purpose of having a colloquy with the gentleman from New Jersey (Mr. FLORIO).

Mr. Chairman, I would like to direct this question to the gentleman from New Jersey:

I am concerned about the status of work to be done at the Wilmington, Del., service facility as part of the Northeast corridor improvement program.

Specifically, I am wondering whether funds appropriated to the Wilmington facility will in any way be affected by this legislation.

Mr. FLORIO. If the gentleman will yield, I thank the gentleman for the question and would respond to him that we are working to insure that the moneys that have been authorized will in fact be appropriated so that the moneys can be completed for the entire Northeast corridor project, including the project that the gentleman is concerned about.

Mr. CARPER. I appreciate the gentleman's assurances. So I am to understand that no funds appropriated to the Wilmington facility will be diverted to any project in the Northeast corridor improvement project?

Mr. FLORIO. The gentleman is correct that actions by this committee are in no way jeopardizing the funding of the Northeast corridor project.

Mr. CARPER. I thank the gentleman.

Mr. Chairman, I yield back the balance of my time.

● Mr. PATTERSON. Mr. Chairman, I rise in support of H.R. 3648, the Amtrak Improvement Act, and I commend the gentleman from New Jersey for his work in bringing this important legislation to the floor.

Although the thrust of this legislation has my full support, I am concerned about one portion of this measure, section 106, which would have a detrimental effect on plans to construct a high-speed rail line between Los Angeles and San Diego.

The proposed Los Angeles-San Diego high-speed rail line will provide substantial economic benefits to southern California. One of the most significant aspects of this project is the strong interest which the private financial community has expressed in funding this enterprise. Section 106 of H.R. 3648 would endanger the California high-speed rail project because private financers would hesitate to invest in an enterprise that is potentially subject to inordinate delays and detailed intervention by the Congress.

Amtrak has indicated strong support for the Los Angeles-San Diego project and is satisfied with the provisions of the existing licensing agreement it has signed with the American High Speed Rail Corp. Amtrak's agreement with AHSRC provides for significant levels of consultation between Amtrak and AHSRC, including at least one Amtrak representative on the AHSRC board, and Amtrak opposes the additional requirements that would be established in H.R. 3648.

At least 14 States, in addition to California, have expressed an interest in high-speed rail projects. If this Nation's first attempt at developing high-speed rail becomes bogged down in extensive congressional intervention, it will set a precedent which could endanger the development of other high-speed rail projects in this country. As a supporter of high-speed rail, I will continue to monitor congressional actions that may affect the progress of these efforts.●

● Mr. SHARP. Mr. Chairman, Amtrak has informed me in recent days of its intention to switch the schedule of the Cardinal train that presently operates on a triweekly basis from New York to Chicago, effective on April 29, 1984. The Cardinal train connects numerous cities in Indiana, including Muncie and Richmond located in the east central part of the state. As a result of the schedule change, passengers in those two cities now will be forced to board the Cardinal at 1:49 a.m. and at 2:50 a.m. at Muncie and Richmond respectively for eastbound trains, and at 2:30 a.m. and at 1:29 a.m. respectively for westbound trains. These inconvenient boarding times will create a tremendous hardship for Indiana citizens, especially the elderly and the less fortunate who are heavily dependent upon public transportation, and will undoubtedly cause Amtrak a loss of ridership in the east central Indiana market.

It is incumbent upon Amtrak to justify this schedule change since it creates a hardship in Indiana where previously none had existed. Lacking sufficient justification, which to date has been the case, it is similarly incumbent upon Amtrak to retain its existing schedule and avoid implementing the new schedule. I will request that Mr. FLORIO's Commerce, Transportation, and Tourism Subcommittee look more fully into this matter to insure that as a passenger rail service, Amtrak is indeed providing the best service for its passengers by implementing this schedule change.●

● Mr. MARKEY. Mr. Chairman, I will be unavoidably absent from today's votes on the Amtrak Improvement Act, H.R. 3648. I regret this; H.R. 3648 is an important and well-crafted piece of legislation. It has been a privilege to work with my good friend JIM FLORIO to see this bill through the Energy and Commerce Committee, and I commend him for his leadership on this issue.

Had I been present for the vote today, I would have voted against the Broyhill amendment. The American people have made a very large investment in Conrail, and any disposition of Conrail must be made carefully, with direct legislative oversight. I would have voted for final passage of the Amtrak Improvement Act.●

The CHAIRMAN. Are there further amendments to the bill? If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BROWN of California) having assumed the chair, Mr. BENNETT, Chairman of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3648) to improve the cost effectiveness of the National Railroad Passenger Corporation, to authorize appropriations for such Corporation for the fiscal year ending September 30, 1984, and for other purposes, pursuant to House Resolution 320, he reported the bill back to the House with sundry amendments 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? If not, the Chair will put them en gros.

The amendments were 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.

□ 1730

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3648

Mr. FLORIO. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 3648, the Clerk be authorized to correct section numbers, punctuation, and cross references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending that bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

GENERAL LEAVE

Mr. FLORIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

THE TIME IS NOW TO SIGN DISCHARGE PETITION NO. 8

(Mr. KINDNESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINDNESS. Mr. Speaker, I had sought to participate in the overnight vigil prayer which concluded this morning a little bit before 9 o'clock. My scheduled time was 9 o'clock. I was on the elevator approaching the floor when the proceedings ended this morning; my having returned from Ohio this morning from a commitment there.

I am glad that the proceedings during the course of the night went so well, and I extend my congratulations to all those who participated so stalwartly in the overnight vigil, for what I believe to be one of the important purposes that present issues to this body.

The issue of school prayer is an issue with which we are concerned because it is an issue of freedom: Freedom of speech. I congratulate the gentleman from the State of Washington who spoke before on his effort to deal with a part of the question, but it is only a part.

Censorship of speech is a concept accepted by our society only in very limited circumstances, for very precise national security purposes; for security reasons in prisons, and to shield our children from prayer in school. That is all I can think of, three purposes.

The first article of the Bill of Rights, the first amendment, is supposed to guarantee us the right to speak publicly. It does not provide as-

surance that others will agree or that others will not express conflicting thoughts. It does not require that others listen or understand, but it does require Government to stay its hand to keep its place and keep its peace; to not interfere with the freedom each of us has to speak our mind as citizens of the United States of America.

What has happened to this God-given right which is confirmed in the Constitution of the United States? The court system has labored long and hard over a period exceeding 20 years to find the right words to excuse or justify the proscribing of prayer as a party of free speech in school settings.

Does the first amendment contain an exception for schools? Does it say that different rules apply in schools and that freedom of speech is allowed on any subject except subjects contained within a prayer? I do not find such a proscription or exception.

There is no reason, although the courts have proceeded far and broadly in their decisions that restrict religious activities and religious freedom when exercised in the school setting. But there is no reason for us in the legislative part of our Government to delay longer. There is no valid reason for any of our colleagues in this House of Representatives to give up the effort to bring the issue of freedom to pray to a vote in this House at this time, if they believe that this freedom should be restored.

I implore and plead with my colleagues to join us in signing Discharge Petition No. 8, which is at the Clerk's desk and which would bring to this House the question of a constitutional amendment dealing with school prayer on an open basis that would allow amendments, that would allow all of the alternatives to be considered. We owe it to the Nation of people who are speaking out today for the return of freedom of prayer in the schools.

The issue with which we are concerned is freedom—freedom of speech. Censorship of speech is a concept accepted by our society only in very limited circumstances: For very precise national security purposes, for security reasons in prisons, and to shield our children from prayer in schools.

The first article of the Bill of Rights, the first amendment is supposed to guarantee us the right to speak publicly. It does not provide the assurance that others will agree, or that others will not express conflicting thoughts. It does not require that others listen or understand. But it does require government to stay its hand to keep its peace, to not interfere with the freedom each of us has to speak our minds as citizens of the United States of America.

But what has happened to this God-given right which is confirmed in the Constitution of the United States? The court system has labored long and hard, over a period exceeding 20 years, to find the right words to excuse or justify the proscribing of prayer as a part of free speech in school settings. Does the first amendment contain an exception for schools? Does it say that different rules apply in schools—and that freedom of speech is allowed on any subject except the subjects contained within a prayer? I do not find such a proscription or exception.

The courts have created the exception and expanded it rather broadly. Perhaps it is not the fault of the courts. Perhaps the particular cases presented to them have been poor or awkward cases in which to find a basis for upholding the first amendment. Perhaps they were lousy cases presented by inept lawyers. Perhaps there are a thousand reasons for the unfortunate trend of court cases which have had the effect of eliminating prayer from public schools.

But there is no reason—no valid reason—for any of our colleagues in this House of Representatives to give up the effort to bring the issue of freedom to pray to a vote in this House, at this time, if they believe that this freedom should be restored.

I would like to take a moment to explain why I introduced House Joint Resolution 100 which provides that "Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in prayer."

I have never really understood what the opponents of school prayer are afraid of. Are they afraid that Congress will make Thanksgiving and Christmas Federal holidays? Are they afraid that we will stamp a reference to the Deity on our coins? Are they afraid we will hire chaplains to pray in the House and Senate? Are they afraid schoolchildren will make reference to the Almighty when they pledge allegiance to the flag?

People may argue about the value of prayer in the development of young personalities in schools, but it is not subject to exact measurement. Surely commonsense suggests that it can do more good than harm for children to learn about the customs, practices, and beliefs of other people, including cultural and religious differences, as well as common beliefs and practices. Clearly, the only people who are trying to impose their beliefs on others are those who would prohibit school prayer.

Although I personally doubt that anyone has been psychologically damaged to any serious degree by participating in the observance of prayer, it is important that this proposed amendment makes it clear that no government—Federal, State, or local—can require anyone to participate in prayer. That is not a governmental function any more than requiring a person to refrain from participating in prayer should be.

I simply do not agree that there is not a proper place for prayer in school, and for those who do not agree with me, I would like to give you a good example of exactly what the prohibition on prayer in school means.

When my daughter, Sharon, was in the first grade, Alan Shepard piloted the first manned U.S. space flight. As most of you remember, our first rockets had a tendency to explode on the launch pad or shortly after lift-off. During the flight, teachers in many of the classrooms in Hamilton, asked students if they would like to pray for the safety of Alan Shepard and all those who risked their lives in the service of our country. If those prayers did any damage to the children or to the separation of church and state, no one seemed to notice.

Three years later, when Sharon was in the third grade, President John Kennedy was brutally gunned down in Dallas. Classes were interrupted as the principal of Sharon's school made the shocking announcement. The assassination of President Kennedy was one of the most tragic and revolting events of the past century. Yet as the terrible pall of fear and shock spread, while the Nation waited to hear the fate of our President, teachers in Sharon's school did not dare suggest prayers for his recovery, or for the comfort of his family, because of the 1962 and 1963 judicial decisions to remove prayer from the schools.

The strength of prayer was one of the things we needed most on that awful day. I am sure that many silent prayers were offered in Sharon's school for President Kennedy. It seems to me that allowing the teachers to suggest a group prayer for the President would have done a lot to calm the fears of our children. And I do not think anyone would have quibbled about the acceptability of such a prayer.

It is hard to believe that the Congress has allowed the judiciary to have the final word on a matter of so much importance to so many Americans. This issue does not belong on the court dockets; it belongs in the legislatures.

Contrary to the expressed wishes of a majority of Americans, the school prayer amendment, House Joint Resolution 100, still languishes in the House Judiciary Subcommittee on Civil and Constitutional Rights.

Because the chairman is determined to keep the measure bottled up in the subcommittee, Congressman TRENT LOTT, the House Republican Whip, has filed discharge petition No. 8 to bring the bill before the House for its consideration. If 218 Members of the

House sign the petition, the bill will come before the House. The measure would come to the floor under an open rule, which means that amendments could be offered. If the Senate adopts a version that differs from House Joint Resolution 100, the House may choose to amend House Joint Resolution 100 to bring it in line with the Senate version, or the Senate could decide to accept the House version.

If the discharge petition does not receive the requisite number of signatures, the measure is virtually certain to be held hostage in one subcommittee for the duration of the 98th Congress.

The American people want prayer restored in public schools. The series of court rulings which has driven prayer from the classroom represent a raw power grab and defy commonsense. The time is long overdue for the people to decide the question through their elected representatives.

WOMEN'S HISTORY WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maine (Ms. SNOWE) is recognized for 60 minutes.

Ms. SNOWE. Mr. Speaker, before I begin my statement, I want to offer congratulations to the gentlewoman from California (Mrs. BOXER) for her hard work to make sure that "Women's History Week" was once again a reality which of course is the first week in March, and she is, of course, the primary sponsor of this resolution and I am glad that I was able to assist her in obtaining this special order.

Mr. Speaker, I am pleased to call this special order, today, commemorating Women's History Week. For the past 3 years, Congress has officially recognized the importance of women's historic contributions by designating the first full week of March as Women's History Week. As a cosponsor of the resolution creating Women's History Week, I share in the hope that women's important contributions will be made known to all Americans.

I want to offer my appreciation, especially, to the gentlelady from California, (Mrs. BOXER) for her hard work to make Women's History Week again a reality.

It has been observed that a people deprived of their history lose a sense of their cultural heritage. The omission of women from history textbooks has indeed deprived generations of half their cultural heritage. As Charles Adams, the grandson of Abigail and John Adams, noted in 1876:

> The heroism of females of the Revolution has gone from memory with the Generation that witnessed it, and nothing, absolutely nothing, remains upon the ears of the young of present but the faint echo of an expiring general tradition.

The efforts to listen for those faint voices of historic women who pioneered the way for so many of us have never been stronger. By setting aside this 1 week a year, Congress urges the American people to look back, and to take notice of the women who have made important contributions to the shaping of our Nation as leaders, thinkers, artists, and pioneers. In our continued struggle for equal rights, for fair pay, and for equal educational opportunity and equal employment opportunity, we do well to recall the lasting achievements of women who have gone before us. Women's historic ability to not only challenge the validity of oppressive laws, but also to create meaning, purpose, and dignity in their lives despite legal, social, and economic limitations, provides all Americans with vital examples of courage.

Webster defines courage as: "A quality of mind which enables one to encounter danger and difficulties with firmness and without fear." Ernest Hemingway has more simply stated that: "Courage is grace under pressure."

Whether one goes by Webster's definition or by Hemingway's, our history is enriched with our recognition of the accomplishments of America's many courageous women.

Mr. Speaker, I would like to take this opportunity to call attention to the accomplishments of several very special women from my home State of Maine.

Maine has a long tradition of strong and independent women who have made great contributions to not only the State, but to the country as well, through their literary and artistic contributions, through their determination to exercise their medical and legal skills, and through their political efforts.

Women's resistance to the imposition of dominant and repressive mores has generally resulted in creative new approaches. Maine women have been creatively solving their problems—and thereby changing the world around them—for centuries. For instance, an old legend has it that the Passamoquoddy tribe was founded because a Penobscot woman was feeling stubborn. Her husband-to-be was a Maliseet from the St. John area while her tribe was from the west of Machias. He did not want to live with her people, as was the custom, and she refused to live with his. Finally, she suggested that they pitch their wigwam on the prosperous banks of the St. Croix. The new tribe that followed was reputed to be peaceful and to have lived lives rich with the bountiful harvests from the waters.

Maine has been a creative source in other ways as well. Among writers, Maine's daughters include Harriet Beecher Stowe, famous not only for "Uncle Tom's Cabin," but also "The Pearl of Orr"—her Maine story which is considered among many to be her best.

Another writer, who not only set the tone for realism but whose stories are still sought out almost a century later, is Sarah Orne Jewett. Jewett's collection of Maine stories, "The Country of the Pointed Firs," has been put in the same class as Hawthorne's "Scarlet Letter" and Mark Twain's "Huckleberry Finn." Yet, among how many high school reading lists is she required or even recommended with the zeal that these other two writers are? Jewett is a classic example of a great woman whose contributions to our time have been nearly silenced.

There are so many great writers among the women of Maine that it is impossible to cover them all here. But, any discussion of Maine writers would be grossly incomplete without at least a mention of Edna St. Vincent Millay. Despite the deprivation of a formal education. inaccessible because of poverty, Millay overcame these barriers with her rich imagination and love for stories and poetry. By the time she was 31, she had published three volumes of poetry, and won a Pulitzer prize. Her work, like that of Jewett's and Stowe's, is enjoying a renaissance among readers of classics.

One of the more remarkable documentations among those of women's history in Maine is the diary kept by Martha Moore Ballard. Beginning in 1785, when Mrs. Ballard was 50, the diary continues for 27 years ending just a few weeks before her death at age 77. What makes this diary so interesting in its chronicling of the public occurrences in the everyday life of the Hallowel-Augusta area is Mrs. Ballard's perspective as a physican, nurse, and midwife. She not only delivered 966 babies in this 27-year span, but also chronicles the everyday occurrences which dominated the life of a wife and mother of that time: the daily business of carding cotton, brewing beer, and cutting alders to make a fence. The diary does well to remind us of not only the day-to-day hardships of Maine's pioneering women, but also reminds us of the everydayness of the lives of even those women who were as central to their community as Mrs. Ballard.

There are so many women of strength and independence in the history of Maine. Women who left their home State to find their way into medical and law schools hostile to such pursuits on the part of women. Undoubtedly, it was the persistent challenging by these women of the archaic traditions that might have otherwise dominated them, that paved the way for those of us who have chosen to pursue public service in the State and Federal Government. Particularly, the successful career of Mar-

garet Chase Smith provides a brilliant example to Maine women, and to all women, of what they can achieve in the public sphere.

Margaret Chase Smith, whose tenure in the U.S. Congress exceeds that of any other woman, served in the U.S. House of Representatives from 1940-49, and in the U.S. Senate from 1949 to 1973.

If I am to be remembered in history,

said Margaret Chase Smith,

it will not be because of legislative accomplishments but because of an act I took as a legislator in the United States Senate when on June 1, 1950 I spoke in the Senate in condemnation of McCarthyism at a time when the then junior Senator from Wisconsin had the Senate paralyzed with fear that he would purge any Senator who disagreed with him. That speech is known as the declaration of conscience.

But Margaret Chase Smith also earned distinction and the respect of her colleagues for her self-reliance, her firm grasp of the complexities of the Federal budget, and her astounding physical stamina. She worked long and hard to upgrade the position of women in the military. In her early years in the House she won a battle to give women regular status in the armed services rather than Reserve status.

Senator Smith announced her intention to seek her party's nomination for the Presidency in 1964, saying,

I have few illusions and no money, but I'm staying for the finish. When people keep telling you you can't do a thing, you kind of like to try it.

In the final tally at the convention, Margaret Chase Smith—Maine's favorite daughter candidate—had more delegate votes than anyone else except the GOP nominee himself, Barry Goldwater.

When Senator Smith retired, the Senate was left without a single woman in its ranks.

I'd hate to leave when there is no indication another qualified woman is coming in,

she said.

We've built a place here for quality service.

The memory of her important contributions remains to serve as an example for us all.

I am proud to be able to commemorate Women's History Week by calling your attention to some of the special contributions that have been made by women from my State. I hope that recognition of their important accomplishments is never confined to 1 week a year. I also hope that Women's History Week will be a time when we reflect upon the lives of those women whose names we will never know. To imagine what it must have been like to be a pioneer woman facing daily hardships that are inconceivable to us today, or to be a black woman living in slavery gives us an important historical perspective for thinking about our own lives. Although often said, it is no less true today: to know where we are going, we must know where we have been. That is why Women's History Week is so important.

Mr. Speaker, at this time, I yield to Mrs. BOXER, the Congresswoman from California, the prime sponsor of this resolution who has worked so hard to insure that Women's History Week will again be recognized by Congress this year.

Mrs. BOXER. I thank the gentlewoman for yielding.

Mr. Speaker, at this time I would ask that the gentlewoman from Maine (Ms. SNOWE) yield to my colleague from Wisconsin (Mr. MOODY).

Ms. SNOWE. Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. MOODY).

Mr. MOODY. I thank the gentlewoman for yielding.

Mr. Speaker, my colleagues and I have gathered together this evening to recognize March 4 to 10, 1984, as Women's History Week. Personally, I view this as far more than a commemorative week; it is an opportunity for all of us to stop and think about the many contributions, both historic and current, made by women throughout the country.

Women have been the focal point of sweeping changes in our social, economic, and demographic patterns. During the 15 immediate post-World War II years, American women bore and nurtured the massive baby boom generation. However, by 1980, more women than men were enrolled in college. Participation of adult women in the labor force has increased from approximately one/third of all women in 1950 to more than half in 1980. The accomplishments of American women are varied and notable. However, some are worthy of special distinction. An ideal example of superior achievement is that of Miss Mabel Raimey, the first black woman to graduate from Marquette University Law School, as well as the first black woman to be admitted by the State supreme court. Miss Raimey is a woman who has first-hand experience with achievement. Her personal struggle to be recognized as an equal in a white, male-dominated world reminds us how far we have come and unfortunately, how far we still must go.

At the age of 14, Miss Raimey was told by her family physician that women were not smart enough to become doctors. She graduated from the University of Wisconsin with an English degree, and was hired to teach in a Milwaukee elementary school. Three days later, someone discovered that she was black and she was dismissed. Three years of night law school at Marquette and graduation followed, the first black woman to do so. Miss Raimey practiced law in the Milwaukee community for over 40 years, accepting clients, black and white, regardless of their ability to pay. Characteristically, she also found the time and energy to work within the community throughout her busy career, in community service and for her church.

I am pleased to say that Miss Raimey will be honored by the National Association of Black Women Attorneys on March 21. Last May, she received recognition from the Black American Law Students Association of Marquette University Law School. Her acceptance speech sums up her perspective:

Professionally, it was always my intention to serve all people, regardless of race, color, creed or economic abililty, in a fair and just manner.

If my acceptance and completion of law school at Marquette University in the 1920's has inspired or encouraged anyone to enter the field of law, I am pleased.

If any accomplishments that I may have made has had any influence on any young people, I am pleased more.

I am proud that Miss Raimey is a member of the Milwaukee community. Her accomplishments are particularly noteworthy because of the time in which she achieved them, yet we cannot allow them to be in vain. Employed women are still concentrated in relatively few occupations, and although their numbers and proportions in higher paying professional and technical jobs have increased somewhat, their earnings continue to average about 60 percent of men's.

The issues of sex discrimination and pay equity have not left us. In fact, they are pressing questions to be considered by this session of Congress. I urge my colleagues not only to recognize Women's History Week, but to remember the future of American women as well.

□ 1740

Ms. SNOWE. I thank the gentleman for his comments.

Mr. FEIGHAN. Mr. Speaker, will the gentlewoman yield?

Ms. SNOWE. I yield to the gentleman from Ohio.

Mr. FEIGHAN. I thank the gentlewoman for yielding.

Mr. Speaker, I am honored to join Congresswoman BOXER, and my colleagues in the Congressional Caucus on Women's Issues in this special recognition of Women's History Week. Throughout our history, women have not been recognized for their contributions—and the few who have achieved fame have been treated as exceptional. Fannie Hurst's epigram, "A woman has to be twice as good as a man to go half as far" has been and continues to be much too accurate an assessment of the limits our culture imposes on women.

In my community, one organization in particular has been struggling for

almost 10 years to change that situation. In 1975, a handful of women's organizations that came together to plan Greater Cleveland's observance of International Women's Year formed a new organization called WomenSpace. WomenSpace was designed to serve as a central clearinghouse of ideas, information and womanpower, and it has met and surpassed the objectives its planners set.

In a few short years, WomenSpace grew to include more than 70 organizations and 700 individual members. It serves as a meeting place for people and groups with widely divergent interests and emphases: From politics to education to social services to employment. It includes the Junior League and the Welfare Rights Organization, the Girl Scouts and 9 to 5. The key to its success has been its ability to identify and meet the emerging needs of women in the Greater Cleveland community.

WomenSpace has brought the energy and resources of its membership to bear on a range of issues vital to women—and to the community. It has provided the organizational home for projects that mobilized public and private resources and agencies concerned with the problems of victims of domestic violence and alcoholism. It has initiated educational and advocacy programs to improve access to nontraditional employment opportunities. And it provides a Helpline that answers the questions and offers moral support to more than 7,000 women and men every year.

WomenSpace is one of the forces that has shaped the recent history of Greater Cleveland. More importantly, it is helping to shape our community's future. If we pay attention to their message, that future will be brighter and horizons will be broader for all of us.

Mrs. SCHROEDER. Mr. Speaker, will the gentlewoman yield?

Ms. SNOWE. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. I thank the gentlewoman from Maine and the gentlewoman from California, and I really want to compliment both of them for putting this together.

It is so important that we point out the contribution that women have made in this country. In Colorado this weekend we, too, kicked off National Women's History Week and we are focusing on women as innovators. We had some very, very interesting displays that women have been innovative in.

When you really look at the world and you see some of our failings as human beings, it seems to be that very often we as human beings fail because we are not able very often to identify with other people who are suffering from some kind of social injustice or suffering from war unless we are that specific victim of a social injustice or war.

If you go carefully through the history books, as we in Colorado did as we began to prepare this, we found that one of the interesting things that women have done, and maybe one of the reasons that history has not treated them kind enough, is the fact that they have many, many times been the leaders in this whole area of dealing with social injustice for other people who were victims and dealing with war.

We went back and looked at Anne Hutchison, who was the one who stood firmly and said to the Massachusetts Bay Colony, "We started this country because of religious freedom, You are becoming oppressive just like the poeple that we were fleeing from," and went off and founded her own colony. There she was identifying with the victims of religious persecution.

We saw Mary Goddard, who wanted to participate very much in the beginning of this Republic, and is an innovator even though she could not write the Declaration of Independence. She was innovative enough to print it, and she was innovative enough to get on board early on with this great Republic and see that it had its potential and move it forward.

When you move to probably the most incredible social injustice that this country has ever suffered from, which was slavery, you see women once again in the forefront. You see Harriet Tubman, who put together a very, very ingenious way of making the underground railroad work. She decided that if they had maps, somebody would find them and break the code. So what she did was to write things that the white people thought were just nice little Negro spirituals and, instead, they were the entire key to the underground railroad in code. Since it was in people's heads, no one ever figured it out.

At the other end of the spectrum, we had Harriet Beecher Stowe, who was figuring that this country had to do something about slavery and how could she get people to figure out how very difficult it was to be a slave in this society. She was able to write the book that really captured many white people's imaginations, and for the first time they were able to identify with the victims of slavery and really help the abolition movement in the North.

We have seen women move into mental institutions and help change how we treat mental patients, once again identifying with victims. We have seen women move into prisons and change that whole focus as to how we treat prisoners, once again dealing with people who were victims of social injustice.

We have seen women leading over and over and over the cries for peace, whether it was the very first woman elected to this Congress, Jeanette Rankin, who stood firmly against war, who said that talking about trying to win a war was like talking about trying to win an earthquake, or whether it is the women we now see in England in Greenham Common who are knitting shut the gates and confro. ting militarism in their own inimitable way, but never forgetting to break for tea. They are leaving home to wage peace rather than to wage war, and I think it is in the tradition of women and what they have done.

So I think women as innovators is a very interesting concept, and especially when you see them as innovators in areas where most of the society has not paid much attention nor have they handed out much credit, and that is in the area of social injustice and in the big issue of peace.

I thank both of my colleagues, and I thank the gentlewoman from Maine for yielding to me to share with you what we have been doing in Colorado during this week.

Ms. SNOWE. I thank the gentlewoman from Colorado for providing some fine examples and illustrations of the courage of women and the pioneering spirit of women throughout our history in this country.

Mr. RAY. Mr. Speaker, will the gentlewoman yield?

Ms. SNOWE. I yield to the gentleman from Georgia (Mr. RAY).

Mr. RAY. I thank the gentlewoman for yielding.

Mr. Speaker, I am pleased to participate this week in National Women's History Week, and I rise today to honor and recognize all women who have contributed to our country's fine heritage—not only on issues of particular concern to them but on matters critical to the entire Nation. Their commitment has extended into the 1980's and, I am glad to say, is ongoing.

In recognizing the contributions of women, the record would be incomplete without mention of Rebecca Latimer Felton, a Georgian and the first woman to serve as a U.S. Senator. Appointed to fill an unexpired term, Mrs. Latimer nonetheless took her seat with grace and honor showing her male colleagues her intelligence, courage, and quick wit. Although her attitudes toward minorities in race and religion were typical of her time, she was a standard bearer for women's rights and a vocal opponent of liquor abuse, child labor, and convict leasing laws. Her social battles and political skirmishes were fought in the open. As a journalist, she wrote a column for the then triweekly Atlanta Journal. As a vocal leader of several groups, she rallied people behind her because they believed in her and her views.

Her most important contribution, I believe, was in paving the way for

other women to enter national politics. Not only did she serve admirably, but she was memorialized at the time of her death by an early adjournment of the Senate. When she was first seated, she told the Senators and spectators assembled that they would not regret seating her and that they would welcome women Senators who would come after her. She boldly stated, and I quote: " * * * when the women of this country come and sit with you * * * I pledge that you will get ability, you will get integrity of purpose, and you will get unstinted usefulness."

Her activism on critical issues is something I admire in women today. Not to be defeated by barriers and long years of struggle, I have seen women strive tirelessly toward equality and the concept of equal pay for equal work. I applaud that. I firmly believe in the rights of women in choosing their own paths.

Unfortunately, there are still restrictions on women being able to make their full contribution. In the 1950's women earned an average of 64 cents on the dollar that men earned. Astoundingly, today, that figure has dropped to 60 cents. When a person is worried about the basics, such as child-support payments, tax and retirement restrictions, adequate and affordable child-care facilities, and many others, it is hard to think constructively about broader issues. In order to finally put women on an equal basis, I think the 98th Congress must address these inhibiting factors.

How do we make such substantial improvements in the lives of women which will enable them to make even greater contributions. First, we need to look at statutes which are still not sex neutral and change them so that they do not discriminate against women. I am a cosponsor and advocate of H.R. 2410, Representative SCHROEDER's legislation which addresses this critical problem.

Second, we should examine the lives of many women in this Nation and their special needs. We need to ask these questions: How can tax laws be modified to take into consideration the woman alone with children? The woman who is dependent on her husband's insurance and pension plans only to have it pulled away from her by death or divorce? The woman who wants to balance a career and family? And we will act on these proposals—if there is no other way—one law at a time.

Further, how can industries be encouraged to recognize these special needs of women in the workplace and address them without recourse to a legislative proceeding? It is already documented that firms who offer in-house day-care facilities have found a marked increase in productivity in both men and women alike. I believe that insurance companies should be urged to offer alternate premiums and plans tailored to all the variables in a person's life which are actuarily sound, thus, allowing a person to choose his or her own level of benefits. Here, I would like to applaud Representative HOLT's efforts in this controversial area.

Finally, I think it is time we stopped treating women like a minority or a special-interest group. Women compose 51.3 percent of the population. Politicians trend to call matters of particular interest to them women's issues, limiting the scope of consideration which the problems are due. I am here to say that these are issues which affect our entire Nation, and we should examine all such proposals more closely.

□ 1750

In closing, Mr. Speaker, let me say that I am pleased to serve with such a wonderful group of ladies in the Congress. I am pleased to be surrounded by at least 18 women staff people on my staff.

Ms. SNOWE. Mr. Speaker, I congratulate the gentleman from Georgia (Mr. RAY). I want to thank him for his fine comments and also for citing a number of problems faced by today's women. Hopefully, these are issues that will be addressed by this Congress.

Mr. Speaker, I now am glad to yield to the gentleman from Arizona (Mr. MCCAIN).

Mr. MCCAIN. Mr. Speaker, this week has been proclaimed Women's History Week. I rise today to pay tribute to the many inspirational women from Arizona whose hard work, dedication, and resolve led to their successes. There is one Arizonian, who most exemplifies these qualities and should be recognized for her outstanding achievements. Mr. Speaker, I am, of course, referring to Sandra Day O'Connor.

Sandra Day O'Connor is the first woman to be appointed to sit on the Highest Court in our Nation. The Chamber of the Supreme Court took on a new dimension with her appointment. The Court's motto: "Equal Justice Under Law," became more than written or spoken words, but visually represented.

Her appointment dramatized the changes that have taken place in every segment of our society. It is interesting to note that, although Sandra Day O'Connor graduated from Stanford Law School in 1952 as a member of the Order of the Coif and Stanford Law Review, she was unable to obtain employment as an attorney. Why? Because law firms would not hire women. One of her first job offers was a position as a legal secretary only. After patient, persistent, and many times frustrating efforts, Justice O'Connor became deputy county attorney in San Mateo, Calif. Today, the outlook for women in the legal profession has significantly improved. Some 50,000 women are pursuing careers as lawyers. They represent about 12 percent of the profession, and the proportion is growing: One out of three students now graduating from law school is a woman.

I salute Justice Sandra Day O'Connor's outstanding years of service as a legislator, judicial officer, and legal representative. Her achievements include that of deputy county attorney in San Mateo County, Calif.; assistant attorney general in Arizona, Arizona State senator from 1969 to 1975; Arizona State majority leader in 1972; Maricopa County superior court judge in Phoenix, Ariz.; and an appointee to the Arizona Court of Appeals.

Not only has Justice O'Connor excelled in her professional working life, but she also raised a family of three children. She has thus demonstrated a woman's capacity to be successful in a career while balancing the responsibilities of a family and homelife.

Again, I want to express my honest esteem and admiration for Justice O'Connor and all the women in Arizona who have enriched our Nation through their knowledge, achievements, and contributions to our society.

Ms. SNOWE. Mr. Speaker, I want to thank the gentleman from Arizona (Mr. MCCAIN) for the contribution he has made to this special order. Certainly, as women, we take pride in the fact that Sandra Day O'Connor is the first woman on the Supreme Court. Again I thank the gentleman from Arizona.

I now yield to the gentlewoman from New York (Ms. FERRARO).

Ms. FERRARO. Mr. Speaker, I thank the gentlewoman from Maine (Ms. SNOWE) for yielding, and I must say that I was really taken by our colleague's remarks about Sandra Day O'Connor.

Those are things that are near and dear to my heart because I, too, graduated from law school in 1960. I was one of two women in my class, and when I went down for five interviews to one of the Wall Street law firms, by the time I got to the sixth interview, the gentleman said to me: "You are terrific, but we are not hiring any women this year."

It is absolutely marvelous that we have progressed, as my colleague has indicated, with the law schools and the number of young women who are in law schools and graduating and becoming associates in firms. There are not many in partnerships, but they are beginning to get there with their period of time in seniority.

But the doors are opening, and it is wonderful that it is occurring.

I congratulate the gentlewoman as well as her comments regarding Justice O'Connor.

Mr. Speaker, I want to start by congratulating the gentlewoman from Maine (Ms. SNOWE) and the gentlewoman from California (Mrs. BOXER) for taking the lead in our 1984 celebration of Women's History Week. We who seek to make history must build on the lessons of the past.

Women's history is old and distinguished. But the study and awareness of women's history are very new indeed. It was not until 1981, in fact, that this Congress took note of the contributions of women by declaring a week in March "Women's History Week."

I am proud to report that my city, New York City, is celebrating an entire month of women's history, under the capable direction of the New York City Commission on the Status of Women.

Whether for a week, or for a month, or all year long, we seek to make visible what has been forgotten and neglected. We know that our own mothers and grandmothers were heroines. Through efforts such as this one our sons and daughters will learn, as we may not have learned, how much women—as individuals and as community members—have contributed to our past and our future.

□ 1800

We are still in an era of firsts—the first woman traveled into space since last we observed Women's History Week. Many women in political office and in the professions are the first women to serve their communities in that capacity. It is easy to forget that this country has a rich tradition of pioneering women who paved the way and also easy to forget how they had to struggle to do so.

So Women's History Week is our opportunity not only to recount women's achievements, but to understand what obstacles still stand in the way of all women seeking their rightful place—not behind the throne or behind a great man—but as great shapers of history in their own right. I am delighted to again be taking part in this observance.

Ms. SNOWE. Mr. Speaker, I thank the gentlewoman for participating in this special order and for her excellent statement and her efforts on behalf of women in this country.

Now I yield to the gentleman from New York (Mr. MRAZEK).

Mr. MRAZEK. Mr. Speaker, I thank the gentlewoman from Maine and the gentlewoman from California for allowing me to participate in this special order on behalf of Women's History Week.

Mr. Speaker, I would like to take this opportunity to recognize the outstanding achievements of extraordinary women from New York's Third Congressional District. Recognized as America's most distinguished cytologisty, Dr. Barbara McClintock has most recently been awarded the Nobel Prize in medicine for her biological work on "gene jumping."

Dr. McClintock, whose work has been regarded as heretical by many of her colleagues over the years, was hailed by the Nobel Committee as the product of "great ingenuity and intellectual stringency." Her discovery that beads of genetic information in each cell, "can jump like pearls moving mysteriously from one necklace to another," helps to explain how cancer cells may develop, how bacteria can become resistant to drugs, how viruses work and how, by laboratory methods, an ordinarily inherited gene can be mechanically transferred from one living organism to another.

The circumstances surrounding Dr. McClintock's receipt of the Nobel Prize are regarded as unusual in a number of respects. First, the prize was awarded on work that she had done on Indian corn nearly four decades ago. Second, she is the first woman to win an unshared Nobel Prize in physiology of medicine and only the third woman to win the award in medicine. Dr. McClintock succeeds Marie Curie, who won the Nobel award in 1911, and Dorothy Hodgkin, who won the award in 1964, both for medicine.

While her views were perceived as unorthodox for many years, a colleague of hers stated that, "It didn't help that she was a woman." In 1919 at the age of 17, Dr. McClintock enrolled in Cornell University with the intention of majoring in plant breeding but the department would not allow a female major. She instead switched to botany, where she was able to carry on her work on genetics. As a graduate student Dr. McClintock won fellowships and an assistant professorship for her work on genetics of corn, but she was prevented from obtaining a tenured position because she was a woman.

It is fortunate that these setbacks did not deter Dr. McClintock in her pursuit of her studies. The Nobel Prize is just the latest of many awards that have been bestowed upon her. The list includes being the third woman to be elected to the National Academy of Sciences, being awarded the National Medal of Science in 1970, and being the recipient of the MacArthur Foundation fellowship and the Albert Lasker Award, both in 1981.

Marie Curie in 1923 stated that, "the way to progress is neither swift nor easy." I commend Dr. McClintock's dedication and diligence in the study of genetics. At a news conference Dr. McClintock stated:

> I knew what I was doing (many years ago) wasn't acceptable. That was all right. * * * When you know you're right, you don't care. You know sooner or later it will come out in the wash.

I might add that I have had something to do with that Nobel Prize as well, because I was on the maintenance crew of the laboratory where she worked and I mowed the lawn right outside her laboratory during three summers that I was going to college, so in a way I suppose I should share in that award; but I would like to thank the gentlewoman from Maine very much and the gentlewoman from California for allowing me to participate in this special order on behalf of Women's History Week.

Ms. SNOWE. Well, we are certainly pleased that the gentleman did, I say to the gentleman from New York (Mr. MRAZEK), and we certainly appreciate the gentleman's sharing with us the background and the history of Dr. McClintock's discoveries and efforts; so I thank the gentleman again for participating in this special order.

Now I yield to the gentlewoman from California (Mrs. BOXER).

Mrs. BOXER. Mr. Speaker, I thank the gentlewoman so much. I again want to thank the gentlewoman for the work she put into organizing this special order. We worked together very well on this and for her dedication to women's rights.

As we stand here recalling some of the experiences that lead us to feel that Women's History Week is important and we hear about the stories of Congresswoman FERRARO and Justice Sandra Day O'Connor, I remember my own story that in 1962 I went to work with an economics degree and studied hard to pass the exam at the New York Stock Exchange to become a stockbroker, got a job in a brokerage firm and was told that I could only really be a secretary there, that I would have to leave and find another job if I was interested in selling securities. I eventually found that job, but the amazing thing at that time was that we really did not question the prejudices. I think that is why such occasions as this are so important, because we are looking back and we are seeing the great accomplishments that women have made to our great Nation. It means that we can set a higher standard for ourselves.

I am particularly proud, Mr. Speaker, because as the author of Women's History Week, I want you to know that the idea of Women's History Week began in my district in Sonoma County 3 years ago and it spread like wildfire across this great Nation, all the way from Maine and other points on the east coast and eventually it worked its way to this Congress where it has passed now for three straight occasions; so we have a time to look at the contributions made by women in this country of every race, every class,

every ethnic background, and how they shaped the culture, the politics, the economics of our Nation. For many years women have been fighting for the same basic rights that women are fighting for today; decent housing, food and education for their children, a healthy workplace, economic fairness, and a clean environment.

Women have been working to keep peace in the world and today more than ever as we look around we see that they are the key grassroots organizers and leaders in the ever growing worldwide push for a stable peace, free from the threat of nuclear annihilation.

I am very proud of that and there are many women in my district who worked very hard for that.

Women have contributed really to every great movement in our Nation, yet from kindergarten through college America's children grow up with a really limited notion of this rich history, and it is creating a great big void which Women's History Week is hoping to fill.

I have a list of many women throughout history, going back to 1788, 1804, and all the way through from slaves that have contributed, to people who have fought for women's right to vote and on and on until we get really to this great Congress, where I see women and we see many of them every day striving for equality, justice, and peace on this floor and speaking out for these very important issues, and there are not too many of us, but I think the importance of Women's History Week is this, that if we really open up our minds in this great Nation as to what the women of this country can offer, we will see more of us in the Congress. We will see more of us in the Supreme Court and we will see a fair balance come to this great country.

Finally, in 1984, we saw the equal rights amendment come to this Congress and we saw that it lost by just six votes. I am confident that it will pass, because Women's History Week is not enough. We must dedicate ourselves, not just this week, but every day, to see that equality and justice for women are put into the Constitution.

We need the equal rights amendment. It is a very simple amendment, just a few words, "Equal rights under the law shall not be abridged or denied by the United States or by any State on account of sex."

Appointments are important, but they are not enough. We have to reach out to all the women of this country, not just to a select few, and the ERA is fairness and justice and it will do it.

I will predict, Mr. Speaker, that with the ERA and the Constitution, some day when we look at women making history, when we look back on Women's History Week, we will have endless numbers of women because the opportunity will not have been denied to them.

Again I thank the gentlewoman from Maine for working on this special order with me.

Ms. SNOWE. Mr. Speaker, I want to thank the gentlewoman for her remarks and again commend her for securing the passage of this resolution in the Congress. She is absolutely correct. Women's History Week is to honor those who preceded us and to honor all women in America today and hopefully in the Congress that we will pass legislation to create more opportunities for women and that we share an equal representation at all levels and all segments of society; so I appreciate the contribution the gentlewoman has made and I am pleased that I was able to work with her in providing this special order here this evening.

Ms. OAKAR. Mr. Speaker, will the gentlewoman yield?

Ms. SNOWE. Yes; I am glad to yield to the gentlewoman from Ohio (Ms. OAKAR).

□ 1810

Ms. OAKAR. I certainly want to associate myself with the remarks of both of you and thank you for allowing us to have this special order.

I just want to make a couple of comments about Women's History Week. When we began working for this resolution a couple of years ago some of my colleagues thought it might be on the frivolous side.

The truth of it is that I am a former teacher and that there was very little said in the textbooks of our great country about the contributions of women. Very little, for example, was said about Susan B. Anthony, who gave 50 years of her life, and she herself was put in jail for attempting to vote. She died in 1906, before the Anthony amendment passed in 1920. She herself never had the right to vote, even though she gave 50 years of her life.

And others, like Elizabeth Cady Stanton and some others.

So it is important to remember them and others who have made such a great contribution.

It is also important to remember the women who will never have a book written about them, like my mother and your mother and our grandmothers who were the individuals who believed in fostering the education of their children, many of our immigrant women, many of our black women, who were not afraid to scrub the floors of school buildings and work in somebody's home so that their children would have a decent education.

So often they were heads of households. It is important to remember those unsung heroines as well.

I just hope that our calling attention to 1 week out of the year to commemorate the contributions of more than 50 percent of the population will make our educators who publish these books print more about the contributions of women in society so that all people in this country will look to women as role models in terms of the formation of what is the greatest country in the world.

I want to again commend both of you and thank you for yielding this time to me. I hope that we can bring some of the issues that we are all concerned with, the issues of economic justice and others, to the forefront so that women and men in this country will have a decent quality of life.

Mr. Speaker, I rise in support of House Joint Resolution 422, designating the week of March 5, 1984, as "Women's History Week."

Historically, a woman's role has been defined by her position in the family. While it cannot be denied that the influence of wives and mothers was and is of central importance to our society as a whole, neither can it be denied that therein the influence remains. Even today, in the mideighties women are in great measure looked upon as subordinates. Our voices have been silenced and our ideas fettered. I firmly believe that a chief villian in the unconscious mind-set which perpetuates the myth that women are invisible and inconsequential is the American textbook.

Only in the mid-19th century, with the emergence of suffragism, were women offered a route to social equality. Yet, as we are all well aware, enfranchisement was only realized in 1920 with the 19th amendment. I would venture a guess that the better than half a century battle for the ballot is covered in less than five pages in our history books.

Mr. Speaker, this is but one example of the neglect women have had in American history. Surely, I could cite dozens more, however, as legislators, mothers, and fathers, we have a unique opportunity to correct the inadequacies found in history by supporting this important resolution. We owe it to our youth to give them as much knowledge and guidance as possible. Recognition of the important contributions women like Elizabeth Cady Stanton, Susan B. Anthony, Jean Margaret Gordon, Sister Josephine Marie Papez, Mabel Douglass, the more than 1,000 female pilots of World War II, Emily Dickinson, Louisa May Alcott, Eleanor Roosevelt, and Mary Lyon—to mention but a few—have made certainly will enhance the growth of our Nation. There is no doubt that these women and many more who will remain unsung heroines of our past made a lasting mark in American history.

I hope that every Member of this body joins me in supporting this worthwhile week of recognition.

Thank you, Mr. Speaker.

Ms. SNOWE. I thank the gentlewoman for making a contribution to this special order and for her excellent statement, and again for her underscoring the obvious omission in many of the textbooks and the fact that we need to highlight the contributions made by women in history as well as those women today.

So, again, I thank the gentlewoman for her contribution.

Mr. LEWIS of Florida. Mr. Speaker, will the gentlewoman yield?

Ms. SNOWE. I now yield to the gentleman from Florida.

Mr. LEWIS of Florida. Mr. Speaker, in recognition of Women's History Week—I wish to highlight the contributions of some special women residing in my district who—by their actions and their service to their communities—richly deserve this tribute.

Few women in America have had such a significant impact in the field of agriculture as Mrs. Ruth Wedgeworth.

Upon the sudden loss of her husband in 1938, Mrs. Wedgeworth worked diligently to establish Wedgeworth, Inc., as one of the leading agricultural businesses in the State of Florida. Her work and development of the "celery market" throughout southern Florida clearly establishes her as a respected pioneer in Florida's agricultural growth.

Being the first woman selected as "Citizen of the Year" in 1975 by the Belle Glade Chamber of Commerce, named as "Woman of the Year" by Progressive Farmer magazine, and as director of the board of Florida's First National Bank, Mrs. Wedgeworth's talents and expertise have been appreciated by many.

While her endeavors in the agricultural field are truly remarkable, her dedication to community and church activities merit much recognition. Mrs. Wedgeworth has unselfishly devoted countless hours on the South West Palm Beach County Hospital Board and worked closely with young adults in her local church.

Those who know and love Ruth Wedgeworth believe her dedication and high degree of professionalism can be matched only by the warmth and inspiration which she extends to all. No doubt—Mrs. Ruth Wedgeworth has richly earned recognition during National Women's History Week.

I also want to pay special tribute to Marjory Stoneman Douglas—who has come to be known as Florida's first lady in conservation. Born in 1890, her many talents as author, playwright, editor, reporter, columnist, lecturer, and instructor only begin to describe the energy and vitality of this outstanding environmentalist and Floridian.

Sometimes referred to as the Mother of the Everglades, Marjory spent 4 years gathering material for her famous book "The Everglades: River of Grass," which was published in 1947 as part of the American River Series. Her research involved exploratory trips by canoe, rowboat, swamp buggy, and on foot into the Everglades, a vast wetlands of sawgrass and water.

As one of the original crusaders in support of establishing the Everglades National Park, she was the first person to compile a thorough history, description, and guidebook on the Everglades which included the recent studies and findings of all fields of natural science. Her best selling book was acclaimed by the New York Herald Tribune as "A fabulous book of a fabulous Florida"—and recommended to "all readers concerned with American life and the general relation of man to nature."

Marjory has written many other works, but I believe it is her love and appreciation for the Everglades which has inspired and had such a tremendous effect on new and old residents of Florida and their outlook on this vast wilderness that preserves and protects so much of Florida's natural beauty and wildlife.

If you are in Palm Beach County and turn your radio dial to 1340 AM, Monday through Friday, between 9 in the morning and noon, you will hear the voice of another notable Florida woman, Valerie Aspinwall. As coowner and program director of WPBR Radio in Lake Worth, Valerie has given much of her time and talent to supporting charitable causes in south Florida.

Valerie cohosts the Palm Beach AM talk show on weekday mornings and at other times allows her station to be used for fundraising for many worthy causes. Through public service announcements and prereserved blocks of time, charitable organizations are able to raise much-needed financial support from the community.

For 9 years, WPBR hosted the first local radiothon as part of the national effort to raise money for leukemia research. For its efforts, the station received the Spirit of Life Award from the City of Hope, the well-known cancer and catastrophic diseases research facility in California.

Recently, the Thrill Speakers, an award-winning debate team from Twin Lakes High School, held their 8-hour annual radiothon on WPBR to raise funds for their travel expenses. These are only two examples of the community-oriented policy Valerie has set for WPBR.

Her own personal commitment to charitable causes includes service on a number of civic boards of directors, including the Palm Beach chapter of the Leukemia Society of America, the Palm Glades Girl Scout Council, the local chapter of Women in Communication and the Sun Festival—a monthlong cultural event in Palm Beach County.

Each year Valerie and her husband run an annual golf tournament dinner dance to raise money for leukemia research. Last year the event raised $65,000.

Having been elected Woman of the Year in 1981 by the Palm Beach County Commission on the Status of Women, it is appropriate to recognize Valerie Aspinwall and her achievements during Women's History Week.

AMELIA HOUSTON

For more than 50 years Mrs. Amelia Houston has given unselfishly in support of her community. From early struggles she is now recognized as a major force in such business areas as investments and real estate.

The success she has enjoyed is evident by her many appointments to board of directors, advisory, and steering committees throughout the State of Florida and Nation.

Probably her greatest contributions have been to local government, especially in the area of community support for local law enforcement. It was her steadfast dedication to principles and ideals that enabled her to stave off potential explosive situations during the racially troubled 1960's and 1970's.

She feels, however, that her most significant contributions have been to her church. She has served as president of many church-related organizations and has traveled both nationally and internationally on their behalf.

Nancy Sayler is another remarkable energetic woman in Florida's 12th district. Of all Nancy's achievements, the one I want to bring to your attention is her commitment to developing and implementing a drug abuse prevention program in Palm Beach County.

As a provisional member of the Junior League of the Palm Beaches, Nancy was the first person to collect usable data to evaluate the seriousness of the drug abuse problem in Palm Beach County. From that point, Nancy was instrumental in organizing the GATE-South program, otherwise known as gain awareness through education. This is a nonprofit, community outreach program. It is staffed by trained volunteers and the program has been licensed by the Florida State Department of Health and Rehabilitative Services as a drug education and prevention program. GATE program volunteers work with children, parents, and teachers.

In addition, Nancy has helped to spearhead the chemical people project in Palm Beach County. Her enthusiasm has helped to build an overall

community support system that is a network of parents, schools, and the entire community, and provides for a most effective method of combating the drug and alcohol problem.

Nancy's efforts in establishing a workable and successful drug abuse prevention program in Palm Beach County make her worthy of recognition during this important week.

It is an honor to recognize Mrs. Evelyn Blum, who's admirable work in the prevention of child abuse in Palm Beach County is indeed outstanding.

In 1970, Mrs. Blum received the Florida State Mother of the Year Award in recognition of dedicated and unselfish contributions for her community and religious efforts.

As the president of Palm Beach County's Family Service, and adminissions chairman for the Nelle Smith Home for Dependent Girls, Mrs. Blum saw an ever-growing need to establish a program which would help to counsel children and parents dealing with the tragic problem of child abuse.

In 1977, Mrs. Blum established Parents in Need, an organization which sought to extend a much-needed hand to those families who desperately sought out support systems. Mrs. Blum has placed a 24-hour "hot-line" in her own home as a means to provide an ever-present shoulder for those who may need help.

Her active participation on Florida's Child Advocacy Board and the Child Abuse Neglect Committee has earned her the much deserved respect of all who are involved with the ever-increasing problem of child abuse.

Last November, Mrs. Blum received Florida's first Eleanor Roosevelt Humanitarian Award.

This honor, given to those who are truly outstanding in their humanitarian efforts, is a fitting award for one as special as Mrs. Blum.

Mrs. Blum, your love and dedication to end the needless suffering which exists in our families today is indeed inspirational.

□ 1820

And in concluding, I would like to say and give praise to all those women who work so hard throughout this great Nation of ours to make it a greater nation and a more wonderful place to live.

Ms. SNOWE. I thank the gentleman for his outstanding statement and sharing with us numerous examples of women who live in his district of Florida who have shown courage and distinction in their own right.

So I appreciate his providing us with that testimony here this evening. I thank the gentleman. Now I would like to yield to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON. I thank the gentlewoman very much. It is a pleasure to join with her this evening in this special order on Women's History Week, and I commend her on her leadership in establishing it.

Mr. Speaker, as the distinguished Connecticut author Harriett Beecher Stowe once commented "* * * women are the real architects of society." I am pleased and proud, as an original cosponsor of the resolution to designate this week beginning March 5 as "Women's History Week" to pay homage to the women from my State who have designed and helped construct the foundation for our country.

Connecticut women are recognized for their endeavors in every field—from the early beginnings of the movement to fight slavery to the fields of education, the literary arts, politics, the labor movement, and civil rights. Some of our Nation's heroines were born and raised in Connecticut, and many of them still reside there.

Connecticut has a particularly long and proud history of women in politics. With 23.5 percent of its State legislature composed of women, it ranks third in the Nation for the percentage of women serving terms of office in State capitols around the country. Former Connecticut Gov. Ella Grasso was the first woman elected Governor of any State in her own right in 1974 and served to inspire other women from around the Nation to run for this office as well. Judicial accomplishments are equally noteworthy, with one women in the Supreme Court, and 11 women serving in the Superior Court system of the State.

Certainly one of the most inspiring women to run for Congress was playwright, author, war correspondent, ambassador, and political activist Clare Boothe Luce. The brilliant Luce distinguished herself in all of these professions, rising to the top in every single one of them.

Recognizing her political talents, GOP leaders in Connecticut convinced her to run for Congress in the district once represented by her stepfather. She campaigned hard, winning the nomination over six opponents and the general election in 1943. Luce's capacity for hard work only enhanced her other qualities. Legislation she introduced included a bill to acknowledge the national responsibility of the United States for the Yalta surrender of Poland to the Soviet Union; two bills to authorize the admission and naturalization of East Indians and Chinese on the same quota percentage as nationals of other countries; a bill to authorize a study of the refugee problem; and a bill to establish a bureau in the Department of Labor to insure workers equal pay for equal work, regardless of race, color, or creed. Her talents helped earn her an ambassadorship to Italy during Eisenhower's administration.

Another distinguished woman Member of Congress from Baltic, Conn., was Chase Going Woodhouse, who served two terms from 1945–47 and 1949–51. She has been described as one of the most dynamic women ever to serve in Congress, as she distinguished herself by her wide range of interests and by her abilities to translate these interests into public policy. Moved by the ravages of inflation that she observed in Germany, she worked long and hard to obtain congressional approval for a plan to establish an International Monetary Fund (IMF). She is also given much credit for the eventual incorporation of the IMF and the International Bank for Reconstruction Development into the United Nations. During her last term in Congress, she sponsored the equal pay bill. After she left Congress, President Truman appointed her special assistant to the Director of the Office of Price Stabilization in recognition of her technical expertise.

All Americans can be especially proud of the contributions of Connecticut women to the antislavery movement. Beginning in 1831, Prudence Crandall from Canterbury enraged the local community by teaching a young black woman in a boarding school. After unsuccessfully establishing a school for other young black girls following this incident, she was publicly humiliated, stoned, and thrown into jail in 1833 for teaching without permission from the local authorities.

One notable black woman from Hartford, Maria Miller Stuart, was the first American woman to speak publicly at an organized informal series of lectures in 1831. A self-educated teacher and writer, she also published many of her works in the early 1830's.

Marion Anderson, who now resides in Danbury, also fought hard for the rights of black women. It is impossible for anyone to forget her stirring concert in 1939, fighting the same battles nearly a century after Prudence Crandall and Maria Stuart, before an audience of 75,000 at the Lincoln Memorial in Washington, D.C. Frequently and painfully the victim of racism, she was denied access to Constitution Hall, prompting the resignation of First Lady Eleanor Roosevelt from the Daughters of the American Revolution (DAR) who sponsored the concert.

One especially prominent business leader, Beatrice Fox Aerbach, is also fondly remembered by Connecticut residents. Serving as president of G. Fox Department Stores in 1938, she did much to protect the American worker, by instituting a 5-day, 40-hour work week, and by the establishment of a fair employment practices agreement. In 1942, her department store was the first major retail store to hire black people for meaningful positions.

These are only a few examples of the extraordinary contributions of women from Connecticut. Having been inspired by their stories, I hope each and every one of us will take some extra time to learn from all they have taught us.

□ 1830

Ms. SNOWE. I thank the gentlewoman for her statement here this evening and for the inspiring accounts that she cited about Connecticut women that reminds me of many of the women in Maine and Maine's history. In fact, the State Legislature in Maine has one of the highest percentage of women serving in the State legislature. And of course we had Margaret Chase Smith, who not only was the first woman to serve in the U.S. Senate and the House of Representatives, but was also the first woman to be nominated by a major political party for the Presidency of the United States.

So I think we share in common distinctions of women. And what reminded me in the citing of the gentlewoman's accounts about women in Connecticut is the fact that many of the battles that were fought long ago we are still fighting today.

So although we may have come a long way, we still have a long way to go.

On behalf of the gentlewoman from California, and myself, I want to thank all the Members here who participated in this Special Order this evening.

● Mr. MORRISON of Connecticut. Mr. Speaker, far too often in this country, the many achievements and contributions of women in our national heritage have gone unrecognized. I am therefore proud to join today with my fellow colleagues in celebrating Women's History Week. During these few days, we set aside time to pause and reflect on the enormous contributions women have made throughout the years.

I would like to share with you some of the notable accomplishments of Connecticut women.

One of the most distinguished women in Connecticut's history was educator Emma Hart Willard, who was born in Berlin, Conn., in 1787. At a time in history when higher education for women was not an accepted idea, Emma Hart Willard pointed out the need for further study in the basic branches of knowledge. She herself wrote some of the tests which were used in the seminary for women which she founded. Emma Willard died on April 15, 1870, and her place in the annals of American education is assured.

Among the most famous of Connecticut women is novelist Harriet Beecher Stowe. A native of Litchfield, the writer lived for a number of years in Kentucky, where she had her memorable encounters with slavery. When Harriet Beecher Stowe's "Uncle Tom's Cabin" appeared in book form in 1852, it created a sensation and sold 300,000 copies in a year. It was this book which stirred the conscience of the people of the North, and which immeasurably advanced the abolitionist movement.

Connecticut is justifiably proud of the achievements of Ella Grasso, former Governor of Connecticut. A member of the State general assembly in the 1950's, Mrs. Grasso served as Secretary of State from 1959 to 1970. During two terms in Congress as Representative from Connecticut's Sixth District, she ably served on the Veterans' Affairs and Education and Labor Committees. In 1974, Ella Grasso was elected Governor of Connecticut—the first woman in U.S. history to fill that office.

Women's History Week is being observed in a number of ways in Connecticut. Several rallies will be staged in New Haven on March 8, International Women's Day, and the Yale University women's studies program will screen the film "Taking Our Bodies Back." In Hartford, the Connecticut Historical Society is opening an exhibit on the contributions of black women to Connecticut's history.

It is my hope that Women's History Week will make us more aware of the importance of women in U.S. history, and will recommit us to the goal of full legal and economic equality for American women.●

● Mr. EVANS of Illinois. Mr. Speaker, I was pleased to join in sponsoring the measure introduced by Mrs. BOXER which designated this week, March 4-10, as Women's History Week, and am grateful for the opportunity to join in this special order.

Many of the women who contributed to the social, political, and industrial growth of America lived and worked in Illinois. Among the millions who devoted their lives to the care of families and the cultivation of the vast Illinois prairie, several deserve special commendation for their leading roles in our Nation's history.

Jane Addams devoted her life to humanitarian causes. She founded the Chicago Social Welfare Center known as Hull House, which served the needs of the thousands of immigrants—our ancestors—who flocked to this country in search of a better life. Addams was a lifelong activist, favoring prohibition and woman's suffrage, and a pacifist during World War I. She remained in the vanguard of social reform until her death in 1935, and we honor her commitment to those less fortunate.

The central interest of 19th century lawyer Myra Colby Bradwell was the freeing of women from legal repression. Long recognized as the Nation's most eminent woman lawyer, her 1869 application for admission to the Illinois bar was denied by the State supreme court on the grounds that she was a woman. When the Illinois Legislature passed an act in 1982 giving all persons, regardless of sex, freedom to select an occupation, Mrs. Bradwell declined to reapply for admission. Finally, in 1890, the State supreme court acted on her original application and admitted her to the bar.

Prudence Crandall, a teacher and abolitionist, is perhaps best known for her unsuccessful attempt to establish a boarding school for young black women in Connecticut. In the wake of that failure in 1842, she and her husband settled on a tract of land in Troy Grove Township in LaSalle County, part of the 17th Congressional District which I have the privilege to represent. There she conducted a school in her home and aided the movement for women's rights.

Civil War hospital worker Mary Ann Bickerdyke moved to Galesburg, also in the 17th Congressional District, with her husband and two sons in 1856. In the spring of 1861 she and other members of the Galesburg Congregational Church were deeply stirred when their pastor described the appalling conditions Civil War soldiers were suffering in southern Illinois. Her selfless care for the wounded, given under the most adverse circumstances and with rudimentary equipment, earned her the nickname "Mother" Bickerdyke.

While I am delighted to speak to the contributions these Illinois women have made to the development of our country, I am once again reminded of the social injustice which makes this special recognition necessary. Had women been considered equal citizens with equal access to the vast opportunities a new nation had to offer, perhaps acknowledgement of their contributions would be considered merely honorary and not necessary.

With the knowledge of this past oversight, it is a travesty that the Congress and State legislatures in this country have yet to make the fundamental correction necessary to prevent future repression. A simple 24-word amendment to the American Constitution would close forever the legal gaps which prevent today's women from assuming their full rights and responsibilities as citizens.

My remarks are meant to commemorate those women, named and unnamed, who have served this great country, and condemn those who seek to prevent the passage of the equal rights amendment, a measure to assure equality for all Americans.●

● Mr. UDALL. Mr. Speaker, in observance of National Women's History Week, I would today like to commemorate Representative Isabella Selmes

Greenway, Arizona's first and only woman elected to the U.S. Congress.

As an early settler in the Arizona Territory, Representative Greenway at times made her living as a homesteader, a rancher, and even as an airline and resort owner. Subsequently serving the entire State in the 73d and 74th Congresses, Representative Greenway demonstrated a sincere desire to serve her constituents as she sought and secured economic relief for Arizona during the depressed years of the 1930's. Perhaps inspired by her schoolchum and lifelong friend Eleanor Roosevelt, Arizonans and Washingtonians alike regarded Representative Greenway as an unintimidated humanist who dedicated herself to serving humanity first. In true pioneer spirit, Representative Greenway paved the way for passage of veterans' benefits legislation, and, after just 2 months in office, initiated programs creating 3,000 new jobs in her home State. An avowed environmentalist, Representative Greenway sat on the Irrigation and Reclamation Committee and the Public Lands Committee, as well as serving Native Americans on the Committee on Indian Affairs. It is no wonder she was overwhelmingly elected to serve a consecutive second term.

That pioneer spirit will long be treasured in the hearts and history of Arizona. It is fitting that such a remarkable woman be remembered and celebrated during National Women's History Week.●

● Mr. OWENS. Mr. Speaker, today we celebrate Women's History Week. The history of women, as with blacks, has long been surpressed. The history books that we learned from ignored both blacks and women. It is for this reason that I take the opportunity to speak about black women whose accomplishments have been so outstanding that their stories have not been lost.

Isabella Baumfree, popularly known as Sojourner Truth, became famous in her lifetime as a preacher, abolitionist, and lecturer. She was born a slave in Ulster County, N.Y., in approximately 1797. She was freed 30 years later by New York State's Emancipation Act of 1827.

Sojourner Truth felt that her name had been given to her by God along with a mission to travel and speak the truth. She traveled as an itinerant preacher and was popular as people believed she had mystical gifts. By the 1830's she had become involved with the abolitionist movement and worked to find housing and work for the escaped slaves who made the trip to the North. During the Civil War she raised money for the Union soldiers, which she distributed in the Army camps.

Harriet Ross Tubman escaped from slavery and became one of the most famous conductors on the underground railroad. Born in Maryland, she died in New York at the age of 93. She was so successful in helping to free slaves that she had a price of $40,000 on her head—and those were not the dollars of today.

Constance Baker Motley became the first black woman appointed as a Federal district court judge in 1966. This accomplishment capped a brilliant career in politics and civil service. Born in the West Indies, she sits in the southern district of New York where she has been chief judge since 1982.

While still a law student at Columbia University, Ms. Motley began working with the NAACP legal defense and educational fund. After graduation she became an associate counsel with the fund, gaining a reputation as a strong defender of civil rights.

There are many other outstanding black women who are remembered in history, but I would like to close by remarking on Lena Horne, a native of Brooklyn. Many of us have been entertained in the last year by "Lena Horne: The Lady and Her Music." I can think of few entertainers who have given so much to the world of theater over the years. Lena Horne began on the chorus line at the Cotton Club in 1933. For over 50 years she has brought joy to people through her music.

It is hard to compare lives dedicated to freeing slaves, bringing justice to the oppressed and entertaining and yet they all share the common thread of making lives better and more complete. It is a pleasure to take this opportunity to celebrate Women's History Week and the many women who have made our lives better.●

● Mr. DELLUMS. Mr. Speaker, the struggle for women's rights is a battle yet to be won. The status of women throughout the Nation and the world leaves much to be desired. While the struggle for women's rights continues, the role that women have played and will continue to play in the shaping of our society and the world is a source of national and international pride.

Women have given leadership even at a time when they lacked political power. Women today still do not possess the political and economic power which men have taken for granted. The commitment of women to a peaceful and livable world, free from oppression, exploitation, and discrimination has been exemplary. This commitment is best expressed today in the relentness battle being waged to make our planet free of nuclear weaponry, and war. The human compassion women display; the diligence with which women have accepted the challenge and pursued social change is unmatched by their male counterparts.

The search for equality will in all likelihood be frustrated if we prove ourselves too weak or for that matter unwilling to accept the monumental challenge which lies ahead. This challenge is one which will require creativity and ingenuity. A careful study of the history of the past 80 years, especially over the past two decades, demonstrates, contrary to prevailing myths, what women can accomplish if the barriers which serve to retard their growth and development are lessened.

The way to eliminate inequality as it relates to women and minorities, is not simply to enact appropriate legislation. We must also commit ourselves to enforcing these laws tirelessly. Discrimination against women in the labor market presists even after 20 years of the Civil Rights Act of 1964. Discriminatory practices by employers, both in the private and public sphere, continues to be a source of national concern in spite of the legislative strides which we have made over the past 20 years. Wage discrimination against women continues to make economic equity impossible.

During the period of the First World War, women began to enter the work force in increasing proportions. As for blacks, the coming of the war opened up employment opportunities which before did not exist. While women's participation in the work force increased, it was not until 1964, however, that women became legally eligible to receive equal pay for equal work. This was made possible through the enactment of the Civil Rights Act of 1964. Title VII of the act, was intended to put an end to discrimination on the basis of sex. But while women constitutes approximately 45.9 percent of the Nations work force today, the salaries which women receive, in comparison to their male counterparts, is much lower. The salary of women is estimated to be somewhere in the region of 65 of 75 percent to that of men. In most of these cases women work side by side with men performing the same if not similar work.

The contribution of women is least recognized by society. Much of the work which women have come to perform outside of the home still today reflects the so-called traditional duties performed imposed on women in the household. One of the main contributors to this negative trend on the job market is our failure to provide training to women comparable to that of men. Our educational system though drastically improved over the past 20 years, has still not grown to the point where women are guaranteed access to equal training in the field of science and technology. For us to move forward in the construction of a fair and just society we must commit ourselves to insuring that all Americans are pro-

vided with the training which will permit them to compete in all spheres of the society.

Our Nation today is experiencing tremendous economic difficulty. Women, particularly single women and those of middle and lower income, have come to bear a disproportionate share of the burden associated with these recessionary times. The present administration has been extremely insensitive to the economic plight of women as a group. Inflation, recession, high unemployment, high interest rates are taking their toll upon all Americans, yet the group most affected are women. The attack on entitlement programs unleashed upon the Nation by the Reagan administration has negatively affected women in the severest of ways. The administration is embarking upon a military program that threatens not only destruction of our planet but has had the economic effect of destroying the gains made by women in the 1950's, 1960's, and 1970's. We speak no longer, simply of poverty, today we speak of the feminization of poverty.

As we celebrate Women's History Week, let us move forward with a renewed spirit of commitment to the attainment of social and economic justice for all Americans. Harriet Tubman and Susan B. Anthony, two great champions for human rights and human dignity, would proudly endorse such an agenda. I am convinced that the battle against nuclear madness will be won and women will continue to lead in this battle. I am convinced that as we move forward into 1984, Congress will come to recognize the pressing importance of passage of the Constitution amendment which would, once and for all, give women and men equality in all spheres of our society.●

● Mr. PACKARD. Mr. Speaker, on February 29, I voted in the U.S. House of Representatives to designate the week beginning March 4, 1984, as "Women's History Week." I am pleased to have this opportunity to celebrate and honor the historic contributions of American women during this special order.

This is an appropriate time for Americans across the Nation to study the contributions and influence of American women to all aspects of our society. We cannot possibly do so without gaining a deep appreciation for the cultural, economic, and social role women have played in every sphere of our Nation's life.

It is true that we have much to do before women assume a full rightful leadership role in our society. However, I can point with pride to the accomplishments of women in the 43d District of California who have achieved positions of leadership and distinction, including Mary Casler, mayor of Carlsbad; Nancy Wade, mayor of Vista; Marian Bergeson, assemblywomen; Belinda Blacketer, president of the Saddleback Area Coordinating Advisory Council; and Harriett M. Wieder, chairman of the Orange County Board of Supervisors. Also serving with distinction on various city councils throughout the district are Ann Kulchin, Melba Bishop, Doris Thurston, Pia Harris, Gloria McClellan, Karoline Loester, and the many, many members on local school boards. In addition, I salute the women of my own staff who so ably serve me in my official duties.

I am proud of the work these women do for the quality of life that we are now enjoying in the 43d Congressional District. I am also grateful for the responsible women everywhere working with and for their families every day, who also deserve our appreciation today.●

● Mr. WILLIAMS of Montana. Mr. Speaker, Jeannette Rankin was the first woman elected to the House of Representatives, as the at-large Representative from Montana in 1917. Although JR was elected to office before the passage of the 19th amendment that gave American women the right to vote, JR had successfully worked for suffrage for Montana women, which was granted in 1914.

On April 6, 1917, 4 days after she became the first American Congresswomen, JR voted against the U.S. entry into World War I. During her first term, she sponsored legislation to aid women and children, and she worked for the Federal suffrage amendment. She decided to run for a Senate seat in 1916, but lost.

In 1919, she was a delegate to the Second International Congress of Women, which became the Women's International League for Peace and Freedom. JR became field secretary of the National Consumers' League, and in that capacity she lobbied on Capitol Hill for legislation to improve women's health and working conditions. In 1929, she became a lobbyist and field organizer for the National Council for the Prevention of War. In 1940, she again ran for Congress, this time as representative of the western district. She won this election, and on December 8, 1941, she cast the only vote against America's entry into World War II. As a result, she lost any chance for reelection in 1942.

During the remainder of the 1940's, JR ranched in Montana and traveled abroad to study pacifism. She was especially interested in Gandhi's work, and visited India seven times between 1946 and 1971. During the 1950's, she opposed the cold war and U.S. involvement in Korea.

The Vietnam war provided a new focus for her pacifism. The Jeannette Rankin Brigade was organized in 1967, and demonstrated against the Vietnam war in Washington, D.C., in 1968 when JR was 87 years old. She decided to run for Congress again, but ill health prevented her from doing so. She continued her antiwar activities, and died of a heart attack in 1973.

JR was a Republican who worked for what would today be considered liberal social causes. Her agenda focused on civil rights, equal opportunity, a better life for children and workers, and, her lifelong endeavor, world peace.●

● Mr. CLINGER. Mr. Speaker, I would like to take this opportunity to celebrate National Women's History Week by honoring the women of this country who have made historic contributions to the women's rights movement, and on a much larger scale, America. The names of Lucretia Mott, Elizabeth Cady Stanton, Susan B. Anthony, and countless others leap to mind when one considers the early days of the women's movement, and rightly so. Often overlooked, however, and the numerous unsung heroes of this movement, and it is to these women that I would like to call Congress attention today.

I refer to those women who have not only made substantial contributions to the women's movement, but to their own respective fields of expertise as well. These anonymous contributors come from every walk of life, and by working through such organizations as the American Association of University Women, the National Organization for Women, the Women's League of Voters, and many others, they have made great strides for women in the areas of employment and education.

It is to these anonymous heroes, then, that I join with my colleagues in Congress this week in lauding their efforts and achievements, for without them, America could not have hoped to become as great as it is today.●

● Mrs. HALL of Indiana. Mr. Speaker, I rise to speak in celebration of all women, regardless of race or color. I speak in celebration of our mothers and their mothers and the women who throughout history have given so selflessly of themselves. Because of their sacrifices, because of their blood, their sweat and their tears, we enjoy the bounty of this land.

With deep appreciation for all women that have gone before us, I would like to share with you some of the history of my own heritage via the Bethune Museum and Archives.

The Bethune Museum-Archives, Inc., National Historic Site, the only institution in the United States devoted to the documentation of black women's history, celebrates Women's History Week with the introduction of a kit and traveling exhibition.

"Black Women Organized for Social Change: 1800–1920," describes the local and national efforts of black women to address issues and problems specifically related to their race and to

their dual status as females and Afro-Americans. The abolitionist, woman's rights and temperance movements were major priorities before the Civil War. From 1865 to 1920, relief work, institution building, education, woman's rights, child reform, lynching, temperance, and penal reform were key issues. It was through organized self-help activities that black women were able to address some of the most pressing needs of the Afro-American community. This exhibition explores the work of black women in three periods under the following headings:

I. "Black Women in the Antebellum Struggle for Freedom;"

II. "Black Women and Racial Uplift During the Civil War and Reconstruction, 1862-1920;"

III. "Lifting As We Climb: The Solidification of a National Movement, 1880-1920."

The black woman's club movement has been important for several reasons: First, it has been a major instrument in the development of leadership abilities among black women; second, it provided a support network necessary for improving the status of black women in the black community and in the larger American society; third, it functioned as an instrument to articulate the concerns of black women and to structure goals to be achieved by all black people; and fourth, it served as a mechanism for mobilizing black women and men to protest racial segregation and discrimination. Even a cursory perusal of this history reveals that the achievements of the black woman's club movement were indeed monumental. Proper dissemination of this knowledge will help repudiate the age old stereotype of club women sipping tea and socializing.

This exhibit was produced by the Bethune Museum-Archives, Inc., National Historic Site. It is accompanied by an educational kit which may be of great interest to individuals, organizations, and institutions seeking additional information on the important work of black women's organizations.

The kit may be ordered from the Bethune Museum-Archives, Inc., National Historic Site, 1318 Vermont Avenue NW., Washington, D.C. 20005. The cost of each kit is $38.●

● Mr. VOLKMER. Mr. Speaker, I am pleased today to join this special order to celebrate and honor the historic contributions of American women as we celebrate Women's History Week.

I rise today to acknowledge just a few of the many women who have played prominent roles in the history of Missouri, and more specifically in the history of the part of Missouri which is now the Ninth Congressional District.

Indeed, we do not have to walk too far from this Chamber to see the work of one prominent Missouri woman. Visitors to the U.S. Capitol often admire the life-size statue of Abraham Lincoln in the rotunda. It was the work of a Missouri woman—Vinnie Ream, the first woman commissioned by Congress to sculpt a statue.

The two women best known to Missourians from their history books are Sacajawea, an Indian woman who helped guide the Lewis and Clark expedition, and Madame Marie Chouteau, the mother of St. Louis.

Among the other women who influenced Missouri were these who lived in the part of Missouri I now represent:

Ann Hawkins Gentry, of Columbia, the second woman in the United States to be named a postmaster. She served from 1838 to 1865;

Phoebe Apperson Hearst, of St. Clair, was cofounder of the National Congress of Parents and Teachers and was a noted philanthropist;

Dr. Mary Hancock McLean, of Washington, Mo., was the first woman member of the St. Louis Medical Society and was a prominent physician in the early 1900's;

Lucile Mauntel, also of Washington, Mo., who as president of the National Federation of State Garden Clubs held national club honors, and;

Luella St. Clair Moss, the first woman member of the Columbia Board of Education during part of a long career in public service.

Missouri women had a particularly prominent role in establishing the early colleges in the State at a time when the State university would not admit women. Three of these colleges are in my district.

Christian College was incorporated in 1851 and the first seven students to matriculate were women;

Stephens College, also in Columbia, traces its ancestry to the Columbia Female Academy, which held its first session in the fall of 1833, and;

Camden Point Female Academy, established in 1848, later became William Woods College in Fulton.

More recently, many women have been elected to public office in counties and communities in Missouri's Ninth District. These women have served with distinction in offices from country judge to state legislator to mayor.

Among these women of achievement: State Representative Gracia Yancy Backer of New Bloomfield, Presiding judge of the Boone County Court, Norma Robb from Columbia, and former Hannibal Mayor Lillian Herman.

There are—and there were—many other prominent Missouri women whose names time does not permit me to list.

I do want to commend the gentlelady from California, Ms. Boxer, for her efforts in organizing this special order to acknowledge the achievements of women in our country.●

● Mr. REID. Mr. Speaker, a leader, in both large and small situations, is a person who can deal with humanity, a person who works diligently on behalf of others, a person who is sympathetic and, yet, with equal determination, is able to direct others to face their own circumstances and work on their own problems.

Throughout history, we have recognized the contributions of our Nation's leaders. Included in the most-enduring accomplishments are those of grassroots leaders, people who do not necessarily have national birthdays designated for them. Among the most courageous and insightful of these leaders have been women.

Because of this and more, I am both honored and pleased to cosponsor House Joint Resolution 422, "National Women's History Week," and to recount the impact of women on our history, economically, professionally, culturally, socially and politically. With great pride, therefore, I would like to take a moment to review the chronicles to honor the contributions of several notable Nevada women.

Nellie Verrill Davis, at 22 years old, married the founder of the Carson City Daily Appeal. When he became ill, she performed all duties from typesetting to full-time management. Having worked as a special reporter for two legislative sessions, Mrs. Davis bears the distinction of having been the first woman reporter in the West.

Helen Jane Wiser Stewart, who settled the desert wilderness in the southern part of the State, made various contributions to Nevada. For example, she was the first woman elected to the school board and one of the first women in the county to sit on a jury. Mrs. Stewart's son, Will, carried on the tradition of family firsts by helping to establish the town of Las Vegas.

Delphine Anderson Squires, who was the first vice president of the California Congress of Mothers (forerunner of the PTA), organized the first Las Vegas branch of the PTA in 1906. Like Nellie Davis, Mom Squires learned the heart of journalism and publishing when she and her husband, Charles, published and edited the Las Vegas Age, one of the first two newspapers in Las Vegas.

Nevada-born Una Reily Dickerson learned about politics early in her marriage. Her husband, Denver, at 36 years old, became Nevada's youngest Governor. However, Mrs. Dickerson served the public in her own way as Washoe County's law librarian for nearly 30 years. The mother of eight, Mrs. Dickerson was elected as Nevada's first "Mother of the Year" in 1945.

Maude Frazier, a pioneer educator, began her teaching career in the mining camps. She later taught at the served as principal for Las Vegas High

School. In 1921, Mrs. Frazier was Clark County's travelling superintendent of schools. Forty-one years later, at age 81, Mrs. Frazier was appointed Lieutenant Governor, the highest position ever held by a woman in Nevada State government.

Another early settler, Bertha Bishop Ronzone, spent her early married life in the mining camp of Manhattan, Nev. Realizing that the camp needed a store, she borrowed $500 and went into business. Later, she opened Ronzone's in Las Vegas, which, for years, was one of the State's foremost department stores

Medicine was the foundation for Dr. Mary Hill Fulstone's contributions to Nevada. The Eureka-born doctor showed her determination early when she was one of four women in her graduating class from the University of California Medical School in 1918. By 1975, she was the longest-practicing physician in the State of Nevada. In those nearly 60 years of rural practice, she had delivered more than 4,000 babies and performed nearly every task required of a country doctor.

Choosing America as home, Theresa Alpetche Laxalt and her husband, Dominique, left the Basque provinces of the Pyrenees to make northern Nevada their home. After spending years in sheep herding, they established a small hotel-restaurant business in Carson City. With a dream to give all of her children a college education, Mrs. Laxalt worked and made the necessary sacrifices, which brought rewards: one son became an author, one daughter a school teacher, another daughter a nun, and three sons, attorneys. To reflect even greater accomplishment, eldest son, Paul, moved from law into the governorship of Nevada; and, in 1974, he was elected to the U.S. Senate, where he continues to serve Nevada as its senior Senator.

The impact of these women on Nevada's history cannot be forgotten or replaced. Their contributions to the development of our great State continue to live not only in the ideas they shared but also in the courage they demonstrated.●

● Mr. LONG of Louisiana. Mr. Speaker, it has been said that history is largely a chronical of the doings of men as reported by men. Women's History Week is one opportunity to balance the historical record, to weigh the accomplishments and contributions of women on an equal scale of value.

Throughout our history, women have been active participants in the development of our distinctly American national character, culture, and institutions. When we identify and honor the countless women who have helped, and are now helping build America, we fill in the gaps which have misled us about the significant role women play in our society.

Every Member of this House can point with pride to women from their States whose efforts and talents have made ours a great Nation. Women's History Week gives each of us an opportunity to do just that. I feel particularly fortunate that my own State of Louisiana can boast of the accomplishments and talents of many of her native daughters, not the least of whom is our own beloved colleague, Congresswoman LINDY BOGGS. LINDY is carrying forward the work begun by two outstanding Louisiana women who were born over a century ago in New Orleans, Jean and Kate Gordon. They were among those courageous Southern women who early espoused the cause of women's rights. In 1896 they founded the ERA Club whose letters stood for "Equal Rights Association." They worked then, as LINDY does now, to bring full participation to American women in the political, economic, and social arenas.

It is appropriate that I pay special homage today to my own mother, Birdie Shumake Long. She was born in 1892 in a tiny log cabin in the Macedonia community, and married my father, Floyd, when she was 20. They lived in a log house in the Five Forks area. He farmed while she peddled vegetables and milk from a buggy to lumber mill people living in the Atlanta area. She also boarded schoolteachers to augment the family income, especially to bring more education and culture to her three children.

My mother struggled to make a living with less than an elementary education, but she knew, and she taught me to know that education was the key to a better life. She hoped for her children and taught us to hope for ourselves. She taught us a respect and a love for learning that enabled us to achieve lives with wider horizons. She died this year, and I miss her greatly. With every year that passes I have a more profound respect for what she was able to accomplish with a minimum of material resources, but with a maximum of love, character, and determination. She, too, was carrying forward the tradition that was embodied in courageous Southern women—since the time of the Civil War—in bearing the responsibilities of holding together, not only families, but communities and society at large.

Our national culture has been enriched by a Louisiana daughter. I point with pride to Mahalia Jackson, a woman whose voice has thrilled millions. She was born in New Orleans in 1911, and began singing in her father's church choir as a young child. She left school after the eighth grade and worked through her teens and young adult years as a laundress and a maid. All the while she continued to sing in church choirs. She was a member of a quintet of singers who traveled to various black churches and were paid out of the silver offerings of the congregations. From these beginnings she rose to become the "Queen of Gospel," and excited the world with what she called a joyful noise unto the Lord. As her fame spread and her earnings increased, she donated a good deal of her time to singing in churches, giving music scholarships, and to fundraising appearances for a variety of causes. Mahalia sang in praise of the Lord, and lived according to His teachings. Today we can still marvel at her glorious voice when we listen to her outstanding recording of the famous gospel song, "His Eye is on the Sparrow."

In addition, I would like to memorialize the life of a woman born in my district who deserves special recognition during Women's History Week. She made a significant contribution in strengthening institutions created to help those in need. Eleanor Laura McMain was born on a farm on the Amite River 17 miles from Baton Rouge, La., in 1866. She dedicated her life to helping others, and was the driving force in founding one of the finest settlement houses in the world, Kingsley House in New Orleans. Eleanor was also instrumental in bringing about passage of the State's compulsory education law, and played a significant role in drafting the charter of the New Orleans Central Council of Social Agencies, the forerunner of the Community Chest. Among her firsts in the field of settlement work in New Orleans were the city's first vacation school, its first free clinic, its first public playground, and a Day Nursery Association. She was a social reformer credited with "taking the harshness out of institutionalism."

An Eleanor McMain Award is a coveted prize for volunteer workers. Once, when she accepted an award, she said, "I have done what I best love to do. I live and share my life with the dear people of the neighborhood."

Mr. Speaker, I am including with my remarks the biography of Eleanor Laura McMain, as follows:

McMain, Eleanor Laura (Mar. 2, 1866–May 12, 1934), New Orleans settlement worker and social reformer, was born on a farm on the Amite River, seventeen miles from Baton Rouge, La. Her father, Jacob West McMain, of Scotch-Irish descent and a strict Presbyterian by upbringing, had given up a flourishing mercantile and shipping business in Philadelphia, Pa., after the death of his first wife and had moved in 1846 to Baton Rouge, where he became a prosperous plantation owner. There he married Jane Josephine Walsh, whose parents, devout Episcopalians, had come to Louisiana from Ireland. Eleanor was their first daughter and the fifth of their eight children. During the Civil War, Jacob McMain served in the Confederate Army and lost most of his substantial fortune. The family returned in 1871 from the wartime refuge where Eleanor had been born to Baton Rouge, and there lived in genteel poverty while McMain served as dean and secretary

of Louisiana State University until his death in 1884.

Eleanor McMain attended the Episcopal church and private girls' schools in Baton Rouge and was influenced by her father's strong idealism and intellectual curiosity. For several years after 1886 she served as a governess and teacher and then opened her own private school. She moved with her mother in the mid-1890's to New Orleans. There, in 1899, she entered a training class conducted by the Episcopal-sponsored Free Kindergarten Association, and the next spring became coprincipal of a diocesan kindergarten in a section of the city known as the "Irish Channel." Early in 1901 she accepted the position of head resident of Kingsley House Settlement, a social center, founded the year before, which incorporated the kindergarten and a nearby Episcopal mission.

After a preparatory summer in Chicago during which she took courses at the University of Chicago and studied the settlement movement at first hand at Graham Taylor's Chicago Commons and Jane Addams' Hull House, Eleanor McMain zestfully plunged into what was to be a thirty-year career of social service. In 1902, having reorganized Kingsley House on a nonsectarian basis, she opened the city's first vacation school and, with the cooperation of Dr. Sara Tew Mayo and other physicians, a free clinic. Two years later she inaugurated the first of many playgrounds established over the years by the New Orleans Playground Committee, of which she was an active member. When yellow fever struck the city in 1905 she led a clean-up and education campaign credited with saving the "Irish Channel" from the worst ravages of the epidemic. A neighborhood Anti-Tuberculosis League, her chief interest in 1906, grew to a city-wide organization under the leadership of Kate M. Gordon and others. The year 1909 witnessed the inauguration of a Day Nursery Association (Miss McMain became vice-president) and "Camp Onward," a summer retreat for Kingsley House children. Athletics courses for the blind, dramatics, even a short-lived "Southern School of Social Science and Public Service" (1914–15) were also part of the Kingsley House program. The work grew steadily after the excitement and innovations of these early years, and in 1925 an extensive new center, the gift of a local philanthropist, gave Kingsley House, in Jane Addams' opionion, "the finest settlement plant in the world" (Buell, p. 374). Covering a city block, it included a residents' house, library, auditorium, clinic, day nursery, gymnasium, and trade-school rooms. despite her many duties Eleanor McMain never became just an administrator, but always retained a warm capacity for friendship and a "gift, amounting almost to genius, of taking the harshness out of institutionalism" (New Orleans Times-Picaynune, quoed in Dubroca, p. 158).

Not only Kingsley House but all phases of New Orleans civic life keenly interested Eleanor McMain. In 1905 she founded and became the first president of a Woman's League, representing various New Orleans women's groups, to work for reform on many fronts. One success came in 1910 with the passage of a League-sponsored compulsory education law. As president of the Tenement House Association, formed at about the same time, she publicized the bad conditions unearthed in a 1904 housing survey on which she and a Tulane student had collaborated. She became a director in 1904 of Jean Margaret Gordon's Milne Home for Girls and lent her active and influential support to Miss Gordon's campaigns of 1906 and 1908 to amend the state's laws governing the labor of women and children. In 1921 she helped draft the charter of the New Orleans Central Council of Social Agencies, forerunner of the Community Chest, serving in 1927 as the council's president.

Though essentially a local figure, Miss McMain consciously attempted to connect her work with national and international movements. She was an active member of the National Federation of Settlements and Neighborhood Centers and for six years served on its executive committee. In 1923 she helped spread the settlement idea abroad when, under the aegis of the National Federation, she spent nearly a year in Paris organizing a new settlement house, l'Accueil Franco-Americain, founded by Mme. J. Catlin-Tauffleib, the American wife of a French general. She remained loyal, however, to New Orleans, turning down offers to head the Chicago Commons and other Northern settlements. The wide respect of New Orleans for Eleanor McMain was signalized in 1920 when she was awarded the *Times-Picayune* loving cup for outstanding service to the city; and in 1932 a city high school was named in her honor. Her health began to fail in the early 1930's and by 1932 she was confined to her bed much of the time. She died two years later in New Orleans of a combination of heart ailments and hypertension. After services at Kingsley House and at St. James Episcopal Church in Baton Rouge, she was buried in Magnolia Cemetery in that city.●

● Mr. BERMAN. Mr. Speaker, Women's History Week provides a good opportunity to remember that we do more than celebrate and honor the historic contributions of American women during this time. We also recognize the important and long lasting contributions of women's history to academic and scholastic endeavor.

Across the Nation, colleges and universities participate in this effort in many different ways. History and literature programs introduce the contributions of women into discussions, filling gaps in our study of those disciplines. Meanwhile, scholars delve into the records and documents to gain insights from the woman's perspective. Some of the current issues we face in this House such as the feminization of poverty are not new. This important scholarship may shed new light on some of our most pressing contemporary problems.

This and other study has develop into an exciting academic discipline. A growing number of institutions of higher learning have established women's studies programs which allow students and scholars to explore the different aspects of women's perspective. I am pleased that the University of California at Los Angeles has had a women's studies program since 1969. Programs such as these will provide lasting contributions to the study of women's history and place in society.

I commend my colleague from California, Mrs. BOXER, for organizing this special order. Today we can honor outstanding women who have contributed to our Nation's history. The ultimate effects will be felt when women's history is recognized as an essential part of all history in our schools, at the elementary and secondary level as well as in colleges and universities. Recognizing women's history makes American history richer, vibrant, and living.●

● Mr. DWYER. Mr. Speaker, it is a pleasure for me to rise today and join my colleagues in commemorating Women's History Week, and I commend my colleague Congresswoman BOXER for arranging this special order.

As a cosponsor of House Joint Resolution 422, proclaiming March 4 through 10 as "Women's History Week," I feel that it is especially important for the Nation to set aside this time so that we can all recognize and celebrate the vast contributions women of all races, ages, and cultures have made to American history.

American women have played, and continue to play, a critical role in the economic, cultural, and social spheres of our country. However, their contributions have often been overlooked and undervalued. American women have both provided the foundation of our American lifestyle and been at the forefront of it many progressive social changes. Every woman in America's past has made a contribution to shaping America's future, from homemakers to labor force participants to those who have fought for independence and equal rights to those who have taught, nursed, and pioneered.

American women have not sat on the sidelines of America's future but rather have been important successful participants and it is our responsiblity to highlight these facts so that every young person in America recognizes their rich contribution to his and her future.

Celebrating such noteworthy women as Betsy Ross, Dolly Madison, Harriet Tubman, Susan B. Anthony, Eleanor Roosevelt, Margaret Mead, Sandra Day O'Conner, and Sally Ride, to name just a few, will provide American's young women with valuable role models and encourage them to believe that as women their opportunities are limitless. It is my hope that schools, libraries, and community organizations will take time this week to recognize and celebrate the countless contributions American women have made to our history.●

● Mr. BARNES. Mr. Speaker, on the occasion of Women's History Week, I would like to honor a woman who singlehandedly transformed the way Americans think about the environment: Rachael Carson.

Although she grew up in Springdale, Pa., the well-known marine biologist, ecologist, and writer was a resident of Montgomery County, Md., during her most productive years and died there

in 1964. She had an early interest in and love for science and graduated from the Pennsylvania College for Women—now Chatham College—in 1929 with a degree in zoology. Graduate work at Johns Hopkins University led to an M.A. in 1932. In the meantime, Miss Carson had joined the zoology department at the University of Maryland, while writing scientific articles for the Baltimore Sun, teaching part time, and doing independent research.

In 1936, Miss Carson began working at the Bureau of Fisheries—later the Fish and Wildlife Service—as a writer for a series of radio broadcasts. She subsequently was appointed a staff biologist and progressed steadily to the position of editor-in-chief in 1949.

National recognition first came with the publication of an article in Atlantic Monthly entitled "Undersea" which later became the full-length book, "Under the Sea World." Published in 1941, the book was met with critical and scientific acclaim, but limited sales. Plagued by financial obligations due to the responsibility of caring for her mother, her late sister's two daughters, and later a niece's orphaned son whom she adopted, Miss Carson remained in her Government post and earned extra money from magazine pieces, but never gave up on the idea of doing a more substantial work. In 1951, however, "The Sea Around Us" was published and became an immediate best seller. The book described the history, geography, chemistry, and biology of the sea in language for the layman, and reflected Miss Carson's lifetime fascination with the ocean. Its success brought financial freedom and allowed her to resign from the Fish and Wildlife Service and devote herself to writing full time.

Although Miss Carson's next book, "The Edge of the Sea," was less well-received, the publication in 1962 of "Silent Spring" made her name a household word and literally set in motion the environmental movement. The book warned the public about the dangers of pesticides and herbicides and generated attacks from chemical companies, bringing to light an alliance between science, Government, and industry on the question of regulation.

The ensuing public outcry led to a special Presidential advisory committee and eventually the banning and control of many pesticides not previously considered harmful.

Throughout her career, Miss Carson practiced the "reverence for life" of Albert Schweitzer, to whom "Silent Spring" was dedicated. After studying microscopic marine animals in the cottage she bought off the coast of Maine, she would carefully return the tiny creatures to the sea outside her door. Though a very private person, Rachael Carson's philosophy and outlook on the environment continue to gain new audiences and to affect our view of nature.●

● Mr. ECKART. Mr. Speaker, I want to take this opportunity to honor two outstanding Ohio women from my area on this, the occasion of "Women's History Week."

Betsey Mix Cowles, born on February 9, 1810, in Bristol, Conn., devoted her life to improving the lot of blacks, women, and children. She won her greatest recognition and made her most significant contribution as a teacher during a time when few women had entered and gained prominence in the field of education.

Having spent her childhood in Austinburg, Ohio, Betsey became interested in the "infant school" movement and founded such a school at Kinsman, Ohio, in 1832. She was one of the first women to graduate from Oberlin College, at a time when they were admitted to a "ladies' course." Betsey taught in Massillon, Ohio, in 1848, was superintendent of girls' grammar and high schools in Canton, Ohio, in 1850, and named superintendent of schools in Painesville, Ohio in 1858, an unusual position for a woman at that time.

She was a leading figure in the abolition movement, active in the Anti-Slavery Society of Ashtabula County, and took part in the Underground Railroad. In addition, she was a crusader for women's rights and president of the first Ohio Women's Convention at Salem, Ohio, in 1850. A member of the executive committee of the Ohio Women's Rights Association in 1852, she asserted the right of women to be well educated and insisted that they receive equal wages to men for the same work.

Harriet Taylor Upton, born in Ravenna, Ohio, on December 17, 1853, was a political activist for women's suffrage, a noted historian, and was frequently in Washington giving testimony before congressional hearings in the late 1800's, which certainly places her among the first women to do so.

Her father was elected to Congress to fill the seat vacated by James Garfield, which brought Harriet into a lifelong interest in politics. She met Susan B. Anthony in Warren, Ohio, and became fired up by the suffrage movement. Elected treasurer of the National American Women's Suffrage Association in 1840, and president of the Ohio Women's Suffrage Association, she led campaigns in 1912, 1914, and 1916 for ratification of the 19th amendment by the Ohio Legislature. She was vice chairman of the Republican National Executive Committee, one of the first women to hold so high a post.

As a liaison officer for the Ohio Department of Public Welfare, Harriet put into effect reforms at the Madison, Ohio, Home for Soldiers' and Sailors' Widows and also the Girls' Industrial School at Delaware, Ohio. She authored the two-volume series, "A Twentieth Century History of Trumbull County, Ohio," in 1909 and also the three-volume series, "History of the Western Reserve," in 1910.

Her infectious good humor and easy-going platform manner won her the favor of audiences and made her a beloved figure among suffrage workers.

I am happy to join in the celebration of Women's History Week by calling attention to the outstanding accomplishments of two women from the 11th District, Betsey Mix Cowles and Harriet Taylor Upton, both of whom were trailblazers for the issue of women's rights.●

● Mr. MARKEY. Mr. Speaker, one hardly knows where to begin when commending, as part of Women's History Week, the important contributions of American Women over the many years.

Let me, as a Representative from the great Commonwealth of Massachusetts, take some time to note just a few of the many women and events that have made Massachusetts history rich with achievements.

The women of Massachusetts have contributed much to the cultural development of the United States.

Authoress Catharine Maria Sedgwick (1789–1867), a native of Stockbridge, Mass., was the most popular American female novelist prior to Harriet Beecher Stowe and was considered a leader in the movement to produce a native literature. She also was known as a leading writer of historical romance. In 1822, she published "A New-England Tale," a faithful description of the people and hills of her native Berkshire County. Considered to be her finest novel, "Hope Leslie" was a historical romance about 17th century Massachusetts life.

A writer who remains ever popular is Emily Dickinson (1830–1886), who was born in Amherst. Although she rarely left Amherst and was almost a complete recluse much of her life, Emily Dickinson is among the greatest women poets in the English language. Her 1,775 poems are characterized by sensitive rhythms; she chose words with careful discrimination.

Although born in Pennsylvania, authoress Louisa May Alcott (1832–1888) was raised in Massachusetts, living in the Boston and Concord areas. Ms. Alcott, a prolific writer, was a breadwinner for her entire family. Her word pictures of 19th century domesticity were captured in novels such as her best known, "Little Women."

An authoress who used her gift for writing to promote reform causes dear to her was Lydia Maria Child (1802–1880), born in Medford. In 1826, she began the first American periodical for children, "Juvenile Miscellany," and also wrote self-help books such as

one entitled, "The American Frugal Housewife." But she is best known for the causes she espoused in an early antislavery book—for which she was ostracized by many—and in an abolitionist gift book. She also wrote a column for a Boston paper advocating greater equality for the sexes.

Many leading suffragettes, feminists, and abolitionists came from Massachusetts. Among some of the leading women in the early feminist chapter of our history: Lucy Stone (1818-1893), born in Coy's Hill, who in 1850 led in calling the first national women's rights convention in Worcester; Maria Weston Chapman (1806-1885), born in Weymouth; and Lucretia Mott (1793-1880), a Nantucket native and also a Quaker minister.

One of the early pioneers of women in medicine in this country, Dr. Marie Elizabeth Zakrzewska (1829-1902), although a native of Germany, did some of her pioneering in Massachusetts. She opened the country's first hospital staffed by women in New York City, and then helped found the New England Hospital for Women and Children in 1862 in Roxbury, a part of Boston. At the time, almost no other hospitals admitted women physicians; she limited the staff of the Boston hospital to women.

An important Massachusetts educator and school administrator, Lucretia Crocker (1829-1886) was a native of Barnstable. In 1872, she was a founder of the Woman's Education Association of Boston, and she worked to improve science teaching and the wider dissemination of scientific knowledge. In 1873, she was the first woman elected to the Boston School Committee, and in 1876 she was elected to that committee's board of supervisors. She is said to have virtually revolutionized science teaching in Boston schools, working for better equipment and technical reference works. She introduced new subjects into the curriculum, including zoology and mineralogy.

Those are just a few of the many important female figures in pre-20th century Massachusetts State history. I dare not even try to mention some of the prime figures of present-day history, for fear of leaving someone out. May it suffice to say there are many.

I would like to mention that Radcliffe College in Cambridge is holding a women's history conference, "Celebrating Women's Lives," March 9 and 10. The conference will honor National Women's History Week and commemorate the 40th anniversary of the Arthur and Elizabeth Schlesinger Library on the History of Women in America.

Mr. Speaker, I am proud to be able to take this opportunity to honor the achievements of women during Women's History Week. Women have moved the course of history in many important ways.●

● Mr. EDWARDS of Oklahoma. Mr. Speaker, this is Women's History Week and I would like to take this opportunity to honor the memory of Alice Robertson, a former Republican Congresswoman from Oklahoma and the second woman ever to serve in the Congress of the United States.

Alice Robertson was a woman of immense talent and dedication. Born to missionary parents in the Creek Nation in what was then Indian territory, she spent much of her life working in the interests of the Indian peoples. She worked for 6 years in the Indian Office in Washington where she was responsible for drafting recommendations which helped defeat a plan to stir an insurrection in the Creek Nation in the hope that it would lead to opening the Creek lands to white settlement. Miss Robertson later taught in various Indian schools and in 1885 was placed in charge of a Presbyterian mission boarding school for girls in Muskogee, Okla. Under her leadership, this school was expanded into a coeducational college which later moved to Tulsa and became the University of Tulsa.

In 1900, Miss Robertson was appointed Federal supervisor of Creek schools. She dedicated herself to this job until 1905 when President Roosevelt appointed her postmaster for the city of Muskogee.

If she had done nothing else, Alice Robertson would deserve recognition for her services during both the Spanish-American War and the First World War. She won honorary membership in the Spanish-American War Veterans and won praise for her efforts to provide food and hot coffee to soldiers who passed through Muskogee.

In 1920, Alice Robertson was elected to Congress from the Second District of Oklahoma as only the second woman ever to be elected to Congress. She returned to Oklahoma when her term expired in 1923.

Alice Robertson continued to work for the people of her State until age and ill health forced her to retire. Her commitment to service and the contributions she made are a reflection of the enormous role women have played in the development and progress of our country. Women's History Week is an important step toward full recognition and appreciation of the vital importance of their contributions.●

● Mr. MAZZOLI. Mr. Speaker, annually, I have cosponsored Women's History Week resolutions, and again in 1984 I join with my colleagues in celebrating and honoring the historical contributions of American women. I am especially pleased to call to the attention of the House achievements of women from Kentucky.

One of these women, remembered nationally and internationally for her contributions, was Ms. Lena Madesin Phillips. Born in Nicholasville, Ky., in 1881, Ms. Phillips worked to fulfill her life-long ambition to become a concert pianist.

However, after an accident which badly damaged the nerves in her right arm, she decided instead to pursue a career in law. And, in 1917 she became the first woman to graduate from the University of Kentucky Law School. During her practice as an attorney, Ms. Phillips became involved in the National Work Council of the Young Women's Christian Association (YWCA).

It was through her work with the YWCA that she realized the need for an ongoing organization to advance the interests of business and professional women, to aid the entry of more women into the professions and to promote cooperation among women. As a result, in 1919 the National Federation of Business and Professional Women's Clubs (NFBPWC) was founded. Nine years later, she established the international branch of this organization.

In addition to these efforts, Ms. Phillips worked to keep the NFBPWC aware of and active in social and feminist issues. She fought to have the federation support the child labor amendment and to promote the organization's involvement in peace movements. She strongly advocated equal pay for women, and in 1933 she supported the equal rights amendment. Lena Phillips continued to take an active role in women's consumer and educational organizations, and she worked to expand the International Federation of Business and Professional Women's Clubs until her death in 1955.

As we recognize the achievements of women during this week, I believe we should include the women who are making their contributions to history today. One such woman is Kentucky's new Governor, Martha Layne Collins. Governor Collins is the only woman Governor in America today and adding daily to the illustrious history of women in America.●

● Ms. MIKULSKI. Mr. Speaker, I am proud to support Women's History Week. The purpose Women's History Week is to begin to correct the omission of women's contributions to American history and to create an awareness of the important roles women have played in every sphere of our Nation's life and history.

Women's History Week is an opportunity to celebrate the contributions and victories of our fore mothers and sisters, and to encourage the pioneer women of today who are making history. Today, women are privileged to have had courageous and strong women role models who opened the doors and to be a part of the new revo-

lution in the history of women that will insure that those doors are permanently open.

My own State of Maryland is celebrating Women's History Week, again, as they have since 1981. Part of that celebration will be paying tribute to the important contributions made by Maryland women. I am very proud to say that Maryland women have accomplished many firsts, including:

Florence Rena Sabin, the first woman elected to the National Academy of Sciences, 1925;

Capt. Grace Hopper, the developer of the computer language COBOL;

Elizabeth Ann Seton, the first native-born U.S. citizen to be sainted;

Angela Bambace, the first woman on the executive board of a major union, the International Ladies Garment Workers' Union, 1900;

Dr. Hattie Alexander, the first woman to head a major medical society, the American Pediatric Society, and the discoverer of a cure for bacterial meningitis in the 1960's;

Helen Delich Bentley, the first woman to head a U.S. regulatory agency, U.S. Maritime Commission, 1960's;

Dr. Helen Brooke Taussig, the first person to develop a successful operation to save "blue babies" with circulation problems, 1945;

I am proud to be the first Polish-American Congresswoman to serve in the U.S. Congress.

Some of women's firsts receive a great deal of publicity—Sally Ride as the first American woman astronaut, Barbara McClintock as the first American woman botanist to receive the Nobel Prize in medicine for her genetics research, and others. These firsts are important because they open doors for other women.

Today, women all over the world live in an unparalleled time of firsts. In one occupation after another, in sports, in governments, in political, and labor organizations, women are making important advances. While many of the first women were tokens in worlds reserved for men, women are now creating solid positions in these areas. I like to think that this epoch of firsts will soon be over—that there will soon be few, if any, things left that women have not accomplished.

The challenges of the 1980's and beyond facing our world, need creative and thoughtful solutions. American women can be leaders and resources in meeting those challenges. Women recognize that no nation can boast of achievement until each member of that nation is equally employed and equally rewarded. Women seek to meet the challenges of the future by first eradicating the negatives in our society today. We will not stop until justice is ours. Truly, "We are here to move history forward."●

● Mr. GREEN. Mr. Speaker, I am pleased to have the opportunity to acknowledge, along with my colleagues, the occasion of Women's History Week. As you are well aware, this week has been proclaimed by Congress as a special week of recognition for all the historical contributions made by American women.

As a member of the New York delegation, I would like to focus my attention on three noted American women born in the State of New York. The first famous foremother, Elizabeth Cady Stanton, led the fight for civil rights as a suffragette and an abolitionist. Ms. Stanton, as president of the National Women's Suffrage Association, began the fight for a woman's right to vote. In the face of adversity she remained committed to her cause. In 1866, she ran for a seat in Congress. Although she received only 24 votes, her commitment and bravery are to be commended. Ms. Stanton's efforts were not confined to that of women's rights. During the Civil War she was an active abolitionist. As a member of the Women's Loyal National League, she submitted a petition with 300,000 signatures on it to the U.S. Senate calling for an end to slavery. She believed the right to vote constituted, not so much an end in itself, but a means to greater equity for all Americans.

Susan B. Anthony, although not a resident of New York, was instrumental to the State's women's movement. She was a close associate of Elizabeth Cady Stanton and like Ms. Stanton, was a dedicated abolitionist. Of all the pre-Civil War activists, Susan B. Anthony was the most deliberate about introducing women to the premise of women's rights. She traveled extensively throughout the State making speeches for the suffragette movement. As the leading suffragette of her day, Ms. Anthony made Seneca Falls the home of the movement.

Elizabeth Ann Seton, America's first native saint, was also from the State of New York. She founded, in the early 1800's, the first American Sisterhood, called Sisters of Charity of Saint Joseph. Also to her credit were the establishement of a school for boys, a society to aid destitute widowed mothers and a school for girls. In 1975, Pope Paul VI held her up as an example of selfless giving and devoted her to sainthood

These are just three of the many forgotten and remembered women who so enriched our heritage in New York State. It is important that throughout the country we set aside this time to pay tribute to all the women who have played such vital roles in the course of human events.

While we must encourage the expansion of programs in schools and colleges which recognize the achievements of these past heroines and the establishment of recognition weeks, we must not run the risk of becoming entrenched in rhetoric. More importantly, we must continue their fights; namely, the elimination of discrimination, improvement in the plight of the destitute, and advancement in securing the futures of all our women. We must not allow the trend in the povertization of women to continue. I thank the gentlewoman from California for giving me the opportunity to participate in this special order and I commend her resolution.●

● Mrs. SCHNEIDER. I am pleased to pay tribute to the memory of Dr. Alice Paul. Alice Paul, best known as the founder of the National Women's Party and author of the equal rights amendment, devoted her entire life to the fight for equal rights for women. Alice Paul and other women of the National Women's Party dared to defy the system in order to liberate women.

Alice Paul blazed the path in viewing woman's rights in terms of national politics. When antisuffragists asked, "Why do you come here and bother us?" Paul's response was "Getting the vote gave us equality in voting, that's all, but not in earning a living or seeing that the laws that govern looking after a family are equal. So I propose that the next step is complete and absolute equality for women under the law * * *." She united women—Republicans, Democrats, Socialists and Progressives alike—around one issue—equality for women.

When Alice Paul came to Washington, D.C., in 1912, she brought new life to the ebbing suffrage movement in the United States. Paul organized dramatic parades and demonstrations, with banner and costumes. The fireworks made her new policy clear—"to hold the party in power responsible for the passage of the national amendment."

Alice Paul was jailed seven times in her life, all for the cause of women's suffrage. The severe treatment of the women jailed drew angry response and national recognition of the suffrage issue. Legislators were reminded about the power of women's votes. Alice Paul and others confronted the political machinery with renewed strength and vigor during the election year of 1920. It was in that year that they were finally victorious; the 19th amendment to the U.S. Constitution was passed and American women had the right to vote.

Alice Paul's commitment to equal rights for women did not end with the victory of 1920. Realizing that most "protective" legislation only furthered discrimination, Paul drafted the equal rights amendment and worked relentlessly for its passage.

What was the driving force within Alice Paul? Why did she pursue her goals with so much perseverance? Per-

haps she always knew that "a woman's job is never done" until equal rights for women were won. She dared and believed in the strength of women coming together. She recognized that women had the power to influence the American political process.

Alice Paul has left us a heritage to fulfill and indeed a tradition to follow. Her spirit and perseverance remains our inspiration—we will not give up the fight until equal rights for women in employment and education are a reality.●

GENERAL LEAVE

Ms. SNOWE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maine?

There was no objection.

REPEAL SOCIAL SECURITY TAX ON RELIGIOUS ORGANIZATIONS—GIVE CHURCHES THE OPTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. HAMMERSCHMIDT) is recognized for 20 minutes.

● Mr. HAMMERSCHMIDT. Mr. Speaker, today I am introducing a bill which will repeal the provision of our new social security law which requires employees of nonprofit religious organizations to participate in the social security program.

The ramifications of this mandatory tax reach from deep into our constitutional history to today's society where our Nation's religious organizations are continuing to unselfishly contribute invaluably to the common good and welfare of our people. In the view of many of my constituents, the church tax provision not only would give rise to a series of legal confrontations and conflicts, but more importantly, it breaches our constitutional ideal of separation of church and State.

We have much to learn from the past with regard to church-state relations, and this issue merits our heeding the instruction which we have inherited which clearly reveals the positive results of giving religious organizations a choice in participating in our tax system. It is incumbent upon us to uphold the tradition of tax-exempt status for religious organizations, many of which already participate in social security voluntarily.

I strongly urge my colleagues to repeal section 102 of the Social Security Amendments of 1983, and continue to give churches the option.

H.R. 5016

A bill to repeal the mandatory social security coverage of employees of religious organizations enacted by the Social Security Amendments of 1983

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Freedom of Choice Act of 1984".

SEC. 2. REPEAL OF MANDATORY SOCIAL SECURITY COVERAGE OF EMPLOYEES OF CERTAIN RELIGIOUS ORGANIZATIONS.

(a) EXCLUSION FROM DEFINITION OF EMPLOYMENT.—

(1) 1954 CODE.—Paragraph (8) of section 3121(b) of the Internal Revenue Code of 1954 (defining employment) is amended by inserting "(A)" after "(8)" and by adding at the end thereof the following new subparagraph:

"(B) service performed in the employ of any religious organization described in section 501(c)(3) which is exempt from income tax under section 501(a), but this subparagraph shall not apply to service performed during the period for which a certificate, filed pursuant to subsection (k) (or the corresponding subsection of prior law) or deemed to have so filed under paragraph (4) or (5) of such subsection, is in effect if such service is performed by an employee that—

"(i) whose signature appears on the list filed (or deemed to have been filed) by such organization under subsection (k) (or the corresponding subsection of prior law),

"(ii) who became an employee of such organization after the calendar quarter in which the certificate (other than a certificate referred to in clause (iii)) was filed (or deemed to have been filed), or

"(iii) who, after the calendar quarter in which the certificate was filed (or deemed to have been filed) with respect to a group described in section 3121(k)(1)(E), became a member of such group,

except that this subparagraph shall apply with respect to service performed by an employee as a member of a group described in section 3121(k)(1)(E) with respect to which no certificate is (or deemed to be) in effect;".

(2) SOCIAL SECURITY ACT.—Paragraph (8) of section 210(a) of the Social Security Act (defining employment) is amended by inserting "(A)" after "(8)" and by adding at the end thereof the following new subparagraph:

"(B) Service performed in the employ of any religious organization described in section 501(c)(3) of the Internal Revenue Code of 1954, which is exempt from income tax under section 501(a), but this subparagraph shall not apply to service performed during the period for which a certificate, filed pursuant to section 3121(k) of such Code (or deemed to have so filed under paragraph (4) or (5) of such section 3121(k)), is in effect if such service is performed by an employee that—

"(i) whose signature appears on the list filed (or deemed to have been filed) by such organization under section 3121(k),

"(ii) who became an employee of such organization after the calendar quarter in which the certificate (other than a certificate referred to in clause (iii)) was filed (or deemed to have been filed), or

"(iii) who, after the calendar quarter in which the certificate was filed (or deemed to have been filed) with respect to a group described in paragraph (1)(E) of such section 3121(k), became a member of such group,

except that this subparagraph shall apply with respect to service performed by an employee as a member of a group described in such paragraph (1)(E) with respect to which no certificate is (or deemed to be) in effect;".

(b) RESTORATION OF SECTION 3121(k).—

(1) IN GENERAL.—Subsection (k) of section 3121 of the Internal Revenue Code of 1954 shall be deemed to have continued in effect without regard to the amendments made by section 102 of the Social Security Amendments of 1983.

(2) SECTION 3121(K) LIMITED TO RELIGIOUS ORGANIZATIONS.—Subsection (k) of section 3121 of the Internal Revenue Code of 1954 (relating to exemption of religious, charitable, and certain other organizations) is amended by adding at the end thereof the following new paragraph:

"(9) SUBSECTION TO APPLY ONLY TO CERTAIN RELIGIOUS ORGANIZATIONS WITH RESPECT TO SERVICES PERFORMED AFTER DECEMBER 31, 1983.—

"(A) IN GENERAL.—With respect to services performed after December 31, 1983, this subsection shall apply only to a religious organization.

"(B) RELIGIOUS ORGANIZATION DEFINED.—For purposes of subparagraph (A), subsection (b)(8)(B) of this section, and section 210(a)(8)(B) of the Social Security Act, the term 'religious organization' means—

"(i) churches, their ministries, organizations primarily engaged in the promotion of religion, and any organization which is described in section 501(c)(3) by reason of the word 'religious' in such section, and

"(ii) a school operated as an activity of an organization described in clause (i)."

(c) PAYMENT OF FICA TAXES NOT TAKEN INTO ACCOUNT.—The payment by an organization of taxes imposed by sections 3101 and 3111 of the Internal Revenue Code of 1954 with respect to service performed after December 31, 1983, and before the date of the enactment of this Act shall not be taken account in determining whether such organization is deemed to have filed a valid waiver certificate under section 3121(k)(1) of such Code (as in effect after the enactment of this Act).

(d) EFFECTIVE DATE, ETC.—

(1) The amendments made by this Act shall apply with respect to service performed after December 31, 1983.

(2) Except to the extent not inconsistent with the amendments made by this Act, section 102 of the Social Security Amendments of 1983 (and the amendments made by such section) are hereby repealed; and the Social Security Act and the Internal Revenue Code of 1954 shall be applied as if such section (and amendments) had never been enacted.●

IMPORTED FISH PRODUCT LABELING ACT OF 1984

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont (Mr. JEFFORDS) is recognized for 5 minutes.

● Mr. JEFFORDS. Mr. Speaker, today I, along with Representatives MAVROULES and STUDDS, am introducing a bill to amend the Food, Drug, and Cosmetic Act to require that any product containing imported fish be labeled to show the country from which the fish was imported.

According to figures from the Commerce Department, the United States imported a record 2.4 billion pounds of edible fish in 1983 at a cost of $3.6 billion. Most of this fish is processed and canned by U.S. companies for retail sales. Under existing law, it is not required that these products be labeled as to the country of origin of any imported fish in the products. They are presented to the consumer as essentially products of the United States.

I feel the U.S. consumer has a right to this information. It is a necessary element in developing personal decisions affecting purchases and product preferences. Today, a consumer is more apt to consider moral and political factors in these decisions than ever before. With regards to fish and fish product purchases, these considerations may include the exporting country's attitudes toward the hunting of marine mammals. Requiring that fish products containing imported fish be labeled as such will assist the consumer in these decisions.

As an illustration, in 1983 the United States imported 2.1 billion and 700,000 pounds of edible fish products from Japan and Norway, respectively. These two countries are two of the three countries that have filed an objection to the International Whaling Commission's proposed 1986 moratorium on commercial whaling. The United States is in support of this moratorium.

There have been efforts on the part of our Government and private individuals to persuade our trading partners to join in this moratorium. These include a restriction of Japan's fishing allocation within our territorial waters under the Fishery Conservation and Management Act and a grassroots boycott of Norwegian fish products. I might add that a number of U.S. fast-food chains have agreed to join in this boycott.

I am encouraged by these actions. I will admit that the extent to which the Government can impose sanctions is limited by a myriad of diplomatic considerations. However, the private consumer can have a significant impact on swaying the policy decisions of this and other countries. This is purely a private choice on the part of the consumer and I feel that this bill with regards to imported fish products is necessary to assist in these decisions.

I urge my colleagues to consider and cosponsor this bill.●

CLOSING THE GENDER-WAGE GAP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FISH) is recognized for 5 minutes.

● Mr. FISH. Mr. Speaker, in an effort to reaffirm the principle of equal pay for equal jobs, I am announcing my sponsorship of two bills: the Federal Employee Pay Equity Act, and the Pay Equity Act of 1984.

For too long, women have been paid less than men for comparable work. The most recent Bureau of Labor Statistics figure indicates that women earn an average of 62 cents for each dollar earned by men.

While the wage gap has narrowed slightly in the last year, the change over a 20-year period has been barely noticeable. As the pay gap persists, so does poverty which faces millions of women in the Nation.

The agencies charged with enforcing important protective laws are not fulfilling their obligations. The Equal Employment Opportunity Commission (EEOC), the Department of Labor, the Department of Justice, and the Office of Personnel Management need more direction from Congress.

The Federal Employee Pay Equity Act mandates that the Office of Personnel Management examine and recommend more equitable wage determinations for Federal employees.

This legislation will enable the Congress to monitor closely the wage rates in the Federal Government to insure their equality.

The second bill which I have sponsored will require periodic, detailed reports to the President and Congress by the EEOC, the Department of Labor, the Department of Justice, and the Office of Personnel Management describing the actions taken to enforce Federal laws prohibiting pay discrimination on the basis of sex, race, religion, or national origin.

Without a commitment from the Federal Government, pay inequity will remain a serious problem in our Nation.●

POLICY STATEMENT OF AMERICAN ENTERPRISE INSTITUTE FOR PUBLIC POLICY RESEARCH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. JONES) is recognized for 5 minutes.

● Mr. JONES of Oklahoma, Mr. Speaker, The American Enterprise Institute for Public Policy Research has issued a policy statement this month by the Committee To Fight Inflation entitled, "We Must Act Quickly to Curtail the Federal Deficit." I agree absolutely with the premise of this distinguished panel.

While I do not agree with each recommendation of the committee, I beleive that we must have bipartisan action immediately to reduce the Federal deficit and to remove the cloud overhanging the current economic recovery.

Politicians who have courage while talking in the cloakrooms or while speaking in their home districts should display the same courage when they return to Washington.

I am inserting the committee's policy statement into the RECORD over the next few days, and I urge each Member of the House to read these inserts carefully and reflect upon the decisions we must make immediately.

[From the AEI Economist, February 1984]

WE MUST ACT QUICKLY TO CURTAIL THE FEDERAL DEFICIT

Inflation slowed markedly in the course of the two recessions of the early 1980's and has remained low thus far in the recovery that began in late 1982. In the twelve months ending in November, for example, the consumer and producer price indexes rose about 3 percent and 1 percent, respectively, compared with increases of 14 percent or more for twelve-month periods ending in mid-1980.

However, the massive federal budget deficits in prospect for coming years, when the economy will be expanding rapidly and using up efficient and hitherto idle productive capacity and manpower, threaten to reignite inflationary pressures and to do other damage. Among the major risks posed by these deficits are (1) crowding out of private investment; (2) interest rates so persistently high that the Federal Reserve will be under severe pressure to abandon the present anti-inflation stance of monetary policy in an effort to bring them down—an effort that would not succeed; and (3) a dollar so persistently strong, and so destructive of jobs in export- and import-competing industries, that Congress will be tempted to enact protectionist legislation of a kind that would contribute to inflation by creating artificially high price and wage levels and that would cripple our foreign trade for the indefinite future.

Every delay in acting to reduce the prospective deficits contributes to the size of the outstanding public debt and the interest charges on it, increases the difficulty of reaching a solution, and magnifies the serious economic risks facing the country.

The Committee to Fight Inflation, a bipartisan group of citizens who have had major governmental responsibilities in the economic and financial area, has issued four policy statements since June 1980. In this new statement we note the need for maintaining the current disinflationary policies of the Federal Reserve, for cutting back rather than expanding barriers to trade and other anticompetitive measures of government, and for acting promptly to curtail the federal budget deficits now in prospect.

These prospective deficits could be narrowed by reducing projected outlays, by raising taxes, or by both. In our judgment both will be required. Moreover, it will be necessary to treat the actions on outlays and revenues as a package, in order to allay the concerns of those who fear that any tax increase would simply relieve the pressure to cut projected spending.

We describe later our own preferences for the tax and spending measures to be included in the package. But judgments on this score will differ, and neither we nor others should expect to see all of our particular preferences honored in the actions actually taken. As we stress below, the important thing is that the deficits be curtailed. And it is essential that action be taken promptly; there will never be a better time than now for attacking the deficit problem.

In the section immediately following we cite the forces that have contributed to the recent abatement of inflation and note the importance of near-term government polices in determining its future course. In the final section we briefly discuss the potential pressures for undully stimulative monetary policies, including those arising from massive federal deficits; the present budget outlook and the tax and spending changes we recommend; and the role of trade and other economic policies.

Favorable supply developments, including the continuing world-wide glut of oil, have played an important role in the slowing of inflation. Most of the credit, however, must be assigned to the effects of monetary policy on the domestic economy. Growth in total public and private spending has been slowed sufficiently to put substantial downward pressure on rates of increase in wages and prices. The recessions of early 1980 and 1981-1982 were an inevitable byproduct of this process.

Some analysts are now forecasting an inflation rate fluctuating around an average of 5 percent or so in the years ahead, but others already see signs in the pattern and pace of the current recovery of movement to considerably higher levels. In the judgment of this committee, either result would be regrettable.

Unless there is further progress toward reasonable price stability the nation will continue to be plagued by all of the economic uncertainties, inefficiencies, and problems of providing for the future associated with a highly variable price level. Our goal must be to reduce both actual inflation and expectations of future inflation to levels so low that neither is a significant factor in economic decisions.

A 5 percent or 6 percent rate of inflation is not acceptable as a solution. As recently as 1971 the government responded to an inflation rate even lower than that by recourse to mandatory price and wage controls. We must manage fiscal and monetary policies relevant to inflation so as to avoid both inflation and government controls.

For the next year or so, the crucial question is whether the government follows economic policies designed to eliminate the problem of inflation over the long run. If it is to do so it must find the solutions to some political problems relating to the budget and to other aspects of economic policy that are conducive to inflation. A failure to solve these problems would be tragic, because it would mean that the nation had paid a heavy price in lost output and employment over the past three years for nothing more than a brief lull in inflation. It would also mean that the next effort to overcome inflation would be even more difficult and costly—and might therefore have less chance of success.

MONETARY POLICY

If the trend in inflation is to continue downward, the most urgent requirement is that the Federal Reserve avoid excessively stimulative monetary policies. There is, however, a risk that interest rates may rise sharply in the course of the current economic expansion, as growing business and consumer demands for credit collide with the needs of the Federal Government to finance the massive budgetary deficits now in prospect. Under those circumstances the Federal Reserve may well be forced, by political pressure or by an act of Congress, to shift to excessively stimulative policies in an effort to reduce interest rates, abandoning its present anti-inflation stance in the process. Pressure to reduce interest rates may also come through international channels—if, for example, high rates are believed to be greatly increasing the risk of default by developing countries with heavy external debts and thus endangering the whole existing structure of international finance.

These are not the only channels through which the prospective deficits can weaken the chances of overcoming inflation, nor is a resurgence of inflation the only damage the deficits will do. We discuss the problem of the federal budget in broader terms below. Here we will add only the ironic fact that an increase in monetary stimulus for the purpose of holding down interest rates can succeed only temporarily at best. This is because such a policy would create a resurgence of inflationary expectations that in itself would put upward pressures on interest rates.●

UPCOMING ACTIVITIES OF THE SUBCOMMITTEE ON CRIMINAL JUSTICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

● Mr. CONYERS. Mr. Speaker, I would like to take this opportunity to outline for my colleagues the activities planned for the Subcommitee on Criminal Justice during the next 2 months. It may be necessary, because of the unavailability of important witnesses or for other unforeseen circumstances, to adjust this schedule, but I hope the subcommittee will be able to adhere closely to it.

The subcommittee has two major projects well underway and will continue to work on each of them. The subcommittee has held two hearings on H.R. 3498 and related bills to help crime victims. Four more are planned. I hope to be able to begin markup in early April, but whether this is possible will depend in large part upon when the administration sends Congress its proposed legislation to implement recommendations of the President's Task Force on Victims of Crime. The task force issued its final report in December 1982, but the administration's proposed legislation has not yet been forwarded to the Congress. I am informed that it will soon be sent to us.

The second major project involves sentencing practices and procedures. The subcommittee has held two hearings on sentencing reform legislation and one on fine collection methods. Four more hearings on sentencing reform legislation and one more hearing on fine collection have been planned. Markup of legislation on each topic will begin after the hearings on that topic are completed.

In addition to working on crime victim and sentencing practices and procedures, the subcommittee will begin work on several matters that were addressed by the other body during consideration of S. 1762, its omnibus crime bill. The subcommittee is not free, however, to take up any provision in that bill. To begin with, some of the provisions in S. 1762 deal with matters not ordinarily within the jurisdiction of the Committee on the Judiciary. Title VIII of the bill amends statutes like the Labor Management Relations Act, 1947, which is within the jurisdiction of the Committee on Education and Labor. Title IX of the bill amends provisions in title 31 of the United States Code, which are within the jurisdiction of the Committee on Banking, Finance and Urban Affairs. Moreover, the subcommittee does not have jurisdiction over all of the provisions in S. 1762 that are within the jurisdiction of the Committee on the Judiciary. At least four other subcommittees have jurisdiction over parts of the bill. The matters to be taken up by the Criminal Justice Subcommittee come from those provisions over which the subcommittee has jurisdiction.

The matters planned to be taken up concern:

First, arson. The subcommittee will take up H.R. 3783, a bill introduced by our colleague from New York, Mr. BIAGGI, to amend the Federal arson statute. Section 1014 of S. 1762 makes a similar amendment to the arson statute.

Second, banks. Sections 1106, 1107, and 1108 of S. 1762 deal with receiving stolen bank property, bank bribery, and bank fraud. There is no comparable House bill, so I am drafting one that can serve as vehicle for the subcommittee's work.

Third, banking records. Section 1214 of S. 1762, which was added during the floor debate, amends a provision of title 18 of the United States Code regulating the manner in which foreign records are admitted into evidence in order to deal with the use of foreign banks to secret assets. There is no comparable House bill, so I am drafting and will introduce a bill that the subcommittee can use as a vehicle for its work.

Fourth, recording telephone conversations without the permission of all parties to the conversation. This matter came up during the other body's floor debate on S. 1762. I have introduced H.R. 4826, which makes such conduct a misdemeanor, and it will be taken up by the subcommittee.

Fifth, assault. S. 1762 and S. 779—passed late last year—amend Federal laws proscribing assaults against Federal law enforcement officers and other Federal officials. There is no comparable House bill, so I am drafting and will introduce a bill that will serve as a vehicle for the subcommittee's work.

The subcommittee's schedule of planned activities is:

March 8: Hearing on H.R. 4826.

March 14: Hearing on H.R. 3498 and related bills.

March 15: Hearing on H.R. 3498 and related bills.

March 21: Hearing on sentencing reform bills.

March 22: Hearing on H.R. 3498 and related bills.

March 28: Hearing on sentencing reform bills.

March 29: Hearing on fine collection.

April 2: Hearing on H.R. 3498 and related bills.

April 4: Hearing on sentencing reform bills.

April 5: Hearing on H.R. 3783.

April 11: Hearing on assault bill.

April 12: Hearing on sentencing reform bills.

April 25: Hearing on banking records bill.

April 26: Hearing on receiving stolen bank property, bank bribery, and bank fraud bill.

I welcome the view of my colleagues on any of these matters and invite those who are interested to testify at our hearings.●

IMF POLICIES: FACT AND FICTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. NEAL) is recognized for 5 minutes.

● Mr. NEAL. Mr. Speaker, the resolution of the international debt problem and the prospects for a sustained worldwide economic recovery depend greatly on the work of the International Monetary Fund (IMF).

In the past 2 years, the IMF has enabled many hard-pressed countries to survive the recession and the debt crisis. It has kept the world trading system functioning. Last year, this Congress demonstrated its confidence in the IMF by voting to join the other 144 IMF member nations in lending additional resources for the IMF's work.

Despite its remarkable record, the IMF's operations are poorly understood. In a recent address to the Economic Club of Chicago, the IMF's managing director, J. de Larosiere, sought to correct some of the misconceptions about IMF adjustment programs, financing, and surveillance. Because his comments address questions that many of our colleagues have asked about the IMF, I ask that excerpts from Mr. de Larosiere's speech, "Current Policies of the IMF: Fact and Fiction," be printed in the RECORD at this time.

[Excerpt From an Address by J. de Larosiere]

CURRENT POLICIES OF THE IMF: FACT AND FICTION

The Fund's resources are a revolving pool of funds which can be made available on a temporary basis to members facing balance of payments difficulties. The purpose is to enable such countries to tackle their problems by means of a policy strategy that is consistent both with strengthening their own economies as well as with the economic well-being of their trading and financial partners. The policy elements that are needed to ensure that this adjustment takes place in an orderly and cooperative way constitute the conditionality that underlies the Fund's lending operations.

One sometimes hears it said that the Fund "imposes" conditions on member countries having recourse to its financing. This notion betrays a basic misconception about the nature of the Fund's relations with its sovereign member states. When a member wants to borrow from the Fund, we work together with the authorities to determine the nature and causes of the economic problems facing the country. And we examine with them the policy options that exist for restoring a viable payments position over the medium term, having regard to the domestic social and political objectives of the member and its economic priorities. The aim of these discussions is to reach agreement on a package of measures—an adjustment program—which constitutes a coordinated attack on the problems they face and which can be supported by Fund financing. Disbursements under a Fund arrangement are linked to performance: if performance does not meet the targets of the program, disbursements are held up until new understandings can be reached. The closeness of relations between the Fund and its member countries and the continuing nature of the association means that negotiations, though they can be difficult, are normally conducted in an atmosphere of mutual understanding and trust. Indeed, such an atmosphere is essential to ensure political commitment on the part of the authorities and the will to implement the program without which no program can succeed.

Another criticism that is sometimes heard about conditionality is that it is unduly harsh and that it has the effect of undermining growth in borrowing countries. In practice, conditionality is no more severe than it has to be in order to meet the essential medium term objective of restoring a viable external payments position. That is not to say conditionality is never tough: it sometimes is, but this will depend upon a number of factors.

First, the seriousness of the country's predicament. Our experience shows that adjustment programs are much easier to implement and proceed far more smoothly when they are undertaken at an early stage of a country's emerging difficulties. Indeed, there are many examples to demonstrate that programs with members are most successful when adjustment is brought about in an orderly way through the timely adoption of corrective measures. On the other hand, when a country postpones adjustments for too long and allows its external payments deficit to reach a level it simply cannot afford to finance, it runs into a financial crisis. It is at this point that foreign financing becomes difficult if not impossible to obtain, and local residents lose confidence in the currency resulting in large-scale capital flight. In these situations adjustment is forced on a country in circumstances that are sometimes socially and politically hard to bear, as well as being disruptive to the economy.

Conditionality will also depend, in part, upon the world trading climate. Clearly, it is much easier for a country to adjust in a dynamic and growing world economy when world markets are buoyant and expanding. Recently, however, these conditions have not existed and debtor countries have had to adjust in conditions marked by depressed commodity prices, a declining volume of world trade, and with protectionist pressures intensifying. These developments have made balance of payments adjustment that much harder for deficit countries since the brunt of that adjustment has fallen on imports. Thus, approximately three quarters of the $40 billion improvement in the combined trade deficit of the non-oil developing countries over the past two years reflects a reduction in imports.

Finally, conditionality will reflect the availability and terms of external financing. Though, in the short term, financing can be substituted for adjustment, in the longer term financing and adjustment complement each other: external flows basically depend upon the confidence of foreign creditors in the quality and security of their investment. Recent experience has shown how financing flows will fall when uncertainties arise about the capacity of borrowing countries to service their debt. Thus, net lending by the commercial banks to the non-oil developing countries fell precipitously in the second half of 1982 and there was no appreciable increase in the other principal components of financing—official flows or direct investment. The contraction of external financing has forced the pace of adjustment. Meanwhile, the dramatic reversal after 1979 in the terms of financing—from a period of negative real rates of interest to high positive real interest rates, as well as a shortening of maturities—has added enormously to the debt service burden and, hence, the task of adjustment confronting borrowing countries.

It is to these areas that we must look for an explanation of why the adjustment facing many debtors has been such an uphill struggle and why growth in the developing world has been set back so seriously in the past two years. What has been the impact of the Fund's conditional lending on growth in program countries and internationally?

For most countries implementing Fund-supported programs, the recent decline in their growth rates occurred before they embarked on that program. The provision of financing by the Fund both directly and indirectly through its catalytic effect have by definition helped such countries to sustain much higher imports and, hence, higher levels of activity than would have been possible without the Fund's support. In addition, the policy elements underlying the programs these countries have introduced with the Fund's help will enhance their growth prospects for the period ahead. Indeed, Fund-supported programs are always geared toward establishing the conditions that will foster sustainable growth over the medium term. Rigorous monetary and fiscal policies are designed to establish an environment of price stability in which growth can flourish. On the "supply side," policies are aimed at providing the right incentives and the flexibility to ensure that capital and other resources are allocated efficiently. This means, in particular, that interest rates, exchange rates, and administered prices must be realistic. It also means that rigidities and controls must be phased out so that flexibility and competition are enhanced.

Of course, the short-term impact of a reorientation of policies along these lines can be painful. This is so primarily because the adjustments typically involve immediate losses in uneconomic sectors while the realization of the benefits in viable sectors is a

more gradual process. For example, currency depreciation and the elimination of restrictions can be expected to involve immediate cutbacks in those industries or activities that have been protected; the benefits in the form of expanded activity and output in viable export sectors would normally take longer to accrue. Similarly, cuts in government expenditures or more realistic prices for public services as part of an effort to reduce a fiscal imbalance may involve short-term costs to some sectors while the ultimate benefits resulting from reduced demand pressures and more rational incentives follow with a lag. But these adjustments ultimately pay off. Empirical studies published by the Fund show that countries that have pursued rigorous demand management and flexible exchange rate policies have achieved not only better balance of payments performance but higher growth rates as well.

Recently, concern has been voiced in some quarters that the combined effects of the adjustment efforts now being undertaken simultaneously by a number of major debtor countries could add to recessionary impulses in the world economy and thereby dampen the emerging recovery. Is the process of adjustment, in these circumstances, not self-defeating? In my view, these concerns are misplaced because they are based on an unrealistic analysis of the situation. Those debtor countries that have run into financing difficulties have no alternative but to adjust; any attempt to stay on a more expansionary policy course would lead them nowhere but to more inflation and higher unemployment and, ultimately, into more onerous adjustment later on. Indeed, for some, the existence or imminent threat of a sessation of external financing effectively precluded any such delay. In these conditions, and in the absence of increased external financing, how can it be argued that recovery could somehow be built on the very policies that were responsible for leading these economies into debt crises and recession in the first place? The Fund, because of the limited and temporary nature of its financing, cannot play an anticyclical role that would be sufficient to turn the world economic situation around. It is certainly true that the recovery will be slower than many would like: this reflects the magnitude of the adjustments to be achieved and the limits to the financing available to support it. It does not mean that the adjustment policies are inappropriate but rather that the underlying conditions need to be strengthened. This applies not only to the deficit countries but particularly to the major industrial countries which are the main engines of growth for the world economy. Until the right conditions are in place, there can be no lasting recovery. And it is toward the resumption of sustainable growth and development in the world economy as a whole that the current adjustment strategy must be directed.●

CURRENT LEVEL OF SPENDING AND REVENUES FOR FISCAL YEAR 1984

(Mr. JONES of Oklahoma asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. JONES of Oklahoma. Mr. Speaker, pursuant to the procedures of the Committee on the Budget and section 311(b) of the Congressional Budget Act of 1974, I am submitting to the RECORD a letter to the Speaker advising him of the current level of spending and revenues for fiscal year 1984.

COMMITTEE ON THE BUDGET,
Washington, D.C., March 6, 1984.

HON. THOMAS P. O'NEILL, Jr.,
Speaker, U.S. House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: On January 30, 1976, the Committee on the Budget outlined the procedure which it had adopted in connection with its responsibilities under Section 311 of the Congressional Budget Act of 1974 to provide estimates of the current level of revenues and spending.

Pursuant to Committee Rule 10, I am herewith transmitting the status report under H. Con. Res. 91, the First Concurrent Resolution on the Budget for Fiscal Year 1984. This report reflects the adjusted resolution of October 25, 1983, and the current CBO estimates of budget authority, outlays, and revenues. The attachment shows the latest estimate for the current level of fiscal year 1984 spending. There remains a small amount of room beneath the budget ceilings: $2,929 million in budget authority and $6 million in outlays.

The procedural situation with regard to the spending ceiling will be affected this year by Section 5(b) of H. Con. Res. 91. As I explained during debate on the conference report on that resolution, enforcement against breaches of the spending ceiling under Section 311(a) of the Budget Act will not apply where a measure would not cause a committee to exceed its appropriate allocation pursuant to Section 302(a) of the Budget Act. In the House, the appropriate 302(a) allocation includes "new discretionary budget authority" and "new entitlement authority" only. It should be noted that under this procedure neither the total level of outlays nor a committee's outlay allocation is considered. This exception is only provided because an automatic budget resolution is in effect and would cease to apply if Congress were to revise the budget resolution for fiscal year 1984.

The intent of the Section 302(a) "discretionary budget authority" and "new entitlement authority" subceiling provided by Section 5(b) of the resolution is to protect a committee that has stayed within its spending allocation—discretionary budget authority and new entitlement authority—from points of order if the total spending ceiling has been breached for reasons outside of its control. The 302(a) allocations to House committees made pursuant to the conference report on H. Con. Res. 91 were printed in the Congressional Record, June 22, 1983, H. 4326. Adjustments to such allocations made pursuant to Section 2 of House Concurrent Resolution 91, the reserve fund, are reflected in House Reports 98-313, 98-354, 98-381, and 98-439.

The attached table shows where each committee currently stands as to its 302(a) allocation of discretionary budget authority.

With best wishes.

Sincerely,

JAMES R. JONES,
Chairman.

Fiscal year 1984—Comparison of current level and budget resolution allocation by committee

	Millions[1]
House committee:	
Total current level	−$2,929
Appropriations Committee:	
Discretionary	(−2,351)
Authorizing committee—Discretionary action:	
Agriculture	(−677)
Armed Services	(−4)
Banking, Finance, and Urban Affairs	[2](+)
District of Columbia	(...)
Education and Labor	[2](−)
Energy and Commerce	(−192)
Foreign Affairs	[2](+)
Government Operations	(−450)
House Administration	[2](−)
Interior and Insular Affairs	(+4)
Judiciary	[2](+)
Merchant Marine and Fisheries	(+13)
Post Office and Civil Service	[2](−)
Public Works and Transportation	(+150)
Science and Technology	[2](+)
Veterans' Affairs	[2](+)
Ways and Means	(+2,313)
Unassigned (offsetting receipts)	(−2,108)

[1] Current level budget authority committees are over (+) or under (−) their 302(a) allocation.
[2] Less than $500,000.

NOTE.—Detail may not add due to rounding.

REPORT TO THE SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1984 CONGRESSIONAL BUDGET ADOPTED IN HOUSE CONCURRENT RESOLUTION 91

REFLECTING COMPLETED ACTION AS OF MAR. 2, 1984

[In million of dollars]

	Budget authority	Outlays	Revenues
Appropriate level	923,809	853,386	679,600
Current level	920,880	853,380	665,286
Amount under ceilings	2,929	6	
Amount under floor			14,314

BUDGET AUTHORITY

Any measure providing budget or entitlement authority which is not included in the current level estimate and that exceeds $2,929 million for fiscal year 1984, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in H. Con. Res. 91 to be exceeded.

OUTLAYS

Any measure providing budget or entitlement authority which is not included in the current level estimate and that exceeds $6 million in outlays for fiscal year 1984, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in H. Con. Res. 91 to be exceeded.

REVENUES

Any measure that would result in a revenue loss for fiscal year 1984, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in H. Con. Res. 91.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., March 5, 1984.

Hon. JAMES R. JONES,
Chairman, Committee on the Budget, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311(b) of the Congressional Budget Act, this letter and supporting detail provide an up-to-date tabulation of the current levels of new budget authority, estimated outlays and estimated

revenues in comparison with the appropriate levels for those items contained in the most recently agreed to concurrent resolution on the 1984 budget (H. Con. Res. 91). This report for fiscal year 1984 is based on our estimates of budget authority, outlays, and revenues using the assumptions and estimates consistent with H. Con. Res. 91.

Since my last report, the Congress has cleared for the President's signature H.R. 4957, increasing the amount authorized to be expended for highway emergency relief, thus increasing the estimated current level of 1984 budget authority and outlays.

[In millions of dollars]

	Budget authority	Outlays	Revenues
1. Enacted	917,005	850,081	665,286
2. Entitlement authority and other mandatory items requiring further appropriation action	3,724	3,289	
3. Continuing resolution authority			
4. Conference agreements ratified by both Houses	150	10	
Current level	920,880	853,380	665,286
Budget resolution, H. Con. Res. 91	923,809	853,386	679,600
Current level is:			
Over resolution by			
Under resolution by	2,929	6	14,314

Sincerely,

RUDOLPH G. PENNER,
Director.

PARLIAMENTARIAN STATUS REPORT HOUSE SUPPORTING DETAIL, FISCAL YEAR 1984 AS OF CLOSE OF BUSINESS MAR. 2, 1984

[In millions of dollars]

	Budget authority	Outlays
I. Enacted:		
Permanent appropriation and trust funds	535,903	491,993
Appropriations enacted previous session	522,190	499,031
Offsetting receipts	−141,088	−141,088
Enacted this session: Veterans' Compensation and Program Improvements Amendments of 1984 (Public Law 98–223)		145
Total enacted	917,005	850,081
II. Entitlement authority and other mandatory items requiring further appropriation action:		
Child nutrition	417	222
Department of Defense:		
Civilian pay raises	436	422
Military pay raises	1,205	1,169
Retired pay, Defense	133	65
Claims, Defense	63	57
Payment to Foreign Service retirement fund	3	3
Offsetting receipts	3	3
Range improvements	2	1
FUBA	33	33
Medicaid	556	556
Advances to unemployment insurance trust fund	3,932	3,932
Offsetting receipts	−3,932	−3,932
Special benefits:		
Disabled coal miners	20	20
Federal employees	12	12
Social services block grants	25	25
Rehabilitation services and handicapped research	34	28
Guaranteed student loan program	132	
Payment to civil service retirement fund	230	230
Offsetting receipts	−230	−230
Civilian agency pay raises	657	678
Total	3,724	3,289
III. Continuing resolution authority [1]		
IV. Conference agreements ratified by both Houses: Increase contract authority for highway emergency relief (H.R. 4957)	150	10
Total, current level as of Mar. 2, 1984	920,880	853,380
Budget resolution, H. Con. Res. 91	923,809	833,386
Amount remaining:		
Over ceiling		
Under ceiling	2,929	6

[1] Agriculture; Commerce, State, Justice; foreign assistance; Treasury. Postal Service and general government and other selected appropriations are funded under continuing resolution authority (Public Law 98–151) for the full fiscal year and, therefore, are included in the enacted category of this report.

Note.— Detail may not add due to rounding.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CLAY (at the request of Mr. SKELTON), for today, on account of testifying in court.

Ms. MIKULSKI (at the request of Mr. WRIGHT), after 3:30 p.m. today, on account of official business.

Mr. RUDD (at the request of Mr. MICHEL), for today after 3 p.m. and the balance of the week, on account of dental work.

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. ROGERS) to revise and extend their remarks and include extraneous material:)

Mr. JEFFORDS, for 5 minutes, today.

Mr. BURTON of Indiana, for 60 minutes, today.

Mr. BURTON of Indiana, for 60 minutes, on March 7.

Mr. KEMP, for 60 minutes, today.

Mr. FISH, for 5 minutes, today.

Mr. GINGRICH, for 60 minutes, today.

Mr. GINGRICH, for 60 minutes, on March 7.

Mr. WALKER, for 60 minutes, today.

Mr. WALKER, for 60 minutes, on March 7.

Mr. MACK, for 60 minutes, on March 7.

Mr. WEBER, for 60 minutes, on March 7.

(The following Members (at the request of Mr. SCHUMER) to revise and extend their remarks and include extraneous material:)

Mr. MACKAY, for 5 minutes, today.

Mr. MARKEY, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. JONES of Oklahoma, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. MICA, for 10 minutes, today.

Mr. MAVROULES, for 60 minutes, on March 7.

Mr. NEAL, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BEREUTER, to revise and extend his remarks, immediately preceding the vote on House Joint Resolution 492.

(The following Members (at the request of Mr. ROGERS) and to include extraneous matter:)

Mr. VANDER JAGT.

Mr. BILIRAKIS.

Mr. KINDNESS.

Mr. GREEN.

Mr. RINALDO.

Mr. LAGOMARSINO in two instances.

Mr. JEFFORDS.

Mr. WOLF.

Mr. FRENZEL in five instances.

Mr. KASICH.

Mr. CORCORAN.

Mr. LENT.

Mr. HYDE.

Mr. SUNDQUIST.

(The following Members (at the request of Mr. SCHUMER) and to include extraneous matter:)

Mr. NELSON of Florida.

Mr. TORRES.

Mr. FLORIO.

Mr. CHAPPELL.

Mr. OTTINGER.

Mr. WILSON.

Mr. PANETTA.

Mr. EDWARDS of California in two instances.

Mr. FORD of Michigan in three instances.

Mr. CONYERS in two instances.

Mr. ASPIN.

Mr. HAMILTON.

Mr. HOYER in two instances.

Mr. ROE.

Mr. MAZZOLI.

Mr. DOWNEY of New York in two instances.

Mr. FAUNTROY.

Mr. LEVINE of California.

Mr. GAYDOS.

Mr. GEPHARDT.

Mr. YATRON.

Ms. OAKAR.

Mr. HALL of Ohio.

Mr. WYDEN in two instances.

Mr. HARRISON in two instances.

Mr. GEJDENSON.

Mr. MARKEY.

Mr. SIMON in three instances.

Mr. DONNELLY.

Ms. KAPTUR.

Mr. BROWN of California.

Mrs. BURTON of California.

ENROLLED BILLS SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee has examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1750. An act for the relief of Apolonio P. Tumamao and others;

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; and

H.R. 4957. An act to apportion certain funds for construction of the National System of Interstate and Defense Highways for fiscal year 1985 and to increase the amount authorized to be expended for emergency relief under title 23, United States Code, and for other purposes.

ADJOURNMENT

Mr. MORRISON of Connecticut. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 34 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 7, 1984, at 3 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2808. A letter from the Deputy Assistant Secretary of Defense (Military Personnel and Force Management), transmitting the calendar year 1983 report concerning officer responsibility pay, pursuant to 37 U.S.C. 306(f) (94 Stat. 2242); to the Committee on Armed Services.

2809. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Impact of Capital Budget Policy Changes," pursuant to Public Law 93-198, section 455(d); to the Committee on the District of Columbia.

2810. A letter from the Mayor, the District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia; to the Committee on the District of Columbia.

2811. A letter from the Secretary of Health and Human Services, transmitting a report on the activities of States which have received funds under the preventive health and health services block grant program, pursuant to PHSA, section 1906(b)(6) (95 Stat. 540); to the Committee on Energy and Commerce.

2812. A letter from the Associate Director, Bureau of Educational and Cultural Affairs, U.S. Information Agency, transmitting notification of a proposed waiver of the limitation on foreign travel by a citizen who is financed by grants from the private sector program, pursuant to 22 U.S.C. 2460 (Public Law 98-164, section 207(a) (fiscal year 1984-85)); to the Committee on Foreign Affairs.

2813. A letter from the Acting Deputy Director for Current Information and FOIA Officer, Office of Information, Department of Agriculture, transmitting the Department's annual report of its activities under the Freedom of Information Act, during calendar year 1983, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2814. A letter from the Chairman, Commodity Futures Trading Commission, transmitting the Commission's annual report of its activities under the Freedom of Information Act, during calendar year 1983, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2815. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's annual report of its activities under the Freedom of Information Act, during calendar year 1983, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2816. A letter from the Secretary of Health and Human Services, transmitting the Department's annual report of its activities under the Freedom of Information Act, during calendar year 1983, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2817. A letter from the Chairman, Advisory Council on Historic Preservation, transmitting the annual report for fiscal year 1983 on the Council's activities, pursuant to Public Law 89-665, section 202(b) (94 Stat. 2999); to the Committee on Interior and Insular Affairs.

2818. A letter from the Chairman, Merit Systems Protection Board, transmitting a report on the appeals filed during 1983, pursuant to 5 U.S.C. 7701(i)(2); to the Committee on Post Office and Civil Service.

2819. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a letter from the Chief of Engineers, Department of the Army, dated February 4, 1982, submitting a report, together with accompanying papers and illustrations, on interim report on Perry Creek, Iowa. The report is in response to a resolution adopted December 8, 1944, and in partial response to a resolution adopted October 10, 1974, by the House Committee on Public Works (H. Doc. No. 98-179); to the Committee on Public Works and Transportation and ordered to be printed.

2820. A letter from the Secretary of Energy, transmitting an interim report on Energy's study of alternative means of financing the construction and operation of all civilian radioactive waste management facilities, pursuant to Public Law 97-425, section 303; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

2821. A letter from the Acting Comptroller General of the United States, transmitting a report entitled, "Insights Into Major Urban Development Action Grant Issues" (GAO/RCED-84-55; March 5, 1984); jointly, to the Committees on Government Operations and Banking, Finance and Urban Affairs.

2822. A letter from the Secretary of Health and Human Services, transmitting a report on the results of the aid to families with dependent children (AFDC) homemaker/home health aide demonstration program, pursuant to Public Law 96-499, section 966(h) 95 Stat. 802; jointly, to the Committees on Ways and Means and Energy and Commerce.

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:

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 3082. A bill to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of wetlands by the acquisition of wetlands and other essential habitat, and for other purposes; with amendments (Rept. No. 98-440, Pt. II). Ordered to be printed.

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 3082. A bill to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of wetlands by the acquisition of wetlands and other essential habitat, and for other purposes; with amendments (Rept. No. 98-440, pt. III). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHEAT: Committee on Rules. House Resolution 453. Resolution providing for the consideration of H.R. 1652, a bill to amend the Reclamation Safety of Dams Act of 1978, and for other purposes. (Rept. No. 98-613). Referred to the House Calendar.

Mr. LONG of Louisiana: Committee on Rules. House Resolution 454. Resolution providing for the consideration of H.R. 2133, a bill to amend the Small Business Act. (Rept. No. 98-614). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 455. Resolution providing for the consideration of H.R. 4164, a bill to strengthen and expand the economic base of the Nation, develop human resources, reduce structural unemployment, increase productivity, and strengthen the Nation's defense capabilities by assisting the States to expand, improve, and update high-quality programs of vocational-technical education, and for other purposes. (Rept. No. 98-615). Referred to the House Calendar.

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. ANNUNZIO:

H.R. 5026. A bill to amend the Truth in Lending Act to impose a permanent ban on credit card surcharges; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ASPIN (for himself, Mrs. SCHROEDER, and Mr. WHITEHURST):

H.R. 5027. A bill to amend title 10, United States Code, to modify procedures for payment of military retired pay to spouses and former spouses of members of the uniformed services in compliance with court orders; to the Committee on Armed Services.

By Mr. BIAGGI:

H.R. 5028. A bill to amend the Internal Revenue Code of 1954 to make permanent the exclusion from gross income for amounts received under qualified group legal services plans; to the Committee on Ways and Means.

By Mr. BIAGGI (for himself, Mr. JONES of North Carolina, Mr. FORSYTHE, and Mr. SNYDER):

H.R. 5029. A bill to improve certain maritime programs of the Department of Transportation, and for other purposes; jointly, to the Committees on Merchant Marines and Fisheries and the Judiciary.

By Mr. BROOKS (for himself and Mr. ROBERTS):

H.R. 5030. A bill to amend title 18 of the United States Code and the Adoption Reform Act; jointly, to the Committees on the Judiciary and Education and Labor.

By Mr. GIBBONS:

H.R. 5031. A bill to amend the Internal Revenue Code of 1954 to encourage contributions of equipment to postsecondary vocational education programs and to allow a credit to employers for vocational education courses taught by an employee without compensation and for temporary employment of full-time vocational educational instructors; to the Committee on Ways and Means.

By Mr. JEFFORDS (for himself, Mr. MAVROULES, and Mr. STUDDS):

H.R. 5032. A bill to amend the Federal Food, Drug, and Cosmetic Act to require

that any product containing imported fish be labeled to show the country from which the fish was imported; to the Committee on Energy and Commerce.

By Mr. LEVITAS:

H.R. 5033. A bill to terminate certain authority of the executive branch of the Government which is subject to congressional review unless that authority is approved by an enactment of the Congress; to the Committee on Appropriations.

H.R. 5034. A bill to terminate certain authority of the executive branch of the Government which is subject to congressional review unless that authority is approved by an enactment of the Congress; to the Committee on Energy and Commerce.

H.R. 5035. A bill to terminate certain authority of the executive branch of the Government which is subject to congressional review unless that authority is approved by an enactment of the Congress; to the Committee on Merchant Marine and Fisheries.

H.R. 5036. A bill to terminate certain authority of the executive branch of the Government which is subject to congressional review unless that authority is approved by an enactment of the Congress; to the Committee on Post Office and Civil Service.

By Mr. McDADE:

H.R. 5037. A bill to require milk handlers to make prompt payment to producers for fluid milk; to the Committee on Agriculture.

By Mr. MICA (by request):

H.R. 5038. A bill to require the registration of deposit brokers with the Securities and Exchange Commission, to require the Federal insuring agencies to better police the funds acquisition activities of newly insured and financially impaired depository institutions, to amend the Securities Exchange Act of 1934, the Federal Deposit Insurance Act, the National Housing Act, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs, and Energy and Commerce.

By Mr. MITCHELL (for himself, Mr. YOUNG of Alaska, and Mr. GARCIA):

H.R. 5039. A bill to provide matching grants for the retrofitting and operation of certain surplus vessels used for humanitarian purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. NEAL:

H.R. 5040. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued; to the Committee on Ways and Means.

By Mr. RODINO (for himself, Mr. FISH, Mr. EDWARDS of California, Mr. MOORHEAD, Mr. HUGHES, Mr. HYDE, Mr. CROCKETT, Mr. SAWYER, Mr. LUNGREN, Mr. FEIGHAN, Mr. MAZZOLI, Mr. FRANK, Mr. KINDNESS, Mr. ZSCHAU, Mr. CHANDLER, Mr. RIDGE, Mr. SCHUMER, and Mr. SYNAR):

H.R. 5041. A bill to promote research and development, encourage innovation, and make necessary and appropriate amendments to the antitrust laws; to the Committee on the Judiciary.

By Mr. SEIBERLING (for himself and Mr. GLICKMAN):

H.R. 5042. A bill to prevent certain acquisitions of major energy concerns and domestic petroleum companies by other major energy concerns; to the Committee on the Judiciary.

By Mr. STRATTON:

H.R. 5043. A bill to amend the Federal Cigarette Labeling and Advertising Act to prohibit the advertising of any tobacco product on any medium of electronic communication; to the Committee on Energy and Commerce.

By Mr. WALGREN (for himself, Mr. MURPHY, and Mr. KOLTER):

H.R. 5044. A bill to establish a national coal science, technology, and engineering development program; to the Committee on Science and Technology.

By Mr. HERTEL of Michigan (for himself, Mr. ALBOSTA, Mr. BARNARD, Mr. BARNES, Mr. BATES, Mr. BERMAN, Mr. BEVILL, Mr. BIAGGI, Mr. BONIOR of Michigan, Mr. BRITT, Mr. BROYHILL, Mrs. BURTON of California, Mrs. BYRON, Mr. CARR, Mr. CONYERS, Mr. CORCORAN, Mr. COYNE, Mr. CROCKETT, Mr. DE LA GARZA, Mr. DELLUMS, Mr. DIXON, Mr. DONNELLY, Mr. DOWNEY of New York, Mr. DURBIN, Mr. DWYER of New Jersey, Mr. EDGAR, Mr. EVANS of Illinois, Mr. FAUNTROY, Mr. FORD of Tennessee, Mr. FRANK, Mr. FRENZEL, Mr. FROST, Mr. GORE, Mr. HAMMERSCHMIDT, Mr. HANSEN of Idaho, Mr. HARRISON, Mrs. HOLT, Mr. HORTON, Ms. KAPTUR, Mr. KILDEE, Mr. LANTOS, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mr. LEWIS of California, Mr. MCCAIN, Mr. MACKAY, Mr. MARKEY, Mr. MATSUI, Mr. MAVROULES, Ms. MIKULSKI, Mr. MOODY, Mr. MOORE, Mr. MORRISON of Connecticut, Mr. OWENS, Mr. ORTIZ, Mr. PANETTA, Mr. PATTERSON, Mr. PEPPER, Mr. RATCHFORD, Mr. ROBINSON, Mr. ROE, Mr. SIMON, Mr. SISISKY, Mr. SMITH of Florida, Mr. STARK, Mr. STOKES, Mr. TRAXLER, Mr. VANDERGRIFF, Mr. VENTO, Mr. WEISS, Mr. WIRTH, Mr. WOLF, Mr. WOLPE, Mr. WON PAT, Mr. WORTLEY, and Mr. WYDEN):

H.J. Res. 505. Joint resolution designating the week beginning September 23, 1984, as "National Adult Day Care Center Week"; to the Committee on Post Office and Civil Service.

By Mr. LEVIN of Michigan (for himself, Mr. MCHUGH, Ms. SNOWE, Mr. HYDE, Mr. SILJANDER, Mr. DIXON, Mr. RATCHFORD, Mr. MCGRATH, Mr. LEVINE of California, Mr. LELAND, Mr. GRAY, Mr. MARKEY, Mr. SIMON, Mr. DOWNEY of New York, Mr. BARNES, Mr. TORRICELLI, Mr. OWENS, Mr. WORTLEY, Mr. KOLTER, Mr. HUGHES, Mr. HERTEL of Michigan, Mr. DYMALLY, Mr. MARTINEZ, Mr. DEWINE, Mr. BEILENSON, Mr. BERMAN, Mr. FRENZEL, Mr. SOLARZ, Mr. GORE, Mr. STARK, Mr. HEFTEL of Hawaii, Mr. SAVAGE, Mr. CROCKETT, Mr. WOLPE, Mr. BONIOR of Michigan, Mr. ANDREWS of Texas, Mr. TOWNS, Mr. HANCE, Mr. FOLEY, Mr. EVANS of Illinois, Mr. PRITCHARD, Mr. ROE, Ms. KAPTUR, Mr. O'BRIEN, Mr. STOKES, Mr. CARR, Mr. WON PAT, Mr. DELLUMS, Mr. LAGOMARSINO, Mr. HORTON, Mr. MITCHELL, Mr. PATTERSON, Mr. HAMMERSCHMIDT, Mr. CONYERS, Mr. MADIGAN, Ms. MIKULSKI, Mr. TRAXLER, Mr. RANGEL, Mr. EDGAR, Mr. YOUNG of Missouri, Mr. RODINO, Mr. WAXMAN, Mr. WILSON, Mr. VENTO, Mr. MURPHY, Mr. LIPINSKI, and Mr. THOMAS of Georgia):

H.J. Res. 506. Joint resolution to designate April 7, 1984, as "World Health Day"; to the Committee on Post Office and Civil Service.

By Mr. SIMON (for himself, Mr. HOYER, Mr. CLAY, Mr. ANNUNZIO, Mr. BARNES, Mr. PRITCHARD, Mr. DONNELLY, Mr. DYMALLY, Mr. LAGOMARSINO, Mr. HORTON, Mr. MOAKLEY, Mr. O'BRIEN, Mr. TRAXLER, Mr. RATCHFORD, Mr. VOLKMER, Mr. BRITT, Mr. OXLEY, Mr. MILLER of California, Mr. BEVILL, Mr. FRANK, Mr. SMITH of Florida, Mr. LELAND, Mr. YOUNG of Missouri, Mr. OWENS, Mr. WOLPE, Mr. GONZALEZ, Mr. HAMMERSCHMIDT, Mr. SOLARZ, Mr. CORRADA, Mr. JACOBS, Mr. ROE, Mr. HAWKINS, Mr. KOLTER, Mr. MAZZOLI, Mr. SMITH of New Jersey, Mr. SHUMWAY, Mr. HERTEL of Michigan, Mr. WYLIE, Mr. VENTO, Mr. RANGEL, Ms. MIKULSKI, Mr. ANDREWS of Texas, Mr. MCCAIN, Mr. LUKEN, Mr. CROCKETT, Mr. MCGRATH, Mr. BRYANT, Mrs. HOLT, Mr. WHITTAKER, Mr. WOLF, Mr. MCNULTY, Mr. STENHOLM, Mr. WINN, Mr. FRENZEL, Mr. MATSUI, Mr. LIPINSKI, Mr. WEISS, Mr. FISH, Mr. DE LA GARZA, Mr. FROST, Mr. DIXON, Mr. EVANS of Illinois, Mr. EDGAR, Mr. RICHARDSON, and Mr. FORSYTHE):

H.J. Res. 507. Joint resolution authorizing and requesting the President to issue a proclamation designating the month of January 1985 as "National Cerebral Palsy Month"; to the Committee on Post Office and Civil Service.

By Mr. PACKARD:

H. Con. Res. 270. Concurrent resolution protesting the denial by the International Olympic Committee of accreditation by Radio Free Europe and Radio Liberty correspondents covering the winter Olympic games in Sarajevo, Yugoslavia, urging the International Olympic Committee to grant accreditation to Radio Free Europe and Radio Liberty to cover the Olympic games, and for other purposes; to the Committee on Foreign Affairs.

By Mrs. HALL of Indiana:

H. Res. 456. Resolution recognizing the 66th anniversary of Lithuanian Independence Day; to the Committee on Post Office and Civil Service.

By Mr. LIPINSKI:

H. Res. 457. Resolution urging the U.S. Postal Service to issue a 1985 commemorative postage stamp honoring the 50th anniversary of the transatlantic flight of Capt. Stephen Darius and Lt. Stanley Girenas; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII,

341. The SPEAKER presented a memorial of the Legislature of the State of California, relative to social security coverage of existing employees of nonprofit organizations; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CHAPPIE:

H.R. 5045. A bill for the relief of the Work Training Center for the Handicapped, of Chico, Calif.; to the Committee on Ways and Means.

By Mrs. HALL of Indiana:

H.R. 5046. A bill for the relief of Steve Tandaric; to the Committee on the Judiciary.

By Mr. SMITH of Iowa:

H.R. 5047. A bill for the relief of Neil R. Fairbanks; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 74: Mr. STRATTON.

H.R. 238: Mr. CARNEY.

H.R. 711: Mr. HARTNETT and Mr. DANIEL.

H.R. 712: Mr. BURTON of Indiana.

H.R. 953: Mr. COURTER and Mr. KEMP.

H.R. 1272: Mr. BURTON of Indiana.

H.R. 1543: Mrs. SCHROEDER, Mr. SUNIA, and Mr. AKAKA.

H.R. 1905: Mr. MINETA and Mr. TRAXLER.

H.R. 2053: Mr. CHAPPIE and Mr. SHELBY.

H.R. 2406: Mr. MCCOLLUM.

H.R. 2474: Mr. KOSTMAYER, Mrs. BURTON of California, and Mr. MARKEY.

H.R. 2567: Mr. NIELSON of Utah.

H.R. 2711: Mr. WALKER.

H.R. 2837: Mr. VANDERGRIFF and Mr. KILDEE.

H.R. 2981: Mr. LIPINSKI.

H.R. 3105: Mrs. BOXER.

H.R. 3200: Mr. RINALDO, Mr. BATES, Mr. MINETA, Mr. HOWARD, Mr. MILLER of California, Mr. BONIOR of Michigan, Mr. RATCHFORD, Mr. DELLUMS, Mrs. BURTON of California, and Mr. EDWARDS of California.

H.R. 3236: Mrs. SCHROEDER.

H.R. 3884: Mr. MILLER of California.

H.R. 3919: Mr. MORRISON of Connecticut.

H.R. 3950: Mr. CLAY, Mr. FORD of Tennessee, Mr. VANDERGRIFF, Mr. HUGHES, and Mr. EVANS of Illinois.

H.R. 3990: Mr. CONYERS and Mr. LIPINSKI.

H.R. 4105: Mr. SKELTON, Mr. SKEEN, and Mr. LUJAN.

H.R. 4148: Mr. FAZIO and Mr. MATSUI.

H.R. 4212: Mr. CLINGER, and Mr. MATSUI.

H.R. 4264: Mr. TAUKE, Mr. LEACH of Iowa, Mr. RICHARDSON, Mr. ROSE, Mr. SPRATT, Mr. SMITH of Florida, Mr. SMITH of Iowa, and Mr. BOSCO.

H.R. 4287: Mr. MARTIN of North Carolina and Mr. DEWINE.

H.R. 4392: Mr. CROCKETT, Mr. RATCHFORD, Mr. VENTO, Mr. MOAKLEY, and Mr. JEFFORDS.

H.R. 4402: Mr. MOLLOHAN.

H.R. 4447: Mr. MCHUGH and Mr. SHANNON.

H.R. 4459: Mr. CARNEY, Mr. O'BRIEN, Mr. BOEHLERT, Mr. LIPINSKI, Mr. SILJANDER, Mr. MARKEY, Ms. FERRARO, Mr. MAVROULES, and Mrs. HALL of Indiana.

H.R. 4475: Mr. BERMAN, Mr. GARCIA, Mr. MURPHY, Mr. DONNELLY, Mr. MORRISON of Washington, Mr. DANIEL B. CRANE, Mr. NOWAK, Mr. BIAGGI, Mr. BOSCO, Mr. FROST, Mr. FUQUA, and Mr. FOGLIETTA.

H.R. 4505: Mr. ECKART, Mr. STARK, Mr. EDGAR, Mr. WAXMAN, Mr. LUKEN, Mr. HERTEL of Michigan, Mr. VENTO, Mr. MCGRATH, Mr. ROYBAL, Mr. CROCKETT, Mr. COYNE, Mr. TOWNS, and Mr. WHITEHURST.

H.R. 4548: Mr. MINETA, Mr. GORE, and Mr. MINISH.

H.R. 4571: Mr. ARCHER, Mr. BEVILL, Mr. BLILEY, Mr. DARDEN, Mr. DEWINE, Mr. HAMILTON, Mr. HORTON, Mr. JENKINS, Mrs. JOHNSON, Mr. LUKEN, Mr. MACKAY, Mr. MCKINNEY, Mr. MILLER of Ohio, Mr. PARRIS, Mr. PORTER, Mr. RUSSO, Mr. SHUMWAY, Mr. SIKORSKI, Mr. SIMON, Mr. STENHOLM, and Mr. WYLIE.

H.R. 4605: Mr. SHUSTER.

H.R. 4659: Mr. BONIOR of Michigan, Mr. ECKART, and Mr. CLINGER.

H.R. 4707: Mr. MCNULTY.

H.R. 4784: Mrs. BYRON.

H.R. 4788: Mr. DYSON.

H.R. 4813: Mr. BONKER and Mr. TOWNS.

H.R. 4837: Mr. BEVILL, Mr. BILIRAKIS, Mr. DAUB, Mr. FISH, Mr. FRENZEL, Mr. HARRISON, Mr. JEFFORDS, Mr. LAGOMARSINO, Mr. MCGRATH, Mr. NICHOLS, Mr. OWENS, Mr. RANGEL, Mr. RATCHFORD, Mr. SKEEN, Mr. SMITH of Florida, Mr. DENNY SMITH, and Mr. WYDEN.

H.R. 4863: Mr. CLARKE, Mr. CORRADA, Mr. HOWARD, Mr. MARTINEZ, and Mr. BROWN of California.

H.R. 4908: Mr. SAWYER, Ms. KAPTUR, Mr. LEHMAN of Florida, Ms. MIKULSKI, Mr. D'AMOURS, Mr. EVANS of Illinois, Mr. ANNUNZIO, Mr. WILLIAMS of Montana, Mr. DWYER of New Jersey, Mr. RAHALL, Mr. PENNY, Mr. MILLER of California, Mr. KILDEE, and Mr. MAVROULES.

H.R. 4969: Mr. SHARP.

H.R. 4973: Mr. HIGHTOWER and Mr. HUCKABY.

H.J. Res. 95: Mr. GORE.

H.J. Res. 100: Mr. KEMP, Mr. WALKER, Mr. CARNEY, Mr. ROBINSON, and Mr. VANDERGRIFF.

H.J. Res. 204: Mr. BENNETT, Mrs. VUCANOVICH, Mr. CONABLE, Mr. GUARINI, Mr. STRATTON, Mr. LONG of Maryland, Mrs. LLOYD, Mr. STUMP, Mr. DOWDY of Mississippi, Mr. EVANS of Iowa, Mr. FAUNTROY, Mr. BLILEY, Mr. BROWN of California, Mr. MOAKLEY, Mr. ST GERMAIN, Mr. SCHUMER, Mr. WOLF, Mr. NOWAK, Mr. CHAPPELL, Mrs. SCHNEIDER, Mr. NEAL, Mr. DYSON, Mr. HOYER, Mr. CARPER, Mr. BONER of Tennessee, Mr. BATES, Mr. ACKERMAN, Mr. FOLEY, Mr. YOUNG of Alaska, Mr. BARNES, Mr. DWYER of New Jersey, Mr. DIXON, Mr. PRITCHARD, Mr. ROBINSON, Mr. BROYHILL, Mr. CARR, Mr. TOWNS, Mrs. KENNELLY, Mr. HERTEL of Michigan, Mr. FRENZEL, Mr. CAMPBELL, Mr. HANSEN of Idaho, Mr. OWENS, Mr. LAFALCE, Mr. WEISS, Mr. ADDABBO, Mrs. HOLT, Mr. DOWNEY of New York, Mr. HUBBARD, Mr. ANDREWS of North Carolina, Mr. WORTLEY, Mr. LAGOMARSINO, Mr. MORRISON of Connecticut, Mr. FASCELL, Mr. YATES, Mr. MCCOLLUM, Mr. LONG of Louisiana, Mr. LEVINE of California, Mr. FRANK, and Mr. MARTIN of North Carolina.

H.J. Res. 272: Mr. KINDNESS, Mr. SUNDQUIST, Mr. TRAXLER, Mr. SMITH of New Jersey, Mr. MURTHA, Mr. THOMAS of Georgia, Mr. DARDEN, Mr. HATCHER, Mr. FISH, Mr. KOSTMAYER, Mr. FORSYTHE, Mr. FLORIO, Mr. TAUKE, and Mr. PEPPER.

H.J. Res. 309: Mr. BONIOR of Michigan, Mr. BRYANT, Mr. CORCORAN, Mr. HOWARD, Mr. KOLTER, and Mr. VENTO.

H.J. Res. 337: Mr. BLILEY.

H.J. Res. 344: Mr. BLILEY, Mr. DURBIN, Mr. GEJDENSON, Mr. JEFFORDS, Mr. KILDEE, Mr. MATSUI, Mr. MCCOLLUM, Mr. MOORE, Mr. RITTER, Mr. ROWLAND, Mr. TALLON, Mr. TAUKE, and Mr. VANDERGRIFF.

H.J. Res. 389: Mr. EDWARDS of California.

H.J. Res. 395: Mr. RANGEL, Mr. WISE, and Mr. WHEAT.

H.J. Res. 423: Mr. BRYANT, Mr. GEJDENSON, Mrs. HOLT, Mr. RUSSO, Mr. BRITT, Mr. CONTE, Mr. WINN, Mr. RAY, Mr. LOWRY of Washington, Mr. SCHEUER, Mr. BATES, and Mrs. JOHNSON.

H.J. Res. 442: Mr. ROE, Mr. HORTON, Mr. WOLPE, Mr. HUGHES, and Mr. ALBOSTA.

H.J. Res. 473: Mr. ALEXANDER, Mr. EDWARDS of Alabama, Mr. HAMMERSCHMIDT, Mr. SMITH of New Jersey, Mr. BONER of Tennessee, Mr. OWENS, Mr. O'BRIEN, Mr. YOUNG of Missouri, Mr. EDGAR, Mr. DERRICK, Mr. LEWIS of Florida, Mr. FRANKLIN, Mr. SMITH of Florida, Mr. WOLF, Mr. MONTGOMERY, Mr. KEMP, Mr. DOWDY of Mississippi, Mr. MAZZOLI, Mr. VOLKMER, Mr. BRITT, Mr. FLIPPO, Mr. BROWN of California, Mr. WORTLEY, Mr. ANTHONY, Mr. GIBBONS, Mr. BATES, Mr. WHITLEY, Mr. EVANS of Iowa, Mr. LAGOMARSINO, Mr. KOLTER, Mr. DAUB, Mr. ANDREWS of Texas, Mr. HILLIS, Mr. ROE, Mr. WALKER, Mr. TALLON, Mr. HARTNETT, Mr. SHUMWAY, Mr. LIPINSKI, Mr. FRENZEL, Mr. AKAKA, Mr. MOAKLEY, Mr. HEFTEL of Hawaii, Mr. THOMAS of Georgia, and Mr. CONTE.

H.J. Res. 499: Mr. HAWKINS, Mr. WOLPE, Mr. FAUNTROY, Mr. WINN, Mr. SMITH of Florida, Mr. BONIOR of Michigan, Mr. HOWARD, Mr. FORD of Tennessee, Mr. WON PAT, Mr. MCCLOSKEY, Mr. EDWARDS of California, Mr. WALGREN, Mr. HARRISON, Mr. PRITCHARD, Mr. EDGAR, Mr. GEJDENSON, Mr. VANDERGRIFF, Mr. DASCHLE, Ms. KAPTUR, Mr. BATES, Mr. FROST, and Mr. DEWINE.

H.J. Res. 502: Mr. ANNUNZIO, Mr. BENNETT, Mr. BOLAND, Mr. BONER of Tennessee, Mr. BONIOR of Michigan, Mr. BRITT, Mr. BROOKS, Mr. CARNEY, Mr. CORCORAN, Mr. CROCKETT, Mr. D'AMOURS, Mr. DYSON, Mr. DEWINE, Mr. EDGAR, Mr. FEIGHAN, Mr. FLORIO, Mr. FROST, Mr. HORTON, Mr. LELAND, Mr. LEVIN of Michigan, Mr. LEVITAS, Mr. LONG of Maryland, Mr. MCGRATH, Mr. MCNULTY, Mr. MAVROULES, Ms. MIKULSKI, Mr. OWENS, Mr. PATTERSON, Mr. PEPPER, Mr. RANGEL, Mr. RATCHFORD, Mr. REGULA, Mr. ROE, Mr. SAWYER, Mr. SCHEUER, Mr. SIMON, Mr. SMITH of New Jersey, Mr. STARK, Mr. WON PAT, Mr. WORTLEY, Mr. RAHALL, Mr. VALENTINE, Mr. ROSE, Mr. MARTIN of North Carolina, Mr. BIAGGI, Mr. JONES of North Carolina, Mr. BARNES, Mr. FAZIO, Mr. BATEMAN, Mr. KOLTER, Mr. HERTEL of Michigan, Mr. VENTO, Mr. BILIRAKIS, Mr. DWYER of New Jersey, Mr. PORTER, Mr. RUSSO, Mr. LIPINSKI, Mr. FISH, Mr. HOWARD, Mr. WILLIAMS of Ohio, Mr. EVANS of Illinois, Mr. THOMAS of Georgia, Mr. MOLLOHAN, and Mr. LEVINE of California.

H. Con. Res. 253: Mr. RINALDO.

H. Con. Res. 259: Mr. FAUNTROY, Mr. BRITT, Mr. MOAKLEY, Mr. FRANK, Mr. FOGLIETTA, Mr. WORTLEY, Mr. DAUB, Mr. FROST, Mr. PANETTA, Mr. SCHUMER, Mr. ROE, Mr. LEVINE of California, Mr. BARNES, Mr. EDGAR, Ms. FERRARO, Mr. LEHMAN of Florida, Mr. LANTOS, Mr. KOLTER, Ms. MIKULSKI, Mr. SIMON, Mr. MCGRATH, Mr. OWENS, Mr. MORRISON of Connecticut, Mr. GLICKMAN, Mr. SIKORSKI, Mr. HUGHES, and Mr. MINISH.

H. Con. Res. 261: Mr. BEREUTER, Mr. SIMON, Mr. CORRADA, Mr. JEFFORDS, Mr. LUNDINE, Mr. VENTO, Mr. EDWARDS of California, Mr. MATSUI, Mr. MINETA, Mr. BIAGGI, Mr. EVANS of Illinois, Mr. DE LA GARZA, Mr. BROWN of California, Mr. FRENZEL, Mr. FAZIO, Mr. KOSTMAYER, Mr. HUGHES, Mr. WYDEN, Mr. LEHMAN of Florida, and Mr. LEVIN of Michigan.

H. Con. Res. 268: Mr. FORD of Tennessee, Mr. WOLF, Mr. SIMON, Mr. SMITH of Florida, Mr. DONNELLY, Mr. FRANK, Mr. BOSCO, Mr. MCCAIN, Mr. APPLEGATE, Mr. SILJANDER, Mrs. SCHROEDER, Mr. MAVROULES, Mr. DEWINE, Mr. ROE, Mr. VANDERGRIFF, Ms. FIEDLER, Mr. LEWIS of Florida, Mr. SWIFT, Mr. MCDADE, Mr. WINN, Mr. ARCHER, and Mr. RICHARDSON.

H. Res. 430: Mr. BATEMAN, Mr. BEDELL, Mr. BERMAN, Mrs. BOXER, Mr. CLINGER, Mr. CONTE, Mr. CONYERS, Mr. DOWNEY of New York, Mr. DYMALLY, Mr. EDGAR, Mr. EDWARDS of California, Mr. FASCELL, Mr. FEIGHAN, Mr. FROST, Mr. GARCIA, Mr. GEJDENSON, Mr. GORE, Mr. GRAY, Mrs. HALL of Indiana, Mr. HAWKINS, Mr. HORTON, Mr. HOYER, Ms. KAPTUR, Mr. KILDEE, Mr. KOLTER, Mrs. MARTIN of Illinois, Mr. MARTINEZ, Mr. MATSUI, Mr. MCKINNEY, Mr. MRAZEK, Mr. NEAL, Mr. ORTIZ, Mr. OTTINGER, Mr. OWENS, Mr. RANGEL, Mr. RAY, Mr. RATCHFORD, Mr. RICHARDSON, Mr. SAVAGE, Mrs. SCHROEDER, Mr. SIMON, Mr. SOLARZ, Mr. TOWNS, Mr. VENTO, Mr. WHEAT, Mr. WIRTH, and Mr. WYDEN.

H. Res. 433: Mr. EVANS of Illinois.

H. Res. 450: Mr. HOWARD, Mr. MCKINNEY, Mr. ERDREICH, Ms. KAPTUR, Mr. VANDER JAGT, Mr. LEWIS of Florida, Mr. KOSTMAYER, Mr. WALGREN, Mr. HORTON, Mr. FORD of Tennessee, Mr. CARR, Mr. LEHMAN of Florida, Mr. VENTO, Mr. BARNES, Mr. DURBIN, Mr. FISH, Mr. CONTE, Mr. LEVINE of California, Mr. LENT, Mr. ACKERMAN, Mr. WEISS, Mr. DAUB, Mr. PEPPER, Mr. MAVROULES, Mr. MCDADE, Ms. FIEDLER, Mr. FASCELL, Mr. LEVIN of Michigan, and Mr. VANDERGRIFF.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3

By Mr. KINDNESS:

(Amendment in the nature of a substitute.)

—Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Bankruptcy Court Amendments of 1984".

TITLE I—BANKRUPTCY JURISDICTION AND PROCEDURE

SEC. 101. (a) Section 1334 of title 28, United States Code, is amended to read as follows:

"(a) Except as provided in subsection (b) of this section, the district courts shall have original and exclusive jurisdiction of all cases under title 11.

"(b) Notwithstanding any Act of Congress that confers exclusive jurisdiction on a court or courts other than the district courts, the district courts shall have original but not exclusive jurisdiction of all civil proceedings arising under title 11 or arising in or related to cases under title 11.

"(c) Nothing in this section prevents a district court in the interest of justice or in the interest of comity with State courts and respect for State law, from abstaining from hearing a particular proceeding arising in or related to a case under title 11. Upon the timely motion of a party in a proceeding based upon a State law claim or State law cause of action, related to a case under title 11 but not arising under title 11 or arising in a case under title 11, with respect to which an action could not have been commenced in a court of the United States absent jurisdiction under this section, the district court shall abstain from hearing such proceeding if an action is commenced, and can be timely adjudicated, in a State forum of appropriate jurisdiction. Any decision to abstain made under this subsection is not reviewable by appeal or otherwise. This subsection shall not be construed to limit the applicability of the stay provided for by section 362 of title 11, United States Code, as such section applies to an action affecting the property of the estate in bankruptcy.

"(d) The district court in which a case under title 11 is commenced or is pending shall have jurisdiction of all of the property, wherever located, of the debtor, as of the commencement of such case, and of all of the property of the estate.".

(b) The heading for section 1334 of title 28, United States Code, is amended to read as follows:

"§1334. Bankruptcy cases and proceedings".

(c) The table of sections of chapter 85 of title 28, United States Code, is amended by amending the item relating to section 1334 to read as follows:

"1334. Bankruptcy cases and proceedings".

SEC. 102. (a) Chapter 87 of title 28, United States Code, is amended by adding at the end thereof the following new sections:

"§ 1408. Venue of cases under title 11

"Except as provided in section 1410 of this title, a case under title 11 may be commenced in the district court for the district—

"(1) in which the domicile, residence, principal place of business in the United States, or principal assets in the United States, of the person or entity that is the subject of such case have been located for the one hundred and eighty days immediately preceding such commencement, or for a longer portion of such one-hundred-and-eighty-day period than the domicile, residence, or principal place of business, in the United States, or principal assets in the United States, of such person were located in any other district; or

"(2) in which there is pending a case under title 11 concerning such person's affiliate, general partner, or partnership.

"§ 1409. Venue of proceedings arising under title 11 or arising in or related to cases under title 11

"(a) Except as provided in subsections (b) and (d) of this section, a proceeding arising under title 11 or arising in or related to a case under title 11 may be commenced in the district court in which such case is pending.

"(b) Except as provided in subsection (d) of this section, a trustee in a case under title 11 may commence a proceeding arising in or related to such case to recover a money judgment of or property worth less than $1,000 or a consumer debt of less than $5,000 only in the district court for the district in which a defendant resides.

"(c) Except as provided in subsection (b) of this section, a trustee in a case under title 11 may commence a proceeding arising in or related to such case as statutory successor to the debtor or creditors under section 541 or 544(b) of title 11 in the district court for the district where the State or Federal court sits in which, under applicable nonbankruptcy venue provisions, the debtor or creditors, as the case may be, may have commenced an action on which such proceeding is based if the case under title 11 had not been commenced.

"(d) A trustee may commence a proceeding arising under title 11 or arising in or related to a case under title 11 based on a claim arising after the commencement of such case from the operation of the business of the debtor only in the district court for the district where a State or Federal court sits in which, under applicable nonbankruptcy venue provisions, an action on such claim may have been brought.

"(e) A proceeding arising under title 11 or arising in or related to a case under title 11, based on a claim arising after the commencement of such case from the operation of the business of the debtor, may be commenced against representative of the estate in such case in the district court for the district where the State or Federal court sits in which the party commencing such proceeding may, under applicable nonbankruptcy venue provisions, have brought an action on such claim, or in the district court in which such case is pending.

"§ 1410. Venue of cases ancillary to foreign proceedings

"(a) A case under section 304 of title 11 to enjoin the commencement or continuation of an action or proceeding in a State or Federal court, or the enforcement of a judgment, may be commenced only in the district court for the district where the State or Federal court sits in which is pending the action or proceeding against which the injunction is sought.

"(b) A case under section 304 of title 11 to enjoin the enforcement of a lien against a property, or to require turnover of property of an estate, may be commenced only in the district court for the district in which such property is found.

"(c) A case under section 304 of title 11, other than a case specified in subsection (a) or (b) of this section, may be commenced only in the district court for the district in which is located the principal place of business in the United States, or the principal assets in the United States, of the estate that is the subject of such case.".

(b) The table of sections of chapter 87 of title 28, United States Code, is amended by adding at the end thereof the following new items:

"1408. Venue of cases under title 11.
"1409. Venue of proceedings arising under title 11 or arising in or related to cases under title 11.
"1410. Venue of cases ancillary to foreign proceedings.".

SEC. 103. (a) Chapter 89 of title 28, United States Code, is amended by inserting at the end thereof the following new section:

"§ 1452. Removal of claims related to bankruptcy cases

"(a) A party may remove any claim or cause of action in a civil action, other than a proceeding before the United States Tax Court or a civil action by a governmental unit to enforce such governmental unit's police or regulatory power, to the district court for the district where such civil action is pending, if such district court has jurisdiction of such claim or cause of action under section 1334 of this title.

"(b) The court to which such claim or cause of action is removed may remand such claim or cause of action on any equitable ground. An order entered under this subsection remanding a claim or cause of action, or a decision not so remanding, is not reviewable by appeal or otherwise.".

(b) The table of sections of chapter 89 of title 28, United States Code, is amended by adding at the end thereof the following new item:

"1452. Removal of claims related to bankruptcy cases.".

SEC. 104. (a) Title 28 of the United States Code is amended by inserting after chapter 5 the following new chapter:

"CHAPTER 6—BANKRUPTCY JUDGES

"Sec.
"151. Designation of bankruptcy courts
"152. Appointment of bankruptcy judges.
"153. Salaries; character of service.
"154. Division of business; chief judge.
"155. Temporary transfer of bankruptcy judges.
"156. Staff; expenses.
"157. Procedures.
"158. Appeals.

"§ Designation of bankruptcy courts

"In each judicial district, the bankruptcy judges in regular active service shall constitute a unit of the district court to be known as the bankruptcy court for that district. Each bankruptcy judge, as a judicial officer of the district court, may exercise the authority conferred under this chapter with respect to any action, suit, or proceeding and may preside alone and hold a regular or

special session of the court, except as otherwise provided by law or by rule or order of the district court.

"§ 152. Appointment of bankruptcy judges

"(a)(1) The United States court of appeals for a circuit shall appoint bankruptcy judges for the judicial districts established in chapter 5 of this title which are located within such circuit. Each bankruptcy judge shall be appointed for a term of fourteen years. Bankruptcy judges shall serve as judicial officers of the United States district courts established under Article III of the Constitution.

"(2) Whenever a majority of the judges of any court of appeals cannot agree upon the appointment of a bankruptcy judge, the chief judge shall make such appointment.

"(3) The judges of the district courts for the territories shall serve as the bankruptcy judges for such courts. The United States court of appeals for the circuit within which such a territorial district court is located may appoint bankruptcy judges under this chapter for such district if authorized to do so by the Judicial Conference of the United States under this section.

"(b) The Judicial Conference of the United States shall determine from time to time the number of official duty stations of bankruptcy judges and places of holding court, after considering the recommendations submitted by the Director of the Administrative Office of the United States Courts after consultation with the judicial council of the circuit involved.

"(c) Each bankruptcy judge may hold court at such places within the judicial district, other than the official duty station of such judge, as the business of the court may require.

"(d) With the approval of the Conference and of each of the judicial councils involved, a bankruptcy judge may be designated to serve in any district adjacent to or near the district for which such bankruptcy judge was appointed.

"(e) A bankruptcy judge may be removed during the term for which such bankruptcy judge is appointed, only for incompetence, misconduct, neglect of duty, or physical or mental disability and only by the judicial council of the circuit in which the judge's official duty station is located. Removal may not occur unless a majority of all the judges of such council concur in the order of removal. Before any order of removal may be entered, a full specification of charges shall be furnished to such bankruptcy judge who shall be accorded an opportunity to be heard on such charges.

"§ 153. Salaries; character of service

"(a) Each bankruptcy judge shall serve on a full-time basis and shall receive as full compensation for his services a salary at an annual rate determined under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351-361), as adjusted by section 461 of this title, to be paid at such times as the Judicial Conference of the United States may determine.

"(b) A bankruptcy judge may not engage in the practice of law and may not engage in any other practice, business, occupation, or employment inconsistent with the expeditious, proper, and impartial performance of such bankruptcy judge's duties as a judicial officer. The Conference may promulgate appropriate rules and regulations to implement this subsection.

"(c) Each individual appointed under this chapter shall take the oath or affirmation prescribed by section 453 of this title before performing the duties of the office of bankruptcy judge.

§ 154. Division of business; chief judge

"(a) Each bankruptcy unit having more than one bankruptcy judge shall by majority vote promulgate rules for the division of business among the bankruptcy judges to the extent that the division of business is not otherwise provided by the rules of the district court.

"(b) In each district court having more than one bankruptcy judge, the district court shall designate one judge to serve as chief judge. Whenever a majority of the judges of such district court cannot agree upon the designation as chief judge, the chief judge of such district court shall make such designation. The chief judge of the bankruptcy unit shall ensure that the rules of the bankruptcy unit and of the district court are observed and shall ensure that business of the bankruptcy unit is handled effectively and expeditiously.

"§ 155. Temporary transfer of bankruptcy judges

"(a) A bankruptcy judge may be transferred to serve temporarily as a bankruptcy judge in any judicial district other than the judicial district for which such bankruptcy judge was appointed, upon the approval of the judicial council of each of the circuits involved.

"(b) A bankruptcy judge who has retired may, upon consent, be recalled to serve as a bankruptcy judge in any judicial district by the judicial council of the circuit within which such district is located. Upon recall, a bankruptcy judge may receive a salary for such service in accordance with regulations promulgated by the Judicial Conference of the United States, subject to the restrictions on the payment of an annuity in subchapter III of chapter 83 of title 5.

"§ 156. Staff; expenses

"(a) Each bankruptcy judge may appoint a secretary, a law clerk, and such additional assistants as the Director of the Administrative Office of the United States Courts determines to be necessary.

"(b) Upon a determination by the judicial council of the circuit involved that the number of cases and proceedings pending within the jurisdiction under section 1334 of this title within a judicial district so warrants, such judicial council may authorize, with the approval of the Director of the Administrative Office of the United States Courts, the bankruptcy judges for such district to appoint an individual to serve as clerk of such bankruptcy court. The clerk may appoint, with the approval of such bankruptcy judges, and in such number as may be approved by the Director, necessary deputies, and may remove such deputies with the approval of such bankruptcy judges.

§ 157. Procedures

"(a) Each district court may provide that any or all cases under title 11 and any or all proceedings arising under title 11 or arising in or related to a case under title 11 shall be referred to the bankruptcy judges for the district.

"(b)(1) Bankruptcy judges may hear and determine all cases under title 11 and all core proceedings arising under title 11, or arising in a case under title 11, referred under subsection (a) of this section, and may enter appropriate orders and judgments, subject to review under section 158 of this title.

"(2) Core proceedings include, but are not limited to:

"(A) matters concerning the administration of the estate;

"(B) allowance or disallowance of claims against the estate or exemptions from property of the estate;

"(C) counterclaims by the estate against persons filing claims against the estate;

"(D) orders in respect to obtaining credit;

"(E) orders to turn over property of the estate;

"(F) proceedings to determine or set aside preferences;

"(G) motions to lift or modify the automatic stay;

"(H) proceedings to set aside fraudulent conveyances;

"(I) determinations as to the dischargeability of particular debts;

"(J) objections to discharges;

"(K) determinations of the validity, extent, or priorty of liens;

"(L) confirmations of plans;

"(M) orders approving the sale of property not resulting from claims brought by the estate against persons who have not filed claims against the estate; and

"(N) other proceedings affecting the liquidation of the assets of the estate or the adjustment of the debtor-creditor or the equity security holder relationship.

"(3) The bankruptcy judge may determine, on the judge's own motion or on timely motion of a party, whether a proceeding is a core proceeding under this subsection or is a proceeding that is otherwise related to a case under title 11. A determination that a proceeding is not a core proceeding shall not be made solely on the basis that its resolution may be affected by state law.

"(c)(1) A bankruptcy judge may hear a proceeding that is not a core proceeding but that is otherwise related to a case under title 11. In such proceeding, the bankruptcy judge shall submit proposed findings of fact and conclusions of law to the district court, and any final order or judgment shall be entered by distict judge after considering the bankruptcy judge's proposed findings and conclusions and after reviewing de novo those matters to which any party has timely and specifically objected.

"(2) Notwithstanding the provisions of paragraph (1) of this subsection, the district court, with the consent of all the parties to the proceeding, may refer a proceeding related to a case under title 11 to a bankruptcy judge to hear and determine and to enter appropriate orders and judgments, subject to review under section 158 of this title.

"(d) The district court may withdraw, in whole or in part, any case or proceeding refered under this section, on its own motion or on timely motion of any party, for cause shown. The district court shall, on timely motion of a party, so withdraw a proceeding if the court determines that resolution of the proceeding requires consideration of both title 11 and other laws of the United States regulating organizations or activities affecting interstate commerce.

"§ 158. Appeals

"(a) The district courts of the United States shall have jurisdiction to hear appeals from final judgments, orders, and decrees, and from interlocutory orders and decrees, of bankruptcy judges entered in cases and proceedings referred to the bankruptcy judges under section 157 of this title. An appeal under this subsection shall be taken only to the district court for the judicial district in which the bankruptcy judge is serving.

"(b) An appeal to a district court under subsection (a) of this section shall be taken in the same manner as appeals in civil proceedings generally are taken to the courts of appeals from the district courts.

"(c) The courts of appeals shall have jurisdiction of appeals from all final decisions, judgments, orders, and decrees of the district courts entered under this section.".

(b) The table of chapters of part I of title 28, United States Code, is amended by inserting after the item relating to chapter 5, the following new item:

"6. Bankruptcy Judges.".

SEC. 105. The salary of a bankruptcy judge in effect immediately before the date of the enactment of this Act shall remain in effect until changed as a result of a determination or adjustment made under section 153(a) of title 28, United States Code, as added by this Act.

SEC. 106. (a) Notwithstanding section 152 of title 28, United States Code, as added by this Act, the term of office of a bankruptcy judge who is serving on the date of the enactment of this Act shall expire eight years after the date such bankruptcy judge was last appointed to such office or was continued in office by section 404(b) of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2683), whichever event occurred later.

(b) Notwithstanding section 153(a) of title 28, United States Code, as added by this Act, and notwithstanding subsection (a) of this section, a bankruptcy judge serving on a part-time basis on the date of enactment of this Act may continue to serve on such basis for a period not to exceed two years from the date of enactment of this Act.

(c) Notwithstanding section 152 of title 28, United States Code, as added by this Act, a bankruptcy judge whose term of office is extended by this section shall be deemed, during such term of office, to be appointed under such section 152 as a judicial officer of the district court involved.

TITLE II—OMNIBUS JUDGESHIPS

SEC. 201. (a) The President shall appoint, by and with the advice and consent of the Senate, two additional circuit judges to the Court of Appeals for the First Circuit, two additional circuit judges to the Court of Appeals for the Second Circuit, two additional circuit judges to the Court of Appeals for the Third Circuit, one additional circuit judge to the Court of Appeals for the Fourth Circuit, two additional circuit judges to the Court of Appeals for the Fifth Circuit, four additional circuit judges to the Court of Appeals for the Sixth Circuit, two additional circuit judges to the Court of Appeals for the Seventh Circuit, one additional circuit judge to the Court of Appeals for the Eighth Circuit, five additional circuit judges to the Court of Appeals for the Ninth Circuit, two additional circuit judges to the Court of Appeals for the Tenth Circuit, and one additional circuit judge to the Court of Appeals for the District of Columbia.

(b) In order that the table contained in section 44(a) of title 28, United States Code, will reflect, with respect to each judicial circuit, the changes in the total number of permanent circuit judgeships authorized as a result of subsection (a) of this section, such table is amended to read as follows:

"Circuits	Number of judges
District of Columbia	12
First	6
Second	13
Third	12
Fourth	11
Fifth	16
Sixth	15
Seventh	11
Eighth	10
Ninth	28
Tenth	10
Eleventh	12
Federal	12".

SEC. 202. (a) The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the southern district of Alabama, one additional district judge for the district of Alaska, four additional district judges for the central district of California, one additional district judge for the district of Connecticut, three additional district judges for the southern district of Florida, one additional district judge for the middle district of Georgia, one additional district judge for the district of Hawaii, three additional district judges for the northern district of Illinois, one additional district judge for the southern district of Illinois, one additional district judge for the western district of Kentucky, one additional district judge for the western district of Louisiana, one additional district judge for the district of Maryland, one additional district judge for the district of Massachusetts, two additional judges for the eastern district of Michigan, one additional district judge for the northern district of Mississippi, two additional district judges for the southern district of Mississippi, one additional district judge for the eastern district of Missouri, one additional district judge for the district of Montana, three additional district judges for the district of New Jersey, one additional district judge for the northern district of New York, two additional district judges for the eastern district of New York, one additional district judge for the western district of Oklahoma, one additional district judge for the district of Rhode Isiand, one additional district judge for the eastern district of Tennessee, one additional district judge for the western district of Tennessee, two additional district judges for the eastern district of Texas, one additional district judge for the western district of Texas, one additional district judge for the eastern district of Virginia, one additional district judge for the western district of Washington, and one additional district judge for the district of Wyoming.

(b) The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the western district of Arkansas, one additional district judge for the middle district of Florida, one additional district judge for the northern district of Illinois, one additional district judge for the northern district of Indiana, one additional district judge for the district of Massachusetts, one additional district judge for the western district of New York, one additional district judge for the eastern district of North Carolina, one additional district judge for the northern district of Ohio, and one additional district judge for the western district of Washington. The first vacancy in the office of district judge in each of the judicial districts named in this subsection occurring five years or more after the date of the enactment of this Act shall not be filled.

(c) The last sentence of section 2 of the Act of October 20, 1978 (Public Law 95-486; 92 Stat. 1632), shall not apply to the district judgeship for the district of Minnesota and to the district judgeship for the northern district of Ohio, authorized by such section.

(d) In order that the table contained in section 133 of title 28, United States Code, will reflect, with respect to each judicial district, the changes in the total number of permanent district judgeships authorized as a result of subsections (a) and (c) of this section, such table is amended to read as follows:

"Districts	*Judges*
Alabama:	
Northern	7
Middle	3
Southern	3
Alaska	3
Arizona	8
Arkansas:	
Eastern	3
Western	1
Eastern and Western	2
California:	
Northern	12
Eastern	6
Central	21
Southern	7
Colorado	6
Connecticut	6
Delaware	3
District of Columbia	15
Florida:	
Northern	3
Middle	9
Southern	15
Georgia:	
Northern	11
Middle	3
Southern	3
Hawaii	3
Idaho	2
Illinois:	
Northern	19
Central	3
Southern	3
Indiana:	
Northern	4
Southern	5
Iowa:	
Northern	1
Southern	2
Northern and Southern	1
Kansas	5
Kentucky:	
Eastern	4
Western	4
Eastern and Western	1
Louisiana:	
Eastern	13
Middle	2
Western	6
Maine	2
Maryland	10
Massachusetts	11
Michigan:	
Eastern	15
Western	4
Minnesota	6
Mississippi:	
Northern	3
Southern	5
Missouri:	
Eastern	5
Western	5
Eastern and Western	2
Montana	3
Nebraska	3
Nevada	3
New Hampshire	2
New Jersey	14
New Mexico	4
New York:	
Northern	4
Southern	27
Eastern	12
Western	3

"Districts	Judges
North Carolina:	
Eastern	3
Middle	3
Western	3
North Dakota	2
Ohio:	
Northern	10
Southern	6
Oklahoma:	
Northern	2
Eastern	1
Western	4
Northern, Eastern, and Western	2
Oregon	5
Pennsylvania:	
Eastern	19
Middle	5
Western	10
Puerto Rico	7
Rhode Island	3
South Carolina	8
South Dakota	3
Tennessee:	
Eastern	4
Middle	3
Western	4
Texas:	
Northern	9
Eastern	6
Southern	13
Western	7
Utah	3
Vermont	2
Virginia:	
Eastern	9
Western	4
Washington:	
Eastern	2
Western	6
West Virginia:	
Northern	2
Southern	4
Wisconsin:	
Eastern	4
Western	2
Wyoming	2."

SEC. 203. (a) Section 371 of title 28, United States Code, is amended to read as follows:

"§ 971. Retirement on salary; retirement in senior status.

"(a) Any justice or judge of the United States appointed to hold office during good behavior may retire from the office after attaining the age and meeting the service requirements, whether continuous or otherwise, of subsection (c) and shall, during the remainder of his lifetime, receive an annuity equal to the salary he was receiving at the time he retired.

"(b) Any justice or judge of the United States appointed to hold office during good behavior may retain the office but retire from regular active service after attaining the age and meeting the service requirements, whether continuous or otherwise, of subsection (c) of this section and shall, during the remainder of his lifetime, continue to receive the salary of the office.

"(c) The age and service requirements for retirement under this section are as follows:

"Attained Age:	Years of service:
65	15
66	14
67	13
68	12
69	11
70	10

"(d) The President shall appoint, by and with the advice and consent of the Senate, a successor to a justice or judge who retires under this section.".

(b) The item relating to section 371 in the table of sections of chapter 17 of title 28, United States Code, is amended to read as follows:

"371. Retirement on salary; retirement in senior status.".

(c) The amendments made by this section shall apply with respect to any justice or judge of the United States appointed to hold office during good behavior who retires on or after the date of enactment of this Act.

TITLE III—CONFORMING AMENDMENTS

SEC. 301. Section 372(c)(6)(vii) of title 28, United States Code, is amended by striking out "section 153" and inserting in lieu thereof "section 152".

SEC. 302. (a)(1) Section 604(a) of title 28, United States Code, is amended—

(A) by redesignating paragraphs (15) through (17) thereof as paragraphs (16) through (18), respectively, and

(B) by redesignating paragraph (14), as added by the Court Interpreters Act (Public Law 95-539; 92 Stat. 2043), as paragraph (15).

(2) Section 602(b) of title 28, United States Code, is amended by striking out "section 604(a)(15)(B)" and inserting in lieu thereof "section 604(a)(16)(B)".

(b) Section 604 of title 28, United States Code, is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively, and

(2) by redesignating subsection (f), as added by the Court Interpreters Act (Public Law 95-539; 92 Stat. 2040), as subsection (g).

SEC. 303. (a) Section 620(b)(3) of title 28, United States Code, is amended—

(1) by striking out "referees,", and

(2) by striking out "commissioners" and inserting in lieu thereof "magistrates".

(b) Section 751(d) of title 28, United States Code, is amended by striking out "commissioners" and inserting in lieu thereof "magistrates".

SEC. 304. (a) Section 631(a) of title 28, United States Code, is amended by striking out "conference" and inserting in lieu thereof "Judicial Conference of the United States".

(b) Section 631(c) of title 28, United States Code, is amended—

(1) by striking out "of the conference, a part-time referee in bankruptcy or" and inserting in lieu thereof "of the Conference,", and

(2) by striking out "magistrate and part-time referee in bankruptcy," and inserting in lieu thereof "magistrate and".

(c) Section 631(c) of title 28, United States Code, is amended by adding at the end thereof the following sentence: "Notwithstanding any other provision of this chapter or of chapter 6 of this title, a full-time United States magistrate may, with the approval of the Conference, be authorized to serve as a United States bankruptcy judge appointed under section 152 of this title.".

(d) Chapter 43 of title 28, United States Code, is amended by striking out "conference" each place it appears and inserting in lieu thereof "Conference".

SEC. 305. (a) Section 634(a) of title 28, United States Code, is amended by striking out "the rates now or hereafter provided for full-time and part-time referees in bankruptcy, respectively, referred to in section 40a of the Bankrupcy Act (11 U.S.C. 68(a)), as amended," and inserting in lieu thereof "rates determined under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351-361), as adjusted by section 461 of this title".

(b) The maximum rates for salar · of full-time and part-time United Sates m istrates in effect immediately before the date of the enactment of this Act shall remain in effect until changed as a result of a determination made under section 634(a) of title 28, United States Code, as amended by this Act.

SEC. 306. Section 636 of title 28, United States Code, is amended—

(1) by striking "and to involuntarily dismiss an action" from the first sentence of subsection (b)(1)(A) thereof and inserting in lieu thereof "to involuntarily dismiss an action, and, in a case or proceeding under title 11, to involuntarily allow or disallow a claim, a stay, an exemption, a priority, an account, a discharge, or any other application";

(2) by striking from the first sentence of subsection (c)(2) thereof "shall, at the time the action is filed, notify the parties of their right to consent to the exercise of such jurisdiction." and inserting in lieu thereof "shall notify the parties in a civil action of the availability of a magistrate to exercise such authority."; and

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

"(h) For purposes of this section, cases and proceedings filed under section 1334 of this title shall be deemed to be civil actions.".

SEC. 307. Section 957 of title 28, United States Code, is amended by striking out "district".

SEC. 308. Section 1360 of title 28, United States Code, is amended—

(1) by striking out "or Territories";

(2) by striking out "or Territory" each place it appears; and

(3) by striking out "within the Territory" and inserting in lieu thereof "within the State".

SEC. 309. Section 1930 of title 28, United States Code, is amended by striking out "clerk of the bankruptcy court" each place it appears and inserting in lieu thereof "clerk of the court".

SEC. 310. Subsections (f), (j), (k), (l), and (m) of section 8339, subsections (b)(1) and (d) of section 8341, and section 8344(a)(A) of title 5, United States Code, are each amended by striking out "and (o)" and inserting in lieu thereof "and (n)".

SEC. 311. Section 402(b) of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2682), is amended by striking out "shall take effect on April 1, 1984" and inserting in lieu thereof "shall not take effect".

SEC. 312. Sections 404, 405(a), 405(b), 405(c), 406, 407, and 409 of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2683), are repealed.

SEC. 313. (a) On the date of the enactment of this Act there shall be transferred to the appropriate district court of the United States—

(1) cases, and matters and proceedings in cases, under the Bankruptcy Act that are pending immediately before such date in the bankruptcy courts continued by section 404(a) of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2687), other than cases, and matters and proceedings in cases under—

(A) section 77 or chapter IX of the Bankruptcy Act, or

(B) chapter X of the Bankruptcy Act in which a general reference under section 117 of the Bankruptcy Act is not in effect, and

(2) cases under title 11 of the United States Code, and proceedings arising under title 11 of the United States Code or arising in or related to cases under title 11 of the United States Code, that are pending immediately before such date in the bankruptcy courts continued by section 404(a) of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2687).

(b) On the date of the enactment of this Act, there shall be transferred to the appropriate district court of the United States appeals from final judgments, orders, and decrees of the bankruptcy courts pending immediately before such date in the bankruptcy appellate panels appointed under section 405(c) of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2685).

SEC. 314. (a) Section 8331(22) of title 5, United States Code, is amended—

(1) by striking out "or under section 404(d) of the Act adding this paragraph",

(2) by striking out subparagraph (A) and inserting in lieu thereof the following new subparagraph:

"(A) who is serving as a United States bankruptcy judge on the date of the enactment of the Bankruptcy Court Amendments of 1984;",

(3) in subparagraph (B)—

(A) by striking out "transition period" and inserting in lieu thereof "period beginning on October 1, 1979, and ending on the date of enactment of the Bankruptcy Court Amendments of 1984,".

(B) by striking out the period at the end thereof and inserting in lieu thereof "; or", and

(4) by adding at the end thereof the following new subparagraph:

"(C) who is appointed as a bankruptcy judge under section 152 of title 28.".

(b)(1) The first sentence of section 8334(a)(1) of title 5, United States Code, is amended by inserting "and a bankruptcy judge" before the period.

(2) The matter relating to bankruptcy judges in the table set out in section 8334(c) of title 5, United States Code, is amended—

(A) by striking out the following item:

"7..... After January 1, 1970.",

and

(B) by inserting in lieu of the item stricken by subparagraph (A) the following new items:

"7..... January 1, 1970, to December 31, 1983.
"8..... After December 31, 1983.".

(c) Section 8336 of title 5, United States Code, is amended—

(1) by redesignating subsection (k) as subsection (l), and

(2) by inserting after subsection (j) the following new subsection:

"(k) A bankruptcy judge who is separated from service, except by removal, after becoming sixty-two years of age and completing ten years of service as a bankruptcy judge is entitled to an annuity.".

(d) Section 8339(n) of title 5, United States Code, is amended by striking out "and before April 1, 1984,".

SEC. 315. The adjustments in the retirement provisions made by this Act shall not be construed to be a "new government retirement system" for purposes of the Federal Employees Retirement Contribution Temporary Adjustment Act of 1983 (Public Law 98-168).

SEC. 316. Section 6301(2)(B)(xiii) of title 5, United States Code, is amended by deleting the period at the end thereof and inserting in lieu thereof the following: ", of a bankruptcy judge, or a United States magistrate."

TITLE IV

SEC. 401. Section 105 of title 11, United States Code, is amended—

(1) by deleting the word "bankruptcy" wherever it appears therein; an

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

"(c) The ability of any district judge or other officer or employee of a district court to exercise any of the authority or responsibilities conferred upon the court under this title shall be determined by reference to the provisions relating to such judge, officer, or employee set forth in title 28. This subsection shall not be interpreted to exclude bankruptcy judges and other officers or employees appointed pursuant to chapter 6 of title 28 from its operation.".

SEC. 402. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act, or the application of that provision to persons or circumstances other than those as to which it is held invalid, is not affected thereby.

SEC. 403. (a)(1) Whenever a court of appeals is authorized to fill a vacancy that occurs on a bankruptcy court of the United States, such court of appeals shall appoint to fill that vacancy a person whose character, experience, ability, and impartiality qualify such person to serve in the Federal judiciary.

(2) It is the sense of the Congress that the courts of appeals should consider for appointment under section 152 of title 28, United States Code, to the first vacancy which arises after the date of the enactment of this Act in the office of each bankruptcy judge, the bankruptcy judge who holds such office immediately before such vacancy arises, if such bankruptcy judge requests to be considered for such appointment.

(b) The judicial council of the circuit involved shall assist the court of appeals by evaluating potential nominees and by recommending to such court for consideration for appointment to each vacancy on the bankruptcy court persons who are qualified to be bankruptcy judges under regulations prescribed by the Judicial Conference of the United States. In the case of the first vacancy which arises after the date of the enactment of this Act in the office of each bankruptcy judge, such potential nominees shall include the bankruptcy judge who holds such office immediately before such vacancy arises, if such bankruptcy judge requests to be considered for such appointment and the judicial council determines that such judge is qualified under subsection (c) of this section to continue to serve.

(c) Before transmitting to the court of appeals the names of the persons the judicial council for the circuit deems best qualified to fill any existing vacancy, the judicial council shall have determined that—

(1) public notice of such vacancy has been given and an affirmative effort has been made, in the case of each such vacancy, to identify qualified candidates, without discrimination as to race, color, sex, religion, or national origin,

(2) such persons are members in good standing of at least one State bar, or the District of Columbia bar, and members in good standing of every other bar of which they may be members,

(3) such persons possess, and have a reputation for, integrity and good character,

(4) such persons are of sound physical and mental health,

(5) such persons possess and have demonstrated commitment to equal justice under law,

(6) such persons possess and have demonstrated outstanding legal ability and competence, as evidenced by substantial legal experience, ability to deal with complex legal problems, aptitude for legal scholarship and writing, and familiarity with courts and court processes, and

(7) such persons' demeanor, character, and personality indicate that they would exhibit judicial temperament if appointed to the position of United States bankruptcy judge.

SEC. 404. (a) Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) Sections 201 and 202 of this Act shall take effect on January 21, 1985.

H.R. 3020

By Mr. ECKART:

(Elimination of loan authority with respect to economic dislocation resulting from currency value fluctuations, etc.)

—Page 32, strike out line 20 and all that follows through line 21 on page 34.

(Technical amendments relating to elimination of loan authority.)

Page 34, line 22, strike out "SEC. 309." and insert in lieu thereof "SEC. 304.".

Page 35, line 8, strike out "SEC. 310." and insert in lieu thereof "SEC. 305."

Page 35, line 14, strike out "SEC. 311." and insert in lieu thereof "SEC. 306."

Page 36, line 6, strike out "SEC. 312." and insert in lieu thereof "SEC. 307."

Page 36, strike out lines 16 and 17 and insert in lieu thereof the following:

SEC. 308. The amendments made by sections 306 and 307 shall apply to loans granted on the basis of

Page 36, line 23, strike out "SEC. 314." and insert in lieu thereof "SEC. 309."

Page 37, line 13, strike out "SEC. 315." and insert in lieu thereof "SEC. 310."

H.R. 4164

By Mr. ACKERMAN:

—Page 24, line 6, strike out "or" and insert in lieu thereof "and".

By Mr. OWENS:

—Page 24, line 6, strike out "or" and insert in lieu thereof "and".

By Mrs. ROUKEMA:

—Page 92, after line 23 insert the following new paragraph (and redesignate the subsequent paragraph accordingly):

"(16) that none of the funds expended under this Act will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity or its employees or any affiliate of such an organization; and

Page 92, line 23, strike out "and".

—Page 89, strike out lines 8 through 22 and insert in lieu thereof the following:

"(9) that for each fiscal year, at least 20 percent of the State's allotment for part A of title II pursuant to section 104 shall be used to pay for vocational education pro-

grams, services, and activities authorized by section 202—

"(A) for individuals—

"(i) who have completed or left high school and who are enrolled in organized programs of study for which credit is given toward an associate or other degree, but which programs are not designed as baccalaureate or higher degree programs; and

"(ii) who have already entered the labor market, or who have completed or left high school, and who are not described in clause (i); and

"(B) designed to promote State and local economic development and employment training, including—

"(i) retraining individuals whose jobs have been lost or jeopardized by technological or economic change for occupations in which there is a current or projected shortage of workers,

"(ii) training for skilled occupations needed to revitalize businesses and industries that are essential to State or local economic well-being,

"(iii) training for skilled occupations which are needed to attract or otherwise promote entry of new businesses and industries into a State or community,

"(iv) providing entrepreneurship training,

"(v) developing innovative pilot programs for trades, crafts, businesses, and industries experiencing technological change,

"(vi) cooperative vocational education programs and other programs of vocational instruction which support on-the-job training,

"(vii) career guidance and counseling programs designed to assist individuals in developing the necessary skills to move into new and emerging fields and those fields experiencing shortages of trained workers,

"(viii) joint vocational education programs with business and industry designed to train skilled workers for occupations utilizing modern technology, and

"(ix) training or retraining of vocational education instructors through exchange programs between business or industry and the school,

except that the Secretary may allow such reserved funds to be used for other purposes under section 202(a)(1) if the State provides assurances that needs described in this paragraph are being sufficiently addressed through State and local funding and Federal funding to the State under title III of the Job Training Partnership Act;

H.R. 4170

By Mr. PARRIS:

(Amendment to the amendment in the nature of a substitute (offered by the Committee on Ways and Means.)

Page 392, insert after line 24 the following new section:

SEC. 495. AMENDMENT RELATING TO DEDUCTIONS FOR THE PAYMENT OF CERTAIN EXPENSES BY A MEMBER OF A UNIFORMED SERVICE OF THE UNITED STATES, OR BY A MINISTER, WHO RECEIVES A HOUSING OR SUBSISTENCE ALLOWANCE.

(a) IN GENERAL.—Paragraph (1) of section 265 of such Code (denying a deduction for payment of certain expenses relating to tax-exempt income) is amended by adding at the end thereof the following new sentence: "This section shall not apply with respect to any income of a member of a uniformed service (within the meaning given to such term by section 101(3) of title 37, United States Code) in the form of a subsistence allowance or a quarters or housing allowance or to income excluded from gross income of the taxpayer under section 107 (relating to rental value of parsonages)."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1982.

Page 187, insert after the item relating to section 494 in the table of contents for title IV the following new item:

"Sec. 495. Amendment relating to deductions for the payment of certain expenses by a member of a uniformed service of the United States, or by a minister, who receives a housing allowance."

EXTENSIONS OF REMARKS

CONGRESSMAN TONY P. HALL URGES NEW COURSE FOR FOREIGN AID

HON. BYRON L. DORGAN
OF NORTH DAKOTA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. DORGAN. Mr. Speaker, our colleague from Ohio, Mr. HALL, recently presented convincing and well-documented testimony before the House Foreign Affairs Subcommittee on International Security on the disturbing increase in our foreign military aid. Mr. HALL persuasively showed that dramatic increases in security aid, coupled with relative declines in development and food aid, have created a dangerous imbalance in our foreign aid program and thereby failed to meet human needs and advance world security.

I share this concern and commend Congressman HALL for his consistent leadership on these issues and for his excellent statement. I wish to include it at this point and recommend that his incisive critique of arms aid and arms sales receive wide attention here in Congress and by the public:

STATEMENT OF CONGRESSMAN TONY P. HALL ON HUMAN NEEDS AND WORLD SECURITY

Mr. Chairman, I am honored to have the opportunity to appear before this Subcommittee today to discuss issues relating to international security assistance.

I. RECENT TRENDS IN U.S. FOREIGN ASSISTANCE

Since 1980, U.S. foreign aid has shifted sharply toward military aid and security-related aid under the Economic Support Fund. Military aid has grown by over 100 percent, and total security assistance—military and ESF combined—has grown by 73 percent. In contrast, humanitarian and development aid programs have increased 6 percent, which has been less than the rate of inflation.

In fiscal 1981, a total of $5.3 billion was spent on security assistance, which represented about 50 percent of all foreign aid. In fiscal 1982, the amount spent on security aid jumped to $7.0 billion, or 56 percent of total foreign aid. In fiscal 1983, the total rose to $8.5 billion, or 60 percent of all U.S. foreign assistance.

In the Continuing Appropriations legislation for fiscal 1984, funding for security assistance totalled $9.2 billion, which represented about 63 percent of all U.S. foreign aid.

It is clear that U.S. foreign aid spending has been increasing, and a larger and larger portion of that increase has been for military-related assistance.

Our citizens are rightly concerned about the need to critically examine all areas of Federal spending in order to reduce the massive deficits projected for the next several years. According to most opinion polls, the average American would select foreign aid as a category which deserves special budgetary scrutiny. Yet that citizen might be surprised to learn that the bulk of foreign aid spending is for military purposes.

Currently, the world spends $22 on military purposes for every one dollar it spends on development aid to poor countries. According to the U.N. Center for Disarmament, the money required to provide adequate food, water, education, health, and housing for everyone in the world has been estimated at about $18.5 billion per year. The world spends this much on arms every two weeks. In the developing world, ten times more is spent on arms than on health, education, and welfare combined.

In 1982, over $43 billion worth of arms transfer agreements were concluded by arms selling nations to the Third World. Between 1975 and 1982, the value of these transfer agreements was $236.7 billion. Consider the impact on development if just half this amount, or $118.4 billion, had been channeled to meet basic human needs in the recipient countries.

In 1980, 30 developing countries spent more on their military budgets than on health and education combined. In developing countries today, there is one soldier for every 250 people—and one doctor for every 3,700. Moreover, the military forces in the Third World are often instruments of oppression rather than guarantors of security. Of the 41 military governments identified by the Center for Defense Information as having records of violating their citizens' basic human rights, the United States has supplied arms to 28.

There is, of course, a legitimate need for international security assistance. However, in recent years U.S. foreign aid has emphasized the military component of security assistance to the detriment of the other aspect of the recipient nation's security: the fulfillment of essential human needs. Clearly, hunger, disease, and subhuman living conditions threaten a developing country's stability as much as any real or imagined external miltiary threat.

It is time to reallocate some of the billions of dollars spent on military aid to address basic human needs in the developing world. Certainly, this is as much in our own security interests as in the recipient nation'. It is the human misery in the Third World that gives rise to the instability and conflict into which the United States is increasingly being drawn militarily.

II. THE HUMAN NEEDS AND WORLD SECURITY ACT

In response to the growing imbalance between security and development assistance funding, a bipartisan group of my colleagues and I have introduced H.R. 4440, the Human Needs and World Security Act. This legislation, which enjoys the active support of Bread for the World, has a current total of 65 cosponsors.

The objective of the bill is to reform and to reorder foreign assistance spending priorities. It proposes to cap or freeze spending for security assistance for fiscal 1985, while making modest increases in selected development and humanitarian aid programs.

The Human Needs and World Security Act contains two principal portions. The first part of the bill places an overall cap on military assistance of $6,261,500,000—about $6.3 billion. This reflects the funding in the Continuing Appropriations for fiscal 1984 for the combination of foreign military sales credits, foreign military sales guarantees, grant military assistance, and international military education and training. In addition, the bill places a separate cap on economic support fund (ESF) spending, the second component of security assistance, at the Continuing Appropriations for fiscal 1984 level of $2.9 billion.

The second part of the bill is to provide for small increases over the fiscal 1984 level—as contained in the Continuing Appropriations legislation—for selected humanitarian and development aid programs. The bill provides an increase of $50 million for the United Nations Children's Fund (UNICEF) for the provision of low-cost preventive health measures associated with the "child health revolution" developed by UNICEF and other United Nations agencies. Another $50 million increase is directed to the Agency for International Development's (AID) health care activities for preventive health care, including the provision of safe potable water. The bill directs $40 million for the International Fund for Agricultural Development and $50 million for Title II of the Public Law 480 program. Finally, $10 million is to be provided for the Inter-American Development Bank's program for the Financing of Small Projects and an extra $20 million is directed for the activities of the Peace Corps. The total amount of all the increases for humanitarian and development aid programs is $220 million—less than one dollar for every person in the United States.

III. APPLICATION OF THE PRINCIPLES OF H.R. 4440 TO THE FOREIGN ASSISTANCE REQUESTS FOR FISCAL 1985

The Human Needs and World Security Act proposes a blueprint for reordering foreign aid spending priorities. It represents the direction in which the cosponsors would like to see our foreign aid program head.

The bill H.R. 4440 was originally introduced on November 17, 1983. This, of course, was well in advance of the budget submissions by the Administration for fiscal 1985 funding for foreign assistance. Now that the initial requests for fiscal 1985 are available, I would like to comment on how some of these numbers relate to the principles of the Human Needs and World Security Act.

It should be emphasized that initial budget submissions are a moving target. Such preliminary numbers always are subject to modification.

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

It also should be kept in mind that H.R. 4440 is based upon the fiscal 1984 amounts in the Continuing Appropriations legislation. It does not take into account supplemental funding for fiscal 1984. At the same time, of course, the initial fiscal 1985 requests by the Administration do not now accommodate possible supplemental spending for fiscal 1985. One should note the likelihood that there will be additional increases in fiscal 1985 as events warrant.

A. Military aid in fiscal 1985.—The Human Needs and World Security Act proposes a cap on military aid in fiscal 1985 of $6,261,500,000—or approximately $6.3 billion. The initial Administration request for military aid for fiscal 1985 is either under or over this cap, depending on which method of accounting you use.

The Human Needs and World Security Act's military aid cap of $6.3 billion does not provide separate caps for MAP, IMET, or the various forms of FMS. Further, there is no earmarking for specific countries.

Matching the military aid components of the $6.3 billion cap with the requests for the same programs in fiscal 1985 reveals that the request is $6,085,400,000—or about $6.1 billion. On the basis of this particular comparison, the fiscal 1985 request for military aid would be $176.1 million under the cap.

However, this comparison does not take into account additional program funding sought in fiscal 1985 that also might be considered military aid. The request seeks $49 million for Peacekeeping Operations (PKO), $5 million for the Anti-Terrorism Program, and $274 million for the FMS Guarantee Reserve Fund. This is an extra $328 million which would bring the total military aid request to $6,413,400,000. This would end up putting the request over the cap by $151.9 million.

It should be noted that the Administration's fiscal 1985 budget request does not include funds for the FMS Guarantees program. These guarantees, which have been off-budget, totalled $4,401,000,000 in the 1984 Continuing Resolution.

In exchange for converting these off-budget loan guarantees into concessional loan or grant aid, it might have been thought that the Administration would seek lower levels of more concessional aid. However, the total of the Guarantee Reserve Fund, Concessional FMS, additional Forgiven FMS, Marketing FMS, and additional MAP comes to $4,473,000,000. This is $72 million more that the equivalent FMS Guarantees funding under the Continuing Resolution for fiscal 1984.

Thus, it can be argued that the more purely military component of security assistance is increased under the Administration's budget submission for fiscal 1985.

The Human Needs and World Security Act seeks to hold the line on increases in military aid, especially in view of the dramatic increases that have taken place over the last three or four years. I would urge the Subcommittee to apply the spirit of H.R. 4440 to the military aid requests for fiscal 1985 that are awaiting your action. A renewed effort should be made to carefully examine which of the requests are truly worthy. In addition, caution is required in analyzing the reality behind balance sheet maneuvering.

B. Economic support fund in fiscal 1985.—As this Subcommittee is aware, there has been controversy in recent years over the actual nature of Economic Support Fund assistance. In the effort to distinguish military and economic foreign aid, some observers prefer to characterize ESF as a component of the economic side of the ledger.

The better distinction is between security and development assistance, rather than between military and economic assistance. From this perspective, ESF is more properly considered an element of overall security assistance.

The Human Needs and World Security Act proposes a cap in fiscal 1985 for ESF at the Continuing Resolution for fiscal 1984 level of $2.9 billion. The principal reason for this separate cap on ESF is to prevent the possible diversion of funds out of ESF and into the more purely military accounts under the alternative approach of a single overall cap on security assistance. That is, an overall cap of $9.2 billion could permit loading up the FMS, IMET and MAP accounts at the potential expense of ESF. For this reason, separate caps of $6.3 billion and $2.9 billion are proposed.

The initial fiscal 1985 request by the Administration for ESF is $3,438,100,000. This figure exceeds the H.R. 4440 cap by $538.1 million.

The largest block of ESF assistance would go to the Near East and South Asia, with $1.6 billion for Israel and Egypt, and $200 million for Pakistan. Sudan is expected to get $120 million. The other large block of ESF is $640.6 million for Central America.

Certainly, some of this funding is appropriate and necessary. Further, the amount for Israel is $60 million below the fiscal 1984 total.

In applying the principles of H.R. 4440, the Subcommittee should examine closely why $538 million more is needed in fiscal 1985. Questions should be raised concerning which of the amounts truly enhance security in the recipient nations and which might have the greatest impact in addressing basic human needs.

There should be a critical investigation of how ESF assistance is used by the countries that receive it. For example, a General Accounting Office report released two weeks ago called attention to the fact that $200 million in aid sent to the Philippines since 1979 has been controlled primarily by Imelda Marcos, the wife of Philippine President Ferdinand Marcos, instead of by the U.S. government. Issues involving the proper control of the money evidently have not been fully resolved. The Philippine case is of special concern is view of the fact that the Administration proposes to increase ESF to that country by $45 million in fiscal 1985.

C. Development assistance in fiscal 1985.—The focus of this Subcommittee is on international security assistance, rather than development assistance. Nevertheless, I would like to comment briefly on how the additional funding proposed by H.R. 4440 for six development-oriented programs compares to the funding levels proposed by the Administration.

For the total of five of the six development-oriented programs intended to be increased by H.R. 4440, the H.R. 4440 totals would exceed the overall Administration requests by $193 million. The request for the Inter-American Development Bank's Small Projects program is not available. However, the earmarking proposed by H.R. 4440 would be $10 million. Therefore, the overall increase needed to bring the six programs up to the levels suggested by H.R. 4440 would not be more than $203 million, compared to the $220 million originally envisioned. While the Administration has recommended some increases, it proposes only $27 million for UNICEF, compared to the $102 million sought by H.R. 4440. This $75 million gap would be the largest increase suggested by the Human Needs and World Security Act.

The programs selected for increases under H.R. 4440 are just six examples of particularly worthy development-oriented expenditures. While there are other meritorious programs that could be chosen, these six are indications of the kind of development-supporting efforts that should receive additional assistance.

IV. TOWARD BUILDING HOUSE SUPPORT FOR A FOREIGN AID AUTHORIZATION BILL

It is clear that there will always be irreconcilable differences in the House of Representatives over funding levels for various foreign aid proposals. Implementation of the Kissinger Commission recommendations for Central America, for example, is bound to provoke a spirited debate.

Any foreign aid bill is controversial by nature, regardless of its merits. There will always be those who contend that any amount of foreign aid is too much. Further, there is the temptation to cast a vote in favor of fiscal conservatism by opposing a foreign aid measure.

Adding to these perennial problems has been the growth in recent years of the military side of the foreign aid ledger. The escalation of military foreign aid while development-oriented foreign aid has remained relatively constant has made foreign aid legislation less attractive to many of its formerly consistent supporters.

Many of our colleagues are finding it difficult to support legislation that emphasizes military aid and gives short shrift to addressing basic human needs in the developing world. Indeed, the difficulty is compounded in those cases where the military aid is sent to governments that can be characterized as repressive.

The fact that already 65 Members have cosponsored H.R. 4440 is a strong indication that there is deep concern in the House about the recent drift of foreign aid priorities. We are hoping that the issues raised by the Human Needs and World Security Act will be addressed by any foreign aid authorization bill that is brought to the House Floor.

V. THE ISSUE OF CONVENTIONAL ARMS TRANSFER LIMITATIONS

Exactly one year ago today I appeared before this Subcommittee in support of legislation I introduced relating to conventional arms transfer limitations. My resolution, H.J. Res. 128, calls for a four-point program to achieve conventional arms limitations.

It urges the Administration to begin preliminary discussions with the Western arms supplying nations and with the Soviet Union to establish limits and guidelines for conventional arms transfers to developing nations. It further calls for talks between the nations selling conventional weapons and those purchasing such weapons. Finally, it urges self-restraint on the part of the United States with respect to selective conventional arms transfers to developing nations, particularly those involving sophisticated technology.

I hope that the Subcommittee will take another look at H.J. Res. 128 and the issues it raises. I would ask the Subcommittee to consider adding a section to this year's foreign aid authorization bill that would express the sense of Congress in support of the development of a coherent and visible

conventional arms transfer limitation strategy.

Section 109 of H.R. 2992, the International Security and Development Cooperation Act of 1983, would have changed the reporting date for the annual report on the volume of international arms traffic and required a report on U.S. arms export policies and possible approaches to developing multilateral limitations on arms sales. The committee report to accompany H.R. 2992 outlined the issues requested to be examined by this study. I would urge the Subcommittee to repeat the request for such a study in this year's foreign aid authorization bill and committee report.

One of the criticisms of my proposal to begin talks to resume the Conventional Arms Transfer (CAT) talks with the Soviet Union was that the time was not right for such a dialogue with the Soviets. The lack of progress on the nuclear front was seen as precluding progress on conventional arms transfers.

Now, however, the change in Soviet leadership would seem to offer a new window of opportunity for preliminary discussions about the formal resumption of CAT talks. Indeed, some small movement with respect to conventional arms transfer limitations might encourage progress on the more difficult nuclear issues. We have little to lose, and much to gain, by initiating feelers concerning talks to establish limits and guidelines for conventional arms transfers.

This also would be a good time to raise the issue of conventional arms transfer limitations with our Western allies. For example, the French recently concluded a major arms contract with Saudi Arabia, and the French are reported to be about to commence a very aggressive marketing program for arms to make up for a decline in 1983. We should act now to head-off a renewed arms sale battle with our allies for Third World markets.

VI. CONCLUSION

The time has come to raise questions about the growth of the security assistance component of foreign aid. The chief security threat in the Third World arises from problems of hunger, poverty, and disease. World security may be best served by efforts to address basic human needs in these developing nations.

On behalf of an increasingly significant number of our colleagues, I would urge this Subcommittee to work to restrain the growth of military foreign aid and to critically examine the requests for security assistance submitted by the Administration for fiscal 1985. In addition, the Subcommittee should include provisions in this year's foreign aid authorization bill that address the issue of conventional arms transfer limitations.

Foreign aid can be an important part of our foreign policy, but it needs to be reformed and redirected. Building a consensus and a constituency for foreign aid legislation is never easy, but the task will be even more difficult if the legislation fails to address the growing concern about increasing security assistance and under-emphasized development assistance.●

CULTURAL EXCHANGE: ONE WAY TO LEARN

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. SIMON. Mr. Speaker, Igor Moiseyev, director of the State Dance Ensemble of the Soviet Union, recently had a column in the New York Times about cultural exchanges.

This is one way we can improve relations between the United States and the Soviet Union.

After the uncalled for invasion of Afghanistan, the United States cut off virtually all cultural exchanges with the Soviet Union. It was a visible way to protest what was clearly an international wrong. But it was also the wrong way to protest it.

After a visit with some of the top officials of the Soviet Union well over 1 year ago, I contacted the head of the USIA, Mr. Charles Wick, met with him and the top members of his staff about renewing negotiations with the Soviet Union on cultural exchanges. I am pleased that negotiations did get underway, and then the Korean airline tragedy once again caused the total disruption of these negotiations.

What the Korean airline incident proved is that we need more exchanges with the Soviet Union not less, more understanding with them not less.

I urge my colleagues in the House and the Senate to read Mr. Moiseyev's statement.

CULTURAL EXCHANGE: ONE WAY TO LEARN

(By Igor Moiseyev)

Moscow.—Up until the end of 1979, cultural ties between the Soviet Union and the United States were strong and developing successfully under an official agreement. In December 1979, the agreement expired. A month later, President Jimmy Carter announced sanctions against the Soviet Union, which included cancellation of negotiations on renewing the treaty and planned visits and expositions by Soviet artists, musicians, actors and dancers—in particular, the exhibition "Treasures from the Hermitage." The idea of renewing cultural contacts was raised by certain people in America last year. But there were new sanctions in September, before negotiations could start.

Cultural life in Moscow is rich and varied, but it could be even richer with tours by visiting American artists. And Americans too have lost something by not being able to see the Hermitage paintings and new performances by the Bolshoi Ballet.

I remember our first concert tour in the United States in 1958. Our company was the first Soviet art group to visit America after the many years of the cold war. From the very first days of our stay, we discovered America for ourselves, and the Americans, Russians for themselves. We were like mutual Columbuses. In the beginning we felt elements of distrust on the part of Americans, but after our first performance their attitude changed abruptly. Each of our concerts ended with scores of Americans inviting us to visit their families.

Concert tours abroad, if they are artistically "full value," assist in deepening mutual enrichment of national dance cultures, their intellectual relationship. American choreographers visited our concerts. They took photographs and studied element of our dances. And I, in turn, saw many interesting productions in America. In this way, we learn from each other. Indeed, there can be no comparison between an "armchair" study of the history and culture of a country with the authentic, live impressions you get from meeting people, from actually seeing them perform their dances. During our tours we acquainted ourselves with America's beautiful folk traditions and with popular American dances being performed by amateurs. For example, we learned about square dancing, and showed it with invariable success at the end of each concert in America.

The language of art, including the language of dance, can surmount the most difficult hurdles, including language barriers. We felt that at each concert, and also when we talked with reporters and viewers. Sometimes, however, it is easier to give a whole concert than answer a few questions. What could we say when someone asked us if Russians used knives and forks to eat dinner or asked if women in the Soviet Union were allowed to wear earrings and wedding rings?

True, there were some unpleasant moments. Sometimes they hurled tear-gas canisters, smoke pots and broken glass onto the stage. But there were times when the attacks against us had a humorous end. For example, people carrying posters would surround some of the halls in which we were performing. But when the concert began, the famous, and now late, impresario, Sol Hurok, an active supporter and organizer of Soviet-American cultural ties for many years, would tell the people: "You've come to picket. Now go and see the concert. I'll let you in free of charge." You should have seen how quickly the picketers dropped their posters, with what pleasure they watched our performances and how warmly they applauded us.

I find it hard to name a country where we would have felt more sincere interest in us and simple human warmth than in the United States. In this respect, there is much in common between our peoples, and I think that is why it was so easy and simple for us to tour America. I remember our performances in the Federal Republic of Germany. Our success was tremendous. One can judge that, at least, by the fact that the curtain was raised 18 times. But success began and ended in the hall. We never so much as drank even a glass of beer with a single German. In America, it was different. Each of our concerts engendered a sea of contacts, of friends who still write us. I can say that almost every member of our company has personal friends in America. And even the forced suspension of cultural contacts between our countries has not extinguished these warm and friendly ties.

Americans ask us in their letters when we will be coming back. We also meet our American acquaintances in other countries, and they put the same question to us, thinking that we are to blame for not performing in America, though it is official America that does not want to have cultural contacts with the Soviet Union.●

CONGRESSIONAL CALL TO CONSCIENCE VIGIL FOR SOVIET JEWS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. FORD of Michigan. Mr. Speaker, I would like to take the opportunity of the Congressional Call to Conscience Vigil for Soviet Jews to once again beseech the Soviet Government to uphold its pledge as a signatory of the Helsinki Final Act. Last year marked the lowest level of emigration in over a decade, although not because most who want to leave have already emigrated, as the Soviets maintain. My fellow Members of Congress, thousands of organizations and countless citizens know otherwise. It is our hope that the Soviet Union, under the leadership of Konstantin Chernenko, will demonstrate some willingness to uphold its pledge to guarantee human rights by reconsidering applications for emigration.

I am particularly concerned about Tatyana Ulanovsky who, along with her ailing mother Raisa, has been denied permission to join her son and only other living relative, Lev, to move to Israel. Tatyana cares for her very ill and bedridden mother in their apartment in Moscow. Both pensioners, Tatyana and Raisa share the thread of hope that they may someday be reunited with Lev.

Lev was permitted to emigrate to Israel in 1979. His mother and grandmother applied in December of 1980. Their first application was pending for over a year before being refused as having insufficient reason to emigrate. Subsequent requests have been continually denied.

I wrote to Secretary Andropov in November of last year requesting more information pertaining to Tatyana Ulanovsky's case; however, I have yet to receive a reply. It is my fervent hope that the new Soviet leadership will bring a renewed commitment to their 1975 promise to deal with requests for family reunification in a "positive and humanitarian spirit."●

CONGRESSIONAL BANKRUPTCY

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. EDWARDS of California. Mr. Speaker, I wanted to call to the attention of my colleagues an excellent editorial which appeared in the March 5 edition of the San Jose Mercury News. The editorial examines the need for the Congress to act quickly to enact H.R. 3, the Bankruptcy Improvements Act of 1983. I am sure my colleagues will find it of interest.

The article follows:

[From the San Jose Mercury News, Mar. 5, 1984]

CONGRESSIONAL BANKRUPTCY

Unless Congress acts with uncommon—and unanticipated—speed, the Nation's bankruptcy courts are going out of business at the end of this month, leaving an estimated 700,000 potential bankrupts in legal limbo.

A bill to rescue the bankruptcy courts from extinction is waiting in the House of Representatives. But H.R. 3, by Representative Peter J. Rodino, D-N.J., chairman of the House Judiciary Committee, isn't likely to become law soon. It's being held hostage to partisan in-fighting in Congress, to the Federal judiciary's determination to preserve its traditional pecking order, and to the consumer credit industry's desire to cut its losses.

This is nobody's finest hour.

Congress should enact H.R. 3 promptly and deal with the credit industry's problems later, on their merits and in a non-crisis atmosphere.

As a stopgap, Congress could pass emergency legislation extending the terms of the present 241 Federal bankruptcy judges. But that would perpetuate a makeshift bankruptcy court system that's already being challenged on constitutional grounds.

And it would force literally hundreds of thousands of individuals and corporations to wait still longer for their chance to start over financially.

Clearly, the cleaner way out of this mess is to enact H.R. 3, which puts bankruptcy court judges on a par with the rest of the Federal judiciary by giving them lifetime tenure and guaranteeing that their pay can't be cut.

That's where Congress stumbled in 1978. That year, in an effort to ease the workload of Federal district judges, lawmakers gave the bankruptcy judges broader powers and added responsibilities—and 14-year terms of office with no protection against salary reductions. The 1978 law gave Congress until March 31, 1984, to determine the number of bankruptcy judges and decide which judicial districts should get how many judges.

But on June 28, 1982, the Supreme Court overturned that law, ruling that the bankruptcy judges' expanded powers and responsibilites entitled them to the same tenure and salary protection as other federal jurists. The court gave Congress until October 4, 1982, to remedy this flaw.

Congress missed that deadline and a later one as well, and in the interim federal district judges have managed to keep bankruptcy litigation limping along by referring cases to the existing bankruptcy judges and then ratifying their decisions. The legality of this makeshift system is being challenged; if it's overturned, the rulings now being handed down might be nullified as well.

So what's holding up H.R. 3?

First, the federal district judges are unhappy because the bill creates a new, and separate class of jurists with equal status—and prestige. Second, Republicans and Democrats are circling one another warily on how to divide up new judicial appointments.

Third, and crucially, the consumer credit industry—banks, retailers, credit unions, finance companies and other lenders—wants tougher rules governing personal bankruptcies amended into H.R. 3. Rodino refuses to buy that, but Sen. Bob Dole, R-Kan., chairman of the Senate Finance Committee, has made it clear the Senate won't look at H.R. 3 unless it also toughens up consumer bankruptcy rules. This game of congressional chicken has produced the present stalemate.

Troubled businesses needing to reorganize and wage earners wanting to discharge their debts and start over deserve better than this from Congress.●

THE IMF AND THE "DEBT BOMB"—AND THE LITTLE BOY WHO CRIED "WOLF"

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. DASCHLE. Mr. Speaker, last year this Congress, under heavy administration pressure, passed additional loan quota authority of $8.4 billion for the International Monetary Fund. At the time of that vote, I expressed my conviction that this measure was, in fact, a bailout for the big banks who had made bad business decisions, and wanted taxpayer dollars to bail them out of the mess they themselves had created.

We were told, at the time of this vote, that failure to increase the IMF loaning authority, out of our tax dollars, would cause the imminent collapse of a number of foreign countries' economies, with a resultant worldwide depression. However, a study just released by the Department of Economics at George Mason University dispels these cries of wolf from the international bankers and their cronies within the administration. In this study, authors James Barth and Joseph Pelzman display evidence which clearly implies that the specter of worldwide depression, raised so strongly by the international bankers, was, in fact, so greatly overexaggerated as to be totally misleading.

For my colleagues' information, I would like to place the conclusions of this study into the RECORD at this point.

The document follows:

THE IMF AND THE "DEBT BOMB"—AND THE LITTLE BOY WHO CRIED WOLF

VI. SUMMARY AND CONCLUSIONS

As is now well known, international banks became heavily involved in foreign debt by recycling funds from oil producing countries to non-oil developing countries and the Eastern bloc nations. Historically, this was not a new role for banks nor one that is necessarily bad. It is, however, a role that understandably involves risk and uncertainty. It is no surprise, therefore, that once the debtor countries began having difficulties servicing their external debts attention would be focused on commerical banks. This is especially the case when one realizes that developing countries have relied almost entirely on debt rather than equity financing, with a large portion of the borrowing being

short-term and coming from banks. Unlike dividends, interest payments are to be paid in bad times as well as good and unlike long-term debt, short-term debt must be periodically rolled over.

Despite the seriousness of the problem, many of the fears that have been expressed may be based on misleading data. Although the total external outstanding debt of the non-oil developing countries and Eastern European countries is gigantic, most of the debt is concentrated among a relatively few countries. As a result, we agree with Robert E. Weintraub's statement that "there is no aggregate developing-world debt problem" (How Threatening Is The World Debt? Wall Street Journal, May 16, 1983, emphasis added). Furthermore, not all of this debt is as worthless as some imply. The solvency position of U.S. commercial banks is nowhere near as desperate as the standard comparisions of bank debt-to-bank equity ratios indicate. It has also been emphasized that the U.S. banking system need not collapse in the event of defaults. If the Federal Reserve System fulfills its responsibilities as lender-of-last-resort, the banking system will remain intact. Of course, individual banks might fail, but that occasionally happens in a competitive economy under conditions of risk and uncertainty. Even so, however, only shareholders and uninsured depositors will incur losses, and those depositors with deposits of less than $100,000 per account are fully protected by the FDIC.

This particular view is not shared by everyone. The New York Times, for example, recently reported that "senior IMF officials" warned that "if new finanical assistance is not made available, debtor countries could default, setting off a banking crisis" (Leonard Silk, "Monetary Fund Chief Is Firm on Actions to Curb Inflation," New York Times, October 16, 1983, p. 1). But as Weintraub has stated, "under analysis, the threat of widespread bank failures and the collapse of our banking system, is found to be imaginary" (International Debt: Crisis and Challenge, Department of Economics, George Mason University, April 1983, p. 25).

Although the U.S. banking system may not collapse in the event of defaults, U.S. exports would surely suffer; but, this cost must not be exaggerated. Furthermore, the IMF imposed conditions on debtor countries when providing financial assistance, which may exacerbate the adverse effects on U.S. exports.

There may be imperfections in capital markets that justify some intervention by the IMF. Even if this is the case, however, the involvement need not take the form of quota increases. If the problem is only temporary, it would be more appropriate for the IMF to borrow funds in the private capital markets for a specified period of time or to sell off some of its gold holdings. Temporary problems do not require permanent increases in financial resources. The incentives for abuse, unfortunately, are too great when funds are made available permanently.

There is, moreover, a need to be sure that insolvent debtors are not lumped together with illiquid debtors. If so, the day of reckoning is only postponed, not eliminated. At the same time, there will be more calls for further strengthening the international agencies. Once again, statements like the following will be made:

"If the world is to avoid another debacle such as the one that took place in the 1930's, when the monetary system broke down, it is essential that a strong monetary fund be the center of the system" (Jacques de Larosiere, managing director of the IMF, as reported in the New York Times, October 16, 1983, p. 16).

"The economic distress of the poorest nations is a time bomb ticking away". (A. W. Clausen, president of the World Bank, as reported in the Washington Post, September 28, 1983, p. 8. It is then reported that he called on wealthier nations for immediate boosts in foreign aid and contributions to international development institutions.)

Unfortunately, the international debt problem is unlikely to go away soon. Whether or not IMF quotas are increased, the problem will be around for several years, so one has to view the problem in terms of its long-run implications. Once this is done, one quickly realizes that incentives are very important. The way one problem is handled today establishes the rules of the game for future international borrowing and lending. If institutions and countries receive signals that imprudent behavior will be rewarded, then we can expect more of the same. For this reason every attempt should be made not to subsidize irresponsibility.

Finally, whenever greater intervention by the government or an international agency is advocated, it is all too often done during a so-called crisis. When immediacy drives all actions, the risks of doing the wrong things are usually too great, especially when one realizes that exaggeration is all too common during these periods. Furthermore, the burden of proof is not on those who support greater intervention. For these reasons incentives are frequently distorted by policies implemented on the basis of short-run concerns. In the words of Robert E. Weintraub:

"Judicious use of regulations and market forces is required to assure that the risks in country lending are adequatetly recognized by banks without chilling their international lending activities and that adequate provisions are made against mistakes and unexpected events." (International Lending By U.S. Banks: Practices, Problems, and Policies, Department of Economics, George Mason University, August 1983, p. 9.)

VII. POSTSCRIPT

Shortly after the completion of this study the U.S. Congress approved an increase of $8.4 billion in American support for the International Monetary Fund. As a result, an agreement of February 1983 to increase the resources of the IMF by more than $40 billion was virtually assured. Unfortunately, this does not mean that the debt problem has been resolved. Instead, it is likely to be around for many years to come. Given the uncertainty that will prevail during this period and the likelihood of further actions being taken, this study remains relevant and timely. The worse thing that could happen now is for people to believe that there is no longer a problem. As our study clearly indicates, there are extremely important issues that remain to be addressed despite any increased resources of the IMF.●

HAITI, FOREIGN ASSISTANCE, AND HUMAN RIGHTS

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. FAUNTROY. Mr. Speaker, last week the Subcommittee on Western Hemisphere Affairs, considered legislation authorizing foreign assistance to countries in the Western Hemisphere. In section 906 of that legislation, certain conditions were placed on assistance to Haiti as they were last year. A number of Members of the Congress have been following events in Haiti in the hope that conditions could be improved. In the last 19 months, the human rights situation in Haiti has not improved and indeed there has been regression. Those of us who have followed events in Haiti closely have tried to deal with the situation in a pragmatic and humane manner. We have tried to influence the Haitian Government in a positive way on the basis of a quid pro quo understanding. That understanding is that if there is progress in human rights, we could then work for the aid and trade which Haiti so badly needs. We have tried to appeal to the best in Haitian nationalism, to the desire to build the Haitian nation. We have tried to insure that the aid sent to Haiti benefits the Haitian people and not solely those who have access to the governmental franchise.

We have conditioned our Nation's aid to Haiti on progress in democratization. However, progress in this area has been absent and indeed the dynamic is clearly backward. Legislative elections were held on February 12, 1984, but they were neither free nor fair. They were a prime example of elections used as external propaganda and not a start or good faith effort at democratization. Indeed the respected Bishop of Jeremie, Willy Romelus, issued a statement on the election over Radio Soleil which I submit for my colleagues:

To the Whole Staff of Radio Soleil, the Bishop of Jérémie présents his best greetings and asks the following message to be broadcast. Everyone's cooperation will deserve my great thankfulness and God's blessings.

Dear Haitian breathren, the purpose of the present broadcast message is the defend truth impartially. In the Gospel according to John 8, 31-32, Jesus said: "If you live according to my teaching, you are truly my disciples; then you will know the truth, and the truth will set you free."

On the other hand, in "THE CHARTER FOR HUMAN PROMOTION," published by the Haitian Episcopal Conference last December, the article 12 stated: "The Government is established by citizen's consent. The voice of the people must be heard like the governing party. The power of the Government originates from the people with which it shares full responsibility. The people demands are honoured in honest election procedures. For every election, each citizen is free to vote for the candidate of his own choice. The voting procedure must be secret in order to allow any citizen complete freedom in his personnal choice of candidate. These conditions are required to save the citizens' rights."

So many things are included in that article! The President mentioned a few ones of them when compaigning for the elections. He said: "The elections will be held honest-

ly, democratically, sincerely and freely." We insisted on saying that: "the citizens should beware not to be misled by false campaign tactics whose purpose should be to confuse and threaten them." Moreover, any candidate who should pretend to be officially appointed or supported or recommended or wished by government officials, should be automatically cancelled. These recommendations given by the President are filled with sound words and the people trusted them.

But when the election day arrived, bluff and falsified tactics were used and many people couldn't use freely their voting privileges. All over Grand'Anse area, people had to face a confused situation, when considering the election procedures and the elected deputies. Every citizen is wondering where this bluff originates, while the (Charter) specifies in article 12, that all state officials should be chosen and mandated by the people. A serious investigation should be required on that matter, even before the names of the elected candidates are published and broadcast.

In order to argue truly on that matter, one has to forget about his own favorite candidate, either elected or not elected. One must consider the wrong way things have been managed. The more and more aware people are reacting to these strange behavior. Effectively, when trying to use voting rights, the citizen is physically attacked. In Moron area for example, a person had a leg broken and many others were beaten and bruised, while in the Charter for Human Promotion it is written: The body and soul of a human being are sacred and must be respected. Treatments such as beatings, whip lashes, rope lashes, jackings, electric shocks, which hurt the human dignity and rights should not be tolerated.

What will be the result of such a behavior upon our country? Such election procedures are creating more and more divisions among our local communities: People from one area are refusing to cooperate with people from a neighboring area. When such occurences happen, people protest to be considered like a simple robot, and they want to assume their full responsibility and take benefit of freedom in speech, opinion and vote.

In Haiti, when it is election time, it should be preferable to seek help from a serious election organization: An organization like ONU could be recommended. Otherwise, there are always problems especially with those who want to make money out of these elections. They do not care whether the country is going along well or not. They care of nothing but making money. Those people should have to be judged and condemned.

All those notices are submitted to you who have a national conscience and are truly searching for what is best for our country.

It has been reported to me that the director of Radio Soleil has been called in by the Government of Haiti in order to silence reports and comments such as provided by the distinguished Bishop. Additionally, a United Press International report of March 5 stated: "Military authorities in Haiti are reported to be holding in custody the only 'independent' candidate in the country's legislative elections this month. Witnesses say the candidate was picked up by authorities as he was drinking coffee with a friend in a restaurant." While these reports are not confirmed, they fit a pattern and practice that has been evident since July of 1982.

In response to this lack of progress, the Subcommittee on Western Hemisphere Affairs mandated that further military assistance would not be provided for Haiti during fiscal year 1984 and fiscal year 1985 except through IMET. This subcommittee action was intended to send a strong message to the Haitian Government that the Congress is dedicated and concerned with the promotion and protection of human rights in Haiti as central to our national interest. Without justice, there can be no genuine stability. This message should not be read as a rejection of the Haitian nation, nor is it reflective of a lack of concern for the poor in Haiti. Our commitment of development assistance, Public Law 480 food assistance, and economic support funds, to Haiti, reflects our concern for the suffering that many of us have seen in Haiti.

Section 906 is a statement of concern and it is hoped that the Government of Haiti would recognize that political relationships are built on reciprocity and the pursuit of national interests. Charades and rhetoric will not substitute for concrete and constructive action. It is my fervent hope that in the next few months it can credibly be stated that the Government of Haiti is making a concerted and significant effort to improve the human rights situation in Haiti, including the establishment of political parties, free elections, and freedom of the press in conformity with section 906.

OIL MERGER RESTRAINTS

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. SEIBERLING. Mr. Speaker, I am today introducing the "Domestic Petroleum Company Acquisition Act of 1984" which would put to a halt what I see as a dangerous trend in the energy industry—the combination of large and mid-sized domestic oil companies.

One need look no further than today's front page for evidence of such a trend. Standard Oil of California has offered to acquire Gulf Corp. for a record of $13 billion. The proposed merger would create the fourth largest company in the country and a truly dominant force in the Nation's gasoline market. If the merger is completed, the combination would become the No. 1 marketer of brand-name gasoline with a 10.1 percent share of the market. In some States, the share of that market could be over 20 percent.

The proposed Gulf-Socal takeover should be no surprise. Heralding the oil merger trend was the recent conditional approval by the Federal Trade Commission of the acquisition of Getty by Texaco. Until yesterday, the Getty-Texaco merger, amounting to more than $10 billion, constituted the biggest corporate takeover proposal in history. But that record has now been supplanted by Socal's bid for Gulf. If this merger is successful, the combined company will jump into third place in the oil industry lineup, behind Exxon and Mobil and just ahead of Texaco-Getty. And who can say what new combination will be vaulted into the rankings next week. As a headline in today's Washington Post warns: "Merger Mania May Continue."

The lax attitude of the antitrust enforcers and policymakers in the Reagan administration has already invited a host of questionable mergers and antitrust violations. The Reagan administration's previous Assistant Attorney General for Antitrust, William Baxter, said that he would not be troubled if all business in America was controlled by only 100 corporations. And the FTC, when Mobil sought to take over Marathon Oil 2 years ago, consented to the merger with only a limited divestiture of assets. As it turned out, only a private suit stopped that attempted merger.

For the past 3 years, this administration has played "possum" when it came to antitrust, and Wall Street has shown that it knows just how to take advantage of that game. Recently, an advertisement placed by Shearson/American Express in the Wall Street Journal encouraged clients to buy stocks in some mid-sized oil companies proclaiming:

> While the proposed Texaco/Getty merger and the Royal Dutch/Shell buyout are only the latest events in a process of consolidation, they have triggered enormous interest not only in the process itself but concerning who may be next.
>
> This buyout process * * * is rooted in the economics of the oil industry. Buyouts are attractive because they represent a compelling alternative to finding and developing oil from scratch * * * Moreover, there is an element of almost instant gratification.

If this advertisement is any indication, giant mergers in the energy industry are about to become the norm.

That should worry the American people because concentration in such a large and economically powerful industry increases the risk of anticompetitive behavior. The Texaco-Getty takeover, for example, threatens the viability of the independent sector of the industry in California by limiting or denying independent refiners'

access to crude oil and pipeline transportation. Getty produces substantially more heavy crude oil than it can refine on the west coast, and Texaco less. In the past, Getty has sold its excess crude to independent refiners, some of which are direct competitors of Texaco. But now, Texaco will be able to transfer crude oil to its own refiners rather than sell it on the open market to its competitors. It should be noted that under the consent agreement with the FTC, Texaco is to continue to offer customers crude oil to the same extent Getty did in 1983. But this is a questionable regulatory solution which is to last for only 5 years.

In the case of Socal and Gulf, a marriage between the two would result in the capture of over 10 percent of the brand-name gasoline market where the market leader today holds just over 7 percent. The merger would make Socal the dominant marketer in 13 States.

Beyond antitrust concerns, I am bothered by the underlying reason for the wave of oil company mergers—the desire to buy existing oil reserves rather than explore for new ones. According to reports, oil industry analysts say that Gulf's ownership of oil and gas reserves is the reason for Socal's interest in the merger. If the merger goes forward, Socal will double its crude oil supply and increase its natural gas holdings by about 50 percent at a price substantially below the cost of exploring for and producing equivalent amounts of petroleum.

For precisely the same reason, Getty was an attractive investment for Texaco. Getty was rich in crude oil, not unlike a number of other smaller oil companies. And Getty was not the first to go. In the last 2 years, United States Steel bought Marathon, Occidental bought Cities Service, and Du Pont bought Conoco. This is the sort of nonproductive financial manipulation which is contributing to the decline in growth of our entire economy. I find it very disturbing. With regard to the energy industry, there is a vital national interest in policies favoring development of new domestic petroleum reserves. Mergers of this kind clearly undermine such policies.

If this nonproductive behavior does become the norm and the curtain goes up on another act of merger mania in the oil business, we will see a substantial lessening of competition and further concentration of economic power in the hands of a small number of oil giants. I do not think we should let that happen and for that reason I am introducing this legislation which imposes restraints on such mergers.

The Domestic Petroleum Company Acquisition Act of 1984, which has been introduced in a similar form by Senator METZENBAUM as S. 2277 in the Senate, would prohibit major oil companies those producing more than an average of 500,000 barrels of crude oil per day from acquiring control of other major oil companies or mid-sized domestic energy concerns (those producing more than an average of 50,000 barrels of crude oil per day). The bill does contain a "failing company" type exemption which would allow such a merger to take place if either of the firms involved would cease to be financially viable in absence of the merger.

In the last Congress, the House of Representatives recognized the threat posed by such mergers and voted to stop the acquisition of Marathon Oil Co. by Mobil Corp. Although that legislation was not adopted by the other body, the U.S. Court of Appeals for the Sixth Circuit upheld the Federal district court order enjoining Mobil from acquiring Marathon on antitrust grounds. The Socal-Gulf merger will be four times as big as the prohibited Mobil-Marathon merger.

Let me make clear that I do not believe that all mergers are bad. Mergers among corporations will continue to have an important role in our economy. However, concentration of corporate power in this country has been traditionally disfavored unless it can be shown that it will result in offsetting benefits to society or the economy. In the case of these oil company mergers, the reserves are already in the United States. There will be no benefit to the consuming public from substituting Texaco ownership of Getty's reserves, or Socal's ownership of Gulf reserves. On the contrary, such a substitution is likely to reduce Texaco's and Socal's incentives to explore and find domestic reserves on their own.

There was no evidence of poor management of Getty, so the merger will not be ridding us of that problem. On the contrary, the only parties sure to benefit are the investment bankers and law firms that advise the companies on how to merge. According to Time magazine, "if the Texaco-Getty deal goes through without hitches, Texaco's financial adviser will earn the largest hourly fee ever paid an investment banker * * * $126,582 an hour."

It is time to send a message to the oil industry, to the business world, and to this administration: Unrestrained mergers between huge companies competing in one of our largest industries suppress the threat of vigorous competition and endanger energy independence, economic pluralism, and productive drive in this country. We can send this message by adopting the legislation I am introducing today.●

MERIT PAY FOR TEACHERS

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. SIMON. Mr. Speaker, one of the distinguished residents of southern Illinois and distinguished citizens in our country is J. Lester Buford. He once was superintendent of schools in Mt. Vernon, Ill., and is a former president of the National Education Association.

He is now in his mideighties, but that has not slowed him down one whit. He continues to contribute significantly to his community through a program of international understanding, and he recently sent me a letter about the whole question of merit pay for teachers.

The recent task force on merit pay for teachers suggested, among other things, that there should be experiments.

What J. Lester Buford is suggesting here is an experiment.

In order to evoke some additional discussion on the subject, I am inserting in the RECORD his letter to me of January 9.

JANUARY 9, 1984.

Representative PAUL SIMON,
Chairman, Merit Pay Task Force,
Carbondale, Ill.

DEAR PAUL: I have some ideas on merit pay for teachers which I would like to discuss with you at your convenience when you are in Southern Illinois. They follow:

THE ROLE OF THE TASK FORCE

It is my understanding from reading the papers and hearing the news media that the Task Force is to deal with two very important issues in education. They are:

(1) The scholastic achievement of children-pupils-students in the elementary and secondary schools.

(2) Merit Pay—The basis on which it can be put within reach of capable teachers and objectively determined whether it is earned or not, as measured by the scholastic achievement of the girls and boys they teach.

A BIT OF BUFORD PHILOSOPHY

As early as 1955, when I was NEA President, I spoke to many education and civic groups in many of our states emphasizing the importance of teaching and learning. My speeches were sprinkled with sayings which indicated something of my philosophy of teaching. They came to be labeled Bufordisms. I still stand by them. They follow:

I'm a teacher—one by choice;

I'm a teacher—a vital part of my profession;

I'm a teacher—reaping rich rewards;

I'm a teacher—proud to teach . . . !

If in your own opinion you are no more than a "Justa," in whose opinion would you expect to be more?

Together, let's drive into oblivion the "Justas."

Be as pretty as you can.

Do something different once in a while.

All pupils should be held for respectable work, based on ability.

There is great dignity in any legitimate labor that is well done.

It is not so much what one does that determines whether he is a common or skilled laborer; it is HOW he does WHAT he does.

When a child does the best he can with what he has, that's all God expects. You and I have no right to hold for more.

One of the major reasons for the great shortage in the teaching profession is that it has been too easy to enter. Teaching must not be a profession of the "left-overs."

The taxpayers' best bargain is strong teachers adequately paid; tax dollars are wasted on weak teachers—no matter what the salary may be.

Do something for someone else—Right where you are—Right now.

THE REASON FOR SCHOOLS

In these later years, we have lost sight of the fact that schools were established primarily to provide a learning climate and educational opportunities for youth. Parents and patrons no longer know when schools will start or how soon they may close after opening. Board members and teachers too often find themselves adversaries with each body trying to settle the problems by employing outside negotiators whose first concern is not for the boys and girls whose right to an education is being denied them.

THE PREVAILING NEGATIVE ATTITUDE IN EDUCATION

During my lifetime, we have produced men and women who know how to take a good heart out of a dead person's body and put it in a live body with a worn out heart and the patient lives on. We send intelligent, highly trained astronauts into outer space for indefinite periods of time to collect data to be used to make life less difficult for humankind in the years that lie ahead. Yes, we are living in an age when "Miracles are everywhere and every inch of common air throbs a tremendous prophecy of greater marvels yet to be". Even in such an age, leaders in our teachers' organizations tell us there is no way to tell whether any one person with a certificate is a better teacher than any other—that the only measurable differences for pay are the number of college credits one has and the number of years that person has taught. The public rejects that argument and so long as teacher organizations hold to it—the best teachers will be tied to the salary levels of the poorest and the most capable of our young people will in general, not become teachers.

An AP news item out of Washington some days ago has the heading—Task Force Says Try Merit Pay. There was nothing in the body of the article to indicate a belief that real merit pay is possible but there are ample suggestions that it likely won't work. I would like to urge, Paul, that your Task Force forsake such negative thinking about what can't be done for kids to secure and keep strong teachers and embark on the positive and exciting course that leads to something that can be done. I offer the following suggestions:

WHERE TO PUT THE EMPHASIS

Please remember that your first and direct responsibility is to the youth in the elementary and secondary schools in this country—that their chances for scholastic achievement are greatly enhanced when they have capable and devoted teachers who inspire and direct them in the learning process.

It would be those teachers whose pupils live up to their learning potential, as determined by intelligence and achievement tests who would earn merit pay.

PILOT SCHOOLS

Choose Pilot Schools of various sizes, ethnic and economic groups in widespread regions over the U.S. The pupils in these schools would take the same IQ and achievement tests soon after the opening of school. A second achievement test would be administered in the middle of the school term to determine student progress. The final test, the outcome of which would determine the merit pay, if any, for teachers the following year. This test would be given not more than 180 school days after the first test unless made necessary by "an act of God."

THE TESTING PROGRAM

I would hope that Your Committee could work with U.S. Secretary of Education, Bell, to secure and pay for, if necessary, the services of one of our most reputable testing agencies to advise in:

Choosing the tests to be used.

Determining Achievement categories for various IQ levels and the relative scholastic achievement necessary in each category for teachers to receive Merit Pay—the pay above the base salary. It would be paid to any teacher when 65 percent or more of her pupils achieved relatively 5 points or more above their national category average. The following chart shows Merit Pay possibilities:

ACHIEVEMENT OF PUPILS ABOVE NATIONAL NORM ON RELATIVE BASIS

Percent of pupils	Percent merit pay
65	5
70	10
75	15
80	20
85	25
90	30
Above 90	35

GIVING AND SCORING THE TESTS

It is my recommendation that the teacher who knows the pupils best administer the test—following the instructions explicitly—that two parents be present as observers at all testing sessions—that they deliver the completed tests to the administrator's office to be sent to the testing bureau to be scored. That the administration, teachers and observers determine the method of reporting the test results to pupils and parents. Office personnel should record the test results as a part of pupils' permanent records.

Determining Merit Pay for administrators and other personnel, besides classroom teachers, whose primary responsibility is scholastic achievement of pupils:

For system—Superintendent, supervisors, special teachers[1]—the average of all Merit Pay divided by the total number of certificated personnel in system.

Individual schools—Principals, school supervisors, special teachers—the average of all Merit Pay for any one school divided by the total number of certificated personnel in that school.

[1] Certified personnel not otherwise included.

SOME REASONABLE OUTCOMES TO EXPECT IN SCHOOLS USING PLAN

It would:

Focus attention on the scholastic opportunities offered learners as evidenced by their achievement.

Put Merit Pay within reach of capable and devoted teachers at all IQ levels.

Encourage a closer working relationship between teachers and pupils.

Unify parents, board members, teachers and administrators because their common goal is the scholastic achievement of their children and pupils.

Make more likely the willingness of local taxpayers to support educational tax rate increases.

Please know how anxious I am to go through this material with you. I am sending copies to both Washington and Carbondale.

Sincerely yours,

J. L. BUFORD.●

LIBRARY PROGRAMS NEED ADEQUATE FUNDING

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. FORD of Michigan. Mr. Speaker, I commend to the attention of my colleagues a letter I recently received from Dr. Richard M. Dougherty, director of the University of Michigan Library. His letter articulately outlines the significant impact that Federal funding for college and university libraries under title II of the Higher Education Act has had. Furthermore, it addresses the future needs of academic libraries and why it will be impossible to maintain adequate study and research facilities without continued Federal assistance. As we begin to formulate the budget for fiscal year 1985, I encourage my colleagues to read this letter carefully and to remember the importance of Federal library support.

UNIVERSITY OF MICHIGAN,
Ann Arbor, Mich., February 27, 1984.

Hon. WILLIAM D. FORD,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FORD: The proposed elimination of all Higher Education Act Title II funding from the Fiscal Year 85 budget could have a crippling effect on future programs for library education and the sharing of research library resources. The history of past Title II awards reveals the significant impact that has been felt in the library community by the infusion of these funds.

The abolition of Title II-C funding would immediately curtail program development in three key areas for research libraries. In the past, program support has been made available for: 1) projects which bring our nation's significant research collections under better bibliographic control, 2) projects which seek to preserve our cultural heritage through microfilming or restoration, and 3) funding to strengthen acquisitions programs at a time when library budgets are being constrained. All three of these areas repre-

sent costly efforts which could not be absorbed by individual institutions nor state or local coffers.

The assumption that previous funding through the Title II-C program has sufficiently stimulated the expansion of programs so that state resources could carry on is not realistic. The principle aim for the Title II-C program is much broader in scope than the promotion of cooperation among libraries within state or local networks. Rather, the benefits are much more likely to be between states or reaching nationwide. Therefore, only federal funding can provide the impetus for such programs.

In Michigan we have been fortunate to receive a large grant of over a million dollars from the Title II-C program. These funds were shared among the University of Michigan, Wayne State and Michigan State, and were used to create machine-readable records for over a hundred thousand serial titles. These records have now been input into major national data bases, and made accessible to libraries across the country. The end result of this three year project is the ability to share these rich serial collections with researchers through the U.S.

In 1982 the University of Michigan received funds to establish a preservation and conservation studio. Since a study conducted a few years ago estimated that as many as a million and a half volumes in our collections would be unusable by the year 2000, it is unlikely that we could begin to address this major problem without outside assistance. We are using the funds to focus on the preservation of 19th century materials in the social sciences and are coordinating our preservation activities with those of a major library consortium in order to avoid duplication of effort. Clearly, federal support for the preservation of library collections will be essential in order for collections in U.S. libraries to be available for use in the next century or even before then.

Although our collections may appear to be our most important resource in the library community, the focus in librarianship have changed a great deal in the last ten years alone. Increasingly, information has been distributed in new formats including machine-readable and electronic generated data. The increased complexity of information, the explosion of new publications, and the new skills that are necessary to access critical information all require that libraries be able to hire new professionals with a new depth to their professional education. Without the continuation of fellowship support provided through Title II-B, it is unlikely that library schools will be able to attract and retain qualified students, particularly those from minority groups. As a result, libraries may be faced with increasing difficulty in building their human resources to solve the problems of collection preservation, new bibliographic control mechanisms, and innovative services to library users nation-wide.

I urge you to support the continuation of the Title II programs which are crucial to librarianship and to research libraries.

Sincerely yours,

RICHARD M. DOUGHERTY,
Director, University Library.●

TRIBUTE TO THE NORTH WIND UNDERSEA INSTITUTE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. BIAGGI. Mr. Speaker, at this time it gives me great pleasure to pay tribute to the North Wind Undersea Institute of City Island, N.Y., for their outstanding achievement in working to preserve the ocean environment and their continuing efforts to develop new ways of protecting and saving endangered marine mammals.

I am extremely proud of the North Wind Undersea Institute because they are based in my home district and because they have done so much on behalf of preserving the beauty and vitality of the ocean environment. Their incredible work with whales has gained international recognition.

The director and curator of the North Wind Undersea Institute is Captain Michael Sandlofer, a professional deep sea diver and designer of whale rescue gear. He is a graduate of the Divers Institute of Technology in Seattle, Wash.; he attended the Massachusetts Maritime Academy; and is a lifelong member of the Explorers' Club. Michael was a former member of the U.S. Navy Counter Insurgency Team during the Vietnam war. In Vietnam, Michael was awarded the Purple Heart, Cross of Gallantry, the National Commendation Medal, and the Navy Unit Commendation Ribbon. Captain Sandlofer has dedicated his life to the preservation of the ocean environment and has been a leader in the area of whale preservation.

On March 13, 1984, the North Wind Undersea Institute will send a whale rescue team led by Captain Sandlofer to the lagoons of Baja, Mexico, Every year the gray whale migrates from the Bering Strait to these treacherous lagoons to have their young. Swift tides often leave wayward youngsters stranded and stuck on the shorelines of Baja. With no way for their mothers to reach them, these stranded calves die of starvation, sunburn, or from predators.

The primary objective of the mission is to test and perfect special equipment designed by the institute to help scientists work with the thousands of whales that become hopelessly stranded on beaches all over the world.

Second, the whale rescue team hopes to find a way to alleviate the humanlike suffering of the young whales by returning them to their mothers by employing a revolutionary new whale harness developed by the institute and made in the Bronx.

Until now, no group has ever made this type of effort to aid beached whales. Although scientists and officials of the Mexican Government are highly concerned about the death toll, gear, and techniques have not been available to deal with the half-ton, 12-foot offspring. The whale harness developed by the institute enables scientists to safely handle a stranded whale and guide the whale gently into deep water without drowning him or burning the whale's skin with tightly bound ropes.

The whale rescue team led by Captain Sandlofer includes: Alexander M. Craig, a professional medical journalist and magazine editor who also acts as public relations coordinator and fund raising director for the institute; Dr. Jay Hyam, a consultant marine veterinarian with the New York Aquarium and the New York Zoological Society; Charles Ising, diver, mechanic carpenter, former U.S. marine; Linda B. Klein, liaison officer with the Representatives of the Mexican Government, an attorney with a prominent Manhattan law firm; Dr. John W. Manlove, the founder and president of the Divers Institute of Technology; John McCarthy, diver and rigger; James Milovich, diver, electrician, radio engineer; Robert Pearlman, diver and explorer, publisher of the Explorer's Club Journal, veteran of several expeditions; and William Rossiter, the founder and president of Whales Unlimited, vice president of the Connecticut Cetacean Society. These 10 men along with the rest of the whale rescue team represent a group of dedicated individuals who share a genuine love for the beauty and magnificence of sea and its creatures.

This whale rescue team is no stranger to heroic rescue efforts. In April 1981, Captain Sandlofer and the whale rescue team became the first group to successfully restore a beached whale to health and return it alive to the sea. In a dramatic 10-day ordeal Captain Sandlofer hand fed the 25-foot, 12½-ton sperm whale squid stuffed with antibiotics. After 8 days "Physty," the nickname given to the brave whale, was on the road to recovery as Captain Sandlofer's emotional, one-to-one approach enabled him to gain Physty's confidence and get the whale to accept food and medication. After 10 days Sandlofer and the rescue team gently guided Physty out into the open sea.

That emotional and miraculous achievement has inspired the institute to pursue new ways to treat and handle stranded whales. The Baja Whale Rescue Expedition represents a new direction in whale-saving techniques because it deals with individual whales in a one-to-one relationship with mankind. If successful, the new equipment would allow scientists to meet the requirements of the Marine Mammal Act of 1972, "for the humane handling, care, treatment, and transportation of marine mammals".

Truly an internationally oriented organization, the North Wind Undersea Institute is planning to send the whale rescue team to Newfoundland following the Baja Expedition to use their new rescue equipment to aid adult humpback whales that get entangled in commercial fishing nets.

I am also especially proud of the institute's service to the Bronx community. Their fascinating museum in City Island has exhibits and facilities to accommodate handicapped and blind people. The institute also is working on a medically approved aquafin designed by North Wind that will enable physically handicapped persons to swim and dive. In addition to the educational services they provide at the museum, the institute is also in the process of creating more educational programs for young people concerning natural history, oceanographic sciences, the preservation of marine mammals, and the dangers of environmental pollution.

The North Wind Undersea Institute is an organization that is dedicated to the preservation of one of man's most precious resources: The ocean and its diverse array of wildlife. They have gained worldwide recognition for their many accomplishments and their upcoming excursion to Baja has attracted international attention. I am confident that these splendid individuals will be successful and that the institute will continue in their efforts to preserve and aid marine mammals. Their efforts to provide assistance and aid to suffering whales and their success in developing gear to safely handle these whales is a clear indication that man can approach the environment in a constructive, positive, and beneficial way.●

NATIONAL CEREBRAL PALSY MONTH

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. SIMON. Mr. Speaker, I, along with 60 other original cosponsors, am pleased to introduce today a joint resolution to proclaim January 1984, as "National Cerebral Palsy Month."

Cerebral palsy (CP) is a group of disabling conditions that result from damage to the central nervous system. More than 700,000 Americans have CP and more than 10,000 babies will be born with CP this year. Furthermore, it is estimated that it costs our country $1.6 billion per year in the cost of care for persons with CP—millions more in lost productivity.

Characteristics of CP include an inability to fully control motor function, which may include seizures, spasms, mental retardation, disturbance in gait and mobility, and impairment of sight, hearing, or speech. In addition to physical problems caused by CP, there are many other long-term effects on a cerebral palsied person's life.

Stress and psychological problems often result indirectly from frustration due to physical limitations, overprotectiveness, and hostility. Families are affected, too. Many parents feel guilt, thinking that they may be responsible for their child's CP. And because of the demands on time and money that are required by CP, there may also be resentment toward the afflicted child.

The good news is that many cases of CP can be prevented through good health care before pregnancy, prenatal care, precautions during and immediately following childbirth, and early childhood care. While there are no cures for CP, a lot can be done to help those with CP become more self-reliant and fulfilled. Today, there is effective medication, helpful surgery, mechanical aids, occupational and speech therapy, counseling, and special assistance for families. Scientists, doctors, and therapists are making impressive strides in research, prevention, detection, and treatment. But more can and should be done.

The proclamation of January 1985, as "National Cerebral Palsy Month" would make the public more aware of cerebral palsy. The more we all know about CP, the more we can do to reduce the occurrence of CP and to help those who have CP.●

USBIC REPORT RELEASED

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Ms. KAPTUR. Mr. Speaker, The United States Business and Industrial Council (USBIC) has recently released their report, "White Paper on United States-Japanese Trade." Mr. Keith Wilson, vice president of Government Affairs of Champion Spark Plug Co., from my district in northwest Ohio, was chairman of the USBIC Advisory Task Force on International Trade, which prepared this outstanding report. Excerpts from the introduction of the report follow. I urge my colleagues to carefully consider the crucial message which is being conveyed by these senior corporate executives.

WHITE PAPER ON UNITED STATES-JAPANESE TRADE: FAIR TRADE POLICY NEEDED

The time has come for a thorough review and revision of the country's basic trade policy. Reevaluation and change are made necessary by the radical transformation in international business and trade in recent years. It is imperative that the United States adjust its trade policy to altered world conditions in accord with today's political and economic realities so that the economics interests of the American people are safeguarded.

The United States has long adhered to the ideal of free trade. Unfortunately, the other nations of the world today do not necessarily subscribe to the same concept.

As the USIC Declaration of Policy has stated for some years, the conditions of meaningful free trade today do not exist. These conditions include unrestricted movement of capital investment, convertibility of currencies at freely floating rates, parallel fiscal and monetary policies, and safeguards against exploitation by foreign tax structures or governmentbacked, subsidized, guided or directed monopolies or cartels.

The United States, unfortunately, has accepted what amounts to a one-way or unilateral free trade system, a system which leaves the United States at a disadvantage. This means that the United States has a naive attitude towards our trading partners and industrial competitors. In reality, many of these are trade and industrial adversaries.

Many Americans, including many government officials and members of Congress, think of international trade in the old-fashioned way, as competition between individual companies. The reality, however, is that American companies are in competition with foreign countries, with industries which are guided by their governments. For example, Japanese industries are shifting to new industrial operations with massive capital lent by the Bank of Japan. Japanese railcar makers are selling their products to American cities with government subsidies.

The Japanese are well aware of their increasing dominance. Kenneth B Pyle, writing in the Journal of Japan Studies (1982) said that the report issued by the Comprehensive National Security Group in Japan in 1980 noted that Japan's per capita GNP "will likely overtake that of the United States" and that "the positions of the two economies are being reversed. . . ."

For several years, as evidenced in the statements published in the first section of this report, there has been growing concern about Japan's trade practices and underlying policies. Americans, however, are only beginning to study the methods that Japanese companies employ to seize a large market share in the United States and that the Japanese Government utilizes to exclude many American-made products from the Japanese market.

It is not a handful of products that American manufacturers are concerned about. The flood of imports affects both relatively simple and highly sophisticated industries. There is a rapidly growing belief, therefore, that the United States must study and respond to the overall trade challenge, most particularly from Japan. Danger exists that every sector of the American domestic market will be dominated by imports in the years ahead. Business Week recently (Aug. 29, 1983) warned that the economic recovery and the flood of foreign money into the United States "are masking a trade problem that could turn out to be the economic disaster of the decade." It cited a Data Resources Inc. prediction that the trade deficit "could hit $174 billion by 1990."

In the 1980's, the possibilities for national direction of trade are very numerous—old fashioned tariffs, quotas, technical and administrative barriers, testing requirements, state subsidies, government guidance, preferential purchasing, access to bank credit on special terms, cartels, etc. As a result, no two nations play by the same trade rules.

There are other factors to consider: Our trading partners enjoy their military protection at the expense of the United States taxpayer. Despite this, they are directing national economic offensives against the United States. It is the industrial policy of Japan, for example, to dominate the American domestic market for automobiles, steel, semi-conductors and many other products.

This policy has been in effect since the 1950's and has been spectacularly successful. The United States response to these national economic offensives—virtual economic warfare—has been repeated expressions of dedication to the principle of free trade.

The result of this naive policy on the part of the U.S. Government has been the rapid deterioration of the American economy. The economic deterioration we witness in America today is the result of the U.S. Government's willingness to allow foreign producers to sell their goods in the American market below the cost of production and at far less than their fair market price at home, a practice known as dumping. There is also the reluctance of some Federal officials to enforce the trade laws that are on the books. Instead of clamping down, the U.S. Government usually drags its feet on trade issues and opts for a soft agreement with foreign dumpers, an agreement that is inadequate to deal with the threat to America's basic industries.

Because of this neglect and unwillingness to face the facts, many of America's industries are on the critical list, including automobiles, steel and machine tools. Dennis J. Carney, chairman of Wheeling Pittsburgh Steel Corp., has said "within the next several years, industries such as computers, air frames, telecommunications and space technology could be damaged more than our steel and auto industries are being damaged today."

On September 20, 1982, Industry Week Magazine charged that "A case can be made that Japan is trying to achieve economically what it could not accomplish militarily: a world economic hierarchy with Japan at the apex." It added "It's not implausible that the Japanese are attempting to apply principles of the ancient art of jujitsu to world economics, using its opponents' strengths—the great natural resources, markets, and labor force of the United States—against it. In short, by forging tight alliances—through onshore manufacturing plants, joint ventures, and other arrangements—United States dependence on liaisons with Japanese firms will increase, thus giving Japan the leverage it needs to carry out its economic mission."

Japan's economic offensive is multipronged. Americans have not yet realized that the Japanese are extending their attack on the U.S. domestic market by investing in the low-cost, newly industrializing countries. World Business Weekly (Oct. 19, 1981) reported that "One of Mitsubishi's goals in investing in Singapore was to launch an export drive aimed at the United States and Western Europe." One of its rivals, Hitachi, has 15 plants in less-developed countries. Asahi Chemical Industry has 14 plants outside Japan. These operations pose another serious threat to United States basic industries. Americans also should understand that an additional 32 million tons of steel will be coming from Brazil, Mexico, South Korea, Taiwan, and the OPEC nations of Algeria, Nigeria, Saudi Arabia, and Venezuela by 1985.

Many of the state-owned European companies have bought into American business and industry. It certainly can be argued that the U.S. Government ought not to allow American private enterprise to be overwhelmed by foreign, state-owned industries which are, in effect, dumping their unemployment in the United States, dealing with their social problems by shipping subsidized products to the United States. British Steel is a case in point.

The problem of national economic offensives against the United States should be treated in a way that transcends partisan lines.

It is important to consider how other countries operate. The Comptroller General of the United States issued a report on July 9, 1979 in which he stated that only Japanese firms are certified to build railcars for Japan's railways. The same situation applies in France and Italy. Indeed, French, Italian, and Japanese railways are state owned. Around the world, barriers are put up to keep out American manufacturers, while foreign imports are overwhelming this country.

Americans do not want to go the foreign route by nationalizing their industry or the route of industrial guidance or subsidy. But the United States has to take a much harder line against dumping of goods. The current antidumping law is grossly inadequate. Enforcement of countervailing duties also is inadequate. The United States has to restore meaningful international competition by insisting that foreign countries engage in fair trade.

One approach to the problem of unfair trade has been developed by U.S. Senator JOHN C. DANFORTH. He has authored legislation aimed at establishing trade reciprocity. He would withdraw trading privileges in the United States for countries that do not provide Americans with reciprocal market access.

The point has been made that trade restrictions on the part of the United States will invite retaliation. Certainly, that is a point which must be considered. The United States, however, is not waging a trade offensive against Japan and other countries. It simply requests equal access, which it isn't getting. Moreover, the United States taxpayer is underwriting the defense of these countries. And if Japan wanted to retaliate, what would it do? It must have access to American raw materials and foodstuffs. Indeed the Japanese cannot fault Americans for acting so they do not always get the short end of the stick. They know they have the advantage in current trade arrangements.

Only a hard-nosed U.S. trade policy will prevent the total collapse of our basic industries, which are essential to our economic well-being and national security.●

TRIBUTE TO PAUL F. MOHR

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. FORD of Michigan. Mr. Speaker, it is with great pleasure that I call your attention to the fine civic work of one of my constituents. Paul F. Mohr has been serving the city of Taylor for over 30 years and this Saturday, there will be a reception held in his honor. This reception will honor Mr. Mohr for his work with Job's Daughters in Michigan. Paul is presently the associate grand guardian of the International Order of Job's Daughters, Grand Guardian Council of the State of Michigan.

He has served the Lincoln Park Masonic Lodge for over 28 years in many capacities including master in 1964.

During this time, he served as adviser for 18 years for the chapter of the DeMolay with 2 years as dad adviser. He received the Honorary Legion of Honor in 1965 and the DeMolay Cross of Honor in 1978. In 1981 he was awarded the Gold Honor Award from the York Rite.

Paul Mohr has also been a Webelo leader and committee chairman for the Cub Scouts. He also coached and worked with the Taylor, Mich., Little League. Paul and his family have been members of the Southminster Presbyterian Church located in Taylor for 27 years.

Paul's work in the community is an inspiration to us all and I am proud to speak about him today. The city of Taylor is a better place today because of Paul Mohr's efforts.●

SKELTON AUTHORS AWARD-WINNING ARTICLE ON MILITARY LEADERSHIP

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. GEPHARDT. Mr. Speaker, our esteemed Missouri colleague, IKE SKELTON, has received well-earned recognition from the Freedoms Foundation at Valley Forge for his knowledgeable article on military leadership.

We in the House are all aware of IKE's expertise on military personnel matters. Understandably, his article in the Daughters of the American Revolution magazine, "Valley Forge—Who Cares About Valley Forge? or History and American Heritage," is a thought-provoking analysis of the link between military leadership and military history.

I am happy to advise my colleagues that this outstanding article has been awarded the prestigious George Washington Honor Medal for excellence in the category of published works given annually by the board of directors and trustees of Freedoms Foundation.

I urge all of our colleagues to read this thoughtful piece on the relationship between military leadership and our national security; and request that it be inserted in the RECORD at this point.

The article follows:

VALLEY FORGE-WHO CARES ABOUT VALLEY FORGE? OR HISTORY AND AMERICAN HERITAGE

(By Congressman Ike Skelton, Missouri)

(The Bylaws of the National Society emphasize the fields of History. Education, and Patrotism. This coming year's National Theme set by our President General is ". . . to foster true patriotism and love of country." This reinforces the DAR second objective, taken from George Washington's Farewell Address. . . "to promote. . . the general diffusion of knowledge." With these two key goals in mind, the following article stresses the need to study history and to remind our citizenry of our fine, hard-won heritage.)

Sir William Francis Butler, the noted British soldier and author of the last century, once said this: "The nation that will insist on drawing a broad line of demarcation between the fighting man and the thinking man is liable to find its fighting done by fools and its thinking done by cowards."

Sir William's words ring no less true today than they did in that bygone era. Indeed, it would seem even more important today that such a line not be drawn, for today's military leaders face a challenge that is far greater than military leaders have ever faced. The military leader of today must, first of all, have the technical skills to employ effectively the sophisticated weaponry and other equipment which he has at his disposal. Secondly, he must have the ability to manage these assets and the highly-trained, skilled manpower in his command. However, technical and managerial skills alone are not enough to make a military leader. Much more is required to meet the leadership challenges of the future. The military leaders of today and tomorrow must understand the importance of military history—the study of tactics and the strategy through the ages. Congress, which has the constitutional duty to raise and support armies and to provide and maintain a navy, must work with the Armed Services so that our nation can produce military strategists in the tradition of General Douglas MacArthur, General George C. Marshall, and Admiral Chester Nimitz. We need military tacticians who, like General George S. Patton, are students of the history of warfare.

It is said that ". . . no commander or military historian sufficiently dedicated to his profession could possibly be surprised about any development in warfare, whether it concerns strategy and tactics, methods and weapons, equipment and uniforms, discipline and morale, civilian and political attitudes." A study of history's pivotal battles shows that the great captains—Hannibal, Caesar, Napoleon, MacArthur—were in the debt of outstanding soldiers of the past. Stonewall Jackson's successful Shenandoah Valley campaign resulted from his study of Napoleon's tactics, and, Napoleon, who studied Frederick the Great, once remarked that he thought like Frederick. Alexander the Great's army provided lessons for Frederick, two thousand years before Frederick's time. The Athenian General, Miltiades, who won the battle of Marathon in 491 B.C. also won the battle of El Alamein in 1942; the Macedonian, Alexander the Great, who defeated the Persians at Arbela in 331 B.C., set the example for the Roman victory at Pydna 155 year later; the English Bowmen who won Crecy in 1346 also won Waterloo in 1815; Montgomery, Bradley or MacArthur, who won battles in the 1940's might well win battles a century or so hence. Thus, I believe that every truly great commander has linked himself to the collective experience of earlier generals by reading, studying, and having an appreciation of history.

Now, this doesn't mean that today's soldiers should copy from the past. To the contrary, those leaders who have merely copied from the past have nearly always suffered defeat. While the essence of major tactics can—and must—be learned from the past, the thinking student of military history will learn much more than that. He will learn how to apply his tactics innovatively, in all situations and under all conditions. He will learn how to be flexible and how to adapt rapidly to change.

Our leaders must be students of human nature under war conditions—how men react to discipline, fear, hunger, lack of confidence, and shock; and they must know about the minds and emotions of potential adversaries. Such examples begin with Gideon of the Old Testament who proved to be an early propogandist—spreading stories of his invincibility amongst the enemy Midianites. At night, Gideon's force of a mere 300 men, blowing trumpets and waving torches, caused panic to sweep throughout the Midianite encampment resulting in an easy victory for Gideon. Further, the student of military history must learn a profound respect for things which, like the weather, are beyond his immediate control. When the Germans invaded Russia in 1941 they failed to take into consideration the bitter and devastating winters on the Russian Steppes, which was experienced by Napoleon in the previous century. Thus, those who are aware of the element of fortune in warfare will be better prepared to deal with it when, inevitably, it goes against them, or exploit it when, just as inevitably, it works in their favor.

Don't get me wrong. Our military leaders of the future need to be able to manage the force and to handle the big, expensive and highly technical new weapons. But they should not be bureaucrats—they should be leaders. History teaches that it is difficult to translate technological advances into battlefield successes, that the consequences of new technologies aren't easily predictable in advance, and that even profound technological superiority is not a guarantee of success in combat. Our ability to prevail in any future conflict may depend less on the quality of our weapons than on the theories and strategies through which they are employed.

Above all, our military leaders should have a deep sense of our American Heritage. Recently, I accompanied my youngest son and his boy scout troop to Gettysburg, Pennsylvania, where we toured the scene of that decisive battle of early July, 1863, where General Robert E. Lee and his Confederates engaged General Meade and his federal troops. We walked among the battlefield monuments that stand as reminders of the determined courage of the men from the North and South who fought and died for their respective causes. The scoutmaster graphically told the scouts the details of that historic contest. The climax of the battle is known to history as "Pickett's Charge"—a massive assault by 15,000 Confederate troops across a half mile of open field against the breastworks of the Union ranks. This final attack, which was repulsed, was to be the high tide of the Confederacy. It was remarkable for the courage, daring and heroism of soldiers from both armies. At the end of our lengthy walk through the battlefield, we stood near the monument to General Lee and read a historic marker denoting Pickett's Charge. One young boy, seeing the marker, sarcastically remarked, "Pickett's Charge, who cares about Pickett's Charge?"

The boy's words startled me, for I realized that his standing on the field of one of the greatest and bloodiest battles of our history meant no more to him than standing on a street corner waiting for a school bus. Maybe it was too much to ask that a 12 year old have respect—or admiration—for men who had bravely fought there and had given their "last full measure of devotion" over a century before.

President Abraham Lincoln gave a speech on that battlefield in November 1863, remembered as his historical "Gettysburg Address." He said on that occasion: "The world will little note, nor long remember, what we say here, but can never forget what they did here." Was Lincoln wrong? Have we as a people forgotten those deeds that occurred on that field of battle? Will the glory and heroism of one age always become dim memories to a later generation?

A few years ago, I was a member of a Congressional Delegation that traveled to Vietnam to bring back to the United States the bodies of 14 American fliers who were killed in the Vietnam War. On the way over, we stopped for a few hours in Manila, in the Philippines. I asked to go to the Island of Corregidor, in Manila Bay, as I had a marine friend from my hometown who had been captured there by the Japanese in early 1942 after he and the other defending Americans, who were hopelessly out-numbered, resisted for nearly five terrible months and so delayed the Japanese timetable for the conquest of Southeast Asia. The Air Force accommodated me, and I flew by helicopter to that island fortress. There, I witnessed the grim reminders of that terrible seige—the tunnel that housed our wounded, the bullet-caused pock marks on the concrete fortifications, and the skeletal remains of U.S. Army barracks. I also saw the flagpole where Japanese troops had raised their swords in Banzai shouts as the stars and stripes came down. There on Corregidor, I walked along the paths where bravery, heroism and courage were commonplace during those bleak days in American History. I recalled that as a 10 year old boy in Missouri, I had been glued to the radio, listening, day after day, to the reports of the Americans who held Corregidor against bombardment. The gallant defenders were finally forced to surrender to overwhelming odds in May 1942.

Soon after my return to this country from the Vietnam trip, I had occasion to speak to a high school history class in my home state of Missouri, and recounted my recent trip to them I mentioned my visit to Corregidor, and I asked the class what they knew of that small island. None had ever heard of the name "Corregidor." None in that classroom had any idea of the scores of soldiers and marines who defended the American Flag during those painful days in 1942, I was saddened.

Writing in a religious context, St. Paul of old declared to the Corinthians "we are bought with a price." In a different context, those words apply to us Americans: We, too, have been bought with a great price. The liberties we enjoy, the freedoms, and the prosperity have been bought and paid for by the courage, daring, and faith of the men and women who in every generation have answered their country's call—not only the call to arms, but the call to build and create—the call to develop character and moral ideas in the family and home, in

church and school, in office and factory, wherever our people lead their daily lives.

We live under a Constitution that has been a shield of our freedoms since its inception. But there would have been no constitution—not even a United States—had George Washington and his men not withstood the bitter winter encampment at Valley Forge. Would anyone dare say, "who cares about Valley Forge?"

Peace has its victories no less than war. In my hometown of Lexington, Missouri, there stands a statue, the "Madonna of the Trail," erected by the Daughters of the American Revolution in memory of the pioneer mothers who, along with their husbands and children, moved westward into the wilderness during the 1800s. Indeed, the Westward Movement was what made our nation unique. The conquering of the western frontier was a different kind of struggle, a movement without parallel in world history. Nowhere else has an area of equal size been settled in so short a time entirely as a result of quiet courage and initiative of small groups. This achievement gave our people the characteristic of accepting the challenge of new frontiers. Our American heritage is one of challenges met by a determined people. The spirit that charted the course of Democratic government for the world also challenged American men and women to great achievements in the fields of health, science, politics and space as reflected by names like Walter Reed and Clara Barton, the Wright Brothers, and Amelia Earhart, Andrew Jackson and Harry Truman, John Glenn and Neil Armstrong.

We could call the record of our history from our Revolutionary Days at Lexington and Concord to man's first step on the moon and recount the story of America: acts of heroism and devotion mark every generation. The pursuit of freedom and justice has taken our flag to the far corners of the world and beyond—San Juan Hill, Chateau Thierry, Normandy, Inchon, Da Nang. It flew beside buildings at Ellis Island as millions of immigrants journeyed to our shores to escape poverty and political oppression, seeking freedom and opportunity in the land that became the "Last, Best Hope of Mankind." It flew over the courthouses and schools as our forefathers established the greatest system of government and the highest living standard ever seen on this earth.

This is the heritage which you and I have received. It is the heritage which we must transmit to our children. It is not just facts, figures and dates, it is a deeply rooted sense of loyalty to all that has gone before—the challenges, the trials, the stoutheartedness, the victories, the dedication of the past.

"Who cares about Pickett's Charge?"
"Who cares about Corregidor?"

God grant that you and I care—and that our children care, and that our children's children will care. For, if we as a people don't appreciate the greatness of our heritage, the day could come when some youngster might remark: "America, who cares about America?"●

WORDS TO PONDER

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. SIMON. Mr. Speaker, recently I had the opportunity to read the book, "Such a Peace: The Roots and Ashes of Yalta," by C. L. Sulzberger.

I have never had the privilege of meeting Mr. Sulzberger who has had a long and distinguished career with the New York Times and has written a number of books.

In the concluding chapter of this excellent book, he has these three sentences which ought to be engraved on the minds of every Member of Congress and every leader in this administration and on the public at large:

The societies, laws, economies and finances of both major blocs, Moscow's and Washington's, are in a mess. Neither side seems to have any idea save to spend more on weapons and discovering a way of winning the fruits of war without having war itself. A pretty meager dream—and unlikely.

A reading of this book or any reading of any other perceptive look at history suggests that it is much easier to blunder into war than to constructively build a peace, easier to serve the national passion than the national interest.

I hope that as we shape policy we bear in mind these words of wisdom of C. L. Sulzberger.●

CONGRESSMAN BYRON DORGAN DISCUSSES IMPLEMENTATION OF THE HUMAN NEEDS AND WORLD SECURITY ACT

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. HALL of Ohio. Mr. Speaker, on February 23, 1984, the gentleman from North Dakota (Mr. DORGAN) and I had the privilege of testifying before the House Foreign Affairs Committee's Subcommittee on International Security and Scientific Affairs. We both spoke in support of the bill we have introduced, H.R. 4440, the Human Needs and World Security Act.

The gentleman from North Dakota has been a consistent leader in efforts to correct the growing imbalance in foreign aid spending between military assistance and development assistance. He has also been at the forefront of those concerned about global hunger. In particular, he has helped to lead the effort to direct emergency food relief to the countries in Africa facing and famine.

As a Representative from a key food-producing State, Mr. DORGAN emphasized to the subcommittee the need for us to share our farm abundance and our impressive agricultural knowledge with the Third World. As he told the subcommittee:

The Soviets can match us in the arms trade, but they can't hold a candle to us in food production.

Mr. Speaker, I commend Mr. DORGAN's thoughtful analysis and testimony to the attention of my colleagues:

FOREIGN AID WITH A HUMAN FACE AND A REAL SECURITY PAYOFF

(By Byron L. Dorgan)

("Between these two positions is a view that only a limited range of Soviet activities in the Third World pose significant challenges to U.S. interests but that a more effective countervailing capability than now exists must be developed to respond to these activities."—Soviet Policy and the United States Response in the Third World.)

(Patriotism may not be "the last refuge of a scoundrel . . ." but militarism, often disguised as patriotism, is the first refuge of a bankrupt foreign policy.—John B. Oakes in the New York Times, January 9, 1984.)

Only yesterday, President Reagan lamented the waning public support for foreign aid. If I had the President's ear, I would like to tell him that he should not be surprised. I would say that the public will not tolerate overseas aid programs that it cannot understand, that it cannot countenance, and that it cannot pay for.

But the President has already submitted his budget, so I want to raise serious questions about it with you, Mr. Chairman, and members of this Subcommittee. And, I want to commend you for calling a hearing that focuses on an alternative view of foreign aid.

Let me state at the outset that I do not come to deny the value of the right kind of military and economic support funds. Nor do I suggest that we should carry out foreign aid without a sober assessment of Soviet adventurism and world terrorism.

But I do suggest that we soberly analyze the costs and benefits of overseas programs and judge realistically which forms of aid strengthen our foreign partnerships, create lasting security, and touch the lives of the hungry, the ill, and the unschooled.

THE RECENT RECORD IN FOREIGN AID

To gain some insight on spending trends in foreign aid, I asked the Congressional Research Service to prepare a chart showing Multilateral Economic Aid, Bilateral Economic Aid, and Military Aid from fiscal year 1981 to fiscal year 1985. In effect, the appended chart reveals what has happened to foreign aid during the Reagan Administration.

And, the results alarm me. They show spiraling spending in security aid while development and food assistance have hardly risen at all in real terms.

Since 1981, military aid has mushroomed from $3.7 billion to $6.4 billion in the 1985 request: a whopping 73 percent growth.

Likewise, the corresponding period finds the security-related Economic Support Fund jumping 63 percent—from $2.1 billion to $3.4 billion.

On the other hand, development assistance has scored only a 24 percent growth and Public Law 480 Food for Peace programs have eked out only a 10 percent nominal growth. In real terms, the $1.355 billion requested in fiscal year 1985 will actually send less food aid to hungry Africans

and Asians than the $1.229 billion Congress appropriated in fiscal year 1981.

From these trends, it's clear how the Administration has responded to questions about Soviet Policy and the United States Response in the Third World, which the Congressional Research Service prepared for your parent committee in 1980.

But, I don't accept the Administration's "military solution." I don't agree that a 73 percent increase in military aid has bought America more security. I don't accept the proposition that a 739 percent growth in the Military Assistance Program has promoted stability in the world.

TROUBLING TRENDS

Many things trouble me about the increasing militarization of foreign aid, but permit me to highlight a few.

First, a military aid emphasis simply will not work. Last year I traveled to several countries in Central America. I witnessed the growing infusions of military aid and the foreboding American military presence. I saw 14-year-old boys armed to the teeth with automatic weapons, ready to serve in crips new uniforms from Sears. Yet, I also saw opulence of the few amidst grinding poverty—with the accompanying hunger, illiteracy, and disease. I do not count myself as an expert on Central America after one visit, but my overwhelming conclusion is that we are fighting the wrong war with the wrong kind of weapons.

What Central America needs, by in large, is not more M-16's, tanks, and attack helicopters, but food, medicine, and education. We are not winning in Central America because we are fighting the wrong war. Only when we attack the roots of conflict in Central America—the poverty and repression—can we expect to promote peace and democracy. I don't discount legitimate security aid. But we must match it by the dozens with economic and food aid and incorporate it into workable overall policy that stresses negotiation over intervention, partnership over unilateralism, and democracy over anti-communism.

Stated differently, an over-emphasis on security and military can work counterproductively.

As arms aid expert Harry J. Shaw has written, the ". . . security assistance program may endanger (security) interests more than likely military threats to the recipient countries." This is because the debt burdens incurred by recipient states may undercut their own economic performance. And, nations receiving Foreign Military Sales credits, such as Israel, the Philippines, and South Korea, carry some of the most severe debt-service burdens in the world.

The liberal extension of military credit also encourages beneficiary nations to purchase more and more arms. This may not only contribute to regional arms races, but also unrealistically raise the expectations of the countries in question. The short-term pay off for the United States may bring hidden long-term problems.

We have also witnessed to our chagrin that the arms supplied abundantly to former unstable allies like Iran and South Vietnam may later be turned against us and our allies—when hostile leaders assume power.

Nor should we forget the domestic impact of foreign aid. With $200 billion deficits looming for years ahead, I cannot justify a $10 billion security aid budget. I agree with others that we can find $1 billion in savings in those accounts. Similarly, the U.S. is three to four times as dependent on trade with the Third World as the Soviet Union. If we do not help engender strong, growing economies in the Third World, we endanger our own economy.

So, Mr. Chairman, I believe that we need to re-examine current policies and aid programs to ensure that they really bring security dividends.

WORLD SECURITY AND HUMAN NEEDS

Responding to these concerns, I have worked with Congressmen Tony Hall and Jim Leach to draft a general alternative to the Administration's fiscal year 1985 foreign aid budget. I want to stress that the specific figures in H.R 4440 were developed before the Administration's budget submission. Nonetheless, I still believe that the principles embodied in the Human Needs and World Security Act are valid and its overall thrust makes good sense.

In essence, what this bill does is to define national security in a more comprehensive way than narrower military-oriented approaches to. In doing so, I believe that we add a dose of realism, pragmatism, and compassion to the foreign aid debate. As Ruth Leger Sivard points out, "the pursuit of international security through national military force has been increasingly costly, in blood, money—and security."

By underscoring that our security and that of our allies depends on strong economies and healthy societies, as well as sufficient defenses, we hope to reverse the alarming and counterproductive march towards a martial foreign aid.

The thrust of H.R. 4440 is to freeze security aid—both military aid and Economic Support Funds at the fiscal year 1984 level in the Continuing Resolution. This will result in about $650 million in savings from the fiscal year 1985 Reagan budget. We then propose to add back about $200 million for proven programs in economic development, health, and food aid.

For one thing, our proposal would boost funding for the International Fund for Agricultural Development to $90 million—or $40 million over the Administration's budget. IFAD is the only international organization that focuses solely on increasing food production in the poorest, food-deficit nations. IFAD has developed innovative programs in such nations as Nepal, Mauritania, Pakistan, and Egypt that will help break roadblocks to agricultural development—as in the allotment of irrigated lands to landless farmers. Despite a GAO-approved track record, the U.S. funding for IFAD proposed for fiscal year 1985 is 9 percent lower than it was in 1981. Clearly, we need to reverse this trend.

Another program that warrants added funding is UNICEF. As a recent Washington Post article pointed out, UNICEF has taken its "child survival revolution" to the place "where the kids are dying." UNICEF's remarkable, four point program to reduce by half the 40,000 children who die each day merits our support and our appropriations. With adequate funding for oral rehydration therapy and related programs, UNICEF can bring hope, health, and life to millions of hungry and diseased children. Our proposal increases UNICEF funding for $102 million in fiscal year 1985—as opposed to the meager $27 million in the Reagan budget.

FOOD FOR PEACE WORKS

Let me also emphasize the need to support adequate funding for the Public Law 480 Food for Peace Program—especially Title II, which provides food aid to nations with food deficits.

Right now, Africa faces the prospect of a continental famine, which already threatens 150 million people in 24 nations identified by the U.N.'s Food and Agriculture Organization. The FAO reports that Africa has an unmet food need today of some 1.3 million tons. In order for this to save lives, about 75 percent of it must reach Africa before June. Experts predict that drought and food shortages could worsen in 1985.

I mention this to show that the fiscal year 1984 funding level for Title II was inadequate to respond to world needs. Now, as Congress debates a supplemental, African leaders wonder whether food and transportation aid will reach their shores in time.

Consequently, I would urge this Subcommittee to increase Title II by at least $50 million over the fiscal year 1984 level of $650,000. As you know the Administration's budget holds fiscal year 1985 funding at the same level. Total Food for Peace funding has not even kept pace with inflation since 1981, which means that we can buy less food in the face of rising emergency food needs.

Food for Peace not only fights famine, it also builds bridges and strengthens our own economy. For example, two of our former adversaries who received Food for Peace assistance, Egypt and Somalia, now work with us as key friends in East Africa and the Middle East. Such voluntary agencies as CARE and the Catholic Relief Services have promptly and efficiently distributed food aid to starving and malnourished Africans in a manner that we can all be proud of. But rising commodity prices and static funding for Title II could threaten their vital work.

BEATING THE SOVIETS WITH THE RIGHT "WEAPON"

I don't think we can ignore the superpower dimension of the African food crisis or other trouble spots in the Third World.

But while we can't leave the Third World playing field to the Soviets, we ought to compete on our own terms—on terms which also benefit developing nations. In a word, we should share our incredible farm abundance and our impressive agricultural knowledge with the Third World and especially, with Africa—the only continent whose food production has actually declined in the last decade. The Soviets can match us in the arms trade, but they can't hold a candle to us in food production. Here's why. . . .

Through the 1960's and 1970's we produced about twice as much wheat as the Soviet Union, which has had to import vast amounts of wheat and other grains to feed its own people. Soviet grain imports for 1983–84 are expected to be 28 million metric tons. In 1982, despite the massive Soviet investments in agriculture, the United States farmer still produced seven times as much as his Soviet counterpart. Even though the Soviets spend six times what we do on farming, they still have to import food for their own population.

It's this food abundance and our food-production know-how that we ought to share in appropriate ways, for sound goals, with developing nations. My point is not that we should shut the door on legitimate security aid to the Third World—because the right kind of security aid can also aid development, as Richard L. Hough has shown in his National Defense University study. But with our worldwide security aid growing by 73 percent and our economic aid by only 16 percent in the past five years, and our food aid actually falling off, I think we have

mixed up our priorities and defined national security too narrowly.

In conclusion, I don't see how Africa, for example, can afford to be further militarized when it already has about the same number of soldiers as the U.S. but only one-eighth the number of physicians, barely half our life expectancy rate, and two-thirds of the people consuming less than the recommended national caloric standard.

It seems to me that we can do ourselves and the Third World a favor by returning to a more prudent course: increasing our joint investments in food aid, food production, education, health, and development, while bringing under control the runaway growth in security aid, arms sales, and military spending. I believe that H.R. 4440 would help move us in that direction.

FOREIGN AID BUDGET: FISCAL YEARS 1981–85

	1981 level	1982 level	1983 level	1984 continuing resolution (Public Law 98–151)	1984 supplemental request	1984 revised estimate	1985 request	1985 +/– over 1981	1985 +/– over 1981 (percent)
Multilateral economic aid									
Inter-American Development Bank	$251.5	$221.2	$284.1	$118.4	$92.5	$210.9	$150.5	$–101.0	–40.2
International Bank for Reconstruction and Development	32.8	146.9	126.0	79.7	30.0	109.7	109.7	76.9	234.5
International Finance Corporation		14.4							
International Development Association (IDA)	520.0	700.0	945.0	945.0	150.0	1,095.0	750.0	230.0	44.2
Asian Development Bank	139.6	120.8	131.9	113.2	47.1	160.3	157.3	17.7	12.7
African Development Fund	41.7	58.3	50.0	50.0		50.0	50.0	8.3	19.9
African Development Bank	18.0			18.0		18.0	18.0		
Subtotal, International Financial Institution	1,003.6	1,261.6	1,537.0	1,324.3	319.6	1,643.9	1,235.5	231.9	23.1
International Fund for Agricultural Development			40.0	50.0		50.0	50.0	50.0	
International Organizations	210.4	215.4	229.5	264.2	3.7	267.9	191.8	–18.6	–8.8
Total, multilateral economic aid	1,214.0	1,477.0	1,806.5	1,638.5	323.3	1,961.8	1,477.3	263.3	21.7
Bilateral economic aid									
Development assistance:									
(Agriculture)	635.0	700.0	705.0	715.1	10.0	725.1	772.6	137.6	21.7
(Population)	190.0	211.0	211.0	240.0	5.0	245.0	250.0	60.0	31.6
(Health)	135.0	133.4	133.4	125.0	20.0	145.0	158.1	23.1	17.1
(Education)	101.0	103.6	103.6	116.5	11.0	127.5	188.8	87.8	86.9
(Selected activities)	111.9	137.2	140.3	140.3	38.0	178.3	216.2	104.3	93.2
(Science and technology)	12.0	10.0	10.0	10.0		10.0			
Subtotal, AID functional accounts	1,184.9	1,295.2	1,303.3	1,346.9	84.0	1,430.9	1,585.7	400.8	33.8
American schools/hospitals	20.0	20.0	20.0	30.0		30.0	10.0	–10.0	–50.0
International disaster assistance	73.0	27.0	25.0	25.0		25.0	25.0	–48.0	–65.8
Sahel development program	91.0	93.8	93.8	103.0		103.0	97.5	6.5	7.1
Foreign Service retirement	27.9	33.6	36.5	36.5	3.9	40.4	34.2	6.3	22.6
AID operating expenses	300.6	331.0	353.1	361.5	11.0	372.5	404.1	103.5	34.4
Trade and development program		6.9	10.5	16.3		16.3	21.0	21.0	
International narcotics control	36.0	36.7	36.7	41.2		41.2	50.2	14.2	39.4
Inter-American Foundation	15.8	12.0	12.0	13.0		13.0	12.0	–3.8	–24.1
Peace Corps	105.5	105.0	109.0	115.0	3.0	118.0	124.0	18.5	17.5
Migration and refugee aid	490.7	503.0	395.0	323.0	14.7	337.7	341.5	–149.2	–30.4
African Development Foundation	.5	2.0	2.0	3.0		30.	3.0	2.5	500.0
Africa Policy Initiative							75.0	75.0	
Public Law 480 (food aid)	1,229.0	1,000.0	1,028.0	1,052.0	115.0	1,167.0	1,355.0	126.0	10.3
Housing guarantee reserve					10.0	10.0	10.0	10.0	
Subtotal, development and food aid	3,574.4	3,464.2	3,422.9	3,466.4	241.6	3,708.0	4,148.2	573.8	16.1
Economic support fund	2,104.5	2,926.0	2,962.3	2,903.5	294.5	3,198.0	3,438.1	1,333.6	63.4
Compact of free association							295.5	295.5	
Total, bilateral economic aid	5,678.9	6,390.2	6,385.2	6,369.9	536.1	6,906.0	7,881.8	2,202.9	38.8
Military aid									
FMS credits:									
Forgiven loans	500.0	800.0	1,175.0	1,315.0		1,315.0	2,575.0	2,075.0	415.0
Concessional rate loans							538.5	538.5	
Market rate loans	3,046.2	3,083.5	3,931.5	4,401.3		4,401.3	1,986.5	–1,059.7	–34.8
Military assistance program	110.2	178.5	383.3	510.0	259.1	769.1	924.2	814.0	738.7
International military education and training	28.4	42.0	46.0	51.5		51.5	60.9	32.5	114.4
Peacekeeping operations	25.0	139.0	31.1	46.2		46.2	49.0	24.0	96.0
Antiterrorism program				2.5		2.5	5.0	5.0	
FMS guarantee reserve fund							274.0	274.0	
Total, military aid	3,709.8	4,243.0	5,535.8	6,277.8	259.1	6,536.9	6,413.1	2,703.3	72.9
Total, foreign aid	10,602.7	12,110.2	13,727.5	14,286.2	1,118.5	15,404.7	15,772.2	5,169.5	48.8

Note: For purposes of comparison, all categories of FMS credits are combined. For the period fiscal years 1981–84, FMS market rate loans were "off-budget" items while the fiscal year 1985 request includes such loans as "on-budget."

MRS. COLUMBIA SIGISMONDI REACHES 80 YEARS OF AGE

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. HARRISON. Mr. Speaker, it is my pleasure to rise today in tribute to a remarkable lady, Mrs. Columbia Sigismondi, who will celebrate her 80th birthday on April 4.

She is the very proud mother of seven children, her firstborn when she was only 16. Those children are Samuel R., deceased, a veteran of World War II; Edward E., of Luzerne, Pa., also a World War II veteran; Mrs. Sara Sicurella of Follansbee, W. Va.; Mrs. Gertrude Petrilak of the Bronx, N.Y.; Mrs. Andrew Krzeszowski of Philadelphia; Mrs. Amelia Balberchak of Forty-Fort, and Mrs. Dolores Brown of Kingston. Mrs. Sigismondi has 17 grandchildren and 5 great-grandchildren.

Beyond her family responsibilities over the years, Mrs. Sigismondi was active with her husband, a World War I veteran, in the founding of Veterans of Foreign Wars Anthracite Post No. 283 in Kingston, Pa. On March 13, that post will honor Mrs. Sigismondi at a dinner for 50 years of membership. I am sure that honor will be extended in memoriam to her late husband.

It is also worth mentioning, Mr. Speaker, that Mrs. Sigismondi is a great fan of the Philadelphia Phillies and never misses a broadcast of their games.

It is a pleasure for me today, Mr. Speaker, to join with her family, neighbors, and innumerable friends in paying tribute to this outstanding lady.●

FOLLOWING THE TOXIC TRAIL

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. WYDEN. Mr. Speaker, we are confronted daily with news reports of the illegal handling, transportation, and disposal of hazardous waste.

Clearly, we are dealing with people who are not concerned about the risks to public health and safety posed by their actions. They are concerned only with getting rid of waste in the most expeditious and least expensive manner possible—whether that means leaking PCB's from a truck along a highway or dumping toxic waste into public sewers.

It is time Congress got tough: we must beef up enforcement of our hazardous-waste laws and relentlessly pursue those who violate them.

We can do that in the Rescue Conservation and Recovery Act reauthorization by granting law enforcement powers—the power to execute search warrants, make arrests, and protect themselves from bodily harm—to the Environmental Protection Agency's criminal investigators.

This group of highly trained investigators have distinguished themselves in a very short time. However, they all too often lose a good case due to their inability to make arrests on the spot, having instead to rely on local police or U.S. marshals.

Their personal safety is also at risk. My distinguished colleagues on the Energy and Commerce Committee, Chairman JOHN DINGELL and Chairman JIM FLORIO, have been instrumental in highlighting the increasing attraction of organized crime to the illegal waste-disposal business.

The manner in which organized crime operates their waste-disposal business is well known—death threats, firebombing, and violence are their calling cards.

Granting law enforcement powers to EPA criminal investigators is an essential first step toward eliminating these threats.

For the benefit of my colleagues I include a recent editorial from the New York Times on this subject:

ARM THE TOXIC WASTE HUNTERS

Hazardous waste disposal is certainly hazardous. A Chicago man willing to inform on illegal dumpers reports a $5,000 contract on his life. Government agents inspecting property near an Atlanta toxic waste site meet with gunfire. Toxic waste investigators in Seattle say that one of their subjects arranged the firebombing of his former business, trafficked in narcotics and threatened to kill a colleague and stuff his body into a 55-gallon drum.

Agents who venture into that underworld ought to be full-fledged cops authorized to carry weapons, execute search warrants and make arrests. But the Justice Department, citing the need for study, has for more than seven months stalled moves to give them such powers. The issue demands more serious concern.

In October 1982 the Environmental Protection Agency finally created a corps of 23 criminal investigators. That was a modest response to the nation's vast but dimly understood problem with toxic waste dumping. The new investigators, however, distinguished themselves from the start. They currently have 117 active cases and have referred 23 for prosecution.

Without law enforcement powers, the E.P.A. investigators are seriously hampered. They're forced to rely on the local police or U.S. Marshals whenever they face trouble. It's an impractical contstraint. A Seattle agent reports having to follow helplessly while a tank truck leaked its PCB-contaminated cargo for 50 miles along a highway before a deputy sheriff arrived. Having to involve other agencies also jeopardizes secrecy.

The Justice Department blocked any change last year because it wants to write guidelines that will also serve for other agencies seeking law enforcement powers. And indeed, the number of armed Federal agents should not proliferate without control. But E.P.A. argues persuasively that its needs are urgent. Toxic waste dumping isn't just another white-collar crime. It directly threatens the health of millions.

For the short term, the agency requested last July that Justice deputize its agents as special marshals, pending legislation based on guidelines. For no sensible reason, Justice offered to deputize only half the agents.

The denials threaten public safety more than a few dozen more armed Federal agents ever could. Further delay is indefensible.●

TRIBUTE TO EDWARD S. KEAR

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. HARRISON. Mr. Speaker, I rise today to pay tribute to Edward S. Kear, a distinguished citizen of northeastern Pennsylvania, who passed away last January at the end a long and fruitful life.

Born in Milton on January 8, 1901, Edward was the son of the late George W. and Cora Sidler Kear. Edward married the former Elizabeth Yerick, who preceded him in death on April 1, 1975.

In his earlier years, Mr. Kear was a member of the Danville fire police and, as a young man, was affiliated with the Acme Markets in Newark, N. J. and Shamokin, Pa., becoming manager of the Danville store. He had owned grocery stores on Upper Mulberry and Mill Streets in Danville. He was controller of the Follmer Trucking Co. until his retirement.

But apart from his business interests, Edward S. Kear was a citizen of the community. He was chairman of the Montour County Redevelopment Authority, a position he assumed in 1959 and held until his death. A significant accomplishment of that authority was the new apartment complex for the elderly and disabled, on First Street, in the borough of Danville. Fittingly, at a dedication ceremony on November 20, that complex was named in his honor.

Mr. Kear was a member of the Trinity United Methodist Church and, on February 1, 1981, he received a plaque in appreciation for 68 years of service to that church, 42 of them as chairman of its board.

And so it is, today, my honor, Mr. Speaker, to rise to pay tribute to the notable career of Edward S. Kear and, at the same time, to extend my deepest sympathy to his sons, Edward L. Kear of Williamsport and Robert A. Kear of Doylestown, to his four grandchildren, three great-grandchildren, and to his sister, Harriet Morral, who still resides in Danville.

The borough of Danville and, indeed, all of us are better because of the life and contributions of Edward Kear.●

ARMS CONTROL

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. LEVINE of California. Mr. Speaker, I recently received a letter from a distinguished former member of this institution, Jerry Voorhis. He enclosed with it a moving and eloquent plea for arms control which he had written to a local newspaper in his area.

I would like to share his letter with my colleagues. It is a moving example of the wisdom of a man whose public career ended much too soon but whose commitment and contributions to the public have remained a hallmark of his life.

[From the Pomona Progress Bulletin, Oct. 19, 1983]

THE PUBLIC FORUM: PROTESTS "STARK MILITARY MADNESS"

(By Jerry Voorhis, Claremont)

EDITOR, the Progress Bulletin:

I protest. In the name of four billion human beings on planet earth I protest what the leaders of the nations, the governments of the nations, and the war system they support are doing to my planet home, and to the chance of survival of my grandchildren.

I protest the stark military madness that, despite the peoples' determined protests, still stalks the earth. I protest that nations which already possess enough bombs and missiles to kill everyone on earth seven times over still spend seven trillion dollars a year to make more lethal weapons and thus deprive two-thirds of the world's children of the food they need to keep alive.

I protest the utter immortality of an economic system that rewards the manufacturers of heinous weapons to annihilate human life with obscene profits while permitting its

farmers, producers of life's basic necessities, to go bankrupt and be forced off the land.

I protest the criminal deception practiced on the people when government leaders talk to them about winning nuclear war—or surviving it—when not a single life in any country can any longer be protected by military means.

I protest because instead of trying to reduce suspicion and tension and strive for peace, government leaders do just the opposite—sow suspicion and hatred of other countries among their people, thus making war more likely.

"Nuclear war is national suicide" so warns the Federation of American Scientists. They could say "world suicide" for no human beings as we now know them could survive such a war.

I therefore protest most of all that governments are preparing to fight such a war instead of bending all their resources, all their efforts, all their God given intelligence to prevent it from happening.

I protest because all over his planet earth God's creatures are violating his basic law of life which is: "Thou shalt love thy neighbor as thyself." In the name of my four billion fellow humans I protest.

USER FEES COST JOBS

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. WYDEN. Mr. Speaker, for the last 3 years, the Congress has resisted the proposals for levying waterway user fees, which could deal a devastating blow to this Nation's balanced intermodal transportation system.

In proposing these taxes—and make no mistake about it, user fees are taxes—advocates take a tunnel vision approach to dealing with the critical problem of maintaining our port and waterway infrastructure.

The view that only those who directly use our ports and waterways benefit—and that, therefore, they should be the sole or prime supporters of our waterway system—is so narrow as to defy logic.

Clearly, the benefits of a strong waterway transportation system multiply throughout our economy and are in the national interest. Just as clearly, the burdens of waterway user fees will multiply and spread throughout our economy with the bottom line indicating one clear result: lost jobs.

This fact was recently illuminated in a study sponsored by the same administration that proposes implementing these fees.

The Oregonian, the largest statewide newspaper in Oregon, in a recent article by Eric Goranson, laid out some of the highlights of that study. I would like to share with my colleagues this insightful article, which clearly makes the case that waterway user fees could harm this Nation greatly.

The article follows:

[From the Oregonian]

STUDY FINDS USER FEE WOULD COST NW JOBS

(By Eric Goranson)

Imposition of a 25-cents-per-ton user fee on cargo moving over the nation's docks would result in a loss of 10,113 jobs and a decline in direct and indirect sales of $615.7 million in goods and services, according to a study.

In Oregon, Alaska and Washington direct sales alone would drop by $22.4 million and jobs by 1,530.

Those are some of the conclusions of a study by Bushnell, Pearsall & Trozzo Inc. of Alexandria, Va., for the U.S. Department of Commerce.

The study was done to analyze the economic effects of levying a wateruser charge on U.S., foreign and domestic commerce to finance harbor and deep-draft channel maintenance.

The analysis, aired last week in a congressional hearing, indicated that a user fee would have significantly greater consequences beyond any increase in government revenues. It states: "There would be perceptively negative impacts not only on ports and shipping but on port hinterlands as well. It would mean declines in sales, employment and income. Customs duties collections also would decrease, as would federal, state and local tax collections. Moreover since U.S. exports would suffer to a greater extent than U.S. imports, the user fee would adversely affect U.S. balance of trade."

Employment and sales would decline as a result of less cargo movement into and out of the nation. The fee would increase the cost of goods, pricing the United States out of some overseas markets. Imports also would decline, but to a lesser degree, thus aiding marginal production at some U.S. plants competing against imported goods.

The user fee, based on 1979 cargo movement, would raise $336.9 million in receipts.

The fee would have, by far, the greatest negative impact on Great Lakes ports, followed by those on the Gulf of Mexico, North Atlantic and Pacific Northwest, which includes Alaska, Washington, and Oregon. Trailing are California and South Atlantic ports.

The direct negative impact on Northwest ports alone would result in a sales loss of $4,319,000 and a decline of 358 jobs.

The Northwest hinterland, however, would also be affected, losing $1 million in sales and 1,172 jobs—the second-highest loss of any hinterland region in the nation.

The Northwest would have the second-highest direct sales loss at $22.4 million and third-highest job loss at 1,530, trailing a job loss of 1,761 for the Great Lakes ports and their service area, according to the study.

The Northwest also would lose $37.5 million in income, in $9.56 million in taxes and $780,000 duties because of a drop in imports, while 614,000 fewer tons of cargo would move over Northwest docks.

Because the fee is based on tonnage, it discriminates against Portland and other Columbia River ports, which are heavy shippers of bulk cargo such as grains and importers of steel and cars, according to Thomas F. Zelenka, Port of Portland government relations manager.

According to the study, exports of food and feed grains, oil-bearing crops such as soybeans and other agriculture, forestry and fishery products—some of the major exports in the Northwest—would fall $72 million nationwide, based on import and export figures for 1979.

This compares with total wheat exports alone by Columbia River ports in 1979 of more than $2 billion.

On the positive side the fee would increase federal receipts that would be used to pay for deep waterways improvements. Nationwide, these would total $336.8 million, but be offset by $12 million in less duties and $67.1 million in less taxes.

Administrations dating back to Franklin Roosevelt have urged imposition of water-user fees to help the U.S. Army Corps of Engineers pay for maintaining shipping channels through dredging and providing other services.

The first user fee, an escalating fuel tax on shallow-draft vessel operators, was passed during the Carter administration. President Reagan has pushed hard for both a higher shallow-draft fee and imposition of a deep-draft fee.

Several user fee bills have been introduced since 1981, most of which have pitted shallow-draft ports needing dredging, such as Seattle, which require little federal expenditures.

The Port of Grays Harbor, Wash., is one of the ports opposing a tonnage fee or port-specific user fee. It relies heavily on dredging to keep its channels clear, and officials fear a user fee requiring each port or area to pay for its own dredging would result in shippers diverting cargo to low maintenance ports rather than pay the fee.

Lloyd Anderson, executive director of the Port of Portland, said the study shows that "we shouldn't rush headlong into user fees without understanding the consequences. We should be cautious in establishing any fees to finance public works."●

IN MEMORY OF SAM SCIONE

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mrs. SCHNEIDER. Mr. Speaker, more than 20 years ago, John Kennedy struck a chord in millions of Americans when he told us to ask not what our country can do for us, but what we can do for our country. Last week, I was saddened to hear of the death of a man who put President Kennedy's words into action everyday, Sam Scione of Warwick, R.I.

Sam Scione was one of countless Americans who fought for this country in World War II. As a member of the Marines, Sam himself participated in the cleanup of Nagasaki and Hiroshima. At the time he was one of thousands of War World II veterans who were inadvertently exposed to iodizing radiation.

Upon returning home to Rhode Island, Sam began to develop health problems which could not be explained by medical professionals. He suspected that these symptoms were related to his exposure to radiation in Japan. The easy thing for Sam to do would have been to sit back and complain about the bad card which life had dealt him and to gripe about the lack of medical treatment available.

But Sam was not like that. He was a kind, unselfish man, with an enduring faith in the ability of his country to take care of those who fought to protect its virtues. Sam began to meet with other veterans who had been exposed to radiation in the war, to compare symptoms of illnesses, and to bring their collective plight to the attention of Government agencies. He founded the Rhode Island Chapter of the National Association of Atomic Veterans, an organization dedicated to helping veterans and educating the public about the risks of exposure to radiation. Sam's sense of duty to his fellow citizen was so pervasive that he allowed himself to be subjected to experimental medical procedures to expand the knowledge about treatment for the effects of radiation exposure.

Sam Scione died on February 26, 1984. He leaves behind a loving and devoted wife, Dora, two daughters and a son presently serving in the U.S. Air Force.

Sam Scione bravely risked his life in defense of our democracy. Without the efforts of him and hundreds of thousands of other brave men we would not be debating issues on the floor of the House today. Yet, after returning home, Sam continued to give of himself, to work for a cause in which he believed. I will think of Sam Scione whenever I think of what makes this country great, people ignoring their individual complaints and working together to achieve a common goal to make life better for all.

Mr. Speaker, I would like to thank you for giving me the opportunity to pay tribute to Sam Scione, a devoted family man, an American willing to give freely for his country, and a true friend.●

EXTRAORDINARY MESSAGE

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. LAGOMARSINO. Mr. Speaker, as the time approaches for the expiration of the British lease on Hong Kong in 1997, the citizens of Hong Kong have reacted with concern and even panic at the thought the Peoples Republic of China will soon assert its sovereignty over the bustling commercial enclave. Although Peking has recently made some conciliatory gestures toward the future status of Hong Kong, the Chinese in that city are not so easily reassured. A recent editorial in the Press-Courier of Oxnard, Calif., in my district, presents a clear picture of the problems associated with an expanding Communist regime and the economic threat it poses for its neighbors and victims.

EXTRAORDINARY MESSAGE

Hong Kong has an extraordinary message these days for the Third World and for those individuals in the West who still toy with the fraudulent promises of communism.

The city is one of the economic wonders of the world. The small British Crown Colony, about half the size of Rhode Island, is a global hub of finance and commerce. It is Southeast Asia's economic capital and the Asian headquarters for businesses on every continent. Skyscrapers crowd Hong Kong Island and march up Victoria Peak.

The teeming population of 5.5 million, 98 percent of whom are of Chinese origins, is one of the most productive on earth.

Hong Kong citizens are also among the most liberated. Freedom and free enterprise abound. Laissez-faire prevails with minimum regulation, low tax rates and government rewards for investment. Workers in Hong Kong earn more than three times that of their counterparts in mainland Chinese cities. And, of course, Hong Kong's self-made millionaires, whose numbers are astonishing, have no counterparts in all of China.

Indeed, the tiny enclave's giant economy has a role in about 40 percent of China's foreign earnings; China's business transactions with Hong Kong amount to more than $6 billion annually. Hong Kong even serves as a go-between for more than $300 million in unofficial trade between Taiwan and the Chinese mainland.

Hong Kong's spectacular boom, which has been augmented since the end of World War II by thousands of refugees from China, has come into a state of fearful suspense; the years of freedom are numbered.

The British, who have held administrative control over the tiny appendage for 141 years, must surrender jurisdiction when their lease expires in 1997.

China has proclaimed its firm intention to assert sovereignty over Hong Kong on that date certain, ruling out any British presence. Intermittent Sino-British negotiations to define the status of the colony before and after annexation by China have gone nowhere.

The uncertainty in Hong Kong is beginning to assume the proportions of panic, even if the day of reckoning is still 13 years away.

The ever-growing fear is that the future takeover by China, in whatever guise, will end individual freedom and confiscate all personal wealth. Stock prices have fallen even as the price of gold has soared. Hong Kong's largest banks are having to ration their clients to a maximum of $2,000 in U.S. currency as depositors frantically seek safety for their savings.

Wealthy Hong Kong residents and younger professionals are calculating whether they have two or five years before they have to leave for Taiwan, Singapore, Canada, Australia or the United States.

Observers report a flight of capital from Hong Kong of at least $6 billion. Taiwan's economists estimate that $30 billion in capital will leave Hong Kong before the communist takeover. Taipei hopes to attract Hong Kong capital with new free-trade zones and other incentives.

Taking note of all this, Peking recently made its first conciliatory gesture toward Hong Kong. Only days before a resumption of Chinese-British negotiations on Hong Kong's future, the eighth to date, an authoritative Chinese magazine, Outlook, suggested that Hong Kong would become a special administrative zone of China, and not be annexed as a province.

Except for defense and foreign affairs, it would be self-governing and would retain its social and economic system.

Even more impressive, Chinese Premier Zhao Ziyang told a New York luncheon recently that China would allow Hong Kong to retain its capitalistic economic system and autonomous local government after the British lease expires.

Such pragmatism must be welcomed, as it represents a generally acceptable compromise for all concerned. The problem is that so many of Hong Kong's citizens fled China and they are not easily assured by Peking; they know too much from personal experience.

It would appear, therefore, that Hong Kong's hemorrhage of human and material resources will continue. Hong Kong's unfolding tragedy proclaims anew the bankruptcy of Marxism.●

HAL SCHRAM—THE ONE AND ONLY MICHIGAN "SWAMI"

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. VANDER JAGT. Mr. Speaker, In the world of sportswriting, great names are readily recalled—Grantland Rice, Red Smith, Arch Ward, just to name a few. Many reach national acclaim. In Michigan, Hal Schram did not and has not reached national acclaim as a sportswriter—but he was good, darn good, and he is not only a household word in Michigan sports circles—especially high school athletics—but he is our Grantland Rice, Red Smith, and Arch Ward rolled into one.

For over 40 years, Hal Schram served the Detroit Free Press as its expert on high school sports. And, what an expert he turned out to be.

But perhaps an even greater insight into this man, who now at 65 is retiring from the Free Press, is that Hal Schram was legally blind as a boy. He grew up in the Michigan School for the Blind in Lansing. Only a miraculous operation at Johns Hopkins Hospital in Baltimore restored some of his sight and allowed him to become a newspaperman.

Joe Falls, another great nationally known sportswriter with the Detroit News, earlier this year wrote of his dear friend Hal Schram. I am proud to insert that wonderful feature story on Hal Schram in the RECORD. I do so not just to honor Hal, but to present the contributions and great influence that this man had on thousands and thousands of young high school athletes. Yes, the Detroit Free Press was fortunate to have Hal Schram. But, far more importantly, the State of Michigan high school athletic world reaped the real benefits.

As Joe Falls wrote:

For 30 years this man served the high schools of Michigan with complete devotion. It didn't matter if they were from the inner city, Thumb, Upper Peninsula, Grand Rapids, Muskegon, Flint, downriver, or in the Manistee Forest—he treated them all the same. He treated them with respect. He was a man without motive. All he cared about was doing an honest job.

[From the Detroit News, Jan. 25, 1984]

SPORTS BIG LOSER AS ONE AND ONLY SWAMI RETIRES

(By Joe Falls)

The order went in for two scrambled eggs, bacon, toast and pineapple on the side.

This was about one o'clock yesterday afternoon in Angie's Restaurant on Van Dyke between 11 and 12 Mile. This is where The Swami eats breakfast.

Now that he's a man of leisure, he doesn't have to hurry through his days.

"I don't know what you call it—breakfast, lunch, brunch . . . but this is the time I eat," The Swami said.

The waitress brought his food, plus a pot of hot tea and two glasses filed with ice. Nobody had to tell her. She knew The Swami always had a pot of hot tea and two glasses of ice.

The Swami likes iced tea with his breakfast, lunch or brunch, even if he has to reach out carefully to find the glass on the table.

The Swami doesn't see too well and doesn't want to embarrass himself by knocking the glass over. He kind of gropes around these days. He has lost the entire vision in his right eye—that was the good one—and he's got about 15 to 20 percent in the left eye. That was always the bad one.

"Hey," he said, "I've got no complaints. This could have happened to me 25 or 30 years ago when I was trying to raise my kids. That'd been a bummer if I couldn't have taken care of them.

"I'm very lucky that my one good eye held out as long as it did. They went in there seven times to fix it and that's asking an awful lot for one eye to take."

Hal Schram was legally blind as a boy. He grew up in the Michigan School for the Blind in Lansing. Only a miraculous operation at Johns Hopkins Hospital in Baltimore restored some of his sight and allowed him to become a newspaperman.

Now, at 65, he is retired from the Free Press and his problems are with him again. He's got a TV set in his room but seldom turns it on. He listens to the games.

He said: "I like the radio. I like a Jay Roberts on WJR. I like his all-night music. I'm going to listen to the hockey game tonight. Can you imagine that—me sitting home listening to those bums on the radio?"

The Swami never did see too well, but he got by.

His son, Jim, who is now 38, would sit at his side in the press box in Jenison Field House or at Crisler Arena and he'd whisper to his dad: "No 33 made the basket—Tim Jones. The foul was on No. 7—Willie Brown.

They made a great pair, and now that The Swami is retired, life will never be the same for any of us around here. Hal Schram brought more honor to this business of newspapering than any sports writer this state has ever known.

He never covered the World Series or the Super Bowl or the Kentucky Derby. He never knew what it was like to fly to the West Coast with the Detroit Lions or sign in at the press hut at the Masters golf tournament in Augusta.

The only pro team he ever covered was the Detroit Cougars soccer team in 1968—"the old Glentoren Cock N' Hens from Ireland," The Swami recalled.

"I once went to Minneapolis for speed skating but as I was putting some drops in my eyes on the plane, the plane hit an air pocket and there went the eye drops. I couldn't see a thing until I could get to a druggist in Minneapolis."

His beat took him to Redford St. Mary or River Rouge or Detroit Chadsey and no man was ever happier with his lot in life than the Swami.

That's because there was only one Swami, and he was known far and wide for his great love of the high schools. He did more to give these kids and their coaches recognition than any man who ever called himself a sports writer. I found the hardest part of leaving the Free Press was leaving The Swami.

My finest moments as a sports writer were spent with him. It might have been in the lobby of the Olds Hotel in Lansing or the banquet room at the Kellogg Center in East Lansing or in the press room at Crisler Arena in Ann Arbor. It was always the same. Everybody knew The Swami. Everybody loved The Swami. All you had to do was stand there next to him and all kinds of people—young, old, white, black, tall, short, skinny, fat—would come up to him and say how glad they were to see him again, and they'd start shaking his hand and smile from ear to ear. Then they'd see you standing there and they'd shake your hand, too, because any friend of The Swami's was a friend of theirs.

For 40 years this man served the high schools of Michigan with complete devotion. It didn't matter if they were from the inner city, Thumb, Upper Peninsula, Grand Rapids, Muskegon, Flint, downriver or in the Manistee Forest—he treated them all the same. He treated them with respect. He was a man without motive. All he cared about was doing an honest job.

Hal started the high school ratings in Michigan. He formed the Free Press All-State coaches' panel. He gave us his "Top Ten" games on Friday. And—most of all—he gave us those "Peerless Prognostications."

He never made much dough.

"I made enough to get by," he said, "I was always able to keep my kids in shoes and see to it that they went to a decent school. You really can't expect too much more out of life.

"But I have enjoyed every moment of it. They told me when I got started that my life would be eight hours of work, eight hours of sleep and eight hours of fun. They were wrong. It's been eight hours of sleep and 16 hours of fun."

They're honoring The Swami tonight at a party at the Polish Century Club, and the only hope is that nobody asks him how he's doing at the harness tracks these nights. There go 30 minutes of your life. He goes out three or four nights a week and bets a few bucks. He can't see the horses anymore but he can hear the calls and they stimulate him like nothing else in his life.

The Swami still dabbles around in the Free Press sports department. He goes in on Tuesday and Friday nights, riding in on the SEMTA bus and then conning somebody into driving him home.

He takes some high school games on the phone, carefully typing them out on a piece of paper. He can't see what he types but it doesn't matter. All the numbers, all the facts, all the letters, all the words, are in the right place.

How can the Free Press be so smart to keep him around?

PERSONAL EXPLANATION

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. CORCORAN. Mr. Speaker, due to my absence from the House, I was not present and voting on March 1 when the House considered legislative business. Had I been present, I would have voted in the following way:

On passage of House Resolution 446, committee funding resolution, "nay."

On the Bethune substitute to H.R. 3050, Rural Electrification Act of 1936 Amendments, "yea."

On the motion to recommit H.R. 3050 with instructions that the committee consider amendments to insure the continued financial integrity of the fund in such a way to avoid any increase in the national debt or interest rates, or and decrease in the availability of credit, "yea."

On final passage of H.R. 3050, "yea."●

CLEAN WATER ACT AGREEMENT

HON. GENE SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. SNYDER. Mr. Speaker, I wish to call to my colleagues' attention events relating to regulatory reform, the Clean Water Act, and the spirit of cooperation needed to make government work.

It is well known that many Federal regulatory programs have grown well beyond the intent of Congress and are seriously infringing on private rights and State responsibilities and are unnecessarily and adversely affecting economic opportunities. Regulatory reform has had bipartisan support because of the broad public demand for efficient and effective government.

One such program which was widely recognized as needing reform is the so-called section 404 program under the Clean Water Act which regulates discharges of dredged and fill material in navigable waters. It is administered by the Army Corps of Engineers. In pursuit of reforming a burdensome regulatory process, the Army issued new regulations in July 1982. Those regulations were challenged in a lawsuit filed in December 1982 by 16 environmental groups.

After lengthy negotiations a settlement has been reached. The environmental groups have acclaimed it as providing all the necessary enviromental protections and the Army assures

us that all the regulatory reform principles of efficient and effective management have been maintained.

Mr. Chairman, I believe this is truly good news. It tells me that if disagreeing parties can come together in a spirit of constructive compromise, the alarming trend toward confrontation and litigation can be reversed. It seems seems to me that the environmental groups need to better recognize the positive, efficiency-producing aspects of regulatory reform. At the same time, the Federal agencies need to better recognize and respond to the legitimate concerns of envirnonmental groups.

I wish to commend all the parties involved: The environmental groups, the government representatives, and the intervenors for demonstrating that the system can work to the mutual advantage of many diverse interests.

Assistant Secretary of the Army Bill Gianelli and his staff have demonstrated clearly that regulatory reform can be achieved without diminishing environmental safeguards. I urge the Army to proceed apace with its reforms, continuing to incorporate adequate environmental safeguards. The public deserves no less.●

PERFECTLY LEAR

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. LEVINE of California. Mr. Speaker, I rise to bring to the attention of my colleagues an inciteful article from last Sunday's Washington Post, describing just a few of the marvelous qualities of a man I am pleased to call my friend, Norman Lear.

Norman is one of those few people who does not shrink from his principles and who spends both countless hours and significant resources to accomplish noble goals. The Post captured some of Norman's talent in Tom Shales' excellent article on Sunday.

I insert the article in the RECORD at this point, and I commend it to my colleagues.

The article follows:

PERFECTLY LEAR: THE MAN WHO CHANGED TELEVISION BRINGS A MESSAGE FOR THE 1980'S

(By Tom Shales)

Television can't be all bad if Norman Lear is coming back to it, and he is. The producer and writer who set the agenda for TV in the '70s with "All in the Family," "Maude," "Mary Hartman, Mary Hartman," "The Jeffersons" and "One Day at a Time" officially ends a five-year absence from series TV this Tuesday night on ABC, when his new comedy, "a.k.a. Pablo," makes its ebullient debut.

Lear has projects under way at other networks, too, and tonight he appears on a taped NBC special as one of the first seven inductees into "The Television Academy Hall of Fame," which honors broadcasting trailblazers, living and dead. Lear is the only living honoree born after 1920; he will be 62 in July. "I felt like the kid on the block," he says of the event, he still has the zip and bravado of the kid on the block, too. Lear's citation praises him for, among other things, "paying much more than lip service to the values that made America great."

During his absence from weekly TV, Lear added to his empire, acquiring Embassy Pictures and renaming his domain Embassy Communications. He has a mansion in manicured Brentwood, Calif., an attractive activist family and millions in income from reruns of his hit shows. You'd think that this man would need the aggravation of weekly TV like a hole in the hot tub.

But he does need it. That's part of what makes Norman Norman. When he returned to work in Embassy Television's little corner of the Universal lot there was a palpable aura of nervous danger. Norman was back.

"From my point of view, I didn't leave anything," Lear says. "There's a thing on my wall, it's Aristotle's definition of happiness: 'The exercise of your vital abilities along lines of excellence in a life that affords them scope.' I thought that was the best piece of philosophy I'd ever read. I would assess my vital ability to be communicating, and that's one-on-one or writing and then getting that out to 30 million people via television or 20 people in a little theater, whatever it is."

Putting together People For the American Way, a group formed to counter what Lear sees as threats to freedom by the Moral Majority and others of that ilk, was "an enormous exercise in communicating," Lear says. He compares it to making a miniseries. The effort included a poorly rated TV special, "I Love Liberty."

On this particular morning in Washington, after a Capital Hill huddle with Mark Hatfield, whose reelection bid Lear will support this year, Lear meets with Tony Podesta, executive director of People For the American Way. When they part Lear gives Podesta a big hug. Not a Hollywood hug; a sincere hug. Lear is a hugger. If he could, he would hug the whole world. And expect to be hugged in return.

"I looked at motion pictures, and spent a few months there because we had in the interim bought Embassy," Lear says, "and I liked that well enough but I'm too impatient after years in television. It takes four to six years to get any movie going—any movie going—and that's an exercise in patience, not vital abilities. Patience is not my vital ability. Where else but in television can you have an idea as a dramatist that you're excited about on the first of October and then share it with 30 million people in the middle of December?"

For good luck, Lear did the opening studio-audience "warm-up" for the first two taped episodes of "Pablo." He hadn't walked onto a TV soundstage for this purpose in six years. "It felt exactly the same," he says. "I thought, 'Oh, wait—this man at 61 is walking a little differently, his voice sounds a little different, something is different.' But it didn't feel different.

"It felt terrific."

Television, however, is not the same. It has grown more breakneck and cutthroat, and network executives have leaner and hungrier looks. ABC ordered only six episodes of "Pablo," Lear notes, "despite the fact that it's supposed to be a big deal that I was coming back to television and everything else. Five years ago that would have been 13 shows. Four years before that it might have been 22 shows. Now it's six. And you know that if it's not rating well, the decision to jettison the whole show is probably made after two or three ratings come in. So God forbid anything should be an acquired taste. There's no chance for the public to acquire a taste because they yank it so quickly. There are no villains at the networks; that's just the name of the game."

Lear sees this mania for instant success as symptomatic of a national attitude, not just a television predicament. "As a result of America's fixation with, and obsession with, short-term thinking, everything suffers," he says. "In every business, we innovate less and experiment less because of the need not to diminish a current profit statement but to have one that exceeds the last. Wherever we look.

"The pressure is to deliver quickly. Television is very, very interesting in terms of its profile in this sense. Since ratings relate directly to dollars, when we look at television we are looking at a medium that the country observes in terms of how it makes money *half-hour by half-hour.* No other industry in America, if you look at ratings as dollars, is watched as closely in terms of how many dollars it's making. Half hour by half hour, seven days a week, 18 hours a day. I mean, that's an incredible statistic. So to those network program executives, the need to deliver a winner Tuesday night at 8 o'clock is the paramount thing on their mind. And that's antithetical to risk-taking and innovation."

Lear reiterates that he does not see "villains" in those executive suites, many of them occupied by baby moguls many years Lear's junior. But still . . .

"I think we now have a generation of network program executives that were weaned on television; it may be the first generation weaned 100 percent on television," Lear says. "My fear about these young people who were weaned on television and now are responsible for all those choices is that they don't know human behavior from television behavior, because they have seen so much television behavior.

"So, that's a change."

Upon being elected to the TV Hall of Fame, this is what Norman Lear said about the future of television:

My hope for the future of television is that it will take itself as seriously as it is taken, that the time will come when all of us, all of us including networks, will look to our creative and our human instincts to create and to program, instead of following the dictates of flow charts, and research, and overnight ratings, and the pursuit of instant success.

They cheered that. And Norman looked surprised by the cheers. He shouldn't have been.

Not everyone will cheer Lear's return to television. Because his domestic comedies threw out the burnt-pot-roast plots for social realism, Lear was regularly attacked by one pressure group or another. When Maude had an abortion, a good deal of hell broke loose. The Rev. Jerry Falwell is among those who have characterized Lear as a corrupter of American decency, and People For the American Way has made a point of citing Falwell in its warnings about imperiled civil liberties.

Lear does not like to talk about those who hate him.

"Falwell has called me the greatest enemy of the American family in our generation," he says after a contemplative pause, "and I find that just too difficult to take seriously.

It seems to me that the bulk of what we've done is a celebration of family. They're all families that hang together, they all love one another, they go through the ordeal of life but they come out on the other side of that ordeal connected. Together. And so it's hard to take these people seriously. I don't think there are that many. That's a hard-core far-right with religious-moralistic overtones."

Lear sees "a.k.a. Pablo" as another affirmation of family and its importance in American and human life. Superficially the story of a young Mexican-American comedian (played by Lear discovery Paul Rodriguez)—a character not modeled after Freddie Prinz, Lear says—"Pablo" is really the story of how the young man's success affects his large family in good ways and bad. In a time when meanstreak comedies seem to be proliferating ("Buffalo Bill," "Empire"), Lear's positivism is refreshing.

"The heart of the show is dealing indirectly with everybody's need for connection and belonging," Lear says. "My feeling is that everybody is going to want to be a member of that family. Who wouldn't want to be surrounded by 15 people who cared for you that much? All of us, four billion people walking the face of the planet, are aching for that. And some few have it. And here they are.

"I think there's a great hunger—everybody uses the word 'nostalgia'—for the past. The greatest part of that hunger is for that large family. We read a good deal about the disintegration of the nuclear family and so forth. Quite true. When I was a kid, the vestige of that large family still existed. We had maybe a dozen huge events that mirrored the size of the family. And then, in my lifetime, that vanished. And the telephone and the airplane that were supposed to have made the world smaller, really made the world a helluva lot larger.

"Because you dip in and out of each other's lives by plane. So Thanksgiving is an afternoon, where 30 years ago, or 50 years ago, if you had to travel three days to get there, you spent four days before you traveled three days to get home again. Now we dip in and out and it's over. In the Mexican culture, they still have large families; they're still intact. They may live across the street or down the street, some of them, but they're basically together a great deal."

Lear says the program will also be about that much-investigated topic of the '80s, The Media (shudder when you say that, pardner). Paul Rivera, a.k.a. Pablo, goes on "The Merv Griffin Show" in one episode and makes jokes about members of his family. He's a huge hit until he gets home and finds not all members of the family amused. He returns to the show to apologize and is goaded into getting laughs at his family's expense all over again.

"And he gets a little merciless," Lear says. "Because I've wondered for years, all of those Phyllis Dillers and Joan Riverses and Alan Kings talking about wives and children—what do the wives and children and husbands feel about all of this? And what gives these comedians the right to make specious and sometimes derogatory jokes about members of families, and what's happening at home through all of that?"

"Pablo" went through a long gestation before making it to production. At one point it was actually considered as a vehicle for the footloose Suzanne Somers, who was under contract to Embassy. If it had been "a.k.a. Suzanne," or whatever, it would have been a show about a woman who played a dumb blond on TV but knew this was compromising her womanhood in real life. This never came about, but then when Lear saw Rodriguez performing in a club, he said to himself, as he now recalls it, "Oh boy, what an opportunity to do that show!" He is just the sort to say "oh boy" to himself.

Another Lear project has even more to do with mass media: "Good Evening, He Lied," a series in development for NBC about a young Harvard MBA who arrives at a sleepy TV station determined to rev it up into competitive hysteria. At any cost. Also in development at NBC is Lear's "P.O.P.," which stands for P. Oliver Pendergast, a character to be played by the Oscar-nominated Charles Durning. Pendergast, says Lear, is "another hunk of my father that wasn't in Archie." Not that Lear's father was a bigot; just that some of Archie Bunker's mannerisms were taken from Lear's memory of his own dad. Durning will play "an utterly charming, mildly larcenous salesman who could sell s--- on a stick for lollipops, which was my father's favorite way of describing himself," Lear says.

A two-hour Lear movie, "Heartsounds," from a 1981 novel by his first cousin's wife Martha W. Lear, will star Mary Tyler Moore and James Garner, be shot in May and air next season on ABC. And Lear is also peddling what he calls a "bawdy restoration comedy" titled "The Education of Harry Bellair," written by playwright Terrence McNally ("The Ritz") and originally developed for Showtime, a pay cable network, but not picked up for production. CBS recently said no to it as well.

Lear has commitments for two CBS projects but he's still angry with the network for the clumsy and rude way it canceled "Archie Bunker's Place" last season. Carroll O'Connor, the brilliant actor who made Archie a national institution, wanted to continue with the program and entreated Lear to return and revitalize it personally. "I could not say no to my company and to Carroll, and we did have a plan, a new way to go," says Lear.

Wedding bells for widower Archie? "No. A May-December romance, a younger woman coming into his life. But no, they were not going to get married; *that* was the network plan. The network thought that that's what should happen and I convinced them otherwise. But they really didn't let us know they were not going to pick it up. They allowed me to talk with them and give them thoughts and they had already decided they were not going to go with it. CBS didn't handle it well."

A Lear show on ABC seems a little incongruous. He hasn't been represented on that network since the short-lived. "Hot l Baltimore" in 1975. Lear says ABC executives were alarmed that, except for an opening teaser scene, the title character of "Pablo" does not appear until the very end of the first act of the premiere. They pleaded with him to adjust that.

"One could have made a lot of mistakes listening to them," Lear says. "By the same token, any of them can raise questions or register complaints that make you think a little deeper, and suddenly, as a result of somebody's innocent question or idle remark, you change something and make it infinitely better. That happens all the time."

A good man. A fair man. A *rich* man. But a man who hasn't lost links with the real world in which people work, struggle and worry about making ends meet. Lear's ends are in no danger of not meeting, but then he doesn't seem the worrying type anyway. He is not worried about possibly tarnishing his golden reputation with new shows that people may compare unfavorably to the old. He'll take his chances. "Of course it crosses my mind," he says, "but if you're sufficiently busy, you don't think about it. And I am sufficiently busy."

The sufficiently busy Norman Lear, his parallel furrows of facial wrinkles allying themselves for a confident smile, also declares, "I wake up every morning of my life hopeful, and I believe in the possible." Norman, you are quite a guy. Consider yourself hugged.●

CENTRAL AMERICAN THREAT REAL

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. LAGOMARSINO. Mr. Speaker, I am constantly amazed and appalled by those who view the events in Cuba and Nicaragua as benign and having no impact on U.S. security interests in the region. I believe a recent editorial in the Press-Courier of Oxnard, Calif., in my district, describes in very clear terms the potential threat for the United States of any further spread of Communism in the region.

CENTRAL AMERICAN THREAT REAL

Sen. William Proxmire, the suavely populist Democrat from Wisconsin, recently reassured an audience that none of the countries in Central America could pose any threat to the United States.

By implication, Sen. Proxmire was suggesting that Americans had little to fear, and perhaps no special reason even to care, if some or all of the seven Central American nations went communist.

We could not help but be reminded of the identical argument put forth a quarter of a century ago when revolution engulfed another small Latin country—Cuba.

How could a poor nation of 10 million persons pose any threat to a nuclear-armed superpower? And why worry about a seemingly popular revolution against a corrupt dictator and a semi-feudal social structure?

Now, at the 25th anniversary of Fidel Castro's revolution, is an apt time to ponder what has happened in Cuba and to consider what implications the Cuban experience may have for Central America.

To state the most obvious truths first, Cubans, under Castro have obtained neither the material plenty they were promised nor the political freedoms many must have imagined the revolution would bring.

Castro, far from being the benevolent Robin Hood described in the pages of the New York Times, turned out to be a thorough-going totalitarian presiding over a police state.

A quarter century of communist rule in Cuba has long since wrecked the island's economy. Cuba survives on the dole—roughly $14 million per day in Soviet aid, making it proportionately one of the most heavily subsidized countries on earth.

Basic necessities—food, staples, clothing and shoes, among them—are still rationed 25 years after "liberation." Political dissent is rewarded with prison or worse, and a vast

police and security apparatus keeps watch on virtually every family and every citizen.

So disillusioned have Cubans become that nearly one in five has left the island and many more would do so if they could.

Given all this, is it really possible for anyone to argue credibly that victory for Castroite revolutionists in Central America would somehow benefit even the poor in those countries?

But Cuba is more than just a hard-scrabble prison for its people. More ominously for the United States, it is also a strategic Soviet beachhead in the Western Hemisphere, an advanced base bristling with arms and serving as a staging area for further revolution in the Americas.

Castro would describe it thus, with pride. Why should it be so difficult for the Sen. Proxmires of this country to see that any new Cubas created—Nicaragua, for example—will only serve to extend the attacks on Washington's allies and interests in Latin America?

Could a pro-Cuban, pro-Soviet El Salvador or Guatemala threaten the United States directly? Of course not. Nonetheless, Cuba is a strategic bone in America's throat. Its agents and arms spread revolution in Latin America and beyond.

Cuba's Army serves as surrogate Soviets in such places as Ethiopia, Angola, the Congo, Mozambique, South Yemen and Nicaragua. And, of course, Cuba serves as a base for Soviet military forces permanently stationed 90 miles from American shores.

Recognizing what Cuba has become should inoculate Americans against any apathy on Central America. Castro is betting that the Bill Proxmires, especially those in Congress won't grasp the lesson until it is too late.●

JOHN PAUL HAMMERSCHMIDT FOR THE VFW CONGRESSIONAL AWARD

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. McEWEN. Mr. Speaker, today the Veterans of Foreign Wars honors our colleague, JOHN PAUL HAMMERSCHMIDT, for his outstanding service to our Nation.

As a pilot in the China-Burma-India theater during World War II, JOHN PAUL was awarded the Distinguished Flying Cross four times, the Air Medal five times, and three battle stars. His service reflects the high traditions of America's servicemen and women and their commitment to freedom.

Upon his election to the 90th Congress in 1967, JOHN PAUL was one of the newest members of the Arkansas delegation. Today he is the dean of this delegation and serves on the Committee on Public Works and Transportation and the Committee on Veterans Affairs.

Mr. Speaker, for the last 16 years, the gentleman from Arkansas has served this body and the Nation honorably. As ranking member of the Veterans Affairs Committee, its Subcommittee on Hospitals and Health Care, and as a member of the Subcommittee on Compensation, Pension and Insurance, JOHN PAUL has worked tirelessly to enhance the quality of benefits and services for America's veterans. He has been very effective in shepherding legislation through our committee along with our chairman, SONNY MONTGOMERY.

Mr. Speaker, JOHN PAUL is widely regarded as a forceful advocate for Veterans' Rights and a strong national defense. His service and commitment to America reflects the very spirit of our country and all that is good and just. I wish him my most heartfelt congratulations, and wish to commend the Veterans of Foreign Wars for its selection of such a fine American.

Thank you.●

FAMILY TRADITION

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. DONNELLY. Mr. Speaker, there are few things as classically and as wholesomely American as the successful small business, begun with little more than hard work and ambition, passed from generation to generation, and evolving into a focal point of its community.

One such business in the 11th District of Massachusetts is Walsh's restaurant of North Quincy, and I would like to take this opportunity to offer a word of salute as it marks its 50th anniversary.

Michael J. Walsh opened his business at the height of the depression and kept it going in the first few difficult years by using part of the building as a sign painting shop and by handling advertising for Hire's root beer.

The restaurant began to flourish when the nearby Fore River Shipyard and other nearby heavy industries went back to work to equip the Nation for World War II.

From that day to this, Walsh's was intent on serving the area's working people and their families. Michael Walsh wanted to build a business his family could be proud of and his neighbors' families would be glad to patronize. He refused to operate the sort of gimmicky, fast buck restaurant that would be out of place in its neighborhood.

His sons and daughters became a part of the business. Son Andrew returned to operate the restaurant after receiving a master's in philosophy from Fordham University, serving as an Army officer in the Korean war, and later as a special agent with the FBI. Like his father, he believes it is the duty of a businessman to make a contribution to the community at large. He has served as president of the Quincy Rotary Club and the Quincy Symphony Orchestra, and director of the South Shore Chamber of Commerce.

Three of his children, Andrew, Jr., Margaret, and Peter, have joined the business, carrying on the tradition laid down by their grandfather and their father.

During the past half century, the Walsh name—in both the restaurant and the family—has grown into an important part of the North Quincy community.●

DANNY GALANTI, HUMANITARIAN, HONORED IN UNION, N.J.

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. RINALDO. Mr. Speaker, I wish to commend the Phil Portnoy Association for awarding its 12th Annual Humanitarian Award to Donanto "Danny" Galanti of Union, N.J. Mr. Galanti exemplifies the spirit of charity and compassion toward the severely handicapped.

Danny Galanti is one of New Jersey's most successful businessmen, and his work at New Jersey's ports contributes significantly to the economy of the State and to the number of jobs that the waterfront provides. His efforts in promoting world trade in New Jersey are well known and highly respected in the business world.

While carrying on these responsibilities, Mr. Galanti nevertheless has done an extraordinary job in giving his time and resources to many worthwhile causes. Along with his wife, Barbara, Danny Galanti has been an active fundraiser for Camp Fatima, which sponsors education programs, training, and social activities for the handicapped. It is one of New Jersey's oldest and most respected programs for the handicapped. Mr. Galanti has been a major benefactor of Camp Fatima, and by his generous example, he has encouraged others to support this worthwhile program spearheaded by Sister Ann Dominic of St. Michael's School in Union, N.J.

For many years, Danny Galanti has also been active with the Columbian Civic and Social Club and the Prospect House which helps rebuild the lives of individuals who have experienced severe personal problems. Young people who come from broken homes, or who find their lives shattered by drugs and crime have benefited from Danny Galanti's support for Father Flanagan's Boys Town.

I also want to compliment Danny Galanti for his generous support of cancer research. He has been a benefactor of the Sloan Kettering Institute

in New York, one of the Nation's foremost cancer research centers. In addition, Danny Galanti has aided the Leukemia Society of New Jersey and the Mental Health Association of Essex County.

In receiving the Portnoy Association's award, Danny Galanti joins other distinguished citizens of Union Township who are previous award winners. They include Mrs. Genevieve Di-Venuto, Pat Patricco, Sister Ann Dominic, Bubby Koby, Mrs. Marie Sevell, and Tom Tedeshi. They are the kind of citizens who have helped to make Union, N.J., an All-America City; a community in which people care about each other and work for the common good.

With much personal satisfaction, I congratulate Danny Galanti for his outstanding achievements in helping the handicapped. Union Township is proud to have Danny Galanti, his wife Barbara, and their children, Donna and Patricia, as residents of the community.●

CONGRESSIONAL SALUTE TO THE HONORABLE GEORGE TUNIS COBB OF LINCOLN PARK, N.J., ESTEEMED SUPERINTENDENT OF PUBLIC WORKS, DISTINGUISHED CITIZEN, AND GREAT AMERICAN

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. ROE. Mr. Speaker, on Friday, March 9, the residents of Lincoln Park, my congressional district and State of New Jersey will gather in testimony to the outstanding public service rendered to our community, State, and Nation by a most distinguished citizen and good friend, the Honorable George Tunis Cobb, whose standards of excellence throughout his lifetime are applauded by all of us who have had the good fortune to know him.

As George Cobb retires from his esteemed office of superintendent of the department of public works of the Borough of Lincoln Park where has has served with distinction for over three decades, I know that you and our colleagues here in the Congress will want to join with me in extending deepest appreciation to George and share great pride in the success of his achievements with his good wife Grace, their daughter Ami Jo, son-in-law Anton Maldavanji, and grandchildren Aurora, Antol, and Christina.

Mr. Speaker, our honoree George Cobb was born in Lincoln Park and attended local schools. In November 1942 he enlisted in the U.S. Army and we are deeply appreciative of his service to our country in the armed services during World War II.

We are especially proud of George's diligence, dedication and expertise in the vanguard of the founding of the road department of the Borough of Lincoln Park and the agency's performance record as this integral part of municipal government expanded and developed into the present highly prestigious department of public works.

It is interesting to note that prior to his career pursuits in public works programing for the Borough of Lincoln Park in 1950, George had enrolled as a fireman in 1941, dog warden in 1946 and joined the police department in February 1947.

One need only look at the substantive progress and accomplishments of the department of public works throughout the Borough of Lincoln Park during his 34-year tenure to realize the magnificence of the contribution that George and his colleagues have made to the quality of life for the people of Lincoln Park. As each one of us stands up at his testimonial dinner in tribute to his good deeds, sincerity of purpose and friendship, we are indeed proud to have had him on the team. He has played an important role in the achievement of government in his chosen field of endeavor. We applaud his knowledge, training, hard work and personal commitment that has enabled him to attain the fullest confidence and strongest support of the people of our community.

Mr. Speaker, it is indeed appropriate that we reflect on the deeds and achievements of our people and as George Cobb retires his official office of public trust I appreciate the opportunity of seeking this national recognition of his contribution to our people and our people's estate. Professionals like George serve as the bulwark of strength in the day-by-day challenges of government in meeting the needs of our people. For a job well done, there is no doubt that he has truly enriched our community, State and Nation. We do indeed salute an esteemed superintendent of public works, distinguished citizen and great American—the Honorable George Tunis Cobb of Lincoln Park, N.J.●

RURAL ELECTRIFICATION AND TELEPHONE REVOLVING FUND SELF-SUFFICIENCY ACT OF 1983

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. DE LA GARZA. Mr. Speaker, last week, by an overwhelming and thoroughly bipartisan vote, this House approved H.R. 3050, a bill to help keep the Rural Electrification Administration's revolving fund on a stable and self-sufficient basis in the years ahead. I do not intend today to repeat in detail the arguments made by those of us in both parties who supported the bill. But I do want to lay out for the record one clear and simple fact which I think even critics of the bill will confirm.

The basic fact involves the $7.9 billion in notes which the REA revolving fund had been scheduled to pay back to the Federal Financing Bank beginning in 1993. As the House knows, the bill we passed states that instead of paying this money to the Federal Financing Bank, the revolving fund will convert the notes into equity capital. This will automatically make the money involved available for continued lending to qualified rural cooperatives.

Every borrower who owes money on an REA loan will continue to owe the money and will continue to repay the full principal and interest. Nobody who owes money to the Government will be excused from the need to repay what he owes, in full.

It is correct to say that under the bill we passed, the $7.9 billion involved will not be repaid to the Federal Financing Bank in cash on the original scheduled. But by keeping the money in the REA revolving fund, we avoid the need for future lending by the bank to the fund, or future direct appropriations. And the bottom line is that this money has not been forgiven in the usual and general meaning of that word. It remains an asset of the U.S. Government. And every penny will be repaid by borrowers.

I hope that whether any individual agrees or disagrees with the bill, we can all agree on a factual account of what has been done.●

A TRIBUTE TO AN ALL-AMERICAN WINNER, CHRISTINE CURTIN

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. LENT. Mr. Speaker, it is always inspiring to hear stories of personal accomplishment and success about America's youth. Today, I would like to take this opportunity to recognize a young woman from the Fourth Congressional District of New York, whose exceptional achievement in the field of sports symbolizes the potential and determination of our youth.

Christine Curtin of Bellmore, Long Island, has been selected as one of the 1983 National High School Track All-American Award winners for her outstanding performance in the 3,200-meter run. Her performance in this difficult track event was tops in the United States. This award is a distin-

guished honor for Christine, then a high school junior at Mepham High School in Bellmore. She was one of nearly 1 million young men and women who competed in the All-American Awards program sponsored by the American Textile Manufacturers Institute in cooperation with the National High School Athletic Coaches Association. These students from 15,000 high schools competed in meets at the local level and went on to compete in State meets across the country. Christine and the other final award winners were selected from the top 10 percent in chosen events in 1983 State meets.

Christine's sacrifice, hard work, and dedication in successfully achieving her goal deserves the highest commendation.

I ask my colleagues in the House of Representatives to join me in congratulating this All-American winner, Christine Curtin, for her outstanding achievement, and her parents and her coach for their encouragement and support during Christine's training and competition over the past year.●

BROKERED DEPOSITS

HON. DAN MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. MICA. Mr. Speaker, today I am introducing legislation that has been requested by a number of concerned people in my congressional district. I offer this bill as an alternative to the rule proposed by the Federal Deposit Insurance Corporation (FDIC) and Federal Home Loan Bank Board (FHLBB) but moreover, as an invitation for frank and open public discussion of this issue. At the outset, I want to express my willingness to come to a fair and equitable solution to a legitimate problem that is currently being addressed by the proposed FDIC and FHLBB regulations.

The passing of Garn-St Germain Act in 1982 resulted in the increased competition of financial institutions and subsequently the search for new sources of funds for their deposits. The use of brokerage intermediaries by both large and small financial institutions has increased dramatically.

A deposit broker locates investors willing to purchase certificates of deposit and other insured accounts offered by banks and thrift institutions throughout the country. The investor desires the highest return on an investment while the financial institution need funds to maintain lending, liquidity, and other investment activity. Many credit unions, banks and thrift institutions use brokerage intermediaries to place funds.

The FHLBB and the FDIC are concerned that poorly managed and structurally weak financial institutions misuse brokered funds by using them to extend their operations beyond the time when the institution would have otherwise been forced to close. Also, some recently formed institutions may have expanded faster than they are able to prudently invest. Additionally, the activities of certain brokerage firms have not been subject to oversight by the Securities and Exchange Commission (SEC) as a result of unclear Federal securities laws governing the status of deposits as securities. In response to these problems, in January 16, 1984, the FHLBB and FDIC approved a proposed rule for publication in the Federal Register which allows for public comment until March 8. According to the proposed rule, effective October 1, 1984, brokers would be restricted to placing a total of $100,000 in federally insured deposits in any one financial institution. Many feel that this rule would effectively close down the businesses of deposit brokers.

The bill I am introducing today is intended to do the following: First, the bill requires persons in the business of brokering deposits to register with the Securities and Exchange Commission (SEC). Second, the bill provides that Federal insurance of deposits will not to be denied simply because a registered broker is used. Third, this measure would provide an added safeguard to Federal insurance funds by granting the FDIC and FHLBB the authority to restrict the use of brokers by new or financially impaired financial institutions.

Again, I offer this bill as one possible alternative to the proposed FDIC and FHLBB regulation with a request for appropriate hearings and debate. Additionally, a number of my colleagues have contacted the Chairman of the FHLBB to suggest that final action on the proposed regulations be deferred until comments on alternative proposals for curbing abuses are published and the Congress has had time to discuss and analyze this issue fully. There may be other alternatives to the bill I introduce today and I am certainly open to comments from all parties interested in this important issue.

Thank you.●

NATIONAL ENDOWMENT FOR ARTS AND HUMANITIES REAUTHORIZATION

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Ms. OAKAR. Mr. Speaker, on February 21, the House reauthorized the National Endowment for the Arts and Humanities. I was delighted to support this important legislation. The soul and character of a society is defined by the nature of its culture, by the level of its art. We often hear pronouncements that ours is becoming a sick society. Indeed, we can all find evidence to support such a view. Fortunately, we can also find evidence to demonstrate that ours is also a healthy, inquisitive, creative society. Greater Cleveland is certainly a good place to look for signs of vitality in American culture and society.

Cleveland, in many ways, is representative of our country as a whole. We have a rich cultural mosaic, with citizens whose heritage spans the globe. The finest examples of ancient, traditional, and contemporary art can be found in the Cleveland Art Museum, which recently completed yet another wing to its building complex. A block away, the Cleveland Orchestra continues its more than half century tradition of bringing the works of classic composers to life with a mastery that is unsurpassed anywhere in the world.

Those who enjoy theater have a variety of plays to choose from at any given time of the year—the Cleveland Playhouse, the Great Lakes Shakespeare Festival, the Karamu House, the theaters at the Playhouse Square entertainment complex and other facilities regularly stage new productions as well as those plays that have become timeless.

The Cleveland Opera and Cleveland Ballet insure Ohioans an opportunity to enjoy local productions in those superb disciplines as well.

Local universities, the Cleveland Institute of Art and the Cleveland Institute of Music provide instruction for the next generation of artists and performers, not to mention the development of an informed and sensitive public.

I could go on—Greater Cleveland and northeast Ohio are indeed blessed with a dazzling variety of cultural institutions—those I have just mentioned as well as many others. Those I mentioned all have an important thing in common: they all receive support from either the National Endowment for the Acts or the Endowment for Humanities. None of them are exclusively supported by these endowments—the people of northeast Ohio are generous in their support of the arts—but all receive assistance from these two valuable programs. Most of the assistance, by the way, is in the form of challenge grants.

We must encourage those elements in our society that contribute to its health and for that reason I was happy to support the Reauthorization of the National Endowments for the Arts and Humanities and I look forward to enjoying the cultural activities that this legislation makes possible.●

RECOGNIZING THE AMERICAN ASSOCIATION OF RETIRED PERSONS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. WOLF. Mr. Speaker, last summer the Amrican Association of Retired Persons began a yearlong celebration in observance of the organization's 25th anniversary. Since the association was founded in 1958 by Dr. Ethel Percy Andrus, AARP has grown to 15 million older Americans. In the Commonwealth of Virginia, there are over 73 local AARP chapters with close to 300,000 members in a State with an elderly population of more than 1 million.

To recognize the significant contributions of this organization, Virginia Governor Charles S. Robb proclaimed February 22, 1984, as American Association of Retired Persons Day in the Commonwealth. I would like to add my best wishes to the hundreds of 10th District citizens who are members of this outstanding organization and to express my appreciation for their dedication to community service and to fostering a positive image of aging.

The Governor's proclamation follows:

CERTIFICATE OF RECOGNITION

By virtue of the authority vested by the Constitution in the Governor of the Commonwealth of Virginia, there is hereby officially recognized: American Association of Retired Persons Day.

Whereas, the Commonwealth of Virginia has been enriched by the contributions of its older citizens; and

Whereas, every citizen should have the life-long opportunity to develop and use personal abilities to provide services to family, friends, neighbors, and the community; and

Whereas, The American Association of Retired Persons (AARP), the national nonprofit community service organization with a membership of nearly 15 million that has represented the interests of all older Americans for 25 years, is now celebrating its silver anniversary; and

Whereas, The American Association of Retired Persons has provided opportunities for older Americans to achieve independence, dignity, and purpose in their lives through educational and service programs offered by local AARP chapters and units of retired teachers; and

Whereas, the local AARP chapters and national members have helped improve the quality of life in Virginia in keeping with the AARP motto, "To Serve, Not To Be Served";

Now, therefore, I, Charles S. Robb, Governor, do hereby recognize February 22, 1984, as American Association of Retired Persons Day in the Commonwealth of Virginia, and I call this observance to the attention of all our citizens.

CHARLES S. ROBB,
Governor.●

ROTH SEEKS TO COUNTER PROTECTIONIST PRESSURES

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. FRENZEL. Mr. Speaker, our colleague, Senator BILL ROTH of Delaware, has written a thoughtful article on trade protectionism which was printed in the Journal of Commerce of March 6.

Senator ROTH, long a congressional leader on trade matters, has again provided some clear and rational thinking on a question of great importance. I commend his article, which follows, to my colleagues.

ROTH SEEKS TO COUNTER PROTECTIONIST PRESSURES

(By Sen. William V. Roth, Jr.)

From autos to undergarments, from wine to roses, more and more foreign products are the target of election-year protectionist pressures. If Congress caves in to these pressures, the primary source of new manufacturing and agricultural employment in this country—our export trade—could be severely threatened.

The most flagrant example of the swelling protectionist tide is the proposed "domestic content" legislation, which would effectively limit imports of foreign cars by requiring that cars imported in large numbers be constructed mostly from U.S.-made parts. If this bill, the various import quota proposals, or any of the other pending import-restricting measures is enacted, other nations will retaliate by closing their borders to U.S.-made products. You can count on it.

The United States is already facing retaliation for our efforts to protect the specialty steel industry, even though this action was taken through accepted international procedures. The European Community plans to respond to the new U.S. speciality steel quotas by restricting imports of U.S. chemicals, sports equipment, plastics and burglar alarms. Normally, however, such retaliation is rare when multilateral trade rules are followed. If Congress were to throw down the protectionist gauntlet and enact import restrictions that fly in the face of international trade rules, the retaliation against American products, and the cost in lost jobs for Americans, could be devastating. American farmers and industrial workers whose jobs depend on the export of their products will have to pay the penalty for our shortsightedness.

Those who support protectionism attempt to justify their narrow, especial-interest outlook with appeals to loftier values: the need to halt the "deindustrialization" of our economy, for example, or the preservation of certain industries that are critical to our national security and economic strength. But no less an authority than Charles Schultze, the former chairman of the Council of Economic Advisors, demolished the "deindustrialization" myth last October when he noted that the United States was one of only three advanced industrial nations in which manufacturing employment actually rose during the 1970s. Manufacturing output also increased in this country—admittedly at a slower rate than in Japan, but more rapidly than in Germany or in Europe as a whole. During the same period, exports of U.S. manufactured goods doubled. And although manufacturing was hit hard by the recent recession, it has rebounded at an impressive rate: 16.8 percent during 1983, while the gross national product was rising at a rate of only 7.7 percent.

Equally spurious is the hue and cry for congressional action to prevent critical U.S. industries from literally folding under the onslaught of foreign products. Domestic laws are already on the books to prevent such a situation. And besides, this is basically a scare tactic.

The most often-cited example, the steel industry, is indeed shrinking as the demand for steel declines due to changing consumer preferences, such as the trend to smaller cars and the increasing use of aluminum and plastics. At the same time, however, the industry is spending more than $2 billion a year to modernize its production facilities. This kind of investment would not be made by an industry on the verge of going under; in fact, an analysis by Data Resources Inc. projects an average annual rise in domestic steel output of about 6.9 percent through 1986, and a 23.3 percent increase for 1984. Steel is an industry in transition, not termination.

The same picture holds for the automobile industry, which has made the adjustment to a changed market and is now well into the process of modernization. Investments in new technology were in the neighborhood of $24 billion between 1981 and 1983. The fact of the matter is that imports are not driving these industries to extinction; they are driving them to become world-class competitors, in the best tradition of American free enterprise.

Although based on false claims, the protectionist pressures are real, and the dangers they pose go beyond even the risk of a major trade war. Widespread protectionist sentiment limits our ability to remain a leader of the international trading system. The same is true in other countries. We face the danger of a world trade leadership vacuum.

And this is the worst possible time for a leadership vacuum. The last round of international trade negotiations left many key issues unresolved, including rules for agricultural trade and better agreements on how and when import restraints might be justified to "safeguard" domestic industries. The General Agreement on Tariffs and Trade, which governs most international trade, does not deal with trade in services or adequately address investment issues. High technology trade, including government "industry targeting," also requires attention. World trade leadership is urgently needed if we are to achieve agreement on these issues.

We should not be discouraged by the fact that many trade issues have yet to be resolved internationally. The world economy today is characterized by rapid and constant change—the appearance of new products and services and rapidly shifting comparative advantage between countries. In this dynamic environment, international trade agreements, both tariff and non-tariff, become quickly outdated. For example, the United States may agree to a balanced trade deal, obtaining concessions equal to those it gives; but the emergence of new products can lessen the value of past concessions by our trading partners and unbalance the agreements. In this way, static trade agreements become "unfair", giving rise to protectionist pressures.

The answer to this dilemma is not to abandon U.S. leadership of the multilateral

trading system by enacting new import restrictions or unilateral trade laws. The rapid pace of economic change argues instead for a strong U.S. commitment to a dynamic, and nearly continuous, multilateral trade negotiating process. This is the way to assure that we receive reciprocal benefits for our trade concessions. It is the best way to create new jobs through trade expansion.

Our national memory is short. Just 50 years ago, we were in the midst of the Great Depression, made worse by the trade-chilling impact of restrictive tariff policies. If we choose the protectionist path a second time in this century, the result surely will be the same. Let's reject protectionism now, and get to work on strengthening the international trading system. American jobs are at stake, and time is precious.●

RECEPTION IN HONOR OF MORRIS CUNNINGHAM

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. FORD of Tennessee. Mr. Speaker, I, along with several of my Mid-south colleagues in the House and the Senate have the distinct pleasure of hosting a reception this evening in honor of our long time friend Morris Cunningham, who retired December 31, 1983, after 30 years as Washington bureau chief for the Memphis Commercial Appeal.

We all salute the tremendous job he has done over his many years in Washington. Morris has been both accurate and faithful in reporting the latest news from the Nation's Capitol to the Commercial Appeal readers throughout the midsouth. The paper, Tennessee's largest, circulates in west Tennessee, east Arkansas, and northern Mississippi.

The 12 hosts for the reception will be Senators HOWARD BAKER, JIM SASSER, DALE BUMPERS, DAVID PRYOR, JOHN STENNIS, and THAD COCHRAN and Representatives ED JONES, HAROLD FORD, BILL ALEXANDER, JAMIE WHITTEN, TRENT LOTT, and G. V. MONTGOMERY.

Morris Cunningham submitted the following articles to the Commercial Appeal as a farewell to his many readers who followed his Washington report. I would like to share this fascinating account of the highlights of his career with the Members of the House:

WASHINGTON.—I will take into retirement many memories. . . .

Touring government facilities at Oak Ridge in a raging Summer thunderstorm, that seemed highly symbolic, about two hours after President Truman's announcement, Aug. 6, 1945, that the U.S. had exploded an atomic bomb over Hiroshima. . . . Later revisiting Oak Ridge and seeing at an experimental laboratory the horrible genetic effects of radiation on mice.

President Eisenhower's response when he was asked if he ever would take up smoking again. "Well," he said. "I'll say this: I'll never quit again."

The momentary fear as the crowd surged forward in the night and the stones and other missiles struck Gov. George Wallace's departing motorcade, after his speech at Frederick, Md., two days before Wallace was shot and gravely wounded in a shopping center at Laurel, Md.

Going with Frank Ahlgren, the editor of this newspaper, to the Oval Office to visit President Johnson, Secretary of State Dean Rusk and Robert McNamara . . . The reception Johnson (then Vice President) gave at his home for newly appointed Sen. H. S. "Hub" Walters (D-Tenn.) . . . Many other associations with Johnson, including Capitol luncheons featuring Sen. Allen Ellender's famed Louisiana shrimp gumbo. . . . Shrimp feasts Mississippians here often sponsored . . . Cookouts at the Washington home of Sen. James O. Eastland (D-Miss.) . . . Eastland's many courtesies and confidences and the scoops he provided.

The tension at the Pentagon during the 1962 Cuban missile crisis, and the smiles that suddenly appeared on the faces of officials near midnight. I later learned the joy came from reports Soviet ships headed for Cuba had turned back, averting a menacing confrontation.

The hectic activities in Bobby Kennedy's Justice Department during the days leading to the admission of James H. Meredith to Ole Miss, and the hints that the Kennedys were talking secretly to Gov. Ross Barnett—since confirmed by transcripts I found in the JFK Library in Boston.

Larry Speakes, then an assistant White House press secretary, telling me two days before Richard Nixon resigned that Nixon would have quit that particular day if it had not been for some developments on Capitol Hill that caused him to change his mind.

The relaxed good humor and hospitality of Bobby Kennedy and his family at breakfast and at swimming parties for reporters at his Hickory Hill home near McLean, Va.

A month in Europe in 1959 pursuing stories about Mid-Southerners, including interviews with Mid-South servicemen stationed in Berlin, and my surprise at the calmness of Berliners at a time when headlines in Washington and other distant cities were heralding another "Berlin crisis."

Suffering through Gov. Frank Clement's "Oh, how long" speech at the 1956 Democratic National Convention in Chicago, and the frustration of being unable to obtain a pass to the convention floor during the balloting for the vice presidential nomination which three Tennesseans sought—Clement, Estes Kefauver, and Albert Gore, Jr.

The 1951 National Governors Conference in legally dry Gatlinburg, Tenn., and the extraordinary—and unlawful—steps that were taken by state officials and employes to make certain the visiting governors and guests had plenty of liquor.

Attending a luncheon at the Hermitage Hotel in Nashville with Sen. Kenneth D. McKellar (D-Tenn.) and Crump organization leaders in late 1947 at which it was decided the organization would not support Sen. Tom Stewart (D-Tenn.) for re-election.

Being in the House of Representatives March 1, 1954, when four Cuban fanatics shot up the place, wounding five House members, including the later Rep. Clifford Davis (D-Tenn.).

Covering the arguments before the Supreme Court in the original school desegregation cases in 1953, the court's decision in 1954, and the "with all deliberate speed" order in 1955, plus the many developments that followed.

Working secretly with state-employed special investigator Harry Avery for more than a year in an investigation that led to the indictments in 1946 of 28 persons, including all three members of the Tennessee state licensing board for naturopaths, and the 1947 legislature's swift passage of a law banning the practice of naturopathy in Tennessee.

The personal satisfaction when—after having covered the story for two years—President Eisenhower cancelled the Dixon-Yates deal—which called for a private power combine to build a power plant in West Memphis to supply power to TVA in Memphis. The Supreme Court later labeled it an illegal arrangement.

But there was even greater satisfaction when newly inaugurated Gov. Frank Clement followed up on a series of articles I had written and persuaded the Tennessee legislature to approve reforms in the administration and financing of the State's mental institutions in 1953.

This memoir would not be complete without recalling the inherent kindness of Rep. Robert A. 'Fats' Everett (D-Tenn.); a truly big man; the genial good humor of Rep. Clifford Davis (D-Tenn.); the talent of Rep. Wilbur Mills (D-Ark.) and his success in besting alcoholism, and the warm letter of appreciation that Sen. John L. McClellan (D-Ark.) dictated to me a few hours before he died.

I'll never forget Gov. Jim McCord's quick wit, and his friendship with State Atty. Gen. Roy Beeler, who, like McCord, was a great story-teller. A high point of my stint in Nashville was riding from Nashville to Knoxville one night in a car with the two and being regaled by their stories. Early on the morning of his defeat for renomination in the August 1948 primary, I visited McCord in his office in the Capitol. "Morris," he said, "Roy Beeler was in here awhile ago. My defeat had him feeling mighty bad. You know," he said, his eyes twinkling, "I think I cheered him up."

And then there was the memorable flight from Nashville to Biloxi in a Tennessee Air National Guard DC-3 with Clement, then State Adj. Gen. Joe Henry, a fearful flier, and others. En Route Clement left his seat, strode up to the pilots' compartment, and closed the door. Moments later both pilots emerged, and standing in front of Henry very ostentatiously began putting on parachutes.

"Wh-what's going on?" Henry asked.

"The governor's insisting on flying the plane, so we're bailing out," one of the pilots replied.

Minutes later the pilots were back at the controls, the plane had been taken off of automatic pilot, and Clement was back in the cabin, enjoying his joke.●

SYSTEMS AND APPLIED SCIENCES CORP.

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. HOYER. Mr. Speaker, just 5 short years ago, my former colleague, Gladys Noon Spellman, rose to address this Chamber regarding an "American dream come true." Mrs. Spellman was

speaking of an organization called the Systems and Applied Sciences Corp., a Washington area business. She called SASC "a shining example of how our Government can assist private industry in its fledging state and then stand aside when the fledging can fly on its own."

It is now my pleasure to report to you, Mr. Speaker, and to my colleagues, that this firm, which operates in the Fifth Congressional District in Maryland which I represent, has fulfilled every prophecy of Mrs. Spellman's and has surpassed even the ambitious expectations of its owners and employees.

Systems and Applied Sciences Corp. was organized as a minority small business firm under the protective wing of the U.S. Small Business Administration's 8(a) program. While it commenced operations in the design and implementation of complex, sophisticated computer software systems, I was surprised and delighted to learn recently that the company now is building state-of-the-art computer hardware and software systems not only for the Federal Government, but for other impressive customers.

The company is under contract with the Army to provide a communications system control element, a system controller for tactical communications in contingency and battlefield environments. The firm also has multimillion dollar contract with the People's Republic of China to build a sophisticated Landsat satellite ground station to be used for earth resources exploration. Since 1978, when it had only 150 employees, the company has grown with amazing speed, to a current level of 900 employees and projected sales in 1984 of $55 million.

Behind this remarkable success story is a unique and dynamic style of management. SASC's coowners and principal officers, Porter L. Bankhead and Sherad K. Tak, have demonstrated a tremendous ability to win new business and contracts and then to staff these projects with the right people. Results and achievements are recognized and rewarded, and consequently the firm has a truly dedicated and expert corps of employees. The firm has a depth of management most business would envy.

Mr. Speaker, I am pleased to be able to come before this body and, once again, recognize the tremendous success of the Systems and Applied Sciences Corp. SASC is an excellent example of how the Federal Government and the free enterprise system can work together to assure successful business development. The Government and its private customers surely will continue to receive the considerable benefits of the firm's expertise now that SASC is a full-fledged member of the business community.●

CELEBRATING 100 YEARS

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. YATRON. Mr. Speaker, on March 30, 1984, Mr. Oliver H. Renninger, will celebrate his 100th birthday. There is a great deal to celebrate in Mr. Renninger's life. He served in the Signal Corps of the U.S. Army, which was initially the Army's air arm. In 1908, Mr. Renninger was sent to Fort Myer, Va., to assist Wilbur and Orville Wright in demonstrating their airplane to Government officials and other interested parties. It was in 1908, when the world's first fatal airplane accident occurred at Fort Myer. Lt. Thomas E. Selfridge died after a plane in which he was riding, piloted by inventor-aviator, Orville Wright, fell to the ground when its propeller broke.

Lieutenant Selfridge served in the Army Signal Corps with Mr. Renninger. Mr. Wright, who escaped serious injury, returned with his brother, Wilbur, the following year and successfully flew the plane on a 10-mile course from Fort Myer to Alexandria and back. U.S. military aviation had begun and Mr. Oliver H. Renninger, to my knowledge, is the only living person who helped with that great event.

Mr. Renninger presently lives at the Lebanon Veterans's Home and Hospital in Lebanon, Pa. As Oliver Renninger's family and friends join together to pay tribute to him and to mark a century of achievement, I know that my colleagues will join me in offering our best wishes to Mr. Renninger for a joyous celebration on the 30th of a truly remarkable life.●

KNIGHT-RIDDER B-1 SERIES UNFAIR TO PROGRAM, PEOPLE

HON. JOHN R. KASICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. KASICH. Mr. Speaker, Recently, much attention was given to an article by Mr. Frank Greve, of Knight-Ridder newspapers. Entitled, "Selling the B-1," the article by Mr. Greve was not really news, but an assault On the B-1B program. Mr. Greve, known for his antidefense stands, basically put together an assortment of inaccuracies, unsubstantiated accusations, and outright fabrications to attack the B-1B.

As the recently recertified B-1B program continues to be under cost and ahead of schedule, I was pleased to see the editorial carried in the Dayton, Ohio Journal Herald. This editorial correctly labeled the Knight-Ridder effort" a smear job."

I commend to my colleagues the text of the Dayton Ohio Journal Herald editorial, "Knight-Ridder B-1 Series Unfair to Program, People."

KNIGHT-RIDDER B-1 SERIES UNFAIR TO PROGRAM, PEOPLE

We're just one voice crying out in the wilderness, but the Knight-Ridder Newspapers' series on the B-1 bomber was advocacy journalism on its worst behavior.

Even if it had all been labeled "opinion"—as it should have been—its conclusions are subject to challenge as just plain wrong.

The *Akron Beacon Journal*, in an editorial following the series, made this statement: "In the past three years alone, the cost of the updated version of the B-1 has doubled to more than $200 million each. The government, nevertheless, is going ahead with plans to buy 100 of the bombers . . ."

It was within that same time frame that *The Journal Herald* editorial page staff explored the B-1B costs and strategic role with the program's managers here at Wright-Patterson Air Force Base. We started out as frankly skeptical, but eventually concluded that the B-1 is a vital component of the nation's defense and that costs can be controlled effectively and responsibly.

We received from Gen. Lawrence Skantze, then commander of the Aeronautical Systems Division here, a personal pledge that the B-1 would be "brought in" at or below cost.

Skantze is now Air Force vice chief of staff in Washington. We would be interested to see how the *Beacon Journal* and other Knight-Ridder papers handled his news conference Thursday in which he reaffirmed that the projected cost for the B-1B remains at $20.5 billion. That's right where it was three years ago and includes research and development, ground support equipment and spare parts.

There are still legitimate differences of opinion which could be discussed, such as whether the manned bomber is a relic of the past or still an important element in our defense capability. We think the weight of evidence is clearly on the side of the modern manned bomber.

What is troubling about the Knight-Ridder articles is that criticism of the B-1 came from shadowy "sources" dealing not in facts and figures but innuendo and suggestion. The writers took it from there, leaping from one speculation to another with irresponsible abandon.

It was a smear job. If some of the governmental targets—Ohio Sen. John Glenn, for example—were to do a number like that on Knight-Ridder, the editorialists would be screaming "McCarthyism!" in a second.

For instance, Rockwell International, prime contractor for the B-1B, gets it in the neck for lobbying for the contract, for defending its numbers and then for having officals who contributed funds to the Republican campaign. In what kind of fantasy world is a company supposed to behave differently?

We would be the last to argue that national defense is above debate. We would be the first to resent an accusation that we defend Wright-Patterson AFB programs because of the region's economic stake in the work.

But we have tried in the past few years to bring some balance and perspective to public policy questions on defense, though it's a lot less exciting than breathless sug-

gestions of scandal and corruption in high places.

When our approach pays off is in some increased understanding of the connecton between Washington penny-pinching on defense and crashes of aging B-52s or losses in Lebanon of outmoded A-6 and A-7 naval aircraft.

We have provided forums to Gen. James P. Mullins, commander of the Logistics Command, and Lt. Gen. Thomas H. McMullen, Aeronautical Systems Division commander, both at Wright-Patterson, to explain their work and why they believe the nation is increasingly vulnerable to Soviet aggression.

They do not pretend their commands can operate without human error, some waste, some fraud and some political meddling. But that should not and does not discredit their work or that of thousands of other service people and civil servants.

There are legions of dedicated men and women working for the defense of the country. They are not regimented tools of selfish interests. They are not shadowy "sources." They are identifiable, quotable and available to anyone who still cares about objectivity and the quest for truth.●

VOLUNTARISM KEY TO THE SUCCESS OF THE LIVER ORGAN TRANSPLANT FUND

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. SUNDQUIST. Mr. Speaker, I would like to call to the attention of my colleagues a worthwhile project that is taking place in Memphis, Tenn.

Last April, Elyse Waldheim and Mary Clouse, both wives of retired military officers, called on the transplant coordinator at the University of Tennessee for the health sciences for the purpose of making cash donations to the medical fund of 2½-year-old Adrianne Broderick, who desperately needed a liver transplant. In addition, Adrianne needed the $80,000 that was required for her name to be put on the list for a donor liver. At that particular time, CHAMPUS considered the surgery experimental, so Adrianne was not covered by insurance.

While discussing this matter with the UT coordinator, the two women realized the need for a tax-exempt fund, whereby tax deductible contributions can be made to a special patient or to a general fund for patient and family support. This tax-exempt fund would also save the patient from paying gift tax on money given directly to the individual.

After further deliberating over the thought, the ladies approached the La Sertoma Club of Memphis about sponsoring such a fund. The club in Memphis is a chapter of the international organization which is made up of wives of Sertoma members. Because the purpose of the organization is "Service to Mankind," the name Sertoma was derived. The club has been active in various civic interests over the years including funding college educations for graduates of Memphis Boys Town, Handicapped, Inc., and the Sertoma Speech and Hearing Foundation.

The formulation and organization of the transplant fund, under the direction of the club received volunteer service from various members of the Memphis community. As a matter of fact, everything from office space and furniture to telephone bills were donated or paid by individuals. Without "voluntarism" this project would have never gotten off the ground.

I, as the Seventh District Congressman from Tennessee, was asked to cut the ribbon at the grand opening of the liver organ transplant fund on June 10, 1983. Since that time 11 patients have been helped with fundraising or other means of support. The fund does not solicit patients, but helps those who are referred by UTCHS or LeBonheur Children's Medical Center. I might add, the fund is not limited to helping patients at the two Memphis hospitals, but is limited, however, to recognized transplant centers.

The transplant fund has made a profound impact on Memphis and surrounding communities. In fact, Memphis City Mayor Dick Hackett and Shelby County Mayor Bill Morris jointly proclaimed September 24, 1983, as Community Awareness Day for the liver organ transplant fund. This proclamation brought together volunteers from all segments of the community to work toward the continued success of the project.

Finally, I might add that the members of the club have one wish and goal: Since they are strictly a support group and have nothing to do with research, they would like to see both private and government insurers begin to cover all liver transplants, the same as kidney, so as to preclude further need for the organization. Until then the liver organ transplant fund will continue to make it possible for many persons stricken with terminal liver disease to receive a lifesaving transplant.●

MAKING AMERICA WORK AGAIN

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. GREEN. Mr. Speaker, I take this occasion to call a recent book to the attention of my colleagues "Making America Work Again," by J. Morton Davis, president of the investment banking firm of D. H. Blair & Co.

In the brief time I have, it is difficult to make clear the full range of Mr. Davis' work, which tackles many of the most difficult and contentious issues confronting this country. But I should make it clear that Mr. Davis does not pretend to offer easy solutions. Indeed, he says:

A true revitalization program will require some drastic and painful policies. It cannot afford the political expedient of shoring up troubled industries like autos and steel, which keep raising prices anyway, or of subsidizing the inefficiencies of mismanaged or failing companies. It means exposing us to foreign and domestic competition by phasing out tariffs and import quotas that benefit a few unions but drag down productivity and generate inflation. It means overhauling (not completely eliminating) regulation in order to set priorities determined by government, rather than by several agencies, each with different goals that put industry under crossfire. The Government should set its own priorities when there are conflicts between, say, energy and environment. . . .

Each of us may well have some disagreements with Mr. Davis on specific aspects of his proposals, but each of us will be stimulated by reading this important, thought-provoking work by a distinguished leader of our financial community.●

A CRACK IN THE PAC ATTACK

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. FRENZEL. Mr. Speaker, the following article is from the March 3 edition of the Detroit News. It needs no editorial embellishment.

BRODHEAD'S PAC ATTACK UNDER FIRE

(By Richard A. Ryan)

WASHINGTON.—Former Congressman William Brodhead of Michigan, a key figure in a nationwide campaign against Political Action Committee (PACs), is active in a Detroit PAC that distributes money to political candidates.

He said he sees no conflict, calling PACs "perfectly legal and proper."

Brodhead, a Detroit Democrat who served eight years in Congress, declined to seek reelection in 1982. A major reason he cited for giving up his seat was the task of raising money for costly House campaigns and the necessity to rely on PACs for much of the funding.

PACs are formed by organizations such as corporations, labor unions, and other groups of like-thinking people to financially support political candidates they think—or hope—will reflect their positions. In the 1982 elections, PACs contributed more than $86 million to congressional candidates.

When he left Congress, Brodhead said raising money from PACs was "corrupting and demeaning" and that if the same money exchanged hands in any profession other than politics "it would be (criminally) indictable."

While neither donor nor recipient openly acknowledges that the money is given to influence votes, Brodhead said, "it's all unspoken. But everyone understands."

However, early this year Brodhead, now a Detroit attorney, was named treasurer and one of seven voting members of a PAC orga-

nized by his law firm, Plunkett, Cooney, Rutt, Watters, Stanczyk & Pedersen.

The firm's PAC, Brodhead said, "is a tiny, inconsequential" group that distributes $4,000 to $5,000 annually. The money is raised from the firm's 93 lawyers and is distributed to local candidates, mainly Democrats in recent months.

Because of his outspoken opposition to PACs, Brodhead was sought out of Common Cause, a national public interest lobbying organization in Washington, as the principal player in a nationwide advertising campaign to reduce what it considers to be PACs' growing influence in politics.

For that campaign, he is one of five former members of Congress who appear on a five-minute television spot; one of two on a two-minute spot, and the only former congressman in a one-minute radio spot.

In each of the three Common Cause spots, Brodhead says, in part, regarding PACs:

"Why do you think that the biggest, smartest brightest business people in America are raising millions of dollars, tens of millions of dollars, to give to members of Congress? They're trying to buy votes."

Brodhead's outspoken opposition to PACs angers many of his former colleagues who consider it hyprocritical of him to rail against PACs when he accepted their money as a congressman and is now an officer in his law firm's PAC.

In a telephone interview from his home in the Detroit suburb of Franklin, Brodhead said he sees no conflict between the national advertising campaign and his role as a PAC treasurer.

"I'm not saying now, and do not say, that people shouldn't participate in PACs," he said. "There is nothing wrong with participation in PACs.

"I'm not trying to cast aspersions on people who (do) participate. I'm not saying people who are involved in PACs are crooks. And I'm not saying that congressme. n who accept contributions from PACs are doing anything wrong.

"The only point that I'm making is that I think the situation has gotten out of hand. There is too much of it. And Congress ought to be looking at some restrictions on it."●

POW/MIA INFORMATION

HON. THOMAS N. KINDNESS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. KINDNESS. Mr. Speaker, on the other side of the Mall, near the Lincoln Memorial, a black granite wall bears the names of the men and women who gave their lives in Southeast Asia. Those whose names are marked by a star, 2,490 of them in all, have yet to be accounted for and this fact is most disturbing.

As the over 100,000 signatures of concerned Americans, obtained by the Vietnam Veterans Vigil Society and presented to you recently, indicate, we have waited long enough to hear about the fate of American POW/MIA's. We cannot rest until we find answers to our questions about these Americans.

On Thursday, February 23, our colleague, DOUG APPLEGATE, introduced a resolution in which the Congress goes on record demanding a full accounting of Americans missing in Southeast Asia. This is an important step toward achieving a full accounting of these Americans.

This is not a partisan matter, as a close look at the supporters of this resolution indicates, and I urge my colleagues in this House to support the effort to account for Americans missing in Southeast Asia by supporting House Joint Resolution 489.●

JUSTICE HINGES ON A STAPLE

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. HYDE. Mr. Speaker, a triumph of form over substance is embodied in the so-called exclusionary rule whereby evidence may not be considered in a criminal trial if, in the judgment of the court, it was illegally obtained.

A trial should be an inquiry into the guilt or innocence of the accused, and not rise or fall on the issue of whether or not "the constable has blundered."

Of course, illegal searches and seizures must be discouraged. The question is whether freeing an obviously guilty criminal because evidence against him is ruled inadmissible due to procedural flaws in its acquisition really accomplishes its purpose. Certainly the community is not protected under the exclusionary rule.

I bring to my colleagues' attention a vivid and illuminating account by James J. Kilpatrick which appeared in the February 16 edition of the Chicago Sun-Times, and commend it to your careful study.

[From the Chicago Sun-Times, Feb. 16, 1984]

JUSTICE HINGES ON A STAPLE

(By James Kilpatrick)

The badly burned body of Sandra Boulware, 29, was found in a vacant lot in the Roxbury section of Boston on the morning of Saturday, May 5, 1979. She had been murdered. Almost five years later the U.S. Supreme Court is struggling with the case of the man found guilty of killing her.

The case offers one more example of the "exclusionary rule" in action. This is the procedural rule, supported by 80 years of high court opinions, that says certain evidence against a defendant must be excluded from a jury's consideration.

Such evidence is inadmissible if it has been obtained in violation of a defendant's Fourth Amendment right to be protected against unreasonable, unwarranted or unlawful search and seizure.

In the Boston case, the profound question of constitutional law boils down to this: Were two pieces of paper stapled together? These are the facts. You decide if justice is being served.

The young woman had been beaten, bound with wire and set on fire before she died. Police investigation led to a boyfriend by the name of Osborne Sheppard. The cops brought him in on Saturday afternoon, read him his Miranda rights and questioned him about his movements on the night in question. Detective Peter J. O'Malley became convinced that a search of Sheppard's home on Deckard St. might turn up some damning evidence.

O'Malley needed a search warrant. The only warrant form that could be found at the station house was a form for drug busts. O'Malley scratched out "controlled substances" at one point and tried to adapt the form to the case at hand.

Then O'Malley took a separate piece of paper, and here he described the place to be searched and the things to be seized (wire, blood samples). He went to a magistrate and established probable cause to believe that a warrant should issue.

The magistrate tinkered a little more with the form, but he neglected to cross out "controlled substances" at another place in the warrant. He then handed the detective the two pieces of paper—signed warrant and O'Malley's statement—and the cops went off to Deckard St.

There they found wire that matched the wire on the victim's body. They found blood samples that matched her blood. They found earrings and items of clothing that were identified as hers. All this was admitted as evidence at Sheppard's trial. He was found guilty and sentenced to life.

But then a motion was made for a new trial on the ground that the evidence had been obtained under an illegal warrant: The two pieces of paper had not been stapled together. The Supreme Judicial Court of Massachusetts agreed with this contention and ordered that the defendant either be freed or tried anew. The Commonwealth appealed. The case was argued before the Supreme Court last month.

The warrant was in fact defective. It was a mishmash of wrong terms and unreferenced data. Which is more important, form or substance? Without the evidence, the Commonwealth may have no case against Sheppard. But if the evidence was admissible, the guilty verdict stands.

Common sense says the evidence was properly admitted in the first place, but common sense and Supreme Court decisions are not necessarily the same thing.●

ACTION NEEDED ON CYPRUS

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. BILIRAKIS. Mr. Speaker, the House subcommittees of the Foreign Affairs Committee recently began the hearing and mark up process of the foreign aid bill. In the progress of this process, something most unusual happened. The Subcommittee on Europe and the Middle East did not mark up the foreign aid for Cyprus, Greece, and Turkey, leaving these three nations to be discussed at a later time.

While most Members of the House would take little note of this action, I am thankful for the opportunity to comment and clarify certain matters that cloud the issue of the eastern Mediterranean, since congressional of-

fices have been flooded with literature on the subject.

Let us, therefore, examine certain facts that play an important role in this delicate issue.

In 1974, Turkey invaded the sovereign and independent nation of Cyprus. The later justification for this so-called intervention was to defend the rights of the Turkish-Cypriot minority. And in carrying out this action, Turkey claimed one-third of another nation, set up a puppet government, imported citizens to colonize the acquired area, changed the currency and destroyed major religious and cultural monuments. This is something that we might parallel with the Soviet invasion of Afghanistan. The only exception is that this invasion was indirectly financed by the United States with the military assistance that Turkey receives, as a loyal NATO ally.

And if all this wasn't enough, after maintaining a divided nation for 10 years, the Turkish-occupied section declared itself to be an independent and separate state. This action, though, was condemned throughout the world, including by our own government, which also called for rescission of this action. The only nation to recognize this unilateral declaration of independence was the manipulating power of Turkey—the creator of this false nation.

I believe that the time has come for the U.S. Government to send a clear message to Turkey and tell her President, the Prime Minister, and the people that some sort of action must be taken. Ten years have passed since the invasion of Cyprus and we have not seen any real progress. If we do not force the issue, I am afraid that things will remain at the status quo, if not further deteriorate.

It is ironic that the literature that has been circulating has stressed the fact that the Turkish-Cypriot leader, Mr. Denktash, has come forth with certain proposals for a settlement. The fact that the President of Cyprus, Mr. Kyprianou, has continually made efforts and worked through the U.N. channels has somehow been overshadowed and even overlooked.

We all know of the military importance of Turkey and certainly want to keep her as an ally. I do, though, believe that some sort of sanctions must be placed on Turkey, so that we can force action on the Cyprus problem.

In keeping with the U.N. resolutions, we must press for the removal of all foreign troops from Cyprus, push the two ethnic communities into dialog and work for a free united Cyprus. In order to bring these goals around, we might consider placing conditions on the military aid to Turkey or some sort of other measure.

We cannot, though, allow matters to remain as they are any longer. The time for action has come. To accept the actions of the past decade would be to condone the policies of Turkey.●