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

PRAYER

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

Let us pray.

God of grace and mercy, we thank Thee for life. We thank Thee for Passover and Easter celebrations which remind us of Your liberating passion and power—Your gracious care and provision for every exigency of life. We thank Thee for the recess-for opportunity to strengthen family bonds. We thank Thee for the safety of home and its hope for emancipation from the weakness and limitation of the body which so often frustrate our fondest aspirations and highest goals.

We thank Thee for the supreme hope which Passover and Easter promise. We thank Thee for the reminder of irrepressible life as beauty and fragrance explode and abound all around us in profusion.

We thank Thee, Father in Heaven, for the recess—for opportunity to strengthen family bonds. We thank Thee for the safe return of those who traveled. Especially are we grateful for the safety of Senator Calef and Senator Johnston. Thank Thee for all the work the Senators were able to accomplish in home States. Lead us Lord, as we enter into the heavy responsibility of legislation which impinges on the life of every American and often on the world of nations. In the name of Him whom the grave could not conquer. Amen.

RECOGNITION OF THE MAJORITY LEADER

The President pro tempore. The majority leader is recognized. Mr. Baker, I thank the Chair.

ORDER OF PROCEDURE

Mr. Baker. Mr. President, there are five special orders this morning. If I may inquire of the minority leader, I have been told by my staff two things. First, that there will be a caucus of Democratic Senators at 12 noon today, and that it would be the preference of at least two of the Democratic Senators holding special orders that they be permitted to claim that time after that caucus instead of before. Is that correct?

Mr. BYRD. Mr. President, that is correct.

Mr. BAKER. Mr. President, I see the distinguished Senator from Wisconsin present who appears to be coiled and ready to spring.

May I inquire if the President intends to claim his order then before the Democratic Caucus?

Mr. PROXMIRE. Mr. President, may I inquire of the majority leader? I would be happy to go ahead right now. I will take about 7 or 8 minutes.

ORDER FOR RECESSION UNTIL 2 P.M.

Mr. BAKER. Mr. President, I ask unanimous consent that after the Proxmire-Kassebaum-Grassley special order the Senate then stand in recess until the hour of 2 p.m.

I further ask unanimous consent that at 2 p.m. Senators Baucus and Biden may claim their special orders to be followed by a period for the transaction of routine morning business of not more than 5 minutes in length in which Senators may speak for not more than 1 minute each, and that at the end of that time the Senate resume consideration of the unfinished business, H.R. 2163.

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

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

Mr. BYRD. Mr. President, the majority leader is very accommodating. On behalf of my colleagues and myself, I express our appreciation.

Mr. BAKER. I thank the minority leader.

Mr. President, I hope that we can have a good, full day today in the consideration of H.R. 2163, and that perhaps we will be able to work out the arrangements for a time certain to consider amendments in the furtherance of the measure before the Senate.

ADDRESS BY WILLIAM D. RUCKELSHAUS, ADMINISTRATOR, ENVIRONMENTAL PROTECTION AGENCY

Mr. BAKER. Mr. President, no American has done more to improve the American environment than the present Administrator of the Environmental Protection Agency, William Ruckelshaus. As EPA's first Administrator, Bill Ruckelshaus proved himself diligent in getting the facts, creative in finding solutions, and practical in developing environmental law and regulation.

Last week, Administrator Ruckelshaus spoke to the Economic Club of Detroit about where we are in meeting the newest challenges we face in protecting our environment. As always, his is a voice of candor, reason, and fairness. Mr. President, I ask unanimous consent that his remarks of April 16, "'Not in My Backyard: Institutional Problems in Environmental Protection,'" be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

"'Not in My Backyard: Institutional Problems in Environmental Protection"
The last time I had the pleasure of speaking with you was in April of 1971. Although it doesn't ordinarily take me thirteen years to think up something new to say, I would like to use the perspective afforded by that interregnum to reflect on some of the remarkable changes that have taken place in the environmental protection field and to focus on what I consider quite serious problems that still remain to be solved.

From my viewpoint, the most striking differences between then and now are the issues that account for the dominant share of the administrator's attention. In 1971 those issues were pollution from cars and businesses, carbon monoxide and nitrogen oxides, hydrocarbons, and sulfur dioxide. EPA had filed a 180-day notice against Detroit's pollution of Lake Erie. I seem to remember being introduced here as the greatest friend of American industry since Karl Marx.

In 1984, I find that the 1971 issues, while still important, are no longer consuming, for the simple reason that we have achieved much of what we set out to do. Auto exhaust controls have reduced carbon monoxide 86 percent, hydrocarbons 85 percent, and nitrogen oxides 76 percent from the uncontrollable state. Despite a substantial increase in the number of cars, urban air quality has shown a steady improvement and an almost continuous decline in the number of exceedances of air quality standards for pollutants associated with mobile sources.

With respect to controlling sewage, to cite once again the local example, the city of Detroit has made steady progress in meeting its responsibilities; it achieved full secondary treatment and phosphorus removal late in 1981, which represents a significant contribution to improving water quality in the Great Lakes.

Along with these changes we have seen an accompanying change in attitude among industrial leaders. Almost no one now seriously contends that concern for the environment is a fad. Environmental controls have been accepted, like taxes and employee benefits, as part of the price of doing business in this industrialized society. And here it is fair to say that both industrial and political

• This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.
leaders have simply followed the clear preferences of the American people. For the past decade, Americans of all classes and conditions have time and again indicated their willingness to pay higher prices for goods and even to face the prospect of fewer jobs if the environment and public health were protected. That’s a fact as cold and undeniable as a profit-and-loss statement.

Despite these achievements and that kind of public support, I am beginning to be worried about what I see happening in 1984. We observe, for example, an increased level of contention over environmental issues, as if, having swept our stables, we cannot agree about dusting the piano. We observe the incipient steps of a breakdown in the invaluable tradition that the environment is a national concern, as we see regional or local interests reasserting their claim in such issues as acid rain and hazardous waste disposal. Most significantly, we observe that, although public pressure to act remains high, the political process no longer seems able to resolve important environmental issues. Of EPA’s nine governing statutes, seven have been allowed to lapse.

We appear, in fact, to have lost much of our ability to turn environmental consensus into action. This is a startling and disturbing trend. We Americans have always prided ourselves on pragmatic idealism, but we now appear less capable in this regard than our political forebears. Part of the explanation lies, of course, in the vexed nature of the environmental issues themselves. The environmental decade was relatively easy to act against smoggy air and clouded waters, but in dealing with such problems as noise pollution or toxic chemicals, the smog is in the data; what is clouded is the association between the presence of pollutants and the incidence of disease, or between the presence of pollutants and the damage we want to fix. Uncertainty can lengthen debate and stall action.

But more, I fear, our tragedy springs from a peculiarity of American political life. It has been noted that the American people are ideologically conservative and operationally liberal. In theory they are against too much government until the elimination of a particular program affects their own well-being. From medicare to automobile import restrictions to long-standing problems that we need to change more rapidly. Of harnessing our entrepreneurial spirit to a sense of national responsibility, is especially vulnerable to failure. We Americans have always associated with the prevailing condition of being great; but my point is that in our system, the public has demanded in the Clean Air Act, the hue and cry sent to the nation at large does not bother the local groups who resist disposal facility sitting. This is the way to run a railroad only if you like what happened to the railroads.

Unfortunately, it is not possible to say “not so fast” to the world in which we compete. Successful response to the changes driven by technology or the imperatives of global competition is essential to our survival as a free and prosperous society. We have been remarkably successful in refurbishing our 200-year-old system in response to the modern world, even if at a decreasing rate. But as I see what is happening in the environmental area—manifestation of our efforts to cope with the unwanted by-products of technological change—I begin to get worried.

The key problem is trust. As I noted, mistrust and a tradition of encouraging maverick opinion are built into our system; the President who got our government to fall the public, have simply exacerbated what has always been a problem. Of disrupting places, in the isolation from the standpoint of an American governmental agency charged with protecting human health and the environment, trust is the oil in the gearing. That is, the public can object to what a regulatory agency does, or believe that it is going too fast or too slow, but when it ceases to believe that the agency is trying to act in the public interest, that agency cannot function at all.

I don’t believe that’s the situation at EPA today. The EPA is a public agency, with its extraordinarily wide scope of responsibility, is especially vulnerable to failures.

The trouble is we no longer have a frontier. The message to America is shrunken by technology and closely linked economically. The fierce independence of spirit, the willingness to fight the consensus, the glorification of the maverick which has been our strength, can become our weakness. We don’t have decades to let a new consensus crystallize. And we can’t afford to urge our leaders to adjust to the most consequential demands of modern life. If we are to remain competitive in the world we live in today, our government must change more rapidly, of harnessing our entrepreneurial spirit to a sense of national discipline, and that runs counter to the American tradition. Our inability to drive toward consensus, to provide governmental processes which force decisions has very practical effects on our national well-being.

Think of what it now takes to site a major industrial facility. A firm often must obtain agreement from perhaps dozens of agencies and authorities at each of the three levels of government, not to mention the courts. And it doesn’t help to satisfy a consensus or a majority of the interests involved; a single “no” anywhere along the line at any time in the process can halt years of planning, effort and investment.

Similarly, we have begun a major national commitment to properly dispose of hazardous wastes. Everyone is in favor of safe disposal. But who will do it? Who pays? Anywhere close. In some parts of the country, we are running out of places to put the stuff. The EPA has turned to the public, asking for help in finding acceptable places, piles up on the loading docks of the generators of the waste or has to be shipped around the country. The additional risk this may represent is that the local groups who resist disposal facility sitting. This is the way to run a railroad only if you like what happened to the railroads.

As it happens, it is not possible to say “not so fast” to the world in which we compete. Successful response to the changes driven by technology or the imperatives of global competition is essential to our survival as a free and prosperous society. We have been remarkably successful in refurbishing our 200-year-old system in response to the modern world, even if at a decreasing rate. But as I see what is happening in the environmental area—one manifestation of our efforts to cope with the unwanted by-products of technological change—I begin to get worried.

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April 25, 1984

CONGRESSIONAL RECORD—SENATE

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April 25, 1984

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Institute of coming to a practical consensus in
sharp reduction. He estimates that the
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in the current political climate. But

nuclear arsenals pose such a terrible threat to
human life on Earth? Because interna-
tional scientists, including Dr. Sagan,
contend that even a small fraction of
today's nuclear weapons would trigger
deadly, cold, dark radioactivity, pyro-
toxins, and ultraviolet light following a
nuclear war. The human species
would very possibly disappear. Dr.
Sagan's challenge is for the nuclear
powers to recognize this grim threat
and agree to drastically reduce the size
of present arsenals.

Dr. Sagan proposes an astonishingly
sharp reduction. He estimates that the
nuclear powers would take part in
the explosion of between 500 and
2,000 strategic warheads. He calls for
us to negotiate levels below the mini-
imum threshold—that is 500 strategic
warheads. Since strategic warheads in
the world's nuclear arsenals now are
about 18,000, and at this time are on
a rapid rise, the Sagan challenge could
mean the elimination of 97 percent of present
strategic warheads, leaving
the nuclear powers with about 3 per-
cent of their present nuclear armed
strategic power.

Mr. President, there are at least two
powerful forces working against the Sagan
challenge. On the other hand, there is one nuclear weapon develop-
ment working to make the Sagan prop-
osal practical. Working against a
drastic reduction in strategic nuclear
weapons is the powerful momentum of
a nuclear arms race that is now pro-
cceeding unrestrained, with no current
arms control talks underway between
the superpowers. This country is pouring $60 to $70 billion a year into a headlong rush to win nuclear parity everywhere with the Soviet Union and build on our nuclear superiority wherever we can. But the United States is undoubtedly pouring at least as much into its determination to achieve parity where they believe the United States has an advantage and to maintain its nuclear advantage wherever they have it. Even if suspended arms control talks between the superpowers revive and achieve full success, they would still fail to cap the nuclear arms race, or even freeze the present dangerous level of arms, let alone drastically reduce strategic nuclear weapons as Dr. Sagan has asked.

The second obstacle to Dr. Sagan's plea for a drastic reduction in nuclear arms may be even more difficult. This is the rapid fire spread of nuclear arms to nations throughout the world. As I pointed out on the floor a few days ago, and military intelligence agencies now tell us that within the next 16 years more than 30 nations will have nuclear arsenals, including in many cases strategic nuclear warheads, unless we institute far more effective antiproliferation policies. Mr. President, if the time comes when 30 or more nations have nuclear arsenals, you can kiss goodbye to any dream of reduc­ing strategic nuclear warheads to 500 or less. And you can probably say hello to the extermination of the human species. It will be goodbye from all of us down here on Earth.

But there is one technological development that suggests that there may be some hope for Dr. Sagan's plea in spite of the awesome difficulties it faces. When I last spoke on the floor I called attention to an article by General Gallois and Mr. John Train that points to the dramatic and potentially drastic shift by both the Soviet Union and the United States from strategic nuclear warheads to smaller, lower-yield tactical nuclear weapons—many of them tactical with much smaller kilotonnage and strictly limited fallout. This continuing and development conceivably may make the Sagan proposal much more practical. Both superpowers have immensely improved the accuracy of their nuclear weapons by factors ranging from 5 to 10. This much greater accuracy has dramatically changed the nuclear war options.

In the Gallois-Train thesis, the Soviet Union recognizes that a strategic nuclear exchange with the United States would simply end in mutual suicide. This thesis contends, however, that nuclear weapons have now achieved such an amazing degree of accuracy that they can destroy military targets utterly with little or no damage to cities and with relatively very few human casualties and none of the catastrophic climate effects so vividly described by Dr. Sagan. Gallois and Train hypothesize a Soviet tactical nuclear attack on NATO forces in Europe. The attack would destroy all NATO military capabilities but leave intact the NATO governments and population. It would do this by diminishing the megatonnage of the nuclear weapons to a few, in fact, a very few, kilotons, with very little fallout and without the consequent fires that would incinerate cities and kill millions of people. Such a war—if it were contained at this level—would not ignite the nuclear winter. But it could accomplish significant military objectives.

Is it conceivable that such a nuclear war would remain tactical? Who knows? Certainly both superpowers today understand the uselessness of any kind of war involving strategic weapons. That is why deterrence is effective. But how about a world with strictly limited strategic nuclear weapons but bristling with highly accurate, low-yield tactical nuclear weapons? Would a world so closely threatened not at least as dangerous as today's world and very possibly more dangerous? Dr. Sagan argues that if the nations of the world agreed to limit strategic nuclear weapons to less than 500, they could still have an effective deterrence. This is at best doubtful. And certainly if we channel nuclear arms competition into tactical nuclear weapons, nuclear war would become far more likely, and escalation to strategic nuclear war very hard, indeed, to contain.

Where does all this leave us? It leaves this Senator with the conclusion that a comprehensive nuclear freeze, followed by a massive reduction of all nuclear armaments, should remain our prime objective.

Mr. President, I ask unanimously consent that the summary of Dr. Sagan's article appearing in the winter 1983-84 issue of Foreign Affairs Quarterly be printed in the RECORD.

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

SUMMARY
In summary, cold, dark, radioactive, pyrotoxins and ultraviolet light following a nuclear war— including some scenarios involving only a small fraction of the world strategic arsenals—would imperil every survivor on the planet. There is a real danger of the extinction of humanity. A threshold exists at which the climatic catastrophe could be triggered, very roughly around 500-2,000 strategic warheads. A first strike may be an act of national suicide, even if no retaliation occurs. Given the magnitude of the potential loss, no policy declarations and no mechanical safeguards can adequately guarantee the safety of the human species. No national rivalry or ideological confrontation justifies the potential catastrophe. Accordingly, there is a critical need for safe and verifiable reductions of the world strategic inventories to below threshold. At such levels, still adequate for deterrence, at least the worst could not happen should a nuclear war break out.

National security policies that seem prudent or even successful during a term of office or a tour of duty may work to endanger national—and global—security over the long haul. Those of this Congress are no different. It is just such short-term thinking that is responsible for the present world crisis. The American people have no choice but to confront the fact that the nuclear catastrophe makes short-term thinking even more dangerous. The past has been the enemy of the present, and the present the enemy of the future.

The problem croust out of an ecumenical perspective that rises above cant, doctrine and mutual recrimination, however, apparently justified, and that at least partly transcends parochial fealties in time and space. What is urgently required is a coherent, mutually acceptable plan for dramatic reductions in nuclear armaments, and a deep commitment, embracing decades, to carry it out.

Our talent, while imperfect, to foresee the future consequences of our present actions and to change our course appropriately is a hallmark of the human species, and one of the chief reasons for our success over the past million years. Our future depends entirely on how quickly and how broadly we can rally the nations of the world to plan for and cherish our fragile world as we do our children and our grandchildren: there will be no other place for them to live. It is nowhere ordained that we must remain in bondage to nuclear weapons.

TRIBUTE TO BRUNO BITKER
Mr. PROXMI'RE, Mr. President, it is with deep sadness that I announce the death of Bruno Bitker, a long time advocate of racial harmony, social justice, and world peace. My deepest sympathies go to his brave wife, Marjorie.

Bruno Bitker was one of the finest public servants Wisconsin ever produced. He dedicated his life to the strengthening of international organizations. It was his belief that without them, the world could not survive.

Bruno Bitker was the founding chairman of the Governor's Commission on the United Nations, serving in that capacity for nearly 20 years. He was also a member of the U.S. National Commission for Unesco, emphasizing his concern for educational, social, and cultural achievements worldwide. He helped form the World Peace Through Law Center in Geneva, Switzerland, served as an American delegate to the International Conference of Local Governments in Geneva in 1963, and to the First World Conference of Lawyers in Athens in 1963. He was also a member of the American Bar Association's Committee on World Order Through Law, and was a consultant to the U.S. State Department.

Mr. President, the list goes on and on.

Bruno Bitker was a public servant in the finest sense of the word. He has a vision of a community of nations in harmony with one another, and he actively strove to translate that vision into a reality. He sought, more than anything else, a better understanding among peoples of the world.
France seeking to eradicate Jews and the underground. And the villagers did this knowing full well that anyone caught hiding Jews was subject to arrest, deportation, and even death.

Le Chambon was the main way station for Jews being transported and spanned convents and farms from southern France to Geneva. This small town's revered clandestine effort was led by Pastor André Trocmé and his assistant, Edouard Thés. They collaborated with the American Quakers, the Salvation Army, and Clamade, an ecumenical service organization whose sole mission was to help refugees fleeing from German occupation and persecution.

Other towns within a 50-mile radius—as Protestant as Le Chambon—did little to help refugees. Many Frenchmen willingly hid Jews when they happened by. But Pastors Trocmé and Thés did more: They asked the Quakers to send refugees through their way.

The courageous deeds of Pastors André Trocmé and Edouard Thés and the town people of Le Chambon remind us of everyone's obligation to shield each and every person in the world from the scourge of persecution. The Chambonese's sensitivity to the oppression of others is the sense of justice which built our great Nation and inspired the Constitution of the United States.

It is clear that the Chambonese's compassion and dedication to fundamental human rights reflects the highest ideals of our own Nation. Those sentiments dominate our own Declaration of Independence, Constitution, and Bill of Rights. It is also reflected in our diplomatic efforts time and again.

Yet it is curious that while our diplomats continue to champion the cause of human rights—a truly American concept—the Senate seems unwilling to follow their lead by ratifying human rights treaties designed to establish these same principles as a fundamental part of international law.

Of the 40 human rights treaties identified by the Library of Congress, the United States has ratified only 10; 5 originating at the United Nations and 5 originating at the Organization of American States. Further, there are seven other human rights treaties we have signed but not ratified.

It is tragic that none of those 10—not 1—is considered among the major human rights treaties of the post-World War II era. One of these major human rights treaties is the Genocide Convention—one of the seven which we have signed yet not ratified, and the first and foremost treaty of the post-World War II era.

The simple purpose Genocide Convention is to make the act of genocide an international crime, whether committed during peace or war. The treaty defines genocide and seeks to punish persons who commit this senseless act.

We can start to reverse our unsatisfactory record in regard to human rights treaties by following the meritorious example of the villagers from Le Chambon who tried to safeguard the fundamental rights which were violated during World War II. Ratification of the Genocide Convention will reassert our leadership in the field of human rights. We should not have to wait for another Hitler to knock at our door to realize the need for ratifying the justice inherent in the Genocide Convention, our first and principal human rights treaty.

RECOGNITION OF SENATOR KASSEBAUM

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

S. 2589—ACQUISITION OF SUBSTANTIAL ENERGY RESERVES

Mrs. KASSEBAUM. Mr. President, I am introducing a bill today dealing with the current wave of oil company mergers. This issue is one that should be of great concern to all of us. It is a consumer problem, an antitrust problem, and an energy policy problem. It also directly affects the lives of the employees involved.

The Senate has spoken on the issue of merger moratoriums. I agree that these mergers are not necessarily harmful, but I feel we need more information. I am not here today to reopen the moratorium debate. Rather, the bill that I am introducing, which is identical to the one introduced by Congressman Kassebaum in the House, addresses a specific problem with the FTC's review of these mergers.

As many of my colleagues know, the FTC is charged with reviewing these mergers for antitrust violations. They currently have a very short time period in which to decide what action, if any, to take. When they identify certain antitrust problems, they often offer, through a consent agreement, to forego bringing suit if the acquiring company will sell the assets causing the antitrust problems. My concern here is that we have no way of knowing in advance whether the remedy sought by the FTC—divestiture—will be effective or not. If it should prove impossible to sell the assets in question, it would really be too late to stop the merger. The companies, by that time, would be fully integrated. It would be very difficult to persuade any court to unscramble a merger at that point.
The bill I am introducing today would simply require the prospective merger partners to hold themselves separate until any required divestitures have actually been accomplished. This is simply the only sensible way to approach such a merger. The Federal Government should not be in the position of approving these mergers without knowing if the final product will look like. We must be able to assess the effectiveness of the remedy before pronouncing the patient cured.

This bill would not stop any mergers nor cause any to be undone. It would, however, restore some sanity to the Government review process for major energy mergers. The public deserves a thorough and effective review to make sure no antitrust violations have occurred. This bill would allow such a review. I urge my colleagues to join me in support of it.

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

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

SEC. 25. (a) A consent agreement proposed by the Commission, a consent decree proposed for submission to a court of competent jurisdiction, or an order issued by the Commission or a court with respect to an acquisition of a substantial energy reserve holder or of the person acquiring such holder may not become final before the required divestiture has been accomplished by the Commission or the court. If the divestiture required by a decree, agreement, or order is not approved, such decree or order shall be vacated or modified or terminated, and the consent agreement or order shall be vacated or modified, by the court, or an order, decree, or agreement may be modified or terminated to provide adequate relief, including requiring the acquiring party to sell the substantial energy reserve holder as a single entity to an approved person or persons if there is a finding that such acquisition was in violation of law.

(b) If a substantial energy reserve holder is acquired in an acquisition to which subsection (a) applies or if such a holder is acquired and an action or proceeding has been commenced on or after January 1, 1984, by other than a private party to acquire the substantial energy reserve holder, the substantial energy reserve holder shall be maintained as a separate viable business entity, its assets shall not be commingled with the person making the acquisition, and the person making the acquisition may not elect more than 20 percent of the board of directors of such holder until (1) 60 days after the date the consent agreement, consent decree, or order relating to the acquisition becomes final, or (2) if the final agreement, decree, or order does not require divestiture, the date the agreement, decree, or order becomes final. If an action or proceeding to declare the acquisition unlawful has been commenced and if it appears that the proceeding may be proscribed, the Commission or the court may, upon request of any party to the acquisition, decree, or proceeding, modify or terminate the application of the requirements of this subsection if it finds that such modification or termination is in the public interest.

(2) The term 'acquisition' includes the acquisition of control of a substantial energy reserve holder through the purchase or voting securities or assets, or both.

(a) Section 25 of the Federal Trade Commission Act is amended by redesignating section 26 as section 25 and inserting after section 24 the following new section:

SEC. 26. (a) A consent agreement proposed by the Commission, a consent decree proposed for submission to a court of competent jurisdiction, or an order issued by the Commission or a court with respect to an acquisition of a substantial energy reserve holder which provides for the divestiture of any part of the assets of the substantial energy reserve holder or of the person acquiring such holder may not become final before the required divestiture has been accomplished by the Commission or the court. If the divestiture required by a decree, agreement, or order is not approved, such decree or order shall be vacated or modified or terminated, and the consent agreement or order shall be vacated or modified, by the court, or an order, decree, or agreement may be modified or terminated to provide adequate relief, including requiring the acquiring party to sell the substantial energy reserve holder as a single entity to an approved person or persons if there is a finding that such acquisition was in violation of law.

(b) If a substantial energy reserve holder is acquired in an acquisition to which subsection (a) applies or if such a holder is acquired and an action or proceeding has been commenced on or after January 1, 1984, by other than a private party to acquire the substantial energy reserve holder, the substantial energy reserve holder shall be maintained as a separate viable business entity, its assets shall not be commingled with the person making the acquisition, and the person making the acquisition may not elect more than 20 percent of the board of directors of such holder until (1) 60 days after the date the consent agreement, consent decree, or order relating to the acquisition becomes final, or (2) if the final agreement, decree, or order does not require divestiture, the date the agreement, decree, or order becomes final. If an action or proceeding to declare the acquisition unlawful has been commenced and if it appears that the proceeding may be proscribed, the Commission or the court may, upon request of any party to the acquisition, decree, or proceeding, modify or terminate the application of the requirements of this subsection if it finds that such modification or termination is in the public interest.

(2) The term 'acquisition' includes the acquisition of control of a substantial energy reserve holder through the purchase or voting securities or assets, or both.

The Federal Trade Commission or the Assistant Attorney General, in its or his discretion, may, upon request of any party to the acquisition, consent decree, or order, modify or terminate the application of the requirements of this subsection if it finds that such modification or termination is in the public interest.

(3) The Federal Trade Commission or the Assistant Attorney General, in its or his discretion, may, upon request of any party to the acquisition, consent decree, or order, modify or terminate the application of the requirements of this subsection if it finds that such modification or termination is in the public interest.
the surge of military spending in which we continue to indulge, economic deterioration will leave us no choice in the matter. We can either choose to provide for controlled growth of Pentagon spending now, or we shall be forced to make necessary cuts in the future. If we are not providing an adequate national defense through average annual real increases in defense spending of 8 percent since 1980—are we spending too little or are we securing too little defense for what we spend? In all candor, I suggest that $264 billion—the amount we are spending for defense this year—is not an inconsequential sum. If we accept the absolute necessity for drastic action, the upward drift in interest rates would be reversed or tempered. What Henry Kaufman and friends are telling us is that the markets have fully discounted the business as usual in the Nation's Capital.

It seems to me, Mr. President, that it is time to really decide whether we are going to continue to finesse our deficit and accept drastic reductions in the future. Unless we act decisively—and act soon—on deficits, interest rates are going to produce dramatic long-term effects. The disbursement of payroll taxes for residential and commercial property, new construction, automobile purchases, and, perhaps something I feel most keenly, buying a Senator or Senator from farm production. Farmers, who have yet to recover from the recession, will be forced to liquidate in record numbers in the event of a new runup in interest rates. If interest rates average just 2 percent higher than we are currently projecting over the next 5 years—and we are projecting steadily declining rates—the cumulative increase in the deficit will be almost $200 billion: $60 billion of that increase would occur in 1989 alone. The 1-year increase of $60 billion is greater than the entire 3-year spending reduction savings contained in the leadership's deficit downpayment plan.

If we are to avoid such an eventual-ity, we must make some tough political choices. Those choices cannot be made in an atmosphere of partisan recrimination. Mr. President, let me conclude by saying that I believe this body has history and logic on the side, particularly in times of crisis. On such occasions, the collective wisdom of the Senate has been manifest in the individual decisions of a majority of its Members to act decisively—and act independent of party affiliation for the good of the country. In that tradition, I appeal to my colleagues to seize this opportunity. Deficit reduction is imperative.

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THE PRESIDING OFFICER.

The Senator from Iowa is recognized.

Mr. GRASSLEY. I thank the Chair. Mr. President, I compliment the Senator from Kansas for her outstanding remarks and the brave stand she is taking on this issue this year. I want to say to my colleagues that the Senator from Iowa, the Senator from Kansas, the Senator from Delaware, and the Senator from Montana are original cosponsors of this effort to freeze the budget, to get our deficit under control. I thank each of my colleagues just mentioned for joining in this effort. Their help in individual ways has been invaluable in bringing to the public's attention and the attention of this body a real alternative, a viable alternative, to the morass of budget difficulties and deficit problems that the Federal Government is mired in because past Congresses have not been willing to take daring stands on getting the Federal budget under control.

I think if the Members of this body would look at the political philosophies embodied in the individual beliefs of the Senator from Iowa, the Senator from Kansas, the Senator from Delaware, and the Senator from Montana, they would see all shades of political opinion unified behind this approach. I think that speaks for itself. But also the statement by the Senator from Delaware that this is the most responsible time to take on any issue in the period of time he has been in the Senate I think speaks to the necessity for each of the other 99 of us to look at how serious the problem is and how a recognition of that problem then ought to dictate that each one of us take very dramatic action.

This is the third year that I have been involved in a proposal to freeze the succeeding year's level of expenditure at the present year. Three years ago, too many of my colleagues said, "Well, we do not need to do anything like that because as we look out 5 years, we will have deficits down to about $40 or $50 billion." Well, obviously that did not materialize.

Two years ago it was told that this approach was not necessary because we had declining budget deficits for each year in the 5 outyears that would take us down to $70 or $80 billion of deficits. And so the proposal got no attention.

We are being told by some this year that the alternative that comes from the "rose garden" is a solution to our problems because as we look out 5 years we will have declining deficits ending in $120 billion deficits in 1989. On the other hand, the partnership of the Senator from Iowa, the Senator from Kansas, the Senator from Montana, and the Senator from Delaware would suggest there is a growing number of people beyond just this Senator, the Senator from Iowa, that believes there needs to be something more dramatic done. And so we are suggesting, the four of us—this very dramatic alternative of freezing the budget in 1985 at the 1984 level.

For 3 years we could have taken dramatic action, and we did not. The situ-
ation has gotten worse. Hopefully, we learn from the mistakes of the past.

The philosopher George Santayana said that those societies that do not know about the mistakes of the past are destined to repeat them—verbatim in phrasing—are bound to repeat the mistakes of the past.

So in that vein I am asking each of my colleagues to look at what our track record has been, and then understand the philosophy behind the 1-year freeze and the necessity for it. What has happened is that the situation is always worse than we anticipate. I am suggesting to the backers of the "rose garden" proposal that it is a dream to think that we can end up in 1989 with just a $120 billion deficit. That is too much business-as-usual. What we must do is send a dramatic signal that it is no longer business-as-usual on the Hill or in Washington. We have to realize that the Christmas season is behind us. We have to realize that the bipartisan freeze is gone berserk. There is abundant evidence to suggest we are racing toward a catastrophic situation. Deficits? And who in the world believes that we can get by for just 365 more days during 1985? It is a shared sacrifice. It is fair. And it would provide us time to sort out the fundamental causes of our predicament. Any program or department or institution, including Congress, that claims it cannot cope with a 1-year freeze should take a serious look at its internal planning structure.

The spending process is driven by a subsidizing of cost. The bureaucrat is promoted on the basis of how much of a budget he can raise. The industry, producing for or servicing the Federal Government, receives a profit as a percentage of cost—an undeniable incentive for cost growth in any program. And the politician is reflected by making everyone happy; that is, spending more money. The politician puts the spending process on automatic, and then hides the outyear consequences by using a rosy future scenario.

The bottom line is that the dynamic of the spending process assures us that we will never have enough money to cover what is in the budget. The use of optimism in predicting resources assures us that we will never have enough revenues. And the path of least resistance then leads us automatically, as it has for the last several years, since the last budget surplus in 1969, to ever-increasing and ever-inflated deficits.

We have a chance to do something this year, Mr. President, before we voluntarily take the plunge. We can act right now to prevent a crisis. We can adopt this budget freeze proposal this year, and get down to the task of restructuring the process. And we can give the current recovery a real chance at long-term survival.

Or, or course, we can leave the process on automatic pilot, sweep its long-term consequences under a bed of

line deficit would approach $500 billion. Over the period of 1984 to 1989, the gross national product is projected to rise by an average real growth rate of 4 percent a year. The average real growth rate is just 1 percent less, just 1 percent less on the average than our projections, the 1989 baseline deficit would top $400 billion. If there is anything we do know for sure, it is that baseline deficits projected out to 1989 are much higher than we are being told either by CBO, OMB, or whomever. Who in the world believes that we will have 7 straight years of 4 percent growth or 3.8 percent real growth without a downturn if we do nothing between now and 1989 to lower the deficits? And who in the world believes that short-term Treasuries will decline over the next 5 years? If we do nothing between now and 1989 to lower the deficits? Yet these unrealistic assumptions are part of our budget baseline. They color the magnitude of the problem we face in those outyears. A $300 billion baseline deficit for 1989 is absurdly optimistic. The markets know this. OMB knows this. CBO knows this. Nobody knows this. Then we must question why do we pretend that it is not the case?

The problem with the way we currently do things is that we always delude ourselves with rosy expectations. We overestimate the amount of available resources out into the future, and that allows us to make less-disciplined decisions on spending. We simply bite off more than we can digest. When the resources do not come in as planned, we get deficits, big deficits.

Pretty soon, the Congress is going to figure out that the real cause of these deficits is planning incompetence. I think this is the best argument to be made for doing only a 1-year budget, until we can figure out what we are doing.

Our budget freeze proposal is intended as an initial step to address an unfolding fiscal crisis. It is an attempt to slow down the momentum of uncontrollable deficits. It is a response to a perception that the problem is much more severe than current wisdom will allow.

The bipartisan freeze is a 1-year budget. All budget savings are up front, in the only binding year, under the law, the first year. There is no smoke, there are no mirrors, there is no blue sky, there is no rosy scenario, there are no overly optimistic assumptions of future-year decisions by which we will repeat past mistakes this year if we do not do something about it.

The distribution of savings in the first year under the bipartisan freeze is as follows:

- No other budget even comes close. There are equal savings in defense, entitlements, and revenues. And the fiscal year 1985 deficit is reduced by about $40 billion from the CBO baseline.
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rose, and volunteer ourselves as hostages that will unfold.

Mr. President, I am pleased to be working toward solving these problems, in the spirit of bipartisanship, with my friend and colleague from Kansas, Senator Kassebaum, and my two friends from across the aisle, Senators Biden and Baucus. It is my hope that Congress will take this very responsible and necessary step this year to prevent enormous fiscal disorders that are sure to come.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until 2 p.m. Thereupon, at 12:46 p.m., the Senate recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mrs. Kassebaum).

ORDER OF BUSINESS

Mr. BAKER. Madam President, at this point two Senators are entitled, under the order previously entered, to claim their special order time, to wit: Senators Baucus and Biden.

I yield the floor so that the Senators may claim their special order time.

RECOGNITION OF SENATOR BIDEN

Mr. BAKER. Madam President, I am not sure that I am going to take the full 15 minutes allotted me under this special order. The subject which I rise to speak to this afternoon is the same subject that our colleagues, Senators Kassebaum and Grassley, spoke to earlier; that is, within the next 12 to 18 months this country will face an economic and political crisis of extraordinary proportions if Congress refuses to take decisive action on the deficits that we face.

That is why some of my colleagues and I are proposing what is referred to as the bipartisan budget freeze which will stop the runaway deficits in their tracks before we face such a major crisis? Let me just review for a few moments what I consider to be the major crises. We have been running huge deficits for 5 years, and now we are clearly headed for continued huge deficits as far as the eye can see. We have emerged from what may have been the worst recession since the 1930's, but we have emerged with incredible major economic weaknesses. We continue to have very high interest rates. Notwithstanding the economic recovery, interest rates remain very high in real terms; that is, the difference between the rate of inflation and the cost of money. That is the real interest rate. And the second major economic weakness is that we have emerged from the recession with an unprecedented trade deficit; and, third, unlikely other post recession periods, we face an ever-escalating Federal deficit.

These are intimately related problems and they spell disaster ahead. If we do not take immediate, important action on these deficits, we will have lost the opportunity to stem them and their serious consequences. We are experiencing a dramatic recovery, at least in part, because of the massive stimulative effects of hundreds of billions of dollars of deficit spending. Is it not somewhat ironic that it was policy that brought on these deficits that we call supply side? And supply side was in effect a direct refutation of Keynesian economic theory, yet in fact what we have, what we are observing is a classic Keynesian recovery.

We are deficit spending our way out of recession.

In addition to that, we expected, we were told by our supply side disciples, that we were, in fact, through the major tax package the President proposed, going to see all of this new investment in plant and equipment; that, in fact, that was going to bring about a major change in the way in which the economy functioned; and, that we were going to have to look at a recovery that was a consumer-led recovery.

What is leading us out of the recession? It is all of those folks sitting up in the gallery. Those are the ones leading us out of the recession. They are the ones out there spending their money. They are going out there and buying.

Yet we continue to talk about supply side economics. As interest rates move upward, I believe we will see the recovery being choked off. At the same time we will be heading toward higher inflation. We may well be heading back to the same combination of weak economic activity and high inflation that haunted us in the 1970's.

What others say about the outlook for the economy is also interesting. Perhaps the most important economist in Washington is the Chairman of the Federal Reserve Board, Paul Volcker. During our budget hearings I asked him "Can economic recovery be sustained in 1985 if we do absolutely nothing in terms of deficit reduction?" Chairman Volcker responded that, of course anything is possible, but that in such a situation the risk of accidents * * multiply.

He went on to expand on this theme saying, "These accidents could grow out of the international financial situation; they could arise out of the foreign equation. They could arise out of the market anticipating pressures and possible interest rate increases. Those models suggest, and causing an interruption in economic activity. Those risks increase over a period of time.

Translated to everyday language that I understand as a plain old lawyer, that means if we do not move drastically, interest rates are going to go up, economic recovery is going to come down, and we are going to find ourselves in a real dilemma.

The Director of the Office of Management and Budget is not willing to stand behind the continued health of the economy. Rather, in a Senate Budget Committee hearing on February 2, he said:

But for the years beyond fiscal year 1985, we have very clearly stated that much more needs to be done, that deficits that remain at 180 or more for sustained periods of time, are not acceptable, and that we will be back with additional recommendations next year. So the whole estimates path, out through 1989, in this budget is dependent on (A), a down payment this year, so that 1985 is $180 billion or below, and a major improvement next year, and the succeeding years, so that by 1988 the deficit would be under two percent of GNP, or in dollar terms, at least under $100 billion.

Neither of these men, Madam President, wants to overstate the economic danger ahead. In fact, I suspect that both of them have understated it for obvious reasons. Large and immediate deficit reductions such as those proposed by the Senator from Montana, the Senator from Kansas, and the Senator from Iowa, Senator Grassley, the so-called bipartisan budget freeze, I believe, can give the markets a hope for the future that they will not otherwise have. The financial markets do not want outyear promises which in fact all the other plans rely upon.

So the whole estimates path, out through 1989, in this budget is dependent on (A), a down payment this year, so that 1985 is $180 billion or below, and a major improvement next year, and the succeeding years, so that by 1988 the deficit would be under two percent of GNP, or in dollar terms, at least under $100 billion.

The whole economic recovery that was a consumer-led recovery.

Mr. President, I am pleased to be recognized.
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Mr. BIDEN. We must give the financial markets the reality of a $41.5 billion lower deficit, in fiscal year 1987. We must also give them the decisive action this year that will lead to further decisive action in 1985. If we do not, then the upward march of interest rates and inflation will most likely bring down the economic house of cards that we have erected upon deficits.

Such an event will mean misery for untold millions of people. Just that single fact alone is sufficient reason for moving to action on deficits now. The risk of another recession—the third in 6 years—is both unnecessary and irresponsible.

But for the purposes of our budget debate today, let us look at just the budget impact of such a grim economic scenario. The pressures to act on deficits will be irresistible. And the call will be for dramatic action. And that will be the point at which we may well see the devastation of all the Federal activities—defense and nondefense—that are essential to our survival as a great nation. We will not be faced with a freeze on defense, we will be talking about real reductions. We will not be talking about 1 year without COLA’s—we will be talking about major cuts in virtually every area of Federal activity.

But actually, we do not need to speculate on what those reductions will be. The hidden agenda so often referred to is not really all that hidden. Let me just give you a few examples.

Let us take a look in the budget document first. On page 3-12 appears the following:

Given the pending solvency crisis in medicare, excessive annuity levels embodied in Federal pensions, and the potential for further reform of benefit indexing mechanisms, it is apparent that opportunities for such savings do exist.

There is next year’s budget agenda in one sentence: Cuts in medicare, cuts in Federal pensions, cuts in indexing for social security and other indexed programs. That is what we will see next year. The administration’s budget proclaimed it.

In my prepared testimony before the Senate Budget Committee, which was not delivered, Budget Director Stockman listed areas for budget cutting next year, not this year. Here they are:

Farm Price Supports
Student Aid and Higher Education.
Veterans Health Care System Efficiencies and Improvements.
Medicare Entitlements (Medicare and Medicaid).
Federal Military and Civilian Retirement Pensions.
Federal Civilian Employment.
Improved Federal procurement.

Special interest economic subsidies (including subsidies in the following areas: inland waterways, air traffic control system, Coast Guard, deep water ports, rural electric and telephone cooperatives, local mass transit systems, maritime operators, fees for overseas鼠标 sales, land use, economic development subsidies through EDA, HUD, FMHA, Corps of Engineers, and the Tax Code.)

The only thing not covered in those statements is defense. Indeed, there is no reason to believe that it can escape unscathed in such an atmosphere. In fact, history suggests that it will be severely cut and we will be into the same situation that has harmed our defense efforts in the past.

Mr. President, I ask unanimous consent that the portion of Mr. Stockman’s prepared testimony for the Senate Budget Committee on February 2, entitled “Eight Possible Areas for Future Structural Reform and Major Budget Savings” be printed at this point in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

EIGHT POSSIBLE AREAS FOR FUTURE STRUCTURAL REFORM AND MAJOR BUDGET SAVINGS

By David A. Stockman

While major strides in budget control have been achieved over the past three years, it should not be concluded that all savings possibilities have been exhausted. Some programs such as agricultural price supports and student aid have escaped the general regime of fiscal restraint since 1981 and must now be firmly curtailed. Consideration of other major reform candidates—such as military and civilian retirement—has been deferred, but these programs must be subjected to fundamental scrutiny and revision next year. Finally, the Grace Commission report contains literally hundreds of suggestions in the areas of Federal savings that will not be talking about 1 year without COLA’s—we will be talking about major cuts in virtually every area of Federal activity.

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April 25, 1984

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9813

POTENTIAL FOR FARM PRICE SUPPORT AND SUBSIDY SAVINGS: CONSTANT DOLLAR COSTS OF 1981 FARM BILL COMPARED TO PRIOR PERIODS

(Dollar amounts in billions of constant 1985 dollars)

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
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<tbody>
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<tr>
<td>1971</td>
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<tr>
<td>1977-81</td>
<td>$9.7</td>
</tr>
<tr>
<td>1981</td>
<td>$10.5</td>
</tr>
</tbody>
</table>

The operating and construction costs of the nation's veterans health care system nearly doubled in real terms between 1970 and 1980. Moreover, unlike most other categories of discretionary spending, constant dollar costs have continued to rise—with the 1984 enacted budget up a further 8% in real terms from the 1980 level. Under the 1985 budget proposals, projected future costs continue to increase in real terms, rising by 30% between 1980 and 1989.

This rising cost trend represents both increases in medical care costs generally and the increasing pressures brought on the existing, inadequate VA system by a rising number of eligible veterans. Within the framework of current eligibility criteria, delivery system capacity, and economic incentives for providers and beneficiaries alike, only generic reforms in the areas of reimbursement, health care delivery system organization, provider risk absorption and beneficiary cost-sharing are therefore essential items for future consideration.

<table>
<thead>
<tr>
<th>Year</th>
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<tr>
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<td>1984 proposed</td>
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<tr>
<td>1989</td>
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Constant dollar trend for medicare/medicaid (billions of constant 1985 dollars)

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<tr>
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<td>1989</td>
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<td>1990</td>
<td>$94.8</td>
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</tbody>
</table>

(1) STUDENT AID AND HIGHER EDUCATION

Between 1970 and 1978, constant dollar federal support for student aid and higher education increased from $3.6 billion to $8.5 billion or about 53%. This substantial rise in real spending levels was generally consistent with the 80% constant dollar increase in overall domestic spending, excluding federal insurance and low-income entitlements, which occurred during this same period.

Since 1978, constant dollar spending for non-entitlement domestic spending has declined markedly as shown in the table below. By contrast, 1984 enacted student aid and higher education constant dollar outlays will be 46% higher than 1978 and only slightly below peak levels reached in 1981 ($8.3 billion). Thus, this category of the budget has escaped the general retraction of non-entitlement spending almost entirely. Since federal support of nearly 50% of all students enrolled in institutions of higher education is more than the Nation can afford, a substantial funding rollback will be an unavoidably imperative structural reform agenda for future budgets.

Constant dollar budget; billions of constant 1985 dollars

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1970</td>
<td>$12.3</td>
</tr>
<tr>
<td>1975</td>
<td>$12.7</td>
</tr>
<tr>
<td>1980</td>
<td>$13.8</td>
</tr>
<tr>
<td>1985</td>
<td>$14.8</td>
</tr>
</tbody>
</table>

(2) VETERANS HEALTH CARE SYSTEM

(3) EFFICIENCIES AND IMPROVEMENTS

The rapid, sustained constant dollar growth of the federal medical entitlements, which includes VA, medicaid and medicare, is nearly unprecedented in federal budget history. Between 1968 and 1981, the constant dollar cost of these entitlements rose from $17.8 billion to $65.5 billion—or at a compound annual rate of 10.4%. Unlike the growth of the medicare and medicaid programs, continuing increases in real medical care costs have been 7.9% or more for several years. The cumulative impact is the need for major structural reforms, possibly in the shape of “deferred compensation.”

Federal civilian and military retirement pensions have historically been more generous than their private sector counterparts for reasons that have now been largely surpassed by events and policy changes over recent years. It was argued that low military pay scales prior to 1974 justified large pensions and generous early cost of living adjustments as a form of “deferred compensation.”

Veterans’ medical care commitments at significantly lower costs in the years ahead.

Constant dollar trend in VA health care system

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1970</td>
<td>$6.5</td>
</tr>
<tr>
<td>1980</td>
<td>$38.5</td>
</tr>
<tr>
<td>1985</td>
<td>$38.5</td>
</tr>
</tbody>
</table>

(4) MEDICAL ENTITLEMENTS

- Federal civilian and military retirement pensions were served the dual purpose of providing both a basic social insurance equivalent as well as a private pension supplement.
- Nevertheless, even on the basis of these often tenuous justifications, medical and civilian pension benefits have skyrocketed since the late 1960s. Whether measured in terms of cost of payroll or replacement of prior earnings, they vastly exceed comparable retirement annuity levels available in any sector of private employment. For instance, the normalized cost of current civilian annuities is estimated at 36% of payroll, compared to a 22% cost average for combined social security and private pensions in the better private sector plans.
- These excessive pension levels have had an enormous adverse impact on the federal budget. As shown below, constant dollar budget costs rose from $6.5 billion in 1962 to $43.5 billion in 1981—an average annual growth rate of 9.8% per year. Constant dollar pension costs have increased another 6% since 1981, and current services real costs have actually declined in real terms during this period.

Trends in constant dollar Federal military and civilian retirement pensions

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1970</td>
<td>$6.5</td>
</tr>
<tr>
<td>1981</td>
<td>$38.5</td>
</tr>
<tr>
<td>1985</td>
<td>$38.5</td>
</tr>
</tbody>
</table>

*As detailed in pl. III, fiscal year 1985 budget.

(5) FEDERAL MILITARY AND CIVILIAN RETIREMENT PENSIONS

These trends make clear that the fiscal burden of federal retirement pensions must be reduced substantially in the future. With both military pay at competitive rates and new federal civilian employee coverage under social security, next year’s budget will present a long overdue opportunity to constrain the cost of existing annuities, and prospectively bring federal pension benefits in better alignment with those available to private employees throughout the U.S. economy.

Trends in constant dollar Federal military and civilian retirement pensions

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1962</td>
<td>$6.5</td>
</tr>
<tr>
<td>1981</td>
<td>$38.5</td>
</tr>
<tr>
<td>1985</td>
<td>$38.5</td>
</tr>
</tbody>
</table>

*Constant dollar budget level; billions of constant 1985 dollars.
In 1985, the 2.1 million federal civilian payroll will cost $61 billion for basic compensation, health benefits, unemployment insurance, and other benefits. While considerable progress has been made in reducing excessive staffing levels in many agencies, total civilian employment remains near its 1981 level.

The detailed analysis offered by the Grace Commission of both governmentwide personnel practices and individual agency staffing patterns strongly supports the presumption that major cost savings in this area are feasible. The more promising options include more aggressive contracting out through A-76 procedures; reduced staff layering and overlap between operating bureaus and departmental levels; reduction of excessive sick leave, vacation and annual leave entitlements which would permit equal work to be done with fewer FTEs; and more appropriate job classification procedures and pay comparability methodologies.

Due to the size of the federal work-force and the high rate of attrition, it would not take significant reduction to generate significant savings over a reasonable period of time. On a fully implemented basis, a 5% reduction in the federal work force in 1985 would yield savings of $3.7 billion per year.

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Federal civilian work force</th>
</tr>
</thead>
<tbody>
<tr>
<td>1985 cost 1 of Federal civilian work force</td>
<td>$61.0</td>
</tr>
<tr>
<td>Basic compensation</td>
<td>$48.6</td>
</tr>
<tr>
<td>Health benefits</td>
<td>$3.4</td>
</tr>
<tr>
<td>Unemployment insurance</td>
<td>$2.2</td>
</tr>
<tr>
<td>FECA</td>
<td>$0.8</td>
</tr>
</tbody>
</table>

| Total | $61.0 |

1 Excludes pension costs and indirect costs (e.g., office space).

IMPROVED FEDERAL PROCUREMENT

Federal procurement costs in 1985 are projected to be $207 billion—an 88 percent increase from the 1980 level. While the unique nature of many federal procurements—particularly in the defense area—makes cost comparisons with private sector practices difficult, there is little doubt among informed analysts that major cost reductions are possible with changes in existing policies and practices. In the past three years, the Administration has launched sweeping changes in the procurement process, increasing accountability within procurement management organizations, simplifying product specifications for commercial type procurements, and placing greater emphasis on economically optimum quantities in procurement orders.

While many initiatives in these areas have been advocated by the Administration, particularly by DOD, they have been consistently thwarted by restrictions and outright prohibitions in appropriations and authorizations bills. Given both the gravity of the budget situation and the extensive list of procurement reforms proposed by the Grace Commission, a renewed major procurement reform effort in future budgets is both warranted and a promising opportunity for significant cost reductions.

SPECIAL INTEREST ECONOMIC SUBSIDIES

Despite major progress in eliminating or reducing special interest economic subsidies over the past three budget rounds, substantial opportunities for savings still exist. Major obstacles are the natural, parochial political pressures to retain previously granted economic benefits and the moral argument advanced by interest groups that subsidies should be eliminated across-the-board or not at all.

Fashioning a comprehensive set of federal policy standards against which to assess local, regional and industry sector subsidies would be a difficult and demanding task. Yet an even-handed set of criteria fairly applied could produce billions in annual budget-savings for a variety of federal systems and programs based on user fee principles and national vs. purely local or sectorial economic benefits. Most of these have been previously proposed by the Administration, but not in the context of a comprehensive policy framework:

- Capital and maintenance costs for inland waterways.
- Operating costs of the FAA air traffic control system.
- Search and rescue, inspection and licensing costs of 1983 would have yielded savings of $3.3 billion.

Could the Administration not be using the fact that the budget process is underway to propose tax cuts for the future? If so, wouldn't this further enhance its power?

There being no objection, the fact sheet was ordered to be printed in the Record, as follows:

THE GRASSLEY-KASSERBAUM-BIDEN BUDGET FREEZE GRASSLEY-KASSERBAUM-BIDEN BUDGET FREEZE

Mr. President, at this point I ask unanimous consent that a brief fact sheet describing the proposal be printed at this point in the Record.

Mr. President, at this point I ask unanimous consent that a brief fact sheet describing the proposal be printed at this point in the Record, as follows:

National Defense

FY 1985: Freeze budget authority at the FY 1984 baseline level.

DOD civilian and military pay raises: For FY 1985, no pay raise. Assume all future pay raises to be on January 1.

ENTITLEMENTS AND OTHER MANDATORY PROGRAMS

Cola: FY 1985: No COLAs in any program.

Entitlements and other mandatory programs

Cola date: Assume all COLAs, when resumed, move to January 1, per reconciliation bill.

Medical costs: FY 1985: Freeze doctors and hospitals at FY 1984 level; allow baseline increases for caseload and increased medical care utilization.

Pension and survivor benefits: FY 1985: Freeze target prices and loan levels at the 1984 crop year levels. All else: Assume the baseline.

Nondefense discretionary programs

FY 1985: Freeze budget authority (or program level, where relevant) at the FY 1984 baseline level.

Civilian agency pay raises: Same as for DOD employees (see above).
SPENDING IN FY 1986-89

Except as noted above, provide increases as assumed in the baseline, but starting at the lower FY 1985 level contained in this plan.

NET INTEREST

Calculate interest reductions for each year FY 1985-89 based on the other deficit reductions in this plan.

REVENUES

Assume the following unspecified increases in revenues compared to the baseline:

<table>
<thead>
<tr>
<th>Fiscal year</th>
<th>Specified revenue increase (in billions of dollars)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1985</td>
<td>10.0</td>
</tr>
<tr>
<td>1986</td>
<td>10.0</td>
</tr>
<tr>
<td>1987</td>
<td>10.0</td>
</tr>
<tr>
<td>1988</td>
<td>10.0</td>
</tr>
<tr>
<td>1989</td>
<td>10.0</td>
</tr>
</tbody>
</table>

Mr. BIDEN. On the revenue side of the equation, the bipartisan budget freeze is notably conservative. We have not chosen to raise $1 in taxes for each dollar in spending cuts, as the President's proposal suggests. Instead there is only $1 in tax increases for every $3 in budget savings. The purpose of our 1-year freeze is to give breathing room to develop new strategies for dealing with deficits, I believe that one of the most important of these new strategies will be a complete overhaul of our tax system along the lines that Senator Bradley and I have proposed in the Fair Tax Act. Until we can plan that overhaul, major new tax legislation would not be put on the books.

The bipartisan budget freeze is a 1-year action, as I said before, to allow time to take further decisive actions on budget deficits. All of the other plans would take 3 to 5 years to implement, and, of course, there can be no assurance that they ever would be implemented. In fiscal year 1985, the bipartisan plan makes the greatest spending reductions of any plan. By fiscal year 1987, the effect of the 1-year cuts in 1985 will have reduced the deficit to $162 billion as compared with $203.5 billion for the leadership plan and $189 billion for the Democratic alternative. In fiscal year 1987 our 1-year freeze will reduce spending by $73.2 billion, compared with a $22.6 billion and $38.2 billion for the Republican and Democratic alternatives respectively.

That is why our plan is such a good base to build on. Its 1-to-7-year actions continue their effect over 3 years providing a good springboard for yet further deficit reduction actions. Long after our plan is fully implemented, other plans will still be seeking full effectiveness while their authors propose more, larger budget changes. And let us be clear: there will be more deficit reduction measures in future years no matter what package is adopted. The question is: Does it not make more sense to have a one-shot major deficit reduction in fiscal year 1985, before further action is taken than to have a plan straggling into effect over 3 to 5 years while yet more deficit reductions are being proposed? Finally, let me just say a word about "Truth in Budgeting." The bipartisan budget freeze will deliver what it promises, when it promises it, based on the best Congressional Budget Office information available. We do not use overly optimistic economic assumptions, with interest rates declining to 5 percent. There are no future year actions to be taken, no possibilities for repeal. Our budget results are consistent with the best economic forecasts available. This plan can provide immediately what it promises.

The impact of that on financial markets, on the level of interest rates, economic activity will be dramatically good. We will have a fighting chance to avoid another recession. We will have breathing time to adopt further good, solid deficit reduction measures. And we will do all this with more deficit reduction impact in a shorter time. We will ask sacrifice from everyone but we will treat everyone fairly. To do less than this threatens economic disaster.

Let me conclude in the remaining minutes by suggesting several salient features of this plan.

Although Senator GRASSLEY and I do not share the same political label, although we are not necessarily of the same political philosophy; although Senator KASSEBAUM and Senator HUZZUS have differences; although those who voted for the plan in the Budget Committee are very different in terms of how they view the future of this country, why they supported this plan, let me state my primary reason for this plan, which is in fact drastic, which does, in fact, take a very, very severe and significant action for 1 year, why I worked on it, why I believe so strongly in it. It may be different, I emphasize, than the primary reason why my Republican colleagues who support the plan took the same position.

I truly believe that unless we are able to take drastic action this year—and I would emphasize I believe the leadership plan, with all due respect to the chairman of the Budget Committee who is on the floor, does not fall into that category as far as I am concerned, and I understand it is an arguable issue—I believe unless we take drastic action, we will be faced this time next year with a lagging economy and a deficit exceeding what we have right now. If we cannot cut the deficit substantially in a year when there is robust economic growth, in a year when, in fact, there seems to be the will to take significant action, when we are, in fact, growing, how are we going to be able to do that at a time when we, if I am correct, are faced with higher interest rates, higher inflation, and a lagging economy?

And then I believe we will see a development that I, in fact, am not pre- dicting, but on which I believe I will be faced with as a U.S. Senator. That is, assuming I am right and the economy is lagging this time next year rather than growing, and assuming I am right that we find deficits exceeding what they are this year for next year, I believe the question put before this Congress will not be whether or not we freeze defense spending for 1 year, not whether or not we freeze spending on social security cost-of-living increases for 1 year, not whether or not we freeze education for 1 year. It will be a fundamental debate over whether or not there should be COLA's in social security; it will be a fundamental debate over whether or not the Federal Government should be involved in any education funding; it will be a direct outside assault on all the parts of the Federal programs that I feel most strongly about.

I will be faced with the dilemma of having to emasculate the social agenda of this country beyond what it has already been emasculated, or live with gargantuan deficits that are unacceptable.

So, when those of my friends in the Democratic and Republican Party say to me, "How do you expect me to vote for your proposal? Does it not freeze social security COLA's for 1 year? Are we not saying there will be no cost-of-living increases for 1 year?" The answer to that is "Yes," that is what I am saying. But I believe if we do not do it for 1 year, we will be debating next year whether we will have it at all again. That will be the issue, not whether or not we stop it for a year. It will be whether or not it is going to be permanently reduced or permanently eliminated, and whether or not we make other significant changes in Medicare and significant changes in social security generally.

To those who come to me and say: Biden, you have been out front for increasing money for the Justice Department to fight organized crime, international drug trafficking, and all those issues that, as ranking member of the Judiciary Committee, you have been boldering about for so long. How can you say now you will freeze and say to the Justice Department they will only get this year what they got last year when you know in fact they need more?

My answer is that, in an economic crunch, which I believe will occur next year if we do not take this drastic action, we will not only not be able to increase the money we need for drug war, but we cannot even have standing on the floor saying we must cut the budget of the FBI, cut budget of the DEA, of the Defense Department in the name of the economy. And that will probably pass because...
But they do not need me here to protect them.

Senate

I hope they continue their strong economic growth.

But the people who benefit from those programs, those education programs, those social security programs, those veterans' programs, those social security, in Medicare, in education, in health care programs in the United States, are being strangled by deficits in social security, in Medicare, in education, in health care programs that without this drastic action for 1 year do not give us time to put our house back in order so we will be faced with decisions on the floor next year that will call for fundamental alterations in social security, in Medicare, in education, in health care programs generally, in veterans' benefits—all the things that I want to protect as a U.S. Senator. I did not run for the U.S. Senate because in fact corporate entities in my State needed my protection. I hope they continue their strong economic growth. I am delighted for it. But they do not need me here to protect them.

It may be presumptuous for me to suggest that anyone needs me here. But the people who benefit from those veterans' programs, those social security programs, those education programs, those health care programs need people in the U.S. Senate, in Government, making their case for them. It is going to be hard for us to make the case for them when in fact we are being strangled by deficits in an economic recession.

Madam President, you have been patient and I want to sincerely thank you for doing what I am not sure I always did when I was in the chair, and that was to look down here and act like you have been paying attention. For that I am flattered. With that, I yield the floor.

The PRESIDING OFFICER (Mrs. HAWKINS). The Senator from Montana.

THE PROPOSED BUDGET FREEZE

Mr. BAUCUS. Madam President, I want to first thank the Senator from Delaware and the Senator from Iowa. As a Senator from Delaware pointed out, we are Senators of different political stripes, but we have joined together, in a bipartisan effort, to do what we think is proper for our country.

THE DEFICIT CRISIS

Madam President, let me review where we are today.

During the first 208 years of our Nation's history, we accumulated a total national debt of about $1.4 trillion. Madam President, Congress currently is considering several deficit reduction plans. There is the Republican leadership plan; there is the President's plan; there is the House Democratic plan; and there is the Senate Democratic plan. I submit, Madam President, that all of these plans go a step in the right direction. But, at the same time, they all suffer from similar defects. All of them reduce deficits only slightly. For example, the CBO estimates that, under the Republican leadership plan, deficits will still average about $185 billion each year for the next several years. The other plans do not do much better. As a result, the financial markets are going to discount these plans, and interest rates are not going to come down, but instead are going to rise.

And there's another problem with these deficit reduction plans. All of them are 3-year proposals, and all of them are "end-loaded," so that most of the savings come in the elusive "out years." In other words these plans largely just put the problem off.

SPENDING FREEZE

It is for this reason that I have joined with Senators KASSEBAUM, BIDEN, and GRASSLEY in a bipartisan call for a 1-year spending freeze.

I have come to the conclusion that this is the only way we can build a consensus this year to bring the deficit down.

The plan would freeze all Federal spending for 1 year and raise $10 billion in new revenues. This would lower the deficit by $23 billion more than a plan proposed by the administration and Senate leaders.

This freeze is the most fair and balanced approach to take. The freeze applies to everyone. It is equally shared, sacrifice, across the board. Furthermore, this will give Congress a 1-year opportunity to get our act together.

This 1-year pause will give us time to make realistic, efficient, and fair long-term budget decisions to permanently stop the growth of the Federal deficit.

BALANCE AND FAIRNESS

As I have worked on deficit reduction efforts for the past half year, I have continuously argued that a deficit reduction package must meet three fundamental standards:

The first standard is fairness. No groups should be singled out for cuts. For example, the elderly and the poor must not be forced to accept cuts in social security, Medicare, and Medicaid, unless the wealthy are forced to make equally significant sacrifices.

The second standard is balance. Any package must include cuts in the defense budget as well as increases in revenue and reduced domestic spending. No programs should be off limits. There should be no sacred cows.

The third standard is bipartisanship. The deficit is not a partisan problem. Republicans and Democrats must work together to find a bipartisan solution.

The beauty of this bipartisan freeze plan is that it meets all three of these criteria.

It is fair because every category of Federal spending will be subject to the same deficit reduction approach.

It is balanced because defense spending restraint would be as significant a component of deficit reduction as entitlement program restraint and revenue increases.

It is bipartisan because Senator KASSEBAUM, Senator BIDEN, Senator GRASSLEY, and I all believe there is no other way to get the job done.

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The "Front-End" Approach
But being fair, balanced, and bipartisan is not enough, Madam President.
A deficit reduction plan also must be effective.
The other plans being discussed are 3 years long. And they do not have a substantial impact until 1986 or 1987.
That approach represents more of the same old smoke and mirrors that the American public is skeptical of.
Our proposal is just the opposite. It is only a 1-year proposal.
And its entire impact comes in that 1 year.
That is the kind of strong medicine that will get our financial markets to sit up and take notice.
That is the kind of strong medicine that can send out the message it will be able to the Pentagon.
That means that even with this freeze in place, the Pentagon will have a 7 percent increase in available funds.
What is more, it is important to remember that the defense budget has doubled over the past 3 years.
This proposal freezes that 100-percent increase in place for a year.
At the same time, the Pentagon can do a better job of cutting waste.
The Grace Commission said the Pentagon can cut $28 billion from its budget just by eliminating blatant waste and inefficiency.
This budget freeze gives the Pentagon a real incentive to do just that.
In fact, the freeze will force every Government agency to do a better job or housecleaning.

Conclusion
In conclusion, Madam President, we are faced with an emergency.

Comparision of Budget Plans

<table>
<thead>
<tr>
<th>Fiscal year 1985 changes from CBO baseline</th>
<th>Revenue</th>
<th>President’s original budget</th>
<th>Republican leadership plan</th>
<th>Chies-caussen plan</th>
<th>Hollings freeze</th>
<th>1 yr bipartisan freeze</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>723</td>
<td>+ 8</td>
<td>+ 11</td>
<td>+ 16</td>
<td>+ 23</td>
<td>+ 10</td>
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<tr>
<td>Spending</td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Defense</td>
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<td>+ 11</td>
<td>+ 16</td>
<td>+ 23</td>
<td>+ 10</td>
</tr>
<tr>
<td>Nondefense discretionary spending</td>
<td>426</td>
<td>- 2</td>
<td>- 1</td>
<td>- 1</td>
<td>+ 4</td>
<td>- 1</td>
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<tr>
<td>Entitlements</td>
<td>421</td>
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<td>- 1</td>
<td>- 1</td>
<td>- 2</td>
<td></td>
</tr>
<tr>
<td>Interest</td>
<td>127</td>
<td>- 3</td>
<td>- 5</td>
<td>- 5</td>
<td>- 2</td>
<td></td>
</tr>
<tr>
<td>Total spending</td>
<td>930</td>
<td>+ 3</td>
<td>- 5</td>
<td>- 9</td>
<td>- 18</td>
<td>- 29</td>
</tr>
<tr>
<td>Deficit</td>
<td>161</td>
<td>- 5</td>
<td>- 16</td>
<td>- 25</td>
<td>- 41</td>
<td>- 38</td>
</tr>
</tbody>
</table>

Routine Morning Business
Mr. Baker. Madam President, there is now a provision of time for the transaction of routine morning business; is that correct?
The Presiding Officer. The Senator is correct. Under the previous order, there will now be a period for the transaction of routine morning business not to exceed 5 minutes.

Order for Recess for 3 Minutes
Mr. Baker. Madam President, we are honored today in having a group of distinguished visitors, fellow parliamentarians from South Korea. I see the distinguished junior from Hawaii is on the floor to introduce our guests.
I ask unanimous consent that after Senator Matsunaga has performed that function, the Senate then stand in recess for a period of 3 minutes so that we may have an opportunity to receive and greet our guests in the Chamber.
I also ask unanimous consent that that time not be charged against the very brief time heretofore provided for the transaction of routine morning business.

The Presiding Officer. Without objection, it is so ordered.

Visit to the Senate by Members of the Korean National Assembly
Mr. Matsunaga. Madam President, it is a great privilege and honor for me to call to the attention of my colleagues the presence of distinguished visitors from Korea, a great friend and ally of the United States. Here on the floor of the Senate are five members of the Korean National Assembly. Led by its majority leader,
the Honorable Jong-Chan Lee, they are the Honorable Duwon Pong, chairman of the Foreign Affairs Committee, the Honorable Chung-Soo Park, the Honorable Churhoon Yun, and the Honorable Duk Kyu Kim. They are accompanied by the affable Korean Ambassador, Mr. Lew.

Along with a number of prominent Korean businessmen, the National Assembly have just completed a 2-day conference here in Washington, DC, with their American counterparts, under the sponsorship of Georgetown University’s Center for Strategic and International Studies. The theme of the conference was “Peace and Prosperity in Northeast Asia.” As a co-chairman with the distinguished Senator from Florida, Mrs. Paula Hawkins, at one of the sessions, I was most pleased to participate and to learn that the basic approach suggested at the conference was peace through amicable international trade and economic cooperation among nations.

RECESS UNTIL 2:35 P.M.

So, Madam President, I move, in accordance with the order previously entered, the Senate now stand in recess for a period of 3 minutes.

The motion was agreed to, and at 2:33 p.m., the Senate recessed until 2:35 p.m.; whereupon, the Senate reassembled when called to order by the President pro tempore, Mrs. Hawkins.

Mr. BAKER. Madam President, I thank our friends and parliamentarians from South Korea for joining us in the Chamber today. It is always a great honor to have foreign dignitaries with us under these circumstances. (Mrs. KASSEBAUM assumed the chair.)

THE FLYING FORTRESS

Mr. DOMENICI. Madam President, even as we speak, a B-17G “Flying Fortress” is flying to Washington, piloted by its owner, Arnold and Nathan Kolb of Alamagordo, NM. This World War II bomber now belongs to the Smithsonian, and when restored will be placed on permanent display. Such a last flight is remarkable since this airplane is one of the few B-17’s which is still airworthy, and this father and son crew from New Mexico are retiring a piece of history.

The B-17, as my distinguished colleagues may remember, was one source of hope during the darkest hours of World War II, and was instrumental in our victory. The “Flying Fortress,” so called because of its heavy armor and defensive machineguns, was the weapon for a different and more precise strategy: victory through airpower.

In contrast to the strategies of our day, the Flying Fortress was designed to fight through flak and fighter defenses and destroy the oil refineries, factories, and submarine bases of the enemy’s war machine. This method of attack sought to avoid unnecessary casualties and by depriving the enemy of the means to wage war, significantly reduce the conflict’s length. While there is still some debate over how well this strategy worked, there is no doubt that the rugged Flying Fortress performed its mission well. Flying in tightly knit formations which massed their firepower, B-17s were able to fly hundreds of treacherous miles to use their Norden bombsights—reputed to drop “a bomb into a pickle barrel from 20,000 feet”—in precision daylight bombing. Historian John Keegan, writing in Smithsonian magazine, has pointed out that this approach to war fighting was uniquely American because it “combined moral scruple, historical optimism, and technological pioneering, all three distinctly American characteristics.”

Arnold and Nathan Kolb, who used their B-17 to fight fires for the Forest Service, are bringing a piece of history to Washington. I hope that both these genuinely middle class university students with a few genuine Marxists like the leader Cesar Chavez, who practiced traditional Moscow-line communists. There were no working class boys and no peasants, although the ostensible reason for the revolt was for the campesino Indian population. They talked endlessly about what was then the fashion: the countryside revolution, or the idea of the noble guerrilla swarming down on the evil inhabitants and destroying them from his base in the pure countryside.

“We are only entering the first stage,” Montes told me at one point. “We are teaching the peasants and preparing for the moment when we can fight the army and the urban masses. The stage will be to transform the guerrilla war to a regular war, and the third stage is the general offensive when the whole people will rise in revolt and penetrate the capital.”

What struck me even then was how this kind of ideology already was being crafted only, the real cause of the conflict, which was not the peasantry at all but the middle class political young: the constant, murderous denial of free elections by the right—summary and legal—and there had been an electoral way out for these middle class young people, there would have been no such resort to the “countryside revolution.”

The next two years, in their own inimitable way, the Guatemalan army swept through the Sierra de las Minas, killing, even by conservative U.S. embassy figures, at least 10,000 peasants in a country of 4 million. Since there were no more than 400 or 500 guerrillas at best, the war was now broadened, the conflict enjoined.

Memory II: It was August of 1979. San Salvador, the capital of El Salvador, was enveloped in that eerie silence that always presages some terrible historic turn. I wrote in The Washington Post of August 10, “The country has, about it the evil smell of social rot. It is falling apart into violent and anarchic pieces before your eyes. Everybody knows it, but everybody is paralyzed. Every conversation, from driver, now ends with, ’If there still is time.’” I concluded the column, after comparing it to the Sandinista situation in neighboring Nicaragua, “This will not be another Nicaragua, with a nice, clean revolu-
tion. Salvador will be a filthy, endless fight, It is already.

What worried me then, and had worried me since my first trip in 1972, was the manner in which the Sandinistas had taken power. They were not like "my" Guatemalan guerrillas of 1966 who loved to have their names splashed all over press and radio. They did not want to be known. They used letters for their names. Their communiques were unsigned. This sent chills through me, for it is an unmistakable sign of a government that is not ready to be taken seriously. It was like the Khmer Rouge, who took numbers for their names. Revolutionary anonymity is always the most terrifying, first warning of the worst horrors. We had gone to the next stage: from the simple countryside revolution to the urban, anonymous revolution.

That same August, I had the great pleasure of interviewing the late Archbishop Oscar Arnulfo Romero of El Salvador. Within nine months he, and with him much of the hope for the center that no longer was holding, would be dead. He was gunned down by rightist death squads (who also originated in Guatemala in the 1960s as La Mano Blanca or The White Hand) while saying mass.

He was a beautiful man. Of Indian ancestry, his skin was a rich, cocoa brown and, in his white priest's robes, he was a figure of eloquent, silent suffering. He said clearly and critically, "If she didn't know it, she must have been the only person in Central America who didn't," and he nodded and said, "She was.

Equally blatant among international policy circles was the doomed future of Somoza's regime. I have to ask: Why, when it was so abundantly clear to anyone with an ounce of political sense that a man like Somoza could not survive, did the United States not act in time to set him out and usher in a moderate democracy? Why is it that the United States could do such a magnificent job of rebuilding Europe and Japan but cannot engineer a revolutionary change can still be evolutionary—and act upon it.

A year and a half later, I was again in Managua the week after the Sandinistas marched victoriously on the city. By then, Somoza had fled to Paraguay, where he was eventually assassinated, but not before bombing the country and killing at least 50,000 Nicaraguans in a country of only 2.5 million.

As Sandiniste Daniel Ortega, later to become the main leader after that, told me soberly and clearly that there would be a "compromiso" or agreement of all the forces which had taken part in the Sandinista revolution. This included, he said, the political parties, the Catholics and the Catholic organization, the businessmen, and the press. But somehow the stage for the denial of this scenario was already being set.

Edén Pastora, the famous "Commandante Zero," already was standing outside the Intercontinental Hotel looking into himself, a tropical Hamlet who already knew things could go only one way: a "twilight" revolution. But it was Tomas Borge, the cold-eyed and cold-minded Minister of the Interior, whom I found.

One night returning from the pool about 10 o'clock, I found the little, gnomelike Borge, who had suffered unspeakably under Somoza, in a clatch with a small, top-level group of Latin diplomats. As I stood there dripping and unnoticed by the group, Borge actually outlined all of their plans for Latin America.

"The fewer problems we have, the more Latin America will be attracted to us," he said in a conspiratorial voice.

"The more problems we have the less. He went on to say that the Nicaraguan revolution would work worse than the Cuban, but he made it clear that this was only tactical. "Me," he said, "I would never won't, because we do not want to turn the head of the Latin American revolution against us." It did not, therefore, come as any great surprise to me when, in the next 18 months, these types of totally indoctrinated leaders (against the wishes of the great majority of the Sandinistas who were Democrats) went like lemmings to the extreme Soviet side (even against the advice of Cuban President Fidel Castro). But it was also important that in those 18 months the United States kept a totally open and generous posture toward the Sandinistas. It is important because now we know that we are dealing with a regime that the people pushed—as many believe we did Castro—to Marxism.

Part of the potential tragedy, too, is that we today have so little institutional memory that we often do not know we are repeating old wrongs because we do not remember the mistakes that were made in the beginning. We impose the Cuban analogy on every situation—or we don't impose it at all. There is no accountability for those who repeat the old mistakes, no analysis, no understanding of the solid, rotten, sordid roots of the problem.

Point No. 1: The struggle is not at core economic (arising out of economic poverty as the liberals think) and it is not basically political. It is a struggle of culture, of education and instruction (as the conservatives think). It is a political problem. These revolutions were made by middle-class young people into a class created by economic development and then ostensibly moved by economic misfortune and oppression."

When they are denied political power in legitimate ways and then become radicalized. The brilliant Mexican writer Carlos Fuentes spoke at the Harvard Commemoration in 1983 about how this syndrome can be traced across the fiesty little countries of the exploding isthmus. "The conflict in El Salvador," he said, "is the indigenous potential of a process of political corruption and democratic impossibility that began in 1931 with the electoral fraud of the Army, and culminated in the electoral fraud of 1972 which deprived the Christian Democrats and Social Democrats, the opposition, of seats and forced the sons of the middle class into armed insurrection. The army had exhaust­ed the electoral solution."

The first imperative demands that there be a political solution above all, even though the hour is late because of the radi­ant history of these countries. We must offer some vehicle for the political expression of this group, or for the democratic groups that remain, or for the democratic
groups that remain. And ironically, there is still a healthy liberal democratic center particularly in Central America. Much of this will of necessity be rhetorical, but more about that later.

Point No. 2: Whatever either the far right or the far left argues about Central America is far right or the far left argues about Central America: that this is an ambiguous struggle, John F. Kennedy's "Twilight of the Gods" are true. The struggle for the "noble savage" of Latin America (as the Europeans saw them) has become the "noble savage" of simple revolution." "The end of history must be a return to the golden age," he writes, and goes on to trace how the "noble savage" is turned into the good revolutionaries, the romantic adventurer, Red Robin Hood, the Don Quixote of Cuba, the New Garibaldi, the Marx St. Juste, the Sid Campeador of the wretched of the earth, the secular Christ, the San Ernesto de la Higuera, . . . Che Guevara.

What we are seeing here is another cycle in the struggle between the pragmatic, empirical, practical Anglo-Saxon Protestant America of the North and the old, romantic, mystical, Catholic America of the South. Only this time, the struggle is transmitted into revolution, which makes it all much more complex and much more likely to be answered. These personality types do not respond to electoral options. They are the quintessential subversives. In fact, there is much of the Spanish Civil War in Central America today.

Fuentes, rightly I believe, sees the struggle as to lose the battle of the modern age. He recognizes an "intellectual inclination that sometimes drives us from one church to another in search of refuge and certitude." (i.e., from Catholicism to Marxism or, better, to both together). He sums up: "Today, we are on the verge of transcending this dilemma by recasting it as an opportunity, at last, to be ourselves—societies neither new nor old, but, simply, authentically Latin American as we sort out, in the excessive glare of instant communications or in the eternal dust of our isolated villages, the benefits and the disadvantages of a tradition that now seems richer and more acceptable than it did one hundred years of solitude ago."

Any U.S. policy which does not understand and this deep and authentic yearning and speak intelligently and subtly to it— risks something even greater than what we have already seen. It is the natural break between the two linked Americas.

Point No. 5: The most subtle and in the end most important part of the struggle ensuing in Central America is simply not understood and is, indeed, overpowered on it is the key. It is the struggle for a new personality in Central and Latin America.

The brilliant Venezuelan writer Carlos Fuentes, Fuentes, rightly I believe, sees the struggle. He further notes that "the South part." He adds, "The policy is to spread neutralism and pacification every time. The policy is to exploit the propaganda potential, which they have done brilliantly, to turn the popular will of the 55 American military advisors in Salvador, compared to 154,000 troops in Afghanistan! (It is to spread neutralism and pacification everywhere in the United States and most of all—it is to divert the American navy away from other trouble spots. Central America itself is a big trouble spot and will remain so. It is balanced by the see-saw of the two sides, like greater Western aid to the Afghan resistance."

Point No. 6: There has been too much casual talk about Central America being "another Vietnam." Charles Mohr, the New York Times correspondent recently sent to Salvador to compare his long Vietnam experience with that situation, he saw "the analogy in the reluctance of U.S. officials, particularly those in Washington, to apply strong pressure on the host countries. For the U.S. general who pursues what the Washington officials consider to be self-destructive policies. As to the certifying officials, on human rights improve., he noted, "that as certification has routinely followed certification, it seems odd that the U.S. policy be so apparent to Salvadoran officials that only cosmetic measures are required on their part." He further notes that even "the South Vietnamese authorities and security forces, the same callousness that prevails here."

What Mohr writes is not only true, it puts a very new and different light on the entire Central American situation. That the United States dominates a country like Salvador too much, it is that it does not dominate it enough—that it does not demand enough of its surrogates. There has never been such a situation in history: a great power that does not exercise the fatal power on the line, at the service of others (and often a murderous set) and does not even call the shots!

It is here, ironically, that President Reagan may lose the whole business. For the missing element in the Central American equation—what will emerge is the fatally missing element—is American pressure to clean up the murderousness of the Salvadoran security forces. The United States should exact this, making clear the threat that otherwise we will withdraw our support. If we do not do this, not only will any U.S. policy fail, we will lose any remaining prestige we have in the area. It is not U.S. pressure that is hated (especially when it is for a decent cause), it is U.S. support of corrupt leaders or U.S. indifference, which brings ridicule for everything American.

If we look back into recent history as to where we succeeded, in every single case from post-war Japan, to post-war Europe to Korea—these were situations in which we kept the ultimate power to ourselves and did not delegate it to surrogates. This is how we succeeded and how we lost in the twilight struggles.

Finally, the importance of Central America to the American country must not be underestimated. We are now involved in something totally new in American history. For the first time, we have lost our territory, no longer to conquer, but to hold, to stay there, if any cost is involved. We are about to lose our innocence.

The policy answers to such a prolonged twilight struggle on so many levels must, of necessity and of reality, be on many and the most sophisticated levels. Initiatives must be taken at once and policy must be implemented with the greatest sophistication and care. We have two characteristics—U.S. administration in recent years, but ones that we must develop in this area. We have no longer to go off the rooftops and sail away, this time not from the Embassy roof in Saigon, but from the new Balkans on our doorstep.

A NEW CIVIL SERVICE RETIREMENT PROGRAM

Mr. STEVENS. Madam President, one of the major issues to confront the 99th Congress will be the design of a new civil service retirement program. The Subcommittee on Civil Service, Post Office and General Services, which I chair, has been sponsoring legislation to help draft such a new plan. The subcommittee's special counsel, Jamie Covens, has just completed a series of articles for the Federal Times which examined the issue and is now considered in designing a new civil service pension plan. I ask unanimous consent that the series of articles be printed in the RECORD.

April 25, 1984

CONGRESSIONAL RECORD—SENATE

9820
There being no objection, the articles were ordered to be printed in the Record, as follows:

**DESIGNING A NEW RETIREMENT SYSTEM**

(Reprinted from the Record)

With passage of the Social Security Amendments of 1983, all federal employees hired after December 1983 will be covered by both Social Security and the system. The system is the civil service retirement system.

Establishing a new civil service retirement plan is necessary to coordinate the two systems and to allow the contributions and benefits they provide for.

Under special legislation introduced by Sen. Ted Stevens, R-Alaska, and passed in the waning days of the last session of Congress, employees hired after December 1983 will contribute to the civil service system at a reduced rate until December 1985. This is the establishment of a new retirement program, whichever is earlier. Congress will be considering proposals to establish a new plan immediately after the 1984 elections.

Now is the time to influence the design of a new retirement plan coordinated with social security, and federal employees must get involved at the ground level in the design work. It must study the particulars of the pension field and then tell Congress what is desired.

This article and others will follow to try to give a basic framework for understanding pensions. At the initial stage of a new plan to the current work force, the objectives of a retirement plan, social security and the structure of a new plan and, finally, the financing of the new plans and costs associated with such plans.

Why is a new plan important to all federal workers?

The obvious answer to this question is: to preserve the continued solvency and benefit structure of the current plan. The advent of a new system, however, will have little or no impact on the solvency of the current system.

The current system's financial condition does not depend upon new entrees. Its soundness is secured solely by continued government appropriations into the retirement trust fund. Whether or not a new plan is linked to the current one little to do with the trust fund.

But the overall level of benefits provided in the new plan may affect the current plan's benefit structure. If the new plan is substantially less generous than the current one, pressure may mount to pare the benefit levels in the current plan.

The primary purpose of a retirement plan is to provide employees with a comfortable transition from a working career to retirement.

This doesn't mean the retiree must receive a benefit equal to a percentage of his preretirement salary. Many costs borne by the working population are not applicable to retirees. For example, interest on social security benefits, expenses no longer exist and favorable tax treatment of the elderly applies.

The point is that current federal employees should take an active role in developing the new plan. They have a unique perspective and possibly have the most to gain from such involvement.

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family benefit. To be eligible for a disability benefit, the worker must have had five years of covered employment, less if the worker is younger than age 31.

Social security benefits are skewed to the low-income worker, while civil service benefits replace a higher percentage of salary at all income levels. Assume employees A, B, and C work for three years and retire at different salary levels. Table I is a rough example of the basic benefits provided under both programs and their replacement of final salary for the three employees.

Table I

<table>
<thead>
<tr>
<th>Employee</th>
<th>A</th>
<th>B</th>
<th>C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final year's salary</td>
<td>$15,000</td>
<td>$20,000</td>
<td>$45,000</td>
</tr>
<tr>
<td>Social security benefit</td>
<td>$9,000</td>
<td>$12,000</td>
<td>$27,000</td>
</tr>
<tr>
<td>Pension benefit</td>
<td>$8,000</td>
<td>$16,000</td>
<td>$32,000</td>
</tr>
<tr>
<td>In percent</td>
<td>40</td>
<td>60</td>
<td>80</td>
</tr>
<tr>
<td>Civil service benefit</td>
<td>$8,000</td>
<td>$16,000</td>
<td>$32,000</td>
</tr>
<tr>
<td>In percent</td>
<td>40</td>
<td>60</td>
<td>80</td>
</tr>
</tbody>
</table>

* Ed Hustead, Hay Associates.

While under both programs the high-income worker receives a larger benefit than the low-income worker, the low-income worker receives proportionately a much greater percentage of final salary under social security. The question becomes how to coordinate a new civil service plan with social security to achieve reasonable replacements of salary as well as normal employer goals such as desired work force characteristics, competitiveness with other employers, high or low employee turnover, and the rewarding of long-term employees.

A NEW PLAN

Retirement benefits are normally viewed as deferred compensation and, hence, bear a direct relationship to earnings. Social security's policy of redistributing wealth to low-income workers conflicts with the underlining policy of many pension programs. There are ways for employers to deal with this problem. They can implicitly recognize the value of social security to the employee by granting a pension which when coupled with social security provides a reasonable retirement income.

Table II is such an example using the same assumptions as Table I.

Table II

<table>
<thead>
<tr>
<th>Employee</th>
<th>A</th>
<th>B</th>
<th>C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final year's salary</td>
<td>$15,000</td>
<td>$20,000</td>
<td>$45,000</td>
</tr>
<tr>
<td>Social security benefit</td>
<td>$9,000</td>
<td>$12,000</td>
<td>$27,000</td>
</tr>
<tr>
<td>Pension benefit (3.5 percent times service)</td>
<td>$8,700</td>
<td>$12,000</td>
<td>$27,000</td>
</tr>
<tr>
<td>Civil service benefit</td>
<td>$1,000</td>
<td>$4,000</td>
<td>$12,000</td>
</tr>
<tr>
<td>In percent</td>
<td>60</td>
<td>20</td>
<td>80</td>
</tr>
</tbody>
</table>

* Ed Hustead, Hay Associates.

Note that while Employee C is still receiving a lower percentage of his final salary than Employee A, the difference is not as great as the example shown in Table II. Employees, in effect, are being treated in a more consistent fashion at all income levels.

Many state governments use formulas similar to that shown in Table II. Most private employers, however, use some variation of the integrated method shown in Table III. This issue can be very significant.

Should the government adjust for the distributive effects of social security, or should it keep that tilt in the new plan? Additionally, depending upon the plan's structure, if the pension plan permits retirement before social security eligibility, pension benefits may be relatively small until receipt of social security benefits.

Some private plans offer what is termed a leveling option in which the employee receives a larger portion of his pension benefit in the years prior to social security eligibility. When social security payments begin, the pension is substantially reduced to maintain the same total income as prior to the commencement of social security.

Irrespective of how coordination with social security is accomplished, the result will significantly affect the total retirement package for the federal government. Thought must be given to how the new plan will meld with social security in providing basic benefits as well as survivor and disability benefits.

In many cases, social security survivor benefits can exceed civil service benefits. Should there be a dollar-for-dollar offset from the two plans? Additionally, social security disability benefits are fairly generous but eligibility is very restrictive. So, many private firms provide a separate disability program with far less stringent eligibility requirements than social security.

Currently, disability retirements account for 15 to 20 percent of government retirements. Proper coordination with social security is vital to a complete retirement plan.

DIFFERENT PLANS PRESENT A CRUCIAL CHOICE

By James S. Cowen

Both the social security and civil service retirement systems are known as defined benefit plans. Both systems promise a certain benefit calculated as a percentage of salary and in some measure are dependent upon length of service.

There is another common type of retirement plan known as the defined contribution plan. In this case, the employer, and occasionally the employee as well, contributes a specified percentage of the employee's pretax salary to a fund account. The money is then invested in various types of interest-bearing instruments. The employee's retirement benefit consists of the contributions in his account plus their accumulated earnings.

In such a case, an arrangement is normally made with the recordkeeper to transform his or her account into a lifetime annuity. The amount of the annuity is determined by the employee's mortality, the amount of money currently in the employee's account, and the returns the account is expected to earn while being disbursed.

Both types of plans, defined benefit and defined contribution, have their advantages and disadvantages. The projected revenue level, the decision as to which plan will serve as the new civil service pension is probably the most significant issue facing the federal work force.

Defined benefit plans are more prevalent in older, unionized industries. In recent years, however, defined contribution plans have been used more frequently. This can be attributed to difficult economic times and to the fewer legal requirements imposed on employers who use contribution plans.

The most consequential difference between a benefit and a contribution plan is the certainty of the benefit. A defined benefit plan promises a level of benefits regardless of the economic climate. Poor economic conditions do not affect that benefit, especially if it is adjusted for inflation, as in the social security system. In a sense, the government bears the risks and costs of an inflation-adjusted benefit plan.

An important caution is that the assumption that an employer will not reduce the level of benefits under a defined benefit plan during an economic slump. The Employee Retirement Income Security Act, which regulates private pensions, prohibits reductions in accrued benefits once employees are vested.

But ERISA does not cover the civil service retirement system, and thus changes are not prohibited. Congress has reduced benefit levels often in recent years. In fact, it is unlikely a government benefit plan can ever be fully insulated from subsequent acts of Congress.

In a contribution plan, the employee owns the account and thus bears the economic risk. If investments do well, the employee's account gains. The reverse is equally true. Rather than providing for a certain benefit, a contribution plan assures a certain cost—an advantage for the employer. But a well-invested contribution plan can provide employees with good benefits while not increasing employer costs.

The employee's certainty in a defined contribution plan is in owning the account. Normally, annual statements are provided to the employees showing their accumulations. These statements keep the employees involved in their own retirement planning and assist them in determining when to retire.

A more esoteric and yet perhaps more crucial point concerns congressional power over the Congress. If federal employees owned their accounts, Congress could reduce them. While Congress could change future contributions, it would be prohibited from tampering with the end results. In such a case, a contribution plan would be more secure than a benefit plan.

In most situations, however, the defined benefit plan promises certainty for the employee while the defined contribution plan provides the same for the employer.

The employee's certainty in a defined contribution plan is its portability. Because an employee owns his account, most plans permit the employee to take his account with him when he changes jobs. But in a defined benefit plan, the employee has to provide the government with his earnings record to function.
account with him if he leaves the organization. This allows the employee to roll over the accrued funds into an IRA or the subsequent employment's benefit system, so the fund can continue to grow.

In other words, the employee loses nothing by changing jobs. This allows a great deal of flexibility in plan design. A departing employee can carry his or her funds from one plan to another. What is most under attack.

Most benefit plans in effect penalize less than full-career employees. A departing employee can carry his or her funds from one plan to another. What is most under attack.

The defined benefit plan is better for a middle-aged worker taking a new job. As noted above, such employees will receive a specified benefit not dependent upon accumulated contributions.

For employees who plan to work beyond retirement age, the contribution plan may be more attractive. While benefits increase under both types of plans as one works longer, the rate of increase under a contribution plan accelerates in later years due to compounding interest.

Finally, which plan better hedges against inflation after retirement will depend upon the extent of the living expenses available in a defined benefit plan. A contribution plan can protect against inflation after retirement. Even while being disbursed through a savings plan, a defined benefit plan is being reinvested. Thus, the money earned by the disbursing account can provide inflationary protection.

Very few defined benefit plans in the private sector incorporate automatic COLAs. Those that do cap the adjustments at 3 or 4 percent. Most companies will provide COLAs on an ad hoc basis depending on a company's ability to pay for them.

But the lack of any regular adjustment for employees in private plans must be seen in light of the fact that these same employees receive non-vested pension benefits, which are adjusted for inflation.

The defined benefit plan, if it includes a COLA comparable to that provided in the civil service retirement system, would clearly be preferable. But the cost of the full, automatic COLAs now applied to federal retirement programs for a large part of the budgetary items most under attack. It may be very different to establish a new pension system with that feature given the current economic climate.

Private industry often provides a combination of the two plans for its employees.

Most firms offer a defined benefit plan as the basic pension. Yet many also offer a supplemental contribution plan such as a profit-sharing, salary increment, stock option or profit-sharing plan.

The two plans together meet the objectives of many employees by providing the security benefits of a defined benefit plan with the portability attached to a defined contribution plan. A refined mixture of the two plans can provide for a very attractive retirement program.

HOW RETIREMENT ELIGIBILITY CAN AFFECT WORK FORCE

(By James S. Cowen)

Employer objectives must be carefully considered before the actual design of a retirement program. The earlier the retirement age, the greater the potential for young employees to move up as older employees retire. This has been true with the federal government.

Additionally, an employer's major concern is to encourage an employee at the point where the employer would benefit from retiring the older worker and replacing him with a younger one.

When a participant reaches in large part the position involved. Jobs requiring physical stress or labor may require fairly early retirement age. Later retirement ages should be considered for those in white collar jobs.

But if the employer wants long-term employees—including those with an early retirement age with a substantial service requirement should be provided.

An early retirement age, however, may cause a loss of expertise by spurring senior employees to retire early. A recent phenomenon in the civil service is a case in point. Retirees were getting full inflation-adjusted benefits while active employees saw their pay capped or restrained, thus creating an economic incentive for senior employees to leave at earliest eligibility.

Two major questions are involved in setting the retirement eligibility age. At what age may an employee retire with an immediate annuity? And when may he or she retire with an unreduced annuity?

Currently, the earliest age at which federal employees can retire with an immediate annuity is 55. Employees retiring at that age also receive an unreduced annuity. Age 55 is a common minimum retirement age elsewhere, but except in state and local governments, employers usually reduce annuities between age 55 and 62 percent for every year under the more typical retirement age of 62.

An unreduced retirement benefit available at age 55 costs employers twice as much as for full retirement at age 65. This is the main reason employers reduce the annuity for those who retire at an early age.

It should be noted that almost all private plans recognize social security as part of the total retirement package. Most employers try to structure a pension benefit which provides a reasonable retirement benefit when added to social security. But social security payments do not begin until age 62, so a pension benefit received at an earlier date often is the key for retirement.

Thus, providing a retirement benefit equivalent in value to the present one currently available at age 55 may significantly affect the plan.

One way to handle this potential problem is for the government to add a supplemental savings plan to its annuity. The accumulated money in a savings plan could be used to subsidize early retirement.

Regardless of one's position, setting a new retirement age for a future federal work force will be a very sensitive issue. Concern must be given for the needs of both the government as employer and of the employees themselves.

Vesting—when an employee becomes entitled to a defined benefit plan—is another important issue. It is a particularly vital point to employees who are otherwise terminated, buyout severance or defined benefit plan. It is also preferable. But the cost of the full, automatic COLAs now applied to federal retirement programs for a large part of the budgetary items most under attack.

Under most defined benefit plans, employees receive vest after relatively short service is a portable benefit.

Under most defined benefit plans, on the other hand, vest either immediately or after only one year of service.

The early vesting in defined contribution plans contributes to the portable nature of such plans. Early vesting in a defined benefit plan can also help employers recruit new-career employees. If the rate of benefit accrual is constant with the new employer, an employee would not necessarily be penalized by leaving a former employer late in career.

But early vesting is often a trade-off for other benefits. Because early vesting costs the employer more as a result of vested employer contributions, benefits to long-term employees may be strained to compensate.

Addition of later vesting can foster increased benefits for long-career employees. In short, if long-career employment is desired, later vesting is preferable. If short-term employment is to be encouraged, earlier vesting is best.

Employee contributions to a pension plan are normally used to reduce employer costs, increase the potential employee benefit and foster a sense of employee involvement in the plan.

Each percent of contribution means approximately a 3 percent addition to the employee's replacement rate of final salary. So employee contributions can significantly increase benefits. But employer contributions do not bolster an employee's legal right to a benefit. Therefore, a larger retirement benefit is the only employee gain from a mandatory contribution system.

The current federal system requires employees to contribute. However, employees in any private plan will still maintain their vested and more up to the maximum earnings base to social security.

The great majority of plans in the private sector are non-contributory. Most in state and local government are contributory. This is because most government plans existed before social security. Governments that have restructured their retirement programs in recent years have tended to convert to non-contributory plans.

If a contributory plan is desirable, adding a voluntary supplemental plan to the basic pension may be the best way to go. Offering an optional plan, particularly one where different contribution amounts are allowed, permits employees to individually build for their retirement.

The rate of accrual of benefits can also affect the work force. Accrual of benefits is how each particular year of service is credited for retirement purposes.

For example, under a pension civil service system credits 1.5 percent of an employee's "high three" years of salary for each of the employees' first five years of service, 1.75 percent each of the next five years, and 2 percent for every year thereafter. The retirement benefit cannot exceed 80 percent...
of the “high three” average, which is reached at 42 years.

This type of benefit accrual is known as "back loading." The civil service retirement system, which is now employed, backs loads benefits and the back-loaded formula reflects that. Early years of service receive far less benefit than later years, thereby encouraging longer service.

Plans can also be either frontloaded or constant. Some employers may want a "front-loaded" benefit, where the amount of the initial benefit is larger than the benefit at a later age. If so, the plan's formula would be weighted toward the early years of service. If an employer wants to employ mid- or late-career employees, a front-loaded retirement plan would be an attractive offer.

Finally, the formula can be designed to foster retirements. The Age Discrimination Act generally prohibits mandatory retirement ages, at least outside the government. But many employers circumvent the act by prohibiting further accrual of retirement benefits after age 65. The current system's benefits of 60 percent of final salary accomplishes a similar goal.

**HOW SHOULD NEW SYSTEM INDEX RETIREMENT BENEFITS?**

(By James S. Cowen)

Indexation can affect a retirement plan at two different points. The first affects the amount of the initial benefit. The second maintains the real level of the benefit after retirement.

The goal of a good retirement plan is to maintain a career worker's standard of living into retirement. Normally, employees earn their highest incomes in the years just before retirement.

In order to maintain their standard of living, a retirement plan should base its benefits on an average of the salaries of those years.

The problem is cost and accounting. Basing a retirement benefit on a final salary formula is expensive. The fewer years used in the formula, the more expensive the plan.

In addition, plans must pre-fund an employee's current retirement benefit. A final salary formula requires an employer to project employees' final salaries and to contribute to a fund accordingly.

The projections of final salary and other factors required by such a plan are quite variable.

Public industry normally uses the highest five years of salary as a formula to determine retirement benefits. A formula using the highest three years of salary costs more.

Indexation after retirement is used to maintain a retiree's real income over time. In industry, retirees are limited to social security increases and company pensions.

Without cost-of-living adjustments, and assuming inflation continues, the standards of living for a retiree will gradually decline.

Indexation of retirement benefits, however, is expensive. It accounts for more than 30 percent of the cost of the civil service benefit.

The current civil service program is one of the few that offers an automatic and fully funded plan. But a feasible plan would cost increases when the company is able to provide them.

But employers realize that retirement benefit increases shift income from active workers to retired ones.

Another problem concerns the method of indexing the few plans that do provide automatic indexing. The increases to the changes in the cost of living.

The most frequently used index is the Consumer Price Index. Many have criticized the CPI as not accurately reflecting the consumption patterns of the elderly. It is weighted toward those goods and services that those who pay for the plan's cost are the most reliable.

The major issues involved in the design of the new benefit are the definition of disability, the amount of the disability benefit, whether the plan's payments should be offset by social security, and whether those failing to meet social security's definition of disability should be cut off.

In addition to social security and a staff retirement plan, many employers also offer a supplemental plan, such as a thrift plan, salary reduction, stock option or profit sharing. Two government agencies, the Federal Reserve Board and Tennessee Valley Authority, now offer thrift plans. The Fed also has a salary reduction plan.

Supplemental plans also are fully portable. Vesting is normally immediate and benefits are subject to tax advantages. In any case, supplemental plans can provide a great deal of flexibility to employers and employees in the retirement plans.

**FUNDING FEDERAL RETIREMENT WITHOUT HIDING COSTS**

(By James S. Cowen)

Cost of a pension plan is derived from its benefits, the age of retirements, mortality, turnover, administrative expenses and inflation. In a fully funded plan, the cost is equal to benefits paid plus administrative expenses minus investment income.

There are many ways to estimate the cost of a pension plan. Estimates that account for present realities and future probabilities are the most reliable.

The most common method to estimate cost—and the one used by the Board of Actuaries of the civil service system—is termed entry age normal cost.

This method estimates the cost of retirement benefits for a group of newly hired employees, taking into account the plan's benefits, mortality and investment income, price inflation, and turnover, age of retirements and administrative expenses. It reflects a plan's cost as a percentage of current payroll.

For example, the Board of Actuaries has determined the normal cost of the civil service system to be 25 percent of payroll. After the employees' 7 percent contribution, the government must contribute 29 percent of pay to fully fund the total retirement benefits.

But the normal cost method assumes such major economic variables as future wage growth, price inflation and interest income. If projections for wage growth or price inflation are too low, the system will cost more. If projections for interest are too low, the system will cost less. For instance, holding other things constant, a 1 percent change in the interest component can affect the normal cost by 25 percent.

The Board of Actuaries uses the following economic assumptions to determine normal cost: 6 percent annual interest, 4 percent annual payroll costs, 3 percent wage growth, 20 percent wage inflation. These economic assumptions are used to determine normal cost.

When these assumptions are used to estimate current costs, the total normal cost is 31 percent rather than 36 percent. The government's cost is 24 percent.

These estimates do not change the actual cost. They simply provide a measure by...
which the employer can properly finance the system.

The primary purpose in calculating the cost of a pension system is to determine the funding levels necessary to fulfill the obligations.

Funding a system is usually unnecessary. The employer is required to contribute the total amount required to fund employees' eventual benefits at the beginning of the plan.

Funding a plan as obligations arise, or a “pay as you go system,” characterizes the military retirement system. The Internal Revenue Code, however, prohibits a qualified private retirement plan from doing this. Early private plans that did so eventually failed to meet obligations.

The Employee Retirement Income Security Act requires a level of contributions that would, in essence, fund a plan on a normal cost basis. This is one form of partial funding.

ERISA requires a plan to fully fund employees' accrued benefits to assure benefit obligations will be met if a plan is terminated. But because the law provides that other liabilities be amortized over time, accrued benefits usually are not fully funded.

Currently, the civil service system is a partially funded system. If covered by ERISA, however, it would be deemed underfunded. To comply with ERISA, agencies would be required to fund the normal cost of employees—29 percent of payroll—plus the government would be required to amortize the civil service system's massive unfunded liability in 30 to 40 years.

One of the most serious issues in designing a new civil service plan will be adequacy of funding.

The new service retirement fund is part of the unified federal budget. Thus, public monies contributed to the fund become government assets.

The government uses agency contributions and treasury appropriations to buy specially issued government bonds, which are placed in the fund. Because the transaction is from one account to another within the unified budget—treasury to retirement fund—tax or borrowing increases are not necessary to fund the payments. Such an arrangement is really an accounting transaction.

When benefit payments come due, the government redeems the bonds and pays the benefits. At this point, benefits are funded from tax revenues and funds borrowed from the market. Therefore, the first true budgetary effect of the civil service system occurs when retirees get benefits.

This is different from what occurs in the private sector. ERISA prohibits a company retirement plan from holding more than a small portion of the company's own stocks or bonds. Therefore, the company must generate real money and contribute it to the funding instruments.

In a second sense, the budget is affected at the point of contribution. The intent of the law is to secure the eventual benefit payments to retirees. If money is held internally by the company and the firm enters financial difficulties, the adequacy of the retirement fund could be jeopardized.

In the retirement system, the premium is required to hold government securities. Since there is little chance of the federal government going bankrupt, financing the retirement system from the outside is unnecessary for this purpose.

From a pure budgetary standpoint, there is no need to prefund a new government retirement plan, since the timing of the funding has no impact on the budget or the health of the system.

As long as a new government plan holds only government securities, the budgetary cost in the beginning will be minimal but will increase over time regardless of its funding adequacy. The other hand, without adequate prefunding, the true cost of a new plan could be hidden until later years, causing benefit accruals now experienced by the civil service system.

Therefore, a new plan should provide for a funding method that the government requires of private plans. If funds are to remain within the government, the budgetary impact will remain the same—at the point of benefit distribution.

But the true annual cost to the public will always be known. The recognition of the full cost of a new plan, accompanied by adequate funding, should go a long way to the plan's public acceptance.

**How Private Investments Could Change Retirement**

(By James S. Cowen)

What are the benefits and drawbacks from the government employee's perspective of investing pension funds outside the federal government? What are the economic considerations of such a change?

Currently, funds of the civil service system are invested solely in government securities. Although the interest earnings have a budgetary effect, they do have a positive impact on the accounting solvency of the retirement fund.

If a portion of the new civil service retirement fund is held outside the government and earnings exceed current earnings, the cost of the new plan eventually could be substantially reduced without necessarily affecting benefit levels.

The determinant is called the real rate of return on investments. This is the interest earned over inflation.

The Board of Actuaries of the civil service system estimates the current fund in the long run will earn a 1 percent real rate of return. Long-term rates of return in the private sector, however, have traditionally exceeded 8 percent.

Thirty and 50 year historical averages show Treasury bill returns barely exceeding inflation with more mixed investment portfolios of stocks earning 2 to 3 percent real rates of return.

This can have a dramatic impact on a pension system if funding can be reduced in a defined benefit plan or benefits will increase in a defined contribution plan.

Investing in government securities can be justified on two counts. One, the government as employer completely controls the money at no risk to itself or to the fund. The second, however, that almost all other pension funds invest outside the employer's entity, including state and local governments to which such investments are improper under the Employee Retirement Income Security Act, at the Federal Reserve Board and the Tennessee Valley Authority, invest in a variety of investment vehicles.

In other words, employers have found outside investments beneficial to their pension plans, regardless of the increased risk.

While outside investments reduce costs in the earlier years, they make no difference in the eventual cost. The primary impact of private investment of a new pension plan would be a short-term federal budget phenomenon. Real money contributions would be made from the current program, would increase government spending at least for the near term. But the question becomes: What real money will the financial markets accept?

Presumably, the Treasury would borrow additional monies from private markets to fund it.

Generally, government intrusion into the market increases interest rates because of increased demand on a constant supply of money. In this case, however, the money is returning to the market in the form of long-term investments. So in essence, the same money is borrowed and then recycled back into investments, not altering the total capital available in the markets.

In defined contribution plans or thrift plans, private investment can provide opportunities for employees to become more involved in their own retirement planning. Often these plans grant employees investment options in which they can designate a certain percentage of contributions to specific funds such as stocks, bonds or real estate.

It has been shown that investment needs vary not only among individual employees but also among different age groups. Thus these arrangements could enhance career and retirement flexibility.

Private investment of a government plan also raises the possibility of governmental interference in investment decisions. Stricter safeguards would have to be applied to assure that investments were made solely for the benefit of the participants. An independent board would have to oversee such an arrangement.

Again, though, most state and local government plans and the two federal thrift plans similarly invest in private concerns and are subject to the same potential conflict of interest as a new civil service plan would experience. Adequate protection can be afforded, but it is impossible to absolutely prevent it. This would always exist.

Questions could be raised as to whether financial markets could absorb such a large infusion of new capital. This is not a serious problem.

The nation's largest 1000 pension funds currently hold more than $750 billion in assets. Total contributions to the new plan will be fairly low in the early years due to long-term rates of return. A $750 billion plan is not likely low in long-term rates of return. A $750 billion plan is not likely to fall victim to the market, however, to its coverage of a relatively few number of people. As the plan's coverage and contributions grow, other funds will similarly grow. Other large states and corporations have substantial pension funds which do not overwhelm the capital markets.

Finally, a private investment feature in a new plan has the potential of assisting in capital formation. Monies now used solely for benefit payments would be first invested in long-term securities providing additional capital to business.

Private investment of funds by a new civil service plan would be a major break from federal practice, but it is not considered by many. Such an initiative, however, should be approached carefully.

**Miscellaneous**

**Tariff, Trade, and Customs Matters**

The President, Under the previous order, the Senate will
now resume consideration of H.R. 2163, which will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2163) to amend the Federal Boat Safety Act of 1971, and for other purposes.

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

The PRESIDING OFFICER (Mrs. HAWKINS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3028
(Purpose: To provide for a ten percent reduction in budget authority)

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

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an amendment numbered 3028.

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

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

The amendment is as follows: At the appropriate place in the amendment, insert the following:

TEN PERCENT REDUCTION IN SPENDING

Sec. 1. (a) Notwithstanding any other provision of this Act, it shall not be in order in the Senate to consider a concurrent resolution on the budget for fiscal year 1985 if such concurrent resolution does not comply with the provisions of this section.

(b) (1) A concurrent resolution on the budget for fiscal year 1985 shall set forth provisions to require the committees described in clauses (1) through (10) of this subsection to submit, by June 1, 1984, recommendations to the Senate Committee on the Budget for the establishment of such provisions. After receiving those recommendations, the Committee on the Budget shall report to the Senate a reconciliation bill, or resolution, or both, carrying out all such recommendations without any substantive revision.

(1) The Senate Committee on Agriculture, Nutrition and Forestry shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $7,000,000,000 in fiscal year 1985; to reduce budget authority by $8,600,000,000 in fiscal year 1986; and to reduce budget authority by $10,000,000,000 in fiscal year 1987.

(2) The Senate Committee on Armed Services shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $2,900,000,000 in fiscal year 1985; to reduce budget authority by $3,800,000,000 in fiscal year 1986; and to reduce budget authority by $5,000,000,000 in fiscal year 1987.

(3) The Senate Committee on Finance shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $13,500,000,000 in fiscal year 1985; to reduce budget authority by $18,700,000,000 in fiscal year 1986; and to reduce budget authority by $23,000,000,000 in fiscal year 1987.

(4) The Senate Committee on Foreign Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $1,700,000,000 in fiscal year 1985; to reduce budget authority by $2,400,000,000 in fiscal year 1986; and to reduce budget authority by $3,000,000,000 in fiscal year 1987.

(5) The Senate Committee on Governmental Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $1,700,000,000 in fiscal year 1985; to reduce budget authority by $2,400,000,000 in fiscal year 1986; and to reduce budget authority by $3,000,000,000 in fiscal year 1987.

(6) The Senate Committee on Judiciary shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $1,700,000,000 in fiscal year 1985; to reduce budget authority by $2,400,000,000 in fiscal year 1986; and to reduce budget authority by $3,000,000,000 in fiscal year 1987.

(7) The Senate Committee on Labor and Human Resources shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $1,700,000,000 in fiscal year 1985; to reduce budget authority by $2,400,000,000 in fiscal year 1986; and to reduce budget authority by $3,000,000,000 in fiscal year 1987.

(8) The Senate Committee on Rules and Administration shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $1,700,000,000 in fiscal year 1985; to reduce budget authority by $2,400,000,000 in fiscal year 1986; and to reduce budget authority by $3,000,000,000 in fiscal year 1987.

(9) The Senate Committee on Veterans’ Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $1,700,000,000 in fiscal year 1985; to reduce budget authority by $2,400,000,000 in fiscal year 1986; and to reduce budget authority by $3,000,000,000 in fiscal year 1987.

Mr. HELMS. Mr. President, earlier this year, I indicated I would offer a budget amendment that would substantially reduce the Federal deficit. Along with my distinguished colleagues, Senator McClure and Senator Nickles, I proposed an amendment to reduce Federal spending by 10 percent for all areas except the social security function, including medicare, and national defense. I asked for this amendment to be held at the desk until a suitable time during the budget debate.

As we always say around this place, my amendment is very simple, Mr. President. It provides for a 10 percent across-the-board reduction in spending for all Federal programs except the ones I have mentioned—specifically, social security, including medicare, and national defense.

The Congressional Budget Office estimates that my proposal, if adopted, would cut roughly $200 billion in Federal spending over the next 3 years. In arriving at that amount of savings, the CBO used economic assumptions which I feel may be overly pessimistic, but which, nevertheless, are consistent with those used by the Senate Budget Committee this year. In terms of defense spending, CBO used numbers provided by the Senate Committee on Armed Services. On this side of the aisle which I understand are fully acceptable to President Reagan.
CONGRESSIONAL RECORD—SENATE

April 25, 1984

Mr. President, this amendment would achieve these spending cuts in two ways: First, the amendment provides instructions for the Senate committee having jurisdiction over entitlements to recommend ways of restructuring these programs to reduce the cost to the taxpayers by 10 percent. Again, I emphasize that it specifically exempts social security and medicare. I emphasize that my proposal does not—for the purpose of emphasis, let me reiterate—does not instruct the committees how to reduce the cost of entitlements by 10 percent. I prefer to give the committees a target amount of savings and to have them report ways of streamlining the programs to achieve it.

Second, the pending amendment provides for a 10-percent cut in budget authority relative to fiscal year 1984 levels for the so-called nondefense discretionary programs. In other words, I propose that the Senate cut spending authority for all programs Congress chooses to fund, except defense.

Mr. President, the Congressional Budget Office has prepared several tables which reflect my proposal, and I ask unanimous consent to have printed in the Record.

There being no objection, the tables were ordered to be printed in the Record, as follows:

### TABLE 1.—APR. 23, 1984, HELMS PLAN 3—PRELIMINARY ESTIMATES

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Mr. HELMS. I thank the Chair.

By way of a brief explanation, table No. 1 shows the savings my amendment would achieve over the next 3 years. Using the Senate Budget Committee baseline and the defense spending targets in the underlying amendment, it reflects a savings of $107.5 billion in entitlements and $71.4 billion in nondefense discretionary programs. These cuts alone would save the Federal Government, that is to say, the taxpayers, $25.5 billion in interest payments. All told, my amendment would cut the deficit and save the taxpayers $200.4 billion in 3 years.

Table No. 2 sets forth the necessary spending reduction targets for the nondefense discretionary programs as they appear in the budget resolution. And table No. 3 illustrates the necessary savings by committee for the entitlement programs.

The two remaining tables simply provide the Budget Committee with technical information necessary for consideration and implementation of my proposal as indicated in the pending amendment.

Mr. President, I, of course, fully realize that cutting entitlements is sensitive business, but in light of the enormous growth of these programs in recent years, as well as projected increases for future years, I am convinced that cuts can—and indeed must—be made.

As chairman of the Committee on Agriculture, Nutrition, and Forestry, I have been personally involved in efforts to streamline entitlement programs under the jurisdiction of that

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**Table 2**

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Mr. President, this amendment would achieve these spending cuts in two ways: First, the amendment provides instructions for the Senate committee having jurisdiction over entitlements to recommend ways of restructuring these programs to reduce the cost to the taxpayers by 10 percent. Again, I emphasize that it specifically exempts social security and medicare. I emphasize that my proposal does not—for the purpose of emphasis, let me reiterate—does not instruct the committees how to reduce the cost of entitlements by 10 percent. I prefer to give the committees a target amount of savings and to have them report ways of streamlining the programs to achieve it.
committee, I know firsthand that their costs can be reduced without compromising the overall effectiveness of these programs.

For instance, since 1981 the committee has made significant changes in the food and nutrition programs. When President Reagan signed the Omnibus Budget Reconciliation Act of 1981, $5 billion was trimmed from food stamps and $4 billion from nutrition, and without sacrificing the worthwhile objectives of these programs.

Farmers in North Carolina and, I believe, elsewhere have been more than willing to do their share in reducing the cost of government. Last year, the Agriculture Committee put together the Dairy and Tobacco Adjustment Act, which substantially reduced the costs of dairy price support programs. That legislation will save the taxpayers $3 billion over a 4-year period and will save consumers from between $4 billion and $11 billion at the grocery store.

In addition, the President has just signed legislation saving the taxpayers $3 billion over the next 4 years by freezing target prices for many farm commodities.

So you see, Mr. President, I am not asking other Senators or other committees to do something that I have not been willing to do myself or that I have not been willing to have my own committee do. Oh, I admit that cutting entitlements is a tough call politically, but if we are genuine, if we are sincere in our political speeches when we go back home and talk about cutting Federal spending, balancing the budget, and reducing deficits, here is an opportunity to do it.

I do not want to be too blunt about it, but I think it is about time that we put up or shut up on this question.

We can have a marked effect on the economy. We can have a marked effect on interest rates if we but have the courage to do what needs to be done.

So, Mr. President, if our goals are really to reduce Federal spending, eliminate the deficit, bring down the interest rates, and encourage the private enterprise system to function effectively, than I think we owe it to the people we represent to make a commitment to do a tough vote, and I know that the news media will do as they always do, be exceedingly critical and make all of the usual charges about hardheartedness, and that sort of thing, but the arithmetic of Federal spending is such that the criticism will not hold water in terms of the drain on the taxpayers of this country.

Congress cannot be content, in my judgment, to cut the deficit through one combination or another of tax increases and spending cuts.

So, Mr. President, without a doubt, our Nation is enjoying a rather salutary economic recovery. It could and should be better. We could and should be doing more in terms of creating jobs. But we cannot do it piecemeal. We cannot address the symptoms of our problems to games. Our job in Congress is to adopt fiscal policies that are consistent with a healthy sustainable level of economic growth that is in tune with the principles of the free enterprise system that we all boast about.

In the process, we should be careful not to overstate the correlation between Federal deficits and interest rates. I realize that some crowding occurs when the Government competes in private capital markets in order to finance the Federal debt. This tends to put upward pressure on interest rates, but it seems to me that the spending practices of Congress, not the size of the deficit itself, is the real drain on the economy. As I see it, the deficit is a symptom of the problem. The problem, I believe, is the fiscal irresponsibility of Congress over a long period of time.

I do not make any partisan charges in that regard. It has been a bipartisan folly of 30 years or more.

But I think now is the time to act and I say again that this is an opportunity I think to put up or shut up. It gives us the opportunity to treat the cause of the deficit problem rather than to examine the symptoms.

I hope Senators will look favorably upon my suggestion that we reduce Federal spending by some $200 billion over the next 3 years.

The President, I ask for the yeas and nays on the amendment.

THE PRESIDING OFFICER. Is the quorum present?

Mr. HELMS. I thank the Chair. 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. DOMENICI. 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. DOMENICI. Mr. President, I rise to speak for just a few moments with reference to the amendment that the distinguished Senator, Senator HELMS, has placed before the Senate.

First, I would say that the distinguished Senator has made a courageous case. There is no doubt in my mind that, as I look at his amendment and compare his words of support, he clearly understands the major problems that this country has: that is, the size of the deficit. In proceeding with an approach to dramatically reduce the deficit, a couple of things are noteworthy in his approach—certainly with reference to the committee that he has jurisdiction over as chairman and that he works so hard for, the Agricultural Committee does not spare his own committee from the across-the-board requirement that their programs be reduced.

Likewise, it seems that the distinguished Senator is aware of the fact that social security has just been reformed, and that Medicare is a most difficult and complicated problem for the senior population of this country, and thus he has exempted those two from reductions.

So in one sense, while he is courageous, he also has exhibited a significant sense of concern, compassion, and a very significant degree of fairness. However, I would call one matter to the attention of the Senate that I believe in a real way makes the Senator's amendment an exceptionally difficult one. The Senator does not address defense with the same kind of reduction that he addresses the rest of the budget. Obviously, the Senator has his reasons for that. I think the Senate ought to clearly know that is the case.

Likewise, when you exempt social security, Medicare, and defense, clearly you have exempted a rather dramatic part of the budget both in terms of issues, but also in terms of dollars.

You have taken a very, very big window and exempted it from the reductions that are mandated through the committees in the rest of the proposal.

I want to close by saying in addition to courage, as I indicated heretofore, this proposal is very innovative and different with reference to how it would reduce other domestic discretionary and entitlement programs. The distinguished Senator is fully aware of the fact, as I understand it, that those just two entitlements programs and say I am reducing them 10 percent. He is suggesting, if I read it correctly, Senator, that the committee would be ordered to do that, and that they would have the jurisdiction to determine how they would restructure—"reform" might be a better word—those particular entitlements so that the reduction causes the remaining program to be as consistent as possible with its original goals and objectives.

That is ultimately one way that the Congress might use to address the very serious issue of deficits. We may indeed have to have some hybrid approach where you do not actually pass the law of the floor which does it the first time around, but, rather, something in the nature of a more precise and explicit reconciliation, for lack of a better word. I use that word "reconciliation" not in its typical sense, but in its statutory sense as it is found in
the Budget Act, and applied in the past few years.

Having said that, in addition to the remarks that I have made with reference to the proposal and the distinguished Senator who has offered it, I do think it is to be praised for coming here today and offering this so we can get started.

Frankly, I do not think this whole approach here to budget and deficit reduction, which started with the tax package 2½ or 3 weeks ago, has that many issues. I hope Senators will decide to come and propose their packages or their amendments so we can get on with it.

On the other hand, I understand there may be reasons for delay. I do thank the Senator from my standpoint as one who has to see to it that we get this done; at least we are getting started.

Mr. HELMS. Mr. President, I thank my able and distinguished friend. He is a close friend to me, and I think the tax package 2½ or 3 weeks ago, has that many issues. I hope Senators will decide to come and propose their packages or their amendments so we can get on with it.

Mr. CHILES addressed the Chair. The PRESIDING OFFICER. The Senator from Florida.

Mr. CHILES. Mr. President, it is always a pleasure to speak from anyone who wants to reduce the deficit. From that standpoint, I like the bottom line numbers in the plan of the Senator from North Carolina. It gets the deficits down to $159 billion by 1987. That looks good.

Yet I have always had problems with these across-the-board solutions ever since I was in the Florida State Legislature. It seems to me “across-the-board” is one way of saying we will not look at individual programs and weigh the good along with the bad. Under this proposal we would just apply a 10-percent solution across the board.

You might argue we are doing it fairly and for everyone. But that is not what this amendment would do. This amendment exempts defense from the 10-percent reduction. It exempts social security. But then it imposes a 10-percent reduction on everyone and everything else.

A 10-percent across-the-board reduction in law enforcement programs would mean a combined overall reduction of $257 million below the 1984 appropriations level. That means that personnel-intensive agencies which are currently involved in illegal drug trafficking—like the FBI and the Drug Enforcement Agency—would be cut even below last year’s actual level at a time when drug trafficking is one of the Nation’s few growth businesses.

The FBI would lose $108 million. That would be $80 million less than the 1984 actual levels.

The Drug Enforcement Administration would lose $29 million, $22 million less than the 1984 actual level.

And while we would be cutting $100 million for the FBI and $29 million for drug enforcement, the drug trafficking industry grossed over $100 billion last year—$100 billion.

Does it make good government sense to tell the people that, while we are reducing, reducing, reducing, and the drug enforcement agencies below the 1984 levels, we have drug trafficking running rampant throughout the United States? That, to me, is neither sound budgeting nor sound fiscal policy.

A 10-percent cut in the foreign aid program would scuttle the President’s Central America initiative. If that is what the Congress wants to do, I think we ought to vote up or down on the Central America initiative itself. Part of that money is for military and arms as well as economic aid. Yet this aid package would fall by the wayside under a 10-percent, across-the-board plan.

In function 600 we find the supplemental security income program for the elderly and the disabled. These are people who are at and below the poverty line. What we would be saying is that we are either going to cut benefits 10 percent or else 10 percent of the recipients are going to be thrown off the rolls. It would have to be one or the other.

As I look at the plan of the Senator from North Carolina, I notice he does not talk about SSI. None. Some people believe all the debate we have had on the finance bill would be for naught, because we are not going to have any new revenue. No, we are not going to say to any of the people who have received the tax cut of 25 percent, reducing the rate from 70 to 50 percent, that we are going to change the benefits. But if you are one of those people getting SSI, if you are disabled, if you are aged in this country, we are going to cut you 10 percent or we are going to cut 10 percent off the rolls. That is what we would be saying with this across-the-board plan.

I just wonder if the Senate or the Congress is prepared to do that.

A 10-percent cut from the 1984 appropriations level in compensatory education for disadvantaged children would cut approximately 700,000 children off the rolls. Does that make sense? Is that good, sound economic sense? Do we tell them we just do not have the money? Do we just say, We cannot take care of them. That is pretty inefficient. It is putting 10 percent of you off the rolls, or we reduce all of you by 10 percent.

We would be cutting the Coast Guard, an area where the Senator from Florida has a lot of concern, be...
cause right now, the Coast Guard is interdicting drugs and refugees pouring into my State. The Federal Government does not want to pay for those refugees. That burden falls on State governments. They fill up our hospitals, they fill up our prisons. They are the ones who are seeking help and support.

But we would say we are going to cut the Coast Guard so they are not going to run the cutters and aircraft out there to try to stop some of these refugees and to interdict the drugs that have been coming into my State.

The Coast Guard, under this would lose about $67 million from their procurement account. That buys about 11 patrol boats, it could buy 3 C-130's, or a new major cutter. They would lose $185 million from their operations account. That is 30,000 cutter operating hours that would be reduced. That is an example of the amount it would cut from the Coast Guard.

If we wish to go on with more example, but I think these are sufficient to make the point that I wish to make. A 10-percent cut sounds good when you look at the bottom line and the amount of money saved. But when we start looking at the programs and the amount of money saved. But if we are really dedicated to the proposition that we are going to move toward a balanced budget, we are going to reduce the Federal deficit, we are going to bring down interest rates, we are going to reduce the public sector of Government, this is a good beginning. I hope the Senate will consider it.

If we do not want to vote for it, that is fine, but I hope we shall not try to obfuscate the meaning of the amendment, the intent of the amendment, for defense, medicare, social security, and net interest.

I send the table which summarizes this to the desk and ask unanimous consent that it be made a part of the Record following my remarks and as explanation of my brief statement.

There being no objection, the chart was ordered to be printed in the Record, as follows:

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<td>10 percent cut:</td>
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<td>Defense</td>
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<td>Medicare</td>
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<td>Outlays subject to Helms amendment 10 percent cut</td>
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The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from North Carolina. The yeas and nays have been ordered. The clerk will call the roll.

Mr. STEVENS. I announce that the Senator from Maine (Mr. COHEN) and the Senator from North Carolina (Mr. EAST) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Colorado (Mr. HART) and the Senator from Kentucky (Mr. HUDDESTON) are necessarily absent.

I also announce that the Senator from Massachusetts (Mr. KENNEDY) is absent because of a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 27, nays 68, as follows:

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<th>Vote No. 78 Leg.</th>
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I wish to express my profound sorrow to our colleague and friend, Ted Kennedy, on this loss of a member of a distinguished American family.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BAKER. Mr. President, I seek the floor at this time in order to ask the distinguished majority leader what the program is for the rest of the day and the rest of the week.

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

Mr. President, I would like to see us go to the normal time this afternoon, or until about 6 p.m. I have consulted with the chairman of the Budget Committee, however, and he indicates that as far as he can ascertain at this time no other amendments are ready to be presented.

I see that the Senator from Kansas may have an amendment, or a statement.

Mr. DOLE. Mr. President, if the leader will yield, what we would like to do, if there are no other amendments on this bill, is to proceed with the child support enforcement bill with a time agreement of 10 minutes on each side. We think we have cleared the child support bill on both sides of the aisle, Senator Bradley is here. The distinguished Senator from Louisiana, Senator Long, is also here. The distinguished President from Kentucky (Mr. Armstrong) will manage that bill. We would like to take that bill up, if there are no other amendments pending.

Mr. PROXMIRE. Mr. President, will the minority leader yield?

Mr. BAKER. If the Senator would withhold for a moment, I thank the Senator from Kansas. I have consulted with the Senator and his staff, and agreed that we would try to take this bill up as soon as possible. I think it would be an excellent time to do that. I am prepared to put us in morning business, and if the Senate will agree, he can make his speech at that time. Or we could stay on this bill and do it.

Mr. PROXMIRE. Mr. President, my speech relates directly to the bill.

Mr. BAKER. Mr. President, I yield the floor. The Senator may seek recognition for that purpose.

At the conclusion of his speech, may I say to the Members that we will go to the Child Support Enforcement Act for action at this time will take a little longer. In the meantime, if the Senator from Wisconsin is prepared to do so, I am prepared to put us in morning business, and if the Senate will agree, he can make his speech at that time. Or we could stay on this bill and do it.

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Mr. BAKER. Mr. President, I yield the floor. The Senator may seek recognition for that purpose.

At the conclusion of his speech, may I say to the Members that we will go to the Child Support Enforcement Act for action at this time will take a little longer. In the meantime, if the Senator from Wisconsin is prepared to do so, I am prepared to put us in morning business, and if the Senate will agree, he can make his speech at that time. Or we could stay on this bill and do it.
Mr. PROXMIRE. Mr. President, this is the first time, to my knowledge, that that provision of law to which the Senator from Wisconsin has referred has been honored in the Senate. It has been honored every year in the House of Representatives where there have had debate on the economic consequences of our action. Of course, the law conceives that this is one that we should certainly discuss and consider, and in some detail. We have not done it. We talk about how we cut the budget, how much we cut the budget, but not what this would do to unemployment, what it would do to interest rates, what it would do to inflation, nor what effect it would have on the lives of American citizens.

So I would like to speak on that briefly. I am delighted to hear that the Senator from Florida may also have some comments on it.

Mr. President, this Senator believes that the mammoth Federal Government deficits that confront this country constitutes far and away our most serious economic problem. Indeed, the deficits with their mammoth size and the likelihood that they will be with us for years to come constitute, in the words of the eminent international economist who heads the International Monetary Fund, the single most serious obstacle to worldwide economic stability and growth. There is absolutely no way that Federal deficits, ranging from $150 billion a year to $300 billion a year can serve any constructive purpose. The damage from these deficits come from the colossal drain on savings represented by Treasury borrowing forced by these deficits. Indeed, some experts estimate the deficits will absorb more than two-thirds of all the savings of the American people over the next 5 years.

So what? So the diminished pool of capital has depressed the purchase of automobiles, farm equipment, capital expenditures by American business, and borrowing by State and local municipalities. The decline into this non-Federal borrowing like a 10-ton truck collision. It will have two perverse effects on the economy.

First, it will drive interest rates up, up, up—real interest rates; that is, interest minus inflation—which are already far above record levels of the past. Those interest rates are rising. As they continue, they can only go one way—up.

The second perverse effect of these deficits will slam thousands of employers and millions of workers flat on their back. Rising interest rates will elbow home buyers and auto buyers out of the market. No industry is nearly as interest rate sensitive as housing. The overwhelming majority of home buyers finance their purchase by borrowing on a mortgage. Whether they buy a new home or not depends on whether their income enables them to meet their monthly payments. When interest rates rise about 16 percent on a long-term mortgage, interest constitutes 75 percent of the entire monthly payments. So rising interest rates mean rising monthly payments and in some industry that the last big rise in interest rates during the 1981–82 period, housing starts dropped by an astounding 1 million starts. That drop in housing starts cost about 2 million jobs. Every housing start means approximately 2 man-years of work.

The auto industry is nearly as sensitive to interest rate fluctuations as the housing industry. Fifty-five percent of auto buyers finance their purchases on time. When interest rates go too high, monthly auto payments march right up with them step by step. And the number of auto buyers falls directly and inevitably as interest rates and monthly payments on auto purchases rise. With one out of six jobs in the country dependent on the automobile industry, rising interest rates could cut new auto buying in half and cost millions of jobs.

But the most damaging effect of these kind-size Federal deficits comes in the area of foreign trade. The deficits flood the world as well as the domestic American market with Treasury securities. Those U.S. Treasury securities attract Japanese and German and United Kingdom and Mexican investment. And why not? They are risk free and the interest rate is high. So the Japanese sell their yen and buy the dollar to invest in these high flying U.S. securities.

What is the result? The dollar rises in value, the yen falls. Between 1980 and 1982 the dollar rose 21 percent compared to the yen and 30 percent compared to the average value of European currencies. What did that mean? That meant that we could buy Japanese cars at a 21-percent cheaper price—just as if they had a price cut, the same price cut would follow for Japanese TVs, radios, and computers. But the Japanese had to pay 21 percent more for American goods. So what happened? Our trade balance with the Japanese worsened by 70 percent in those 2 years. With the Europeans it was worse. The dollar rose by a fat 30 percent compared to European currencies. We suffered a 30-percent disadvantage in selling to the Europeans. And of course they greatly increased their exports to us.

The overall result of all this was a disastrous trade year for this country in 1983. Our adverse trade balance went through the stratosphere to $61 billion. And next year? The Secretary of Commerce tells us that every billion dollars of adverse trade costs this country 25,000 jobs. So high Federal deficits—by driving interest rates through the roof—will cost this country a $100 billion adverse trade balance which in turn will cost us 2½ million American jobs.

Mr. President, you add up the cost to this country of the jobs the deficit cost us this country in new home construction, in production, and in its impact on our foreign trade and you have the difference between a booming, healthy economy and a first-class depression.

Now unfortunately, Mr. President, what I have said so far tells only a part of the story. The tough problem we face is how we reduce the deficit without paralyzing our economy in the process. I wrote Senator Chiles and asked for this opportunity to discuss the economic effects of this budget reconciliation policy, because unfortunately we do not face a simple problem of just cutting the deficit. Certainly we have to do that. But we should do it with our eyes wide open to the consequences of the kind of man-sized cuts these deficit reductions must make in American jobs and the survival of thousands of businesses, and on American economic growth.

Now obviously, Mr. President, one big reason, in fact the major reason, why this country has enjoyed the remarkable recovery we have enjoyed in the past year-and-a-half has been because the Federal Government ran back-to-back deficits of grossly irresponsible size in 1982 and 1983. Consider: in 1981 the Federal Government ran a fat $56 billion deficit. Then the Federal deficits really took off. Mind you, the previous record for deficits had been a monster of $86 billion in 1976. But in 1982, the deficit leaped to an astonishing $109 billion super record level. And then last year—1983—the deficit shot to the amazing level of $195 billion. For the next several years, unless the Congress adopts extraordinary, and I mean extraordinary, measures to hold down spending and increase revenues the Federal def-
DRI model on the Republican plan would be 1.6 percent lower than with economic results: By 1987, real GNP should be similar to the other two and came up with the following economic consequences if we cut the Federal Government deficits as some Senators have proposed by enough to bring the deficit back promptly to the historic levels in relation to the gross national product that we had in the sixties and seventies? The answer, unfortunately, is that we would increase unemployment. Wouldn't it very probably push the country back into a serious recession. In fact, it may very well be literally impossible to reduce the deficit over the next 5 years to less than $100 billion because any massive spending cut or tax increase would take so much out of the economy that the unavoidable increased unemployment and welfare costs and the sharply diminished tax revenues would deepen the deficit—at least temporarily. It is very possible that we have irresponsibly plunged this country into an economic dead end.

Even the modest proposals by the administration and the distinguished Senator from Florida on behalf of Senate Democrats on the Budget Committee would, for a time, increase unemployment, but it would not go as deep. Senator CHILES' implication of his remarks. Senator BENTSEN's implications of his remarks. He use of the DRI model, seems to be coming up with results very similar to Sinai's—lower growth and inflation, higher unemployment, and lower interest rates. While these proposals would yield lower deficits than under current policies, they will not actually reduce the deficit below current levels. CBO estimates that the House plan will result in a deficit of $185 billion in fiscal 1984 and $112 billion in fiscal 1987. According to Sinai, the deficit under the Republican plan will grow from $190 billion in 1985 to $198 billion in 1987.

Even more damaging to all these plans is the fact that they all continue to yield very high structural deficits and thus generate significant stimulus even as the economy approaches full capacity and full employment. This amount of stimulus will result in higher inflation and higher interest rates and, in fact, may already be starting. Since all three plans provide very little deficit reduction in 1985, expenditures will not mean strong growth during the remainder of this year and the problems of rising inflation and interest rates may occur much sooner than any of the major models currently predict.

Frankly, this Senator would opt for a much stronger deficit reduction program—recognizing the full consequences of this policy to jobs and economic growth during the next 2 or 3 years. The reality of any budget reduction is so critical to the long-term economic health of this country that I favor a program that would cut spending by more than $100 billion per year by 1988 and increase revenues by nearly $100 billion in that year. That program would, by my calculations, give the country a balanced budget if we could bring unemployment down to 7 percent or below, which would be very difficult, obviously.

Between now and 1988, however, the economy would have to suffer through a very painful readjustment, as the Allen Sinai and George Tyler studies show.

But, Mr. President, the principal purpose of my speech this afternoon is to emphasize the critical importance of debating these changes in our fiscal policies—in taxing and spending—with our eyes wide open. We must acknowledge that we are at a stage of Federal budgetmaking in which we cannot bring the kind of drastic changes to our fiscal policy we urgently need without enduring more than the very real pain of reducing popular and desirable spending programs and increasing taxes.

That is tough enough. In addition, we must also honestly face up to the prospect that we shall be putting this Nation through the agony of recession that will, in all probability, last several years. Mr. President, I wish there were some way we could escape this. Heaven knows, no one wants to contemplate a program that is going to mean higher unemployment. But I think we should be honest and recognize we are going to have to go through it. I think we would come out in the long run with a better product.

Mr. President, I yield the floor.

CHILD SUPPORT ENFORCEMENT AMENDMENTS OF 1984

TIME LIMITATION AGREEMENT

Mr. BAKER. Mr. President, I am advised by the minority leader now that a time agreement with respect to H.R. 4325, which is the Child Support Enforcement Amendments of 1984, has been approved on his side. May I now
The legislative clerk read as follows:

A bill (H.R. 4325) to amend part D of title IV of the Social Security Act to assure, through mandatory income withholding, incentive payments to States, and other improvements in the child support enforcement program that all children in the United States who are in need of assistance in securing financial support from their parents will receive such assistance regardless of their circumstances, and for other purposes,

The Senate proceeded to consider the bill which had been reported from the Committee on Finance with an amendment to strike all after the enacting clause and insert:

**SHORT TITLE; TABLE OF CONTENTS**

**SECTION 1. This Act may be cited as the "Child Support Enforcement Amendments of 1984".**

**TABLE OF CONTENTS**

**Sec. 1. Short title.**

**Sec. 2. Statement of purpose.**

**Sec. 3. Federal matching of administrative costs.**

**Sec. 4. Federal incentive payments.**

**Sec. 5. 90-percent matching for automated management systems used in establishing and other required procedures.**

**Sec. 6. Required State procedures.**

**Sec. 7. Periodic review of effectiveness of State programs; modification of penalty.**

**Sec. 8. Special project grants for interstate enforcement.**

**Sec. 9. Extension of section 1115 demonstration authority to child support enforcement program.**

**Sec. 10. Modifications in content of annual report of the Secretary.**

**Sec. 11. Child support enforcement for certain children in foster care.**

**Sec. 12. Continuation of support enforcement for AFDC recipients whose benefits are being terminated.**

**Sec. 13. Increased availability of Federal parent locator service to State agencies.**

**Sec. 14. Availability of social security numbers for child support enforcement purposes.**

**Sec. 15. Limitations on discharge in bankruptcy of child support obligations.**

**Sec. 16. Collection of past-due support from Federal tax refunds.**

**Sec. 17. State guidelines for child support awards.**

**Sec. 18. Wisconsin child support initiative.**

**Sec. 19. Sense of the Congress that State and local governments should focus on the problems of child custody, child support, and related domestic issues.**

**STATEMENT OF PURPOSE**

**Sec. 2. Section 451 of the Social Security Act is amended by striking out "and obtaining child and spousal support," and inserting in lieu thereof "obtaining child and spousal support, and assuring that assistance in obtaining support will be available under this part to all children (whether or not eligible for aid under part A) for whom such assistance is requested."

**FEDERAL MATCHING OF ADMINISTRATIVE COSTS**

**Sec. 3. (a) Section 455(a) of the Social Security Act is amended—**

(1) by inserting "(11)" after "(a)";

(2) by striking out; "beginning with the quarter commencing July 1, 1975;"

(3) by striking out paragraph (i) and redesignating paragraphs (j) and (k) as paragraphs (i) and (j), respectively;

(4) by amending paragraph (1)(A) as so redesignated to read: "(A) equal to the percent specified in paragraph (2) of the total amounts expended by such State during such quarter for the operation of the plan approved under section 454, and;"

(5) in paragraph (1)(B) as so redesignated, by striking out "and" in clause (1) and inserting in lieu thereof "specified in subparagraph (A);" and

(6) by adding at the end thereof the following new paragraph:

"(2) The percent applicable to quarters in a fiscal year for purposes of paragraph (1)(A) is—"

(A) 70 percent for fiscal years 1984, 1985, and 1986,

(B) 65 percent for fiscal year 1987,

(C) 60 percent for fiscal year 1988,

(D) 57 percent for fiscal year 1989,

(E) 55 percent for fiscal year 1990, and

(F) 50 percent for fiscal year 1991 and each fiscal year thereafter."

**SUB_SECTIONS**


**FEDERAL INCENTIVE PAYMENTS**

**Sec. 4. (a) Section 453 of the Social Security Act is amended to read as follows:**

"Sec. 453. (a) In order to encourage and reward State child support programs which perform in a cost-effective and efficient manner to secure support for all children who have sought assistance in securing support, whether such children reside within the State or elsewhere and whether or not they are eligible for aid to families with dependent children under a State plan approved under part A of this title, and regardless of the economic circumstances of their parents, the Secretary shall, from support collected which would otherwise represent Federal share of assistance to families of dependent children, pay to each State for each fiscal year, on a quarterly basis (as described in subsection (e)) beginning with the quarter commencing on October 1, 1983, an incentive payment in an amount determined under subsection (b).

(b)(1) Except as provided in paragraphs (2), (3), (4), and (5), the incentive payment shall be equal to—"

(A) 6 percent of the total amount of support collected under the plan during the fiscal year in cases in which the support obligation involved is assigned to the State pursuant to section 402(a)(16) or section 471(a)(17) with such total amount for any fiscal year being hereafter referred to in this section as the State's 'AFDC collections' for that year, plus

(B) 6 percent of the total amount of support collected during the fiscal year in all other cases under this part (with such total amount for any fiscal year being hereafter referred to in this section as the State's 'non- AFDC collections' for that year).

(2) If subsection (c) applies with respect to any State's AFDC collections or non-AFDC collections for any fiscal year, the percent specified in paragraph (1)(A) or (B) with

put the time request for the consideration of all Members?

I ask unanimous consent that when the Senate returns to the consideration of Calendar Order No. 761, H.R. 4325, the child support enforcement program bill, it be considered under the following time agreement: 20 minutes on the Senate's time, followed by a divided period between the Senator from Colorado (Mr. ARMSTRONG) and the ranking minority member of the Finance Committee or their designee; that no amendments be in order with the exception of an amendment reported by the committee in the nature of a substitute; 2 minutes on any debatable motion, appeal, or point of order if such is submitted to the Senate; and that the agreement be in the usual form.

That is the request, Mr. President.

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

UNANIMOUS-CONSENT AGREEMENT

Mr. BAKER. Mr. President, with that agreement in hand, I ask unanimous consent that the pending unfinished business be temporarily laid aside and that the Senate proceed to the consideration of H.R. 4325, Calendar Order No. 761, and that after disposition of that measure, the Senate reserve consideration of the unfinished business.

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

Mr. BYRD. Mr. President, I ask the majority leader whether or not it is anticipated there will be a rolcall vote on this measure.

Mr. BAKER. Mr. President, may I ask the distinguished chairman of the Finance Committee if he anticipates a rolcall on this bill or any amendments thereto?

Mr. DOLE. No, Mr. President.

Mr. BAKER. I gather they do not, Mr. President.

Mr. BYRD. Mr. President, I ask the majority leader if he will put in a very brief quorum call. Mr. Long is on his way, I ask that that not be charged against him.

Mr. BAKER. Mr. President, I ask unanimous consent that it be in order for me to suggest the absence of a quorum without the time consumed thereby to be charged against the time allocated for the consideration of the bill and the amendments thereto.

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

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

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

Without objection, the bill will be stated by title.
respect to such collections) shall be increased to the higher percent determined under such subsection (with respect to such collections) as being the State's incentive payment under this subsection for that year.

(i) The dollar amount of the portion of the State's incentive payment for any fiscal year which is determined on the basis of its non-AFDC collections under section 455(a)(1)(B) is increased by the following:

(ii) For such fiscal year, there shall be an increase of not more than 1 percent for each full tenths by which such ratio exceeds 1.4; and

(iii) Except that the percent so increased shall be reduced (for either AFDC collections under paragraph (f)(1) or non-AFDC collections under paragraph (f)(2)) if the amount by which such refund is reduced shall be distributed in accordance with section 457(c) in the case of AFDC collections, or section 457(f) in the case of non-AFDC collections.

The amendments made by this section shall become effective on October 1, 1985.

90-PERCENT MATCHING FOR AUTOMATED MANAGEMENT SYSTEMS USED IN INCOME WITHHOLDING AND OTHER REQUIRED PROCEDURES

SEC. 5. (a) Section 454(b) of the Social Security Act is amended by inserting in lieu thereof the following:

"(b)(1) The Secretary shall provide, that for any fiscal year, the amount of any estimate by the Secretary under section 466(f) (or, in the case of non-AFDC collections under section 466(g) through the monitoring of child support payments, the maintenance of accurate records regarding the payment of child support, and the prompt provision of notice to the requesting official of any arrearages in child support payments which may occur, and (E')".

SEC. 6. (a) Each State shall implement the procedures (designated to the Secretary of Health and Human Services) for implementing provisions under section 454 of such Act as is designated by section 3 of this Act (as amended by section 5(b) of this Act).

(b) Section 454 of such Act is amended—

(1) by striking out "and" at the end of paragraph (11); and

(2) by striking out the period at the end of paragraph (19) and inserting in lieu thereof "; and"; and

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

"(20) In order for the State to be eligible to receive any incentive payments under section 455, the State shall provide, under this subsection, that for any fiscal year, the State shall implement the procedures required under section 454(b) and (2) by inserting after any fiscal year, each such sub-

division shall be entitled to receive an appropriate share (as determined by the State) of any such incentive payments made to the States under this section for any fiscal year shall be reduced to the extent of any overpayments or rearages in child support payments which may occur, and (E')".

(c) The amendments made by this section shall apply with respect to quarters beginning on or after October 1, 1984.

REQUIRED STATE PROCEDURES

Sec. 7. (a) Section 466(a) of the Social Security Act is amended by adding in subsection (b) of such section the following:

"(2) The Secretary may prescribe regulations specifying the minimum amount of a refund, and the minimum amount of overdue support, to which the procedures required by this paragraph may apply.

(b) Procedures by which information regarding the amount of overdue support (as defined in subsection (d)) owed by an absent parent shall be made available to any consumer reporting agency (as defined in section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f))) if a fee for furnishing such information, in any amount not exceeding the actual cost of furnishing such information, in any amount not exceeding the actual cost of furnishing such information, may be imposed on the requesting consumer.

(c) No charge shall be made for furnishing such information if the requesting consumer is (I) a State (A) if the amount of the overdue support involved in any case is less than $1,000, informed of the actual cost thereof, or (II) an agency of the Federal Government provided the requesting consumer is an agency of the Federal Government.

(d) No charge shall be made for furnishing such information if the requesting consumer is an agency of the Federal Government.

(e) The Secretary shall prescribe regulations specifying the minimum amount of a refund and the minimum amount of overdue support to which the procedures required by this paragraph may apply.

(f) Procedures by which information regarding the amount of overdue support (as defined in subsection (d)) owed by an absent parent shall be made available to any consumer reporting agency (as defined in section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f))) if a fee for furnishing such information, in any amount not exceeding the actual cost of furnishing such information, may be imposed on the requesting consumer.

(g) No charge shall be made for furnishing such information if the requesting consumer is (I) a State (A) if the amount of the overdue support involved in any case is less than $1,000, informed of the actual cost thereof, or (II) an agency of the Federal Government provided the requesting consumer is an agency of the Federal Government.

(h) No charge shall be made for furnishing such information if the requesting consumer is an agency of the Federal Government.

(i) The Secretary shall prescribe regulations specifying the minimum amount of a refund and the minimum amount of overdue support to which the procedures required by this paragraph may apply.

(j) Procedures by which information regarding the amount of overdue support (as defined in subsection (d)) owed by an absent parent shall be made available to any consumer reporting agency (as defined in section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f))) if a fee for furnishing such information, in any amount not exceeding the actual cost of furnishing such information, may be imposed on the requesting consumer.

(k) No charge shall be made for furnishing such information if the requesting consumer is (I) a State (A) if the amount of the overdue support involved in any case is less than $1,000, informed of the actual cost thereof, or (II) an agency of the Federal Government provided the requesting consumer is an agency of the Federal Government.

(l) No charge shall be made for furnishing such information if the requesting consumer is an agency of the Federal Government.

(m) The Secretary shall prescribe regulations specifying the minimum amount of a refund and the minimum amount of overdue support to which the procedures required by this paragraph may apply.

(n) Procedures by which information regarding the amount of overdue support (as defined in subsection (d)) owed by an absent parent shall be made available to any consumer reporting agency (as defined in section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f))) if a fee for furnishing such information, in any amount not exceeding the actual cost of furnishing such information, may be imposed on the requesting consumer.

(o) No charge shall be made for furnishing such information if the requesting consumer is (I) a State (A) if the amount of the overdue support involved in any case is less than $1,000, informed of the actual cost thereof, or (II) an agency of the Federal Government provided the requesting consumer is an agency of the Federal Government.

(p) No charge shall be made for furnishing such information if the requesting consumer is an agency of the Federal Government.

(q) The Secretary shall prescribe regulations specifying the minimum amount of a refund and the minimum amount of overdue support to which the procedures required by this paragraph may apply.

(r) Procedures by which information regarding the amount of overdue support (as defined in subsection (d)) owed by an absent parent shall be made available to any consumer reporting agency (as defined in section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f))) if a fee for furnishing such information, in any amount not exceeding the actual cost of furnishing such information, may be imposed on the requesting consumer.

(s) No charge shall be made for furnishing such information if the requesting consumer is (I) a State (A) if the amount of the overdue support involved in any case is less than $1,000, informed of the actual cost thereof, or (II) an agency of the Federal Government provided the requesting consumer is an agency of the Federal Government.

(t) No charge shall be made for furnishing such information if the requesting consumer is an agency of the Federal Government.
lowed to contest it, and after full compli­
ance with all procedural due process re­
quirements of the State.

On appeal under which expedited pro­
cesses are in effect under the State judi­
cial system for establishing paternity and
resulting from such expedited procedures must
be contested by the parent desiring to contest it, and
all appellate pro­
ductions applicable under State law shall
apply. The Secretary may establish the pro­
visions of this paragraph with respect to one or
more political subdivisions within the
State on the basis of the effectiveness and
timeliness of support order issuance and en­
forcement within the political subdivision
(in accordance with the general rule for
waivers under subsection (6)). Political sub­
divisions using administrative processes shall qualify for such waiver treatment on the same basis as subdivisions using judi­
cial processes.

"(b) The procedures referred to in subsec­
tion (a)(1) (relating to the withholding from
income of amounts payable as support)
shall be:

"(1) In the case of each absent parent
against whom a support order is or has been
tested in the State, where such an order is
being enforced under the State law, so much of
his or her wages must be withheld, in ac­
cordance with the provisions of the
State plan, and be consistent with the
order and provide for the payment of
any fee to the employer which may be
required by such procedures described in clause
(1), up to the
maximum amount permitted under section
303(b) of the Consumer Credit Protection
Act (15 U.S.C. 1671b(b)). If there are arrear­
gages to be collected, amounts withheld to
satisfy such arrearages, when added to the
amounts withheld to pay current support
and provide for the fee, may not exceed the
limit permitted under such section 303(b),
but the State need not withhold up to the
maximum amount permitted under such
section in order to satisfy arrearages.

"(2) Such withholding must be provided
without the necessity of any application
therefor in the case of a child (whether or
not eligible for aid under part A) with
respect to whose services are already being
provided under the State plan, and must be
provided in accordance with this section on
the basis of an application for services under the
State plan in the case of any other case
in which services are already being
provided or modified in the State.

In either case such withholding must occur
without the need for any amendment to the
support order involved or for any further
action (other than those actions required under this part) by the court or other entity
which issued it.

"(3) An absent parent shall become subject
to such withholding, and the advance notice
required under paragraph (4) shall be given,
or notice is given:

"(A) on the date on which the payments
which the absent parent has failed to make
up to date are at least equal to the
support payable for one month;

"(B) the date of which the absent
parent requests that such withholding begin,
or

"(C) such earlier date as the State
may select.

Such withholding must be carried out in
full compliance with all procedural due process requirements of the State, and
the State must send advance notice to each
absent parent to whom paragraph (1) ap­
pplies regarding the proposed withholding
and the procedures such absent parent
shall follow if he or she desires to contest
such withholding on the grounds that with­
holding (including the amount to be with­
held) is improper or is otherwise invalid
because of such withholding on the grounds that
the absent parent contests such withholding
so shall, within no more than 30 days after the
provision of such advance notice, send
notice to such parent of the State on which
such withholding is to begin.

"(5) Such withholding must be adminis­
tered by a public agency designated by the
State, and the amounts withheld must be ex­
peditiously distributed by the State or such
agency in accordance with section 457
and provide for the fee, may not exceed the
amounts withheld to pay current support
and permit the tracking and monitoring of
such payments, except that the State may
establish or permit the establishment of alter­
native procedures for the collection and dis­
tribution of such payments (under the super­
vision of such public agency) otherwise than
through such public agency so long as the
same basis as subdivisions using judi­
cial processes.

"(b)(1) The employer of any absent
parent to whom paragraph (1) applies, upon
being informed by the order and provided for
the payment of any fee to the employer which may be
required by such procedures described in clause
(1), up to the
maximum amount permitted under section
303(b) of the Consumer Credit Protection
Act (15 U.S.C. 1671b(b)). If there are arrear­
gages to be collected, amounts withheld to
satisfy such arrearages, when added to the
amounts withheld to pay current support
and provide for the fee, may not exceed the
limit permitted under such section 303(b),
but the State need not withhold up to the
maximum amount permitted under such
section in order to satisfy arrearages.

The notice given to the employer shall
contain such information as may be
necessary for the employer to comply with
the withholding order.

"(3) Through the provisions of such
order or order or orders required under this section will not increase the ef­
ficacy and efficiency of the State child
support enforcement program, the Secretary
may exempt the State, subject to the Secre­
tary's continuing review and to termination of
the exemption should circumstances
change, from the requirement to enact the
law or use the procedure or procedures in­
volved.

"(d) For purposes of this section, the term
‘overdue support' means the amount of a de­
traction (which has continued for such
minimum period of time as established by the
Secretary) pursuant to an obligation de­
termined under a court order, or an order of an
administrative process established under
law, for support of a minor child, which is owed to or on behalf
of a minor child. At the option of the State, the
overdue support may be included for purposes of paragraphs
(4) and (6) of section 454. At the option of the
Secretary, overdue support may include amounts which otherwise meet the defini­
tion in the first sentence of this subsection but which are owed to or on behalf of a child who is not a minor child. The option to in­
clude spousal support, and the option to in­
clude support owed to children who are not minors, shall each be independently to each procedure required under this sec­
tion.

"(4) Provision must be made for the im­
position of a fine against any employer who
fails to withhold from wages due an
employee when such amount is required
under this subsection to be so withheld fol­
lowing the order or order or orders required by
notice under subsection (A), but such em­
ployer shall not be required to vary the
normal payroll cycle in order to comply with this paragraph.

"(5) Provision must be made for the im­
position of a fine against any employer who
fails to withhold from wages due an
employee when such amount is required
under this subsection to be so withhold fol­
lowing the order or order or orders required by
notice under subsection (A), but such em­
ployer shall not be required to vary the
normal payroll cycle in order to comply with this paragraph.

The provision of such fine must be made
through the procedures of such law which
are applicable to such fine.

"(6) Any application fee for furnishing such
services shall be imposed, which shall be paid by the individual
who requested such services from the
absent parent, or paid by the State out of its
own funds (the payment of which from
such funds shall not be subject to any
administrative cost of the State for the oper­
ation of the plan, and shall not be consid­
erted revenue to the program), the amount of
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which (1) will not exceed 225 (or such higher or lower amount which shall be uniform for all States) as the Secretary may determine to be appropriate for the year (or during the year in which the fiscal year 1985 to reflect increases or decreases in administrative costs), and (4) may vary among such individuals on the basis of the amount of support (as defined in such Act) due to such State, or the child to whom, or on whose behalf, it is owed.

(e) Section 454(5) of the Social Security Act is amended by inserting after the first reference to "the family" the following: "and, the individual will be notified at least annually of the amount of the support payments collected;"

(f) Except as provided in paragraphs (2) and (3), the amendments made by this section shall become effective on October 1, 1984.

(2) Section 454(2) of the Social Security Act shall become effective with respect to support owed for any month beginning after the date of the enactment of this Act.

(3) In the case of a State with respect to which the Secretary of Health and Human Services has determined that State legislation is required in order to conform the State plan approved under part D of title IV of such Act to the requirements imposed by any amendment made by this section, the State plan shall not be regarded as failing to comply with the requirements of such part solely by reason of its failure to meet the requirements imposed by such amendment prior to the beginning of the fourth month beginning after the end of the first session of the State legislature which ends on or after October 1, 1984. For purposes of the preceding sentence, the term "session" means a regular, special, budget, or other session of a State legislature.

PERIODIC REVIEW OF EFFECTIVENESS OF STATE PLANS

Sec. 7. (a) Section 453(a)/(A) of the Social Security Act is amended by striking out "not less than annually" and inserting in lieu thereof "not less than every three years (or not less than 10 percent of the overdue support) which shall be payable (A) not less than one nor more than two percent, or (B) not less than two nor more than three percent, if the finding is the second consecutive such finding made as a result of a review in paragraph (2) and (3), the amendments made by this subsection shall be carried out by the Secretary in making grants under this subsection.

(b) Section 403 of such Act is amended by striking out "operate a child support program in conformity with such plan" and inserting in lieu thereof "operate a child support program in substantial compliance with such plan."

(c) Section 403(h)/f of such Act is amended to read as follows:

"(h) If a State's plan operated under part D is found to be in substantial compliance with the requirements of such part, the amount otherwise payable to such State under this Part for any quarter beginning after September 30, 1983, shall be reduced by (1) not less than one nor more than two percent, or (2) not less than two nor more than three percent, if the finding is the second consecutive such finding made as a result of such such finding made as a result of a review; or (3) not less than three nor more than five percent, if the finding is the third or a subsequent consecutive such finding made as a result of such a review.

(2) The amount of the support otherwise payable to the family" as defined in section 454(f)(1), the State has achieved substantial compliance; and

(ii) the Secretary finds that the corrective action plan (or any amendment thereto not disapproved by the Secretary under clause (ii)), is being fully implemented in the plan to achieve substantial compliance with such requirements.

(5) A suspension of the penalty under subparagraph (a)(1) shall continue until such time as the Secretary determines that—

(i) the State submits a corrective action plan, within a period prescribed by the Secretary for such finding under subparagraph (a)(1), which contains steps necessary to achieve substantial compliance within a time period which the Secretary finds to be appropriate for such purpose of such part, the amount otherwise payable to such State under this Part for any quarter beginning after September 30, 1983, shall be reduced by

(2)(A) impose a late payment fee on all overdue support (as defined in section 454(f)(1)), which shall be payable (A) not less than one nor more than two percent, or (B) not less than two nor more than three percent, if the finding is the second or a subsequent consecutive such finding made as a result of such a review, or (C) not less than three nor more than five percent, if the finding is the third or a subsequent consecutive such finding made as a result of such a review.

(2)(B) the State submits a corrective action plan, within a period prescribed by the Secretary for such finding under subparagraph (a)(1), which contains steps necessary to achieve substantial compliance within a time period which the Secretary finds to be appropriate for such purpose of such part; the amount otherwise payable to such State under this Part for any quarter beginning after September 30, 1983, shall be reduced by

(2)(C) the Secretary finds that the corrective action plan (or any amendment thereto not disapproved by the Secretary under clause (ii)), is being fully implemented in the plan to achieve substantial compliance with such requirements.

(3) A suspension of the penalty under subparagraph (a)(1) shall continue until such time as the Secretary determines that—

(1) the State's plan does not meet the requirements of such part, or that the State is failing to implement its corrective action plan, shall continue until the first quarter following in which the State is found to be in substantial compliance with all such requirements or throughout which the reduction has been suspended by reason of paragraph (2).

(4) For purposes of this subsection, section 403(h)/f(2), and section 403(h)/f(27), and section 452(a)/(4), a State which is not in full compliance with the requirements of such part shall be determined to be in substantial compliance with such requirements only if the Secretary determines that any noncompliance with such requirements is of a technical nature which does not adversely affect the performance of the child support enforcement program under such part.

(5) The amendments made by this section shall become effective on October 1, 1983.

SPECIAL PROJECT GRANTS FOR INTERSTATE ENFORCEMENT

Sec. 8. Section 455 of the Social Security Act is amended by adding the end thereof the following new subsection:

"(c) (1) In order to encourage and promote the development and use of more effective methods of enforcing support obligations under this Part in cases where either the children on whose behalf the support is sought or their absent parents do not reside in the State where such cases are filed, the Secretary is authorized to make grants, in amounts and on such terms and conditions as the Secretary determines to be appropriate, to States which propose to undertake new or innovative methods of support collection in such cases which will use the proceeds of such grants to carry out special projects designed to demonstrate and test such methods.

(2) A grant under this subsection shall be made only upon a finding by the Secretary that the project involved is likely to be of assistance and use in the operation of support enforcement methods of such Part, and is likely to result in the development and use of more effective methods of support enforcement methods of such Part; the amount otherwise payable to such State under this Part for any quarter beginning after September 30, 1983, shall be reduced by

(3) At the time of its application for a grant under this subsection the State shall submit to the Secretary a statement describing in reasonable detail the project for which the proceeds of the grant are to be used, and the State shall from time to time thereafter submit to the Secretary such reports and accounts with respect to the project as the Secretary may require.

(4) Amounts expended by a State in carrying out a special project assisted under this subsection shall be considered, for purposes of section 458(b), to have been expended for the operation of the State's plan approved under section 454.

(5) There are authorized to be appropriated $5,000,000 for fiscal year 1985, and $5,000,000 for fiscal year 1986, and $15,000,000 for fiscal year 1987 and each fiscal year thereafter, to be used by the Secretary in making grants under this subsection.

EXTENSION OF SECTION 1115 DEMONSTRATION AUTHORITY TO CHILD SUPPORT ENFORCEMENT PROGRAM

Sec. 9. (a) Section 1115(a) of the Social Security Act is amended—

(1) by striking out "part A" in the matter preceding paragraph (1) and inserting in lieu thereof "part A or D.";

(b) by striking out "403," in paragraph (1) and inserting in lieu thereof "402", "454," and "455"; and

(c) by striking out "403," in paragraph (2) and inserting in lieu thereof "402," "454," and "455".

(b) Section 1115 of such Act is further amended by adding at the end thereof the following new subsection:

"(c) In the case of an experimental, pilot, or demonstration project undertaken under subsection (a) to assist in promoting the objectives of part D of title IV, the project—

(1) is not in full compliance with the requirements of such part; the amount otherwise payable to such State under this Part for any quarter beginning after September 30, 1983, shall be reduced by

(2) (A) impose a late payment fee on all overdue support (as defined in section 454(f)), which shall be payable (A) not less than one nor more than two percent, or (B) not less than two nor more than three percent, if the finding is the second or a subsequent consecutive such finding made as a result of such a review, or (C) not less than three nor more than five percent, if the finding is the third or a subsequent consecutive such finding made as a result of such a review.

(2)(B) the State submits a corrective action plan, within a period prescribed by the Secretary for such finding under subparagraph (a)(1), which contains steps necessary to achieve substantial compliance within a time period which the Secretary finds to be appropriate for such purpose of such part; the amount otherwise payable to such State under this Part for any quarter beginning after September 30, 1983, shall be reduced by

(2)(C) the Secretary finds that the corrective action plan (or any amendment thereto not disapproved by the Secretary under clause (ii)), is being fully implemented in the plan to achieve substantial compliance with such requirements.

(3) A suspension of the penalty under subparagraph (a)(1) shall continue until such time as the Secretary determines that—

(1) the State's plan does not meet the requirements of such part, or that the State is failing to implement its corrective action plan, shall continue until the first quarter following in which the State is found to be in substantial compliance with all such requirements or throughout which the reduction has been suspended by reason of paragraph (2).

(4) For purposes of this subsection, section 403(h)/f(2), and section 452(a)/(4), a State which is not in full compliance with the requirements of such part shall be determined to be in substantial compliance with such requirements only if the Secretary determines that any noncompliance with such requirements is of a technical nature which does not adversely affect the performance of the child support enforcement program under such part.
"(2) may not permit modifications in the child support program which would have the effect of disadvantaged children in need of assistance; and

"(3) must not result in increased cost to the Federal Government under the program of aid to families with dependent children."

MODIFICATIONS IN CONTENT OF ANNUAL REPORT

SEC. 10. (a) Section 452(a)(10)(C) of the Social Security Act is amended to read as follows:

"(C) the following data, with the data required under each clause being separately stated for cases where the child is receiving aid to families with dependent children (or foster care maintenance payments under part E), cases where the child was formerly receiving such aid or payments and the State is continuing to collect support assigned to it under section 402(a)(26) or 471(a)(17), and all other cases:

"(i) the total number of cases in which a support obligation has been established in the fiscal year for which the report is submitted, and the total amount of such obligations;

"(ii) the total number of cases in which a support obligation has been established, and the total amount of such obligations;

"(iii) the number of cases described in clause (i) in which support was collected during such fiscal year, and the total amount of such collections; and

"(iv) the number of cases described in clause (ii) in which support was collected during such fiscal year, and the total amount of such collections; and

"(v) the number of child support cases filed in each State, and the amount of the collections made in each State, on behalf of children residing in another State or against parents residing in another State; and

"(b) Section 452(a) of such Act is amended—

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

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

"(3) by inserting after subparagraph (H) the following new subparagraph:

"(1) the amount of administrative costs which are expended in each functional category of purposes, including establishment of paternity.

"(c) The amendments made by this section shall be effective for reports for fiscal year 1984 and thereafter.

CHILD SUPPORT FOR CERTAIN CHILDREN IN FOSTER CARE

SEC. 11. (a)(1) Section 457 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(d) Notwithstanding the preceding provisions of this section, amounts collected by a State as child support for months in any period on behalf of a child for whom a public agency is making foster care maintenance payments under part E—

"(1) shall be retained by the State to the extent necessary to reimburse it for the foster care maintenance payments made on behalf of the child during such period (with appropriate reimbursement of the Federal Government to the extent of its participation in the financing); and

"(2) shall be paid to the public agency responsible for supervising the placement of the child to the extent that the amounts collected under this paragraph are foster care maintenance payments made with respect to the child during such period but not the amounts required by a court or administrative order to be paid on behalf of the child during such period; and the responsible agency may use the payments in the manner it determines will serve the best interests of the child, including setting such payments aside for the child's future needs or making all or a part thereof available for reimbursement to the State for meeting the child's day-to-day needs; and

"(3) shall be retained by the State, if any portion of the amounts collected remains after making the payments required under paragraphs (1) and (2), to the extent that such portion is necessary to reimburse the State for its appropriate reimbursement to the Federal Government to the extent of its participation in the financing for any past foster care maintenance payments (or payments of aid to families with dependent children) which were made with respect to the child (and with respect to which past collections have not previously been retained); and

"(4) any balance shall be paid to the State agency responsible for supervising the child care placement, for use by such agency in accordance with paragraph (2);.

"(2) Section 457(b) of such Act is amended by inserting "and (iv) in the matter preceding paragraph (1),

"(3) Part D of title IV of such Act is further amended—

"(1) in section 454(d)(1B), by inserting "including an assignment with respect to a child on whose behalf a State agency is making foster care maintenance payments under part E," immediately after "such assignment is effective," and by inserting or "E" immediately after "part A;" and

"(2) in section 456(a), by inserting "or secured on behalf of a child receiving foster care maintenance payments" immediately after "section 402(a)(26);"

"(c) Section 471(a) of such Act is amended—

"(1) by striking out "and" at the end of paragraph (15);

"(2) by striking out the period at the end of paragraph (16) and inserting in lieu thereof "and;" and

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

"(17) provides that, where appropriate, all steps will be taken, including cooperative efforts with the State agencies administering the plans approved under parts A and D, to secure an assignment to the State of any rights to support on behalf of each child receiving foster care maintenance payments under this part.

"(d) Section 464(a) of such Act is amended—

"(1) by inserting or "section 471(a)(17)" after "402(a)(26);" and

"(2) by inserting or (d)(3) after "457(b)(3);"

"(e) The amendments made by this section shall become effective on the date of the enactment of this Act.

COLLECTION OF PAST-DUE SUPPORT FROM CERTAIN CHILDREN IN FOSTER CARE

SEC. 12. (a) Section 457(e) of the Social Security Act is amended—

"(1) by striking out "may" in the matter preceding paragraph (1) and inserting in lieu thereof "shall;"

"(2) by striking out "the net amount of" in paragraph (5) and by striking out "to the family" and all that follows in such paragraph and inserting in lieu thereof "to the family (without any application) on the same basis as in the case of other individuals who are not receiving assistance under part A of this title;".

"(b) The amendments made by subsection (a) shall become effective on October 1, 1984.

INCREASED AVAILABILITY OF FEDERAL PARENT LOCATOR SERVICE TO STATE AGENCIES

SEC. 13. (a) Section 453(f) of the Social Security Act is amended—

"(1) after determining that the absent parent cannot be located through the procedures under the control of such State agencies, the amendment aforesaid shall become effective on the date of the enactment of this Act.

AVAILABILITY OF SOCIAL SECURITY NUMBERS FOR CHILD SUPPORT ENFORCEMENT PURPOSES

SEC. 14. (a) Section 453(b) of the Social Security Act is amended by inserting "the social security account number (or numbers, if he has more than one such number)," before "the most recent address.

"(b) Section 453(c) of such Act is amended by inserting "the social security account number (or numbers, if he has more than one such number)," before "address.

"(c) The amendments made by this section shall become effective on the date of the enactment of this Act.

LIMITATION ON DISCHARGE IN BANKRUPTCY OF CHILD SUPPORT OBLIGATIONS

SEC. 15. (a) Section 533(c)(5) of title 11, United States Code, is amended—

"(1) by inserting after "property settlement agreement," the following: "or any other order, resulting from a judicial or administrative proceeding, requiring the payment of such alimony, maintenance, or support;"

"(2) by striking out "pursuant to section 402(a)(26)" and inserting in lieu thereof "to the State for collection under the State plan approved under part D of title IV;"

"(b) Section 461(b) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"(1) upon receiving notice from a State agency administering a plan approved under this part that a named individual owes past-due support (as that term is defined for purposes of this paragraph under such section of such Act) and an agreement to collect under section 454(f), and that the State agency has sent notice to such individual in accordance with paragraph (3), the Secretary of the Treasury shall determine whether any amounts, as refunds of Federal taxes paid, are payable to such individual (regardless of whether such individual filed a return for a taxable year or not), or to the named individual.

"(2) If the Secretary is notified by the State agency that such individual does not reside in the United States, the Secretary shall provide to such individual an amount equal to such past-due support, and shall concurrently send notice to such individual with the amount equal.

COLLECTION OF PAST-DUE SUPPORT FROM FEDERAL TAX REFUNDS

SEC. 16. (a) Section 464(a) of the Social Security Act is amended by inserting "(1)" after "SEC. 464. (a)" and by adding at the end thereof the following new paragraph:

"(2) Upon receiving notice from a State agency administering a plan approved under this part that a named individual owes past-due support (as that term is defined for purposes of this paragraph under such section of such Act) and an agreement to collect under section 454(f), and that the State agency has sent notice to such individual in accordance with paragraph (3), the Secretary of the Treasury shall determine whether any amounts, as refunds of Federal taxes paid, are payable to such individual (regardless of whether such individual filed a return for a taxable year or not), or to the named individual.
that the withholding has been made and send notice to any other person who may have filed a joint return with such individual of the steps which such other person may take to have his or her own proper share of the refund. The Secretary of the Treasury shall pay the amount withheld to the State if State shall have instructed the Secretary of the Treasury any fee imposed by the Secretary of the Treasury to cover the cost of such withholding and notification of such fee is required. The State agency shall, subject to paragraph (4), distribute such amount to or on behalf of the individual to whom the support was owed.

(3) Prior to notifying the Secretary of the Treasury under paragraph (2) that an individual owes past-due support, the State shall send notice to such individual that a withholding will be made from any refund otherwise payable to such individual. The notice shall also instruct the individual owing the past-due support of the steps which may be posed by the Secretary of the Treasury to shall also instruct the individual owing the such amount to or on behalf of the individual to whom the support was owed.

(4) If the Secretary of the Treasury determines that an amount should be withheld under paragraph (2) and that the refund from which it should be withheld is based upon a joint return, the Secretary of the Treasury shall be instructed by the State that the the State shall delay distribution of the amount withheld in the case of such a withholding until the State has been notified by the Secretary of the Treasury that the other person filing the joint return has received his or her proper share of the refund, but such delay may not exceed six months.

(5) If the other person filing the joint return with the named individual owing the past-due support takes appropriate action to secure his or her own proper share of a refund from which a withholding was made under paragraph (2), the Secretary of the Treasury shall pay the amount paid to the named individual in lieu thereof to the other person filing the joint return. The Secretary of the Treasury shall deduct the amount such from amounts subsequently paid to the State, the amount of which the original amount withheld from such refund was paid.

(6) In cases in which an amount was withheld under paragraph (2) and paid to a State, and the State subsequently determines that the amount certified as past-due support was in excess of the amount actually owed at the time the amount withheld is to be distributed to or on behalf of the child, the State shall pay the excess amount witheld to the named individual thought to have owed the past-due support (or, in the case of amounts withheld on the basis of a joint return, jointly to the parties filing such return).

(2) In the case of withholdings made under subsection (a)(2), the regulations promulgated pursuant to this subsection shall take into effect the following:

(1) By striking out "(c) as used in this part" and inserting in lieu thereof "(c)(1)

(2) By striking out "fee so imposed" in clause (D) as so redesignated and inserting in lieu thereof "fees so imposed"; and

(3) By striking out "and", and at the end of clause (B) and inserting in lieu thereof

(c) A fee of not more than $25 may be imposed in any case where the State requests the Secretary of the Treasury to withhold past-due support owed to or on behalf of such individual from a tax refund pursuant to section 6404(a)(2), and

(4) Section 6404(c) of the Internal Revenue Code of 1954 is amended—

(a) By striking out "to which such support has been assigned" and inserting in lieu thereof "to the person or persons making the overpayment";

(b) By inserting before the last sentence thereof the following: "A reduction under the Social Security Act is made or has not been made under such Act as relate to the provision of aid to families with dependent children," and

(c) The amendment made by this section shall be effective as of the date of the enactment of this section.
to permit the State to make an adequate test in any county or counties, or throughout the State, of its Child Support Initiative, the Secretary shall waive such requirement if the Secretary provides a complete description, in accordance with paragraph (2), of the program, known as the Initiative, which it is intended to operate within or throughout such county or counties, and makes the description readily available to the public throughout the State;

(3) the State agrees that, during the conduct of such test, it will continue to determine eligibility for medical assistance under the State plan approved under title XIX of the Social Security Act, applying the criteria (if applicable as may be applicable to members of families with dependent children affected by the Initiative) in effect under its State plan approved under part A of title IV for the month preceding the month in which the Initiative (approved under this section) becomes effective, except that such criteria shall be deemed to have been changed to the extent necessary to comply with generally applicable Federal requirements;

(4) the State carries out a financial and compliance audit of funds received under this section and to all the other counties for such quarter, reduced by the amount so advanced with respect to all the other counties for such quarter, shall be computed under paragraphs (1)(B) and (2); and (D) the amount so advanced by the Secretary with respect to section 458(a)(2) of such Act;

(5) the program description provided under paragraph (1)(A) shall describe in detail how the proposed Initiative will affect children and families, with specific reference to the principles for calculating support and how the calculation will be administered, and shall also include estimates of cost and program effects and provide other relevant information for the Secretary to determine whether the financial well-being of children and their families will be adversely affected by the operation of the Initiative.

(6) The State's proportionate share of support collections on behalf of individuals receiving aid to families with dependent children (as defined in paragraph (4)(B)) as would have been credited to the Federal Government under section 457(b) of such Act had such collections been made in the first quarter of fiscal year 1986.

(7) If the State requests, under subsection (a) of this section, and the Secretary approves such request, the amount so advanced by the Secretary under paragraph (4)(A)(ii) shall be the portion of such amount that corresponds to all the other counties for such quarter, and the amount so advanced by the Secretary under paragraph (4)(A)(iii) shall be the corresponding portion advanced to the State for all such quarters;

(8) Part A of title IV of such Act shall continue to apply to the State's program of aid to families with dependent children during the period, except that section 403(a)(3) shall not apply during the period, and in the part or parts of the State, that the Initiative is in effect.

(a)(1) During the period in which the Initiative is in effect, the Secretary shall notify the State in writing that, effective with the beginning of a quarter after the date of the enactment of this Act, the amount advanced to the State under section 403(a)(1) of the Social Security Act;

(2) The proportionate share of support collections on any quarter, with respect to such counties in which the Initiative is in effect, means the amount that bears the same ratio to such collections on behalf of individuals receiving aid to families with dependent children (as defined in paragraph (4)(B)) as such collections on behalf of individuals receiving aid to families with dependent children in single-parent families, and continues to operate its program of aid to families with dependent children deprived by reason of the unemployment of a parent—

(A) the State's proportionate share of the amount specified in paragraph (1)(A) and (B) the amount so advanced by the Secretary with respect to section 458(a)(2) of such Act;

(b)(1) During the period in which the Initiative is in effect, the Secretary shall notify the State in writing that, effective with the beginning of a quarter after the date of the enactment of this Act, the amount advanced to the State under section 403(a)(1) of the Social Security Act;

(2) The Secretary may terminate approval of the Initiative upon the giving of 3 months notice to the State.
focus on the vital issues of child support, cosponsored by every majority administration's own child support to amend the Senator from Colorado administration strongly supports the Enforcement reform legislation, on Social Security and Income Maintenance programs, Mr. ARMSTRONG) will greatly enhance the health and custody, visitation rights, and other related domestic issues that are property within the jurisdictions of such governments; (2) all individuals involved in the domestic relations process should recognize the seriousness of these matters to the health and welfare of our Nation's children and assign them the highest priority; and (3) a mutual interest of child support enforcement, which Congress has undertaken to address through the child support enforcement vitals. (Mr. DOLE. Mr. President, I rise in support of the Finance Committee amendment in the nature of a substitute to H.R. 4325, the Child Support Enforcement Amendments of 1984. The Senate of the United States, on November 16, 1983, by a vote of 422 yeas to 0 nays. The substitute was unanimously approved by the committee on March 23, 1984. The administration strongly supports the Finance Committee amendments to H.R. 4325, many of which were contained in the administrations' own child support enforcement reform legislation, S. 161, introduced on July 27, 1983, and cosponsored by every majority member of the Finance Committee. I urge my colleagues to support the Finance Committee substitute and vote to send the bill to conference without delay.

The chairman of the Subcommittee on Social Security and Income Maintenance programs (Mr. ARMSTRONG) will assume the chairmanship of this important bill and will describe the major provisions of the substitute. I would like to take this opportunity to commend the Senator from Colorado-do (Mr. ARMSTRONG) for the effective leadership he has demonstrated in helping to move this legislation through the committee. Senator ARMSTRONG is the chief sponsor of S. 1619 and chaired hearings on the reform proposals in his subcommittee and in the full committee. Senators PACKWOOD, DURENBERGER, and GRASSLEY were especially active in the development of the proposals we are considering today. On the minority side, Senator BRADLEY supplied important input. In addition to these committee members, Senators KASSEBAUM, HAWKINS, HATCH, and TRIEBL provided valuable insights that the legislation's development. For several months, these members and their staffs worked with representatives of the administration and members of the Finance Committee staff to develop a consensus package for consideration by the committee. The committee needed only 1 day for markup of the package and the substitute was unanimously approved by the committee on Friday, March 23.

Mr. President, I would like to acknowledge and commend the long-standing interest in this program demonstrated by the ranking minority member of the Finance Committee, the senior Senator from Louisiana. Senator Long is rightly known as the 'father' of the child support enforcement program and his advice and counsel was valuable in the development of the committee substitute. I want to assure the Senator from Louisiana that the same dedication to the success of this program that he has indicated over the years. Our interest in child support enforcement will not end with the enactment of these amendments.

Finally, I would like to recognize the efforts of the President and those of the Secretary of Health and Human Services, Margaret Heckler, in guiding this legislation through the House and the Finance Committee. Mrs. Heckler has made the child support program one of her highest priorities. Beyond the passage of this legislation and its effective implementation, Mrs. Heckler plans a child support symposium here in Washington during the month of August. It is my understanding that she intends to bring together Government, State, local, Federal, judicial officials, and parents to discuss the problems of child support enforcement, child custody and visitation rights. As Senator Long pointed out during our hearings, has been a supporter of a strong child support program since his days as Governor of California. The program can look forward to his continued interest and enthusiasm.

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but spend only 32 percent of the total administrative funds. The remaining States spend 68 percent of the administrative funds, but collect only 12 percent of the support for welfare families.

Clearly, the State programs must be reformed—to do a better job of collecting the support that is owed to children and to reduce their administrative overhead. The administration and many of us here in Congress believe that the program can and should do a better job. That is why the House unanimously passed H.R. 4325 and the Finance Committee added several important amendments. H.R. 4325, as amended, contains legislative measures which will provide greater incentive to States to run effective, cost-efficient programs.

The legislation provides the tools for the States to increase collections such as mandatory withholding from wages for overdue support, the interception of State and Federal income tax refunds which are then offset for amounts of past-due support, and the placement of liens against property when support is delinquent.

Under H.R. 4325, as amended, the States will be encouraged to strengthen the welfare portion of the child-support program and to place new and strong emphasis on the nonwelfare caseload. It has been well documented that for many women, one or two late or never received support checks mean the difference between remaining independent of the welfare system or being forced to accept public support.

The administration and the Finance Committee place a high priority on the improvement of State performance in making collections for welfare and nonwelfare cases. The lack of incentive payments for the nonwelfare caseload under current law was frequently mentioned by witnesses at the Finance Committee hearings as the main cause of the dismal State performance in this area. The new incentive payment of at least 5 percent and up to 10 percent of nonwelfare collections should encourage States with poor records to improve substantially.

Introducing the cost-effectiveness factor should also cause the States to place greater emphasis on streamlining procedures and reducing unnecessary and wasteful spending. All States should, at a minimum, be expected to improve the cost-effectiveness ratio of the program. As you know, the current national average of $1.33 in collections to $1 in costs. In fact, the administration estimates that after implementation of the mandatory enforcement practices contained in the Finance Committee substitute, all States should be able to achieve substantial improvement, to the point that in fiscal year 1986, the national average should be approximately $1.40 in collections for every $1 in costs.

The Finance Committee substitute places a cap on the nonwelfare incentive payments at an amount equal to 100 percent of the welfare incentive payments on the cap. It is my view that this cap will encourage the States to provide a balance in their programs, so that both welfare and nonwelfare families may anticipate a fair share of program resources and staff attention.

It is also my view that a cap on the nonwelfare incentive payments is necessary so that States will not be encouraged simply to transfer to the Federal tax refunds which are then offset for collections made by any of this group.

The 100-percent cap is necessary to insure that States operate balanced child support programs. A higher cap, or removing the cap entirely, could lead to many States concentrating almost exclusively on the nonwelfare caseload where collections are likely to be higher due to higher incomes and support awards. A certain amount of creeping is sure to occur, that is, State offices working cases that are easy and neglecting paternity and other difficult and time-consuming cases.

Finally, the potential for nonwelfare collections is enormous. Since these incentives are totally financed by the Federal Treasury, if incentives are paid on a larger percentage of the collections, the program is sure to increase. For fiscal year 1985, for example, the current law incentive program is projected to cause a $140 million deficit in the program— all charged to the Federal taxpayer.

Some of you may have heard from your Governors or State program administrators protesting the committee’s adoption of the 100 percent cap. The Governor’s argument is that the 100 percent match was necessary to encourage the States to run effective, cost-efficient programs. As you know, the Federal Government currently pays 70 percent of the administrative costs of the program. As you know, the Federal Government currently pays 70 percent of the administrative costs of the program. As you know, the Federal Government currently pays 70 percent of the administrative costs of the program. As you know, the Federal Government currently pays 70 percent of the administrative costs of the program.

The Finance Committee substitute introduces a 1-percent reduction in the Federal match for administrative costs each year, beginning in fiscal year 1987 and ending in fiscal year 1991 when the match would reach 65 percent. The Congressional Budget Office estimates that this small change would save $70 million for fiscal years 1987 through 1989. Additionally, the substitute contains a hold harmless provision which would be in effect for fiscal years 1986 and 1987. Under this compromise, a State could receive the higher of 80 percent of what they would receive under current law, or the amount they would receive under the new incentive and match provisions.

In my opinion, this is a reasonable provision. When the child support program began, the exceedingly high 75-percent match was necessary to encourage the States to participate in the new program. Now that the program has proved its value, as testimony before our committee on behalf of the National Governors Association demonstrated, it is time to move toward a more equal allocation of costs.

An increased state in the program by the States and local jurisdictions will have the effect of causing closer scrutiny of expenditures of scarce dollars. Historically, the States have benefitted greatly from the child support program. State savings for fiscal year 1976 through fiscal year 1983 equal $1.8 billion. During the same period, the program had a net cost to the Federal Government of $648 million. Even the 19 States which spend more than they collect currently benefit from the program.

While the States complain about the need for more money in order to improve program performance, it is clear that the $1.8 million in State savings from the program has not all been invested in program expansion or improvement. In fact, many State program directors believe that much of the State profit has been used for nonrelated programs.

As mentioned earlier, the Federal savings reduced in 1982 from 75 percent to 70 percent. State administrators predicted serious cutbacks—if not shutdowns—in some State and local programs. In fact, no reduction in State and local child support enforcement staff has become evident. According to State reports, program staffing on a national basis has remained constant at the equivalent of about 23,000 full-time employees. Meanwhile, State administrative expenditures increased by nearly 17 percent between fiscal years 1982 and 1983.

Given the already mentioned staffing levels, some of this increase must represent administrative costs, formerly financed entirely with State and local funds and newly claimed for Federal matching, without any addition to child support enforcement services actually rendered. This cost shifting is unfortunately the normal State response when what the States should
April 25, 1984

CONGRESSIONAL RECORD—SENATE 9843

Mr. JEPSEN. Is there anything in this bill that would prevent States from moving further in the direction of joint custody/shared parental responsibility which 31 States already have as either an option or preference?

Mr. DOLE. Mr. President, again I would assure my colleague from Iowa that there is nothing in the Finance Committee amendments which would prevent States from moving in the direction of joint custody or shared parental duties. The Finance Committee believes that these are areas of domestic law which are properly in the jurisdiction of the States. Nothing in the bill or in the committee amendments should be construed as altering that fact. I would note that a number of studies have recently been done which indicate that joint custody arrangements lead to more involvement for both parents. Also demonstrated is the fact that child support obligations are more likely to be met under an arrangement of joint custody or shared parental responsibility. I thank my colleague for raising these important issues.

Mr. JEPSEN. I thank my friend and colleague. Mr. President, it is important that we take it clear that in most cases, it is in the best interest of children to have both parents involved in their lives. Both financial support and visitation are essential aspects of that involvement.

I recommend a column to my colleagues by James J. Kilpatrick on the balance needed in this delicate issue. I ask unanimous consent that the column be printed in the Record.

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

FATHERS MUST BE HEARD, TOO

(For James J. Kilpatrick)

Those of us in the political class are expected to heed a maxim of Roman law: Audi alteram partem. Hear the other side. I bypassed that sound admonition the other day in a column on a child support bill that is currently pending in the Senate. Let me make amends.

The bill would require the states, as a condition of receiving federal funds for welfare, to enact a series of tough laws in the field of child support. A parent who failed to make court-ordered payments would become subject to attack from half a dozen quarters. His wages could be withheld, his income tax refunds intercepted, his property foreclosed.

In the vast majority of cases in which support payments are ordered, it is the father who pays. The trouble is that many fathers don’t. The National Law Journal reports that non-compliance now amounts to an estimated $4 billion a year. Census Bureau figures show that less than half of the custodial parents actually get what a court has awarded them. My recent column accordingly gave a hinting to “deadbeat daddies.”

The alliteration was OK, but the emphasis was unfair. There are malicious mothers really being a reduction in costs through more efficient management.

I would remind my colleagues that even 70 percent is an unusually rich Federal match. As you know, the national average Federal match for the aid to dependent children program is about 54 percent. Also, it should be remembered that the child support program provides a 90-percent match for acquisition and installation of computer systems.

Finally, to show the extent to which some jurisdictions will go to have the Federal Government pick up the tab for State costs—the Office of Child Support Enforcement is currently involved in a couple of interesting disputes. One State is attempting to claim matching funds for the costs of filing individuals found in contempt of court for nonpayment of child support. A second State is seeking Federal matching funds for the purpose of securing legal counsel for indigent child support obligors. These are certainly not the kinds of expenditures that I have in mind as proper for the Federal Government to match at 70 percent.

As I mentioned earlier, the Finance Committee included several mandatory child support enforcement procedures which have proven effective in collecting support in a number of States. The committee substitute requires States to have these procedures in place and operating as a part of the State child support program. However, the committee substitute also allows the States sufficient flexibility to use the procedures in those cases in which they will be most effective.

Finally, I would stress for my colleagues that this legislation represents the continuing commitment of the Federal Government to the State and local governments raising these important issues.

It is important to remember that the Federal-State child support enforcement program is designed not to produce revenues for the States and local jurisdictions—or for the Federal Government. The goal of this program is to collect child support for children at a reasonable cost. I believe that the Finance Committee amendment to H.R. 4325 will help the States to do a better job in reaching that goal, as well as slowly equalize the State and Federal financial involvement in the program.

We must all—Federal, State, and local governments—work harder to insure that all American children receive the financial support to which they are entitled. The partnership which has developed in the years in the child support enforcement program can and must be strengthened. This bill, with the amendments adopted by the Finance Committee, will help to foster cooperation and joint efforts for the good of all children.

I urge my colleagues to support H.R. 4325, as amended.

Mr. JEPSEN. Mr. President, I appreciate the excellent work of my colleagues on the Finance Committee in promptly addressing the serious problem of child support enforcement. Only in the last several years has the extent of this problem been brought to light.

Mr. President, I would like to ask my distinguished colleague from Kansas and chairman of the Finance Committee, Senator Dole, several questions about an aspect of the legislation that concerns many noncustodial parents: visitation enforcement.

This support enforcement is addressed in Senate Concurrent Resolution 84 which I understand is a provision of the bill before us today. I wholeheartedly support that resolution and encourage State and local governments to take its message to heart. The last paragraph reads: “A mutual recognition of the need of all parties involved in divorce actions will greatly enhance the health and welfare of America’s children and families.”

Let me premise my questions to Senator Dole by saying that although in many cases both child support payments and visitation are ordered by a court in a divorce settlement, refusal to make timely support payments is not an appropriate response to a denial of visitation rights.

Senator Dole, may I have your attention, please, for the timely legislation you have before us today on this sensitive issue. I appreciate your cooperation in clarifying the following points:

Is there anything in this bill that would prevent States from enforcing visitation with as much diligence as they enforce child support payments?

Mr. President, I thank my colleague from Iowa for raising this important issue. It is one which concerned me and members of the Finance Committee during the hearings on the child support amendments and during the markup of our report. Let me assure my colleague that there is nothing in H.R. 4325, as amended by the Finance Committee, which would hamper or prevent the States, or other political jurisdictions, from enforcing visitation rights with as much vigor as child support orders. Many States already actively enforce visitation rights and it is my hope that the language included by the committee will encourage other States to do the same. I encourage the interested noncustodial parents to work at the State and local level for the type of changes which will lead to greater visitation enforcement.

Mr. JEPSEN. Mr. President, I would again assure my colleagues that there is nothing in the Finance Committee amendments which would prevent States from moving in the direction of joint custody or shared parental duties. The Finance Committee believes that these are areas of domestic law which are properly in the jurisdiction of the States. Nothing in the bill or in the committee amendments should be construed as altering that fact. I would note that a number of studies have recently been done which indicate that joint custody arrangements lead to more involvement for both parents. Also demonstrated is the fact that child support obligations are more likely to be met under an arrangement of joint custody or shared parental responsibility. I thank my colleague for raising these important issues.

Mr. JEPSEN. I thank my friend and colleague. Mr. President, it is important that we take it clear that in most cases, it is in the best interest of children to have both parents involved in their lives. Both financial support and visitation are essential aspects of that involvement.

I recommend a column to my colleagues by James J. Kilpatrick on the balance needed in this delicate issue. I ask unanimous consent that the column be printed in the Record.

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

FATHERS MUST BE HEARD, TOO

(For James J. Kilpatrick)

Those of us in the political class are expected to heed a maxim of Roman law: Audi alteram partem. Hear the other side. I bypassed that sound admonition the other day in a column on a child support bill that is currently pending in the Senate. Let me make amends.

The bill would require the states, as a condition of receiving federal funds for welfare, to enact a series of tough laws in the field of child support. A parent who failed to make court-ordered payments would become subject to attack from half a dozen quarters. His wages could be withheld, his income tax refunds intercepted, his property foreclosed.

In the vast majority of cases in which support payments are ordered, it is the father who pays. The trouble is that many fathers don’t. The National Law Journal reports that non-compliance now amounts to an estimated $4 billion a year. Census Bureau figures show that less than half of the custodial parents actually get what a court has awarded them. My recent column accordingly gave a hinting to “deadbeat daddies.”

The alliteration was OK, but the emphasis was unfair. There are malicious mothers...
also. My mail brings pathetic and resentful letters from fathers whose ex-wives have behaved inexcessibly. One father whose gross income was $2,000 a month sent $500 a month for support of his two children. His ex-wife, he says, spent most of the money "on clothes for herself and presents for their children." She effectively prevented him from seeing his children. When her lover moved to a remote part of the state, she packed up and moved with her children to be near him. When the father briefly stopped his $500 checks, she sued for collection and got a judgment against him. When he was finally managed to see his girls, "both of them were in shabby, dirty jeans, and one of them was wearing sneakers so badly worn that her big toe was sticking out."

Much of the problem lies in the area of visitation rights. Most divorced fathers, I am told, want to maintain bonds with their children. The usual custom is for a divorce decree to guarantee such rights. In practice, it is easy, and divorces, the trend poses an increasingly serious problem for single-parent households most often headed by a woman.

The bill now awaiting action in the Senate Finance Committee sailed through the House last November on a vote of 422-0. Senate hearings were held in January. With powerful bipartisan sponsorship, the legislation is expected to pass out of committee this month. Prospects for lopsided approval are excellent.

Much as I resent federal laws that say a state "must" enact prescribed legislation, the bill still impresses me as a desirable measure. It is the innocent child who suffers when his father fails to pay support. All the same, the responsible ex-husbands who have written me make a convincing case. There are indeed two sides to this issue. The fathers deserve to be heard.

Mr. HATCH. Mr. President, I thank my distinguished colleagues from Kansas, Senators Dole and Jepsen, for raising the issue of visitation rights, and I am pleased to learn that nothing in this legislation would interfere with State enforcement of court-ordered visitation.

The entire issue of child support enforcement revolves around what is best for the child. I support this legislation's efforts to insure that the absent parent is indeed paying court-ordered child support. Further, this legislation does not prevent States from moving further in the direction of joint custody/shared parental responsibility, which 31 States already have written into their divorce laws.

In our national community, the tragedy of a broken or separated family is a problem which cannot be placed on hold, or left for another Congress to attend to. We welcome their efforts to develop workable programs within their own communities. I strongly support this legislation, and support its quick enactment.

Mr. ARMSTRONG. Mr. President, it is a pleasure for me to bring before the Senate this much needed child support enforcement legislation. I would first like to thank Senator Dole, Senator Long, Senator Grassley, and Senator Durenberger for their contributions in putting together this legislation. This legislation unambiguously passed the Senate Finance Committee and is endorsed by the Reagan administration. I feel confident that its passage will help correct a serious and expensive problem for many of our country's women and children—this problem is the failure of absent parents to fulfill child support obligations.

Four million children of divorced, separated, or unmarried parents are not receiving either full or timely child support payments. In 1981, according to the Census Bureau, more than 8 million women were raising children alone. Most of these women were eligible for child support, but obligations has been established for only 4 million children. The total unmet obligation amounts to almost $4 billion a year—an unbelievable amount considering the young lives being affected. Specifically: First, 40 percent of single parents lack a child support order because the father is not known, or the mother chooses not to seek one. Second, of the 60 percent of single parents with court ordered child support, 20 percent get no support assistance at all, a quarter receive some assistance while only 47 percent receive full amount due in a particular. In my own State, Colorado, more than 130,000 child support cases are now processed a year.

This legislation before us today amends the Social Security Act to improve the ability of States to collect support for non-AFDC and AFDC families. It is estimated that non-AFDC child support collections by at least $800 million over the next 4 years. In brief, the bill includes the following provisions:

It provides financial incentives for States that develop effective child support enforcement programs. These incentives would gradually increase a State's cost-effectiveness ratio up to a maximum of an additional 10 percent.

It requires States to impose mandatory wage withholding on absent fathers who are more than 30 days behind in child support.

It requires States to intercept State tax refunds from absent fathers behind in child support.

It prevents an absent parent from discharging child support obligations in bankruptcy proceedings.

Finally, it requires States to develop procedures that would expedite judicial proceedings on child support cases in civil courts.

These provisions have already been enacted by many States, and provide only the minimum requirements that States may enact to increase collections. In addition the Federal match would remain 70 percent until fiscal year 1987. This match would then be gradually reduced by 1 percent each year until 85 percent was reached in 1991. This would allow States time to implement these new collection mechanisms and to benefit from increased collections reducing the burden of State administration costs.

American children are being cheated out of several billions of dollars of court ordered child support. Each year the problem gets worse as an additional 2 million children are being raised in single parent families. In addition, the nonpayment of child support has pushed more and more families onto the welfare rolls resulting in taxpayers actually subsidizing child support cheaters. Some 87 percent of those receiving Federal welfare payments through the aid to families with dependent children are eligible because child support is not being paid. Annual AFDC costs now exceed $13 billion.

Yet loss of Federal money by non-payment of support is not the only tragedy. Each day many custodial parents face the anguish and frustration of trying to support children alone complicated by financial difficulties and perhaps the frustration of waiting months for support. It is crucial that we enact this legislation quickly to prevent further suffering of these individuals and the 2 million children who may be added to this list each year.·
year. I ask unanimous consent that a summary of the Senate Finance Committee substitute be included in the Record.

There being no objection, the summary was ordered to be printed in the Record.

CHILD SUPPORT ENFORCEMENT AMENDMENTS

I. SUMMARY

The bill (H.R. 4325), as amended by the Committee, strengthens the child support enforcement system by establishing a new program authorized by title IV-D of the Social Security Act by requiring the States to implement effective enforcement procedures, by providing incentives to the States to make available services to both Aid to Families with Dependent Children (AFDC) and non- AFDC families as well as AFDC families.

Federal matching of administrative costs.—The Federal matching rate is graduated at 70 percent in fiscal years 1986 and 1987, 69 percent in fiscal year 1988, 68 percent in fiscal year 1989, 66 percent in fiscal year 1990, and 65 percent in fiscal year 1991 and years thereafter.

Federal incentive payments.—The current incentive formula which gives States 12 percent of their AFDC collections (paid for out of the Federal share of the collections) is replaced with a new formula that is designed to encourage States to develop programs that emphasize collections on behalf of both AFDC and non- AFDC families.

The basic incentive payment will be equal to 6 percent of the AFDC collections, and 6 percent of the AFDC collections may be higher incentive payments, up to a maximum of 10 percent of collections, if their AFDC or non- AFDC collections exceed combined administrative costs for both AFDC and non- AFDC components of the program.

The total amount of incentive payments to AFDC families may not exceed the amount of the State's incentive payment for AFDC collections.

States may use administrative costs in AFDC collections and non- AFDC collections for purposes of computing incentive payments, provided that the amount of incentive payments is required to pass through to local jurisdictions that participate in the cost of the program an appropriate share of the incentive payments, as determined by the State, taking into account program effectiveness and efficiency.

Amounts collected in interstate cases will be credited, for purposes of computing the incentive payments, to both the initiating and responding States.

As part of the new funding formula, the Committee has included "hold harmless" protection for fiscal years 1986 and 1987 which assures the States that for those years they will receive the higher of the amount due to them under the new incentive and Federal match provisions, or 80 percent of what they would have received under prior law, as follows:

The provision is effective beginning with fiscal year 1988.

Modernized automated management systems used in income withholding and other procedures.—The amendment specifies that the 90 percent Federal matching rate that is available to States that elect to establish an automatic data processing and information retrieval system may be used, at the option of the State, for the development and implementation of procedures required in the bill through the monitoring of child support collections and the payment of child support through an accurate record of the payment of child support, and the provision of prompt notice to appropriate officials with respect to any arrearages that may have occurred.

The amendment also specifies that the 90 percent matching rate is available to the States for the acquisition of computer hardware.

The provision is effective October 1, 1984.

Improved child support enforcement support system requirements. States are required to enact laws establishing the following procedures with respect to their IV-D cases:

1. Establishing expedited processes within the State judicial system for determining the amount of support due to them under the new incentive payments.

2. Imposing liens against real and personal property for amounts of overdue support.

3. Withholding of State tax refunds payable to a parent of a child receiving IV-D services, if the parent is delinquent in support payments.

4. Making available information regarding the parent's credit bureau, upon request of such organization.

5. Requiring parents to demonstrate a pattern of delinquent payments to post a bond, or give some other guarantee to secure payment of overdue support.

6. Establishing procedures within the State judicial system for determining the amount of support due to them under the new incentive payments.

7. Notifying each AFDC recipient at least once each year of the amount of child support collected on behalf of that recipient.

The Secretary may grant an exemption to a State or political subdivision from the required procedures, subject to later review, if the State can demonstrate that such procedures will not improve the efficiency and effectiveness of the State IV-D program.

The provision is effective October 1, 1984.

However, if a State agency is administering a plan approved under part D of title IV of the Social Security Act that demonstrates to the satisfaction of the Secretary of the Department of Health and Human Services, that it cannot, by reason of State law, comply with requirements of a provision mentioned above, the Secretary may prescribe that the provision will become effective beginning with the fourth month beginning after the close of the quarter in which the State's legislation ending on or after October 1, 1984.

For fees to services to non-AFDC families. — States may charge the fee against the custodial parent, or pay the fee out of child support funds, or may recover the fee from the absent parent.

In addition, a late payment fee must be charged to the noncustodial parents of AFDC and non-AFDC families on support that is overdue. The fee may not exceed the amount of support paid to the child.

The provision is effective for reports issued for fiscal year 1986 and years thereafter.

Child support enforcement for certain children in foster care. — State child support agencies are required to undertake child support collections on behalf of children receiving foster care maintenance payments under title IV-E, if an assignment of rights to support to the State has been secured by the foster care agency. In addition, foster care agencies are required to take steps, where appropriate, to secure an assignment to the State of any rights to support on behalf of any child receiving foster care maintenance payments under the title IV-E foster care program.

The provision is effective upon enactment.

Periodic review of State programs; modification of penalty.—The Director of the Federal Office of Child Support Enforcement is authorized to establish standards for program effectiveness and to conduct audits to at least every three years to determine whether the standards and other requirements have been met.

A more flexible penalty provision is provided, equal to at least 1 but no more than 2 percent for the first failure to comply substantially with the standards and requirements, at least 2 but no more than 3 percent for the second failure, and at least 3 but no more than 5 percent of the third and any subsequent consecutive failures.

Annual audits would be required unless a State is in substantial compliance. If a State is not in substantial compliance, the penalty may be suspended only if the State is actively pursuing a corrective action plan which can be expected to bring the State into substantial compliance on a specific and reasonable timetable.

The Secretary is authorized to make demonstration grants to States which propose to undertake new or innovative methods of support collection in interstate cases. The authorization is $8 million in 1986, $10 million in 1987, and $15 million in 1987 and years thereafter.

Extension of sec. 1115 demonstration authority to the child support program.—The sec. 1115 demonstration authority is expanded to include the child support enforcement program under specified conditions.

The provision is effective beginning in fiscal year 1984.

Project grants to promote improvement in interstate enforcement.—The Secretary is authorized to make demonstration grants to States which propose to undertake new or innovative methods of support collection in interstate cases. The authorization is $8 million in 1986, $10 million in 1987, and $15 million in 1987 and years thereafter.

The provision is effective for reports issued for fiscal year 1986 and years thereafter.

Child support enforcement for certain children in foster care. — State child support agencies are required to undertake child support collections on behalf of children receiving foster care maintenance payments under title IV-E, if an assignment of rights to support to the State has been secured by the foster care agency. In addition, foster care agencies are required to take steps, where appropriate, to secure an assignment to the State of any rights to support on behalf of any child receiving foster care maintenance payments under the title IV-E foster care program.

The provision is effective upon enactment.

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status under the IV-D program, without requiring application for IV-D services.

The provision is effective October 1, 1984. Increased availability of Federal parent locator services to State agencies. The present law requirement that the States exhaust all State child support locator resources before they request the assistance of the Federal Parent Locator Service is repealed.

The provision is effective upon enactment. Availability of social security numbers for purposes of child support enforcement.—The absent parent's social security number may be disclosed to child support agencies both through the Federal Parent Locator Service and by the IRS.

The provision is effective upon enactment. Limitation on discharge in bankruptcy of child support obligations.—The Bankruptcy Act is amended to provide that obligations that have been assigned to the State on behalf of a non-AFDC child as part of the IV-D enforcement process may not be discharged in bankruptcy. (Current law prohibits discharge in bankruptcy for obligations assigned to the State on behalf of an AFDC child.)

The provision is effective upon enactment. Collection of overdue support from Federal tax refunds.—Current law requires the Secretary of the Treasury, upon receiving notice from a child support agency that an individual owes past due support which has been assigned to the State as a condition of AFDC eligibility, to withhold from any tax refunds due that individual an amount equal to any past due support. The Committee amendment extends this requirement to include withholding of refunds on behalf of non-AFDC families, under specified conditions.

The provision is effective for refunds payable after the year ending December 31, 1984.

Guidelines for determining support obligations.—Each State must develop guidelines to be considered in determining support obligations.

The provision is effective October 1, 1986.

Wisconsin child support initiative.—The Secretary of HHS is required to grant waivers to the States of Wisconsin to allow it to implement a child support initiative in all or parts of the State as a replacement for the AFDC and child support programs. The State must meet specified conditions and give specific guarantees with respect to the financial well-being of the children involved.

SENATE OF THE UNITED STATES
April 25, 1984

Mr. GRASSLEY. Mr. President, we have toiled long and hard to finally reach the point where the full Senate is able to consider this measure. The Committee on Finance held extensive hearings on the current State programs related to enforcement of the child support enforcement program, and we have reported out a bill worthy of every Senator's support.

I am very gratified to see such a large portion of my bill, S. 1708, incorporated into the committee package. I am particularly pleased that the committee accepted an amendment I offered along with Senators Packwood and Durenberger which would extend the current system of offsetting Federal income tax refunds to collect past-due child support to non-AFDC children. This provision will help us make good on our pledge to assist all children in obtaining their court-ordered child support payments. We should not wait until families are forced on AFDC as a result of delinquent child support before we offer them assistance.

The compliance rate of child support payments is abysmally low. Changing domestic circumstances have made the need for a strong child support enforcement program even more necessary. Increases in the divorce rate and the number of single parent families have heightened that need. The traditional two-parent family with two children is not necessarily the norm in America. We need to recognize that fact.

H.R. 4325 does just that. By focusing on methods to insure appropriate child support payments, we are helping address the problems which often ensue after the breakup of a family. It is a disgrace that only 47 percent of the individuals due child support payments in 1981 received the full amount due. The child paid by absent parents to both their children.

Since the inception of the child support enforcement program in 1977, great strides have been made to assist children in receiving their support payments. Proven enforcement techniques have been developed, and although individual track records vary, the States and localities have worked hard to provide good services to children having difficulty receiving their support payments.

By scrutinizing the experiences of the various States and their individual programs, certain enforcement techniques have been shown to be the most effective in dealing with nonpayment. The Senate Finance Committee amendment to the package in the current IV-D program which calls on all States to utilize these proven enforcement methods. The measures included in the package will greatly unify the operation of the program, aiding the often exasperating process of interstate collections.

We have also made some needed changes in the financing of the program in order to better reflect the performance of the States in pursuing delinquent payors. These changes have been made with great consideration, and I might add, after much compromising. It seems the committee had as many options for the financing portion of the package as there are committee members. I feel confident the final version will provide for incentives to the States to do a good job in securing support for both AFDC and non-AFDC families.

Payments of support is an obligation no parents should take lightly. Similarly, visitation is a right which must be observed and honored. It is our intention that both court ordered payments, and court-ordered visitation rights be followed. The financial and emotional well-being of the child can only be enhanced if both parents live up to their end of the custody agreement.

The child paid by absent parents to both their children.

The passage of this legislation will signal our commitment to insuring all children who need assistance in obtaining their support payments will be aided. H.R. 4325 deserves the unanimous support of this body. I hope all of my colleagues will join me in voting strongly in favor of the child support enforcement amendments.

Mr. DOMENIC! Mr. President, although more and more Federal dollars are spent every year on social programs to benefit children, there can be no question that parents bear the ultimate responsibility for the support and well-being of their children. We as a Nation believe in this fundamental duty. It cannot be neglected.

In 1975 Congress passed legislation to enforce this responsibility. This legislation established the child support enforcement program. The purpose of this program is to enforce the support obligations owed by absent parents to both their children and spouses. Through a long judicial, administrative, and at times, other related domestic issues that are within the jurisdiction of such governments.

Mr. ARMSTRONG. Mr. President, I also seek unanimous consent that in addition to the members of the Finance Committee, the following Senators be listed as cosponsors of the committee substitute to H.R. 4325: Senators Domenici, Nunn, Warner, Mikulski, Jepsen, Hawkins, Hatch, Trifiletti, Cochran, Kashevar, Chiles, Matsunaga, Nunn, and Warner.

The PRESIDING OFFICER. Without objection, it is so ordered.
women are raising children whose fathers are absent. Over the last 12 years the number of families with a female head of household increased 71 percent. Such a trend adversely affects our Nation's future.

The child support enforcement program has been successful since its beginning in fiscal year 1976. Between fiscal year 1976 and fiscal year 1982, enforcement of support orders increased over parents located in fiscal year 1976. Over 174,000 paternities were established in fiscal year 1982, up from 15,000 in fiscal year 1976. The number of support orders established increased from 24,000 to 468,000 during this period. In addition, more than 32,000 cases were removed from the AFDC rolls due to child support collections.

Despite the program's initial success, more must be done. It is estimated that overdue payments for AFDC-related child support total $8 billion and are growing at a rate of $1.5 billion each year. A preliminary report from the General Accounting Office, prepared at my request, indicates that only one-third of the support due AFDC families is being paid. For both AFDC and non-AFDC cases, State child support agencies do not act on delinquent cases until the payment is 3 months in arrears. Improvements can and should be made.

Mr. President, that is why I rise to support H.R. 4325, the Child Support Enforcement Amendments of 1983, as reported by the Finance Committee. This legislation would broaden the program to provide assistance in obtaining support for all children and spouses deprived of financial support. It would implement a new system of effective collection techniques, and would provide a financial incentive system to reward States for administering efficient programs.

The number of families with a female head of household but without financial support requires passage of this legislation. The child support enforcement program is intended to require payment of child support. It is unfortunate that such a program is necessary, but parent's financial support for their children is an unconditional responsibility.

Congress must not and cannot ignore the millions of children living without the proper financial, social, and moral support of their parents. The thought of these children growing up in an increasingly complex world without this support is frightening. Congress has responded to this crisis with assistance through such programs as aid to families with dependent children, food stamps, and other programs that assist low-income families. But direct Federal support is only a financial band-aid. The real solution is adequate parental support for their children.

Mr. ARMSTRONG. Mr. President, I rise today as a cosponsor of the child support enforcement measure developed by my friend and colleague from Colorado, Mr. moil, the distinguished chairman of the Finance Committee, Mr. DOLE, and others.

Mr. President, as the distinguished Senator from Colorado has pointed out, 8 million of the children in our Nation are being raised by one parent, and more than half of these children are not receiving child support or are receiving it more than 2 months late. These children, and the single parents who are struggling to raise them alone, are being victimized. Many of these single parent families are being forced to seek Federal welfare assistance.

Mr. President, the vast majority of these custodial parents are women, many of them are struggling to make ends meet. They and their children are suffering due to the inability under the present system, of the States and Federal Government to enforce adequately court-ordered child support payments. This measure will serve to assist these single parent families while each year saving taxpayers approximately $120 million in welfare payments.

I wish to commend and congratulate my colleague from Colorado for taking the lead in formulating this vital legislation.

Mr. MOYNIHAN. Mr. President, I rise today to support this legislation, and focus attention on one of the most deplorable situations affecting the Nation's social welfare—the nonpayment of child support. The current record of child support collections is intolerable; less than 55 percent of the more than 4 million women legally entitled to child support payments are not receiving the full amount; 28 percent of these women receive nothing at all. Nonpayment for child support increases the likelihood that a child will fall into poverty and remain so, prolonging reliance on public assistance.

Congress created the Office of Child Support Enforcement in 1975 to establish and enforce child support obligations, to establish paternity, and to assist in the enforcement of interstate child support obligations. The State effort, and its 9-year history is one of significant success. More than $88 billion has been collected in child support, over 2.2 million support orders have been established, and the paternity of more than 8,000 children have been determined. But this is not enough. The record of compliance on child support orders remains disgraceful.

The measure under consideration today will provide the stronger tools needed to enforce child support obligations and relieve the difficult economic circumstances facing a growing number of American families. It provides assistance for children who need such to secure the financial support due them from their absent parents. This measure imposes vigorous enforcement mechanisms including mandatory withholding of child support when a support payment is 1 month late, mandatory interception of State and Federal income tax refunds for back child support, and imposition of liens on real and personal property to secure payments. These reforms in the administration of the child support system are essential, and I am pleased to support them.

I am also a cosponsor of Senate Concurrent Resolution 84, expressing the sense of Congress that State and local governments focus energy and efforts on the problems of child support, custody, mediation, and the related issue of domestic matters. The issue of child support goes far beyond the matter of collecting support payments. Congress has taken an important step to assure such prompt collections, but it is the responsibility of the States and localities to address the related issues of visitation and custody. These are complex and sensitive matters, best addressed at the State and local level. There are strong links between female-headed households, poverty, welfare dependency, and delinquent child support. According to the Census Bureau, 19 percent of all families with children are headed by women—and 12.5 million children under age 18 live in female-headed households; 59 percent of the poor black Americans lived in female-headed families in 1980. Between 1970 and 1981, the number of female-headed households increased by 100 percent. Poverty rates among women who head their households are much higher than for male heads of households and husband-wife couples. The poverty rate for the 15.5 million female-headed families with children had incomes below the poverty line, compared with 11 percent married couple families with children. Lack of child support from an absent parent, which happens in more than 50 percent of all cases where child support is due, is a compelling explanation for the preponderance of poverty among single-parent families. It is important for the substantial numbers of such families who become part of the welfare system.

A few years ago, in a paper I published in the Journal of Socioeconomic Studies, I examined increases in the proportion of children who need and receive public assistance. The projections, though necessarily tentative so far as the future is concerned, are...
One child in three born in 1980 will receive public assistance (AFDC) before he or she is 18. That is more than four times the ratio for children born in 1940.

Certain trends and changes in the composition of those Americans who need and receive welfare are also quite pertinent to our discussion today. The welfare population is associated to an increasing degree, not with widowhood, but with abandoned female-headed families.

Let us consider but one more illustration of the pervasiveness and complexity of this matter, regarding enforcement of child support obligations.

For all American women with incomes below the poverty line, only 60 percent received any child support payments, and the average such annual payment was just $1,440. In other words, custodial parents received merely $120 a month, on average, from absent parents to support their children. If every AFDC family with no father present had received just that $1,440 average annual payment in 1982, the savings in welfare payments would have been nearly $5 billion, rather than $800 million. This is money that could have been used to enhance services for our Nation's AFDC children for child nutrition programs, for the school lunch program, or other social welfare programs that have suffered severe funding cuts in recent years.

Adoption of this legislation will not remedy all the problems associated with the child support system, but this measure most certainly will improve collection of both AFDC and non-AFDC support obligations.

This measure is a most responsive one to the well-documented problem of child support enforcement. I am pleased to support it, and I encourage my colleagues to join me in enacting it.

Mr. MATTINGLY. Mr. President, I am pleased that the Senate is today considering legislation to strengthen our Nation's child support system. As my colleagues are aware, the House of Representatives earlier this year passed its version of the child support enforcement amendments without a dissenting vote. As a cosponsor of the measure in the Senate, I hope that we in this body will also demonstrate its commitment to this Nation's children by passing this bill.

According to the Census Bureau, in 1981 only 47 percent, less than one-half, of the 4 million women in this country who were due child support received the full amount due them. A quarter of them received no payment at all. While the Census Bureau talks in terms of women who are due payments, the fact, Mr. President, is that the children are due support. It is the children who suffer when parents refuse to pay court-ordered child support. In 1981 alone, children were cheated out of $4 billion in support. This is a tragic situation, and I think it is incumbent upon us to do what we can to remedy the situation and to return to the children the support they are owed.

Current law has provided Federal incentives to States to make strong efforts to collect support payments from parents in arrears when the support payments would go to families who receive AFDC payments. No such incentives were in place for non-AFDC families, and the sad result has been that many families not currently receiving AFDC gradually lapse into poverty. This bill would reverse that trend by providing incentives to States to collect support as vigorously for nonwelfare families as they do for their welfare counterparts. In addition, the measure would require the mandatory withholding of wages from the paycheck of parents who are in arrears with child support payments. Federal income tax refunds would also be witheld.

When the citizens of this Nation decide not to obey the law, they should not be allowed to continue. Child support orders should be enforced. The children in this Nation should be cared for, by those who ultimately bear the responsibility for doing so—their parents.

I urge my colleagues to join me in casting a vote in favor of this important legislation.

Mr. WARNER. Mr. President, millions of children in this country are not receiving court-ordered support from their parents.

As a cosponsor of S. 1691, the Senate version of H.R. 4325 now before the Senate, I want to add my support to the amendments being offered by the Finance Committee.

At present, 8 million children are being raised by only one parent. Of these 8 million, more than half are not receiving support. These 8 million children and the parents with whom they live are being cheated out of $4 billion a year.

These amendments will provide a means to insure that these children receive the assistance to which they are entitled.

Parents have a responsibility to help raise their children. Many of these children are living in poverty; this must not continue.

The action we are taking today is long overdue. We may find that in the future additional amendments will be needed, but this legislation starts this Nation on the right path.

I urge my colleagues to support this legislation.

Mr. D'AMATO. Mr. President, I rise in support of H.R. 4325, the Child Support Enforcement Amendments of 1983. This important legislation will amend part D of title IV of the Social Security Act to assure that all children in America in need of assistance in securing financial support from their parents will receive such assistance, regardless of their circumstances. This bill will insure this assistance through mandatory income withholding, incentive payments to States, and other improvements to the child support enforcement program.

The intent of H.R. 4325 is to encourage States to make child support enforcement services available to all families, particularly those not dependent on the welfare system. Our current child support enforcement program began in 1975 as a cooperative effort among all levels of government. Its two aims were the fostering of family stability and a reduction in the cost of welfare to the taxpayer. Neither aim has been accomplished.

In New York, the child support enforcement program has progressed steadily since its inception in 1975, as evidenced by the payment to families with dependent children collections from $31 million in fiscal year 1976 to $65 million in fiscal year 1983. Moreover, New York State has already instituted a number of enforcement practices, such as including automatic wage withholding and unemployment benefit withholding, and a State tax refund offset system.

There is a clear need to improve our child support enforcement programs. Of the more than 4 million American women legally owed child support, more than half receive only partial payment and nearly one-third receive no payments at all. American children are being cheated out of nearly $4 billion a year.

This loss of child support results in heavy financial burdens on State and Federal welfare programs, whose rolls are swelled by the children deprived of the support they are owed by absent parents. Almost 80 percent of all child welfare recipients owe their welfare eligibility to the failure of parents to pay child support.

Part of the reason can be directly traced to the way the system operates. A General Accounting Office report, released in March 1983 concluded that the States now have little incentive to improve their programs performance. The flow of Federal dollars to States is based on what the States spend, not on the collection results they achieve.

Mr. President, I strongly urge my colleagues to pass this legislation today. I believe it will bring relief to many children across the United States who have been denied their entitled child support.

Thank you, Mr. President.
Mr. DURENBERGER. Mr. President, I thank my colleague from Colorado. I, too, am extremely pleased that we are finally considering the legislation before us today which will strengthen our child support enforcement. In particular, I commend the chairman of the Finance Committee for his efforts in reporting this bill and add my own comments relative to the ranking minority member of that committee, Mr. Packwood, who has not only spent more time on this issue over the years but during the course of the debate on the child support amendments that we have before us today, probably spent as much time in hearings with a variety of witnesses from all over the United States of America than all the other members of the committee put together.

I also recognize Senator GRASSLEY, Senator PACEWOOD, and Senator AMSTRONG for their tremendous work on this legislation.

Failure to pay child support in this country has reached epidemic proportions. This situation has become so serious that everyone knows someone who is not receiving child support.

Translating into dollars and cents and national statistics, this problem is even more horrifying. Between a quarter and a third of fathers never make a single court-ordered payment. Absent parents fail to pay approximately $3 billion each year, and this trend is growing.

In addition, the number of single-parent families has mushroomed. In 1980, there were 8.5 million single-parent families, an increase of over 100 percent from 1970. The Census Bureau predicts that only half of all children born this year will spend their entire childhood living with both natural parents. Women head 90 percent of these growing number of single-parent families.

What happens to a woman when confronted with a marriage that has been irreconcilably broken by financial problems, communication breakdowns, or other subverting values. At age 40, she may find herself raising her children alone, with no or limited means of support and terribly frightened.

Her efforts to achieve self-sufficiency and regain her self-esteem are frustrated by forces beyond her control. She quickly learns that the chances of employment are few without job skills and experience. She is confronted by the fact that the same society that encouraged her to raise and care for her family, now refuses to attach a value to the work she has performed.

In our social system, in particular, to obtain an order for child support from her former spouse, there is no guarantee that the support will ever be paid. While her standard of living quickly declines, she sees her former husband's increasing.

In many cases, she will be forced to turn to public assistance just to make ends meet. Only then can she find help to protect her own interests. Once the support starts arriving her financial situation improves—she now has enough income to obtain adequate dependent care, pay her medical bills, and provide for transportation expenses.

Unfortunately, once she becomes self-sufficient she no longer finds child support collection officials anxious to pursue her child support claims. In time, the support stops and she is forced to return to public assistance. This catch-22 may continue throughout her children's lives.

The breakdown of the American family is shocking in a society that has placed that institution at the apex of its social structure. Family dissolution is a problem that can, as national leaders, must address in the coming years. If we are going to maintain the backbone of our society, we must begin to search for ways in which we can keep the family together.

All too often we have ignored this need and sacrificed family unity and self-reliance for well-intentioned economic considerations. In doing so, we have damaged the health of America's children.

A child confronted by dissolution is frequently caught in an unwinnable and unhealthy situation. Far too often, children are used as puppets by parents who are acting out their own frustrations.

Not only do these children suffer during the course of the legal proceedings, but their anguish may continue for many years to come. In many cases, visitation and support issues rapidly intertwine to catch the children in their parents' game of cat and mouse. For example, any one of the following typical scenarios—first, the absent parent fails to pay support, and the custodial parent terminates visitation, second, the custodial parent refuses visitation, and the absent parent stops paying support, third, the absent parent purchases gifts for the children in lieu of support, or fourth, either or both parents move to a new locality.

These are just a few of the tragic situations that follow divorce, but they all lead to one inevitable conclusion—the innocent children are the ultimate victims.

Although these serious family law issues are primarily within the jurisdiction of the State and local governments, Congress does have an obligation to protect these children's financial well-being by tackling the child support enforcement problem.

I am pleased that the Senate is finally considering a strong child support bill. I have been extremely concerned about this problem and made child support enforcement a significant part of both the Economic Equity Act of 1981 and the Economic Equity Act of 1983. I strongly support passage of this legislation. The time has come for action.

The bill which we are considering today is a strong piece of legislation and incorporates many of the provisions of title V of the Economic Equity Act. It includes:

- Mandatory wage withholding after arrearages equal 1 month.
- Mandatory quasi-judicial procedures.
- Mandatory Federal and State income tax offsets for both AFDC and non-AFDC families.
- Mandatory liens against real and personal property.
- Mandatory security and bonding procedures.
- Support for State and local government initiatives with respect to visitation, child custody, and related domestic issues.
- Mandatory development of objective standards for support.

This legislation also establishes a new incentive formula for both AFDC and non-AFDC collections. Hopefully, this change will encourage States to pursue more cost-effective and responsive to all families—not just those receiving AFDC.

There is a gradual reduction in the Federal matching formula incurred in the bill. Although I, personally, would have preferred maintaining the Federal match at 70 percent, the new rate represents a compromise that recognizes the enormous Federal deficit and the needs of the States. When coupled with new incentive payments and greater State efficiency, this change will be negligible.

Passage of this legislation by the Senate will send a signal to American families that we intend to remove economic discrimination now. But, this does not complete our task. We must take action to insure passage of all the other provisions of the Economic Equity Act. We must increase the availability of the dependent care tax credit. We must remove all insurance discrimination that currently exists. We must reform public pensions for civil service spouses. Finally, we must adopt an example by removing impediments established in our regulatory Tax Codes.

Mr. President, the challenge that awaits us is great, but enactment of strong child support enforcement legislation is an important beginning. As we move ahead to our next goal, I believe it is vital that we keep in mind the importance of removing economic barriers which confront women. Hubert Humphrey articulated this well, in 1968, when he stated:

"Despite the fact that we are doing better in this respect than most other countries, it..."
still remains true that the richest under-re- 
alized resource in America is the talent of its 

children.

Mr. ARMSTRONG. Mr. President, I 
thank the Senator from Minnesota. I 
would also like to point out to Senators that the first legislation on this subject of child support which has emerged as a major national problem was in fact presented by the Sena- tor from Minnesota, and I compliment him for bringing this to the attention of the Finance Committee and taking the lead on it.

Mr. LONG. Mr. President, will the 
manager yield?

Mr. ARMSTRONG. Yes. Of course, 
in fact, I think the Senator from Lou- 

For many of these families, child- 
support payments from the absent 
parent should be a major source of 
income. But for 40 percent of those 
families no child support has been 
awarded by a court. And what of the 
remaining 60 percent? Fewer than half 
received the full amount due; 23 per- 
cent received only part of what they 
were entitled to; and 28 percent re- 
ed, to the very women who are in the 
financial responsibility for their chil- 
dren is a national disgrace.

Mr. President, there has been a lot 
written lately about the feminization 
of poverty—the alarming increase of 
female-headed families in recent years. The statistics here are compelling. The mean income of female-headed families is only 42 per- 
cent of two-parent families' income. 

And a recent study concluded that 
two-thirds of the children in female- 
headed families depend on AFDC. 

It is fully a proper Government role 
to try to help women who head single- 
parent families. We need to increase 
income assistance, and education, and 
training opportunities for these 
women and their families. And we also 
need to make sure that noncustodial 
parents fulfill their financial responsi- 

On balance, however, I believe the 
statement by the Finance Commit- 
tee will strengthen the program. If its 
provisions are properly implemented, 
there should be a significant improve- 
ment in State efforts to obtain the 
support payments which are owed by 
absent parents to their children. I 
tend to vote for this bill, and I urge 
the Senate to approve it.

I yield 2 minutes to the Senator from 
New Jersey.

The PRESIDING OFFICER. The 
Senator from New Jersey is recogn- 
ized.

Mr. BRADLEY. Mr. President, I rise 
as a supporter of the child-support en- 
forcement reform bill now before the 
Senate. This bill is modeled on legisla- 
tion that I introduced last January to 
insure that court-ordered child-sup- 
port payments are actually made. The 
court record of compliance with 
court orders in this area is nothing 
short of a national disgrace. Today, 
we have a real chance to change that.

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New Jersey.
Mr. President, steps have been taken in New Jersey and elsewhere to improve child-support collections. In 1982, in New Jersey, $130 million in child-support collections were made. Over 3,000 families were removed from AFDC rolls. For example, over 30,000 absent parents were located and almost 10,000 paternities were established. The New Jersey program is much better than average. For example, for every $1 in CSE administrative costs, the program collected over $4 in child support, much better than the national average.

The CSE program has had a positive impact, but much more needs to be done. There is a wide disparity in performance among States and no State has even a 50-percent compliance rate with court orders. The system is in great need of tightening up.

Mr. President, earlier this year Senator Durenberger and I introduced legislation that has been cosponsored by 20 Senators designed to help those who are trying to collect the child-support payments legally due them. While the legislation before us today is not as strong in some respects as the bill we introduced, it will substantially improve the collection of child-support payments from parents who are ignoring their legal obligations. The Finance Committee bill is a bipartisan effort to assure that the performance of States over the next couple of years to see how effectively the changes we are making today actually work.

Mr. President, while the House and Senate bases are similar in most respects, there are a few differences between them. I am hopeful that the House-Senate conference agreement on the tax refund portion of the bill in three ways. First, I would like to see all tax refunds from noncustodial parents with delinquent payments be attached, not just refunds owed to welfare families. Second, we need a transitional measure to provide 4 months of medicaid coverage to families going off AFDC because of improved collections. And, third, the incentive payment to States should be expanded to further encourage States target all delinquent noncustodial parents, not just those whose children are on AFDC families.

Mr. President, the differences between the bills are not insurmountable. I hope that we can resolve these differences quickly and get this bill enacted so that corrective action can begin quickly. There is no excuse for delay. Millions of needy children are waiting for us to act.

During the Finance Committee deliberations on the child support bill, I offered an amendment requiring States to provide 4 months of medicaid coverage for AFDC families who lose eligibility for AFDC and medicaid as a result of increased child support. Unfortunately, the amendment lost on a vote of 9 to 10 in committee. I had intended to propose an amendment on the floor that would permit States, at their option, to provide the 4 months of medicaid coverage.

Mr. President, a 4-month extension of medicaid provides critical support to families in the difficult period of transition from AFDC to self-sufficiency. Loss of medicaid is often one of the most devastating byproducts of losing AFDC, since poor children are more likely than other children to need medical care.

Mr. President, in an effort to expedite this bill through the Senate, the chairman of the Finance Committee has asked me not to offer this amendment on the Senate floor. Can the chairman give me some assurances that at the conference we at least allow States at their option to provide 4 months of medicaid coverage?

I thank my colleagues from New Jersey for their courtesy and cooperation in this matter.

Mr. Dole. As my colleague knows, I did not support the amendment he offered and I urged my colleagues from Minnesota (Mr. Durenberger) to require States to provide 4 months of medicaid coverage. However, it is my position that States should be allowed the option to provide such coverage. That will be the position I will take as a member of the conference. While I cannot speak for the other Senate conferees, given the vote in the committee, some provision for medicaid coverage is likely to emerge from the conference.

I thank my colleague from New Jersey for his courtesy and cooperation in this matter.

Mr. Bradley. I thank the Senator.

Mr. Durenberger. Mr. President, the Senator from New Jersey and I were co-sponsors of an amendment that failed I think by one vote in committee on this subject. I came to the issue before from my interest in medicaid and health policy and also from the standpoint of a very extensive study conducted in my State by the University of Minnesota over the last couple of years about what happens to families when they move off of AFDC because of increased income, either jobs or AFDC. That study reported that somewhere between one-fourth and one-third of all adults and fully one-third of all children involved even 4 months after termination of AFDC were without medical or dental coverage because they could not afford to purchase that coverage on the outside.

I am pleased that the chairman has indicated that in conference he would be willing to consider optional treatment for medicaid coverage.

Mr. Armstrong. Mr. President, I yield to our colleague from Virginia (Mr. Thaxler).
Mr. ARMSTRONG, I am pleased to yield to the Senator.

Mr. President, how much time remains?

The PRESIDING OFFICER. One minute and 28 seconds.

Mr. ARMSTRONG, I yield 1 minute and 20 seconds to the Senator.

Mrs. HAWKINS. I thank the distinguished Senator from Colorado for yielding. I, too, commend him for his leadership and that of Senator Long, Senator Durenberger, Senator Dale, and the other distinguished members of the Finance Committee.

Our Nation can no longer tolerate the operation of our current system of child support. It perpetuates a culture of poverty, leads to the neglect of defenseless children, and fosters disrespect for the law.

A recently published Census Bureau report showed that 28 percent of the mothers owed child support during 1981 received not 1 cent during the entire year; and half the women due support did not receive the full amount they were owed. That means that children in more than 4 million homes across our land are being shortchanged and cheated. It is time we do something about it. This is nothing less than the prevention of innocent children.

For the mothers involved, it is an economic catastrophe. It has contributed to the "feminization of poverty." We now find that while some 14 percent of the population-at-large falls below the poverty line. Among single mothers caring for children, the figure is more than double to 35 percent.

During the depths of the Great Depression, President Roosevelt spoke of one-third of a nation being ill-housed, ill-clad, and ill-fed. We confront a comparable situation in female-headed, single-parent households today.

Yet, according to a 1982 Stanford University study, most noncustodial parents who are not meeting their child support obligations are capable of doing so, and, indeed are capable of paying significantly more than the amounts awarded.

Quite clearly, the present system of child support collection is costly and ineffective. In nearly all cases, the mother lacks either the time or the moral obligation, and that includes withholding of child support payments from wages.

Mr. President, our Nation has no more important responsibility than protecting the family bond. Our laws must assert every parent's responsibility to support his or her children. That is why this is so important an initiative. I commend my colleagues for their leadership and urge the Senate to adopt this amendment.

Mr. ARMSTRONG. Mr. President, does the Senator from Florida seek the floor?

Mrs. HAWKINS. Yes.
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one of the most effective methods of enforcing child support payment.

A disturbing statistic that emerged from the Florida study—as well as national studies on child support enforcement—is the low percentage of nonwelfare children whose support is that which is to be processed. Although the Federal law requires that State child support agencies offer services to custodial parents who are not AFDC recipients, in Florida, our non-AFDC caseload is only 4 percent. Only 10,000 of the 267,000 cases in Florida in 1982 were nonwelfare cases. The reason is an economic one. There is a built-in disincentive for spending staff time on nonwelfare cases. But there is no other substantive difference between them; the problems of child support enforcement are common to both welfare and nonwelfare families. Unfortunately, the financial benefits of pursuing non-AFDC child support cases are not immediately apparent. However, several studies are now being done to determine the cost-avoidance aspects of the non-AFDC program.

Ultimately, the real reason for encouraging the enforcement of all child support orders, regardless of the parents’ dependence on governmental support is a matter of children’s right and need to be supported by their parents. We in Congress must pursue our goal of returning the responsibility of caring for children to the parents.

I commend Senator Dole, Senator Long, Senator Bradley, and Senator Durenberger, and all members of the Senate Finance Committee for their efforts in developing legislation that improves the child support enforcement program and insures that all children in the United States who are in need of assistance in securing financial support from their parents will receive assistance regardless of their circumstances. I ask my colleagues to support this legislation.

The PRESIDING OFFICER. The Senator from Louisiana has 7 minutes and 20 seconds remaining.

Mr. LONG. I yield back the remainder of my time.

Mr. ARMSTRONG. I am prepared to yield back our time.

Has the committee amendment been adopted?

The PRESIDING OFFICER. It has not.

Mr. ARMSTRONG. I am prepared to proceed to adoption of the committee amendment and then to vote on the bill.

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

The committee amendment was agreed to.

The PRESIDING OFFICER. All time having been yielded back, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, it is now in the hands of the Senator from North Carolina (Mr. East), who is recognized.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Maine (Mr. Cohen) and the Senator from North Carolina (Mr. East), are necessarily absent.

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

Mr. CRANSTON. I announce that the Senator from Colorado (Mr. HART), the Senator from Kentucky (Mr. HUMPHREY), and the Senator from Connecticut (Mr. DODD), are necessarily absent.

I also announce that the Senator from Massachusetts (Mr. KENNEDY) is absent because of a death in the family.

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

The PRESIDING OFFICER (Mr. BOSCHWITZ). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 94, nays 0, as follows:

[Read roll call vote No. 79 Leg.]

YEAS—94

Abdnor  Goldwater  Nickles
Andrews  Gorton  Nunn
Armstrong  Grasso  Pitt
Baker  Hatch  Pell
Baucus  Hatfield  Percy
Bentsen  Hawkins  Pryor
Biden  Hecht  Proxmire
Bingaman  Heflin  Sasser
Boren  Helms  Sarbanes
Boschwitz  Helms  Randolph
Bradley  Hollings  Riog
Bumpers  Humphrey  Roth
Byrd  Jepson  Sarbanes
Chafee  Johnston  Sasser
Chiles  Kassebaum  Simpson
Coehran  Kasten  Specter
Cranston  Lautenberg  Stafford
D’Amato  Laxalt  Stevens
Danforth  Leahy  Stevens
DeConcini  Levin  Symms
Denton  Long  Thurmond
Dixon  Lugar  Tower
Dole  Mathias  Trible
Demint  Mattingly  Tsongas
Durenberger  McClellan  Walls
Eagleton  Mclnteer  Wicker
Evans  Metzenbaum  Wilson
Ford  Mitchell  Zorinsky
Garn  Moynihan
Glenn  Murkowski

NOT VOTING—6

Cohen  East  Huddleston
Cofield  East  Hudson

So the bill (H.R. 4325), as amended, was passed.

The PRESIDING OFFICER (Mr. BOSCHWITZ). The Senator from Colorado is recognized.

Mr. ARMSTRONG. Mr. President, in a moment I will move to reconsider the vote. But, before I do, I yield to the Senator from Louisiana.

Mr. LONG. Mr. President, I ask unanimous consent that the following Senators be added as cosponsors to the amendment: Senators LONG, NUNN, HOLLINGS, BRADLEY, MOYNIHAN, MATSUNAGA, INOUE, LEAHY, LEVIN, EXON, ANDREWS, ABDDOR, WARNER, SASSER, and BOSCHWITZ.

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

The Senator from Colorado is recognized.

Mr. ARMSTRONG. Mr. President, I also would like to acknowledge that the passage of this bill—which, as several Senators have observed, is an extremely important piece of legislation—has been made possible by the smooth and quick floor debate. It also has been made possible by the truly outstanding staff work of Sydney Olson and Margaret Webber of the majority staff; and, by Mike Stern and Joe Humphreys of the minority staff.

Behind the scenes, there was a lot of negotiating, pulling and hauling, as there always is on a bill like this. The fact that we were able to handle it with such great dispatch and in a timely manner is a tribute to the work that they have done, and we are grateful to them for that.

Mr. President, I move to reconsider the vote by which the bill was passed. Mr. LONG. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER, Mr. President, I thank the Senators who managed this measure, and I thank the Senators who sponsored it for the great cooperation. I congratulate them on the passage of this important piece of legislation. I know it has been a great matter of interest of the Senator from Louisiana for a long time, of the Senator from Kansas, and also of the Senator from Colorado in particular.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask that there now be a period for the transaction of routine morning business for not past the hour of 6:15 p.m. in which Senators may speak.

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

DEFICIT REDUCTION PACKAGE

Mr. ARMSTRONG. Mr. President, yesterday in speaking on the pending deficit reduction package, I pointed out the very great danger facing our country if we are not in some way to...
bring into balance the revenues and outlays of the Federal Government. The prospect of these deficits of a magnitude of $200 billion or more this year and $400 billion next year is truly awesome. It presents a concern which I think is out of the ordinary and calls for a degree of compromise and self-sacrifice by Senators and others in the country which I pointed out yesterday. I think is above and beyond what we have routinely faced.

I hope all Senators will approach the debate on this matter in a spirit of accommodation and compromise, and will, as I have suggested that I am prepared to do, relinquish all the sacred cows and do whatever is necessary to balance the budget.

My purpose in seeking recognition, however, is not to elaborate on that statement, but simply to correct one statement which I made yesterday. Some Senators might find it embarrassing to correct themselves on such a short notice but I have had a fair amount of practice in trying to correct my own mistakes. I want to put the minds of Senators at ease about one statement I made yesterday.

I pointed out that I was concerned about the real validity of the proposed spending caps in this proposal. That is, I was concerned that a majority of a quorum could waive on motion the spending caps on which this whole deficit reduction package, inadequate though I believe it to be, depends.

It is true, and I was correct in pointing out, that a majority of a quorum could waive the spending caps even though they were in the law, because there is a specific provision in the bill that permits that.

Where I erred, and I want Senators to know that I was mistaken because it is an important point, was that I mentioned that the motion for such waiver, which appears in the Senate Resolution 328, would not be debatable, that it would be subject to a 1-hour time limit. The reason I mentioned that was because that would be the regular course of things under a budget reconciliation or a budget resolution. That is, points of order and waivers only get 1 hour of debate.

But upon reflection and rereading and with advice of staff, I want to make clear to the Senate that I was in error about that point. The specific waiver which is provided for in the pending amendment, the so-called leadership amendment or the rose garden budget, whatever you call it, would be subject to not 1 hour of debate but to unlimited debate. In fact, to shut off debate, cloture would be necessary.

I want to correct the record on that. I apologize for unintentionally misstating that. I put all Senators on notice that in the event these limitations are in fact enacted into law and that at some future time next year or the year after someone tried to bring to the floor an appropriations bill or an amendment which exceeded those limits specified herein, any waiver of the kind would be subject to very extended debate, and I might well propose such debate myself if circumstances warranted. I wanted to clear up the record before any time elapsed.

This was my purpose in rising. I thank the majority leader for having yielded.

THE CALENDAR

Mr. BAKER. Mr. President, I have some calendar items. The acting minority leader is on the floor and has been briefed about them. I want to put the minds of Senators at ease about one statement I made yesterday.

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I pointed out that I was concerned about the real validity of the proposed spending caps in this proposal. That is, I was concerned that a majority of a quorum could waive on motion the spending caps on which this whole deficit reduction package, inadequate though I believe it to be, depends.

It is true, and I was correct in pointing out, that a majority of a quorum could waive the spending caps even though they were in the law, because there is a specific provision in the bill that permits that.

Where I erred, and I want Senators to know that I was mistaken because it is an important point, was that I mentioned that the motion for such waiver, which appears in the Senate Resolution 328, would not be debatable, that it would be subject to a 1-hour time limit. The reason I mentioned that was because that would be the regular course of things under a budget reconciliation or a budget resolution. That is, points of order and waivers only get 1 hour of debate.

But upon reflection and rereading and with advice of staff, I want to make clear to the Senate that I was in error about that point. The specific waiver which is provided for in the pending amendment, the so-called leadership amendment or the rose garden budget, whatever you call it, would be subject to not 1 hour of debate but to unlimited debate. In fact, to shut off debate, cloture would be necessary.

I want to correct the record on that. I apologize for unintentionally misstating that. I put all Senators on notice that in the event these limitations are in fact enacted into law and that at some future time next year or
Vladimir Yakimetz merits our attention precisely because he has sought to live up to the principle expressed in article 100.

In 1983, while serving, as he had for several years, as a program officer responsible for budget planning in the Department of International Economic and Social Affairs, Mr. Yakimetz was instructed by officials of the Soviet mission at the U.N. to engage in activities he knew to be inconsistent with his oath as an international civil servant. He refused, and was consequently ordered back to Moscow.

Mr. Yakimetz thereupon requested, and received, on February 9, 1983, political asylum in the United States. The Soviets, not surprisingly, sought to have him dismissed from the U.N.

To his great credit, Secretary-General Javier Perez de Cuellar decided to permit Mr. Yakimetz to remain at the U.N. through the conclusion of his employment contract, despite the fact that the country which had seconded him to the U.N.—the U.S.S.R.—no longer wanted him to remain there.

While this represented a certain measure of victory for the principle of independence in international civil service, it was only an interim solution. When Mr. Yakimetz's contract expired on December 26, 1983, the Secretary-General was bound by the provisions of that U.N. individual employment contract to employ him unless he were to be seconded by a member country of the U.N.

In order to be seconded, Mr. Yakimetz must be a citizen of said member country. For a number of reasons, the logical choice is the United States—not least because it would be in the American national interest to see that the often-abused principle of an independent U.N. civil service is strengthened in practice, as it would be by retention of Mr. Yakimetz in the U.N. Secretariat.

Thus, on September 27, 1983, and the proposal to expedite the citizenship process for Vladimir Yakimetz. With American citizenship, he will promptly be seconded and rehired. And the employees of the U.N. will be well served if it is possible to abide by the charter.

It is important to note that Vladimir Yakimetz does not seek early citizenship for personal gain or convenience. Having been granted asylum, he could look forward to becoming an American citizen in the course of time through the normal procedures. With his background as a physicist, linguist and administrator, he could also expect to fare well in the American job market.

Yet Mr. Yakimetz believes in abiding by the U.N. Charter, and would like to continue to do so as an employee of the Secretariat. If he did not, he could easily have cooperated with the Soviet mission at the U.N. in violating that charter.

The permanent representative of the United States to the United Nations, Ambassador Jeanne J. Kirkpatrick, has written me in support of this effort, noting in her letter that—

The immediate bestowal of U.S. citizenship on this worthy individual who has chosen freedom seems to me not only warranted but essential.

I hope that my colleagues will join me in supporting S. 1989. If we fail to act on this case, we will encourage the Soviet Union still further to believe they can ignore their charter commitments with impunity. And other U.N. employees from the Soviet bloc will understand that to insist on principle is to lose a livelihood.

The principles of the U.N. Charter, the noble goal of an international civil service and the personal courage of Vladimir Yakimetz deserve our recognition.

I ask unanimous consent that the full text of S. 1989, as reported, and the text of Ambassador Kirkpatrick's letter in support of S. 1989, be printed in the Record.

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

S. 1989

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding paragraphs (14) and (28) of section 201(a) of the Immigration and Nationality Act, for purposes of such Act, Vladimir Victorovich Yakimetz shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required fee. Upon the granting of permanent residence to such alien as is provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the proper number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas which are made available to natives of the country of the alien's birth under section 201(e) of such Act.

(b)(1) Vladimir Victorovich Yakimetz shall be held and considered to have satisfied the requirements of section 313 of the Immigration and Nationality Act which relate to required periods of residence and physical presence within the United States and shall be held or considered to be within any of the classes of persons described in section 313 of such Act.

(b)(2) Notwithstanding the provisions of section 310(d) of that Act, Vladimir Victorovich Yakimetz may be naturalized at any time after the date of enactment of this Act if he be otherwise eligible for naturalization under the Immigration and Nationality Act.

The Representative of the United States of America to the United Nations.

September 27, 1983.

Hon. Daniel Patrick Moynihan,
U.S. Senator, Washington, DC.

Dear Pat: I am writing to you in support of the effort to secure expedited U.S. citizenship for Mr. Vladimir Yakimetz, a former Soviet national assigned to the Department of International Economic and Social Affairs in the U.N. Secretariat. Last February, Mr. Yakimetz defected to the United States after he was notified by Soviet Mission authorities in New York that he was to be sent home in connection with allegations that he had participated in black market activities.

Following his confrontation with the Soviet authorities, Mr. Yakimetz contacted his UN supervisor who, in turn, assisted him in retaining Orville H. Schell, Esq., of Hughes Hubbard and Reed, a New York law firm. Mr. Schell negotiated an agreement with the UN Secretary General that permitted Mr. Yakimetz naturalization in the Secretariat through December 26, 1983, when his current contract expires. The agreement also appears to open the way for Mr. Yakimetz's new contract with the Secretariat after December, provided he secures U.S. citizenship by that time.
The Senate proceeded to consider the bill (S. 2413) to recognize the organization known as the American Gold Star Mothers, Inc., which had been reported from the Committee on the Judiciary with amendments:

On page 2, line 17, strike "incorporation" and insert "incorporation and shall include a continuing commitment, on a national basis, to—"

(a) keep alive and develop the spirit that promoted world services;
(b) maintain the ties of fellowship born of that service, and to assist and further all patriotic work;
(c) inculcate a sense of individual obligation to the community, State, and Nation;
(d) assist veterans of World War I, World War II, the Korean Conflict, Vietnam, and other strategic areas and their dependents in the presentation of claims to the Veterans' Administration, and to aid in any way in their power the men and women who served and were wounded or incapacitated during hostilities;
(e) perpetuate the memory of those whose lives were sacrificed in our wars;
(f) maintain true allegiance to the United States of America;
(g) inculcate lessons of patriotism and love of country in the communities in which we live;
(h) inspire respect for the Stars and Stripes in the youth of America;
(i) extend needful assistance to all Gold Star Mothers and, when possible, to their descendants; and
(j) promote peace and good will for the United States and all other nations.

Service of Process

Sec. 4. With respect to service of process, the corporation shall comply with the laws of the State in which it is incorporated and those States in which it carries on its business, and all other nations.

Books and Records; Inspection

Sec. 10. The corporation shall keep correct and complete books and records of account and shall keep minutes of all meetings of the members and the board of directors, and no member shall have the right or power to inspect the books and records of the corporation or any minutes of any meetings of the members or the board of directors. All books and records of the corporation shall be open to inspection by any officer or director, or any committee having authority under the board of directors, at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

Audit of Financial Transactions

Sec. 11. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", as amended August 30, 1994 (36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(d) The corporation shall have no power to lend any money to any officer, director, or employee of the corporation.
(e) The corporation and any officer and director of the corporation, acting within the scope of their authority, shall cooperate, assist, and maintain true allegiance to the United States and all other nations.
(f) The corporation shall have no power to lend any money to any officer, director, or employee of the corporation.
(g) The corporation shall have no power to lend any money to any officer, director, or employee of the corporation.
(h) The corporation shall have no power to lend any money to any officer, director, or employee of the corporation.
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(w) The corporation shall have no power to lend any money to any officer, director, or employee of the corporation.
(x) The corporation shall have no power to lend any money to any officer, director, or employee of the corporation.
(y) The corporation shall have no power to lend any money to any officer, director, or employee of the corporation.
(z) The corporation shall have no power to lend any money to any officer, director, or employee of the corporation.

Annual Report

Sec. 12. The corporation shall file an annual report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit required by section 11 of this Act. The report shall not be printed as a public document.

Reservation of Right to Amend or Repeal Charter

Sec. 13. The right to alter, amend, or repeal this Act is expressly reserved to the Congress.

Definition of "State"

Sec. 14. For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

Tax-Exempt Status

Sec. 15. The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code.
April 25, 1984

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Code of 1984. If the corporation fails to maintain such status, the charter granted hereby shall expire.

TERMINATION

Sec. 18. If the corporation shall fail to comply with any of the restrictions or provisions of this Act, the charter granted hereby shall expire.

Mr. DENTON. Mr. President, the American Gold Star Mothers, Inc., was originally founded on June 4, 1928, by a group of 25 mothers residing in Washington, DC, as a nondenominational, nonprofit, and nonpolitical national organization. On January 5, 1929, the organization was incorporated under the laws of the District of Columbia.

The organization is composed of mothers whose sons or daughters served and died in the line of duty in the Armed Forces in World War I, World War II, the Korean conflict, Vietnam, and other strategic areas, or who died as a result of injuries received during such service. It is open to membership for all eligible women regardless of race, color, religion, or national origin.

The noble objectives of the organization include:

Maintaining the ties of fellowship born of service, and assisting and furthering all patriotic work;

Inculcating a sense of individual obligation to the community, State, and Nation;

Assisting veterans of World War I, World War II, the Korean conflict, Vietnam, and other strategic areas and their dependents in the presentation of claims to the Veterans' Administration, and providing all possible assistance to the men and women who served and died or were wounded or incapacitated during hostilities;

Perpetuating the memory of those whose lives were sacrificed in the line of duty;

Maintaining true allegiance to the United States of America;

Inculcating lessons of patriotism and love of country in the communities in which they live;

Inspiring respect for the Stars and Stripes in the youth of America;

Extending needed assistance to all Gold Star Mothers and, when possible, to their descendants; and

Promoting peace and good will for the United States and all other nations.

The organization has accomplished those objectives during the past 55 years through its total commitment to public service, a commitment that entails working with families to help adjust to a way of life without their loved ones and to providing many hours of volunteer work and personal service in all hospitals for veterans. The organization exemplifies a high level of patriotism in its efforts to protect the rights of mothers whose sons or daughters made the ultimate sacrifice on behalf of their country.

Mr. President, the organization met all the requirements outlined in the "Standards for the Granting of Federal Charters" and it met the judiciary standards of the corporation for cosponsors, having collected 77 cosponsors. On April 4, 1984, the bill was favorably reported with amendments.

I believe that it is appropriate for the Congress to grant a Federal charter to an organization that strives to promote the patriotic ideals of public service. The words and deeds of the American Gold Star Mothers truly justify favorable congressional action.

I urge my colleagues to support S. 2413.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SOLIDarity Sunday

The Senate proceeded to consider the resolution (S. Res. 367) to express the sense of the Senate in support of "Solidarity Sunday.

Mr. MOYNIHAN. Mr. President, I rise today to invite my colleagues to join me in supporting Senate Resolution 367, a resolution expressing the sense of the Senate that Congress supports Solidarity Sunday for Soviet Jewry. On April 11, 45 Senators having joined as original cosponsors, I introduced Senate Resolution 367. Thanks to the gracious cooperation of the majority leader, (Senator BAKER), the minority leader (Senator BYRD), the chairman of the Judiciary Committee (Senator TURMONT), and the ranking member (Senator BIDEN), the resolution was placed immediately on the Senate Calendar.

Sunday, May 6, 1984, is Solidarity Sunday, in New York City, when thousands of Americans of all faiths will gather to march together in a demonstration of their solidarity with the nearly 3 million oppressed Jews of the Soviet Union. First organized and coordinated by the Greater New York Committee for Soviet Jewry 13 years ago, Solidarity Sunday has become a tradition. One regrets that this has been necessary, but one is heartened by the continuing willingness of Americans to undertake this effort.

This resolution would be an important expression of our unwavering concern as a free people for the plight of Soviet Jews and other persecuted minorities in the Communist world. Solidarity Sunday is especially important this year, given the increasing pressure by the Soviet Government on Soviet Jews who wish to express themselves religiously and culturally. Despite the recent interim in the Helsinki Final Act and the Universal Declaration of Human Rights, the Soviet Government has in recent months intensified its persecution of Jewish citizens. Hebrew classes are disrupted, prayer services are dispersed, Jews are prevented from practicing their faith.

In this season of Passover—the holiday of Jews around the world commemorating the exodus of the ancient Israelites from slavery in Egypt—Jews in the Soviet Union remain in religious and cultural bondage. The Passover Seder is an expression of freedom that is not allowed in the Soviet Union. Soviet authorities will not even permit Jews to gather to share the holidays of their history, so central to their faiths.

One obvious measure of the officially sanctioned campaign of anti-Semitism in the Soviet Union is the ease or restrictiveness of emigration. In 1983, only 1,314 Jews were permitted to emigrate from the Soviet Union. This represents the lowest level of Jewish emigration in 20 years, and the declining trend appears to be continuing in 1984. In March, only 81 Jews were allowed to leave the Soviet Union.

The Soviet Government, and the official Anti-Zionist Committee it established 1 year ago, would have the world believe that most of the Jews who wish to emigrate already now have done so. They assert, contrary to all evidence, that religious freedom is not an issue in the Soviet Union. We know this is deception; we must never forget the facts.

It is a fact that there are close to 3 million Jews today in the Soviet Union. It is a fact that at least 400,000 Jews have begun the difficult process of applying for emigrant visas. It is a fact that once a Soviet Jew has applied for a visa, he or she is subjected to KGB harassment, physical intimidation, and often outright dismissal from their jobs. Sadly, there is no insurance that conditions for Soviet Jews are improving.

Mr. President, the free world must continue to speak out against this injustice. The hopes of the beleaguered Jews of the Soviet Union rest on our efforts.

Anatoly Shcharansky's suffering in Chistopol Prison must teach us to never forget the fate awaiting observant Jews in the Soviet Union who dare to speak out. In October 1983, Josef Begun received a sentence of 12 years, for the crime of teaching Hebrew. Aleksandr Paritsky, Ida Nudel, Levi Elbert—the list goes on and on, of people yearning for freedom. We will not forget them.

I invite all my colleagues to join me in supporting Solidarity Sunday for Soviet Jewry. May 6, 1984, can and must send an important message to the Government of the Soviet Union.

I ask unanimous consent that the full text of the resolution be printed in the Record.
Mr. GLENN. Mr. President, today I am pleased to join in recognizing Solidarity Sunday for Soviet Jewry.

Soviet Jewry faces a crisis in emigration. In 1979, Jewish emigration reached a highpoint of 51,320. In 1982, the annual rate of Jewish emigration reached 2,688. Last year, a mere 1,314 Soviet Jews were allowed to emigrate. To date in 1984 only 229 have been allowed to leave. Clearly this disturbing trend merits concern and condemnation.

As disturbing as these numbers are, it is even more unsettling to recognize the vicious turn that Soviet policy has taken. In April of last year, the Soviet Government organized an official Anti-Zionist Committee to renounce Zionism, hasten forced assimilation and foster anti-Semitism. Under the guise of anti-Zionism anti-Semitic articles have increased in the Soviet press in an attempt to cut through the very fiber of Jewish culture. The most outlandish attempt to break the will and spirit of the Jewish people purports that Soviet Jews collaborated with the Nazis during World War II. Such propaganda invokes chilling analogies; these are indeed ominous forces at work in the Soviet Union.

The Soviets appear to believe that they somehow punishing the United States for its hard-line policies. Moscow maintains Washington's tough talk rhetoric has seriously harmed United States-Soviet relations. In reaction to the current West-East chill, the Soviets have frozen shut emigration's door. Today I believe we must make the Soviet Union understand we will never forget Soviet Jewry and that a relaxation of emigration restrictions would send a promising signal. We must never unnecessarily escalate tensions with our principal adversary—for such escalation affects the very lives of those forcibly contained within Soviet borders.

Solidarity Sunday helps to bring the difficulties of Soviet Jewry to the forefront of national and world attention. We all hope these efforts may someday convince the Soviets to end their use of Jews as political pawns and to respect their rights as human beings. We hope these efforts may someday show the Russians that they must treat the Helsinki Accords as a serious international commitment.

It is a sad fact that injustice and anti-Semitism exist around the world—where Jews fear in the future the shadows of the past. It is a sad fact that Jews today still suffer many of the hardships and injustices they have endured for so many years. This sad legacy of the Jewish past must be interrupted. Anti-Semitism must be expended, the lighted torch of the principles of human liberty and religious freedom on which our Nation was founded. I salute the organizers and participants of Solidarity Sunday.

Mr. PELL. Mr. President, May 6, 1984, will be the 13th annual Solidarity Sunday for Soviet Jewry. On that day, Americans of all faiths will participate in activities to show their support for Soviet Jews and their determination to force the Soviet Union to provide all of its citizens, Jewish and non-Jewish alike, with respect for human rights and freedoms, including the freedom to emigrate. As one who has spent many years working on behalf of Soviet Jews and other oppressed peoples in the Soviet Union and Eastern Europe, I strongly support the campaign to be undertaken on Solidarity Sunday.

As a party to the U.N. Charter and various international covenants on human rights and as a signatory of the Helsinki Final Act, the Soviet Union has pledged respect for human rights and fundamental freedoms. Yet, it has repeatedly violated these pledges, especially in its treatment of Soviet Jews.

In recent years, discrimination against Jews, particularly in the areas of education and employment, has increased. Since 1980, the Soviet Government has stepped up its campaign against Jews who exercise their right of religious worship and/or participate in Jewish self-study groups. Those attempting to organize unofficial Jewish religious study groups have been subjected to threats of arrests, harassment, house searches, surveillance, and other forms of intimidation. This treatment is akin to that received by Jewish activists in the dissident, human rights, and emigration movements—men and women such as Anatoly Shcharansky, Iosif Begun, and Yda Nudel, to name only a few, who have endured unjust treatment to secure human rights for themselves and their fellow citizens. In an effort to escape the anti-Semitic policies and practices of the Soviet Government, many Soviet Jews have turned to emigration as a means of self-preservation. But emigration is no longer a solution. In fact, Soviet Jewish emigration is in a state of crisis.

In 1975, a record level of 51,320 Jews were allowed to leave the Soviet Union. Since that time, however, the annual rate of Jewish emigration has decreased steadily and markedly. In 1980, 21,471 Jews emigrated to the West. In 1981, 9,447 Jews were allowed to leave, and in 1982, Jewish emigration plummeted to 2,688. In 1983, only 1,315 Jews were permitted to leave. This figure is the lowest since the Soviet Union was founded. I salute the 367th Congress for its hard-line policies.

For its part, the Soviet Union has pledged respect for human rights and freedoms. Yet, it has repeatedly violated these pledges, especially in its treatment of Soviet Jews.

Whereas leading Soviet Jewish activist Yda Nudel, to name only a few, who have endured unjust treatment to secure human rights for themselves and their fellow citizens. In an effort to escape the anti-Semitic policies and practices of the Soviet Government, many Soviet Jews have turned to emigration as a means of self-preservation. But emigration is no longer a solution. In fact, Soviet Jewish emigration is in a state of crisis.

Whereas the right to emigrate freely and to be reunited with one's family abroad is denied Jews and many others in the Soviet Union; and

Whereas the Universal Declaration of Human Rights, adopted by the General Assembly of the United Nations, and the Helsinki Final Act explicitly assert guarantees of those rights; and

Whereas the Government of the Soviet Union is persecuting its Jewish citizens and depriving them even those few rights and privileges accorded other recognized religions in the Soviet Union; and

Whereas the Government of the Soviet Union is trying to halt Jewish emigration entirely.

The frustration and despair of not being able to obtain an exit permit are compounded by the treatment which Soviet Jews receiving to emigrate. Many are removed from their jobs, evicted from their apartments, and subjected to constant harassment by the authorities.

Soviet Jews are crying out for our help. In the past, we have seen that the Soviet Union does respond to the pressure of public opinion from the West. On Solidarity Sunday, Americans will bring that pressure to bear once again. Senate Resolution 367, which I cosponsor, expresses Congress support for Solidarity Sunday and encourages Americans to take part in the important events to take place on that day.

I urge my colleagues to support this resolution as a symbol of our commitment to Soviet Jews.

The resolution (S. Res. 367) was agreed to.

The preamble was agreed to.

The resolution, and the preamble, are as follows:

S. Res. 367

Whereas on May 6, 1984, the constituent agencies of the Greater New York Conferences on Soviet Jewry will convene the thirteenth annual "Solidarity Sunday for Soviet Jewry" in reaffirmation of the American People's resolve to secure freedom for Soviet Jews and beleaguered persons everywhere; and

Whereas Americans of all faiths will join in myriad activities on that day in public expression of solidarity with the long suffering Jewish community in the Soviet Union; and

Whereas the right to emigrate freely and to be reunited with one's family abroad is a fundamental human right enjoyed by Jews and many others in the Soviet Union; and

Whereas the Universal Declaration of Human Rights, adopted by the General Assembly of the United Nations, and the Helsinki Final Act explicitly assert guarantees of those rights; and

Whereas the Government of the Soviet Union has nevertheless continued to implement new restrictive measures further reducing the number of persons able to emigrate, bringing Jewish emigration from the Soviet Union to a virtual halt in 1983; and

Whereas the Government of the Soviet Union is persecuting its Jewish citizens and depriving them of even those few rights and privileges accorded other recognized religions in the Soviet Union; and

Whereas the Government of the Soviet Union is trying to halt Jewish emigration entirely.

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Whereas the Government of the Soviet Union is trying to halt Jewish emigration entirely.
NATIONAL NURSING HOME RESIDENTS DAY

The Senate proceeded to consider the joint resolution (S.J. Res. 198) designating April 27, 1984, as "National Nursing Home Residents Day."

Mr. FRYE, Mr. President, I would like to take this opportunity to thank my colleagues for their support of Senate Joint Resolution 198, designating April 27 of this year as "National Nursing Home Residents Day." I am pleased that the Senate has shown its approval of my efforts to gain recognition of a small but important segment of our population—the nursing home residents of this Nation.

I have introduced this legislation consistently over the past several years, and I want my colleagues to know that my efforts have been rewarded many times over by residents of these facilities who have shared with me the manner in which they have celebrated their special day. I can think of no better or more satisfying form of thanks.

In recent years the Congress has been, and will continue to be focusing its attentions on some very basic issues which will impact in a major way on the lives of our Nation's elderly—financing of the social security retirement system, restructuring of the Medicare program, and the like. We are painfully aware of the need for our Nation to begin to ready itself for future health care needs. Among these will be a variety of alternatives to institutionalization. But the nursing home setting will remain a very necessary and important part of long-term health care.

And so it is of the greatest necessity that we remain aware of nursing home residents' needs, and that we do our utmost to see that these needs are met. I believe that recognition of a special day in honor of our nursing home residents is a first step toward the encouragement of community recognition of, and involvement in, the lives of these residents, something which is so vitally needed.

Once again, I would like to thank my colleagues for their support of this measure.

The joint resolution (S.J. Res. 198) was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and preamble are as follows:

S.J. Res. 198

Whereas over one million older Americans reside in nursing homes and one in five older Americans will reside in a nursing home at some time;

Whereas nursing home residents have contributed to the development and progress of this Nation and, as elders, offer a wealth of knowledge and experience;

Whereas Congress recognizes the importance of the continued participation of these institutionalized senior citizens in the life of our Nation;

Whereas in an effort to foster reintegration of these citizens into their communities Congress encourages community recognition of and involvement in the lives of nursing home residents;

Whereas the Congress recognizes the importance of safeguarding the rights of nursing home residents; and

Whereas it is appropriate for the American people to join in support of nursing home residents to demonstrate their concern and respect for these citizens, Now, therefore, be it,

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That April 27, 1984, is designated as "National Nursing Home Residents Day", a time of renewed recognition, concern, and respect for the Nation's nursing home residents. The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this day with appropriate ceremonies and activities.

NATIONAL WOMEN VETERANS RECOGNITION WEEK

The Senate proceeded to consider the joint resolution (S.J. Res. 227) designating the week beginning November 11, 1984, as "National Women Veterans Recognition Week."

Mr. CRANSTON, Mr. President, as the ranking minority member of the Committee on Veterans' Affairs and the author of this resolution, I rise in strong support of Senate Joint Resolution 227, a measure I introduced on February 7 to designate the week beginning November 11, 1984, as "National Women Veterans Recognition Week." Joining with me as original co-sponsors of this measure were the chairman of the Veterans' Affairs Committee, my good friend and colleague from Wyoming (Mr. SIMPSON), as well as Senators RANDOLPH, MATSU­NAGA, DECONCINI, and INOUYE.

This initiative has been very gratifying. In particular, I want to thank the chairman and ranking minority member of the Judiciary Committee, Senator TAUROMONDO and Senator BISKIN, for their support and assistance in bringing this measure to the Senate floor. I am pleased that the Senate has shown its approval of my efforts to gain recognition of, and involvement in, the lives of women veterans, its findings highlighted the fact that many women veterans were unaware of the veterans' benefits available to them and that there were many shortcomings in the VA's efforts to locate and contact women veterans and to meet their needs for benefits and services.

Since that GAO report was issued, a number of important actions have increased the awareness of the contributions of women veterans. Most prominent was the establishment of a VA task force on women veterans, first on an administrative basis last year by the Administrator of Veterans' Affairs, Harry N. Walters, and now by its findings highlighted the fact that many women veterans were unaware of the veterans' benefits available to them and that there were many shortcomings in the VA's efforts to locate and contact women veterans and to meet their needs for benefits and services.

In 1982, the General Accounting Office issued a report—GAO HRD 82-98—based on an important study requested by the Senator from Hawaii (Mr. INOUYE) on the VA's efforts to provide health care to women veterans. Although the GAO report focused directly only on medical benefits for women veterans, its findings highlighted the fact that many women veterans were unaware of the veterans' benefits available to them and that there were many shortcomings in the VA's efforts to locate and contact women veterans and to meet their needs for benefits and services.

In recent years the Congress has been, and will continue to be focusing its attentions on some very basic issues which impact in a major way on the lives of our Nation's elderly—financing of the social security retirement system, restructuring of the Medicare program, and the like. We are painfully aware of the need for our Nation to begin to ready itself for future health care needs. Among these will be a variety of alternatives to institutionalization. But the nursing home setting will remain a very necessary and important part of long-term health care.
the Congress enacted legislation I proposed directing the VA to 'ensure that each VA health-care facility is able to provide appropriate care, in a timely fashion, for any gender-specific disability of a woman veteran.' The VA's Department of Medicine and Surgery has issued several directives to its facilities across the country in order to try to insure that all of its health-care facilities are aware of women veterans' health-care needs and are prepared to meet them. I hope that these steps will result in meaningful progress toward correcting the problems identified by the GAO.

Mr. President, I have been involved for several years in another area of concern to many women veterans—namely efforts to see that studies of the health effects of exposure to the herbicide agent orange that was sprayed in Vietnam include examination of its possible effects on the women who served there. I am happy to say that some progress is finally being made here. However, the way this has occurred clearly demonstrates how the needs and service of women veterans have so often been overlooked.

As we undertook efforts to insure that women were included in studies on agent orange, it became apparent that little was known about the women who served in Vietnam. In fact, when I first began my inquiries in this area, no one even knew how many women had served there. Consequently, the scientific community expressed doubt that valid epidemiological study of women Vietnam veterans could be accomplished.

To its credit, the Army Agent Orange Task Force, headed by a very energetic and exacting individual, Mr. Richard Christian, undertook to determine, through manual review of military records, how many women served in Vietnam and their names. He recognized the need for this information and believed that his task force, working in conjunction with representatives from the other three services, had the ability to research and provide the information.

As a direct result of the efforts of the Army Agent Orange Task Force, the Centers for Disease Control in Atlanta is presently evaluating the feasibility of conducting a study of women veterans as one component of the epidemiological study of Vietnam veterans mandated by Public Law 96-151 and modified by Public Law 97-72. As the author of these statutory provisions on the study, I am very pleased at this development and will continue working to insure that this component is carried out.

Mr. President, I ask that a March 27, 1984, letter to me from Mr. Christian, Deputy Assistant Director, Environmental Support Group, Thejoint resolution and preamble were as follows:

S.J. Res. 227

Whereas there are more than one million one hundred thousand women veterans in this country, representing 4.1 per cent of the total veteran population;

Whereas the number and proportion of women veterans will continue to grow as the number and proportion of women serving in the Armed Forces continue to increase;

Whereas women veterans through honorable military service often involving hardship and danger have contributed greatly to our national security;

Whereas the contributions and sacrifices of women veterans on behalf of this Nation have not been adequately recognized;

Whereas this lack of recognition has denied women veterans the public appreciation and praise they deserve;

Whereas the special needs of women veterans, especially in the area of health care, have often been overlooked or inadequately addressed by the Federal Government;

Whereas this lack of attention to the special needs of women veterans has discouraged or prevented women veterans from taking full advantage of the benefits and services to which they are entitled as veterans of the United States Armed Forces;

Whereas recognition of women veterans by the Congress and the President through enactment of legislation declaring the week beginning on November 11, 1984, as "National Women Veterans Recognition Week" would serve to create greater public awareness and recognition of the contributions of women veterans, to express the Nation's appreciation for women's service and to inspire more responsive care and services for women veterans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning on November 11, 1984, is designated "National Women Veterans Recognition Week." The President is requested to issue a proclamation calling upon all citizens, community leaders, interested organizations, and government officials to observe that week with appropriate programs, ceremonies, and activities.

NATIONAL ASTHMA AND ALLERGY AWARENESS WEEK

The joint resolution (S.J. Res. 244) designating the week beginning on May 8, 1984, as "National Asthma and Allergy Awareness Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and preamble are as follows:
Whereas asthma and allergic diseases result in physical, emotional, and economic hardship for more than thirty-five million Americans and their families.

Whereas thousands of Americans, many of them young, die each year from asthma even though sufficient medical knowledge and care are available to prevent many asthma-related deaths.

Whereas student absenteeism is due in significant part to asthma and allergic diseases.

Whereas environmental conditions in the workplace often cause or exacerbate asthma and allergic diseases.

Whereas many hospital patients suffer allergic reactions to prescribed medications.

Whereas it is estimated that the American public pays $2,000,000,000 per year in medical bills directly attributable to the treatment and diagnosis of asthma and allergic diseases and pays another $2,000,000,000 per year as a result of the indirect social cost of such illnesses.

Whereas, because of recent developments in the study of immunology, health care providers are better equipped to diagnose and treat asthma and allergic diseases.

Whereas increased public awareness of recent scientific advancements in the study of immunology will help dispel many of the common misconceptions concerning asthma, allergic diseases, and the victims of those illnesses.

Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning on May 6, 1984, is hereby designated as "National Asthma and Allergy Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the Senate receives from the House of Representatives H.R. 4170, the House tax bill, it be placed on the calendar.

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

BILLS PLACED ON CALENDAR—H.R. 4170 AND H.R. 5394

Mr. BAKER. Mr. President, I ask unanimous consent that the bill be placed on trust for the Makah Indian Tribe, and charged from further consideration of H.R. 3376, a bill to declare that the Committee on Indian Affairs be discharged from further consideration of that bill.

On page 3, line 16, strike "circumstances" and insert "circumstance".

On page 4, line 3, strike "existing for the purpose of obtaining," and insert "that can be used to obtain".

On page 4, line 5, after "device" insert "to obtain".

On page 4, line 6, strike "for the purpose of registering" and insert "that can be used to initiate".

On page 4, line 14, after "incomplete" insert "expired, revoked, canceled".

So as to make the bill read:

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 "Credit and Debit Card Counterfeiting and Fraud Act of 1983".

Sec. 2. (a) Chapter 47 of title 18, United States Code, is amended by adding the following new section 1029 at the end thereof:

"1029. Fraud and related activity in connection with payment devices

"(a) Whoever, in a circumstance described in subsection (c) of this section—

"(1) knowingly, and with intent to defraud, produces, buys, sells, transfers, possesses or operates a fraudulent payment device; or

"(2) knowingly, and with intent to defraud or transfer unlawfully, possesses or has control or custody of, five or more fraudulent payment devices;

"(3) knowingly produces, buys, sells, transfers, has control or custody of, five or more fraudulent payment devices; or

"(4) attempts or conspires to do so, shall be punished as provided in subsection (b) of this section.

"(b) The punishment for an offense under subsection (a) of this section is—

"(1) a fine not more than $10,000 or imprisonment for not more than ten years, or both;

"(2) a fine not more than $50,000 or imprisonment for not more than fifteen years, or both, if the offense involves—

"(A) a fraudulent payment device; or

"(B) five or more fraudulent payment devices; or

"(C) money, goods, services or any other thing of value aggregating $20,000 or more in value in any one or more transactions occurring in any twelve-month period;

"(3) a fine of not more than $100,000 or imprisonment for not more than twenty years, or both, in the case of second or repeated offenses;

"(4) the circumstance referred to in subsection (a) of this section.

"(c) The circumstance referred to in subsection (a) of this section is—

"(1) the offense affects a financial institution or interstate or foreign commerce;

"(2) the offender in the course of the offense uses an instrumentality of interstate or foreign commerce; or

"(3) the fraudulent payment device or device-making equipment, or any aspect or component thereof, has been in interstate or foreign commerce.

"(d) As used in this section—

"(1) the term 'payment device' means any card, plate, code, account number, or other thing of value that can be used, alone or in conjunction with another payment device, to obtain money, goods, services, or any other thing of value, or that can be used to initiate a transfer of funds other than a transfer originated solely by paper instrument;

"(A) any device-making equipment;

"(B) five or more fraudulent payment devices; or

"(C) money, goods, services or any other thing of value aggregating $20,000 or more in value in any one or more transactions occurring in any twelve-month period; or

"(d) the offender in the course of the offense uses an instrumentality of interstate or foreign commerce; or

"(3) the circumstances referred to in subsection (b) of this section.

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

CREDIT AND DEBIT CARD COUNTERFEITING AND FRAUD ACT OF 1983

Mr. BAKER. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be discharged from further consideration of H.R. 3259, a bill to declare that the Committee on Indian Affairs be discharged from further consideration of that bill.

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

COMMITTEES DISCHARGED FROM CONSIDERATION AND BILLS PLACED ON CALENDAR—H.R. 3259, H.R. 3376, AND H.R. 3555

Mr. BAKER. Mr. President, I have a few other brief matters that I shall run through quickly.

I ask unanimous consent that the Select Committee on Indian Affairs be discharged from further consideration of H.R. 3259, a bill to declare that the United States holds certain lands in trust for the Pueblo DeCochiti, and that the bill be placed on the calendar.

Mr. BAKER. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be discharged from further consideration of H.R. 3376, a bill to declare that the United States holds certain lands in trust for the Makah Indian Tribe, and that the bill be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.
(2) the term ‘fraudulent payment device’ means

(A) any payment device or a representation, depiction, facsimile, aspect or component of a payment device that is counterfeit, fictitious, altered, forged, lost, stolen, incomplete, expired, revoked, canceled, fraudulent, or unusable even if obtained as part of a scheme to defraud; or

(B) any invoice, voucher, sales draft, or other reflection or manifestation of such a device.

(3) the term ‘produce means to make, design, alter, authenticate, duplicate, or assemble.

(4) the term ‘financial institution’ means an institution that holds deposits or accounts insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, or the National Credit Union Administration; and

(5) the term ‘device-making equipment’ means any equipment, mechanism, or impression designed, used, or that can be used to produce a payment device, a fraudulent payment device, or any aspect or component thereof.

(e) The United States Secret Service shall have jurisdiction to investigate offenses under this section, in addition to any other agency having such jurisdiction.

(f) Sections at the end of chapter 47 of title 18 of the United States Code is amended by adding at the end the following new section:

1029. Fraudulent or related activity in connection with payment devices.

Mr. BAKER. I ask unanimous consent that the committee amendments be considered on the following items:

Mr. DOLE. Mr. President, I rise in support of S. 1706, the Credit and Debit Card Counterfeiting and Fraud Act of 1983. I was pleased to have had the opportunity to work with Senator Thurmond and representatives of the credit card industry in developing this legislation which takes aim at providing more effective penalties for credit card counterfeiting fraud. As a cosponsor of S. 1706, I would urge my colleagues to join in my support of this effort to strengthen penalties against the fraudulent use of credit cards.

In the context of enacting major revisions to the Criminal Code, the Committee on the Judiciary has been frequently approached by groups representing the credit card industry in developing this legislation which takes aim at providing more effective penalties for credit card counterfeiting fraud. As a cosponsor of S. 1706, I would urge my colleagues to join in my support of this effort to strengthen penalties against the fraudulent use of credit cards.

The fact is that hard choices must be made by Federal enforcement authorities as to which areas of the Federal criminal law will receive the primary thrust of enforcement activities. This is especially the case at the close of the hearings on S. 1870 from Justice Department officials made it abundantly clear that credit fraud enforcement could command a relatively low priority, unless for example, a particular case involved a nationwide scheme by organized crime. It would be impossible to have the FBI investigate every case of credit fraud—even if all other Federal enforcement activities came to a halt.

Under these circumstances it becomes incumbent on the credit industry to adopt self-help measures which will reduce the likelihood of credit card abuse. The industry—in the early 1970’s, in acting in cooperation with the National Bureau of Standards—adopted uniform specifications on the dimensions of credit cards. Likewise, credit companies should be encouraged to develop and apply new card identification technology to reduce the potential for fraud and abuse. Cost-effective means can be developed and implemented that will insure the reliability of credit card transactions.

IDENTIFICATION DOCUMENT FRAUD

During the first session of the 98th Congress, the Judiciary Committee held 3 days of hearings on S. 1706, my bill dealing with abuses of Federal identification systems. This bill would amend the Federal Criminal Code to move toward the positive identification of persons holding identification documents. It is intended to serve as a vehicle to focus executive and congressional attention on the confusion, conflict, and redundancy which now exists in the various Federal and State identification systems, to explore the dimensions of the problem, and develop possible solutions.

The May 12, 1983, report of the Senate Permanent Subcommittee on Investigations dealing with Federal identification fraud underscores the tremendous need for reforms. The report shows that this fraud is costing the taxpayers, through various Federal, State, and local entitlement programs, in excess of $24 billion annually. Illegal aliens have easy access to identification documents. This bill would authorize the National Bureau of Standards—adopted section (e), which proposes an amendment numbered 3029.

AMPENDMENT NO. 3029

(Purpose: To encourage the establishment of a system to positively verify personally holding and using payment devices)

Mr. BAKER. Mr. President, I send to the desk an amendment on behalf of the Senator from Kansas (Mr. DOLE) and ask that it be considered.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER), for Mr. DOLE, proposes an amendment numbered 3029.

On page 4, add the following after the matter which follows line 23:

Sec. 3. As soon as feasible, reliable, and economically viable, all persons who produce, have control or custody of or possess device-making equipment, or systems utilizing payment devices should attempt to establish a system or systems which are capable of positively verifying the holder of such payment device or the transaction in which such device is or has been utilized—the minimizing intrusions on personal privacy.

Mr. MATHIAS. Mr. President, the amendment to S. 1870 offered by Senator Dole is an important addition to the Credit and Debit Card Counterfeiting and Fraud Act. It calls upon the credit industry to take steps to protect itself against credit-card fraud
and abuse. I commend the Senator from Kansas for his initiative in encouraging the Senate's self-help efforts, in connection with legislation that will also bring Federal law enforcement resources to bear on this serious and growing problem.

I am also pleased that Senator Dole has agreed to include in his amendment language encouraging efforts to minimize intrusions on personal privacy. Clearly, the Senator from Kansas recognizes that improvements in security in credit and debit card systems may involve tradeoffs in privacy protection.

Credit is an essential ingredient in our economy. Few Americans can satisfy their needs for food, clothing, shelter, and transportation without taking advantage of extensions of credit. Banks, insurance companies, and other financial institutions have by now amassed extensive data banks containing a wide variety of information about the millions of Americans who have borrowed money for any reason or another. The widespread computerization of these data banks has made it easier than ever to collect, store, manipulate, and retrieve this personal information. While important steps have been taken, both through industry self-regulation and through legislation on the State and Federal levels, to subject these data banks to controls designed to protect privacy, the fact remains that data banks in the hands of private financial institutions pose a real threat to the right to privacy.

The establishment of positive verification mechanisms for credit and debit card systems is an important and worthwhile goal. Its achievement will prevent the loss of tens of millions of dollars that are today misappropriated every year by credit-card criminals. All law-abiding users of credit will benefit from this savings. But positive verification mechanisms may also exact a price from the millions of Americans involved in the credit system. That price may be as minimal as the inconvenience of memorizing yet another random number in order to be permitted access to an approved line of credit. But that price may also be as intrusive as the demand to submit a fingerprint, voiceprint, or some other physical exemplar in order to establish one's right to use a credit or debit card. I do not think that the U.S. Senate should adopt an attitude of neutrality toward the choice among the proposed alternative means of attaining positive verification of the identity of persons presenting credit or debit cards or similar payment devices.

Mr. President, the Senate has demonstrated its continuing concern about issues of privacy matters. As chairman of this Subcommittee, the Subcommittee on Patents, Copyrights, and Trademarks, I am committed to protecting the privacy of Americans against the challenges posed by a host of powerful new technologies that are incorporating into today's sophisticated credit and debit card systems. I know that the senior Senator from Kansas, who is a valued member of that subcommittee, shares my commitment. I commend him for his sensible amendment to S. 1870, and I look forward to working with him in the months ahead to explore more fully these complex and important issues.

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

The amendment (No. 3029) was agreed to.

AMENDMENT NO. 3029

(Purpose: To make a technical change in the short title of the bill)

Mr. BAKER. Mr. President, I send to the desk an amendment by Mr. THURMOND and ask for its consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senate from Tennessee (Mr. BAKER), for the Senator from South Carolina (Mr. THURMOND) proposes an amendment numbered 3030: On page 1, line 4, strike out "1983" and insert "1984".

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

The amendment (No. 3030) was agreed to.

Mr. THURMOND. Mr. President, as the sponsor of S. 1870, the Credit and Debit Card Counterfeiting and Fraud Act, I urge my colleagues to join me in strong support of this important measure. Since I introduced the bill last September, this has been a bipartisan undertaking by the Judiciary Committee, with the expressed great cooperation from numerous members of the Senate Banking, Housing, and Urban Affairs Committee. Cosponsors of the bill include the ranking minority member of the Judiciary Committee, Senator Joseph R. Biden, Jr.; the chairman of the Subcommittee on Criminal Law, Senator Paul Laxalt; the chairman of the Banking Committee, Senator Jake Garn; and the distinguished Senator from New York, Alfonse D'Amato.

I introduced S. 1870 after consultations with affected industry representatives, the Department of Justice, and the Secret Service. It responds to the recent substantial increase in the counterfeiting of credit and debit cards, and related fraudulent activities by correcting certain inadequacies in current Federal criminal law. It is patterned after legislation enacted in the 97th Congress in response to the equally troublesome phenomenon of false identification.

As reported by the Judiciary Committee, S. 1870 would create new Federal offenses in title 18 of the United States Code relating to manufacturing and trafficking in counterfeit credit and debit cards. Specific statements by the Senate on jurisdictional requirements are met, it would make it illegal to:

First, knowingly and with intent to defraud, produce, buy, receive or transfer fraudulent payment devices;

Second, knowingly, and with intent to defraud or transfer unlawfully, possess five or more fraudulent payment devices; or

Third, knowingly produce, buy, transfer, or possess equipment capable of producing fraudulent payment devices.

Attempts and conspiracies to commit these offenses are also punishable under the bill.

Mr. President, the Judiciary Committee received compelling testimony concerning the nature and magnitude of the counterfeiting and fraud problems in this country relating to credit and debit cards. For instance, according to the American Bankers Association, losses stemming from VISA and Mastercard counterfeiting and alteration activities increased from $175,000 in 1978 to more than $26 million in 1982. Witnesses also indicated that these activities are frequently the work of traditional organized crime and crime rings formed specifically for these purposes. In order to provide an effective deterrent, the bill contains stiff maximum penalties for the offenses which I have outlined. The basic penalty is $10,000 and/or 10 years of imprisonment. Where device-making equipment, five or more devices, or large losses are involved, the penalty is $50,000 and/or 15 years of imprisonment. Finally, for repeat offenders, the penalty is $100,000 and/or 20 years of imprisonment.

The amendment sponsored by Senator Dole would express the sense of Congress that, as soon as feasible and economically viable, persons producing or possessing device-making equipment, or systems utilizing payment devices, should attempt to establish reliable systems which are capable of positively verifying cardholders or the transactions. We all recognize, as the Justice Department did in its testimony before the committee, that a Federal law alone will not be sufficient to quell the rising tide of counterfeiting and other fraudulent activities. This must be a joint effort between government and industry if we are to succeed. This provision is exhortatory only and would not, of course, serve as a basis for any criminal or civil proceeding.

Based on discussions with the Treasury Department, we anticipate that
any costs incurred in fiscal year 1984 in connection with enforcement efforts relating to these new offenses would be absorbed in existing appropriated funds.

Mr. President, S. 1870 is urgently needed legislation. According to the International Association of Credit Card Investigators, which is composed of state and local law enforcement personnel members, where major traffickers and manufacturers are involved. Federal assistance is essential. I therefore urge my colleagues to support S. 1870 and its prompt enactment.

Mr. BIDEN. Mr. President, as a co-sponsor, I rise to speak in support of the legislation entitled the “Credit and Debit Card Counterfeiting and Fraud Act of 1984.” This bill will assist Federal agencies in the investigation and prosecution of a growing crime problem that has ties to organized crime.

The American Bankers Association, a supporter of the bill, estimates that losses from VISA and MasterCard counterfeiting and alteration of cards have increased one hundred and fifty-fold, from $178,000 in 1978 to more than $25 million in 1982. The Justice Department estimates that the losses from bank robberies were approximately one-third of those attributable to card counterfeiting and fraud.

Witnesses at the hearings emphasized that Federal involvement was not desirable in small or routine cases. I agree with this and am satisfied the bill reported by the Judiciary Committee calls for Federal involvement only on major counterfeiting and trafficking activities. Provisions of the bill that require an offense must affect a financial institution or interstate commerce before there is Federal jurisdiction, adequately resolves my concern.

I compliment Chairman Thurmond for his expediency in moving this bill through the full Senate. As we enjoy working with the chairman as a co-sponsor of this bill and in guiding another important piece of crime legislation through the Judiciary Committee and now before the full Senate.

Mr. BAKER. Mr. President, are there further amendments to the bill? The PRESIDING OFFICER. There are no further amendments.

If there be no further amendments to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1870

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 “Credit and Debit Card Counterfeiting and Fraud Act of 1984”.

Sec. 2. (a) Chapter 47 of title 18, United States Code, is amended by adding the following new section 1029 at the end thereof:

“1029. Fraud and related activity in connection with payment device

“(a) Whoever, in a circumstance described in subsection (c) of this section—

“(1) knowingly and with intent to defraud, produces, buys, receives, sells, or transfers a fraudulent payment device;

“(2) knowingly, and with intent to defraud or transfer unlawfully, possesses or has control or custody of, five or more fraudulent payment devices;

“(3) knowingly produces, buys, sells, transfers, has control or custody of, or possesses, a device-making equipment, with the intent that such equipment be used in the production of a fraudulent payment device; or

“(4) attempts or conspires to do so.

shall be punished as provided in subsection (b) of this section.

(b) The punishment for an offense under subsection (a) of this section is—

“(1) a fine of not more than $10,000 or imprisonment for not more than ten years, or both;

“(2) a fine of not more than $50,000 or imprisonment for not more than fifteen years, or both, if the offense involves—

“(A) any device-making equipment;

“(B) five or more fraudulent payment devices; or

“(C) money, goods, services or any other things of value aggregating $20,000 or more in value in any one or more transactions occurring in any twelve-month period; or

“(D) a fine of not more than $10,000 or imprisonment for not more than twenty years, or both, in the case of second or repetitive offenses.

“(c) The circumstance referred to in subsection (a) of this section is—

“(1) the offense affects a financial institution or interstate or foreign commerce;

“(2) the offender in the course of the offense uses an instrumentality of interstate or foreign commerce;

“(3) the fraudulent payment device or device-making equipment, or any aspect or component thereof, has been in interstate or foreign commerce.

“(d) As used in this section—

“(1) the term ‘payment device’ means any card, plate, code, account number, or other means of account access that can be used, alone or in conjunction with another payment device, to obtain money, goods, services or any other thing of value, or that can be used to initiate or originate transfers of funds other than a transfer originated solely by paper instrument;

“(2) the term ‘fraudulent payment device’ means—

“(A) any payment device or a representation, depiction, facsimile, aspect or component of a payment device that is counterfeit, fictitious, altered, forged, lost, stolen, incomplete, expired, revoked, canceled, fraudulently obtained or obtained as part of a scheme to defraud; or

“(B) any invoice, voucher, sales draft, or other reflection or manifestation of such a device;

“(3) the term ‘produce’ means to make, design, alter, authenticate, duplicate, or assemble;

“(4) the term ‘financial institution’ means an institution that holds deposits or accounts insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, or the National Credit Union Administration; and

“(5) the term ‘device-making equipment’ means any device that can be used or used in conjunction with other device-making equipment, or in impression designed, used, or that can be used to produce a payment device, a fraudulent payment device, or any aspect or component thereof.

“(e) The United States Secret Service shall have jurisdiction to investigate offenses under this Act and to bring suit in any court of the United States and to enforce the provisions of this Act in any court of the United States.

“(f) As used in this section—

“device-making equipment means any device that can be used or used in conjunction with other device-making equipment, or in impression designed, used, or that can be used to produce a payment device, a fraudulent payment device, or any aspect or component thereof.

“(g) As used in this section—

“(1) ‘device-making equipment’ means any device that can be used or used in conjunction with other device-making equipment, or in impression designed, used, or that can be used to produce a payment device, a fraudulent payment device, or any aspect or component thereof.

“(2) ‘device-making equipment’ means any other thing of value.

“(3) ‘device-making equipment’ means any other thing of value.

“(4) ‘device-making equipment’ means any other thing of value.

“(5) ‘device-making equipment’ means any other thing of value.

“(6) ‘device-making equipment’ means any other thing of value.”
Mr. BINGAMAN. I move to reconsider the vote by which the bill passed. Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ARmenIAN MArTYRS' DAY
Mr. PERCY. Mr. President, the 20th century has tragically seen unprecedented mass slaughter of whole people. Yesterday we commemorated the 69th anniversary of Armenian Martyrs Day. In 1915 and for several years thereafter, an estimated 1.5 million Armenians were killed or died of hunger, disease, and exposure in the forced killing or dispersal of the Armenian population of the lands that had formed the old Ottoman Empire.

The Armenians we honor today were sadly not the last ethnic identity to be threatened by mass extermination in our century. The Nazi Holocaust sought the Jewish race, but in recent years millions of Cambodians have been slaughtered.

Our purpose is thus twofold. We are here to honor the memory of the Armenian martyrs and the Armenian heritage that lives on and has made a significant contribution to our own country. We are here also to pledge our best efforts to insure that there are no more such genocides and that all ethnic identities are free to live in peace and security.

Thank You, Secretaries
Mr. MOYNIHAN. Mr. President, saying thank you is not always an easy thing. The hurried pace of events here as elsewhere in the working world, often causes us to ask much of others without properly thanking them.

And so we in Congress designate days in which to express the Nation's gratitude to many of the people whom we often forget to thank.

Today, Mr. President, is Professional Secretaries Day, a day set aside to express publicly our appreciation to secretaries for the contributions they make. Without secretaries, my office, most certainly, would cease to function. My office is a busy place, and virtually every matter of business which must be attended to involves a secretary in one way or another. I cannot imagine what I or my staff would do without them.

Indeed, I would like to take this opportunity to thank the secretaries in my office: Ms. Vicki Bear, Ms. Emily Cavanagh, Ms. Fran Cochran, Ms. Kelley Prunesti, and Ms. Julie Smith. Each is a treasure without par. I do not always remember to thank them. I wish to do so now. Thank you Emily, Fran, Kelley, Julie, and Vicki. I and everyone else in the office, owes you more than we could imagine—and far more, I am sure, than you would ever let us know. I am proud to have all of you on my staff. Indeed, to Kelley Prunesti I extend my best wishes for a speedy recovery. We miss you and hope to have you back with us again soon.

Play Ball
Mr. KASTEN. Mr. President, last Tuesday, April 17, I had the pleasure of attending the baseball home opener of the Milwaukee Brewers; 53,038 fans braved 40-degree weather, 16-mile-an-hour winds, rain, snow, and sleet to see the Brewers defeat the Chicago White Sox 7 to 3.

Milwaukee, America's 16th largest city, had baseball's second largest opening day crowd this year. A real tribute to the team, the management and the ownership of the Milwaukee Brewers.

The Wisconsin baseball tradition contrasts sharply with some other franchises and I would like to share with my colleagues the baseball commentary by Lewis H. Lapham in the April 21 edition of the Washington Post. Mr. Lapham laments in his article about a baseball owner's degradation of America's great pastime and the fantasies of the fans were they to be owners:

"The 'owner-to-be' fans nostalgically agreed that their team would be as in the days of yesteryear: No electronic scoreboard, no instant replay. The team would travel by train and their salaries would be on par with the President of the United States. Relief pitchers would walk from the bullpen. And the beer served is from the local brewery."

But it is 1984, not 1844, and Milwaukee has its electronic scoreboard, an instant replay machine, salaries higher than the President's, a mascot who slides down a beer mug after each win, and double-knit uniforms. And the beer served is from a local brewery. The game had been lost to the net, the net and the big money, and it was hard to conceive of an owner who wouldn't put his mother out on waivers.

Before the end of the fourth inning, the cognoscenti had lost interest in the events on the field, and they began to speculate on what the fans would do if they were in some congenial city, possibly Cleveland or St. Louis. "Almost anywhere except New York," said the fan in the Dodgers cap. "In New York, the media eats out the heart of a thing."

Drinking beer they were sure had been invented by Steinbrenner. The game had been lost to the convergence of concessionaires, the fans comforted themselves with the dream of innocence regained. I didn't take notes, but as best as I can remember their desiderata, they agreed—in no particular order of importance—on the following points:

Dimensions of park: Irregular and designed for baseball. No ovals, domes or bowls.

Hot dogs: Standard size. The vendors apply the mustard with a stick.

Designated hitters: None, not even if the team is in the American League.

Night games: None.

Gloves: Standard size and color. No gloves that look like jai alai baskets.

Relief pitchers: All must walk from the bullpen slowly and with an ambling gait.

No golf carts; no Toyotas.

Billboard advertising: Accepted only from local merchants. A sign in left center field
promises a free suit to any batter who can bounce a ball off it.

Television games: Limited to 26 away games, two with each of the other teams in the league.

Center field bleacher seats: Distributed free to local youth groups. All other bleacher seats sell for $1.

Scoreboard: Not electronic. A spotlight climbs a ladder and places the number in the sky. No television screens in the park; no instant replays; no neon exclamation marks of joy.

Misconduct in the stands: Suppressed without apology or delay.

Beer: Supplied in long-necked bottles by a local brewery. The vendors open the bottle in the presence of the patron.

Playing field: Grass. When obliged to play on astroturf in alien arenas, the team files a formal protest.

Uniforms: Belted and made of wool. No polyester or double-knit materials. Trousers must be baggy in shape, and socks must be worn high, just below the knee.

Without apology or delay.

Security

Travel: By train—whenever distance and schedule permit.

Names of players: Traditional Roy, Eddie, Early, Moose, Buck, Tim, Mickey.

Radio announcers: Former players whose voices reflect their border-state origins.

Security of franchises: Absolute. The owners sign a binding agreement with the municipal authorities. Even to make jokes about selling the team to Indianapolis is cause for a public hearing.

Mascots and clowns: Shot on sight.

Salaries: On a par with salaries paid to the chief justices of the Supreme Court and the president of the United States. The baseball club doesn’t make deals in the free agent market. Players come up through the farm system.

In the middle of the seventh inning, a cynic suggested that a team operated on such noble principles surely would go broke. Indeed, he will be immortalized as a military giant whose undying patriotism and courageous leadership elevated him to a position of preeminence as a great defender of freedom throughout the world.

Early in 1943, General Clark was promoted to commanding general of the U.S. 5th Army, which invaded Italy and soundly defeated the Italian and German forces of Mussolini and Hitler. The liberation of Rome, which General Clark called the proudest accomplishment of his life, stands as one of the many great achievements of his distinguished Army career.

Perhaps the greatest famous accomplishments occurred in 1952, when as commander in chief of the United Nations Command, he signed the military armistice agreement between the United Nations, North Korea, and China, thus marking the end of the Korean war in 1953.

The end of the Korean conflict drew to a close General Clark’s remarkable career on active duty, yet, his service to our national defense continued for many years following.

Shortly after his retirement, then South Carolina Gov. James F. Byrnes recommended him to take on the duties of the president of the Citadel in 1953. For 11 years, he performed his administrative duties there with the same high standards which typified his military career. He retired from this post in 1965 after having been behind a stronger educational program and a renewed commitment to military strength and discipline.

Mr. President, accomplishments of General Clark are rare, and are the product of his natural leadership ability and diligent work. The sincerity of his actions won him universal honor and admiration. He was a champion of freedom because he was an enemy of tyranny and oppression. General Clark despised the cancer of communism and hated the terror of Hitler’s reign, and fought with all his strength to conquer any enemy which threatened freedom-loving peoples worldwide.

Those who served under him and with him, as well as those who had the privilege of knowing him in other capacities, fully recognized his lifetime contributions. President Reagan said of General Clark:

We are free because of men like him. His professionalism and dedication will be the standard of every soldier who takes the oath to defend our Nation.

Dr. Billy Graham, who was a personal friend of General Clark’s, was unable to attend the funeral, but told me that he was much impressed at the memorial service. In his remarks, Dr. Graham highlighted four principles which characterized General Clark’s life:

Quality over quantity; commitment, not convenience; character, not compromising; and a belief in Christ and commitment to Christian ideals.

General Clark’s deep religious convictions served as a motivating force behind his service to mankind, and his contributions to South Carolina, the Nation, and the entire free world were but an extension of his service to God.

Mr. President, I knew Gen. Mark Clark to be a man of honesty, integrity, and determination. His courage rivals that of other great men in American history, and his uncommon valor will forever serve as a shining example to future soldiers. He will, indeed, be missed by many in military and civilian circles; yet, we are grateful for his valiant efforts which helped secure peace for our Nation and for all friends of freedom.

Mr. President, in order to provide my colleagues with a more comprehensive account of the remarkable life and accomplishments of Gen. Mark W. Clark, I ask unanimous consent that the following articles and editorials, as well as Dr. Graham’s eulogy, be included in the Record.

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

FUNERAL SERVICE OF GEN. MARK WAYNE CLARK

(Written by Dr. Billy Graham—Delivered by Col. Sidney R. Crumpton)

We are gathered here today to pay our respects to General Mark Wayne Clark.

General Clark was not only a soldier—he was a soldier/statesman; a man who saw the big picture. He had all the qualities that would have made him a great president of the United States.

It was my privilege to know him first in the winter of 1952. I was in Tokyo, Japan, on my way to Korea near Christmas to speak to missionaries and Christians in Korea, when totally unexpectedly I was asked to come to his office. I did not know that he had ever heard of me. I went, and after a rather long chat he turned to me and said: ‘Mr. Graham, I would like for you to go to Korea and preach to the troops at Christmas. Everyone will cooperate and it will be a great encouragement to our troops.’ I immediately answered that I would. I wrote a book about my experiences.

When his time was finished in the Far East, it was my privilege to be with him on a number of occasions. He honored me by asking me to give him an honorary degree here at The Citadel, and he invited me to speak here on a number of occasions. I had talks with him on a number of times and from his lips I heard some of the most thrilling stories about

TRIBUTE TO GEN. MARK WAYNE CLARK

Mr. THURMOND. Mr. President, on April 17, 1984, one of America’s finest soldiers, my very good friend, Gen. Mark Wayne Clark, passed away at the age of 87. He was the last of our legendary World War II field commanders to die, taking his place in history alongside Generals Eisenhower, MacArthur, Patton, and Bradley.

I was honored to attend his funeral at the Citadel in Charleston, SC, and I was astounded by my sincere condolences to his devoted wife, Mary, son, Bill, five grandchildren, and three great-grandchildren.

From his birth at a military post in New York, to his burial at the Citadel, General Clark was conditioned with a strong desire to serve his country in the Armed Forces. Born the son of an Army infantry colonel, he aspired to a similar destiny, graduating from the U.S. Military Academy at West Point in 1917, and subsequently pursuing an illustrious military career which spanned nearly 40 years of his life.

When asked several years ago how he wanted to be remembered, the par general humbly replied, "For what I am: A military man."

However, history will remember General Clark as being much more than a military man. Indeed, he will be remembered as a military giant whose undying patriotism and courageous leadership elevated him to a position of preeminence as a great defender of freedom throughout the world.

Early in 1943, General Clark was promoted to commanding general of the U.S. 5th Army, which invaded Italy and soundly defeated the Italian and German forces of Mussolini and Hitler. The liberation of Rome, which General Clark called the proudest accomplishment of his life, stands as one of the many great achievements of his distinguished Army career.

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April 25, 1984

CONGRESSIONAL RECORD—SENATE

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GOV. RICHARD W. RILEY said Clark will be remembered "as a great patriot and a great leader both on the battlefield and as president of The Citadel. He had a real deep love of country throughout his life and a later love for South Carolina, which he always defended and supported." Riley said.

A long-standing friend of Clark, U.S. Sen. Strom Thurmond, R-S.C., said the nation "has lost one of its greatest military leaders and dedicated soldiers. His death is a great loss for me, as well as for the nation. I am deeply saddened by his passing.

Thurmond spoke with Clark last week and tried to visit him at the hospital but doctors didn't think the visit would be advisable.

"The Citadel and this state have lost a priceless asset," said Citadel President Maj. Gen. James A. Grimisley. "He is . . . the last of the World War II giants. Those of us who were alive at that time and who fought that war saw at that time America reach its greatest heights.

"The Citadel today directly reflects Gen. Clark's many contributions to this college," said from president from 1984 to 1985, Grimisley said.

Retired Gen. William C. Westmoreland, who served under Clark in the Korean War, recalled that Clark treated him much as a son.

"He was very popular with his troops. He had quite a personal touch and was quite popular with his troops and subsequently with cadets when he was commander of the Citadel," Westmoreland said.

Maj. Gen. Jack Farris, commander of the U.S. Army troops in last fall's invasion of Grenada, was the regimental commander of cadets in The Citadel class of 1958. Farris recalled that some of the lessons he learned from Clark were useful during the Grenada invasion.

"He talked to me about his command in Italy and what it meant in terms of leadership to command at that level," Farris said. "He used to emphasize that you had to take care of your soldiers and if you did, they would take care of you. He said you had to be tough-minded enough to make the tough decisions. They're never clear cut, they're just areas of gray.

"Another thing I'll never forget that he told me was that as a military leader you never make pure military decisions. You have to consider the political and social nuances that have real impact on how you conduct your war." Clark was "the kind of fellow who really wouldn't have wanted too many flowery things said about his passing," said Citadel Board of Visitors Chairman George C. James. But "Gen. Clark contributed as much as anyone to the country and to the world and there is going to be a big void with him gone,"" he said.

U.S. Sen. Ernest F. Hollings, D-S.C., said Gen. Clark's contribution to The Citadel, the state and the nation is unequalled. "Gen. Clark was one of the great Americans of my time."

Rep. Thomas F. Hartness, R-S.C., termed Clark "one of America's last, truly great heroes.

"He felt such a real deep love for this country and the way of life he had fought to preserve," Hartness said of Clark. The congressman said he found the depth of Clark's patriotism "almost sad" to observe because it wasn't shared by the vast majority of Americans today.

Rep. Butler Derrlick, D-S.C., also mentioned Clark's contribution to youth, noting
the last of the fabled combat com-
mander in Chief of Allied Forces. Few will
ever know the full weight of responsibilities
that fell on his shoulders and struck his heart.

He coordinated plans for the Salerno inva-
sion of Italy in 1943, tried vainly to secure
more troops and material for the D-day land-
load. Citizen soldiers of National Guard
components fought brilliantly against
skilled German attacks and, rather swiftly, the Fifth Army captured
Rome, the first Axis capital to be liberated.

A confidante and friend of the late
Dwight D. Eisenhower said in Korea military success was conceivable but
dutifully saluted in acquiescence to a peace
treaty to end that conflict.

As president of The Citadel, he again
served well. As a good and faithful servant,
he deserves a global salute.

[From the Washington Post, Apr. 18, 1984]

GEN. MARK CLARK DIES; COMMANDED ALLIED
FORCES IN ITALY IN WORLD WAR II
Retired Gen. Mark Clark, 87, a brilliant
and sometimes controversial Army group
commander in Italy in World War II and
the last American ground commander
in Korea during the conflict there, died of pancreatic cancer yesterday at the Medici-
Cal University of South Carolina in Charleston, S.C.

Gen. Clark first saw combat in World War I, during which he was wounded. His service
in World War II included a notable cloak-
and-dagger mission to North Africa and
command of the U.S. Fifth Army in Italy,
the job for which he was best known. His
principled campaigns were the bloody land-
ing at Salerno, Italy, in which he himself
led an attack against German tanks threat-
ening the beachhead; the lost opportunity
of Anzio, an amphibious attack that might
have opened the way to Rome but resulted
in a lengthy stalemate, the bitter and costly
fighting for Monte Cassino; the capture of
Rome and the ultimate liberation of Italy.

After the war, he was U.S. High Commissi-
ner in Austria and commander of Army
Ground Forces. He retired from active duty
in 1953 at the conclusion of his service in
Korea and the end of the conflict there.

From 1954 to 1965, he was president of The
Citadel, a military college in Charleston,
S.C.

Gen. Clark, a tall, energetic man known
for his intelligence, courage and charm,
was the youngest Allied-Army group
commander in the war. Winston Churchill called him
an American eagle. Gen. Dwight D.
Eisenhower said he was "the best
organizer, planner and trainer of troops
that I have met." General of the Army
George C. Marshall, the wartime chief of
staff, praised him as "a very good soldier
and very loyal."

If his superiors praised him at the time,
most historians have been content to state
the problems Gen. Clark faced and the solu-
tions he devised, left it to the reader to
judge whether he was up to the task.

Like other major operations, the one Gen.
Clark conducted in Italy was dictated not
only by the relative strength of the oppos-
ing forces, but by the political, power-
strategic considerations, both in the Medi-
terranean theater and elsewhere in the
Allied command. Gen. Clark and his
troops were at a loss to muster parity, much less superiority.

Most obvious was the matter of terrain. The Allies' task was to subdue an enemy
that enjoyed nearly every advantage the lay
of the land could offer. The narrow Italian
peninsula with its high rigging of moun-
tains and fortified hilltops offered just
that opportunity.

There were few opportunities for rapid and
swimming armored envelopments, such as
the one at Anzio, and the allied invasion
forces split into two major groups, the one
by Gen. George S. Patton and other
American forces in Italy and the other
by Gen. Mark Wayne Clark and his American
forces in the front line of Italy.

The frontal attacks were costly and
 gained little. An alternative was an amphi-
bious landing at Anzio. That was the plan for
the war and by Gen. George S. Patton and
other Allied commanders on the plains of
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conflict.
forces when they came ashore. His memoirs of this hazardous voyage by submarine and rubber boat, and his nocturnal wanderings and secret rendezvous with French officials, make exciting reading.

Although the mission was not entirely successful, it resulted in arrangements that greatly reduced the opposition that French forces put up to Allied landings.

The Fifth Army was activated in January 1943 at Oujda, Morocco. It was composed of the U.S. Forces in the NOE Maj. Gen. William D. Clark and the British X Corps. With the British Eighth Army under Field Marshal Sir Bernard L. Montgomery, it made up the 15th Army Group.

The Army Group, led by Field Marshal Alexander, invaded Italy in September 1943. The Fifth Army hit the beaches at Salerno on the 9th. Italy had announced it was leaving the Axis and surrendering to the Allies only hours before the landings. The Americans, perhaps anticipating little opposition, were stunned by furious counterattacks by German forces, who had no intention of conceding Italy to the Allies.

With the beachhead in danger and some senior commanders planning to evacuate the troops behind the lines, Clark was landing to take command of the forces ashore. He personally led an infantry assault, and his tanks that almost had reached the shore. The Germans were turned back and six of their tanks were destroyed. The general was upon airborne troops to drop between the Allied front line and the sea to reinforce the beachhead.

For the operations on the beachhead, Gen. Clark was awarded the Distinguished Service Cross, the Army’s highest award for valor except for the Medal of Honor. The citation spoke of his “utter disregard for personal safety” while he “spread an infectious spirit of determination and courage.” The northward advance from Salerno, through the mountains, was slow and costly. In January 1944, halted 90 miles south of Rome by the Germe Gustave Line, Gen. Clark developed a plan calling for a coordinated attack on the German positions and an amphibious end-run through the mountains, was slow and costly. 1944, halted 90 miles south of Rome by the Germe Gustave Line, Gen. Clark developed a plan calling for a coordinated attack on the German positions and an amphibious end-run 60 miles behind the line.

The forces aimed across the Rapido River at the Liri Valley were bloodily repulsed in the Gustave Line. But by the V Corps, who ashore unopposed at Anzio. Instead of driving for Rome or moving to take the Gustave positions, Gen. Lucas, the corps commander, chose to advance less than 10 miles and await reinforcements and supplies. The Gen. Lucas had time enough to halt the Allied invasion in its tracks.

These operations were the ones that brought the greatest criticism of Gen. Clark. After the war, a group of former 36th Infantry Division officers appeared before a Senate committee to oppose a promotion for Gen. Clark. They said his order to cross the Rapido sent their division against impossible odds at the cost of enormous casualties. A War Department Investigation concluded that the commander had exercised “sound judgment,” and he was promoted.

The military coup took place on Jan. 22, 1944. On Feb. 15, heavy artillery and air bombardment destroyed the historic Benedicteine convent of Monte Cassino. Gen. Clark had opposed this, not only on religious and cultural grounds, but also because the attack would be of little military significance. He was overruled and the abbey was turned to ruins. For some, the responsibility remains with Gen. Clark.

It was not until May 25 that the forces fighting through the Gustave Line and those at Anzio linked up.

Just prior to this, Gen. Clark made what was probably the greatest decision of the war. He tried to seize Rome rather than encircle German forces on the Gustave Line. The German soldiers escaped to the north and Rome was not captured until June 4, 1944, just as Allied forces were preparing to go ashore in Normandy.

The war ended for Mark Clark on May 2, 1945. He spent the next two years as Allied Armored Forces. They said his order to cross the line.

In addition to the Distinguished Service Cross, his decorations included four Distinguished Service Medals, the Silver Star, the Bronze Star, and the Purple Heart Medal. He also received high honors from Britain, France, Belgium, Morocco, Poland, Brazil, and the Soviet Union.

Gen. Clark’s first wife, the former Maudine Moran, died in 1966. Their daughter, Patricia Ann Doran, died in 1984. Survivors include his wife of 17 years, the former Marilyn Doran, died in 1966. Their daughter, Patricia Ann Doran, died in 1984. Survivors include his wife of 17 years, the former Mildred Applegate, of Charleston, S.C., her brother by marriage, retired Army Maj. William Doran Clark of Washington, and four grandchildren.

[From the Charleston (S.C.) News and Courier, Apr. 20, 1984]

GENERAL CLARK LAID TO REST AT THE CITADEL

In a simple funeral service, as he had wished, retired Army General Mark Wayne Clark was laid to rest Thursday near The Citadel parade ground where he had reviewed thousands of young cadets over the years.

The last of the four-star generals from World War II and a prominent emeritus of The Citadel, Clark died Tuesday at the age of 87.

Two sprays of white gladiolus decorated the altar in Summerall chapel, where about 1,500 people heard former Citadel Chaplain Sidney R. Crumpton read a homily written by the Rev. Billy Graham. Graham was in Europe Thursday and could not attend the funeral.

“General Clark was much more than a soldier—he was a soldier/stateman; a man who saw the big picture. He had all the qualities that would have made him a great president of the United States,” Graham wrote.

Graham met Clark in 1952 and was surprised by Clark’s request that he preach there two months before Christmas. The two met again many times after the war, and Clark recognized Graham with an honorary degree from The Citadel.

“There are many lessons we can learn from his life... First, Clark was a man who was concerned with quality and who had a personal faith in Christ as his own Lord and Savior.” Clark’s life and memory should challenge everyone to “live lives of quality, of commitment, and of character,” Graham wrote.

“Today we do not say goodbye to Mark Clark. We say, as the French would say, ‘Au revoir!’ Till we meet again.”

[From the Greenville (S.C.) News, Apr. 20, 1984]

GEN. MARK W. CLARK

Gen. Mark Wayne Clark was laid to rest yesterday at The Citadel, the military college of South Carolina over which he presided for 12 fruitful years after retiring from a distinguished career.

Clark was an Army man literally all his life. Born on a military base, he grew up in the Army, and naturally became a graduate of West Point. He saw much combat and was wounded in World War II. He attained international fame as combat commander and military diplomat in World War II, in which he led the invasion of Rome and all of Italy, and was credited with saving Austria for the West.
It was Mark Clark who commanded United Nations forces in the final stages of the Korean War and negotiated the cease­fire.

General Clark was courageous, tough, candid. He had the respect of subordinates and of the world leaders with whom he dealt. But his toughness and candor led him into some political disfavor after World War II.

An indication of his sense of propriety was refusal to go to Rome as ambassador to the Vatican 30 years ago, as suggested by Presi­dent Truman, without the formal confirmation.

Proof of his abiding concern for the nation came in the general's declining years when he chose to discuss controversial secu­ritiy issues, rather than sit quietly in earned retirement.

And so it was that many admirers paid tribute to a revered individual as he went to honored rest at the college he loved and served and in the state which proudly made him an adopted son.

MEASURES PLACED ON THE CALENDAR

The Select Committee on Indian Af­fairs was discharged from the further consideration of the following bills, and the bills were placed on the calen­dar by unanimous consent:

H.R. 3259. An act to declare that the United States holds certain lands in trust for the Tuleño de Cochita.

H.R. 3376. An act to declare that the United States holds certain lands in trust for the Makah Indian Tribe, Washington.

H.R. 3555. An act to declare certain lands held by the Seneca Nation of Indians to be part of the Allegany Reservation in the State of New York.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as Indi­cal:

EC-3085. A communication from the Acting Deputy Assistant Secretary of De­fense for Manpower, Installations, Logistics, Military Personnel, and Force Management transmitting, pursuant to law, a report list­ing persons who have filed reports under section 410 of Public Law 91-121, to the Committee on Armed Services.

EC-3086. A communication from the Principal Deputy Assistant Secretary of the Navy for Shipbuilding and Logistics trans­mitting, pursuant to law, a report on a deci­sion to convert the storage and warehousing function at the Naval Air Station, Norfolk, Va. to a closed contract; to the Committee on Armed Services.

EC-3087. A communication from the Acting Deputy Assistant Secretary of Defense for Administration transmitting, pursuant to law, a report on real and personal property of the Department of Defense as of September 30, 1983; to the Committee on Armed Services.

EC-3088. A communication from the Sec­retary of Agriculture transmitting, pursuant to law, the annual Animal Welfare Enforce­ment Report; to the Committee on Agricul­ture, Nutrition, and Forestry.

EC-3089. A communication from the Sec­retary of Agriculture transmitting a draft of proposed legislation to ensure continued fi­nancial integrity of the Rural Electrification and Telephone Revolving Fund; to the Com­mittee on Agriculture, Nutrition, and Fore­stry.

EC-3090. A communication from the Acting Secretary of Agriculture transmit­ting a draft of proposed legislation to sim­plify consolidation of the Office of the Comal­lade, and create greater flexibility in oper­ation of programs under National School Lunch Act and Child Nutrition Act; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3091. A communication from the Sec­retary of Agriculture transmitting, pursuant to law, a report on the National Rural De­velopment Strategy; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3073. A communication from the Di­rector of the Office of Management and Budget transmitting, pursuant to law, a report on the President's budget for 1985 and projections for 1985-88, jointly, pursuant to the order of January 31, 1984; to the Committee on Appropria­tions and the Committee on the Budget.

EC-3074. A communication from the Comptroller General of the United States trans­mitting, pursuant to law, a report on the examination of the balance sheets of the Office of the Attending Physician Revolving Fund, 1982 and 1983; to the Commit­tee on Appropriations.

EC-3075. A communication from the Chairman of the Board of Governors of the Federal Reserve System transmitting, pur­suant to law, the Seventieth Annual Report of the Board of Governors of the Federal Reserve System; to the Committee on Banking, Housing, and Urban Affairs.

EC-3076. A communication from the chairman of the Federal Home Loan Bank Board transmitting, pursuant to law, the 1983 report of the Federal Home Loan Bank Board; to the committees on Banking, Housing, and Urban Affairs.

EC-3077. A communication from the Sec­retary of the Department of the Interior transmitting, pursuant to law, the 1984 con­solidated report on Community Develop­ment programs; to the Committee on Bank­ing, Housing, and Urban Affairs.

EC-3078. A communication from the chairman of the Securities and Exchange Commission transmitting a draft of pro­posed legislation to authorize the Commis­sion to regulate the proxy processing activi­ties of banks, associations, and other enti­ties; to the committees on Banking, Housing, and Urban Affairs.

EC-3079. A communication from the chairman of the Interstate Commerce Com­mission transmitting, pursuant to law, the Commission's 97th annual report on its ac­tivities during 1983; to the Committee on Commerce, Energy and Transportation.

EC-3080. A communication from the Sec­retary of Transportation transmitting a draft of proposed legislation to amend the Hazardous Materials Transportation Act to authorize appropriations; to the Committee on Commerce, Science, and Transportation.
proposed legislation to eliminate the requirement for a decennial census of drainage to the Committee on Governmental Affairs.

EC-3093. A communication from the chairman of the Board of Trustees of the Public Defender Service of the District of Columbia, transmitting, pursuant to law, the annual report of the Board for fiscal year 1982; to the Committee on Governmental Affairs.

EC-3094. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the annual report of the General Accounting Office during March 1984; to the Committee on Governmental Affairs.

EC-3095. A communication from the Federal Trade Commission, transmitting, pursuant to law, the annual report of the Commission on implementation of the Sunshine Act during calendar year 1983; to the Committee on Governmental Affairs.

EC-3096. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Report of the Executive Secretary of the National Mediation Board"; to the Committee on Governmen­tal Affairs.

EC-3097. A communication from the Secretary of the Postal Rate Commission, transmitting, pursuant to law, the annual report of the Commission on implementation of the Government in the Sunshine Act during calendar year 1983; to the Committee on Governmental Affairs.

EC-3098. A communication from the chairman of the Federal Trade Commission, transmitting, pursuant to law, a report entitled "Follow Up Audit of the University of the District of Columbia's Athletic Department"; to the Committee on Governmental Affairs.

EC-3099. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Follow Up Audit of the University of the District of Columbia's Athletic Department"; to the Committee on Governmental Affairs.

EC-3100. A communication from the chairman and members of the Personnel Appeals Board, transmitting, pursuant to law, the annual report of the Personnel Appeals Board for fiscal year 1983; to the Committee on Governmental Affairs.

EC-3101. A communication from the Executive Secretary of the National Mediation Board, transmitting, pursuant to law, the annual report of the Board on implementation of the Government in the Sunshine Act for calendar year 1983; to the Committee on Governmental Affairs.

EC-3102. A communication from the Assistant Attorney General (administration), transmitting, pursuant to law, notice of a computerized matching program being run by the Department of Justice; to the Committee on Governmental Affairs.

EC-3103. A communication from the Administrator of the Office of Federal Procurement Policy, Office of Management and Budget, transmitting, pursuant to law, a report on competition in the award of subcontracts by Federal agencies in fiscal year 1982; to the Committee on Governmental Affairs.

EC-3104. A communication from the Executive Director of the Civil Air Patrol, transmitting, pursuant to law, the annual report of the Civil Air Patrol for calendar year 1983; to the Committee on the Judiciary.

EC-3105. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the annual Freedom of Information Act report of the Commission for calendar year 1983; to the Committee on the Judiciary.

EC-3106. A communication from the Director of the National Institute of Corrections, transmitting, pursuant to law, the annual report of the National Institute of Corrections for fiscal year 1983; to the Committee on the Judiciary.

EC-3107. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation to amend section 1110 of title 11, United States Code; to the Committee on Judiciary.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER, from the Committee on Armed Services: James H. Webb, Jr., of Virginia, to be an Assistant Secretary of Defense.

By Mr. TOWER, from the Committee on Armed Services:

Mr. TOWER. Mr. President, from the Committee on Armed Services, I report favorably the following nominations:

In the Air Force there are 50 appointments to the grade of colonel—list begins with Ted K. Broyhill, in the Air Force there are 50 appointments to the grade of second lieutenant—list begins with Jeffery L. Amerine, and in the Air Force Reserve there is one promotion to the grade of colonel for David F. Rice. Since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of April 12 and April 24, 1984, at the end of the Senate proceedings.)

By Mr. PERCY, from the Committee on Foreign Relations:

Harry E. Bergold, Jr., of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Republic of Nicaragua:

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the day of the nomination.

Nominee: Harry E. Bergold, Jr.
Post: Nicaragua.
Contributions, amount:
1. Self, none.
2. Spouse, none.
3. Children and spouses names, none.
4. Parents names, none.
5. Grandparents names, none.
6. Brothers and spouses names, none.
7. Sisters and spouses names, none.
8. Thomas H. Anderson, Jr., of Mississippi, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Barbados, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Commonwealth of Dominica, Ambassador Extraordinary and Plenipotentiary of the United States of America to Saint Lucia, and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Commonwealth of Dominica, Ambassador Extraordinary and Plenipotentiary of the United States of America to Saint Lucia,
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Ambassador Extraordinary and Plenipotentiary of the United States of America to Saint Vincent and the Grenadines, Ambassador Extraordinary and Plenipotentiary of the United States to Antigua and Barbuda, and Ambassador Extraordinary and Plenipotentiary of the United States of America to St. Christopher and Nevis.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.


Contributions, amount:
1. Self, none.
3. Children and spouses names, none.
4. Parents names, Mr. and Mrs. Thomas Hubrey Anderson, none.
5. Grandparents names, none.
6. Brothers and spouses names, none.
7. Sisters and spouses names, Mr. and Mrs. Charles Buchas, none.

(The above nominations were reported from the Committee on Foreign Relations with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. BENNET:
S. 2594. A bill to name the U.S. Post Office Building in Moorestown, N.J., as the "Edwin L. B. Forsythe Post Office Building," to the Committee on Governmental Affairs.

By Mr. D'AMATO (for himself and Byrd):
S. 2596. A bill to transfer jurisdiction from the Government of the State of New York to the Federal Government for a portion of Fire Island (N.Y.), and to transfer jurisdiction for Camp Hero from the Federal Government to the Government of the State of New York; to the Committee on Governmental Affairs.

By Mr. MATSUNAGA:
S. 2586. A bill to extend duty free treatment to scrolls or tablets imported for use in religious observances; to the Committee on Finance.

By Mr. GARN:
S. 2591. An original bill to authorize the awarding of special congressional gold medals to the daughter of Harry S. Truman, to Lady Bird Johnson, and to Elie Wiesel; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. KASTEN (for himself, Mr. JEPSEN, Mr. BOREN, Mr. PERCY, Mr. BOSCHWITZ, Mr. COHEN, Mr. DOLE, Mr. HOLLINGS, Mr. WILSON, Mr. DURBIN, Mr. MOYNIHAN, Mr. EAST, Mr. GORTON, Mr. PROXMIERE, Mr. McCURIE, Mr. SYMMS, Mr. HUMPHREY, Mr. DANTZIG, Mr. TAYLOR, Mr. MELCHER, Mr. LUGAR, Mr. STAFFORD, Mr. MURkowski, Mr. DIXON, Mr. ZORIN, Mr. ANDREWS, Mr. JOHNSON, Mr. HUDLESTON, Mr. STEVENS, Mr. COCHRAN, Mr. BRADLEY, Mr. HEFLIN, Mr. GRASSLEY, Mr. Domenici, and Mr. HAWKINS):
S.J. Res. 270. Joint resolution to designate the week of November 11, 1984, through November 17, 1984, as "Women in Agriculture Week," to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):
S.J. Res. 280. Joint resolution designating the Barnegat and Brigantine units of the National Wildlife Refuge System as the Edwin L. B. Forsythe National Wildlife Refuge, to the Committee on Energy and Natural Resources.

By Mr. GOLDSWATER (for himself, Mr. GARN and Mr. SASSER):
S.J. Res. 281. Joint resolution to provide for the reappointment of A. Leon Higginbotham, Jr. as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

By Mr. GOLDSWATER (for himself, Mr. GARN and Mr. SASSER):
S.J. Res. 282. Joint resolution to provide for the reappointment of Ann Legendre Armstrong as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. SIMPSON (for himself, Mr. MATHIAS, Mr. THURMOND, Mr. BAKER, Mr. TOWER, and Mr. Dole):
S. Res. 372. Resolution expressing the sense of the Senate regarding exposure of members of the Armed Forces to ionizing radiation and to herbicides containing dioxin, to the Committee on Veterans' Affairs.

By Mr. BAKER (for himself and Mr. DOLE):
S. Con. Res. 107. Concurrent resolution authorizing the rotunda of the Capitol to be used from May 25, 1984, through May 28, 1984, for the ceremonial American Vietnam Veterans' Day.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BENNET:
S. 2586. A bill to assist the United States and Mexican border economy, and for other purposes; to the Committee on Finance.

UNITED STATES-MEXICAN BORDER ECONOMIC RECOVERY ACT

Mr. BENNET, Mr. President, I have long been acutely concerned about the economic problems that exist along the United States-Mexican border. Recent events, including a dramatic reduction in the value of the peso and disastrous weather conditions, have increased the problems to a point that demands the attention of the Congress.

The problems that have resulted from the economic shocks of the peso devaluation and severe weather conditions are grim indeed. Unemployment in one county along the Rio Grande in Texas--Starr County—has reached 46.2 percent, a result of severe damage in both the agricultural sector because of the December freeze and the retail sector because of the peso devaluation. In the first 6 months after the peso devaluation, retail sales in Brownsville declined $136 million, causing over 200 businesses to close their doors. The situation has not improved since. Many of the businesses still in operation along the border are teetering on the brink of financial disaster. The losses in the agricultural sector resulting from the freeze are still being tallied, but will surely exceed $50 million.

The ripple effect of these losses is felt all along the border: Employee layoffs, lowered purchasing power, and a decline in tax revenues for municipalities that are among the poorest in the Nation. The desperation of the jobless in these depressed, crippled counties can hardly be overstated or overemphasized. I have been working for several weeks to develop a number of ideas to aid the border economy, both short and long term. The legislation I am introducing today is the product of that effort.

It is an omnibus measure, containing seven titles. I ask unanimous consent that a factsheet providing details on the several titles be printed in the Record immediately following my remarks.
Mr. President, I think we have to be realistic about the prospects for passing this legislation this year. I do not want to get into a position of getting hopes too high for millions of Americans who are, at best, in very difficult circumstances. I expect that some elements of this proposal will be approved by this Congress, and I am prepared to come back toward that objective. But I am also aware that some elements will require considerable deliberation and it may not be possible to complete that process in this abbreviated session. I want to emphasize, however, that I am seriously about this proposal, and I will be back in the next Congress with those portions not approved this year.

I believe this is an opportunity for the Senate to address the pressing needs of the people who live along the United States-Mexican border. My legislation will start the Senate down that path. I hope that we can work together to solve these problems in a bipartisan fashion and restore the prosperity and a sense of well-being that the American people along the border deserve.

There being no objection, the fact sheet was ordered to be printed in the Record, as follows:

FACTSHEET ON SENATOR LLOYD BENTSEN'S ENTERPRISE ZONES INITIATIVE

TITLE I: ECONOMIC DEVELOPMENT ADMINISTRATION

The Bentsen proposal would reauthorize the Economic Development Administration, which is now operating under authority of the Continuing Resolution. The Bentsen proposal will include two changes of current law that will benefit the Border economy:

Current law providing aid to communities suffering from sudden and severe economic hardship will be amended to provide a specific setaside for areas suffering from the effects of extraordinary, severe and temporary natural conditions, and foreign currency devaluations.

Expired provisions allowing the EDA to place funds into other agencies for programs providing fast job availability will be renewed.

TITLE II: TRADE

The Trade Act of 1974 will be amended to direct the Secretary of Commerce to make technical assistance available to cities which are located on or near the Border between the United States and Mexico to assist them to develop, apply for, and implement programs to increase the localities' foreign trade capacity.

TITLE III: CUSTOMS

The Customs Authorization Act of 1983 will be amended to prohibit the Customs Service from implementing any personnel cuts Fiscal Year 1985. Such a provision will prevent the Administration's proposed reduction of 984 positions from being put into effect.

TITLE IV: ENTERPRISE ZONES

This title will provide that if any Federal law is enacted which provides for the designation of enterprise zones, that the head of the department or agency making such decisions shall designate any county meeting the following requirements:

Economic dislocation resulting from foreign currency devaluations.

An unemployment rate at least one and one half times the national unemployment rate.

A poverty rate 20 percent or more above that of the United States.

An initial local initiative and a demonstration period of 2 years.

The Veterans Assistance Act will be amended to require the Administrator of the Veterans Administration to conduct a study to determine the need for the construction of a Veterans Administration Hospital to serve the 78,000 veterans in the 14 southern-most counties in Texas. The study is to be completed by the end of Fiscal Year 1985, with a report to be submitted to Congress by September 31, 1985.

By Mrs. KASSEBAUM:

S. 2589. A bill to amend the Federal Trade Commission Act to impose certain requirements with respect to the acquisition of substantial energy reserves holders, and for other purposes; to the Committee on the Judiciary.

(The remarks of Mrs. KASSEBAUM on this legislation appear earlier in today's Record.)

By Mr. BAKER (for himself and Mr. SASSER):

S. 2590. A bill to designate certain lands in the Cherokee National Forest, TN, as wilderness, to authorize loans to any small business or designated in the Cherokee National Forest as wilderness. The Bentsen proposal would reauthorize the Community Services Administration community loan programs which have had no authorization since Fiscal Year 1982. These loan programs include assistance for water and sewer, community facilities, and business and industry development. In addition, the community facilities section would be corrected to make migrant health care clinics eligible once again for loans.

By Mr. BAKER (for himself and Mr. SASSER):

S. 2590, a bill to designate certain lands in the Cherokee National Forest as wilderness, the Tennessee Wilderness Act provides such an opportunity. It is essential to maintain the existence of today's wilderness not only for the enrichment of our generation, but also for the lifetimes of many Americans to come.

I urge the Senate to act positively on this legislation.

Mr. President, I am pleased to join my distinguished senior colleague, Mr. BAKER, in sponsoring S. 2590, a bill to designate certain lands in the Cherokee National Forest as wilderness. The Tennessee Wilderness Act is the only one of its kind in Tennessee. Future generations deserve an opportunity to observe firsthand the beauty and rare physical integrity of the Cherokee National Forest.

The bill which we are introducing today is almost identical to a bill already in the other body and cosponsored by the majority of the Tennessee delegation in that body.

Mr. President, S. 2590 addresses four outstanding areas in the southern portion of the Cherokee National Forest—Citicoo Creek, Bald River Gorge, Little Frog Mountain, and Big Frog Mountain. The combined acreage that would be protected in this bill under S. 2590 constitutes only 12 percent of the 298,526 acres located in the southern portion of the Cherokee National Forest.

The bill which we are introducing today is almost identical to a bill already in the other body and cosponsored by the majority of the Tennessee delegation in that body.

Mr. President, wilderness designation for this area has received widespread support. The Tennessee Wildlife Resources Agency, the Sierra Club, the Audubon Society, Trout Unlimited, Tennessee Citizens for Wilderness Planning, Tennessee Trails Association, Izaak Walton League, Tennessee Ornithological Society, Smoky Mountains Hiking Club, Chota Canoe Club, and Chattahoochee River Association all support wilderness designation for the southern portion of the Cherokee National Forest.

In addition, Mr. President, the Cherokee National Forest is contiguous...
with another outstanding resource—the Great Smoky Mountains National Park. The Smoky Mountains lie directly north of the Cherokee National Forest. Like the Smokies, the Cherokee National Forest is already being managed administratively as wilderness. However, Mr. President, we must go one step further to insure that the Cherokee National Forest and the Smokies maintain their high wilderness value for future generations to come.

Mr. President, an adequate appreciation of our growth as a nation depends, in large part, on our past. Opportunities to reflect quietly upon our evolution as a people are rare indeed. Wilderness areas provide unique and enduring windows to our past.

By Mrs. HAWKINS: S. 2591. A bill to increase the penalties for major drug offenses and provide for the forfeiture of illegal drug profits; to the Committee on the Judiciary.

DRUG AND VIOLENT CRIME SENTENCING ACT OF 1984

Mrs. HAWKINS. Madam President, I send a bill to the desk.

Madam President, this body talks a great deal about crises. We have talked this morning about deficit crises. I have listened to inflation crises speeches. I have listened to worldwide recession crises speeches. We talk about a trade deficit crisis. But the real crisis in the United States today is that major drug traffickers walk, like the Smokies, the Smoky Mountains lie directly north of the Cherokee National Forest. Like the Smokies, the Cherokee National Forest is already being managed administratively as wilderness. However, Mr. President, we must go one step further to insure that the Cherokee National Forest and the Smokies maintain their high wilderness value for future generations to come.

Mr. President, an adequate appreciation of our growth as a nation depends, in large part, on our past. Opportunities to reflect quietly upon our evolution as a people are rare indeed. Wilderness areas provide unique and enduring windows to our past.

DRUG AND VIOLENT CRIME SENTENCING ACT OF 1984

For murder committed during the production, or trafficking of an illegal or controlled substance—drug—the individual shall be imprisoned for life or punished by death if the verdict of the jury shall so direct. Also property is subject to criminal forfeiture.

For possession with intent to sell heroin or cocaine—10 kilograms or more—the individual shall be sentenced to a mandatory term of life imprisonment, and in addition, a fine of not more than $500,000. Also property is subject to criminal forfeiture.

For possession with intent to sell heroin or cocaine—100 grams but less than 10 kilograms—the individual shall be sentenced to a mandatory term of imprisonment of 20 years, and, in addition, a fine of not more than $250,000. Also property is subject to criminal forfeiture.

PRESENT DRUG SENTENCES

For murder committed during the production, or trafficking of an illegal or controlled substance—drug—this is not a Federal offense and is dealt with through the State courts.

For possession with intent to sell heroin or cocaine—quantity is not set at a certain standard—first offense, not more than 15 years and/or $25,000 or both; second offense, not more than 30 years and/or $50,000 or both.
For possession with intent to sell marihuana—quantity is not set at a certain standard as long as it is not 1,000 pounds or more—first offense, 5 years and $125,000, second offense, up to 30 years and $250,000.

For possession with intent to sell marihuana—1,000 pounds or more—first offense, up to 15 years and $125,000, second offense, up to 30 years and $250,000.

Drug trafficking is a pernicious but enormously profitable crime. One ounce of impure cocaine retails at a higher cost than a gram of pure gold. Tons and thousands of pounds of cocaine are dealt annually. Because money is the reward of drug trafficking, punishments must be harsh enough, a deterrent strong enough, to outweigh the tremendous incentives.

Mandatory sentences and forfeiture of narcotics would be powerful weapons in the fight against drug trafficking. Depriving a criminal or a criminal organization of its ill-gotten gains serves, along with ball reform and imprisonment, to disrupt or cripple the criminal enterprise, to impel its financial viability, and to reduce the incentives others may perceive in narcotics trafficking.

Drug traffickers are not merely petty thieves. Money—the taxpayers, the buyers, the smugglers—is not the chief issue here. The problem is graver than the threat of a few more arrests. The time has come to see that his conduct in the course of the criminal enterprise, to impel its financial viability, and to reduce the incentives others may perceive in narcotics trafficking.

This is a crisis that can be solved by action of this body, by quick action, by severe action, and the solution is up to Congress. We have the courage to pass this bill.

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

The Senate then adopted the objection, the bill was ordered to be printed in the Record, as follows:

S. 2591

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 "Drug and Violent Crime Sentencing Act of 1984".

Sec. 3. Paragraph (b) of section 401 of the Controlled Substances Act (21 U.S.C. 841) is amended—

(1) in paragraph (1), by—

(A) redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively, and inserting after "(1)" a new subparagraph to read as follows:

"(A) In the case of a violation of subsection (a) of this section involving at least 100 grams but less than 10 kilograms of a controlled substance in schedule I or II which is a mixture or substance containing a detectable amount of a narcotic drug other than a narcotic drug consisting of—"

except such material as the court determines is required to be withheld for the protection of human life. Any presentence information withheld in a case involving a violation of this title shall not be considered in determining the existence or the nonexistence of the factors set forth in subparagraph (P) or (F) and as to the existence or nonexistence of each of the factors set forth in subparagraphs (G) and (H) exists, the court shall sentence the defendant to death. If the jury or, if there is no jury, the court finds that none of the aggravating factors set forth in subparagraph (F) or (G) exists, or finds that one or more of the mitigating factors set forth in subparagraph (P) exists, the court shall sentence the defendant to death but shall impose any other sentence provided for the offense for which the defendant was convicted.

(P) The court shall not impose the sentence of death on the defendant if the jury or, if there is no jury, the court finds that the aggravating factors set forth in subparagraph (F) or (G) are outweighed by the mitigating factors set forth in subparagraphs (P) and (Q) and that the existence or nonexistence of each of the factors set forth in subparagraphs (G) and (H) is on the Government. The burden of proof on the issue of the existence of any of the factors set forth in subparagraph (F) or (G) is on the Government. The burden of proof on the issue of the existence of any of the factors set forth in subparagraphs (G) and (H) is on the defendant. The court shall not impose a special verdict setting forth its findings as to the existence or nonexistence of each of the factors set forth in subparagraphs (F) and (G) and as to the existence of any of the factors set forth in subparagraph (P).

(Q) If the jury or, if there is no jury, the court finds by a preponderance of the evidence that one or more of the factors set forth in subparagraph (G) exists, the court shall sentence the defendant to death.

(R) If the jury or, if there is no jury, the court finds by a preponderance of the evidence that one or more of the factors set forth in subparagraph (H) exists, the court shall sentence the defendant to death.

Answer: true
finds by a special verdict as provided in subparagraph (D) that—

"(i) the death of another person resulted from commission of the offense but after the defendant had seized or exercised control of the aircraft; or

"(ii) a violation of this section involving a detectable amount of a narcotic drug other than a narcotic drug consisting of—

"(A) a compound, manufacture, salt, derivative, or preparation of coca leaves; or

"(B) a substance chemically identical thereto; such person shall be sentenced to a mandatory term of imprisonment of 20 years, and in addition, a fine of not more than $250,000.

"(B) In the case of a violation of subsection (a) of this section involving at least 100 grams but less than 10 kilograms of a controlled substance in schedule I or II which is a mixture or substance containing a detectable amount of a narcotic drug other than a narcotic drug consisting of—

"(i) coca leaves;

"(ii) a compound, manufacture, salt, derivative, or preparation of coca leaves; or

"(iii) a substance chemically identical thereto; such person shall be sentenced to a mandatory term of imprisonment of 20 years, and in addition, a fine of not more than $250,000.

"(C) In the case of a violation of subsection (a) of this section involving 10 kilograms or more of a controlled substance in schedule I or II which is a mixture or substance containing a detectable amount of a narcotic drug other than a narcotic drug consisting of—

"(i) coca leaves;

"(ii) a compound, manufacture, salt, derivative, or preparation of coca leaves; or

"(iii) a substance chemically identical thereto; such person shall be sentenced to a mandatory term of imprisonment of 20 years, and in addition, a fine of not more than $250,000.

SEC. 6. (a) Part D of title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 841 et seq.) is amended by adding at the end thereof the following new sections 413 and 414:

CRIMINAL FORFEITURES

"Property Subject to Criminal Forfeiture

"Sec. 413. (a) Any person convicted of a violation of this title or title III punishable by imprisonment for a year or more who forfeited to the United States, irrespec-

"(1) property constituting, or derived from, any proceeds the person obtained, di-

rectly or indirectly, as the result of such violation;

"(2) any of the person’s property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation; and

"(3) in the case of a person convicted of engaging in a continuing criminal enterprise in violation of section 408 of this title (21 U.S.C. 848) who, in addition to any other property described in paragraph (1) or (2), any of his interest in, claims against, and property or contractual rights to any proceeds or property under his control, over the continuing criminal enterprise.

The court, in imposing sentence on such person shall, in addition to any other sentence imposed pursuant to this title or title III, that the person forfeit to the United States all property described in this subsection.

"Meaning of Term ‘Property’

"(b) Property subject to criminal forfeiture under this section includes—

"(1) real property, including things growing on, affixed to, and found in land; and

"(2) tangible and intangible personal property, including rights, privileges, interests, claims, and credits.

"Third Party Transfers

"(c) All right, title, and interest in property described in subsection (a) vests in the United States upon the commission of the offense giving rise to forfeiture under this section. Any such property that is subsequently transferred to a person other than the defendant, whether the subject of a special verdict of forfeiture and thereafter shall be ordered forfeited to the United States, unless the transferee establishes in a hearing pursuant to subsection (g) that he is a bona fide purchaser for value of such property who at the time of purchase was reasonably without cause to believe that the property was subject to forfeiture under this section.

"(d) If any of the property described in subsection (a) is located:

"(1) cannot be located;

"(2) has been transferred to, sold to, or de-

posed with a third party;

"(3) has been placed beyond the jurisdiction of the court;

"(4) has been substantially diminished in value by any act or omission of the defendant;

"(5) has been commingled with other property which cannot be divided without difficulty;

the court shall order the forfeiture of any other property of the defendant up to the value of any property described in para-

graphs (1) through (5).

"Rebuttable Presumption

"(e) There is a rebuttable presumption at trial that any property of a person convicted of a felony under this title or title III is subject to forfeiture under this section if the United States establishes by a preponder-

ance of the evidence that—

"(1) the property was acquired by such person during the period of the violation of this title or title III or within a reasonable time after such period; and

"(2) there was no likely source for such property other than the violation of this title or title III.

PROTECTIVE ORDERS

"(f) Upon application by the United States, the court may, after a hearing, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property described in subsection (a) for forfeiture under this section—

"(A) Upon the filing of an indictment or information charging a violation of this title or title III for which criminal forfeiture may be ordered under this section and alleg-

ing that any property of the defendant by which the order is sought would, in the event of conviction, be subject to forfeiture under this section;

"(B) prior to the filing of such an indictment or information, if, after notice to per-

sons appearing to have an interest in the property, the defendant has been convicted of a felony under this title or title III, that the property forfeited, the court may, upon application of the United States, enter such appro-

imation of the offense, and after the defendant had seized or exercised control of the aircraft; or

"(ii) a compound, manufacture, salt, derivative, or preparation of coca leaves; or

"(iii) a substance chemically identical thereto; such person shall be sentenced to a mandatory term of imprisonment of 20 years, and in addition, a fine of not more than $250,000.

"(C) In the case of a violation of subsection (a) of this section involving 10 kilograms or more of a controlled substance in schedule I or II which is a mixture or substance containing a detectable amount of a narcotic drug other than a narcotic drug consisting of—

"(i) coca leaves;

"(ii) a compound, manufacture, salt, derivative, or preparation of coca leaves; or

"(iii) a substance chemically identical thereto; such person shall be sentenced to a mandatory term of imprisonment of 20 years, and in addition, a fine of not more than $250,000.

"(1) any property constituting, or derived from, any proceeds the person obtained, di-

rectly or indirectly, as the result of such vi-

olation;

"(2) any of the person’s property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation; and

"(3) in the case of a person convicted of engaging in a continuing criminal enterprise in violation of section 408 of this title (21 U.S.C. 848) who, in addition to any other property described in paragraph (1) or (2), any of his interest in, claims against, and property or contractual rights to any proceeds or property under his control, over the continuing criminal enterprise.

The court, in imposing sentence on such person, shall order, in addition to any other sentence imposed pursuant to this title or title III, that the person forfeit to the United States all property described in this subsection.

"Meaning of Term ‘Property’

"(b) Property subject to criminal forfeiture under this section includes—

"(1) real property, including things growing on, affixed to, and found in land; and

"(2) tangible and intangible personal property, including rights, privileges, interests, claims, and credits.

"Third Party Transfers

"(c) All right, title, and interest in property described in subsection (a) vests in the United States upon the commission of the offense giving rise to forfeiture under this section. Any such property that is subsequently transferred to a person other than the defendant, whether the subject of a special verdict of forfeiture and thereafter shall be ordered forfeited to the United States, unless the transferee establishes in a hearing pursuant to subsection (g) that he is a bona fide purchaser for value of such property who at the time of purchase was reasonably without cause to believe that the property was subject to forfeiture under this section.

"(d) If any of the property described in subsection (a) is located:

"(1) cannot be located;

"(2) has been transferred to, sold to, or de-

posed with a third party;

"(3) has been placed beyond the jurisdiction of the court;

"(4) has been substantially diminished in value by any act or omission of the defendant;

"(5) has been commingled with other property which cannot be divided without difficulty;

the court shall order the forfeiture of any other property of the defendant up to the value of any property described in para-

graphs (1) through (5).

"Rebuttable Presumption

"(e) There is a rebuttable presumption at trial that any property of a person convicted of a felony under this title or title III is subject to forfeiture under this section if the United States establishes by a prepon-

erance of the evidence that—

"(1) the property was acquired by such person during the period of the violation of this title or title III or within a reasonable time after such period; and

"(2) there was no likely source for such property other than the violation of this title or title III.

PROTECTIVE ORDERS

"(f) Upon application by the United States, the court may, after a hearing, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property described in subsection (a) for forfeiture under this section—

"(A) Upon the filing of an indictment or information charging a violation of this title or title III for which criminal forfeiture may be ordered under this section and alleg-

ing that any property of the defendant by which the order is sought would, in the event of conviction, be subject to forfeiture under this section;

"(B) prior to the filing of such an indictment or information, if, after notice to per-

sons appearing to have an interest in the property, the defendant has been convicted of a felony under this title or title III, that the property forfeited, the court may, upon application of the United States, enter such appro-


prize restraining orders or injunctions, require the execution of satisfactory performance bonds, appoint receivers, conservators, appraisers, accountants, or trustees, or take any other action to protect the interest of the United States in the property ordered forfeited. Any income accruing to or derived from property ordered forfeited under this section may be used to offset ordinary and necessary expenses of the person or entity proceeding, or to safeguard and maintain property ordered forfeited under this section.

"DISPOSITION OF PROPERTY"

(1) Following the seizure of property ordered forfeited under this section, the Attorney General shall direct the disposition of the property by such commercially feasible means, making due provision for the rights of any innocent persons. Any property right or interest not exercisable by, or transferable for value to, the United States shall expire and shall not revert to the defendant, or any person acting in concert with him or on his behalf be eligible to purchase forfeited property at any sale held by the United States. Upon application of a person, the defendant, or any person acting in concert with him or on his behalf, the court may, upon application of the United States, order that the testimony of any witness relating to the property forfeited be taken by deposition and that any designated book, paper, document, record, recording, or other material not privileged be produced at the same time and place, in the same manner as provided for the taking of depositions under Rule 15 of the Federal Rules of Civil Procedure.

"PARTY INTERESTS"

(1) Following the entry of an order of forfeiture under this section, the United States shall publish notice of the order and of its intent to dispose of the property for at least seven successive court days in such manner as the Attorney General may direct. The Government, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the order of forfeiture as a substitute for published notice as to those persons so notified.

(2) Any person, other than the defendant, asserting a legal interest in property which has been ordered forfeited to the United States pursuant to this section may, within thirty days of the final publication of notice of or his receipt of notice under paragraph (1), whichever is earlier, petition the court for a hearing to adjudicate the validity of his interest in the property. The hearing shall be held before the court alone, without a jury.

(3) The petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the property, and the acts which gave rise to the forfeiture of property, any additional facts supporting the petitioner's claim, and the relief sought.

(4) The hearing on the petition shall, to the extent practicable and consistent with the interests of justice, be held within thirty days of the filing of the petition. The court may consolidate the hearing on the petition with any other petition or proceeding filed by a person other than the defendant under this subsection.

(5) At the hearing, the petitioner may testify to the presence of evidence and witnesses on his own behalf, and cross-examine witnesses who appear at the hearing. The petitioner may introduce in rebuttal and in defense of his claim any evidence that he deems relevant. In the event of a hearing before the court, the court shall consider the relevant portions of the record of the criminal case which resulted in the order of forfeiture.

"CIVIL FORFEITURE PROVISIONS"

(6) If, after the hearing, the court determines that the petitioner has established by a preponderance of the evidence that the property is subject to forfeiture under this section.

"JURISDICTION TO ENTER ORDERS"

(1) In order to facilitate the identification and location of property declared forfeited and to facilitate the disposition of petitions for remission or mitigation of forfeiture, after the entry of an order declaring property forfeited to the United States, the court may, upon application of the United States, order that the testimony of any witness relating to the property forfeited be taken by deposition and that any designated book, paper, document, record, recording, or other material not privileged be produced at the same time and place, in the same manner as provided for the taking of depositions under Rule 15 of the Federal Rules of Civil Procedure.

"INVESTMENT OF ILLEGAL DRUG PROFITS"

"SEC. 414. (a) It shall be unlawful for any person who has received any income derived, directly or indirectly, from violation of this title or title III, to use or invest, directly or indirectly, any part of such income, or the proceeds of such income, in acquisition of any enterprise which is engaged in, or the activities of which affect interstate or foreign commerce. A purchase of securities on the open market for purposes of investment, and without the intention of controlling or participating in the control of the issuer, or of assisting another to do so, shall not be unlawful under this section if the securities of the issuer held by the purchaser, the members of his immediate family, and his or her general partner or associates in any violation of this title or title III after such purchase do not amount in the aggregate to 1 percent of the outstanding securities of any one class, and do not confer, either in law or in fact, the power to elect one or more directors of the issuer.

(b) Whoever violates this section shall be fined not more than $50,000 or imprisoned not more than ten years, or both.

(c) As used in this section, the term 'enterprise' includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.

(d) The provisions of this section shall be liberally construed to effectuate its remedial purposes.

"BAR ON INTERVENTION"

(1) Except as provided in subsection (o), no party claiming an interest in property subject to forfeiture under this section may intervene in a trial or appeal of a criminal case involving the forfeiture of such property under this section; or

(o) Except as provided in subsection (o), no party claiming an interest in property subject to forfeiture under this section may intervene in a trial or appeal of a criminal case involving the forfeiture of such property under this section; or

(1) in subsection (a)—

(A) by striking out "(1)"; and

(B) by striking out "paragraph (2)"; each time it appears, and in lieu thereof "section 413 of this title"; and

(C) by striking out paragraph (2); and

(2) subsection (d).—


(1) in subsection (a) by inserting at the end thereof the following new subsection:

"(7) All real property, including any right, title, and interest in the whole of any lot or tract of land and any appurtenances or improvements, which is used, or intended to be used, in any manner or part, to facilitate the commission of, a violation of this title punishable by more than one year's imprisonment, except that no property shall be forfeited under this paragraph, to the extent of an interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted by the knowledge or consent of that owner;"

(2) in subsection (b)—

(A) by inserting "will or criminal" after "Any property subject to"; and

(B) by striking out paragraph (4) "has been or is intended to be used in violation of" and inserting in lieu thereof "is subject to civil or criminal forfeiture under";

(3) in subsection (c)—

(A) by inserting in the second sentence "any of" after "Whenever property is seized under"; and

(B) by inserting in paragraph (3) "if practicable," after "remove it";

(4) in subsection (d), by inserting "any of" after "alleged to have been incurred, under";

(5) in subsection (e)—

(A) by inserting "civilly or criminally" in the first sentence after "Whenever property is"; and

(B) by striking out in paragraph (3) "and remove it for disposition" and inserting in lieu thereof "and dispose of it"; and

(6) by inserting at the end thereof the following new subsections:

"(h) All right, title, and interest in properly described in subsection (a) shall vest in the United States upon commission of the act giving rise to forfeiture under this section.

"(i) The filing of an indictment or information alleging a violation of this title or title III which is also related to a civil forfeiture proceeding under this section shall, upon motion of the United States for good cause shown, stay the civil forfeiture proceeding.

"(j) In addition to the venue provided for in section 1395 of title 28, United States Code, or any other provision of law, in the cause of property of a defendant charged with a violation that is the basis for forfeiture of the property under this section, a property proceeding under this section shall may be brought in the judicial district in which the defendant owning such property is found or in the judicial district in which the violation is brought.

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

Mrs. HAWKINS. I yield to my gracious colleague from West Virginia.

Mr. RANDOLPH. Mr. President, I commend the documentary evidence presented in a very straightforward manner by our able colleague from Florida.

I wish to add for the record that in the Federal Court for the Northern District of West Virginia the initial trial began yesterday involving 4 of the 39 defendants named in a 465-page indictment that charges a drug ring that covers areas in north central West Virginia and many areas of the United States. There is evidence of intrigue and very careful planning for the distribution and sale of drugs that apparently amounts to hundreds of millions of dollars nationwide.

What our colleague has said about leniency in certain drug-related cases should be taken to heart by all Members of Congress. The warning she has given is one that is dramatic, as we listen, and it is factual.

For that reason, I think that we in this body must attempt to reach the point which we have not yet come to, where we will begin to understand that there is an undermining of the very governmental system of the United States by these individuals who not only destroy the lives of people who use drugs, but also, in a real sense, are aiding even the enemies of government itself in disrupting the legal and moral functions of this country.

I thank the Senator from Florida for the opportunity to make this observation.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

By Mr. TRIBBLE (for himself and Mr. Gorton):

S. 2593. A bill to amend the Communications Act of 1934 respecting retransmission of programs originated by local television broadcast stations; to the Committee on Commerce, Science, and Transportation.

RETRANSMISSION OF PROGRAMS ORIGINATED BY LOCAL TELEVISION BROADCAST STATIONS

Mr. TRIBBLE. Mr. President, Senator Conrason and I introduce today legislation to insure that our citizens who subscribe to cable television system will continue to receive quality local programming.

It is my belief that the localism principle is of such surpassing importance that it should be codified, and the legislation I have introduced today accomplishes that goal.

Simply put, the "local carriage" or "must carry" rules require cable systems to carry the signals of local television stations. They require a station to be carried, upon its request, by all cable systems within a 35-mile radius or within the station's predicted grade B contour. They also require carriage of distant stations which have such a large audience that they are defined as "significantly viewed" in the cable system's service area.

Since 1965, when the Federal Communications Commission adopted the "local carriage" rule (47 C.F.R. § 76.51 et seq.), this principle of localism has under attack. A recent example was a petition filed by the Turner Broadcasting System which was denied by the FCC earlier this month.

The continued attacks on the "local carriage" provisions ever prove successful, the results would be detrimental to many of our citizens. Many local television stations outside of the major metropolitan markets would be eliminated by cable systems. As a consequence, the ability of cable subscribers to receive local news, sports, and weather, and other programming of unique local interest, would be curtailed. Once connected to a cable system, a viewer's ability to receive channels is either eliminated or the signal is subject to interference which reduces the quality of reception.

I wish to note that this legislation does not seek a change in FCC policy. Rather, it simply ratifies the practice which has existed for the past 19 years. It is drafted to give the FCC the flexibility to alter its current regulations in response to changing circumstances.

This is a sound and necessary initiative and I urge its prompt passage.

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

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

S. 2593

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

RETRANSMISSION OF PROGRAMS ORIGINATED BY LOCAL TELEVISION BROADCAST STATIONS

Section 1. Section 303(g) of Title 47 of the United States Code is amended by inserting at the end thereof, the following new paragraph:

Section 303(g) of Title 47 of the United States Code is amended by inserting at the end thereof the following new paragraph:

"(1) The filing of an indictment or information alleging a violation of this title or title III which is also related to a civil forfeiture proceeding under this section shall, upon motion of the United States for good cause shown, stay the civil forfeiture proceeding.

(2) In addition to the venue provided for in section 1395 of title 28, United States Code, or any other provision of law, in the cause of property of a defendant charged with a violation that is the basis for forfeiture of the property under this section, a property proceeding under this section may be brought in the judicial district in which the defendant owning such property is found or in the judicial district in which the violation is brought.

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

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

By Mr. LAUTENBERG (for himself and Mr. Bradley):

S. 2594. A bill to name the U.S. Post Office Building in Moorestown, NJ, as the "Edwin B. Forsythe Post Office Building"; to the Committee on Government Affairs. Report of the Committee on Government Affairs

S. J. Res. 260. Joint resolution designating the Barnegat and Brigantine units of the national wildlife refuge system as the Edwin B. Forsythe-Barnegat National Wildlife Refuge and the Edwin B. Forsythe-Brigantine Na
CONGRESSIONAL RECORD—SENATE

April 25, 1984

September 25, 1984

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Post Office Building located at 200 Chester Avenue, Moorestown, New Jersey, shall hereafter be known and designated as the "Edwin B. Forsythe Post Office Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Edwin B. Forsythe Post Office Building".

S.J. Res. 280

Whereas, Congressman Edwin B. Forsythe, in his role as Ranking Minority Member of the Committee on Merchant Marine and Fisheries and the Subcommittee on Fisheries and Wildlife Conservation and the Environment, was an outstanding leader for conservation of our natural resources and protection of our Nation's natural beauty;

Whereas, during his career he played a critical role in such important natural resource legislation such as the Marine Mammal Protection Act of 1972, the Endangered Species Act, the National Wildlife Refuge System Act, the Anadromous Fish Conservation and Management Act of 1976;

Whereas, he was the major Congressional sponsor of the Nongame Wildlife Act, which increased public interest and concern for species of wildlife not subject to taking for sport;

Whereas, throughout his Congressional career, he was a strong defender of the National Wildlife Refuge System;

Whereas, he has been and remains a champion for the coastal wildlife refuges in his home State of New Jersey; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Barnegat National Wildlife Refuge and the Brigantine National Wildlife Refuge in the State of New Jersey shall hereafter be named and designated as the "Edwin B. Forsythe-Barnegat National Wildlife Refuge" and the "Edwin B. Forsythe-Brigantine National Wildlife Refuge". Any reference in a law, map, regulation, document, record, or other paper of the United States to the Barnegat Wildlife Refuge shall be held to be a reference to the "Edwin B. Forsythe-Barnegat National Wildlife Refuge" and any reference in a law, map, regulation, document, record, or other paper of the United States to the Brigantine Wildlife Refuge shall be held to be a reference to the "Edwin B. Forsythe-Brigantine National Wildlife Refuge".

S. 2506

A bill to transfer jurisdiction from the government of the State of New York to the Federal Government for a portion of Fire Island, NY, and to transfer jurisdiction for Camp Hero from the Federal Government to the government of the State of New York; to the Committee on Governmental Affairs.

Mr. D'AMATO. Mr. President, I rise today to introduce legislation which I believe presents a reasonable solution to a very divisive conflict. The conflict to which I refer has pitted the Federal Government against the State of New York and its residents—it has centered around disposition of the old Air Force base in Montauk, Long Island.

The General Services Administration (GSA) has caused this controversy by attempting to sell a parcel of
land previously used as an Air Force base. The opposition to this sale is based primarily on the fact that this land is an environmentally sensitive tract which ought to be preserved. The intrusion of saltwater, the proximity of precious wetlands, and the migration habits of rare species of birds at the site are compelling reasons to keep this land in its natural state. Any other use would be foolish.

Senator Moynihan and I originally supported a proposal which would have transferred title to the land to the State outright. This proposal was opposed by GSA as a giveaway. While I do not believe this to be the case, I understand those objections.

Consequently, we now have decided to introduce legislation to mandate an exchange of properties: We propose to transfer to the Federal Government property of considerably more than that which it will give to the State. This is indeed a compromise. The Department of the Interior would acquire valuable land contiguous to existing holdings of the Department and New York State would acquire a park for its citizens.

Mr. President, this bill is put forward as a good faith effort to meet the national objectives of the State and Federal Governments. I urge its swift adoption. I also ask unanimous consent that the legislation be printed in the Record in its entirety at the conclusion of my remarks.

Thank you, Mr. President.

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

S. 2596

Be it enacted by the House of Representatives of the United States of America in Congress assembled, The Administrator of General Services, in accordance with the provisions of the Administrative Act of 1949 (40 U.S.C. 484a), shall assign the land identified in the first section of this Act to the Secretary of the Interior for use as a public park or recreation area, portions of the Montauk Air Force Station in East Hampton Town, Suffolk County, New York, totaling two hundred and seventy-eight acres that were declared surplus to the needs of the United States Government on December 21, 1981.

The Administrator of General Services shall assign the land identified in the first section of this Act to the Secretary of the Interior within thirty days of enactment of this Act. Within thirty days of said assignment, the Secretary of the Interior shall, in exchange for the transfer of the fee title to one hundred and twenty-five acres of the real property owned by the State of New York at Fire Island, New York, to the Secretary of the Interior, convey the property to the Army for use as a public park or recreation uses in accordance with section 203(k)(2) of the Federal Property and Administrative Act of 1949 (40 U.S.C. 484a).

Mr. MOYNIHAN. Mr. President, I rise today and join my colleague from New York, Senator D’Amato, in offering legislation compelling the Administration to relinquish to the Secretary of the Interior 278 acres of the Montauk Air Force Station in Suffolk County, NY. This land was declared surplus by the Federal Government last year. The Secretary of the Interior will exchange the land for 125 acres of State-owned property on Fire Island.

This legislation, similar to a bill, S. 2041, enacted last year, simply directs the Government to do that which a 35-year-old statute authorizes and encourages. Since 1949, Federal law has allowed the free transfer of surplus Federal property for park and recreation uses. The desire of the current administration has been inconsistent with the intent of the law; GSA has sold such properties to the highest bidder and, in fact, attempted to do just that with Montauk Air Force Base.

This amendment will insure that a marvelous tract of recreational land is added to Montauk State Park, in accordance with the unopinion of opinion among elected officials and citizens of eastern Long Island. The Department of the Interior will be compensated for the stretch of beach property worth perhaps three times that of the Montauk tract. A gap in the Fire Island National Seashore will be closed because of this kind offer from the New York State Office of Parks and Recreation.

My feelings on the fate of the land in question are a matter of record. I shall not belabor the point. This amendment satisfies the intent of a Federal statute and the desires of many New Yorkers who will benefit greatly from the added parkland and increased recreational opportunities. The legislation we now offer will preserve as parkland that which would otherwise be unjustly sold for development by GSA as part of an unwise and unsuccessful program of property disposition.

By Mr. MATSUNAGA:

S. 2596. A bill to extend duty-free treatment to scrolls or tablets imported for use in religious observances; to amend section 1202 of chapter 69 of the Internal Revenue Code of 1954; to amend section 854.40 of the Tariff Schedules of the United States; to remove a limitation on the duty-free status of scrolls or tablets imported for use in religious observances.

S. 2596 is similar to a bill, H.R. 2041, previously enacted. The amendment satisfies the intent of a 35-year-old statute authorizing the Administrator of General Services to provide duty-free status to scrolls or tablets imported for use in religious observances.

Mr. GORTON. Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the Record.

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

S. 2596

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part 4 of schedule 8 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended—

(1) by striking out “854.30” in headnote 1 and inserting in lieu thereof “854.30, and 854.40”; and

(2) by inserting in numerical sequence the following:

854.30 Scrolls or tablets of wood or paper, Free... Free... Free . Scroll of nonpaper, Free. Scroll or paper, Free. Scroll or tablet of wood or paper, Free. Scroll of nonpaper, Free.

S. 2596 is similar to a bill, H.R. 2041, previously enacted. The amendment satisfies the intent of a 35-year-old statute authorizing the Administrator of General Services to provide duty-free status to scrolls or tablets imported for use in religious observances.

Mr. KASTEN. (for himself, Mr. JEPSEN, Mr. BOREN, Mr. PERCY, Mr. BOSCHWITZ, Mr. COHEN, Mr. DOLE, Mr. HOLLINGS, Mr. WILSON, Mr. DURENBURGER, Mr. INOUEY, Mr. EAST, Mr. GORTON, Mr. PROXMIRE, Mr. MCCLURE, Mr. SYMMS, Mr. HUMPHREY, Mr. DAFORTH, Mr. THURMOND, Mr. MELCHER, Mr. LUAR, Mr. STAFFORD, Mr. MURKOWSKI, Mr. DIXON, Mr. ZORINSKY, Mr. ANDREWS, Mr. HATCH, Mr. HUMBLEDEY, Mr. STEVENS, Mr. COCHRAN, Mr. BRADLEY, Mr. HEPLIN, Mr. GRASSLEY, Mr. DOMENIC, and Mrs. HAWKINS)

S.J. Res. 275. A joint resolution to designate the week of November 11, 1984, through November 17, 1984, as
The farm wife asks the key question. While the farmer asks the questions "how and can we" the wife asks the question "why". This determines the true reason why farmers do what they do and keeps them setting goals.

The final two traits found in the successful farm wife are motivation and pride. The wife knows how to motivate those around her. She is proud of being a farm wife. All people need these two traits if they are to succeed.

The challenges that face the family farm in the 1980's will be greater than ever before. Experts advise farmers to increase production so that there will be enough food to feed the country's growing population plus export abroad. Yet, any farmer knows overproduction is one of his greatest enemies.

Environmental legislation faces agriculture. Many people object to the use of fertilizers and pesticides in food production. These individuals want farmers to grow food like they did a century ago. But at the same time consumers expect a wide variety of meats, fruits and vegetables at the lowest possible cost.

The farm wife of the future will need to keep track of all of this. She will need to be politically "aware". And, she will need to help find the means to manage the farm in the most profitable and environmentally responsible way.

I'm optimistic about the long-term outlook for agriculture. In the Book of Genesis, 8:22, the Lord said, "While the earth remains, seedtime and harvest, and cold and heat, and summer and winter, and day and night shall not cease." That prediction has held true for thousands of years. There is no doubt in my mind that it will hold true for the future—with the help of the farm wife.

Mr. McClure, Mr. President, they keep the records and do the books. They run the combines and drive the trucks. They tend the flocks and milk the cows. They move irrigation pipe, bale hay, pull calves, and hedge on the future's market. They are not your average farmer. They are the women in agriculture today.

Today, more than 1 million women are soley or jointly responsible for individual farming and ranching operations in the United States. I see them every time I am out in Idaho. They act as accountants, merchandisers, bankers, brokers, and bookkeepers. They own, operate, or manage part of the Nation's largest industry. In addition, many combine their on-farm career with off-farm employment.

In addition to their on-farm and off-farm work responsibilities, many women also volunteer their time and valuable knowledge to community, church, school, professional, and civic organizations. The accomplishments and commitment of these women to agriculture is often overlooked but deserves the highest recognition.

Today I join with my distinguished colleagues in the Senate to introduce a joint resolution requesting the President to designate the week of November 11, 1984, as "Women in Agriculture Week." My distinguished colleague, Congressman Foley, will today introduce this resolution to the House of Representatives.

More than 1 million women are solely or jointly responsible for individual farming and ranching operations in the United States. They act as accountants, merchandisers, managers, counselors, educators, and bankers. In addition, many combine their on-farm career with off-farm employment. Coupled with their many work responsibilities, these women also volunteer and contribute their valuable time to community, church, school, professional, and civic organizations.

Their commitment to achieving a more prosperous agriculture is strengthened through the organizations they have formed with this objective in mind: The American Agriculture Women (AAW), Women Involved in Farm Economics (WIFE), Rural American Women (RAW), American Farm Bureau Federation Women, American National Cowbells, National Porkettes, and Wheathearts are but a few of these organizations.

Women involved in agriculture are well informed and articulate when sharing their message with others. Not only are they strong advocates and participants in educating the public to the story of agriculture, but they have been active proponents in advancing needed changes in estate tax law, commonly referred to as the widow's tax.

Dr. Hiram Drache, a well-known agricultural history writer and speaker of Concordia College in Moorhead, MN, conducted a study of farm couples in several States. He discovered that the more innovative the farm, the more sophisticated the involvement by the farm wife. His research established that the wife of a successful farmer possesses seven key traits which are crucial to the farm business. These are:

The progressive farmer's wife is generally risk-oriented. This is an important trait during a period when farmers must borrow large amounts of money in the face of rapidly changing markets.

The farmer's wife is most often the attitude setter in the family. She is the key to getting family cooperation. It is generally the mother's attitude which is crucial in deciding whether or not any of the children will farm.

The farm wife is a stabilizer in the farming business. This is also a crucial trait during a period when national and international events can change farm outlook drastically overnight. During the period of high inflation, drought, falling prices and other tension-causing disasters, the farm wife can be a major factor in overcoming the adversity.

The wife frequently helps share the burden when problems or workloads become too great. A single person cannot endure the tasks. It is a husband or wife, a large portion of early farm failures came when the wife could no longer mentally or physically withstand the burden.

WHEREAS the widow's tax.

Mr. President, I ask unanimous consent that the article and the joint resolution be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:
S. 1201
At the request of Mr. Mathias, the names of the Senator from Colorado (Mr. Armstrong), and the Senator from Florida (Mr. Chiles) were added as cosponsors of S. 1201, a bill to amend title 17 of the United States Code to protect against counterfeiting of trademarks, and for other purposes.

S. 1409
At the request of Mr. Denton, the names of the Senator from North Carolina (Mr. Helms), and the Senator from North Carolina (Mr. East) were added as cosponsors of S. 1405, a bill to assure the first amendment rights of all citizens and to provide criminal penalties for violations thereof.

S. 1651
At the request of Mr. Cranston, the names of the Senator from South Dakota (Mr. Pressler), and the Senator from Maryland (Mr. Sarbanes), the Senator from West Virginia (Mr. Byrd), and the Senator from New Jersey (Mr. Bradley) were added as cosponsors of S. 1651, a bill to amend title 38, United States Code, to provide for presumption of service connection to be established by the Administrator of Veterans' Affairs for certain diseases of certain veterans exposed to dioxin or radiation during service in the Armed Forces; to require the Administrator, through process of public participation and subject to judicial review, regulations specifying standards for the presumptions applicable to the resolution of claims for disability compensation based on such exposures; to require that such regulations address certain specified diseases; and to require that all claimants for Veterans' Administration benefits be given the benefit of every reasonable doubt in claims adjudications, and for other purposes.

S. 1799
At the request of Mr. Specter, the names of the Senator from Montana (Mr. Melcher), and the Senator from Kentucky (Mr. [[insert name]]) were added as cosponsors of S. 1651, supra.

S. 2116
At the request of Mr. Matsumaga, the name of the Senator from Colorado (Mr. Hart) was added as a cosponsor of S. 2116, a bill to accept the findings and to implement the recommendations of the Commission on War-time Relocation and Internment of Civilians.

S. 2266
At the request of Mr. Huddleston, the names of the Senator from Louisiana (Mr. Johnston), and the Senator from Iowa (Mr. Jepsen) were added as cosponsors of S. 2256, a bill to exempt restaurant central kitchens from Federal inspection requirements.

S. 2266
At the request of Mr. Cranston, the names of the Senator from Indiana (Mr. Lugar), the Senator from California (Mr. Wilson), the Senator from Colorado (Mr. Hart), the Senator from Louisiana (Mr. Johnston), and the Senator from Illinois (Mr. Dixon) were added as cosponsors of S. 2266, a bill to grant a Federal charter to Vietnam Veterans of America, Inc.

S. 2266
At the request of Mr. Cranston, the name of the Senator from Oklahoma (Mr. Nickles) was withdrawn as a co-sponsor of S. 2266, supra.

S. 2299
At the request of Mr. Dole, the name of the Senator from Oklahoma (Mr. Boren) was added as a co-sponsor of S. 2299, a bill entitled the "Anti-fraudulent Adoption Practices Act of 1984."

S. 2374
At the request of Mr. Stafford, the name of the Senator from Illinois (Mr. Dixon) was added as a co-sponsor of S. 2374, a bill to extend the authorization for 5 years for the low-income home energy assistance program, for the community services block grant, and for the Head Start program, and for other purposes.

S. 2629
At the request of Mr. Grassley, the names of the Senator from Arizona (Mr. Dole), and the Senator from North Dakota (Mr.oiner) were added as cosponsors of S. 2629, a bill to grant the International Revenue Code of 1984 to remove certain impediments to the effective philanthropy of private foundations.
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S. 2375

At the request of Mr. Weicker, the names of the Senator from Maryland (Mr. Sarbanes), and the Senator from Massachusetts (Mr. Kennedy) were added as cosponsors of S. 2375, a bill to amend the Small Business Act to improve the operation of the secondary market for physical disability, as guaranteed by the Small Business Administration.

S. 2378

At the request of Mr. Abdnor, the names of the Senator from Alaska (Mr. Stevens) and the Senator from Kentucky (Mr. Ford) were added as cosponsors of S. 2378, a bill to provide authorities for appropriations for the impact aid program under Public Law 874 of the 61st Congress, and for other purposes.

S. 2815

At the request of Mr. Sabinas, the name of the Senator from Louisiana (Mr. Johnston) was added as a cosponsor of S. 2815, a bill to extend the provisions of chapter 61 of title 10, United States Code, to relating to retirement and separation for physical disability, to cadets and midshipmen.

S. 2970

At the request of Mr. Mathias, the names of the Senator from Vermont (Mr. Stafford) and the Senator from Arkansas (Mr. Bumpers) were added as cosponsors of Senate Joint Resolution 297, a joint resolution to commemorate the bicentennial anniversary of the constitutional foundation for patent and copyright laws.

S. Joint Resolution 165

At the request of Mr. Cranston, the names of the Senator from Delaware (Mr. Biden) and the Senator from South Dakota (Mr. Abdnor) were added as cosponsors of Senate Joint Resolution 272, a joint resolution designating the week beginning November 11, 1984, as “National Women Veterans Recognition Week.”

S. Joint Resolution 227

At the request of Mr. Specter, the names of the Senator from South Dakota (Mr. Abdnor), the Senator from Minnesota (Mr. Bostwich), the Senator from Florida (Mr. Chiles), the Senator from Connecticut (Mr. Dodds), the Senator from New Mexico (Mr. Domenici), the Senator from Minnesota (Mr. Durenberger), the Senator from Washington (Mr. Gorton), the Senator from Florida (Mrs. Hawkins), the Senator from Pennsylvania (Mr. Heinz), the Senator from New Hampshire (Mr. Humphrey), the Senator from Iowa (Mr. Jepsen), the Senator from Wisconsin (Mr. Kasten), the Senator from Indiana (Mr. Lugar), the Senator from Maryland (Mr. Mathias), the Senator from Maine (Mr. Mitchell), the Senator from New York (Mr. Moynihan), the Senator from Oklahoma (Mr. Nickles), the Senator from Illinois (Mr. Percy), the Senator from West Virginia (Mr. Randolph), the Senator from Vermont (Mr. Stafford), the Senator from South Carolina (Mr. Thurmond), the Senator from Massachusetts (Mr. Tsongas) and the Senator from Connecticut (Mr. Weicker) were added as cosponsors of Senate Joint Resolution 231, a joint resolution to provide for the awarding of a gold medal to Elie Wiesel in recognition of his humanitarian efforts and outstanding contributions to world literature and human rights.

S. Joint Resolution 236

At the request of Mr. Matsunaga, the names of the Senator from Vermont (Mr. Leahy), and the Senator from Arkansas (Mr. Bumpers) were added as cosponsors of Senate Joint Resolution 236, a joint resolution relating to cooperative East-West ventures in space as an alternative to a space arms race.

S. Joint Resolution 244

At the request of Mr. Dole, the names of the Senator from Arkansas (Mr. Bumpers), the Senator from Arkansas (Mr. Pryor), and the Senator from Rhode Island (Mr. Chafee) were added as cosponsors of Senate Joint Resolution 244, a joint resolution designating the week beginning on May 6, 1984, as “National Asthma and Allergy Awareness Week.”

S. Joint Resolution 253

At the request of Mr. Pressler, the names of the Senator from Illinois (Mr. Percy), and the Senator from Rhode Island (Mr. Pell) were added as cosponsors of Senate Joint Resolution 253, a joint resolution to authorize and request the President to designate September 16, 1984 as “Ethnic American Day.”

S. Joint Resolution 258

At the request of Mr. Biden, the names of the Senator from Pennsylvania (Mr. Specter), and the Senator from Nevada (Mr. Hecht) were added as cosponsors of Senate Joint Resolution 258, a joint resolution to designate the week of June 24 through June 30, 1984, as “National Safety in the Workplace Week.”

S. Joint Resolution 358

At the request of Mrs. Hawkins, the name of the Senator from Alabama (Mr. Denson) was added as a cosponsor of Senate Joint Resolution 358, a joint resolution designating the week of April 29 through May 5, 1984, as “National Week of the Ocean.”

S. Joint Resolution 370

At the request of Mr. Cochran, the names of the Senator from South Dakota (Mr. Abdnor) and the Senator from Arkansas (Mr. Bumpers), and the Senator from Minnesota (Mr. Bostwick) were added as cosponsors of Senate Joint Resolution 370, a joint resolution designating the week of July 1 through July 8, 1984 as “National Duck Stamp Week” and 1984 as the “Golden Anniversary Year of the Duck Stamp.”

S. Concurrent Resolution 64

At the request of Mr. Durenberger, the names of the Senator from Iowa (Mr. Jepsen), and the Senator from New York (Mr. Moynihan) were added as cosponsors of Senate Concurrent Resolution 64, a concurrent resolution to encourage State and local governments to focus on the problems of child custody, child support, and related domestic issues.

S. Resolution 122

At the request of Mr. Moynihan, the name of the Senator from Michigan (Mr. Riegle) was added as a cosponsor of Senate Resolution 122, a resolution expressing the sense of the Senate that the President should reduce imports of apparel so that imported apparel comprises no more than 25 percent of the American apparel market.

S. Resolution 283

At the request of Mr. Cohen, the name of the Senator from Colorado (Mr. Hart) was added as a cosponsor of Senate Resolution 283, a resolution relating to chemical weapons.

S. Resolution 329

At the request of Mr. Nunn, the names of the Senator from Kansas (Mrs. Kassebaum), and the Senator from New Jersey (Mr. Launtenberg) were added as cosponsors of Senate Resolution 329, a resolution expressing the support of the Senate for the expansion of confidence-building measures between the United States and the U.S.S.R., including the establishment of nuclear-risk-reduction centers, in Washington and in Moscow, with modern communications linking the centers.

S. Resolution 358

At the request of Mr. Chiles, the name of the Senator from South Dakota (Mr. Abdnor) was added as a cosponsor of Senate Resolution 358, a resolution commending the Government of Colombia for its major achievement in seizing large amounts of cocaine, and for other purposes.
SENATE CONCURRENT RESOLUTION 107—AUTHORIZING THE USE OF THE ROTUNDA OF THE CAPITOL TO BE USED FOR THE UNKNOWN AMERICAN OF THE VIETNAM ERA TO LIE IN STATE

Mr. BAKER (for himself and Mr. Byrd) submitted the following concurrent resolution, which was referred to the Senate Committee on Rules and Administration:

**S. CON. RES. 107**

Resolved by the Senate (the House of Representatives concurring), That the Rotunda of the United States Capitol may be used from May 25, 1984, through May 28, 1984, both dates inclusive, for the remains of the unknown American of the Vietnam era to lie in state, and for appropriate proceedings and ceremonies in connection therewith.

SENATE RESOLUTION 372—RELATING TO EXPOSURE TO DIOXIN BY MEMBERS OF THE ARMED FORCES

Mr. SIMPSON (for himself, Mr. THOMAS, Mr. THURMOND, Mr. BAKER, Mr. Tower, and Mr. Dole) submitted the following resolution; which was referred to the Committee on Veterans’ Affairs:

**S. Res. 372**

Whereas, veterans who served in Southeast Asia during the Vietnam conflict and veterans who participated in atmospheric nuclear tests or the occupation of Hiroshima or Nagasaki are deeply concerned about the health effects of exposure to ionizing radiation or to herbicides containing dioxin;

Whereas, there is scientific and medical uncertainty regarding the health effects of exposure to herbicides containing dioxin and the diseases of chloracne and porphyria cutanea tarda;

Whereas, the “film badges” which were originally issued to members of the Armed Forces of the United States in connection with the nuclear testing program have previously constituted the primary source of dose information for veterans filing claims for Veterans’ Administration disability compensation in connection with their exposure to radiation;

Whereas, such film badges are likely to provide an accurate measure of radiation exposure, since such badges were not capable of recording inhaled, ingested, or neutron doses related to gaseous, dust, or particulate products, and were worn only for limited periods during and after each nuclear blast;

Whereas, standards governing the reporting of dose estimates in connection with radiation-related claims for Veterans’ Administration disability compensation vary among the several branches of the Armed Forces, and no uniform minimum standards exist;

Whereas, the Veterans’ Administration has not promulgated permanent regulatory guidelines setting forth the specific procedures for the adjudication of claims for Veterans’ Administration disability compensation based on exposure to radiation or herbicides containing dioxin;

Whereas, such claims present adjudicatory issues which are significantly different from issues presented in claims based upon more traditional types of injuries, particularly with respect to the difficulty of determining a connection between certain disabilities (frequently those involving long latency periods and ambiguities of causation) and service, and the exposure during service; Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) it should always be the defined policy of the United States to provide Veterans’ Administration disability compensation as authorized by chapter 11 of title 38, United States Code, to veterans for all disabilities arising subsequent to military service which are recognized, by a reasonable medical consensus, as having a connection to exposure during military service to ionizing radiation from atmospheric nuclear tests or the occupation of Hiroshima or Nagasaki, Japan, or to a herbicide containing dioxin;

(2) the Administrator of Veterans’ Affairs should provide an advisory committee, to be established by the Administrator, consisting of individuals with qualifications recognized in epidemiology and other pertinent scientific disciplines;

(3) prescribe regulations, through a public review and comment process, to include publication in the Federal Register, for the resolution of each claim for Veterans’ Administration disability compensation based on a veteran’s exposure either (1) to ionizing radiation from the detonation of a nuclear device in connection with the veteran’s participation in an atmospheric nuclear test or with the occupation of Hiroshima or Nagasaki, Japan, by the Armed Forces of the United States prior to July 1, 1946, or (2) to a herbicide containing dioxin during exposure to the Vietnam era; and

(ii) ensuring that if, after consideration of all the evidence of record with respect to the issue of, or in connection with, the claim, the balance of positive and negative evidence regarding an issue material to the claim, the benefit of the doubt in resolving such issue shall be given to the claimant; and

(C) add chloracne and, subject to the continued existence of medical consensus, porphyria cutanea tarda to the Administrator’s authority under section 301(3) of title 38, United States Code, to the list of chronic diseases presumed to be service-connected under section 101(11), for particular application in the case of any veteran who served in the Republic of Vietnam during the Vietnam era and who, during such service, was exposed to a herbicide containing dioxin; and

(D) develop a plan, through a public review and comment process, to include publication in the Federal Register, to ensure that, in the adjudication of claims for Veterans’ Administration disability compensation based on leukemia or other forms of cancer suffered by veterans exposed to ionizing radiation during military service, consideration is given to estimates of attributable risk, derived from epidemiological tables as issued by the Secretary of Health and Human Services;

(E) it has historically been and should be the function of the Congress, in exercising its legislative and oversight functions, to authorize compensation to veterans for disabilities resulting from every disease which is shown, by a reasonable medical consensus, as determined in the course of appropriate medical and scientific study, to have a connection to exposure during military service to ionizing radiation or to a herbicide containing dioxin;

(F) the Director of the Defense Nuclear Agency should, as Department of Defense executive agent for the Nuclear Test Personnel Review Program, prescribe guidelines for a public review and comment process (to include publication in the Federal Register)—

(1) specifying the minimum standards governing the preparation of radiation dose estimates in connection with claims for Veterans’ Administration disability compensation;

(G) making such standards uniformly applicable to the several branches of the Armed Forces; and
(C) requiring that each such estimate furnished to the Veterans' Administration and to any veterans' service organization, including the VA, be prepared by and contain the technical assistance of recognized scientific experts from recognized scientific organizations and the VA.

(B) submit a report to the Administrator of Veterans' Affairs and the Committees on Veterans' Affairs of the Senate and House of Representatives, not later than December 1, 1984, regarding the results of such review, including information concerning the availability of such devices and techniques, the categories of cases in which use of such devices and techniques may be appropriate, and the reliability and accuracy of dose estimates which may be derived from such devices and techniques; and

(C) enter into an interagency agreement with the Administrator for the purpose of (i) authorizing the Director of the Defense Nuclear Agency and any other agencies or entities capable of furnishing services involving such devices and techniques and (ii) facilitating arrangements for the use of such devices and techniques; and

(D) the Administrator of Veterans' Affairs, in resolving material differences between a competent radiation dose estimate submitted by a veteran and a radiation dose estimate permitted by the Director of the Defense Nuclear Agency, should furnish such competent estimate to the Secretary together with a request that the scientific advisory committee established under subsection (a)(2)(A), in connection with the duties of the VA, review the estimate and determine whether the estimate is consistent with the scientific evidence concerning the causality of a disease known as porphyria cutanea tarda.

This measure is the result of extensive and painstaking negotiations with administration officials from the Veterans' Administration, the Office of Management and Budget, and the Defense Nuclear Agency. In the process of pursuing the full administration cooperation which is essential to the effective implementation of the initiative, I have obtained explicit written commitments of full compliance and implementation from each agency affected.

In addition, the initiative would provide for a number of improvements affecting the accuracy of the radiation dose estimates which are prepared by the VA. The VA has previously not been open to public scrutiny. It would direct the VA to promptly develop and publish new guidelines for approving or rejecting the findings of scientific studies relating to dioxin or radiation, and to establish an advisory committee composed of recognized scientific experts to implement those guidelines—thus imposing some order on, and letting some “sunshine” into, a process which has previously operated behind public scrutiny. It would direct the Administrator to provide for the use of such approved study findings in the adjudication of claims for VA benefits. It would direct the VA to establish additional guidelines, standards, and criteria—in a manner similar to the core provisions of legislation (S. 1651I) proposed by me that would be my friend from California, Al Cranston—for use specifically in the adjudication of radiation and agent orange claims.

These provisions would be explicitly premised upon two key principles: First, that it is imperative that VA compensation be paid whenever there is a consensus of medical opinion linking a disease to agent orange or radiation exposure; and second, that it is and must remain the role of the Congress to decide in what way the VA compensation system should be adjusted or expanded to appropriately reflect the presently known and yet-to-be-learned health effects of agent orange and radiation exposure.

In the process of the negotiations, I have obtained explicit written commitments of full compliance and implementation from each agency affected. The initiative, which would direct the VA to promptly develop and implement for the first time clear minimum standards for the preparation and use of radiation dose estimates, uniformly applicable to all branches of the Armed Forces. It would direct DNA to include in all radiation dose estimates furnished to the VA comprehensive information on all types of dose relevant to a veteran’s claim, including inhaled and ingested dose—the present practice is generally to include only certain types of external dose. It would direct DNA to inquire into the usefulness of various medical and scientific techniques and devices such as “whole body counters”—which are capable of detecting small amounts of radiation in the body of the human body for many years after exposure—and to work with the VA in making such techniques and devices available for use in the preparation of DNA dose estimates. It would provide for the preparation and use, in the case of a discrepancy between a DNA radiation dose estimate and in expert estimate submitted by a veteran, of a third estimate by an independent expert in order to help resolve the discrepancy.

Mr. President, several of the key provisions do deserve some additional comment. For example, with regard to the provisions in clause (1) which would direct the VA to pay compensation whenever there is a consensus of medical opinion linking a disease to agent orange or radiation exposure, the term “reasonable medical consensus” was carefully chosen to better the VA’s current policy—a policy which is applied whenever in the adjudication of a compensation claim there is an approximate balance of evidence for and against the claim— or resolving any “reasonable doubt” in favor of the claimant. I would emphasize that this standard is not intended to require unanimity of medical opinion regarding actual causation. It would be my intention that this standard would be met whenever it can be said that there is general agreement among 50 percent or more of the medical community linking a specific disease—or, in the language of epidemiology, establishing a significantly increased risk, or incidence, of such a disease—with exposure to dioxin or radiation.

With regard to the membership of the scientific advisory committee which would be established under clause (2)(A), it is my understanding with VA officials that the committee would be composed of a broad range of recognized scientific experts from...
both within and without the Government, and that the committee's meetings and records would be open to lay individuals representing, for example, all interested veteran and consumer groups. In addition, it would be my recommendation that the VA Administrator, in selecting the members of the committee with all such interested groups and solicit their suggestions regarding the selection of committee members.

With regard to the statement of congressional responsibility in clause (3), this provision is designed to affirm that the task of identifying and adding specific diseases to the list of diseases presumed to be service connected for purposes of VA compensation, more properly falls to the Congress than to the administration, in keeping with Congress responsibility to coordinate, oversee, and legislate entitlement programs. Most assuredly, there is no intention of mine to suggest that cost considerations should drive the Government's rightful response on agent orange and radiation compensation issues, but to emphasize that whatever is to be done by way of expansion of any entitlement type of program, must be clearly authorized or otherwise directed or approved by Congress.

With regard to the requirement that the VA develop a plan for the use of the HHS radioepidemiological tables in the adjudication of all radiation-related claims for cancer, it would be my recommendation that, because these tables have not yet been published in final form, the plan which is developed by the VA should reflect this fact by including elements such as a provision for review by objective and independent scientific experts to determine the validity and usefulness of the tables specifically in the context of the adjudication of veterans' claims, and by allowing modification of or amendment to the tables in accordance with recommendations made by the scientific advisory committee as it carries out its task of reviewing and approving the findings of scientific studies regarding the adverse health effects of exposure to radiation.

Finally, it would be my recommendation that the VA, in developing its guidelines, standards, and criteria under clause (2)(B)(1) for the resolution of agent orange and radiation claims, should bear in mind and give particular attention to the types of adjudicatory problems which are likely to arise in connection with claims based upon not only those diseases which are specified in the measure I am proposing today, but also those diseases which are specified in other legislative initiatives before this Congress—and which have thus generated particular concern among veterans and their families—including soft tissue sarcoma in connection with agent orange claims, and polyceutemia vera and hypothyroidism or a thyroid nodule in connection with radiation exposure.

Mr. President, I strongly recommend the Veterans' Dioxin and Radiation Exposure Initiative of 1984 to my colleagues as being the best and strongest approach for souching policy, scientific evidence, and preserving the continued integrity of the VA service-connected disability compensation system—for addressing the controversies surrounding the agent orange and radiation issues. It is designed to honor our clear and unarguable obligation to all veterans who have suffered disability in connection with their military service while recognizing the need for scientific and medical evidence in order to establish any such connection, and while recognizing also that, particularly with regard to agent orange, the evidence-gathering process is still under way, on a massive scale and at great expense I might add, and that this vital and complex process does not lend itself to easy duplication and is unlikely to be improved upon—through a quick fix and decided complex administrative rulemaking proceeding. It is indeed worth emphasizing that when we speak of "gathering evidence" on agent orange, the reference is not only to the massive and highly publicized CDC epidemiological study due to be completed sometime in 1987 or 1988—for which the Congress appropriated $54 million just last year—but it is also to the dozens of other federally sponsored studies and numerous other independent and foreign studies the results of which have been coming in, and will be coming in, in a constant stream over the next several years. All of these studies, as well as the great mass of important radiation studies past, present, and future, would, under the proposed initiative, be reviewed and approved or rejected in accordance with a comprehensive system of administrative guidelines which would be implemented in the glare of public scrutiny by an objective, expert scientific advisory committee.

Mr. President, I want to express my appreciation to the remarkably effective and spirited VA Administrator Harry Walters, DNA Director Lt. Gen. Richard Saxer, and my friend, OMB Director Dave Stockman, and their excellent and conscientious staffs, for working with me and my staff and for their receptiveness to my concerns and proposed improvements. Their patience and cooperation in this endeavor have reflected their great dedication to insuring that all possible responsible actions are taken for protecting the legitimate interests and concerns of veterans who may have been exposed to radiation or agent orange.

I would additionally wish to express my deeply felt thanks to Anthony Principi, the new and very capable majority chief counsel and staff director, and to general counsel Scott Wallace, both of whom have been working tirelessly in pursuit of solutions to the many and thorny issues surrounding agent orange and radiation exposure. Their dedication is apparent in the quantity of this measure I present today.

This brings me to the regrettable fact that today I bid a special farewell to Scott Wallace who has been an invaluable member of the Veterans' Affairs Committee staff. During Scott's 3-year tenure with the committee, his talents have been utilized in a wide variety of legislation and oversight matters including agent orange and radiation, legislation establishing a right of judicial review for claimants for VA benefits, a recent bill to provide interim solvency for the VA's housing loan guaranty program, veterans' education issues, compensation and employment matters, budget and appropriations concerns, as well as Public Law 98-77, the Veterans' Emergency Job Training Act. Scott has served the committee in a most diligent and thoroughly professional manner. He is a thoughtful and sincere man and his warm personality is blended with a fine legal and problem-solving capability, and he surely will be missed. Our loss, however, is Senator Specter's gain—for next week Scott will be a fine addition to my esteemed colleague's staff for the Judiciary's Subcommittee on Juvenile Justice. Scott, I do wish you the very best.

Mr. President, the measure that I am introducing today, in addition to having the support of the administration, is supported by AMVETS and the Paralyzed Veterans of America. I strongly urge all of my colleagues to join me in supporting this important initiative for the benefit of all veterans, and the families of all veterans, who may have been exposed to agent orange or ionizing radiation during their military service.

Mr. President, I would ask that at the conclusion of my remarks, there be printed the letter of support and commitment from VA Administrator Harry Walters, the letter from me to the Director of the Defense Nuclear Agency and his response letter—which contains his commitment to carry out the initiative—two letters of support from the Paralyzed Veterans of America and AMVETS, and finally, two excellent newspaper editorials on agent orange, one from the Washington Post and one from the Chicago Tribune.

There being no objection, the material was ordered to be printed in the Record, as follows:
April 25, 1984

CONGRESSIONAL RECORD—SENATE

9887

VETERANS' ADMINISTRATION, Washington, DC, April 12, 1984.

HON. ALAN K. SIMPSON, Chairman, Senate Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

Dear Mr. Chairman: I support your proposed resolution addressing veterans' concerns and nature of the blast, meteorological conditions, and the budget for the VA for 1985, but I have a concern about how the VA has been treating veterans who have been exposed to Agent Orange in Vietnam or to ionizing radiation during the atmospheric nuclear weapons tests or occupations of Hiroshima and Nagasaki, Japan.

Your resolution is fair to S. 1651. You are to be commended for fashioning a well-reasoned alternative. I agree to carry out its provisions for various VA administrative improvements.

Advice has been received from the Office of Management and Budget that there is no objection to the submission of this letter and that it is in accord with the program of the President.

Sincerely,

HARRY N. WALTERS, Administrator.

U.S. Senate, Committee on Veterans' Affairs, Washington, DC, January 13, 1984.


Dear General Saxer: I am writing with regard to the radiation dose reports prepared by DNA and used by VA in processing radiological issues for VA benefits claims (see 32 C.F.R. Part 218; 38 C.F.R. Part 3, § 3.311). This is a process to which I have given some considerable attention, and I would like to share with you some of my thoughts on the subject. I trust that you will find them helpful.

As you know, the health effects of exposure to low-level ionizing radiation have been studied very extensively over the years, and the further scientific study provided for under title VI of the recently enacted Veterans' Health-Care Programs Improvements Act of 1983, Public Law 98-160, is still in the planning stage and is of uncertain scope at this time. I am mindful, however, that the utility of the existing body of knowledge for purposes of claims for VA benefits is dependent upon the accuracy and thoroughness of the underlying dose information compiled in each individual veteran's case.

I am aware of the limitations of the badge data gathered during the various tests, and of DNA's and VA's position on the potential usefulness of these data. It is this awareness which leads to my greatest concern in this area: that we do all in our power to ensure that the dose information relied upon by VA reflects the complete radiation environment to which a veteran may have been exposed in connection with that veteran's participation in the nuclear test program or in the occupation of Hiroshima or Nagasaki. And as is so well recognized in DNA regulations containing current dose reconstruction methodology (32 C.F.R. § 218.3), the complete radiation environment has numerous separate component parts, some of which overlap on these data. It is clear that with the available data and nature of the blast, meteorological conditions, extent and scope of participation of troops—is predominantly, if not solely (in the case of certain still-classified material) within the control of the Federal Government. The burden thus lies heavily on DNA and VA to establish the best possible use of those data, and to avoid any need for the claimant to produce through inquiry procedures which is readily available or may feasibly be extrapolated from the Government data base.

All this leads to my central recommendation that this issue be encroached on by DNA in passing the complete radiological environment, and based on the most reliable and up-to-date information, a dose estimate must be furnished in every case where the VA requests dose information from DNA. Under current practice, as I understand it, DNA need only furnish a bare estimate of gamma dose (whether by direct badge reading or indirect badge "reconstruction") while a calculation of internal dose would be performed only where such dose is "identified as a meaningful contribution to the total dose" (32 C.F.R. § 218.21)). It is also my understanding that as a matter of practice, such calculations are performed quite infrequently. My recommendation would recognize that the long-standing and ever more compelling stuffuating adjudicatory policy of giving VA claimants the benefit of the doubt on factual issues, it would be appropriate to implement a comprehensive dose reconstruction methodology, and internal dose, and the various aspects of residual radiation dose have all made a "meaningful contribution" to the absolute level of dose, in the absence of affirmative evidence to the contrary. This would mean that in the great bulk of cases where there is no specific affirmative evidence either confirming or refuting such a "meaningful contribution", a comprehensive dose reconstruction would nonetheless be performed, as a matter of course, so that determinations regarding the relative significance of the various possible dose components might be based on facts rather than presumptions. To do otherwise effectively imposes upon the VA claimant the very difficult burden of coming forward (see 38 C.F.R. § 3.311(c)(4)) with evidence which, as I have noted, is less accessible to the claimant than to DNA.

If DNA were to develop computer models of each individual nuclear event (including Hiroshima and Nagasaki) in which U.S. servicemembers participated, applying appropriate methodology, and taking into account individual dose, participation in post-shot activities, food sources, etc., the result might be a series of dose figures, graphs or tables, available for ready correlation with the circumstances of an individual veteran's case. I note that a comparable, and quite comprehensive, radiological survey has been performed with respect to residents of the Marshall Islands, and has resulted in the publication of both scientific and lay reference volumes. These volumes provide sufficiently detailed exposure information so that a claims-adjudicating body (i.e., the tribunal I have in mind that is the pending U.S.-Marshall Islands agreement) will be able to determine most individuals' approximations, with little need for further scientific inquiry or processing of data. I recognize that this exposure information itself may not be applicable to veterans' unique situations as much as its focus is on very long-term exposure—i.e., the 30 years that have followed the Marshall Islands testing—with a particular emphasis on long-term internal dose through the indigenous food chain. However, it seems to me that the two situations differ more in degree than in kind. I would single out two aspects of the Marshall Islands experience which may be instructive with regard to broad overviews of the potential veterans. The first is the format of the Marshall Islands survey; it consists of three sets of tables for each individual island in the various atolls, each reflecting a different group of assumptions regarding variable elements (such as whether the individual ate food only from the individual's own island, visited other islands, ate some imported food, or gathered coconuts on another island). Second, and most importantly—the fact that such exposure information has been assembled with respect to the civilian, non-U.S.-citizen residents of the Marshall Islands whose lives have been affected by U.S. atomic testing, leads inescapably to the conclusion that we can and must do no less for this country's own veterans.

I would greatly appreciate having the benefit of DNA's views on the issues I have raised—not only on the feasibility of implementing, but also on related issues such as (1) the mechanics of implementation—that is, whether volumes of finished dose information should be prepared and transmitted to the VA in advance of individual dose requests being made to DNA, or whether a claims-adjudicating body should first develop and first developing all the necessary computer models, and only later programming in individual cases; (2) the amount of time necessary for implementation (including revision of applicable regulations and VA/DNA interagency agreements); (3) all associated cost ramifications; and (4) questions regarding the performance of the requisite computer modeling and data processing functions—how, by whom, how transmitted to the VA, etc. Please do not hesitate to include any recommendations for legislative action.

Please be assured of my very great interest in working with DNA to pursue all workable improvements in this process in order to secure the most thorough and equitable adjudication of radiation-related claims for VA benefits. I do look forward to receiving your reply at your earliest convenience.

My best personal regards to you.

Sincerely,

ALAN K. SIMPSON, Chairman.

Defense Nuclear Agency, Washington, DC.

Hon. Alan K. Simpson, U.S. Senate, Washington, DC.

Dear Senator Simpson: I am pleased to have this opportunity to respond to your letter of January 13, 1984, regarding radiation dose determinations for Veterans Administration (VA) compensation claims involving atmospheric nuclear test participants. We share your view that the accuracy and thoroughness of the dose information compiled in these cases is absolutely critical to the proper resolution of these claims.

As you are aware, the Defense Nuclear Agency (DNA) and the National Test Personnel Review (NTPR) Program since 1978. During this time, we have performed scientific and historical research demonstrating the atmospheric nuclear testing program and developed analytical techniques to assess the potential radiation exposure of the participants. Each military service has its own NTPR team conducting research and responds to VA and veterans' inquiries. DNA assists in this effort by pro-
viding radiation dose reconstructions when necessary.

A standard in our published dose reconstruction methodology, all potential exposure pathways should be considered in each case. If the available dosimetry data include a neutron procedure plan, which the veteran may have been exposed, or if there were any potential for neutron or meaningful internal exposure, individual dose reconstruction should be performed. The determination is made by the service concerned with assistance provided by DNA.

Based on concerns expressed in your letter, we have reviewed the procedures employed by the various services. Because the potential for neutron or internal exposure was very small for the overwhelming majority of veterans, most of the responses to inquiries by veterans and the VA cases as follows:

1. Can it be documented that the veteran was a test participant? If so, what tests did he attend and what were the specifics of these tests (date, time, yield, type, location, etc.)?

2. What unit was the man in? What was the mission and activities of the unit at the time?

3. What was the man's rank, and, if possible, what were his duties at the test?

4. Can you corroborate the specific information provided to the Veterans Administration and forwarded to the Department of Defense? What is the impact of these specific activities on the claimant's reconstructed dose?

5. Was there a potential for fallout contamination?

6. Is there any recorded radiation exposure for the individual? Does this recorded exposure cover the full period of test participation?

7. Is a dose reconstruction necessary? What is his reconstructed dose?

8. Is there evidence of significant internal exposure? What is the reconstruction?

PARALYZED VETERANS OF AMERICA,
Washington, DC, April 17, 1984.

Senator Alan K. Simpson,
Chairman, Senate Committee on Veterans' Affairs, Russell Senate Office Building,
Washington, DC.

DEAR CHAIRMEN SIMPSON: On behalf of the members of Paralyzed Veterans of America, it is a pleasure to inform you of our support for your resolution addressing the issue of "Agent Orange" and the accompanying commitments by the Administrator of Veterans Affairs and the Director of the Defense Nuclear Agency to carry out its provisions of the legislative step in resolving the complexities inherent with "Agent Orange" and simultaneously addressing the deep concern for veterans who have experienced exposure to herbicides and ionizing radiation, your resolution establishes the well-being of veterans within the context of existing scientific evidence.

"Agent Orange" is a highly emotional issue for many veterans, has received wide attention, and for many Americans is synonymous with the entire war in Southeast Asia. PVA, in addressing this issue and the needs of veterans, has given careful consideration to the potential effect of the various pending legislative proposals on existing and future veterans' benefits and programs. To compromise in any way would be unwise and dangerous. We will be fully prepared and provided to the VA.

We have reviewed the proposed resolution your staff furnished on April 10, 1984 and believe that it is the most appropriate. We anticipate that the issue of the resolution with no other measure is adopted, the Defense Nuclear Agency (DNA) will comply fully with its provisions. I would like to take this opportunity to thank you for your interest in our program and for the well-being of veterans. Your insights and suggestions have resulted, I believe, in marked improvements to the Nuclear Test Personnel Review Program. I look forward to continuing our cooperative efforts to assure that veterans' claims are fully and fairly considered.

Sincerely,
RICHARD K. SAXER,
Lieutenant General, USAF, Director.

SUMMARY OF GUIDELINES TO BE ADDRESSED IN VA INQUIRY

I. Can it be documented that the veteran was a test participant? If so, what tests did he attend and what were the specifics of these tests (date, time, yield, type, location, etc.)?

II. What unit was the man in? What was the mission and activities of the unit at the time?

III. What was the man's rank, and, if possible, what were his duties at the test?

IV. Can you corroborate the specific information provided to the Veterans Administration and forwarded to the Department of Defense? What is the impact of these specific activities on the claimant's reconstructed dose?

V. Was there a potential for fallout contamination?

VI. Is there any recorded radiation exposure for the individual? Does this recorded exposure cover the full period of test participation?

VII. Is a dose reconstruction necessary? What is his reconstructed dose?

VIII. Is there evidence of significant internal exposure? What is the reconstruction?
herbicides and ionizing radiation would be addressed.

The Senate Resolution being offered by you, Mr. Chairman, addresses these concerns. The Resolution neither would nor should not have the force of law. However, the commitments to adhere to its provisions made by Mr. Harry Walters, VA Administrator, and General Harry Saxer, Director of the Defense Nuclear Agency, mitigate our concerns and lead us to support your initiative. This factor coupled with the reasonable approaches contained in the Resolution to have in place mechanisms and procedures to address scientific and medical findings as they become available make the Resolution a viable approach in meeting the needs of veterans who were exposed to herbicides and ionizing radiation.

Additionally, the willingness of you and your staff to reconsider and address the two specific concerns PVA had regarding the Resolution were particularly appreciated. PVA could not support the Resolution while it contained language equating the granting of service-connection to budgetary and entitlement spending considerations. It has long been a cornerstone of PVA's efforts on behalf of veterans. The provision for compensation for service-connected disabilities is part of the continuing cost of our freedom and way of life. The sacrifices of the men and women who have served in the nation transcend monetary issues, and compensation is the nation's recognition of the losses and burdens it has placed in its defense.

The second issue which we were pleased to see addressed was the constitution of the proposed advisory committee. PVA believes that to allay the concerns of many veterans and to assure impartial and unquestioned independence the committee must be composed of individuals from within and outside the Veterans Administration and must contain consumer members. The advisory committee, so established, would be reflective of all concerned both by the scientific and medical communities, as well as, by individual veterans and their representatives.

Again, Mr. Chairman, PVA is pleased to support this humane and balanced step in addressing "Agent Orange" and ionizing radiation problems of veterans. Believing that your proposal is in the best interest of all veterans we offer our assistance to you on this issue.

Sincerely yours,
R. Jack Powell, Executive Director.

AMVETS,
Lanham, MD, April 23, 1984.

Hon. Alan K. Simpson,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

Dear Senator Simpson: Reflecting the legitimate concern of our Vietnam veterans and their families regarding the possible disabling effects of exposure to Agent Orange and the effects of atomic radiation on other veterans, AMVETS has consistently supported legislation and administrative initiatives to scientifically define the epidemiological connection, if any, between exposure and various conditions. AMVETS also encourages the expeditious resolution of questions about this disturbing subject, we supported the essential intent of H.R. 661, sponsored by Mr. Daschle, even though the scientific issues remain open.

In supporting presumed Agent Orange service connection for chloracne, porphyria cutanea tarda (PCT) and soft tissue sarcoma, pending completion of congressionally mandated CDC studies, AMVETS nevertheless expressed strong reservations about charging the VA with the responsibility of making administrative policy to determine presumptive conditions. We believe that it is the responsibility of Congress (as opposed to the Administration) to decide how the VA's administrative policy is to be adjusted or expanded to reflect the health effects of Agent Orange. AMVETS is pleased to note that the Administration has indicated that without the provisions for open-ended expansion of conditions presumed to be service connected to Agent Orange or radiation exposure.

AMVETS is grateful for the efforts of Senator Cranston in strongly advocating legislation on this subject to adequately compensate and medically treat those veterans and their dependents who may have suffered disability as a result of exposure to Agent Orange and nuclear radiation. We believe, however, that the scope of the Cranston Bill, S. 1651, is far too broad in the light of the current, reasonable medical consensus. AMVETS also believes that Senator Cranston's approach is inconsistent with our views regarding congressional and administrative responsibility in establishing presumptive service connection, and we demur from the provision in S. 1651 for special judicial review which is not made applicable to all conditions. Realizing that the effects of radiation exposure may take years to manifest themselves, AMVETS recognizes the need to provide a 22-year period for presumed service connection for those conditions which, according to accepted technological principles, may result from radiation exposure.

The Veterans Dioxin and Radiation Exposure Initiative of 1984, formulated by Chairman Simpson of the Senate Committee on Veterans' Affairs intelligently and effectively addresses the issues regarding Agent Orange and radiation exposure. Except for exclusion of soft tissue sarcoma, for which medical evidence of its connection to Agent Orange is questionable at best, Chairman Simpson's proposed resolution is consistent with our position on H.R. 1981 regarding Agent Orange. AMVETS also believes that it provides an honest and scientifically responsible methodology regarding the effects of nuclear radiation and we support it.

Sincerely,
Robert L. Wilbraham, National Commander.

[From the Washington Post, Mar. 1, 1984]

NEW FINDINGS ON AGENT ORANGE

Many Vietnam veterans have, for too many years, been suffering from uncertainty about the health effects of exposure to the herbicide Agent Orange. Now, at last, there is scientific evidence that should offer them some measure of comfort. The Air Force has released findings from a study of heavily exposed veterans that found no evidence of either higher death rates or of diseases most strongly suspected of being linked to the types of dioxin found as contaminants in Agent Orange.

The study, conducted very slowly in providing Vietnam veterans with the evidence to which they are entitled about possible long-term effects of their service. As a result, the Air Force plans further study to determine whether these differences can be explained. The Air Force plans further study to determine whether these differences can be explained. The Air Force plans further study to determine whether these differences can be explained. The Air Force plans further study to determine whether these differences can be explained. The Air Force plans further study to determine whether these differences can be explained. The Air Force plans further study to determine whether these differences can be explained. The Air Force plans further study to determine whether these differences can be explained. The Air Force plans further study to determine whether these differences can be explained. The Air Force plans further study to determine whether these differences can be explained. The Air Force plans further study to determine whether these differences can be explained. The Air Force plans further study to determine whether these differences can be explained. The Air Force plans further study to determine whether these differences can be explained. The Air Force plans further study to determine whether these differences can be explained. The Air Force plans further study to determine whether these differences can be explained. The Air Force plans further study to determine whether these differences can be explained. The Air Force plans further study to determine whether these differences can be explained. The Air Force plans further study to determine whether these differences can be explained.

Chances are remote that such a showcase trial will establish a direct link between Agent Orange and some- or for warranted extensions of those systems—by indemnifying illnesses without adequate scientific basis.

[From the Chicago Tribune, Mar. 19, 1984]

LOOKING FOR AGENT ORANGE FACTS

(By Joan Beck)

The Supreme Court has cleared the way for a mass trial to begin in May that will pit thousands of Vietnam veterans claiming to have been harmed by Agent Orange against several manufacturers of the herbicide.

Chances are remote that such a showcase trial will establish a direct link between Agent Orange and the spectrum of health problems that veterans blame on it. The case will probably hinge on legal technicalities, not medical truth.

Despite thousands of disturbing reports from veterans about their illnesses and those of their children, it will be years before medical science can show with reasonable certainty whether the dioxin in Agent Orange harmed the veterans. If dioxin isn't to blame, proving that to the satisfaction of the veterans will be even more difficult.

Meanwhile major studies are currently underway in efforts to sort out links between Agent Orange and veterans' health problems. They include four sponsored by the Centers for Disease Control and three by the Veterans Administration. It will be years before all are completed.

Even if the government were to yield to political pressures for veterans for their medical problems without waiting
for strong evidence against Agent Orange, it's still essential to do all of these studies. That's true, too, no matter who wins the up­coming Senate trial.

The danger is that because of political pressures and sympathy for the veterans, doctors were wrongly blamed and the real cause of some cancers, birth defects and other disorders may go undetected and un­checked. A hand study, for example, the first report just issued by the U.S. Air Force from its Ranch Hand study. The research compared the health of Air Force personnel involved in herbicide spraying in Vietnam with other carefully matched veterans who flew cargo in Vietnam, but had no contact with herbi­cides. The Ranch Hands were more heavily exposed to Agent Orange than all other American personnel; they worked with the substance up to 10 or 12 hours a day, five or six days a week, for a year or more and were often doused with it.

So far, the Ranch Hand study is generally reassuring. It found no link between exposure to Agent Orange and health problems. The Ranch Hands had no more neurolog­i­cal, heart, renal, pulmonary or endocrine problems than the comparison veterans. They had no more cancers (except for a few more simple skin cancers, most commonly caused by sunlight). None had bladder cancer, the first and most diagnostic sign of dioxin damage. There were no significant differences in fertility and infertility, miscarriages, stillbirths and birth defects (except for Ranch Hand parents' reports of more minor birth marks and rashes) among their chil­dren. Ranch Hand parents also reported more deaths of children during the first month of life and more physical handicaps among their offspring, although these data need further checking.

Both groups are actually "faring better" in health than men of similar age in the general population, the report concludes. Follow-up research will continue for 20 years, with further studies where data aren't clear.

But one of the most important findings of the Ranch Hand study has slipped by gener­ally unnoticed. What is strongly linked with birth defects, infant deaths and learning disabilities in both the Ranch Hand families and those of the comparisons is smoking by women. Smoking during pregnancy is also strongly associated with physical handicaps in children in both groups.

Such a strong indictment of smoking and drinking during pregnancy—backing up other scientific evidence—should be good news to other prospective parents. It should be comforting to know that they can protect their children from two significant causes of birth defects just by their own actions.

Such information isn't always wel­come. A New York City health regula­tion now requires all bars, restaurants and liq­uer stores to notice customers: "Warning: Drinking Alcoholic Beverages During Pregnancy Can Cause Birth De­fects." Objections have come from bars, liq­uer industry, some physicians who aren't convinced total abstinence is necessary—and some women's groups who say the public notice is too strong.

The cause of cancer, birth defects and neurological abnormalities are, of course, multiple and complex. It's too early to blame Agent Orange or EDB, or toxic wastes or nuclear energy, on government or big corporations and to look for so­lutions in the political, not scientific, proc­ess. But in the long run, that won't work. We need all these data on veterans—and other groups, too. We must look at the results with an open mind and apply the same objective standards to the data, whether it shows new facts or reinforces our personal pleasures or our own personal pleasures.

AMENDMENTS SUBMITTED

FEDERAL BOAT SAFETY ACT AMENDMENTS

HELSM AMENDMENT NO. 3028

Mr. HELMS proposed an amendment to amendment No. 3027 proposed by Mr. Baker (and others) to the bill (H.R. 2163) to amend the Federal Boat Safety Act of 1971, and for other pur­poses; as follows:

At the appropriate place in the amend­ment, insert the following:

TEN PERCENT REDUCTION IN SPENDING REQUIRED

SEC. 1. (a) Notwithstanding any other pro­vision of this Act, it shall not be in order in the Senate to consider a concurrent resolu­tion on the budget for fiscal year 1985 if such concurrent resolution does not comply with the provisions of this section.

(b1) A concurrent resolution on the budget for fiscal year 1985 shall set forth, for each of the fiscal years 1985, 1986, and 1987, a total amount of budget authority for dis­cretionary Federal programs which does not exceed an amount equal to the prod­uct of the total amount of budget authority provided by law for such programs for fiscal year 1984 multiplied by 90 percent.

(2) For purposes of this subsection, the term "discretionary Federal program" means any Federal program other than—

(A) a program classified under the func­tional category of National Defense in the budget submitted by the President for applicable fiscal year under section 1105(a) of the Congressional Budget Act of 1974;

(B) a program for which spending author­ity (as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974) is provid­ed by law;

(c1) A concurrent resolution on the budget for fiscal year 1985 shall set forth, for each of the fiscal years 1985, 1986, and 1987, a total amount of budget authority for the payment of obligations under spending authority (as defined in section 401(c)(2)(C) of the Budget Act of 1974) provided by law which does not exceed an amount equal to the prod­uct of the total amount of budget authority provided by law for such programs for fiscal year 1984 multiplied by 90 percent.

(2) The requirements of paragraph (1) shall not apply to budget authority provid­ed for payments under spending authority as defined in section 401(c)(2)(C) of the Budget Act of 1974, provided by titles II and XVIII of the Social Security Act.

(d)(c) Any out subsection (c), a concur­rent resolution on the budget for fiscal year 1985 shall contain provisions to require the committees described in clauses (1) through (3) of this subsection to submit, by June 1, 1984, recommendations to the Senate Com­mittee on the Budget in accordance with such clauses. After receiving those recom­mendations, the Committee on the Budget shall report to the Senate a reconciliation bill, or resolution, or both, carrying out all such recommendations without any substan­tive revision.

(1) The Senate Committee on Agriculture, Nutrition, and Forestry shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $7,000,000,000 in fiscal year 1985; to reduce budget authority by $8,000,000,000 in fiscal year 1986; and to reduce budget author­ity by $10,000,000,000 in fiscal year 1987.

(2) The Senate Committee on Armed Serv­ices shall report changes in laws within the jurisdic­tion of that committee which provide spending authority as defined in sec­tion 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $2,500,000,000 in fiscal year 1985; to reduce budget authority by $3,800,000,000 in fiscal year 1986; and to reduce budget authority by $5,000,000,000 in fiscal year 1987.

(3) The Senate Committee on Finance shall report changes in laws within the jurisdic­tion of that committee which provide spending authority as defined in sec­tion 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $15,000,000,000 in fiscal year 1985; and to reduce budget authority by $18,000,000,000 in fiscal year 1986.

(4) The Senate Committee on Foreign Af­fairs shall report changes in laws within the jurisdic­tion of that committee which provide spending authority as defined in sec­tion 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $1,900,000,000 in fiscal year 1985; and to reduce budget author­ity by $2,200,000,000 in fiscal year 1986; and to reduce budget authority by $2,500,000,000 in fiscal year 1987.

(5) The Senate Committee on Government­al Affairs shall report changes in laws within the jurisdic­tion of that committee which provide spending authority as defined in sec­tion 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $1,200,000,000 in fiscal year 1985; to reduce budget authority by $1,200,000,000 in fiscal year 1986; and to reduce budget authority by $300,000,000 in fiscal year 1987.

(6) The Senate Committee on the Judici­al Proceedings shall report changes in laws within the jurisdic­tion of that committee which provide spending authority as defined in sec­tion 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $500,000,000 in fiscal year 1985; to reduce budget authority by $500,000,000 in fiscal year 1986; and to reduce budget authority by $500,000,000 in fiscal year 1987.
DOLE AMENDMENT NO. 3029

Mr. BAKER (for Mr. Dole) proposed an amendment to the bill (S. 1070) to amend title 18 of the United States Code to provide penalties for credit and debit card counterfeiting and related fraud; as follows:

On page 4, add the following after the matter which follows line 22:

Sec. 3. As soon as feasible, reliable, and economically viable, all persons who produce, have control or custody of or possess device-making equipment, or systems utilizing payment devices should attempt to establish a system or systems which are capable of positively verifying the holder of such payment device or the transaction in which such device is or has been utilized while minimizing intrusions on personal privacy.

THURMOND AMENDMENT NO. 3030

Mr. BAKER (for Mr. Thurmond) proposed an amendment to the bill S. 2556, to authorize appropriations for the American Folklife Center for fiscal years 1985 through 1989; $100,000,000 in fiscal year 1985; to reduce budget authority by $100,000,000 in fiscal year 1985; to reduce budget authority by $100,000,000 in fiscal year 1986; and to reduce budget authority by $100,000,000 in fiscal year 1987.

CREDIT AND DEBIT CARD COUNTERFEITING AND FRAUD ACT

Mr. BAKER (for Mr. Dole) proposed an amendment to the bill (S. 1070) to amend title 18 of the United States Code to provide penalties for credit and debit card counterfeiting and related fraud.

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MATHIAS. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Thursday, April 25, 1984, at 9:30 a.m., in SR-301, Russell Building, to receive testimony on the Federal Election Commission’s request for funding for fiscal year 1985, and S. 2556, a bill to authorize appropriations for the American Folklife Center for fiscal years 1985 through 1989.

Representatives of the Federal Election Commission will present testimony on their requested amount of $13,648,000 for the fiscal year beginning October 1, 1984.

Dr. Daniel J. Boorstin, the Librarian of Congress, and Dr. Alan Jabbour, director of the American Folklife Center, will testify on S. 2556 which provides for a 5-year reauthoriza

in the following amounts: $930,000 for fiscal year 1985; $1,021,150 for fiscal year 1986; $1,104,025 for fiscal year 1987; $1,216,525 for fiscal year 1988; and $1,319,550 for fiscal year 1989.

For further information regarding these hearings, please contact Carole Blessington of the Rules Committee staff on 224-0278.

Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Tuesday, May 1, 1984, at 3:30 p.m., in SR-301, Russell Building, to consider pending legislative and administrative business.

The following items on the committee’s legislative agenda are scheduled for markup: An original bill to authorize appropriations for the Federal Election Commission for fiscal year 1985; S. 2556, to authorize appropriations for the American Folklife Center of the Library of Congress for fiscal year 1985 through 1989; S. 2418, to authorize the construction of the Library of Congress Book Decodification Facility; an original resolution to authorize the purchase of U.S. Capitol Historical Society “We The People” 1985 calendars; and a number of original resolutions to pay gratuities to survivors of deceased Senate employees.

The committee will consider the following administrative business: Amendments to the mass mail regulations and a contract for the Senate Productivity Award.

A status report on office automation will also be presented.

For further information regarding this business meeting, please contact Carole Blessington of the Rules Committee staff on 224-0278.

SUBCOMMITTEE ON EMPLOYMENT AND PRODUCTIVITY

Mr. QUAYLE. The Subcommittee on Employment and Productivity will hold hearings on the Job Training Partnership Act (JTPA) to examine whether the long-term goals of the act can be achieved and if the administrative provisions of JTPA adequately reflect its underlying philosophy and provide a workable system for movement toward achieving the goals of the act.

Please submit requests to testify along with a written statement or a brief summary of the issues you wish to address to the attention of Renee Coe at the Labor and Human Resources Committee, SD428, Dirksen Senate Office Building, Washington, DC 20510. Time and locations for the hearings will be announced following a review of the responses received. Staff will also visit selected sites in order to seek further clarification of issues and concerns raised.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, April 25, at 10 a.m., to consider programs administered by the Food and Nutrition Service—food stamps, child nutrition, and commodity distribution.

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

COMMITTEE ON ARMED SERVICES

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, April 25, at 10 a.m., to consider programs administered by the Army, Navy, Air Force, and Marine Corps, and the nomination of Chapman Cox to be General Counsel of Defense, and James Webb to be As
sistant Secretary of Defense for Reserve Affairs.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, April 25, at 10 a.m., to hold a hearing on the receipt of the annual report of the Postmaster General.

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 Wednesday, April 25, in order to receive testimony concerning the following nominations:

U.S. DISTRICT JUDGE

Alicemarie H. Stotler, of California, to be U.S. District Judge for the Central District of California; Lloyd D. George, of Nevada, to be U.S. District Judge for the District of Nevada.

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

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, April 25, to hold an oversight hearing on the Indian Child Welfare Act.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 25, to hold a hearing on strategic defense and antisatellite weapons.

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

ADDITIONAL STATEMENTS

THE ILLEGALITY OF THE SECRET WAR AGAINST NICARAGUA

Mr. KENNEDY. Mr. President, during the recent debate over funding for the Reagan administration's secret war against Nicaragua, many of us raised serious questions about the administration's willingness to comply with U.S. and international law.

In a recent article in the Los Angeles Times, Mr. David J. Scheffer, an associate of Harvard University's Center for International Affairs, presents a cogent critique of how the administration's policies or purposes, or both, have been kept from public view, or ignored altogether at least four legal strictures:

The administration has abandoned the purpose of Executive Order No. 12333 in its public admissions of support for the Contras;

The administration has ignored clear congressional intent that covert assistance should not be used to overthrow the Sandinista government;

The administration's support for the Contras violates the U.N. Charter, the Inter-American Treaty of Reciprocal Assistance, the Organization of American States Charter, and the Rio Treaty;

Finally, a Federal district judge last November found enough merit in a lawsuit alleging violation of the 1974 Neutrality Act to order the Attorney General to conduct a preliminary investigation into U.S. support for the Contras.

I ask that the full text of this interesting analysis entitled "Law Is at the Breaking Point in CIA Aid to the Contras," be printed in the RECORD.

The analysis follows:

[From the Los Angeles Times, Apr. 3, 1984]

LAW IS AT THE BREAKING POINT IN CIA AID TO THE CONTRAS

(By David J. Scheffer)

This week Congress continues its debate over the Reagan administration's request to funnel $21 million via the Central Intelligence Agency to rebels battling Nicaragua's Sandinista government. The operation, still officially "covert," raises serious questions about the administration's willingness to comply with U.S. and international law.

In its stated goal to protect "our strategic interests" against the spread of communism in Latin America, the administration has so far bent at least four legal strictures to its purpose— or ignored them altogether.

First, there is the problematical CIA mandate, which was overhauled in the late 1970s in response to agency excesses. In addition to intelligence-gathering functions the CIA is empowered to conduct "special activities approved by the President" (this under Executive Order No. 12333, signed by President Reagan in 1981). These activities are to be "in support of national-policy objectives" but do not prohibit the administration from using them to influence not only Managua, Havana and Moscow but also Nicaragua in El Salvador.

But they should not be intended to "influence U.S. political processes, public opinion, policies or media."

In public references to the so-called contra's activities, administration officials have almost exhausted their lexicon to admit the unadmittable. Reagan speaks in general terms of "supporting" the contras, describing them as democratic elements of the Nicaraguan revolution who have been shut out by the Sandinista government. Officially, the administration's "covert" operations are doubly unjustifiable, both in terms of international law and
To understand the magnitude of the challenge faced by my government it is perhaps useful to recall briefly, the evolution of our country in the last 50 years.

In 1930 the income per capita in the world was one of the largest income per capita in the world.

Though our land was rich, and the nature of our people and our society was such that fostering prosperity, defending freedom, and justice, that future never came about.

In the last fifty years we have not prospered, but rather we have lived from crisis to crisis. A fact which resulted in poverty and even hunger for many Argentines. Instead of freedom, we were frequently subjected to authoritarian rule. Instead of peace and justice, we suffered violence, intolerance, and inequalities.

Today our government is committed to change these conditions by turning the democratic faith of our people into a living reality.

We do not doubt that these democratic goals are also shared by the people of the United States. Yet, despite this coincidence of values, there still are problems between our two countries. I am speaking about the kind of difficulties that are systematically related to the connection between the United States and the majority of the Latin American countries.

These difficulties, so common in the Western Hemisphere relations are the topic of my talk today.

Compare what has happened between the United States and Latin America, with the relations between the United States and Western Europe since the end of the Second World War.

In Western Europe at the end of the Second World War there was a strong commitment to return to democracy. It was obvious that this commitment would never become a reality unless it was based upon solid economic accomplishments that would restore the economies devastated by war. The Marshall Plan was thus designed as the link between a prosperous economy and democracy which guaranteed the security of the Western world. As the conditions of freedom were achieved, the will to defend them was strengthened. Democracy, economic development, and security became closely linked. The three linked the foundations of a stable framework in which the relations between Western Europe and the United States could develop.

The American relationship with Latin America was quite different although we are as much part of the West as Europe.

Security has been the prime concern of the United States in its relationships with Latin American and with Western Europe. For America, security is understood as promoting prosperity, defending freedom and maintaining the status of the United States in the world. We cannot question the legitimate concern of the American citizen to defend his way of life.

But why has this concern with security repeatedly generated conflict in United States relations with Latin America?

If we return to our comparison of United States/Latin America relations with United States/European relations, the reason becomes evident. For Europeans, security was linked to freedom and hopes for prosperity. It is a fact that in order to value security, it is necessary that Europeans had something to lose. But, what meaning can there be in defending the freedom you do not enjoy or protecting a prosperity you do not have?

Therefore, it should not be a surprise that by making security its paramount concern, the United States in Latin America has frequently formed alliances with the few who are the envy of sometimes vast groups of people that sought to preserve their privileges.

But, by making this choice, the United States has put itself in opposition to the goodwill and support of populations who desired freedom and democracy while demanding a prosperity that has been denied to them by the existence of unjust conditions in our societies.

In hemispheric relations security has lacked those links to democracy and economic well-being which can establish a solid and deep consensus between our countries.

Every time the United States tried to present these problems, the democratic systems with the dominant minorities in Latin America, the result has been conflict and controversy. These ties to privileged minorities in Latin America, the reason becomes evident. For Europeans, security was linked to freedom and hopes for prosperity. It is a fact that in order to value security, it is necessary that Europeans had something to lose. But, what meaning can there be in defending the freedom you do not enjoy or protecting a prosperity you do not have?

Mr. KENNEDY. Mr. President, 2 weeks ago I had the honor to meet with the new Foreign Minister of Argentina, Mr. Dante Caputo, a thoughtful and vigorous advocate of the new democratic government's policies. During this first official visit to Washington, Mr. Caputo delivered an insightful speech to the National Press Club. He discussed basic problems in Latin American relations with the United States stemming from different emphases on security.

Comparing the development of post-World War European relations with United States-Latin American relations, Mr. Caputo made an extraordinary point—that our security concerns in Latin America did not have the same link with freedom and prosperity that had been established in Europe.

What meaning can there be in defending the freedom you do not enjoy or protecting a prosperity you do not have? Mr. Caputo asked. Hence, every time the United States tried to preserve its security interest by developing ties with the dominant minorities in Latin America, the result has been conflict and controversy.

Mr. Caputo expressed his concern that United States and Latin American points of view might drift apart to the point of closing off critical dialog. He discussed the need for candid and open discussions to deal with the dominant minorities in Latin America.

For all my colleagues who share these concerns and hopes, I strongly commend Mr. Caputo's speech. I submit the full text of his speech for the RECORD.

The text follows: Speech Delivered by the Foreign Minister of Argentina, Dante Caputo, at the National Press Club.

Ladies and Gentlemen: Last year the Argentine people in a free election put an end to a half century of political frustration and tragedy which has had, and still has, serious economic and social consequences. In that election Raúl Alfonsín obtained more than half the vote and secured a clear mandate to rebuild the economy and to restore democracy, protect freedom, guarantee pluralism, human rights, and the due process of law.

As a result of this mandate, the new government of Argentina is committed to democracy, to progress, to establishing a living culture and to the rule of law.

In the spirit of executive and legislative oversight of government activities, on both sides of the debate over aid to the contras, senators and members of the House traditionally ask whether such aid is in the national interest of the United States. They either ignore the legalities or attach them as addenda to their main arguments. Perhaps the majority of our elected members of our legislature will agree that it is in the highest national interest to observe the rule of law.

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As a result of this mandate, the new government of Argentina is committed to democracy, to progress, to establishing a living culture and to the rule of law.
My concern is not that we will stop talking, for we will always be able to do so. My worry is that little by little we will cease to understand one another.

We need all our imagination to avoid this danger. It is only by means of a frank and comprehensive dialogue, that we can both anticipate problems and avoid creating them.

It would be useful to establish a mechanism to help harmonize our views about the interdependence between security, development, and democracy. By means of this mechanism, we will be able to address the short and medium-term issues of the Western Hemisphere with a common language and criteria that can contribute to a mutual understanding of our hemispheric problems.

The real challenge for hemispheric relations is to develop a shared frame work that helps us analyze priorities and organize cooperative actions based upon mutually accepted criteria.

If we succeed in this enterprise, we will develop truly mature relations and consolidate democracies in the hemisphere. Thank you very much.

ARMENIAN MARTYRS’ DAY

Mr. BOSCHWITZ. Mr. President, it is with a great deal of personal pride that I rise today to join my colleagues in commemorating the genocide of approximately 1.5 million Armenians by the Turkish Government just seven decades ago.

In doing so we honor the memory of those who tragically and valiantly gave their lives as we pay tribute to the great contributions the Armenian people have made to our Nation.

This particular collective victim, the Armenian peoples, remain convinced that its catastrophic confrontation with the 20th century has never received adequate recognition and understanding, not to mention a solution.

The Armenian community, spread out into a worldwide diaspora, believes its tragic history to be “a forgotten genocide.”

The Armenian incidents were among the more brutal and costly human dislocations that occurred during the First World War in the crumbling Ottoman Empire. In June 1915, a deportation policy was announced to relocate the Armenians of the war zones in less critical areas, namely the desert regions of eastern Syria. From 1915-17 approximately 1 million people were marched from their homes in the eastern provinces and the coastal cities of Cilicia.

There are some explicit accounts of internment camps and resettlement villages in the Syrian desert region, and many allege that the lack of adequate food and water caused many deaths. It has, therefore, been characterized as a deportation to death, with no real provision for a permanent resettlement at the relocation site.

As a survivor of the Jewish Holocaust, I sympathize with the anguish and suffering that these Armenian people experienced and empathize with the present generation who are frustrated by this grossly inadequate justice.

When Hitler first proposed his final solution, he was told that the world would never permit such a mass murder. Hitler silenced his advisers by asking, “who remembers the Armenians?”

Today, I join my colleagues in answering Hitler by pledging to preserve the truth. We must make it clear to all those who support racial hatred that our great Nation will never forget the persecuted individuals, whether they be Armenians, Jews, or native Indians.

Just because of Turkey’s strategic role, we must not condone the atrocity perpetrated against the Armenian people.

It is time to stop closing our eyes to man’s inhumanity against man. We have witnessed too many barbarous acts in this century. By commemorating the memory of these victims on the 89th of Armenian Martyrs Day, we can try once again to prevent history from repeating itself. Such dreadful tragedies can only be prevented in the future if they are remembered in the present.

THE 69TH ANNIVERSARY OF ARMENIAN MARTYRS’ DAY

Mr. LAUTENBERG. Mr. President, today we remember the atrocities done to the Armenian people in Turkey in the early years of this century. The genocide of the Armenians involved the killing of some 1.5 million people, in the land of the Ottoman Empire, and the scattering of thousands more.

Armenians were forcibly deported across Asia Minor. They were persecuted, banished, and slaughtered while much of Europe was engaged in World War I. The height of the activity occurred in 1915.

At the time, America registered strong protests. U.S. Ambassador to Turkey Henry Morgenthau offered protests to the slaughter he chronicled. America offered its hand of relief to the survivors. The Near East Relief, chartered by Congress, provided some $113 million to the survivors, while thousands of orphans became foster children of American people.

And, Mr. President, forever more, America, as a moral nation, must not forget. Just as it must not forget the Holocaust that was to follow less than three decades later.

What is a worse deed than the genocide of a people, is genocide denied. There are those who deny the occurrence. Unfortunately, some would answer the denials with uncertainty. Maybe what happened did not. Fact becomes history, and the future, we must not forget the past.

NOT JUST ACADEMIC

Mr. KASTEN. Mr. President, the current debate over events and policies in Central America too often ignore thoughtful views from people who actually live in the area.

Through the media, we are treated almost daily to the views of both sides, often presented in a paternalistic manner without much weight given to what the views might be of those who live the reality of the current turmoil in Central America. I would like to share with my colleagues a well-written article that appeared in last Friday’s Wall Street Journal by a professor of economics at Francisco Marroquin University in Guatemala City.

I believe it is important that my colleagues examine the views from all sides, especially from those who live in that troubled region.

Mr. President, I ask that the article I mentioned appear in the Record at this point.

The article referred to follows:

CENTRAL AMERICA, TERMINOLOGY IS NOT JUST ACADEMIC

(By Fritz Thomas)

GUATEMALA CITY, GUATEMALA—Words call to mind images that help shape attitudes. The few choice words associated with the Central American problem should leave any educated opinion feeling underfed. However, public opinion outside Central America is apparently nourished with such terms as “left wing,” “right wing,” “moderate” and “reform,” to name just a few.

I mention the term “squatter fighters,” and many people conjure up the image of Robin Hood. Those lads are out to topple the oligarchs and the dictators. In their crusade to liberate the oppressed people, they roam the countryside, eating wild fruits and berries. They are nice to peasants and children and work without compensation.

Move to “right wing” and there appears the image of violent people who stand in the way of progress. All death squads, for example, are right wing.

Moters are the people in the center, away from extremes. They come in all colors.

“Reform” is a mantra: If it is said often enough, maybe it is accomplished. Reform is what things are fixed with when they don’t work. This commodity is exported by the industrial countries, since they don’t consume it themselves.

We Central Americans are a bit more pragmatic in our definitions. Our analyses, no doubt, sound refined to eminent scholars in the north, but our definitions are honed by reality. The problems we confront are, after all, at our doorstep. We do not have the luxury of analyzing these problems from the sanctuary of a classroom thousands of miles from the action.

Merrill, the guerrillas operating in El Salvador and Guatemala are decidedly more than left wing. They are
April 25, 1984

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Most importantly, Soviet Jews depend on us to reveal the lie in the Soviets' assertion that most of the Jews who wish to emigrate have already done so. That is simply not true.

We know that there are at least 400,000 Jews who have officially applied to leave the Soviet Union for the West. Most of them will never know freedom if present trends continue and only 1,000 Jews are allowed to leave per year.

We in the free world have no obligation to speak out against human rights violations wherever they occur. If we say nothing, then nothing will change.

But, if we gather together on occasions like “Solidarity Sunday” to express our commitment to the struggle for freedom, we bring some small measure of hope into the lives of people who need hope so desperately.

GEN. MARK W. CLARK: A SOLDIER’S SOLDIER AND A PATRIOT’S PATRIOT

Mr. HOLLINGS. Mr. President, the passing of Gen. Mark W. Clark last week took from us one of America’s truly great citizens. He was indeed a soldier’s soldier and a patriot’s patriot.

His life had a steadfastness of purpose and a granite integrity the likes of which the Nation seldom sees. South Carolina’s history is replete with the accomplishments of many distinguished sons and daughters, but few have achieved so much for their country and adopted State as Mark Clark.

It was my honor to serve with General Clark on the Hoover Commission in 1954. General Clark was asked to chair the Hoover Commission’s investigation to study and enhance the effectiveness of our intelligence operations.

For the better part of a year he and I, as Commission members, traveled each week to Washington. These trips, and our service together, were not only very educational and informative for me, personally rewarding too, because I saw firsthand the intelligence, the integrity, and the grace of this good and gallant man.

We are filled with sadness at this passing—but also filled with pride at what our friend and neighbor contributed to the betterment of all our lives.

“He loves his country best who strives to make it best,” some one once wrote. That, to me, is the best definition of a patriot—and the best description of Mark Clark.

His many accomplishments and record were hailed in article after article in the South Carolina media. Mr. President, I ask that a few of these articles be printed in the Record.

The articles follow:
Bradley, George Patton—and Mark W. Clark.

General Clark, the last of the great field commanders of World War II, died Tuesday in Charleston at 87. But what a life of service to his nation he lived.

He was a valued South Carolina for the last 36 years. Before that, the only homes he knew were on Army posts around the country and around the world. Their country colored. The mission was destined for West Point (Class of '17) and a military career.

He saw his first combat in France in World War I and was wounded in action. Shortly after the United States entered World War II, Mark Clark became a major general and immediately received major assignments.

By mid-1942, General Clark was commander of all U.S. ground troops in the European Theater of Operations under General Eisenhower. Up to that point the Allies had been on the run. A tough, hardnosed, demanding soldier, General Clark was blunt about the mission of American troops in England: "We are not here to sit on our backsides and be on the defensive. We are not here to wait. We're out to fight the battle of a Second Front. All I can say is, the sooner the better."

The first offensive, however, was not in Europe but in French North Africa. As the chief Eisenhower deputy, General Clark seized the day for it by slipping into Algeria by submarine. He was also the first to fight the French armored forces. Later "Ike" credited the dangerous and sensitive Clark mission with reducing resistance and casualties.

General Clark led the 5th Army on the tough, nasty invasion of Italy and was criticized for taking heavy casualties. But after hard fighting, he captured Rome and received the surrender of the Italian government. Pushing northward as commander of the 15th Army Group, he forced the surrender of the German army and ended the war in Italy.

Seven years later, he followed Douglas MacArthur and Matthew Ridgeway as commander of all United Nations forces in the Korean war and conducted the difficult negotiations that resulted in the 1953 armistice that still holds.

That same year he retired from the Army, but he didn't leave the military. Instead he was named president of The Citadel, headed the S.C. military college for 12 years, and loved it for the rest of his days.

"It is a little oasis of honor, duty and enlightened discipline," he said. "I see so much Americanism here."

Those were the qualities that meant so much to Mark Clark. Those were the qualities that made him one of the great soldiers of his time, a time when great soldiers were essential to the survival of the Free World.

South Carolina was enhanced when he chose to render his last service here, and it is so honored that he chose the campus of this "little oasis" of patriotism as his final resting place.

From The Evening (Charleston, SC) Post. April 17, 1984. Whip's War: It is worth noting that the United States was fortunate to have an experienced cadre of officers in place to assume positions of responsibility. Among them were George C. Marquardt, The Citadel's Army Chief of Staff, and such combat commanders as Douglas MacArthur, Dwight D. Eisenhower, Omar Bradley, George Patton—and Mark W. Clark.

Congressional Record—Senate. April 25, 1984.

Gen. Clark acquired a string of decorations, honors and other citations. He had a store of anecdotes, both serious and funny, and was a gifted orator. He married Miss Maurine Doran in 1924. They had two children. Their daughter, Mrs. Patricia Ann Clark Oosting, died in California. Their son, Maj. William D. Clark, a retired Army officer, lives in Washington. Mrs. Maurine Clark died in 1966. Gen. Clark later married Mrs. Mary Millard Applegate.

In Clark's will, he bequeathed to have generously of his time and talents to civic affairs. The Mark Clark Expressway, now under construction, was named in his honor. He never lost touch with The Citadel, and chose the campus for his final resting place. His memory provides a perpetual source of admiration and inspiration to everyone who knew him best of our time. His countrymen owe him gratitude and homage as a hero of the Republic.

From the (Columbia, SC) State, Apr. 18, 1984.

GEN. MARK WAYNE CLARK: OLD SOLDIERS SOMETIMES DIE
(By Ron Wenzel)

Asked several years ago how he wanted to be remembered, Gen. Mark W. Clark replied without hesitation, "For what I am, a military man." A soldier is all Clark ever wanted to be, and that's how most South Carolinians and national and world leaders will remember the last of the top five field commanders of World War II and president emeritus of the Citadel, who died Tuesday in Charleston.

Clark, 87, who led American efforts in World War II with Gen. Dwight Eisenhower, Douglas MacArthur, George Patton and Omar Bradley, had been in critical condition since Thursday.

He entered Medical University of South Carolina and received his M.D. He was on the staff of the hospital for seven years, serving as chief of the Orthopedic Surgery Unit.

Clark was chairman of the board of visitors during "Operation Torch" and was involved in secret negotiations with French leaders, trying to persuade them to join the allies.

On the return trip to the submarine, the boats capsized in rough seas. Clark managed to save himself but lost his pants and $70,000 in gold, the equivalent of about $93,000 in American currency.

The letter was displayed next to his red-white-and-blue-ribboned Legion of Merit medal, Bronze Star, four Distinguished Service Medals and a Distinguished Service Cross.

Clark was commander in chief of the U.N. Command from 1952 until the end of the Korean War, and he signed the armistice ending the war in July 1953. He retired from the Army in 1953 after 36 years and accepted the presidency of The Citadel at the invitation of Gov. James F. Byrnes and with the encouragement of his old World War II boss, President Eisenhower.

He was available only because his nomination by President Harry Truman as U.S. ambassador to the Vatican in 1951 brought a storm of protest and forced Truman to withdraw the nomination. (The United States did not have an ambassador to the Vatican until 1984.)

Clark was not above controversy as a military tactician and later for his views on foreign and domestic affairs.

At the outset of World War II he was commander of U.S. Army ground forces in the European Theatre of Operations under Eisenhower. At about this time, the French Prime Minister, Winston Churchill, whom he called "the greatest man I have ever known." For several months Clark had dinner with the Allied prime minister almost every Wednesday as the three planned the invasion of North Africa.


In Clark's will he bequeathed to...
volunteer army and couldn't abide female cadets at his beloved West Point.

In later years, a good part of his time was spent compiling information for his biography, which is being written by military historian Martin Blumensen.

"Integrity best sums him up," Blumensen said in a telephone interview with United Press International from his home in Washington.

Surviving are his widow, Mrs. Mary Mildred Applegate Clark; a son, retired Army Maj. William Doran Clark, principal deputy assistant secretary of the Army for Manpower and Reserve Affairs; five grandchildren; and three great-grandchildren.

J. Henry Stuhr's Funeral Home of Charleston is in charge of arrangements.

Mrs. Maurice Doran Clark, his first wife, died in 1966, and their daughter, Patricia Ann, died in 1982.

HIGHLIGHTS IN LIFE OF MILITARY MAN


1917: Graduated from the U.S. Military Academy at West Point and commissioned a second lieutenant in the infantry.

1918: United chief of staff for the Civilian Conservation Corps, VII Corps area.

1937: Graduated from the Army War College.

1940: Served as instructor at the Army War College; named assistant chief of staff for operations at Army general headquarters.

1942: Named deputy chief of staff of Army ground forces, later promoted to chief of staff; assigned as commanding general of II Corps in England; named commander of Army ground forces in Europe; named deputy commander in chief of allied forces in North Africa; led a successful secret mission to secure information in North Africa before the Allied invasion of that area; awarded the distinguished service medal; promoted to lieutenant general.

1943: Designated commanding general of the Fifth Army and directed the training of the American and French troops that comprised it; established infantry and amphibious bases on African soil and coordinated operations at Army general headquarters.

1945: Appointed commander of U.S. occupation forces in Austria and U.S. high commissioner for Austria; promoted to full general.

1947: Served as deputy to the secretary of state; assumed command of the Sixth Army; appointed chief of Army field forces at Fort Monroe, Va.

1951: Nominated by President Truman to be a diplomatic envoy to the Vatican; asked to resign his name be withdrawn after controversy over the move surfaced.


1955: Signed the military armistice agreement involving the U.N. command and the military commanders of North and South Korea, retired from military service at his own request and accepted the presidency of The Citadel.

1954: Became president of The Citadel; named the first of a task force to investigate the Central Intelligence Agency and other U.S. intelligence organizations.

1965: Retired as president of The Citadel, named president emeritus.

[From the (Charleston, SC) News & Courier, Apr. 18, 1984]

DETAILED RITES FOR GENERAL CLARK OUTFIRED

(By Ernest F. Hollings)

A eulogy penned by the Rev. Billy Graham will be read before hundreds expected to gather near the tree-lined grave site of retired Army Gen. Mark W. Clark on The Citadel campus Thursday.

Clark, a retired four-star general, president of The Citadel from 1954 to 1965, and later president emeritus, died Tuesday at the age of 87.

The commander of the 5th Army forces in Italy during World War II, post-war occupation forces in Austria and U.S. forces in the Korean War was described Tuesday as a "true American hero" by President Reagan.

"Gen. Clark's memory will live forever in the hearts of his countrymen," Reagan said. "All of us in the world will lose a man like him. His professionalism and dedication will be the standard of every soldier who takes the oath to defend our nation. Nancy and I extend to the hearts of his family our deepest sympathies."

Meanwhile, flags at all federal buildings in the state were lowered to half-staff at the request of Sen. Ernest F. Hollings, D-S.C., who called Clark a "soldier's soldier and a patriot's patriot."

"Our nation has lost one of its most courageous and dedicated soldiers—a man who pledged his entire life to serving our country and the military," Sen. Strom Thurmond, R-S.C., remarked. "General Clark was a personal friend, so his death is a great loss for me, as well as for the nation I am privileged to represent. He embodied everything America stands for. In every generation we lose a great one."

"Clark was 'one of America's last, truly great heroes,' "Rep. Thomas F. Hartnett, R-S.C., said. "He felt such a real deep love for this country and the way of life he had fought to preserve," Hartnett said. "He was one who really wanted to take the cream of America's youth and help mold them into the leaders we needed in the future."

Rep. Butler Derrick, D-S.C., mentioned the summer camps Clark established for youths at The Citadel. Clark made a "tremendous contribution" to South Carolina as president of The Citadel, Derrick said.

"The nation suffered a great loss," Derrick said. Clark "will go down in history as one of the great leaders of our time, together with Gen. (Dwight D.) Eisenhower, (Omar N.) Bradley, (George S.) Patton and others, as World War II heroes."

"General Clark was one of the most respected and admired military leaders of our time. As a president of The Citadel, he had an enduring love of country throughout his life and a later love for South Carolina, which he made his adopted state after his retirement from the military."

"He endeared himself to all South Carolinians as an outstanding war hero and as an inspiring leader of young men at The Citadel who came under his guiding hand," Riley said.

Charleston Mayor Joseph P. Riley, Jr., who graduated from The Citadel during Clark's presidency, said the city and nation have lost a very special citizen.

"It was Charleston's great fortune that after Gen. Clark's extraordinary military career... we enjoyed 30 years of his leadership at the Citadel and in our community," Mayor Riley said. "Gen. Clark was active in our community up until just the last few months. He would not miss a community function if it was physically possible, also he was interested in his neighborhood and I would frequently hear from him in that regard."

North Charleston Mayor John E. Bourne Jr., said Clark's death marked "the passing of an era," and the state's adjutant general, Maj. Gen. T. Eston Marchant, said Clark was "one of the most respected and admired Americans in our country's history."

Citadel Board of Visitors Chairman George C. James, commented in Sumter, said Clark "was the kind of fellow who really wouldn't have wanted too many flowery words said about his passing. But, he said, "It's a sad occasion for the country and the world to lose a man like that."

Robert E. Westmoreland, who had served under Clark in the Korean War, remembered Clark as a man who treated him as a son.

Clark did a magnificent job heading The Citadel, Westmoreland said. "They were kind of made for each other. It was a perfect fit."

The burial site between Mark Clark Hall and Summerall Chapel, in front of the bell tower, was chosen by Clark.

A hearse will carry the casket to The Citadel's main gate shortly before noon Thursday, where it will be met by six honorary pallbearers chosen by Clark and eight cadets who will be the active pallbearers.


There will be about 250 seats available for the public in the chapel, and a public address system will be set up outside for those who are not able to find seating.

Following the service, the cadet pallbearers will take the casket to the gravesite through a column formed by the 82nd Airborne Division Honor Guard from Fort Bragg, N.C. The cadets gathered on the parade grounds will present arms when the
Leading the official delegation to the funeral was the Secretary of the Army John Marsh, represented by Maj. Gen. Maxwell Taylor. Others expected to attend the funeral were retired Army Gen. Maxwell Taylor.

Among the dignitaries present on the occasion were: Republican Strom Thurmond and Democrat Ernest F. Hollings—were there, along with Gov. Richard W. Riley, U.S. Rep. Thomas F. Harper Jr., and Joseph P. Riley Jr. of Charleston and John E. Bourne, Jr., of North Charleston.

The funeral was held shortly after noon in the chapel, with a brief service highlighted by the reading of a homily composed for the funeral by the Rev. Billy Graham. The eulogy was in Europe and could not attend the funeral.

Former Citadel chaplain Col. Sidney R. Crumpton read the homily, then later the eulogy, which was delivered at graveside.

Following the service, pallbearers took the casket from the chapel to the grave through a column formed by the 82nd Airborne Division Honor Guard from Ft. Bragg, N.C.

A 17-gun salute was fired during the burial and a cadet bugler played "Taps." Four cadet units were on the parade grounds facing the chapel during the funeral procession, the service concluded.

Clark was buried in his uniform with his cap and gloves.

Wednesday night, hundreds were at Stuhr's downtown funeral chapel to pay respects to Clark.

The guest book was sprinkled with military and political representatives, the military visitors, politicians and foreign representatives were on hand to see his casket in the presence of The Citadel Bagpipers playing "Ode to Joy." As the guests filed in, the band played into the night, and the casket lowered into the ground.

The funeral procession came through Lessons gates on Moultrie Avenue about noon, and was led by the Citadel Bagpipers playing "Gen. Clark, Liberator of Rome," as they moved along the Avenue of Remembrance to Summerall Chapel.

Following the bagpipers were 10 honorary pallbearers, then the hearse that carried the body of Clark, one of the leading generals of World War II who commanded the 5th Army forces in Italy that opened the first front on the European continent and liberated Rome.

Military men and women snapped to attention as the hearse, preceded by the American flag and flanked by eight Citadel cadets, slowly moved along the avenue. As the hearse stopped at the chapel, the Citadel Band played "Onward Christian Soldiers."

A large crowd had gathered near the entrance to the chapel and paid silent respects to Clark.

Clark, the general who liberated Rome in World War II and who later signed the armistice that ended the Korean War, wanted to be remembered for his service, not for his rank. He once said that he was a soldier and the president of the college he loved. So the headline on his grave identifies him simply as an Army general and president of the military school.

After he retired from active duty, Clark became president of The Citadel in 1954. He stayed on as president through his retirement in 1965, and was then named the school's only president emeritus.

Honorary pallbearers included one of Clark's classmates who graduated the same year as he did from West Point—Gen. William C. McMahon.


The following is the homily written by the Rev. Billy Graham for use at the funeral of Mark W. Clark.

We are gathered here today to pay our respects to Gen. Mark Wayne Clark.

Gen. Clark once closed a speech commending the anniversary of the Chaplains Corps by quoting these lines:

"If there are people who carry life's burdens, let them be our brothers.
If there are our own and others besides.
And who stand there whatever betide.
And the others who put it all back"
But he also had a conviction that peace will be granted us only if we are strong. He believed that peace, like life itself, was a matter of commitment, not convenience. Mark Clark, lover of peace, believed that there’s a “Peace” for which a man must be willing to lay down his life.

Thirdly, Mark Clark believed in character, not compromise. He was always concerned about the spiritual lives of those under his command.

While serving as Chief of Army Field Forces, he was observing a live ammunition training exercise in which recruits crawled on their bellies under barbed wire while machine gun bullets were being fired over their heads.

He noticed a group of chaplains standing nearby, also observing, and asked one of them if he had been through this training exercise. When the chaplain said, “No,” Gen. Clark said, “Don’t you think it would be a good idea if you shared the hardships and the dangers of the men and went through these exercises?”

From that time on, he officially urged chaplains to share to as many of the trainee’s hardships as they could. By making the long marches and crawling through the mud with the soldiers, the chaplains gained the respect and confidence of the men.

The result was a marked increase in the rapport between the chaplains and the soldiers, and increased chapel attendance, not just in training, but also in combat areas.

He once told of receiving a letter from a woman who said she hoped he would make a man out of her son who had just enlisted in the Army. She hoped that the Army would develop her son’s character.

Mark Clark wrote her back, saying that he would do his best to see that her son’s military service would help him. But, he said, the Army would have her son for only 18 months. She had had him for 18 years.

He closed by reminding her, and all of us today, that the job of developing character in our youth is primarily the responsibility of the home, the churches, and the schools.

Mark Clark believed in character.

Mr. President, a Peace Academy would be as effective and as relevant to our real world as the Kellogg-Briand Pact, which outlawed the Second World War. I ask that an article by Jeffrey Salmon and Richard DiEugenio in the fall 1983 edition of the Journal of Cranbrook Studies be printed in this Record.

The article referred to follows:

A. U.S. PEACE ACADEMY?
(By Jeffrey Salmon and Richard DiEugenio)

The United States government is on the verge of creating a wholly new kind of institution of higher learning called a “U.S. Academy for Peace.” This is, we are told, “an idea whose time has come.” The academy would be a federally funded national university dedicated to the search for peace—designed, in columnist Jack Anderson’s words, to “train young Americans to promote peace, just as the three military academies prepare young Americans to fight when war breaks out.”

Currently envisioned in legislation with good prospects of passage in both the House and the Senate, the academy would be established at an estimated cost of $23.5 million or perhaps even lower—far less, as proponents are fond of pointing out, than the price of many a tank or airplane that may result from past military work. Such a mandate would be to conduct research on peace and conflict resolution; provide degree-granting peace education and research programs at the graduate and postgraduate levels; publish scholarly works; establish a clearing house for disseminating information from the field of peace learning to the public and to governmental personnel; and make grants to support and promote peace studies to “educate the Nation about this field.”

Activities such as collecting information on past successful and unsuccessful peace negotiations seem wholesome enough, and the idea’s almost universal popularity among Republicans and Democrats alike is not surprising. Support has come even from such normally conservative senators as Jepsen (R-Iowa), Simpson (R-Wyo.), and Cochran (R-Miss.). After all, senators and congressmen, like most Americans, are dissuaded by the two-headed Serpent of war and peace. It is not so much that peace is a moral issue, but that it is an issue of cost, and in any case, peace makes good politics. Why not go ahead with the plan? Who would want to stand up in opposition to peace?

LEARNING PEACE

Proponents argue that regardless of substantive impact, the Peace Academy would be symbolically invaluable as a tangible sign of America’s commitment to a more peaceful world. The United States spends vast sums on its military establishment and it is a morally disgraceful, in the view of many, that there has never been any concerted national effort to foster peace. We need, then, “an armament of our government committed first of all to peace.”

While this symbolic importance is stressed, it is also, and more fundamentally, argued that a U.S. Peace Academy (USAP) would greatly enhance the development of a new discipline of potentially critical importance, “peace studies.” As columnist George Will noted:

The idea of a Peace Academy flows from many premises, all mistaken. One is that mankind’s “natural” condition is peace, the breakdown of which results from remedial mistakes and misunderstanding. Another premise is that peace can be taught as a discrete subject, like dentistry.

The fundamental idea of the Academy is to foster conflict resolution between the superpowers; and if the United States and the Soviet Union, in their general struggle over values, recognize disgruntled spouses in need of a marriage counselor. A former and distinguished colleague of ours, Senator S. I. “Sam” Hayakawa, recently paid a visit to my office to discuss this flawed foundation of the Peace Academy proposal.

In his eloquent way, Sam highlighted the serious weakness of the plan, which he called hopelessly Utopian.

First of all, those advancing the Academy concept are seeking a moral balance, a moral equivalency that just does not exist in the real world. Senator Hayakawa and I find it absolutely appalling that American taxpayers could be asked to underwrite a scholarly dogmatism that belittles American values, while glossing over the defects of the Soviet system. The Academy charter, which has a distinct emphasis on peace over liberty and freedom, blurs the distinctions between the democratic West and the totalitarian East.

Second, assuming that this is a worthy idea, why seek public financing, instead of private-sector support for the Academy? After all, the American taxpayer is already supporting the State Department and the United Nations, and the professionals in these institutions cannot bring us peace, can a Peace Academy do the job?

Third, the Academy, as proposed, has a mandate to facilitate “justice,” be it economic or political “justice.” This grants the Academy the right to lobby for a world in its own ideological image.

Finally, in the context of the Soviet Union, the Peace Academy is toothless. The Academy’s reports or findings are hardly going to induce the Soviets to pull out of Afghanistan or encourage them to withdraw from their imperial garrisons in Cuba and Nicaragua. As we honor Gen. Mark Clark today, his memory challenges us to live by the words, “Au revoir!” “Till we meet again.”

A PEACE ACADEMY IN OUR TIME?

• Mr. SYMMS. Mr. President, it can be very difficult to oppose the Peace Academy, if for no other reason than its name. But I honestly fear that the academy, if approved, would give it that name.

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and correlate the work already being done in those fields. Somehow we must work to find ways in which all this work in the diverse growing fund of human knowledge into a workable new science of peace learning and practice. Legislation for the academy resulted directly from recommendations of a blue-ribbon governmental study commission, the "U.S. Commission on World Peace and Cultural Freedom," established in 1967 by the National Academy of Sciences. This commission recommended the establishment of a National Academy of Peace and Conflict Resolution. The commission report stressed that the United States is assumed to underlie the utility for the American university system and to incorporate all these immense public figures as Professor Henry S. Commager; Richard Courtright of the National Education Association; Sister Sarah Premyer, myer, dean, School of Education, Catholic University; and Philip Handler, president of the National Academy of Sciences. This group's argument makes apparent a certain kind of commitment to social change: Experience has shown that only the legitimating structure of a formal institution can provide the necessary impetus of (positive) change. Institutions serve a vital regulatory function. They channel human action and provide procedures for guiding human conduct in accord with the desires of society. But, the nature of this relationship is such that, not infrequently, the desires of society manifest themselves and find clear articulation only after an institution is born. In other words, the establishment of a new or strengthened social institution is only upon being taken over by these noneinstitutional visionaries that society will discover its real desires, in terms of a number of truths that the publication asserts repeatedly. These include the notions that American foreign policy and policymakers are hopelessly myopic and inarticulate with a zero-sum mentality in which "every situation must produce a winner and a loser," the ideal "peace" can be measured only by the fact that all parties emerge victorious is anathema. A false division of the world into crude "us-them," "good-bad" categories is assumed to underlie U.S. participation in global politics.

The Center for Information excoriates the "institutional Overton window," that is, the U.S. "peace, or, as they are sometimes known, "world order" studies represent a radical break with the traditional or classic "power politics" approach to international relations. According to the world order school, the concept of balance of power is incapable of explaining the myriad changes and new actors that have emerged in world politics since World War II. In place of a multipolar system, world order theory posits a "guiding principle," or "positive" influence, of new institutions that hold that attainment of peace to be their raison d'être. The solution, according to American "peace studies," is a unique opportunity to make up for this institutional shortcoming has presented itself: a proposed National Academy of Peace.

It is quite possible that the more expansive visions of the Peace Academy's role in America will not prevail but in any case its basic design has become clear. It is to be an activist institution in the service of major social change. And most importantly, its activity is to be defined by an essentially novel if quite popular academic discipline, "peace studies."
“the model for a viable future global system must first emerge within the university itself if that community is to train the shapers of the global community.” And that model will come not from traditional political science or international relations classes, but from the study of peace.

The overall scope of the world order discipline as drawn up by Richard Falk, a key spokesman for the peace studies movement. Clearly the discipline is designed to encompass a startling variety of subjects. Indeed, even the most cursory review reveals that world order courses span an enormous quantity of subject matter. Curriculum proposals from such organizations as the Consortium on Peace Research Education and Development (COPRED) and the World Policy Institute, as well as actual peace programs, reveal peace-related courses in nearly every conceivable discipline.

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<td>I. Belong</td>
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<td>II. History</td>
<td>National-State, Region, Global, Power, Authority</td>
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<td>III. Politics</td>
<td>Development, Leadership, Society, Market, Capital</td>
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<td>IV. Economics</td>
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<td>Anthropology, Philosophy, Lineages, Physical Laws and Relations</td>
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<td>VII. Sociology</td>
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Yet despite this comprehensive scope the field in the end is narrowly circumscribed, for it seeks to confine thinking and research to a well-defined political perspective. This is easily illustrated by glancing at the formal course titles for peace studies programs. For example, in the Winter 1981 edition of the International Peace Studies Newsletter, Theodore Herman of Colgate University presented a total of 132 different course titles that were being taught. A representative sampling of these includes “Modern American Violence,” “Alternative Life Styles,” “Socio-Cultural Futures,” “Toward a Human Economics,” “Introduction to Global Poverty,” “Peace Conversion,” “Cooperative Global Living,” “Philosophy of Social Change,” “Historical Intell |...
April 25, 1984

CONGRESSIONAL RECORD—SENATE

9903

Mr. HOLLINGS. Mr. President, the April 1984 issue of the Washingtonian includes an excellent article entitled "Super Cop" by Blaine Harden. The title of the article, according to our distinguished Director of the Federal Bureau of Investigation, the Honorable William H. Webster.

As the former chairman, and now ranking minority member of the Commerce, Justice, State, and the Judiciary Subcommittee that controls the funding of the FBI, I have more than the usual interest in the Bureau's activities. For more than 13 years—longer than any other Senator—I have served on the subcommittee.

In 1972, I managed the bill while our former colleague, the late, distinguished Senator from Arkansas, John McClellan, campaigned for reelection, and held the last hearing that J. Edgar Hoover attended. Those were the days of closed hearings with much discussion off the record, a fact I regret as I have struggled to rebuild the record of that historic hearing.

For example, Director Hoover told the interagency Building during our hearing that the FBI Building had been under construction just as he was sworn in. He would have rounded up his FBI officers for his Building.
for more than six years, longer than anyone except the newly colorless randy Hoover.

That myth was soled in the 1970s by Senate investigations-the FBI's huge criminal and investigative power, especially over the constitutional rights of Americans. And many of the FBI's most severe critics believe him.

On civil liberties, it is the difference between a law-enforcement empire that is more powerful than anything Hoover ever had. Yet the judge says he will not allow the FBI to run roughshod again over the constitutional rights of Americans. And many of the FBI's most severe critics believe him.

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Tennis is Webster's passion. Friends say he is a sound player, more driven to win than skilled. He plays several times a week at St. Andrews Golf Club, one of the elite clubs of the Washington establishment, including members of Congress and prominent journalists. He frequently plays with columnist Rowan and Fred Graham of CBS News. "He has a funny-looking serve," says Graham, who often reports on the FBI. "But he beats players I wouldn't think he could." Graham says there is "some truth" to the notion that Webster's friendship with selected professional journalists has helped diffuse the mutual hostility between the FBI and the media in the 1970s.

The son of a prosperous St. Louis businessman who owned and operated a number of small firms, including the St. Louis Ear Mold Laboratory, Webster grew up wanting to be a lawyer. He attended Amherst College, a highly regarded liberal-arts college in Massachusetts where a midwesterner can make career contacts and acquire a bit of eastern sophistication. Former CIA director Stansfield Turner, a college classmate and friend, says Webster was a serious student "but not a star." He headed the debating club, belonged to a fraternity and two honor societies, and went to church regularly. At Amherst, Webster established a pattern for professional probity and highbrow social involvement that he has maintained throughout his life.

After serving in both World War II and the Korean War and graduating from Washington University Law School in St. Louis, Webster built a $120,000-a-year corporate-law practice in his hometown. (His net worth when he was confirmed as FBI director in February 1978 was $358,000, according to an official FBI photograph of Hoover in 1944 that carried this caption: "Tough and looks it is, Mr. J. Edgar Hoover. . . . This stockily built man is the nation's most powerful public enemy of all kinds . . . to justice. Mr. Hoover is the hero of all American schoolboys.

When Webster came to Washington, he chose not to be a hero. "There was a conscious effort on Webster's part to keep the FBI as an "institution," not a "person,"" says his friend in the White House, Mr. Ruckelshaus, who was as balanced and boring as the director's speeches. In G-Men, a recent book about the FBI, social historian Richard Gid Powers says the aura of infallibility of Today's FBI was "clouded . . . by his own public actions than there is for the FBI as a law enforcement agency than there is for the director to damage the FBI"

Webster's only venture into big-time image-making, the FBI-sanctioned ABC television "The FBI" in 1972-73, "failed," says one of its producers. That "the purpose was, as Drusilla, was that it did work.

In 1973, Nixon elevated Webster to the 8th US Circuit Court of Appeals, where he compiled a generally conservative record. He was unwilling to let police procedural errors interfere with criminal convictions, but he often stood up for the constitutional rights of minorities. He was labeled a "do-gooder" by the warden at the St. Louis City Jail after he ordered sweeping reforms to correct what he termed "inhumane" conditions.

Webster was one of six people whose backgrounds were checked when a vacancy opened up on the US Supreme Court in 1970. This past year, Webster's, assessed his character this way: "If a pie is on the table and everybody's got a knife and fork, Bill is not going to take a back seat. He will be polite, of course, but he will get his share of the pie."

Webster has always been a do-gooder who probably got his share of the pie. He rebuilt the FBI far more successfully than had his predecessor, Attorney General Richard Kleinfeld. William Ruckelshaus, and L. Patrick Gray III. (Gray was indicted for approving illegal break-ins when he was acting director in 1972-73. Charges were later dropped for lack of evidence.)

The director's emergence as a non-hero has not washed the color out of the FBI's public image, but it has not kept Webster from building and consolidating power. Herbert Kaufman, a former senior fellow at the Brookings Institution, notes that the director "is a powerful man in running a bureaucracy than is a national constituency. "The visibility thing," says Kaufman.

On a level that is usually invisible, Webster has proved himself a master at the bureaucratic game. Taking advantage of a new emergency provision, 55-and-older agents were forced 800 agents to leave the FBI the
loyalty was to the current director, not to the director's most insular bureaucracies. Webster invited members of the field offices was a Webster appointee whose mission was to fight crime the FBI way. Webster often refused to give a new director the proper safeguards in place. They thought the error was going on, and gave convicted con man "Corky" Bray the money and taking the Bureau for a ride.

The FBI made it easy for Bray, Cleveland attorney Edwards, whose Judiciary Committee had almost no role in controlling undercover operations. While they were supervised, they thought they were supervising, but they weren't," says Edwards. The subcommittee found that the FBI's undercover operations were not used to their advantage. They had almost no role in controlling undercover operations. They thought they were supervising, but they weren't," says Edwards. The subcommittee found that the FBI's undercover operations were not used to their advantage.

Operation Corkscrew does represent something wrong with undercover work. Webster says that the problem with the operation was that there was "simply this: A young agent who had been used to being in the courtroom with judges. He feared the error." The documents proved otherwise. The FBI's Counterintelligence Program to suppress, and ridicule the image of the FBI has been equally diligent in touching all the FBI's sacred cows. He paid homage to the FBI's sacred cows. He never denigrated them, even among intimates. The judge simply walked for them to retire—as about 43 percent of them have. In the meantime, Webster enthusiastically paid homage to the FBI's sacred cows. He never missed the annual meeting of the 8,000-member Society of Former Special Agents. Last year at their meeting in Denver, he gave the retired agents, many of whom have important contacts with law-enforcement and political leaders around the country, an annual report on what he called "our FBI family." Like Hoover, Webster attends quarterly graduation ceremonies at the FBI National Academy at Quantico, Virginia, where new agents first learn that they are taught how to fight crime the FBI way. Webster often tells the agents in Washington, he poses for pictures with visiting field agents. He attends funerals of agents killed in the line of duty and personally comforts their widows.

Outside the FBI bureaucracy, Webster has been equally diligent in touching all the power bases. He repeatedly has referred to the attorney general as his boss, something Hoover was loath to do. Webster makes a point of inviting FBI critics to lunch. Nevertheless, the editor of The Nation, has lunched with Webster, as has Jerry Berman of the ACLU. After Abscam, when the National Association of Arab Americans objected to FBI undercover agents posing as Arab sheiks. Webster invited members of the group to voice their complaints in his office. The site of most of his bridge-building is the FBI executive dining room, located about 30 feet down the hall from Webster's imposingly large office on the seventh floor of the FBI building. After arriving at work at 8:30 am, Webster breakfasts there nearly every morning. He lunches there about three times a week. About half of the meals are given over to "outsiders"; the rest are briefings with FBI executives.

McCloskey, who has helped Webster develop a rapport with members of Congress who have come to trust his judgment and believe his words. Unlike Hoover, who usually made one Capitol Hill appearance a year (before a doting House Appropriations subcommittee that served up puffball questions), Webster talked to them at least three times a year, and the questions are often critical. "When Hoover was alive, you got nothing. There were no hearings, and everybody (in Congress) treated him as a close friend," Webster has often been forthright, an honest administrator . . . a cool customer, the doting House Appropriations subcommittee found that the FBI's undercover operations had almost no role in controlling undercover operations. They thought they were supervising, but they weren't," says Edwards. The subcommittee found that the FBI's undercover operations were not used to their advantage. They had almost no role in controlling undercover operations. They thought they were supervising, but they weren't," says Edwards. The subcommittee found that the FBI's undercover operations were not used to their advantage. They had almost no role in controlling undercover operations. They thought they were supervising, but they weren't," says Edwards.
"It was a case of Abscamitis. There never was any solid evidence indicating the judges were on the take. Which is why the FBI agent who is familiar with Corkscrew said, 'Webster believes that the undercover review committee has an important role. He thinks the procedures everything will be all right. But in Corkscrew, it didn't filter down."

Webster actually is at the mercy of the Cleveland fiscalo. Edwards asserts, because the director "did not go beneath the surface on what the facts were."

In the 1980s the great new menace is terrorism. There is widespread public fear of terrorism. The White House, Capitol, and State Department are now fortified to ward off suicide bombers of the kind that last year killed 241 passengers and crewmen of Pan American flight 001. The Reagan administration officials, especially former Secretary of State Alexander Haig, have claimed to be threatened by terrorism worldwide, including inside the US. Fear of terrorism pushed the Justice Department last year to relax guidelines for opening domestic-security investigations. Through it all, Webster—in a historic departure from the behavior of past FBI directors—has refused to explain public anxiety. The FBI's ability to gather and analyze information on terrorism, Webster ordered new personnel to look at the issue. He felt his own should be avoiding the rhetoric not enough substance," says Bud Mullen, formerly one of the FBI's top three executives. "He wanted to make sure the FBI was not hyping the numbers."

The director shot down Soviet-conspiracy theories in 1983, saying in a television interview, "Within the US, this point to be free of any type of direct deliberate Soviet domination or control or instigation was important."

The FBI director, in a two-day-but nothing surprising, public relations trip after his retirement, it will be true under Webster, and after his retirement, it will be true under whoever replaces him. The FBI remains a loaded gun.

By exercising his power judiciously, Webster de-fanged the FBI's critics in the press and in Congress, reducing public scrutiny of the Bureau while making it even more powerful.

The choice of the next director, which Reagan will probably have to make in the late summer of 1984, is an appointment with Orwellian implications. In nominating Webster, President Carter put aside partisan considerations. The Democratic President put the need for an FBI director of impeccable integrity—picked a Republican, a patrician, a judge clearly more conservative than the outgoing or impending Webster's successor. Reagan also would be well advised to downplay politics in favor of character. Considering its shadowy past, its newfound strength, and the inelastic power of the director, the FBI more than ever needs a director who understands and is devoted to the Bill of Rights.

Echoing the concerns of several former special assistants to Webster, Russell describes the FBI still attracts people who respond to the director's determination of what the law should be."

Mr. GARN, Mr. President, last year I supported Senate action approving the United States' portion of an in-
increase in the funding of the International Monetary Fund for two primary reasons. First, it protected U.S. exports and U.S. jobs. Without the funding increase, debtor nations would have been forced to drastically cut their imports from the United States and elsewhere. The sudden loss of these markets would have resulted in widespread unemployment in U.S. agriculture and industry.

The second key reason for my support of increased IMF funding was that it enabled the Fund to continue working with debtor countries to help them help themselves. The IMF loans that were funded did not constitute a "bailout" for either the debtor countries or the banks. To the contrary, as preconditions to the IMF loans, the debtor countries were required to adopt sound economic policies and the banks were required to contribute to the workout by increasing their own lending.

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An "Outlook" column in the April 23, 1984, edition of the Wall Street Journal discusses recent events in Mexico. The tremendous strides that the country has made toward solving its debt crisis were the result of new policies developed through joint efforts by the Government of Mexico and the IMF.

Such a success story supports the wisdom of the Senate in acting last year to enable the IMF to continue this important work. I ask that the Wall Street Journal column be reprinted in the Record.

The article reads:

[From the Wall Street Journal, Apr. 23, 1984]

WORLD DEBT PROBLEMS EASE—AT LEAST FOR NOW

(BY Art Pine)

WASHINGTON—At the height of the global debt crisis last February, Citicorp banker George J. Clark outraged members of the House Banking Committee by claiming that he had hearding that Mexico would bail itself out of the worst of its problems more quickly than most people thought.

Although things admittedly looked bleak, Mr. Clark predicted, "We will see a very rapid turnaround" in Mexico "within 18 months." At one point he even ventured that, with a little bit of luck, people soon would be pointing to Mexico as a model of how a country can pull itself out of the mess.

Disbelieving lawmakers all but sneered at Mr. Clark's ebullience, but so far if any of these forecasts, too, have proved exces-

Scribers as retirement; personally, I

If I were to continue for the next several years requiring a confrontation here and there to get movement on specific issues. The trick for all sides will be to manage that turmoil skillfully enough so the debt problem can be weathered.

BILH GIANIELLI RETIRES

Mr. STAFFORD, Mr. President, at the end of next week, William R. Gianelli will step down as Assistant Secretary of the Army (Civil Works).

Mr. Gianelli and his wife will be returning to California to what he describes as retirement; personally, I hope he will be able to resist that urge. We need Bill Gianelli's continued help in solving this Nation's water resources development challenge.

Those of us who have worked with Bill Gianelli will miss him greatly. He is a man of warmth, intelligence, decency and thoughtfulness.

While I am certain that he often felt frustrated during his 3 years in office, Bill Gianelli brought great tenacity to his job—the job of building support for our Federal water resources programs, particularly the work of the U.S. Army Corps of Engineers.

We must work to modernize the management of our water resources.

Bill Gianelli realizes that. And in providing the leadership and vision, Bill Gianelli leaves having established himself as a Great Assistant Secretary of the Army.

Before he came to Washington, Bill Gianelli had a long and distinguished career in water management. After receiving an engineering degree at the University of California, he joined the California State Engineer's Office and the Department of Water Resources, serving in a variety of capacities. Following 7 years in a private engineering practice, Mr. Gianelli returned to State government as Gov. Ronald Reagan's director of the California Department of Water Resources.

While in that important job, he directed the completion of the initial features of the $2.5 billion California water project, much of which was financed with money from direct beneficiaries.

He also served, during that period, as a member of the National Commission on Water Quality, headed by the late Vice President Nelson Rockefeller.
CONGRESSIONAL RECORD—SENATE

From 1973 until the time he became Assistant Secretary in June 1981, Bill Gianelli again worked as a consulting engineer, specializing of water supply, water rights, and related problems.

He has been during the past 3 years that Bill Gianelli brought these experiences together to reshape our national water agenda. He forced us to examine a number of important and controversial issues, the most significant of which is the way project costs are shared and financed.

He clearly demonstrated the feasibility of increased non-Federal financing of Federal water projects when he was able to secure voluntary non-Federal commitments for higher levels of project funding on 16 new construction projects.

He instituted a process for two-step feasibility studies as a way to eliminate corps studies that were unlikely to produce practicable projects.

He also made significant changes in the repayment policies of the Corps of Engineers for municipal and industrial water supply, increasing the recovery of Federal investments.

Mr. President, the members of the Committee on Environment and Public Works who have had the pleasure to work with Bill Gianelli will miss him, as will all proponents of sound water resources development policy.

Good luck, Bill, and thanks.

LAWRENCE (LONNIE) HEINER

Mr. MURKOWSKI. Mr. President, I take this opportunity to congratulate Lawrence E. (Lonnle) Heiner, president of NERCO Minerals Co., for being chosen as the Business Leader of the Year by the Associated Students of the University of Alaska in Fairbanks. This award is just one of many recently bestowed upon Lonnle. He has also received the Distinguished Alumnus Award from the university and the American Institute of Mining, Metallurgical & Petroleum Engineers. In addition, he was recently recognized by the Alaska State Legislature for his "deep commitment to the People of Alaska and to the future of Interior Alaska." Lonnle's personal efforts on behalf of the business and civic improvements in the Fairbanks area are well known and appreciated.

I ask that an editorial which appeared in the Fairbanks Daily News-Miner on April 7, 1984, be printed in the Record at this point.

The editorial follows:

(FROM THE DAILY NEWS-MINER, FAIRBANKS, AK, APR. 7, 1984)

RECOGNIZING A COMMITMENT

Our congratulations to Lawrence E. "Lonnle" Heiner, who will be honored tonight by the Associated Students of Business as business leader of the year.

Heiner, president of NERCO Minerals Co., has shown a commitment to Interior Alaska that reminds us continuously of the vast potential of our area.

A graduate of the University of Alaska, Heiner in 1971 organized Resource Associates of Alaska. Over the years, the business grew from its small beginnings in Alaska minerals exploration now total more than $36 million.

After the business was acquired by NERCO Inc., an Oregon-based company, in 1981, Heiner remained as its president and then president of NERCO Minerals Co. At that level, he continued his commitment to Fairbanks, choosing to locate company headquarters here in a new office building that will bear NERCO's name.

Tonight, members of the business community will join the University of Alaska-Fairbanks students to pay tribute to Mr. Heiner for his contribution community. The honor is well-deserved.

TRIBUTE TO ANSEL ADAMS

Mr. BINGAMAN. Mr. President, I would like to take just a moment to pay tribute here in the Senate to the memory of Ansel Adams, who died this past Sunday.

Though he is now gone, this great photographer of the American West has left a rich legacy—the thousands of beautiful pictures he took over this long and prolific lifetime. Adams was able to a remarkable degree to produce visual poetry with his camera. Through the eye of his lens he captured forever the greatest natural monuments of the West in all of their majesty and their many moods. Who can forget Adams' Yosemite, or his Kings Canyon, or his magnificent Moonrise, Hernandez, fOm, peonaps his greatest work. That last photograph alone has made his work forever memorable in my eyes.

He left us not only a treasure of monumental images, but also with the memory of a passion for the preservation of the landscapes he photographed. He was an active and effective champion of the wild landscapes he photographed. It is said that his photographs allow us to see Kings Canyon, which he carried to Washington in the 30's, were instrumental in helping create that great national park.

It is difficult to measure the influence his photographs must have had in creating within the American people the desire and the drive to preserve other wild and beautiful natural regions of this country.

Adams ranks as one of the finest of American artists. Few have captured Western landscape images with more reliability or believability than he. I have read that he sought in his art a "spiritual resonance as moving and profound as great music." I think his photographs demonstrate that he succeeded to a very great extent.

Mr. President, we owe much to this master craftsman who had the eye of the poet and the soul of the musician, and who combined both in the magnificent visual images he has left as his legacy to us all.

CATHOLIC BISHOPS SEE ABORTION-ERA CONNECTION

Mr. GARN. Mr. President, I have just learned that the National Conference of Catholic Bishops has announced that it will have no alternative but to oppose the equal rights amendment unless it makes it neutral with regard to abortion and funding. The bishops have taken this position because of the serious moral problems that would be presented by ratification of the equal rights amendment as now written. The bishops have also taken note of certain other implications of the proposed ERA, such as its effect on private schools and other charitable organizations.

I oppose the equal rights amendment, and I have taken this floor on several occasions to explain that one of the reasons for my opposition is the ERA-abortion connection. The last year has been especially enlightening: The country has been treated to hearings in both the Senate and the House on the meaning of the equal rights amendment. The Senate hearings, conducted by my colleague from Utah (OBRIEN HATCH), have been especially informative since they featured the testimony of Hon. HENRY HYDE, one of this country's great defenders of Life, and the colloquy between Prof. John Noonan and Prof. Ann Freedman. The House hearings were enlightenment in their own way, and they were sufficient to persuade formerly undecided Members such as Hon. MICHAEL DEWINE of the ERA-abortion connection. The House hearings also convinced Hon. JAMES SENSENBRENNER to offer his abortion neutral amendment in the committee and subcommittee markups. The failure of the Sensenbrenner amendment in committee, and the refusal of the House leadership to allow a vote on the Sensenbrenner amendment, convinced many more people of the ERA-abortion connection. Pro-life groups were active in the fight for a vote on the Sensenbrenner amendment, and because of the refusal of the House leadership to have a vote on the Sensenbrenner amendment I suppose that there is not a pro-life group in America that now fails to recognize the ERA-abortion connection.

Also during the past year we have had an important study produced by Karen Lewis of the Congressional Research Service and we have had the Pennsylvania ERA-abortion case, Fischer against Dept. of Public Welfare. The major developments I have listed, together with a thousand other influences on thousands of people, have helped to outline, more completely than ever before, the reality and enormity of the ERA-abortion connection.

I ask that a press release of the National Catholic News Service and an
The reason, he said, is that the introduction of the Sensenbrenner amendment has changed the legislative history of the ERA since its first time around. ERA, approval of such anti-abortion language by Congress would place the legislative intent of the ERA directly on the side or the other of the abortion question," said Bishop Luckier, while the legislative history of the ERA when it was first sent to the states in 1972.

Two bishops who had backed ERA in 1982 told NC News that they would have to look at it anew to decide whether they could back it now.

The two—Bishop Maurice Dinman of Des Moines, Iowa, and Raymond Luckier of New Ulm, Minn.—said they favored the Sensenbrenner amendment.

Both agreed with Shaw that if an anti-abortion amendment to ERA fails, a good argument can be made that it would be used to promote access to abortion, but each bishop said he had been following the development closely enough to judge the situation yet.

"I'm concerned that in all of this the rights of women are going to fall" to the abortion question, Bishop Luckier said. "The Equal Rights Amendment is a simple, just too bare • • • We don't know what they (the courts) are going to do with it."

In his column Shaw wrote that "some Catholic organizations have taken the position that the ERA and abortion are 'separate and distinct issues.'"

"Can a Catholic support the ERA?" the question he asked.

When the ERA came to a House vote Nov. 15 under rules permitting only limited debate and no amendments from the floor, it failed because the 276-147 vote in favor was six short of the two-thirds necessary for passage.

RELOCATION OF PROFESSIONAL SPORTS FRANCHISES

Mr. GORTON. Mr. President, on March 29 of this year, the city of Baltimore was robbed. It was robbed of a most treasured asset, the Baltimore Colts. On that day, I introduced legislation which would insure that cities such as Baltimore are no longer helpless to prevent such acts of despotism by major league sports team owners.

Although I have a great deal of sympathy for the people of Baltimore, my reason for introducing this legislation was largely parochial. Seattle, too, was the victim of the same crime. The Seattle Pilots came to Seattle in 1969, stayed just long enough to generate a significant commitment by the com-
CONGRESSIONAL RECORD—SENATE

DEFINITIONS

Sec. 4. As used in this Act, the term—
(1) “Board” means the Professional Sports Team Arbitration Board established in section 7 of this Act;
(2) “broadcasting” means all broadcasting over the airwaves (whether by radio, television, cable, television, any form of pay or toll television, or otherwise) of any contest or exhibition engaged in by any professional sports team subject to the provisions of this Act;
(3) “league” means an association composed of two or more professional sports teams which, by agreement, have adopted, accepted or put into effect rules for the conduct of professional sports teams which are members of that association and the regulation of contests and exhibitions in which such teams regularly engage;
(4) “proposed relocation” means, as the context requires, a proposal to relocate a team by the owner of such team who intends to retain ownership, or either the acceptance of an offer of sale of a team by the owner or the offering to purchase a team by any person, as a result of which such team will not continue to be located in the metropolitan area in which it then plays;
(5) “offer” means any offer made by a person to purchase a professional sports team and to continue to locate such team in the metropolitan area in which it then plays, or to provide terms not involving a transfer of ownership which will ensure that such team continues to be located in the metropolitan area in which it then plays;
(6) “person” means any individual, partnership, corporation, association, or any combination or association thereof, or any political subdivision;
(7) “professional sports team” means any group of professional athletes organized to play major league baseball, basketball, football, hockey or soccer which has been engaged in competition in such sport for more than 5 years;
(8) “stadium” means the physical facility within which a professional sports team regularly plays; and
(9) “territory” means the geographic area within which a professional sports team has agreed to operate.

AUTHORITY FOR RELOCATION

Sec. 5. (a) Any person or league seeking to change the metropolitan location or territory of any professional sports team must—
(1) prior to furnishing notice under section 6 of this Act, receive the approval of the relevant league, if such league has a rule regarding the relocation of teams which are members of that league; and
(2) receive the approval of the Board pursuant to the provisions of section 7 of this Act.

(b) The provisions of this section shall apply to any professional sports team, notwithstanding any filing by such team of a petition for relief pursuant to chapter 11 of title 11, United States Code. The Judge presiding over a reorganization under chapter 11, if any such petition shall perform the functions of the Board specified in section 7 of this Act, except that the judge may, by order, shortens or extends the time periods in such section.

(c) If the judge determines that such action is necessary or desirable and if such action is consistent with the provisions of this Act and title 11, United States Code.

NOTICES

Sec. 6. (a)(1) Any person or league wishing to relocate a professional sports team to a territory or metropolitan location other than the territory or location in which it is then playing shall furnish notice of such proposed relocation at least eight months before the proposed date for such relocation.

(2) Such notice shall be furnished to the municipality where the team plays, and—
(A) be in writing;
(B) be delivered through certified mail or be personally delivered;
(C) contain a statement of intention to relocate, the location, reasons for such relocation, documentation supporting a claim of financial hardship (in accordance with section 7(d) of this Act), and the date on which such relocation is scheduled to occur; and
(D) a certified copy of approval by the relevant league of such proposed relocation.

(b)(1) When any owner of a professional sports team receives a bona fide offer of purchase or a bona fide acceptance of an offer of sale of such team, and the acceptance of such offer of purchase or such acceptance of such offer of sale, could result in a relocation of such team, the owner shall, either before accepting such offer or as a condition of accepting such offer, furnish notice to the municipality to purchase and intent to sell the team or acceptance of such offer of sale by the owner at least eight months before the date of any sale.

(2) Such notice shall be furnished to the municipality where the team plays, and—
(A) be in writing;
(B) be delivered through certified mail or be personally delivered;
(C) contain a statement of intention to sell, any potential location for relocation of the team, any documentation available to the owner supporting a claim of financial hardship (in accordance with section 7(d) of this Act), the date on which the sale of the team is scheduled to occur, and any estimated date for relocation after the sale of the team has occurred (if the owner is aware of such date);
(D) contain all terms and conditions of such offer, including a written copy of such offer, signed by the maker of such offer; and
(E) a certified copy of approval by the relevant league of such proposed relocation.

(c)(1) Within five months after the establishment of the Board, any person wishing to make an offer of retention under this Act shall make such offer and furnish notice of such offer in accordance with the provisions of this subsection.

(2) Such notice shall be furnished to the relevant league, to the municipality where the team plays, and to the Board. Such notice shall—
(A) be in writing;
(B) be delivered through certified mail or be personally delivered; and
(C) contain a statement of intention to purchase such team and to continue thereafter to locate the team in the metropolitan area in which it then plays or to provide terms not involving a transfer of ownership which are more favorable to such team than the terms currently in effect.

ARBITRATION BOARD

Sec. 7. (a) There shall from time to time be established a Professional Sports Team Arbitration Board to carry out the activities
of this section. The Board shall be composed of three members, who shall be appointed as follows:

(1) A member shall be appointed by the relevant league.

(2) One member shall be appointed by the governmental authority that controls the location of the team.

(3) One member shall be appointed by the Secretary of Commerce.

(b) The Board shall be appointed within 30 days after notice is delivered pursuant to section 6 of this Act, and shall terminate when the Board has approved a proposed relocation of offer of retention in accordance with the provisions of this section. The members shall select a chairman from among its members. Any member of the Board who is not an officer or employee of the Federal Government shall be entitled to receive compensation at a rate not to exceed the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day (including Saturdays, Sundays, and holidays) during which the member is engaged in the actual performance of the duties of the Board. No individual may serve on the Board if such individual has (or as a result of the sale of a team, might have) a financial or other pecuniary interest in any professional sports team which engages in:

(1) the same sport as the professional sports team involved in the proposed relocation; or

(2) any other sport regularly played in the same territory where the team then plays or in the territory of proposed relocation.

(c) All information required by section 6 (a) and (b) of this Act shall also be furnished promptly to the Board. Any person who makes an offer to purchase a team or accepts an offer which would result in the relocation of a team, and any owner transmitting any notice under this Act, shall, upon request of the Board, provide access to all relevant financial records necessary to allow the Board to make the determination required in subsection (d) of this section.

(d)(1) During the period between the fifth and sixth months after the establishment of the Board, the Board shall conduct a formal hearing to determine:

(A) consider whether, in accordance with paragraph (2) of this subsection, a claim of financial hardship is warranted;

(B) consider testimony regarding the estimated value of any such proposed relocation or offer of retention; and

(C) regarding any such proposed relocation or offer of retention. During such period, the Board shall make a finding as to whether such claim is warranted.

(2) A claim of financial hardship is considered to be warranted under this Act if the Board determines that the involved team has incurred net operating losses, exclusive of deductions for depreciation and amortization, to an extent that poses significant doubts as to the continued existence of the team, or that the team has filed or soon will file a petition for reorganization pursuant to chapter 11 of title 11, United States Code.

(e) If the Board determines under subsection (c) of this section that it has received an offer of retention which is equal to or greater in value than a proposed relocation, it shall not approve any proposed relocation. If the Board receives no offer of retention which is equal to or greater in value than the proposed relocation, the Board shall, in accordance with the provisions of this Act, approve the proposed relocation.

(f) The Board determines under subsection (e) of this section that it has received an offer of retention which is equal to or greater in value than a proposed relocation, it shall not approve any proposed relocation. If the Board receives no offer of retention which is equal to or greater in value than the proposed relocation, the Board shall, in accordance with the provisions of this Act, approve the proposed relocation.

(g)(1) If more than one offer of retention has been made and the Board determines under subsection (e) of this section that each such offer is of a value equal to or greater than the proposed relocation, the owner of the team may, if the owner accepts the offer of the owner's choice, the Board shall have no jurisdiction with respect to any other terms of the sale of such team.

(2) Any offer of retention involving the transfer of ownership of a team which is accepted by an owner must contain a commitment, enforceable through specific performance, that such team shall be located in the metropolitan area in which it then plays.

(h) All determinations of the Board shall be final and binding on all parties involved in such arbitration.

(i) Notwithstanding the provisions of this section, if any person makes an offer of retention which is accepted by the owner of such team, the owner shall immediately notify the Board of such acceptance. The Board shall approve such offer if, where the offer involves a transfer of ownership, it also contains a written commitment, enforceable through specific performance, from any purchaser to continue to locate the team in the metropolitan area in which it then plays. Upon such approval, the Board shall dismiss any pending proceedings under this section.

(j) The provisions of this section shall not apply to a proposed relocation regarding any professional sports team if, within 6 months after the establishment of the Board, the Board has not received any offer of retention.

(k) The Board shall not carry out the provisions of this section in any situation in which a judge is performing the functions of the Board, as specified in section 5(b) of this Act.

CIVIL ACTIONS

SEC. 8. Any governmental entity in a metropolitan area from which a professional sports team is relocated, or any person adversely affected by any such relocation may bring a civil action in any appropriate United States district court for damages and relief, including injunctive relief, on the grounds that such relocation did not comply with the provisions of this Act, including the grounds that any owner or other party did not comply with the arbitration procedures or any decision issued pursuant to section 7 of this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There are authorized to be appropriated to the Secretary of Commerce, for the purposes of section 7 of this Act, such sums as may be necessary for fiscal year 1985. Such sums shall remain available until expended.

APPLICATION

SEC. 10. This Act shall apply to any proposed relocation of any professional sports team located in the United States which occurs or is intended to occur after January 1, 1984, or relocation of any professional sports team located in the United States with respect to which an eminent domain proceeding was pending on such date.

A TRIBUTE TO DR. BENJAMIN MAYES, A GREAT TEACHER

Mr. HOLLINGS. Mr. President, on March 28, 1984, this Nation lost a great teacher, Dr. Benjamin Mays.

Born the son of former slaves in Epsworth, SC, he was educated at Bates College and the University of Chicago. He taught at Howard University, South Carolina State, and Morehouse College, where he served as president for 27 years. He became known as the schoolmaster of the civil rights movement. And was recognized by Dr. Martin Luther King, Jr., as his spiritual mentor. He served as president of the Atlanta Board of Education for 12 years.

Dr. Benjamin Elijah Mays throughout his distinguished career of more than half a century as an educator, theologian, author, and civil rights leader inspired people of all races to work towards the common goal of creating a world free of hatred and discrimination. Though I only knew him in his later years, he managed to inspire me, as well. But it was those students which provided Dr. Mays with his inspiration.

One student, Michael R. Hollis, now an attorney and founder and chairman of Air Atlanta, shared his special part of the Benjamin Mays story with the readers of the Atlanta Constitution on April 10. I would like to share it with you today. Mr. President, I ask that Mr. Hollis' article be printed in the Record.

The article follows:

From the Atlanta Constitution, Apr. 10, 1984

THE DAY A STUDENT AND HIS TEACHER GRADUATED

(By Michael R. Hollis)

My hero, Dr. Benjamin E. Mays, has passed away. As I looked across the sea of sad faces at the Martin Luther King Jr. Chapel at Morehouse College during his memorial services, I realized how much this
of those who will tell you it cannot be done."

Dr. Mays always said that each man and woman is put on this Earth to do one thing, unique or special, and if that person fails to do it—it will not be done. Only during the past two or three years have I begun to understand fully the significance of what Dr. Mays was saying.

For these reflections are penned as I sit in an airborne Air Atlanta Boeing 727 jet. As I look out on a glorious spring and blue horizon, it occurs to me that my hero, Dr. Benjamin E. Mays, is not really gone. The man with the wise eyes and soft smile is watching us from the other side of yonder clouds.

RESPONSE TO JACK ANDERSON

Mr. MURkowski. Mr. President, I sent a copy of Jack Anderson's column from the Washington Post dated March 1984 and my response:

DEAR MR. ANDERSON: I am writing in response to your recent article and to express my strong disagreement with your position about the removal of the ban on the export of Alaska crude oil. I am acting on behalf of the people of Alaska, which I represent in Congress, and your article is inaccurate.

First, there is no legislation pending in Congress regarding the marketing of Alaska natural gas in the Pacific Rim. I have been actively working with local representatives to find a market for Alaska natural gas. I understand your position, but I believe that in the long run, we need to develop both the gas and oil industries to take full advantage of our natural resources.

Second, you say that the major oil companies stand to make so much money on the export of its natural resources. The Alaska Legislature has passed five pieces of legislation expressing their support for marketing Alaska natural gas. Our state is rich in natural gas resources, and it is in the best interest of our state to develop them.

Finally, I think it is important that you recognize the State of Alaska's position on the export of its natural resources. The Alaska Legislature has passed five pieces of legislation expressing their support for marketing Alaska natural gas. Our state is rich in natural gas resources, and it is in the best interest of our state to develop them.

I believe that in the long run, we need to develop both the gas and oil industries to take full advantage of our natural resources. The Alaska Legislature has passed five pieces of legislation expressing their support for marketing Alaska natural gas. Our state is rich in natural gas resources, and it is in the best interest of our state to develop them.

Thank you for your consideration of this issue. I am committed to ensuring that the people of Alaska benefit from our natural resources.

Sincerely,

F. H. Murkowski
U.S. Senator

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Sincerely,

F. H. Murkowski
U.S. Senator

The kudos goes to Sen. John Melcher (D-Mont.) for his humanitarian efforts to get American rice shipped to thousands of desperately needy families in the Philippines.

The kick goes to Sen. Frank H. Murkowski (R-Alaska) for his efforts to push legislation that would benefit his own oil and gas leases.

Here are the citations that go with the awards:

Melcher: The 59-year-old senator from the Big Sky country spent this past Christmas holiday in the Philippines, and what he saw there haunted him ever since. He had watched the slums of Manila and saw hordes of hungry children whose parents have been unable to find work in the shattered Philippine economy.

Cardinal Jaime Sin, head of the Roman Catholic Church in the Philippines, appealed for an emergency shipment of food for his starving flock. Melcher, who has two grandchildren of his own, was eager to be of service.

So the pretate wrote a letter to President Reagan, asking for 30,000 tons of rice from America's bulging granaries. The rice would fill the shrunken bellies of 100,000 Filipino families, the cardinal wrote. Melcher promised to deliver the letter to the president personally.

But Melcher, a World War II combat infantryman, found the White House's bureaucratic defenses tougher to penetrate than the Siegfried line. In the weeks since he has been back, he has been unable to get an appointment with the president to hand-deliver Cardinal Sin's letter, as he promised he would. The best a White House aide offered was to "send a messenger" to pick up the letter. Melcher refused.

In a letter dated March 17, the senator praised his recent meeting with Robert C. McFarlane, the president's national security affairs adviser. He asked that the administration approve Cardinal Sin's appeal for food. Melcher told my associate Lucette Lagnado that McFarlane promised he'd take care of the matter.

But Melcher hasn't. Neither has the State Department, the Agency for International Development or the U.S. Embassy in Manila. When U.S. Ambassador Michael Armacost returned to Washington early last month, Melcher collared him and told him of the trouble he'd had trying to deliver the letter. Ambassador Armacost suggested he might have more luck if he enlisted a Republican ally.

Melcher took the suggestion. He wrote a letter to the president, outlining the hunger problem in the Philippines and Cardinal Sin's hopes of alleviating it with American rice. Then he got Sen. Jesse Helms (R-N.C.), chairman of the Agriculture Committee, to cosign the letter.

With Helms aboard, Melcher may yet deliver the cardinal's appeal, and the slum kids of Manila won't have to go to bed hungry.

Murkowski: One of Big Oil's best friends on the Energy Committee, he has been en-
General Clark's passing ends an era, for he was the last of our great World War II generals left among us. We must insure that the example he set for service to his Nation endures for this generation and generations to come.

We are grateful for his many contributions to the free world, and we will miss him mightily.

ORDER FOR RECESS UNTIL TOMORROW AT 10 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 a.m. tomorrow.

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

ORDER FOR THE RECOGNITION OF CERTAIN SENATORS ON TOMORROW AND DESIGNATING A PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Now, Mr. President, I ask unanimous consent that on tomorrow, after the recognition of the two leaders under the standing order, four Senators be recognized under special orders for not to exceed 15 minutes each, in this order: Senators Evans, Proxmire, Eagleton, and Bentsen; and that following the execution of the special orders there be a period for the transaction of routine morning business to extend not later than 11:30 a.m. in which Senators may speak for not more than 2 minutes each.

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

PROGRAM

Mr. BAKER. Mr. President, on tomorrow the Senate will convene at 10 a.m.

After recognition of the two leaders under the standing order, four Senators will be recognized on special orders of not to exceed 15 minutes, to be followed by a period for the transaction of routine morning business until 11:30 a.m., at which time the Senate will resume consideration of the unfinished business, which is H.R. 2163, the Federal Boat Safety Act as amended. At that time, the pending question will be amendment No. 3027.

Votes are expected throughout the day.

Mr. President, may I also say that it appears that the Senate will likely be in session on Friday of this week, and I urge Senators to schedule their appointments accordingly.

The reason for that is, after both cloakrooms have solicited amendments to the pending amendment and to the underlying bill, so far we have developed the meager total of 46. I have not yet had the courage to add up the total time which was requested but it amounts to several days.

I hope that is not a permanent situation, that some Senators will reconsider their requests and reconsider the necessity for offering such a generous allocation of amendments.

But in any event, if that situation still persists tomorrow, if we are still faced with that workload, I think it would be unconscionable to ask the Senate to be out on Friday.

So I urge Senators to consider that, if by noon tomorrow we still are faced with the same dilemma, they should expect to be in on Friday of this week.

RECESS UNTIL 10 A.M. TOMORROW

Mr. BAKER. Mr. President, if no other Senator is seeking recognition, and I see none, I move, in accordance with the order previously entered, that the Senate now stand in recess until the hour of 10 a.m. tomorrow.

The motion was agreed to, and the Senate, at 6:23 p.m., recessed until Thursday, April 26, 1884, at 10 a.m.